



**OFFICE OF THE INSPECTOR GENERAL**  
COMMONWEALTH OF MASSACHUSETTS

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**GLENN A. CUNHA**  
INSPECTOR GENERAL

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**Division of State Police Oversight:  
2020 Annual Report**

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## EXECUTIVE SUMMARY

In July 2018, the Legislature created the Division of State Police Oversight (Division) through the passage of Section 72 of Chapter 22C of the General Laws.<sup>1</sup> 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 state 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 calendar year 2020, the Division focused its attention on four areas of MSP operations:

1. The Division reviewed Troop A's federally funded highway overtime shifts during calendar year 2016. These four-hour overtime shifts are similar, but not identical, to the Accident Injury Reduction Effort (AIRE) shifts that were at the center of criminal overtime abuses by members of Troop E. The review of Troop A overtime shifts was part of the Division's ongoing effort to examine whether comparable overtime abuses exist in other troops. This ongoing review also enables the Division to identify controls and safeguards that should be put in place to prevent overtime abuse in the future.<sup>2</sup>
2. The Division reviewed the original methodology for the Top-50-Earners Quarterly Audit (Top-50 Audit) that the MSP created in conjunction with the Governor's Office of Legal Counsel. At the MSP's request, the Division also reviewed the MSP's proposed changes to the audit, including moving from a quarterly to a weekly audit schedule and selecting the auditees at random. The Division's goal was to determine how to redesign the Top-50 Audit to effectively identify overtime fraud.
3. The Division continued to monitor the MSP's progress in its efforts to achieve certification and accreditation pursuant to Section 72 of Chapter 22C of the General Laws.

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<sup>1</sup> 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. Section 72 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.

<sup>2</sup> After multiple troopers were charged for crimes related to overtime abuse, the MSP abolished Troop E and shifted its responsibilities to other Troops in the MSP.

4. The Division reviewed changes the MSP has made to its time-and-attendance and payroll approval processes during 2020 to determine whether the modifications effectively tighten internal controls in ways that will prevent fraud, waste and abuse of public funds.

The Division found:

1. Records from the radios installed in all MSP cruisers indicate that many troopers in Troop A did not work their full overtime shifts during 2016.<sup>3</sup> However, the Division did not find a comparable scale of overtime abuse as was the case in Troop E.

The individual troopers in Troop E who were convicted in state and federal court failed to work anywhere from approximately 90 to 400 hours of overtime. In Troop A, the Division reviewed 207 overtime shifts and found 93 instances in which police radio records indicated that the trooper was absent for at least 15 minutes of the overtime shift.

Overall, the Division found that only 10 of the 43 troopers assigned federally funded highway overtime shifts in 2016 always worked their full shift. The remaining 33 troopers did not work a combined total of 79.2 hours across 93 shifts. One trooper was absent for more than three hours of an overtime shift. The Division did not find any trooper who was absent for a full four-hour overtime shift.

The Division also found that troopers often treated their commuting time as part of the four-hour overtime shift. However, MSP policy does not permit troopers to use commute time in this way. That is, MSP policy is clear that any commute time is not included in a trooper's hours of work for an overtime shift.<sup>4</sup>

The Division's finding that a trooper was absent for a portion of an overtime shift is not necessarily a specific finding of wrongdoing. Further investigation would be needed to make that specific determination.

2. The Division found that, as originally designed, the Top-50-Audit did not serve the audit's goal of identifying overtime fraud. First, the original guidelines and methodology of the Top-50 Audit primarily ensured that troopers complied with the MSP's policies and procedures as well as with the troopers' collective bargaining agreement (CBA).

Second, because the Top-50 Audit focused on top earners, the MSP repeatedly audited the same high-salaried troopers, who, generally, do not work as much overtime as other troopers.

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<sup>3</sup> In the spring of 2017, several Massachusetts media outlets began reporting about overtime irregularities in Troop E. The Division chose to review highway overtime shifts before the Troop E overtime abuse became public in order to identify the full scope of any potential overtime irregularities in other troops.

<sup>4</sup> Taking a conservative approach, the Division counted commute time as part of the overtime shifts. If troopers' commute time were not counted towards hours worked, per MSP policy, this would increase the number of overtime hours that some Troop A troopers failed to work in 2016.

Third, the top-earners approach also flagged recent retirees whose quarterly pay was inflated by one-time payouts unrelated to overtime.

The Division found the MSP's new practice of conducting weekly audits of troopers who are chosen at random expanded the number of individuals it reviewed. However, the Division determined that the MSP could better achieve the Top-50 Audit's goal of identifying overtime abuse by focusing on troopers who work the most overtime hours.

3. By the end of 2020 the MSP had met over 85% of the mandated standards necessary to achieve certification through the Massachusetts Police Accreditation Commission (MPAC). Additionally, the Division found that the MSP established a Policy Review Committee to review all MSP policies, rules and regulations each year to maintain compliance with all certification and accreditation standards.
4. The MSP enhanced the approval process in PayStation, its time-and-attendance and payroll system, to eliminate the ability of subordinates to review and approve their supervisor's time and attendance records. The Division found that instituting this chain-of-command-based approval process enhanced accountability and reduced the risk of fraud and abuse.

The Division recommends:

1. The MSP clarify through policy and training that highway overtime shifts do not begin until the trooper is present at the assigned shift location, and that the shift continues at the assigned location for four hours thereafter, with the trooper performing their assigned overtime duties.
2. The MSP should stress through policy and training that commute time is not part of the overtime shift.
3. The MSP continue to improve its guidelines and methodology for the Top-50 Audit to take a more fraud-based approach with a primary focus of verifying that troopers are in fact working the total number of overtime hours reported.
4. The MSP should adopt the Division's recommendation, currently under consideration, to focus its review on the troopers who worked the most overtime hours during the review period.
5. The MSP continue its progress towards certification.
6. The MSP continue upgrading PayStation with a focus on mitigating the risks of fraud, waste and abuse of public funds.

## BACKGROUND

### **I. The Office of the Inspector General**

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The Office of the Inspector General for the Commonwealth of Massachusetts (Office) is an independent state 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**

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Established in July 2018, the Division of State Police Oversight (Division) is responsible for monitoring the quality, efficiency and integrity of the MSP's operations, organizational structure and management functions. *See* M.G.L. c. 22C, § 72I. Additionally, the Legislature charged the Division with monitoring policy changes instituted as a result of the MSP's efforts to receive certification or accreditation from 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**

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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.
- The **Division of Administrative Services** provides internal administrative support to the MSP.

## AUDITS, INVESTIGATIONS AND REVIEWS

In 2020, 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 the major areas of the Division's work last year.

### **I. Review of Highway Overtime Shifts**

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In 2020, the Division engaged in a comprehensive review of hundreds of individual trooper overtime shifts in Troop A in the Division of Field Services (DFS). The purpose of the review was two-fold: (1) to examine whether overtime abuse may have occurred in troops other than Troop E; and (2) to identify controls and safeguards the MSP can put in place to prevent such abuse in the future.<sup>5</sup>

Each review of an overtime shift required a detailed analysis of multiple records and data points in order to evaluate whether a trooper worked the entire shift. These records and data included payroll records, cruiser radio affiliation data;<sup>6</sup> portable radio affiliation data;<sup>7</sup> and Daily Administrative Journals (DAJ), which chronicle all events (accidents, arrests, etc.) as well as all personnel shift assignments within the MSP on a daily basis.

Overall, the Division has not found overtime abuse comparable to the abuse found in Troop E. However, the Division did find instances in which individual troopers appear to have been absent during a portion of an overtime shift. Of the 207 overtime shifts reviewed, the Division found 93 instances in which the data indicated that the trooper was absent for at least 15 minutes of the overtime shift. The Division's finding that a trooper was absent for a portion of an overtime shift is not a specific finding of wrongdoing. Further investigation would be needed to make that specific determination.

#### **A. The Division of Field Services**

The DFS is comprised of six troops (A, B, C, D, F and H) covering the entire Commonwealth. Each troop has multiple barracks or stations. For example, Troop A is responsible for the northeastern region of the state, from the New Hampshire border to Revere. It has six stations located in the following cities and towns: Andover (Station A1), Newbury (A2), Concord (A3), Medford (A4), Revere (A5) and Danvers (A6), which cover the whole jurisdiction of Troop A.<sup>8</sup>

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<sup>5</sup> Until 2018, troopers assigned to Troop E of the DFS patrolled and protected the 138-mile length of the Massachusetts Turnpike and the vehicular tunnels in Boston. After multiple troopers in Troop E were charged by the Office of the Attorney General and the United States Attorney for crimes related to overtime abuse, the MSP abolished Troop E.

<sup>6</sup> Cruiser radio affiliation records accurately record the date and time that all troopers' cruiser radios turn on and off.

<sup>7</sup> Portable radio affiliation records can provide similar data regarding troopers patrolling on foot outside their cruiser.

<sup>8</sup> Station A6 in Danvers also serves as Troop A's headquarters. As such, the Danvers station is also referred to as "AHQ." All troops within the DFS have a station that serves as the command and operational headquarters for the entire troop.



Troopers within each station primarily perform a highway patrol function during their daily work shift. That is, each trooper is responsible for patrolling a specific section of a state road or highway and responding to calls for service and assistance, including responding to motor vehicle accidents and disabled vehicles. Additionally, troopers are also expected to enforce all Massachusetts driving laws. They perform all this work within a specific highway location of the troop. For example, a trooper assigned to the Danvers station in Troop A may patrol the sector of Interstate 95 from the New Hampshire border to Route 1 in Danvers during their regular shift.

#### **B. Types of Overtime within the MSP**

Overtime within the MSP's DFS predominantly falls into three categories: regular overtime, court overtime and special enforcement overtime. Most overtime is paid at a rate of 1.5 times the trooper's hourly rate.

The MSP uses regular overtime to meet minimum staffing requirements, such as when a trooper shortage occurs on a shift in a station within the DFS. A trooper also earns regular overtime when they have to work past the end of their regular shift to complete an arrest, respond to a motor vehicle accident, conduct a search or perform some other law enforcement function. The funding source for all regular overtime is the MSP's main operating budget.

When a trooper is not working their regular shift but is required to appear in court on a specific case, the trooper receives court overtime. Unlike regular overtime, troopers are paid at least four hours of overtime for a court appearance, even if the court appearance lasts less than four hours. The funding source for court overtime is also the MSP's main operating budget.

Special enforcement overtime includes specific highway patrols created for a unique enforcement initiative, such as to target speeding, enforce seat belt laws or prevent drunk driving. The National Highway Traffic Safety Administration funds almost all special enforcement highway patrols that support a specific law enforcement initiative. Special enforcement overtime also includes overtime for special events, such as the Fourth of July celebration at the Boston esplanade, and increased police presence at urban parks, beaches and other parks during the warmer weather. Funding for this second kind of special enforcement overtime comes from either the MSP's main operating budget or a specific allocation from the Legislature.

#### **C. Four-Hour Highway Patrol Overtime Shifts**

The overtime fraud that occurred in Troop E involved special highway overtime shifts, which troopers typically worked directly before a regular shift, after a regular shift or on a trooper's day off. These four-hour overtime shifts were part of the now-defunct Accident Injury Reduction Effort (AIRE) aimed at reducing accidents, injuries and fatalities on the Massachusetts Turnpike. AIRE shifts, which were available to Troop E troopers on a daily basis, were unique to Troop E and not available to or utilized in the other MSP troops. They were fully funded through the Massachusetts Department of

Transportation. In 2016, for example, troopers in Troop E ostensibly worked approximately 3,255 AIRE overtime shifts for a total of 13,020 hours.

Troop	2016 AIRE Overtime Shifts	Hours
E	3,255.00	13,020
<b>Total Hours</b>		<b>13,020</b>

While not available on a daily basis, troopers in Troops A, B, C, D and H have periodic opportunities to work special highway overtime shifts similar to the AIRE shifts. Such four-hour overtime shifts include Click-it-or-Ticket shifts (CIOT), which are aimed at seatbelt enforcement; Distracted Driving shifts (DD); which seek to deter people from using their phones while driving; and Sustained Traffic Enforcement Patrols (STEP). STEP overtime shifts involve troopers working in cooperation with local police departments to increase highway safety and prevent motor vehicle-related offenses.

In 2016, troopers in Troop A worked at least 344 CIOT, DD and STEP shifts for a total of 1,376 overtime hours.

Special Overtime Shifts	Special Overtime Shifts Worked	Hours Worked
CIOT	114	456
DD	117	468
STEP	113	452
<b>Total Hours</b>		<b>1,376</b>

CIOT, DD and STEP shifts are funded through grants that the Executive Office of Public Safety and Security (EOPSS) receives from the National Highway Traffic Safety Administration. As set forth in the written funding agreements between the EOPSS and the MSP, troopers working the shifts are expected to engage with drivers in the form of arrests, warnings and civil infractions. Furthermore, the MSP must maintain statistics of these contacts with drivers and reports the statistics to the EOPSS on both a monthly and annual basis. The MSP is also subject to an annual federal audit regarding its use of the funds.

#### **D. The Division’s Review of Individual Trooper Overtime Shifts**

Given the similarities between the AIRE shifts in Troop E and the special highway overtime shifts in other MSP troops, the Division focused its review on CIOT, DD and STEP patrols. The Division began by obtaining time and attendance data for troopers in Troop A who had worked at least 40 hours of overtime in 2016.<sup>9</sup> The data showed that 43 troopers worked 40 or more hours of overtime in 2016. Each of these troopers worked at least one, four-hour CIOT, DD or STEP overtime shift in 2016. In total, these 43 troopers worked 207 CIOT, DD and STEP shifts during 2016.

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<sup>9</sup> In the spring of 2017, several Massachusetts media outlets began reporting on overtime irregularities in Troop E. The Division chose to review special highway overtime shifts before the Troop E overtime abuse became public in order to identify the full scope of any potential overtime irregularities in other troops.

As previously discussed, the Division examined multiple other records related to the troopers' special highway overtime shifts, including cruiser radio affiliation data; portable radio affiliation records; and Daily Administrative Journals. Critical among these are the cruiser radio affiliation records. Cruiser radio affiliation records accurately record the date and time that all troopers' cruiser radios turn on and off. Because troopers are required to drive a cruiser to and from work and during all highway overtime shifts, the cruiser radio should be turned on during the entire shift.<sup>10</sup> For instance, if a trooper worked a highway overtime shift from 3:00 p.m. to 7:00 p.m., the trooper's cruiser radio affiliation data would show that the radio was on during that time.

Conversely, if the data showed that the trooper's radio turned off at 6:00 p.m., it would indicate that the trooper did not work from 6:00 p.m. to 7:00 p.m. Therefore, the Division identified all instances in which a trooper's radio was turned off during a highway overtime shift. Large gaps in radio activity can also indicate that a trooper was not present during the middle of a shift. The Division therefore also took into account such gaps when determining a trooper's presence when other records and data could not confirm the trooper's presence for a particular shift. For example, if a trooper's cruiser radio and portable radio were both off for an extended period during an overtime shift, the Division considered the trooper absent during that portion of the shift unless the DAJ could account for the absence.

Of the 207 shifts reviewed, the Division found 93 instances in which the cruiser's radio affiliation data showed the radio was off for at least 15 minutes of at least one overtime shift, leading to the inference that the trooper did not complete (or was not present for) a portion of the shift. The radio data indicated that when troopers were not present for a full shift, the troopers were absent for an average of 51 minutes.<sup>11</sup> These findings that troopers did not complete certain overtime shifts are based on reasonable conclusions from the data and documentation reviewed. They are not definitive findings that the trooper was engaged in wrongdoing or not working in any law enforcement capacity. Further investigation would be needed to make that determination.

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<sup>10</sup> Portable radio affiliation records can provide similar data regarding troopers patrolling on foot outside their cruiser.

<sup>11</sup> For purposes of these calculations, the Division credited troopers for the time it took to commute to and from the overtime shift; that is, the Division treated the troopers' commute as part of the overtime shift. As discussed in the next section, however, MSP policy does not permit troopers to use commute time in this way.

2016 Individual Special Highway Overtime Shifts				
Trooper	Highway Overtime Shifts	Number of Shifts Partially Absent	Total Minutes Absent	Average Minutes Absent
Trooper #1	13	7	407	58
Trooper #2	10	6	391	65
Trooper #3	10	7	378	54
Trooper #4	9	4	334	84
Trooper #5	9	4	316	79
Trooper #6	10	5	289	58
Trooper #7	4	4	248	62
Trooper #8	1	1	228	228
Trooper #9	8	5	197	39
Trooper #10	5	3	191	64
Trooper #11	3	3	175	58
Trooper #12	9	4	135	34
Trooper #13	8	4	130	33
Trooper #14	4	3	119	40
Trooper #15	6	1	110	110
Trooper #16	5	3	109	36
Trooper #17	9	3	109	36
Trooper #18	14	3	103	34
Trooper #19	3	2	102	51
Trooper #20	7	3	89	30
Trooper #21	6	3	86	29
Trooper #22	3	2	81	41
Trooper #23	2	2	80	40
Trooper #24	4	2	65	33
Trooper #25	1	1	49	49
Trooper #26	2	1	45	45
Trooper #27	3	1	41	41
Trooper #28	3	1	34	34
Trooper #29	3	1	33	33
Trooper #30	2	1	22	22
Trooper #31	1	1	20	20
Trooper #32	7	1	18	18
Trooper #33	6	1	17	17
Trooper #34	2	0	0	0
Trooper #35	1	0	0	0
Trooper #36	2	0	0	0
Trooper #37	1	0	0	0
Trooper #38	2	0	0	0
Trooper #39	1	0	0	0
Trooper #40	1	0	0	0
Trooper #41	1	0	0	0
Trooper #42	5	0	0	0
Trooper #43	1	0	0	0
<b>TOTAL</b>	<b>207</b>	<b>93</b>	<b>4,751</b>	<b>51</b>

Overall, the Division found that 33 of the 43 troopers did not work a combined total of 79.2 hours (4,751 minutes) across 93 overtime shifts.<sup>12</sup> The Division found only one instance in which a trooper was absent for more than three hours of an overtime shift. The Division did not find that any trooper was absent for a full four-hour overtime shift.

**E. Commute Time to and from Overtime Shifts**

Throughout its analysis, the Division found evidence that troopers were treating their commuting time as part of their special highway overtime shifts. As discussed more below, MSP policy does not permit troopers to use commute time in this way. Further, these special highway overtime shifts were funded through specific federal grants, and the funds should not be used for any other purpose.

Because troopers use their cruisers to commute, the cruiser’s radio is turned on while a trooper drives to and from home. Therefore, a cruiser’s radio affiliation data for each shift should show that the radio was on both before and after a trooper’s shift. For instance, if a trooper worked a special highway overtime shift that ended at 7:00 p.m., the radio affiliation data should show that the radio remained on for a period of time after 7:00 p.m., while the trooper drove home.

By examining the cruiser radio affiliation records for the 43 troopers in Troop A, the Division found instances in which the cruiser’s radio affiliation data indicated that the trooper was paid overtime for the trooper’s commute time to or from the overtime shift location. For example, troopers who worked a regular shift from 7:00 a.m. to 3:30 p.m. often worked a special highway overtime shift immediately after their regular shift, from 3:30 p.m. to 7:30 p.m. If that overtime shift was located 30 minutes from their home and the trooper’s cruiser radio turned off at 7:00 PM, it is reasonable to infer that the trooper was commuting home from 6:30 p.m. to 7:00 p.m. and not present for and performing the final hour of the overtime shift.

The Division analyzed the distance and time of travel from the general location of each trooper’s overtime shift to that individual trooper’s residence. To calculate this distance, the Division used the border of the patrol area closest to the trooper’s home. From this analysis, the Division found that troopers in Troop A had an average commute time of 21 minutes to or from the location of the highway overtime shift and their residence.

Highway Overtime Shifts	Average Commute Time in Minutes
Click it or Ticket	18
Distracted Driving	18
STEP	27
<b>Total</b>	<b>21</b>

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<sup>12</sup> “Average Minutes Absent” in the above table represents the total minutes a trooper was absent divided by the number of shifts that the trooper was not present for at least 15 minutes. For example, Trooper #1 was absent for a total of 407 minutes across seven shifts, for an average absence of 58 minutes for those seven shifts.

MSP policy is clear that troopers traveling to and from home to work must perform all necessary law enforcement work during their commute. However, there is no allowance for leaving a shift early to commute home. Even though the Division took the conservative view and gave troopers credit for commute time – by treating the troopers as present for their respective overtime shift – MSP policy does not permit troopers to use commute time in this way. MSP policy is clear that any commute time is not included in a trooper’s hours of work for a regular shift, overtime shift or detail. This fact would only increase the amount of time that Troop A troopers were absent from their highway overtime shifts in 2016. Further, these special highway overtime shifts were funded through specific federal programs; the funds should not be used for any other purpose.

#### **F. Conclusion and Recommendations**

The Division has not found the large-scale overtime abuse, or evidence of the sophisticated fraud schemes, that troopers perpetrated in Troop E. Individual troopers in Troop E who were convicted in state and federal court failed to work anywhere from 90 to 400 hours of overtime in 2016. This is not the case in Troop A. However, the Division did find what appear to be instances in which individual troopers were absent for a portion of their highway overtime shifts in 2016.

The circumstances that led to the overtime abuse in Troop E appear to have arisen from the extensive opportunities to work AIRE patrols, coupled with a lack of oversight and auditing of these same shifts. By contrast, the special highway overtime shifts in Troop A and the other troops are not available on the same scale. In addition, these shifts are subject to additional oversight in the form of quantitative and statistical documentation standards pursuant to the MSP’s agreements with the EOPSS as well as annual federal audits.

Despite fewer opportunities to work highway overtime shifts in Troop A, the Division did find that troopers may have been absent for portions of their overtime shifts on several occasions. The circumstances that led to these instances are not as clear as in Troop E. Regardless of the circumstances, however, the Division’s analysis indicates that the practice was fairly common in 2016. This practice has a negative impact on public safety. Indeed, a trooper’s presence on the highway, highly visible in a police cruiser, cannot be overstated. It is also an inappropriate use of public funds to pay troopers for overtime work that was not fully completed.

Since the overtime abuse in Troop E, the MSP has taken strong measures to increase oversight and accountability throughout the department. These measures include face-to-face meetings between troopers and supervisors before and after each overtime shift, the installation and utilization of automatic vehicle locator (AVL) technology in cruisers, stringent auditing of overtime shifts through the Top-50-Earners Quarterly Audit, and utilization of electronic time-stamped motor vehicle citations for speeding and other motor vehicle violations. These are important, necessary steps.

The Division supports the controls the MSP has put in place and has made additional recommendations to increase oversight and accountability. For example, the MSP should clarify through policy and training that all highway overtime shifts do not begin until the trooper is present at the assigned

shift location and continue at the assigned location for four hours thereafter. The MSP should stress through policy and training that commute time is not part of the overtime shift. More so, the MSP should consistently log each trooper's correct assigned cruiser for the shift and respective shift location in the DAJ.<sup>13</sup> In addition to providing additional oversight, this practice is essential to the MSP's utilization of AVL technology as an internal control measure.

## **II. Review of the Top-50-Earners Quarterly Audit**

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Shortly after the discovery of overtime abuse at Troop E, the MSP and the Governor's Office of Legal Counsel proposed several reforms intended to increase oversight and accountability throughout the department. Included among these reforms was the Top-50-Earners Quarterly Audit (Top-50 Audit), which is an audit of the 50 troopers who received the most earnings in the previous quarter. The goal of this audit was to detect fraudulent activity similar to what occurred at Troop E.<sup>14</sup> In early 2020, the MSP proposed a series of changes to the audit guidelines and methodology; chief among them was a proposal to conduct the audit on weekly basis from a random selection of troopers, rather than auditing the 50 highest earners each quarter. The MSP asked the Division to provide assistance and feedback regarding these proposed changes.

The Division interviewed troopers tasked with performing the quarterly audits and reviewed all MSP audit guidelines and procedures, the MSP's proposed changes to the current guidelines, and all quarterly audits the MSP has submitted to the Governor's Office of Legal Counsel. The Division found the Top-50 Audit, as initially implemented, focused on ensuring that troopers (1) were accurately and completely reporting all time worked in accordance with MSP policy; (2) were not exceeding limits on hours worked per-day and per-week according to the troopers' collective bargaining agreement (CBA); and (3) were properly utilizing accrued leave for overlapping shifts.<sup>15</sup> The Division recommended that the MSP remove these aspects from the Top-50 Audit. The MSP's Staff Inspections Unit routinely conducts similar reviews, and the work is better suited for that unit. Furthermore, the purpose of the Top-50 Audit is to identify overtime fraud, *i.e.*, troopers who were paid for overtime they did not work. Therefore, focusing on violations of MSP policy and the CBA is contrary to the main purpose of the Top-50 Audit.

The Division also found that the Top-50 Audit, as initially implemented, placed too much emphasis on those troopers who earned the most money for the relevant quarter as opposed to troopers who worked the most overtime hours. By focusing on the highest earners, the audit primarily targeted the highest-salaried troopers, who traditionally do not work as much overtime as other troopers. The focus

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<sup>13</sup> It is the MSP's practice to include each trooper's name and cruiser for all shifts in the Daily Administrative Journal. However, the Division did find instances in which the cruiser noted in the journal was incorrect or missing. The MSP does, however, currently require all troopers to enter into PayStation the cruiser used for all overtime shifts.

<sup>14</sup> The audit initially entailed a review of payroll records, DAJs, radio affiliation data and other MSP records. Now, the MSP also utilizes AVL records to conduct these audits.

<sup>15</sup> Troopers must use accrued leave, such as vacation time, when they have to leave a regular shift early in order to work an overtime shift or a detail. That is, troopers cannot get paid "twice" for the same time. To account for this overlap, therefore, troopers must utilize personal or vacation leave during their regular shift hours while working the detail or overtime shift.

on earnings also meant that that the audits often included troopers who had retired during the previous quarter and received a large payout for unused leave time. For example, in 2019, the MSP completed 200 audits. Fifty of the troopers audited had recently retired and only appeared on the list due to large payouts. Similarly, of the remaining 150 troopers audited in 2019, 27 were among the highest-salaried employees at the MSP and were audited for multiple quarters given their high salary. The Division therefore recommended focusing the audit on troopers who worked the most overtime hours. In addition, the Division agreed with the MSP's proposal to perform the audit randomly in order to prevent auditing the same top earning troopers multiple times in a year.

Currently, the MSP conducts a weekly audit of troopers who are chosen at random regardless of their earnings. This practice limits the unnecessary auditing of retired members whose earnings place them among the Top-50 simply because of large payouts for unused leave time; the weekly audits also eliminate the repeated audits of the highest-salaried troopers who do not work as much overtime as other troopers. A weekly audit also uncovers abuses sooner. The MSP also is considering the Division's recommendation to focus on troopers who worked the most overtime hours over a given time period.



## 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). The MSP currently operates under the direction of 148 policies and procedures documented in over 600 pages and organized under the following ten articles: Administrative, General, Investigative, Detainees, Special Occurrences, Support, Tactical Operations, Traffic, Training and Use of Force. During 2020, the Division found that the MSP has met over 85% of the mandated standards necessary to achieve certification from MPAC. The Division also found that it is MSP's intent to meet 100% of the standards necessary to achieve certification through MPAC in the first quarter of 2021. Once it reaches this milestone, MSP will move on to the next step in the certification process in which MPAC assessors conduct a mock assessment of the entire MSP organization. The MSP will correct any compliance deficiencies discovered during the mock assessment, to be followed immediately by the formal assessment by the MPAC assessors.

The Division also found that the MSP established a policy review committee to review all of the MSP's policies, rules and regulations each year to maintain compliance with all certification and accreditation standards. To further assist in this effort, the MSP also contracted with an outside vendor to provide software that will build a modern platform to monitor and track changes in certification standards. This will ensure compliance with the state and national certification standards in the future.

The Division will continue to monitor the MSP's progress towards certification and accreditation and will report on its progress accordingly.

## THE MASSACHUSETTS STATE POLICE EFFORTS TO IMPROVE TIMEKEEPING AND PAYROLL PROCESSES

During 2020, the Division reviewed the implementation of upgrades to PayStation, which is the MSP's time-and-attendance reporting software. The objective of the review was to monitor the MSP's efforts to eliminate existing deficiencies in PayStation in order to reduce the risk of fraud, waste and abuse and to tighten its internal controls.

To accomplish this review, the Division met on several occasions with both civilian and sworn MSP employees charged with upgrading PayStation. The Division also reviewed multiple documents identifying the deficiencies in PayStation, as well as the MSP's plans to upgrade these deficiencies. Lastly, MSP gave the Division an online demonstration of the PayStation upgrades and enhancements as of December 2020.

Prior to these upgrades, the Division found that there were insufficient restrictions regarding who could review and approve other employees' time and attendance in PayStation. For example, prior to the PayStation upgrades, superior officers could direct their subordinates to review and approve the superior officers' time and attendance for payroll processing. Likewise, the Division also found that civilian employees could approve the PayStation entries of sworn employees. Both of these practices were inconsistent with the MSP's reliance on a rigorous chain-of-command to ensure accountability and increased the risk of fraud and abuse. The Division supports the MSP's PayStation upgrades.

The implementation of these and further upgrades is ongoing. The Division will continue to collaborate with the MSP and monitor the rollout of upgrades in order to mitigate the risks of fraud, waste and abuse of public funds.