

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 15-25624**



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



Table of Contents

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



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



Case Number: 15-25624

OIG Inspector: Senior Inspector E. J. Whatley

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent C. J. Whiteside

Date Assigned or Initiated: 11-03-2015

Complaint Against: N/A

Location of Incident – Institution/Facility/Office: Florida State Prison

Complainant: Officer Charles Nosbisch

Outside Agency Case #: JA-73-1640

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death (*Undermined*)

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Chief Inspector General Case Number: N/A



FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
INVESTIGATIVE ASSIST 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
INVESTIGATIVE ASSIST 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.

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.



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



V. PREDICATE

On November 01, 2015, Inmate Brandon Current #K69629 was pronounced deceased by [REDACTED] John East at the direction of [REDACTED] Peter Gianas at Florida State Prison in Raiford, Florida. FDLE (*Florida Department of Law Enforcement*) was informed of the death and responded. MINS (*Management Information Notes System*) #658094 was entered and assigned as an agency assist to Senior Inspector E. J. Whatley on November 03, 2015.

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:

This case is an investigative assist with FDLE (*Florida Department of Law Enforcement*), being the lead investigative agency.

On November 1, 2015, I (*Senior Inspector E. J. Whatley*) was dispatched to Florida State Prison in reference to the reported unattended death of Inmate Brandon Current DC#K69629. While en-route I was contacted by FDLE SAS (*Special Agent Supervisor*) Josh Mead, who stated he was also en-route to Florida State Prison along with two other FDLE agents and FDLE crime scene. Upon arrival I along with Mead, SA (*Special Agent*) C. J. Whiteside, SA Jeff Nordberg, FDLE Crime Scene Technician Jamey Williamson and Crime Scene Technician John Holmquist proceeded to the [REDACTED] area to view the body of Inmate Current. Sergeant Mark McKinney initiated a crime scene log and was present at the sealed door of the [REDACTED] area where the body of Current was located. Upon examining Current's body, he was observed to [REDACTED]. After FDLE Crime Scene Technicians photographed and viewed Current's body, the body was then released to the Gainesville Medical Examiner's Office. I along with the FDLE agents and Crime Scene Technicians preceded to L-Wing cell 1314 a single man inmate cell where Current was discovered [REDACTED]. Present outside the cell was Officer Patrick Williams who initiated a crime scene log. FDLE Crime Scene Technicians photographed the cell and processed the evidence for submission. Whiteside and Nordberg interviewed inmates in the general area of cell 1314. All officers in the area of the incident were interviewed by FDLE agents present. Inmate Current was pronounced deceased by [REDACTED] John East at the direction of [REDACTED] Peter Gianas at 12:43 a.m. on November 1, 2015.

Fixed wing video from [REDACTED] of Florida State Prison from 6:00 p.m. October 31, 2015, until 12:41 a.m. November 01, 2015, was reviewed. The time period reviewed revealed no one entering cell L-1314 until 12:11 a.m. on November 01, 2015, when officers entered the cell due to Inmate Brandon Current being [REDACTED]. At 12:16 a.m. Current was removed from his cell on a [REDACTED] with an officer [REDACTED] on him. While reviewing the video it appeared all security checks were being performed as per policy.

Handheld video was used to document the actions of the officers who entered Current's cell. From the time the video was started, Current was continuously videotaped until he was pronounced deceased by [REDACTED].



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



Incident reports were submitted by the following officers who responded or assisted with the incident involving Inmate Brandon Current. Lieutenant Willie Eady, Lieutenant Michael Shemer, Sergeant Mark McKinney, Sergeant Ronnie Morris, Sergeant Brandon Cauthen, Sergeant Eric Young, Officer Charles Nosbisch, Officer Patrick Williams, Officer Colin Williams, Officer Matthew Kurth, Officer Charles Allen, Officer Audrey Edgell, Officer Mark Hall, Officer James Gerow,

A review of Inmate Brandon Current's autopsy report submitted by Doctor William Hamilton, Chief Medical Examiner of the Gainesville Medical Examiner's Office revealed the probable cause of death was [REDACTED]. The manner of death is classified as Undetermined. The examination revealed Current [REDACTED]

A review of Inmate Brandon Current's [REDACTED] revealed on September 22, 2015, he was [REDACTED]. He began taking [REDACTED] September 23, 2015 and continued [REDACTED] until October 13, 2015. On October 13, 2015, Current's [REDACTED]. Based on information obtained from Current's [REDACTED] on October 14, 2015, [REDACTED]. He continued to [REDACTED] until his death on October 31, 2015. [REDACTED]

A report submitted by FDLE (*Florida Department of Law Enforcement*) Special Agent C. J. Whiteside on March 23, 2016, indicated all investigative activity has concluded. SA Whiteside provided a copy of the FDLE Investigative Report. SA Whiteside closed FDLE Case #JA-73-1640 indicating the final autopsy report is consistent with the investigation conducted by FDLE and the death was the result [REDACTED]. SA Whiteside's report was forwarded to and approved by FDLE Supervisor Josh Mead.

VII. CHARGES

N/A

VIII. CONCLUSION

Based on the information gathered during this investigation, it is the recommendation of Senior Inspector E. J. Whatley the death of Inmate Current be termed as follows:

1. Exceptionally Cleared
2. Investigative Assist Closed

Inspector Whatley reviewed the investigation completed by FDLE and no administrative issues were identified. However upon reviewing the fixed wing video administrative issues were identified. Inmate orderlies were observed cleaning the third floor of L-Wing, while the officers were on the second floor and not supervising the inmates, in violation of Post Order 11 Close Management Sergeant/Officer. Officer Mark Hall, Officer James Gerow and Officer Charles Nosbisch received written reprimands for violation of



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



Florida Administrative Code 33-208.002(3)(a) Conduct Unbecoming, 33-208.002(10) Negligence and Post Order Number 11 Close Management Sergeant/Officer.