

Massachusetts State Trooper Pleads Guilty in Overtime Abuse Investigation

A suspended Massachusetts State Police Trooper pleaded guilty today in federal court in Boston in connection with being paid over \$5,900 for overtime hours that he did not work.

Kevin Sweeney, 40, of Braintree, pleaded guilty to one count of embezzlement from an agency receiving federal funds and one count of wire fraud. U.S. District Court Judge Nathaniel M. Gorton scheduled the sentencing for Dec. 11, 2018. On Aug. 17, 2018, Sweeney was charged and agreed to plead guilty.

Sweeney 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, Sweeney earned \$218,512, which included over \$97,000 in overtime pay.

Sweeney admitted that between Sept. 1, 2016, and Dec. 31, 2016, he was paid over \$5,900 for overtime shifts that he either did not work at all or from which he left early. Sweeney concealed his fraud 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.

For example, on Dec. 14, 2016, Sweeney claimed in MSP payroll submissions and other paperwork to have worked a "D AIRE" overtime shift from 7:00 p.m. to 11:00 p.m. Sweeney claimed to have written eight motor vehicle citations during that shift and submitted copies of those citations to MSP as evidence that he had worked. Yet, Sweeney's cruiser radio was not turned on during the overtime shift, he did not run any driver

histories during the shift, and Registry of Motor Vehicle (RMV) records reflect that none of the motorists that Sweeney claims to have cited actually received a citation that day.

In another instance, on Dec. 21, 2016, the RMV did have copies of two of the citations Sweeney claimed to have written during the shift, but closer inspection revealed that Sweeney had falsified the times of those citations on the copies submitted to the MSP. The RMV copies revealed that the citations had been written at 5:00 p.m. and 5:05 p.m., which was written on the citations in military time as "1700" and "1705." On the copies of those same citations submitted to MSP, however, Sweeney changed "1700" and "1705" to "700" and "705" so that it would appear to MSP that the citations had been written during the overtime shift that Sweeney did not work. And, like Dec. 14, Sweeney's cruiser radio was not turned on during the overtime shift, he did not run any driver histories during the shift, and Registry of Motor Vehicle (RMV) records reflect that the other six motorists that Sweeney claims to have cited did not actually receive a citation that day.

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 assigned 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. Sweeney received payment for overtime hours he did not work through direct deposits into his bank account that had travelled through interstate and foreign wires.

Sweeney is the sixth trooper charged as a result of the ongoing investigation. On June 27, 2018, former Lieutenant David Wilson, 57, of Charlton; Trooper Gary Herman, 45, of Chester, and former Trooper Paul Cesan, 50, of Southwick, were

arrested and charged with the same crime. Wilson has since been indicted. On July 2, 2018, former Trooper Gregory Raftery, 47, of Westwood, was charged and pleaded guilty. On July 25, 2018, retired Trooper Daren DeJong, 56, of Uxbridge, was initially charged by criminal complaint and has since been indicted.

The charge of theft of government funds provides for a sentence of no greater than 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 wire fraud provides for a sentence of no greater than 20 years in prison, three years of supervised release, and a fine of \$250,000 or twice the gross gain or loss. Sentences are imposed by a federal district court judge based upon the U.S. Sentencing Guidelines and other statutory factors.

United States Attorney Andrew E. Lelling; Harold H. Shaw, 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 and Neil Gallagher of Lelling's Economic Crimes Unit are prosecuting the case.