

# Florida Department of Corrections



## Office of the Inspector General

**CRIMINAL INVESTIGATION**

**Case # 13-5172**

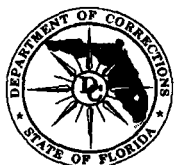


FLORIDA DEPARTMENT OF CORRECTIONS  
OFFICE OF THE INSPECTOR GENERAL  
**CASE SUMMARY REPORT**



**Table of Contents**

<b><u>I. AUTHORITY</u></b>	<b>4</b>
<b><u>II. METHODOLOGY</u></b>	<b>4</b>
<b><u>III. ANALYSIS</u></b>	<b>4</b>
<b><u>IV. DEFINITIONS</u></b>	<b>5</b>
<b><u>V. PREDICATE</u></b>	<b>6</b>
<b><u>VI. SUMMARY OF INVESTIGATIVE FINDINGS</u></b>	<b>6</b>
<b><u>VII. CHARGES</u></b>	<b>7</b>
<b><u>VIII. CONCLUSION</u></b>	<b>7</b>



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



**Case Number:** 13-5172

**Inspector:** Inspector Kenneth Smith

**Date Assigned or Initiated:** 05-21-2013

**Complaint Against:** Inmate Earl Rowe DC#192144

**Complainant:** Officer Derrick Mitchell

**Use of Force Number:** N/A

**Charges:** N/A

**Confidential Medical Information**  
**included:**  Yes  No

**Whistle-Blower Investigation:**  Yes  No

**Chief Inspector General Case Number:**



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



**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.



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



**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.



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



**V. PREDICATE**

Correctional Officer Derrick Mitchell reports that while he and Sergeant Gregory Chambers., both assigned to Florida State Prison, where conducting a security check, they approached cell Q2303S, which houses Inmate Earl Rowe DC#192144. Officer Mitchell observed that Inmate Rowe had a sheet tied around his neck. Sergeant Chambers notified the control room and activated the response team. Lieutenant Dennis Cauwenberghs opened the cell door and Lieutenant Keith Musselman cut the sheet from around Inmate Rowe's neck. Lieutenant Musselman immediately [REDACTED] Inmate Rowe was [REDACTED] until approximately 11:22 AM when Inmate Rowe was pronounced deceased. This information was reported in MINS on May 20, 2013, and assigned for investigation to Inspector Kenneth Smith on May 21, 2013.

**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:

On May 20, 2013, at approximately 10:35 AM, Officer Derrick Mitchell and Sergeant Gregory Chamber where conducting a security check on the third floor of Q-wing and discovered Inmate Earl Rowe hanging in his assigned cell with a bed sheet that was tied around his neck and to the top of the cell bars that was covered by expanded metal. Sergeant Chambers call for assistance and Lieutenant Keith Musselman and Lieutenant Dennis Cauwenberghs arrived. Once the keys to the cell and ligature cutters where retrieved [REDACTED] Lieutenants Musselman and Cauwenberghs entered the cell. Lieutenant Cauwenberghs held up Inmate Rowe while Lieutenant Musselman cut the bed sheet that was tied around Inmate Rowe's neck. Inmate Rowe was lowered to the floor then moved outside of the cell so that [REDACTED] Inmate Rowe was [REDACTED] where he was pronounced deceased so time later.

A review of the fixed wing video and the housing log revealed that all appropriate security checks where made [REDACTED]

In the Medical Examiners Report submitted on June 28, 2013, Doctor William Hamilton listed the cause of death for Inmate Rowe [REDACTED]

**VII. CHARGES**

List alleged violations of Florida Law:

1. N/A



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



**VIII. CONCLUSION**

Based on the information gathered during this investigation, it is the recommendation of Inspector Kenneth Smith that this case be termed as follows:

1. Exceptionally Cleared.