



OFFICE OF THE INSPECTOR GENERAL
COMMONWEALTH OF MASSACHUSETTS

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Division of State Police Oversight
2019 Annual Report

FEBRUARY 26, 2020

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EXECUTIVE SUMMARY

In July 2018, the Legislature created the Division of State Police Oversight¹ (“Division”) through the passage of Section 72 of Chapter 22C of the General Laws.² The Legislature established the Division as an independent unit responsible for monitoring the quality, efficiency and integrity of the Massachusetts State Police (“MSP”). The Division operates as a part of the Massachusetts Office of the Inspector General (“Office”), an independent agency with a broad legislative mandate to prevent and detect fraud, waste and abuse of public funds at all levels of government. The Division’s scope encompasses, but is not limited to, (1) monitoring the quality, efficiency and integrity of the MSP’s operations, organizational structure and management functions; (2) seeking to prevent, detect and correct fraud, waste and abuse in the expenditure of public funds; and (3) monitoring policy changes instituted as a result of the MSP’s certification or accreditation by a state or national police accrediting agency pursuant to Section 73 of Chapter 22C of the General Laws.

During its first full year of operation, the Division conducted several reviews of the MSP’s overtime and paid detail policies, procedures and operations.³ First, the Division conducted a comprehensive review of the MSP’s paid detail policy with particular focus on the “travel time” section of the policy. The travel time section requires all troopers to utilize vacation leave or personal leave when they work a paid detail anywhere in the Commonwealth that overlaps with a regular work shift. The trooper must utilize accrued vacation or personal leave for both the overlap in the regular work shift, as well as the travel time to or from the paid detail. This review revealed that the vast majority of troopers who work paid details at Logan International Airport (“Airport”) did not utilize accrued vacation or personal leave time to account for their travel time to or from the Airport. Since the Division concluded its review, the MSP has implemented changes to the travel time section of the paid detail policy in order to ensure that troopers are properly accounting for travel time to or from a detail at the Airport.

The Division also conducted a review of the role of the Paid Detail Officer and other troopers who work in the Paid Detail Office (“PDO”) of each troop within the Division of Field Services (“DFS”). Specifically, the Division reviewed their role in the assignment and administration of paid details. This review revealed that, by and large, each PDO in each troop performs similar functions and follows the same processes in administering paid details within its respective troop’s jurisdictional boundaries. The one notable exception is Troop F, which has unique operational and security responsibilities.⁴ The Division

¹ Section 72 of Chapter 22C of the General Laws, refers to the Division as “an internal special audit unit.” The Inspector General renamed the Division to avoid confusion with the previously created Internal Special Audit Unit within the Department of Transportation (see M.G.L. c. 6C, § 9).

² Section 72 of Chapter 22C of the General Laws, was passed through the enactment of Section 23 of Chapter 154 of the Acts of 2018.

³ The MSP paid detail policy recognizes the need for crowd control and security as well as the importance of maintaining safe and efficient traffic flow at roadway work sites and other major sporting and civic events. As such, troopers may work paid details. All paid details are voluntary assignments.

⁴ Troop F of the MSP is responsible for the policing and security of all Massport properties including Logan International Airport.

recommended centralizing the multiple PDOs of the troops, with the exception of Troop F, to one administrative PDO at General Headquarters (“GHQ”). Centralization would constitute a more efficient allocation of MSP resources and provide a more effective platform to administer paid details throughout the department. Furthermore, while troopers who work in the PDOs provide an essential and important service to the MSP in the administration of paid details, the vast majority of this work is administrative in nature and does not require the training and expertise of a sworn police officer. The Division, therefore, also recommended, and the MSP is considering, civilianizing a substantial portion of the operations of the PDOs in order to foster a more efficient allocation of MSP sworn officers into the field performing appropriate law enforcement functions.

After the discovery of overtime abuse in Troop E and pursuant to its statutory mandate as found in Section 72(b) of Chapter 22C of the General Laws, to prevent and detect fraud, waste and abuse of public funds in the form of paid details and overtime, the Division has initiated a review of similar overtime shifts in other troops in the DFS.⁵ The overtime fraud that occurred in Troop E, and that led to the prosecution of a number of troopers federally and at the state level, involved highway patrol overtime shifts that also are often available in other MSP troops. Preliminary findings from this review include similar deficiencies in oversight, accountability and internal controls that led to the abuses of overtime in Troop E. Initial recommendations include closer oversight and management of all shifts by supervisors and command staff, as well as implementation of proper audit trails and internal controls to confirm time and attendance. The MSP has already implemented a host of new policies and procedures to ensure consistent time and attendance of all troopers, such as: the activation of Automatic Vehicle Locator (“AVL”) technology in all cruisers, stringent and frequent auditing of overtime shifts, and face-to-face contact with supervisors at the start and end of all shifts.

The Division can also report that the MSP has made steady, consistent progress in its efforts to achieve certification and accreditation pursuant to Section 72 of Chapter 22C of the General Laws. Since hiring an accreditation manager and submitting an application to the Massachusetts Police Accreditation Commission (“MPAC”) in early 2019, the Division has routinely corresponded and met with the MSP’s accreditation manager in order to monitor progress. Achieving certification and accreditation will provide the MSP members, both sworn and civilian, with improved policies that reflect and codify current operations, facility improvements and the integration of safety practices that will better serve to protect troopers in the field and those individuals in MSP custody. Currently, the MSP has met over 50% of the mandated standards necessary to achieve certification through MPAC. This comprehensive and important work towards certification and ultimate accreditation will continue for the foreseeable future.

Lastly, over the past year, the MSP has begun to modernize and centralize its rostering, scheduling, and time-and-attendance platform through the implementation of the new Orion system, which will replace the current PayStation platform. The Division has begun to collaborate with the MSP

⁵ The Division of Field Services of the MSP oversees highway safety, assists municipal law enforcement agencies by responding to public safety emergencies or incidents, and provides other patrol resources and special operations.

and monitor the rollout of Orion during this trial period in order to mitigate any potential risk of fraud, waste and abuse of public funds throughout the system.

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BACKGROUND

I. The Office of the Inspector General

The Office of the Inspector General for the Commonwealth of Massachusetts (“Office”) is an independent agency charged with preventing and detecting fraud, waste and abuse in the use of public funds and public property. The Legislature created the Office in 1981 at the recommendation of the Special Commission on State and County Buildings, a legislative commission that spent two years probing corruption in the construction of public buildings in Massachusetts. It was the first state inspector general’s office in the country.

In keeping with its broad statutory mandate, the Office investigates allegations of fraud, waste and abuse at all levels of government; reviews programs and practices in state and local agencies to identify system-wide vulnerabilities and opportunities for improvement; and assists the public and private sectors to help prevent fraud, waste and abuse in government spending. In addition, the Office provides guidance to local government officials on issues that arise under the Uniform Procurement Act, M.G.L. c. 30B, which governs the purchase and disposition of supplies, services, equipment and real property by municipalities and other public entities. The Office also educates public and private employees through its Massachusetts Certified Public Purchasing Official (“MCPPO”) training program.

II. The Division of State Police Oversight

Established in July 2018, the Division of State Police Oversight (“Division”) is responsible for monitoring the quality, efficiency and integrity of the MSP operations, organizational structure and management functions. *See* M.G.L. c. 22C, § 72(c). Additionally, the Legislature charged the Division with monitoring policy changes instituted as a result of the MSP’s certification or accreditation by a state or national police accrediting agency. The Division also seeks to prevent, detect and correct fraud, waste and abuse in the expenditure of public funds at all levels of the MSP, including expenditures by the MSP for “paid details and overtime.” *See* M.G.L. c. 22C, § 73(c).

III. The Massachusetts State Police

Founded in 1865, the MSP is the oldest statewide law enforcement agency in the nation. It provides full-service policing, with more than 2,000 sworn officers, as well as several hundred civilian staff. Its jurisdiction spans across the state’s 351 cities and towns and extends 12 nautical miles off the Commonwealth coastline. The MSP serves a population of approximately 6.9 million people and is responsible for criminal law enforcement and traffic safety across the Commonwealth. In addition, the MSP provides forensic services, protects Logan International Airport and other Massport properties, and provides basic policing services to small towns.

The MSP is led and managed by the Office of the Superintendent and is organized into five divisions that provide a variety of public safety and administrative services:

- The **Division of Field Services** oversees highway safety, assists municipal law enforcement agencies by responding to public safety emergencies or incidents, and provides other patrol resources and special operations;
- The **Division of Investigative Services** conducts criminal investigations, including homicide investigations, in cooperation with the Commonwealth's district attorney's offices, and provides forensic services through its state crime laboratory system;
- The **Division of Homeland Security and Preparedness** is responsible for the Commonwealth's readiness and response to a variety of large-scale criminal threats, including terrorist activity;
- The **Division of Standards and Training** operates the State Police Academy, oversees training and education across all of the MSP's divisions, and conducts internal investigations and inspections; and
- The **Division of Administrative Services** provides internal administrative support to the MSP.

AUDITS, INVESTIGATIONS AND REVIEWS

The Division conducted a variety of investigations, reviews and audits related to the efficiency and integrity of the MSP's operations, organizational structure and management functions. Below is a summary of some of this work.

I. Paid Details and Travel Time Policy

The Division conducted a comprehensive review of the MSP's travel time requirement in the MSP's paid detail policy.⁶ The travel time requirement complements the MSP policy, which strictly prohibits "overlapping time." Under the overlapping time policy, troopers cannot receive compensation for regular shift hours that overlap with detail hours. To account for this overlap, troopers must utilize personal or vacation leave during their regular shift hours while working the detail. For example, if a trooper is scheduled to work a regular shift from 9:00 a.m. to 5:00 p.m. but leaves the shift to work a paid detail beginning at 3:00 p.m. that same day, the trooper would have to utilize two hours of personal or vacation leave to account for the overlapping time.

The travel time section of the paid detail policy mirrors this rationale by requiring that troopers also utilize personal or vacation leave to account for any overlap resulting from the time traveled between a regular shift and the paid detail. So, if it takes the same trooper referenced above thirty minutes to travel to the scheduled paid detail (which begins at 3:00 p.m.) and the trooper accordingly leaves their regular shift at 2:30 p.m., they would also have to use an additional thirty minutes of personal or vacation leave to account for the time it takes to the paid detail.

The Division reviewed time and attendance records of all troopers who worked a paid detail at Logan International Airport ("Airport")⁷ on any date from January 2013 through June 2018. This review revealed that the vast majority of troopers who work paid details at the Airport did not use accrued vacation or personal leave time to account for their travel time to or from a paid detail at the Airport.

As a result of its review, and in order to promote integrity in time and attendance procedures as they relate to the MSP's travel time requirements, the Division recommended that all MSP troopers include the actual start and end times of all shifts and paid details in individual time-and-attendance records. The Division also recommended that troopers' time-and-attendance records include the actual travel time necessary for any travel to or from an overlapping paid detail, as well as clear and uniform accounting of leave time utilized specifically as travel time. These changes ensure that troopers are using the necessary amount of accrued vacation or personal leave time to fully account for their travel to or

⁶ MSP allows sworn officers on full duty status to work paid details. A paid detail is a voluntary assignment that is paid for by an outside entity but which has been authorized by the MSP. The current pay rate for all paid details is \$50 per hour.

⁷ Troop F of the MSP is responsible for the policing and security of all Massport properties, including Logan International Airport.

from a detail, as well as any shift overlap. The Division concluded its review and the MSP has made changes to the travel time section of the paid detail policy.

II. Paid Detail Offices

In 2019, the Division also reviewed the role of the Paid Detail Officer and other troopers who work in the Paid Detail Office (“PDO”) of each troop within the Division of Field Services (“DFS”). This review revealed that, by and large, each PDO in each troop performs similar functions and follows the same processes in administering paid details within its respective troop’s jurisdictional boundaries. The one notable exception is Troop F, which has unique operational and security responsibilities.

The Division conducted on-site reviews of the practices and procedures of the individual troop PDOs, as well as the MSP Receivables Unit⁸ at MSP General Headquarters (“GHQ”). The Division also conducted interviews of each Paid Detail Officer, the assistants and the office staff. The purpose of the Division’s review was threefold: (1) to identify the staffing level of troopers and civilians working in each PDO and the Receivables Unit at GHQ; (2) to identify the duties performed by troopers assigned to the PDOs; and (3) acquire an understanding of the administrative processes regarding paid details and overtime assignments. The staffing level and salaries of all troopers and civilians administering paid details (*i.e.*, working in the PDOs) are found in Table 1 below.

⁸ The MSP Receivables Unit is responsible for billing of all public and private vendors who utilize MSP troopers for paid details, collection of paid detail payments from vendors and paying troopers who work paid details.

Table 1. Current staffing, annual and average salary of the PDOs and the Receivables Unit

Troop/Receivables Unit	Trooper/Civilian	2018 Annual Salary	Average 2018 Salary
Troop A	Trooper #1	\$117,872	\$107,441 (all Troops)
	Trooper #2*	\$113,259	
	Trooper #3	\$108,728	
	Trooper #4	\$90,607	
	Trooper #5*	\$113,259	
Troop B	Trooper #1	\$118,889	
	Trooper #2	\$99,668	
	Trooper #3	\$90,607	
	Trooper #4*	\$90,607	
Troop C	Trooper #1	\$131,716	
	Trooper #2	\$108,728	
	Trooper #3	\$113,259	
Troop D	Trooper #1	\$108,728	
	Trooper #2	\$108,728	
	Trooper #3	\$131,716	
	Trooper #4	\$108,728	
Troop H	Trooper #1	\$113,259	
	Trooper #2	\$108,728	
	Trooper #3	\$113,259	
	Trooper #4	\$131,716	
	Trooper #5*	\$82,845	
	Trooper #6	\$108,728	
	Trooper #7	\$99,668	
	Trooper #8*	\$65,342	
Receivables Unit	Civilian #1	\$98,852	\$82,782 (Receivables Unit)
	Civilian #2	\$90,422	
	Civilian #3	\$81,818	
	Civilian #4	\$60,037	

*These troopers are assigned temporarily to the PDOs during the months when the high-volume of paid details warrants additional personnel.

The PDO for each troop operates and administers paid details following the procedure outlined below:

- Each year, all troopers who want to work paid details notify the respective troop PDO of their primary troop choice.⁹
- On a weekly basis, troopers notify the PDO of the days and times they are available to work paid details for the following week.

⁹ For example, troopers working in the DFS may choose to work paid details in the troop to which they are assigned or the troop where they reside.

- When public agencies and private companies request paid details, the PDO gathers relevant detail location and safety information in order to make a safety assessment and determine the number of troopers to assign to the detail.¹⁰
- The PDOs then assign the details on an equitable basis (priority is given to the troopers who worked the fewest detail hours during the previous five weeks).
- Any unfilled details are offered to other troopers in the specific troop, the entire MSP and outside local law enforcement, respectively.
- Once details are completed, the PDO prepares invoices and payroll information for processing by the civilian staff at the Receivables Unit, who verify and enter all information into the Commonwealth's accounting systems, collect payments from the private companies and public agencies, and issue payments to troopers.

The methods of communication between troopers, PDOs and the Receivables Unit throughout the paid detail process take various forms: written paper communication, telephone, fax, email and the use of Google Documents. The PDOs in each troop also utilize a Microsoft Access Paid Detail Office Program that assists in tracking troopers' detail hours and equitably assigning details. However, while each troop's Paid Detail Program is similar, the programs currently do not have the ability to interface and communicate with each other or with GHQ.

As a result of its review, the Division found that the PDOs lack a centralized, electronic, interconnected management system for administering paid details. This stems from an absence of modern electronic communication systems between troops and GHQ, resulting in inefficient and redundant work product throughout the entire process. The Division recommended that the MSP consider creating one central PDO at GHQ responsible for the administration and billing of all paid details utilizing uniform practices with a fully electronic, web-based operational platform.¹¹ From the initial vendor requests to scheduling, and from collecting payments from vendors to paying troopers, this should eliminate the communication gaps and redundant practices throughout the current troop-based PDO systems.

More so, the current staffing model where PDOs are exclusively staffed with troopers is costly and inefficient given the highly administrative and civilian nature of the work performed at the PDOs. The sole task of troopers working in PDOs that requires law enforcement training is the decision regarding the safety requirements for each detail. The remainder of troopers' work in the PDOs is administrative in nature.

¹⁰ With regard to requests for details from the Massachusetts Department of Transportation, PDOs routinely defer to the resident engineers on the road construction jobs to determine the number of troopers required and other safety requirements.

¹¹ The Division did not recommend centralizing Troop F to GHQ given its unique operational and security responsibilities.

The salaries of troopers working in the PDOs are also considerably larger compared to civilians performing similar work at GHQ. Based on Table 1 above, the average salary of a civilian employee in the Receivables Unit is \$82,782 whereas the average salary of a trooper in the PDOs is \$107,441. As a result, staffing PDOs exclusively with troopers costs the MSP at least \$24,658 annually per trooper with a total combined extra annual cost of \$591,792 for the current twenty-four troopers. Further, all troopers working in the administrative environment of the PDOs have completed the MSP's academy at an average cost of \$50,681 per trooper for a total of \$1,216,348 for all twenty-four troopers.¹²

In addition to creating one central PDO at GHQ, the Division recommended civilianizing a substantial portion of staff at the proposed central PDO. This would save money and allow the MSP to re-deploy much-needed troopers. The MSP is currently reviewing the Division's recommendations in this regard.

III. Overtime Shifts

The overtime fraud that occurred in Troop E involved overtime shifts worked directly before a regular shift, after a regular shift or on a trooper's day off. These four-hour highway patrol shifts were part of the now-defunct Accident Injury Reduction Effort ("AIRE") program, which was aimed at reducing accidents, injuries and fatalities on the Massachusetts Turnpike. Such shifts were available to Troop E troopers on a daily basis. While not available as frequently in the other MSP troops, there were, and still are, ample opportunities to work similar four-hour highway patrol overtime shifts in Troops A, B, C, D and H.¹³

The Division is conducting its own systematic and historical review of four-hour highway patrol overtime shifts at the MSP. The Division's review requires the compilation, utilization and comparison of multiple sources of large volumes of data and records. Preliminary findings from this review include similar deficiencies in oversight, accountability and internal controls that led to the abuses of overtime in Troop E. As a result, the Division recommended stricter supervision and oversight of all shifts by supervisors and command staff, as well as implementation of proper audit trails and internal controls to confirm time and attendance.

The MSP has already implemented a multitude of new policies and procedures to ensure consistent recording of time and attendance for all troopers. These new policies and procedures include real-time Automatic Vehicle Locator ("AVL") technology in all cruisers, stringent and frequent auditing of overtime shifts, face-to-face contact with supervisors at the start and end of all shifts, and the utilization of electronic time-stamped motor vehicle citations for speeding and other motor vehicle violations. All of

¹² This figure represents the average cost per recruit as outlined in the report of the "Special Commission on the Hiring and Promotional Practices of the Massachusetts State Police" dated December 2018.

¹³ For purposes of MSP patrolling in the DFS, Massachusetts is divided into five different troop patrol areas identified by letter: Troop A covers the northeast, Troop B the west, Troop C central, Troop D southeast and Troop H metro Boston.

these new policies and procedures will provide a more sophisticated and efficient platform to ensure trooper accountability with regard to time and attendance.

THE MASSACHUSETTS STATE POLICE EFFORTS TO ACHIEVE CERTIFICATION OR ACCREDITATION

As part of its legislative mandate, the Division is charged with monitoring policy changes the MSP institutes as a result of its efforts to become certified or accredited by a state or national accrediting agency. The certification or accreditation process for any police organization, regardless of size, generally consists of two major components: (1) establishing administrative and operational standards for the police organization to meet; and (2) assessing the police organization to ensure it meets these standards. This generally entails a top-to-bottom review and, when necessary, revision of the organization's policies and procedures.

In early 2019, the MSP submitted an application seeking certification to the Massachusetts Police Accreditation Commission ("MPAC") and hired an accreditation manager whose sole job function is to guide the agency through the accreditation process. The accreditation manager is a recently retired, experienced MSP captain who has worked in every MSP division. The Division is in regular contact with the MSP's accreditation manager, monitoring and assessing the MSP's progress.

The MSP currently operates under the direction of 148 policies and procedures codified in over 600 pages and categorized under the following ten articles: Administrative, General, Investigative, Prisoner, Special Occurrences, Support, Tactical Operations, Traffic, Training and Use of Force. Approximately half of the 148 policies conform to the over 350 appropriate certification requirements of MPAC. In reviewing and revising its non-conforming policies, the MSP chose to first focus on assessing and revising the articles and policies that are paramount to the safety of the public, detainees in MSP custody and troopers. The MSP is close to completing the review of ten policies directly related to the care and custody of detainees. This review and revision includes close consultation, discussion and debate among subject-matter experts with the knowledge and expertise of MSP operations, the MSP's accreditation manager, and the MSP's legal and command staff.

Once the ten policies relevant to detainees in MSP custody are complete, the revised policies will immediately go into effect. This process will continue with regard to the remaining non-conforming policies for the foreseeable future. The Division will continue to monitor the MSP's progress towards certification and ultimate accreditation and will report on its progress accordingly.

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THE MASSACHUSETTS STATE POLICE EFFORTS TO MODERNIZE AND CENTRALIZE

The MSP is modernizing and centralizing its rostering, scheduling, and time-and-attendance system through the switch from PayStation to the Orion application.¹⁴ Orion provides robust scheduling and rostering capabilities with real-time updates and detailed calendar views for civilian employees, troopers, supervisors and central command staff at GHQ. This provides MSP command staff and supervisory personnel with up-to-the-minute updates and information regarding the deployment of all MSP troopers and other resources. PayStation provides no such real-time information. Currently, the MSP command staff at GHQ rely on the manual transmission to GHQ of information from troop commanders and other supervisory staff throughout the Commonwealth in order to have a complete accounting of all MSP employees.

Orion also automatically tracks all hours that a trooper works during regular shifts, overtime and details on a weekly basis; it also includes the extra feature of flagging and preventing troopers from working additional shifts or paid details beyond the maximum hours allowed under the MSP's collective bargaining agreement with the State Police Association of Massachusetts ("SPAM"). This increased accountability alleviates the need to manually track hours worked, both for the individual trooper and for the supervisor approving the trooper's weekly time-and-attendance record.

The implementation of Orion is still in the early trial stages. The Division will continue to collaborate with the MSP and monitor the rollout throughout the MSP in order to mitigate any potential risk of fraud, waste and abuse of public funds throughout the system.

¹⁴ PayStation and Orion are both computer programs that allow troopers to submit their weekly time and attendance remotely from any MSP network computer and also track rostering, scheduling and other data.