



Department of Justice

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NINE BOSTON POLICE OFFICERS ARRESTED FOR OVERTIME FRAUD SCHEME

BOSTON – Nine current and former Boston Police Officers were arrested today and charged in connection with committing over \$200,000 in overtime fraud at the Boston Police Department’s evidence warehouse.

Lieutenant Timothy Torigian, 54, of Walpole; Sergeant Gerard O’Brien (retired), 62, of Braintree; Sergeant Robert Twitchell (retired), 58, of Norton; Officer Henry Doherty (retired), 61, of Dorchester; Officer Diana Lopez (retired), 58, of Milton; Officer James Carnes (retired), 57, of Canton; Officer Michael Murphy, 60, of Hyde Park; Officer Ronald Nelson (retired), 60, of Jamaica Plain; and Officer Kendra Conway, 49, of Boston, were each charged in an indictment unsealed today with one count of conspiracy to commit theft concerning programs receiving federal funds and one count of embezzlement from an agency receiving federal funds. The defendants will make initial appearances via videoconference in federal court in Boston later today.

“I am a strong supporter of the police, especially in these difficult times. But all must be treated equally under the law, regardless of wealth, power or station,” said United States Attorney Andrew E. Lelling. “These officers are charged with stealing taxpayer money, year after year, through fraud. Beyond the theft of funds, this kind of official misconduct also erodes trust in public institutions, at a time when that trust is most needed. I want to thank Commissioner Willie Gross for his cooperation in this case, and the BPD’s Anti-Corruption Unit for its assistance.”

“As law enforcement officers, we have a tremendous responsibility to the public we serve, and therefore must be held to the highest standards of trust and integrity. These police officers are accused of breaking that trust by conspiring to steal hundreds of thousands of dollars to increase their paychecks,” said Joseph R. Bonavolonta, Special Agent in Charge of the FBI Boston Division. “They are the anomaly from the honest and hard-working men and women of the BPD. We’d like to thank Commissioner Gross and his department for their invaluable

assistance in putting an end to this systemic practice and helping us root out these individuals who we believe decided to take advantage of their positions for their own personal gain.”

“Law enforcement officers are expected to perform their duties honorably and with integrity, not to take advantage of the system for personal gain. Today, the OIG, along with the FBI, arrested nine current and former Boston police officers who allegedly submitted time slips that did not reflect the hours they actually worked. The OIG is committed to fully investigating all allegations concerning violations of public trust,” said Guido Modano, Special Agent in Charge of the Department of Justice Office of the Inspector General New York Field Office.

“As a result of an investigation, information was uncovered by the Boston Police Department’s Anti-Corruption Unit regarding alleged payroll/overtime abuse by officers assigned to the Evidence Management Unit. The Federal Bureau of Investigation and United States Attorney’s Office became involved with the criminal investigation into the allegations. As a result of the investigation, former and current Boston Police Officers were indicted by a Federal Grand Jury. Pursuant to applicable law, the officers indicted that currently work for the department have been suspended without pay pending the outcome of the case.” Said Police Commissioner William Gross, “The allegations and behavior alleged in today’s indictments is very troubling and in no way reflect the attitudes of the hard-working employees of the Boston Police Department. I hold my officers to the highest standards and expect them to obey all the laws that they have taken an oath to uphold. News of these indictments sends a strong message that this type of behavior will not be tolerated or ignored and can damage the trust my officers have worked so hard to build with the communities we serve.”

According to the indictment, the defendants were assigned to Boston Police Department’s (BPD) Evidence Control Unit (ECU), where they were responsible for, among other things, storing, cataloging and retrieving evidence at the warehouse. ECU officers were eligible to earn overtime pay of 1.5 times their regular hourly pay rate for overtime assignments. It is alleged that beginning in at least May 2016, the defendants routinely departed overtime shifts two or more hours early but submitted false and fraudulent overtime slips claiming to have worked the entirety of each shift.

One overtime shift, called “purge” overtime, was focused on reducing the inventory of the evidence warehouse. The shift was supposed to be performed from 4:00 to 8:00 p.m. on weekdays. On days which the defendants claimed to have worked until 8:00 p.m., the warehouse was closed, locked and alarmed well before 8:00 p.m., and often by 6:00 p.m. or before. Despite this, it is alleged that the defendants routinely submitted false and fraudulent overtime slips claiming to have worked from 4:00 to 8:00 p.m. Supervisors, who also left early from this shift, allegedly submitted their own false and fraudulent slips and also knowingly endorsed the fraudulent overtime slips of their subordinates.

Another shift, called “kiosk” overtime, was available to two ECU officers one Saturday a month from 6:00 a.m. to 2:30 p.m. This shift involved collecting materials, such as unused prescription drugs, from kiosks in each police district in the city and then transporting the materials to an incinerator in Saugus. It is alleged that defendants who performed this overtime

shift routinely submitted overtime slips claiming to have worked eight and a half hours when in fact the defendants frequently completed the work and left the shift early, often before 10:00 a.m.

Between May 2016 and February 2019 the defendants allegedly collectively embezzled over \$200,000 in overtime pay. According to court documents, Torigian received over \$43,000 for overtime hours he did not work; Twitchell, O'Brien and Doherty each received over \$25,000 for overtime hours they did not work; Carnes and Lopez each received over \$20,000 for overtime hours they did not work; and Murphy, Nelson and Conway each received over \$15,000 for overtime hours they did not work.

From 2016 through 2018, 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.

U.S. Attorney Lelling, FBI Boston SAC Bonavolonta and DOJ-OIG SAC Modano made the announcement today. Assistant U.S. Attorney Mark Grady of Lelling's Public Corruption & Special Prosecutions Unit is prosecuting the case.

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

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