



Law Office of the
PUBLIC DEFENDER
Seventeenth Judicial Circuit

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January 30, 2019

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

Re: Abusive Conduct
Deputy James Cady (11259)

Dear Sheriff Tony:

I have included a video from an incident involving Deputy James Cady (11259) of the Broward Sheriff's Office that has been recently brought to my attention. The video depicts an incident wherein BSO Deputies were dispatched to a hotel in Dania Beach in reference to a female patron. The female was staying in a room at the hotel with a male friend and a nine-month-old baby boy. Shortly after their arrival, the Deputies requested the female patron leave the hotel. While gathering her belonging and leaving the hotel, Deputy Cady encountered Allen Floyd, who identified himself as the child's father.

Body camera captured a very troubling encounter between Deputy Cady and Mr. Floyd. The video clearly depicts Mr. Floyd attempting to deescalate the situation as he talked to the deputy. Mr. Floyd is seated on the sidewalk while holding his nine-month-old baby. Shortly thereafter Deputy Cady becomes enraged and heightens the intensity of the situation by threatening to place the infant child in the custody of child protective services. In a highly demeaning manner Deputy Cady, yelled "... quit fucking with me, Boy!" Deputy Cady used an inflammatory and angry tone. Mr. Floyd endures the insult and then again attempts to calm the deputy. He tries to explain that he is merely trying to be helpful and not provoke Deputy Cady. Be advised that at this point, Mr. Floyd was seated on the sidewalk with his infant child on his lap while Deputy Cady is standing over him.

Mr. Floyd repeatedly identified himself to Deputy Cady. He then stands up in a non-confrontational manner and asks Deputy Cady to stop yelling in the presence of the child. He also asks Deputy Cady to stop referring to him as a "Boy," which Mr. Floyd clearly perceives as derogatory. Deputy Cady responds by grabbing Mr. Floyd by his neck and chokes him. Deputy Cady then pushed Mr. Floyd onto a nearby car, all while Mr. Floyd is holding his infant child.

Mr. Floyd demonstrated considerable restraint and composure while Deputy Cady was verbally and physically abusive toward him. At no time did Mr. Floyd take an aggressive posture or use physical force toward Deputy Cady. Rather, Mr. Floyd continued his attempts to deescalate the situation by repeatedly reminding Deputy Cady of his baby's presence in the face of Deputy Cady's rage.

This video depicts a clear display of police abuse. Deputy Cady's verbal assault coupled with him choking an otherwise cooperative bystander can only be characterized as an unlawful touching. Deputy Cady's excessive use of force should be immediately investigated. In addition, Deputy Cady's use of the term "Boy" is offensive, condescending and demeaning. It carries racial connotations when used while addressing an adult black male. This incident is further troubling given that Deputy Cady has been the subject of a previous federal lawsuit, wherein he was found liable for tasing, tackling and beating an individual in 2009.

Abusive conduct of this sort is unacceptable. As a result, you must take immediate action to ensure that similar incidents of abuse will not be tolerated or condoned. Members of this community must be treated with dignity and respect and not subjected to abuse at the hands of law enforcement.

Sincerely,

Howard Finkelstein
Public Defender

Gordon Weekes
Executive Chief Public Defender

Cc: Michael Satz, State Attorney

attachments

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 10-CIV-61448 CIV-ALTONAGA/Simonton

WILLIAM PINEIRO,

Plaintiff,

vs.

JAMES CADY, individually; and
ALFRED T. LAMBERTI, as SHERIFF
of BROWARD COUNTY, Florida,

Defendants.

FINAL JUDGMENT

THIS CAUSE came on for trial before the Court and a jury, the Honorable Cecilia M. Altonaga, United States District Judge, presiding, and the issues having been duly tried and the jury having duly rendered its verdict, it is

ORDERED AND ADJUDGED as follows, consistent with the jury's verdict:

1. Judgment is entered in favor of Plaintiff, William Pineiro, and against Defendant, James Cady. William Pineiro shall recover **\$225,000.00** from James Cady in compensatory damages, for which sum let execution issue. William Pineiro shall recover **\$25,000.00** from James Cady as punitive damages, for which sum let execution issue.

2. Plaintiff, William Pineiro, shall take nothing from Defendant, Alfred T. Lamberti, as Sheriff of Broward County, Florida. Plaintiff's action against Defendant, Alfred T. Lamberti, is dismissed on the merits.

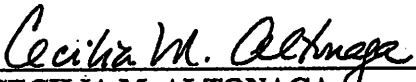
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3. The Court reserves jurisdiction over any request for the award of attorney's fees and costs.

4. Post judgment interest shall accrue on this Final Judgment pursuant to 28 U.S.C. § 1961.

5. The Clerk of the Court is instructed to **CLOSE** the case. Any pending motions are **DENIED AS MOOT**.

DONE AND ORDERED in Chambers at Miami, Florida, this 30th day of August, 2011.



CECILIA M. ALTONAGA
UNITED STATES DISTRICT JUDGE

cc: counsel of record