

Florida Department of Corrections



Office of the Inspector General

CRIMINAL INVESTIGATION

Case # 18-07932



FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
CASE SUMMARY REPORT



Table of Contents

| | |
|---|----------|
| I. AUTHORITY | 4 |
| II. METHODOLOGY..... | 4 |
| III. ANALYSIS..... | 4 |
| IV. DEFINITIONS | 5 |
| V. PREDICATE | 6 |
| VI. SUMMARY OF INVESTIGATIVE FINDINGS..... | 6 |
| VII. CHARGES..... | 7 |
| VIII. CONCLUSION..... | 7 |



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CASE SUMMARY REPORT



Case Number: 18-07932

Inspector: Inspector William McAlinden

Date Assigned or Initiated: May 1, 2018

Complaint Against: N/A

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

Complainant: Inmate Shane Whittenberg

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Death Investigation/Suicide

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Equal Employment Opportunity 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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CASE SUMMARY REPORT



IV. DEFINITIONS

Unfounded:

Refers to a disposition of a criminal case for which a preponderance of the evidence exists to suggest the suspect's alleged behavior or action did not occur.

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.



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CASE SUMMARY REPORT



V. PREDICATE

On May 1, 2018, Inspector William McAlinden was notified by Inspector Supervisor David Allen of a deceased inmate (Shane Wittenberg) at Graceville Correctional Facility being located following the decedent's cellmate calling for assistance. Inmate Wittenberg was located inside of his assigned cell [REDACTED]. Inmate Wittenberg was announced deceased [REDACTED] at the prison. Inspector McAlinden responded to Graceville Correctional Facility and assisted the Florida Department of Law Enforcement with a criminal investigation.

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:

Summarize Event Timeline of Initial Callout

- On May 1, 2018, at 10:31 p.m. Inspector McAlinden was notified of the incident by Inspector Supervisor Allen.
- Inspector Supervisor Allen notified the Florida Department of Law Enforcement at 10:33 p.m.
- At 11:52 p.m. Inspector McAlinden arrived at Graceville Correctional Facility.
- 12:06 a.m. Special Agent Chad Dickson and Special Agent Travis Lawson arrive at Graceville Correctional Facility.
- 12:41 a.m. SA Dickson, SA Lawson and Inspector McAlinden conduct an initial inspection of cell B2110 (Inmate Wittenberg's cell/crime scene). Inspector McAlinden photographed the cell.
- 12:50 a.m. Whit Majors with the Medical Examiner's Office was notified.
- 12:52 a.m. the person of Inmate Wittenberg [REDACTED]
[REDACTED] Inspector McAlinden photographed Inmate Wittenberg.
- 12:54 FDLE conducted interviews of [REDACTED] that were present while Inspector McAlinden gathered Inmate Wittenberg's [REDACTED]
- 1:25 a.m. FDLE conducted interviews of security staff members that responded to the scene. A summary of the information provided in the interview is as follows: Following master roster count, Inmate Abel Marcelo (Inmate Wittenberg's cellmate), pressed the in cell call button. Upon security staff checking on the cell, security staff observed Inmate Wittenberg [REDACTED]
[REDACTED] Inmate Wittenberg [REDACTED]
[REDACTED] at Graceville Correctional Facility where he was announced to be deceased [REDACTED]
[REDACTED] that responded. [REDACTED] Inmate Wittenberg reportedly indicated to security staff [REDACTED]
- 2:00 a.m. Whit Majors with the Medical Examiner's Office arrived.
- 2:20 a.m. Mr. Majors photographs the scene.
- 2:42 a.m. Mr. Majors examines and photographs the body of Inmate Wittenberg.
- 3:10 a.m. Mr. Majors departs the facility with Inmate Wittenberg.
- 3:20 a.m. FDLE conducts an interview of Inmate Marcelo.
- 3:34 a.m. the scene was released by FDLE



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- 4:05 a.m. FDLE and Inspector McAlinden depart the facility.

Review of FDLE Report

On August 14, 2018, Inspector William McAlinden received a copy of the closing incident report to FDLE Special Agent Charles Dickson's case involving this incident. SA Dickson's report indicates Medical Examiner Jay Radtke determined the manner of death was a suicide which was consistent with the investigation conducted by FDLE as well as the investigation conducted by Inspector McAlinden.

No violations of Florida Administrative Code or Florida Department of Corrections policy were noted during this investigation

VII. CHARGES

There were no criminal charges in this incident. Doctor Radtke ruled Inmate Wittenberg's death was a result of a suicide.

VIII. CONCLUSION

Based on the information gathered during FDLE Special Agent Charles Dickson's investigation, it is the recommendation of Inspector William McAlinden that the death of Inmate Wittenberg be termed as follows:

- **Exceptionally Cleared**