



***BROWARD COUNTY PBA
DAILY CLIPS***

January 27, 2017

MEDIA OUTLET: Sun Sentinel

HEADLINE: State wants appeals court to overturn 'stand your ground' ruling involving Broward deputy

BYLINE: Rafael Olmeda

LINK: <http://www.sun-sentinel.com/local/broward/oakland-park/fl-peraza-stand-your-ground-state-appeal-20170126-story.html>

STORY: Broward Sheriff's Deputy Peter Peraza was not entitled to immunity under the state's "stand your ground" law and should still face manslaughter charges for the 2013 shooting of Jermaine McBean in Oakland Park, according to the Florida Attorney General's Office.

The state filed a 21-page appeal of Broward Circuit Judge Michael Usan's order last year that granted immunity from prosecution to Peraza, 38, the first on-duty law enforcement officer charged in the shooting death of a civilian since 1980.

Usan found that Peraza was justified in shooting McBean, 33, after McBean appeared to be ignoring orders to put down a realistic looking rifle he had slung across his shoulders behind his head. McBean had been walking through the Green Tree apartment complex in Oakland Park, past a pool where children and parents were playing on July 31, 2013.

During a hearing last year, Peraza said he opened fire only when McBean turned toward him and other deputies and seemed to be raising the weapon as if to fire. McBean's weapon turned out to be an unloaded air rifle.

McBean family members cited photographs showing that he was wearing ear buds at the time of his death, contradicting statements from deputies indicating nothing would have stopped McBean from hearing the deputies who were telling him to stop and put the weapon down.

The Broward State Attorney's Office filed its intention to appeal Usan's decision within days of his July 2016 ruling, but the appeal itself wasn't filed until Tuesday by the state attorney general's office. The appeal argues that law enforcement officers in the process of making an arrest are not entitled to protection under the state's "stand your ground" law, which permits the use of deadly force to stop an imminent threat.

Law enforcement has to rely on a different law granting them immunity, the attorney general's office argued, and the facts that would show whether the shooting was justified are in dispute. "This cause must be remanded for trial," Senior Assistant Attorney General Melanie Dale Surber wrote.

Surber also said Usan was wrong to consider McBean's documented mental health issues, "which is improper unless the defendant knew... at the time of the shooting."

Defense lawyer Eric Schwartzreich, retained by the Broward Police Benevolent Association to represent Peraza, disputed both of the state's arguments.

"If the legislature wanted Stand Your Ground not to apply to police officers, it would have said so," said Schwartzreich. "A police officer, when accused of a crime, is entitled to the same legal protection as anyone else."

Usan had ruled that law enforcement officers are entitled to stand-your-ground protection.

Schwartzreich also said McBean's mental health history was introduced at the hearing to show that he was not behaving as a normal person under the circumstances.

"I'm hopeful and confident the appellate court is going to follow the sound decision of the trial judge," Schwartzreich said.

Schwartzreich has 20 days to respond to the appeal, and there's no timetable set for when the Fourth District Court of Appeal will consider the arguments of both sides.

Peraza had been suspended without pay after a manslaughter charge was filed in late 2015. His status was changed to a suspension with pay after Usan's ruling last July.

MEDIA OUTLET: Sun Sentinel

HEADLINE: Trump crackdown on 'sanctuary' counties spurs policy change in Miami-Dade; Broward, Palm staying the course

BYLINE: Skyler Swisher

LINK: <http://www.sun-sentinel.com/news/florida/fl-sanctuary-order-florida-20170127-story.html>

STORY: Miami-Dade County is changing policy in response to President Donald Trump's executive order threatening to cut off federal funding to communities deemed to be providing sanctuary to undocumented immigrants.

Citing Trump's executive order, Republican Mayor Carlos Gimenez ordered county jails Thursday night to comply with all federal immigration detention requests. His memo reversed an ordinance enacted by county commissioners in 2013.

Trump quickly responded on Twitter, writing: "Miami-Dade Mayor drops sanctuary policy. Right decision. Strong!"

Officials in Broward and Palm Beach counties — both led by Democratic mayors — have no plans to change similar policies enacted administratively by their sheriffs in 2014. Jails there only honor immigration detention requests accompanied by a signed warrant or deportation order.

Miami-Dade County's ordinance only allowed jails to hold inmates for immigration agents if the federal government fully reimbursed the cost. That ordinance landed the county in a U.S. Department of Justice report on sanctuary communities, but county officials took issue with that classification.

While no legal definition of a sanctuary community exists, cities and counties with policies barring employees from fully cooperating with immigration officials have been assigned the label.

Miami-Dade County stood to lose more than \$300 million in federal funding, and jails only received about 180 detention requests from immigration agents in 2016, said Michael Hernandez, a spokesman for the mayor.

"We will not jeopardize the hundreds of millions of dollars we receive annually," he said.

Democratic Palm Beach County Mayor Paulette Burdick said it is not accurate to label her county a sanctuary community.

"Our legal department is looking at it very closely, along with the Sheriff's Office, to make sure we are in compliance," she said.

Law enforcement shares information with immigration officials and cooperates in investigations, Sheriff Ric Bradshaw said in a statement. "Palm Beach County never has been or will be a sanctuary county," he said.

The Broward Sheriff's Office complies with federal immigration law, said Veda Coleman-Wright, a spokeswoman for Sheriff Scott Israel. She forwarded a policy statement from the Florida Sheriffs

Association saying that law enforcement in Florida is not restricted from cooperating with immigration officials, unlike some cities such as San Francisco.

Palm Beach County Attorney Denise Nieman said she is not advising any changes, even though her county and neighboring Broward have been labeled sanctuary communities on the Internet.

"We are not a sanctuary county," she said. "If funding was going to be withheld because some website says we are, we'll address it at that time, because we are not."

MEDIA OUTLET: FOX Miami (Channel 7)

HEADLINE: Miami-Dade Mayor orders jails to comply with federal immigration authorities

BYLINE: FOX Miami

LINK: <http://wsvn.com/news/local/miami-dade/miami-dade-mayor-orders-jails-to-comply-with-federal-immigration-authorities/>

STORY: MIAMI (WSVN) - Miami-Dade County Mayor Carlos Gimenez ordered county jails to comply with federal immigration authorities in a memo sent on Thursday, effectively ending the county's status as an immigrant "sanctuary."

The memo follows President Trump's executive order, signed on Wednesday, threatening to cut federal funding to counties and cities that don't work with federal immigration authorities.

Since 2013, Miami-Dade has not indefinitely detained inmates who may be in the country illegally unless reimbursed by the federal government. Now, Gimenez said, losing federal funding would not be worth those costs.

"We will comply with the federal government's request to keep a prisoner in our custody that may be a illegal immigrant," Gimenez said, "We're taking away any kind of excuse or any kind of reasons to why the federal government could withhold any federal aid to Miami-Dade County."

Gimenez said the county would still try to obtain federal reimbursement for the detainment.

Gimenez's memo to Interim Correction's Director Daniel junior read:

"Yesterday, January 25, 2017, President Donald J. Trump issued Executive Order: Enhancing Public Safety in the Interior of the United States.

In light of the provisions of the Executive Order, I direct you and your staff to honor all immigration detainer requests received from the Department of Homeland Security.

Miami-Dade County complies with federal law and intends to fully cooperate with the federal government. I will partner with the Board of County Commissioners to address any issues necessary to achieve this end."

Trump praised Gimenez's decision in a tweet.

Trump's order threatened to cut off federal grants worth millions. The mayors of some major "sanctuary cities," such as Seattle, Los Angeles, Boston and New York, have said they would resist Trump's immigration order with legal action.

7 News political expert and Florida International University professor Brian Fonseca said that Gimenez's decision will likely have a big impact on the South Florida community.

"I think it's gonna have a profound effect," he said, "One thing is the undocumented immigrant that gets detained by law enforcement, but then it's the family and friends that also are implicated in this as well."

Fonseca said it is not surprising that the county will comply, because it is one of the largest recipients of grants from the Department of Justice. The county receives about \$10 million in grants from the county, and Gimenez likely believes the threat is real, Fonseca said.

“It essentially means that Miami-Dade County will no longer defy federal immigration laws,” Fonseca said. “So now, when undocumented immigrants are detained, there’s an obligation on behalf of Miami-Dade County to, essentially, process them to immigration and whatever follows after that.”

Fonseca emphasized that this will not mean a deportation force is on the streets targeting undocumented immigrants.

“What this does not mean,” Fonseca added, “And I think is very important for our viewers, is that this isn’t a deportation force. A lot of people thought that there’d be people out on the streets targeting undocumented immigrants and detaining them intentionally with the purpose of deportation. That’s not what this is.”

Fonseca said that if an undocumented immigrant, who can’t have a driver’s license, was pulled over, police would tell federal immigration authorities.

“What I suspect would happen is you would be questioned, you would be detained and then you would be communicated to immigration officials as being an undocumented immigrant here in South Florida. And then, subsequently, likely, deported,” Fonseca said.

When the news of Gimenez’s decision was made public before 6 p.m., dozens were already protesting Trump’s orders, including one to halt the immigration of people from seven predominantly Muslim countries to the U.S., in Downtown Miami. Nearly a hundred protesters gathered later in the protest.

“As a resident of Miami, growing up in Miami, I know that refugees helped make this city what it is, and I just can’t tolerate this treatment,” Emily Nostro said.

“If he wants to keep and be reelected next year he should really stand with his community, as well as not fall into trump’s hate,” Mariana Martinez said.

Besides taking steps to stop accepting Syrian refugees into the U.S., Trump is expected to suspend the United States’ broader refugee program for 120 days, which includes suspending the practice of issuing visas for people from seven predominantly Muslim countries in the Middle East and Africa. Some of these countries are torn by warfare.

Groups seeking to help those from these countries agree Trump’s plan is a step backwards.

“We do have in place, and we have had in place, a very effective system of scrutinizing our immigrants and scrutinizing the refugees that come to this country,” said Wilfredo Ruiz, Communications Director of the Center of American and Islamic Relations (CAIR), “so Mr. Trump is just continuing his campaign.”

Trump’s orders were a step in the wrong direction, Jane Atchison said at Thursday’s protest.

“As a Jewish person, I feel that when you start banning a group of people and registering them, that you’re stepping toward Hitler-dom,” Atchison said.

Frank Bersach said that Trump’s orders should be embraced.

“Maybe the extreme is too extreme, but we want safety, and that is what a lot of people are concerned about. That’s why the election swung a certain way.”

Organizers said the protest would last a few hours and not move from the Torch of Freedom.

MEDIA OUTLET: FOX Miami (Channel 7)

HEADLINE: Prosecutors file appeal after charges against BSO deputy thrown out

BYLINE: FOX Miami

LINK: <http://wsvn.com/news/local/prosecutors-file-appeal-after-charges-against-bso-deputy-thrown-out/>

STORY: OAKLAND PARK, FLA. (WSVN) - Prosecutors have filed an appeal against a Broward Sheriff's Office deputy who is accused of killing a man who was wielding an air-soft rifle.

Prosecutors said the judge wrongfully threw out the charges against deputy Peter Peraza, and they are now asking the court to overturn the ruling and reset the trial. The charges were dismissed in 2016.

Peraza was accused of shooting and killing Jermaine McBean on July, 31, 2013.

Peraza claimed self-defense, saying McBean ignored orders to drop an air-soft rifle while walking through an Oakland Park neighborhood.

MEDIA OUTLET: ABC Miami (Channel 10)

HEADLINE: Trump applauds Miami-Dade decision to order county jails to comply with his orders

BYLINE: Jeff Tavss

LINK: <http://www.local10.com/news/politics/trump-applauds-miami-dade-decision-to-order-county-jails-to-comply-with-his-orders>

STORY: MIAMI - In an apparent effort to keep federal funds pouring into the county, Miami-Dade County Mayor Carlos Gimenez has ordered jails to comply with immigration guidelines.

The move will ensure that the county stays off the "sanctuary cities" list that Trump's administration promised to cut off if the federal guidelines weren't met.

Miami-Dade, Broward and Palm Beach counties were possible targets of Trump's executive order, put into effect Wednesday, that will cut grants to counties and cities that fail to cooperate with U.S. Immigration and Customs Enforcement.

Gimenez said Wednesday that Miami-Dade County was not a "sanctuary" and always followed the letter of the law.

In a memo released Thursday, Gimenez wrote Daniel Junior, the interim director of the Miami-Dade Corrections and Rehabilitation Department, directing him and his staff to "honor all immigration detainer requests received from the Department of Homeland Security."

Trump praised the decision on Twitter, writing that the county made the "right decision."

"We used to require the federal government to assure us that they were going to reimburse us for the cost of that prisoner until they picked them up. We no longer will require that," Gimenez told reporters Thursday. "So we're taking away any kind of excuse as to why the federal government could withhold any federal aid to Miami-Dade County, which is millions and millions of dollars."

MEDIA OUTLET: ABC Miami (Channel 10)

HEADLINE: Hollywood police officer reunited with bait dog she rescued from streets

BYLINE: Todd Tongen

LINK: <http://www.local10.com/pets/hollywood-police-officer-reunited-with-bait-dog-she-rescued-from-streets>

STORY: HOLLYWOOD, Fla. - A Hollywood police officer was reunited with a dog Thursday who she rescued while on duty.

Officer Freya Hinton found the dog named Trooper with severe bite marks throughout his body, but he's doing much better after receiving treatment.

"We did surgery yesterday on the lips," veterinarian Dr. Jose Diaz said.

Police believe the Staffordshire terrier-mix was used as a bait dog to get fighting dogs blood thirsty.

When Hinton found him 10 days ago, he was suffering from kidney failure and surrounded by the stench of his own rotting flesh from multiple open wounds.

"If the officer did not help the dog within two hours of finding him, he would be dead already for sure," Diaz said.

After several surgeries, Trooper was finally feeling up for a visitor.

"He is sitting up. He wasn't doing that when I found you," Hinton said while greeting Trooper.

Thanks to strangers who love animals and Furry Critters Rescue, Trooper wasn't euthanized.

Diaz said the dog might need several toes amputated on his right leg.

"He is doing well. He is a fighter. He is eating well, drinking water (and) walking by himself," Diaz said.

Hinton said she will be there once again for Trooper once he's fully recovered.

"I could tell he was a very young dog and the life he had was horrible," she said. "He is doing much better. I can't wait until he gets to come home and these wounds heal, and I can see him running around."

Hinton said her father is going to foster Trooper and will likely adopt him.

"Knowing my dad, he will adopt him," Hinton said.

MEDIA OUTLET: Hollywood Gazette

HEADLINE: Friendly game of hoops builds bonds between police, students

BYLINE: David Volz

LINK: <http://www.hollywoodgazette.com/wp/index.php/friendly-game-of-hoops/>

STORY: A group of Hollywood police officers recently took on the Driftwood Middle School basketball team in a friendly game at the school. The Driftwood team — made up of members of the school’s boys’ and girls’ basketball team – defeated the police officers, 44-39.

While the game was fun and competitive, an important goal was to create a positive bond among members of the Hollywood Police Department and the students. Leaders of the Hollywood Police Department, including Chief Tomas Sanchez, attended the game.

“We want to build a positive relationship between the police department and the students,” said Patrick Agenor, a school resource officer at Driftwood Middle School. “This was a great opportunity to have some fun and build relationships.”

Ben Joseph, the Driftwood Middle School coach and athletic director, said he loved seeing his team win against a team of adults. “We saw the officers as a barrier to be overcome and we overcame them. Our team works very hard,” he said.

Driftwood Middle School Principal Steven Williams was pleased with the outcome as well. “We have a good team. This was a good community event,” he said.