

LONG ISLAND [SUFFOLK](#)

Suffolk agrees to settle Christopher Loeb's lawsuit, officials say

The county admits no wrongdoing in connection with Christopher Loeb's 2012 beating by former Chief James Burke.



Christopher Loeb at his lawyer [Bruce Barkett's](#) office in Garden City on Jan. 31, 2017. Photo Credit: James Carbone

By Nicole Fuller

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Suffolk County has agreed to pay \$1.5 million to settle a federal lawsuit brought by Christopher Loeb, whose beating by Suffolk Police Chief James

Burke led to the chief's imprisonment and the indictment of District Attorney Thomas Spota, county officials said Thursday.

Under the terms of the agreement, the county admits no wrongdoing and is released from additional liability in connection with Loeb's 2012 beating inside a police precinct, Suffolk County Attorney Dennis Brown said in an interview.

"In this particular case, we have an admission from the perpetrator of wrongdoing, so we don't have a lot of defenses," Brown said, adding that Burke is not covered under the settlement and could still be held liable.

"His acts, even though he was the chief of police at the time, were not something that the county condones nor is it something that occurred within the scope of his employment."

The county legislature will have to vote to approve the settlement.

Loeb, 31, of Mount Sinai, could not immediately be reached for comment.

Bruce Barket, a Garden City-based attorney representing Loeb, said he would not comment on the settlement until the legislature gives its final approval.

"But I will note that there is no settlement with Burke and we intend to pursue our case against him vigorously," Barket said. "He is separately liable for the damages he caused and punitive damages, which are certainly appropriate in this case."

Barket said Loeb, who is a recovering heroin addict, is currently "doing well and working on his health."

Burke's attorney, John Meringolo of Manhattan, declined to comment.

The case began when Loeb was arrested on Dec. 14, 2012, after stealing a duffel bag containing a gun belt, ammunition, sex toys and pornography from

Burke's unmarked police SUV in St. James. In 2015, Loeb filed a lawsuit in federal court charging the county, Burke and six other officers with violating his civil rights after he accused the former chief of assaulting him.

Loeb's beating allegations sparked a federal probe that led to Burke's indictment and arrest in December 2015. Burke pleaded guilty to violating Loeb's civil rights in February 2016 after admitting to assaulting Loeb and then orchestrating a departmental cover-up. He is currently serving a 46-month prison sentence.

Burke's federal probe led to last year's federal indictment of Spota and top aide Christopher McPartland on charges they were involved in the cover-up. Both Spota and McPartland pleaded not guilty and were released on bail. Spota retired days after he was indicted.

The county considered several factors in deciding to settle, Brown said, including attorneys' fees and the unpredictability of a possible jury award.

"We're looking at years of litigation, very significant litigation costs; there are multiple attorneys that the county is paying for various named defendants," Brown said. "If we were not successful in the lawsuit, the plaintiff's attorney would also be entitled to attorney's fees, so we could be looking at attorneys' fees of a million dollars or more."

Loeb had pleaded guilty to criminal possession of a weapon in the original case involving the theft from Burke's vehicle, but in light of Burke's guilty plea, a state Supreme Court justice vacated the plea after the special prosecutor who was appointed in the case agreed with Loeb's attorney that the plea was unjustly coerced and tainted by police perjury.

Loeb entered the plea after a pretrial hearing in which several Suffolk officers and detectives testified under oath that they didn't see Burke beat Loeb.

But when the plea was vacated, the original indictment, which included stealing property and other charges, was reinstated. Loeb again pleaded not guilty to those charges, which included a count of breaking into Burke's police vehicle and stealing a duffel bag.

A defense motion to dismiss the indictment was later granted.

DuWayne Gregory (D-Copiague), presiding officer of the Suffolk County Legislature, said he would vote for the settlement because going to trial could "run the risk" of a higher cash award.

"It's frustrating that the taxpayers of Suffolk County have to pay for the egregious actions of any individual that works for the county," Gregory said.

If approved, the settlement will be paid by floating a bond. The county's 2 percent interest rate over five years on a \$1.5 million bond will total \$91,200, said county spokesman Jason Elan.

Since being released from prison on that case last January after being sentenced to three years, Loeb has gotten into trouble with the law, including a February 2016 argument with his mother, Jane Loeb, that resulted in a harassment charge after authorities said he hit her.

Loeb was arrested in August 2017 and charged with violating an order of protection against his former girlfriend, Suffolk police said.

And last November, Loeb was arrested on charges in connection with the break-in of a car, theft of a purse and credit cards and theft of his mother's car, police said. He was charged with fourth-degree grand larceny, fourth-degree criminal possession of stolen property, possession of a hypodermic instrument and unauthorized use of a vehicle.

He was released on personal recognizance from the Suffolk jail in Riverhead on Jan. 8 after a judge reduced his bail. The charges are pending.

Legis. Robert Trotta (R-Fort Salogna) said County Executive Steve Bellone should pay the settlement. Trotta said he would “absolutely not” vote to float a bond to pay it.

“Steve Bellone violated the trust of every taxpayer by hiring and supporting Jim Burke despite his history of misconduct. Now the taxpayers of Suffolk County will pay yet again for another Bellone blunder.”

Newsday has reported that Bellone was warned in an anonymous letter about issues with Burke, but got assurances of his character from Spota.

Elan, in response, said: “It is the height of hypocrisy coming from a man who has been accused multiple times of workplace violence.”