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Private Investigator And Former NYPD Officer Arrested In Bribery Scheme To Obtain Reports From Federal Law Enforcement Database

FOR IMMEDIATE RELEASE

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Private Investigator Also Charged With Fraudulently Billing Federal Criminal Defense Fund

Preet Bharara, United States Attorney for the Southern District of New York, George Venizelos, the Assistant Director-in-Charge of the New York Field Office of the Federal Bureau of Investigation ("FBI"), and William J. Bratton, the Commissioner of the New York City Police Department ("NYPD"), announced today the arrest of JOSEPH P. DWYER and RONALD G. BUELL on charges that DWYER, a private investigator often retained by Court-appointed attorneys in the Southern District of New York, paid bribes to BUELL, then an NYPD Officer, so that BUELL would access a confidential federal law enforcement database to obtain personal information about potential witnesses in federal criminal cases. DWYER was also charged with mail fraud for improperly billing the Criminal Justice Act fund – which provides public funds for indigent defendants – in connection with the bribery scheme. DWYER and BUELL were arrested this morning, and presented this afternoon in Manhattan federal court before U.S. Magistrate Judge James L. Cott.

Manhattan U.S. Attorney Preet Bharara said: "As alleged, private investigator Joseph Dwyer bribed NYPD officer Ronald Buell for confidential reports from a federal law enforcement database, and, at least in some instances, asked the public to foot the bill. Private investigators assisting criminal defendants can – and should – do many things to serve their clients, but bribing law enforcement officials for confidential data is not one of them. Any private investigator who pays such a bribe, and any law enforcement officer who accepts one, should expect to be prosecuted."

FBI Assistant Director-in-Charge George Venizelos said: "As alleged, Dwyer and Buell conspired to access a database containing sensitive law enforcement information, abusing their positions of trust for personal gain. In addition to robbing us of taxpayer money, corrupt practices rob us of trust in government, particularly with respect to those who take an oath to enforce and obey the law, not break it. The FBI will continue to investigate those in public positions who engage in corrupt activities."

Commissioner of the NYPD William Bratton said: "These two individuals are charged with crimes that involved the abuse of their positions for monetary gain. By illegally accessing confidential information, they undermined the integrity of law enforcement operations and data systems. I want to thank our law enforcement partners and the NYPD Internal Affairs

Bureau for their commitment in pursuing this case.”

According to the allegations contained in the Complaint unsealed today in Manhattan federal court:

The Federal Bureau of Investigation operates the National Crime Information Center database (“NCIC”), which allows federal, state and local law enforcement the ability to access confidential personal information about individuals in connection with their law enforcement duties. The database is not accessible to the general public, and the disclosure of certain information in the database can jeopardize law enforcement operations and safety.

Between at least October 2011 through at least in or about November 2013, BUELL, while an active-duty member of the New York City Police Department, accessed the NCIC using a New York state computer system on at least 15 occasions to obtain criminal history information and other personal information related to witnesses and other individuals associated with at least 11 federal criminal prosecutions in the Southern District of New York on which DWYER had been retained as a defense investigator and paid with public funds pursuant to the Criminal Justice Act (“CJA”), Title 18, United States Code, Section 3006A.

During the same time period, BUELL deposited into his personal bank account at least 17 checks issued by DWYER’s private investigations firm, totaling nearly \$9,000. In addition, DWYER submitted billing invoices to the CJA administrative office in the Southern District of New York seeking payments and reimbursements for purported investigative work performed to obtain criminal histories of the individuals associated with the federal criminal prosecutions, when, as alleged, DWYER had illegally obtained the criminal history information through bribes paid to BUELL. The United States Treasury Department issued checks on these invoices, which were mailed from a location outside the State of New York to DWYER’s office on Long Island, New York.

* * *

DWYER, 46, is charged with one count of participating in a conspiracy to commit bribery and to access a federal database without authorization, one count of bribery, one count of unauthorized database access, and one count of mail fraud. He faces a maximum sentence of 45 years in prison.

BUELL, 48, is charged with one count of participating in a conspiracy to commit bribery and to access a federal database without authorization, one count of bribery, and one count of unauthorized database access. He faces a maximum sentence of 25 years in prison.

The maximum potential sentences in this case are prescribed by Congress and are provided here for informational purposes only, as any sentencing of the defendants will be determined by the judge.

Mr. Bharara praised the investigative work of the Criminal Investigators at the United States Attorney’s Office, the Federal Bureau of Investigation and the NYPD Internal Affairs Bureau. Mr. Bharara noted that the investigation is ongoing.

The case is being handled by the Office’s Public Corruption Unit. Assistant U.S. Attorneys Hadassa Waxman and Brooke E. Cucinella are in charge of the prosecution.

The charges contained in the Complaint are merely accusations and the defendants are presumed innocent unless and until proven guilty.