

**Department of Justice**  
U.S. Attorney's Office  
District of Massachusetts

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FOR IMMEDIATE RELEASE  
Friday, June 4, 2021

## **Former Boston Police Sergeant and Officer to Plead Guilty in Overtime Fraud Scheme**

BOSTON – A former Boston Police Sergeant and a former officer have agreed to plead guilty in connection with an ongoing investigation of overtime fraud at the Boston Police Department's (BPD) evidence warehouse.

Gerard O'Brien, 62, of Braintree, and Diana Lopez, 56, of Milton, have agreed to plead 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. O'Brien is scheduled to plead guilty on June 17, 2021. A plea hearing for Lopez has not yet been scheduled.

In September 2020, O'Brien, Lopez and seven 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. Nee has agreed to plead guilty but a date has not yet been set. Finch pleaded guilty on June 1, 2021 and Baxter is scheduled to plead guilty on June 25, 2021.

It is alleged that, O'Brien and Lopez submitted false and fraudulent overtime slips for overtime hours that they 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 and Lopez claimed to have worked from 4 – 8 p.m., but they 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, Lopez and, allegedly, others submitted overtime slips claiming to have worked eight-and-one-half hours, when in fact they and, allegedly, other members of the unit, only worked three-to-four hours of those shifts.

From December 2016 through February 2019, O'Brien personally collected approximately \$25,930 for overtime hours he did not work. From January 2016 to February 2019, Lopez personally collected approximately \$36,018 for overtime hours she 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.