



# NAACP

**Derrick Johnson**  
*President and  
Chief Executive Officer*

**Leon W. Russell**  
*Chairman  
National Board of Directors*

January 29, 2024

The Honorable Kristen Clarke  
Assistant Attorney General for Civil Rights  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

## **Re: Broward County, Florida Jail System**

Dear Assistant Attorney General Clarke,

The National Association for the Advancement of Colored People (“NAACP”) has been made aware of egregious civil rights violations in the Broward County Jail. Over the past several decades, jails under the supervision of Broward County Sheriff’s Office (“BSO”) in Broward County, Florida have engaged in a pattern of neglect and mistreatment towards the people it incarcerates. From 2021 through the date of this letter, 21 persons have reportedly died while in custody. In 2019, 3,600 people on average were incarcerated in Broward County’s four jail facilities on any single day.<sup>1</sup> In 2020, individuals with mental illness made up 39% of the jails’ caseload.<sup>2</sup> Since 2011, over 80 people have died due to non-COVID-19 causes in BSO jails.<sup>3</sup> A startling number of these cases involve people suffering from mental illness.<sup>4</sup>

Considering the alarming rate of deaths in Broward County Jails, the NAACP asks the Department of Justice to launch an investigation into the Broward County Jails’ conditions and management, especially its psychiatric treatment practices. The investigation should determine if further federal oversight is necessary to protect incarcerated individuals’ constitutional right to adequate medical treatment.

The BSO jails have a history of violating inmates’ constitutional rights. A 1995 consent decree prescribed federal supervision of Broward County Correctional Facilities after incarcerated people filed

---

<sup>1</sup> Broward County Sheriff’s Office Department of Detention, 2019 PREA Annual Report, <https://www.sheriff.org/DOD/Documents/2019%20PREA%20ANNUAL%20REPORT.pdf>

<sup>2</sup> *Carruthers v. Tony*, 0:76-cv-06086-DMM, Dkt. 1064-1 Exhibit A at 8 (S.D. FL, Dec. 31, 2020).

<sup>3</sup> Broward County Law Office of the Public Defender, Jail Deaths 2012 to present (2022)

<sup>4</sup> North Broward Bureau jail is the designated facility for people with disabilities or individuals with mental health issues. Gloria Oladipo, *Kevin Desir died a brutal death. His family believes deputies at a notorious Florida jail are responsible*, The Guardian, (Dec. 5, 2022), available at:

<https://www.theguardian.com/us-news/2022/dec/05/florida-kevin-desir-death-family-believes-jail-deputies-responsible>.

a class action suit alleging overcrowding, excessive use of force by corrections officers, inmate violence, and restrictions on religious practices.<sup>5</sup> In 2017, the consent decree was mostly lifted for BSO jails after a judge determined that the deficiencies identified in the original 1976 lawsuit were sufficiently corrected.<sup>6</sup> Only BSO jails' mental health practices remained under the court's supervision.<sup>7</sup>

Conditions in Broward Sheriff's Office jails remain dangerous for many incarcerated individuals. Sonny Rugani, a 17-year-old with a documented history of mental illness and suicidal ideation, committed suicide in a BSO jail in 2019.<sup>8</sup> A Broward Sheriff's Office spokeswoman claimed that Rugani did not exhibit suicidal tendencies or ideation while he was in BSO's custody despite Rugani's past hospitalizations and usage of anti-psychotic medication.<sup>9</sup> Kevin Desir, a 43-year-old man, died in the North Broward Bureau jail in 2021 after suffering a manic episode induced by his bipolar disorder.<sup>10</sup> According to police, Desir cut himself and began to struggle when officers entered his cell to assess his injuries.<sup>11</sup> After the altercation, the officers put Desir in a restraint chair where he continued moving until "becoming unresponsive."<sup>12</sup> An independent autopsy commissioned by Desir's family listed strangulation as Desir's cause of death.<sup>13</sup> The County initially refused to release the surveillance footage of the events leading up to Desir's death<sup>14</sup> and his family filed a suit for excessive force and neglect.<sup>15</sup> The suit is now before the U.S. District Court for the Southern District of Florida.<sup>16</sup>

Nor are these deaths the full story. In 2022, 22-year-old Keirstyn Bucy committed suicide after being incarcerated under Florida's Baker Act which allows for the involuntary detention of individuals deemed to be a danger to themselves or others.<sup>17</sup> Her father said he wondered why his daughter was not

---

<sup>5</sup> *George S. Jonas, et al. v. Edward J. Stack, et al.*, 2003 WL 22731161 (11th Cir. 2003)

<sup>6</sup> Larry Barszewski, *Judge ends most federal oversight of Broward jails*, South Florida Sun Sentinel (Mar. 23, 2017), <https://www.sun-sentinel.com/2017/03/23/judge-ends-most-federal-oversight-of-broward-jails/>

<sup>7</sup> *Id.*

<sup>8</sup> Romy Ellenbogen, *A kid in Broward's jail had a history of suicidal thoughts. How was he able to hang himself?*, Miami Herald (Sep. 5, 2019), <https://www.miamiherald.com/news/local/community/broward/article234704477.html>

<sup>9</sup> Andrea Torres, *Teen with history of suicidal ideations hangs himself in adult jail, BSO deputies say*, Local10 News (Sep. 6, 2019), <https://www.local10.com/news/2019/09/06/teen-with-history-of-suicidal-ideations-hangs-himself-in-adult-jail-bso-deputies-say/>

<sup>10</sup> Gloria Oladipo, *Kevin Desir died a brutal death. His family believes deputies at a notorious Florida jail are responsible* (Dec. 5, 2022),

<https://www.theguardian.com/us-news/2022/dec/05/florida-kevin-desir-death-family-believes-jail-deputies-responsible>

<sup>11</sup> Press Release, Broward County Sheriff's Office, *BSO Releases Findings in Closed Case of Inmate's Death* (May 19, 2022), <https://www.sheriff.org/PIO/BSOnews/Pages/BSO-RELEASES-FINDINGS-IN-CLOSED-CASE-OF-INMATE%E2%80%99S-DEATH.aspx>

<sup>12</sup> *Id.*

<sup>13</sup> Gloria Oladipo, *Florida man restrained by officers in jail died by strangulation, autopsy finds*, The Guardian (Dec. 5, 2022), <https://www.theguardian.com/us-news/2022/dec/05/kevin-desir-death-jail-autopsy-homicide>

<sup>14</sup> Ian Margol, *Family of inmate who died in BSO custody pushes officials to release video of incident*, Local10 News (May 24, 2022),

<https://www.local10.com/news/local/2022/05/24/family-of-inmate-who-died-in-bso-custody-pushes-officials-to-release-video-of-incident/>

<sup>15</sup> Gloria Oladipo, *Family of Florida man who died while being violently restrained to sue jail staff*, The Guardian (Mar. 16, 2023)

<https://www.theguardian.com/us-news/2023/mar/16/family-kevin-desir-sues-broward-county-florida-sheriff>

<sup>16</sup> *Desir v. Broward County et al.*, No. 0:23-CV-60499 (SDFL 2023)

<sup>17</sup> Alex DeLuca, *"Strikingly Avoidable": Broward Jail Policies Questioned Again After Young Woman's Suicide*, Miami Newtimes (Oct. 31, 2022), <https://www.miaminewtimes.com/news/mentally-ill-inmates-are-dying-from-neglect-in-broward-public-defender-says-15565572>

being watched by jail mental health professionals at the time of her death.<sup>18</sup> Bucy died four days before her 23<sup>rd</sup> birthday.<sup>19</sup> BSO's mistreatment of people with diagnosed mental illness is also illustrated by Tammy Jackson's experience while incarcerated. Jackson had bipolar schizophrenia and in 2019, she was forced to give birth in her North Broward Bureau cell without any medical attention.<sup>20</sup> Jackson labored alone in her cell for nearly seven hours.<sup>21</sup> This incident led to the passage of the Tammy Jackson Act which requires correctional facilities to transport people to the hospital when they go into labor while in custody.<sup>22</sup> Absent proper supervision and psychiatric treatment, other incarcerated people have resorted to acts of self-mutilation. In 2018, John Ireland cut off his penis with a shaving razor while in the jail's custody.<sup>23</sup> He had been in solitary confinement without psychiatric treatment for nearly five months.<sup>24</sup>

This year has been no different. On January 1, 2024, Corbin Moberg died in the jail of an alleged drug overdose, despite being incarcerated for two and a half years with a documented history of substance abuse and drug related offenses.<sup>25</sup> On January 4, 2024, Hubert Blount attempted suicide while being housed in the mental health medical unit at North Broward Bureau.<sup>26</sup> And just last week, on January 22, Joseph Kirk was found unresponsive in the Broward County jail and pronounced dead at the hospital later that day. Mr. Kirk had only been in jail for seven days, after being arrested the previous week for allegedly running from law enforcement. Mr. Kirk had been placed in a detoxification unit in the jail and it is suspected that his death may have been linked to improper detox protocols or an overdose.<sup>27</sup>

These deaths and grievous bodily injuries are common in Broward County Jails. At least fourteen other individuals have committed or attempted suicide while under BSO's supervision.<sup>28</sup> Circumstances at the jails grew so dire that in December 2022, Gregory Tony, the current Sheriff of Broward County, wrote a letter to the chief judge, public defender, and others acknowledging that too many individuals experiencing mental illness were ending up in the jail rather than receiving appropriate

---

<sup>18</sup> Id.

<sup>19</sup> Id.

<sup>20</sup> Layron Livingston, 'It was horrifying,' says woman who gave birth in Broward jail (May 8, 2019), <https://www.local10.com/news/2019/05/08/it-was-horrifying-says-woman-who-gave-birth-in-broward-jail/>

<sup>21</sup> Deanna Paul, A pregnant inmate came to term in jail. Lawyers say she was forced to give birth there — alone. (May 6, 2019), <https://www.washingtonpost.com/nation/2019/05/04/mentally-ill-woman-gives-birth-alone-broward-county-jail-attorney-says/>

<sup>22</sup> Layron Livingston, Tammy Jackson Act signed into law; ensures inmates in labor receive proper medical attention. (June 24, 2020) <https://www.local10.com/news/local/2020/06/24/tammy-jackson-act-signed-into-law-ensures-inmates-in-labor-receive-proper-medical-attention/>.

<sup>23</sup> Brian Entin and Daniel Cohen, Isolated and mentally ill: Inmate cuts off his own penis, flushes it down toilet inside Broward jail, Local10 News (Mar. 12, 2019), <https://wsvn.com/news/investigations/isolated-and-mentally-ill-inmate-cuts-off-his-own-penis-flushes-it-down-toilet-inside-broward-jail/>

<sup>24</sup> Id.

<sup>25</sup> Gordon Weekes, *Numerous Deaths in the Jail: Corbin Moberg, Hubert Blount, and Joseph Kirk*, Letter to Sheriff Tony, January 24, 2024

<sup>26</sup> Id.

<sup>27</sup> Id.


<sup>28</sup> Broward County Law Office of the Public Defender, Jail Deaths 2012 to present (2022)

treatment.<sup>29</sup> “No one believes that the jail is the most appropriate setting to treat those experiencing mental illness,” he wrote while naming the incarceration of mentally ill individuals in Broward County a “crisis.”<sup>30</sup> The county is responsible for intentionally neglecting and depriving people in its custody of necessary medical treatment. However, it seems incapable of addressing this problem on its own.

Department of Justice intervention is necessary. There is clearly reasonable cause sufficient to launch a review of the BSO jails.<sup>31</sup> The federal government has a clear interest in ensuring that incarcerated individuals with mental illness receive adequate psychiatric medical treatment; Broward County’s seemingly intentional failure to provide adequate medical treatment appears to violate the Eighth Amendment.<sup>32</sup>

We call on the Department of Justice to launch an investigation into the conditions and practices in jails under BSO’s purview. We also ask that BSO Facilities be placed under federal supervision if the review of their practices and conditions reveals the need for intervention. The high number of people that have died in BSO’s custody in recent years implies egregious mismanagement and widespread institutional failure. Immediate action is needed to ensure that the guarantees of the U.S. Constitution are extended to the people incarcerated inside Broward County Jails.

Sincerely,



Derrick Johnson  
President and CEO  
NAACP

cc: NAACP contacts

Janette McCarthy Wallace, General Counsel  
NAACP  
Email: [jlouard@naacpnet.org](mailto:jlouard@naacpnet.org)

Anthony P. Ashton, Senior Associate General Counsel  
NAACP  
Email: [aashton@naacpnet.org](mailto:aashton@naacpnet.org)

Martina Tiku, Assistant General Counsel  
NAACP  
Email: [mtiku@naacpnet.org](mailto:mtiku@naacpnet.org)

Lanita Ross, Special Assistant to the General Counsel

---

<sup>29</sup> Gregory Tony, *Letter Re: Incarceration of persons with mental illness*, (Dec. 15, 2022), <https://app.box.com/s/dgjru70obzwaasmbnyoojgkhaevvl4ur>

<sup>30</sup> Id.

<sup>31</sup> 42 U.S.C. § 1997a

<sup>32</sup> *Estelle v. Gamble*, 429 U.S. 97, 103 (1976) (“These elementary principles establish the government’s obligation to provide medical care for those whom it is punishing by incarceration”)

NAACP

Email: [lross@naacpnet.org](mailto:lross@naacpnet.org)

cc: Florida State Conference of the NAACP contacts

Adora Nweze, President

Florida State Conference of the NAACP

Email: [adoranweze2@gmail.com](mailto:adoranweze2@gmail.com)

Marsha Ellison, President

Broward County Branch of the NAACP

Email: [president@naacpftlbroward.com](mailto:president@naacpftlbroward.com)