

SUPREME COURT: COUNTY OF NASSAU
STATE OF NEW YORK

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THE PEOPLE OF THE STATE OF NEW YORK

- against -

Indictment No.: 338N/12

WILLIAM FLANAGAN,
JOHN HUNTER, and
ALAN SHARPE,

Defendants.

-----X

COUNT ONE

THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, accuses the defendants WILLIAM FLANAGAN, JOHN HUNTER and ALAN SHARPE of the crime of CONSPIRACY IN THE SIXTH DEGREE, a class B misdemeanor, in violation of Section 105.00 of the Penal Law of the State of New York, committed as follows:

The defendants, WILLIAM FLANAGAN, JOHN HUNTER and ALAN SHARPE, individually and aiding and abetting and being aided and abetted by each other and others, on or about and between the 19th day of May 2009 and the 19th day of September 2010, in the County of Nassau, State of New York, with intent that conduct constituting a crime be performed, agreed with one or more persons to engage in or cause the performance of such conduct, to wit: each defendant, with the intent to engage in conduct that constituted the crime of Official Misconduct, agreed with one or more persons, including the father of a target of a felony investigation who was not a member of the Nassau County Police Department, to return recovered stolen property to a cooperative complainant in an open felony investigation in an effort to justify and ensure the non-arrest of the target whose arrest would have otherwise been warranted, in order to benefit the target's father, a financial and personal benefactor of members of the Nassau County Police Department.

At all times relevant to the time period delineated in this indictment:

Defendant JOHN HUNTER was a member of the Nassau County Police Department and held the position of Deputy Chief of Patrol.

Defendant WILLIAM FLANAGAN was a member of the Nassau County Police Department. In May of 2009, defendant FLANAGAN was a Detective Sergeant who was the Commanding Officer in the Asset Forfeiture Bureau. In July of that same year, defendant FLANAGAN was promoted to Second Deputy Commissioner of Police.

Defendant ALAN SHARPE, a member of the Nassau County Police Department, was a Detective Sergeant assigned to the 7th Precinct Detective Squad. Defendant SHARPE was also designated the Deputy Commanding Officer of the 7th Precinct Detective Squad.

“The target’s father,” a person known to the Grand Jury and to the District Attorney’s Office, was a Certified Public Accountant and a partner of a Manhattan-based accounting firm who regularly hosted and paid for lunches and dinners for high-ranking members of law enforcement from Nassau County and other Agencies. Defendants HUNTER and FLANAGAN frequently attended these meals.

“The target,” a person known to the Grand Jury and to the District Attorney’s Office, was a high school senior at JFK High School in Bellmore, Nassau County, and began working as a civilian employee with the Nassau County Police Department Ambulance Unit on July 29, 2008. Defendant HUNTER was instrumental in getting the target his job with the Police Department. On or about May 19, 2009, an administrator from JFK High School reported a theft of electronic equipment from JFK High School valued in excess of \$10,000.00 to an officer from the 7th Precinct. In a signed, sworn deposition, the administrator named the target as the person suspected of stealing the property and stated that she wanted the target arrested. On May 21, 2009, the target’s friend, upon learning from the target’s father that the property had been stolen, returned certain items of stolen property previously brought to the friend’s apartment by the target to the Nassau County Police Department. On June 16, 2009, the target’s mother returned more of the stolen property that she received from the target to an administrator with JFK High School. Some of the stolen property was never recovered or returned. The target’s father hired an attorney to represent the target in school administrative hearings stemming from the target’s theft of electronic equipment from JFK High School.

Each defendant committed at least one of the following overt acts in furtherance of the conspiracy:

1. On or about May 21, 2009, defendant HUNTER, a Deputy Chief of Patrol, responded to a referral to the Internal Affairs Unit which was made on or about May 20, 2009, by the Commanding Officer of the 7th Precinct Detective Squad, of a civilian employee (“the target”) having been named as a suspect in a felony theft of property from JFK High School. Defendant HUNTER, who was not in this unit’s direct chain of command, informed the Commanding Officer of the 7th Precinct Detective Squad that the felony investigation would be handled by the 7th Precinct Detective Squad and not by the Internal Affairs Unit. At the time, the Internal Affairs Unit did not directly report to defendant HUNTER. Defendant HUNTER further requested that he be kept informed of the status of the felony investigation.
2. On or about May 21, 2009, an unindicted co-conspirator met with the administrator from JFK High School who had reported the theft to the police to discuss the theft of the electronic equipment and explored the school administrator’s willingness to withdraw the criminal complaint. During the interview, the school administrator told

the unindicted co-conspirator that she would not consider the withdrawal of criminal charges against the target.

3. On or about May 22, 2009, defendant SHARPE, a Detective Sergeant assigned to the 7th Precinct Detective Squad and the supervisor of this investigation, met with the target's father at the behest of defendant HUNTER to discuss the felony investigation. During that meeting defendant SHARPE showed the target's father the stolen property that had previously been returned to the Nassau County Police Department's 5th Precinct by the target's friend.
4. On or about May 23, 2009, at the request of the target's father, defendant HUNTER met with the target's father in a diner and discussed the felony police complaint in which his son was named regarding the stolen property from JFK High School. Defendant HUNTER previously assisted the target's father with police-related matters regarding his son. Following the diner meeting, defendant HUNTER called the 7th Precinct and engaged in a two-minute conversation with someone at the Precinct.
5. On or about May 26, 2009, defendant HUNTER initiated an e-mail exchange with the target's father to find out if he had "heard anything" about the target's situation. As a response to defendant HUNTER's inquiry, the target's father informed defendant HUNTER that he had met with the school administrator and that the "district was still looking at the options," to which defendant HUNTER told him that if there was anything defendant HUNTER could do for him, the target's father should let him know.
6. On or about May 30, 2009, in an e-mail exchange initiated by defendant HUNTER, defendant HUNTER told the target's father that he didn't want "to bother" the target's father but that he was "hoping things" were "working out with" the target. Defendant HUNTER let the target's father know that he should let defendant HUNTER know if there was anything the target's father needed. In that same e-mail exchange, the target's father requested that defendant HUNTER get defendant SHARPE and the "pd" to "lay low" on the criminal investigation. Defendant HUNTER wrote that he would "make sure that is done." After the target's father told defendant HUNTER "thank you for being a great person and friend," in that same e-mail, defendant HUNTER responded "[a]s you taught me that is what friends are for!"
7. On or about June 12, 2009, the target's father directed defendant HUNTER as to the date, time and place where the property should be returned. In response, defendant HUNTER told the target's father that he was "making arrangements to have the items delivered." Defendant HUNTER further sought instruction from the target's father about the name of the school administrator who should receive the stolen property. In response, the target's father gave defendant HUNTER the name of a school administrator to whom the stolen property should be returned.

8. On or about June 15, 2009, defendant HUNTER in an e-mail directed defendant SHARPE to return the stolen property in the manner directed by the target's father.
9. On or about June 16, 2009, defendant SHARPE directed a detective assigned to the 7th Precinct Detective Squad known to the Grand Jury and the District Attorney's Office to return the stolen property to the school administrator and to have the school administrator who reported the theft to the police sign a withdrawal of prosecution, although defendant SHARPE knew from the unindicted co-conspirator that the school administrator would not sign a withdrawal of prosecution. During this meeting between the 7th Precinct Detective Squad detective and the school administrator, the school administrator again refused to withdraw criminal charges. As a result of the school administrator's refusal to sign the withdrawal of prosecution, defendant SHARPE ordered the detective to return the stolen property to the precinct.
10. On or about June 16, 2009, defendant HUNTER informed the target's father by e-mail that "the items are being delivered today by al [sic] Sharpe" and that defendant HUNTER would let the target's father "know when they are dropped off." Later on that same day, defendant HUNTER learned from the target's father that the stolen property was not returned to the school administrator as directed.
11. On or about June 17, 2009, defendant HUNTER in an e-mail to the target's father let the target's father know that "[i]f there is any confusion on the part of the school – maybe they should contact D/Sgt Sharpe for an explanation of what we need to release the property and why we need it."
12. On or about June 17, 2009, the target's father told defendant HUNTER in an e-mail that the "lawyers are trying to work out a settlement that will not involve the PD. The school wants this to quietly go away. They can't figure out why if the school requests the equip it can't be returned." The target's father went further in writing to defendant HUNTER that "the lawyer for the school again said that neither he nor anyone from the school contacted the DA." The target's father also noted in this e-mail that he couldn't understand why the school couldn't get the stolen property returned, since to the target's father it was "obvious what [the school] want[s] the outcome to be." To this e-mail, defendant HUNTER offered an explanation to the target's father as to why the detective refused to leave the stolen property with the school administrator and acknowledged that "the school indicated in a signed deposition that they wanted the person responsible arrested."
13. On or about June 18, 2009, defendant HUNTER asked the target's father in an e-mail exchange whether there was "any movement" on target's open felony police complaint. Following the target's father's response that the "lawyers are speaking today," defendant HUNTER offered to talk to the target's attorney himself.

14. On or about June 18, 2009, the target's father approached defendant FLANAGAN to seek his assistance in getting the stolen property returned to the school. Defendant FLANAGAN told the target's father that he would look into it and that the target's father shouldn't worry about it.
15. On June 23, 2009, defendant HUNTER, in an e-mail with the target's father, again offered the target's father his assistance to "expedite" the return of the stolen property. After the target's father responded in that e-mail that he appreciated defendant HUNTER's offer but that defendant HUNTER should give it a few days, defendant HUNTER wrote "10-4."
16. On or about and before June 23, 2009, defendant FLANAGAN in an e-mail sent to the target's father wrote that defendant FLANAGAN "put pieces in motion" to have the stolen property returned to the school.
17. On or about June 26, 2009, the target's father wrote an e-mail to defendant FLANAGAN asking defendant FLANAGAN "to let him know when the delivery is complete." Defendant FLANAGAN responded to that e-mail telling the target's father that he would do that.
18. On or about July 2, 2009, the target's father e-mailed defendant FLANAGAN to ask if there was "[a]ny news (good or bad)?" The target's father, in this e-mail, informed defendant FLANAGAN that he "can help coordinate" the return of the stolen property since the target's father "did it last time." Defendant FLANAGAN responded to the target's father that there was "no news." Defendant FLANAGAN also informed the father in this e-mail that "[t]he squad is waiting for some direction from the school as to who will receive the property," although defendant FLANAGAN stated that "it doesn't matter to us who takes it."
19. On or about July 14, 2009, the target's father instructed defendant WILLIAM FLANAGAN that the stolen property should be dropped off with the school principal "as soon as possible." Defendant FLANAGAN responded that he "got it."
20. On or about July 16, 2009, in response to an e-mail sent by the target's father to defendant FLANAGAN expressing concern over the resolution of the target's case with JFK High School, defendant FLANAGAN told the target's father in an e-mail sent on that same date that he had "no doubt about the resolution."
21. On or about July 22, 2009, defendant FLANAGAN responded to the target's father about the status of the stolen property. Defendant FLANAGAN informed the target's father that he "spoke to someone in the loop" the day before and that the stolen property would be returned.
22. On or about August 3, 2009, defendant FLANAGAN in an e-mail sent to the target's father informed the target's father that he "touched base this morning with the squad"

supervisor,” and that “[e]verything is on track, just a timing thing getting the material in to the hands of the owner.”

23. On or about and before August 10, 2009, defendant FLANAGAN called the 7th Precinct Detective Squad, spoke to a Detective Sergeant known to the Grand Jury and to the District Attorney’s Office, and inquired as to the status of the stolen property that was still in the possession of the Nassau County Police Department.
24. On or about August 10, 2009, defendant SHARPE in an e-mail sent to the unindicted co-conspirator and copied to a Detective Sergeant known to the Grand Jury and the District Attorney’s Office directed the unindicted co-conspirator to return the stolen property to the school administrator who had originally reported the theft of the electronic equipment to the police.
25. On or about August 17, 2009, after receiving an e-mail from the target’s father stating that he “wanted this over,” defendant FLANAGAN told the target’s father in a reply e-mail that “the Detective who is charged with returning the property is on vacation,” and that the “detective has a personal relationship with the principal, that’s why he was given the task.” Defendant FLANAGAN also stated in the e-mail that he had “stayed in contact with the squad supervisor,” and that the squad supervisor was “aware of the importance” of getting the stolen property returned to the school. Following the reply e-mail by the target’s father wherein he thanked defendant FLANAGAN, defendant FLANAGAN again assured the target’s father that “it’ll happen.”
26. On or about September 1, 2009, the unindicted co-conspirator, with specific instructions given to him by defendant SHARPE that the unindicted co-conspirator return the stolen property to the school administrator who originally reported the theft to the police and to obtain a withdrawal of prosecution from the school administrator, returned the stolen property to the school administrator. While the school administrator agreed to accept the stolen property on behalf of JFK High School, the school administrator refused to sign a withdrawal of prosecution.
27. On September 9, 2009, defendant FLANAGAN informed the target’s father in an e-mail that the “delivery” of the property had been made the week before. In response to that e-mail the target’s father sent an e-mail to defendant FLANAGAN which stated, “THANK YOU!!!!,” to which defendant FLANAGAN replied in an e-mail “de nada family.”
28. On or about September 10, 2009, defendant FLANAGAN accepted gift cards sent by the target’s parents and acknowledged receipt of the gift cards by e-mail, indicating that the gift by the target’s parents was “[o]ver the top.”
29. On or about September 19, 2010, defendant SHARPE, together with the unindicted co-conspirator, approved and entered into a Nassau County Police Department

computer system a close-out memo for this felony investigation that falsely claimed that the school administrator representing and speaking on behalf of JFK High School did not wish to proceed with criminal charges against the target.

As a direct result of the actions of defendants HUNTER, FLANAGAN and SHARPE, the target was not arrested for any charges related to the theft of electronic equipment from JFK High School by anyone associated with the Nassau County Police Department.

COUNT TWO

AND THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, further accuses the defendant WILLIAM FLANAGAN of the crime of RECEIVING REWARD FOR OFFICIAL MISCONDUCT IN THE SECOND DEGREE, a class E felony, in violation of Section 200.25 of the Penal Law of the State of New York, committed as follows:

The defendant, WILLIAM FLANAGAN, being a public servant, on or about and between September 9, 2009 and September 11, 2009, in the County of Nassau, State of New York, solicited, accepted or agreed to accept a benefit from another person for having violated his duty as a public servant, to wit: defendant, the Second Deputy Commissioner of Police in the Nassau County Police Department, accepted gift cards from the parents of the target of an open felony police complaint involving the theft of electronic equipment from JFK High School. Those cards were given to the defendant by the target's parents after the defendant directed and effectuated the return of that stolen property which effectively ended any further Nassau County police involvement in this case and ensured the non-arrest of the target, despite there being probable cause to arrest the target and a cooperative complainant willing to proceed with criminal charges. The target's father was a financial and personal benefactor of the Nassau County Police Department, including this defendant.

COUNT THREE

AND THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, further accuses the defendant ALAN SHARPE of the crime of OFFICIAL MISCONDUCT, a class A misdemeanor, in violation of Section 195.00(2) of the Penal Law of the State of New York, committed as follows:

The defendant, ALAN SHARPE, alone and aiding and abetting and being aided and abetted by others, on or about and between the 19th day of May 2009 and the 19th day of September 2010, in the County of Nassau, State of New York, being a public servant, with the intent to obtain a benefit or deprive another person of a benefit, knowingly refrained from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office, to wit: defendant, a supervising Detective Sergeant in the Nassau County Police Department, acting with others, violated his inherent duties and the policy of the Nassau County Police Department when he failed to authorize the arrest of the target of a felony investigation despite there being probable cause to arrest the target and a cooperative complainant willing to proceed with criminal charges, in order to benefit the target's father, a financial and personal benefactor to members of the Nassau County Police Department.

COUNT FOUR

AND THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, further accuses the defendant JOHN HUNTER of the crime of OFFICIAL MISCONDUCT, a class A misdemeanor, in violation of Section 195.00(2) of the Penal Law of the State of New York, committed as follows:

The defendant, JOHN HUNTER, alone and aiding and abetting and being aided and abetted by others, on or about and between the 19th day of May 2009 and the 23rd day of June 2009, in the County of Nassau, State of New York, being a public servant, with the intent to obtain a benefit or deprive another person of a benefit, knowingly refrained from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office, to wit: defendant, a Deputy Chief of Patrol in the Nassau County Police Department, acting with others, violated his inherent duties and the policy of the Nassau County Police Department when he interfered with a felony investigation to prevent the arrest of the target of that felony investigation despite there being probable cause to arrest the target and a cooperative complainant willing to proceed with criminal charges, in order to benefit the target's father, a financial and personal benefactor to members of the Nassau County Police Department, including this defendant.

COUNT FIVE

AND THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, further accuses the defendant, WILLIAM FLANAGAN, of the crime of OFFICIAL MISCONDUCT, a class A misdemeanor, in violation of Section 195.00(2) of the Penal Law of the State of New York, committed as follows:

The defendant, WILLIAM FLANAGAN, alone and aiding and abetting and being aided and abetted by others, on or about and between the 18th day of June 2009 and the 11th day of September 2009, in the County of Nassau, State of New York, being a public servant, with the intent to obtain a benefit or deprive another person of a benefit, knowingly refrained from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office, to wit: defendant, a Superior Officer in the Nassau County Police Department, acting with others, violated his inherent duties and the policy of the Nassau County Police Department when he interfered with a felony investigation to prevent the arrest of the target of that felony investigation despite there being probable cause to arrest the target and a cooperative complainant willing to proceed with criminal charges, in order to benefit the target's father, a financial and personal benefactor to members of the Nassau County Police Department including this defendant.

COUNT SIX

AND THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, further accuses the defendant ALAN SHARPE of the crime of OFFICIAL MISCONDUCT, a class A misdemeanor, in violation of Section 195.00(1) of the Penal Law of the State of New York, committed as follows:

The defendant, ALAN SHARPE, alone and aiding and abetting and being aided and abetted by others, on or about and between the 19th day of May 2009 and the 10th day of September 2009, in the County of Nassau, State of New York, being a public servant, with the intent to obtain a benefit or deprive another person of a benefit, committed an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized, to wit: defendant, a Detective Sergeant in the Nassau County Police Department, acting with others, directed a subordinate to return recovered stolen property to a cooperative complainant in an open criminal investigation in an effort to justify the non-arrest of a target, whose arrest would have otherwise been warranted, in order to benefit the target's father, a financial and personal benefactor to the Nassau County Police Department.

COUNT SEVEN

AND THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, further accuses the defendant JOHN HUNTER of the crime of OFFICIAL MISCONDUCT, a class A misdemeanor, in violation of Section 195.00(1) of the Penal Law of the State of New York, committed as follows:

The defendant, JOHN HUNTER, alone and aiding and abetting and being aided and abetted by others, on or about and between the 19th day of May 2009 and the 23rd day of June 2009, in the County of Nassau, State of New York, being a public servant, with the intent to obtain a benefit or deprive another person of a benefit, committed an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized, to wit: defendant, a Deputy Chief of Patrol, acting with others, directed a subordinate to return recovered stolen property to a cooperative complainant in an open criminal investigation in an effort to justify the non-arrest of a target, whose arrest would have otherwise been warranted, in order to benefit the target's father, a financial and personal benefactor to the Nassau County Police Department.

COUNT EIGHT

AND THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, further accuses the defendant WILLIAM FLANAGAN of the crime of OFFICIAL MISCONDUCT, a class A misdemeanor, in violation of Section 195.00(1) of the Penal Law of the State of New York, committed as follows:

The defendant, WILLIAM FLANAGAN, alone and aiding and abetting and being aided and abetted by others, on or about and between the 18th day of June 2009 and the 10th day of September 2009, in the County of Nassau, State of New York, being a public servant, with the intent to obtain a benefit or deprive another person of a benefit, committed an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized, to wit: defendant, a Superior Officer in the Nassau County Police Department, acting with others, directed a subordinate to return recovered stolen property to a cooperative complainant in an open criminal investigation in an effort to justify the non-arrest of a target, whose arrest would have otherwise been warranted, in order to benefit the target's father, a financial and personal benefactor to the Nassau County Police Department.

COUNT NINE

AND THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, further accuses the defendant ALAN SHARPE of the crime of OFFICIAL MISCONDUCT, a class A misdemeanor, in violation of Section 195.00(1) of the Penal Law of the State of New York, committed as follows:

The defendant, ALAN SHARPE, alone and aiding and abetting and being aided and abetted by others, on or about and between the 19th day of May 2009 and the 10th day of September 2009, in the County of Nassau, State of New York, being a public servant, with the intent to obtain a benefit or deprive another person of a benefit, committed an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized, to wit: defendant, a Detective Sergeant in the Nassau County Police Department, acting with others, directed subordinates to have an administrator of JFK High School sign a withdrawal of criminal charges against the target in exchange for the return of the stolen property knowing that the school administrator had not agreed at any stage of the felony investigation to withdraw the criminal complaint, such act being done with the intent to benefit defendant SHARPE himself.

COUNT TEN

AND THE GRAND JURY OF THE COUNTY OF NASSAU, by this indictment, further accuses the defendant ALAN SHARPE of the crime of OFFERING A FALSE INSTRUMENT FOR FILING IN THE SECOND DEGREE, a class A misdemeanor, in violation of Section 175.30 of the Penal Law of the State of New York, committed as follows:

The defendant, ALAN SHARPE, on or about the 19th day of September, 2010, in the County of Nassau, State of New York, knowing that a written instrument contained a false statement or false information, offered or presented it to a public office or public servant with the knowledge or belief that it would be filed with, registered or recorded in or otherwise become a part of the records of such public office or public servant, to wit: defendant approved and entered into the Nassau County Police Department computer system a closing report falsely stating that the school administrator did not want the target arrested in connection with the theft of electronic equipment from JFK High School reported to the police on May 19, 2009.

Dated: February 23, 2012
Mineola, New York

KATHLEEN M. RICE
District Attorney