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Nassau Agrees To Guidelines In Settlement Of Jail Suit

By AL BAKER

Seeking to end a federal lawsuit brought after an inmate was beaten to death three years ago in the Nassau County jail, the United States Justice Department announced yesterday that the county had agreed to adopt stringent new policies to limit the use of force by its correction officers and ensure that inmates get proper medical care.

The settlement caps a federal investigation and resulting civil rights lawsuit provoked by the January 1999 death of the inmate, Thomas Pizzuto, who was bludgeoned by correction officers after he would not stop begging for methadone.

And though it does not immediately end the lawsuit, over conditions at the jail, it offers hope for a close to a long chapter in which federal investigators cited widespread abuses and violations of inmates' civil rights, and five correction officers were convicted in connection with the beating and an attempted cover-up.

"The Pizzuto incident led the Department of Justice to investigate the Nassau County Correctional Center, and while we learned that Pizzuto might be the most extreme case of abuse, the abuse was not an isolated incident," said Marla A. Tepper, the assistant United States attorney who handled the case.

"Officers routinely resorted to the use of force that the facility sanctioned," she said. "This agreement puts into place policies and procedures that will prevent an incident like Pizzuto from ever happening again."

Specifically, the agreement requires that correction officers be properly trained in the use of force. It requires that the county draft guidelines spelling out how and when officers may use force. And it says that any use of force by an officer be investigated internally and that discipline be meted out when improper force is used.

The government also found that jail officials were deliberately indifferent to inmates' medical needs; failed to provide routine medical care in a timely manner and failed to manage inmates' medication and medical records.

The agreement requires that jail officials adopt policies and procedures that ensure that inmates receive proper medical treatment. It also requires that the county provide 24-hour on-site medical coverage, according to a statement released yesterday by Alan Vinegrad, the interim United States attorney for the Eastern District in Brooklyn.

Mr. Pizzuto was beaten on Jan. 8, 1999, just after he had begun serving a three-month sentence. Informed by a reporter about the agreement, Mr. Pizzuto's mother, Carol, said it was only a sliver of good news.

"I mean, I am glad that they are having things done, but it is a shame it took the death of my son to have them realize this," said Ms. Pizzuto, 62, of Hicksville. "I am glad their eyes finally opened up. They didn't see it before, but they do now, and it might save any future inmates that go into that jail."

She said that the family, including Mr. Pizzuto's widow, Virginia, and his 18-year-old son, Thomas Jr., are still struggling without him.

The Pizzuto family has a separate federal civil rights lawsuit pending against the county, the jail and individual officers and supervisors, said Nick Brustin, a lawyer with the firm of Cochran, Neufeld & Scheck, which is representing the family.

The agreement announced yesterday calls for several changes that drew criticism from the Sheriff Officers Association, the union for the county's 1,080 correction officers.

"Neither the federal government nor the administration sought input from correction officers on this," said Michael F. Adams, the president of the association. "Therefore, in some areas, I think it is flawed."

But Edward P. Reilly, who became the county's sheriff in 2000, praised the agreement, and federal prosecutors lauded his efforts to address the government's findings.

The agreement was signed by the county last year. Many of the recommendations made by the government have been put into effect already, Mr. Reilly said.

For instance, a new policy limiting officers' use of force was begun in February 2001, he said. The jail is also moving toward computerizing the collection of data on such force, as the settlement requires, he said.

The county now has 90 days to submit its new policies and procedures to the government and two outside monitors, Ms. Tepper said. If the government and the monitors approve those plans, they will be formally implemented within 45 days.

Then, a succession of inspections will be conducted, the last of which will happen after two years, and which could be followed by a joint motion to dismiss the case. But at any time in that process, the federal suit could be reactivated if the county is not in compliance with the settlement, she added.