



***BROWARD COUNTY PBA
DAILY CLIPS***

November 16, 2016

MEDIA OUTLET: Sun Sentinel

HEADLINE: Three Broward deputies face jury over whether man's skull fracture was caused by beating or a fall

BYLINE: Tonya Alanez

LINK: <http://www.sun-sentinel.com/local/broward/fl-bso-beating-federal-trial-20161115-story.html>

STORY: Three Broward sheriff's deputies say their suspect fractured his skull when he ran and fell. The 24-year-old says the deputies beat, stomped and kicked him into unconsciousness. And an emergency room trauma surgeon testified that "a picture is worth a thousand words."

That's how the first day of trial in Bryan Atkinson's civil lawsuit in federal court in Miami unfolded Tuesday. Atkinson is suing deputies Dimitri French, Eddy Hernandez and Tedd Yoder for excessive force for the injuries he suffered during an Aug. 17, 2013, arrest in North Lauderdale for fleeing and having an unauthorized license tag on his car.

With a photograph displayed on a projector of Atkinson, then 20, in a hospital bed wearing a neck brace, a softball-sized lump on his forehead, and his lips caked in dried blood, Greg Lauer, lawyer for Atkinson, gave his opening statement.

"Bryan remembers before he was knocked unconscious, before his skull was fractured, being surrounded by three deputies who said: 'If you run like a b----, we're going to beat you like a b----.'"

"And that's what they did."

Atkinson awoke in the hospital's ICU with a brain bleed, a skull fracture and a facial fracture running from his forehead to his lower cheekbone and two chipped teeth, Lauer said.

"You have two irreconcilable versions of events. You're going to have to decide who is telling the truth," David Ferguson, lawyer for the deputies said in his opening statement. "He was discharged with Tylenol and he healed fine. He has no permanent injury."

A Broward sheriff's captain in an unmarked SUV tried to pull Atkinson over after he saw him "flash a pistol." Atkinson led police on a car chase to a plaza at Commercial Boulevard and State Road 7 where he ditched his car and ran. "He was running at full speed, looking across his shoulder, he trips and he smashes his face onto a concrete sidewalk," Ferguson said.

Atkinson was the defiant one, Ferguson told jurors, handcuffed on the curb, spitting blood at the deputies and chiding: "You crackers wouldn't have caught me if I hadn't tripped. You're never going to find what I had."

Two neurosurgeons who treated Atkinson in the emergency room at Broward Health Medical Center said it was doubtful his injuries came from a fall.

"I did not believe that what I was seeing was consistent with a fall. I did not believe that story," trauma surgeon Ralph Guarneri told jurors. He dictated into his medical report that "a picture is worth a thousand words."

Neurosurgeon Amos Stoll concurred: "It seemed like his injuries were not consistent with a fall, you wouldn't expect this much injury in this many places."

Atkinson, a graduate of Lauderhill High School, worked at Burger King at the time and was slated to begin studying auto mechanics at a vocational school. He had no criminal record. Tests for alcohol and drugs came back negative and no gun was ever found, Lauer said.

On the witness stand, in full uniform, dark green long sleeves, gold badges and utility belts, each deputy took his turn telling jurors that Atkinson's injuries came purely from his fall.

Hernandez said he was on Atkinson's tail when the 20-year-old tripped and fell and tried to get up and continue running. Hernandez said he grabbed Atkinson in a bear hug from behind and took him down.

"Right before I tackled him, I heard him say 'I give up, OK.' But he's looking the other way and trying to take off running again," Hernandez said. "We went down both pretty hard because I was running full speed."

Hernandez said he was not injured in the tackle and he "would never" stomp, kick or punch an arrestee. When asked if any deputy beat Atkinson, Hernandez said: "Not that I know, sir. I say he fell."

French said he came up from behind after seeing Atkinson fall and then get tackled and put a knee into his back and handcuffed him.

"I know that we didn't kick him and stomp him like he is saying we did," French said. "That is not a common practice."

Yoder testified that from in his car six lanes away he saw Atkinson take a running, tumbling fall. "Yes sir, I saw the face-plant. It looked like he was exhausted and tripped and fell. It appeared that his head hit the sidewalk."

Atkinson was Tuesday's final witness. Wearing a white dress shirt and a pink tie, he testified that he ran in a panic when he saw police lights because he knew he had an illegal license tag on his car.

"I lost all type of sense and got out the car and ran. I didn't notice how far I ran. I just noticed my senses came back and I went to my hands and knees to give myself up." Atkinson demonstrated for the jury how he went to the ground on all fours and surrendered.

"That's when I felt hands and feet beating me down," he said. "I saw all three deputies. I took a last look before I felt my head get stomped into the ground and then that's when I blacked out. I just remember waking up in a hospital bed."

Atkinson remained hospitalized for three days and then was booked into jail and charged with fleeing and having an unauthorized tag on his vehicle. When he bonded out, he left in a wheelchair.

"I was in so much pain. I couldn't see, my vision was a blur, and I couldn't even open my mouth to attempt to talk," he said.

Atkinson resolved his charges with a plea deal and was sentenced to 18 months probation, records show.

The trial resumes Wednesday in U.S. District Judge Ursula Ungaro's courtroom.

MEDIA OUTLET: Sun Sentinel

HEADLINE: Broward courthouse employees reach 'hysteria,' want masks

BYLINE: Brittany Wallman

LINK: <http://www.sun-sentinel.com/local/broward/fl-courthouse-outcry-continues-20161115-story.html>

STORY: As more and more complaints of courthouse illnesses are publicly aired, some employees are nearing "hysteria" and want to wear masks at work, a courthouse official told county commissioners Tuesday.

Courthouse judges and other employees clamored Tuesday to be allowed to move in to the new courthouse, but they were told they cannot.

Employees will have to wait up to four months to move into the new courthouse, County Administrator Bertha Henry said Tuesday. Move-in is expected to start in December, and be complete in March, she and her top staff said.

Complaints of mold, asbestos and illnesses have been made for years, and the county has settled 14 lawsuits. But the complaints have received new attention in the past few months since Commissioner Mark Bogen took up the cause. He said Broward State Attorney Mike Satz called and asked him for help. Tuesday, Bogen hosted the fourth public airing of complaints at the County Commission.

Broward trial court administrator Kathleen Pugh told commissioners Tuesday that some of her 200-plus employees are "reaching the point of hysteria" and she doesn't know what to do.

"I have an entire department that has requested that they be allowed to wear masks," she told commissioners at their County Commission meeting Tuesday. "They work with the public. I don't know what to tell them. What message does it send the public if they walk in and the employees are wearing masks? Not a very good one."

A small group of sick or pregnant State Attorney's Office employees are expected to be relocated imminently, but it remains unknown whether other employees' cries for immediate relocation will be heeded. No decision was made Tuesday.

Jackie Gobin, a court clerk for Judge Tim Bailey, said her deskmate has cancer, and another woman in her office died of cancer at age 30. Their room is the site of a flood from a burst pipe, she said.

"Please, we're begging you. Get us out of this building," Gobin said. "... We're scared, we're afraid. If you get a pain and you need to go the doctor, [you wonder] am I the next one who will be diagnosed with cancer? Am I the next one to die? It's time. Thirty days is too long. Sixty days is too long. One hundred twenty days is distressing."

Judge Marc Gold told commissioners he got mold spores in his eyes, necessitating steroid treatment.

"This building, the courthouse, is probably the busiest building in the county," he said. "... There's nothing like it. This isn't just about the judges. It's about all these people."

Chief Judge Peter Weinstein said the odor of mold or mildew has been pervasive in the courthouse for years.

"I don't smell it anymore for the simple reason that you just become accustomed to it," he said. "It's here. And the complaints of the people are real. These are not made-up things."

The 54-year-old courthouse is the site of repeated flooding and mold growth, and the county is building a new 20-story courthouse next door to it in downtown Fort Lauderdale, on Southeast Sixth Street, between Andrews and Third avenues.

Assistant Director of Public Works Steve Hammond said Tuesday that despite its completed look, the new tower is not ready. Mold in a mural wall, caused by an overflowing toilet, is not quite removed, he said. Condensation in air conditioning closets is still being investigated, though it likely can be managed, he said. And repairs to window sills that require the use of chemicals and dangerous equipment will continue until around Dec. 10, he said.

Then move-in could begin, he said. The State Attorney's Office employees will be near the front of the move-in line, he said.

The county also still must settle a fight with Broward Sheriff Scott Israel over how much money he needs to provide security there. Commissioners debated the issue Tuesday but made no decision.

Commissioner Lois Wexler said it's important to get the building completed before allowing employees inside. If employees were to get sick in the new building, she said it would be "the worst crime possible."

"For a myriad of reasons, this courthouse is way behind schedule," Wexler said. "It's embarrassing and there is no excuse. But we've got to deal with what we've got in front of us right now."

Commissioners Chip LaMarca and Barbara Sharief were critical of Bogen's methods. LaMarca said Bogen has turned the County Commission into "People's Court" and is exposing the county to liability. Sharief said he's overstating the ties between the courthouse and cancer, without evidence proving a link. Several commissioners have said Bogen shouldn't publicly disparage the directors of risk management, public works and facilities.

"I really like you off the dais," Bogen responded to Sharief. "On the dais, I really don't agree with anything that you say. People are sick, people have died. No, I can't prove it's the air, but when you have hundreds of people, they're not all lying. Something's going on."

Commissioner Tim Ryan said he agreed with Bogen that the county administrator should report how she plans to properly maintain all county buildings. Henry was asked for a report in previous meetings; Ryan said she should give it to the board in two weeks.

Henry also agreed to have her staff conduct an internal investigation into the handling of the complaints, at Bogen's request.

MEDIA OUTLET: Broward Beat

HEADLINE: Broward Politics: Losers That Need To Turn Into Winners

BYLINE: Buddy Nevins

LINK: <http://www.browardbeat.com/broward-politics-losers-that-need-to-turn-to-winners/>

STORY: Nothing is more yesterday than a losing campaign.

That's unfortunate because in Broward County's just ended elections voters had some great choices that were turned down.

Those listed below are three candidates and one idea that should resurface. We need them.

They include:

Chris Smith

The former Senate Democratic leader and veteran Broward office holder was a solid voice for his community in Tallahassee. He waged a campaign for tougher gun control laws, needed increases in social services and brought home tens of millions of dollars from the state during 15 years in the House and Senate.

Ending up on the losing end of a tough race against County Commissioner Dale Holness should not mean the end of Smith's fine public career.

Maxine Streeter

In a field of too many underwhelming, inexperienced judicial candidates, Streeter stood out. No one had better preparation to be a judge and still lost.

Streeter worked for Florida Attorney General Bob Butterworth battling scams and frauds in court. Now she works in super lawyer Bill Scherer's downtown Fort Lauderdale firm handling civil cases involving fraud, civil theft, negligence and other matters.

The good news: She's still in her early 50's, still young enough to seek an appointment by the governor or run again.

Jim Waldman

Waldman's crushing loss in a bitter state Senate race was perhaps the toughest to fathom.

His resume is sterling: An effective longtime mayor and Florida House member, plus a respected attorney.

A proven mediator who could work with Republicans and Democrats, Waldman had a solid record of success in Tallahassee. Among his achievements were nudging through the Legislature a tax hike on cigarettes, convincing skeptical GOP lawmakers it was needed. He was also the House Democratic floor leader, forcing Republicans to pay attention to opposing views.

There remains a place for Waldman in the public life of this community.

Tax For Transportation

Voters again turned down a tax hike for transportation improvements, despite the acute need.

The reason for the rejection is clear:

The campaign – What campaign? – was too rushed. The plan was crippled from the start by feuding between city and county officials. Voters were presented with a confusing wish list without a realistic budget that was cobbled together by ill-prepared, over-reaching politicians.

This tax needs to return to the ballot, but this time with an actual plan that explains to Broward residents why it is needed. The plan must offer something tangible to every Broward resident and not pour the vast majority of the money into a streetcar in downtown Fort Lauderdale that few voters will use.

Despite downtown business interests and planners obsession with the central business district of Fort Lauderdale, more people live, work and visit places like Cypress Creek/Executive Airport, Sunrise and Davie's higher education campuses.

Supporters must actually have a well-planned campaign that should start now. The failure to do so condemns Broward as backwater wedged between two progressive counties — Miami-Dade and Palm Beach — that have taken necessary steps to improve their roads and other transportation.

MEDIA OUTLET: ABC Miami (Channel 10)

HEADLINE: Broward Sheriff's Office took 13 minutes to arrive at fatal fire

BYLINE: Bob Norman

LINK: <http://www.local10.com/news/bob-norman/broward-sheriffs-office-took-13-minutes-to-arrive-at-fatal-fire>

STORY: BROWARD COUNTY, Fla. - When a fire in a nearby mobile home awakened them, several residents of the Broadview Park neighborhood off Peters Road anxiously called 911, urging dispatchers to get help there quick.

They knew that 12-year-old Ana Hernandez Marrero and her 51-year-old father, Armando Hernandez Valdez, were inside the small trailer as the flames grew.

"There's people in there," one caller warned. "They are not coming out. Tell them to hurry!"

Student Aisha Oliveres was one of those who called 911. She said she couldn't believe how long it was taking for Broward Sheriff's Office firefighters to arrive. And she watched as the flames grew and still nobody was coming out.

"The fire definitely got bigger," she said. "By the time they got here, it was already engulfing the house."

From the initial call, it took 13 minutes and 14 seconds for the first fire engine to arrive.

"It was already too late at that point," said Oliveres.

Ana and her father were both pronounced dead at the scene and while a quicker response may not have changed that tragic result, the lengthy response time made no sense to residents who know there is a fire station located less than a mile away from the home, less than a minute's drive.

The main problem: That longtime neighborhood fire station had been vacated by the Broward Sheriff's Office more than three years ago. Because of that, the neighborhood's fire engine, No. 23, was parked more than 5 miles south at another Broward station near the Hollywood-Fort Lauderdale International Airport. For that reason more than eight of those 13 minutes were spent en route. And neighbors, like Connie Crotty, whose late husband Tim was once the neighborhood's fire chief, says that puts residents at risk.

"It's awful," she said of the response times in the neighborhood. "It makes no sense at all."

The reason for the closure borders on the absurd: fleas. The biting insects were cited in an internal 2014 memo from then-BSO Fire Chief Tony Stravino as the reason firefighters had to vacate the building. The flea infestation, according to the memo, had been caused by raccoons that had nested in the attic.

After firefighters left the building, the plan was to refurbish it, and that's when the government red tape began to pile up.

The county hired an architect to do an assessment on the building, which resulted in an April 2014 recommendation that \$130,000 worth of improvements be made.

But it wasn't until the following year, in March 2015, that the Broward County Commission approved a project that then jumped to a cost of \$180,000. Despite the vote, when the fire struck more than 17 months later, on Aug. 24 no work had begun.

Broward County Administrator Bertha Henry conceded the response time for the fire was unacceptable and that the neighborhood had been in a bad position for the past three years due to the station closing, but she deferred some of the blame to BSO.

"What I can tell you is that I wasn't maintaining the building so I couldn't tell you what was going on in the building," she said. "BSO had responsibility for the building."

Broward Sheriff Scott Israel refused an interview request, though a BSO spokeswoman pointed out that the county had taken over the lease in early 2015.

After the Local 10 investigation began, the fire engine was moved to a station on Oakes Road in Davie, according to BSO. That station is roughly 2.5 miles away from the site of the Aug. 24 fire, which, while not ideal, is a distance that emergency medical service could drive time in half it took for responders to arrive.

The county, which funds BSO, certainly shares the blame. Henry said complications regarding switching the lease for the station from BSO to the county and engineering delays also contributed to the three-year shutdown.

"I believe the neighborhood is owed a more timely response and that's why we're working on it," said Henry.

After the fire, the county did finally begin work on the building and Henry said the hope is that it will be ready to be occupied next month. But no matter when the station finally reopens, it won't be soon enough for resident Sandra Lyng.

On May 9, 2014, Lyng's 38-year-old daughter, Michele Rosario, went into cardiac arrest after a gall bladder attack. When Lyng called 911, the dispatcher assisted her with performing CPR. And the minutes passed.

"I'm screaming, 'Where are they? Where are they?'" she said.

She said that she kept giving CPR until she could no longer continue.

"We got to 600 and I couldn't do it anymore," says Lyng. "The traumatic feeling when you're calling for help and nobody's coming and you don't know what to do anymore -- you just don't know."

She said she thought it took more than 20 minutes but BSO records show help arrived in about nine minutes. This call -- unlike the recent fire call, which took several minutes to dispatch -- was promptly handled and almost of all that nine minutes was road time.

Lyng later learned that the neighborhood fire station had been abandoned.

"When I found out that the firehouse was closed -- my God, how can they service this area in an emergency when they're how many miles away?" she asked. "I don't know what they were thinking to leave a community like this without any first responders. We need it."