

Department of Justice

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SECOND BUFFALO POLICE OFFICER ARRESTED, CHARGED WITH DEFRAUDING INJURED ON DUTY PROGRAM

BUFFALO, N.Y.--U.S. Attorney William J. Hochul, Jr. announced today that Patrick S. O'Mara, 50, of Buffalo, N.Y., was arrested and charged by Criminal Complaint with mail fraud and health care fraud. The charges carry a maximum penalty of 20 years in prison, a \$250,000 fine or both.

Assistant U.S. Attorney John E. Rogowski, who is handling the case, stated that on February 16, 2004, the defendant, a Buffalo Police Officer, was placed on Injured on Duty Status (IOD) by the City of Buffalo. According to the Complaint, O'Mara was placed on IOD status for exacerbation of cervical and lumbar strains previously suffered while on duty. The defendant remained on IOD status until October 18, 2004 when he was ordered to return to light duty. O'Mara again claimed to have injured his right arm on March 21, 2005 while lifting two reams of copy paper. While the defendant did not report the injury to his superiors until 23 days later, the defendant was placed on IOD status once again on September 6, 2005 where he remained until he retired on March 31, 2012.

The Complaint states that while the defendant's primary care physician did not recommend that O'Mara return to work, several independent medical exams concluded that the defendant was not permanently disabled. One doctor noted that the defendant walked into his office using a cane, but later witnessed O'Mara walking in the parking lot without any limp. In addition, the investigation determined that the defendant worked as a paid musical director and church organist during most, if not all, of the time that he has been on IOD status. Such work would have involved the use of his right arm.

The defendant retired from the Buffalo Police Department effective March 31, 2012, following an independent medical exam and administrative hearing. The Complaint alleges that during an interview with Special Agents from the Federal Bureau of Investigation on

May 9, 2012, the defendant stated (among other things) that he was capable of performing light duty and had been playing the organ for a church. Nevertheless, the defendant stated there was no incentive to return to work on light duty status, "it is demeaning to sit at a desk and answer phones and I consider it to be punishment," and "the pay on IOD status which is without taxes is actually an incentive to stay off duty in IOD status."

"By prosecuting those who defraud the Injured on Duty System, we protect and support the hard working police officers who may someday need this program for bona fide injuries suffered in the line of fire," said U.S. Attorney Hochul. "Abuse of the program not only compromises the integrity of the entire system, it also deprives City residents of one additional police officer who would otherwise be available for patrol and safety. This arrest, the second involving a Buffalo Police Officer in a week, sends a strong and clear message that this type of fraudulent behavior will not be tolerated."

"As we stated after last week's arrest of Buffalo Police Officer Robert Quintana, the charging of retired Police Officer Patrick O'Mara today reinforces the FBI and Buffalo Police Department's commitment to remove abusers of the Injured-On-Duty program from the ranks of the police department," said Christopher M. Piehota, FBI Special Agent in Charge. "Members of law enforcement must discharge their duties with the utmost respect for ethics and the law. Continued abuse of this worthwhile program drains city resources and undermines the public's trust and confidence in its public servants."

O'Mara's arrest is the second in a week involving a Buffalo Police Officer. On May 9, 2012, Robert Quintana, who has been on IOD status since March of 2005, was arrested and also charged with mail and health care fraud.

The Criminal Complaint is the culmination of an investigation by Special Agents of the Federal Bureau of Investigation, under the direction of Special Agent in Charge Christopher M. Piehota and the Buffalo Police Department, under the direction of Commissioner Daniel Derenda.

The fact that a defendant has been charged with a crime is merely an accusation and the defendant is presumed innocent until and unless proven guilty

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