

ARREST WARRANT

Martin County, FLORIDA

Clerk Case No: 20-1136MM

STATE OF FLORIDA

Agency: Department of Corrections Office of Inspector General - Lauderdale Lakes

-vs-

Agency#: 2019-02821

Jonathan J. Abreu

Lead Officer: Erika McFarland-Williams

Defendant

ASA: Nirlaine Tallandier Smartt

ASA Approve Initials&Date: ASR 6/1/2020

DOMESTIC VIOLENCE

In the name of the State of Florida -

To all and Singular Sheriffs of the State of Florida and to Any State Attorney Investigator - Greetings:

Whereas upon the sworn affidavit, complaint or other sworn testimony of Erika McFarland-Williams of the Department of Corrections Office of Inspector General - Lauderdale Lakes the undersigned Judge, has found that there exists probable cause to believe that one Jonathan J. Abreu, in Martin County, Florida did commit the below listed offense(s), contrary to the provisions of Florida Statutes.

You are HEREBY COMMANDED to arrest:

Def Name: **JONATHAN J. ABREU**

Address: [REDACTED]

DOB: [REDACTED]

Race/Sex: /M

Ht/Wt: 6'0"/220

Eye/Hair: BRN/BLD

SSN: [REDACTED]

DL#: [REDACTED]

FDLE:

FBI

Alias: Jonathan J. Abreu

These Are Therefore to Command you to forthwith arrest and bring the above named defendant before me to be dealt with according to law.

1 Malicious Battery On An Inmate (M 1) Bond \$ 5,000

COUNT 1: On or about February 12, 2019 Jonathan J. Abreu did, while an employee of the Department of Corrections, maliciously batter an inmate or an offender supervised by the Department, in violation of Florida Statute 944.35(3)(a)1;

Given under my hand and seal this 1 day of June, 2020, A.D.

Condition of Bond Release/Release on Recognizance: For Count(s): \_\_\_\_\_

No Contact with Victim: Until further order of the Court or the charge is dismissed by the State, the Defendant shall not directly or indirectly contact the victim \_\_\_\_\_ in person, by mail, e-

mail, fax, telephone, through another person, or in any other manner. This restriction shall include the following condition(s), if marked:

- Defendant may not knowingly come closer than 50 feet to the victim at any public place, except for court proceedings, or within 500 feet of the victim's residence or place of employment, or 100 feet of any vehicle regularly driven by the victim;
- Defendant may go to victim's residence one time with a law enforcement officer to get Defendant's clothing and personal effects;
- Defendant may speak to victim on the telephone *only* to discuss sharing parental responsibility for their minor child(ren).
- If marked, Defendant shall be held without bond until the First Appearance Hearing.

 \_\_\_\_\_ (SEAL)  
JUDGE



ARREST  SWORN COMPLAINT  HOLD

JUVENILE  NOTICE TO APPEAR

OFFICE OF THE INSPECTOR GENERAL

PROBABLE CAUSE AFFIDAVIT

OBT NUMBER:  
AGENCY ORI NUMBER:  
**FL037275C**

SPN NUMBER:  
AGENCY CASE REPORT NUMBER:  
**19-02821**

DEFENDANT

NAME OF SUBJECT (LAST, FIRST, MI): **Abreu, Jonathan J.** ALIAS / MAIDEN:

BUSINESS / SCHOOL ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): [REDACTED] CITY: STATE: ZIP CODE: TELEPHONE NUMBER:

MAILING ADDRESS (PO BOX, ETC. IF DIFFERENT THAN 911 ADDRESS): **Same** SCARS, MARKS, TATTOOS, FACIAL HAIR, UNIQUE PHYSICAL FEATURES (LOCATION, TYPE, DESCRIPTION): **Tattoos**

RACE:  WHITE  AMERICAN INDIAN  BLACK  ASIAN / ORIENTAL SEX: **M** DATE OF BIRTH: HEIGHT: **6'0** WEIGHT: **220** HAIR COLOR: **Bald** EYE COLOR: **brown** COMPLEXION: **Med** BUILD: **Large**

DRIVERS LICENSE / STATE ID NUMBER: STATE OF DL: **FL** SOCIAL SECURITY NUMBER: PHOTO NUMBER: PLACE OF BIRTH: **New York** COUNTRY OF CITIZENSHIP: **US**

SUBJECT'S OCCUPATION: **Correctional Officer Sergeant** SPN NUMBER: AGENCY ORI NUMBER: **FL037275C** SO ID / AGENCY ID / NUMBER: **84532** BOOKING NUMBER:

LOCATION OF ARREST: **Martin Correctional Institution** DATE OF ARREST: **06/01/2020** TIME OF ARREST (MILITARY): DATE OF BOOKING: **08/01/2020** TIME OF BOOKING (MILITARY):

SUBJECT IDENTIFIED BY WHOM (VICTIM, WITNESS, LEO, ETC.): SUBJECT'S NAME VERIFIED BY (PHOTO ID, FAMILY MEMBER, KNOWN TO OFFICER, ETC.):

CO-DEF.

(NAME):	DATE BIRTH:	RACE:	SEX:	COURT NUMBER:	<input type="checkbox"/> ARRESTED <input type="checkbox"/> SWORN COMPLAINT	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISDEMEANOR	JUVENILE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
(NAME):	DATE OF BIRTH:	RACE:	SEX:	COURT NUMBER:	<input type="checkbox"/> ARRESTED <input type="checkbox"/> SWORN COMPLAINT	<input type="checkbox"/> FELONY <input checked="" type="checkbox"/> MISDEMEANOR	JUVENILE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
(NAME):	DATE OF BIRTH:	RACE:	SEX:	COURT NUMBER:	<input type="checkbox"/> ARRESTED <input type="checkbox"/> SWORN COMPLAINT	<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR	JUVENILE: <input type="checkbox"/> YES <input type="checkbox"/> NO
(NAME):	DATE OF BIRTH:	RACE:	SEX:	COURT NUMBER:	<input type="checkbox"/> ARRESTED <input type="checkbox"/> SWORN COMPLAINT	<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR	JUVENILE: <input type="checkbox"/> YES <input type="checkbox"/> NO

JUVENILE

JUVENILE DISPOSITION:  
 RELEASED TO JAC  
 ISSUED NTA AND RELEASED

NAME OF PARENT / GUARDIAN (NOTIFIED  YES  NO):

PARENT / GUARDIAN HOME ADDRESS (STREET, APARTMENT #, PO BOX, ETC.): CITY: STATE: ZIP CODE: WORK TELEPHONE NUMBER: HOME TELEPHONE NUMBER:

WITNESS

(NAME) <b>Pablo Castillo</b>	ADDRESS:	TELEPHONE NUMBER:
(NAME) <b>Patricia McGee- Aviano</b>	ADDRESS:	TELEPHONE NUMBER:
(NAME) <b>Nathan Pollock</b>	ADDRESS:	TELEPHONE NUMBER:
(NAME):	ADDRESS:	TELEPHONE NUMBER:

CHARGE 1

OFFENSE DESCRIPTION: **Malicious Battery on an Inmate** FELONY  MISDEMEANOR  TRAFFIC  NTA COMPLETE STATUTE / ORDINANCE NUMBER: **944.35(3)(a)(1)** VICTIM NOTIFICATION: ARREST: YES  NO RELEASE:  YES  NO

WARRANT  JUVENILE PU ORDER  CIVIL ORDER  CITATION  CAPIAS DATE OF OFFENSE: **02/12/2019** TIME OF OFFENSE: **1320** BAIL AMOUNT: VICTIM'S TELEPHONE NUMBER:

VICTIM (NAME): ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): CITY: STATE: ZIP CODE:

CHARGE 2

OFFENSE DESCRIPTION: FELONY  MISDEMEANOR  TRAFFIC  NTA COMPLETE STATUTE / ORDINANCE NUMBER: VICTIM NOTIFICATION: ARREST: YES  NO RELEASE:  YES  NO

WARRANT  JUVENILE PU ORDER  CIVIL ORDER  CITATION  CAPIAS DATE OF OFFENSE: TIME OF OFFENSE: BAIL AMOUNT: VICTIM'S TELEPHONE NUMBER:

VICTIM (NAME): ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): CITY: STATE: **Florida** ZIP CODE:

CHARGE 3

OFFENSE DESCRIPTION: FELONY  MISDEMEANOR  TRAFFIC  NTA COMPLETE STATUTE / ORDINANCE NUMBER: VICTIM NOTIFICATION: ARREST:  YES  NO

WARRANT  JUVENILE PU ORDER  CIVIL ORDER  CITATION  CAPIAS DATE OF OFFENSE: TIME OF OFFENSE: BAIL AMOUNT: VICTIM'S TELEPHONE NUMBER:

VICTIM (NAME): ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): CITY: STATE: ZIP CODE:

THE FOLLOWING INCIDENT OCCURRED AT (ADDRESS/LOCATION):  
Martin Correctional Institution, 1150 S.W. Allapattah  
Road

CITY OF:  
Indiantown

COUNTY OF:  
Martin

STATE OF:  
FLORIDA

Your affiant, Erika McFarland- Williams, has been a Law Enforcement Officer in the State of Florida for eighteen (18) years. She is currently employed as a Law Enforcement Senior Inspector with the Florida Department of Corrections (the Department), Officer of the Inspector General (OIG), Special Investigations Unit, in Fort Lauderdale, Florida. Your Affiant began in law enforcement in 2002, with Lauderhill Police Department. There she conducted numerous complex criminal investigations related to sexual battery, robbery, aggravated battery/assaults, and homicide. In 2012, your affiant resigned from Lauderhill Police Department and was hired as a Senior Law Enforcement Inspector with the Florida OIG.

In this capacity, your affiant has investigated the facts and circumstances of the Florida Department of Corrections Office of the Inspector General Case Number 19-02821.

On or about February 15, 2019 the Department of Corrections, Office of the Inspector General received a call at the Fort Lauderdale Field Office from [REDACTED] [REDACTED] alleged that on February 12, 2019, he witnessed multiple incidents of excessive force in or around C dormitory at Martin Correctional Institution. Upon initial review of the information, the Office of the Inspector General initiated a Complaint Review Report #19-02821, assigned to Senior Inspectors Erika McFarland-Williams and Rodney Vega on February 15, 2019.

After initial review by the Office of Inspector General, the disclosure by the complainant did include an alleged act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor and was determined to fall under the purview of Whistle-Blower designation.

#### February 19, 2019

Senior Inspectors McFarland-Williams and Vega conducted a recorded sworn interview of [REDACTED] [REDACTED]. In his sworn recorded testimony [REDACTED] reported three unnecessary uses of force he had personally observed at Martin Correctional Institution by Correctional Officers at the institution.

On February 12, 2019, [REDACTED] witnessed an unnecessary use of force due to a male inmate later identified as [REDACTED] wanting to check himself in because he was in fear of his safety. After speaking to I/M [REDACTED] states that Sgt. Jonathan Abreu (ID #84532) came to C-Dormitory and took custody of I/M [REDACTED]. While outside of C-Dormitory, [REDACTED] observed Sgt. Abreu ordering I/M [REDACTED] to eat a small plastic packet containing what was believed to be salt. According to [REDACTED] I/M [REDACTED] was reluctant to eat the packet, but he was repeatedly ordered to do so by Sgt. Abreu. I/M [REDACTED] attempted to eat the inside contents of the packet but was unable to swallow the plastic packet. After I/M [REDACTED] spit the plastic packet out, Sgt. Abreu sprayed I/M [REDACTED] in the face with OC spray. Sgt. Abreu ordered I/M [REDACTED] to raise his hands up, and he complied. With his hands raised in the air, I/M [REDACTED] was again blasted in the face with OC spray by Sgt. Abreu. I/M [REDACTED] was then restrained and removed to solitary confinement without any further incident observed by [REDACTED].

On the day of his [REDACTED] utilized his telephone recording in real time when he went in to [REDACTED] to Majors Kimberly Foster (ID #31822) and Nathan Pollock (ID #25907), both assigned to Martin Correctional Institution. During the recording, which [REDACTED] played for SI's McFarland-Williams and Vega, [REDACTED] is heard explaining to Majors Foster and Pollock his reasons for why he decided to [REDACTED] including the fact that he felt afraid for his safety after witnessing multiple instances of unnecessary use of force. [REDACTED] is heard on the recording talking specifically about the incident involving I/M [REDACTED] he witnessed three days earlier. [REDACTED] stated he made the recording because he wanted to make sure he protected himself from Majors Pollock and Foster making up a story as to [REDACTED] [REDACTED] informed SI's McFarland-Williams and Vega that he would cooperate in any investigations conducted by the FDC Office of Inspector General.

#### May 08, 2019

SI's McFarland-Williams and Vega interviewed Inmate [REDACTED] at Dade Correctional Institution. I/M [REDACTED] provided a sworn recorded statement which indicated the following:

When asked if he remembered the events that took place on 02/12/2019 at Martin CI, I/M [REDACTED] recalled the incident by stating that, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

After the incident I/M [REDACTED] stated he wrote grievances regarding what happened, and his grievances were denied. I/M [REDACTED] also made handwritten notes that were, according to him, written contemporaneously as the events surrounding his confrontation with Sgt. Abreu were happening. I/M [REDACTED] supplied his notes to SI's McFarland-Williams and Vega, and copies were made. I/M [REDACTED] stated he had been depressed about this incident and was in fear for his life at Martin CI. Since being transferred to Dade CI, he has been able to sleep in peace now. He is [REDACTED] and has had no further incidents.

**September 30, 2019**

[REDACTED] voluntarily signed a Waiver to Release Whistle-Blower Identity.

Based upon this investigation, your Affiant has probable cause to believe that on February 12, 2019, at Martin Correctional Institution 1150 SW Allapattah Rd, Indiantown, Martin County, Florida, Correctional Officer Sergeant Jonathon Abreu (DOB, [REDACTED] herein referred to as the "defendant", did knowingly and unlawfully

commit the crime of Malicious Battery, in violation of 944.35 (3)(a)(1) Fla. Stat., Any employee of the department who, with malicious intent, commits a battery upon an inmate or an offender supervised by the department in the community, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. to wit: victim, eye witness testimony, and [REDACTED] established probable cause to believe the defendant was not in danger, did not react to a threat, but did in fact order I/M [REDACTED] to eat a small plastic packet containing what was believed to be salt. I/M [REDACTED] was reluctant to eat the packet but was repeatedly ordered to do so by the defendant. I/M [REDACTED] attempted to eat the inside contents of the packet but was unable to swallow the plastic. After I/M [REDACTED] spit the plastic packet out, the defendant sprayed I/M [REDACTED] in the face with Oleoresin Capsicum (OC) Spray. The defendant ordered I/M [REDACTED] to raise his hands up, and he complied. With his hands raised in the air, I/M [REDACTED] was again blasted in the face with OC spray by the defendant. I/M [REDACTED] was then restrained and escorted to solitary confinement without further incident.

Your Affiant respectfully submits that probable cause has been established that Jonathon Abreu, on the grounds of Martin Correctional Institution in Indiantown, Martin County, Florida did knowingly and unlawfully commit the crime of Malicious Battery on an inmate, in violation of 944.35 (3)(a)(1) Fla. Stat., Your Affiant respectfully request that an arrest warrant be issued for Jonathon Abreu, H/M, DOB [REDACTED] for one count of 944.35 (3)(a)(1) Fla Stat., the laws relating to Malicious Battery on an inmate.

NTA	<input type="checkbox"/> MANDATORY APPEARANCE IN COURT AT:	DATE OF APPEARANCE:	TIME OF APPEARANCE: <input type="checkbox"/> AM <input type="checkbox"/> PM
	I AGREE AND PROMISE TO COMPLY AND ANSWER TO THE CHARGES AND INSTRUCTIONS SPECIFIED IN THIS NOTICE TO APPEAR. WILLFUL REFUSAL TO ACCEPT AND SIGN THIS NOTICE TO APPEAR MAY RESULT IN PHYSICAL ARREST. I UNDERSTAND MY SIGNATURE IS NOT AN ADMISSION OF GUILT OR WAIVER OF MY RIGHTS.	DEFENDANT (SIGNATURE):	DATE:

JURAT	SWORN TO AND SUBSCRIBED BEFORE ME THIS: 19 DAY OF June 2020 SIGNATURE: <u>Ileana Masters</u> TITLE: _____	I SWEAR THE ABOVE, AND REVERSE AND ATTACHED PAGES AND STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. NAME (PRINT): <u>Senior Law Enforcement Inspector Erika McFarland-Williams</u> SIGNATURE: <u>[Signature]</u> AGENCY: <u>DC - OIG</u> LEO ID NUMBER: <u>187</u>
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