



OFFICE OF THE INSPECTOR GENERAL
COMMONWEALTH OF MASSACHUSETTS

GLENN A. CUNHA
INSPECTOR GENERAL

**Division of State Police Oversight:
2021 Annual Report**

MARCH 1, 2022

TABLE OF CONTENTS

Executive Summary.....	1
Background	5
I. The Office of the Inspector General.....	5
II. The Division of State Police Oversight	5
III. The Massachusetts State Police.....	5
Audits, Investigations and Reviews.....	7
I. Review of Highway Overtime Shifts.....	7
II. Review of Eight-Hour Paid Details	11
Other Activities	16
I. The Staffing Allocation Working Group	16
II. The MSP’s Efforts to Achieve Certification or Accreditation	17
III. Civil Recoveries from Former Troopers	17

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.¹ 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 the 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 2021, the Division conducted several reviews and made recommendations to improve the MSP's operational efficiency and integrity.

Review of Highway Overtime Shifts in All Troops

In 2021, the Division completed a review across all six MSP troops of federally funded overtime shifts for special enforcement highway patrols. This review began in 2020 with an analysis of 207 overtime shifts that troopers in Troop A worked in 2016. See [Division of State Police Oversight: 2020 Annual Report](#). In 2021, the Division analyzed 1,029 overtime shifts that troopers in the other five MSP troops worked in 2016. These four-hour overtime shifts are similar to the Accident Injury Reduction Effort (AIRE) shifts that were at the center of the overtime abuse by troopers in the now-abolished Troop E.² This review of all troops was part of the Division's effort to examine whether comparable overtime abuses existed in other troops, and it enabled the Division to identify controls and safeguards that the MSP should put in place to prevent overtime abuse in the future.³

Across all six troops, the Division found 490 shifts (40% of all shifts) in which troopers were absent for at least 15 minutes of the shift. While the Division did not find a comparable scale of overtime abuse as in Troop E, it found that troopers were absent for 447.9 hours – or 9% of the hours the troopers should have worked. These findings are based on reasonable conclusions drawn from a comparison of troopers'

¹ 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.

² 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.

³ 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.

cruiser radio records and individual troopers' work schedules. They are not definitive findings that the trooper was engaged in wrongdoing or not working in any law enforcement capacity.

The Division also found that the MSP scheduled 88% of the overtime shifts immediately before or after troopers' regular shifts. Scheduling overtime shifts so that they directly abut troopers' regular shifts may run counter to the MSP's requirements that they schedule these shifts according to relevant crash and arrest statistics in order to maximize the impact of the patrols. Additionally, this scheduling practice does not take account of troopers' travel time between their overtime patrol area and their location at the beginning or end of a regular shift. As a result, their travel encroaches on either the federally funded four-hour overtime assignment or their regular shift. The Division recommended that the MSP alter the start time of all federally funded highway overtime shifts so that they do not directly abut the beginning or end of a trooper's regular shift or duty assignment.

Furthermore, in its 2020 annual report, the Division recommended that the MSP implement mandatory training for all troopers to prevent overtime abuse. In 2021, the MSP created a mandatory online training for all troopers entitled *Ethics: Time, Attendance and Accountability*. This comprehensive training focuses on frontline supervisory roles and responsibilities in order to prevent time fraud and abuse, including overtime abuse. After a full review of the training, the Division recommended that the MSP craft a separate, additional training for supervisors and managers tailored to their unique responsibilities in monitoring and preventing overtime abuse.

Review of Eight-Hour Paid Details

In 2021, the Division reviewed over 1,600 eight-hour details in 2016 for which the trooper claimed to have worked between four and five hours.⁴ At that time, troopers received eight hours of pay for any eight-hour detail lasting more than four hours. The purpose of this review was to determine whether troopers inflated the number of hours they reported working in order to receive eight hours of pay.

The Division found that in 50% of the cases in which a trooper reported working between four and five hours of an eight-hour detail, corresponding cruiser radio records indicated the trooper worked less than four hours. From a cost perspective, this resulted in the potential over-payment of over \$150,000 to troopers for over 3,300 hours not worked. In addition, this conduct violated the MSP's rules regarding paid details.

The Division also found that on July 31, 2020, the MSP and the State Police Association of Massachusetts (SPAM) amended the current collective bargaining agreement (CBA) in a way that can promote waste of public funds.⁵ In particular, when a trooper signs up for an eight-hour detail, the CBA now requires the trooper to be paid for eight hours regardless of how long the detail lasts. The MSP also

⁴ Paid police details are optional work assignments generally involving security or road construction safety that troopers work in addition to their regular work schedule. They are paid for by public or private entities. In 2016, close to 1,700 MSP troopers worked over 67,000 eight-hour paid details and received over \$24,000,000 for this work.

⁵ SPAM is the union that represents all MSP troopers and sergeants.

placed the responsibility for deciding whether the detail should be classified as a four-hour or an eight-hour detail on the public and private entities that request the detail.

The Division recommended that the MSP limit full payment of eight-hour details to instances where the trooper works more than four hours of the eight-hour detail. The Division further recommended that the MSP take a more active role in determining and classifying four-hour and eight-hour paid details to reduce the waste of public funds.

The MSP's Staffing Allocation Working Group

In the spring of 2021, the MSP created the Staffing Allocation Working Group (Working Group). One purpose of the Working Group is to identify when and where troopers can be temporarily transferred in order to maintain minimum staffing levels without increasing overtime costs. The Division met on a weekly basis with the Working Group throughout the year.

Upon recommendations from the Working Group, the MSP temporarily transferred dozens of troopers from its Division of Investigative Services to various troops conducting highway patrols during the summer of 2021.⁶ After these transfers, the Division found that overtime in the troops decreased by over 1,500 hours (8%) in 2021 compared to the same period in 2019.

The Division also found that one of the Working Group's biggest challenges was, and is, maintaining up-to-date, detailed trooper staffing assignments for all the MSP. The Division recommended that the MSP explore software-based solutions to this challenge.

The MSP's Efforts to Achieve Certification or Accreditation

The Division found that the MSP continued to make progress in achieving certification from the Massachusetts Police Accreditation Commission (MPAC). By the end of 2020, the MSP had determined that it was in full compliance with all mandated standards necessary for certification from the MPAC. In April 2021, the MSP underwent a mock certification with the MPAC in preparation for the final assessment. Throughout 2021, the MSP continued to work with the MPAC to resolve compliance gaps identified during the mock certification. The MSP is scheduled to request formal certification from the MPAC's executive board during the first quarter of 2022.

Civil Recoveries from Former Troopers

The Division also provided investigative, analytical and administrative support to the Office's Civil Recovery Unit (CRU) in its efforts to recover unearned pay from former troopers who worked in the now-abolished Troop E. The CRU's mission in the Office is to investigate and develop matters for potential civil recovery, working closely with other units in the Office. As a result of the collaborative efforts of the

⁶ 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.

Division and the CRU, 11 former troopers who worked in Troop E have agreed to repay a total of \$236,610 in unearned compensation for overtime hours they did not work.

BACKGROUND

I. The Office of the Inspector General

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

Established in July 2018, the Division of State Police Oversight (Division) is responsible for monitoring the quality, efficiency and integrity of the Massachusetts State Police's (MSP) operations, organizational structure and management functions. *See* M.G.L. c. 22C, § 72. 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, § 72(c).

III. The Massachusetts State Police

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 MSP divisions, and conducts internal investigations and inspections.
- The **Division of Administrative Services** provides internal administrative support to the MSP.

AUDITS, INVESTIGATIONS AND REVIEWS

In 2021, 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 Division's work last year.

I. Review of Highway Overtime Shifts

In 2020, the Division reviewed 207 overtime shifts that troopers assigned to Troop A worked in 2016. See [Division of State Police Oversight: 2020 Annual Report](#). Continuing this review in 2021, the Division analyzed an additional 1,029 overtime shifts that troopers across all remaining MSP troops worked in 2016. 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. Overall, the Division did not find overtime abuse comparable to the abuse found in Troop E.⁷ However, the Division did find, in all troops, instances in which individual troopers appear to have been absent during a portion of an overtime shift.

In its 2021 review, the Division found that the MSP scheduled 88% of these overtime shifts immediately before or after troopers' regular shifts. Scheduling overtime shifts so that they directly abut troopers' regular shifts may run counter to the MSP's own requirements that they schedule these shifts according to relevant crash and arrest statistics. In addition, scheduling the shifts immediately after each other can lead to overlapping shifts. This scheduling practice did not take account of troopers' travel time between their overtime patrol area and their location at the beginning or end of a regular shift. As a result, their travel encroached on either the federally funded four-hour overtime assignment or their regular shift.

A. The Division of Field Services

The Division of Field Services (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 and has six stations within the 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.⁸ Additionally, troopers are also expected to enforce all Massachusetts driving laws.

⁷ 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.

⁸ Troop F of the MSP is responsible for the policing and security of all Massport properties, including Logan International Airport, as opposed to performing a highway patrol function. As such, it was not subject to the Division's review.

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. The funding source for court overtime is also the MSP's main operating budget.

Special enforcement overtime includes, but is not limited to, 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 many of these special enforcement highway patrols that support a specific law enforcement initiative.

C. 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), which was 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.

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 or engaging in other distractions 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.

CIOT, DD and STEP shifts are federally 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 and Findings

The Division began its review by obtaining time and attendance records for troopers who worked at least 40 hours of overtime in 2016. The records showed that 193 troopers fell into this category. Each of these troopers worked at least one, four-hour CIOT, DD or STEP overtime shift in 2016. In total these troopers worked 1,236 federally funded overtime shifts in 2016.

In conducting its review, the Division compared each individual trooper’s cruiser radio records, which indicate when the trooper turned their radio on and off, to work schedules and logs indicating the time the trooper was scheduled to work a four-hour highway overtime shift. Because troopers drive their cruisers to and from work, the time at which a trooper turns on and off their cruiser radio should closely coincide with the time when the trooper works the four-hour overtime shift.⁹

The Division found 490 shifts (40% of all shifts) in which troopers were absent for at least 15 minutes of the shift. Across all the DFS, the Division found that troopers were not present for 447.9 hours – or 9% of the time the troopers were supposed to work. These findings are based on reasonable conclusions drawn from a comparison of the cruiser radio records and individual troopers’ work schedules. They are not definitive findings that a trooper was engaged in wrongdoing or not working in any law enforcement capacity. Further investigation would be needed to make that determination.

Troop	Overtime Shifts	Incomplete Shifts	Percentage of Shifts Not Completed	Total Hours	Total Hours Absent	Percentage of Time Absent
A	207	93	45%	828	83.2	10%
B	252	61	24%	1,008	34.8	3%
C	250	79	32%	1,000	72.4	7%
D	274	137	50%	1,148 ¹⁰	116.2	10%
H	253	120	47%	1,102	141.2	14%
Total	1,236	490	40%	4,996	447.9	9%

Figure 1. Shifts by Troop.

The Division also reviewed the MSP’s scheduling of federally funded overtime shifts. The MSP’s policy mandates that supervisors responsible for scheduling these federally funded overtime shifts consider relevant crash and arrest statistics in determining the dates, times and locations that will have

⁹ Throughout this review, the Division took the conservative view and gave troopers credit for commute time to and from each overtime shift. Notably, MSP policy does not permit troopers to use commute time in this way. MSP policy is clear that troopers cannot include commute time as part of the trooper’s hours of work for a regular shift, overtime shift or paid detail. Had the Division not credited commute time, the amount of time that troopers were not present for overtime shifts in 2016 would increase.

¹⁰ Troop D had 13 overtime shifts that were eight hours in duration. Accordingly, 274 shifts totaled 1,148 hours.

the most impact. The Division found that the MSP scheduled 1,094 of the 1,236 overtime shifts (88%) immediately before or after troopers' routine regular shifts.

Scheduling the bulk of overtime shifts so that they directly abut troopers' regular shifts is not improper if it is supported by relevant crash and arrest statistics. However, it can lead to the potential waste or abuse of tax dollars. Indeed, this scheduling practice does not take account troopers' travel time between their overtime patrol area and their location at the beginning or end of a regular shift. As a result, their travel may encroach on either the federally funded four-hour overtime assignment or their regular shift.

For example, in one instance a trooper worked a four-hour overtime shift directly before their regular evening shift, which was supposed to begin at 3:00 p.m. This trooper's cruiser radio records indicated that they worked the overtime shift for approximately 3.5 hours and then arrived at their barracks 30 minutes early for their regular shift. The MSP paid this trooper for four hours of overtime using federal funds, despite missing 30 minutes of the overtime shift. Federal funds can only be used for the specifically designated overtime shifts (e.g., CIOT or STEP). The funds cannot be used to travel to or from regular shifts or duty assignments, or for working a regular shift.

E. The Division's Recommendations

Since the overtime abuse in Troop E, the Division found that 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, routine auditing of overtime shifts, and utilization of electronic time-stamped motor vehicle citations for speeding and other motor vehicle violations.

Overtime abuse can also be remediated through targeted, comprehensive training. In its 2020 annual report, the Division recommended mandatory training for all sworn personnel in order to prevent overtime abuse. The MSP has since created and implemented a mandatory online training for all sworn personnel entitled *Ethics: Time, Attendance and Accountability*. This is a comprehensive training that adequately focuses on frontline trooper responsibilities. Also, it stresses adherence to all MSP policies relative to time and attendance and the prevention of overtime abuse and other time fraud.

After a full review of the training, the Division further recommended that the MSP craft a separate training for supervisors and managers. The training should focus on responsibilities unique to supervisors and managers, such as corrective actions, employee evaluations, supervisor liability and personnel investigations. While some of the topics may be similar to the existing training, repetition is always an important reinforcement tool. Having a separate training program for supervisors and managers will reinforce the fact that they have a higher level of responsibility concerning time and attendance.

The Division also recommended that the MSP alter the start time of all federally funded highway overtime shifts so that they do not directly abut the beginning or end of a trooper's regular shift or duty

assignment. This will ensure that the MSP is properly spending federal funds that are designated for specific purposes. For instance, it will ensure that troopers do not need leave overtime shifts early in order to drive to the location of their regular shifts.

The Division will continue to work with the MSP to increase oversight and accountability of overtime shifts through training and other internal controls.

II. Review of Eight-Hour Paid Details

Paid police details are optional work assignments that generally involve security or road construction safety and that troopers can work in addition to their regular work schedule. They can represent a significant source of supplemental income for troopers. For instance, in 2016, close to 1,700 MSP troopers worked over 67,000 eight-hour paid details and received over \$24,000,000 for this work.¹¹ The Commonwealth paid for a large portion of these police details, while private businesses and other entities paid for the rest.

This past year, the Division reviewed records related to a sample of troopers who signed up to work eight-hour paid details in 2016, and who claimed that the detail lasted between four and five hours. At the time, if a trooper worked more than four hours of an eight-hour detail, the trooper was paid for the full eight hours. If the trooper worked four hours or less, they received four hours of pay.

The Division found that in 50% of the instances where the trooper indicated on their time records that they worked between four and five hours of the eight-hour detail, corresponding cruiser radio records did not support the trooper's claim of time worked. From a cost perspective, this resulted in the potential overpayment of \$150,488 to troopers for 3,320 hours that the troopers did not work. In addition, this conduct violated the MSP's rules regarding paid details.

Furthermore, in July 2020, the MSP and the State Police Association of Massachusetts (SPAM)¹² entered into an agreement that requires troopers who sign up for an eight-hour detail to be paid for eight hours regardless of how long they work the detail. The MSP also now places sole responsibility on the entity requesting the detail to decide whether the detail should be four or eight hours long, without any input, guidance or uniformity from the MSP.

A. Paid Details

As discussed above, troopers can work paid details, which involve providing a police presence to a state agency, business or other entity. Most paid details are for roadwork or security purposes, such as a highway paving project or a large outdoor event.

¹¹ As discussed below, police details at the MSP are typically scheduled in four-hour and eight-hour shifts. The \$24,000,000 does not include income from four-hour details or details that went over 8 hours.

¹² The SPAM is the union that represents all MSP troopers and sergeants.

Troopers have been working paid details since 1970. The current rate of pay is \$50 an hour. The MSP pays the troopers in the first instance, but then is reimbursed by the public or private entity that requested the paid detail. A paid detail is not overtime, and the money that troopers earn from paid details is not considered salary for the purpose of calculating a trooper's pension.

Generally, outside entities request paid details through each troop's Paid Detail Office approximately a week in advance of the detail. The Paid Detail Office then notifies troopers of all the upcoming paid details for the following week, and troopers voluntarily sign up for a specific detail. If more than one trooper signs up for the same detail, it is awarded to the trooper who has worked the fewest detail hours over the past five weeks, in accordance with MSP policy and the MSP's collective bargaining agreement (CBA) with the SPAM.

Additional rules governing compensation of paid details are outlined in MSP policies and the CBA. Since 1970, troopers have been guaranteed to be paid for at least four hours, even if the detail does not last that long. For example, if a trooper signed up for a detail for the repair of a guardrail on a highway, and the repair took only two hours, the trooper was paid four hours of detail pay.

Further, until approximately 1990, troopers who worked details that lasted more than four hours were paid for the actual time worked. For example, if a four-hour detail to repair a guardrail lasted six hours, the trooper was paid for six hours.

During the 1990s, the MSP changed its policy to provide that if a detail lasted more than four hours, the trooper was automatically paid for eight hours. For instance, if a trooper worked six hours at a detail, the trooper would be paid for eight hours of detail pay. Importantly, however, if a detail was scheduled to last eight hours but the trooper ultimately worked four hours or less, the trooper was paid for four hours. This changed in 2020.

On July 31, 2020, the MSP and the SPAM amended the current CBA with respect to eight-hour details. Specifically, if a trooper now chooses to work an eight-hour detail, the trooper must be paid for eight hours, regardless of how long the detail lasts. For example, if an eight-hour detail lasts an hour, the trooper is paid for eight hours. Under the new amendment in the CBA, moreover, if a four-hour detail lasts more than four hours, the trooper must be paid for eight hours.

Finally, the MSP also now places sole responsibility for classifying the detail as either a four-hour or an eight-hour shift on the requesting agency or company.

B. The Division's Review and Findings

Last year, the Division reviewed eight-hour details that troopers worked in 2016. The Division found that 1,626 troopers worked 67,783 eight-hour paid details in 2016 and they received \$24,472,336 for this work.¹³ The Division then reviewed records for a sample of 169 troopers who signed up for eight-

¹³ On average, troopers received \$15,000 for these details. This does not include income from four-hour details and details that went over 8 hours

hour paid details in 2016, and who claimed that the detail lasted between four and five hours. As discussed above, in 2016, when troopers worked more than four hours, they were paid for eight hours.

Like its review of overtime shifts, the Division compared each trooper’s time records to their cruiser radio records, which indicate when the trooper turned their radio on and off. Because troopers drive their police cruisers to and from paid details, the time at which a trooper turns on and off their cruiser radio should closely coincide with the time when the trooper worked the eight-hour detail.

The Division identified 1,654 instances in which the 169 troopers in the sample claimed to have worked between four and five hours of an eight-hour detail. In 830 of the 1,654 instances (50%), the trooper’s cruiser radio records did not support the trooper’s claim of time worked. Rather, the radio data support a reasonable inference that the trooper worked less than four hours, which would mean that the troopers should have been paid for four hours, not eight.¹⁴ The discrepancies between time records and radio data varied among the troops. Troop C had the highest discrepancy (60%) and Troop D had the lowest (42%).

Troop	Eight-Hour Details Reviewed	Radio Data Indicated Detail Lasted Under 4 Hours: Number of Shifts	Radio Data Indicated Detail Lasted Under 4 Hours: Percentage of Shifts
A	631	347	55%
B	133	66	50%
C	192	116	60%
D	179	75	42%
F	7	3	43%
H	416	184	44%
Troop N/A ¹⁵	96	39	41%
Total	1,654	830	50%

Figure 2. Eight-Hour Details by Troop.

While these findings are not proof that troopers left details without authorization, they are very troubling in another respect. The possibility that sworn troopers of the MSP would purposefully misrepresent the number of hours worked for financial gain is an abuse of their position as sworn law enforcement officers. It also would violate the MSP’s 2016 practice of limiting payment of eight-hour paid

¹⁴ Throughout this review, the Division took the conservative view and gave troopers credit for commute time to and from each paid detail. Notably, MSP policy does not permit troopers to use commute time in this way. MSP policy is clear that troopers cannot include commute time as part of the trooper’s hours of work for a regular shift, overtime shift or paid detail. Had the Division not credited commute time, the number of instances where troopers claimed to work four to five hours in 2016 may have increased.

¹⁵ In a small number of instances, the Division was unable to determine where the trooper worked the detail due to insufficient information in the time records.

details to four hours of pay when the trooper worked four hours or less. Further, from a cost perspective, these 830 details resulted in the potential overpayment of \$150,448.

Because of the lack of detail in the time records, the Division could not determine how much of the potential overpayment of \$150,488 constituted payment for a public detail funded by public dollars. Clearly, any abuse by a sworn law enforcement officer – whether of public or private funds – is of great concern. Additionally, private entities can, and likely do, pass increased paid-detail costs onto Commonwealth residents, such as in the form of rate or other price increases.

C. The Division's Recommendations

Filling thousands of eight-hour paid details on an annual basis is a significant undertaking and has historically been difficult for the MSP. This is of particular concern with detail requests from public entities where the projects often have aggressive timelines. The challenge for the MSP is to meet the demand for requests for paid details without troopers abusing the compensation system for their own financial gain. The \$150,448 potential overpayment to troopers in the sample from 2016 is emblematic of some troopers possibly abusing the former paid-detail rules.

The MSP has already taken strong measures to increase oversight and accountability throughout the department to prevent the type of abuse referenced above. Among these are the installation and utilization of AVL technology in cruisers, weekly random audits of troopers' time records, the establishment of the Office of Professional Integrity and Accountability, and the *Ethics: Time, Attendance and Accountability* training.

The July 2020 amendment to the CBA regarding eight-hour paid details appears to remove the incentive for troopers to misrepresent the hours they work; specifically, troopers are now guaranteed to receive eight hours of pay regardless of how long the detail lasts. However, the amendment does so at the expense of permitting waste by paying troopers for more hours than they actually worked. As discussed above, state agencies and other public entities pay for many of the details that troopers work, meaning that that the 2020 amendment likely will lead to the waste of public funds.

In order to prevent such wasteful spending going forward, the Division recommended that the MSP limit full payment of eight-hour details to instances where the trooper works more than four hours of the eight-hour detail. The likelihood of adopting these recommendations is low given the new July 2020 agreement between the MSP and the SPAM. However, the MSP should revisit this agreement during future collective bargaining negotiations in order to minimize the wasteful spending resulting from the agreement as outlined above.

Short of renegotiating the amendment to the CBA, the MSP should take a proactive role in determining which details should be designated as four-hour and eight-hour paid details. Leaving this decision solely to the entity that makes the request can lead to wasteful spending. For instance, it could lead to circumstances where an entity requests an eight-hour detail for an assignment that will take less than four hours in order to ensure that the work assignment is filled.

Accordingly, the MSP should work with all requesting entities to implement strong guidelines that contain clear and uniform factors to consider when deciding whether a detail should be four or eight hours long. A more accurate and uniform assessment and classification of an eight-hour detail will limit wasteful compensation to troopers for time not worked. More specifically, the Paid Detail Office responsible for the administration and scheduling of all paid details within each respective troop can take an active role in assessing and classifying four-hour or eight-hour details.

D. Centralized Paid Detail Office

The Division continued to follow up on its past recommendation that the MSP create one, central Paid Detail Office. This central Paid Detail Office would be responsible for the administration of all paid details at one central location. It would utilize uniform practices with a fully electronic, web-based operational platform. Since the Division made this recommendation, the MSP has hired an outside vendor to evaluate centralizing and civilianizing aspects of the paid detail offices. One Central Paid Detail office would also be instrumental in applying strong, clear and uniform guidelines for determining which details should be four hours and which should be eight hours.

OTHER ACTIVITIES

I. The Staffing Allocation Working Group

In November 2020, and in accordance with Section 2 of Chapter 154 of the Acts of 2018, as amended by Section 54 of Chapter 273 of the Acts of 2018, the Edward J. Collins Center for Public Management at the University of Massachusetts Boston (Collins Center) completed a staffing study of the Massachusetts State Police.¹⁶ This study reviewed and updated a prior staffing study conducted in 1993 by the Northwestern University Traffic Institute (NUTI) shortly after the MSP consolidated with Metropolitan District Commission Police, the Division of Law Enforcement of the Registry of Motor Vehicles Police, and the Capitol Police Department. The NUTI study found that in 1993, the MSP suffered a shortage of 270 troopers. The Collins Center study concluded that, in 2019, the MSP needed 514 more troopers. To address this shortfall, the Collins Center identified three potential responses: (1) reduce the mission of the MSP; (2) hire more troopers; and 3) find ways to become more efficient and effective in the use of sworn personnel.¹⁷

In response to the Collins Center's report, the MSP created a Staffing Allocation Working Group (Working Group). One purpose of the Working Group is to identify when and where the MSP can reallocate troopers to optimize the MSP's operations and meet minimum staffing levels without increasing overtime costs. The Division met weekly with the Working Group throughout the year.

Upon the recommendations of the Working Group, the MSP temporarily transferred dozens of troopers from the Division of Investigative Services (DIS) to the Division of Field Services (DFS) in June, July and August 2021. After the temporary transfers concluded, the Division analyzed DFS's overtime costs in the summer of 2021. The Division found that the MSP's overtime dropped by 1,521 hours (8%) compared to the same three months in 2019. While the MSP has staffing challenges, this pilot project demonstrates that the MSP has flexibility regarding personnel assignments and that it can implement changes to reduce overtime costs while maintaining operational integrity.

Lastly, the Division found that one of the Working Group's biggest challenges was, and is, the lack of an up-to-date, central database of staffing assignments for troopers. Stated differently, the MSP does not have one database that tracks which troop or barracks each trooper is assigned to at any given time. This stems from a lack of centralization and lack of a computer-based system to maintain this information. The Working Group has created manual, uniform processes to update and provide this information to MSP Command Staff. While these processes are thoughtful, innovative and provide valuable information to the Command Staff, the Division recommended that the MSP explore software-based solutions to this

¹⁶ The Legislature established the Collins Center in July 2008 with the mission of improving efficiency, governance and accountability at all levels of government with a particular focus on state and local government.

¹⁷ Collins Center for Public Management at the University of Massachusetts Boston, *Deliverable 1: Review and Refresh of the Massachusetts State Police Staffing Study Conducted by the Northwestern University Traffic Institute in September of 1993*.

challenge. Even if such a software-based solution was not feasible for the entire MSP and all its divisions, it could provide an efficient cost-savings assistance solely for the DFS.

II. The MSP's Efforts to Achieve Certification or Accreditation

As part of its legislative mandate, the Division is charged with monitoring policy changes the MSP institutes 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, revising the organization's policies and procedures.

In early 2019, the MSP applied for certification through the Massachusetts Police Accreditation Commission (MPAC). At that time, the MSP operated 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 2021, the Division found that the MSP, through its own internal review efforts, had determined that it was in full compliance with all the mandated standards necessary to achieve certification from the MPAC. In April 2021, the MSP underwent a mock certification in preparation for the MPAC's final assessment. Throughout 2021, the MSP continued to work with the MPAC to resolve all compliance gaps identified during the mock certification process. The MSP is scheduled to seek formal certification from the MPAC's executive board during the first quarter of 2022.

The Division also found that the MSP established a policy review committee to review all 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.

III. Civil Recoveries from Former Troopers

This past year, the Division also worked collaboratively with the Office's Civil Recovery Unit (CRU) to recover unearned compensation from former troopers who worked in the now-abolished Troop E. The MSP's 2018 internal investigation into Troop E found that several troopers claimed to have worked overtime shifts they had not worked or had worked only partially. As a result, the MSP referred its investigation to the United States Attorney's Office and the Massachusetts Attorney General's Office. Federal prosecutors brought criminal charges against eight former troopers and state prosecutors against two. One trooper faced both state and federal charges.

However, multiple troopers were not charged criminally. To hold these troopers accountable, the Division worked in partnership with the CRU to recover the money these troopers received for overtime they did not work. CRU's mission in the Office is to investigate and develop matters for potential civil recovery, working closely with other units within the Office. To that end, the Division engaged in a detailed analysis and review of the MSP's records, data and findings and provided investigative support to the CRU.

As a result of Division's and CRU's efforts, 11 former troopers have agreed to pay back a total of \$236,610 in unearned compensation for hours that they did not work.