

Cop pleads guilty, will aid probe

Michael Siler is second Schenectady police officer to admit guilt in ongoing investigation of department corruption

By KIM MARTINEAU

Staff writer

UTICA — A Schenectady police officer pleaded guilty Monday to extortion, racketeering and drug distribution charges, admitting that he and other rogue officers shook down drug dealers and used crack cocaine to pay informants for leads on criminal activity.

As part of a plea agreement, Officer Michael Siler has agreed to cooperate with an ongoing FBI investigation into corruption in the Schenectady Police Department.

The probe has focused on allegations that a group of patrol officers took the law into their own hands by paying a network of street informants with money, drugs or police protection.

Siler, 33, was supposed to face trial Monday morning. But as potential jurors stood by for several hours, Siler reached an agreement with prosecutors, clearing the way for a guilty plea to four of the eight charges on his indictment. Had he gone to trial, he faced more than 30

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The FBI probe



MICHAEL SILER

PLEADED GUILTY Monday to drug distribution and extortion, racketeering and drug possession

- ▶ Agreed to cooperate with FBI investigation
- ▶ Faces up to 57 months in prison



RICHARD BARNETT

PLEADED GUILTY Sept. 18, 2000, to drug distribution and extortion charges

- ▶ Agreed to testify against Siler
- ▶ Faces up to 51 months in prison



LT. MICHAEL HAMILTON

PLEADED NOT GUILTY June 7 to federal obstruction of justice charges

- ▶ Faces up to 20 years in prison if convicted on the top count
- ▶ Highest-ranking officer charged in connection with probe

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years in prison if convicted. By agreeing to cooperate with federal authorities, he could serve as little as four years.

Siler is the second officer to plead guilty in an FBI probe that has been ongoing for nearly two years.

Siler's plea is likely to put heat on his supervisor, Lt. Michael Hamilton, who has been charged with three federal felonies. Hamilton, a decorated officer, is accused of trying to hinder a drug investigation by warning one of his informants that she and her friends were under police surveillance.

The FBI launched its investigation in August 1999 after two informants — one loyal to the department's vice squad, the other working for patrol — were caught in a web of tangled dealings.

On August 3, a longtime informant for the vice squad bought some crack for his personal use. A woman to whom he owed money saw the deal and notified Siler and Officer Richard Barnett that the man was carrying drugs, sources said.

Moments later, Siler and Barnett slammed the man against their patrol car, rifled through his pockets and took his drugs. The incident took place a block from the city police station. Later, the officers drove to their informant's apartment on Victory Avenue and gave her a piece of crack cocaine.

After the shakedown, the vice informant called his contacts on the police force. Within hours, investigators had put a wire on their informant and sent him to the patrol informant's apartment.

The vice informant complained about what had just happened to him and bought some more crack. He was able to elicit statements, sources said, that incriminated the cops. The FBI has charged the patrol informant with one count of drug distribution. Her case is pending.

In some ways, Siler's admission has vindicated members of the vice squad who have said they complained to Chief Gregory Kaczmarek for years that a group of young, uniformed patrol cops were undermining their drug investigations and potentially breaking the law.

Siler's own admission to committing several crimes has also helped to dispel accusations that the FBI and prosecutors have been leading a witch hunt against a group of hard-charging, motivated cops. A guilty plea is even more

SILER TRANSCRIPT

The following is an excerpt of a transcript in which Officer Michael Siler pleads guilty in U.S. District Court in Utica:

"On occasion," said Michael Siler, "I would distribute small amounts of crack cocaine to street informants."

"How often did this occur," asked Judge David Hurd.

"Occasionally," said Siler, "you know, once in a while, sir."

"Well how often are we talking about? Every week? Every month? What is your best judgment?"

"Maybe every week."

"At least once a week during that period of time?"

"A couple times a month, yes sir."

"Were other individuals involved besides the recipients of this crack cocaine?... Were you acting alone or were you part of an enterprise? That is what you have been charged with under the RICO violation."

"Yes sir, I was a member of the Schenectady Police Department, when I engaged in that activity."

"Was anyone else — I am not asking for names at this time. I am asking if any other members of the Schenectady Police Department were also engaged in the same type of activity that you were."

"Yes sir."

"And you know those names?"

"Yes sir."

definitive than a jury verdict, because a jury could be criticized for not reaching a fair verdict, said Assistant U.S. Attorney John Katko.

"There's absolutely no way someone can say now, the jury got it wrong," said Assistant U.S. Attorney John Katko. "It vindicates what we've been saying all along."

Assistant Chief William Grasso, one of three Schenectady officers helping the FBI with their investigation, echoed Katko's remarks.

"With two guilty pleas now," he said, standing on the steps of the federal courthouse in Utica, "those allegations can be put to rest." Grasso has come under fire from some members of the department who view his cooperation as a sellout.

Siler's decision to cooperate could signal further indictments within the department, sources said.

At the very least, it could bring Siler to testify against his boss, Hamilton, further breaking down the blue wall of silence. The judge has allowed Siler to remain free on bail until his Nov. 30 sentencing.

Siler will be fired from his \$45,000 a year job immediately. He has received \$24,000 in salary since being suspended from the force last fall. City officials were unapologetic.

"While this situation is painful for the city, the message is, when somebody violates the public trust the person will lose their job," said City Attorney Michael Brockbank at a news conference held inside the Police Department. "This is an unfortunate, sad lesson."

"Siler brought this on himself through his criminal actions and he will pay a heavy price including job loss and some time in prison."

Just a week ago, the city's police union voted to provide indicted officers with up to \$25,000 in union money to help offset their legal bills. Two days later, union members agreed to release \$10,000 up front to Siler and Hamilton. Union officials have said they will hold another vote to decide whether to release the remaining \$15,000 after both cases are resolved. It is unclear whether Siler will receive the additional money.

Even though Siler has agreed to cooperate with the FBI, Hamilton's defense lawyer, Joseph Tacopina, said he's not worried. Tacopina has built a national reputation helping several New York City police officers win acquittals. One of Tacopina's assistants took notes in the Utica courtroom as Siler made his plea.

"If anything, this gets me to trial a little quicker," Tacopina said. "This isn't our party, it's the government's. We were the invited guests. But now we're ready to tango."

Hamilton has been suspended with pay from his \$54,000 a year job.

Chief Gregory Kaczmarek said Siler's plea brings him one step closer to moving his 165-member police force out from under a cloud of controversy. "Obviously it's not a happy day, but I think we all knew this day was a possibility," he said. "We're not afraid of the truth. We just want the truth out."

Two weeks after the vice squad informant got incriminating evidence on Siler and Barnett in August 1999, police officials sealed the patrol cops' station lockers. When they opened the lockers, officials found marijuana, crack cocaine and heroin, packaged for sale, in Siler's locker. On Monday, Siler admitted that he had no legitimate reason for storing those drugs in his locker.

"Did you know drugs were in

the locker," asked U.S. District Court Judge David Hurd.

"Yes, sir," Siler replied.

"Did you place them there yourself?"

"Yes, sir."

"You didn't place them there for any legitimate police business, correct?"

"That's correct."

If Siler successfully cooperates with federal authorities, four remaining charges against him will be dismissed, including one that alleges he took crack cocaine from his station locker on the night of a bachelor party for a fellow officer.

A 29-year-old woman, Renee Rickson, has said that Siler picked her up at her apartment on September 20, 1997, and lured her to the bachelor party at The Glen Sanders Mansion in Scotia with the promise of crack cocaine. After she had smoked the crack, she said, Siler and another officer had sex with her at the same time.

Siler talked with his older brother briefly before walking out of the courtroom. He left the courthouse through a back door without talking to reporters.

"It's been a very difficult day at the end of what's been a very difficult couple of years," his Albany defense lawyer, Michael Koenig, said later.

As the FBI's criminal investigation continues, the U.S. Justice Department is also scrutinizing the department to see whether officers have engaged in a pattern of civil rights abuses. Albany lawyer Kevin Luibrand has several pending lawsuits against the city police force, including one in which Siler is accused of dumping a suspected drug dealer on a rural road in Glenville at night without his shoes.

Luibrand predicted that Siler may also be of help to the Justice Department. "It will make the Justice Department's civil rights investigation more productive," he said.

When reached in Washington D.C., Mayor Albert J. Janczewski said he also hoped that Siler's plea would bring an end to the controversy that has enveloped his city.

"Whether it's the Police Department, City Council or any group, at times people stray and step outside the law," he said. "The good news on this sad day is that the city has moved one step closer to the end of a painful process."

► Staff writer Marv Cermak contributed to this story