



Law Office of the
PUBLIC DEFENDER
Seventeenth Judicial Circuit

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

Re: Frequency of Jail Deaths and
Delivery of Medical Care

Dear Sheriff Tony:

I am very concerned about the quality of medical care provided in the Broward County Jail after two inmates died in your custody in the span of one week, and my office was confronted by a third client who was experiencing significant difficulty accessing medical care for his critical health issues.

On June 1, 2019, [REDACTED] (CIS 571900729) died at the age of 41. Other inmates have reported that Mr. [REDACTED] cries for help and medical assistance were ignored. My office was also advised that Mr. [REDACTED] had not consumed food or water for some period and on a prior occasion was transported to the hospital.

Just seven days later on June 7, 2019, [REDACTED] (CIS 131900607) died while in your care. Mr. [REDACTED] died while awaiting community placement for mental health treatment. He had been adjudged incompetent to proceed due to his mental illness. He was just shy of his 48th birthday. Yet he died in jail. It is highly suspect that two middle-aged men died unexpectedly in such a short period.

Their deaths come after a mentally ill man mutilated himself by cutting off his own penis while locked in isolation and a pregnant woman was ignored and forced to give birth alone in her cell without any medical attention. As the person ultimately responsible for medical and mental health care of the inmates in your custody, these incidents should sound an alarm.

On June 13, 2019, attorneys from my office observed that our client, [REDACTED] (CIS 371800072), throat was swollen and abnormally enlarged. His stomach was also red and swollen with obvious signs of infection. Despite requests from both Mr. [REDACTED] and our office, as of the writing of this letter the jail had not transported Mr. [REDACTED] to his follow-up appointments at the hospital or had him treated by an otolaryngology or oncology specialist to address his serious medical condition. The indifference displayed toward Mr. [REDACTED] given his need for medical attention is offensive and must not be allowed to continue.

The U.S. District Court has maintained supervision of the jails since 1995. The jail's federal court oversight stemmed from the poor conditions of confinement within the jail facilities and the indifference shown to those suffering with mental illness. It is troubling that shortly after

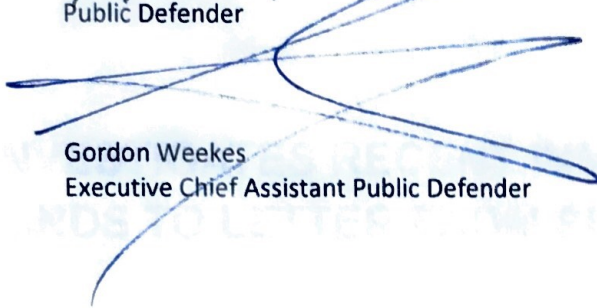
the oversight ended in 2017, we are seeing a rise in the frequency of inmate deaths. The number of inmate deaths within the Broward county jails is alarming. Last year ten inmates died in the jails. Having two middle-aged inmates die in a week suggests that the problems that necessitated the court monitoring have resurfaced.

As a result, I hereby demand that you immediately investigate the high number and frequency of deaths within the jails. It is important that you also implement policies and procedures to ensure that adequate medical care is timely delivered within your jail facilities. In doing so, you need to oversee contracted providers are appropriately delivering health and mental health care to sick and vulnerable inmates. Lastly, you must determine whether the failure to provide adequate health care services and mental health treatment contributed to any death within the jail.

Sincerely,



Howard P.inkelstein
Public Defender



Gordon Weekes
Executive Chief Assistant Public Defender

BSO INVESTIGATES RECENT INMATE DEATHS AND RESPONDS TO LETTER FROM PUBLIC DEFENDER

PIO Number: 19-6-12

Date: June 21, 2019

Realizing the importance of working with the community, the Broward Sheriff's Office Department of Detention took the initiative to put a process in place for members of the public, including the Public Defender's Office, to better communicate issues regarding inmate medical concerns. This direct access to report inmate medical concerns is regularly used by the Public Defender's Office. However, on Tuesday, the Public Defender's Office delivered a letter to BSO demanding an investigation into several inmate medical concerns but sent the letter to the media more than an hour before providing it to BSO. This is a reoccurring pattern by the Public Defender's Office that appears designed to incite public opinion and score political points rather than to address a genuine concern for inmate welfare.

Prior to receiving this letter, investigations were already underway by BSO's Internal Affairs Division and Homicide Unit in conjunction with the Medical Examiner's Office, which is standard practice for all in custody deaths. At the conclusion of these investigations, a Professional Standards Committee (PSC), comprised of 11 members including four non-employee members of the community, will review the investigations to determine whether any policy violations occurred.

While we cannot disclose any specific medical information regarding an inmate's death due to medical privacy laws, below are summaries of contacts with medical personnel for the inmates referenced in the letter. The two inmates were provided medical care at the jail and sent to a Broward County hospital to receive continued care. Unfortunately, both men died at the hospital.

Jail records for the first inmate referenced in the letter show that he received a comprehensive medical and mental health screening during his initial processing on Feb. 11, 2019. During the four months while in BSO custody, he had more than 20 mental health visits by mental health professionals. On Feb. 18, 2019, he was transported to Henderson Behavioral Health where he received intensive mental health services for more than a month. While at Henderson, he was transported twice to the hospital for medical issues. In addition to the mental health services provided to him at the jail, he also received approximately 30 routine and non-routine interactions with nursing staff and medical providers. While he was in BSO custody, he was primarily housed in a medical or mental health unit.

No information has been found to substantiate the claim that he "had not consumed food or water for some period" as alleged in the letter. Contrary to the allegations in the letter, BSO records indicate that he regularly received his meals. On Feb. 11, 2019, when he was booked into the jail, he weighed 145 pounds, and on May 18, 2019, he weighed 153 pounds.

On June 1, 2019, while housed at the North Broward Infirmary Medical Unit, medical personnel determined he required a higher level of care and immediately initiated an emergency transport to a local hospital, where he later died. His cause of death is pending, and the investigation continues.

Jail records show that the second inmate referenced in the letter received a comprehensive medical and mental health screening during his initial processing on April 6, 2019. While detained, he had at least five mental health visits by mental health professionals. In addition to the mental health services provided at the jail, he also received at least 14 routine and non-routine interactions with nursing staff and medical providers. On June 7, 2019, while housed at the Joseph V. Conte Facility, medical personnel determined he required a higher level of care following his complaint of a sudden onset of pain and immediately initiated emergency transport to a local hospital. The preliminary cause of death from the Medical Examiner's Office is a heart attack. The investigation continues.

A review of jail records shows that the third inmate referenced in the letter, who has been in custody since March 30, 2018, filed no medical grievances since July 2018. After receiving Howard Finkelstein and Gordon Weekes' letter, the inmate was interviewed to address the allegations about his medical concerns. During the interview, he stated that he was not happy with the medical provider's plan of care (not that he was not receiving care) and expressed his dissatisfaction with his representation from the Public Defender's Office. This inmate arrived at the jail with a complicated medical history. While in BSO custody, he has received and continues to receive care and treatment for his serious medical condition.

Regarding the allegation of the mentally ill inmate who mutilated himself, BSO's Internal Affairs Division investigated the incident and no employee misconduct was identified.

In response to the inmate who gave birth in a cell at the jail, the medical provider has terminated two employees, taken corrective action and provided additional training to improve the care of pregnant inmates.

Finkelstein and Weekes wrote in Tuesday's letter that since federal court oversight of the jails ended in 2017, that their office is seeing a "rise in the frequency of inmate deaths" and that "last year ten inmates died in the jails." The suggestion that there is some connection between federal court oversight ending and jail deaths is emphatically wrong. First, federal court oversight of jail medical care ended in 2004. Further, federal court oversight of the jail did not end in 2017. In fact, federal oversight of jail mental health care remains to this day.

Finkelstein and Weekes are also wrong about the number of inmate deaths in 2018 and wrong that inmate deaths have been rising. In 2018, five inmates died in custody, which was a reduction from the prior year. Furthermore, these five inmates died at the hospital, not at the jail. Following the standard investigations into these deaths, the Medical Examiner's Office found in four of the cases that the inmates died from natural causes as a result of

serious medical conditions, and the PSC found no misconduct in any of these deaths. The one additional death from 2018 remains under investigation.

Unfortunately, a large number of people who are arrested and brought to jail have serious medical and mental health conditions and many suffer from a significant lack of medical and mental health care in the community. While in custody, inmates are provided around the clock access to medical and mental health services to address all their medical and mental health needs. Inmates who need a higher level of care are sent to appropriate outside health care facilities. On a daily basis, approximately 300 inmates are housed in a jail Mental Health Unit, approximately 100 are housed in a jail Infirmery Medical Unit and about 18 are at hospitals or outside health care facilities receiving more urgent care.

The focus of all Broward County criminal justice stakeholders should be to create an environment that encourages rehabilitation and successful reintegration of the inmate population back into our communities. When one stakeholder uses the media to report inaccurate and inflammatory remarks, it hinders our collective mission. The Broward Sheriff's Office remains committed to providing the highest level of services to the citizens and visitors to Broward County.

THIS REPORT BY:

Veda Coleman-Wright/Dir. of PIO