

## Man behind Dale resignation files suit

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The former campaign worker for a third-party county executive candidate whose arrest in October led to the resignation of former Police Commissioner Thomas Dale announced on Monday that he intends to file charges against Nassau County and its police department for the wrongful violation of his civil rights.

Roosevelt resident Randy White said in a news conference that his attorney, Frederick K. Brewington of Uniondale, has filed a notice of claim in preparation of a lawsuit against multiple county agencies and formally requested an independent investigation into the events surrounding his arrest.

White, 29, was apprehended by Nassau County police while onboard a Nassau County bus in early October and while in police custody served with a subpoena drafted by the attorneys of former Freeport Mayor Andrew Hardwick, who unsuccessfully challenged Republican incumbent Edward Mangano and Democratic candidate Tom Suozzi for county executive. Hardwick claimed had White perjured himself in testimony during a civil proceeding when White said he was paid illegally to collect signatures required for Hardwick's nomination to the "We Count" party line.

"I just want any justice brought down on the officers that had something to do with the conspiracy in bringing me down on that Saturday when I got on the bus," White said. "It could have happened to anybody that got caught up in a political scandal, such as I did."

The notice names Dale and former Police Sgt. Sal Mistretta, who served White with the subpoena, in addition to Nassau County, its police and sheriff's departments and a series of unnamed corrections officers and elected officials attributed as "John Does."

Brewington said he has also written a letter to United States Attorney Loretta Lynch urging her to conduct an investigation into the events surrounding White's arrest, including oversight on a recent investigation by Nassau County District Attorney Kathleen Rice that cleared Dale and Mangano of any criminal wrongdoing but led to the resignations of Dale and Mistretta as well as the retirement of Chief of Detectives John Capece. Dale resigned following a meeting with Mangano to review Rice's report.

"There is no mystery here that Mr. White, who was abused, intends to try to protect his rights and seek some justice after levels of injustice were leveled against him," Brewington said.

The notice alleges that White was mentally and physically abused while in custody at the 1st Precinct in Baldwin, "threatened with the full power of Government and Government Officials," and forced to submit to strip and cavity searches without legal justification.

White is seeking damages from "physical intrusion and emotional injuries," according to the notice.

According to Rice's investigation, described in a four-page letter to Mangano in December, White was arrested after a criminal background check revealed he failed to pay a \$250 fine stemming from a misdemeanor counterfeiting conviction.

But White's background was checked after Huntington resident and Hardwick supporter Gary Melius, the owner of the Oheka Castle catering hall, called Dale to inform him of the campaign's desire to file perjury charges against White based on an audiotape recording in which he allegedly acknowledged lying under oath.

After Dale directed Melius to reporting his allegations to the 1st Precinct and sent Capece and other police officials to meet with Hardwick's attorneys and other campaign members who reviewed the complaint and deemed the audiotape inaudible, it was determined that perjury charges stemming from the tape would not be filed against White.

Upon his arrest, White was served with a civil subpoena from Mistretta, who has said he did not know at the time he was serving White with a subpoena.

Rice wrote that Dale denied being aware of the subpoena until a few days after White was served and that her office's investigation has "uncovered nothing to call Commissioner Dale's claim concerning the service of that subpoena into question."

In the weeks following the release of Rice's letter, Democratic lawmakers have called for an independent investigation into Dale's resignation as well as hearings within the county Legislature to address their issues stemming from the incident.

Nassau County Democratic Party Chairman Jay Jacobs also criticized Rice for not pressing charges against Dale for his role in the matter in an 11-page review of her investigation to party officials and wrote that her position as a county employee may have influenced her letter clearing Mangano and Dale.

In his letter to Lynch, Brewington wrote that Rice's investigation has not gone far enough and cites several violations of penal, civil and election law that did not result in charges.

"The fact that there are very mingled and complex politics and political motivations afoot in this matter is unquestionable," Brewington wrote to Lynch. "The interplay of current and future political aspirations, and the closeness to the local political parties demanded that the Nassau County District Attorney step aside and ask for the appointment of an outside special prosecutor to look at this matter. That did not happen."

A spokesman for Lynch at the U.S. Attorney's office declined to comment.

Rice spokesman Shams Tarek said no Nassau County official has worked harder to maintain fairness within the criminal justice system than the district attorney, noting her investigation caused three top police officials to leave their posts.

"This investigation is not over and our investigations will always be guided by facts and provable evidence rather than politics," Tarek said.