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WITNESS: SPOTA DEMANDED TO KNOW WHO 'FLIPPED'

Ex-police official testifies then-DA
was in a panic when he learned
cover-up effort was exposed

A2-4 | SUBSCRIBE TO NEWSLETTER AT [NEWSDAY.COM/POWERONTRIAL](https://www.newsday.com/powerontrial)



4 men in search of a talker

BY JOYE BROWN
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“Wait, wait, wait, wait,” Thomas Spota, Suffolk’s former district attorney, was quoted as saying in June 2015 after being told that the U.S. Attorney’s Office in the Eastern District had reopened an investigation into the assault of Christopher Loeb.

“That is impossible,” former Suffolk Lt. James Hickey said Spota said. “The case file has been returned to us.”

A few minutes later, Hickey quoted Spota as saying to him, “Somebody’s talking and you better find out who it is, fast, if it isn’t too late already.”

Hickey, in testimony Tuesday in the trial of Spota and Christopher McPartland, former head of Spota’s anti-corruption unit, said that he, Spota, McPartland and then-Suffolk police Chief of Department James Burke were in Spota’s office at the time.

“Who do you think is talking?” Spota asked Hickey a few minutes later, according to the testimony.

Hickey suggested that it could be one of his detectives, Kenneth Bombace.

“If he talks, he’s dead here in Suffolk County,” Hickey quoted Spota — who sat at the defendant’s table writing on a tablet — as saying. “He will never work here again. I will see to it.”

At several points, Burke and McPartland joined in.

“Tommy,” Hickey quoted Burke as saying, “Can you believe they are going to put me in jail for tapping a junkie thief on the top of the head?”

“I told you,” Hickey quoted Spota as replying, “I told you, you never should have left here.”

Burke, in speaking to Hickey, told him to warn Bombace and the other detectives who had assaulted Loeb.

“Remind them,” Hickey quoted Burke as saying, “what happens when you go against ‘The Administration.’”

“What did Mr. McPartland say?” Assistant U.S. Attorney

SPOTA SOUGHT NAME

Former lieutenant testifies on alleged beating cover-up

The June 2015 revelation that federal officials had reopened an investigation into whether Suffolk Police Chief James Burke beat a prisoner put District Attorney Thomas Spota into a panic, and he demanded to know who “flipped” and exposed the cover-up effort, a government witness testified Tuesday at Spota’s trial.

“Somebody’s talking. You better find out fast, if it’s not too late,” Spota told ex-Suffolk police Lt. James Hickey during a meeting in Spota’s office in Hauppauge, Hickey recalled.

Hickey, in testimony that directly tied Spota to the alleged conspiracy, told jurors in U.S. District Court in Central Islip that Spota also asked him: “Who do you think flipped?”

The prosecution witness said Burke and Spota’s anti-corruption chief Christopher McPartland, his current co-defendant, also were there — four of the five members of a group that called themselves “The Inner Circle,” all trying to figure out why the cover-up they’d cooked up after the 2012 beating was crumbling.

Hickey said he suggested perhaps one of the police officials involved had been scooped up or “kidnapped,” a technique used by law enforcement in which a potential witness is approached discreetly and persuaded to be interviewed by federal officials.

But Spota shot down that idea, the witness said.

“The feds don’t do that. The feds show up at your house at 6 in the morning. They show up at your job. They try to embarrass you. They’re bad people,” Hickey said Spota replied.

The district attorney believed Kenneth Bombace, one of the three detectives who took part in the prisoner assault, was the “weak link,” Hickey recalled.

He said Suffolk’s top law enforcement official then issued a threat against Bombace.

“If he talks, he’s dead here in Suffolk County. He’ll never

work here again. I’ll see to it,” Hickey said Spota told him.

Burke also gave Hickey a message for Bombace and two other detectives from the criminal intelligence unit who also took part in beating prisoner Christopher Loeb, according to the witness.

“Remind those guys,” the Suffolk police chief of department said, “what happens to guys who go against the administration.”

Hickey took the stand in the third week of Spota and McPartland’s obstruction of justice trial.

The key prosecution witness said he also was part of the “The Inner Circle,” along with then-Chief of Detectives William Madigan. Hickey said the group’s nickname was coined in November 2005, when he began leading the police department’s criminal intelligence unit.

The 55-year-old former cop said he took part in the cover-up attempt after Loeb’s beating because he knew what would’ve happened if he refused.

“If you cross Tom Spota, Chris McPartland, Jimmy Burke, you have made sworn enemies of the three most powerful men in Suffolk County,” Hickey said.

Other participants

Besides members of “The Inner Circle,” Hickey said four detectives and detectives’ union official Russ McCormack also participated in the cover-up effort. He identified the detectives as Bombace, Anthony Leto, Michael Malone and Cliff Lent.

Hickey said members of “The Inner Circle” would destroy enemies financially, personally and professionally, even going after a target’s family.

“I was in ‘The Inner Circle’ for 10 years. I know how they operate,” the witness said. As the group saw it, “if you crossed one, you crossed all,” according to Hickey.

“If Burke hated them, Spota



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This story was reported by **Nicole Fuller, Robert E. Kessler, Bridget Murphy** and **Michael O’Keeffe**. It was written by **Murphy**.

hated them, McPartland hated them, I hated them and Madigan hated them,” the witness said.

To act otherwise would be “seen as disloyal,” and “you would be out of ‘The Inner Circle,’” he added.

Hickey also detailed for jurors the dynamics of the relationships among some group members. “Spota,” Hickey said, “was Burke’s fiercest defender and protector.”

McPartland, he said, “would be the first person Jimmy turned to when he was in trouble.” And Spota, Hickey testified, “relied heavily on Chris.”

Hickey said he retired in December 2016 after 30 years on Suffolk’s police force to preserve his pension before pleading guilty to obstruction of justice in federal court a month later.

“I participated in the cover-up of an assault on a prisoner by my then-boss, James Burke,” the witness told prosecutor Lara Treinis Gatz.

Spota and McPartland, who maintain their innocence, say they couldn’t have been part of trying to conceal Burke’s actions because Burke never admitted his guilt to them.

Spota, 78, of Mount Sinai, and McPartland, 54, of Northport, have pleaded not guilty to charges of conspiracy, obstruction of justice, witness tampering and acting as accessories to the deprivation of Loeb’s civil rights.

Burke, who was Spota’s top

investigator before he became chief, punched Loeb in a police precinct hours after the now-recovering heroin addict stole a bag from Burke’s police vehicle on Dec. 12, 2014, according to testimony.

Burke pleaded guilty in early 2016 and served most of a 46-month prison sentence before his release to home confinement last year.

The defense already has taken aim at Hickey’s credibility, citing mental problems and alcoholism.

But Hickey’s demeanor was steady and confident Tuesday as he continued to field questions from the prosecution, including some that drilled down into his perceptions of the mentality of those who had been in charge of Suffolk law enforcement.

Hickey said in addition to “The Inner Circle” moniker, that Spota, Burke and McPartland called themselves “The Administration” as the three men in charge of law and order in the county.

Hickey’s detectives in the criminal intelligence unit were known as the “palace guard” of Burke’s kingdom, the witness added. “They would do anything and everything their king, Burke, would ask them to do,” Hickey added.

When it came to the Loeb beating, the palace guards didn’t let their king down, Hickey said Burke told him.

Later that same day, Burke gave Hickey a description of Loeb’s beating in the Fourth Precinct and said Burke was in a celebratory mood.

“Burke told me that the criminal intelligence detectives did themselves proud, that they beat the hell out of Christopher Loeb,” the witness said.

Hickey testified that McPartland was specially chosen to prosecute Loeb, with Burke remarking: “Chris will take care of it, bro.”

Burke and other detectives involved in Loeb’s assault later bragged about it at the criminal intelligence unit’s holiday party at Oheka Castle, according to Hickey.

No one was worried about Loeb then, he said.

But the witness said that

See **POWER** on **A4**

OF INFORMANT: WITNESS

Suffolk County police organizational chart, 2013-2015



changed “dramatically” in January 2013, when another detective, Robert Trotta, posed questions at the Fourth Precinct about whether other cops saw Burke beat a prisoner there.

Trotta retired from the police force after his election that November as a Suffolk legislator. But his questions earlier that year “set off major alarms in ‘The Inner Circle,’” Hickey said.

Trotta, along with John Oliva and William Maldonado, were the detectives that in September 2012 Burke took off a federal task force investigating MS-13-linked homicides, the witness told jurors.

The three were loyal to the

feds, “who we hate,” Hickey recalled Burke saying.

The witness said the real reason behind their removal was to cut Trotta’s ties to federal officials to minimize his power.

Spota became worried about Trotta and Burke was panicked after Trotta’s visit to the Fourth Precinct, Hickey said.

Didn’t expect OK

But the witness recalled McPartland said he didn’t think federal officials in Washington would approve an investigation into a chief’s actions since Loeb didn’t suffer serious injuries and was “a career criminal.”

The witness told Treinis Gatz,

the prosecutor, that no one ever made a comment that there was nothing to worry about because Burke was innocent.

“We talked openly about it, about the fact that Burke beat the hell out of a prisoner and we had to cover it up,” Hickey said.

That same month, “The Inner Circle” took aim at a new target after a *Newsday* article by Tania Lopez about the removal of the detectives from the task force.

Hickey said Oliva, believed to be leaking to Lopez, had become an enemy.

The witness said Burke, whom he’d heard leak stories to many *Newsday* reporters, called Oliva

a “rat” who deserved retaliation.

Former Suffolk prosecutor Spiros Moustakas previously testified about a wiretap investigation to see if Oliva was leaking confidential information to the media, saying Spota spent a lot of time in 2014 listening to tapes of the detective’s calls.

Moustakas said “officer safety” was the reason cited for the wiretap on an application that Spota signed.

In July 2014, authorities questioned Oliva and he pleaded guilty two months later to official misconduct.

Hickey testified Tuesday the Oliva wiretap “had nothing to do with officer safety,” which

was a “cover story we could use to get up on a wire.”

The witness also described being under “daily, nonstop constant pressure” to make sure his detectives, whom he said took part in the beating with Burke — Bombace, Leto and Malone — kept quiet, especially after Loeb’s lawyer went public with beating allegations.

More panic ensued in June 2013 when the FBI served subpoenas, including to two of Hickey’s detectives, Hickey recalled.

The witness said he spoke to all his detectives that same day after McPartland ordered him to “find out what they said to the FBI and what was said to them.”

The detectives “were a wreck,” he said, adding that Burke sent a message to the detectives through him that day.

“Burke told me to tell them that he had the two smartest lawyers he knows working on this, Spota and McPartland, and they were going to get my guys real lawyers, not [expletive] union lawyers,” Hickey said.

The witness said Spota and McPartland would tell him: “This is about keeping Jimmy out of jail.”

Hickey said in 2013 he began drinking after work, starting with a glass of wine after dinner. “I felt like I had the whole weight of this conspiracy on my back,” the witness said.

He added that in the summer of 2013, he was drinking a bottle of wine and half a bottle of vodka at night before going to bed. The witness said he was hospitalized at the end of the summer because of pancreatitis after his excessive drinking and never drank again after that hospital release.

Hickey also said the drinking didn’t compromise his memory and he never drank at work or during conversations with Spota or McPartland.

He also recalled Tuesday that Burke was elated in December 2013 after an FBI official called him and said the Loeb probe was over and he’d been cleared. But by fall 2015, Hickey said he learned Bombace had testified before a federal grand jury, and Burke was “extremely paranoid.”

Testimony resumes Monday.

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Flash!	A14
Health & Science	A22
Long Island	A10
Lottery	A47
Nation	A30
NYC	A21
Obituaries	A34
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TOP STORIES

Warnings about messing with 'The Administration'

POWER from A2

Lara Treinis Gatz asked.

"Ask John Oliva," Hickey said. In earlier testimony Hickey said Spota, McPartland and Burke had dubbed themselves "The Administration."

"You tell the guys," Hickey quoted Burke as saying, "I go, you all go."

"You, too," he said, addressing Hickey, "Mr. Little League coach."

Up the down career ladder

Earlier, Hickey said Spota and Burke backed his promotion to head criminal intelligence.

"Did Mr. Burke tell you what, if anything, he expected from you as a result of the promotion?" Gatz asked.

"Yes," Hickey answered.

"What was it?" Gatz queried. "Loyalty above all," came the reply. After that June 2015 meeting, however, Hickey said he knew his career was over.

"I was in trouble with the law," he said. "I was in trouble with Spota, Burke and McPartland for not controlling my guys."

"I was dead," he said. "I was dead."

"Did you take any steps to try to find out who was cooperating?" Gatz asked.

"No," Hickey replied. "Because I knew it was too late."

Seeking advice

Hickey described a later meeting with Burke and McPartland, after which Burke asked Hickey, "What should I do?"

"You should quit," Hickey said he told Burke. "This is never going away."

"If I do that, I'll lose the power of the unions," Burke replied, according to the testimony.

"I'll just be Mr. Burke."

No protection

Even if he continued to follow orders from Burke, Spota and McPartland, Hickey testified, he did not believe they were going to protect Bombace and other intelligence unit detectives.

"They were going to throw my guys under the bus," Hickey testified. "They were going to keep Burke out of it and make my guys to be the beater."



Thomas Spota, left, and Christopher McPartland arrive at federal court in Central Islip Tuesday.



Even so, Hickey testified, he passed some of Burke's words on to his unit. "If they want to be in the best job, in the best cars," he said Burke told him, "... this is what they signed up for."

Job One

"I felt I had the weight of the conspiracy wholly on my back," Hickey testified.

At one point, Burke told Hickey not to come to work. "He told me I didn't need to," Hickey testified. Instead, Hickey was to keep an eye on the detectives in his command, three of whom had beaten Loeb.

"Burke called it 'backyard therapy,'" Hickey said.

"And who was going to be providing the therapy?" Gatz asked.

"Well, I guess that would be me," Hickey replied.

As the weeks wore on, Hickey said, Burke would tell him, "That is your only job. Keeping me alive."

Retaliation

"If you crossed Spota, McPartland and Burke," Hickey said, "if you crossed one, you crossed them all."

They were the three most powerful men in Suffolk County.

"They knew no bounds," Hickey testified.

How do you know this?

Gatz asked.

"I was in the Inner Circle for 10 years. I know how they operate," Hickey replied.

Did Burke have a way of talking about enemies? Gatz asked.

"It was a curse," Hickey said. Gatz asked him what the curse was.

"[Expletive] that guy, we've got to [expletive] that guy," Hickey answered. "You do not want to be an enemy, you do not want to be one."

Smart lawyers

Hickey testified that whenever issues came up about the Loeb assault, the first thing Burke would do was call Spota and McPartland.

After subpoenas came down in the 2013 federal investigation, Burke told Hickey to tell his men not to worry.

"Burke told me to tell them that he had the two smartest lawyers he knows working on it, Spota and McPartland, and they were going to get my detectives real lawyers ... not union lawyers."

The world knows

After Loeb's lawyer told the press about the assault, the attempt to cover up intensified, Hickey said.

"This is next-level intensity," Hickey testified.

"Now the world knows."

Story time

Early on there was discussion about whether to deny

that Burke was at the precinct.

"Burke initially proposed that," Hickey said.

"McPartland said, 'That story is never going to fly, too many people saw you,'" he testified.

Ultimately, the decision on a cover story was agreed upon, Hickey said.

Detectives, if asked, were to tell authorities that Burke, while at the Fourth Precinct, had gone "to pop his head in to see if he recognized" Loeb from the neighborhood, Hickey said.

Police style

In July 2013, Hickey testified, he met Burke in a park near Hickey's home.

"Did you get out of the car?" Gatz asked.

"We met car-to-car," Hickey said, "police style."

Jurors and spectators alike laughed. It was one of the few light moments during Hickey's testimony.

Who cares?

Hickey said Spota and McPartland repeatedly asked about how detectives were holding up.

At one point Gatz asked whether they had asked him about his detectives before.

"Neither of them ever asked me about my guys, nor cared," Hickey said.

"Objection," said Larry Krantz, McPartland's lead attorney. U.S. District Court Judge Joan Azrack sustained the objection, saying, "Nor cared" will be stricken."