

# State Police troopers accused of overtime fraud will get to keep their pensions

The state retirement board says its hands are tied, won't seek restitution from retired troopers.

By [Matt Rocheleau](#) Globe Staff, Updated March 20, 2020, 1:02 p.m.



Colonel Christopher Mason, head of the Massachusetts State Police, and Governor Charlie Baker. SUZANNE KREITER/GLOBE STAFF

Fourteen retired Massachusetts State Police troopers who have been implicated — but not criminally charged — in a widespread payroll fraud scheme can keep receiving their pension payouts, according to the Massachusetts State Retirement Board.

The governor and State Police Colonel Christopher Mason had asked the board to strip the pensions of the 14 retired troopers, who, along with 32 others, have been accused by their own agency of fleecing taxpayers. But because they haven't been charged criminally, the retired troopers can continue to receive their pensions, the board said in a March 6 memo.

The board also shot down the officials' request to seek restitution from the retired troopers, calling the request unusual. The State Police, the retirement board said, "has the ability and available mechanisms at its disposal to most efficiently resolve" the matter.

The 14 troopers are collecting a total of more than \$1.17 million a year in pension payments, with individual amounts ranging from \$69,000 to \$106,000 annually.

The board said its hands are tied by both state law and past legal precedent, which limits its ability to strip pension benefits from former state workers.

"Taking away or permanently forfeiting pensions was never a possibility the Retirement Board could pursue under the part of the statute available, given the status of the cases presented by the State Police, and due to the absence of a criminal conviction," said a statement from the retirement board's executive director, Nicola Favorito.

The decision drew a sharp response from Baker.

"The administration and the State Police have provided the Retirement Board with extensive evidence of these

members' wrongdoing and urge the Board to recover these funds as the law permits," said Baker spokeswoman Sarah Finlaw in a released statement.

State Police spokesman David Procopio said agency officials are reviewing their options for further potential legal action.

"Colonel [Christopher] Mason's previously stated goal of recovering state funds fraudulently obtained by these members and former members — against whom the Department has sustained charges — has not changed," Procopio said in a statement.

Generally, pensions can only be revoked for those convicted of crimes related to their public employment. Even those cases aren't always slam dunks, legal experts have told the Globe.

The board's letter was in response to Mason's request [in late January](#) to take away the pensions of a dozen troopers and two lieutenants who were found in an internal State Police investigation to have committed overtime fraud.

That internal probe also determined that another 22 still-employed troopers committed fraud. They too have not been criminally charged. The department moved to fire them in January and officials vowed to eventually ask the retirement board to take away the pensions of any terminated troopers as well.

But now, based on the retirement board's stance, it appears those 22 troopers will get to keep their pensions. A spokeswoman for the board declined to comment on those cases because they had not been presented to the board.

The board's memo noted that the money that troopers are accused of embezzling — overtime pay — does not factor into calculating their pension benefits.

A total of 46 troopers have been implicated in a [payroll fraud scheme](#) that included phony tickets and falsified time sheets to cover for hours they never worked. The overtime scam was one of several scandals within the last two years that enveloped the state's largest law enforcement agency.

As investigations into the payroll scheme picked up pace in 2018, troopers under scrutiny [raced to retire](#) and begin collecting pensions.

Nine former troopers have pleaded guilty to embezzlement charges; one trooper has a pending criminal case.

The criminal cases, in addition to restitution, have resulted in two troopers being sentenced to prison time, while six others were ordered to serve periods on supervised release. One is awaiting sentencing.

The state has moved to strip pensions from the troopers who have been sentenced, though several of them did not have enough tenure to be pension-eligible. Those requests are still pending before the state retirement board.

Baker has repeatedly said troopers who committed fraud in connection with the overtime scandal should lose their pensions.

“If it’s up to me, I’d take it away — period,” Baker [said](#) in April 2018, shortly after the fraud allegations surfaced. “As far as I’m concerned, that’s stealing. And no one who sits in one of these public positions should steal — period. You learn that when you’re in second grade. What we’re talking about here is sworn officers of the law.”

---

Matt Rocheleau can be reached at [matthew.rocheleau@globe.com](mailto:matthew.rocheleau@globe.com). Follow him on Twitter [@mrochele](https://twitter.com/mrochele).

 [Show 153 comments](#)

---

©2020 Boston Globe Media Partners, LLC