



OFFICE OF THE SHERIFF
CONSOLIDATED CITY OF JACKSONVILLE
DUVAL COUNTY

501 EAST BAY STREET • JACKSONVILLE, FLORIDA 32202

MIKE WILLIAMS
SHERIFF

For Immediate Release

Public Information Office, (904) 630-2133

**Sheriff's Response to Inaccuracies in
Today's *Florida Times-Union* Article**

JACKSONVILLE, FL (January 12, 2018) - Several weeks ago, Sheriff Mike Williams asked the police legal advisor to perform a review of pedestrian citation statutes to develop a clear explanation of Florida Statutes as a framework for officers to follow in issuing such citations.

Florida Times-Union (TU): "The Jacksonville City Council president and other local lawmakers have called for suspending the issuing of pedestrian tickets in the wake of a state attorney's office bulletin, the substance of which suggests that hundreds of tickets had been issued in error in recent years."

Sheriff Mike Williams:

1. ***Inaccuracy:*** *The bulletin factually is not a "state attorney's office bulletin." It is a bulletin issued by the Sheriff to his officers.*
2. ***Inaccuracy:*** *The legal position drafted by the police legal advisor specifically did not include a review of past citations issued; instead it cut-and-pasted the precise legal requirements of the Florida statutes.*
3. ***Inaccuracy:*** *The writing by the Times-Union implies that an analysis of past citations was performed. This is factually incorrect.*
4. ***Clarification:*** *The reporters, Ben Conarck, Mary Kelli Palka (TU) and Topher Sanders (ProPublica) were specifically told that the document was not issued by the State Attorney but rather was a legal framework requested by the Sheriff. The framing of this document as a "review" is intentionally misleading.*

TU: "Jacksonville Assistant State Attorney Andrew Kantor on Tuesday issued a bulletin to the Jacksonville Sheriff's Office detailing the proper enforcement of Florida's pedestrian statutes — a document that supports a recent Times-Union/ProPublica analysis showing police have been issuing certain crosswalk violations in error, ticketing hundreds of pedestrians for failing to cross at formal intersections even when no such option was readily available."

Sheriff:

5. ***Inaccuracy:*** *While Andrew Kantor is an Assistant State Attorney, he serves as the full-time legal advisor to the Jacksonville Sheriff's Office. The Times-Union/ProPublica wording suggests that the State Attorney's office has performed a review of past citations, which assertion is factually incorrect.*

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6. **Inaccuracy:** Assistant State Attorney did not issue a bulletin. The Sheriff issued a bulletin including Attorney Kantor's exposition of Florida Statutes.
7. **Clarification:** Prior to publication, Ben Conarck (TU), Mary Kelli Palka (TU) and Topher Sanders (ProPublica) were specifically advised of the Sheriff's request for such a legal review to be performed.
8. **Inaccuracy:** The Times-Union and ProPublica continue to assume that citations were issued in error without any finding by any competent authority to that effect.

TU: " 'I'd like to make sure that we are enforcing the laws appropriately,'" City Council President Anna Brosche said shortly after being made aware of the state attorney's bulletin. "I do support a pause to make sure that everything is being enforced that should be.' "

Sheriff:

9. **Clarification:** In a telephone conversation with the Sheriff, the Council President said that she had been contacted by the reporters who told her that an "analysis" by the State Attorney showed that pedestrian citations were issued in error.
10. **Inaccuracy:** again, there was no "analysis" of citations by the State Attorney. There was a review of Florida Statutes by the police legal advisor at the Sheriff's request.

TU: "The Times-Union/ProPublica analysis published late last year found that more than 300 tickets over the last five years for pedestrians crossing streets outside a crosswalk resulted from mistaken interpretations of the applicable statute — errors that resulted in unwarranted fines and suspensions of people's driver's licenses."

Sheriff:

11. **Inaccuracy:** Again, the Times-Union and ProPublica continue to assume that citations were issued in error without any finding by any competent authority to that effect.

TU: "While the statute bars pedestrians from crossing streets outside formal crosswalks when they are 'between adjacent intersections at which traffic control signals are in operation,' officers nonetheless issued scores of tickets to people who had no reasonable access to such intersections. In short, people were being punished for failing to avail themselves of safety features that weren't easily accessible."

Sheriff:

12. **Inaccuracy:** There is no objective evidence that "people were being punished for failing to avail themselves of safety features that weren't easily accessible." The Florida Times-Union/ProPublica reporting has offered not one instance in which that is the case.

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TU: “During the Times-Union’s and ProPublica’s reporting on the tickets last fall, the Jacksonville Sheriff’s Office said it would seek guidance on pedestrian statute enforcement from the local state attorney. Kantor’s bulletin was his answer to the sheriff’s request. The office did not examine the tickets identified by the Times-Union and ProPublica, and the bulletin does not refer to the Times-Union/ProPublica findings.”

Sheriff:

13. Inaccuracy: The last sentence above specifically contradicts the reporters’ assertions that (a) the State Attorney performed an analysis and (b) that such analysis had confirmed the reporters’ positions.

14. Clarification: Prior to publication, Ben Conarck (TU), Mary Kelli Palka (TU) and Topher Sanders (ProPublica) were specifically advised of the Sheriff’s request for such a legal review to be performed.

TU: “It is unclear what steps, if any, Sheriff Mike Williams will now take. In an interview Thursday evening, Patrick Ivey, the sheriff’s office second in command, maintained that the state attorney’s position was not a legally binding opinion. Ivey added that the state attorney’s review would not retroactively apply to tickets already issued by sheriff’s officers.”

Sheriff:

15. Clarification: The explanation by the police legal advisor is not a binding legal opinion, it is a guidance document requested by the Sheriff for his officers.

TU: “Brosche’s call to temporarily halt all pedestrian ticket writing echoed similar calls by several other council members, as well as the Jacksonville public defender.

‘I applaud the Sheriff for seeking guidance from the State Attorney’s Office so that we can clarify the rights and responsibilities of motorists and pedestrians, not only for those charged with enforcement, but also for pedestrians and motorists themselves,’ said Lori Boyer, a senior council member who has led a variety of efforts aimed at improving Jacksonville’s pedestrian safety record. ‘This guidance now gives us an opportunity to correctly educate everyone in our city about the proper use of our roadways. It is a big step in the right direction.’

Of the 17 other City Council members, six said they are in favor of suspending pedestrian ticketing. Those members are Matt Schellenberg, Katrina Brown, Garrett Dennis, Reginald Brown, Joyce Morgan and Jim Love. Another five said they needed to review the state attorney’s legal bulletin, which Boyer’s office sent to all members. The remaining either couldn’t be reached or said they would need time to review the matter.”

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Sheriff:

16. **Clarification:** *Multiple telephone and in-person conversations have revealed the Council members had been contacted by the reporters who alleged that an “analysis” by the State Attorney showed that pedestrian citations were issued in error. That assertion is factually incorrect.*
17. **Query:** *Coverage by the Florida Times-Union/ProPublica seems to be urging a moratorium on the issuance of pedestrian citations. The use of the term “suspending” suggests that the suspension would be temporary, but temporary until ... when?*

TU: “A spokesperson for Mayor Lenny Curry said the mayor had not seen the state attorney’s bulletin.

‘While we welcome the opportunity to review the State Attorney’s report, please know that the mayor relies on Sheriff Williams, his team, and the State Attorney’s office for enforcement and prosecution decisions,’ said the spokesperson, Tia Ford. Ford did not say whether the mayor supported the idea of suspending ticketing temporarily.

Eboni Dekine, who had her driver’s license suspended after she failed to pay the fine for one of the erroneous citations in 2016, said people like her who didn’t pay the fines should have their records cleared and those who did pay the fines should have their money returned.

‘I’m glad that they were able to admit it and hope they do the right thing,’ Dekine, a mother of two who is still without her license, said in an interview Thursday.”

Sheriff:

18. **Clarification:** *Ms. Dekine failed to pay her citation and chose not to take her position to court. Her failure to respond was the cause of the suspension of her driver’s license. Suspension of her driver’s license is the outcome prescribed under the Florida Statutes.*

TU: “The Times-Union and ProPublica have identified 132 instances in which erroneous tickets led to driver’s license suspensions.”

Sheriff:

19. *The repetition of the word “erroneous” is problematic journalistically. There is no competent authority who has found the issuance of any citation to be “erroneous.”*

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TU: “The flawed crosswalk tickets are not limited to Jacksonville, according to a Times-Union-ProPublica review of pedestrian tickets statewide. The Times-Union and ProPublica reviewed more than 2,600 such tickets throughout the state, and determined that at least 60 percent of them were given in error. Law enforcement agencies in Broward, Dade, Hillsborough and Orange counties all issued erroneous tickets to pedestrians.”

Sheriff:

20. ***Clarification:*** *There is no explanation of the reporters’ methodology in assessing these statistics with other jurisdictions or with Duval County.*
21. ***Inaccuracy:*** *There has been no factual basis established that the pedestrian citations – not all of which are “crosswalk tickets” – has been “flawed.” The continuing assertions of such by two reporters does not make it so.*

“Billy Hattaway, considered by many to be the state’s top expert on pedestrian safety and enforcement, was not surprised by the Jacksonville Sheriff’s Office’s confusion when asked by reporters last year. He said there is widespread lack of understanding about the statutes statewide — among officers, citizens and legislators. He said many of the pedestrian statutes need to be rewritten.”

Sheriff:

22. ***Clarification:*** *There is no factual predicate in the article as to Mr. Hattaway’s credentials in assessing the actions of law enforcement. Moreover, Mr. Hattaway has no particular standing in understanding urban law enforcement in Duval County.*
23. ***Inaccuracy:*** *The use of the word “confusion” – apparently inserted by the reporters – is biased and misleading. The Sheriff requested a legal memorandum to ensure that there was clarity for officers in issuing pedestrian citations. Apparently the desire to ensure clarity is being characterized as “confusion” by the reporters.*

TU: “The Times-Union/ProPublica examination of pedestrian tickets in Jacksonville found that the sheriff’s office issued hundreds a year, a disproportionate number of them going to blacks. Indeed, all categories of pedestrian tickets — typically costing \$65, and given for jaywalking, walking on the wrong side of the road, crossing the street at other than a right angle, and other violations — were disproportionately issued to blacks, almost all of them in the city’s poorest neighborhoods. In the last five years, blacks received 55 percent of all pedestrian tickets in and around Jacksonville, while only accounting for 29 percent of the population.”

Sheriff:

24. ***Inaccuracy:*** *The Times-Union/ProPublica analysis continues to isolate one demographic element – race – while ignoring age, gender, economic status, education level, or national origin.*
25. ***Clarification:*** *Citations are issued based on behavior, not on demographics.*

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TU: “The crosswalk statute accounts for more tickets in Duval County than any other. Of the more than 300 bad tickets issued for crosswalk violations, 48 percent of them went to blacks.”

Sheriff:

26. ***Inaccuracy:*** *On average, 80,000 to 90,000 citations are issued by the Jacksonville Sheriff's Office. Of those, approximately 400 of these annually are issued for pedestrian violations. The argument that the Times-Union/ProPublica makes actually concerns less than one-half of one percent of all citations issued.*
27. ***Inaccuracy:*** *The Times-Union/ProPublica coverage continues to assume that there are “bad tickets” while there is no factual basis shown that anyone cited was not – at the time of the citation – violating the law.*

TU: “Williams has maintained that his office’s enforcement of pedestrian statutes does not target blacks. His office has insisted that blacks have simply violated the statutes in greater numbers than others. But Williams’ office said it would not discuss the Times-Union/ProPublica findings in greater detail until the state attorney had done his review. His office added that anyone who felt they were issued a ticket in error could contest the matter in court.”

Sheriff:

28. ***Inaccuracy:*** *The State Attorney has not performed a review. The police legal advisor has provided a legal framework – requested by the Sheriff – to guide officers in their sworn duty to enforce Florida Statutes.*
29. ***Inaccuracy:*** *The Sheriff and his leadership team have had multiple, in-depth conversations with the reporters from the Florida Times-Union and ProPublica. To state that he would not “discuss the ... findings in greater detail” is factually incorrect and misleading to readers.*
30. ***Clarification:*** *Prior to publication, Ben Conarck (TU), Mary Kelli Palka (TU) and Topher Sanders (ProPublica) were specifically advised of the Sheriff's request for such a legal review to be performed.*

TU: “The analysis by the Times-Union and ProPublica sparked upset among a number of local legislators and civil rights leaders. There have been calls to suspend the issuing of pedestrian tickets and some moves toward enacting legislation to limit the impact of such tickets on recipients’ driver’s licenses. One meeting of the City Council late last year was consumed by angry testimony about the ticketing effort.”

31. ***Grammatical Error:*** *“analysis” doesn’t “spark” “upset.”*

TU: “The Sheriff’s Office has said the ticketing is designed to protect lives in a city that is notoriously unsafe for pedestrians. Yet the Times-Union/ProPublica analysis showed there was no great correlation between where tickets were being written and where pedestrian deaths were occurring.”

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Sheriff:

32. Facts: *(a) Jacksonville has consistently led the state in pedestrian fatalities, (b) statistically, one pedestrian is involved in a crash every day in Jacksonville, and (c) one in four traffic deaths in Jacksonville involve a pedestrian.*

TU: “Ben Frazier of the Northside Coalition, a community advocacy group, seemed grateful for the state attorney’s interpretation, but also repeated his call for a halt to ticketing.

‘The Northside Coalition is renewing its call for the Sheriff to impose a moratorium on the writing of pedestrian tickets,’ Frazier said in a statement. He added, ‘We are now asking the Mayor and the City Council to hold the sheriff accountable. The sheriff should be called before the council to explain why he is still allowing the civil rights of black residents to be violated.’

Jacksonville’s public defender, Charlie Cofer, said he welcomed the legal review by the state attorney’s office, saying it was consistent with his interpretation of the law, which he first voiced in November. Cofer said he too now believes that the sheriff’s office should stop writing pedestrian tickets and pause to examine the effects of the enforcement on the city’s more marginalized communities.”

Sheriff:

33. Inaccuracy: *The Times-Union/ProPublica continues erroneously to assert that a “legal review” has taken place. To reiterate, the Sheriff asked the police legal advisor for a legal framework that officers could follow. That is all that has occurred.*

34. Clarification: *Prior to publication, Ben Conarck (TU), Mary Kelli Palka (TU) and Topher Sanders (ProPublica) were specifically advised of the Sheriff’s request for such a legal review to be performed.*

TU: “Cofer said the disproportionate ticketing in poorer neighborhoods ‘creates a perception within that community that they are being treated differently by law enforcement.’ ”

Sheriff:

35. Clarification: *Inaccurate and biased coverage by The Florida Times-Union and ProPublica has created a false impression and does a disservice to readers and citizens.*

TU: “ ‘That is something I think that law enforcement has to consider,’ Cofer said. ‘There are other collateral consequences of using statutes like this.’ ”

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