

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 17-15799**



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



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Case Number: 17-15799

OIG Inspector: Stacy L. Harris

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Mike Jankowski

Date Assigned or Initiated: 09/05/18

Complaint Against: Inmate Thomas Barton, DC #A51030 (*Deceased*)

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

Complainant: Captain Edward Bogden

Outside Agency Case #: PE-37-0089

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Chief Inspector General Case Number:



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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 September 5, 2017, at approximately 7:45 p.m., Inspector Supervisor Joe Hamner contacted Senior Inspector Stacy L. Harris and advised there was an inmate death at Blackwater Correctional Facility. Inmate Thomas Barton, DC #A51030, [REDACTED]. Inspector Harris then contacted shift supervisor Captain Edward Bogden who advised Inmate Thomas was found in another inmate's cell [REDACTED] [REDACTED]. Captain Bogden was in the process of reviewing video footage from the dormitory. Inspector Harris she and FDLE Agents would be en route to the facility and an investigation was initiated at that time.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

Based on the exhibits, witnesses' testimony, statements, and the record as a whole, presented or available to the primary inspector, the following findings of facts were determined:

At approximately 8:04 p.m., Inspector Harris received a call from FDLE Supervisor Lee Adams who advised Agents Dennis Haley and Mike Jankowski would meet with her at the facility.

Inspector Harris arrived at Blackwater Correctional Facility and met with Investigator Pat Orsa. Agents Haley and McCowski arrived and were provided the names of the officer who found Inmate Barton deceased, [REDACTED] and were advised video footage was being reviewed. [REDACTED] advised Inmate Barton [REDACTED]

[REDACTED] advised they suspected Inmate Barton's use of K2 since approximately May 2017, when it became [REDACTED]

At approximately 8:52 p.m., Inspector Harris notified the Medical Examiner's Office, and received a return call from Brittany Monroe who advised she would wait to hear back from Inspector Harris after she was able to view the body of Inmate Barton.

Inspector Harris and Agent Haley [REDACTED] and examined the body of Inmate Barton. Inmate Barton was [REDACTED] dressed in blue state issued clothing. [REDACTED] to the body of Inmate Barton. [REDACTED] Inmate Barton' [REDACTED] indicative of Inmate Barton smoking.

Agents Haley and McCowski interviewed staff and inmates associated with Inmate Barton.

Inspector Harris reviewed the video footage with Agent McCowski and Captain Bogden advised Inmate Barton was found in cell F5-203, the cell assigned to Inmate Corderro Britten, DC #A51441. Inmate Barton's assigned cell was F5-209L, where he was housed with Inmate Lemmie Straughter, DC #P50769. The video footage revealed multiple inmates going in and out of cell F5-203 throughout the day from approximately 2:30 p.m. Inmate Barton is seen exiting the cell at 1702 hours, walk downstairs and re-enter the cell at 1704 hours, and he is not seen again until he was discovered [REDACTED] at approximately 6:30 p.m. Through Captain Bogden's review, he identified only one



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other inmate enter the cell after Inmate Barton entered the final time, and this inmate was interviewed by FDLE.

At approximately 10:01 p.m., Medical Examiner Brittany Monroe arrived at Blackwater Correctional Facility and took possession of the body of Inmate Barton.

At approximately 10:15 p.m., FDLE Agents Haley and McCowski departed the facility.

On November 13, 2017, Inspector Kate Gustafson obtained a copy of the fixed wing video footage from Investigator Pat Orsa, which was placed into evidence.

On December 22, 2017, Inspector Harris sent an email to Agent Haley to obtain his agency's case number and a copy of the autopsy report, if available.

On September 12, 2018, Inspector Harris sent an email to Kyndell Greeson of the Medical Examiner's Office and requested a copy of Inmate Barton's autopsy report.

Inspector Harris also sent an email to FDLE Agent Mark Brown and requested assistance in obtaining a copy of his agency's case summary report as Agent Haley has since retired.

On September 13, 2018, Inspector Harris received a response from Agent Brown which advised the case was assigned to FDLE Agent Michael Jankowski and he had forwarded my request for the case summary report to him.

On September 18, 2018, Inspector Harris received the autopsy report from Ms. Greeson which indicated the "Cause of Death" to be:

[REDACTED]

The autopsy report indicated the "Manner of Death" to be:

"ACCIDENT"

On September 21, 2018 Inspector Harris sent an email to FDLE Agent Jankowski and again requested a copy of the case summary report regarding the death of Inmate Barton. FDLE Agent Matt Infinger responded and provided Inspector Harris a copy of their case summary report, as submitted by Agent Lisa Lignal, which indicated the following:

"On Wednesday, September 5, 2017, at approximately 2030 hours, the Florida Department of Law Enforcement (FDLE) Watch desk received notification of an in-custody death at Blackwater River Correctional Facility. At approximately 1830 hours inmate Thomas M Barton (W/M 05/06/1960), FDC # A51030) [REDACTED] in cell 5203. Barton [REDACTED]

[REDACTED] and pronounced inmate Thomas M Barton deceased at 1902 hours.

Specifically, this Investigative Report will document the closure of this case.



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On April 9, 2018, FDLE Special Agent (SA) Lisa Lignal contacted the District One Medical Examiner's Office located [REDACTED] and requested the completed autopsy report on Thomas Barton, drafted by Associate Medical Examiner Doctor Cameron F. Snider.

On April 10, 2018, Forensic Analyst Kyndell Greeson provided SA Lignal with Thomas Barton's complete autopsy and toxicology report via electronic mail. Doctor Cameron Snider performed the autopsy of Thomas Barton and his findings were that Barton's cause of death

[REDACTED] with his manner of death listed as an accident. The completed Autopsy Report is electronically maintained in the Related Items section of this case as INV-5.

All investigative activities are completed. Case closed."

VII. CHARGES

- None

VIII. CONCLUSION

Senior Inspector Stacy L. Harris reviewed the investigation completed by FDLE, and the autopsy report, and administrative issues were not identified. Therefore, based on the information gathered during this investigation, it is the recommendation of Inspector Harris the death of Inmate Thomas Barton, DC #A51030, be determined as accidental, [REDACTED] and this investigation be closed, termed:

- Investigative Assist Closed