

AN 'ADMINISTRATION' OF

Testimony: Abuses kept Suffolk police in fear of law enforcement leaders

BY NICOLE FULLER

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A tracking device was planted on the vehicle of a high-ranking cop believed to be an enemy of Suffolk Chief of Police James Burke.

A high-ranking intelligence officer feared he was going to be killed to keep him from exposing a wide-ranging scandal involving the county's top law enforcement officials.

There was a "demotion party" because a police official seen as a Burke opponent was reduced four ranks.

These were among the startling revelations in the testimony of police officers and other law enforcement officials at the trial of former Suffolk District Attorney Thomas Spota and his anti-corruption chief, Christopher McPartland. They were convicted last week in federal court of conspiracy, obstruction of justice, witness tampering and acting as accessories to the deprivation of the civil rights of a prisoner for helping to conceal the beating of a handcuffed prisoner by Burke — Spota's protégé — in what federal prosecutors said was a corrupt conspiracy in one of the country's largest suburban police departments.

The trial testimony depicted a police department that was under siege from — and in fear of — the law enforcement leaders of Suffolk County.

Prosecutors said Spota — who served as district attorney more than 15 years — McPartland and Burke dubbed themselves "The Administration" and were the most powerful men in the county. The government said they ruled Suffolk law enforcement by threatening their perceived enemies with demotion and career-ending false criminal charges.

"It sounds like the Gambino crime family and not the Suffolk County district attorney's office and police department," said Joseph Giacalone, a retired NYPD sergeant from Long Island and criminal justice professor. "Unfortunately, it paints the



Thomas Spota leaves federal court in Central Islip after he was found guilty on all felony charges on Tuesday.

whole law enforcement apparatus in Suffolk County as corrupt. You know the old saying, 'the fish rots from the head down.'

Burke had previously pleaded guilty in 2016 to the beating of prisoner Christopher Loeb and served most of his 46-month prison sentence.

'At your own peril'

Assistant U.S. Attorney Lara Treinis Gatz, one of the four prosecutors who tried Spota and McPartland, told jurors in closing: "You did not want to be an enemy of Jimmy Burke, because he was known far and wide as the most vindictive, spiteful, ruthless man around. . . . He was even more powerful as the favorite of the district attorney and the chief of public

corruption — and even more powerful because he had the [police] unions in his pocket. Burke seemed untouchable, invincible, unbeatable — a man you crossed at your own peril."

Witnesses testified Burke used criminal intelligence detectives — who were supposed to be combating some of the county's toughest crime issues — as his own personal concierge and private investigators: They ferried him off to the airport, did surveillance on his girlfriend's son and even spied on Suffolk County Executive Steve Bellone.

And the district attorney's office conducted a four-month wiretap of a police detective's phone — allowing Burke to get information on his perceived enemies under the ruse of pro-

tecting the safety of officers, according to federal prosecutors.

Det. John Oliva, whose phone was wiretapped, ultimately pleaded guilty to a charge of official misconduct after Spota's office accused him of leaking information to *Newsday* reporter Tania Lopez, who wrote several stories about Burke and Spota. He ended up losing his job.

Federal prosecutors said the message to the 2,500-officer force was clear: If you messed with "The Administration," the consequences could be career-ending.

Witnesses testified cops called it getting "Oliva'ed."

"That's what they do, they try to ruin you professionally, ruin you with your fellow officers to turn everyone against

you," said Oliva, who did not testify at the trial.

"These were individuals engaged in a corrupt conspiracy and willing to destroy careers and lives if it helped their operation," Bellone said last week. "A key part of that was targeting perceived political enemies. It was the complete warping of the criminal justice system here."

The government contended during the trial that Spota's determination to keep Burke out of jail after the top uniformed cop assaulted Loeb led him to abandon his duty as Suffolk's chief law enforcement officer and carry out a three-year conspiracy to cover up the beating.

In some ways, the trial became the one Burke never had, with two of the detectives who took

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part in the beating testifying about the assault on Loeb and how pressure to keep quiet about it changed their lives and careers.

Treinis Gatz told jurors in the prosecution's closing argument that Spota was the "CEO" of the conspiracy while McPartland, Spota's former right-hand man, was the scheme's "chief operating officer" as they broke the law they were supposed to enforce.

Defense contention

The defense had said at trial that Spota, 78, of Mount Sinai, and McPartland, 54, of Northport, couldn't have tried to conceal Burke's guilt because the former police chief never confessed to them before admitting his crimes in February 2016 in federal court.

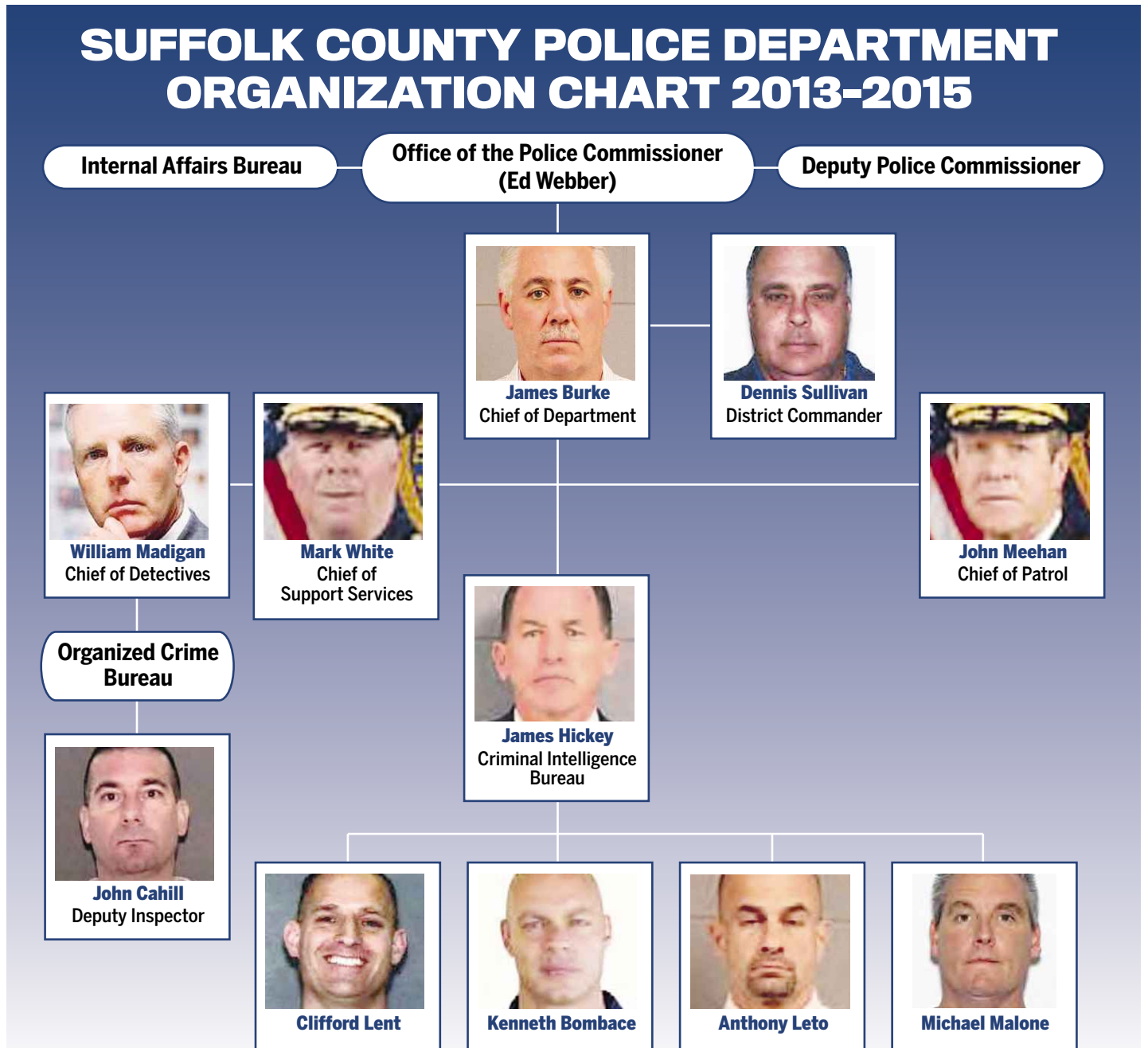
"We are deeply disappointed by the verdict, which in our view was not supported by the credible evidence at trial," said McPartland's attorney, Larry Krantz of Manhattan. "We will relentlessly continue our legal fight for Chris, who has always maintained his innocence."

Spota's attorney Alan Vinegrad has declined to comment.

Loeb's assault at the Fourth Precinct in Hauppauge on Dec. 14, 2012, happened hours after the now-recovering heroin addict broke into Burke's department vehicle in St. James and stole a Police Athletic League duffel bag. The duffel, which prosecutors dubbed Burke's "party bag," had items inside it that included his gun belt, ammunition, a box of cigars, police union cards, sex toys, pornography and Viagra, testimony showed.

Some of the detectives who participated in the beating testified they feared that Burke, Spota and McPartland would set them up on false charges — or target their own children — if they crossed the trio.

Det Lt. James Hickey, the commanding officer of criminal intelligence who was the government's star witness, said Burke reigned with fear and demanded loyalty. He testified he feared for his life in fall 2015 when he met Burke alone in a restaurant parking lot after getting a federal subpoena in the



Loeb case.

"I was very concerned he wanted to kill me," Hickey said of Burke, explaining how the chief was "scared, agitated, nervous" and "really on edge" when the two met outside a Ground Round restaurant after Hickey got the subpoena.

Burke, according to Hickey, got on his hands and knees and looked for GPS tracking devices

on their cars in the parking lot. The prosecution witness said the cover-up effort was falling apart at the time and Burke knew it. Hickey said he wanted to meet Burke in a public place because he was afraid of him.

Hickey said Spota, McPartland, Burke, former chief of detectives William Madigan and he formed a group nicknamed "The Inner Circle," a coalition

of five high-powered, corrupt insiders who were behind the cover-up and would take collective aim to discredit and punish their enemies. Hickey pleaded guilty in January 2016 to conspiracy to obstruct justice and is awaiting sentencing.

Former Det. Anthony Leto recalled Burke punching, kneeling and shaking Loeb by his ears while also threatening to give

him a "hot shot" — a deadly drug dose. Before that, Leto said, he and detectives Kenneth Bombace and Michael Malone hit Loeb while trying to get him to confess.

Leto told jurors he retired in 2015 and later pleaded guilty to obstructing a federal investigation. He struggled to stay com-

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Vested interest in safety

After friendly-fire death, custom-fit NYPD protection

BY MATTHEW CHAYES
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Slimmer and lighter bullet-resistant vests for police detectives are being tested in the NYPD, a reaction to February's inadvertent killing of a city cop from Calverton by a fellow cop, department brass said Friday.

Under the pilot program costing \$550,000, 550 of the NYPD's approximately 5,000 detectives will be custom-fitted with vests that are easier to put on quickly and fit with the suits and ties that many detectives wear, said Police Commissioner Dermot Shea.

He and other department brass joined Leanne Simonsen, the widow of Det. Brian Simonsen, at his 102nd Precinct in Richmond Hill, Queens, to distribute the first 16 of the new vests, which are being funded by the private Police Foundation.

"She herself handed the first



About 550 NYPD detectives will get the new lighter, slimmer vests under a \$550,000 pilot program.

vest to Brian's partner, and then we threatened them: We better not see you at a crime scene without one of these beautiful vests on," Shea said later at a news conference.

Simonsen, 42, was shot once in the chest by another officer Feb. 12 while responding to the at-

tempted robbery of a cellphone store in Queens by a man who was later found to have had a toy gun. His attorney said in court that he was trying to commit suicide by cop. Charges against the man, who was also shot by police, have been filed and he is awaiting trial.

Simonsen, in plainclothes, was not wearing his vest. Officers fired a total of 42 shots.

On Friday, Rodney Harrison, the NYPD's chief of detectives, said that after Simonsen's killing, the department began to look into vests that detectives would actually wear.

"This all began the day after the horrible day that Brian was killed," Harrison said, explaining: "Why are investigators wearing raid jackets but not wearing bullet-resistant vests? We know why: The vests are bulky and they don't fit under their suit jackets."

Shea said the new vests are lighter and have a zipper on the front. He said, "We have 100 percent confidence" that the vests work. The pilot will examine: "Are they actually wearing it?"

"The pilot isn't to do with whether it stops a round," Shea said. "We know it's going to stop the rounds. It's actually, is it going to be worn?"

The usual vests, worn by cops doing enforcement duty, are designed for those in uniform, Shea said.

An NYPD video shows the widow helping distribute the

new vests, with a gold detectives' shield in one corner and "POLICE" across the front and "NYPD POLICE DETECTIVE" on the back, and giving a hug to one of the recipients.

Depending on the results of the pilot and funding, the program could be expanded city-wide to all detectives, Harrison said.

The vests, sold by Armor Express, were paid for with help from the Police Foundation, which supplements the NYPD's municipal budget of \$5.6 billion. Money for the vests came from sources including billionaire grocer John Catsimatidis, billionaire investor Mario Gabelli, the Detectives' Endowment Association labor union, the Hank Greenberg/The Starr Foundation and the Rudin family, said the foundation's president and chief executive, Susan Birnbaum.

The Rudin family were the ones who helped fund the first police vests about 50 years ago, she said.

Among the vests at the precinct was one in a frame, bearing a patch with Simonsen's name.

Police worked under siege by leadership

COPS from A7

posed while testifying about how lying about the Loeb case helped destroy his marriage and his relationship with his children, while ending his career.

Leto said he feared Suffolk police or prosecutors would fabricate criminal charges against him or his family if he didn't go along with the cover-up. He retired in 2015 and later pleaded guilty to obstructing an investigation.

Bombace, now retired, testified that he stashed his family at a hotel before appearing in October 2015 before a federal grand jury about the conspiracy. Bombace, who testified with an immunity deal, said he also had feared he or his family would be falsely accused of a crime if he testified honestly about Loeb's beating from the start.

Under an immunity deal, Suffolk Det. Brian Draiss — who is



Christopher McPartland

still on the job — testified that he feared crossing Burke. He said he purposely didn't mention to the FBI, to a special prosecutor and during his testimony in Loeb's case in state court that sex toys were among the items found in Burke's gym bag.

"There were a whole host of things that could happen to you if you embarrass your boss's boss," Draiss said. "The department was very polarized at that time. If you were against . . . [Burke] there would be retribution taken against you."

Trial witness Patt Cuff, an assistant chief in the chief of patrol's office who was perceived to be an enemy of Burke, said he was demoted four ranks to captain when Burke ran the department. And when his 18-year-old son was arrested on a misdemeanor gun possession charge, Spota's office threatened to raise the charge to a felony, he testified.

It was in this culture that the intelligence detectives kept their mouths shut — afraid, they said, to be branded a "rat" by Burke and McPartland, who used the phrase frequently to deride others, the witnesses testified.

Leto said he lied when he testi-

fied in an Oct. 28, 2013, hearing in the Loeb case and didn't have the option to plead the Fifth Amendment to avoid self-incrimination because he feared for his job and his family.

Lawrence Levy, the executive dean of the National Center for Suburban Studies at Hofstra University, said when Spota became the Suffolk district attorney after defeating James Catterson, he was seen as a reformer. The convictions of Spota and McPartland represent an opportunity for a renewed focus on government corruption, Levy said.

"It would be really sad if people on Long Island are just shrugging this off as business as usual, because it's not," Levy said. "And there's a chance, again, for Suffolk to put a microscope on the problem, and more importantly to do something about it by instituting the reforms necessary to make sure

the public does have confidence in its police department."

A police department Internal Affairs lieutenant attended just about every day of trial testimony, taking notes at times.

Suffolk Police Commissioner Geraldine Hart, a former FBI agent, said in a statement after the verdict that the department had been monitoring the case, is reviewing the testimony and would "take appropriate action if necessary."

"The actions of former District Attorney Thomas Spota and his chief aide Christopher McPartland go against everything that this department stands for, and it is unfortunate that their illegal activities could cast a negative light on the public's perception of this police department," she said. "Instead of supporting the proud men and women of this department, this trio focused on corruption and cover-ups."