



Florida Department Of Corrections
Office of the Inspector General
Report of Investigation
Paul C. Decker, Inspector General



Inspector General Case #: 08-42822

Facility: South Bay Correctional Facility

Classification of Incident: Inmate Death

Field Office/Region: Ft. Lauderdale / Region IV

Incident Date: November 7, 2008 **Time:** 0832 hours

Inspector: Carolyn Foster

Date of Report: April 9, 2009

Case Type: C-1

Check all that apply:

- Confidential Medical Information
- Prison Rape Elimination Act (PREA) Number (if applicable)
- Principal(s) Exhibits Attached
- Department of Corrections presented to State Attorney Declined Accepted
- Use of Force (UOF) Number (if applicable)
- Equal Employment Opportunity Commission (EEOC)
- Addendum
- Wing Video Camera(s) Present in the Area of Incident YES NO

SUMMARY OF ALLEGATIONS:

On November 7, 2008, at approximately 0832 hours, Correctional Officer Artis Hardwick noticed Inmate Dustin Osceola DC # 147441 lying on the top bunk in H-Dormitory, Wing 3 Cell 206 [REDACTED] South Bay Correctional Facility [REDACTED] Inmate Osceola was [REDACTED] Inmate Osceola was [REDACTED] he was pronounced dead at 0958 hours.

SUMMARY OF DISPOSITION/JUSTIFICATION FOR DOWNGRADE/EXONERATION:

Inmate Dustin Osceola DC # 147441 was taken to the Palm Beach County Medical Examiner's Office for autopsy. An Autopsy Report indicated the cause of Inmate Osceola's death was [REDACTED] Inmate Osceola had [REDACTED] The manner of death was listed as an accident. A Florida Certificate of Death is attached. **This investigation is now being handled by FDLE based upon the results of the autopsy of I/M Osceola. Agent Tony Martindale is the lead investigator. Senior Inspector Scott Thomas is the Liaison for the IG's office.**

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In an Incident Report dated November 7, 2008, Lieutenant Theron Poteat indicated the following:

On November 7, 2008, at approximately 0903 hours, Officer Artis Hardwick advised him that Inmate Dustin Osceola DC # L47441 [REDACTED]. He went to cell H3-206 where Inmate Osceola was assigned. He ordered Officer Hardwick to remove Inmate Tarig Wynter DC # L50001 from the cell. Once Inmate Wynter was removed, several attempts were made to get Inmate Osceola [REDACTED]. He immediately [REDACTED], Central Control and the Shift Supervisor via radio that an inmate [REDACTED] in H-Dormitory, Wing 3. Approximately 2-3 minutes later, [REDACTED] Inmate Osceola was [REDACTED]

(Exhibit A-2)

In an Incident Report dated November 7, 2008, Correctional Officer Gregory Lee indicated the following:

On November 7, 2008, at approximately 0910 hours after securing inmates on H-3 Confinement Recreation Court, he walked back inside of H-3. He responded to cell 206 to assist Officer Hardwick and Lieutenant Poteat with [REDACTED] Inmate Dustin Osceola DC # L47441 in H3-206. He escorted Inmate Tarig Wynter DC # L50001 from the cell and placed him in the shower to secure him while [REDACTED] Inmate Osceola. He observed Inmate Osceola [REDACTED]

(Exhibit A-3)

In an Incident Report dated November 7, 2008, Sergeant Eugene Grantlin indicated the following:

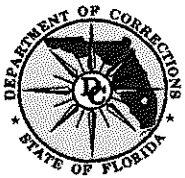
On November 7, 2008, at approximately 0845 hours, he was conducting Programs and Work Call Movement per Compound 1. At 0848 hours, Lieutenant Poteat entered H-Dormitory, Wing 3 to make confinement Rounds. During the movement at 0905 hours, he heard Lieutenant Poteat [REDACTED] on the compound radio advising Security 8 [REDACTED] inside Quad 3 cell 206U. Lieutenant Poteat [REDACTED] that Inmate Dustin Osceola DC # L47441 was lying on his bunk and [REDACTED]. He and Lieutenant Holloway entered the wing at 0907 hours. Colonel Wilds and [REDACTED] entered the wing at 0912 hours. He, Lieutenant Holloway, Lieutenant Poteat, Officer Hardwick and Sergeant Brown [REDACTED] Inmate Osceola and [REDACTED]. All staff members immediately left out of Wing 3 at 0913 hours with Inmate Osceola [REDACTED]

(Exhibit A-4)

In an Incident Report dated November 7, 2008, [REDACTED] indicated the following:

[REDACTED]

(Exhibit A-5)



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In an Incident Report dated November 7, 2008, [REDACTED] indicated the following:

[REDACTED]
[REDACTED] (Exhibit A-6)

In an Incident Report dated November 7, 2008, [REDACTED] indicated the following:

[REDACTED]
[REDACTED] (Exhibit A-7)

In an Incident Report dated November 7, 2008, [REDACTED] indicated the following:

[REDACTED]
[REDACTED] (Exhibit A-8)

In an Incident Report dated November 7, 2008, [REDACTED] indicated the following:

[REDACTED]
[REDACTED] (Exhibit A-9)

In an Incident Report dated November 7, 2008, [REDACTED] indicated the following:

[REDACTED]
[REDACTED] (Exhibit A-10)

In an Incident Report dated November 7, 2008, [REDACTED] indicated the following:

[REDACTED]
[REDACTED] (Exhibit A-11)



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In a Palm Beach County Sheriff's Office Offense Report dated November 7, 2008, Deputy Sheriff Tariq Anderson indicated the following:

On Friday, November 7, 2008, at approximately 0925 hours, he was dispatched to 600 US 27 South, South Bay, Florida in reference [REDACTED]. He entered through the west side and observed [REDACTED] the inmate, later identified as Dustin Osceola. The inmate was [REDACTED] he was pronounced dead at approximately 0958 hours.

Later he met and spoke with Captain Foster. Captain Foster stated while in her office, she received a phone call from Colonel Wilds in reference to [REDACTED] inmate. The inmate's cell was secured. He waited at the facility for Crime Scene and the Detectives to arrive. This case is being turned over to the Detective Bureau. **(Exhibit A-12)**

In a Palm Beach County Sheriff's Office Offense Report dated December 5, 2008, Deputy Sheriff E. Mayo indicated the following:

On December 5, 2008, he responded to 600 US 27 South, South Bay, Florida in reference to picking up a video for VCD Detective Smith. He arrived and retrieved the video CD from the front desk and placed in into PBSO evidence under this case number. This ends his involvement with this case.

(Exhibit A-13)

In an Office of the District Medical Examiner Report dated January 6, 2009, Gertrude Juste indicated the following:

The cause of Inmate Osceola's death was [REDACTED] Inmate Osceola had [REDACTED] The manner of death was listed as an accident.

(Exhibit A-14)

A Florida Certificate of Death dated January 19, 2009 indicated the following:

The cause of Inmate Osceola's death [REDACTED] **(Exhibit A-15)**

A check of Inmate Dustin Osceola's [REDACTED] indicated [REDACTED]

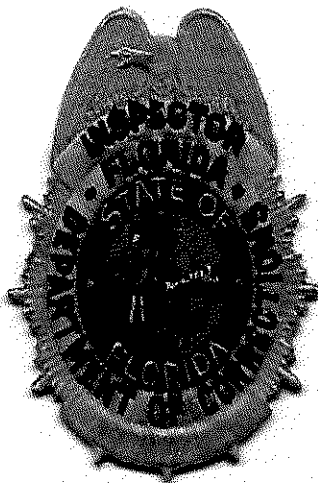


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“I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss.112.532 and 112.533, Florida Statutes.”

“Furthermore, under penalties of perjury, I declare I have read the foregoing report and the contents of the report are true and accurate based upon my personal knowledge, information, and belief.”

Caecilia K. Fontana

Investigator’s Signature

04/09/09

Date



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Cecilia K. Foster

Kathleen Havell

Institutional Inspector	<u>04/10/09</u>	Date
Prison Inspector Supervisor	<u>04/10/09</u>	Date
Chief Prison Inspector	_____	Date
Deputy/Inspector General	_____	Date



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EXHIBIT/ATTACHMENTS SECTION

A. EXHIBIT (s) – attached:

1. Incident Report of Officer Hardwick
2. Incident Report of Lieutenant Poteat
3. Incident Report of Officer Lee
4. Incident Report of Sergeant Grantlin
5. Incident Report [REDACTED]
6. Incident Report [REDACTED]
7. Incident Report [REDACTED]
8. Incident Report [REDACTED]
9. Incident Report [REDACTED]
10. Incident Report [REDACTED]
11. Incident Report [REDACTED]
12. Offense Report of Deputy Sheriff Anderson
13. Offense Report of Deputy Sheriff Mayo
14. Autopsy Report
15. Death Certificate

B. EXHIBIT (S) – attached:

None