



**Brevard County Sheriff's Office**  
Titusville, Florida

**MEMORANDUM**

**DATE:** November 28, 2016  
**TO:** Chief Michael J. Lewis, Judicial Services   
**FROM:** Agent Kraig Hupfer, Staff Services Unit  
**RE:** Administrative Investigation (2016-CI-028)

**I. Summary**

On September 25, 2016, while working in the Jail Complex Medical Unit, Deputy Jason Brimm became involved in a use of force incident with Inmate David Richardson. Deputy Brimm was assisting Deputy Bryan Mercer in the transfer of several inmates within the medical unit when Inmate Richardson became disruptive to the orderly running of the unit by cursing and threatening officers and other female inmates. As they were walking down the hall, Deputy Brimm ordered Inmate Richardson to keep moving at which time he placed his hand on Inmate Richardson's shoulder area. According to Deputy Brimm's report, Inmate Richardson "tensed his arms up and made fists" and attempted to turn towards him. Deputy Brimm grabbed ahold of Inmate Richardson at which time he physically directed Inmate Richardson to the floor. Once on the floor, Deputy Brimm allegedly struck Inmate Richardson twice on the side of the head with a closed fist before being placed in handcuffs and escorted to another cell. Lieutenant Edwards responded to the medical unit to complete a supervisory overview of the incident. After completing his initial investigation, Lieutenant Edwards discovered contradictory statements between Deputy Brimm's documented use of force report and witness interviews with Deputy Mercer and several inmates who were present in the medical unit at the time of the incident.

On September 25, 2016, Lieutenant Robert Edwards authored a memorandum to Chief Lewis titled, "Overview (David Richardson)." In his memorandum, Lieutenant Edwards summarized the incident of alleged policy violations involving Deputy Brimm that occurred on September 25, 2016.

On September 30, 2016, Chief Deputy Michael J. Lewis authorized an Administrative Investigation of this incident.

On October 01, 2016, the Staff Services Office received this case for further investigation.

On October 03, 2016, Deputy Jason Brimm was served his notice of administrative investigation.

## **II. Possible Policy Violations:**

- *400.00 General Professional Responsibilities*
- *400.04 Substandard Performance*
- *400.06 Compliance with Law & Regulation*
- *400.68 Truthfulness*
- *600.71 Response to Resistance*

## **III. Witness Interviews:**

### **Lieutenant Robert Edwards Detention Center**

On October 04, 2016, Agent LaRoche and I conducted a sworn, audio-recorded interview with Lieutenant Edwards at the Brevard County Sheriff's Office Jail Complex. Lieutenant Edwards stated that, on September 25, 2016, he responded to the medical unit in reference to a use of force incident. Upon his arrival in the medical unit, Deputy Brimm briefed him on the incident involving Inmate Richardson. Lieutenant Edwards advised that Deputy Brimm told him that Inmate Richardson had become extremely disruptive upon learning that he was being transferred to another cell and he (Richardson) began to threaten the officers and female inmates with bodily harm. After Inmate Richardson refused to follow his orders, Deputy Brimm explained that it became necessary to physically take Inmate Richardson to the floor in order to get control of him and he subsequently was moved to another cell. In the process of applying handcuffs to Inmate Richardson, Deputy Brimm sustained a minor cut to his hand, Lieutenant Edwards had an employee injury form completed to document the injury. Lieutenant Edwards stated that he did not get into a lot of detail on the use of force with Deputy Brimm at that time. Lieutenant Edwards stated Inmate Richardson was still upset when he arrived in the medical unit and was yelling for medical attention. Lieutenant Edwards had a nurse examine Inmate Richardson at which time Inmate Richardson told him that he had been beaten by Deputy Brimm. Although he did not observe any obvious signs of injury other than a pre-existing surgery wound on his abdomen, Lieutenant Edwards said he took photographs of Inmate Richardson to document the incident. While Lieutenant Edwards was completing his overview, he said Inmate Richardson kept telling Deputy Mercer that he needed to "fess up" as to what he witnessed. Thinking this was out of the ordinary for his normal overview investigations, Lieutenant Edwards stated he brought Deputy Mercer to another cell and he had him provide an overview statement as to what occurred

between Inmate Richardson and Deputy Brimm. Initially, Deputy Mercer described the use of force incident similarly to what Deputy Brimm had told him.

Lieutenant Edwards then questioned the three female inmates (Inmate Sara Kane, Inmate Michelle Villanti and Inmate Jessica Lind) who were sitting outside of cell #602 awaiting their transfer to another medical cell. *Lieutenant Edwards could not recall in which order he questioned the female inmates or specifically as to their individual statements.* Lieutenant Edwards stated that the three female inmate's statements were all similar in nature in that Deputy Brimm had forcefully directed Inmate Richardson to the floor and then "punched" him multiple times. Lieutenant Edwards stated all three inmates alleged that Inmate Richardson did not do anything, other than being verbally abusive, that warranted Deputy Brimm to physically take him to the floor and use the type of force that Deputy Brimm administered on Inmate Richardson. Due to the contradictory statements, Lieutenant Edwards spoke with Deputy Mercer again to have him provide a more detailed statement of the incident. Lieutenant Edwards stated that Deputy Mercer admitted that he observed Deputy Brimm "punch" Inmate Richardson and then he "slung" him into Cell #602. Deputy Mercer further stated that he felt Deputy Brimm's behavior in the incident was "overboard." Lieutenant Edwards said he believed Deputy Brimm's presence while questioning Deputy Mercer the first time influenced Deputy Mercer to provide a generalized statement. It wasn't until Lieutenant Edwards spoke to Deputy Mercer individually that he got a more detailed statement from him.

Lieutenant Edwards had Deputy Brimm complete an incident report of the use of force involving Inmate Richardson. When he reviewed Deputy Brimm's incident report, Lieutenant Edwards saw that Deputy Brimm omitted documenting any use of force involving a closed fist or punches to Inmate Richardson. Based on Deputy Mercer's statement corroborating the inmate statements, Inmate Richardson's allegations and the contradictions with Deputy Brimm's statement and report, Lieutenant Edwards authored a memorandum to Major Dodson titled, "Overview (David Richardson)."

#### **Second Interview with Lieutenant Edwards:**

On October 12, 2016, Major Fischback and I conducted a second sworn, audio-recorded interview with Lieutenant Edwards. The purpose of this interview was to clarify statements made by Deputy Brimm in his subject interview. During his subject interview, Deputy Brimm insinuated that Lieutenant Edwards' decision to initiate an investigation of the incident was racially motivated and he had him assigned to Tent #2 which he described as the "punishment post" for this use of force incident. Lieutenant Edwards advised that he did instruct Sergeant Matthews to have Brimm assigned to a post that would keep him separated from Deputy Mercer, Deputy Jenkins and the inmates that were present in the medical unit the on date of the use of force of incident. Lieutenant Edwards stated that this was common procedure to assign an employee to a less active post that would keep them separated from other involved employees while an administrative investigation was pending. He said this was for the benefit of the employee to prevent them from getting involved in another incident while the

investigation was on-going. Lieutenant Edwards stated he would do this for any employee involved in similar type circumstances as Deputy Brimm.

Deputy Brimm also cited an incident in which a piece of inmate mail had become lost due to his own negligence. Deputy Brimm stated that Lieutenant Edwards appeared to be more concerned with the lost inmate mail than some lost property with the same inmate. In regards to the lost mail, Lieutenant Edwards advised that he used supervisory discretion by verbally counselling Deputy Brimm when he could have completed formal written documentation.

Deputy Brimm stated that his supervisors refused to document the injury he sustained during the incident with photographs. Lieutenant Edwards said that the Employee Injury paperwork was completed on the date of the incident but he did not take photographs of Deputy Brimm's injury at the time of the incident. Deputy Brimm had advised him of his injury but he told Lieutenant Edwards that he was not in need of medical attention. On the date they returned to work, Lieutenant Edwards did recall Sergeant Cochran telling him that Deputy Brimm had requested photographs be taken of his injury. Lieutenant Edwards believed there had been a miscommunication between himself and Sergeant Cochran because he remembered telling Sergeant Cochran to take the photographs of Deputy Brimm's hand.

**Nurse Kathleen Hubbard**  
**Jail Complex Medical Staff**

On October 04, 2016, Agent LaRoche and I conducted a sworn, audio-recorded interview with Nurse Kathleen Hubbard at the Brevard County Sheriff's Office Jail Complex. Nurse Hubbard stated that, on September 25, 2016, she was working in the medical unit at the charge nurse desk area when she heard a loud commotion coming from the hallway where the cells are located. When she went to the cell hallway to see what was occurring, Nurse Hubbard advised she saw Inmate Richardson face down on the floor with Deputy Brimm on top of him. Deputy Brimm had his knee in Inmate Richardson's lower back area with one of his hands in handcuffs and he (Brimm) was attempting to gain control of Inmate Richardson's other hand. Nurse Hubbard stated Inmate Richardson was resisting Deputy Brimm's attempts to gain control of him by trying to "buck" him off of his back. She further stated that Inmate Richardson was continuously attempting to lift his head back, all the while refusing to provide his other hand to Deputy Brimm. Nurse Hubbard stated that at no time did she observe Deputy Brimm strike Inmate Richardson. In the process of placing handcuffs on Inmate Richardson, Nurse Hubbard saw that Deputy Brimm sustained a small laceration to his hand. Once Inmate Richardson was secured in a cell and he had somewhat calmed down, Nurse Hubbard advised that she completed an assessment of Inmate Richardson for any injuries and to examine his pre-existing surgical abdominal wound. Although Inmate Richardson complained of pain to his jaw, Nurse Hubbard stated she did not observe any new injuries as a result of the use of force incident and she stated Inmate Richardson's surgical wound had some redness to it. While examining Inmate Richardson, Nurse Hubbard stated he was verbally abusive and

disrespectful to her and other staff members. Since she started working at the jail complex medical unit approximately two weeks ago, Nurse Hubbard advised that Inmate Richardson has been a problematic inmate who has continuously berated her and other staff members. Nurse Hubbard completed her assessment of Inmate Richardson and exited the cell. Nurse Hubbard also treated Deputy Brimm for the injury sustained to his hand during the altercation.

**Nurse Jennifer Romanoff**  
**Jail Complex Medical Staff**

On October 04, 2016, Agent LaRoche and I conducted a sworn, audio-recorded interview with Nurse Jennifer Romanoff at the Brevard County Sheriff's Office Jail Complex. Nurse Romanoff stated that on September 25, 2016, she was working in the medical unit however, she was not present when the altercation between Deputy Brimm and Inmate Richardson occurred. She stated she was later requested to complete a physical examination of Inmate Richardson. Nurse Romanoff advised she examined his pre-existing abdominal wound and she believed that the wound appeared to be clean with no aggravated injuries as a result of the use of force incident. Inmate Richardson complained that he had pain in his right upper arm but Nurse Romanoff did not observe any obvious signs of injury.

**Deputy Donalee Jenkins**  
**Jail Complex**

On October 04, 2016, Agent LaRoche and I conducted a sworn, audio-recorded interview with Deputy Donalee Jenkins at the Brevard County Sheriff's Office Jail Complex. Deputy Jenkins stated that on September 25, 2016, she was working in the medical unit when she heard Inmate Richardson arguing about having to be transferred another cell. A short time later, she heard Nurse Romanoff requesting her assistance in the hallway. When she got to the cell hallway, Deputy Jenkins stated she saw Inmate Richardson on the floor with Deputy Brimm and Deputy Mercer in the process of handcuffing him. She advised she observed that Deputy Brimm had one of his hands already handcuffed and Deputy Mercer had grabbed his other arm at which time they were able to complete handcuffing him. During the entire time they were on the floor with him, Deputy Jenkins stated Inmate Richardson was actively resisting Deputy Brimm and Deputy Mercer's attempts to handcuff him and he was verbally abusive towards them. Once Inmate Richardson was handcuffed, Deputy Jenkins said Deputy Brimm escorted him down the hallway towards Cell #602. At that point, Deputy Jenkins advised that Deputy Brimm had complete physical control of Inmate Richardson and he was able to escort him down the hallway without any further physical altercations. Once at the doorway to Cell #602, Deputy Jenkins said Deputy Brimm pushed Inmate Richardson through the doorway at which time she secured the door to the cell. Deputy Jenkins stated that Deputy Brimm pushed Inmate Richardson through the door with enough force to prevent him from being able to turn around and prevent the closing of the cell door. Deputy Jenkins said that she believed that the force in which Deputy Brimm used to push Inmate Richardson was

reasonable but it did cause Inmate Richardson to fall forward once he entered into the cell. Deputy Jenkins advised that Inmate Richardson was able to get back up and he continued to be verbally abusive towards the officers and medical staff. Specifically, Deputy Jenkins recalled Inmate Richardson threatening Deputy Brimm with bodily harm if he ever saw him out on the streets. Deputy Jenkins further stated that the behavior that Inmate Richardson displayed during the incident was not uncommon for him as he has a reputation as being a problematic inmate. Deputy Jenkins did not observe any obvious signs of injury on Inmate Richardson other than the pre-existing abdominal wound and a nurse completed an assessment of his wound at which time she medically cleared him.

**Deputy Bryan Mercer  
Jail Complex**

On October 04, 2016, Agent LaRoche and I conducted a sworn, audio-recorded interview with Deputy Bryan Mercer at the Brevard County Sheriff's Office Jail Complex. Deputy Mercer stated that on September 25, 2016, he was working in the jail medical unit when the medical staff requested the transfer of male and female inmates within the unit. The medical staff had requested he transfer the male inmates in Cell #609 to be transferred to Cell #602 to accommodate the larger number of female inmates. Because of the number of inmates involved in the transfer, Deputy Mercer requested the assistance of Deputy Brimm. Deputy Mercer stated he first moved three female inmates (Inmate Jessica Lind, Inmate Michelle Villanti & Inmate Sara Kane) out of Cell #602 and he had them sit in the hallway near their cell while he completed the transfer of the male inmates. He then went to Cell #609 and he advised them of the impending transfer. Deputy Mercer advised that Inmate Richardson immediately began to become verbally abusive and he directed his anger towards him and Deputy Brimm. Deputy Mercer said that Inmate Richardson has an established reputation as being a problem inmate who verbally abuses anybody he comes in contact with to include deputies and other inmates. Deputy Mercer stated that Inmate Richardson eventually gathered his personal belongings and began to kick his basket out of the cell into the hallway. As he was doing this, Deputy Mercer said that Inmate Richardson was threatening him and Deputy Brimm by stating, "Take me out to the parking lot and I'll show you what's up." Deputy Mercer stated that Inmate Richardson walked to approximately Cell #607 where he stopped moving and he became verbally engaged with another female inmate in another cell. Due to Inmate Richardson becoming a disruption to the orderly running of the medical unit, Deputy Mercer stated that Deputy Brimm placed his hand on Inmate Richardson's shoulder area in a "custodial touch" manner and ordered him to keep moving. Deputy Mercer then observed Inmate Richardson "tense up" and he turned toward Deputy Brimm in an aggressive manner. Due to Inmate Richardson's aggressive behavior, Deputy Mercer believed that Inmate Richardson was going to physically attack Deputy Brimm. Deputy Mercer stated that Deputy Brimm placed Inmate Richardson up against the glass to the cell, grabbed him from behind around the upper torso area with his right arm and then in a "hip check" type move he directed Inmate Richardson to the floor. Once on the floor, Deputy Mercer advised that Inmate Richardson continued to resist Deputy Brimm's efforts to gain control of him. During the struggle to gain physical control of him, Deputy Mercer stated

he observed Deputy Brimm strike Inmate Richardson twice in the head area with a closed fist. Deputy Mercer described the two strikes to the side of Inmate Richardson's head as "rabbit punches" with not a lot of force behind them but it still made him "cringe" about the use of force that Deputy Brimm deployed. Although he wouldn't say the punches were excessive, Deputy Mercer said he felt the punches "skirted the line" stating that he was always trained to not deploy head strikes unless an inmate was aggressively attacking an officer. Deputy Mercer stated he went to Deputy Brimm's aid and he assisted with the handcuffing of Inmate Richardson. During this time, Deputy Mercer said that Inmate Richardson continued to resist their efforts to apply handcuffs. Once Inmate Richardson was handcuffed, Deputy Mercer stated Deputy Brimm lifted Inmate Richardson up off the floor and then he escorted him to Cell #602. Deputy Mercer advised Inmate Richardson continued to verbally accost, and physically resist, Deputy Brimm's efforts to escort him to the cell. Deputy Mercer stated that at no time did he observe Deputy Brimm striking Inmate Richardson against the walls and if he did strike a wall it would have been because of Inmate Richardson's continued resistance to being escorted down the hallway. Once at the cell door, he stated Deputy Brimm pushed Inmate Richardson into the cell at which time the cell door was secured by Deputy Jenkins. Deputy Mercer said it appeared that Deputy Brimm may have pushed Inmate Richardson into the cell a little "on the hard side" but he was at the opposite end of the hallway and he did not have a clear vantage point as he was dealing with the other inmates. Inmate Richardson complained that he sustained an injury to his head however Deputy Mercer advised he did not observe any obvious signs of injury, other than the pre-existing surgery wound. Deputy Brimm then requested for a supervisor to respond to the medical unit for the use of force incident.

Lieutenant Edwards responded to the medical unit and he initiated a supervisory overview of the incident. Deputy Mercer stated he initially gave Lieutenant Edwards a general statement and he did not disclose the details of the use of force because he was uncomfortable with Deputy Brimm standing with them as he was being questioned. It was not until Lieutenant Edwards contacted him the second time that he provided the details of Deputy Brimm striking Inmate Richardson with a closed fist. Deputy Mercer stated he was waiting to speak with Lieutenant Edwards in private and he insisted that he was definitely going to inform him of his concerns with the use of force by Deputy Brimm.

Deputy Mercer stated he has subsequently read Inmate Richardson's grievances and he has found them to contain many inaccuracies and exaggerated statements. Deputy Mercer read the grievances and advise which of Inmate Richardson's statements were inaccurate or false. Deputy Mercer stated that Inmate Richardson's statement that he was being compliant to his and Deputy Brimm's orders and that he never stopped moving was false. Deputy Mercer restated that Inmate Richardson was belligerent, disobeyed several direct orders to keep moving and he was physically resistant until such time he was placed into Cell #602. Inmate Richardson's claim that he was repeatedly punched in the face was inaccurate in that he observed Deputy Brimm strike him twice on the side of the

head. Deputy Mercer also stated that Deputy Brimm did not pin Inmate Richardson's arm on the floor with his knee nor did he bang his head onto the floor.

**Inmate Jessica Lind  
Jail Complex**

On October 04, 2016, Agent LaRoche and I conducted a sworn, audio-recorded interview with Inmate Jessica Lind at the Brevard County Sheriff's Office Jail Complex. Inmate Lind stated that on September 25, 2016, she was housed in the jail medical unit when she was advised that she was being transferred to Cell #609. During the transfer process, the corrections deputies had her and her cellmates, Sara Kane and Michelle Villanti, sit in some chairs out in the hallway area near the doctor's examination room which was on the opposite end of the hallway from Cell #609. Inmate Lind stated she was seated in the middle chair and she described her view to be clear without any obstructions that would hinder her view of the hallway. She stated she heard Deputy Mercer and Deputy Brimm inform the male inmates in Cell #609 that they were being transferred to another cell at which time she immediately heard Inmate Richardson become verbally upset. As Inmate Richardson exited the cell, a female inmate from another cell began to verbally antagonize Inmate Richardson about having to transfer cells. Inmate Lind stated Inmate Richardson responded to the female by telling her to "suck my dick!" Inmate Lind said she heard Deputy Mercer yell at Inmate Richardson about the profane language and then she observed Deputy Brimm "shove" Inmate Richardson in an attempt to keep him moving. Inmate Lind stated Deputy Brimm and Inmate Richardson began to argue with each other directly outside of his cell and that Inmate Richardson may have "hesitated" walking during the verbal exchange. Inmate Lind said Deputy Brimm kept pushing him to keep him moving at which time she recalled Inmate Richardson yelled at him to stop pushing him. She then stated Deputy Brimm grabbed Inmate Richardson from behind in a headlock/choke hold and swung him around to the floor. Inmate Lind admitted that "I have bad vision" but she did not see Inmate Richardson do anything that would provoke Deputy Brimm to suddenly take him to the floor. Inmate Lind heard Deputy Brimm yelling at Inmate Richardson continuously to "give me your hands" as he struggled to place handcuffs on him. During the struggle on the floor, Inmate Lind observed Deputy Brimm raise his arm a couple of times but, because of her impaired vision, she could not say with certainty that Deputy Brimm punched him. She stated she never saw Deputy Mercer provide any assistance to Deputy Brimm during the physical altercation. Inmate Lind then alleged that Deputy Brimm lifted Inmate Richardson up off the floor and he slammed him once head first into a cell door as he escorted him down the hallway. Once at Cell #602, Inmate Lind further alleged that Deputy Brimm lifted Inmate Richardson off his feet and threw him into the cell with a significant amount of force. From where she was seated, Inmate Lind could not see if Inmate Richardson fell to the floor but by the amount of force used she believed that there was no way he would have been able to stay on his feet. Inmate Lind remembered seeing Deputy Jenkins come out from the nurse charge desk but she could not remember exactly where she was at the time of the incident or if she was the officer that opened the cell door for Deputy Brimm. Once in the cell, she advised that Inmate Richardson was requesting medical treatment but the officers

waited for him to calm down. After an unknown amount of time, Inmate Lind stated that "Nurse Jen" (Romanoff) did enter into the cell and complete a medical assessment of Inmate Richardson.

**Inmate Sara Kane  
Jail Complex**

On October 04, 2016, Agent LaRoche and I conducted a sworn, audio-recorded interview with Inmate Sara Kane at the Brevard County Sheriff's Office Jail Complex. Like Inmate Lind, Inmate Kane stated that on September 25, 2016, she was housed in the jail medical unit when she and her cellmates were advised that they were being transferred to Cell #609. During the transfer process, the corrections deputies had her, Inmate Lind and Inmate Villanti, sit in some chairs out in the hallway area near the doctor's examination room which was on the opposite end of the hallway from Cell #609. When Deputy Brimm and Deputy Mercer told the male inmates in Cell #609 that they were being transferred, Inmate Kane stated she could hear one of the inmates being irritated about having to move. *Inmate Kane did not know Inmate Richardson's name but she did describe him.* When Inmate Richardson exited the cell, she heard a female say something to him at which time he responded to her by stating, "Suck my fucking dick!" She then recalled hearing the deputy (unknown which deputy) giving him some sort of directions which she could not hear. Inmate Kane said the next thing she knew was that Inmate Richardson was getting "slammed" to the floor for no reason. Inmate Kane could not describe how Inmate Richardson was taken to the floor other than Deputy Brimm "slammed him hard." Once on the floor, Inmate Kane advised Deputy Brimm was attempting to grab Inmate Richardson's arms and he repeatedly was telling him to "Give me your arms." Because of Deputy Brimm's body positioning on top of Inmate Richardson, Inmate Kane stated that Inmate Richardson struggled to comply with the deputy's orders. Inmate Kane did not observe Deputy Brimm hit or punch Inmate Richardson while they were on the floor but she remembered Deputy Brimm holding his head down. Inmate Kane could not remember if Deputy Mercer rendered any aid to Deputy Brimm during the physical altercation. Inmate Kane stated that Deputy Brimm stood Inmate Richardson upright and then "slammed" him into the glass before escorting him to Cell #602. Inmate Kane later said that Deputy Brimm "pushed" him up against the glass. As Inmate Richardson was being escorted to the cell, she stated that Inmate Richardson was compliant and did not offer any resistance to Deputy Brimm. Once at the cell door, she described Deputy Brimm as lifting Inmate Richardson by the handcuffs and he "threw" him into the cell. Inmate Kane remembered Deputy Jenkins as being in the area of where she was seated but she could not remember as to who opened the cell door for Deputy Brimm. She further stated that she was not able to observe Inmate Richardson when he passed through the cell door but she advised that it sounded like he fell to the floor. Once Inmate Richardson calmed down, Inmate Kane stated that he did receive medical attention from the nurses.

**Inmate Michelle Villanti  
Jail Complex**

On October 04, 2016, Agent LaRoche and I conducted a sworn, audio-recorded interview with Inmate Michelle Villanti at the Brevard County Sheriff's Office Jail Complex. Like Inmate Lind and Inmate Kane, Inmate Villanti stated that on September 25, 2016, she was housed in the jail medical unit when she was advised that they were being transferred to Cell #609. During the transfer process, the corrections deputies had her, Inmate Lind and Inmate Kane, sit in some chairs out in the hallway area near the doctor's examination room which was on the opposite end of the hallway from Cell #609. When Deputy Brimm and Deputy Mercer were beginning to transfer the male inmates, Inmate Villanti heard a female inmate in another cell and Inmate Richardson begin to profanely argue with each other. Inmate Villanti said she observed Deputy Brimm grab Inmate Richardson by the shoulder and he told him several times, "Let's go." Shortly after grabbing him by the shoulder, Inmate Villanti stated she observed Deputy Brimm "slam" Inmate Richardson up against the glass before taking him to the floor. Once on the floor, Inmate Villanti stated that she was seated behind another female inmate and she could not clearly see the ensuing physical altercation. Inmate Villanti then stated that Deputy Brimm stood Inmate Richardson up and he began to escort him towards Cell #602. During the process of escorting him down the hallway, Inmate Villanti alleged that Deputy Brimm kept throwing and/or pinning Inmate Richardson against the cell doors on one side of the hallway several times. Once at the cell door, Inmate Villanti alleged that Deputy Brimm picked Inmate Richardson up off of his feet and "threw" him into the cell. Inmate Villanti was unable to observe Inmate Richardson once he entered into the cell. Inmate Villanti further admitted that she was not able to observe the entire incident due to being visually obstructed by one of the female inmates sitting next to her. After waiting for Inmate Richardson to calm down, Inmate Villanti stated that he was eventually seen by the nurse. Inmate Villanti advised she did not observe any obvious signs of injury on Inmate Richardson.

**Inmate Octavius Weaver  
Jail Complex**

On October 04, 2016, Agent LaRoche and I conducted a sworn, audio-recorded interview with Inmate Octavius Weaver at the Brevard County Sheriff's Office Jail Complex. Inmate Weaver stated that on September 25, 2016, he was housed in Cell #609 in the jail medical unit with Inmate Charles Stowell, Inmate Robert Lynn and Inmate David Richardson when they were advised by Deputy Mercer that they were being transferred to Cell #602. Inmate Weaver admitted that they were upset and frustrated about having to move to another cell but that they did comply with the order to pack up their personal belongings. Inmate Weaver stated that Inmate Richardson was a little more vocal about his displeasure of being transferred but he also was complying with the orders given by the officers. Inmate Weaver recalled that Deputy Mercer opened the cell door and Inmate Richardson was the first person out the door followed by Inmate Stowell and then himself. Inmate Weaver stated he made it as far as the cell door when the physical

altercation occurred between Deputy Brimm and Inmate Richardson at which time Deputy Mercer closed the cell door on him. Once the cell door was closed, Inmate Weaver stated that Deputy Mercer did not assist Deputy Brimm and he was unsure as to where he went. Inmate Weaver stated that an unknown female inmate had said something to Inmate Richardson that angered him. Inmate Weaver advised Inmate Richardson verbally responded to her at which point Deputy Brimm told him to keep moving. Inmate Weaver said that Deputy Brimm then grabbed Inmate Richardson from behind in choke hold and then "slammed" him to the floor. Deputy Brimm was on top of Inmate Richardson who was now in the prone position and facing back towards Cell #609. Inmate Weaver described Deputy Brimm as placing his knees on top of Inmate Richardson's right arm and back area and then he gained control of Inmate Richardson's left arm. He stated that Deputy Brimm was ordering Inmate Richardson to "put your hand behind your back" but Inmate Weaver stated that Inmate Richardson's arm was pinned underneath Deputy Brimm's knee. Inmate Weaver claimed that Inmate Richardson never disobeyed Deputy Brimm's orders and he never physically resisted Deputy Brimm's efforts to handcuff him. Eventually, Deputy Brimm was able to handcuff both of Inmate Richardson's hands at which point he stood him up. Once they were on their feet, Inmate Weaver alleged that with one hand Deputy Brimm grabbed the handcuffs and with his other hand he grabbed Inmate Richardson by the front of his throat. Inmate Weaver then alleged that Deputy Brimm was "throwing" Inmate Richardson off the cell doors on each side of the hallway as he escorted him to Cell #602. Inmate Weaver said he did not have a good visual vantage point to Cell #602 but he was able to see Deputy Brimm place Inmate Richardson into the cell. Inmate Weaver admitted that he was unable to see with certainty the amount of force used by Deputy Brimm when placing Inmate Richardson into the cell.

**Inmate Robert Lynn**  
**Jail Complex**

On October 04, 2016, Agent LaRoche and I conducted a sworn, audio-recorded interview with Inmate Robert Lynn at the Brevard County Sheriff's Office Jail Complex. Inmate Lynn stated that, on September 25, 2016, he was housed in Cell #609 in the jail medical unit when he was advised by a deputy that they were being moved from the cell. When the cell door was opened by the deputy, Inmate Lynn stated Inmate Richardson exited the cell door at which time he saw someone grab his arm. Inmate Lynn stated that he was unable to determine who grabbed Inmate Richardson's arm and at that time he lost sight of him. Inmate Lynn said that he did not observe anything further and he was unable to provide any additional information in regards to this investigation.

**Inmate Kevin Steel**  
**Jail Complex**

On October 04, 2016, Agent LaRoche and I conducted a sworn, audio-recorded interview with Inmate Kevin Steel at the Brevard County Sheriff's Office Jail Complex. Inmate Steel stated that, on September 25, 2016, he was working as a trustee in the medical unit

when the inmates in Cell #609 were advised by Deputy Mercer that they were being transferred to another cell. Although none of the inmates were happy about being transferred, Inmate Steel said the Inmate Richardson became very vocal about his displeasure with the situation. Inmate Steel stated he was standing directly outside the door to Cell #609 when it was opened to allow for the inmates to exit the cell. He said that Inmate Richardson exited the cell and he immediately became engaged in a loud derogatory exchange of words with an unknown female inmate in another cell. Inmate Steel observed Inmate Richardson stop walking at which time Deputy Brimm, who was standing behind Inmate Richardson, ordered him to keep moving. Inmate Steel stated that Inmate Richardson refused to move stating, "I'm not doing it." At that time, Inmate Steel stated Deputy Brimm grabbed Inmate Richardson from behind around the neck area and he threw him to the floor in a counter clockwise motion. Once on the floor, Inmate Steel advised Deputy Brimm was on top of him in a kneeling position as he attempted to gain control of Inmate Richardson's arms. Inmate Steel stated that Inmate Richardson was not physically resisting Deputy Brimm in any way and he kept saying, "Why are you doing this? I'm complying." In the process of grabbing Inmate Richardson's arms, Inmate Steel recalled one of his arms going free at which time he observed Deputy Brimm hit him twice in the side of the head with what he believed was a closed fist. Inmate Steel described the hits as "short inside punches" and not going for the full force of "momentum." Inmate Steel did not believe Deputy Brimm's intent was to hurt Inmate Richardson but to "stun" him. Deputy Brimm then applied handcuffs to Inmate Richardson and stood him up. Once Inmate Richardson was standing up, Inmate Steel alleged Deputy Brimm intentionally threw him once head first into the glass of one of the cells as he escorted Inmate Richardson towards Cell #602. Inmate Steel again stated that Inmate Richardson did not offer any resistance towards Deputy Brimm and he thought that Deputy Brimm throwing him into the cell glass was "unnecessary." Upon arriving at the door of Cell #602, Inmate Steel stated Deputy Brimm had Inmate Richardson's handcuffed hands elevated to the point where he was on his toes at which point he "threw" him into the cell. Inmate Steel believed Deputy Brimm used enough force to throw Inmate Richardson off balance and push him past the threshold of the cell door. Inmate Steel was unable to observe Inmate Richardson once he entered into the cell area. Inmate Steel stated that Inmate Richardson began to complain that his pre-existing wound was leaking however the nurses had to wait until he calmed down before they could complete an assessment of his injury. Other than the pre-existing wound, Inmate Steel did not observe any other signs of obvious injuries.

**Inmate David Richardson  
Jail Complex**

On October 04, 2016, Agent LaRoche and I conducted a sworn, audio-recorded interview with Inmate David Richardson at the Brevard County Sheriff's Office Jail Complex. Inmate Richardson stated that on September 25, 2016, he was housed in Cell #609 in the jail medical unit with Inmate Charles Stowell, Inmate Robert Lynn and Inmate Octavius Weaver when they were advised by Deputy Mercer that they were being transferred to Cell #602. Inmate Richardson admitted that he and the other inmates were upset and

frustrated about having to move to another cell but that they did comply with the order to pack up their personal belongings. Inmate Richardson admitted that he was vocal about his frustration but that it was only intended to be complaining amongst his cellmates. Inmate Richardson denied Deputy Brimm and Deputy Mercer's allegations of threatening any of the deputies with bodily harm. When Deputy Mercer opened the cell door, Inmate Richardson stated he exited the cell and he was kicking his basket along the floor. Inmate Richardson advised that he was directed by his doctor not to pick up any items with any weight due to his recent surgical procedure. When he exited the cell, Inmate Richardson stated that Deputy Brimm was standing slightly off his shoulder area. At that time, Inmate Richardson recalled a female inmate from another cell began to verbally chastise him. Inmate Richardson admitted that he was aggravated with the female and he responded in a derogatory manner. Inmate Richardson stated he never stopped to engage the female inmate but he may have hesitated in the hallway when his mattress fell off his basket. When he bent over to adjust his mattress, Inmate Richardson advised Deputy Brimm grabbed him on his left sleeve. Inmate Richardson said that initially Deputy Brimm pulled his sleeve forward and then immediately thereafter he pulled it backwards towards him. Inmate Richardson stated he did not refuse to move but he may have "freezed" in anticipation of trying to figure out what Deputy Brimm wanted him to do. He said that Deputy Brimm pushed him up against the cell window and placed him a "choke hold" with his right arm. Inmate Richardson recalled Deputy Brimm then swung him to the floor with a lot of force. Inmate Richardson said he had a chance to review Deputy Brimm's report and he stated the portion of his report describing the original use of force was accurate. Once they were on the floor, Inmate Richardson alleged that Deputy Brimm punched him three times in the side of his face with a closed fist. He described the punches as being three short jabs but not being "knock you out" type punches. Deputy Brimm then grabbed his left arm and placed his knee on his right shoulder to the point he was unable to move his right arm. While he was face down, he stated Deputy Brimm was "mashing" his face into the floor and yelling at him to place his hands behind his back. Inmate Richardson stated he was unable to provide his right arm due to Deputy Brimm having his arm pinned underneath his knee. Eventually, Deputy Brimm gained control of his right arm and he placed handcuffs on him. Inmate Richardson said that Deputy Brimm then stood him upright and he began to walk him down the hallway. As they were going down the hallway, Inmate Richardson alleged that Deputy Brimm swung him into several cells on opposite sides of the hallway until they reached Cell #602. He denied Deputy Brimm's report that he was resisting and shaking violently as he was being escorted down the hallway. Once in front of Cell #602, Inmate Richardson believed another deputy may have opened the cell door at which time Deputy Brimm threw him into the cell. Inmate Richardson stated he was lifted off of his feet and he fell forward falling on his abdomen. Inmate Richardson said he had to call for medical attention several times and when they did attend to him he did not believe the medical staff took him and/or his injuries serious.

**Sergeant James Cochran**  
**Jail Complex**

On October 12, 2016, Major Fischback and I conducted a sworn, audio-recorded interview with Sergeant James Cochran at the Brevard County Sheriff's Office Jail Complex. Sergeant Cochran stated that on September 25, 2016, he was working in the jail when he was notified of a use of force of incident in the medical unit. Sergeant Cochran arrived in the medical unit where he learned that Lieutenant Edwards had already initiated a supervisory investigation to complete an overview of the incident. He made contact with Deputy Brimm, who he observed had gauze on an injury to his hand, and he inquired as to what happened. Sergeant Cochran stated Deputy Brimm gave him a generalized statement that Inmate Richardson had turned around on him so he had to take him to the ground. Sergeant Cochran stated Lieutenant Edwards took pictures of Inmate Richardson however he advised there were no pictures taken of Deputy Brimm's injury on that date. As Lieutenant Edwards was conducting individual interviews with the witnesses in the medical unit, Sergeant Cochran recalled that Deputy Brimm had requested that, if Lieutenant Edwards was going to interview him, he wanted Sergeant Cochran to be there with him as he did not want to be questioned alone with him. Sergeant Cochran did not know why Brimm made this request.

When they returned to work on September 28, 2016, Sergeant Cochran advised Deputy Brimm came to his office and he requested that he take pictures of his hand to document his injury. On that date, he said he did observe some slight bruising in between the thumb and index finger of Deputy Brimm's hand. Per Lieutenant Edwards' direction, Sergeant Cochran stated that he did not document the injury with any pictures. He disputed Deputy Brimm's assertion in his subject interview that he had offered to use his department cellular telephone to document the injury stating that would not have been the proper policy for documenting photographs. Since the use of force incident, Sergeant Cochran advised Deputy Brimm has been assigned to the tent areas in order to keep him separated from the other involved officer and inmates pending the outcome of the administrative investigation.

**Sergeant Brian Seeley**  
**Jail Complex**

On October 12, 2016, Major Fischback and I conducted a sworn, audio-recorded interview with Sergeant Brian Seeley at the Brevard County Sheriff's Office Jail Complex. Sergeant Seeley stated that on September 25, 2016, he was working in the jail when the use of force incident involving Deputy Brimm and Inmate Richardson occurred in the medical unit. Sergeant Seeley advised that he did not hear nor respond to the incident when it happened. Sergeant Seeley said he was made aware of the incident by another supervisor. Sergeant Seeley recalled that Deputy Brimm had attempted to contact him the following date via a text message and a telephone call. Due to the potential of the use of force incident being referred to the Staff Services Unit, Sergeant Seeley stated he did not respond to Deputy Brimm. Sergeant Seeley advised that he did

not have any involvement in the use of force investigation or with any documentation associated with the incident.

#### **IV. Subject Interview:**

##### **Deputy Jason Brimm Jail Complex Subject Interview**

On October 12, 2016, Major Fischback and I met with Deputy Brimm at the Brevard County Sheriff's Office Detention Center to serve him the "Notice of Administrative Investigation." After doing so, Deputy Brimm advised he wanted to have his interview conducted right then. I provided Deputy Brimm the opportunity to review the case file pertaining to this administrative investigation at which time he declined to do so. I then conducted a sworn audio-recorded interview with him. Prior to asking Deputy Brimm any questions, he was read the "Administrative Investigation Warnings," which he acknowledged he understood and signed. Deputy Brimm also acknowledged he understood he could have a representative with him during the interview but chose not to. I explained to Deputy Brimm the nature of this investigation and asked him to explain what occurred in the medical unit on September 25, 2016. The following is a summary of the interview:

Deputy Brimm stated that, on September 25, 2016, he was working in the jail medical unit when the medical staff requested the transfer of male and female inmates within the unit. At the request of the charge nurse, Deputy Brimm advised that the males located in Cell #609 were to be transferred to Cell #602. Deputy Brimm stated that Deputy Mercer had requested his assistance in the move due to the fact some of the inmates were irritated about having to be moved to another cell. Prior to the move, Deputy Brimm advised that he was aware of Inmate Richardson being classified as a "Purple Tag" and he felt that Deputy Mercer should have at least handcuffed him before allowing him to exit the cell. Deputy Brimm stated that Deputy Mercer opened the door to Cell #602 at which time Inmate Richardson exited the cell. He stated the other cell inmates were still in the process of packing their property and they did not exit the cell with Inmate Richardson. Deputy Brimm said that Inmate Richardson immediately started name calling, cursing and threatening deputies by stating, "You don't know who you're dealing with" and making statements of how the deputies should meet him in the parking lot to see what would really happen. At that time, Deputy Brimm stated Inmate Richardson became engaged in a loud verbal exchange with an unknown female inmate from another cell and he began to yell several profane derogatory statements at her. Due to his negative and threatening behavior, Deputy Brimm advised he reached out and grabbed Inmate Richardson's arm so that he could stop his forward movement. When he reached out for his arm, Deputy Brimm said he told Inmate Richardson that he was going to handcuff him at which point Inmate Richardson tensed up both of his arms and clenched his fists. Deputy Brimm believed that Inmate Richardson had become a physical threat so he let go

of Inmate Richardson's arm, grabbed him from behind over his right shoulder and swung him around in a counter clockwise motion to the floor. Once on the floor, Deputy Brimm advised that Deputy Mercer assisted him by grabbing Inmate Richardson's left arm while he attempted to gain control of his right arm. Deputy Brimm said that he continuously ordered Inmate Richardson to place his hands behind his back to which Inmate Richardson kept responding that he was unable to do so. Although they were near the wall of the hallway, Deputy Brimm advised that neither he nor the wall inhibited Inmate Richardson from being able to produce his arm to be handcuffed. Deputy Brimm stated that while they were attempting to gain control of his arms Inmate Richardson continued to be verbally abusive and he resisted their efforts to gain control of his arms. Deputy Brimm said that Inmate Richardson was swinging his head back and forth so he placed one of his hands on his head in an attempt to control his body movements. Deputy Brimm further stated that it is not uncommon for inmates who act in similar situations to spit or attempt to bite deputies. Deputy Brimm advised that Inmate Richardson eventually conceded his right arm at which time he was able to apply handcuffs to secure him. Deputy Brimm then lifted Inmate Richardson in the upright position and he began to escort him towards Cell #602. Deputy Brimm stated Inmate Richardson was continuously jerking his body back and forth as he was walking down the hallway. Deputy Brimm advised that in the process of trying to control Inmate Richardson's body movements he got his hand stuck in the hinge of the handcuffs which caused a minor injury to his right hand. Deputy Brimm stated he did not intentionally direct Inmate Richardson into any of the cell doors or walls nor did he recall Inmate Richardson ever striking any of the cell doors or glass windows as he walked towards the cell. Once at Cell #602, Deputy Brimm opened the door and he released his hold of Inmate Richardson's handcuffs. Due to his jerking body movements and the sudden release of the handcuffs, Deputy Brimm stated Inmate Richardson lost his balance and fell face forward on the floor. Deputy Brimm denied pushing Inmate Richardson into the cell. After securing Inmate Richardson in the cell, Deputy Brimm requested for a supervisor to respond to the medical unit due to the use of force incident.

On the date of the incident, Deputy Brimm requested a sergeant respond to the medical unit which he advised was the normal procedure. Instead, Lieutenant Edwards responded to the medical unit and he assumed the supervisory overview of the incident. He stated that Lieutenant Edwards only spent about fifteen to twenty seconds with him before he began to question the female inmates that were seated in the hallway. Deputy Brimm believed that the female inmates would not have been able to provide detailed statements due to the fact they were on the opposite end of the hallway and there were several visual obstructions in between them and where the incident took place. He stated Lieutenant Edwards spoke with Deputy Mercer once and then, after speaking with additional inmates, he spoke with Deputy Mercer a second time. Deputy Brimm took exception to the fact that Lieutenant Edwards completed all of the interviews individually by himself in a separate room with no witnesses. Deputy Brimm insisted that his statement, to include his report, was accurate and truthful and that the other statements, to include Deputy Mercer, were untruthful. I asked Deputy Brimm as to why Deputy Mercer would

provide a false statement and he stated he believed Deputy Mercer's statement may have been provided under pressure from Lieutenant Edwards.

I then asked Deputy Brimm to respond to the allegations made of him striking Inmate Richardson twice in the head with a closed fist. Deputy Brimm adamantly denied ever striking Inmate Richardson. When asked as to why several statements consistently described in detail his alleged strikes to Inmate Richardson's head, Deputy Brimm believed that Lieutenant Edwards had somehow influenced their statements. Deputy Brimm insinuated that Lieutenant Edwards had a racial component to the way he supervised the shift and that is why he believed his recent use of force incident with Inmate Richardson was "pushed the route it was pushed." Every time a white deputy had a use of force incident, Deputy Brimm claimed that Lieutenant Edwards had that deputy assigned to the "punishment post" which he stated was Tent 2. Due to the use of force incident, Deputy Brimm stated he was told by Sergeant Matthews that he should expect to be moved around a lot but he has instead been assigned to the Tent 2 housing unit. Sergeant Matthews told him that if he had any questions he should contact Lieutenant Edwards. However, Deputy Brimm recalled that a black deputy had a use of force incident and, instead of being assigned to the Tent 2 housing unit, he was praised by Lieutenant Edwards during the shift muster.

Major Fischback asked if Lieutenant Edwards had a specific personal issue with him to which Deputy Brimm stated he did not know. Deputy Brimm then went on to describe a previous incident where he was dispersing inmate mail in the 300 pod. He stated that he had a piece of mail for an inmate that had been transferred to the medical unit so he requested one of the nurses, who was present in the pod, to deliver it to the inmate when she returned to her work station. Before the mail could be delivered, Deputy Brimm said that the inmate had been brought back to the 300 pod. Upon learning that the inmate did not receive his mail, Deputy Brimm told the inmate of the piece of mail and that it would eventually be delivered to him. After a couple of days, the inmate did not receive his mail and he subsequently submitted a grievance form. Deputy Brimm admitted that it was his responsibility and not the nurse's to ensure the proper delivery of inmate mail. Deputy Brimm said that Lieutenant Edwards received the grievance and he verbally counselled him as to the responsibilities of the proper procedures for handling inmate mail. Lieutenant Edwards then directed Deputy Brimm to track down the missing inmate mail and have it properly delivered to the inmate. Deputy Brimm said he attempted for approximately two weeks to track down the missing correspondence with negative results. During that time, he advised Lieutenant Edwards kept asking him almost every day of the status of the missing mail. In the meantime, Deputy Brimm said that the same inmate had some missing property but Lieutenant Edwards did not seem as concerned with the property. Eventually, Deputy Brimm learned that the inmate did receive the missing mail through unknown means.

#### **V. Other Investigative Efforts**

During the investigation, several witnesses stated that Inmate Richardson had previous disciplinary issues prior to this incident. I retrieved Inmate Richardson's disciplinary history and it revealed two previous disciplinary reports for "Refusing to Obey Orders" and "Insolence Towards Staff" on May 29, 2016 (Incident 2016-00001648) and June 21, 2016 (Incident 2016-00001921). Both incident reports will be provided as enclosures with this investigative report.

During Deputy Brimm's subject interview he advised that his supervision refused to document his injury with photographs. Deputy Brimm stated that he had taken his own photographs with his cellular telephone and that he still was in possession of them. I had Deputy Brimm forward the photographs to me and they will be provided as enclosures with this investigative report.

I responded to the medical unit where I documented the area by taking several photographs and measurements of the hallway where the incident took place. The photographs will be provided as enclosures with this investigative report. The distance from Cell #609 to Cell #602 is approximately 56 feet and the hallway is approximately six feet wide. The distance from where the female inmates were seated to the area where the physical altercation took place is approximately 86 feet. From where the female inmates were seated, there did not appear to be any visual obstructions. Inmate Steel, who was the medical trustee, was standing directly outside of Cell #609 when the transfer was initiated in anticipation of cleaning the cell once it had been emptied. The remaining male inmates involved in the transfer were still located inside of Cell #609 when the physical altercation took place and they would have been able to observe the altercation from their vantage point from within the cell.

#### **VI. Recommendation**

On September 25, 2016, Deputy Jason Brimm was assisting Deputy Mercer in the transfer of several inmates within the jail medical unit. Upon being informed of their transfer to another cell, Inmate Richardson immediately became verbally upset and abusive towards deputies. Inmate Richardson threatened Deputy Brimm and Deputy Mercer with insinuated bodily harm by making several statements of "Take me to the parking lot and we'll see what's up!" and "Want me to catch five years on one of you all?" As he exited the cell into the hallway, Inmate Richardson became involved in a derogatory verbal exchange with a female inmate in another cell (unknown who).

Due to Inmate Richardson's insolent behavior and disruption of the orderly running of the jail medical unit, Deputy Brimm grabbed ahold of his arm in attempt to keep Inmate Richardson moving as he escorted him to Cell #602. According to Deputy Brimm and Deputy Mercer, Inmate Richardson immediately tensed his arms with closed fists and he attempted to turn towards Deputy Brimm. In Inmate Steel's interview, he stated that

Deputy Brimm ordered Inmate Richardson to keep moving to which he responded, "I'm not doing it."

Fearing that Inmate Richardson was going to escalate the situation to a physical altercation, Deputy Brimm physically gained control of Inmate Richardson from behind and he directed him to the floor. Once on the floor, Deputy Brimm, Deputy Mercer and Nurse Hubbard all stated that Inmate Richardson continued to physically resist efforts to apply handcuffs to him. During his subject interview, Deputy Brimm admitted that Inmate Richardson displayed a passive resistance and that he never actively kicked, punched or attempted to bite him. Once on the floor, Deputy Mercer, Inmate Steel and Inmate Richardson alleged that Deputy Brimm punched Inmate Richardson in the side of the head with a closed fist. In their interviews, Deputy Mercer, Inmate Steel and Inmate Richardson all similarly described the alleged punches as "rabbit punches", "short jabs" and "inside punches" and that the strikes were not delivered with the intent to cause great harm or injury.

Once the handcuffs were applied, Deputy Brimm stood Inmate Richardson up and he escorted him down the hallway. In Deputy Brimm's incident report, he described Inmate Richardson as "violently jerking his body back and forth" as he escorted him towards Cell #602. During the witness interviews, there was several varying inconsistent statements as to the manner in which he was escorted down the hallway and placed into Cell #602. Inmate Lind, Inmate Kane and Inmate Steel alleged that Deputy Brimm physically pushed or shoved Inmate Richardson once into the wall as he walked him towards Cell #602. Inmate Villanti stated she observed Deputy Brimm throwing Inmate Richardson several times against one side of the hallway while Inmate Weaver and Inmate Richardson alleged that Deputy Brimm threw him several times against opposite sides of hallway. These accounts were disputed by Deputy Mercer and Deputy Jenkins who advised that Deputy Brimm had control of Inmate Richardson and he was escorted down the hallway without further incident.

Once at Cell #602, Inmate Lind, Inmate Kane, Inmate Villanti and Inmate Steel described Deputy Brimm as lifting Inmate Richardson off his feet and throwing him into the cell with an excessive amount of force. Deputy Jenkins, who was standing at the cell door, described Deputy Brimm as pushing Inmate Richardson into the cell with just enough force to clear him through the threshold of the doorway to prevent him from turning around and obstructing deputies from securing the cell door. In Deputy Brimm's incident report, he stated that he was controlling Inmate Richardson's movements by holding the handcuffs with his right hand. Due to Inmate Richardson's jerking back and forth, Deputy Brimm advised that his hand was injured while attempting to control him by holding onto the handcuffs. Once at the cell door and due to the injury to his hand, Deputy Brimm advised that he released his hold of the handcuffs at which time the momentum of Inmate Richardson's jerking movements caused him to fall forward into the cell.

As it pertains to the use of force, this investigation revealed that Deputy Brimm was justified in his physical takedown of Inmate Richardson once he exited the cell into the hallway. According to the interviews, Inmate Richardson was agitated about having to transfer cells and he expressed his displeasure by being vocally insolent towards Deputy Brimm and Deputy Mercer. At the point where Inmate Richardson stopped moving and confronted Deputy Brimm about being grabbed by his arm, Deputy Brimm deployed a reasonable amount of force to take control of an unruly inmate.

Based on the sworn statements of Deputy Mercer, Inmate Steel and Inmate Richardson, this investigation revealed that Deputy Brimm did strike Inmate Richardson with a closed fist. During the witness interviews, Deputy Mercer, Inmate Steel and Inmate Richardson all described the punches in similar detail. Deputy Mercer described the strikes as "rabbit punches" and not very impactful. At the time these strikes were delivered, Inmate Richardson was still refusing to cooperate with Deputy Brimm and Deputy Mercer. Although he denied he deployed these strikes, given the circumstances of an uncooperative inmate refusing to comply with the orders and direction he was being given, Deputy Brimm would have been within policy to employ such "striking techniques" to gain control over Inmate Richardson. Deputy Mercer, Inmate Steel and even Inmate Richardson advised that the strikes were not excessive. In the Incident Report authored by Deputy Brimm, he failed to fully document the level of force he used (closed fist strikes) in his response to resistance report which was used to gain control of Inmate Richardson as required in policy *600.071 Response to Resistance, Incident Reports and Use of Force Reports*.

In Deputy Brimm's subject interview, he adamantly denied striking Inmate Richardson in the head with a close fist. Deputy Brimm advised that he was being truthful in his statement and he believed everybody else, to include Deputy Mercer, was lying. He also believed that Lieutenant Edwards had possibly influenced the witnesses during the interviews he conducted. During his interview, Deputy Brimm insinuated that Lieutenant Edwards had something against him and he suggested there was a racial component as to how he supervised his shift. When asked to clarify his statement, Deputy Brimm advised that since this incident, he has been assigned to the Tent 2 housing unit which he said was the "punishment post." Lieutenant Edwards advised that it was common practice for supervisors to assign an employee to a less active post while an administrative investigation was pending. Lieutenant Edwards stated that this was for the benefit of the employee in an attempt to minimize any additional incidents until the investigation was finalized. Lieutenant Edwards advised he would have done this for any of his subordinates in similar circumstances.

Deputy Brimm also cited an incident in which Lieutenant Edwards persistently followed up with him over a piece of lost inmate mail over an approximate two week period. Deputy Brimm admitted that the inmate mail was lost due to his own negligence however he felt Lieutenant Edwards had singled him out for something minor. In this instance, Lieutenant Edwards chose to verbally counsel him as opposed to formally documenting

Deputy Brimm's policy failures. Deputy Brimm suggested his treatment by Lieutenant Edwards was racially motivated however he failed to provide any evidence that would support his allegation of racial bias.

I also reviewed the Sheriff's Office policy, *600.09H-Classification*, in regards to the movement of inmates with the designation "Purple Tag." In the policy, it cites that "Purple Tags" require two deputies to be present when they are escorted. It further states that "Purple Tag" inmates will be double restrained any time they are *outside* of the housing pod. In this incident, there was two deputies present and the transfer was being made within the housing unit. Although not required, due to Inmate Richardson's agitated state and his reputation as a problematic inmate, it may have been more prudent for the deputies involved to have at least placed handcuffs on Inmate Richardson prior to him exiting the cell. This may have alleviated the necessity to administer a physical takedown of Inmate Richardson.

Based on the facts set forth in this administrative investigation, I recommend the following:

That the allegation against Deputy Brimm that he violated *400.00 General Professional Responsibilities* be closed as "**Sustained.**"

That the allegation against Deputy Brimm that he violated *400.04 Substandard Performance* be closed at "**Sustained.**"

That the allegation against Deputy Brimm that he violated *400.06 Compliance with Law & Regulation* be closed as "**Not Sustained.**"

That the allegation against Deputy Brimm that he violated *400.68 Truthfulness* be closed as "**Sustained.**"

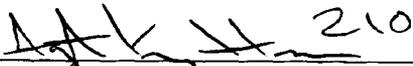
That the allegation against Deputy Brimm that he violated *600.07I Response to Resistance, D. Incident Reports and Use of Force Reports* be closed as "**Sustained.**"

## VII. Enclosures

- Copy of Incident Report 2016-00003055 by Deputy Brimm
- Copy of Inmate Grievances (4)
- Memorandum from Lieutenant Edwards to Major Dodson titled "Overview (David Richardson)"
- Memorandum from Major Dodson to Chief Lewis titled "Request for Formal Investigation, (Response to Resistance) Use of Force"
- Notice of Administrative Investigation
- Administrative Investigation Warning

**VIII. Oath**

I, Agent Kraig Hupfer, do hereby swear, under penalty of perjury, that to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes.

Signed  210  
Agent Kraig Hupfer, ID 210

Sworn to and subscribed before me, the undersigned authority, this 28<sup>th</sup> day of November, 2016.

Signature   
NOTARY PUBLIC/LAW ENFORCEMENT OFFICER  
IN PERFORMANCE OF OFFICIAL DUTIES

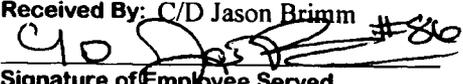
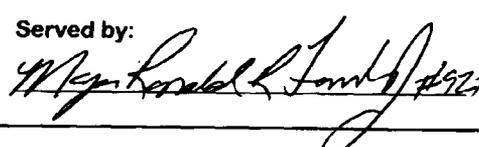




Brevard County Sheriff's Office  
Titusville, Florida

MEMORANDUM

**TO:** Corrections Deputy Jason Brimm  
**FROM:** Chief Michael J. Lewis  
**DATE:** December 01, 2016  
**RE:** Final Action  
Administrative Investigation 2016-CI-028

<b>A TRUE COPY</b>	
TIME <u>11:24 AM.</u>	
DATE <u>12/19/16</u>	
<b>BREVARD COUNTY SHERIFF'S OFFICE</b>	
Received By: C/D Jason Brimm #80	
	
Signature of Employee Served	
Served by:	
	

Administrative Investigation 2016-CI-028 was initiated in response to allegations that your actions in dealing with an unruly inmate on September 25, 2016 may have violated Brevard County Sheriff's Office policies and procedures. Specifically that you may have used an inappropriate amount of force on the inmate.

Subsequent investigation of these allegations by the Staff Services Unit determined that your use of force during this incident was reasonable and within policy guidelines. I reviewed the facts of this incident very carefully and I concur with the determination that your actions were appropriate and within policy. As we discussed during your hearing, there did appear to be an issue with your reporting of this incident. I believe this discrepancy could simply be a "perception" based issue. You were the one that was hands-on with the inmate and struggling to gain control over him, while the other witnesses were not so engaged. I believe that you were in the best position to detail the actions of the subject inmate and yourself. I believe that it is reasonable to assume that your perception of the inmate's actions, and your own, could be slightly different than those of the non-combatant witnesses. It is important to note that none of the witnesses provided any information which would change the determination that this use of force was within policy.

During a disciplinary hearing on December 01, 2016, you stated your belief that you are a good employee and that you are brutally honest when it comes to your actions, you related an incident from earlier in the year where you had spoken the truth in an investigation knowing full well that you would be facing serious disciplinary action for doing so. In this incident you believed that you used the appropriate amount of force and reported it accordingly. During your hearing you stated that you were not trying to be deceitful with your initial reporting of this matter and you acknowledged that the other

**Final Action 2016-CI-028**

**December 01, 2016**

**Page 2**

witnesses may have different recollections or perceptions of what had occurred and that they could be accurate.

During your hearing Major Dodson and Major Tomblin both stated that they thought you were a good employee and that you were performing at a high level. As you and I discussed, I have been impressed with the way that you have carried yourself since the earlier incident and I believe that you are a valuable asset to the Brevard County Sheriff's Office. Therefore, after a careful review of this incident, and in consideration of the comments you made during your hearing, I am going to close this investigation and "EXONERATE" you of any misconduct in this matter. A major factor in this determination is the fact that, no matter who's version I choose to believe, the amount of force used during this incident was within policy.

I realize that an administrative investigation can be stressful to the involved employees. However, the need to be responsive to allegations of misconduct makes it imperative that we investigate such allegations in a thorough and professional manner. I appreciate the patience you have demonstrated while waiting for the investigative results.

c: Major James Dodson, Jail Complex  
Major Ronald Tomblin, Jail Complex