

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
FORT LAUDERDALE DIVISION

Case No. \_\_\_\_\_

ANDRE PIERRE, AS PERSONAL  
REPRESENTATIVE OF THE ESTATE  
OF JEAN PEDRO PIERRE,

Plaintiff,

v.

SCOTT ISRAEL, in his official capacity as  
Sheriff of the BROWARD COUNTY SHERIFF'S  
OFFICE, and OFFICER STEVEN BRIGGS,  
individually,

Defendants.

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**COMPLAINT**

Plaintiff, ANDRE PIERRE, as Personal Representative of the Estate of JEAN PEDRO PIERRE, deceased, sues Defendants, SCOTT ISRAEL, in his official capacity as Sheriff of the BROWARD COUNTY SHERIFF'S OFFICE (hereinafter "BSO") and OFFICER STEVEN BRIGGS (hereinafter "OFFICER BRIGGS"), jointly and severally, and alleges as follows:

**JURISDICTION**

1. This is an action for damages in excess of fifteen thousand (\$15,000.00) dollars, arising out of one of more violations of State and Federal laws, detailed below.

2. This action is brought pursuant to [42 U.S.C. § 1983](#), [42 U.S.C. § 1988](#), [42 U.S.C. §12132](#), the First, Fourth and Fourteenth Amendments to the United States Constitution, and Florida state law, against BSO and an employee police officer of the County, OFFICER BRIGGS. PLAINTIFF asserts that OFFICER BRIGGS unlawfully shot and killed PLAINTIFF'S decedent, JEAN PEDRO PIERRE. PLAINTIFF also asserts liability against BSO on the basis of

failure to properly train police officers in the appropriate methods of detaining and arresting mentally ill citizens.

3. The Court has federal question jurisdiction over PLAINTIFF'S federal law claims pursuant to 28 U.S. C. §§ 1331 and 1343(a)(3). PLAINTIFF'S state law claim is related to these federal claims and forms a part of the same case or controversy. The Court accordingly has supplemental jurisdiction over PLAINTIFF'S state law claim pursuant to 28 U.S.C. § 1367(a).

4. Pursuant to 28 U.S.C. § 13191 (b)(1) & (2), venue is properly placed in the United States District Court for the Southern District of Florida because this district is where all parties reside and where a substantial portion of the events and omissions giving rise to PLAINTIFF'S claims occurred.

5. All conditions precedent to the maintenance of this action, including those set forth in Florida Statute 768.28, have been performed, have occurred prior to its institution, or have been waived.

### **PARTIES**

6. At all times material, PLAINTIFF ANDRE PIERRE was the father of JEAN PEDRO PIERRE, deceased, ("JEAN PEDRO"), and is the duly appointed Personal Representative of the ESTATE OF JEAN PEDRO PIERRE.

7. At all times JEAN PEDRO was a 46 year-old resident of Broward County, Florida and a citizen of the United States of America.

8. At all times material, Defendant BSO was and is a political subdivision of the State of Florida and the employer of police OFFICER BRIGGS.

9. At all times material, OFFICER BRIGGS was acting within the course and scope of his employment with the BSO and under the color of law as a police officer.

### FACTUAL ALLEGATIONS

10. JEAN PEDRO suffered from a personality disorder which required medication, and was known by the BSO to be an individual who suffered from a mental condition..

11. Though many county police officers come into contact with the mentally ill on a daily basis, the BSO made no effort to adequately train and supervise said officers.

12. The BSO, in the face of mounting criticism from the public and its inadequate responses to the mentally ill that resulted in the deaths of numerous mentally ill individuals, was asked to adequately train its police officers to deal with the mentally ill.

13. On December 6, 2017, JEAN PEDRO began experiencing a mental health episode that concerned his friend who he was visiting. JEAN PEDRO called 911 on himself from his friend's apartment after she had advised him that she wanted to leave. He requested the BSO'S assistance for himself.

14. OFFICER BRIGGS and Officer Youngward were dispatched to the scene and responded in a two-man unit. Upon their arrival, JEAN PEDRO let Officer Youngwood into the residence, where an altercation between JEAN PEDRO and Officer Youngward began. Officer Youngwood reacted calmly and never used deadly force against JEAN PEDRO as there was no immediate threat of serious bodily injury to himself or others as JEAN PEDRO was unarmed.

15. During the altercation, OFFICER BRIGGS exited the police car and began approaching Officer Youngwood and JEAN PEDRO and challenging JEAN PEDRO after the altercation with Officer Youngwood had concluded. Officer Youngwood was telling OFFICER BRIGGS to tase JEAN PEDRO. Instead, while JEAN PEDRO was speaking calmly with Officer Youngward, OFFICER BRIGGS drew his firearm and pointed it at JEAN PEDRO.

16. At the point that Deputy Briggs withdrew his gun, Mr. Pierre was stationary and was being spoken to calmly by Deputy Youngward. Mr. Pierre was clearly unarmed and given that officers are trained to use less than lethal force unless threatened with lethal force, there was absolutely no reason for Deputy Briggs to draw his firearm, much less fire several shots into Mr. Pierre.

17. Numerous individuals were yelling at OFFICER BRIGGS that JEAN PEDRO was unarmed and not to shoot.

18. OFFICER BRIGGS discharged his firearm three (3) times into JEAN PEDRO.

19. Neither OFFICER BRIGGS nor Officer Youngward attempted to provide any first aid to JEAN PEDRO. It took more than five minutes for EMS to arrive and make any attempt to save JEAN PEDRO's life.

20. JEAN PEDRO died as a result of the shooting.

#### COUNT 1

#### **Section 1983 Claim Against the BSO for Deliberate Indifference**

21. PLAINTIFF repeats and realleges Paragraph 1 through 20, and incorporates them by reference herein.

22. This cause of action is brought by PLAINTIFF ANDRE PIERRE, as Personal Representative of the ESTATE OF JEAN PEDRO PIERRE, against the BSO for deprivation by its agents, servants, or employees, of constitutional rights within the meaning of [42 U.S.C. § 1983](#).

23. OFFICER BRIGGS was acting within the course and scope of his employment as police officers of the BSO, under the color of law, and in furtherance of their official duties, when they attempted to detain/arrest JEAN PEDRO and JEAN PEDRO was shot and killed.

24. The actions and omissions of OFFICER BRIGGS resulting in JEAN PEDRO'S shooting death were objectively unreasonable and violated JEAN PEDRO'S clearly established rights under the Fourth Amendment to the United States Constitution and [Section 1983](#) to be free from excessive and unjustifiable deadly force.

25. The BSO also violated JEAN PEDRO'S Fourth Amendment rights by failing to train and staff sufficient numbers of its officers to reasonably respond to mental health encounters and by engaging in policies and practices that caused constitutional violations to the mentally ill community by inappropriately responding to mental health emergencies with deadly force.

26. The constitutional deprivations were caused by the BSO's lack of training and supervision in regards to police officers having the ability to appropriately interact with the mentally ill without causing the deprivation of constitutional rights and by the BSO's continually engaging in policies and practices that perpetuated BSO officers responding to mental health encounters with deadly force.

27. The aforementioned actions were not isolated incidents. The BSO has a history of police officers causing death or physical injury to the mentally ill due to the lack of training and knowledge regarding interacting with mentally ill individuals.

28. Prior to the date of the incident, the BSO, permitted and tolerated the continued constitutional violations by use of excessive and deadly force against mentally disturbed individuals by officers who were not prepared, trained, or supervised to appropriately deal with the mentally ill. This continued lack of training, supervision, oversight and inadequate policies and practices, caused JEAN PEDRO'S death.

29. As a direct and proximate result of the unconstitutional wrongdoing of all Defendants, JEAN PEDRO sustained severe pain and suffering and physical injury resulting in his death.

30. WHEREFORE, PLAINTIFF ANDRE PIERRE demands judgment against the BSO for:

- (a) Compensatory damages for JEAN PEDRO'S severe physical injury and pain and suffering experienced prior to his death;
- (b) Reasonable attorney's fees and costs under [42 U.S.C. § 1988](#);
- (c) Prospective net accumulations to the estate;
- (d) Funeral expenses;
- (e) Any other such alternative and additional relief that appears to the Court to be equitable.

## COUNT II

### **Section 1983 Claim against OFFICER BRIGGS for Excessive Force**

31. PLAINTIFF repeats and realleges Paragraphs 1 through 20, and incorporates them by reference herein.

32. This cause of action is brought by PLAINTIFF ANDRE PIERRE, as Personal Representative of the Estate of JEAN PEDRO PIERRE, against OFFICER BRIGGS, individually, for his use of excessive force under color of law that deprived JEAN PEDRO of constitutional rights under the Fourth Amendment within the meaning of [42 U.S.C. § 1983](#).

33. At the time of the December 6, 2017 encounter between JEAN PEDRO and OFFICER BRIGGS, JEAN PEDRO was unarmed and posed no immediate threat of serious injury or bodily harm to the police officers on the scene or anyone else.

34. The deadly force that OFFICER BRIGGS used when discharging his firearm three (3) times into the person of JEAN PEDRO was completely disproportionate to the force reasonably necessary to arrest him.

35. The deadly force that OFFICER BRIGGS used on JEAN PEDRO was objectively unreasonable under all of the facts and circumstances confronting OFFICER BRIGGS and violated JEAN PEDRO'S clearly established rights under the Fourth Amendment to be free from excessive and unreasonable force at the hands of law enforcement officers attempting to detain him and/or take him into custody.

36. No reasonable police officer confronted with the facts and circumstances confronting OFFICER BRIGGS would have believed that the force he used on JEAN PEDRO was objectively reasonable and not in violation of JEAN PEDRO'S clearly established rights under the Fourth Amendment. In fact, Officer Youngward, clearly believed that deadly force was inappropriate in this situation.

37. As a direct and proximate result of OFFICER BRIGGS'S unconstitutional use of excessive force, JEAN PEDRO sustained severe pain and suffering and physical injury resulting in his death.

WHEREFORE, PLAINTIFF ANDRE PIERRE demands judgment against OFFICER BRIGGS for:

- (a) Compensatory damages for JEAN PEDRO'S severe physical injury and pain and suffering experienced prior to his death;
- (b) Reasonable attorney's fees and costs under [42 U.S.C. § 1988](#);
- (c) Prospective net accumulations to the estate;
- (d) Funeral expenses;

(e) Any other such alternative and additional relief that appears to the Court to be equitable and just.

### COUNT III

#### Section 1983 Wrongful Death Claim Against the BSO

38. PLAINTIFF repeats and realleges Paragraphs 1 through 20, and incorporates them by reference herein.

39. This cause of action is brought by PLAINTIFF ANDRE PIERRE, as Personal Representative of the ESTATE OF JEAN PEDRO PIERRE, for the benefit of the surviving parents children of the deceased.

40. JEAN PEDRO was killed as a result of the BSO'S wrongdoing as set forth in Count I above.

41. PLAINTIFF, on behalf of JEAN PEDRO'S estate and JEAN PEDRO'S children, seeks to vindicate JEAN PEDRO'S rights under the Fourth Amendment to the United States Constitution and [42 U.S.C. § 1983](#) which were violated by the BSO'S wrongdoing as set forth in Count I above..

42. 67. As a direct and proximate result of the violation of JEAN PEDRO'S rights under [42 U.S.C. § 1983](#) and the Fourth Amendment and JEAN PEDRO'S untimely death that resulted therefrom, JEAN PEDRO's children have suffered and will continue to suffer severe emotional injuries, mental pain and suffering, and the loss of JEAN PEDRO'S association, companionship and society from the date of his death.

WHEREFORE, PLAINTIFF ANDRE PIERRE, as Personal Representative of the ESTATE OF JEAN PEDRO PIERRE, for the benefit of JEAN PEDRO'S surviving children, demands judgment against the BSO for:

- (a) Compensatory damages for the injuries and losses described in the preceding paragraph;
- (b) Reasonable attorney's fees and costs under [42 U.S.C. § 1988](#);
- (c) Any other such alternative and additional relief that appears to the Court to be equitable and just.

#### COUNT IV

#### Section 1983 Wrongful Death Claim Against Officer BRIGGS

43. PLAINTIFF repeats and realleges Paragraphs 1 through 20 and incorporates them by reference herein.

44. This cause of action is brought by PLAINTIFF ANDRE PIERRE, as Personal Representative of the ESTATE OF JEAN PEDRO PIERRE, for the benefit of the surviving children.

45. JEAN PEDRO was killed as a result of OFFICER BRIGGS'S wrongdoing as set forth in Count II above.

46. PLAINTIFF, on behalf of JEAN PEDRO'S estate and JEAN PEDRO'S children, seeks to vindicate JEAN PEDRO'S rights under the Fourth Amendment to the United States Constitution and [42 U.S.C. § 1983](#) which were violated by OFFICER BRIGGS'S wrongdoing as set forth in Count II above..

47. As a direct and proximate result of the violation of JEAN PEDRO'S rights under [42 U.S.C. § 1983](#) and the Fourth Amendment and JEAN PEDRO'S untimely death that resulted therefrom, JEAN PEDRO's children have suffered and will continue to suffer severe emotional injuries, mental pain and suffering, and the loss of JEAN PEDRO'S association, companionship and society from the date of his death.

WHEREFORE, PLAINTIFF ANDRE PIERRE, as Personal Representative of the ESTATE OF JEAN PEDRO PIERRE, for the benefit of JEAN PEDRO'S surviving children, demands judgment against OFFICER BRIGGS for:

- (a) Compensatory damages for the injuries and losses described in the preceding paragraph;
- (b) Reasonable attorney's fees and costs under [42 U.S.C. § 1988](#);
- (c) Any other such alternative and additional relief that appears to the Court to be equitable and just.

**COUNT V**  
**Claim under Title II of the ADA Against the BSO**

48. PLAINTIFF repeats and realleges Paragraphs 1 through 20, and incorporates them by reference herein.

49. This cause of action is brought by PLAINTIFF ANDRE PIERRE, as Personal Representative of the Estate of JEAN PEDRO PIERRE, against the BSO, pursuant to Title II of the Americans with Disabilities Act (“ADA”), which prohibits any local government or department thereof from denying the benefits of their services, programs or activities to any persons with a disability, or discriminating against any person with a disability. [42 U.S.C. § 12132](#).

50. Title II of the ADA provides that “no qualified individual with a disability shall, by reason of such a disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” JEAN PEDRO had a disability within the meaning and purview of Title II of the ADA. [42 U.S.C. § 12132\(1\)](#).

51. The BSO is a public entity within the meaning and purview of the Title II of the ADA. [42 U.S.C. § 12132\(1\)](#).

52. The BSO under Title II is required to train its police officers to recognize circumstances that would lead them to identify individuals that suffer from mental illness, and to investigate, approach, detain, apprehend and/or arrest such persons in a manner reasonably accommodating their disability.

53. The BSO violated JEAN PEDRO'S federally guaranteed right to be free from discrimination on the basis of disability by failing to make reasonable modifications to their policies, practices and procedures to ensure that his needs as an individual with a disability would be met.

54. The BSO further violated JEAN PEDRO'S rights, among other things, by acting and failing to act as alleged in Counts I and II, above.

55. JEAN PEDRO suffered the harm and damages previously asserted herein as result of these violations of JEAN PEDRO'S rights.

WHEREFORE, PLAINTIFF ANDRE PIERRE demands judgment against the BSO for:

- (a) Compensatory damages for JEAN PEDRO'S severe physical injury and pain and suffering experienced prior to his death;;
- (b) Reasonable attorney's fees and costs under [42 U.S.C. § 1988](#) and [42 U.S.C. 12205](#);
- (c) Prospective net accumulations to the estate;
- (d) Funeral expenses;
- (e) Any other such alternative and additional relief that appears to the Court to be equitable and just.

**COUNT VI**  
**Florida Wrongful Death Claim Against the BSO**

56. PLAINTIFF repeats and realleges Paragraphs 1 through 20, and incorporates them by reference herein.

57. This cause of action for negligence against the BSO is brought by PLAINTIFF ANDRE PIERRE, as Personal Representative of the ESTATE of JEAN PEDRO PIERRE, under Florida state law which holds a governmental entity liable for the negligence and other wrongdoing of its employees and agents acting within the course and scope of their employment and/or agency.

58. Pursuant to [§ 768.28\(6\), Fla. Stat.](#), PLAINTIFF presented this claim in writing to the BSO. Since the BSO failed to make final disposition of the claim within six months of receipt of the same, such failure is deemed a denial for purposes of the statute.

59. All conditions precedent to the filing of this action against the BSO have been met by PLAINTIFF or have been waived by the BSO.

60. OFFICER BRIGGS was acting within the course and scope of his employment as a BSO police officer when he fatally shot JEAN PEDRO on December 6, 2017.

61. OFFICER BRIGGS placed JEAN PEDRO in a foreseeable zone of risk and thus owed JEAN PEDRO the duty to exercise reasonable care in the methods used to subdue, detain, and/or arrest him, and to exercise reasonable care in the use of a firearm once having undertaken to subdue, detain and/or arrest him.

62. OFFICER BRIGGS breached his duties owed to JEAN PEDRO and conducted himself in a careless and negligent manner when he shot and killed JEAN PEDRO under circumstances where a reasonable police officer would not have believed that JEAN PEDRO posed an immediate threat of serious bodily harm to OFFICER BRIGGS or anyone else.

63. OFFICER BRIGGS breached his duties owed to JEAN PEDRO when he failed to adhere to universally accepted law enforcement standards and practices for dealing with mentally ill and/or emotionally disturbed subjects, thereby escalating the situation at the scene, and further agitating and exciting mentally ill JEAN PEDRO.

64. As a direct and proximate result of OFFICER BRIGGS'S careless and negligent breach of the duties owed to JEAN PEDRO, JEAN PEDRO died on December 6, 2017 and JEAN PEDRO'S children have suffered damages as specifically set forth below:

WHEREFORE, PLAINTIFF demands judgment against the BSO for:

- (a) Compensatory damages for the mental pain and suffering, past and future, of the surviving children;
- (b) Prospective net accumulations to the estate;
- (c) Funeral expenses;
- (d) Any other such alternative and additional relief that appears to the Court to be equitable and just.

**DEMAND FOR JURY TRIAL**

65. PLAINTIFF demands a trial by jury on all counts and all issues so triable as of right.

DATED December 4, 2018

**Courtney S. Clyne**

Courtney S. Clyne (Fla. Bar No. 111162)

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