

Environmental Police lieutenant under investigation after unauthorized body camera recordings appear on Facebook

By [Matt Rocheleau](#) Globe Staff, Updated August 14, 2020, 8:13 a.m.



The state's Environmental Police has a relatively low profile but in recent years has come under fire for repeated management and pay problems. PAT GREENHOUSE

Civil rights advocates have long called for police officers to wear body cameras. But this isn't what they meant.

A Massachusetts Environmental Police lieutenant is under internal investigation after he allegedly began wearing a body camera, apparently without approval from higher-ups, and recorded footage while on duty that was later posted to Facebook, officials said.

His actions raise serious legal concerns, specialists said. The head of the union that represents the agency's sworn employees said other officers alerted the union to the videos. It's unclear what the videos showed.

"They were very concerned with law enforcement-sensitive information in these videos being released on social media," including information about investigations and even personal information about officers, said Sergeant Thomas Conners, president of the Massachusetts Environmental Police Officers Association.

"We have to protect members' rights and security and safety and their families' rights and safety," he added.

Conners said the agency does not have a formal body camera program or policy. Conners said he learned of the matter a few days ago and quickly notified management. He declined to identify the lieutenant, who is a union member.

A spokeswoman for the department, Katie Gronendyke, declined to answer specific questions but said in a statement that the Environmental Police had "opened an internal investigation into the allegations and are committed to ensuring public trust while completing their mission to protect public safety and the Commonwealth's natural resources."

The police force, with about 85 officers and a \$12 million annual budget, enforces fishing, hunting, boating, and recreational vehicle laws. It has a relatively low profile but in recent years [has come under fire](#) for repeated

management and pay problems.

It's also not the first time that allegations of unauthorized recordings have surfaced.

Former Colonel James McGinn was [fired](#) in 2018 amid accusations that he [installed](#) unauthorized surveillance cameras, hired a private investigator to follow an officer, and [fixed](#) two traffic tickets for a friends. 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.

McGinn, a former State Police sergeant, had served as Governor Charlie Baker's personal campaign driver before Baker appointed him to lead the agency in 2014.

"With the history of secret cameras and private investigators, we take this very seriously," Conners said.

Conners said he doesn't know other details about the recordings, such as how long the lieutenant wore a body camera and recorded footage, why he did it, how many videos were posted to Facebook, or what they showed.

Peter Elikann, a Boston criminal defense attorney, said the case raises legal concerns.

If the lieutenant didn't turn the footage over for subsequent court proceedings, it could amount to obstruction of justice, he said.

"It is illegal for law enforcement to withhold any exculpatory evidence that might be helpful to a defendant," said Elikann, the former chair of the Massachusetts Bar Association's Criminal Justice Section Council. "And it is concerning that a police officer might be making that judgment call on his or her own."

Such concerns were raised following similar revelations in 2017 that a State Police trooper, Nicholas Holden, had recorded [video](#) and audio of traffic stops and arrests without department approval and then failed to provide most of the footage to prosecutors for court proceedings, the Worcester Telegram & Gazette [reported](#). Earlier this month, Holden was fired over an unspecified social media post, MassLive [reported](#).

Elikann also said that if the lieutenant recorded audio of other people while he was not in uniform and did not obtain their permission to do so, he may have violated the state's wiretapping law, which requires that a person provide consent to be recorded.

“Normally, with a uniformed officer, there would be no expectation of privacy when engaged in an interaction as part of their public duties,” Elikann said. But “if this officer was either undercover or not in a uniform, or even if the other officers didn't know it, there could be a problem with that.”

Elikann said posting the videos on social media also could violate the law. Even if someone else uploaded the videos, “he would still be in violation to carelessly lose control and custody of police evidence.”

Connors said he hopes management takes swift action. He said the agency's new head, Colonel Shaun Santos, who took the reins in February, has worked well with the union and its members.

But, “the rank-and-file have serious concerns and trust issues with certain other managers,” including fear of retaliation, Connors said. “It's not all of them. It's a few specific ones,” he added, declining to provide names.

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