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# State Police found years-old records in fraud scandal after telling prosecutors they didn't exist

By [Matt Rocheleau](#) Globe Staff, September 10, 2019, 8:21 a.m.



JESSICA RINALDI/GLOBE STAFF/FILE/GLOBE STAFF

About a year and a half into [sprawling criminal investigations](#) of trooper payroll fraud, Massachusetts State Police officials this summer suddenly unearthed boxes of key documents that prosecutors had long sought but State Police said didn't exist, according to a recent court filing.

The newly discovered citation and trooper activity records, most of which are believed to be from 2014 and earlier, point to wrongdoing by at least one trooper — and potentially much more.

The emergence of such files could lead to additional criminal charges, legal experts said, and raises more concerns about State Police record keeping and its ability and willingness to investigate its own troopers.

“A thorough investigation should have uncovered that evidence,” said Peter Elikann, a Boston-based criminal defense attorney.

Elikann and another attorney told the Globe that the dates of the newly discovered records put them just past, if not near, the five- and six-year statute of limitations for prosecuting troopers on additional fraud and embezzlement charges.

State Police spokesman David Procopio said the agency immediately in June told prosecutors about the records and made them available for review. Procopio said the value of the documents to ongoing investigations remains unclear. He declined to say how many records were found or which years they covered, saying “the discovery is still being inventoried.”

The revelation represents [another black eye](#) for the beleaguered State Police force, which has been admonished by US Attorney Andrew E. Lelling, Governor Charlie Baker, and others for trying to destroy documents.

Forty-six troopers have been implicated in a [payroll fraud scheme](#) that included writing phony tickets and falsifying timesheets to collect overtime pay for hours they never worked. Eight troopers have pleaded guilty to embezzlement. Two others face charges.

The types of records uncovered this summer have been key to the ongoing state and federal criminal probes.

In May, US District Judge Mark Wolf [lambasted](#) prosecutors for not going back further to examine the roots of the years-old scheme. Prosecutors called it impossible because State Police officials had destroyed older records as part of routine efforts to get rid of dated documents.

Prosecutors had subpoenaed agency copies of traffic citations, or copies of the tickets that are intended to stay with the department, according to Procopio. Most of the pre-2015 copies had already been destroyed at the time of the request, he said.

But in early June, internal investigators learned there were numerous duplicate copies, or “court copies,” of those same citations, according to Procopio. The duplicates had been set aside by court officers in case motorists appealed their tickets, and were stored in a different location, Procopio said.

The discovery prompted internal investigators to search all of the barracks within the now-disbanded Troop E. The search turned up a trove of records, including “court copies” of citations, magistrate hearing schedules, activity logs, and sign-out sheets for citation booklets, Procopio said. The files were transported to headquarters and “remain in a secure location,” he added.

At the time of the discovery, the agency had been under state and federal scrutiny for 18 months and was a full 2½ years into its own internal audit. Asked to explain the oversight, Procopio said the department’s priority had been to

gather agency copies “as specifically requested by prosecutors.”

Procopio called the department’s own audit and investigation into Troop E overtime discrepancies “thorough, methodical, and meticulous.” He noted the department referred to prosecutors the names of 46 troopers it had linked to the scheme.

“The department is also reviewing the documents to determine if further internal action is required,” Procopio said.

Spokeswomen for Lelling and Attorney General Maura Healey declined to comment, citing their ongoing investigations.

A Baker spokeswoman released a statement saying the governor “is pleased that the department’s continued efforts to implement department-wide reforms led to securing these documents.”

The convictions of eight troopers have laid bare a widespread fraud scheme in which officers and their supervisors wrote bogus citations to meet [unconstitutional ticket quotas](#), falsified paperwork, and [destroyed](#) documents to cover up their absences — actions that, prosecutors said, point to [systemic cultural problems](#) and [lax oversight](#) at the agency.

So far, prosecutors have charged troopers for alleged embezzlement in 2015 and 2016, though prosecutors said the scheme may have stretched back much further.

Assistant US Attorney Mark Grady previously said the overtime programs abused by troopers [dated back more than a decade](#), but examination of the issue was thwarted by a lack of documentation.

The State Police [have come under fire](#) before for destroying records that could show wrongdoing. While under scrutiny, they’ve also [tried](#) to destroy decades of payroll, attendance, and personnel documents.

Legal specialists questioned how the State Police didn't find the newly discovered documents until just a few months ago.

“How do you misplace records that aren't really all that old?” said Stephen Weymouth, a criminal defense attorney. “It looks to me like inefficiency by the state.”

News of the document discovery was included in a footnote in a sentencing memo filed in federal court last week by an attorney for former trooper Daren DeJong, who is awaiting sentencing on his [guilty plea](#) to an embezzlement charge.

Attorney R. Bradford Bailey noted that the boxes of records uncovered at least some additional, alleged wrongdoing by his client. In the filing, Bailey suggested that come sentencing, the judge should not consider DeJong's conduct as outlined in 2013 and 2014 files, citing concerns about the documents' reliability and the circumstances surrounding how they were discovered.

Bailey, when reached by the Globe, declined to comment.

Another attorney representing a trooper charged in the scandal expressed surprise about the unearthed documents.

“It's hard to know, or hard to imagine really, that they couldn't find the records before, but now they can find them,” said the attorney, who spoke on the condition he not be named for fear of harming his client's case. “It's really hard to think of a legitimate reason. . . . There's got to be a story there.”

The attorney, like other legal experts, said it's possible — though unlikely — that troopers who have already been sentenced would face additional charges.



But, the attorney noted, the revelations could affect “some people on the bubble, who weren’t charged before because their conduct wasn’t egregious enough.”

In late June, the US Department of Justice’s Boston office put out a bid proposal seeking vendors to scan and make electronic copies of approximately 10 boxes filled with a total of about 25,000 State Police traffic tickets.

The work was to be done on-site at the State Police headquarters in Framingham and “must be kept confidential,” according to the bid. The resulting DVDs were to be turned over to one of the lead federal prosecutors on the overtime fraud cases.

An official at the company that was awarded the \$17,500 contract declined to comment.

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