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Man cleared of killing officer wins suit Lewin, beaten in jail, is awarded \$225,000; [City Edition]

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Abstract (Summary)

Albert Lewin, acquitted of murdering Boston Police Detective Sherman Griffiths amid evidence of police misconduct in the case, was awarded \$225,000 yesterday after a Suffolk Superior Court jury found that three guards at the Charles Street Jail beat him while he was awaiting trial in 1988.

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Full Text (724 words)

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Albert Lewin, acquitted of murdering Boston Police Detective Sherman Griffiths amid evidence of police misconduct in the case, was awarded \$225,000 yesterday after a Suffolk Superior Court jury found that three guards at the Charles Street Jail beat him while he was awaiting trial in 1988.

A jury in 1990 found Lewin not guilty of murdering Griffiths after two Boston police officers were charged with perjury in the case and key evidence was suppressed because it was obtained illegally.

Lewin charged in a civil lawsuit that he was beaten by three Suffolk County sheriff's guards at the jail on May 14, 1988, the same day a memorial was being erected in Griffiths' honor.

The still-raw emotions surrounding the Griffiths case were evident yesterday when officers learned of the jury's award.

"This is extreme when I say this, but this clearly sends a message to policemen that if you kill a cop you can get a quarter of a million dollars for it," said Tommy Montgomery, president of the Boston Police Detectives Benevolent Society. "That might sound extreme, but that's the reality of what cops might think. It's the reality of what a lot of families whose spouses are cops might think."

Patricia Garin, one of Lewin's attorneys during the murder trial and in the civil lawsuit, responded with equal fire.

"No one, no one, guilty or innocent, should have to be in fear of being beaten by guards while they are in jail awaiting trial and are presumptively innocent," she said. "Guards cannot take the law into their own hands and punish people. Al Lewin was innocent, but that's not what was before this jury."

The verdict raises a political question for Mayor Menino, who must decide whether to step in and have the city pay the \$150,000 in compensatory damages awarded by the jury. With interest the award jumps to \$222,000.

The guards would still each have to pay \$25,000 in punitive damages awarded by the jury, since state law prohibits the city from paying punitive damages. With interest, the individual punitive damage awards increase to \$37,000.

The three guards are Lt. Richard Flynn, Lt. Richard Pond and Jail Officer Joseph Fitzpatrick. Pond and Flynn declined comment yesterday after the verdict. Wayne Soini, the attorney for the three men, said a decision on whether to appeal will depend on what the Menino administration does.

The jury concluded that Fitzpatrick and Pond followed Lewin back to his cell and beat him while Flynn stood by. They also found the three had violated Lewin's civil rights by using "excessive force" and inflicted "summary punishment" on Lewin before trial, in violation of his civil rights.

Lewin did not testify in person but did appear via videotaped testimony. Lewin said he had a bed pushed on top of him while being punched and kicked in the face. He said he tried to protect himself by shielding his eyes with a Bible. Lewin suffered bruises to his face and body, but no broken bones.

Suffolk County Sheriff Robert C. Rufo conducted an internal investigation and the findings were forwarded to the attorney general's office, which found there was insufficient evidence to file criminal charges. Rufo suspended the three for periods ranging from 15 to 30 days for failing to write a report that Lewin, as they claimed, was an uncooperative prisoner that day.

The city may be liable because in Boston, city and county government are one and the same. Albert Wallis, chief corporation counsel for the city, said the verdict will be reviewed before any decision is made.

Gerard Lydon, spokesman for Rufo, said the sheriff would not comment on what the city should do. "They do work for us, but it is a matter of litigation between the union and the city and we're not going to comment on it," Lydon said.

Montgomery said the city should pay. "First of all, I don't think the officers should have been found liable for any allegations Al Lewin made," Montgomery said. "But if a jury made this decision, then I do think that the city should indemnify the officers."

Garin said the city kept the men on the payroll after the beating and should stand by its employees now and pay the damages.

Lewin was deported to Jamaica following his acquittal because he was in the country illegally.

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