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NEWSDAY INVESTIGATION

LI POLICE FIRED

Suffolk dismissed, disciplined officers after body camera captured police kicking handcuffed man, newly obtained records show

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Image from video shows officers arresting Christopher Cruz after a police chase in 2021.

LI's Top 100 Girls Soccer Players

HS SPORTS PULLOUT
VIDEO AT NEWSDAY.TV



PETER FRUTKOFF

ONLY IN NEWSDAY

Race And Quality Of Life on LI

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AP / J. SCOTT APPLEWHITE

ONLY IN NEWSDAY

Battle Over Affordable Care Act

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TOP STORIES

RECORDS REVEAL DISCIPLINE, FIRINGS AFTER ARREST

Internal Affairs report: 5 officers, 2 sergeants committed 19 violations during '21 encounter

BY JIM BAUMBACH AND MICHAEL O'KEEFFE

jim.baumbach@newsday.com, michael.okeeffe@newsday.com

ONLY IN NEWSDAY

Suffolk County fired a police officer, won the right to fire a second who had already retired and disciplined four others following a 2021 encounter in which a body-worn camera captured officers kicking a handcuffed man who was on his knees, newly obtained records show.

An Internal Affairs investigation determined that William Bubeck, along with two other officers, used excessive force after police stopped Christopher Cruz in Mount Sinai for allegedly driving a stolen Jeep Grand Cherokee, documents show.

An arbitrator ruled in January 2023 that the department's charges against Bubeck, which also included lying to investigators, warranted dismissal. The state then barred him from working as an officer statewide, records show.

The police disciplinary records Newsday obtained provide a rare look into how Suffolk County police investigated a high-profile police brutality case in which officers kicked and shoved a handcuffed man and lied about what had occurred.

Suffolk's 67-page internal affairs report — a document that's typically secret in police departments across Long Island and throughout the nation — found that the officers' official accounts from that night differed drastically from what was captured on video.

"Accountability for misconduct by police officers is a major factor in community trust," said Andrew Case, a supervising attorney with Latino-Justice, a Manhattan civil rights organization. "People will not trust the police if they do not believe that the police are going to be held accountable for misconduct."

The Internal Affairs report found that five officers and two sergeants committed 19 violations during an encounter caught on video by one of only 10 Suffolk officers who donned body cameras at that time. Officials rolled out a department-wide body camera program about a year and a half later, in July 2022.

Investigators found that Officer Frank Filiberto gave a false sworn statement saying Cruz rammed into his police car while fleeing a gas station. The county moved to fire Filiberto in April 2022 after he admitted that surveillance video showed his version of the crash was "not true," according to police documents.

Filiberto retired in January 2023 but the county continued to seek his firing. An arbitrator awarded a "post-retirement termination" in August 2023, noting that Filiberto's "retirement does not insulate him from the consequences of misconduct while still working as a sworn

WHAT NEWSDAY FOUND

■ **The 67-page Internal Affairs report** found that five officers and two sergeants committed 19 violations during a 2021 encounter in which officers are captured on a body-worn camera video kicking a handcuffed man on the side of a snowy road in Mount Sinai.

■ **The Internal Affairs report**, obtained from the Suffolk District Attorney's Office via a Freedom of Information Law request, provides a rare look into how Suffolk police investigated a high-profile police brutality case.

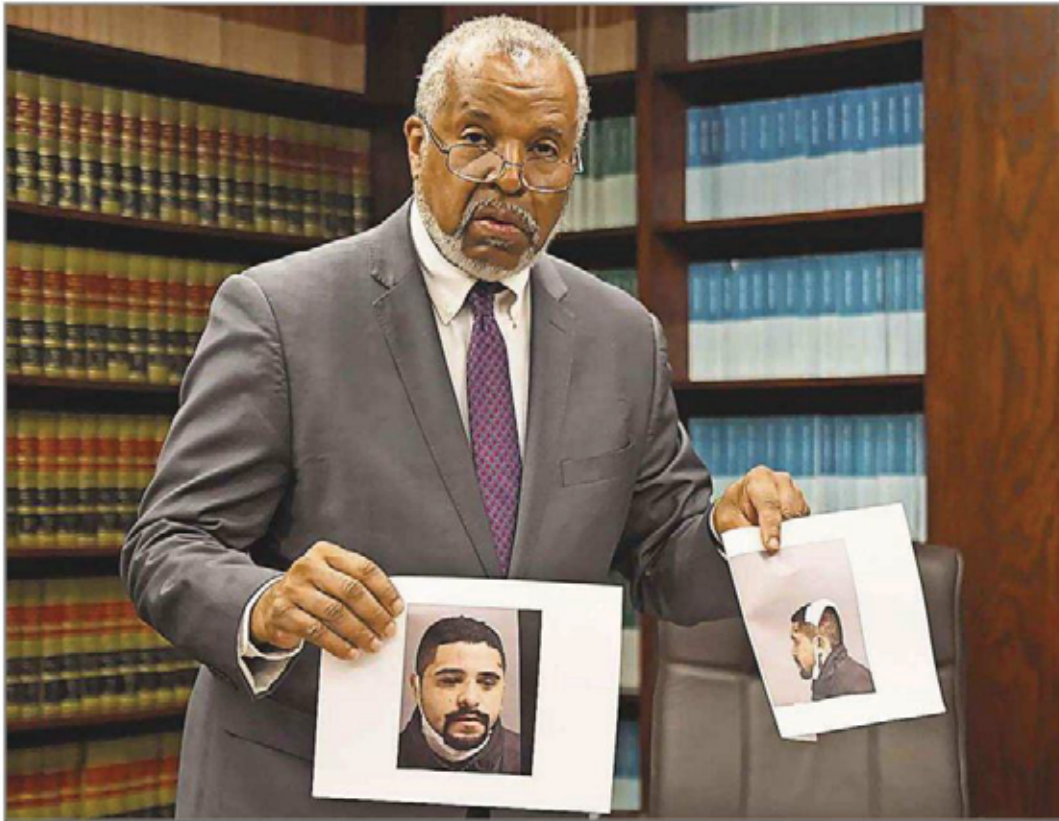
■ **The handcuffed man, Christopher Cruz**, arrested that night for allegedly stealing a car, is suing Suffolk for \$120 million.

officer."

The two officers who faced the severest penalties defended their actions as police dealt with a man who they say put the lives of Suffolk residents and officers at risk.

Bubeck told investigators he believed he was right to kick the handcuffed Cruz because he thought Cruz was biting another officer. Filiberto said in an interview he gave a sworn statement he thought was true after a long, exhausting night. A video later showed his account was inaccurate.

Bubeck's attorney said in an



Attorney Frederick K. Brewington shows photos of his client Christopher Cruz, taken after Cruz's arrest. Brewington said more misconduct claims should have been substantiated. ■ Video: newsday.tv

interview he believes the county scapegoated the officers amid a politically tense time between the police department and communities of color. Filiberto said he agreed.

The video recording of Cruz's arrest — after allegedly stealing a car from a Port Jefferson Station home and leading officers on a chase — occurred nine months after the murder of George Floyd while in Minneapolis police custody during

an arrest in May 2020. At the time of the encounter Suffolk police and elected officials were finalizing plans ordered statewide by then-Gov. Andrew M. Cuomo to reform how they police communities of color.

Then-Suffolk executive Steve Bellone called the incident “disturbing” and “unacceptable” when he released the video of officers kicking and shoving a handcuffed Cruz on the side of a snowy road at an unusual

nighttime news conference.

Bellone and then-Suffolk County Police Commissioner Geraldine Hart announced at the news conference that two officers had been suspended without pay and four others placed on modified duty amid a criminal investigation and internal disciplinary investigation. He did not identify the officers.

Arbitrator Martin Scheinman called Bubeck's kicks

caught on video “indefensible conduct” that damages the public's faith in the department and “also disrespects the other police officers that, largely, handled a very difficult situation with Cruz professionally.”

Bubeck's attorney, Anthony La Pinta, of Hauppauge, said in an interview the arbitrator's decision to terminate Bubeck was “a monumental disappointment.” He said “there was nothing excessive or unreasonable about” Bubeck's four kicks because he said Cruz had put officers' lives at risk by leading them on a chase, resisted arrest multiple times and fought while handcuffed.

Filiberto said in an interview he was wrongly terminated and his account of the crash with Cruz represented “exactly how I felt that night after I was injured.” He acknowledged his version was not accurate when he watched the surveillance video of the crash months later in the Suffolk district attorney's office.

A police officer's termination for misconduct does not impact their pension “unless it has an effect on the service credit or earnings information that has previously been reported,” Rebecca Dangoor, a spokeswoman for the state comptroller's office said.

Filiberto's annual pension is \$137,413 and Bubeck is not yet eligible to receive a pension, she said.

Speaking last month at Newsday's Melville office with his attorney at his side, Filiberto defended the actions of his colleagues apprehending a man whose actions he said disre-

garded the officers' lives.

“These are the men you want to be keeping the Suffolk streets safe,” he said.

2,000 pages of records

Newsday obtained the Internal Affairs report from Suffolk District Attorney Ray Tierney's office in June amid 2,000-plus pages of law enforcement disciplinary records in response to a Freedom of Information Law request. In November, Newsday had requested “Brady material” for 25 Suffolk police officers who executed settlement agreements to resolve disciplinary charges in the previous year. “Brady material” refers to a 1963 Supreme Court decision that requires prosecutors to turn over any evidence that the accused can use in their defense. Two of the 25 officers had agreed to settle disciplinary cases stemming from Cruz's arrest.

Newsday had previously submitted FOILs to the police department and district attorney's office specifically requesting the Internal Affairs report from the Cruz encounter. The district attorney's office denied the request in February, saying, “No publicly available records meeting the description you provided were located.” The police department has not yet provided the record in response to Newsday's May 2024 FOIL.

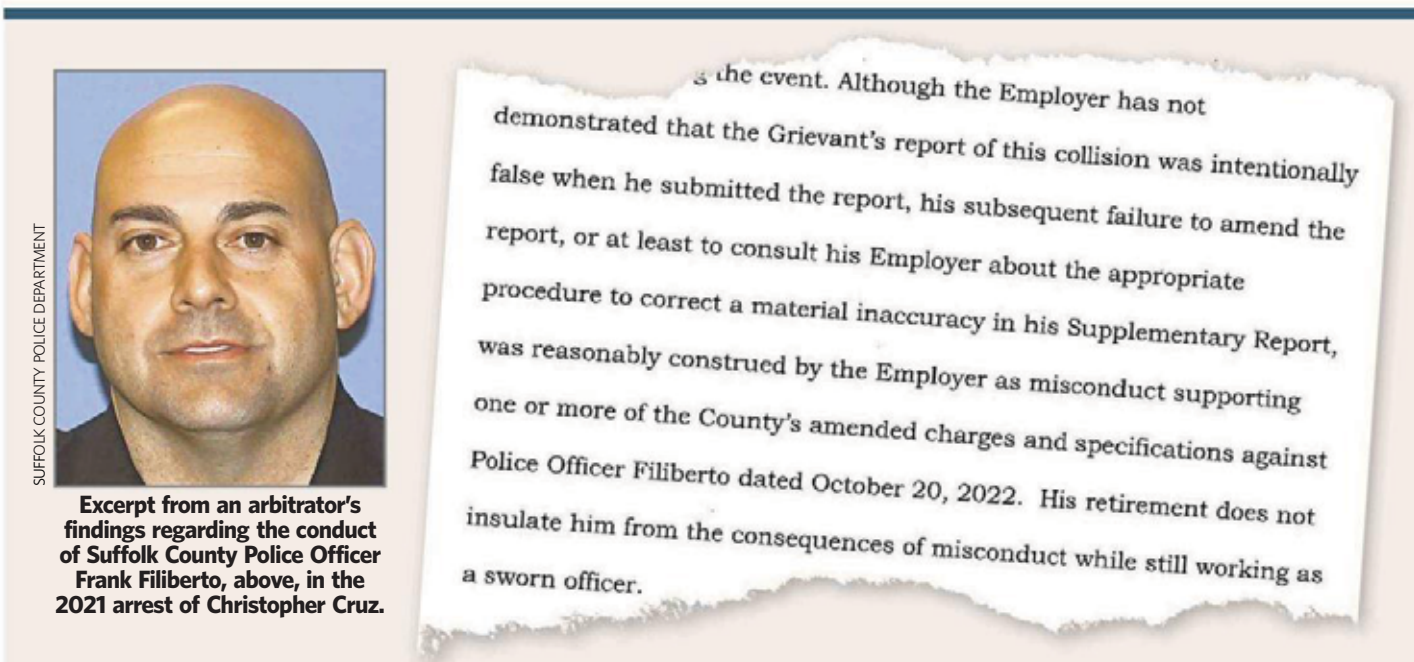
The county's Office of Labor Relations provided Newsday with the officers' disciplinary settlements and arbitration rulings, also in response to records requests.

Besides the two officers who were terminated, three others facing substantiated allegations agreed to lesser discipline as part of negotiated settlements. Those documents lay out the agreed-upon penalties.

The report found that officer Matthew Cameron used excessive force when he kicked Cruz from behind and pushed him forward, causing him to stumble to the ground. They also substantiated two false statement charges in addition to false arrest, unprofessional language and insubordination accusations.

Cameron received a one-year suspension: three months without pay and the rest paid through accrued personal leave time. The agreement allowed him to be paid through “leave accruals” such as his unused vacation and sick time until he returned to work in March 2022.

The Suffolk District Attor-



Excerpt from an arbitrator's findings regarding the conduct of Suffolk County Police Officer Frank Filiberto, above, in the 2021 arrest of Christopher Cruz.

g the event. Although the Employer has not demonstrated that the Grievant's report of this collision was intentionally false when he submitted the report, his subsequent failure to amend the report, or at least to consult his Employer about the appropriate procedure to correct a material inaccuracy in his Supplementary Report, was reasonably construed by the Employer as misconduct supporting one or more of the County's amended charges and specifications against Police Officer Filiberto dated October 20, 2022. His retirement does not insulate him from the consequences of misconduct while still working as a sworn officer.

OFFICERS FIRED, DISCIPLINED

POLICE from A3

ney barred Internal Affairs investigators from interviewing Cameron, citing “an ongoing criminal prosecution,” the report said. At the time Cameron faced a misdemeanor charge for allegedly falsely claiming Cruz resisted arrest, a charge that a judge later dismissed citing a lack of evidence.

Cameron is a member of the Sixth Precinct investigative unit, Suffolk police spokeswoman Dawn Schob said. His attorney, William P. Nolan, of Garden City, did not return messages seeking comment.

Two sergeants who were on the scene during the Cruz encounter — Owen O’Callaghan and Christopher Standard — forfeited 10 days of accrued leave time.

Investigators said Standard “should have realized that the level of force used by Officer Bubeck was an inappropriate response” and that he “failed to obtain the basic facts from all of the involved officers.” The report said O’Callaghan did not document Bubeck’s use of force or initiate an investigation, as required.

O’Callaghan and Standard did not return messages seeking comment.

The settlements for Cameron, O’Callaghan and Standard all say they admitted “engaging in general misconduct,” but not the specific substantiated charges laid out in the Internal Affairs report. “This stipulation does not constitute an admission . . . of any acts of misconduct articulated in said Internal Affairs Bureau Case,” the settlements said.



SUFFOLK COUNTY POLICE DEPARTMENT

Excerpt from an arbitrator's findings regarding the conduct of Suffolk County Police Officer William Bubeck in the 2021 arrest.

I fully appreciate Bubeck has been financially disadvantaged by the suspension without pay imposed by the County on March 2, 2021.⁶ Nevertheless, it is apparent Bubeck lacks remorse for repeatedly kicking Cruz. I am not confronted by an Police Officer that appeared and acknowledged his wrong doing regarding kicking Cruz which might have formed the basis for a finding Bubeck could be rehabilitated. To the contrary, Bubeck still believes he did nothing wrong.

Investigators also substantiated an excessive force charge against officer Shaun Sullivan for “rolling Cruz over and forcefully smacking him in the face.” Sullivan received a five-day suspension, documents show. Sullivan did not return a message seeking comment.

And officer Anthony Legotti received a substantiated improper action charge, the report said, because he whistled to officers on the scene “as an alert” that he was wearing a body camera, which only 10 of Suffolk’s 2,500-person force did in 2021. The department exonerated Legotti of that charge in June 2022, documents show.

He did not return messages seeking comment.

Federal lawsuit

The police misconduct

spelled out in the Internal Affairs report turned what should have been a solid arrest into a scandal that’s still unfolding four years later, said David Sarni, an adjunct professor at John Jay College of Criminal Justice and a 27-year NYPD veteran.

“Once the handcuffs are on, it needs to be settled,” Sarni said. “You can’t have what’s called extracurricular activity involved in that. The arrest is made, you caught the person red-handed based on probable cause.”

The officers’ actions also turned an auto-theft suspect into a victim, Sarni said.

“Don’t let the arrest be sullied or tainted by things you create, like excessive use of force,” he added.

Cruz, 34, of Long Beach, filed

a federal lawsuit in February 2022 accusing Suffolk police of violating his civil rights during the arrest and targeting him because he is Hispanic, calling the videotaped kicking part of a long-standing pattern of discrimination against Hispanic communities by Suffolk officers.

That lawsuit, which seeks \$120 million, named the county, Hart, and several officers as defendants. The complaint said Cruz suffered a concussion, blurred vision, headaches, cuts, lacerations, bleeding and mental anguish as a result of the incident.

The lawsuit, filed in the Eastern District of New York, is in the discovery phase. U.S. Magistrate Judge Arlene R. Lindsay ordered discovery to conclude by Dec. 15 and scheduled the

final conference for Feb. 19, so it is unlikely the case will go to trial until late winter at the earliest.

Suffolk police declined to comment about their Internal Affairs investigation for this story, saying officials could not discuss anything related to the Cruz encounter because of the litigation. The Suffolk Police Benevolent Association, which represents most of the officers involved in the Cruz incident, also declined to discuss the case.

Prosecutors later dropped some of the charges against Cruz and he pleaded guilty to petit larceny in September 2021 and was sentenced to time served.

Cruz is currently serving a 1½- to 3-year prison sentence after pleading guilty to grand

TIMELINE OF THE CASE

Feb. 24, 2021

A Suffolk officer’s body camera captures fellow officers kicking and shoving a handcuffed man, Christopher Cruz, on the side of a snowy road in Mount Sinai. Cruz had been arrested after allegedly stealing a 2015 Jeep Grand Cherokee.

March 2, 2021

Suffolk officials play the body camera footage described as “disturbing” and “unacceptable” during a late-night news conference and say two officers are suspended amid a criminal investigation and four others could face discipline.

March 4, 2021

Cruz’s face is swollen, bruised and full of scratches in a photo released by his attorney Frederick K. Brewington after filing a notice of claim, a precursor to a lawsuit. Brewington said one officer told Cruz: “You’re lucky you didn’t get a bullet in your [expletive] face, you piece of [expletive].”

June 2, 2021

Suffolk prosecutors drop three of the five criminal charges against Cruz, telling a judge they cannot prove he was guilty of second-degree assault, third-degree criminal mischief and resisting arrest.

June 28, 2021

Newsday reports that surveillance video from a Coram gas station contradicts an officer’s sworn accusation that Cruz intentionally rammed a police car, an incident that led to a police chase culminating in the encounter in which officers kicked and shoved Cruz.

Sept. 29, 2021

Cruz admits he did not have permission to take a 2015 Jeep Grand Cherokee from a Port Jefferson Station home in February as he pleaded guilty to petit larceny and was sentenced to time served.

Dec. 2, 2021

Officer Matthew Cameron is indicted on a charge he falsely claimed Cruz resisted arrest when he wrote the police report detailing the incident caught on a body camera. No officers were charged following a nine-month special grand jury convened by the Suffolk district attorney’s office.

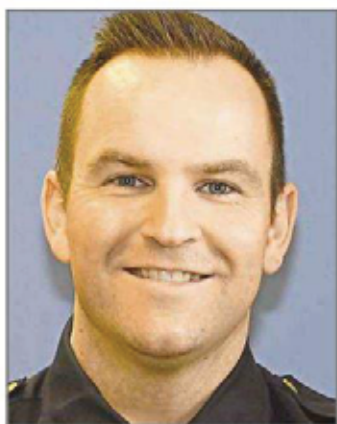


The probe found an officer gave a false sworn statement, saying the suspect rammed his cruiser as he fled a gas station, above.

MORE ONLINE

Watch a video report by NewsdayTV's Shari Einhorn and see more of the documents.

newsday.com/conduct



Suffolk County Police Officer Matthew Cameron

SUFFOLK COUNTY POLICE DEPARTMENT

port Newsday obtained matches what he received in the mail from an anonymous tipster in March 2024. Brewington accused Suffolk then of hiding the existence of the report. The county said it did not hand over the report because of objections from attorneys for the officers involved.

While Brewington credited the department for terminating two officers, he criticized investigators for substantiating only claims confirmed by the video. The report, he said, "still fails to address many of the ills that are exhibited by these officers, and I think it allows a number of officers to get off the hook."

The Internal Affairs report, dated Jan. 30, 2022, does not substantiate 14 allegations of misconduct. The available evidence, the investigators wrote, notably did not corroborate one of Cruz's most disturbing claims, that officers ordered him to eat dirty snow, with one allegedly referring to him with an ethnic epithet.

The report said the officers surrounding Cruz when he was allegedly ordered to eat snow all denied saying it and said they did not hear anyone else say it. The body camera footage of the encounter also did not capture that, the report said.

Bellone did not return messages seeking comment. Hart, the former police commissioner whose office made the referral to Internal Affairs after the incident, declined to comment.

No officers faced criminal charges for the kicks following the nine-month special grand jury investigation under former Suffolk District Attorney Timothy Sini. He declined to comment.

Filiberto's statement

Cruz stole a white 2015 Jeep Grand Cherokee from a driveway in Port Jefferson Station at 11:28 p.m., police reports show. Officers in an unmarked car spotted the Jeep a half-hour later entering a gas station parking lot on Route 112 in Coram, and officers in marked police vehicles arrived soon after. As the police cars tried to corner Cruz, he fled — and contact was made between Filiberto's police cruiser and the Jeep.

In a sworn statement, Filiberto said Cruz "accelerated and rammed into the front of my police vehicle to evade police contact."

"Filiberto stated in his IAB interview that it is now apparent that the incident was an accident, not an intentional ramming, and that the claimant was attempting to flee," the report said. Filiberto reached that conclusion, the report said, when he watched the video for the first time months later with an assistant district attorney who was investigating the case.

In an interview with Newsday, Filiberto said Cruz "had a duty to stop" because his police

car lights were activated. He said he believed his account was accurate when he gave his sworn statement hours later after having returned from the emergency room.

Filiberto said he told the assistant district attorney when he saw the video, "now that I'm looking at it again I think we'll all agree that, you know, he was still fleeing. He wasn't trying to stay there, and maybe he didn't intentionally try to ram me, but an accident occurred and he was trying to leave recklessly, quickly."

The crash, Filiberto added, left him with head and neck problems that still plague him.

Bubeck's four kicks

Cruz lost control of the Jeep about 2 miles from the gas station, near the intersection of Canal Road and Strathmore Court in Mount Sinai, the report said.

Cruz refused to exit the car, the report said, so officers pulled him out, handcuffed him and placed him on the ground.

At that point officer Legotti arrived wearing a body camera.

The report said Bubeck is first heard on the video yelling at Cruz, "You are lucky you don't get a bullet in the face," followed by use of profane language. That resulted in a substantiated unprofessional language charge. Bubeck told investigators he was wrong and wished he didn't say that.

Legotti responds almost immediately by "whistling and illuminating himself with a light," an effort to alert officers at the scene that he was wearing a body camera, the report said.

Then the video recorded Sullivan roll Cruz over and "forcefully" smack him in the face, the report said. Sullivan continued to hover over Cruz and then pushed the suspect's head.

Cruz remained handcuffed

when the body camera footage showed Cameron kick and shove Cruz from behind, causing him to stumble forward. Those actions merited substantiated allegations of excessive force and unprofessional language, according to the report.

As Cruz is on the ground, officers are seen kicking him. Some of the officers told investigators they did not see Cameron push and kick Cruz, and they thought he was trying to flee. One said he pulled Cruz to the ground in order to get control of the suspect.

Bubeck was seen on the video kicking Cruz four times, the documents said. Bubeck told investigators he kicked Cruz because he believed another officer said the suspect was biting him. But the video, according to Internal Affairs, told a different story.

"Bubeck is observed on the video winding up and kicking the claimant once before (the officer's) statement is uttered," the Internal Affairs papers said. "Bubeck's second kick makes contact with the claimant simultaneously with (the officer's) statement. The justification for the kicks offered by Bubeck was refuted by the video evidence."

La Pinta, Bubeck's attorney, called the kicks "necessary and reasonable . . . given his dangerous, unpredictable and uncontrollable behavior." He described Cruz that night as "a one-man crime wave" who endangered other motorists as well as police officers by leading them on a chase.

Suffolk hired Bubeck in 2014 after he had spent some years on the New York City force, La Pinta said. Being a Suffolk police officer represented Bubeck's "dream job," La Pinta added, noting that the arbitrator's decision "literally made him breakdown and cry."

Bubeck now works in roofing, he said.

Feb. 23, 2022

Cruz files a federal lawsuit alleging Suffolk police violated his civil rights when he was kicked by officers during his arrest. The lawsuit seeks \$120 million.

March 2, 2022

A Suffolk judge dismisses the indictment against Cameron because the evidence submitted to the grand jury was "not legally sufficient" to support the charge.

June 2, 2022

Suffolk officials announce plans to begin rolling out body cameras for its 1,600 officers to wear.

March 25, 2024

Cruz's attorney receives a package mailed anonymously to his office that includes a copy of Suffolk's Internal Affairs report detailing its investigation into the Cruz encounter.

May 8, 2024

Newsday submitted a Freedom of Information Law request with the Suffolk police department requesting the Internal Affairs report. The department has not furnished the report.

July 25, 2024

An attorney for Suffolk tells a federal judge the county did not provide Brewington with the IA report because attorneys for two of the officers named as defendants oppose its release.

June 12, 2025

Newsday receives a copy of the 67-page Internal Affairs report about the Cruz encounter among more than 2,000 pages from the Suffolk District Attorney's Office in response to a Freedom of Information Law request seeking law enforcement disciplinary records.