

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 19-03829**



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



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Case Number: 19-03829

OIG Inspector: Inspector Howard Coombs

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent James Gau

Date Assigned or Initiated: 03-06-2019

Complaint Against: Inmate Jacob Buckus (Deceased)

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

Complainant: N/A

Outside Agency Case #: TM37-0031 (1 through 15)

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Suicide

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 March 6 2019 the Office of the Inspector General (OIG) received MINS913564 which indicated that Inmate Jacob Buckus DC#T73461 was transported [REDACTED] after he [REDACTED] in his assigned cell, G4-105, at Sumter Correctional Institution. He was pronounced deceased at 11:15 p.m. [REDACTED]. The Florida Department of Law Enforcement ("FDLE") was notified, and initiated a criminal investigation in FDLE case # TM37-0031. On June 6, 2019, Inspector Howard Coombs was assigned investigative assist # 19-03829 to assist FDLE in their investigation.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

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

On March 4, 2019 at approximately 9:40 p.m. Inmate Jacob Buckus [REDACTED] in his assigned cell at Sumter Correctional Institution by Correctional Officer Marcus Rodriguez. When Sumter Correctional Institution [REDACTED] arrived, Inmate Buckus [REDACTED]. Inmate Buckus was sent [REDACTED]. At 9:52 p.m. Inspector Supervisor Art Rountree was notified and contacted the on-call inspector, Howard Coombs (writer) to investigate the incident. Florida Department of Law Enforcement (FDLE) Supervisor Special Agent Rick Tavares advised that an agent will not be sent [REDACTED]. At 11:15 p.m. Inmate Buckus was pronounced dead [REDACTED] advised that Inmate Buckus was [REDACTED] advised that Inmate Buckus [REDACTED] could attribute to his death.

I responded at [REDACTED] to investigate the incident. A review of the body was conducted. Inmate Buckus [REDACTED]. [REDACTED]. No other obvious signs of [REDACTED]. Photographs were taken of Inmate Buckus. The 5th District Medical Examiner's office were notified and removed Inmate Buckus for an autopsy.

On March 5, 2019, I received a phone call from Florida Department of Law Enforcement (FDLE) Special Agent James Gau. He advised that FDLE was going to handle the investigation since it was a suicide. He advised me that he was going to conduct some interviews at Sumter Correctional in reference this incident. Special Agent Gau's report number is Case TM37-0031, report 1 through 15. Special Agent Gau conducted interviews of the staff that was working, and reviewed video of the incident.

After Inmate Buckus' was removed, I went to Sumter Correctional Institution to investigate the scene. Inmate Buckus' body was found in his assigned cell, G4-105 at 9:52 p.m.... The cell is in G-dorm, which is used for administrative and disciplinary confinement inmates. The cell is a double-man cell, with bunkbeds. The window is screened and can be opened by a crank. The handle on the crank is very small, but has enough length on it so something can be attached to it. Inmate Buckus was alone in his cell. Photographs were taken of the cell. Several pieces of his property were still in his cell. Books, pictures, a bag of coffee, and a



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note to his mother on his release date were found. A small pocket phone was located also. It was hooked up to his assigned music player so the phone could charge. The phone was secured and sent to Florida Department of Corrections (FDCO) Forensic lab. There was a piece of fabric on the floor underneath the window. The fabric appeared to resemble a piece of a bed sheet. It is approximately 6 inches long, and appeared to have been cut.

On March 5, 2019 at 5:00 a.m. in a sworn recorded statement Correctional Officer Marcus Rodriguez indicated the following:

At [REDACTED] they were doing a Master Roster count. During the count, he went to Inmate Buckus's assigned cell. The window was covered, so he knocked on the cell door to get Inmate Buckus' attention. Officer Brazeu came over to help him. When they went to check on Inmate Buckus, he noticed that Inmate Buckus was in his cell, facing him. He had a piece of bed fabric around his neck. He was kneeling on the ground, with his body leaning forward. He [REDACTED]. The bed fabric was attached to the latch on the window. Officer Brazeau went in and saw that Inmate Buckus was on his knees and had a piece of fabric around his neck, and it was attached to the handle of the window. Inmate Buckus down [REDACTED]

On March 5, 2019 at 7:50 p.m. in a sworn recorded statement, Correctional Officer Donald Brazeau indicated the following:

He was doing a Master Roster Count with Officer Rodriguez. He noticed Officer Rodriguez knocking on the cell window of Inmate Buckus's cell. He knocked also, trying to get Inmate Buckus attention. When Inmate Buckus did not answer, he looked through the door flap to see what Inmate Buckus was doing. He noticed Inmate Buckus had a piece of cloth around his neck, and he was leaning forward. It did not appear the Inmate Buckus [REDACTED]. He had the control room open the door. He got Inmate Buckus down [REDACTED]. He did not know Inmate Buckus to be a problem inmate, and he did not seem depressed. He did not see anything in his cell that would make him think that Inmate Buckus was going to harm himself. When asked why was Inmate Buckus in a single man cell, he responded that it was mostly coincidence. Most inmates in confinement have a cell mate. Inmate Buckus was moved to this cell because he was transitioning from administrative confinement to disciplinary confinement. He had not received a cellmate when he was being moved.

On March 5 2019 5:26 a.m. in a sworn recorded interview, Correctional Officer Alexandro Gamez indicated the following:

He did a security check at [REDACTED], and Inmate Buckus was alive at that time. He did not [REDACTED], or upset over anything. He was sitting on his bunk listening to music. At [REDACTED] p.m. when they were doing Master Roster county, he noticed Officer Brazeau and Officer Rodriguez tending to Inmate Buckus. He did not hear any inmates that had a problem with Inmate Buckus.

A review of Securus was conducted. Inmate Buck made a phone call to his girlfriend Chieuly Do on January 27, 2019. The conversation did indicate that he was going to harm himself. He received a visit from his father, Edward Buckus on January 27, 2019. There are no more visits or recorded phone



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calls after this. A check of social media (Facebook) was conducted. There is no mention of him trying to harm himself.

A review of the video camera was conducted. The video was from March 4, 2019 and was from 1800hrs to 2300 hrs. There are 3 cameras [REDACTED] [REDACTED] [REDACTED] Camera [REDACTED] shows Inmate Buckus cell, G4-105.

On Camera [REDACTED] the following occurred. At 1800hrs, it shows two officers doing cell checks, this is done again at approx. 1830hrs. At 2112hrs a piece of paper is thrown out under the door of cell G4-105, Inmate Buckus cell. The paper is attached to string, because it is being pulled away to the cell to the right of Inmate Buckus. At 2152hrs, officers are checking cell G4-105 When there is no answer, they have the door open. They go inside the cell, out of view of the camera. Now, other officers arrive on scene, as well as the Officer in Charge. All activity is happening in front of the cell. At 2215 Sumter, [REDACTED] arrive. A person is pulled out of the cell [REDACTED] [REDACTED] is Inmate Buckus. [REDACTED] on until 2234hrs, when [REDACTED] [REDACTED] Inmate Buckus [REDACTED].

A search of Inmate Buckus's property was conducted. There was not a note or correspondence written by him indicating that he was going to harm himself. There was a letter from his attorney. The letter was from the law firm of O'Brien and Halfield. The letter indicated that the Second District Court of Appeal has decided that he lost his appeal. Inmate Backus is serving a life sentence.

On March 5, 2019, the Medical Examiner 5th Judicial District sent a Cause and Manner of Death Report. The report number is 2019-0475. An exam was conducted on March 5, 2019 by the pathologist, Barbara Wolf, M.D... Per the report, The Cause of Death [REDACTED] The Manner of Death is Suicide.

In FDLE Report TM37-0031-IR#14, Special Agent Gau indicated that the following; "Base on a complete and thorough investigation into the in-custody death of FDOC Inmate Buckus, it has been determined that Buckus committed suicide [REDACTED] [REDACTED]. No evidence was discovered to suggest that any other person had anything to do with the planning and/or execution of Buckus' intention to harm himself. No further investigative action will be conducted. This case is closed.

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 James Gau the investigation into the death of Inmate Jacob Buckus be termed as follows, be termed as follows:

1. Suicide: To wit; there is no evidence to indicate a crime was committed.



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