



This is a printer friendly version of an article from the **The Journal News**.

To print this article open the file menu and choose Print.

Firings, turmoil among Montrose VA police

By SUSAN ELAN

THE JOURNAL NEWS

(Original Publication: August 27, 2007)

MONTROSE - A flurry of firings and punitive schedule changes for whistle-blowing have created turmoil within the 20-member police force at the Department of Veterans Affairs hospital here, according to some officers and the head of their union.

Since last month, two Montrose officers have gotten termination letters in what they say was retaliation for filing complaints. A third officer said he was dismissed after the police chief confronted him over e-mails sent by another officer questioning the chief's mental health, and a fourth officer said he was assigned a schedule change that would force him to quit, after he complained to federal officials over orders to provide armed, 'round-the-clock surveillance of a patient.

"I didn't fight for my country to have my rights taken from me," said police Sgt. Richard Colon, 38, who served two tours in Iraq. Colon was promoted to police sergeant in February and was scheduled to lose his job Saturday.

He was accused in his termination letter of leaving Montrose on multiple occasions to go to the VA hospital in Castle Point without permission. Colon, who has worked at Montrose since 2003, said he consulted his superior officer first.

He denied a charge that he carried a personal firearm while at Castle Point. He was also accused of not signing out a master key on May 20. He said the key was used to gain access to supplies such as paper, and the sign-out rule was rarely practiced.

But he admits to the charge that he questioned Chief Brian Pack's mental health and considered him a threat to employees because of his access to firearms.

VA officials declined to comment on whether investigations were under way, and did not give Pack permission to speak to The Journal News.

"I am aware of issues relating to our Police Service here at the Montrose campus of the Hudson Valley VAMC," said Michael A. Sabo, director of the VA Hudson Valley Healthcare System, in a written statement Friday. "While it would not be fair or appropriate to discuss these issues at the present time, we continue to provide a safe and healthful environment for veterans, staff and visitors."

Colon said Sabo informed him Friday morning that his case would get further scrutiny before his dismissal. VA spokeswoman Nancy Winter could not confirm that.

Joseph Migliorini, a 20-year veteran the New York City Police Department who was also promoted to sergeant at Montrose in February, said his fall from grace began in April. He was serving as a firearms instructor when another officer "swept past other shooters on the line with a loaded firearm" and then pointed the weapon at him and a second instructor, he said. Despite his complaint, the officer was not removed as a training coordinator, Migliorini said.

Migliorini was also charged in his letter of dismissal with unauthorized use of a master key, perusing documents in the in-box on a desk in the Police Program Assistant's Office and leaving his duty station four hours early. He was accused of three counts of insubordination for not assigning an officer to cover the Montrose campus entrance.

In a 10-page response, Migliorini's Albany lawyer, Mathew Tully, noted that the accusation that his client did not assign an officer to cover the gate was made by a police official who was on extended leave in Grenada at the time.

"It is my position that my client is being subjected to discrimination and harassment because of his cooperation in ongoing criminal investigations" at Montrose, Tully wrote to Sabo on Aug. 10.

Migliorini said he believes he was promoted to sergeant to remove protection from his union, Local 1119 of the American Federation of Government Employees. He received a letter of "proposed removal" on July 16, but has no final dismissal date. Migliorini said Friday that he will meet with Sabo this week.

Local 1119 President Bill Davis said the union planned to file a grievance over hospital officials' refusal to allow it to represent the sergeants. "The remedy we are seeking is the removal of the police chief, the director and associate director," Davis said.

Officer Michael Raleigh lost his job on July 27 but said he couldn't fight it because he was hired as a temporary employee. However, Raleigh, who served 20 years as a New York City police officer, did balk upon learning he was fired for "conduct unbecoming a police officer," which he said would have made it impossible for him to get another job in law enforcement. The VA has since allowed him to resign, he said.

"I had no formal reprimands and had never been told my performance was inadequate or lacking," Raleigh said.

He said a mistaken assumption by Pack that he had sent e-mails questioning the chief's mental health may have contributed to his dismissal.

Officer Robert Smith has not been fired, but an announced mandatory change in his schedule would make it impossible for him to remain on the job due to his wife's poor health and complicated child care arrangements for his four children, he said.

Smith, a Scarsdale and New York City police veteran, said he believed Pack was trying to force him out for filing whistle-blower reports with the FBI and the U.S. Justice Department alleging civil rights violations in the 2006 armed detention of a patient who attacked another patient but was never charged with a crime.

"There needs to be a thorough investigation of the problems that exist here," Smith said. "I am only one of many victims of retaliation that takes the form of threats, harassment, intimidation and baseless accusations."