

Thirteenth Judicial Circuit Florida - Hillsborough County Florida

Quadriplegic disabled man Brian Sterner dumped from wheelchair on floor by Sheriff's Deputy

YouTube video - CNN - <http://youtu.be/huRYZAJ8wzA>



Hillsborough Sheriff Deputy Charlette Marshall-Jones dumped quadriplegic Brian Sterner out of a wheelchair and onto a jail floor at the Hillsborough County Orient Road Jail, Tampa Florida.

Treatment of disabled man attracts national spotlight, St. Petersburg Times.

[http://www.sptimes.com/2008/02/13/Hillsborough/Treatment\\_of\\_disabled.shtml](http://www.sptimes.com/2008/02/13/Hillsborough/Treatment_of_disabled.shtml)

Disabled people in wheelchairs are vulnerable. See Harrowing flight for U.N. Rapporteur on Disability - Shuaib Chalklen, United Nations Special Rapporteur on Disability.

<http://www.thehindu.com/news/national/harrowing-flight-for-un-rapporteur-on-disability/article3433534.ece>



Brian Sterner, a paraplegic, has no feeling from his mid-chest down.



Sheriff's Office spokesman



Reporter Mike Deeson - thanks Mike!



Sheriff's deputy thinks its funny.

# Treatment of disabled man attracts national spotlight

## Sheriff's Office apology doesn't quell outrage.

By Casey Cora and Rodney Thrash, Times Staff Writers

Published February 13, 2008

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TAMPA - Hardly anyone noticed last month when a Hillsborough County detention deputy unceremoniously dumped quadriplegic Brian Sterner out of a wheelchair and onto a jail floor.

Tuesday, everyone noticed.

Sterner's lawyer pushed for criminal charges and Florida's attorney general called for a civil rights review. The Sheriff's Office apologized, labeled the incident "indefensible," and sent four deputies home pending an investigation. The Today show booked Sterner; readers expressed outrage on newspaper Web sites; and a video of the jailhouse encounter landed on YouTube.

"It's a start," said Sterner, 32, whose ouster from the wheelchair was caught on surveillance cameras at the Orient Road Jail. He expressed dismay that the deputies had not lost their jobs.

"I don't think the question of them being fired should be asked," he said. "It should already be done."

The Sheriff's Office video shows Deputy Charlette Marshall-Jones dislodging Sterner from his wheelchair like cargo from a wheelbarrow, pushing up the handles as he falls forward. The other deputies in the video do not intervene. One walks away smiling.

Marshall-Jones, a 22-year veteran of the Sheriff's Office, was suspended without pay. A woman who answered the telephone at her Tampa house said the deputy had no comment. A note left at her door went unanswered.

Three others - Sgt. Gary Hinson, 51, Cpl. Steven Dickey, 45, and Cpl. Decondra Williams, 36 - were placed on administrative leave with pay. Hinson has been with the agency since 1984; Dickey, 1982; and Williams, 1994. None of the three could be reached.

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Sterner, injured while wrestling 13 years ago, is paralyzed from the chest down and has limited use of his arms. He was laid off in January from a job selling wheelchair vans.

His Jan. 29 arrest was on a charge of fleeing and attempting to elude law enforcement officers, which apparently stemmed from a traffic stop three months earlier.

Sterner was driving a 2005 silver Mini Cooper fitted with hand pedals Oct. 25 when Tampa police officers on patrol in Ybor City saw him waving his arms and shaking his head from side to side as if dancing, police say.

He had been driving 5 mph in a 30 mph zone. But police lost sight of him until another officer spotted him at Florida Avenue and Columbus Drive. Their reports noted that he made "foolish" statements.

"Although I did not detect an odor of an alcoholic beverage emitting from Sterner's breath, based on his irrational behavior, I suspected the possibility he was under the influence of some type of illegal substance," wrote Tampa police Officer Peter Charbonneau.

Sterner allowed police to take a blood sample. No illegal drugs were found, police reported. But he was still arrested on a charge of fleeing law enforcement officers.

As he was booked, Sterner said he told Marshall-Jones several times that he couldn't stand up to be searched. She ultimately searched him as he lay on the floor.

"There's no reason why that deputy should not be charged with battery on a disabled person," said Sterner's attorney, John Trevena.

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Twice before, in 1988 and 1990, the Sheriff's Office suspended Marshall-Jones without pay. Her personnel file documents those disciplinary problems and others.

In the first incident, she improperly conducted an inmate head count and was suspended for six days. In the later incident, she disobeyed a boss' order to complete a fire safety and sanitation inspection. The consequence: a one-day suspension.

Superiors have criticized her use of sick leave. Her record contains a few letters of reprimand for violations of Sheriff's Office procedure.

But most of the 345-page file offers no hint of the woman seen in the video. Year after year, supervisors recommended Marshall-Jones for promotions and boosted her pay. In page after page of annual reviews, they used words such as "dedicated" and "knowledgeable."

There are 22 pages of commendations, certificates and flattering letters from supervisors and Hillsborough residents. In 2003, the Sheriff's Office named Marshall-Jones one of the November "Employees of the Month."

Just nine days before the Sterner arrest, Marshall-Jones' supervisor praised her "excellent searches, handling of inmates and communication skills."

The supervisor was Sgt. Hinson, who was suspended with her Tuesday.

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After he was booked, Sterner said, sheriff's officials placed him on his side in the back of a prisoner transportation van bound for the infirmary at the Falkenburg Road Jail, the site of one of two jail infirmaries in the county.

Sterner said he grimaced in pain on the nearly 4-mile drive to the facility.

On Tuesday, he showed reporters scrape marks on his knees that he said came from the fall out of the wheelchair.

"I don't know what's going on inside me, but my body hasn't been right since," he said.

Sterner and Trevena said they hope the incident forces the spotlight on the issue of jailhouse treatment of the disabled, a message Sterner plans to carry to the Today show this morning.

"I want a lot of exposure to what's been going on for probably a very long time in the jail system," he said.

Newspaper Web sites have already been flooded with reaction. On tampabay.com, more than 100 comments were posted about the day's stories on Sterner. Just hours after the video clip appeared on YouTube, more than 350 people had viewed it.

State Attorney General Bill McCollum also saw the video and was "very, very concerned," said his spokeswoman, Sandi Copes.

McCollum asked the state's Office of Civil Rights to review Sterner's treatment at the jail, an action Copes said could lead to a formal investigation of the Sheriff's Office.

"We're certainly going to try to identify exactly what happened and exactly who was at fault," Copes said.

At a Tuesday morning news conference, Sheriff's Office Chief Deputy Jose Docobo said he was troubled not only by what happened to Sterner but by the lack of response from experienced supervisors.

"The fact that none of the supervisors acted upon what they saw or had knowledge of is of grave concern to us," he said. "The fact that no reports were written further concerns us."

"This is not how we do business here at the Hillsborough County Sheriff's Office."

Docobo also offered a public apology to Sterner.

"There is no excuse," Docobo said. "This is indefensible. And to the extent that we can make it right for this gentleman, we will do so."

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### **What is quadriplegia?**

Quadriplegia is paralysis affecting all four limbs, often due to a spinal cord injury at the neck level. The paralysis does not have to be total. Depending on the severity of the injury, some function or feeling can remain in one or more limbs.