

SunSentinel OPINION

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SUN SENTINEL EDITORIAL

The high cost of playing politics with sheriff's jobs

Jeffrey Stanley finally got justice from the Broward Sheriff's Office.

It took him 12 years and it will cost Broward taxpayers more than \$1 million, not counting the massive legal fees paid to BSO's lawyers.

That's an outrage. This case, involving the First Amendment rights of a sheriff's deputy, should have been settled years ago for a pittance of what it cost the public. It dragged on so long that it has spanned the careers of three Broward sheriffs: Al Lamberti, Scott Israel and Gregory Tony.

To end the insanity, the sheriff's office finally wrote a check on April 12 for \$1,050,000 to compensate Stanley and his lawyers. The former detention deputy could not get his old job back at BSO because he supported the "wrong" candidate in the race for sheriff in 2008.

Everything about this case shows the excessive level of politics that has plagued the Broward Sheriff's Office for so long.

The most notorious sheriff in Broward history, Walter Clark, hired his own brother as chief deputy in 1933, and later sheriffs routinely hired and fired people on purely political considerations. Stanley fought back — and won.

First Amendment rights

A federal jury in Fort Lauderdale last October found that the sheriff's office violated Stanley's First Amendment rights when it refused to rehire him because he supported Scott Israel, who lost to Al Lamberti in that 2008 race.

Stanley also had taken part in an informational picket line by the jail deputies' union, the Federation of Public Employees, during the 2008 campaign amid tense union contract negotiations. He also was photographed at a political debate wear-

ing a yellow "Cops for Israel" T-shirt (the union supported Israel).

Stanley's sins: He stood in solidarity with his fellow union members and literally wore on his sleeve how he planned to vote. For this, he was blackballed from re-employment at the agency he had served so well.

Stanley, 57, had an excellent employment history at the sheriff's office when he resigned after six years in 2007 to take a better-paying security job at a new hospital in Miami Beach. But the hospital didn't open as planned, so after about three months, Stanley asked for his old job back.

'An excellent employee'

He received a glowing recommendation from a BSO personnel administrator, Maj. Kim Spadaro, who noted that when Stanley left, he willingly forfeited 300 hours of sick leave.

She wrote to her boss: "Deputy Stanley was an excellent employee while he was here. He was an asset to the agency, and I know that everyone would be happy to have him back again."

But it never happened.

According to a summary of the case provided by Stanley's attorney, Bill Amlong of Fort Lauderdale, Lamberti's executive officer, former BSO Lt. David Benjamin, related a discussion with Lamberti in which the sheriff said of Stanley: "If he didn't support me, why should I rehire him?"

Then, without explanation, Stanley's employment application stalled, and a note was added to his job application: "Per Lt. Benjamin, not eligible for rehire." Soon afterward, Stanley got a letter from BSO telling him he wouldn't be rehired because



Campaign signs for Sheriff Al Lamberti and his opponent Scott Israel adorn a parking lot at the YMCA of Hollywood precinct in 2008. **SUSAN STOCKER/SOUTH FLORIDA SUN SENTINEL**

"areas of concern arose during the selection process."

Persistence pays off

Stanley initially challenged BSO's action with the state Public Employees Relations Commission (PERC), but the sheriff's office appealed to the courts and won, so Stanley pressed forward with a First Amendment claim in federal court.

The case drew scant media attention. A short story about Stanley's lawsuit in Broward-Palm Beach New Times in 2012 asked: "Can BSO fire a guy who backs the wrong candidate? It seems yes."

The answer turned out to be no, thanks to the persistence of Stanley and his lawyers at The Amlong Firm.

The years rolled by and BSO refused to settle — even after Israel, the candidate Stanley supported, defeated Lamberti in their 2012 rematch. Amlong said Israel once could have settled the case for \$6,000 plus fees and costs, when Stanley's lost wages and legal fees were a fraction of what they would become.

BSO also tried unsuccessfully to get the case thrown out on the grounds that the sheriff acted as an arm of the state (the Eleventh Amendment protects states from being sued in federal court).

"The lawyers kept churning this thing," Amlong told the Sun Sentinel Editorial Board. (Sheriff Tony and BSO's attorney in this case, David Ferguson, did not respond to our requests for comment.)

As the case finally drew to a close last fall, the verdict form asked jurors this question: "Do you find by a preponderance of the evidence that Mr. Stanley engaged in constitutionally protected political activity by supporting Mr. Israel for election as Sheriff in 2008, including participating in a picket line, attending a debate, and handing out literature at polling places while wearing a 'Cops-for-Israel' T-shirt?"

Yes, the jury said.

For the benefit of taxpayers and anyone who believes in the First Amendment, we can only hope that Stanley's hard-fought legal victory ensures that future sheriffs make hiring decisions based on merit, not political retaliation.

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