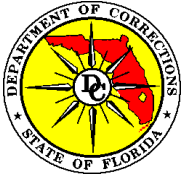


Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 14-16712**

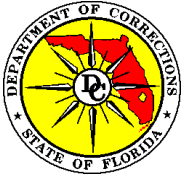


FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
INVESTIGATIVE ASSIST SUMMARY REPORT



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Case Number: 14-16712

OIG Inspector: Inspector Scott Thomas

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Kevin Kulp

Date Assigned or Initiated: 12-30-2014

Complaint Against: Robert Benjamin #M05575

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

Complainant: Samantha Torres

Outside Agency Case #: OR-37-0023

Use of Force Number: NA

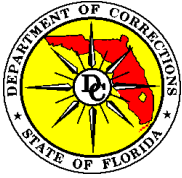
PREA Number: NA

Classification of Incident: Accidental Death

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Chief Inspector General Case Number: NA



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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.

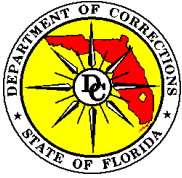
II. METHODOLOGY

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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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:

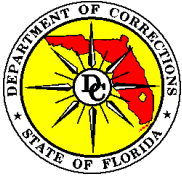
Refers to a disposition of a criminal case for which probable cause exists that an identified suspect committed the offense, but one for which an arrest or formal charge is not initiated, or in the case of a death investigation, one for which no evidence exists that the death was the result of a crime 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.



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V. PREDICATE

On December 29, 2014, the Office of Inspector General received information that On December 25, 2014, at approximately 1:10 am, Inmate Robert Benjamin DC#M05575 was [REDACTED] inside Charlie Dormitory. Inmate Benjamin was transported to [REDACTED] Martin Correctional Institution [REDACTED]. [REDACTED] responded and at approximately 02:05 am, pronouncing Inmate Benjamin deceased. On December 30, 2014, this incident was assigned as an investigative assist to Inspector Scott Thomas

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 December 25, 2014, Special Agent Kevin Kulp responded to Martin Correctional Institution in reference to the in-custody death of Inmate Benjamin. Special Agent Kulp was assisted by Inspector Nicholas Ryan who also responded to the facility.

On December 29, 2014, this inspector contacted Special Agent Kulp to offer any assistance he may need. Special Agent Kulp advised he was able to conclude his investigation the day of incident and needed no assistance.

According to the report of Autopsy completed by Roger Mittleman Chief Medical Examiner District Nineteen, Inmate Benjamin's death was ruled Accidental. The cause of death was noted as the following:

[REDACTED]

Special Agent Kevin Kulp completed his investigative report and had provided a copy of the same. Agent Kulp noted since the death of Inmate Benjamin was accidental and not of a criminal nature the investigation is concluded.

VII. CHARGES

NA

VIII. CONCLUSION

Based on the Florida Department of Law Enforcements investigative findings that Inmate Benjamin's death was accidental and not criminal in nature, this investigative assist is closed.

There are no administrative violations relative to this investigation.