

Attachment

Good morning,

On behalf of our entire family, I would like to begin by thanking, once again, the Tallahassee Police Department, specifically Detective Dan Copelin and his team for assembling countless hours of information and testimonies necessary to get us here. Thank you to States Attorney Jack Campbell for the speed in which he got this to the Grand Jury, and finally, thank you to the Grand Jury for your patience and your commitment to be here today.

Andrew Coffey, Drew, "Dewy"....our son, a brother to our beautiful daughter Alison, a grandson, a nephew, a cousin, and a friend to everyone.

6'1", 200 lbs, smart and handsome as the day is long with a personality and smile that would light up a room.

Driven to succeed and no stranger to hard work, Andrew always had a plan. Attend 2 years at Tallahassee Community College, Get accepted to FSU, Graduate, and enlist in the Navy. He said to us one time that "I can't get a job where I sit behind a desk all day, it will drive me crazy, I want to get out and see the world."

THIS was NOT a part of his plan.

Andrew's senseless death ensures that his physical potential will never be known. However, his positive impact will endure.

In his short 20 years, Drew's greatest contribution to the world was simply his ability to bring joy to anyone he came in contact with. He was always taught to "do something nice for someone everyday that doesn't benefit you."

The world was simply a better place with him in it.

Even as we are heartbroken, we are also troubled. Troubled that our son died alone in a room full of people. Troubled that no one stood up and said "stop", "no", "enough". Troubled that a group of young people saw someone in crisis and didn't act. And troubled that this continues to happen, again and again.

The message is not getting through.

The Pi Kappa Phi Creed uses words like loyalty, responsibility, standards, conduct and I quote...

"that their ideal chapter be made up of men who prepare themselves diligently to shoulder their full responsibility as citizens.

Easy words to put down on paper. Obviously more difficult to live by.

When young people continue to die senselessly due to indifference, reckless conduct and irresponsibility, it is clear that change is not only necessary but crucial. Accountability is a tough word, but perhaps it is time for accountability. Only then will the dangers and seriousness of these practices be made clear and perhaps then, young people will begin to take note and think twice. And rather than *wish* they had helped a friend and perhaps saved a life, they will be able to sit proudly and know that they did.

Thank you again for everyone's hard work, your attention to Andrew's case, and your commitment to justice!

RESPECTFULLY SUBMITTED this 19th day of December, 2017.

Stephanie McCall-Davis
Stephanie McCall-Davis
Foreperson

Attest: *Sam R.*
Grand Jury Clerk

FILED

2017 OCT 19 P 6: 19

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT IN AND
FOR LEON COUNTY FLORIDA

GRAND JURY, FALL TERM 2017

IN RE: DEATH OF ANDREW COFFEY

IN THE NAME OF AND BY THE AUTHORITY OF THE STATE OF FLORIDA

PRESENTMENT

THIS MATTER came before the Grand Jury on November 30, 2017 and December 18 and 19, 2017 to review the facts and circumstances of the events which culminated in the death of Florida State University student Andrew Coffey. This inquiry stems from a criminal investigation conducted by the Florida State University Police Department and the Tallahassee Police Department after Andrew Coffey was found unresponsive after a fraternity event on November 3, 2017, and was pronounced dead that same day. We have now reviewed the facts as established through the investigation, the witness testimony, and the applicable law. We have heard testimony from the following: Florida State University President John Thrasher; Florida State University Vice President for Student Affairs Amy Hecht; Mrs. Sandy Coffey; Dr. Lisa Flannagan; Tallahassee Police Department Investigator Dan Copelin; and Florida State Students and Pi Kappa Phi Fraternity Brothers; Connor Ravelo, Kylar Barrett, Thomas Brooks, and Tommy Pustizzi. We have also heard testimony of Florida State University Students and Pi Kappa Phi Prospective Members commonly known as pledges;

Jacob Schwartz, James Cheney, Nicholas Martens, Niklas Traylor, Stephen Walters, Donte Phillips, McClain Johnson, Brendan Urban, Christopher Rodriguez, John Tramont, Ricardo Munoz, Matthew Gordon, Trey Feraco, Tyler Beale, Finn Swanson, Tyler Osha, Michael Manno, Richard Miniet, Jeff Harris, Jacob Aurand, Devin Curry, JP Collins, Alec Gorbell, Nicolas Kerry, William Taylor Jr., David Beshears, Justin Gould, Luke Renard, Sammy Loutfi, Oliver Sogn, Dawson Goldman, Luke Phillips, Joseph Northcott, Mason Battreal, Michael Furnari, Jared Graddy, Stephen Bonilla, and Jared Crowley. We have reviewed the charter, hazing agreement, and other materials filed by Pi Kappa Phi fraternity with Florida State University. We have also reviewed text messages between the members and pledges. We find as follows:

FACTUAL FINDINGS PRESENTED

Florida State University (FSU) is a preeminent research institution in the country and a major influence in our community. The success of FSU is vital to that of Leon County. They enroll over 40,000 students. This includes 32,669 undergraduate students who hope to enjoy growth and development through higher education. FSU affords its students many opportunities to enjoy social, collegial, and athletic participation outside the formal academic curriculum. This includes 613 clubs, teams, and organizations. The Greek system is an important part of this community with 54 fraternities and sororities represented at FSU.

All official student organizations are allowed to participate with the University through a charter system. This system forms a contract between the

organization and the University whereby the organization agrees to conduct its activities in compliance with the standards and protocols of FSU. President Thrasher takes personal responsibility for the safety and welfare of every student, faculty, and staff member at FSU. He has designated Vice President of Student Affairs Dr. Amy Hecht to supervise all aspects of student organizations. She decides whether an organization is granted a charter and what conditions and restrictions may be imposed concerning student conduct and affairs.

Pi Kappa Phi is a national fraternity who has been a chartered organization on FSU's campus since the 1950's with its most recent re-charter occurring in 2009. Their charter allowed them to conduct operations in association with Florida State University. A part of this agreement is that the members and organization must abide by FSU policies. Among these policies is a prohibition against any form of hazing. All fraternity members are required to affirm compliance with this policy in writing and undergo training on what conduct constitutes hazing. A roster of members and prospective members is required to be filed with FSU. This Grand Jury has reviewed the membership rolls and officer designations for the Pi Kappa Phi chapter at FSU.

Fraternities are permitted to recruit and add new members twice a year. This process is known as "Rush". Fraternities conduct this recruiting in the fall and spring terms. Pi Kappa Phi followed this procedure and recruited members in the fall of 2017. After agreeing to conditional membership, the prospective members undergo a probationary period where they are indoctrinated into the fraternity traditions and culture. During this period, they are called "pledges" and

are tested and screened prior to their full indoctrination. The indoctrination varies between organizations, but eventually culminates in the initiation ritual whereby the pledges are granted full membership in the fraternity.

Pi Kappa Phi at FSU was led by officers elected by the local fraternity brothers. Officers included a President, Vice-President, Treasurer, Secretary, Warden, Historian, Standards, and Chaplain. These officers constitute the executive board and run all operations of the fraternity. Many sub-officers and committees also exist within the fraternity. Of relevance to this inquiry is the pledge training hierarchy. The Warden is in charge of pledge training and indoctrination. He appointed a Pledge Master and two Marshals. The Pledge Master's job is to discipline and direct the pledges. The Marshals are each supposed to be conduits for the pledges to communicate with the brothers. The Marshals are to be asked questions concerning the fraternity and their conduct. The executive board began the process of initiating the pledges at the beginning of November 2017.

Pi Kappa Phi had enrolled 54 pledges in the fall of 2017. On November 1st, 2017, 42 pledges remained at the end of the pledge term. All were under 21 years of age. One of these pledges was Andrew Coffey, a 20-year-old student from Lighthouse Point, Florida. Coffey had no criminal or substance abuse history. The pledge class was required to attend multiple events the week of Coffey's death. This included the "reveal" of their "Big Brothers." Big Brothers are a common mentoring program in fraternity life. A pledge will be paired with a full member of the fraternity. The Big Brother will mentor the pledge through his

pledge period and initiation. The Big Brother acts as a benevolent helper who guides his assigned pledge. In practice, Big Brothers have also been known to provide alcohol to pledges and encourage pledges to engage in dangerous behaviors.

On November 1st, 2017 Andrew Coffey's Big Brother was revealed to him at an initiation event at the Pi Kappa Phi house. At the ritual, the pledges were blindfolded, and at the time of the reveal the blindfolds were removed revealing the assigned Big Brothers who would be standing in front of their assigned pledges. The reveal ritual finished around 3:00 a.m.

The following evening, November 2, 2017, was "Big Brother Night." This was a fraternity party held at an off campus home at 1012 Buena Vista Drive, Tallahassee, Florida. With the exception of two strippers who were hired to perform at this event, only Pi Kappa Phi brothers and pledges were allowed to attend. At Pi Kappa Phi, a part of the big brother relationship is centered on the lineage of big brothers. When a pledge is assigned his big brother, he becomes a part of the "family" which includes multiple "generations" of big brothers. The big brothers explain "family traditions." One such tradition is the family drink.

It should be noted that prior to this party these same underage pledges had been disciplined by the fraternity with a "liquor ban" for a prior incident. The liquor ban meant that while the fraternity would endorse them illegally consuming wine and beer, they were forbidden to consume liquor. At the beginning of Big Brother Night the pledges were expressly told this ban was lifted. The liquor ban was lifted in order for the pledges to "celebrate" their Big Brother reveal as it was

expected there would be drinking to the point of extreme intoxication. Several of our witnesses testified to seeing both Big Brothers and pledges extremely intoxicated and drinking liquor straight from the bottle, a practice known as "lifting the bottle."

All brothers, officers and pledges have been explicitly warned that a pledge may not be forced to drink as that would constitute hazing. The fraternity witnesses were very careful about how they characterized their behavior on the night in question. A common theme throughout the pledges' testimony was an emphasis that they *voluntarily* drank to excess. Many of the witnesses' testimony appeared rehearsed, as if they were speaking off a "script." They presented many of the same answers as each other, and volunteered much self-serving information without being asked.

Although one pledge did not consume any alcohol at all, we heard testimony that the other pledges were actively encouraged to drink to extreme excess. Some of the pledges were unable to give lucid accounts due to this intoxication. One pledge had a bottle taped to his hand. Many pledges became inebriated to the point of having difficulty controlling their behavior. The big brothers not only provided the alcohol and encouraged the drinking, but then were charged with caring for the drunken pledges. We have heard that at least a dozen of the pledges vomited due to alcohol consumption, whether it was from intoxication or "pulling the trigger" [causing themselves to vomit voluntarily] in order to avoid feeling ill or making it possible to continue drinking. While pledges

were not physically "forced" to drink, it is clear that the environment created by the leaders led to an expectation of abusive drinking or face possible ostracism.

Andrew Coffey was provided a bottle of Wild Turkey 101 proof bourbon. He followed his family tradition and consumed it. He passed out and had to be carried from place to place. After being described as "sleeping" on a futon on the porch for some period of time, he was moved back into the home, still completely unconscious. There was some evidence that he may have vomited and/or urinated on the futon. The last observations of him alive were during the late night hours while other partygoers played pool. He was heard "snoring loudly" on a couch in the living room. His Big Brother left him there and went home. No one called for medical attention that night. As Andrew Coffey's mother put it in a letter which we have attached to this Presentment, her son "died all alone in a room full of people."

The next morning a fellow pledge tried to awaken Coffey without success. He then found Coffey not to have pulse. Phone records demonstrate that this fellow pledge called and texted five other members of the fraternity prior to calling 911. This resulted in over an 11 minute delay in summoning help for Coffey. While this time would not have saved Coffey, it reveals much about the culture within this fraternity. The brothers, pledges, and officers were more concerned about getting in trouble than they were about trying to save Coffey's life.

Inv. Dan Copelin from the Tallahassee Police Department and other law enforcement have spent an enormous amount of time investigating the death of Andrew Coffey. Law enforcement has been frustrated in many ways by the lack

of cooperation from the members and pledges of Pi Kappa Phi. They have interviewed twenty-two (22) pledges with varying degrees of success and had nineteen (19) pledges refuse to speak with them. Of the members of Pi Kappa Phi sixteen (16) brothers were interviewed and twenty-two (22) brothers refused to be interviewed. And most importantly, of the executive council, the leadership of the fraternity, only two (2) agreed to speak with law enforcement while seven (7) refused. Based on the testimony of Inv. Copelin, the refusals to cooperate in the investigation of Coffey's death were tied to concerns of harming the fraternity or being labeled a "snitch." This lack of cooperation necessitated the convening of this Grand Jury as a means to compel this testimony through the use of our subpoena power.

Dr. Lisa Flannagan conducted the autopsy of Andrew Coffey. She found him to be an otherwise healthy twenty-year-old man. He was estimated at being 6 feet tall and 200lbs. She determined his death was a direct result of acute ethanol toxicity. At the time of autopsy his blood alcohol level was .447g/dl. However, testing of other bodily fluids demonstrates that his peak blood alcohol would have been even greater with a vitreous ethanol level of .558 g/dl. We have heard that this is nearly seven times the legal limit for driving and was a lethal amount of alcohol. Dr. Flannagan further explained the danger of such abusive alcohol intake. From a medical perspective, consuming alcohol at a volume and pace that would result in the levels found in Coffey's system poses a high risk of death. There is a misconception that protecting an intoxicated person's airway by putting the person on their side is an effective way to care for

the person. Dr. Flannagan testified that anyone who is severely intoxicated needs to go to the hospital immediately as vomit causing an airway obstruction is not the only danger present under these circumstances. There are several factors at play at high levels of intoxication that can result in death. Such high levels of alcohol are toxic to the heart and brain. It attacks the central nervous system which can cause black-outs and other cognitive issues as well as respiratory distress. These dangers are clearly not understood by the student witnesses in this case. There is no way to predict whether a particular binge-drinking event will be fatal due to a variety of factors. Hence, college students should never drink in this manner or encourage others to do so.

We have heard that FSU had previously taken numerous steps to address alcohol abuse and hazing. These include mandatory trainings, the ability to anonymously report hazing online, public speakers, law enforcement interventions, both internal and external investigation and discipline panels for organizations, and others. However, each of these attempts have been frustrated by the readily apparent culture which is clearly set on navigating around these regulations. President John Thrasher testified to all that he has done to address the issues of hazing and excessive drinking. We are very impressed by all of his efforts. He explained that he personally spoke with the presidents of all fraternities just three weeks prior to this tragedy. He was very clear, he would not tolerate any further reckless and dangerous behavior but his warnings about substance abuse and student safety fell on deaf ears. In the wake of this event, President Thrasher has indefinitely suspended all fraternity

and sorority activities and suspended the use of alcohol at all university events and facilities. We appreciate the leadership of President Thrasher and Vice President Hecht in making these difficult decisions. While fraternities and sororities bring countless benefits to participants and the community as a whole through lifelong friendship, philanthropy, and character building, Andrew Coffey's death should make us question whether these benefits are outweighed by the danger of an organization whose culture celebrates drinking to excess.

Equally troubling are the elements of conspiracy and obstructionism surrounding this case. Investigators have found that over 80 persons were present at the party. The Tallahassee Police Department and Florida State University Police Department are to be commended for their tireless pursuit of the truth. Yet, their attempts to explain Coffey's death were persistently frustrated by his fraternity brothers. There is no good reason for a pledge to call fraternity brothers and fraternity officers when an ambulance is needed. This was followed by the pervasive lack of cooperation with police inquiries. Many witnesses to this event required legal immunity before they would discuss what occurred. Their lack of accountability was illustrated by the lack of substance in their testimony, their demeanor while testifying, and the overall glib attitude of Andrew Coffey's so-called brothers towards this very serious matter. Those who flat out refused to answer any questions by law enforcement were hard pressed to explain why. We heard testimony that most of the pledges and members were more concerned with the fraternity being kicked off campus and/or their own legal liability.

The Law

Florida Law defines hazing as:

“hazing” means any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a postsecondary institution. “Hazing” includes, but is not limited to, pressuring or coercing the student into violating state or federal law, any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student, and also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student.

Fla. Stat. Ann. § 1006.63 (West).

Florida has criminalized the following conduct:

A person commits hazing, a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, when he or she intentionally or recklessly commits any act of hazing as defined in subsection (1) upon another person who is a member of or an applicant to any type of student organization and the hazing creates a substantial risk of physical injury or death to such other person.

Fla. Stat. Ann. § 1006.63 (West).

When this conduct results in death, it becomes a felony. A person commits hazing, a third degree felony, punishable as provided in s. 775.082 or s. 775.083, when he or she:

intentionally or recklessly commits any act of hazing as defined in subsection (1) upon another person who is a

member of or an applicant to any type of student organization and the hazing results in serious bodily injury or death of such other person.

Fla. Stat. Ann. § 1006.63 (West).

CONCLUSION AND RECOMMENDATIONS

Despite all of the considerable efforts of President Thrasher and his team, they emphasize, and we agree, that real change will come only when students adopt a culture where safety, honesty, and transparency are prioritized. It is here that we suggest continued strong intervention by Florida State University and other governing bodies.

The Leon County Grand Jury and the criminal justice system have expended considerable resources ascertaining facts that should have been disclosed freely to the University. Moving forward, we feel it is critical that all students be required to cooperate with law enforcement. We are mindful of Fifth Amendment rights; however, the University is encouraged to condition their enrollment on cooperating with investigations when tragedy occurs. It is impossible for any organization to manage the conduct of their members without the ability to gather truthful testimony. It should be a condition of enrollment to sign an agreement that students will truthfully account their behavior and observations subject to an official investigation. If they fail, they should be subject to academic discipline including expulsion. Such an honor code would compel these students to act responsibly after a tragedy, even if they didn't beforehand. This same protocol is found throughout industry and government. Law

enforcement officers are compelled to give an account of their use of deadly force or lose their jobs. While these statements cannot be criminally used against them, they certainly guide future law enforcement decisions and can separate officers who abuse the power entrusted in them. We suggest that the students and administrators at FSU and other institutions be guided by the same logic.

We further think that fraternity and sorority houses and any functions conducted by student organizations should be required to admit law enforcement into their events without legal cause. In order to protect students, the veil and culture of secrecy must be lifted. We hope that students will make better decisions if they know that they will be held accountable for their actions. Regardless, we want to empower our university leaders to make decisions based on truthful accounts.

As such, we specifically recommend the following:

1. Refresher trainings about hazing and binge-drinking conducted prior to fraternities and sororities resuming activities at FSU.
2. The formation of committees led by a combination of law enforcement, FSU administrators, faculty, and staff; and fraternity and sorority members with the goal of increasing awareness regarding the dangers of alcohol and binge-drinking.
3. Florida State University should have the ability through their Student Code of Conduct to require student participation in the conduct

process. Without students' participation and honest testimony, it becomes challenging to obtain enough information to sanction chapters and individuals through the University's conduct process.

4. Florida State University should have the ability to adjust their Student Conduct process to allow for the suspension of any student who participates, is in the presence of, or allows him/herself to be hazed, and does not report that hazing or actively participate in the conduct process to adjudicate the incident.
5. Any residence that is used by a registered student organization for living, meeting, or social events should provide access to University police officers and other administrators without notice regardless of whether they are privately-owned facilities or not.
6. Increase and strengthen the University's partnership with the City of Tallahassee to cooperatively address off-campus fraternity/sorority functions that fall within their respective jurisdictions.
7. Florida State University should create a Community Scorecard available online and updated each semester. The Scorecard will communicate the performance and standing of individual chapters on a variety of areas, including but not limited to: average GPA of members, dollars raised for philanthropies, average service hours per member, the number of incidents charged through the conduct process, number of findings of responsibility, and the sanctions.

While alcohol abuse is pervasive throughout our community, the scale on which it is embraced within the FSU chapter of the Pi Kappa Phi fraternity is alarming. The Grand Jury finds that while Andrew Coffey's alcohol consumption was not physically forced, the acts that culminated in his death occurred within an environment of hazing.

There appears to be a tradition of attempting to skirt the hazing laws by employing other methods of coercing the pledges to drink heavily, not to mention the flagrant violation of other laws such as Possession of Alcohol by a Minor, and Providing Alcohol to a Minor. The big brothers in a fraternity setting are in a position of power and authority over the pledges. Throughout the indoctrination process, pledges are expected to obey their Big Brothers or be subject to discipline that could include being dropped from the fraternity. The pledges are expected to obey commands given not only through words, but also by example and through implication. For example, big brothers giving a bottle of the "family drink" to the pledges, requiring pledges to arrive by designated driver, setting up safety monitors to watch the drinking, and regaling pledges with stories of their extreme intoxication the night *they* got *their* big brothers. So while not physically forcing anyone to drink alcohol, the big brothers clearly convey the expectation that the pledges "finish the bottle" or at least become highly intoxicated. Willingness of the pledges to engage in life-threatening behavior in no way absolves fraternity members of their criminal culpability if they did anything to incite or encourage the behavior.

In this case, fraternity brothers and fraternity officers organized and executed a party with the express purpose of helping underage pledges get inebriated. And in the process a young life was senselessly extinguished. These students involved in this case are adults. Their enrollment at FSU confirms a high level of intelligence and academic success. Yet their behavior during the events in question demonstrates a recklessness and a lack of integrity that reflect badly on themselves, their fraternity, and their University.

Aside from their behavior while under the influence of alcohol, in the sobering aftermath and somber days that followed they have repeatedly made the choice not to speak out, but rather to remain loyal to a culture of secrecy that cannot be allowed to continue. Actions have consequences and it is time that they learn this. It is not unreasonable to hold them responsible for the decisions they made and the actions they took. We the Grand Jury encourage the Office of the State Attorney to pursue any criminal charges as the evidence will warrant. The investigation into the death of Andrew Coffey and circumstances surrounding it are ongoing. The investigation is not yet complete and there are numerous items of evidence still outstanding. We do see evidence that will support criminal charges and we leave the decision as to specific charging up to the State Attorney or a future Grand Jury.

THEREFORE, with a quorum present and twelve or more in agreement, we make this presentment.