

## Undercover Cop Charged in Motorcycle Gang Attack

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The off-duty undercover police officer who was riding with the gang of motorcyclists who swarmed and attacked the driver of an SUV on a New York City highway has been arrested in connection with the incident.

### **The Chase**

Alexian Lien and his family were driving on New York's West Side Highway on Sept. 19 when he encountered a large group of motorcyclists riding together. As he entered the highway, Lien called 911 to report the erratic driving of the bikers. One of them slowed almost to a halt in front of Lien's SUV, causing him to bump it.

The bikers surrounded the SUV, stopping traffic, and one of them opened the door of the SUV. Lien sped off, running over and critically injuring one of the bikers. The riders then chased Lien off the highway, finally cornering him in traffic in the Washington Heights neighborhood in Manhattan.

As stunned onlookers watched, the riders jumped off their bikes and attacked the SUV, one breaking the driver's side window, dragging Lien from the car and beating him while his wife and child watched from the SUV. Witnesses have said the bikers even tried to drag the wife from the car.

It came to light later that among the bikers was an off-duty undercover NYPD detective. He did not call 911 during the incident and did not report that he was there until four days later. Apparently other NYPD officers were riding with the gang, but they were not undercover and it's unclear if they knew that the undercover detective was present.

### **Criminal Charges**

The undercover officer, 32-year-old Wojciech Braszczok, turned himself in on Oct. 8 and was arrested and charged with riot and criminal mischief, [according to NBC News](#). In the video that has gone viral since the attack, Braszczok is allegedly seen beating on the SUV as it drove away after the initial encounter but it's unclear if he participated in the later beating.

Several bikers have been arrested in connection with the incident, [according to CNN](#), including the biker who initially slowed down to force the bump, the biker who broke Lien's window, and two more who participated in the assault, according to news sources. The one who was run over remains in the hospital with broken legs and other serious injuries.

### **Obligations Undercover**

Undercover police have different obligations from uniformed officers — in order to protect their cover — and this situation initially made their responsibilities a subject of debate.



Kevin Kearon

But lawyers say the undercover cop should have done something at the time he witnessed the incident. And he certainly shouldn't have waited four days to identify himself.

"In my opinion, the undercover police officer had an obligation to act when violence began to occur," says [Phillip Turner](#), a former prosecutor who is now a criminal defense lawyer in Chicago.

Turner adds that if other officers who were not undercover were in the group, they had an even clearer responsibility to take action. "[T]hey should have immediately identified themselves and taken control of the situation," he says.

While it's become a criminal case now, the initial handling of the officer's conduct was a matter of departmental policy, notes [Kevin Kearon](#), also a former prosecutor, now a partner at Barket Marion Epstein & Kearon in Garden City, N.Y.

"Generally, a police officer — on or off duty — has an obligation to prevent physical harm to others and make arrests for crimes observed," Kearon explains. "Occasionally, in an effort to protect a genuine undercover operation, they can avoid making an immediate arrest. Officers must always do what they can to prevent or stop a beating that they observe."

### **NYPD Could Be on the Hook**

Braszczok's behavior has not only exposed himself to criminal and probably civil liability; Turner and Kearon agree that it has also exposed the NYPD to possible liability. The same may apply to the other off-duty cops as well.

"Liability issues are not automatic and can be tricky to apply to this fact pattern," notes Kearon.

"We have to closely watch this situation to gather additional facts so that we can make determinations as to potential civil and criminal liability," Turner says of the rapidly evolving story.