

Posted on Tue, Sep. 09, 2008

BSO to pay \$1.8 million to settle case of brain-damaged inmate

BY DAN CHRISTENSEN

The Broward Sheriff's Office agreed Monday to pay more than \$1.8 million to settle, in mid-trial, an embarrassing civil rights case involving a brain-damaged former inmate allegedly beaten at the behest of guards.

The deal means that imprisoned ex-Sheriff Ken Jenne won't have to testify in the case -- as had been expected -- later this week.

Monday's settlement announcement halted a trial that cast a spotlight on ugly allegations that for years top sheriff's officials have covered up overcrowding and misconduct by guards.

Sheriff Al Lamberti later told The Miami Herald he intends to order a thorough administrative review into what happened to Dana Clyde Jones, and how BSO handled its investigation.

"Now that the civil thing is out of the way, that frees us up to do a top to bottom as to how this all happened," Lamberti said. "I've got concerns."

In particular, Lamberti said he was concerned about polygraph tests administered to a jailhouse informant who implicated guards in a scheme to have Jones beaten. The tests caused detectives to shut down their probe, but questions were later raised about their legitimacy, The Miami Herald reported in July.

Lamberti, a Republican, is running against Democrat Scott Israel in November's general election.

The settlement money will be paid by BSO's insurance company to benefit Jones, 46, who today is confined to a Pompano Beach nursing home, unable to walk or talk.

Lamberti said the decision to settle was made by BSO's insurance company.

The settlement covers not only the sheriff's office, but Jenne, who was sued personally. Another defendant, Miami-based jail healthcare provider Armor Correctional Health Services, also settled, but how much it agreed to pay was not made public.

Jones was found lying "in a pool of clotted blood" in a maximum-security unit at the main jail on Dec. 6, 2005. His injuries were so severe that he was in a coma-like state for months.

BSO never told his family, which learned of his injuries six days later from a hospital nurse.

Jones, with a history of mental illness, was awaiting trial on a charge of slugging his elderly mother in the mouth.

According to court papers, a group of fellow inmates attacked Jones while he was assigned to a "boat" -- or portable bed -- in a common area outside a cell.

Inmates call it ``sleeping on I-95."

Jones' Fort Lauderdale attorney, Barbara Heyer, contended two guards "incited" the assault because they were angry about vulgar remarks by Jones. BSO detectives have said they couldn't tell whether Jones was beaten or slipped and fell.

Heyer's complaint amounted to an impeachment of Broward's jail system -- focusing on the sheriff's obligations under a 1995 federal consent decree that settled parts of a 1976 lawsuit alleging unconstitutional conditions.

Among other things, BSO agreed to abide by a cap on the number of inmates to end overcrowding. In 2004, a court-appointed monitor warned that the use of temporary beds in maximum security should be avoided, and was assured by BSO the practice had been stopped.

But Heyer alleged BSO "misled" a federal court to rid itself of judicial oversight. It then used boats to "bypass" the population cap, she wrote. BSO disputed her accusation.

The deal is the second high-profile settlement by BSO in less than a week. On Thursday, the sheriff's office agreed to pay the family of slain Deputy Todd Fatta \$200,000, the maximum allowed in state tort claims against government agencies. No such cap applies to federal civil rights claims.

Fatta was shot while serving a search warrant in 2004. Lamberti acknowledged last week that BSO's failure to follow its own policies had set the stage for what happened. "The decision to settle the Fatta case was strictly my decision. I didn't need a jury to tell me what I already knew," the sheriff said.