

SLUR ALLEGED IN POLICE ARREST

Court papers add details in case of car theft suspect

BY NICOLE FULLER
AND MICHAEL O'KEEFFE
nicole.fuller@newsday.com,
michael.okeeffe@newsday.com

A group of Suffolk County police officers punched and kicked a handcuffed car theft suspect in Mount Sinai last month while he was face down in the dirty snow, and one officer called him an ethnic slur during what the suspect's lawyer called a "vicious" assault," court papers released Thursday say.

"Eat the [expletive] snow, you [ethnic slur]," a plainclothes Suffolk police officer told suspect Christopher Cruz, 30, according to the court papers.

The new details of the alleged police assault of Cruz, part of which was captured on a police body camera, were revealed Thursday during a news conference at the Hempstead office of attorney Frederick Brewington. The video has sparked a criminal probe into the actions of several police officers by the Suffolk District Attorney's office.

Brewington, who is representing Cruz, on Wednesday filed a notice of claim, a precursor to a lawsuit, against Suffolk County and its police department. The suit also lists several individual unnamed police officers as defendants and alleges Cruz's civil rights were violated and that police made false statements claiming Cruz resisted arrest.

"It was violence against another human being by police officers who thought they were above the law and engaged not only in brutality but in gang assault," Brewington said. "We are calling on the district attorney's office and the police department to not only do a thorough investigation but to bring every one of these perpetrators to task."

Suffolk County Executive Steve Bellone and Police Commissioner Geraldine Hart revealed publicly during a Tuesday night news conference that two police officers were captured on body camera video kicking Cruz last month as they attempted to take him into custody. Those officers, who officials declined to identify by



Attorney Frederick Brewington, left, with client Christopher Cruz in his law office on Thursday.

name, were suspended without pay and four other officers, including a supervisor, who were on the scene and did not intervene, were placed on modified leave after Hart reviewed the body camera video. The police department also released publicly some of the body camera footage showing two officers kicking Cruz.

Brewington said many more than just two officers participated in the assault against Cruz — he said as many as 12 to 15 either participated or watched and failed to intervene — and officers used "vile, race-based and threatening language."

A police officer also told Cruz, according to court papers: "You're lucky you didn't get a bullet in your [expletive] face, you piece of [expletive]."

Brewington called on District Attorney Timothy Sini, a former Suffolk police commissioner, to recuse himself from the investigation and for a special prosecutor to be appointed.

Cruz, who appeared with Brewington at his office Thursday, did not address the media other than to introduce himself. Cruz's sister, Annie Cruz, said her brother is not what the police called him. "I grew up respecting police but these men that stood by and watched my brother get kicked, punched and mistreated are cowards and abusers," Annie Cruz said.

A spokesperson for Sini confirmed the office is conducting a criminal probe of the matter. A

police department spokesman declined to comment, citing the ongoing investigation and pending litigation.

An official in the office of Attorney General Letitia James said there are no legal grounds under New York State law for the AG to take over the Cruz investigation.

Hart said Cruz, whom was described as homeless, stole a 2015 Jeep Grand Cherokee in Port Jefferson Station late Feb. 23. Officers in an unmarked car spotted the Jeep pull into a gas station on Route 112 and when police in marked vehicles arrived at the scene, Cruz rammed a police car and injured an officer before driving off, Suffolk police said.

A short time later, Cruz lost control of the Jeep and slammed into a snowbank near the intersection of Canal Road and Strathmore Court in Mount Sinai, police said. He rammed a second police car and crashed into another snowbank before he was arrested shortly after midnight on Feb. 24. A second officer was injured while Cruz was being taken into custody, police said.

Cruz is seen in the body camera video standing near several officers, his hands cuffed behind his back, when a cop kicks the back of his leg and pushes him. A second officer is also seen pushing Cruz, who fell to the ground.

Cruz was charged with third-degree grand larceny, second-degree assault, third-degree criminal mischief and resisting arrest. Cruz is on supervised release.

According to court documents filed by Suffolk Police Officer Matthew Cameron, Cruz, who was identified as living on West Walnut Street in Long Beach, "resisted by flailing his arms aggressively, kicking his legs at officers and spitting toward officers." Cameron wrote that after Cruz was "taken to the ground," he continued to resist but he was "subdued" and eventually taken into custody. Cameron wrote that even after Cruz was handcuffed he "continued to flail and attempt to resist and refused to comply with verbal commands."

Cruz, who was taken to the department's Sixth Precinct in Selden for processing, allegedly told officers there, according to Cameron: "I'm sorry that I fought and didn't listen. I just didn't want to get arrested. I hope I didn't hurt anyone."

It's unclear if police have those alleged statements on video.

Brewington, in his notice of claim, said Cruz raised his hands in surrender when approached by officers and during the encounter "was not in any way resisting against the officers."

While Hart had said Cruz was taken to a hospital but declined medical treatment, Brewington said Cruz was hit in the head, knocked unconscious and suffered a "post concussion syndrome" lacerations and cuts and injuries to his left elbow and arms, wrists, shoulders and back.