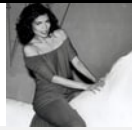




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Why Hasn't the Long Island Serial Killer Case Been Solved?

Six years since first bodies were found near remote beaches, there's still no trace of a killer



By Ellen Killoran

December 15, 2016



It was around dawn on a clear spring morning when Shannan Gilbert disappeared in Oak Beach, Long Island. A secluded, semi-private community at the eastern tip of a narrow barrier island, Oak Beach is a few miles from the line separating Nassau County from Suffolk. Just 35 miles from Manhattan, the town is decidedly not a tourist destination. The first thing to notice about Oak Beach is how quiet it is – even on the brightest days, there's more likely to be residents tending to their yards or their boats than splashing in the ocean. To the east is wild, whispering marshland that seems worlds away from the few cars running right alongside it on Ocean Parkway. Dense vegetation separates the oceanfront community from the road, leaving it in a thick, deafening silence. That's where the story of the Long Island Serial Killer began.

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On the night of May 1st, 2010, Gilbert, a young Craigslist escort, had been with Joseph Brewer, a first-time client, at his home. Brewer lived near the gated entrance to Oak Beach Association, a modestly upscale collection of a few dozen homes built closely together along narrow roads that descend to the ocean-facing beach. Gilbert, a warm-hearted 24-year-old raised primarily in foster care, fell into prostitution the same way many women do: an unstable upbringing, an uncertain future, the alternative of earning less in 40 hours at minimum wage than in one day as an escort. Gilbert craved the spotlight and aspired

to be a professional singer, though she used her relative economic

power as a means to reconnect with her family. Her date with Brewer would pay for a birthday gift for her mother Mari, who later told a reporter she tried to talk Shannan out of working that night, that just having her there for a visit was present enough.

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Shortly before she was last seen, Gilbert placed a **23-minute 911 call** while still at Brewer's home, **reportedly screaming**, "they're trying to kill me." According to a deposition Brewer later gave, Gilbert, who **had been diagnosed as bipolar** but was not taking medication, became inexplicably unhinged, and Brewer enlisted Gilbert's driver Michael Pak to help end the date. At some point after placing the 911 call, Gilbert ran from Pak and Brewer into the darkness, banging on neighbor's doors and begging for help. By the time police arrived – beckoned by **two Oak Beach residents** who Gilbert encountered in her panicked frenzy – she was nowhere to be seen.

According to a timeline provided to *Rolling Stone* by Suffolk County Police Chief Stu Cameron, it was December 10th, 2010 when detective John Mallia, accompanied by a K9 in training, found skeletal remains

along the northern edge of Ocean Parkway. Initially, investigators assumed Mallia had found Gilbert. But the deceased was identified as

Melissa Barthelemy of the Bronx, a young woman who advertised escort services on Craigslist and was last seen in July 2009. Soon after, while Mallia was searching the immediate vicinity for further evidence, he came upon the remains of three more missing persons: Maureen Brainard-Barnes, Amber Costello and Megan Waterman. All were petite, twentysomething women. All had worked as escorts. Because of the proximity of their burial ground to a secluded waterfront called Gilgo Beach, they became known as the Gilgo Four.

For a little while, all eyes in New York City were on the island, as press swarmed the search area, hoping to catch a glimpse, a clue – even another body. Long Island didn't feel like a breezy weekend getaway anymore. By the time Gilbert's body was discovered on December 13th, 2011, in a marsh adjacent to Oak Beach, **six more sets of remains** had been found, for a total of 10, excluding Gilbert: four further west on Ocean Parkway, one in nearby Nassau County, and a skull in Tobay Beach, which was matched to a set of legs found on Fire Island in 1996. Police suspect they are all victims of a serial killer, and five – including a mother and child – have yet to be identified.

Now, six years after the discovery of a possible serial killer on Long Island, police have still not apprehended any suspects. There may be one killer or multiple, working in tandem or just using the same dumping ground. It could be that the killer was simply clever – knowledgeable about the difficult terrain on the barrier island and the gaps in police presence in its secluded beaches. Some have suggested early stages of the police investigation were compromised by leadership later charged with mishandling other cases – or by the fact that the leadership suddenly changed shortly after the discovery of Gilbert's body. Moreover, many of these questions have focused on death of Gilbert – but she might not have even been a victim of the

Long Island Serial Killer at all. And if her death was really just a tragic

coincidence, how much has her case been a distraction from finding the real killer?



Gilgo Beach, near where four bodies were found in December 2010. Spencer Platt/Getty

It was the perfect place to hide a body, there along the quiet beach on the barrier island, obscured by thick bramble. That's led to some believing that the killer knew what he was doing – for example, the murdered child and the victim thought to be the child's mother were buried a distance away from each other, on opposite sides of the Nassau-Suffolk county line. "Separating the mother and child was such an intentional act," says Joshua Zeman, a Long Island native who spent the last four years researching the Long Island Serial Killer case for the A&E series *The Killing Season*. "[The killer] was trying to confuse law enforcement and the medical examiners, because he knew they would have to be investigated by separate counties." Just this week, Zeman and his executive producer Rachel Mills helped to discover a DNA link of that mother's remains to a torso found 20 miles away in Nassau

County in 1997, providing a possible clue to the case, and revealing

another tactic on the part of the killer to make things difficult for law enforcement.

Besides the punishing terrain, the killer had another advantage: namely, the victims' profession. Sex workers often use "burner phones" to communicate with clients, making it hard to trace their movements. They tend to be secretive, like Melissa Barthelemy, who hadn't told her family she was working as an escort. Megan Waterman's family knew she was involved in sex work, but the night she went missing she called a family member from a hotel around midnight, saying she was going to bed. She left her cell phone and wallet behind. Costello didn't bring a phone to her meeting – it has been suggested that **the killer convinced her** to leave her phone behind, but she'd used her roommate's phone to set up the date, so it's unclear if she had her own at the time. And Barthelemy must have had her phone, because a man presumed to be her killer **made repeated calls** from her phone to her younger sister in the days after she disappeared. While it's hard to say how helpful the phone records have been in the investigation, former Suffolk County Chief of Detectives Dominick Varrone, who was actively involved in the investigation until he retired in late 2011, says that phones and phone records "were a big part of the investigation, and I'm guessing they still are."

Beyond the choice of victims, there are indications that the killer may have knowingly made things harder on the police. "These killers are using the **inadequacies of law enforcement** against them," *Killing Season* director Zeman says. "Databases that don't talk to each other, territorialism, bureaucracy."

The killer's chosen dumping ground certainly posed challenges. The shoulder alongside Ocean Parkway may be narrow, but it is thick with hostile vegetation. SCPD Chief Cameron, who was the Commanding

thick vegetation. SERGEANT CAMERON, who was the Commanding Officer of the Special Patrol Bureau at the time the Gilgo Four were

discovered, describes treacherous conditions as the search for victims expanded, with increasing urgency as the days got shorter and colder, bringing the promise of snow. "It's brambles, briars, which rip and tear at your clothes and your skin; there's very very dense poison ivy, there's ticks," he says. "These were very challenging and difficult conditions we were working under." Cameron says he drove with some reporters along the Ocean Parkway shoulder, near where the cadaver dogs were searching with detectives, wanting to give them an idea of what investigators were facing. "On one particular occasion I stopped and let them out [of the vehicle] and said, 'K9 is working right here.' And they said, 'I hear noise but I don't see anything.'"

"Well, exactly," Cameron says. "They were only a foot or two into the vegetation yet they were completely invisible from the roadway shoulder."



Suffolk County Police search an area of beach in April, 2011. Spencer Platt/Getty

After the first bodies were found in 2010 and Gilbert was not among

them, her disappearance took on a new urgency. For a year, Gilbert was seen as a critical missing piece in an increasingly sinister puzzle. During that time, former Suffolk County Police Department Commissioner Richard Dormer appeared on a *48 Hours special* about the Long Island Serial Killer. Asked what he thought happened to Gilbert, Dormer said, "That's the \$64,000 question." It's clear from talking to SCDP investigators, both current and former, that law enforcement fully expected to find Gilbert dead, if she was found at all. But what happened after she was found has kept her story at the center of the Long Island Serial Killer narrative, even though she may not have been a victim.

Before a medical examiner had completed a report on Gilbert's remains, *Dormer told reporters* that he believed Gilbert's death was an accident, not a homicide – a preemptive conclusion that angered Gilbert's family (who believed she had been murdered) and *opened the police department* to accusations that they weren't properly investigating her death. The Suffolk County *medical examiner eventually ruled* that Gilbert's cause of death was inconclusive. Gilbert's family hired an independent coroner to perform a *follow-up autopsy*, which was also inconclusive, but found indications that Gilbert may have been strangled.

Current SPCD Commissioner Timothy Sini would not comment to RS on whether Gilbert's death is still being investigated as a possible homicide, and Dormer says he stands by his initial assessment that it was not foul play. Not one member of law enforcement interviewed for this story who was willing to comment on Gilbert's cause of death believes that Gilbert was a victim of the Long Island Serial Killer. One source describes her disappearance and death as "a ridiculous coincidence." Robert Kolker, journalist and author of the book on LISK, *Lost Girls*, doesn't believe Gilbert was the victim of a serial killer, but isn't sure that she alone contributed to her demise. And the

Gilberts, too, are still not convinced. According to their lawyer, John Ray, "It's absurd to say she drowned."

But aside from questions about her cause of death, there are several key differences between Gilbert's disappearance and that of the Gilgo Four. The bodies on Gilgo Beach were found buried – according to an **interview Detective Mallia** gave to the *New York Times* in April 2011, at least two of the bodies were wrapped in burlap sacks, though the current police administration will not confirm this – while Gilbert was found partially exposed in the marsh, with some clothes and personal items found a few hundred yards away. It has been **repeatedly reported** that the Gilgo Four were all strangled, but Varrone says those four women were found to have died of asphyxiation, which is the more general term for deprivation of oxygen and can be the result of choking, drowning or suffocation.



The locations where eight of 10 bodies were found near Gilgo Beach since December 2010 Courtesy of Suffolk County Police/Reuters

In the absence of substantive updates from the Suffolk County Police Department, conspiracy theories have filled the silence. The Long Island Serial Killer case has become a popular topic on internet forums

Long Island Serial Killer Case Has Become a Popular Topic on Internet Forums

like Websleuths, Reddit and numerous Facebook groups devoted to

the investigation. Among these groups of internet sleuths, there are strong but wildly varying opinions on who the killer might be and whether Gilbert was a victim. An amateur researcher named Robert Anderson obtained a copy of what he believes to be Gilbert's official autopsy report and delivered his findings in an **August 2016 podcast**. "The common-sense narrative is that she fell in a muddy area," he said, noting that the medical examiner had very little to work with; by the time Gilbert was discovered, not much remained beyond bones and hair. Still, we know more about Gilbert's disappearance and recovery than we do about any of the presumed serial killer victims. "If a tenth of the effort that has been put on to the analysis of the incident in Oak Beach had been applied to these other four, I think we'd be collectively further along in the narrative," Anderson said.

But the disproportionate focus on Gilbert may have occurred because the events of the night have become so convoluted. In part, that was because there was simply more information: Gilbert was less secretive than the other four about where she was going and what she was doing the night she disappeared. She was the only one among them working with a driver, and she was the only one known to have made a 911 call. Her boyfriend, Alex Diaz, and her driver, Pak, were in contact with each other immediately after her disappearance, and teamed up to look for her. Unlike the friends and families of the Gilgo Four, people in Gilbert's life knew where she went for her final date. Like three of the families of the Gilgo Four, Gilbert's family filed a missing-person report. But law enforcement wasn't able to connect the dots until it was too late.

According to *Lost Girls*, Gilbert dabbled in recreational drugs – she'd do a little cocaine if a client wanted to party, and sometimes sought out ecstasy on her own. Pak told Kolker she liked to drink, and both he

and another driver who'd worked with Gilbert said that her moods could be unpredictable. Pak also said he saw Gilbert and Brewer leave in Brewer's car for about 15 minutes. When questioned about the nature of the errand during a deposition, Brewer pleaded the fifth, but Gilbert family lawyer John Ray says Brewer told him one-on-one that he and Gilbert had gone to a CVS on the mainland. Pak told Kolker he wouldn't have been surprised if Gilbert was going to pick up drugs, but he also **told a reporter in 2011** that Gilbert had asked him to go to CVS to buy lubricant and a deck of playing cards, and he refused.

But perhaps the most baffling part of the story is the place of Dr. Peter Hackett, a local physician. In the years since her disappearance, Gilbert's family has honed in on him as the culprit in their daughter's death. They've accused him of encountering Gilbert after she ran off from the neighbors who called 911, and giving her drugs that contributed to her death. "She was not acting rationally," Varrone says of Gilbert's final hours. "She was demonstrating paranoid behavior, in some kind of psychotic state." Hackett has consistently denied ever meeting Gilbert.



In 2012, Shannan's family filed civil suit against Hackett, alleging that he negligently administered medical care and drugs and caused her wrongful death. Gilbert's mother Mari claimed he called her a few days after Gilbert disappeared, saying he **ran a home for "wayward women"** and had taken her in for a brief period on the morning she was last seen, an accusation that Hackett has vehemently denied. Hackett also initially denied calling Gilbert's mother, though he **later admitted** that part of her claim was true, which **phone records backed up**. (Hackett's attorney declined an interview with *Rolling Stone* on his behalf.) Ray, a seasoned litigator with a penchant for flashy accessorizing – who claims to have logged hundreds of hours on the case without a payday in sight – says the civil suit is still active, though it was significantly hobbled in 2013 when a judge dismissed a large portion of the case, including all the counts for wrongful death.

Internet sleuths perplexed by the investigation want to know why the police haven't been more transparent: particularly in regard to the 911 call Gilbert made the night she disappeared, which police have refused to release. If police are so sure that Gilbert wasn't a victim of the Long Island Serial Killer, the critics argue, what would be the harm in revealing the contents of the call? "I can't trust what the police say is on those 911 tapes," says Ray. Dormer believes the 911 call should be released to the public. Refusing to do so "gives the appearance that the police department is covering something up," he says. "If you're going to be transparent you have to work with the media."

Then last summer, six full years since her disappearance, Gilbert was back in the news again: her younger sister Sarra had stabbed her mother Mari to death. Gone was the key witness in the suit against Hackett, and one of the loudest critics of the police, who insisted until her death that her daughter's case should be investigated as a

homicide. Ray is also defending Sarra Gilbert, who was diagnosed with schizophrenia and was **hospitalized 10 times** in the the three years preceding her mother's murder. Two months before she killed her mother, the younger Gilbert, who was earlier interviewed by *48 Hours* about her sister's disappearance, was indicted on charges of child endangerment and aggravated animal cruelty for the slaying of a pitbull. She pleaded not guilty to Mari Gilbert's murder by reason of insanity.

Through it all, Ray has insisted that Hackett is somehow responsible for Gilbert's death, yet he acknowledges that "an inherent problem we have always had is establishing a direct causal relationship between Hackett's actions and Shannan's death." Indeed, there has been no evidence to show that Hackett encountered Gilbert on the morning she disappeared, and Hackett has insisted that he called Mari Gilbert, at the urging of Diaz and Pak, simply to offer his support.



result of foul play. Kathy Krimmick/AP

The Suffolk County police department is one of the country's biggest,

but the county itself exists in something of a bubble – it's at the

easternmost point of New York state, surrounded on three sides by water. In December 2011, just days after Gilbert's body was found in the Oak Beach marsh, newly appointed County Executive Steve Bellone announced that James Burke, then a chief investigator in the District Attorney's Office, would take over as police chief in January 2012. According to both Varrone and former Assistant Chief of Patrol Patrick Cuff, they and two other department chiefs were told they would have to retire by the end of the month or be demoted to captain. (Cuff was the only one to choose the lower-ranking position, as he was not financially ready to retire.) "I was hoping to stay in light of my expertise and involvement in the case and was surprised to be let go so suddenly," says Varrone, who claims he was not given a debriefing with the incoming leadership on the LISK case. Former Commissioner Dormer, who had already been planning on retiring at the end of 2011, agrees that "there was no transition within the police department. Burke never sat down with me and talked to me and he didn't talk to Varrone. It was probably the biggest homicide investigation in Suffolk County history. We were right in the middle of this."

Burke, who became chief a year after the first bodies were discovered, had a long history with District Attorney Thomas Spota. The two **first became acquainted** when Burke, age 14, was a key witness for the prosecution in a brutal 1979 murder of a 13-year-old boy, John Pius, who died of suffocation after stones were shoved down his throat. Spota was one of the prosecuting attorneys on the trial, which put four teenagers behind bars. With little physical evidence to tie the young men to the killing, the convictions were based heavily on witness accounts and a confession by one of the accused, whose conviction was later thrown out. Years later, another of the four confessed to **attempted manslaughter** for his role in the killing. Attorney Frank

Bress, who defended one of the young men in one of the case's many appeals, told *Vice* he thought Burke's testimony was "unreliable" because he was a "low-level burglar and drug dealer as a kid."

Burke joined the SCPD several years later as a beat cop at age 21. A decade later, in the mid-1990s, he was subject to an **internal investigation** due to his romantic relationship with a convicted prostitute and drug offender, who reportedly had access to his police cruiser and his weapon. The investigation found that Burke was responsible for "unbecoming conduct," but it does not appear that he was formally disciplined, though according to an article in *Newsday*, he was passed over for a promotion as a result.

A year after Burke took over as chief, Spota's office would decline an offer from the FBI to create a profile of the Long Island Serial Killer. Varrone and Dormer both insist that while they were working the case, the FBI was very much involved, though Varrone says an official killer profile was not created even then. Varrone says the District Attorney's office didn't think it was a good idea, and points out that a profile does carry a risk: If a suspect is apprehended and put to trial, but does not meet all the criteria of an FBI profile, the defense can use that to their advantage.

But as with so many parts of the LISK case, the story continued to get more bizarre and unsettling. In February, Burke **pleaded guilty** to charges of assaulting and threatening a suspect, Christopher Loeb, who had been taken into custody without access to a lawyer after he stole a duffel bag from Burke's unlocked car – a bag that is **believed to have contained** pornography and sex toys belonging to Burke. According to the charges, he conspired with law enforcement witnesses to cover up the assault, **reportedly intimidating** members of his squad to keep silent. In November, he was sentenced to 46 months in prison for the unlawful interrogation and abuse of a suspect. "Burke

in prison for the unlawful interrogation and abuse of a suspect. Burke never wanted us involved in this case because he knew we were -

investigating him," an anonymous federal source **told the *New York Post*** in 2015.

Burke's **reputation as a bully**, his relationship with a prostitute and the DA's block of the FBI's help with the LISK investigation have led to murmurings in websleuth forums that Burke has something to hide in relation to the serial killer case – though most believe that any interference with FBI's involvement had less to do with LISK than the case that has since put him behind bars. But Loeb was arrested on December 14th, 2012, and a federal probe into Burke's alleged misconduct began in 2013. He wasn't under investigation in connection to Loeb's arrest at the time a decision was made to refuse the FBI's support. Still, that doesn't mean he didn't expect an investigation was imminent. According to a memo written by two SCPD officers and seen by *Rolling Stone*, District Attorney Spota's office made the call to decline an FBI profile of the Long Island Serial Killer right around the time that Loeb was arrested.

Meanwhile, District Attorney Spota is facing a federal investigation of allegations that **his office was complicit** in patterns of illegally tracking and strong-arming political adversaries into compliance. The details of the misconduct allegations are shocking. Suffolk County executive Steve Bellone characterized the District Attorney's office as a "criminal enterprise," and **called for Spota's resignation** earlier this year. (A representative for Spota declined an interview.)

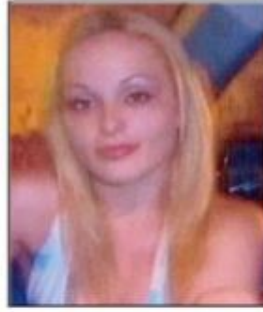
"When a case has been open for a significant period of time, you have to step back and take a fresh look," says Commissioner Sini, who made clear his intentions to renew a focus on the Long Island Serial Killer investigation the day after Burke was indicted. In December 2015, Sini announced that he was bringing the FBI back in on the investigation.

Sini says that there are now two detectives working full-time on the

Sini says that there are now two detectives working full time on the case, in complete cooperation with the FBI, which is now conducting



MAUREEN BRAINARD - BARNES



MELISSA BARTHELEMY



MEGAN WATERMAN



AMBER LYNN COSTELLO

These victims became known as the Gilgo Four. Suffolk County Police Department/Reuters

the killer profile that Spota rejected in 2012. Former Commissioner Dormer says he believes that SCPD's cooperation with the FBI on the LISK case ceased after Burke took over as Chief of Department. In his conversation with *Rolling Stone*, Commissioner Sini avoided explicit criticism of any individuals involved in the earlier stages of the investigation, but says there were "certain high-level

decisions that I certainly would not have made," namely, "not fully engaging the FBI throughout the case."

Kolker, author of *Lost Girls*, also believes that SCPD should have worked more closely with the FBI, and sooner, and says he thinks the department's "dithering was of great help to the person or people responsible for these murders."

"The Suffolk County police weren't prepared for the magnitude of this case, and the bigger it got, the more they seemed to retrench. They took several steps to downplay the case with the public," he says. "It's clear to me that if these victims came from a different social strata, the police would have worked harder and faster."

While Commissioner Sini has insisted that the Long Island Serial Killer case is a top priority now, he won't say whether or not Gilbert's death is being treated as a homicide or otherwise and he defended the

death is being treated as a homicide or otherwise, and he defended the department's decision not to disclose her 911 call, citing SCPD policy to not release 911 calls to the public. And Sini says that in this case, nondisclosure is part of a strategy to vet false tips and confessions. But there's a lot the current administration won't confirm, including basic details (the bodies found in burlap sacks, the cause of death) that were widely reported in the media as fact in the months and years following the discovery of the killer's dumping ground. It's unclear if the commissioner's office is trying to unring a bell, or if the media covering the case in the early years was caught up in an echo chamber of misinformation. Sini and other law enforcement sources insist that it's a threat to the investigation to reveal details that only the killer would know.

Both Sini and Varrone say they believe that the killer will eventually be found. *Killing Season* director Zeman is not so sure. "The realistic chances of solving this case are very slim given who the victims were," Zeman says, adding that it took him "months and months" to put together a narrative of the killings. "I can only imagine how difficult it would be for someone whose job is not dedicated to this case full time."

While there are investigators focusing on the case full time now, there's no telling how much evidence may have slipped through the cracks, how many leads were not pursued, in the the years the investigation went quiet. And whatever mistakes were made, the police have been working without a great deal of public support or trust. Law enforcement agents have been put in a position of repeatedly having to defend their own actions, and the actions of several layers of predecessors. There have been many distractions, and, in a painful irony, Gilbert's tragic death may have been one of them. And if Gilbert was harmed in some way by a person she met in Oak Beach that May morning, her case may, too, have suffered, by way of a perhaps too-

easy presumption of innocence granted to the people who crossed her path because they didn't fit the description of a serial killer. Gilbert's story and that of the Gilgo Four will forever be intertwined, but the connection between them may be ultimately be one reason why there are still so many unanswered questions –and a killer still on the loose.

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