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Federal Jury Awards \$8M to Man Injured by Police Stun Gun

Jason Grant, New York Law Journal

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A federal jury has awarded a mentally disabled Long Island man and his parents \$8.32 million after police used a stun gun on the man four times inside his home in 2010.

The verdict, handed down by an eight-person jury after trial in the Eastern District, included findings of liability on six different counts: excessive force, unlawful entry/trespass, false imprisonment, failure to intervene, municipal liability and gross negligence. The jury deliberated for slightly more than a day.

Shuay'b Greenaway, who [has bipolar disorder](#), and his parents sued Nassau County, the [Village of Hempstead](#) and six police officers in 2011. The family alleged that federal civil rights were violated when some of the officers used stun guns on him four times inside a bathroom and then dragged him from his home, though he allegedly was not violent or aggressive toward the officers.

Greenaway's mother, Sharon Knight, had called 911 asking for assistance because she thought her son needed medical attention, according to court documents and plaintiffs' lawyer Frederick Brewington.

But she told the 911 operator that Greenaway, then 32, was "not dangerous," the suit claimed. The plaintiffs also alleged that Nassau County police officers violated department policy by never asking the 911 dispatcher about Greenaway's mental condition, background or behavior before interacting with him, said Brewington, a partner at the [Law Offices of Frederick K. Brewington](#) in Hempstead.

[brewington-frederick-Square-201512031926.jpg]

When police encountered Greenaway, he was painting a bathroom in his home, was not aggressive toward the officers, and was told he had done nothing wrong, according to Brewington. Two Nassau police officers nevertheless shocked him with a stun gun when he refused to leave. Greenaway was then dragged out while his parents were forced from an adjacent room and locked out of it, Brewington said.

Brewington said that under state mental hygiene law, a person who authorities believe is suffering from a mental disability may decline treatment as long as the person is not an imminent danger to himself or herself, or to others, and isn't in danger of serious harm.

At trial before [Judge LaShann DeArcy Hall](#), which lasted five days, the jury was presented with what Brewington characterized as conflicting and diverging testimony from several police officers who took the stand. He called four officers to the stand, and the defense called one, he said.

Greenaway and both of his parents were also called by Brewington and testified.

Brewington said that, in speaking with the jury after the verdict—which was delivered May 22—they told him that "the officers were not consistent and that their stories didn't make a lot of sense." Jurors told him they were "thankful to the Knights and Mr. Greenaway for ... being truthful and forthright," he said.

The theme of the defense, according to Brewington, was "that officers made a decision that Greenaway needed to go to a hospital because he wasn't taking his medications and therefore forced him to go to the hospital."

The defendants filed a motion for summary judgment in 2013, claiming that Greenaway was acting in a menacing manner and threatened the officers at the time of the incident, but it was denied, Brewington noted.

He offered the following comment: "This verdict came after a long wait for this family to have their ordeal heard. They feel both relieved and vindicated. It is their hope that with the Jury's decision the rights of persons with emotional disabilities and their families will be respected by law enforcement."

Ralph Reissman and David McAndrews, both of the Nassau County Attorney's Office, represented the county. Neither returned calls seeking comment Thursday.

William Garry, a member at Harris Beach representing Hempstead, also did not return a call.

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