

# Former Boston Police Sergeant pleads guilty to overtime fraud

A former Boston Police Sergeant pleaded guilty today in connection with committing over \$25,000 in overtime fraud while assigned to the Boston Police Department's (BPD) evidence warehouse.

Gerard O'Brien, 62, of Braintree, pleaded guilty to one count of conspiracy to commit theft concerning programs receiving federal funds and one count of embezzlement from an agency receiving federal funds. U.S. District Court Judge Nathaniel M. Gorton scheduled sentencing for Oct. 28, 2021.

In September 2020, O'Brien and eight other Boston Police officers were arrested and charged for their roles in an overtime fraud scheme that is alleged to have collectively embezzled over \$250,000 between May 2016 and February 2019. As part of the ongoing investigation, four additional officers have been charged: former officer Joseph Nee, former Captain Richard Evans and former Sergeants George Finch and William Baxter. Finch pleaded guilty on June 1, 2021. Nee and Baxter are each scheduled to plead guilty on June 22, 2021 and June 25, 2021, respectively. On April 8, 2021, Evans pleaded not guilty.

From December 2016 through February 2019, O'Brien submitted false and fraudulent overtime slips for overtime hours that he did not work for two overtime shifts at the evidence warehouse. The first, called "purge" overtime, was a 4 – 8 p.m. weekday shift intended to dispose of old, unneeded evidence. The second shift, called "kiosk" overtime, involved driving to each police district in Boston one Saturday a month to collect old prescription drugs to be burned.

For the "purge" shift, O'Brien claimed to have worked from 4 – 8 p.m., but he routinely left at 6 p.m., and sometimes earlier. Additionally, O'Brien knowingly endorsed the fraudulent overtime slips of his subordinates who, allegedly, also left early from this shift. For the "kiosk" shift, O'Brien and, allegedly, others submitted overtime slips claiming to have worked eight-and-one-half hours, when in fact he and, allegedly, other members of the unit, only worked three-to-four hours of those shifts.

From December 2016 to February 2019, O'Brien personally collected approximately \$25,930 for overtime hours he did not work.

From 2015 through 2019, BPD received annual benefits from the U.S. Department of Transportation and U.S. Department of Justice in excess of \$10,000, which were funded pursuant to numerous federal grants.

The charge of embezzlement from an agency receiving federal funds provides for a sentence of up to 10 years in prison, three years of supervised release and a fine of \$250,000 or twice the gross gain or loss. The charge of conspiracy provides for a sentence of up to five years in prison, three years of supervised release and a fine of \$250,000. Sentences are imposed by a federal district court judge based upon the U.S. Sentencing Guidelines and other statutory factors.

Acting United States Attorney Nathaniel R. Mendell; Russell W. Cunningham, Special Agent in Charge of the Department of Justice Office of the Inspector General, Washington Field Office; and Joseph R. Bonavolonta, Special Agent in Charge of the Federal Bureau of Investigation, Boston Division made the announcement today. Assistance was provided by the Boston Police Department. Assistant U.S. Attorney Mark Grady of Mendell's Public Corruption & Special Prosecutions Unit is prosecuting the case.

The details contained in the charging documents are allegations. The remaining defendants are presumed innocent unless and until proven guilty beyond a reasonable doubt in a court of law.