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Lino J. De Masi
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June 21, 2017

Amber M. Ramanauskas
Legal Aid Society

Re: [REDACTED]
Kings County Dkt./Ind. No. [REDACTED]

Dear Ms. Ramanauskas:

In connection with the above-named case, the People voluntarily provide the following information in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

On March 17, 2016, **Police Officer Lazo Lluka, shield number 22410**, while transporting a prisoner (Glen Grays) in a NYPD vehicle, committed the following violations of NYPD Patrol Guide Procedures:

- wrongfully failed to secure said prisoner with a seat-belt;
- wrongfully failed to wear the proper uniform;
- wrongfully failed to secure and safeguard property of the prisoner, to wit: a United States Post Office vehicle and its contents, in that PO Lluka left said property unsecured at the location of arrest;
- having become aware of an allegation of misconduct involving a federal employee, wrongfully failed to report said allegation to the Internal Affairs Bureau;
- abused his authority as a member of the NYPD in that he stopped Glen Grays without sufficient legal authority;
- was discourteous to civilian Glen Grays; and
- improperly failed to transmit the disposition or interim disposition to the radio dispatcher immediately upon completion of an assignment and before leaving the scene.

Following an IAB investigation, PO Lluka admitted his guilt regarding the above violations of departmental procedures, and in April 2016, accepted a Command "B" discipline sanction of a loss of 4 hours' vacation. The incident underlying the above-described allegations was reported in the media. See, e.g., New York Times article, dated March 25, 2016 at <https://www.nytimes.com/2016/03/27/nyregion/glen-grays-the-mailman-cuffed-in-brooklyn.html>.

Sincerely,

Lino J. De Masi
Assistant District Attorney
(718) 250-3740

Police Officer Lazo Lluka, shield number 22410, has been named as an individual defendant in the following civil actions filed in U. S. District Court for the Eastern District of New York:

1. Esperanza, et al., v. The City of New York, et al. (15-CV-2612): Plaintiffs allege various deprivations of civil rights under, *inter alia*, 42 USC § 1983. The City has filed an Answer.

The parties have engaged in discovery and are currently awaiting the filing of a summary judgment motion and the disposition thereof.

2. Jacques v. City of New York, et al. (16-CV-6272): Jacques claimed various deprivations of civil rights under, *inter alia*, 42 USC § 1983. The City filed an Answer.

The parties filed a Stipulation of Dismissal on June 21, 2017, pursuant to a settlement of the matter between the parties without admission of fault or liability. The Stipulation awaits the Court's endorsement.

3. Cofield, et al., v. City of New York, et al. (10-CV-3408): Plaintiffs claimed various deprivations of civil rights under, *inter alia*, 42 USC § 1983. The City filed an Answer.

The matters were disposed of by Judgments entered pursuant to F. R. Civ. P. 68 on August 20, 2014. The Rule 68 judgments specify that they are not to be construed as admissions of liability, nor as admissions that the plaintiffs suffered any damages.

Bratton Says He Has 'Strong Concerns' About the Arrest of a Brooklyn Mailman

By GINIA BELLARANTE

New York City's police commissioner expressed "strong concerns" on Tuesday about the arrest of an African-American mail carrier who was at work in the Crown Heights section of Brooklyn when he was taken into custody amid an altercation with four police officers.

The arrest of the mail carrier, Glen Grays, attracted national attention after a cellphone recording taken by one of several witnesses at the scene of the March 17 episode was released by the office of Eric L. Adams, the Brooklyn borough president, last week.

The commissioner, William J. Bratton, said on Tuesday that the officers involved in the altercation belonged to the Police Department's Conditions Unit, a neighborhood-based troubleshooting division that Mr. Bratton described as a preferred assignment.

Members of the unit are expected to work in uniform, Mr. Bratton said, and the officers who arrested Mr. Grays were wearing street clothes. After the arrest, which resulted in Mr. Grays being issued a summons for disorderly conduct, the officers were removed from their assignments and put on patrol pending an investigation by the Internal Affairs Bureau, the commissioner said.

"Part of the investigation into that incident will be, why were they in plain clothes — for what purpose, who authorized it," Mr. Bratton said at a news conference during which he discussed a variety of law enforcement issues. He also said he had "strong concerns" about the charges against Mr. Grays after viewing additional

Four officers are reassigned after an event seen on video.

footage of the arrest that the Police Department had obtained.

The arrest forced Mr. Grays to leave a United States postal truck unattended, raising questions about potential violations of federal law regarding the interruption of mail delivery. A representative of the United States Postal Service said in an email last week that its Office of Inspector General was investigating the matter. That an unsecured truck had been left double-parked on a busy street after Mr. Grays was taken into custody "would be a significant issue of concern in terms of the investi-

gation going forward," Mr. Bratton said.

The video released by Mr. Adams's office ends with the officers placing Mr. Grays, in handcuffs, in their unmarked car. In an interview last week, Mr. Grays said he was not given a seatbelt. On the way to the 71st Precinct, he said, the car struck a vehicle in front of it. The day after the episode, Mr. Grays, who said he was detained at the precinct for a few hours before being released, returned to the precinct house to retrieve the accident report that the officers filed. The report identified the officers as Lt. Luis D. Machado, Lazo Lulka, Miguel J. Rodriguez and David G. Savella.

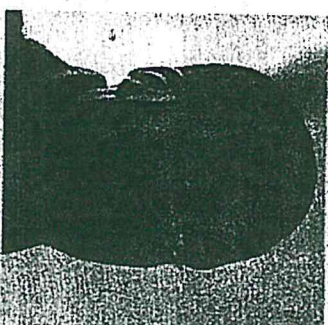
Efforts to reach the Patrolmen's Benevolent Association for comment late Tuesday were unsuccessful.

Over the past six years at least three of the officers involved have been named in federal civil rights suits alleging false arrest, among other claims. Most of the cases remain active, and such suits are not uncommon.

Two years ago, a suit in which Officer Lulka and six other officers were named, resulted in a settlement in which the city paid the plaintiffs \$140,000 in damages and an additional \$75,000 in legal fees. On April 30, 2009, the complaint

stated, Officer Lulka arrived at an apartment building on Empire Boulevard in Brooklyn where other officers were handling a noise complaint involving the plaintiffs, a brother and sister, both of whom are African-American.

When the woman said she would not let officers into her apartment without a search warrant because there were children present, Officer Lulka and two others "slammed her into a wall, threw her to the ground, knelt her on her back and handcuffed her," the suit alleged. A fourth officer then hit her brother in the head with a baton when he spoke up to say there had been a misunderstanding, according to the complaint; the brother was treated at Kings County Hospital Center. Mr. Grays has not yet returned to work.



DAVE SANDERS FOR THE NEW YORK TIMES

Glen Grays, 27, a mail carrier in Brooklyn whose arrest this month drew wide attention.