

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 17-21494**



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



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Case Number: 17-21494

OIG Inspector: Inspector Carrie Ryan

Outside Agency: Fort Lauderdale Police Department

Outside Agency Investigator: Officer Paul Brown

Date Assigned or Initiated: 11-30-2017

Complaint Against: Jimmy Fertil (Civilian)

Location of Incident – Institution/Facility/Office: Fort Lauderdale, Florida

Complainant: Inmate Kevin Ryan

Outside Agency Case #: 341711171461

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death - Accidental

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 November 1, 2017, [REDACTED] Operations Technician Sonia Black, reported that she was informed by another client that Inmate Kevin Ryan (B08318) had been struck by a moving vehicle while crossing Andrews Avenue in Fort Lauderdale, Florida. Inmate Ryan [REDACTED]. This information was reported via MINS and a death investigative assist was assigned.

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:

In a Florida Traffic Crash Report prepared by Officer Paul Brown with the Fort Lauderdale Police Department, dated November 1, 2017, it states that upon Officer Brown's arrival at the scene (N. Andrews Ave/NW 60 Street, Fort Lauderdale, Florida), Pedestrian #1 (Inmate Kevin Ryan) was observed laying in the center thru lane of N. Andrews Avenue. Vehicle #1 was still on N. Andrews Avenue, south of NW 62 St. [REDACTED] arrived shortly thereafter and [REDACTED] Inmate Ryan [REDACTED]. Officer Brown's investigation revealed the following:

Inmate Ryan was crossing N. Andrews Avenue at NW 60 Street from west to east, walking within the pedestrian crosswalk while the traffic signals were on a steady amber light for north and southbound traffic.

Vehicle #1 (driven by Jimmy Fertil), was traveling northbound on N. Andrews Avenue in the left thru lane approaching NW 60 Street.

Inmate Ryan continued crossing as Vehicle #1 drove thru the intersection. Inmate Ryan was then struck by vehicle #1.

After clearing the scene, Officer Brown responded [REDACTED] that Inmate Ryan [REDACTED].

In Broward County Medical Examiner's Report, 17-3582, dated January 12, 2018, Associate Medical Examiner, Iouri Boiko, MD, determined that the manner of Inmate Ryan's death was that of an accident, cause of death [REDACTED].

On August 3, 2018, a request was made [REDACTED] for any related documents, however, as of this writing no documents have been received.



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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 Fort Lauderdale Officer Brown that Inmate Kevin Ryan's death was accidental [REDACTED] and thus the investigation be termed as follows:

1. Accidental

Inspector Ryan reviewed the investigation completed by Officer Paul Brown, and administrative issues were not identified.