

Most State Police troopers implicated in overtime fraud scandal will keep their jobs

By [Matt Rocheleau](#) Globe Staff, Updated July 10, 2020, 11:15 a.m.



Massachusetts State Police Colonel Christopher S. Mason held a brief press conference in January to provide an update on the disciplinary process for former Troop E members implicated in a payroll scandal. DAVID L. RYAN/GLOBE STAFF

Massachusetts State Police Colonel Christopher S. Mason announced in January that the department would move to fire 22 troopers who had [committed overtime fraud](#) and were found to have collected thousands of dollars in pay for hours they never worked.

But this week the department revealed that most of the troopers implicated — but never criminally charged in a widespread payroll scandal — will get to keep their jobs after all. And they will likely keep their pensions.

The department announced late Thursday that 15 troopers will be suspended for various lengths of time and ordered to pay restitution. One trooper has been fired, and the department intends to fire five more once their disciplinary cases come to a close.

But the suspended officers will get to keep their jobs and could be back on the road in the coming weeks, according to department spokesman David Procopio.

The disciplinary measures mark just the latest in a years-long saga that has besmirched the state's largest law enforcement agency and resulted in a handful of criminal charges and calls for agency reforms.

Dennis Galvin, president of the Massachusetts Association for Professional Law Enforcement, said the punishment here doesn't appear to fit the offense, and called on the the department to provide a valid, clear explanation for why the troopers will remain on the force.

“They have an obligation to the public and to those troopers to say, ‘This is why these troopers can go back on,’” said

Galvin, a retired State Police major. “And if they can’t do it, that’s a big problem.

“You’re causing the public to doubt your credibility, which is going to put restraints on the public’s willingness to cooperate,” he added.

The 22 troopers cited Thursday were among 46 troopers implicated in 2018 in a sprawling overtime [pay fraud](#) scandal. The fraud, investigators found, stretched back more than two years and included phony tickets and falsified time sheets to cover for hours never worked.

All were members of Troop E, which primarily patrolled the Massachusetts Turnpike. That unit was disbanded in 2018 as part of a series of reforms spurred by revelations of pay fraud.

Governor Charlie Baker spokeswoman Lizzy Guyton said in a e-mailed statement Friday: “The administration condemns stealing of any amount from taxpayers.

“Governor Baker introduced legislation in January to overhaul the State Police discipline process, to streamline suspension for officers without pay and to allow agencies to recover damages from officers who submit false claims for hours worked, and urges the Legislature to pass the bill soon,” she added.

Baker’s proposed overhaul has not passed the Legislature and remains in committee.

Federal and state prosecutors opened tandem investigations into the fraud, and State Police commenced an internal inquiry.

A spokeswoman for US Attorney Andrew E. Lelling’s office said Friday the federal probe was ongoing. Attorney General Maura Healey’s office previously announced its state investigation into the scandal has closed.

Nine troopers have been convicted on criminal charges and one trooper is still fighting charges in court. The criminal cases, in addition to restitution, have resulted in two troopers being sentenced to prison time, while six others were ordered to serve supervised release. One trooper is awaiting sentencing.

The rest were not charged criminally but had charges sustained against them in an internal probe. Fourteen of those troopers retired, racing to do so amid a cloud of scrutiny just as the allegations began to surface publicly. The department said this week there was nothing it could do to stop those troopers from retiring while under investigation.

Because the retired troopers haven't been charged criminally, they will be able to keep their pensions, a state board ruled in March. Based on the retirement board's stance, it appears the other 22 troopers who have not been charged will also remain eligible to collect pensions when they leave the department.

The 15 recently disciplined troopers are set to serve suspensions ranging from 60 to 841 days. Three of those troopers have been credited for time they've already spent on unpaid leaves since the allegations surfaced in 2018.

The other dozen had been on active duty and their suspensions are forthcoming, according to the department's spokesman. He said none of the troopers will receive back pay for previous unpaid leave periods related to the scandal.

In each case, troopers also must pay back the full amount they were found to have stolen — restitution amounts range from \$2,941 to \$15,901 — and waive all rights to either Civil Service or court appeal, the department said.

Each trooper will be reduced in seniority and removed from any promotional list they may currently be on, and are ineligible for programmed overtime for a two-year period, the department said. They must also complete time and

attendance remedial training.

In its released statement, the department said the severity of the suspension “is commensurate with the amount of hours for which they fraudulently accepted overtime pay” and based on “an assessment of the evidence against each member.” The department also considered that supervisors “failed to enforce rules that would have stopped the fraudulent earning scheme.”

The fraud scheme was allegedly hatched by top commanders who pushed troopers to write citations under an illegal ticket quota system. As long as troopers handed in enough tickets to meet the quota, supervisors allegedly turned a blind eye and didn’t require them to actually work their shifts.

A US District Court judge has said the conduct appeared to amount to a conspiracy and has questioned why prosecutors haven’t pursued charges often used against mobsters who engage in elaborate criminal schemes.

The scandal has featured a series of other stunning revelations in the past two-plus years, such as the department acknowledging it destroyed key documents that could have shown more wrongdoing. Other documents also went missing during the investigations.

The department’s statement did not identify the trooper it fired and the others it aimed to fire.

The agency did identify 15 troopers facing discipline, but declined to say what each member received for a punishment. “Information connecting a specific disciplinary outcome to a specific employee may not be released per limitations on the disclosure of individualized personnel matters,” Procopio said.

- Trooper John Adams
- Trooper David Perreault
- Trooper Jeffrey Reger
- Trooper Jeffrey Russell
- Trooper Anthony Boszko
- Trooper Mark Augusta
- Trooper Kevin Fogwill
- Sergeant George Hamilton
- Trooper Christopher Brown
- Trooper David Bera
- Trooper George Beaupre
- Trooper Gerald Johnson
- Sergeant Arthur Hebb
- Trooper Michael Thorpe
- Trooper Robert Church

In response to questions from the Globe, the agency also provided the names of the troopers implicated, but not charged criminally, in the scandal who have retired:

- James M. Richardson
- Kevin O'Brien
- Raymond O'Neil

- Stephen Mihalek
- Sean Hoye
- Kevin Maple
- Jeffrey Morrill
- Jeffrey Roderick
- Brian Kelley
- Chris Kudlay
- John O'Grady
- James Canty
- Robert Frenier
- Raymond Thompson

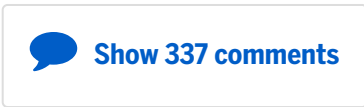
The following troopers were charged criminally:

- Gregory Raftery
- Kevin Sweeney
- John Giulino
- Daren DeJong
- Heath McAuliffe
- Paul Cesan
- Gary Herman
- David Wilson

- David Keefe

 - Eric Chin
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