

POLICE ON TRIAL THE VERDICTS

5 former vice cops acquitted

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Reaction to the verdict ranged from elated police officers who characterized the trial as a "witch hunt" to community leaders who said the verdict was "terribly tragic."

But among police officers, inside and outside of the downtown Rochester federal building, the celebration was powerful.

As word of the verdict filtered out, police officers drove marked cars by the courthouse, flipped their flashers and blipped their sirens.

A mounted patrol officer rode his horse up to the curb, reached down and shook the hand of Thomas W. Alessi, a fired sergeant who was exonerated of five charges.

"My life has been on hold for two years, three months, one week and five days," Alessi said. "This means for the first time I can leave the Western District of New York without permission. I can get my pistol permit back."

'All I did was my job'

"I just want to put it behind me," said Gregory R. Raggi, as he walked arm-in-arm with his wife, Michele, and their children.

Added Harloff: "I'm relieved. I want to go back to work. All I ever did was my job."

Harloff, Raggi and former defendant Michael D. Mazzeo Jr. are suspended with pay from the city force. Their suspensions will remain in effect, pending an internal investigation, Police Chief Roy Irving said yesterday.

The fifth former defendant, James W. O'Brien Jr., retired vice squad captain, said he felt great.

A television reporter gave O'Brien a telephone so he could call his wife. The couple moved to Florida after he left the department.

"It's over, honey. Did you hear?" O'Brien said. His voiced cracked, and his hands trembled. "I'll call you from another phone where everyone isn't listening."

"It's over, honey. Did you hear?" O'Brien said. His voiced cracked, and his hands trembled. "I'll call you from another phone where everyone isn't listening."

The victors celebrated last night at Hemingway's bar in southeast Rochester.

The verdict — an acquittal of 16 felonies — capped an arduous 10-week trial, and an intense federal and city investigation, which began in October 1990 after former Chief Gordon F. Urlacher was arrested on embezzlement charges.

It centered on allegations that the members of a special vice unit, called the Highway Interdiction Team, used excessive force on suspects in violation of federal laws.

Telesca declined to comment. Only one of six jurors contacted would agree to be interviewed, and she would not explain the verdict.

Said Foreman Thomas Snape of Livingston County: "It's over, and it's over for me, too."

An alternate juror said she was not surprised by the outcome.

"I'm so pleased because that is the way I would have voted," said the juror, who requested anonymity. She was present during the trial but did not join in deliberations.

She said she believes the criminal charges were not warranted, and that the excessive force allegations should have been handled internally by Rochester police officials.

Many shake heads

But several community leaders and others involved in the case vehemently disagreed with the jury's finding.

U.S. Attorney Dennis C. Vacco, who oversaw the prosecution of the case during the past 2½ years, said he would make no apologies.

"I'm not going to stand here and quarrel with the verdict," he said.

But, "We believe firmly in our evidence," he said. "To do nothing at all — to let these types of abuses go unpunished — we would not be doing our jobs."

James S. Pilato, 28, of Wayne County, who testified during the trial that he was beaten by HIT members, was angry.

"That sends a message that says you can steal, beat the hell out of people just because you're cops," Pilato said. "As long as you're a cop, you can get away with it."

The Rev. Lewis Stewart, an official with United Church Ministry Inc., said, "I am flabbergasted by that (verdict). But we had a feeling that it was going that way."

"This verdict was an absolute and flagrant miscarriage of justice," Stewart said. "Here you have police officers who are criminals yet they were totally exonerated of all wrongdoing."

The civil rights case is the second major Rochester police scandal to unfold recently.

Last year in another federal trial, a jury convicted Urlacher of embezzling \$300,000. The fired chief is serving a four-year prison term in North Carolina.

Urlacher also was indicted in the civil rights case. He pleaded guilty in December to a felony charge of conspiracy, admitting that he knew vice officers were physically abusing suspects, but did nothing to stop it.

Vacco said Urlacher's plea validated the case. Urlacher has not yet been sentenced on the conspiracy plea.

U.S. Justice Department prosecutor Michael J. Gennaco, the lead trial lawyer, argued in his final statement to the jury that the civil rights case was about the misuse of power by police who crossed boundaries into criminal conduct.

"As a result of what these officers did," Gennaco said Thursday, gesturing toward the defendants, "every time a police officer on the street is out doing his job, the public is going to ask themselves, is he abusing people, stealing money, fabricating evidence?"

After the verdict, Gennaco said, "Even though today there was a verdict of innocent, I think it was a consciousness-raising



Jamie Germano Staff photographer

Thomas Alessi, left, celebrates acquittal with a hug for his lawyer, John Speranza.

THE JUDGE

Michael A. Telesca

U.S. District Court judge



■ **Age:** 63.
 ■ **Education:** University of Buffalo Law School, 1955 graduate; undergraduate degree, University of Rochester, 1952.
 ■ **Professional highlights:** Was elected Monroe County surrogate judge in 1972; was sworn in as U.S. district judge in 1982 and is now chief judge of the Western District of New York.

experience for the citizens of Rochester."

Mayor Thomas P. Ryan Jr., when asked what he thought of the interdiction team's actions, said:

"No matter how concerned we are about problems as far as neighborhoods are concerned in the city — and we have our share of problems — nothing justifies the people who have been given the trust and the authority to enforce the law to violate the law."

From the start of the trial, defense lawyers argued that their clients were being unfairly punished for fighting the drug war.

"Indicting these men is basically like indicting Vietnam veterans for using too many bullets in the war," defense lawyer John F. Speranza, who represented Alessi, said in his summations.

Several city police officers wholeheartedly agreed.

"The government went on a witch hunt, and they found no witches," said Ron Evangelista, president of the police union.

"They spent a lot of money and hurt a lot of people for no good at all. Innocent men are proven innocent. That's what happened."

Police on the alert

Rochester Police Department officials would not comment on any strategic plans for the night to quell possible civil unrest, but it was readily apparent the department was well-prepared.

Officers working the midnight shift were called in early, and personnel from the Monroe County sheriff's office and suburban police departments were called in to ride with city officers. The County Jail set up extra beds in case of multiple arrests.

Police cars, typically manned by one officer, were manned by two to four people, and at least two cars were dispatched to every call.

To ensure speedy dispersal of crowds, there were plans to send up to 10 cars to any large gathering. Fire Department and emergency workers responded similarly, placing off-duty workers on call, and sending extra units out.

In a prepared statement, Chief Irving said the trial closes a difficult chapter for the department.

"This verdict does not mean that the police are given powers to exceed lawful standards," Irving said. "It does not mean we will condone improper behavior. The job can, and will, be done within the law."

Prosecutors had stressed that police officers are not entitled to act as "judge, jury and executioner" on the streets.

According to trial testimony, some of which was delivered in extraordinary detail,

suspects were used as "punching bags." Police officers testified a "pack mentality" took over during the beatings.

The jury also heard descriptions of a suspect beaten with a two-by-four so hard the board broke, another suspect being pushed down stairs, and still others threatened with vise grips placed next to their genitals.

Each of the five defendants were acquitted of engaging in a conspiracy to violate the civil rights of suspects. Individual defendants also faced charges they used excessive force, but were exonerated.

Harloff and Raggi were acquitted of conspiracy to steal cash from suspects. And Raggi was acquitted of two additional counts of fabricating evidence.

All of the charges were felonies and carried possible prison terms of 10 years.

The 'code of silence'

The centerpiece of the case was the conspiracy charge.

Prosecutors alleged the HIT members relied on a "code of silence" among police officers to keep the abuses hidden.

More than 100 witnesses were on the initial list to testify, but the prosecution pared it back dramatically as it became repetitious. Twenty witnesses were called.

The case rested largely on the testimony of former colleagues of the defendants, who testified with immunity.

During lengthy and tedious cross examinations, the defense deflated the prosecution's momentum and exposed holes in the case. They also attacked the witnesses' credibility.

Many police witnesses admitted they had lied on previous occasions to internal affairs. Most were officers who rotated through the HIT squad and eventually agreed to cooperate.

The defense strategy

But the defense sought to portray these witnesses as inexperienced and naive — rookies who cooperated to gain promotions, or the approval of Irving.

O'Brien said he felt the officers who testified were coerced.

"They told the truth as they were led to believe it or after 11 or 12 interviews made to believe it," O'Brien said.

The chief prosecution witness, William F. Morris, worked on HIT during 1988 and 1989, and presented an "insider's view" of the abuse. But he, too, was attacked during two weeks of cross-examination, as the defense portrayed him as the ultimate turncoat.

Morris was allowed to plead guilty to a less-serious misdemeanor conspiracy charge. He has yet to be sentenced.

The defense did not call any witnesses. Susan K. Porter, coordinator of the Judicial Process Commission, a group that works toward criminal justice reform, said the verdict was "terribly tragic."

"I think it reflects on the state of race relations in our community," Porter said. "I think the jury, which was almost an all-white jury, made a determination that these cops were doing a job and getting drugs off the street and that they really don't believe these people (victims) had constitutional rights." □

Includes reporting by Susan J. Smith, Michael Wentzel, Valerie Smith, Gary Craig, Vincent Taylor, Bob Lonsberry, Blair Clafin, Steve Lowe and Mary McCrank.

THE PROSECUTION

Michael J. Gennaco

Lead attorney for the U.S. Justice Department.



■ **Age:** 39.
 ■ **Address:** Arlington, Va.
 ■ **Education:** Stanford Law School, 1983 graduate; undergraduate degree, Dartmouth College, 1975.
 ■ **Professional highlights:** February 1992 jury conviction in Los Angeles of police officer who used excessive force on suspect; obtained conviction of chief jailor in Montgomery, Ala., who incited inmates to beat fellow prisoner. Justice Department employee since 1984.

Jessica A. Ginsburg

Attorney, U.S. Justice Department.



■ **Age:** 31.
 ■ **Address:** Falls Church, Va.
 ■ **Education:** University of Virginia Law School, 1987 graduate; master's degree, Rutgers University, 1984; undergraduate degree, Princeton University, 1983.
 ■ **Professional highlights:** Successful civil rights prosecutions include guilty pleas by two Louisiana sheriff's commanders for assaulting Cuban inmate.

Cathleen M. Mahoney

Attorney, U.S. Justice Department.



■ **Age:** 32.
 ■ **Address:** Washington, D.C.
 ■ **Education:** Yale Law School, 1985 graduate; Universite de Paris, Institut des Etudes Politiques in France 1981-82, graduate work; undergraduate degree, Stanford University, 1982.
 ■ **Professional highlights:** Received 17 convictions in case involving racist-skinhead assaults in Oklahoma; obtained five convictions in Ku Klux Klan cross-burning case in Georgia.

THE DEFENSE

Anthony F. Leonardo Jr.

Represents James W. O'Brien Jr.



■ **Age:** 45.
 ■ **Address:** Rochester.
 ■ **Education:** Capital University Law School, Columbus, Ohio, 1974 graduate; undergraduate degree, Canisius College, 1969.

■ **Professional highlights:** Known for his locally historic string of five consecutive homicide acquittals in 1985-86. Represented Joseph John "Mad Dog" Sullivan in 1981 organized crime-related slaying of a Teamsters official. Sullivan was convicted.

John R. Parrinello

Represents Scott D. Harloff.



■ **Age:** 54.
 ■ **Address:** Rochester.
 ■ **Education:** Syracuse University College of Law, 1965 graduate; undergraduate degree, University of Rochester, 1960.

■ **Professional highlights:** Represented Dr. Maurice Heath on second-degree murder charge in wife's death. Parrinello argued that blood samples taken from Jean Heath's body could have been tampered with. Judge agreed and dismissed indictment in 1991; also represented Mario Sacco in shooting death of an off-duty sheriff's deputy. Sacco was convicted of a reduced charge of manslaughter.

■ **Professional highlights:** Represented Dr. Maurice Heath on second-degree murder charge in wife's death. Parrinello argued that blood samples taken from Jean Heath's body could have been tampered with. Judge agreed and dismissed indictment in 1991; also represented Mario Sacco in shooting death of an off-duty sheriff's deputy. Sacco was convicted of a reduced charge of manslaughter.

■ **Professional highlights:** Represented Dr. Maurice Heath on second-degree murder charge in wife's death. Parrinello argued that blood samples taken from Jean Heath's body could have been tampered with. Judge agreed and dismissed indictment in 1991; also represented Mario Sacco in shooting death of an off-duty sheriff's deputy. Sacco was convicted of a reduced charge of manslaughter.

David A. Rothenberg

Represents Gregory R. Raggi.



■ **Age:** 42.
 ■ **Address:** Rochester.
 ■ **Education:** Cornell University Law School, 1975 graduate; undergraduate degree, Massachusetts Institute of Technology, 1971.

■ **Professional highlights:** Recently represented U.S. District Judge John T. Elfvin of Buffalo in sexual harassment case settled out of court; worked as former assistant U.S. attorney from 1978 to 1982.

■ **Professional highlights:** Recently represented U.S. District Judge John T. Elfvin of Buffalo in sexual harassment case settled out of court; worked as former assistant U.S. attorney from 1978 to 1982.

Karl F. Salzer

Represents Michael D. Mazzeo Jr.



■ **Age:** 43.
 ■ **Address:** Rochester.
 ■ **Education:** Fordham University Law School, 1975 graduate; undergraduate degree, Villanova University, 1971.

■ **Professional highlights:** Represented Jeffrey Ford, Riga teen charged with the shotgun slaying of his lover's ex-husband. Ford was convicted.

John F. Speranza

Represents Thomas W. Alessi.



■ **Age:** 49.
 ■ **Address:** Pittsford.
 ■ **Education:** Albany Law School, 1971 graduate; master's degree, State University of New York at Albany, 1968; undergraduate degree, Colgate University, 1965.

■ **Professional highlights:** Former Monroe County assistant district attorney in early 1970s; criminal defense lawyer in private practice 20 years; best known for representing Thomas E. Taylor charged with conspiracy in the shotgun slaying of a Rochester Teamsters official and reputed mobster. A four-month trial ended in January 1984 with a hung jury.

THE DEFENDANTS

In addition to the overall conspiracy charge in Count 1, individual officers were charged either with the use of force, theft or fabrication of evidence. Counts 14, 18 and 19 were dropped during the trial.

James W. O'Brien Jr.

Age, 46, formerly of Hamlin. He was the city's chief hostage negotiator, captain of the Goodman Section and commander of the vice squad, in charge of all intelligence operations. He was suspended in 1990, and retired under pressure in January 1991. He lives in Plantation, Fla.



Charges

■ **Count 1:** Conspired with others to "injure, oppress, threaten and intimidate" suspects between 1988 and 1990.

Verdict: Not guilty

■ **Count 2:** Severed from the indictment, and will be dealt with later. It accuses O'Brien of striking Epifanio Vasquez in June 1987.

Thomas W. Alessi

Age, 44, of East Rochester. The former head of the Highway Interdiction Team, Alessi was fired in February 1992, following an internal departmental investigation. Prior to his firing, he was suspended with pay Dec. 14, 1990, then demoted from sergeant to patrol officer and given an additional 30-day suspension without pay.



Charges

■ **Count 1:** Conspired with others to "injure, oppress, threaten and intimidate" suspects between 1988 and 1990.

■ **Count 3:** Kicked Varian Hogan on Jan. 15, 1988.

■ **Count 4:** Pistol-whipped Ivan Hawley on April 11, 1988.

■ **Count 7:** Permitted subordinate officers to strike James S. Pilato Jr. on Aug. 25, 1988.

■ **Count 13:** Used a firearm in relation to a crime of violence on April 11, 1988.

■ **Counts 18, 19:** Thefts of overtime funds; dismissed by judge.

Verdict: Not guilty

Scott D. Harloff

Age, 42, of Fairport. An investigator with the vice squad's Highway Interdiction Team, he was suspended from the department with pay Dec. 13, 1990.



Charges

■ **Count 1:** Conspired with others to "injure, oppress, threaten and intimidate" suspects between 1988 and 1990.

■ **Count 6:** Struck James S. Pilato Jr. on Aug. 25, 1988.

■ **Count 9:** Struck Ameen McFadden on Feb. 23, 1990.

■ **Count 10:** Struck Tyrone James in February 1990.

■ **Count 12:** Struck Odis Cherry on July 12, 1990.

■ **Count 15:** Conspired to take cash and property from suspects and converted it to personal use, between April 1988 and October 1990.

■ **Counts 18, 19:** Thefts of overtime funds; dismissed by judge.

Verdict: Not guilty

Michael D. Mazzeo, Jr.

Age, 33, of Irondequoit. A vice squad officer and member of its HIT squad, he was suspended with pay May 22, 1991.



Charges

■ **Count 1:** Conspired with others to "injure, oppress, threaten and intimidate" suspects.

■ **Count 11:** Struck Timothy McNulty in June 1990.

■ **Count 14:** Used a firearm in relation to a crime of violence in January 1990; dropped by prosecutors.

■ **Counts 18, 19:** Thefts of overtime funds; dismissed by judge.

Verdict: Not guilty

Gregory R. Raggi

Age, 44, of Irondequoit. A vice squad officer and member of its HIT squad, he was suspended with pay Jan. 4, 1991.



Charges

■ **Count 1:** Conspired with others to "injure, oppress, threaten and intimidate" suspects.

■ **Count 5:** Struck David Reardon on May 10, 1988.

■ **Count 6:** Struck James S. Pilato Jr. on Aug. 25, 1988.

■ **Count 8:** Struck Orenthal Casey on Jan. 26, 1990.

■ **Count 12:** Struck Odis Cherry on July 12, 1990.

■ **Count 15:** Conspired to take cash and property from suspects and converted it to personal use, between April 1988 and October 1990.

■ **Count 16:** Caused Anthony Flowers to be falsely arrested for possession of cocaine on June 27, 1988, by planting evidence.

■ **Count 17:** Caused Nicky Ferron to be falsely arrested for possession of cocaine on Aug. 9, 1988, by planting evidence.

■ **Counts 18, 19:** Thefts of overtime funds; dismissed by judge.

Verdict: Not guilty

Gordon F. Urlacher

Age, 48, formerly of Rochester. Fired city police chief who was convicted last year of embezzlement and conspiracy charges for stealing \$300,000 from the department. He is currently serving a four-year prison term in North Carolina. In connection with the civil rights case, Urlacher pleaded guilty to a felony conspiracy charge in December 1992. His sentencing was postponed until after the civil rights trial.

