

# Former Massachusetts State Trooper Sentenced in Overtime Abuse Investigation

A former Massachusetts State Police Trooper was sentenced on June 20 in connection with the ongoing investigation of overtime abuse at the Massachusetts State Police (MSP).

Gary Herman, 45, of Chester, was sentenced by U.S. Senior District Court Judge Rya W. Zobel to one day in prison (deemed served), one year of supervised release with the first three months to be served in home confinement and restitution in the amount of \$12,468. In October 2018, Herman pleaded guilty to one count of embezzlement from an agency receiving federal funds.

Herman was an MSP Trooper assigned to Troop E, which was responsible for enforcing criminal and traffic regulations along the Massachusetts Turnpike, Interstate I-90. In 2016, Herman earned \$227,826, which included approximately \$63,053 in overtime pay.

Herman was paid for overtime shifts that he did not work at all or from which he left early. Herman concealed his abuse by submitting fraudulent citations designed to create the appearance that he had worked overtime hours that he had not, and falsely claimed in MSP paperwork and payroll entries that he had worked the entirety of his overtime shifts. On multiple occasions Herman fabricated bogus citations, copying driver information from citations that he had issued months earlier, in order to be paid for overtime that he did not work at all. In 2016, Herman collected \$12,468 for overtime that he did not work.

The overtime in question involved the Accident and Injury Reduction Effort program (AIRE) and the "X-Team" initiative,

which were intended to reduce accidents, crashes, and injuries on I-90 through an enhanced presence of MSP Troopers who were to target vehicles traveling at excessive speeds.

In 2016, MSP received annual benefits from the U.S. Department of Transportation in excess of \$10,000, which were funded pursuant to numerous federal grants.

Herman is the sixth trooper to be sentenced. In June 2019, retired Lieutenant David Wilson was sentenced to one day (deemed served), two years of supervised release with the first six months to be served in home detention, and restitution of \$12,450; suspended Trooper Heath McAuliffe was sentenced to one day (deemed served), one year of supervised release with the first six months to be served in home detention, a fine of \$4,000, and restitution of \$7,860. In May 2019, suspended Trooper Kevin Sweeney was sentenced to two months in prison, one year of supervised release with the first three months to be served in home detention, a fine of \$4,000, and restitution of \$11,103. In March 2019, former Trooper Gregory Raftery was sentenced to 90 days in prison, one year of supervised release, and restitution of \$51,377. Suspended Trooper Eric Chin was sentenced to one day in prison (deemed served), one year of supervised release with three months to be served in home detention, and restitution of \$7,125. Retired Troopers Daren DeJong and Paul Cesan have pleaded guilty and are awaiting sentencing.

United States Attorney Andrew E. Lelling; Joseph R. Bonavolonta, Special Agent in Charge of the Federal Bureau of Investigation, Boston Field Division; and Douglas Shoemaker, Special Agent in Charge of the U.S. Department of Transportation's Office of Inspector General, made the announcement today. Assistant U.S. Attorneys Dustin Chao and Mark Grady of Lelling's Public Corruption Unit prosecuted the case.