



Memorandum
Office of the County Attorney

OnBase ID #: 112608

PRIVILEGED & CONFIDENTIAL

Date: December 1, 2025

To: Honorable Members of the Board of Acquisition & Contracting

From: John M. Nonna
County Attorney

Re: Request for authorization to settle pre-suit two claims presented by Gary Dozier (RSM Nos. G240142 & G240155) for a grand total of forty thousand and 00/100 dollars (\$40,000.00).

Attached for your consideration is a resolution, which—if approved by Your Honorable Board—would authorize the County of Westchester (the “County”) to settle two pending claims:

- (i) *Administrative Segregation Claim*: one concerning a period of administrative segregation within the Westchester County Jail (the “Jail”) that allegedly occurred from July 8, 2024, through and including September 18, 2024, and which bears County Risk Management number RSM No. G240155 (the “Administrative Segregation Claim”); and
- (ii) *Excessive Force Claim*: one concerning an incident of excessive force that allegedly occurred within the Jail on July 18, 2024, and which bears County Risk Management number RSM No. G240142 (the “Excessive Force Claim”).

Relevant Background

Underlying Incidents

On or about July 8, 2024, claimant Gary Dozier (“Claimant”)—then a pre-trial detainee in the Westchester County Jail (“Jail”)—was moved from the Jail’s general population to a special, segregated housing area. The transfer was made after Claimant was charged with various jailhouse infractions and in accordance with the Jail’s internal disciplinary procedures. Claimant does not dispute that he committed the infractions; instead, he claims that the infractions were too insubstantial to warrant segregated housing. While in segregated housing, Claimant was found guilty of committing additional infractions, which lengthened his segregation period. Claimant was released from segregated housing on or about September 18, 2024. He alleges that the segregation’s duration violated New York State Commission of Correction’s Minimum Standards and Regulations for the Management of County Jails and Penitentiaries (*see* 9 NYCRR ch. 1, sub-ch. A). (For the record, the County disagrees with Claimant’s interpretation of all applicable rules and regulations.)



Separately, on July 18, 2024—while Claimant was being escorted within the Jail from segregated housing to a court appearance—a correction officer took him to ground. There is no genuine dispute that Claimant was ignoring the officer's direct commands at the time. However, Claimant was also handcuffed. It is Claimant's position that the use of force was excessive and unwarranted. Claimant alleges that being taken to ground knocked him unconscious, split his eyebrow, and caused him extreme headaches—among other maladies.

Procedural Posture

On October 8, 2024, Claimant served the County with a notice of claim regarding his Excessive Force Claim—a condition precedent to suit (*see* Gen. Mun. L. § 50-e [1](a)). On November 1, 2024, Claimant served the County with a notice of claim regarding his Administrative Segregation Claim. A 50-h hearing was originally noticed for April 16, 2025. The hearing was adjourned and ultimately held on May 14, 2025.

Proposed Settlement

Claimant has agreed in principle to settle both claims for forty thousand and 00/100 dollars (\$40,000.00). The Westchester County Attorney's Office recommends entering into this settlement. Doing so will avoid the risks of litigation. It will also sidestep any escalation of damages in the event Claimant hires counsel and is ultimately entitled to attorney's fees pursuant to 42 U.S.C. § 1988.

Summation

In light of the forgoing, this Office proposes that Your Honorable Board authorize the settlement amount of forty thousand and 00/100 dollars (\$40,000.00).

JMN/stc

RESOLUTION

Upon the communication of the County Attorney, it is hereby:

RESOLVED, that the County Attorney is hereby authorized to settle pre-suit the two claims presented by claimant Gary Dozier (RSM Nos. G240142 & G240155) for a grand total of forty thousand and 00/100 dollars (\$40,000.00); and it is further

RESOLVED, that the County Attorney or his designee is authorized to execute any documents necessary to implement this resolution.

Original Agreement	\$
First Amendment	\$
This Amendment	\$ _____
TOTAL	\$

Account to be
Charged/Credited

Fund	Dept.	Major Program, Program & Phase Or Unit/Sub Unit	Object/ Sub- Object	Trust Account	Dollars
<u>615</u>	<u>29</u>	<u>0704/4850</u>	<u>4280/04</u>		\$ 40,000.00

Budget Funding Year(s) 2024 Start Date 1/1/2024 End

Date 12/31/2024

(must match resolution)

Funding Source

Tax Dollars _____

State Aid _____

\$ 40,000.00

Federal Aid _____

(must match resolution)

Other x 6N

fund \$40,000.00