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Hearing ends in dismissal of insubordination case against Edison police officer

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A veteran Edison police officer charged with insubordination saw his case thrown out yesterday after a contentious disciplinary hearing in municipal court that drew more than 200 police officers, family members, residents and high-ranking public officials.

The Edison Police Department charged Joseph Kenney, a 35-year police veteran, with berating a superior officer, Sgt. Alex Galinsky, in front of other patrolmen in July.

The dispute stems from a fiery July 3 car crash in which two Rutgers graduate students died, and at which Kenney dragged the driver from the vehicle. The driver, Kapil Goel, is awaiting trial on charges of aggravated manslaughter in what police describe as a drunken-driving accident. The two passengers who died were Amarinder Cheema and Karan Bhandari, both 24.

Timothy Smith, Kenney's attorney, told the court Kenney called for help, but Galinsky ignored him, saying "there's dirty ... Indians in the car, and I'm not going in there."

At roll call the next day, Kenney told Galinsky his actions were "derelict" and "negligent," said Littie Rau, the attorney representing the township.

"It was not the time or place," Rau said yesterday as Kenney sat in uniform, shaking his head. "It was inappropriate and disrespectful. He violated the code of conduct expected of police officers."

But Police Director Brian Collier, who presided, tossed the case after Kenney's attorney argued the department filed the complaint too late. The complaint was filed in October --

four months after the roll call -- in violation of a state law mandating that public employees must file complaints within 45 days of learning of an incident, the attorney argued.

"I felt that rule may have been overstepped," Collier said.

If found guilty, Kenney, 58, could have been reprimanded or suspended for up to 10 days, Collier said.

Smith said department policy prohibits Kenney from speaking to the press. Kenney spent 12 years with Newark police before joining the Edison department 23 years ago.

"This was strictly done to embarrass my husband," an angry Robin Kenney said of the hearing.

Kenney's attorney argued the case should not have gone to a hearing at all because of the 45-day limit.

"I'm not going to participate in a rigged proceeding," Smith said. "We shouldn't be here. This case is substantially ridiculous."

Edison Police Chief Thomas Bryan said the department's internal affairs unit "thoroughly" investigated the incident.

"I feel certainly we were within the 45-day rule," Bryan said after the charges were tossed.

The chief maintained Kenney was wrong. "He stood up in front of a lot of patrol officers and berated a superior officer," Bryan said. "That's against our rules."

The chief also said the investigation revealed no proof Galinsky "did anything wrong at the scene."

Messages left for Galinsky, who was not in the courtroom yesterday, were not returned.

Michael Schwarz, president of the Edison Police Benevolent Association, confirmed Galinsky has been "dismissed" from the police union, but would not say when or for what.

Among the people who packed the courtroom were Antonia Ricigliano, the councilwoman who won the Democratic nomination for mayor Tuesday with the support of the Edison police union, and many of her supporters, including Councilman Anthony Massaro and former council president Charles Tomaro.

Sgt. John Vaticano called the car crash one of the most "horrific" in Edison history. Kenney arrived at the scene to find the car overturned and burning, his attorney said.

Kenney received a valor award from the Middlesex County 200 Club last month for the rescue, in which he suffered second- and third-degree burns, Smith said.

On the witness stand yesterday, Vaticano said 12 to 15 officers were at the roll call -- officially called a muster -- held every day for officers to air grievances and concerns.

Kenney told Galinsky "it disturbed me greatly that you left me alone" at the crash, Rau, the township's attorney said, reading a transcript of the meeting.

"You were derelict in your duties, not only as a sergeant, but as a human being by not trying to save those men," Kenney said, according to the transcript.

"That's not my job," Galinsky responded, according to the transcript. "That's the first aid's job."

Vaticano said he asked Kenney and Galinsky to settle the issue, but Galinsky walked out.

Asked by Smith if what Kenney said at the meeting was inappropriate, Vaticano said: "Absolutely not."

"Muster rooms are where you debrief," the attorney said. "It's among men. Not mice."

Collier called a recess after Vaticano -- the only witness -- left the stand. When they returned, the police director threw out the case.

Smith later apologized to Collier and the court if "anyone got emotional or said anything inappropriate."

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