

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 18-08882**



FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
INVESTIGATIVE ASSIST SUMMARY REPORT



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Case Number: 18-08882

OIG Inspector: Inspector Jared Dewey

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Terrance Tyler

Date Assigned or Initiated: 05/18/2018

Complaint Against: Inmate Joe Brown DC#808163

Location of Incident – Institution/Facility/Office: Madison Correctional Institution

Complainant: Captain Christopher Terry

Outside Agency Case #: TL-37-0079

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Death Investigation - Undetermined

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Chief Inspector General Case Number: N/A



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I. AUTHORITY

The Florida Department of Corrections, Office of the Inspector General, by designation of the Secretary and § 944.31, Florida Statutes, is authorized to conduct any criminal investigation that occurs on property owned or leased by the department or involves matters over which the department has jurisdiction.

The testimony references included in this report are summations of oral or written statements provided to inspectors. Statements contained herein do not necessarily represent complete or certified transcribed testimony, except as noted. Unless specifically indicated otherwise, all interviews with witnesses, complainants, and subjects were audio or video recorded.

II. METHODOLOGY

The investigation reviewed the derivations of the allegation advanced by the complainant. The scope of this investigation does not seek to specifically address tort(s), but violations of criminal statutes. The criterion used to evaluate each contention or allegation was limited to the following standard of analysis:

1. Did the subject's action or behavior violate Florida criminal statutes?

III. ANALYSIS

The standard and analysis in this investigation is predicated with the burden of proving any violation of law, established by probable cause. The evidence considered for analysis is confined to the facts and allegations stated or reasonably implied. The actions or behavior of the subject are presumed to be lawful and in compliance with the applicable Florida law, unless probable cause indicates the contrary.



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IV. DEFINITIONS

Unfounded:

Refers to a disposition of a criminal case for which probable cause does not exist to suggest the suspect's behavior or action occurred nor is an arrest or formal charge being initiated.

Closed by Arrest:

Refers to a disposition of a criminal case for which probable cause exists that an identified subject committed the offense and one for which an arrest or formal prosecution has been initiated.

Exceptionally Cleared:

Refers to a disposition of a criminal case for which probable cause exists that an identified suspect committed the offense, but one for which an arrest or formal charge is not initiated, or in the case of a death investigation, one for which no evidence exists that the death was the result of a crime or neglect.

Open-Inactive:

Refers to a disposition of a criminal case for which a criminal investigation commenced, but where evidence is insufficient to close as unfounded, closed by arrest, or exceptionally cleared.

Investigative Assist Closed

Refers to a disposition of an investigative assist, where the conduct being investigated by the outside agency did not concern allegations against a Department employee, contractor, inmate, offender, or other person either employed or under the supervision of the Department.



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V. PREDICATE

On May 16, 2018 Inspector Supervisor Joey Aretino notified Inspector Jared Dewey (*Inspector Dewey*) of the death of an inmate at Madison Correctional Institution (*MCI*). Upon arrival at MCI, Inspectors Dewey and Kevin Stout (*Inspector Stout*) contacted Lieutenant Ramon Dansey (*LT Dansey*) who informed Inspector Dewey that Inmate Joe Brown DC #808163 (*Inmate Brown*) was found [REDACTED] the bathroom floor in I-Dorm. Inmate Brown and two other inmates, Michael Kulesza DC #R56804 (*Inmate Kulesza*) and Hubert Townsend DC #109378 (*Inmate Townsend*) were also [REDACTED]. Inmate Brown was taken [REDACTED] he was pronounced dead. Inmates Kulesza and Townsend [REDACTED] were taken to confinement.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

Based on the exhibits, witnesses' testimony, subject officer's statements, and the record as a whole, presented or available to the primary inspector, the following findings of facts were determined:

FDLE Special Agent Terrance Tyler (*SA Tyler*) responded to lead the investigation.

The fixed wing video of [REDACTED] Dorm was reviewed and indicates the following:

Inmate Brown speaks to an unknown inmate in the dayroom. Inmate Brown goes to a bunk then to the bathroom. Inmate Brown was found [REDACTED] by the dorm officer shortly thereafter.

Copies of this video were provided to SA Tyler and attached to this report.

There was nothing observed on the fixed wing video [REDACTED] were observed on Inmate Brown to indicate any physical altercation occurred. According to both witnesses, there was no physical altercation in the bathroom either.

Inmates Kulesza and Townsend were interviewed by SA Tyler and acknowledged the use of "K2" by all three inmates during this incident. A small amount of "K2", as admitted by Inmate Kulesza, was found on Inmate Kulesza during a pat search after this incident. This "K2" was turned over to Captain Christopher Terry (*CPT Terry*) per SA Tyler.

CPT Terry notified Archer Funeral Home to collect the deceased. The institution chaplain attempted to contact the next of kin.

At 1740 hours North Central Florida Removal Service departed MCI with the body of Inmate Brown.

On November 7, 2018, SA Tyler provide a copy of his report which documented the following:

District Two Medical Examiner Dr Lisa Flannagan performed the autopsy on inmate Brown on May 17, 2018. On September 12, 2018, SA Tyler received a copy of the autopsy report on inmate Joe Brown. Dr. Flannagan listed the cause of death as Undetermined [REDACTED].



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A copy of SA Tyler's report is attached to this report.

No Criminal or Administrative violations were discovered during this investigation.

VII. CHARGES

List alleged violations of Florida Law:

1. N/A

VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of Inspector Jared Dewey this investigation be termed as follows:

1. Exceptionally Cleared