

# Lax management, pay irregularities rampant at state's Environmental Police force, report says

By [Matt Rocheleau](#) Globe Staff, Updated April 22, 2020, 3:00 p.m.





Environmental police officers during an investigation in 2018. PAT GREENHOUSE/GLOBE STAFF/BOSTON GLOBE

Years of poor oversight and sloppy record keeping at the Massachusetts Environmental Police have led to pay irregularities and the potential for overtime abuse within the agency, according to a new state watchdog report.

The report, issued Tuesday by the state auditor's office, stopped short of alleging payroll fraud, but determined the state law enforcement agency may have improperly paid tens of thousands of dollars worth of overtime to dozens of officers.

The police force, with about 85 officers and a \$12 million annual budget, enforces fishing, hunting, boating, and recreational vehicle laws. The low-profile agency has come under repeated scrutiny in recent years for management and pay problems.

"This is not the first time that the agency has been called out for its lax practices," said a statement from Auditor Suzanne M. Bump, whose office released the report Tuesday. "I hope this audit helps ensure it is the last time."

The auditor's investigation covered two years of operations under former Colonel James McGinn, who was fired in fall 2018 amid ticket-fixing allegations. McGinn, a former State Police sergeant, had served as Governor Charlie Baker's personal campaign driver before Baker appointed him to the agency's helm in 2014.

The audit alleged the department may have improperly paid out overtime to officers on 327 occasions between July 2016 and June 2018. The report said the potentially unnecessary payments went to 65 officers and collectively totaled as much as \$42,623. A spokeswoman for Attorney General Maura Healey said her office will review the auditor's report.

The [report](#) included responses from the agency, which vowed to make changes in some areas. The police force, now led

by Colonel Shaun Santos, also took umbrage with some of the methods auditors used to analyze payroll and timekeeping records and auditors' interpretations of certain policies.

Baker's office referred a request for comment to the agency.

"The MEP approve and pay overtime in full compliance with the collective bargaining agreement and the governing law," agency spokeswoman Katie Gronendyke said in a released statement.

The officers' union did not respond to requests for comment from the Globe on Tuesday.

Part of the audit focused on the agency's [practice](#) of allowing officers to regularly take lucrative overtime assignments and off-duty details in the middle of their workdays — a practice that's highly unusual among law enforcement agencies.

The audit found more than 1,800 instances in which officers worked so-called "split shifts" without getting proper documented approval from supervisors. Most of those cases came after the agency announced in 2016 — in response to controversy at the time — a new policy requiring officers to get approval from the agency's colonel before working a split shift.

In a response included in the auditor's report, the agency said it has relied on the colonel to pre-approve certain types of activity for split shifts, rather than issuing approval on a shift-by-shift basis.

"The Colonel has not and was not required to issue separate additional approvals for each officer on each patrol," the agency said.

The auditor's office disagreed and urged the agency to create new policies to ensure split shifts are approved before they're worked.

In a statement to the Globe, the police force continued its defense of split shifts, saying the scheduling flexibility allows officers to do critical work. Even so, the department said the practice has been curbed significantly since the 2016 policy change; split shifts now only account for about 15 percent of overtime payments.

In response to the allegation of improper overtime payments, the department fired back at the auditor in its report, saying the methodology was wrong and produced inaccurate results. The department said its own preliminary review found many cases in which officers worked on days off and were contractually entitled to the premium pay rate. Still, the agency said it plans to draft clearer policies this summer.

Separately, the audit found more than 1,900 instances in which police dispatch records showed officers logging in to work, but never logging out. The department blamed technical issues, which they've sought to address and have more upgrades planned.

The audit also found that the department had never activated GPS equipment it had bought and installed in vehicles to help ensure officers showed up for assignments.

"[Massachusetts Environmental Police] needs to improve its technology and management accountability to ensure that hours worked are more rigorously tracked and overtime approvals and allocations are more rigorously accounted for," Bump said in a statement.

The department said in its response to the auditor it cannot use the tracking equipment because of an agreement it has with officers' union precludes it from doing so.

Baker has [previously said](#) he wants the agency to use GPS technology to bolster accountability. The State Police, following a widespread overtime fraud scandal, has activated GPS-tracking technology across its fleet of cruisers.

The average base pay of environmental officers is about \$85,000, though in recent years about half the force has earned six-figure annual payouts with overtime and private details. The highest-paid officer made \$202,758 last year, including \$38,652 in overtime and nearly \$73,694 from details and other pay, records show.

The audit began in February 2019, just months after the firing of McGinn, who presided over a number of payroll-related controversies.

In the fall of 2016, a [series](#) of media [reports](#) exposed the agency's split-shift practice. WCVB also found some officers spent work hours at home or sitting in their trucks during security details. A WBZ-TV report detailed how time sheets showed no gaps in time for officers to travel between shifts.

The revelations [prompted](#) a wide-ranging internal review in late 2016, leading to discipline for one officer who split shifts inappropriately and another who worked from home without permission. The agency vowed to curb split shifts. But in the summer of 2018, the Globe [reported](#) the practice had continued.

McGinn was [fired](#) in the fall of 2018 for allegedly [fixing](#) two traffic tickets, [installing](#) unauthorized surveillance cameras, and hiring a private investigator to follow an officer. Last summer, McGinn [filed a federal lawsuit](#) asserting that he was [wrongfully terminated](#) as retaliation for reporting unethical and illegal conduct within the agency. The suit is still pending.

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