

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA

CASE NO.

RABBI YEDIDYA S. COHEN,

Plaintiff,

v.

① PALM BEACH COUNTY SHERIFF'S OFFICE and
② RHONDA G. VICKERS, Public Records Officer,

Defendant.

50 2010 CA 005689 XXXX MB

AG

MOTION TO COMPEL INSPECTION OF
PUBLIC RECORDS AND ATTORNEY'S FEES AND COSTS PURSUANT TO
FLORIDA STATUTE 119.107 AND 119.102

COMES NOW, the Plaintiff, RABBI YEDIDYA S. COHEN, by and through undersigned counsel, hereby sues the Defendant, PALM BEACH COUNTY SHERIFF'S OFFICE and RHONDA G. VICKERS, Public Records Officer, for unlawful failure to permit a public record to be inspected or copied and for Attorney's Fees and Costs pursuant to Florida Statute 119.107 and 119.102 and as grounds states as follows:

FACTS

1. Rabbi Cohen is a Cantor and Rabbi in Boynton Beach.
2. On October 29, 2009, the Rabbi was arrested by the Delray Beach Police Department for driving without a license, a traffic misdemeanor. While in custody of the Palm Beach County Jail, Sheriff Officers forced Rabbi Cohen to strip in front of a woman correctional official in violation of his Constitutional Rights and Palm Beach County's Correctional Procedures, Cop 917.11 (2)(c).

3. On December 31, 2009 the Plaintiff served a Public Records Law Request to produce a copy of the strip search incident report pursuant to the Palm Beach County Sheriff's Procedure COP917.11 2C. (Exhibit "A")

"Strip searches will be documented in one of the following methods: 1. Incident Report, 2. Chronological; 3. Any other form of documentation as approved by the shift supervisor.

4. RHONDA G. VICKERS is the Public Records/Risk Manager for the Palm Beach County Sherriff's Office.

5. By letter dated February 11, 2010 counsel for the Sheriff's Office has refused to produce the Incident Report for the strip search. (Exhibit "B")

6. Accordingly, it is necessary to bring this Complaint to compel production and for attorney's fees and costs.

7. Florida Statute §119.07 provides that "every person in custody of a public record shall permit the record to be copied by any person desiring to do so, at any reasonable time, under reasonable supervision by the custodian of the public records."

8. The Incident Report of the strip search does not fall within any exception.

9. The criminal case against Rabbi Cohen has been closed with a complete dismissal of all traffic charges.

10. Florida Statute §119.12 provides for attorney's fees for non compliance. If the court determines that such agency unlawfully refused to permit documents to be inspected or copied the court shall assess and award, against the agency responsible, reasonable cost of enforcement, including reasonable attorney's fees.

11. The Sheriff has unreasonably refused to produce the strip search incident report.

12. Florida Statutes 119.10 provides that public officers who violate any provision of this Chapter commits a noncriminal interaction, punishable by fine not exceeding \$500.00.

WHEREFORE, the Plaintiff seeks an Order compelling production of the records and for attorney's fees and costs.

DATED this 1 day of March, 2016.

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