

[Suffolk](#)LONG ISLAND

Suffolk Police Chief James Burke resigns as federal probe reopens

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Suffolk County Chief of Department James Burke, the force's highest-ranking uniformed officer, resigned Tuesday as federal officials reactivated their probe into police conduct in the theft of the chief's duffel bag.

Federal prosecutors in the Eastern District and FBI agents have begun again a grand jury probe looking into the circumstances surrounding the December 2012 arrest of Christopher Loeb, a Smithtown man who broke into Burke's department SUV and stole a duffel bag, sources familiar with the investigation said.

A source said Loeb is a material witness into the current federal investigation into Burke. The source said federal investigators met with Loeb last week.

Noel DiGerolamo, Suffolk Patrolmens Benevolent Association president, said officers received subpoenas to appear before a federal grand jury in the "last few weeks."

The Suffolk PBA also was issued a federal subpoena Oct. 14, for bylaws, the structure of the organization and records regarding their attorneys. He said he was unaware of the target of those subpoenas.

Possible charges that the grand jury is considering are violations of civil rights by law enforcement officers and obstruction of justice, sources said. Burke has not been charged with any wrongdoing.

Burke's attorney, Joseph Conway of Mineola, said, "After a stellar and courageous career, Chief Burke stepped down today and will officially retire at the end of this month for personal and family reasons. His decision to retire is unrelated to any speculation of a federal investigation. Chief Burke vehemently denies any wrongdoing whatsoever and looks forward to the next chapter in his life."

Suffolk County Executive Steve Bellone said he brought Burke into his office Tuesday after learning the federal probe concerning Loeb was reopened.

"It was mutually agreed this would be in the best interest of Suffolk County," Bellone said in an interview.

He declined to detail the probe. "It's specifically related to the fact that there's a renewed federal investigation," Bellone said. "I don't want to put the department through another federal investigation."

"The chief had his reasons," Bellone said. "We mutually agreed that's what made sense at this moment, for Suffolk County."

Suffolk Police Commissioner Edward Webber praised Burke as one of "the most outstanding supervisors, investigators, and trainers in the history of the Suffolk County Police Department."

Webber said Chief of Support Services Stuart Cameron has been designated acting chief of department and will be appointed within 15 days.

DiGerolamo, the union official, said he remained a big backer of Burke.

"It's a sad day for the Suffolk County Police Department because he did a tremendous job of returning us to a proactive department," he said.

But not all were so supportive.

Legis. Robert Trotta (R-Fort Salonga), a former Suffolk police detective, who had been removed from a prestigious joint county-federal task force during Burke's leadership, said, "It is a travesty that County Executive Bellone appointed him police chief in the first place."

Loeb's attorney, Bruce Barket of Garden City, said of county officials: "I was surprised they circled the wagons around him for as long as they have; this is not a rogue police officer, some patrolman in an obscure part of the county. This is the chief of department who behaved the way he did."

Loeb, 29, has filed a federal lawsuit against the county, Burke and other police officers for violating his civil rights.

An admitted heroin addict, Loeb was sentenced in April 2014 to three years in state prison for his role in the Burke theft.

An initial federal investigation into the circumstances surrounding the arrest of Loeb, who admitted in January 2014 to stealing a duffel bag from Burke's SUV, did not result in any charges filed, according to sources. The vehicle was parked in front of the chief's home in St. James.

Loeb said he was beaten at the time of the arrest by other officers and Burke, who initially showed up first at the scene of his arrest and later at the Fourth Precinct in Smithtown, where Loeb was taken.

Another attorney for Loeb, Barket's partner Amy Marion, has suggested that Burke was anxious to personally retrieve the duffel bag and acted the way he did because the duffel contained, what her client said, were sex toys and DVDs of "nasty porn."

Authorities have said it contained a department gun belt with ammunition, handcuffs, a whistle and a box of cigars.

At a pretrial hearing on the theft of the duffel bag case, Loeb testified first that when he was held in a room at the Fourth Precinct, two officers punched him in the face and ribs when he asked for a lawyer, and one of the officers said he would rape his mother.

That officer has denied making such a statement.

Later Loeb said, Burke walked into a room and ordered the officers there to leave.

Burke then closed the door, Loeb said, and grabbed his face with his left hand and squeezed it. Burke said: "Do you want to steal from me? Do you want to steal from me?" and punched him on the top of the head, Loeb said.

Finally, Loeb said, two other officers came into the room, and pleaded with Burke to leave, saying, "Boss, leave it alone. Leave it alone."

Burke's attorney, Conway, has denied that his client ever mistreated Loeb.

Burke, 51, has been in Suffolk law enforcement for most of his 30-year career, and he was the chief investigator for Suffolk County District Attorney Thomas Spota for a decade before Bellone appointed him to the ranking uniformed officer's post.

