

7/15/88

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# Police Chief of Metro-North Indicted in Computer Misuse

By SELWYN RAAB

The police chief of the Metro-North Commuter Railroad was indicted yesterday on charges that he improperly used a New York State police computer system to investigate job applicants, their relatives and people who were suing the railroad.

The indictment against the chief, John V. Esposito, includes allegations of "computer trespass." Authorities said he is believed to be the first police official to be prosecuted under a 1986 law restricting the use of confidential criminal justice records compiled in computers.

After pleading not guilty in a courtroom in Manhattan, Mr. Esposito said his use of the computer system "is standard operating procedure" by police chiefs throughout the state as part of routine background examinations of prospective employees.

"If I'm convicted, not a police chief in New York State is safe from this kind of prosecution," Mr. Esposito said outside the courtroom.

## Suspended With Pay

He described the indictment as "garbage" and said it was based on evidence presented to a grand jury by the office of the special state prosecutor, Charles J. Hynes, after the prosecutor's staff had failed to uncover any corrupt acts by Mr. Esposito in a 22-month inquiry. Mr. Hynes is responsible for investigating corruption and misconduct involving criminal justice matters in New York City.

Mr. Esposito, 60 years old, has been the head of the 130-member railroad police force since June 1985.

Three hours after the indictment was handed up, the president of the railroad, Peter E. Stangl, suspended Mr. Esposito but allowed him to continue to draw his salary of \$69,651 a year.

In a statement, Mr. Stangl said, "it appears that the chief's actions were done in the conduct of Metro-North business and did not involve any personal gain." He said Mr. Esposito's pay status would be reviewed after an inquiry into the charges by railroad officials.

The 32-count indictment, brought by a grand jury in Manhattan, accused Mr. Esposito of using the New York Statewide Police Information Network, called Nyspin, to seek information about possible arrests and convictions of three men and a woman who had applied for jobs as officers.

Mr. Esposito also obtained records of three relatives of one of the applicants and used the computer for information about two men who were suing Metro-North for false arrest by the railroad's police force, the indictment said.

The information about the nine people was obtained between last Sept. 4 and Feb. 4, from a Metro-North police department computer that has access

to information collected by Nyspin, the indictment said. The Metro-North computer is in the department's headquarters at Grand Central Station.

Nyspin is jointly operated out of Albany by the state police and the State Division of Criminal Justice Services. The system includes the arrest and conviction records, known as rap sheets, of people accused of criminal charges in New York State and other states. It also contains outstanding warrants for people sought on criminal charges throughout the country and motor-vehicle infractions against New York State drivers.

Richard H. Magnum, a special assistant state attorney general, who is in charge of prosecuting the case against Mr. Esposito, said Nyspin could be used by police agencies only

## The official may be the first prosecuted under a new data law.

"in the administration of justice." He said state law banned its use to obtain information for background checks of employees or in civil suits.

"Any unauthorized use is an invasion of privacy," Mr. Magnum said outside the courtroom.

In addition to computer trespass, the 32-count indictment charges that Mr. Esposito coerced Metro-North employees into using the computer without authorization and that he falsified official records by stating that the information was being sought in connection with disorderly conduct investigations.

The most serious count against Mr. Esposito is criminal trespass, a Class E felony that carries a maximum prison sentence of four years.

Mr. Esposito, who lives in Marlboro in Ulster County, was released without bail after his arraignment before Justice Felice Shea of State Supreme Court in Manhattan.

## Crime Victims Disputed

Later, at an impromptu news conference, Mr. Esposito acknowledged that he had used the computer system to obtain records of people who were not under criminal investigation by his department.

He said a check of one job applicant turned up criminal records for three close relatives. "Would you want me to give a gun and a badge to someone like that?" he said.