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## State report faults handling of rape case

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Allegations that a former Putnam Valley teacher drugged and raped a 12-year-old girl in his classroom were handled improperly by school officials, police and prosecutors, according to the state Commission of Investigation.

In a report made public yesterday, the commission lists several "significant failures" that negatively influenced the investigation surrounding the teacher, who was not named but is identified in court papers as Dennis Tave.

"The handling of this case was completely unacceptable, and, as a result, we may never know what occurred in the classroom that day," said Alfred D. Lerner, chairman of the Commission of Investigation. "There are established protocols for how cases like this are supposed to be handled, and they were not followed in this instance."

Laura Bliss and her father, Peter Bliss, allege that the former social studies teacher sexually assaulted her in February 2001, when she was in seventh grade. The sexual advances continued until 2003, the family contends.

Laura Bliss, however, did not report the allegations to the Putnam County Sheriff's Office until May 2003, a delay a judge later attributed to the trauma of the experience.

In July 2003, the sheriff's investigation was "closed pending leads," without any charges being filed, according to police documents.

The family still has a federal lawsuit seeking at least \$17 million in damages from the teacher and the Putnam Valley school district. The report supports the family's contention that at least some school officials were aware of earlier complaints from girls of sexual advances by Tave.

"From the beginning this was about finding out everything regarding the case, and slowly but surely we are finding out all the information we need regarding what happened to my daughter," said Peter Bliss, 53. "She lost her teenage years, and nobody can ever give those back to her. And no one can give back to us what we've lost and continue to lose."

The commission launched its investigation in January 2007.

Among the missteps alleged in the report are a finding that the sheriff's investigator who took charge of the case, Detective Sgt. Donald Killarney, was not qualified to handle such a matter and conducted the investigation with a level of "incompetence" that "astounded" the commission.

For instance, he took no notes during an interview he conducted with the teacher and subsequently offered differing accounts as to what transpired, according to the report.

Initially, the report found, Killarney told prosecutors that the teacher told him "nothing happened."

But then two years later, he testified at a state Education Department hearing that the teacher told him the student had come in after school for extra help, that she started to pass out when writing on the blackboard, that he grabbed her and laid her down on the floor, and that he got her some water, according to the report.

This account corresponds to allegations brought by Laura Bliss, who claims she stayed after school to study for a test she had missed and started feeling dizzy and seeing spots after drinking water Tave had given her. She says Tave then hugged her and tripped her, causing her to fall to the floor.

Bliss claims she saw Tave unbuckle his belt and unzip his pants, and then she completely blacked out, according to her police and court statements. She alleges waking up on her back about 30 minutes later with Tave telling her it was time to leave. She claimed her pants and underwear had been pulled down to the middle of her thigh and that when she ran to the bathroom, she was bleeding.

"For prosecutorial purposes, this information (from Killarney) would have been extremely important," the report concludes. "In a case such as this, where physical and forensic evidence are lacking, and a significant amount of time has elapsed since the alleged incident, a suspect's statement that includes any corroborative information is crucial evidence."

Killarney retired from the Sheriff's Office in April 2005 after more than 40 years of service, according to news reports.

Putnam County Sheriff Donald B. Smith said yesterday that he had just received the commission's report and could not yet comment on specifics.

"I plan on reviewing all the findings and recommendations pertaining to the Sheriff's Office for appropriate follow-up action," Smith said. "I'm proud to say the Sheriff's Office and its law enforcement partners and all child-advocacy team members have investigated numerous child-abuse cases in recent years with great success."

The commission's report also criticizes the Putnam County District Attorney's Office, saying that it, among other things, failed to pursue the investigation more aggressively, especially since the assistant district attorney assigned to the case, Makaria Gallagher, knew the Sheriff's Office had not conducted an adequate investigation.

Putnam County District Attorney Adam Levy replaced Gallagher after winning election in November 2007.

Neither Gallagher nor Levy could be reached for comment.

Former Putnam County District Attorney Kevin Wright said yesterday that he had not been interviewed by the commission, but that Gallagher was a well-trained prosecutor with years of experience handling such cases.

As for the school district, the commission concluded that Edward Hallisey, the principal of Putnam Valley Middle School, and Gail Gutterman, the former president of the Putnam Valley Federation of Teachers, "demonstrated no desire to conduct a full and unbiased investigation" and had "no concern" for the alleged victim.

The two had met with Tave shortly after his interview at the Sheriff's Office and made the determination that a full school investigation was not necessary, according to the report. The current teachers union president, Gerald Carlin, also attended the meeting, the report said. He then was the union vice president.

Yet upon learning of the allegations, Robert Pauline, then the interim schools superintendent, insisted that the matter be referred to the school's attorneys and that the school conduct its own investigation, the report says.

The school district placed Tave on paid leave after learning of the allegations, according to the report.

Upon further investigation, the school district discovered at least two other allegations of inappropriate sexual conduct involving Tave had been brought to Hallisey's attention, according to the report.

The school district had not yet completed its investigation when Tave, whose salary was \$87,103 in the 2002-03 school year, submitted his resignation for the purpose of retirement, effective July 1, 2004. A clause in the separation agreement said that the district would refrain from filing any disciplinary charges against him, which the commission said is not an unusual agreement.

Yesterday, Hallisey referred questions to Superintendent Marc Space, who would not comment beyond a statement.

"The Board of Education and the then-Superintendent Robert Pauline were unaware of the previous incidents. The State Investigation Commission, however, determined that the school principal had been aware of the earlier incidents and should have investigated the incidents more fully," Space said. "The school district made the appropriate notifications to the commissioner of education, whose office has the power to suspend or revoke the licenses of teachers."

The state Education Department began formal proceedings against Tave in the summer of 2006 to revoke his teaching certification.

In March of this year, the Education Department recommended that Tave's certification be suspended "pending the completion of certain conditions to ensure that the Teacher is capable of maintaining professional boundaries with students and does not pose a safety threat to students," according to the commission's report. State education officials would not comment further.

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