

Court papers: Former Nassau Legis. Joseph Scannell sues county, claiming false arrest



Former Nassau Legis. Joseph Scannell in Garden City in 2011. Credit: David Pokress

By Bridget Murphy

bridget.murphy@newsday.com [@ByBridgetMurphy](https://twitter.com/ByBridgetMurphy)

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The family of former Nassau Legis. Joseph Scannell, who has a mentally and physically debilitating disease, is suing the county he also served for years as a prosecutor while alleging police battered and falsely arrested him in a 2019 hospital encounter.

Attorney Frederick Brewington filed an amended complaint last week in a federal case that seeks at least \$10 million in damages. It names the county and police force members as defendants and alleges officers used excessive force on Scannell rather than treat him as someone experiencing a mental health crisis.

Their actions violated the constitutional rights of Scannell, who suffers from Huntington's disease, and caused him a serious head injury and emotional distress, according to the lawsuit.

Records show police arrested Scannell, now 58, after a scuffle on June 27, 2019, that ensued between the agitated man and officers after they escorted the ambulance that brought him from a Great Neck nursing home to North Shore University Hospital. Nursing home officials had called Scannell's family prior to the emergency response to say he was "in crisis," the lawsuit says.



Nassau Police Commissioner Patrick Ryder at news conference on in Mineola in 2020. Credit: Raychel Brightman

Police alleged in a felony complaint charging Scannell with attempted robbery, resisting arrest and harassment that he "became combative" and hit one officer in the chest while officers were trying to help him after arriving at the hospital.

Scannell then grabbed that first officer's gun and tried to unholster it before the officer broke his grip and two other officers helped to restrain and handcuff him, according to the complaint. A judge dismissed the criminal charges in October 2019.

Brewington called the case "a clear example" of the need for measures including a civilian complaint review board that aren't part of the police reform plan Nassau's Legislature approved Monday.

The Hempstead attorney, who was among reform advocates who wrote a different proposal, said Scannell's wife called Nassau Police Commissioner Patrick Ryder after her husband's arrest to complain about his treatment. But Brewington said no internal investigation was done, showing the need for more oversight of police.

"None of them would ever see themselves in this position, right?" the lawyer said of county officials. "But yet one of your own ... is subjected to police abuse while he is infirm and suffering from neurological and psychological problems ... And then there's a complaint made and nothing is done about it."

Ryder said at Monday's legislative meeting there were "numerous layers of oversight" and no need for a civilian complaint review board or inspector general to investigate police misconduct claims.

But Brewington said it was Ryder who let the Scannell complaint slide.

"Shame on him ... Had this family had the opportunity to go a civilian review complaint board, this would have been documented," he added.

Ryder reacted to Brewington's comments in a statement Wednesday.

"For many years I have enjoyed a long-standing professional working relationship and friendship with Joe Scannell. Mr. Brewington knows that since there is pending court litigation on this case, I cannot directly comment. In time the facts will come out," he said.

James Scannell, the ex-legislator's brother and court-appointed guardian since 2015, said during a deposition that Joseph Scannell "does not remember the details" of the encounter but "denies ever having tried to get the officer's gun."

Joseph Scannell — a Baldwin Democrat who served on the legislature for 14 years and as a Nassau prosecutor for a decade — became "demoralized by the whole situation," according to his brother.

"He viewed himself as a supporter of law enforcement and the Nassau County police for his entire professional career. It was really upsetting to him that representatives of this group that he felt so attached to and supportive of treated him this way," James Scannell said in the deposition.

He said Joseph Scannell was diagnosed with Huntington's disease in 2015 after hospitalization for largely psychological symptoms. By 2019, the ex-legislator, father of two and former Baldwin resident also had physical issues that included significant paralysis on his right side, his brother said.

In 2013, Joseph Scannell decided not to seek reelection after 14 years in office. Nassau County Executive Laura Curran, then a member of Baldwin's school board, ran for and won that legislative seat. A Curran spokesman said Wednesday that the county doesn't comment on pending litigation.

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bridget.murphy@newsday.com  [@ByBridgetMurphy](https://twitter.com/ByBridgetMurphy)

Bridget Murphy is a Newsday criminal justice reporter.