



Law Office of the
PUBLIC DEFENDER
Seventeenth Judicial Circuit

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March 1, 2013

Mr. Thomas E. Perez
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Mr. Perez,

The Broward State Attorney's Office has a long, distressing history of excusing and accepting threatening, improper interrogation techniques by local law enforcement and now has explicitly endorsed the threat of torture during interrogations.

I am the elected Public Defender in the 17th Judicial Circuit, Fort Lauderdale, Broward County Florida. I am writing to advise the Department of a yet another instance of reprehensible behavior by a law enforcement agency in Broward County condoned by our State Attorney office.

Coconut Creek Officer James Yacobellis interrogated a 19 year old theft suspect in a small bathroom with the door closed. Officer Yacobellis ordered the suspect to get into the bathtub and turned on the sink faucet. Officer Yacobellis then activated his taser and threatened to torture the suspect. Officer Yacobellis' supervisor Sergeant Coppola entered the bathroom and observed Officer Yacobellis with his activated taser at his side, the suspect standing in the bathtub looking frightened, and the sink faucet running at full capacity. Officer Yacobellis advised Sergeant Coppola that he had been telling the suspect how his report was going to read when he resists arrest and has to be tased.

The State Attorney's Office declined to prosecute Officer Yacobellis and issued a "close out" memorandum, which I have attached. Assistant State Attorney Stephanie Newman concluded that "[I]t is entirely possible that Officer Yacobellis may have taken out his taser in an attempt to scare Blake into confessing where he had pawned the missing jewelry. While this may not have been the best technique to interrogate a suspect, the intent, by all witness accounts, was certainly to help the victims to recover their missing items."

There have been three DNA exonerations in Broward County in which the State Attorney obtained murder convictions using the defendants' "confessions." Jerry Townsend, Frank Smith and Anthony Caravella were all diagnosed with mental

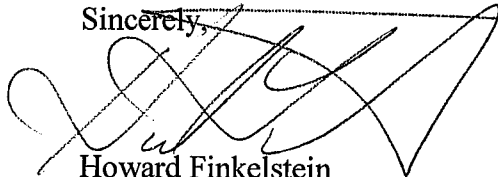
retardation prior to trial. They had been coerced into confessing to murders they did not commit. They were exonerated by DNA after serving decades in prison- Frank Smith died in prison before he was exonerated. According to statistics from the Innocence Project of Florida, there have been 13 men in Florida exonerated by DNA. The same Broward state attorney prosecuted three of those 13 cases. In addition, John Purvis, who was known to be mentally disabled, was prosecuted and convicted of murder using a coerced confession. He was exonerated after the real murderer confessed. Tim Brown was 14 with an I.Q. of 56 when he confessed to a murder he did not commit. His case was dismissed after a federal judge ruled his confession was coerced. Despite these chilling statistics, the same prosecutor's office has now implicitly approved the use of torture as a means of obtaining confessions.

I contacted the Department in 2011 regarding the state attorney's failure to investigate several Broward Sheriff Office deputies for obtaining controlled substances by fraud. My letter fell on deaf ears. I am once again reaching out to the Department on behalf of the poor, young and mentally challenged citizens of Broward County who continue to be abused by law enforcement with impunity because the state attorney office stands silent.

I believe Officer Yacobellis violated the suspect's civil rights and that the failure to prosecute him is an affront to our justice system.

Please do something.

Sincerely,

A handwritten signature in black ink, appearing to read 'Howard Finkelstein', written over a horizontal line. The signature is stylized and somewhat illegible.

Howard Finkelstein
Public Defender

cc:

Michael B. Steinback
Special Agent in Charge