



### III. State Police Scandals and Criminal Justice Issues

A. **A series of scandals in the State Police point to systemic problems that the self-described expert manager Governor Baker has either failed to detect or has ignored. Both leadership and transparency have been seriously lacking.** Perhaps most egregious was the **failure to report to the state comptroller for many years – thereby concealing it from the public – over \$30 million in annual spending for the 140-member Troop F, which patrols the airport and other Massport property,** and apparently no one in the Baker administration noticed. In addition, enormous amounts of State Police overtime and detail pay have resulted in roughly 1 in 8 of the 2,150 troopers making over \$200,000 per year and some making over \$300,000, despite Governor Baker’s insistence on reducing the state payroll in other agencies. It is alleged that **more than 30 troopers were paid for overtime shifts they did not work, including some who were paid for as many as 100 no-show shifts.** Senior managers at the State Police overseeing these and other scandals have been allowed to retire and retain their full pension benefits. All of this has led to a Boston Globe editorial calling the State Police “a dysfunctional agency” and for “a hold on any more discharges [retirements] for agency leaders until the investigations are complete.” A later editorial, as scandals continued to mount, called for “some political leadership rather than finger-pointing.” At a high visibility news conference on April 3, Baker announced immediate fixes; two days later he acknowledged that the fixes weren’t going to happen quickly (see item 2 below). (Editorial, 2/28/18, “Where’s the accountability of the State Police?” The Boston Globe; Editorial, 3/27/18, “AG’s probe should include Troop F,” The Boston Globe; Rocheleau, M., & Wallack, T., 3/26/18, “At Troop F, rich wages, poor records,” The Boston Globe; Arsenault, M., Andersen, T., & Murphy, S., 3/21/18, “Troopers accused in OT scam,” The Boston Globe; The Boston Globe, 3/20/18, “A timeline of State Police controversies”)

1. **At least 34 troopers in State Police Troop E, which patrols the Massachusetts Turnpike, appear to have collected pay for overtime shifts they did not work.** A federal grand jury is investigating whether the troopers committed fraud and whether supervisors were involved. MA Attorney General Maura Healey is also conducting a criminal investigation. In early 2018, an audit of Troop E uncovered at least 29 troopers who had collected pay for overtime shifts they did not work, including some who got paid for as many as 100 no-show shifts. Ten of these troopers announced they would retire; nine others were suspended without pay due to the audit’s findings; one was already suspended for other reasons; one has been kept on active duty; and some had already retired. On June 1, an additional 5 troopers were identified as having discrepancies between overtime paid and

worked. (Estes, A., & Murphy, S., 6/2/18, “State Police face federal probe,” The Boston Globe; The Associated Press, 6/1/18, “Mass. State Police find more possible cases of overtime pay abuse,” WBUR News; McDonald, D., 3/24/18, “9 troopers retire, 9 suspended after audit,” The Boston Globe)

2. At his April 3, 2018, press conference, **Governor Baker announced immediate fixes for the State Police**: Mass Pike Troop E, where the overtime scandal occurred, would be eliminated, GPS tracking of all cruisers would begin, a department-wide body camera program would be in place by the end of 2018, 10 new positions in inspections and internal affairs would be created, and audits would be conducted of overtime policies as well as quarterly audits of the top 50 earners. **Two days later, it was acknowledged that much of what the Governor had announced wouldn’t be happening quickly if at all**: The GPS tracking could not be implemented immediately because of a lack of software; the use of GPS may need to be negotiated with the troopers’ union; the use of body cameras will also require negotiation with the union; and Troop E will remain in the same physical facilities but will be supervised by officers from other troops. (Stout, M., & Andersen, T., 4/3/18, “Baker eliminates troubled troop unit,” The Boston Globe; Editorial, 4/3/18, “State Police reforms: Off to a good start,” The Boston Globe; Stout, M., 4/4/18, “Union rules likely to slow overhaul at State Police,” The Boston Globe; Stout, M., 4/5/18, “Baker says State Police plan needs union talks,” The Boston Globe)
3. **At Governor Baker’s April 3, 2018, press conference, he also ordered the development of a plan for coordinating State Police and Boston Police jurisdiction** in the areas owned by Massport in Boston’s Seaport district and at the airport, where State Police and Massport Police currently have overlapping jurisdiction. **A month and a half later, Boston Police Commissioner William Evans announced that development of the plan was at a standstill**. The Boston City Council held a hearing on this and invited both the head of the State Police and Baker’s Public Safety Secretary Bennett. Neither showed up. (Stout, M., 5/19/18, “Evans says Seaport patrol talks at standstill,” The Boston Globe)
4. In February 2018, **a State Trooper was suspended when it was reported that she was hired despite having admitted in a federal drug case that she had laundered money and sold drugs**. At the time she applied for her job, she was living in a romantic relationship with one of the two senior officers responsible for her hiring. These two senior officers were also involved in another scandal involving alteration of an arrest report (see item 8 below). (Murphy, S., 4/3/18, “Trooper’s hiring ignored drug-case clues,” The Boston Globe)

5. **The State Police have repeatedly refused to release the locations to which troopers are assigned.** In January 2018, after reviewing requests for these records, the Secretary of State ordered their release. The State Police have refused. **Although Governor Baker says these are public records, he has apparently done nothing to pressure the State Police to disclose them.** (Stout, M., & Rocheleau, M., 3/27/18, “Baker calls State Police record error ‘deliberate’,” The Boston Globe)
  6. In April 2018, it emerged that **over 100 troopers, primarily those working at the airport, have been paid a \$40 per diem for commuting to work** when they used their own cars (as opposed to State Police cruisers). These payments have **totaled \$3.4 million over the last four years** and had not been publicly disclosed before. The average payout is \$8,000 per trooper per year with the highest payout being about \$13,000. Moreover, the state has failed to pay federal taxes on these payments or to report them to the IRS as income for the recipients. **Massachusetts could be billed millions of dollars for unpaid Social Security, Medicare, and income taxes.** (Rocheleau, M., 4/18/18, “More pay for State Police revealed,” The Boston Globe; Lazar, K., 4/26/18, “Taxes not paid on perks for troopers,” The Boston Globe)
  7. In April 2018, **the head of the State Police’s payroll department was charged with embezzling more than \$23,000 over a two-year period.** The individual is facing criminal charges. She supervised the \$290 million State Police payroll and a six-person staff, which handles employees’ pay based on timesheets, overtime, and paid details. (Lazar, K., & Rocheleau, M., 4/19/18, “State Police payroll chief is accused,” The Boston Globe)
  8. In November 2017, **two troopers charged that senior officers forced them to change an embarrassing report on the arrest of a judge’s daughter. The four senior officers implicated in the scandal, including the head of the State Police and his deputy, were allowed to quickly retire with full retirement benefits.** (Editorial, 2/28/18, “Where’s the accountability of the State Police?” The Boston Globe)
  9. In September 2016, **three State Police troopers were suspended for selling used State Police weapons and receiving free personal weapons in return.** (The Boston Globe, 3/20/18, “A timeline of State Police controversies”)
- B. **Governor Baker appears to be doing everything he can to facilitate the draconian immigration policies and practices of President Trump’s Immigration and Customs Enforcement (ICE) agency.** Baker’s initial proposal – to have MA police detain immigrants at the request of federal immigration agents (ICE agents) – was struck down by the state’s Supreme Judicial Court, which ruled in July 2017 that state law did not give local police the

authority to do so. Baker then proposed legislation that would allow (but not require) local police to detain immigrants at the request of ICE. Most recently, **Baker has threatened to veto language attached to the state budget that would clarify the relationship between state and local police and ICE. He has used incendiary and inaccurate statements to describe the legislation:** he has called it “outrageous” and “ridiculous,” falsely claiming that it would prevent MA law enforcement from talking to federal officials about “criminals who are currently in our prisons and have been convicted of terrible crimes ...”. This is not true; the budget language explicitly states that it does not “prohibit or restrain” such communication. (The Berkshire Eagle, 5/30/18, “Governor playing politics with ICE amendment”; Johnson, A., 1/31/18, “Baker proposal would let police detain immigrants at request of federal authorities,” The Boston Globe)

- C. **Governor Baker says he is preparing legislation to reinstate the death penalty in Massachusetts. The death penalty doesn’t deter crime, is racially biased, results in irreversible errors, and is expensive to implement.** Nationally, since 1973, at least 162 people sentenced to death have been released due to evidence of their innocence. Death penalty cases are four times as expensive to prosecute as cases leading to life in prison because of lengthy trials and appeals. Furthermore, the state’s violent crime rate has been declining. (Loth, R., 5/21/18, “Baker’s death wish,” The Boston Globe).
  
- D. **In May 2018, Governor Baker, sounding a lot like President Trump, denounced a judge’s sentencing in a drug case as “ridiculous and outrageous,” and called for the judge to be removed from the bench.** The judge had sentenced to probation a 32-year-old defendant charged with intent to distribute drugs, who had been dealing drugs for only a month and was arrested with half an ounce of heroin and a small amount of cocaine. The defendant’s only criminal record was a dismissed drug possession charge from a decade ago. He lost his job due to his recent arrest but found another one after he was released on bail; he was supporting a wife and two children and faced likely deportation upon conviction. **Baker’s cynical call for the removal of a distinguished judge because of a ruling in a single case** with which he (or his base) disagreed **reflects a disregard for the importance of the independence of the judiciary, as well as indifference to the nuances and complexities of sentencing non-violent drug offenders.** (Gertner, N., 6/1/18, “Irresponsible attacks on a fine judge,” The Boston Globe)
  
- E. **Governor Baker’s Office of the Chief Medical Examiner (ME), which is responsible for investigating violent and unexplained deaths, is not meeting national standards for timely autopsies and death certificates, and in three cases where infants died, the ME’s original findings of death from abusive head trauma, which triggers criminal charges, were changed, months later, to findings of “undetermined” cause of death after the intervention**

**of defense attorneys.** The National Association of Medical Examiners requires that autopsy reports and death certificates be completed within 90 days. Between October 2015 and September 2017, according to the agency’s most recent annual report, only 58% of autopsies and 78% of death certificates were completed within the 90-day timeframe. (Stout, M., 6/2/18, “Demotion follows questions about degree,” The Boston Globe)

- F. **Massachusetts incarcerates some individuals civilly committed for substance use disorders. MA appears to be the only state that does this.** In September 2017, a young man committed suicide while held in prison for a civil commitment for substance abuse. (Editorial, 12/12/17, The Boston Globe)
  
- G. **In August 2017, Governor Baker proposed a new, mandatory minimum sentence for non-violent drug offenders, in contravention of current research, past campaign promises, national trends, and the criminal justice reform law recently passed in Massachusetts that eliminates most mandatory minimum sentences.** (Pattison-Gordon, J., 9/6/17, “Baker proposes new drug-related mandatory minimum,” The Bay State Banner)