

New York: Long record of abuse at Nassau County jail

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Over 100 inmates have filed complaints against prison guards at the Nassau County jail in Garden City, Long Island over the past eight years, according to a report in the *New York Times*. The report is based on information obtained through a Freedom of Information Act request filed by the newspaper after the death of Thomas Pizzuto, an inmate who was beaten to death by prison guards on January 13.

Documents show that 106 inmates went through the formal process of filing complaints of abuse. These must be considered only a small fraction of the total number of assaults and beatings by guards, since prisoners must file complaints within 90 days of such an incident--i.e., generally while still in the prison and subject to retaliation by the guards whom they are accusing of brutality.

The Nassau County Legal Aid Society routinely warns all those inmates who wish to file charges that they risk many forms of victimization. One possibility discussed is that the guards may claim that the prisoner attacked the correction officer or officers. This is in addition to the constant threat of the officer committing another attack.

These warnings by the legal aid lawyers to their clients are not mere speculation on their part. As the *Times* report makes clear, such retribution commonly does take place, both for filing brutality complaints through the prison itself and for filing federal lawsuits over prison conditions, a tactic more favored by prisoners because they believe they have a better chance of obtaining some redress.

Nassau County Attorney Owen Walsh has turned over to prison authorities the names of 150 inmates who have filed federal lawsuits over prison conditions since 1994. These suits include allegations of direct abuse by the guards, allowing other prisoners to

physically assault target prisoners, and cases of medical malpractice.

Inmates who come forward and speak out in defense of other prisoners who have filed brutality complaints receive the same treatment. There is reported one example of an inmate who testified, backing the charges of another, and as a result had his nose broken by the same guard that was originally charged. This inmate has yet to press charges against the guard. There are other examples, and it is clear that the guards routinely utilize such techniques to keep prisoners silent.

This is precisely what happened to Thomas Pizzuto, who was forced to sign a statement absolving his torturers of any responsibility for his injuries. Pizzuto, 38, entered the prison on January 8 to begin serving a 90-day sentence for a traffic ticket. He got into a dispute with some guards after demanding his regular dose of methadone.

Another prisoner saw four guards enter Pizzuto's cell, and then heard him screaming in agony for at least five minutes. As a result of the beating, he was then taken to a nearby hospital. When his father visited him, Pizzuto secretly told him that two guards beat him, and then forced him to sign a statement stating that he received his injuries as a result of an accident. The Nassau County Medical Examiner ruled the death a homicide.

According to the Pizzuto family's lawyer, other physical evidence indicates that his injuries were consistent with his being stomped to death by the boots and shoes worn by the correction officers involved.

In the aftermath of this incident a number of former inmates have come forward to complain that this not an uncommon practice at the 2,200-bed facility. But Deputy Undersheriff Ernest C. Weber, who oversees the jail's daily operations, maintains that 106

complaints are a small number for the eight-year period from 1991 to 1998.

Meanwhile the first case has gone to trial over conditions at the jail since Pizzuto's death. Thomas Donovan Jr., a mentally retarded man, took the stand Tuesday to describe how he was attacked in 1993 by a guard wielding a frying pan. The accused guard is Salvatore Gemelli, a leader of the correction officers union. In his civil suit Donovan is seeking \$100 million from Gemelli, the jail, the county and its hospital.



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