

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 08-21571-CIV-SEITZ/O' SULLIVAN

AMANDA JESSUP,

Plaintiff,

vs.

MIAMI DADE COUNTY, a Political
Subdivision, CORPORAL KATRINA
ROBINSON individually,
CITY OF SOUTH MIAMI
POLICE OFFICERS M. VALDES and
WAGNER, individually and THE CITY
OF SOUTH MIAMI, a municipality,Defendants.

**PLAINTIFF'S RESPONSE TO DEFENDANTS MIAMI-DADE COUNTY AND
CORPORAL KATRINA ROBINSON'S STATEMENT OF UNDISPUTED MATERIAL
FACTS**

Plaintiff, Amanda Jessup, by and through undersigned counsel, pursuant to Federal Rule of Civil Procedure 56 and Local Rule 7.5 of the U.S. District Court for the Southern District of Florida, responds to Defendants' Miami-Dade County and Corporal Katrina Robinson's Statement of Undisputed Material Facts. As to the numbered paragraphs below Plaintiff asserts there are material facts in dispute:

36-40. Angela Price saw the Plaintiff bang her head into the wall approximately six (6) times. Ms. Price called out and stated to the officers "Y'all she's banging her head." Corporal Robinson yelled back "She's just crazy." Approximately 10 to 12 minutes the officers noticed the Plaintiff had hurt herself. Corporal Robinson could not open the door. Another officer opened the door with the same key. *See* Angela Price sworn statement.

61. Officer Michael Urbistado is Miami-Dade County's Rule 30(b)(6) witness with most knowledge concerning the policies and practices of the Miami-Dade Department of Corrections. Urbistado deposition pg. 3

62. Miami-Dade County has two policies in place directing correctional officers on how to deal with suicidal or mentally ill inmates. One is 12-003, the other is 12-005. Urbistado deposition pg. 10. The two policies work together. Urbistado deposition pg. 13-14.

63. Up and until 2006 neither Officer Urbistado nor any other corrections officer received special training for working with mentally ill or suicidal inmates. Urbistado deposition pp. 7-8.

64. Miami-Dade County did not train its officer in suicide prevention. The officers only knew how to supervise suicide or mentally inmates based on their academy training. Urbistado deposition pg. 9.

65. Smearing of menstrual blood on cell by an inmate is a biohazard issue. There is a policy that an officer must suit up and use protective clothing dealing with any biohazard. The officer is supposed to assess the situation and determine how the officer needs to enter the cell. Urbistado deposition pg. 22.

66. When there is a biohazard situation the officer has to protect the inmate also. Urbistado deposition pg. 24. Once you get a response from the inmate the officer is supposed to go through the process of getting the person out of the cell so it can be cleaned up. Urbistado deposition pg. 26.

67. The Plaintiff after smearing her blood in the cell was not removed, nor was her cell cleaned. See 15 minute check sheet.

68. Officer is taught at academy how to deal with inmate who is drinking out of the toilet. Officer Urbistado, the County's witness with most knowledge, does not know what that training was. Urbistado deposition pg. 29.

69. Drinking out of the toilet would fit under the policy dealing with bizarre behavior. Urbistado deposition pg. 30. Officer Urbistado does not recall if there is a definition of bizarre behavior. Urbistado deposition pg. 30.

70. There is no Corrections policy on how officers are to deal with inmates who standing on a ledge in the cell or standing on any item in the cell. Urbistado deposition pg. 32.

71. The Director of the Department of Corrections approves the policies of the department. The person with most knowledge does not know if the Board of County Commissioners has any role in the policies. Urbistado deposition pg. 43.

72. A correctional officer working with the mentally ill and suicidal inmates has a responsibility to read the policies and procedures. The officer has to sign for the book of policies and any new policy handed out. The Department does not know if the officer has read the policy. Urbistado deposition pp.43-45.

73. Prior to 2004 inmates who were on suicide watch or were mentally ill have killed themselves. Key deposition pg. 32.

73. Between 2001 and 2004 at least sixteen (16) inmates who were mentally ill or on suicide watch attempted to kill or hurt themselves. The County was on notice of those events. See Memorandum of Attempted Suicides dated April 29, 2009.

74. The County adopted 12-003 and 12-005 for the safety and welfare of the diagnosed and potentially suicidal inmates. It was also adopted because an employee could be liable legally to an inmate or his/her family for the negligent performance of their duty if it results in injury or death of the inmate. The policies put in place in order to protect the employees and the Department from potential lawsuits. See Policy 12-003, II. Purpose.

CERTIFICATE OF SERVICE

I hereby certify that on October 16, 2009, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being

served this day on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

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