

I N C I D E N T D A T A	Agency Name Boca Raton Police Department				INCIDENT/INVESTIGATION REPORT				Case# 2022-013700				
	ORI FL0500200								Date / Time Reported 10/25/2022 16:35 Tue				
	Location of Incident 1 SW 18TH ST, Boca Raton FL 33432				Premise Type Highway/road/alley/street/		Zone/Tract 33		Last Known Secure 10/25/2022 16:35 Tue				
	#1 Crime Incident(s) (Com) Accidental Death DAC				Weapon / Tools				Activity				
					Entry		Exit		Security				
#2 Crime Incident ()	Weapon / Tools				Activity								
					Entry		Exit		Security				
#3 Crime Incident ()	Weapon / Tools				Activity								
					Entry		Exit		Security				
V I C T I M	# of Victims 1		Type: INDIVIDUAL (NOT A LE OFFICER)				Injury: None				Domestic: NO		
	Victim/Business Name (Last, First, Middle) V1 OSTROWSKI, JAMES MARK				Victim of Crime # 1,	DOB 08/30/1948 Age 74	Race W	Sex M	Relationship 	Resident Status Resident	Military Branch/Status 		
	Home Address 1665 SW 3RD CT , Boca Raton, FL 33432-								Home Phone 561-866-6915				
	Employer Name/Address						Business Phone		Mobile Phone 561-866-6915				
	VYR	Make	Model	Style	Color	Lic/Lis		VIN					
O T H E R S I N V O L V E D	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)												
	Type: INDIVIDUAL (NOT A LE OFFICER)				Injury:								
	Code SB	Name (Last, First, Middle) OSTROWSKI, CAROL ANN H				Victim of Crime # 	DOB 11/29/1949 Age 72	Race W	Sex F	Relationship To Offender 	Resident Status Resident	Military Branch/Status 	
	Home Address 1665 SW 3RD CT BOCA RATON, FL 33432								Home Phone 561-213-0812				
	Employer Name/Address						Business Phone		Mobile Phone 561-213-0812				
P R O P E R T Y	Type: INDIVIDUAL (NOT A LE OFFICER)				Injury:								
	Code CM	Name (Last, First, Middle) ORTEGA VIEIRA, RICARDO JAVIER				Victim of Crime # 	DOB 11/08/1985 Age 36	Race W	Sex M	Relationship To Offender 	Resident Status 	Military Branch/Status 	
	Home Address 6720 ARTHUR ST HOLLYWOOD, FL 33024								Home Phone 786-778-1043				
	Employer Name/Address						Business Phone		Mobile Phone 786-778-1043				
	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)												
	VI #	Code	Status Frm/To	OJ	QTY	Property Description			Make/Model			Serial Number	
Officer/ID# BACHAR, B. (2213, A5) (793)													
Invest ID# PECK, B. L. (2213, PER) (750)						Supervisor VAN CAMP, J. A. (2213, R1) (747)							
Status	Complainant Signature				Case Status Inactive			Case Disposition:			Page 1		
Printed By: JDESIR, JDESIR													
Sys#: 886461													
10/31/2024 10:16:22													

Incident Report Additional Name List

Boca Raton Police Department

OCA: 2022-013700

Additional Name List

	Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1)	WI 1	PALESTINE, DARREN TONY		01/03/1985	37	W	M
	Address	1299 SW 19TH ST , BOCA RATON, FL 33486-		H: 561-251-9809			
	Empl/Addr			B: - -			
				Mobile #: 561-251-9809			
2)	SB 2	SPRAYBERRY, KEVIN MARSHE		03/20/1978	44	W	M
	Address	51700 E US HIGHWAY 27 , CLEWISTON, FL 33440-		H: 305-521-4700			
	Empl/Addr			B: - -			
				Mobile #: 305-521-4700			
3)	SB 3	GOODBAR, JEANA		08/30/1978	44	W	F
	Address	161 NW 6TH ST , MIAMI, FL 33136-		H: - -			
	Empl/Addr	Brightline		B: - -			
				Mobile #: 928-377-2045			
4)	SB 4	OSTROWSKI, HOLLY ANN		01/31/1975	47	W	F
	Address	133 THATCH PALM COVE , BOCA RATON, FL 33432-		H: - -			
	Empl/Addr			B: - -			
				Mobile #: 786-525-3934			

Video
Video Available-On Site-Not Retrieved

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Case#
2022-013700

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found

	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity
D R U G S						

Assisting Officers
KINGMAN, D.M. (727), DESIR, C.H. (712), MILLER, B.C. (722), GRAHAM, K.T. (714), WILLIAMS, D. (868), ROSARIO, J.G. (862), PRICE, D.X. (840), ROCHETTI, J.T. (849), WHITE, M.E. (A704), BAEZ, T.T. (A960), HANLEY, K.D. (594),

Suspect Hate / Bias Motivated:

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 2022-013700 Boca Raton Police Department Page 3

NARRATIVE
Unknown death.

REPORTING OFFICER NARRATIVE*Boca Raton Police Department*

OCA

2022-013700

Victim

OSTROWSKI, JAMES MARK

Offense

ACCIDENTAL DEATH

Date / Time Reported

Tue 10/25/2022 16:35

MVR available.

On October 25, 2022 at 1636 hours, I responded to 1 SW 18th Street in reference to a train striking a pedestrian.

Upon arrival, I observed a W/M lying face down just east of the railroad tracks on SW 18th Street. The male was wearing a black t-shirt and black shorts. Shortly after, Boca Raton Fire Rescue Engine 8 arrived on scene and pronounced the male deceased at 1640 hours.

I then spoke with the complainant, Ricardo Ortega. According to Ortega, he was at the red light at SW 18th Street, waiting to turn southbound onto Dixie Highway when he observed the W/M running across the railroad tracks before being struck by the northbound train. Ortega further stated, the male was running west to east on the roadway. Ortega stated, the gate arms were down when the male ran across.

I also spoke with a witness, Darren Palestine. According to Palestine, he was stopped at the railroad track at SW 18th Street/Dixie Highway when he observed the male running from west to east on the roadway before being struck by the northbound train. Palestine stated, the gate arms were down when the male ran across.

After, I spoke with the train engineer, Kevin Sprayberry. According to Sprayberry, he observed the male running near the railroad tracks as he was travelling northbound. Sprayberry stated, he attempted to get the males attention by using the horn multiple times, however the male continued to look down while running across the railroad track before striking the train. Sprayberry advised, the train # is BLF 705.

Tom Brent of the FEC responded to investigate the incident. Brent advised, the FEC does not have a case number for the incident as they would be using BRPD case #22-13700.

Shortly after, Carol Ostrowski, arrived on scene looking for husband, James Ostrowski, after she could not locate him. Carol further stated, James was supposed to met her at a nearby gym and when he did not arrived, she attempted to contact him via cellphone multiple times but was met with negative results.

Due to the nature of the incident, Detective Peck, CST McDonald, and the Palm Beach Medical Examiner responded to the scene (see supplements for further).

At 1840 hours, Chris and Sage Underwood from Elite Removal Services arrived on scene to retrieve the body.

Nothing further.

CASE SUPPLEMENTAL REPORT

Printed: 10/31/2024 10:16

Boca Raton Police Department

OCA: 2022013700

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *INACTIVE*

Case Mng Status: *INACTIVE*

Occurred: 10/25/2022

Offense: *ACCIDENTAL DEATH*

Investigator: *SUPER, M. R. (845)*

Date / Time: 10/25/2022 20:40:50, Tuesday

Supervisor: *STEPP, J. A. (678)*

Supervisor Review Date / Time: 10/26/2022 06:48:21, Wednesday

Contact:

Reference: *Follow Up*

MVR is available.

On 10/25/2022 at approximately 1435 hours I responded to 1800 S Dixie Hwy in regards to an accident.

As I arrived BRFD had advised a male was deceased. I remained on scene for scene security.

I later responded to 132 Thatch Palm Cove with Det. Peck. I remained on scene while Det. Peck spoke with the male's family. This concludes my involvement in the incident.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

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Case Status: *INACTIVE*

Case Mng Status: *INACTIVE*

Occurred: 10/25/2022

Offense: *ACCIDENTAL DEATH*

Investigator: *MILLER, B. C. (722)*

Date / Time: 10/26/2022 07:28:19, Wednesday

Supervisor: *STEPP, J. A. (678)*

Supervisor Review Date / Time: 10/26/2022 07:43:41, Wednesday

Contact:

Reference: *Follow Up*

On 10/25/22 at 1640 hours, I responded to 1 SW 18th St, in reference to a deceased person call. Upon arrival, I made contact with LT Graham.

I blocked the road at 198 SW 18th St (Station 8) to redirect traffic westbound on SW 18th St. I held that spot until I was relieved at 1730 hours by a Bravo unit.

I had no further involvement in the investigation.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 10/31/2024 10:16

Boca Raton Police Department

OCA: 2022013700

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Case Status: *INACTIVE*

Case Mng Status: *INACTIVE*

Occurred: *10/25/2022*

Offense: *ACCIDENTAL DEATH*

Investigator: *RECORDS, R. (RCDS)*

Date / Time: *11/03/2022 10:39:32, Thursday*

Supervisor: *(0)*

Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Report Request*

RR 1ST PAGE ONLY PER DET PECK TO LAZ MELENDEZ PER JF2022-11283
RR TO KELLEY UUTSAK PER JF2023-7695 a883 8/7/23
RR TO TOMMIE BRENT REDACTED PER JF2023-8105 a883 8/18/23

Investigator Signature

Supervisor Signature

Boca Raton Police Department

OCA: 2022013700

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Case Status: *INACTIVE*Case Mng Status: *INACTIVE*

Occurred: 10/25/2022

Offense: *ACCIDENTAL DEATH*Investigator: *MCDONALD, D. E. (A157)*

Date / Time: 01/10/2023 21:36:28, Tuesday

Supervisor: *FLAGLER, A. (A840)*

Supervisor Review Date / Time: 01/13/2023 11:00:27, Friday

Contact:

Reference: *Follow Up*

At 1655 hours on 10/25/22 writer responded to 1 SW 18th Street, Boca Raton, reference; photographing the scene of a fatality and the collection of evidence. Sergeant Kingman (ID #727), Officer Bachar (ID #793), Officer Super (ID #845), Officer Desir (ID #712), Officer Miller (ID #722), Officer Rochetti (ID #849), and Officer Rosario (ID #862) were present upon my arrival securing the area. Officer Crawford (ID #683), Officer Reisner (ID #525), Officer Casas (ID #818) Officer Rafalco (ID #779), CSO Bucinkas (ID #A177), CSO Lintzeris (ID #A482), Detective Peck (ID #750), Sergeant Shannahan (ID #737), Sergeant Shifflett (ID #594), and Detective Desiderato (ID #829) arrived on scene a short time after this writer. The weather was warm, and the roadways were dry. The sky was sunny and clear.

Writer observed Brightline train #113 facing north in the north bound railroad tracks with the front of the train stopping at approximately the 1700 block of Dixie Highway. Writer observed a dent in the front of the train on the eastmost side at the same height as the word Brightline. Writer photographed the front of the train then continued to 1800 S Dixie highway. Writer observed the decedent lying in the roadway covered by a BRFD yellow tarp with his head directed northeast and his right leg directed southwest. The decedent was face down wearing black shorts, a black tee shirt, black socks and black sneakers and also had black knee supports on both legs. The decedent was lying in the eastbound lanes of SW 18th Street on the east side of the railroad tracks but still west side of the intersection. Writer observed a black phone cover in the sidewalk located on the south side of the turn lane turning on to Dixie Highway. A smashed cell phone was found in the roadway in the southbound turn lane along with a large section of blood that was located west of the final rest of the decedent. A black wallet was located in the gravel south of the sidewalk along with a black hat and a red light that had broken off of the arm of the railroad tracks on the east side of the tracks. Inside of the zipped up wallet writer observed a Florida driver's license bearing the name and photo identification of James Mark Ostrowski (date of birth 09/30/48) and numerous credit cards and Medical cards also bearing the name James Ostrowski. Two pair of earbuds and \$96 in US currency was also found in the wallet.

Writer documented the following items using evidence markers:

1. Phone cover on sidewalk EM #1
2. Smashed phone and roadway EM #2
3. Blood section in roadway West of final rest EM #3
4. Wallet on Southside of sidewalk EM #4
5. Black Hat on South side of sidewalk EM #5
6. Red light broken off railroad arm EM #6
7. Damaged area of railroad arm when in down position EM #7

Using a Nikon Z611 digital camera and a SanDisk 8GB SD card, writer photographed the scene. A total of 195 photographs were captured onto the SD card. The SD card was submitted to the photo lab for processing.

Investigator Signature

Supervisor Signature

Boca Raton Police Department

OCA: 2022013700

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Occurred: 10/25/2022

Offense: *ACCIDENTAL DEATH*Investigator: *MCDONALD, D. E. (A157)*

Date / Time: 01/10/2023 21:36:28, Tuesday

Supervisor: *FLAGLER, A. (A840)*

Supervisor Review Date / Time: 01/13/2023 11:00:27, Friday

Contact:

Reference: *Follow Up*

At approximately 1840 hours Medical Investigator Christine Simonise arrived on scene. Chris Underwood and Sage Underwood of Elite Removal Service arrived on scene a short time after the medical investigator. The decedent was removed from the scene by Elite Removal Service.

Writer collected the following items from the scene:

1. Smashed iPhone in roadway
2. Infiniti seat cover in center island
3. Red light from railroad track arms side of road
4. Black iPhone cover
5. Black Ferrari gear hat
6. Black canvas wallet
7. Four keys on Lexus key chain and Military tag from wallet
8. Three pieces of paper towel from wallet
9. Yellow metal money clip from wallet
10. Florida driver's license James Mark Ostrowski from wallet
11. Bank of America Visa from wallet
12. Wells Fargo Visa from wallet
13. American Express from wallet from wallet
14. Medicare health card from wallet from wallet
15. United American Insurance card from wallet
16. AARP prescription card from wallet from wallet
17. Costco card from Walmart from wallet
18. Cover from book of stamps from wallet
19. Receipt dated 12/24/22 from Premier Periodontics from wallet
20. Two pair of earbuds from wallet
21. \$96.00 in US currency from warrant

All items were sealed into evidence bags and envelopes, listed on to property vouchers, and submitted into evidence.

Writer cleared the scene at 1940 hours.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

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Boca Raton Police Department

OCA: 2022013700

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Case Status: *INACTIVE*

Case Mng Status: *INACTIVE*

Occurred: *10/25/2022*

Offense: *ACCIDENTAL DEATH*

Investigator: *GARCIA, S. (A894)*

Date / Time: *01/19/2023 14:50:01, Thursday*

Supervisor: *FLAGLER, A. (A840)*

Supervisor Review Date / Time: *01/31/2023 09:07:40, Tuesday*

Contact:

Reference: *Follow Up*

On 11/02/2022, I logged into the surveillance system located at 190 SW 18th St - Fire Station 8 - in reference to an accidental death. Det Peck (ID# 750) advised that the timeframe of the event was between 1630 and 1635 hours.

The client used to access the system is Milestone XProtect Smart Client 2022 R1, version 22.1a(64-bit), Build 6019. The timeframe requested was downloaded in the proprietary Milestone Xprotect format and included the proprietary player Milestone XProtect Smart Player 2022 R1, version 22.1a(64-bit), Build 6019.

The downloaded video and player files were burned to a disc and submitted into evidence as per department standards and a copy was supplied to Det. Peck.

Investigator Signature

Supervisor Signature

Boca Raton Police Department

OCA: 2022013700

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Case Status: *INACTIVE*Case Mng Status: *INACTIVE*

Occurred: 10/25/2022

Offense: *ACCIDENTAL DEATH*Investigator: *PECK, B. L. (750)*

Date / Time: 06/27/2023 10:20:35, Tuesday

Supervisor: *HANLEY, K. D. (594)*

Supervisor Review Date / Time: 07/20/2023 11:04:02, Thursday

Contact:

Reference: *Follow Up*

On 10/25/2022, I was called out to assist with a death investigation, in reference to Boca Raton Police Department case #2022-013700. The following is a summary of the case:

On 10/25/2022, at approximately 1635 hours, Boca Raton Police Department (BRPD) dispatch received several calls regarding a pedestrian that was struck by a train. Oc. Bachar arrived on scene and observed a white male (later identified as James Ostrowski) lying face down on S.W. 18th St, on the east side of the railroad tracks. James Ostrowski was wearing a black shirt and black shorts. Boca Raton Fire Department (BRFD) arrived on scene and pronounced James Ostrowski deceased at 1640 hours.

Ofc. Bachar made contact with witness Ricardo Ortega, who advised the following: He was stopped at the red light, located at S.W. 18th St., waiting to turn southbound onto S. Dixie Hwy., when he observed a white male run west to east across the railroad tracks. The gate arms were down when the male ran across and he was then struck by the northbound train. The male was looking down when he was struck by the train. See Ofc. Bachar's MVR for further details on this statement.

Ofc. Bachar also made contact with witness Darren Palestine, who advised the following: He was stopped near the railroad tracks at the intersection of S.W. 18th St. and S. Dixie Hwy. (waiting to travel westbound) when he observed a male run from west to east across the roadway when the gate arms were down. The male was then struck by the northbound train. The male was looking down when he was struck by the train. See Ofc. Bachar's MVR for further details on this statement.

Ofc. Bachar made contact with the Brightline train engineer, Kevin Sprayberry, who advised the following: As the train (#BLF705) was traveling northbound, he observed a male running near the railroad tracks. He attempted to get the male's attention by using the train horn multiple times; however, the male continued to look down while running across the railroad tracks. The train then struck the male.

Tom Brent of the Florida East Coast (FEC) Railway responded to investigate the incident. While the incident was under investigation, Carol Ostrowski, arrived on scene and stated that she was looking for her husband, James Ostrowski, and she could not locate him. James was supposed to meet her at a nearby gym and when he did not arrive, she attempted to contact him via cellphone multiple times with negative results. Her description of James and his clothing matched the description of the decedent.

Upon my arrival on scene, I made the following observations: The FEC railroad tracks are located on the west side of S. Dixie Hwy. The Brightline train (#BLF705) was stopped facing northbound on the FEC railroad tracks, north of S.W. 18th St. There was a dent on the front right (eastern) side of the train, near the Brightline logo. The decedent was located in the roadway near the intersection of S.W. 18th St. and S. Dixie Hwy. He was located east of the railroad tracks on S.W. 18th St., in the eastbound lanes (but west of S. Dixie Hwy.). There was a white sheet covering his body and three orange traffic cones around him to hold the sheet in place. Blood and bodily fluids

Investigator Signature

Supervisor Signature

Boca Raton Police Department

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Offense: *ACCIDENTAL DEATH*Investigator: *PECK, B. L. (750)*

Date / Time: 06/27/2023 10:20:35, Tuesday

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Contact:

Reference: *Follow Up*

could be seen around the white sheet. There was blood spatter and biological matter located to the southeast of the decedent's final resting position. A severely damaged black cell phone was located in the southbound turn lane from S.W. 18th St. onto S. Dixie Hwy. (located south of the decedent). There was additional blood and biological matter located in the southbound turn lane from S.W. 18th St. onto S. Dixie Hwy. (located west of the damaged cellphone). A black cellphone case was located on the sidewalk, on the south side of S.W. 18th St., east of the railroad tracks. The railroad gate arm located on the southeast side of the road and railroad tracks was damaged. The gate arm was still operational, but two of the three lights normally attached to the top of the gate arm were damaged and hanging off the arm by the chord. There was also biological material located on the gate arm. Based on this damage, it appeared that after the decedent was struck by the train, he was propelled into the southeast gate arm, causing this damage. South of SW 18th St., on the east side of the railroad tracks, in the rocky/grassy area, the following items were located: a black "Ferrari Gear" hat, a black fanny pack, and a red light (which appeared to be from a railroad gate arm). The fanny pack contained cash, a gold in color money clip, the decedent's Florida driver's license, two pairs of headphones, napkins, a receipt, a Lexus key chain (containing four keys and a dog tag), a stamp, two Visa cards, an American Express card, a Medicare health insurance card, an AARP card, a Medicare supplement I.D. card, and a Costco card. All of the cards were in the decedent's name.

I contacted the Palm Beach County Medical Examiner's Office and informed them of this investigation. I made contact with Medical Investigator Christine Simonise, who advised that the medical examiner would accept jurisdiction of this case and she responded to the scene.

Upon Medical Investigator Simonise's arrival, the white sheet was removed from the decedent and I made the following observations: The upper half of the decedent's body was facedown (prone); however, the lower half of his body was twisted to the side. His arms were bent at the elbow. His right leg was extended straight and his left leg was bent at an abnormal angle beneath his torso. He was wearing a black shirt, black shorts, black shoes, white socks, and black knee braces on his legs. There were numerous scratches and abrasions on body. There was a large laceration to the upper back portion of his arm. There were numerous scratches and abrasions to his back. The lower half of his torso (right side) was eviscerated and internal organs were visible. There was blood covering the decedent's face. There was an injury to the left side of the decedent's forehead, above his left eye and abrasions to his face. There were large abrasions to the decedents left hand. Lividity was present and consistent with the position the body was discovered in. Nothing suspicious was observed. Elite Removal Services responded and took possession of the decedent.

While on scene, conducting this investigation, I was informed that the decedent's wife, Carol Ostrowski, arrived nearby the intersection and stated that she was looking for husband, James Ostrowski, and she could not locate him. James was supposed to meet her at a nearby gym and when he did not arrive, she attempted to contact him via cellphone multiple times with negative results. Her description of James and his clothing matched the description of the decedent. James' Florida driver's license was found in the fanny pack located close to the scene. The photograph on his driver's license matched the description of the decedent. Carol also provided James' phone

Investigator Signature

Supervisor Signature

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Occurred: 10/25/2022

Offense: *ACCIDENTAL DEATH*Investigator: *PECK, B. L. (750)*

Date / Time: 06/27/2023 10:20:35, Tuesday

Supervisor: *HANLEY, K. D. (594)*

Supervisor Review Date / Time: 07/20/2023 11:04:02, Thursday

Contact:

Reference: *Follow Up*

number and when this phone number was dialed, the damaged cellphone located on scene rang. Based on this information, the decedent was determined to be James Ostrowski and Det. Desiderato made the next of kin death notification to Carol.

Subsequently, I made contact with Brightline safety and security manager Brian Houlihan and accident investigator Tom Brent, who works for Wheeler, Defusco and associates. The gate arms were tested and all appeared operational at this time.

I made contact with the Brightline locomotive engineer, Kevin Sprayberry, who advised the following: He was operating the train on this date and there was also a conductor present on the train (Jeana Goodbar). The conductor handles the paperwork and deals with passengers on the train. The train (BLF705) was traveling northbound on the FEC train tracks and they were approaching the crossing when he observed a male jogging across the west main railroad tracks. He started to blow the horn and the male never looked or and/or acknowledged the train. The male continued to slowly jog right in front of the train, so he placed the train in emergency mode and then the train struck the male. He recalled seeing that the railroad gates were down and cars were stopped at the intersection, but the male continued through the intersection anyway. The male was already past the railroad gates when he saw him and the male was looking down at the roadway while he was jogging. After the male was struck, he called the Brightline dispatch center to report the incident. He confirmed that there was video surveillance on the train. This statement was recorded on MVR, see the recording for further details.

I also made contact with the Brightline conductor, Jeana Goodbar, who advised the following: The train (BLF705) was traveling northbound on the east main railroad tracks, when she noticed a male jogging from the west to the east across the railroad tracks. The male was looking straight ahead and never deviated from his jog. They engaged the emergency stop procedure and blew the train horn several times when they saw the male. This statement was recorded on MVR, see the recording for further details.

After clearing the scene, I responded to 132 Thatch Palm Cove in Boca Raton, to meet with the decedent's family. Present at this location was Ofc. Super, Carol Ostrowski (the decedent's wife), and Holly Ostrowski (the decedent's daughter). I also spoke with James Ostrowski Jr. (the decedent's son) via phone while meeting with Carol and Holly. They provided the following information regarding the decedent: He was not suicidal and he did not have any mental health issues. He did not have any hearing or eyesight impairments, besides those common with typical aging. He did not use tobacco or abuse alcohol. He had high cholesterol. The family would not provide me with any further details regarding his medical history and/or his current medications.

On 10/26/2022, Brightline manager of safety and security, Salvatore Massa, responded to the Boca Raton Police Department to show me the video surveillance from the Brightline train involved in this incident. The video surveillance showed the following: The decedent was initially on the south side of SW 18th St. The decedent then proceeded across the train tracks (eastbound) towards S. Dixie Hwy. and he appeared to be jogging. The railroad

Investigator Signature

Supervisor Signature

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Supervisor: *HANLEY, K. D. (594)*

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Contact:

Reference: *Follow Up*

gate arms were down on both sides of SW 18th St. The decedent was struck by the train as he was crossing the easternmost (northbound) train tracks, while attempting to finish crossing the tracks. The decedent did not stop in front of the train, he was struck while jogging; therefore, it appeared the incident was accidental. It is unclear what caused the decedent to cross the railroad tracks at this time. It is unable to be determined if the decedent saw or heard the train coming. At this time, Salvatore Massa was unable to provide a copy of this video surveillance to the Boca Raton Police Department. He advised that the Palm Beach County Medical Examiner's Office would also be shown this video surveillance for their investigation.

On 10/26/2022, Salvatore Massa contacted me and informed me that all video surveillance requests were required to go through Brightline's legal department. He provided me with a Brightline video request form, which I completed and sent back to him. A copy of this form was also provided to Brightline associate director of intel and data analytics Jenna Raymond, per the instructions.

On 10/27/2022, I was contacted by Stacy Louizos, who is another one of the decedent's daughters and I spoke to her about this investigation. I attempted to make contact with Holly with negative results. A voicemail was left on her answering machine.

On 10/28/2022, I checked the decedent's damaged cell phone out of evidence and provided it to computer forensics Det. Rucco, who advised that a cellphone data extraction was unable to be performed on this cell phone. He advised that the phone would not power on, the screen was destroyed and unable to be manipulated, and it would be potentially dangerous to work with this phone, due to the battery being unstable.

On 10/31/2022, I received a voicemail (the date of the voicemail was left was 10/28/2022) from Salvatore Massa, who advised that he wanted a contact from the BRPD legal department to speak with Brightline's legal department regarding the release of the requested video surveillance from the Brightline train involved in this incident. I relayed this information to Lt. Adams and Captain Meyer.

On 10/31/2022, I provided Stacy Louizos with photographs of the gold money clip and the cards recovered in the fanny pack on scene. I also advised BRPD evidence that the decedent's personal items could be released to James Ostrowski Jr., per the family's request.

On 11/01/2022, I was contacted by case investigator Laz Melendez, with Kelley Uustal Law, who wished to speak to me about this investigation. He advised that he is representing the family of the decedent. I advised him that the case was still an active and open investigation, pending the final medical examiner report.

On 11/01/2022, I responded back to the intersection of S.W. 18th St. and S. Dixie Hwy. to check the area for video surveillance. The only video surveillance located in the area appeared to be at the Boca Raton Fire Rescue Station 8, located at 190 S.W. 18th St. Boca Raton, FL 33486. A video surveillance request was made and submitted to

Investigator Signature

Supervisor Signature

Boca Raton Police Department

OCA: 2022013700

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Case Status: *INACTIVE*Case Mng Status: *INACTIVE*

Occurred: 10/25/2022

Offense: *ACCIDENTAL DEATH*Investigator: *PECK, B. L. (750)*

Date / Time: 06/27/2023 10:20:35, Tuesday

Supervisor: *HANLEY, K. D. (594)*

Supervisor Review Date / Time: 07/20/2023 11:04:02, Thursday

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Digital Evidence Recovery Technician (DERT) Sam Garcia, to obtain this video surveillance.

On 11/02/2022, DERT Garcia obtained a copy of the video surveillance from Boca Raton Fire Rescue Station 8 for the timeframe of the incident. This video surveillance was submitted to evidence. It should be noted that the video surveillance captures the area of S.W. 18th St. just west of the railroad tracks and the area of the railroad tracks just south of S.W. 18th St. The video surveillance does not capture the area where the train struck the decedent. I later reviewed the video surveillance which showed the following: On 10/25/2022, at approximately 1632 hours, a subject matching the decedent's description can be seen walking southbound on the east sidewalk of S.W. 4th Ave. (on the north side of S.W. 18th St.). At approximately 1633 hours, the decedent proceeds southbound across S.W. 18th St., to the sidewalk on the south side of the road. The decedent then walks eastbound on S.W. 18th St. (staying on the sidewalk on the south side of the road), towards the train tracks; however, due to the camera angle the decedent walks out of camera view and does not return. On a separate camera angle, the Brightline train can be seen traveling northbound on the railroad tracks at 1634 hours. See the video surveillance for further details.

On 11/02/2022, Laz Melendez sent me an e-mail requesting the face sheet for this report. This e-mail request was sent outside of business hours; therefore, the request was forwarded to the records department the next day (11/03/2022).

On 11/03/2022, I sent a preservation request to Jenna Raymond for the Brightline train video surveillance from this incident.

On 11/04/2022, Jenna Raymond advised me that she was in receipt of the preservation request and that future legal requests should be sent to Brightline's General Counsel Cynthia Bergmann.

On 11/07/2022, I sent a subpoena assistance request to the Palm Beach County State Attorney's office in regards to a subpoena for the Brightline video surveillance from this incident.

On 11/09/2022, the Brightline subpoena was approved and provided to me by the Palm Beach County State Attorney's office.

On 11/11/2022, I received a voicemail from Kelley Uustal Law. I later returned their call and provided them with a case update.

On 11/15/2022, attorney Fan Li from Kelley Uustal Law contacted me and informed me he was representing the Ostrowski family.

On 11/21/2022, the Brightline subpoena was clerked at the South County Courthouse in Delray Beach.

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On 11/21/2022, I was contacted by Kelley Uustal Law again and I provided them with a case update.

On 11/22/2022, the clerked Brightline subpoena was sent via certified mail to Cynthia Bergmann at Brightline Trains (350 NW 1st Ave. Ste. 200 Miami, FL 33128) and it was also sent via e-mail to Jenna Raymond.

On 12/05/2022, I received a voicemail from attorney Fan Li stating that he had information he wished to provide to me regarding the Brightline and FEC.

On 12/07/2022, I contacted attorney Fan Li regarding his voicemail, I then received an e-mail from attorney Fan Li with copies of documents he received from the Medical Examiner's Office and copies of documents from the FEC. The FEC documents were later submitted to evidence. He also advised that the subject in the traffic vest in the Brightline video surveillance was named Mr. Station and was possibly a flagger for the FEC. It should be noted that on the date of the incident, I spoke with Ofc. Bachar, who explained that he spoke with the flagger who was working during this incident and his back was turned when the incident occurred and he did not witness it. This was also verified in the video surveillance from Brightline. In the video the flagger was facing away from the railroad tracks when the incident occurred.

On 12/09/2022, I was contacted by Brightline's attorney, Eric Leach, who advised that Brightline did not want to comply with the subpoena and provide the Boca Raton Police Department with a copy of the video surveillance from the train involved in this incident. He advised that he wanted to speak to a supervisor and I provided him with Sgt. Shannahan's contact information. I also informed Sgt. Shannahan of this request. Leach did provide the Brightline Crossing System Event and Train Data, which was later submitted to evidence. Leach also explained that Mr. Station works for RailPros, which is a flagging company, and his job was to let the workers at the Palmetto Park Rd. Brightline stop know that the train was coming. He did not have access to the signal box and he did not witness the incident.

On 12/19/2022, I received an e-mail from attorney Fan Li stating that he was concerned with inaccuracies in the Medical Examiner's report. Medical Investigator Simonise was copied on this e-mail. He stated that the decedent had no mental health history and the Medical Investigator's report misstated what Carol said. It should be noted that upon review of the Medical Investigator's report, it appears that this was a typo. He also claimed that Stacy never said that the decedent had trouble with his eyesight and his eyesight has not changed or worsened. He explained that the decedent has worn contacts for years. I informed Medical Investigator Simonise of attorney Fan Li's concerns.

On 01/18/2023, I made contact with Eric Leach, who advised that he would speak to his business partner about the subpoena request for video surveillance to determine whether or not they would comply with the subpoena. I advised Leach of the Boca Raton Police Department Evidence Department policies regarding the release of third-party evidence and he stated that he understood. Based on these policies, Leach agreed to provide the Boca Raton Police Department with the video surveillance from the train involved in this incident and requested that the

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video not be released to any third party without a judge ordered subpoena.

On 01/17/2023, I received the final Medical Examiner's report via electronic mail. The autopsy was conducted on October 26th, 2022, at 0932 hours by Dr. Natalia Belova. The following findings were noted.

Findings:

1. Multiple Blunt Force Injuries:
 - a. Head and Neck:
 - i. Hypermobility neck with severed cervical spine
 - ii. Left frontal skull fracture with associated pneumocephalus
 - iii. Fracture of mandible
 - iv. Multiple lacerations, contusions, abrasions
 - b. Torso:
 - i. Fractures of entire rib cage
 - ii. Fracture of right scapula
 - iii. Severed spinal column at multiple levels
 - iv. Multiple pelvic fractures
 - v. Gaping lacerations, contusions, abrasions
 - c. Extremities:
 - i. Fracture of right femur
 - ii. Gaping lacerations, contusions, abrasions

The cause of death is listed as multiple blunt force injuries. The manner of death is listed as accident. According to Dr. Natalia Belova, James Ostrowski died from being struck by a train.

On 01/18/2023, I received a link to a copy of the Brightline video surveillance from this incident. A request was placed with the BRPD IT division to assist in downloading the copy of the video.

On 01/19/2023, a copy of the Brightline video surveillance from this incident was able to be downloaded and later submitted to evidence. See the video surveillance for further details.

On 01/30/2023, I received an e-mail from Kelley Uustal attorney Fan Li inquiring if this report was finalized.

On 01/31/2023, I responded to attorney Fan Li's e-mail and advised him that the report was not finalized yet.

On 02/13/2023, I received an e-mail from attorney Fan Li asking for a case update.

On 02/15/2023, I responded to attorney Fan Li's e-mail and advised him that the report was not finalized yet.

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CASE SUPPLEMENTAL REPORT

Printed: 10/31/2024 10:16

Boca Raton Police Department

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Based on the above information, it is recommended that this case be inactivated. Attorney Fan Li was informed that this report was completed.

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