



Law Office of the
PUBLIC DEFENDER
Seventeenth Judicial Circuit

Howard Finkelstein • Public Defender

Broward County Courthouse • 201 S.E. 6th Street • Suite 3872 • Fort Lauderdale, Florida 33301
Telephone: (954) 831-8650 • Fax: (954) 831-8853 • Internet Address: <http://www.browarddefender.org>

HAND DELIVERED

March 27, 2019

Sheriff Gregory Tony
Broward Sheriff's Office
2601 West Broward Blvd.
Fort Lauderdale, FL 33312

Re: Attack on Assistant Public Defender at Magistrate Hearing

Dear Sheriff Tony,

Assistant Public Defender Julie Chase was attacked this morning during magistrate hearings. This attack was the culmination of a series of failures by your deputies that resulted in a foreseeable and preventable act by a severely mentally ill person. I am outraged by what occurred and concerned about the future security of my employees and detainees.

William Green was arrested for a misdemeanor battery that allegedly occurred at the psychiatric ward at Florida Medical Center, where he was admitted as a psychiatric patient. According to the probable cause affidavit, the victim informed the arresting officer that he believed that Mr. Green was psychotic at the time of the attack.

Despite being actively psychotic and hospitalized in a Baker Act facility, Mr. Green was arrested and unlawfully transported to the Broward County Jail. Florida Statute 394.462 (1) (g) mandates that law enforcement officers transport to a receiving facility any person who meets criteria for a Baker Act evaluation and is in police custody for minor criminal behavior. The arresting officer violated the law when she transported Mr. Green to the county jail. He was arrested for a misdemeanor battery and was in a receiving facility at the time of his arrest. His transport was unlawful, exacerbated his condition and prevented him from receiving the crisis care he needed. The responding officer should have issued a notice to appear to Mr. Green instead of transporting him to jail. Had the officer followed the law and allowed Mr. Green to continue to receive treatment for his psychosis, this incident would not have occurred.

I do not yet know if the arresting officer was Crisis Intervention Training (CIT) certified, but certainly a CIT certified officer should have responded to a call from a Baker Act facility to appropriately assess the situation.

Your agency's failures did not end with arresting officer. Despite knowing that Mr. Green was actively psychotic and had already acted out violently on that psychosis,

Public Defender
Howard Finkelstein
954 831 8644

Executive
Chief Assistants

Diane M Cuddihy
954 831 8814

Renee T Dadowski
954 831 8817

Gordon H Weekes, Jr
954 831 8636

Chief Assistants

Frank de la Torre
954 831 6779

Adam I Goldberg
954 831 8854

Ruby L Green
954 831 8819

Kory Hill
954 831 8406

Lorena V Mastrarrigo
954 831 8679

Owen F McNamee
954 831 8658

Meritxell Ros
954 831 8810

Robert R Wills
954 831 8677

Chief Investigator
Allen E Smith
954 831 6714

the jail did not evaluate or appropriately medicate him after his arrival at the jail. He had not received any medications from the time of his arrest until his outburst during the magistrate proceedings. The jail did not inform either my personnel or its own magistrate personnel that Mr. Green was a danger to himself or others. Mr. Green was not separated from other inmates and was not individually monitored. Although the arresting deputy clearly noted that Mr. Green had attacked an individual from the back, he was allowed to approach and attack Attorney Chase from behind as she stood at the podium. Not only did your deputies fail to stop and confront Mr. Green, their response to the attack was delayed. Mr. Green's actions were foreseeable, preventable and completely consistent with his psychotic condition.

I am demanding the immediate and comprehensive review of the failures that resulted in an assistant public defender being attacked, injured and taken by ambulance to the hospital. I am also demanding the implementation of security measures specific to mentally ill persons appearing at magistrate court. Mentally ill persons who commit minor criminal offenses in Baker Act facilities should not be arrested and transported to the jail. A CIT trained officer should be assigned to any call from a Baker Act facility. Mental health screenings should be conducted prior to magistrate hearings and Magistrate deputies should receive immediate CIT training.

What happened today should not have happened and should never happen again.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard Finkelstein". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Howard Finkelstein

Public Defender

cc:

Michael J. Satz

The Honorable Jack Tuter