



Environmental Police higher-ups helped scuttle tickets for colonel's friend, record shows



PAT GREENHOUSE/GLOBE STAFF

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At least two other high-ranking Massachusetts Environmental Police officers helped make traffic citations involving a friend of the agency's top official disappear, according to a document that outlines the details of how officers were able to accomplish that.

An internal agency memo, released to the Globe through a public records request, describes a behind-the-scenes effort by police to void and round up any existing copies of two traffic citations, one of which

was issued to the former neighbor of Colonel James McGinn.

The citations for operating unregistered recreational vehicles in a conservation area never made their way into the state's court or vehicle registry systems — an unusual violation of protocol that could lead to civil and criminal penalties.

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The memo suggests the alleged scheme to scuttle the pair of 2015 citations involves more officers than McGinn, who was [suspended without pay](#) earlier this month amid an investigation into what officials called “operational issues.”

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Governor Charlie Baker [has said](#) the investigation includes allegations of ticket fixing, and a person with direct knowledge of the probe said it was triggered by Globe inquiries into the disappearance of a pair of 2015 citations.

The 83-officer Environmental Police Department enforces fishing, hunting, boating, and recreational vehicle laws, and has an \$11 million annual state budget. It has been mired in controversies in recent years over payroll and paid detail practices, patronage in hiring, and now, alleged ticket fixing.

“The damage it does is it undermines the confidence of the public,” said Thomas Nolan, a criminology researcher and former Boston police lieutenant. “This was a bush-league thing from the top down.”

McGinn, who previously served as Governor Charlie Baker's personal driver and as a State Police sergeant, has led the agency since Baker's administration appointed him in 2014, earning a salary of \$133,000 last year. He could not be reached for comment.

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The ongoing controversy centers on \$250 citations issued in August 2015 to two Bedford men after their sons were allegedly caught by environmental officers riding unregistered dirt bikes in a wooded conservation area.

McGinn's friend and former neighbor, Neil Couvee, previously told the Globe he called McGinn to contest the tickets.

Couvee initially said McGinn promised to "help" him out and take care of things "the old-fashioned way." Couvee recanted his statement weeks later after the Globe published a story about McGinn's suspension. Couvee then told the Globe that the colonel only helped by having an officer explain dirt-bike-related laws to the teens, and that McGinn advised Couvee to appeal the ticket, which he said his wife did.

However, there are no documents showing an appeal was ever filed. Court and registry systems have no record the citations ever existed.

Normally, police forward copies of citations — even those they void — to the registry, which logs the information in its databases.

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If someone appeals a citation, that would also create records in the state's court system and in the registry's databases.

The internal agency memo, dated two weeks after the issuance of the tickets, does not mention McGinn but makes clear that officers gave the matter extra attention.

In the memo, Officer David Wright advises Lieutenant David Brouillette that the tickets had been "voided."

State law [requires](#) police agencies to notify the state's Registry of Motor Vehicles if a citation is voided

and to explain why.

Wright also notes in the memo that Major William Bilotta would “obtain the offender’s copies” from the two men who received tickets and that all other copies of the tickets were “being turned in” with the memo.

The Environmental Police Department said it could locate two copies of each citation within its agency. In Massachusetts, each citation, when written, creates four carbon copies; the citations are typically shared with the registry, the offender, the officer, and filed within the agency.

Bilotta retired in February. He and the other officers cited in the memo could not be reached for comment. The head of the union representing environmental officers did not respond to requests for comment.

Peter Lorenz, spokesman for the Executive Office of Energy and Environmental Affairs that oversees the department, declined to comment about the scope of the review, who is conducting it, and whether anyone besides McGinn is facing scrutiny.

Nolan, who is working on an upcoming book about policing practices, said there is no reason for an officer, especially one of superior rank, to pick up copies of a citation from an offender.

“There’s no legitimate legal reason for that to happen,” Nolan said. “The only reason I can think of for that to happen would be to cover up the fact a citation existed at all.”

Nolan said police have long helped people with connections avoid fines and insurance surcharges for minor infractions, but typically it’s done in a way that doesn’t leave a paper trail.

But, Nolan said, the actions outlined in the Environmental Police internal memo were “done in kind of a ham-handed and clumsy way.”

“To have the colonel directly involved in this stuff is amateurish,” he added.

Nolan said the existence of an internal memo suggests that the officer who wrote it was trying to create a paper trail.

“It looks like the officer didn’t want to do it,” Nolan said.

Nolan said tickets can be fixed discreetly and within the bounds of the law.

For example, he said, an officer could show up to the offender’s appeal hearing to ask the court to dismiss the case, or the police could just not show up at all, resulting in an automatic dismissal.

If the offense is small and the offender still has to make a court appearance, the officer still makes the point that the person needs to obey traffic laws in the future, Nolan said.

State conflict of interest laws [prohibit](#) a public employee from using his or her official position to give someone special, unwarranted privileges, and they bar public employees from acting in a way that would cause “a reasonable person” to conclude the employee can be improperly influenced.

Violations can lead to discipline from the public employer and civil penalties of up to \$10,000 from the state ethics commission, which has enforced a handful of such cases over the years.

Officers involved in citation shenanigans could face additional penalties. A decades-old state law, enacted to prevent police from fixing tickets, says violators [can](#) receive a \$500 fine, a year in prison, or both. But prosecutions are uncommon.

Local legal experts could not recall any charges ever brought under this statute.

In an interview before McGinn was suspended, Couvee defended the colonel.

“I’m glad he did it for me because I didn’t think [the citation] was warranted,” he said. “I don’t think he overstepped any boundaries in my case.”

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