

# Dozens of State Police troopers remain on the force despite past illegal conduct

By [Matt Rocheleau](#) Globe Staff, Updated October 17, 2020, 11 minutes ago



Massachusetts State Police JESSICA RINALDI/GLOBE STAFF

One Massachusetts State Police captain, alcohol on his breath and an open beer bottle rattling around his unmarked cruiser, led Saugus police on a chase and had to be wrestled to the ground and handcuffed.

Another trooper was caught providing unauthorized police escorts for funeral processions and taking cash under the table, while also routinely skipping portions of detail and overtime shifts for which he was paid.

And then there is the trooper duo — academy classmates and close friends — who regularly hung out with known criminals. One trooper traveled and partied in Las Vegas with people tied to organized crime, coming under federal scrutiny after he admitted he improperly ran background checks on behalf of drug dealers linked to an illegal gambling operation.

All of these troopers are on patrol today, having escaped termination from the state's largest law enforcement agency despite crimes or serious misconduct.

A Globe review of the department's internal affairs files shows the agency rarely fires troopers almost no matter what they have done. The Globe found only a handful of examples of firings in the last decade.

Meanwhile, dozens of troopers found by internal investigators to have broken the law remain on the force today. They collectively have 29 sustained charges for assault and battery; 19 alcohol and drug violations, including four OUIs; 17 charges for harassment, including three for sexual harassment; another 17 for improperly using the state's criminal background check system.

The department levied nine violations for lying, including to internal investigators or judges; eight cases of excessive force; seven for illegal searches; and four sustained false arrest charges. A sustained charge is one the department has investigated and confirmed.

A reminder: These are troopers still on active duty, charged with enforcing the law on the rest of us.

And these cases represent just a fraction of the problem. When it comes to policing its own, the agency rarely sustains complaints against troopers. Its recordkeeping on internal investigations is sloppy and incomplete, and the records themselves closely guarded from public view.

“That is plain wrong. It’s a disservice to the public and it’s unfair,” said former Massachusetts inspector general Gregory Sullivan. “There should not be a double standard that allows police officers to get away with alleged criminal activity by virtue of the supervisors and administrators keeping it secret.”

Many cases surfaced by the Globe review are criminal in nature, though in varying degrees of severity. Another thing they have in common: They are rarely referred for prosecution. Indeed, prosecutors are almost entirely in the dark about them.

Middlesex District Attorney Marian Ryan’s office, whose jurisdiction covers State Police headquarters and other barracks, said it has not received a referral from State Police since she took office in 2013.

A spokeswoman for Attorney General Maura Healey, whose office has received just a handful of cases from the State Police outside of the [2018 overtime pay fraud scandal](#), expressed dismay at the Globe’s findings, as well as the highlighted misconduct cases. The spokeswoman, Emalie Gainey, said the State Police had shared none of those details with the office.

“This information is highly concerning and erodes public trust in law enforcement,” Gainey said in a statement. “We have been in touch directly with MSP and will maintain regular communication about what cases are appropriate for our office to review for potential legal action. We will carefully review all such incidents and we remain committed to prosecuting criminal misconduct within the agency.”

Through a spokesman, State Police Colonel Christopher Mason reportedly declined to

Through a spokesman, State Police Colonel Christopher Mason repeatedly declined to discuss the Globe's analysis of internal investigations.

On Tuesday evening, shortly after the department was given a deadline to respond to written questions, State Police spokesman David Procopio issued a news release [announcing](#) the department was changing its disciplinary process to make it more "efficient," including restructuring the internal affairs unit by combining its investigative and inspections divisions into a new Office of Professional Integrity and Accountability.

The news release also noted that the State Police and the attorney general's office "will regularly engage in a review of all new and open internal investigation cases to determine if any are more appropriately referred to prosecutors for potential criminal investigations."

"Colonel Mason remains committed to the appropriate and thorough investigation of any misconduct by Department personnel and, when warranted, consulting outside authorities for potential charges," Procopio said in an additional statement, which did not address most of the Globe's questions.

Governor Charlie Baker, through a spokeswoman, also did not address questions directly, but issued a brief statement urging lawmakers to "take action" on [a bill](#) he filed in January, which would allow the department to punish troopers more swiftly and severely for misconduct.

The department declined to make the troopers cited in this article available for an interview. The union that represents several of the troopers also declined to comment about their cases.

The 2,280-member State Police force has weathered scandal after scandal in the last three years, with senior leaders reportedly leading reforms. Following revelations in

three years, with agency leaders repeatedly pledging reforms. Following revelations in 2018 of an overtime fraud scheme rampant throughout the turnpike troop, the department expanded its internal investigative unit. But since then, records show, the department has opened considerably fewer internal probes and has closed a growing share of complaints from civilians and others outside the agency without a full investigation.

Through public records requests, the Globe obtained internal investigation logs stretching from the 1970s through April of this year.

That data shows the department sustained about one quarter of the 5,086 allegations levied against officers by colleagues, civilians, or others outside the department over the last decade. The rate has trended downward in recent years.

Most often, citizen complaints result in no action — the department sustains only about 13 percent of these claims. Many of these cases are open and shut within a couple of weeks, without a full investigation, and result in an informal resolution, such as getting placed on file.

Nearly one in every five troopers on the current roster has at least one sustained misconduct charge, records show, and wrongdoing spans the ranks. At least 10 troopers at the rank of captain or higher have sustained charges. For example, Captain Thomas McCarthy has 28 sustained charges to his name, 27 of which stemmed from the [incident](#) in 2011 when he led Saugus police on a chase down Route 1.

The actual total number of sustained misconduct cases within the department is almost certainly higher because the data provided to the Globe was missing critical information — including about final rulings and trooper identities — for hundreds of charges. The data also was void of details for many charges — about half of all charges were described as “conduct” or “other,” or they weren’t described at all.

Records obtained by the Globe also do not show what, if any, discipline was meted out to troopers. The department has refused to release additional information or comment on cases highlighted in this story, saying only that punishment has involved a range of penalties, including the loss of accrued sick and vacation time as well as lengthy unpaid suspensions.

Maria Haberfeld, a professor at John Jay College of Criminal Justice, said a department with one in five officers with at least one sustained misconduct charge was “on the higher end of the spectrum.” Haberfeld, who has studied police discipline for more than two decades, said state troopers tend to have fewer complaints than municipal police officers because they interact less closely with the public.

In the absence of consistent standards, experts said, law enforcement agencies follow their own rules and practices for investigating officers, disciplining them, and tracking cases. And departments are typically reluctant to share this data.

“It’s common that the discipline is kept in house because policing has been under tremendous scrutiny for many, many years, and there is the fear of additional negative views of the organization,” Haberfeld said.

Among the misconduct files reviewed by the Globe, one of the more shocking cases is that of Trooper Paul Higgins, whose penchant for hanging out with and helping criminals has been known to State Police leaders for years.

In 2011, Higgins traveled with a man with ties to organized crime to see a Floyd

Mayweather boxing match in Las Vegas, according to a 52-page internal investigation report. The man, whose name was redacted from the report, was stopped at a Logan International Airport security checkpoint when authorities found he was carrying \$125,000 in cash. State Police troopers began questioning him, before Higgins

interceded on the man's behalf. Three months later, on a phone call department officials recorded as part of a drug investigation, Higgins discussed with a criminal ideas for making a fabricated and false complaint against another trooper, the report said.

In 2013, Higgins's supervisors sat him down and told him to terminate his friendships with lawbreakers or he'd be punished, even fired.

Despite that confrontation and warning, Higgins allegedly carried on. Two years later, the department received a letter from the US attorney's office saying Higgins was the focus of a federal criminal investigation and had admitted to Drug Enforcement Administration agents that he ran background checks on behalf of drug-dealing bookies. In at least one case, records show, Higgins provided the background check information to let a criminal know that local police had run his license plate.

State Police placed him on paid leave.

The internal investigative report noted that cellphone calls, text messages, and social media records showed Higgins continued to travel and party lavishly with more than two dozen known criminals, posting photos online that showed him on private jets, attending sporting events, and in the penthouse of a high-end casino with tens of thousands of dollars worth of casino chips.

Federal authorities ultimately decided against bringing criminal charges, the report said, because a ruling in an unrelated case raised doubts over whether prosecutors could charge someone with improperly using a department-issued computer.

The internal State Police probe in 2017 sustained a litany of charges against him, including for conducting more than 275 improper background checks, attempting to fix a ticket for someone, and repeatedly lying to investigators.

Higgins's attorney, Daniel Moskowitz, told the Globe that the internal investigation

Higgins's attorney, Daniel Moynihan, told the Globe that the internal investigation was "one-sided" and the report "really embellished."

"This was not criminal in nature," Moynihan said. "Obviously, he was never charged with anything."

State Police won't say what, if any, discipline they issued or why Higgins wasn't fired.

Moynihan said State Police placed Higgins on paid suspension for about a year, prohibiting him from working overtime or paid details while the department's investigation played out. Higgins later worked out a deal with the department to serve another year on unpaid suspension.

"The State Police brought this agreement to him to take some punishment," Moynihan said. "He would have had to resign if he hadn't been brought that deal. They were going to do worse to him."

Still, Moynihan said, Higgins "paid a very heavy price."

"He lost his house. He lost his savings and lost his reputation. It cost him dearly."

Higgins remains on the force today. His pay through the first nine months of this year topped \$169,000, including \$40,600 in overtime.

The internal probe into Higgins also led to sustained charges against two of his police academy classmates and friends: Trooper Daniel Hartley, who improperly ran more than 30 background checks, socialized with a known criminal, lied to investigators, and claimed to be working a shift he was paid for when photos actually showed he was at a Vegas boxing match; and Trooper Thomas Loughran, who improperly ran more than a dozen background checks, according to the report. They remain on the force and State Police won't say what, if any punishment, they received. Hartley could not be reached; Loughran declined to comment.



The US attorney's office declined to comment. "We can neither confirm nor deny investigations, and separately do not discuss charging decisions," said a spokeswoman.

Thomas Mrozla, a University of South Dakota professor who specializes in police accountability, said the case sounds like a plot to a Netflix movie.

"Holy smokes," he said. "Even though they sustained all those charges, [Higgins] still has kept his job — that speaks to some of the organizational problems within police departments and the failure to hold police officers accountable for their actions."

Two retired State Police officers who remain active in the criminal justice arena told the Globe the department's internal investigations process is flawed and in need of outside oversight.

"In nearly 22 years, I have seen IA investigations that were tainted because of favoritism, nepotism, the settling of an old score, and undue influence from superiors or politicians pushing for a particular outcome," said Larry Smith, who retired as a sergeant in March 2018 and founded Crisis Solutionist Inc., a firm that specializes in corporate investigations and consulting.

"There really is only one way to ensure a fair, unbiased, conflict-of-interest-free investigation, that's not subjected to any undue influence," he said. "You need to bring in an independent third-party investigator that has no ties to your organization."

Smith said he faced repeated retaliation for logging an internal complaint about a sergeant being absent for a shift in 2014. The agency denied Smith's retaliation allegations, according to [media reports](#).

Retired lieutenant Alfred Puller left the agency in 2001, after almost 27 years on the force, including several years as an investigator and prosecutor in the internal affairs

force, including several years as an investigator and prosecutor in the internal affairs unit. He said the issues are entrenched within the culture of the department.

“The attitude was always in State Police that we don’t air our dirty laundry in public,” he said.

Puller, a retired criminal defense attorney who advocates for police reform as a member of the Massachusetts Association for Professional Law Enforcement, pointed to the dozen-plus troopers who committed payroll fraud in the overtime abuse investigation and were allowed to keep their jobs.

“If there had been outside people involved in the charging and the likes, then I just think it would have been a different outcome sooner,” Puller said.

The State Police Association of Massachusetts union said in a statement that the troopers and sergeants it represents “engage in excess of a million police-civilian interactions yearly and these ‘statistics’ should be viewed in that context.”

The union said it believes the recent decrease in internal investigations is "directly related to verified compliance with Department regulations, showing that the majority of current members are performing their roles with the utmost professionalism and integrity.”

The union has faced issues of its own. Its former president, retired trooper Dana Pullman, was [indicted](#) last year on a host of federal charges — including racketeering and conspiracy — and accused of taking kickbacks. He has pleaded not guilty.

The trooper who replaced him as SPAM president, Sergeant Mark Lynch, was found by internal investigators to have manipulated or skipped portions of about 30 shifts over a four-month period, after the agency’s payroll practices had been publicly called into question. State Police never forwarded that case to prosecutors, the Globe

[revealed](#) last month.

Records show Lynch, who resigned as union president last year, ultimately received a letter of counseling — the second-lowest form of discipline — ordering him to reread internal policies and not violate them again. Lynch remains on the force; he made nearly \$185,000 through the first nine months of this year.

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