

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 15-29166**



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



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Case Number: 15-29166

OIG Inspector: Inspector LaQuietta Thompson

Outside Agency: Florida Highway Patrol

Outside Agency Investigator: Corporal Clifford F. Fisher
 Corporal Robert Imel

Date Assigned or Initiated: 12/22/2015

Complaint Against: N/A

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

Complainant: State of Florida

Outside Agency Case #: FHPE15OFF073874
 FHP7-15-01-090

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Accidental 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 or about December 18, 2015, the Office of Inspector General received a complaint from Dade Correctional Institution (DCI) via the Management Information Notification System (MINS). According to MINS 667373, Inmate Sammy Brown DC# 975448 was pronounced deceased [REDACTED] on December 17, 2015, after being struck by a pickup truck on US 1 Mile Marker 115.8. Florida Highway Patrol (FHP) responded [REDACTED] FHP became the lead investigative agency for this investigation.

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 or about December 18, 2015, the Office of Inspector General received a complaint from Dade Correctional Institution (DCI) via the Management Information Notification System (MINS). According to MINS 667373, Inmate Sammy Brown DC# 975448 was pronounced deceased [REDACTED] on December 18, 2015, after being struck by a pickup truck on US 1 Mile Marker 115.8. Florida Highway Patrol (FHP) responded [REDACTED] FHP became the lead investigative agency for this investigation.

In an Incident Report of December 17, 2015, Officer Eric Jinright reports at approximately 2:00pm, while assigned as P50 Work Squad Supervisor, he and his squad was conducting trash duties on US1 Mile Marker 115.8 in ICA provided truck# 3036 with his strobe lights and arrow board on. No signs were required due to the moving operation, and all inmates were wearing safety vests. He watched Inmate Samuel Brown DC# 975448 cross the street with a full garbage bag, to get a new one. After Inmate Brown crossed, he got a new bag. After approximately one minute or so, Officer Jinright reports he heard a loud boom and saw Inmate Brown on the ground and a red truck driving by.

He immediately got out of his vehicle and heard an inmate say, "he's dead". Officer Jinright instructed the other inmates to get into the truck. Officer Jinright called 911, to report the accident. Over the course of two or three minutes, the 911 operator gave Officer Jinright instructions on what to do. Officer Jinright removed his white T-shirt and placed it over Inmate Brown's [REDACTED]. He was then instructed to move Inmate Brown onto his back (Inmate Brown [REDACTED]). He asked the male driving the red truck to assist him in moving Inmate Brown he could keep Inmate Brown's neck and head supported along with keeping the cloth over Inmate Brown's [REDACTED].

After they moved Inmate Brown onto his back, Florida Highway Patrol Trooper Gracey arrived. The 911 operator instructed Officer Jinright [REDACTED]. Officer Jinright instructed Trooper Gracey to do so. Trooper Gracey instructed Officer Jinright [REDACTED] and calling Inmate Brown's name, Officer Jinright [REDACTED] Trooper Gracey advised the owner of the red truck to grab her radio and call in various codes.



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Soon after, [REDACTED] Inmate Brown was subsequently [REDACTED]. Officer Jinright and his squad returned to Big Pine Key Road Prison and wrote statements regarding the incident.

Florida Highway Patrol Corporal C. F. Fisher # 2559, reports “Vehicle -1 (2004 Red Chevy Silverado PK Tag# CSDH46) was traveling southbound on US-1 (SR-5) in the outside lane (right lane), south of Mile Marker 116. Pedestrian (Sammy Brown DC# 975448) stepped out into the outside lane of southbound US-1 (SR-5) in front of approaching V-1. V-1’s right front struck the pedestrian. From that impact, pedestrian went airborne, and landed on the right grass shoulder of southbound US-1 (SR-5). V-1 came to final rest on the right paved shoulder, facing south.

The pedestrian [REDACTED], where he later died [REDACTED] responded to the scene. [REDACTED]

The deceased’s name is Samuel Lee Brown, Date of Birth 07/08/1968 was pronounced at 1602 [REDACTED], on Thursday 12/17/2015.

Traffic Homicide Investigator is Corporal Robert G. Imel.

Traffic Homicide case# FHP7-15-01-090.

Photos taken by Corporal Robert G. Imel.

Note that pedestrian was part of a work crew that was working on the shoulder at the time of the incident.”

On December 19, 2015, Miami-Dade Medical Examiner’s Office Associate Medical Examiner Doctor Gregory Conti conducted an autopsy on Inmate Samuel Lee Brown Case No 2015-03570. Doctor Conti listed Inmate Brown’s cause of death [REDACTED]

The Official Traffic Homicide Report was received November 19, 2018, and reviewed in its entirety. Corporal Clifford Fisher reports, “After reviewing all physical evidence, witness statements, and audio statements there are no criminal violations found only that P-1, Mr. Samuel Brown was in violation of Florida Statute 316.130(10), (Pedestrians Traffic Regulations) which reads in part as follows: ‘Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway’. By being in violation of the aforementioned Florida Statute, Mr. Samuel Brown ultimately caused this particular crash that resulted in his own death.”

VII. CHARGES

List alleged violations of Florida Law:

No Violation



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VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of Florida Highway Patrol (FHP) Corporal Clifford Fisher this investigation be termed as follows:

1. Exceptionally Cleared

Inspector Thompson reviewed the investigation completed by FHP, and administrative issues were not identified.