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When police, politics collide

Chief, in memo, says pressure from officials kept officer in the clear

By Anne Miller

Staff Writer

ROTTERDAM - A local police chief, bowing to the wishes of an elected Town Board member, decided not to charge one of his officers with a crime because he "knew" his boss, a local Republican leader, "would not support me pursuing such charges."

That unusually candid statement appears in a secret Rotterdam Police Department memorandum obtained by the Times Union. A source with firsthand knowledge of the memo confirmed its authenticity to the newspaper.

According to the memo, Officer Robert Denny, who has one of the worst employee records in the department, was nevertheless promoted to sergeant in July even as he faced a suspension. Denny allegedly stole pearl handles from an antique gun a town resident found and gave to police, according to sources familiar with the incident. Instead of logging the handles as evidence, he gave them to a friend, the sources said.

An evidence report Denny filed for the gun does not list the fancy handles.

Denny refused to comment for this story.

Pearl gun handles are actually made of carved mother-of-pearl, the lustrous mineral lining of large seashells, and can be highly valuable collectibles. A local gun dealer said that if genuine, the handles could be worth between \$150 and \$2,000 - less if damaged, more if they are original handles manufactured by Smith & Wesson.

Throughout his career, Denny has been known for close ties to the Republican Party in Rotterdam. Until this summer, the officer served as president of the local police union and, under the previous police chief, regularly went above his department chain of command to consult with Republican leaders.

Now he is one of six police sergeants in Rotterdam.

Denny's case is not the first time that questions about undue political pressure on the police department have arisen when Republicans have taken over town leadership, according to former Police Chief Anthony Jasenksi, who is a Democrat and former Town Board member.

Town Republican officials refused to comment for this story. Supervisor Steven Tommasone and Town Board member John Mertz, who was the chairman of a police commission overseeing the police, declined comment after being left repeated messages.

The August 2006 memorandum obtained by the Times Union, sent by Police Chief James Hamilton to Mertz, details concerns Hamilton had over Denny's promotion and his alleged misconduct. Hamilton declined to discuss the matter because personnel, discipline and attendance records of employees are not public, according to police spokesman Deputy Chief William Manikas.

The memo notes that Denny has one of the worst disciplinary and attendance records on the town force and that his performance evaluations rank among the lowest.

"It can't be overstated that the actions of Officer Denny compromised the integrity of the evidence room and was a serious violation," Hamilton wrote.

"As you requested, I will not file charges... however, I should point out that I am unaware of a time when a disciplinary case was handled in this manner," the chief wrote.

Denny started as a Rotterdam police officer in August 1993. He lives on the western edge of town and was designated to earn more than \$65,600 this year, according to department salary figures. His promotion is expected to add an extra \$5,000 to his annual pay.

Denny's previous boss, Chief Jasenski, said he would not comment on specific personnel matters. Denny never received a promotion under Jasenski's tenure.

Jasenski served as police chief from 1996 through 2001. Throughout 1999 he clashed with then-Town Supervisor Joseph Signore over Signore's insistence on promoting a sergeant.

"I believe that this would be a waste of valuable personnel resources and taxpayer dollars," Jasenski said in a memo at the time.

Repeatedly, Jasenski said, he was told, "'Officer A goes here and Officer B goes there' because of nothing but politics.

"I said no, because it's wrong."

Jasenski went on to serve as a Democratic Town Board member from 2002 to 2004. Signore lost his re-election bid for supervisor, but won a spot on the Town Board in last year's election.

"I'm not going to get into it. I'm not going to comment," Signore said.

This year marked the creation of a town police commission.

State law offers municipalities the option of creating a police commission with one or three commissioners, or one commissioner and two Town Board members, to oversee the police department in the supervisor's stead. The Town Board must vote to create the commission.

Republican Mertz, an attorney and Town Board member, headed the Rotterdam commission. He received no additional pay above his regular \$10,000 Town Board member salary. Republican Town Board members Joseph Guidarelli and Joseph Signore served on the commission as well.

Democrats and other town residents accused Mertz of using the commission for political gain. In a contentious public meeting in September, Guidarelli resigned from the commission, effectively dissolving it.

But several promotions had already been made - Denny's among them.

In February, a man helping a friend renovate a house in town found an old revolver in a wall. The man took the gun to the Taylor & Vadney Sporting Goods Store on Broadway, which has a prominent storefront in the center of town and an expertise in

all types of firearms. Law enforcement authorities often bring weapons there for help identifying models.

Don Diamond works behind the gun shop counter. On a recent morning he pulled out two books to check the price estimates for the gun he saw in February, as described in the evidence room report Denny wrote.

Diamond said the 1907 .38-caliber Smith & Wesson revolver was worth about \$200 - but the prize was its mother-of-pearl handles. They looked like the real thing, he said. Today, only synthetic versions are made, he said.

On Feb. 14, the gun was turned in to the Rotterdam police. Denny logged the gun, filling out a property report that briefly described the weapon and how it was found. The report makes no mention of the handles. The gun returned to Diamond a second time in the hands of a Rotterdam police officer - but the handles were gone.

A 100-year-old .38-caliber Smith & Wesson revolver can run between \$200 and \$1,500 depending on the condition, said Brian Oleson of B & J Shooting Supply on Albany's Central Avenue.

A huge Internet online auction market exists for true mother-of-pearl handles.

"No matter what model it is, there's a demand for quality grips," Oleson said. "Some antique grips have a higher value than the gun."

The missing handles kicked off an internal police investigation that led to Denny, sources familiar with that investigation said.

The police department audits the evidence room annually. Because Denny is accused of taking the handles before the gun reached the evidence room, this year's audit showed nothing missing, according to those sources.

In his memo, Chief Hamilton noted that the evidence room violation resembles a recent case in the Schenectady Sheriff's Department. Earlier this year, Richard Vore, a 27-year veteran of the Schenectady County Sheriff's Department, pleaded guilty to petit larceny for taking \$133 from an evidence safe. Vore lost his job.

"The main reason I didn't make such an argument is because I knew how strongly you and others were advocating for a promotion for Officer Denny and knew you would not support me pursuing such charges," Hamilton told Mertz.

"Promoting an individual with one of the worst disciplinary records, 1st or 2nd lowest evaluation scores in the entire department, whom takes the most time off in the department, and who had a pending suspension would not be a recommendation I could make in good conscience," he wrote.