

Justice for All: Driver's strip search claim puts spotlight on police oversight debate

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"I was scared because this shouldn't happen at all, this, this shouldn't happen to anybody. These are the people that are supposed to be looking out for you and protecting you, and, and this is happening to me."

That's what Brain Garcia, of Commack, said about the day he said he was illegally stopped and strip searched by Suffolk police in May of 2016.

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Garcia said, "What they did to me on the side of the parkway, for people to see that too, was...not only embarrassing, but it...was traumatic in my eyes."

In an interview with News 12, along with his attorney, Fred Brewington, Garcia said while driving from Commack to Babylon he was pulled over as he turned onto the Sunken Meadow Parkway.

"It went from normal to traumatically terrible within five minutes of my pullover," according to Garcia.

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Garcia said he handed over his license, registration and two PBA cards from his father and brother - a retired NYPD detective and an officer with the Port Authority.

According to Garcia, "I was asking them if I was getting detained for anything, and they refused to answer me and then I would ask them what I got pulled over for?"

Garcia, who at the time said he only had tattoos on his fingers, believes he was racially profiled.

"The first thing they saw, when they were flashing their lights in my car, was my tattoos. They said to me, 'Are you MS, Chico?' And, in my mind, I'm Puerto Rican, in my head, I was like, wow, that's, that's racist."

Garcia said he was handcuffed and made to strip, on the side of the parkway, in full view of cars passing by. He said, "Now I'm in my boxer briefs and I have the officers, standing there, pulling my boxer briefs open and all shining flashlights down, down there."

Through tears streaming down his face as he recounted what he said happened to him, Garcia said, "I don't know where they expect me to put this stuff, but it just, they didn't find anything, and this was all for nothing."

According to Garcia, he filed a police report and a complaint two days after the stop.

"At the end of it, they told me not to lawyer up and I thought that was a little weird, that they were going to look into it and get back in touch with me, which I never heard from them again," said Garcia.

"This is a story that's heard over and over and over again by people of color, by people who are mistreated based on the last name that they have or the color of their skin," said Hempstead-based attorney Brewington.

The attorney filed a civil lawsuit for tens of millions of dollars against Suffolk County, the police department, two police officers and three detectives. The lawsuit claims there were multiple violations of Garcia's civil rights.

"No police reports immediately made about this stop, no records maintained about how this man was treated," said Brewington. "A complete denial that he was strip searched on the side of a major highway."

This type of alleged incident is why Brewington told News 12 that Suffolk and Nassau need a civilian complaint review board or CCRB.

"A civilian complaint review board would allow an independent body that doesn't have the ties to the police department," said Brewington.

But as News 12 has reported, neither police department included a CCRB in reform plans despite calls to do so by community leaders and members of groups that continue to demand sweeping police reform.

Veronique Bailey is the president of the NAACP's Huntington branch and spoke to News 12 at a rally one year after the death of George Floyd.

"A civilian board, truly, separate and apart from the police system is necessary," said Bailey.

"Right now, the police's idea of oversight is one of their own, looking over and rubber-stamping things," said Jeremy Joseph, of LI United to Transform Policing & Community Safety. "The police policing themselves is not acceptable."

Across the border from Long Island, New York City does have a CCRB.

According to the National Association for Civilian Oversight of Law Enforcement, the cities of Schenectady and Albany also have civilian and community review boards.

Brewington believes a CCRB in Suffolk might have helped Garcia.

"There is no accountability here, not one of these officers as far as I know ever suffered any repercussions for treating a citizen the way they treated this young man and that's a problem. And that's a problem that continues to exist within our system," Brewington said.

Brian Garcia, through tears, said he hopes that the lawsuit will result in accountability.

"I respect their job and what they do for a living, but what they did to me, abusing their power, bullying me the way they did, just, I hope they don't do that to anybody ever again."

When it comes to Mr. Garcia's lawsuit, News 12 reached out to Suffolk County and was told, "The police department does not comment on pending litigation."

In the meantime, the reform plan Suffolk submitted does create a civilian oversight review process that will be managed by the County's Human Rights Commission. This is different from a formal review board.

Nassau Police Commissioner Patrick Ryder has told News 12 that he thinks the oversight already in place, which includes internal affairs, is sufficient.

Text and reporting by [Thema Ponton](#)