

**Volusia County Division of Corrections
Incident Report**

THE INFORMATION BELOW WILL BE FILLED IN COMPLETELY BY THE PERSON FILING THE REPORT AT THE TIME THE INCIDENT TAKES PLACE. USE VCDC 402 (SUPPLEMENTAL REPORT) FOR CONTINUATION.

SUBJECT: Release Error	DATE: 7/26/2016	TIME: 1100		
INMATE NAME: Burnham, Jerrold	BOOKING NUMBER: 973080	CELL: VCCF		
<p>On 7-26-16 I spoke with C/M W. Hope who was inquiring about Inmate Burnham, 973080, being released this morning when he is in the CDTF program and had not completed it yet. I received the file and began looking into the release. On 5-26-16 Inmate Burnham was sentenced on case 2016301993CFDB Tampering w/ physical evidence , Poss Schedule II substance 120 days w/ 28 credit followed by 36 months probation and completion of CDTF at VCBJ. The booking card states CDTF highlighted in orange. I reviewed the entire file for a CDTF completion letter and did not find one. I then notified Booking supervisor Lt. Hughes of this incident. I contacted C/M Hope who stated that Inmate Burnham still had half the program to complete. C/M Hope called me back shortly after and stated that the CDTF program supervisor spoke with inmate Burnham's family concerning him being released and he was instructed to report back to the jail. Lt. Hughes tried to contact Mrs. Jenkins to find an estimated time of return. At 1149 I received a call from Mrs. Jenkins, Inmate Burnham's mother, stating that he would return to the jail today between 1300-1500, coming from Palm Coast. Inmate Burnham reported to the Branch jail at 1500 booking number 979171. Case Management advised of new BKN to ensure all information is combined.</p>				
<i>Sr. Off. C. Bertrand 434</i>	Sr. Officer C. Bertrand	434	7/26/2016	1600
SIGNATURE	PRINTED NAME	NUMBER	DATE & TIME	

CORRECTIVE ACTION OR COMMENTS BY SUPERVISOR

After review it appears that Sgt Ellenbecker overlooked the information on the Court Action Form and signed off on the final release. He failed to see the orange highlighted area on the Booking card, which is a secondary indicator that the I/M is in CDTF. Booking policy calls for a letter of completion from the CDTF program leader prior to the release of any I/M enrolled in the CDTF program. The I/M did return to us of his own volition and has been booked back in. Judge Marriott was made aware of this incident as the presiding Judge. A note was made in the I/M's file on the Clerks side and no further action was called for by Judge Marriott.

<i>Lt Hughes</i>	Lt Hughes	259	7/27/2016	1400
SIGNATURE	PRINTED NAME	NUMBER	DATE & TIME	

CORRECTIVE ACTION OR COMMENT BY SUPERVISOR

Again, this appears to be human error on Sgt Ellenbeckers part. He was made aware of the incident and his VCDC 402 is attached.
Forward for review and disposition.

<i>Lt Hughes</i>	Lt Hughes	259	7/27/2016	1400
SIGNATURE	PRINTED NAME	NUMBER	DATE & TIME	

SENIOR MANAGEMENT REVIEW

Noted. Senior Mgmt. to review. Neg. EPN to be issued. W. R. Warden M. Reinhart #145

<i>W. R.</i>	Warden M. Reinhart #145		JUL 27 2016	JUL 28 2016
SIGNATURE	PRINTED NAME	NUMBER	DATE & TIME	

2536

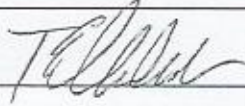
VOLUSIA COUNTY DIVISION OF CORRECTIONS
SUPPLEMENTAL REPORT PAGE 1 of 1

SUBJECT: Release Error

Inmate Name:	Burnham, Jerrold	BOOKING NUMBER:	973080		
DATE OF INCIDENT:	7/26/2016	TIME OF INCIDENT:	1100	CELL:	ID
LOCATION	VCCF				

On 7/26/16 at approximately 1700 I was informed by SRO Bertrand that I had scheduled I/M Burnham, J 973080 for release when he was ordered to remain in custody pending completion of CDTP.

On 7/25/16 at approximately 2100 I was reviewing the documentation for I/M's scheduled to be released on 7/26/16. I/M Burnham was a part of this process. During my review of I/M Burnham's electronic file I did not see Judge Marriott's stipulation that I/M Burnham was sentenced, but had to complete CTDP before his release. I was not rushed or distracted during my processing of I/M Burnham or others scheduled for release. This was a review error on my part. In the future I will be much more diligent when reviewing documentation concerning I/M's to be released.

STAFF SIGNATURE		Date: 7/26/2016	Time: 2300
Employee Print Name:	Sgt T. Ellenbecker	Employee Number:	1016

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Incident Report**

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SUBJECT: Erroneous Release	DATE: 8/26/2016	TIME: 1650
INMATE NAME: Lilly, Christopher	BOOKING NUMBER: 981255	CELL: ID/REC

On 08/26/2016 at approximately 1750 hours, I was contacted by Justin Buccolo from Alliance Bail Bonds. He informed me that he had dropped off a bond earlier for Donald Lilly #981253 and stated that we had instead released Christopher Lilly #981255. I pulled the booking card and bond and verified that there had been an error made. The Booking card was for Lilly, Christopher #981255 and the bond was for Lilly, Donald #981253. I immediately advised Sgt Ellenbecker of the situation, he contacted Lt Hughes and we began the process of locating and bringing Inmate Lilly, Christopher #981255 back into custody. Sgt Ellenbecker contacted VCSO and apprised them of the situation, they advised they would send a Lieutenant out to the jail and discuss the situation. At approximately 1900 hours, I was advised by Lt Hughes that Inmate Lilly, Christopher #981255 had been secured by VCSO and was enroute back to the Volusia County Branch Jail.

<i>K. Kibbe</i> SIGNATURE	K. KIBBE PRINTED NAME	21115 NUMBER	8/29/2016 1018 DATE & TIME
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CORRECTIVE ACTION OR COMMENTS BY SUPERVISOR

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CORRECTIVE ACTION OR COMMENT BY SUPERVISOR

Three booking staff members missed that the wrong inmate was being processed out. The inmate was brought back to our custody by 1904 that same date. I have completed a VCDC memo containing all pertinent information and disciplinary recommendations on all staff involved. I have forwarded that to Warden Reinhart for review and final decision.

<i>Lt Hughes</i> SIGNATURE	Lt Hughes PRINTED NAME	259 NUMBER	8/31/2016 1143 DATE & TIME
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SENIOR MANAGEMENT REVIEW

Noted. Progressive disciplinary action to be taken. Recommendation of 1 day suspension. Sgt. Lea to be reassigned to another position within the division going to Adm. Services.

<i>M. Reinhart</i> SIGNATURE	Warden M.Reinhart #145 PRINTED NAME		AUG 31 2016 DATE & TIME
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2961

VOLUSIA COUNTY DIVISION OF CORRECTIONS
SUPPLEMENTAL REPORT PAGE

SUBJECT: Erroneous Release

Inmate Name:	Lilly, Christopher	BOOKING NUMBER:	981255
DATE OF INCIDENT:	8/26/2016	TIME OF INCIDENT:	1650
LOCATION	VCBJ Booking		

On September 26, 2016 while working as a booking clerk an erroneous release occurred. A bond was brought in to be used to release Lilly, Donald #981253 and instead was used to release Lilly, Christopher #981255. At 1650 while I was performing my usual duties of scanning paperwork for court a bond was brought in. The bond was originally given to Brian Griffin. Brian handed the bond to me as I had the most recent batch of booking cards and other paperwork from the back booking office to be scanned. Out of human error alone I checked the bond using the booking card for Lilly, Christopher. After verifying the information I then passed the bond back to Brian for him to process it. I then scanned the booking card into onbase as well as any paperwork that was with it and proceeded to pass it Brian as he needed the booking card to process the bond. As a result of the error the bond was processed by Brian.

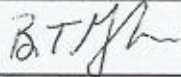
STAFF SIGNATURE <i>Joseph V. Stuches</i>	Date: <i>30 Aug 2016</i>	Time: <i>1215</i>
Employee Print Name: <i>Joseph V. Stuches</i>	Employee Number: <i>23846</i>	

**VOLUSIA COUNTY DIVISION OF CORRECTIONS
SUPPLEMENTAL REPORT PAGE**

SUBJECT: Erroneous Release

Inmate Name:	Lilly, Christopher	BOOKING NUMBER:	981255
DATE OF INCIDENT:	8/26/2016	TIME OF INCIDENT:	1650
		CELL:	N/A
LOCATION	ID/Rec		

On 08/26/2016 I was presented with a bond from Justin Buccolo, Alliance Bail Bonds. I was aware that J. Slucher had the booking card for Lilly, Donald #981253 at his station and handed him the bond to verify the information. After J. Slucher reviewed the bond information against the booking card, he gave me the ok that the bond was good and the bondsman was free to go. After J. Slucher scanned the booking card, he handed me the booking card and the bond. I stamped the bond and proceeded to process the bond in JMS. Upon completion of entering the bond information, I placed the bond on Sgt Leons desk. A short time later, it was brought to my attention that I processed the bond for Lilly, Donald #981253 under the Inmate Lilly, Christopher #981255. The case numbers for both individuals were two digits apart and appeared the same. The charge and the bond amounts were identical on both booking cards. I did not catch that the names on the bond and the booking card were not the same person.

STAFF SIGNATURE		Date: 8/26/2016	Time: 1915
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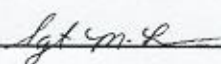
Employee Print Name: Brian Griffin	Employee Number: 23627
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**VOLUSIA COUNTY DIVISION OF CORRECTIONS
SUPPLEMENTAL REPORT PAGE**

SUBJECT: Erroneous Release

Inmate Name:	Lilly, Christopher	BOOKING NUMBER:	981255
DATE OF INCIDENT:	8/26/2016	TIME OF INCIDENT:	1650
LOCATION	Booking - VCBJ		

On the assuming duties on 8/27/2016 I was advised by Sgt. Ellenbecker that the above mentioned inmate was released in error. Sgt. Ellenbecker advised me that a bond was taken on inmate Lilly, Christopher #981255 and processed when it should have been applied to inmate Lilly, Donald #981253. Sgt. Ellenbecker advised me that Inmate Lilly, Christopher#981255 was taken back in custody on VCBJ property and rebooked under booking #981274. The chain of events for this incident are as follows. On 8/26/2016 @ approximately 1650 hrs. civilian staff Griffin took a bond for Inmate Lilly, Donald W #981253. Mr. Griffin handed the bond to civilian staff J.Slucher since he had the booking card and was in the process of scanning and indexing the inmates documents. Civilian staff Slucher reviewed the bond for inmate Lilly, Donald #981253 but used the booking card for inmate Lilly, Christopher #981255 he then handed the bond to civilian Griffin who failed notice that he the wrong booking card for this bond. (Inmates had same last name and almost identical booking and case numbers, being off by 2 digits on last number of booking & case number with identical charges). Mr. Griffin processed the bond and completed his review by 1655 hrs. and forwarded to his supervisor for release. At 1702 hrs. I preformed a 2nd check on the file review for this inmate checking warrants, NCIC, CJIS, and holds. However when reviewing bond power, charge and expiration I failed to notice the difference in the inmates first name, last digit of case number and scheduled the inmate for release at 1710 hrs. Said inmate was released at approximately 1743 hrs. according to JMS records, and rebooked into VCBJ @ 1911 hrs. on his original case with the new booking #981274. It is noted that the booking cards for these inmates were not stamped with the booking stamp (Another inmate in custody with a similar name) I ensured that this was done on both of the inmates booking cards as of 8/27/16 to eliminate any possible confusion in the future. The inmates new booking card was scanned and rescheduled for first appearance. Upon completion of my review of this incident on 8/27/2016 I find that I assisted in the unintentional release of this inmate in error when I did not notice the differences in the inmates first name on the bond processed by booking clerk B.Griffin. I accept full responsibility for my error in judgement regarding this incident. See attached documentation regarding this incident. Forward via chain of command for review and comment.

STAFF SIGNATURE 	Date: 8/27/2016	Time: 0830
Employee Print Name: Sgt. M. Leon	Employee Number: 13742	



Inter-Office Memorandum

To: Mark Flowers MA, CCE
Acting Corrections Director
Volusia County Division of Corrections

From: Lt. Susan Hughes, Booking/ID Supervisor. *SH*
Volusia County Division of Corrections

Date: 8-31-2016

Re: **ERRONEOUS RELEASE**

*Concur with
Pr. Hughes recommendation*
WLR
Warden M. Reinhart #145
AUG 31 2016

On 8/26/2016 at 1650 a surety bond for Donald Lilly # 981253, was delivered to the VCBJ Booking Office by Alliance Bail Bonds. Joseph Slucher, a civilian booking clerk, compared the bond information to the booking card on file to ensure all information on the surety bond was complete and accurate. He then handed the surety bond to Brian Griffin, a civilian booking clerk as well. The process then started to schedule the inmate for release. This was the beginning of the erroneous release as it was later determined that clerk Slucher had verified the bond against the booking card for Christopher Lilly #981255. Clerk Griffin also failed to notice that the booking card belonged to Christopher Lilly, not Donald Lilly, who was the intended surety party. Both of these inmates had the same last name, the same charge of Aggravated Battery (Deadly Weapon), the same bond amount and case numbers that were identical except for the last digit.

Once clerk Griffin processed the bond and scheduled the inmate for release his job was completed. He handed the surety bond and booking card to Sgt Leon, the Booking Supervisor, to complete the process.

During the course of this process Sgt Leon failed to notice that the bond was written for Donald Lilly and the case number on the surety bond was different than the case number of Christopher Lilly, the inmate he was releasing. Had he caught the error at his position the erroneous release would not have occurred. Sgt Leon followed all Booking procedures set in place, even completing a Booking Department Release Procedures check off sheet. He just did all of this on the wrong inmate.

The Booking Supervisors position was created to be the final verification for all inmate releases. Their main job function is to ensure that the inmate being released is the correct inmate and is, in fact, supposed to be released.

Sgt Leon has worked as the Booking Supervisor since October 2012. His disciplinary history is:

12/31/2013: Negative EPN-Documentation misplaced resulting in a delayed release.

02/06/2014: Negative EPN-Failed to notice an open warrant resulting in an inmate being released with an open warrant.

06/10/2015: Negative EPN-Absenteeism

11/06/2015: Written Reprimand-Failed to notice that an inmate was court ordered to complete a drug rehab program prior to release, resulting in an erroneous release.

Based on Sgt Leon's Booking experience and knowledge I feel this error was avoidable had he been more attentive and thorough. Based on his previous disciplinary history I recommend that Sgt Leon receive a day of suspension for this erroneous release.

Joseph Slucher has worked as a Booking Records Clerk since April 2016.

He is still in his six month probationary period and has no disciplinary history.

Based on his experience and time on the job I recommend a record of counseling.

Brian Griffin has worked as a Booking Records Clerk since November 2015.

He has not yet completed one year in this position and has no disciplinary history.

Based on his experience and time on the job I recommend a record of counseling.

SH

C: file



Department of Public Protection

September 26, 2016

Volusia Exposed

PRR-2552016

Re: PRR-2552016 (Erroneous release)

In response to your request received in our office, I am enclosing the copies of the document(s) for the above-referenced request. Per F.S. 119.071(4) (d) all exempt information has been redacted. The fee for copying these documents plus the fee for the labor is **\$0.70**. Please make the check payable to the County of Volusia – Division of Corrections and mail to:

County of Volusia – Division of Corrections
1354 Indian Lake Road
Daytona Beach FL 32124

When issuing your check, please note on it that it is for photocopying fees regarding the above-referenced request.

Sincerely,

A handwritten signature in blue ink that reads "L Langdon".

Captain Larry Langdon
Volusia County Division of Corrections
(386) 254-1515