

2 city cops pulled from streets

Pair investigated over botched cases

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Two Rochester police officers are being kept off road patrol pending a department review into whether they lied about how evidence was gathered in two separate drug investigations.

In both cases, those investigations led to charges against defen-

dants, but were later dismissed by judges.

Officers Ryan Hartley and Rob Osipovitch have not been suspended but are restricted from patrol work pending the outcome of "a thorough and impartial review of the investigation, arrest, and subsequent prosecution in that case," according to a statement by Chief James Sheppard.

cause there is a ridiculous allegation into the integrity of these officers and we're willing and demanding to meet with the district attorney and the chief to come to an understanding on how we do this," said Mike Mazzeo, president of the Locust Club.

The move to take the officers off their patrol positions follows a ruling in August by County Court Judge Doug Randall, who found an investi-

gation into Christopher Charles McNair was warrantless and unconstitutional, said McNair's lawyer, Christopher Rodeman.

Rodeman said his client was arrested in March and charged with two felony counts of criminal possession of a controlled substance after officers searched his Roxborough Road home and allegedly found drugs.

As McNair's trial neared, a hearing was

held in which Rodeman questioned the officers' claim that they legally obtained a search warrant and searched the home about 11 p.m. March 14, following McNair's arrest earlier that evening.

Rodeman said an ADT security log indicates the home was entered about 8 p.m., and witnesses saw officers inside at the same time.

During the hearing, **See COPS, Page 4B**

Cops

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Hartley said he'd visited the home about 8 p.m. — using McNair's keys, which had been taken during his arrest — that the front door opened on its own, and he left rather than enter the home, Rodeman said Thursday.

That visit was not doc-

umented in any police paperwork, however, Rodeman said.

In his order, Randall said Hartley's account of the investigation had been "significantly discredited."

Based on that, the charges against McNair were reduced to a misdemeanor, to which he pleaded guilty and was sentenced to three years probation.

McNair has not sued the department, but is "weighing his options," Rodeman said.

"I don't think this reflects on the Rochester Police Department; I think they do an amazing job for the city. I think you have two officers whose activities got out of hand," Rodeman said. "The RPD needs to do a thorough investigation into this matter to determine whether

they want to put them back on the street."

In an unrelated case involving Osipovitch and Hartley, a judge ruled the officers improperly stopped a defendant that led to the illegal seizure of drugs in his vehicle.

According to court paperwork, Jeremie Barideaux was charged July 22, 2011, with criminal possession of a weapon, controlled substance and unlawful possession of marijuana, and spent four months in jail.

In that case, Officers Hartley and Osipovitch said they witnessed Barideaux drive through a red light on July 22, 2011, stopped his car and found the drugs.

State Supreme Court Justice Daniel Doyle dismissed the charges on Dec. 19, however, saying

that a video taken with a city traffic camera showed that Barideaux did not go through the red light, and that the officers' account of the traffic stop was wrong, thus making the stop illegal, according to a lawsuit filed by Barideaux against the officers and the city.

Barideaux's lawyer, John Parrinello, could not be reached for comment.

Sheppard has also not commented on the situation, other than issuing a statement regarding the internal investigation.

"Since becoming aware of a decision or order issued by a Monroe County Court judge in the case of People v. Christopher Charles McNair, the Rochester Police Department (RPD) will conduct a thorough and impartial review of the investiga-

tion, arrest, and subsequent prosecution in that case," it reads. "If this review determines there has been any violation of RPD rules, regulations, or policies by RPD personnel, appropriate action will be taken at that time. In the meantime, Officer Ryan Hartley is working in an assignment that does not involve patrol duties."

Sheppard's office later confirmed that Osipovitch is also being restricted from road patrol. Mayor Thomas Richards is withholding judgment on the matter pending the outcome of an internal investigation.

"You've got to pause," he said. "It's very tempting, particularly if you are a politician... (to react) in the way you think people want you to react. But in these situations, almost always, you act with in-

complete information. It can make a minor situation into a big deal that doesn't deserve it."

Mazzeo, of the Locust Club, said he sent an email to Sheppard and Doorley demanding the more "open venue" for the investigation into the officers. He had not received a response Thursday afternoon.

"If they make this an internal investigation, it's turned over to Professional Standards Section, it's going to be a long, drawn-out, fragmented process that is eventually — no matter what the results are — they are limited and won't be able to make any of that public except to say... what? That they are exonerated? That's not encouraged in this case."

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