

Cops' admission of error may not help civil suit

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Just because Nassau police have admitted that they made mistakes in their handling of the Jo'Anna Bird case does not mean that a lawsuit against them will be successful, experts said Monday.

Proving that police actions contributed to the 24-year-old New Cassel mother's death will be complicated, lawyers said. The fact that officers now face disciplinary action might or might not help, depending on what exactly an investigation shows they did wrong, they said.

Police Commissioner Lawrence Mulvey said Friday that seven officers, including a patrol supervisor, did not properly investigate at least four domestic violence incidents at Bird's mother's home just days before Bird's death.

Bird's mother, Sharon Dorsett, who filed a notice last week that she will sue the police over her daughter's death, will have to prove several things to get damages from the county, **said civil attorney Daniel Flanzig of Mineola. She will have to prove that the police knew her daughter was in imminent harm, that they assured her explicitly that they would act to protect her and that Bird relied upon those assurances, Flanzig said.**

If police concede any of those things when they discipline the officers involved, that could help Dorsett's case, Flanzig said. If not, the reprimand could prove irrelevant in court, he said.

"The police are not the absolute guarantors of safety," Flanzig said. "Only once they assure the victim that they're going to respond do they create that level of responsibility."

Jeffrey Lisabeth, a civil lawyer in Mineola, said judges don't often allow "corrective action" taken by a municipality after an incident to be used against them in court. That's so that agencies won't be discouraged from fixing a problem for fear that they will later be sued over it, Lisabeth said.

Nassau County Attorney Lorna Goodman said any disciplinary action against the officers could affect whether the county will defend them in the lawsuit. She said if a panel finds the officers acted maliciously, the county could decline to defend them.

Dorsett's lawyer, Fred Brewington of Hempstead, said he is still waiting for details about what police found the officers did wrong and how they will be disciplined. Until he learns those things, he said it is impossible to tell whether those facts will bolster her civil claim.

"At this point it's so broad and so vague that I'd be guessing," he said