

# The Miami Herald

Found on Miami.com  
The Miami Herald

September 28, 2003 Sunday

## TROUBLED COPS GOT FREE PASS IN BSO MERGERS

BY WANDA J. DeMARZO AND DANIEL de VISE

In mergers with local police departments that brought hundreds of new officers into the fold, the Broward Sheriff's Office inherited officers with records of beatings and wrongful arrests, sex with prostitutes and high-school girls, evidence-tampering and conduct unbecoming an officer.

But Sheriff Ken Jenne and his staff know little of the past transgressions - by choice. The BSO did not take custody of the cities' internal affairs files when the agency took over policing in Pompano Beach, Oakland Park, North Lauderdale and Lauderdale-by-the-Sea between 1999 and 2001. More than 400 officers absorbed into the BSO got a guarantee of employment and a clean slate.

"We're not responsible for what [municipal] officers did before the merger," said Roy Vrchota Jr., assistant inspector general at the BSO, overseeing internal affairs. "We assumed that all the agencies complied with the state statutes and that if there was a problem, it was handled."

The BSO's ignorance of old internal affairs files became widely known last month with the suspension of two BSO deputies, one of whom allegedly had put his hand down the pants of a teenage girl while the other acted as a lookout. One of the officers had previously been disciplined for sleeping with a woman he had detained for psychological treatment. Sheriff's investigators learned of the old incident while investigating the new case.

A committee recommended firing deputies Francisco Ortiz and Brian Augustyn. The sheriff accepted the recommendation to terminate both deputies effective Sept. 15.

A Herald review of those and other unexamined internal affairs files from the four cities found dozens of deputies with allegations of serious misconduct in their past.

Among them:

\* Officer Todd Chase, fired three times by Lauderdale-by-the-Sea police in the 1990s, only to win his job back through arbitration each time.

\* John Stabile, a Pompano officer who was issued a letter of caution in 1995 after an orthopedic surgeon alleged that the officer pulled him out of his car by his hair.

\* Edward MacDougall, a Pompano Beach officer accused in 1994 of having sex with a 16-year-old female cadet from the Police Youth Auxiliary.

\* North Lauderdale Officer Louis Bomentre, a supervisor of crossing guards, accused of aggressively kissing a 12-year-old girl. He was cautioned for unrelated sexual misconduct.

\* Pompano Beach Officer Jeffrey Cohen, fired, then rehired, after a 1993 incident in which he repositioned a car-mounted video camera that was filming an alleged police beating.

Some of the officers have been accused of misconduct since becoming sheriff's officers.

Veteran officers contend that many internal affairs complaints are bogus - from people who received a ticket or were arrested. Any hard-working officer, they reason, will make a few enemies.

"You have to realize, in our job, anybody can come in and make any kind of complaint," said MacDougall, now a BSO detective, in a telephone interview.

The Los Angeles County Sheriff's Department, which has contracted with 40 city departments over the past 20 years to provide police services, has a more selective approach when absorbing new officers.

"If someone has an unusual number of excessive force complaints and lawsuits, then we determine that the person poses a liability and they're not hired," said Los Angeles sheriff's Capt. John Radeleff. For instance, when the sheriff's department merged with the 104-officer Compton police department, four officers were rejected outright and 16 others didn't apply, Radeleff said, because they knew they would not be accepted.

Los Angeles carefully examines those who do come aboard, Radeleff added. "If the person's file causes concerns, then that officer is monitored closely," he said.

Cheryl Stopnick, spokeswoman for Jenne, said the sheer volume of files from the four Broward cities made it impractical to read them all. However, two Herald reporters were able to review all available files going back to 1990 in the equivalent of one week's time.

Stopnick cited other reasons for not reading the files: The BSO couldn't vouch for their accuracy or completeness, and Jenne has a philosophy that "everybody deserves a fresh start." She said the BSO screened the new officers' fingerprints and confirmed their certification with the Florida Department of Law Enforcement.

#### INTERNAL AFFAIRS FILES

#### RECORDS HELP SPOT

#### TROUBLESOME TRENDS

Internal affairs files are among the most important documents in law enforcement. They allow police departments to track the performance of officers, to spot worrisome trends, to justify disciplinary action and to address the concerns of citizens who complain of police misconduct.

"If there's a pattern there - young, attractive females complaining about an officer on a midnight shift, blacks complaining about a white officer - even if they're not sustained, these complaints should raise a red flag to a competent supervisor," said Geoffrey Alpert, a criminology professor at the University of South Carolina who has advised police in Miami-Dade.

One 26-year-old woman, her name withheld at her request, says she had a sexual relationship with Pompano Beach Officer Ed MacDougall that began when she was a 16-year-old officer in the Police Youth Auxiliary in the summer of 1994 and ended when she was 17.

"He got away with it," the former youth officer said in a telephone interview. "He got to keep his job, and I was the bad person."

MacDougall countered: "All her allegations were false." He contends the girl concocted the story after he rebuffed her advances. She took a lie-detector test, and the results were inconclusive. He refused a test.

Records show that MacDougall, 26 at the time, was reprimanded and received a three-day suspension - not for alleged sexual improprieties, which were never proved, but for leaving his post at a time they were allegedly together.

GROWING OFFICE

MERGERS MULTIPLIED,

AND ALL COPS GOT JOBS

The Broward Sheriff's Office has built a law-enforcement empire by absorbing the small-town forces that once policed most of Broward County. One wave of mergers a decade ago brought Tamarac, Deerfield Beach and Dania Beach into the BSO fold. Another flurry around 2000 brought in four more cities.

While union officials concede that every city officer got a job in the recent mergers, some point to a series of retirements and resignations that followed.

"In the long run, BSO is weeding out the officers who don't measure up to their standards," said Dick Brickman, president of the Broward Police Benevolent Association.

The Herald reviewed every available internal affairs file since 1990 for the four cities that were the last to join the BSO - Pompano Beach, Oakland Park, North Lauderdale and Lauderdale-by-the-Sea - focusing on cases involving officers who made the move to the BSO.

While some cases were insignificant, others raise questions about the policy of granting a clean slate to police hired through mergers.

Internal affairs investigators tend to dismiss cases that lack convincing evidence. Officers who are disciplined with days off can get their punishment reduced with help from their union. Officers who are terminated can get their job back.

Mark Kersey lost his job over the arrest of Freddie Ford.

Kersey was the second officer to arrive at an apartment complex on Super Bowl Sunday in 1995 in response to a noise complaint. Pompano Beach Officer Jean-Harry Pierre, who, like Ford, is black, had already responded, had gotten the music turned down and was chatting with Ford when Kersey arrived.

When Kersey, who is white, walked up, Ford invited him to speak to Pierre. Kersey, disregarding the fellow officer, arrested Ford for battery on a law enforcement officer. When the 6-foot-5 Ford couldn't squeeze into the back seat of the patrol car, Kersey sprayed him with Mace, according to attorney Johnny McCray Jr., who represented Ford. Charges against Ford were later dropped.

Kersey reported that Ford was unruly and felt the arrest "was necessary and appropriate under the circumstances," said attorney Michael Dutko, who represented the officer.

Ford, now deceased, got a "five-figure" settlement from the city for violating his civil rights, according to McCray. Kersey later got his job back. Since the 1999 merger that made him a sheriff's deputy, Kersey has amassed eight more internal affairs complaints, three of them sustained.

THEMES OF RACE, SEX

## COMPLAINTS ON FILES

### SHOW SOME PATTERNS

Questions of race hang over many internal affairs complaints reviewed by The Herald.

"They have this attitude that they have to be aggressive when they come into our community," said Andrew Greene, 25, whose 1992 arrest near a Wal-Mart store in Pompano Beach drew outraged black residents to City Hall in protest. Greene, a 14-year-old eighth-grade honors student at the time, was wrongly suspected of shoplifting. Charges against Greene were dropped; three officers involved were subsequently cleared.

Another persistent theme: claims of sexual misconduct.

Pompano Beach Officer Frank Biro had a four-month sexual relationship with a 16-year-old sophomore girl from Deerfield Beach High School, according to an internal affairs file. Investigators forwarded the case to a statewide commission on standards for police, which had the authority to revoke Biro's certification as an officer. Its findings: The sex acts were consensual, and the teenage girl, who had slept with her previous boyfriend, was "not of chaste character."

Records show that Biro was given a 10-day suspension. He remains a BSO deputy in Pompano Beach.

In many cases, officers facing credible accusations of serious misconduct received comparatively light penalties.

Pompano Beach Officer John Stabile pulled Dr. Patrick Grablin from his car by the hair and threw him to the ground during a routine traffic stop in 1995, according to Grablin.

"I wasn't resisting in the least, but he put a gun to my head and pushed it so hard against the side of my head that he tore a piece of my ear off," Grablin said. "I had to get it stitched back on."

Records show that Stabile received a letter of caution. He remains working for the BSO.