

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 16-11875**



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



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Case Number: 16-11875

OIG Inspector: Inspector Arlene Howell

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Terrence Tyler

Date Assigned or Initiated: 12-06-2016

Complaint Against: N/A

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

Complainant: Sergeant Darius Fisher

Outside Agency Case #: TL-37-0032

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: N/A



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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 June 19, 2016, the Office of the Inspector General (“OIG”) received information via EAC (Emergency Action Center) that Inmate Milton Barber DC#10019, who was housed at Hamilton Correctional Institution (HCI), was being [REDACTED]. Upon [REDACTED] it was determined that Inmate Barber needed to be [REDACTED]. While in route to [REDACTED] inmate Barber expired. Inspector Aubrey Land responded to the incident. Per the department’s MOU, The Florida Department of Law Enforcement (“FDLE”) was notified, and initiated a criminal investigation in FDLE case # TL-37-0032. On June 20, 2016, Inspector John Aubrey Land was assigned investigative assist # 16-11875 to assist FDLE in their investigation.

On December 06, 2016, this case was reassigned to Inspector Arlene Howell.

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:

FDLE Special Agent Terrence Tyler reports in part, that on June 19, 2016 at 6:38PM he received a phone call from Resident Agent in Charge (RAC) Jim Flournoy, in reference to an inmate from Hamilton Correctional Institution (HCI) that died while being transported [REDACTED] in Jacksonville. Based on the Memorandum of Understanding (MOU) between the Department of Corrections (DOC) and Florida Department of Law Enforcement (FDLE), SA Tyler was requested to respond to [REDACTED] where the inmate was pronounced deceased. SA Tyler was named the case agent.

SA Tyler arrived at [REDACTED] at approximately 7:45PM, on June 19, 2016. SA Tyler made contact with DOC Inspector Aubrey Land. Inspector Land stated that Inmate Milton Barber Jr. had [REDACTED] while at HCI and was [REDACTED]. Once at [REDACTED] a decision was made to transport Barber to [REDACTED]. While in route to Jacksonville, Barber’s [REDACTED] and he was diverted to [REDACTED]. Barber was pronounced deceased at 5:59PM on June 19, 2016, by [REDACTED]. Inspector Land stated that Barber had made statements that he had smoked “K2” or synthetic cannabinoid the night prior, [REDACTED].

On June 21, 2016 SA Tyler received the [REDACTED] report for the response to HCI to transport Inmate Milton Barber. The [REDACTED] report documented that [REDACTED] to HCI for an inmate that was [REDACTED] due to possibly inhaling “K2” laced with bug spray. Barber told the [REDACTED] that he had smoked K2 at around 7:00PM on June 18, 2016. At around 4:00AM on June 19, 2016, he began [REDACTED]. He went to the [REDACTED] at 7:00AM and received [REDACTED] for his [REDACTED]. At around 9:30AM on June 19, 2016, he [REDACTED] at 11:53AM on June 19, 2016. They arrived at HCI at 12:01PM and departed for [REDACTED] at 12:17PM. They arrived [REDACTED] at 12:44PM on June 19, 2016.



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On June 20, 2016, an autopsy was performed on Inmate Barber in Jacksonville Florida. Chief Medical Examiner, Valerie Rao determined Barber's cause of death was [REDACTED]

Manner of death: **Accidental**

VII. CHARGES

List alleged violations of Florida Law:

N/A

VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Agent Terrence Tyler this investigative assist is be closed. There are no criminal violations.

1. Investigative Assist Closed.

Inspector Howell reviewed the investigation completed by FDLE, and administrative issues were not identified.