

# Florida Department of Corrections



## Office of the Inspector General

### ADMINISTRATIVE INVESTIGATION

Case # 13-146



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



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**Case Number:** 13-146

**Inspector:** Senior Inspector Marrell Cercy

**Date Assigned or Initiated:** 01-08-2013

**Complaint Against:** Inmate Jesus Delgado

**Complainant:** Sergeant Bruce Briggs

**Use of Force Number:**

**Classification of Incident:** ██████████

**Confidential Medical Information Included:**  Yes  No

**Whistle-Blower Investigation:**  Yes  No

**Equal Employment Opportunity Investigation:**  Yes  No

**Chief Inspector General Case Number:**



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**I. AUTHORITY**

The Florida Department of Corrections, Office of the Inspector General, is authorized to conduct internal affairs investigations pursuant to § 20.055 and 944.31, Florida Statutes.

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, Florida administrative rules or department policies/procedures. 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?
2. Did the subject's action or behavior violate Florida Administrative Rules?
3. Did the subject's action or behavior violate policy or procedure?
4. Did the subject manifest action that was contrary to past precedence, which was known to management?

**III. ANALYSIS**

The standard and analysis in this investigation is predicated with the burden of proving any violation of law, policy or rule by a preponderance of evidence. 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 policies and rules, unless by a preponderance of evidence indicates the contrary.



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**IV. DEFINITIONS**

**Exonerated:**

The preponderance of evidence reasonably supports facts which suggest the subject's behavior or action did occur and was consistent with law, policy or rule.

**Policy Deficiency:**

The preponderance of evidence suggests the subject's behavior or action did occur and was appropriate, or was not morally correct, but is not addressed by Department procedure, rule, or other authority.

**Not-Sustained:**

The preponderance of evidence does not reasonably establish the subject's behavior or action either complied with or violated or was contrary to Department procedure, rule, or other authority.

**Sustained:**

The preponderance of evidence exists to reasonably suggest the subject's behavior or action did occur and was contrary to a Department procedure, rule, or other authority.



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**V. PREDICATE**

On January 5, 2013 at [REDACTED], while at Union Correctional Institution (UCI), Sergeant Bruce Briggs and Officer Jay Danter were conducting a formal count on 2 South, Wing 4. Upon approaching cell P4-2-16, which houses Inmate Jesus Delgado, Sergeant Briggs and Officer Danter observed Inmate Delgado hanging in his cell with a ligature around his neck and tied to the cell bars. Officer Danter retrieved the ligature tool and Sergeant Briggs cut the ligature. Sergeant Briggs and Officer Danter breached the cell and [REDACTED] until Inmate Delgado was [REDACTED] and [REDACTED]. Inmate Delgado was pronounced deceased at 12:45am by [REDACTED].

This incident was reported via MINS to the Office of the Inspector General on January 5, 2013, and assigned as a criminal investigation to Senior Inspector Marrell Cercy on January 8, 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 January 5, 2013 Sergeant Briggs and Officer Danter were conducting formal count in P-dormitory at approximately [REDACTED]. Upon approaching Inmate Delgado's cell, Sergeant Briggs and Officer Danter observed Inmate Delgado with a ligature around his neck and tied to the cell bars. Officer Danter retrieved the ligature tool, and he and Sergeant Briggs cut the ligature and assisted Inmate Delgado to the floor where [REDACTED] arrived, and Inmate Delgado was [REDACTED] and [REDACTED] contacted the on-call physician, [REDACTED] who pronounced Inmate Delgado deceased at 12:45 a.m.

Inmate Delgado left a note behind requesting his money be sent to his mother. A letter from Inmate Delgado dated December 25, 2012, to his girlfriend, Ms. Sandra Schumacher-Muller was recovered. The letter was telling Ms. Schumacher-Muller, he was returning letters and pictures to her [REDACTED]. A letter from Inmate Delgado to Ms. Schumacher-Muller dated December 9, 2012, was discovered where she indicates [REDACTED].

On January 7, 2013, an autopsy was conducted by Medical Examiner Doctor William Hamilton. Dr. Hamilton preliminary assessment of Inmate Delgado was that his death [REDACTED].



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**VII. VIOLATIONS**

List alleged violations of (Florida Law, Florida Administrative Rule or Department of Correction's Policy/Procedure):

**33-602.112 Inmate Death Notification Process.**

(1) Notice of Death. Upon the death of an inmate while in the custody of the department:

**VIII. CONCLUSION**

Based on the information gathered during this investigation, it is the recommendation of Senior Inspector Marrell Cercy, this case be closed as [REDACTED]. There are no indications that a criminal act has taken place.

I, Inspector Marrell Cercy, do hereby swear or affirm, under penalty of perjury:

- That I have read the foregoing document and, to the best of my knowledge, information, and belief, the facts stated therein are true and accurate; and
- That, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in § 112.532 and 112.533, Florida Statutes.