

Florida Department of Corrections



Office of the Inspector General

CRIMINAL INVESTIGATION INVESTIGATIVE ASSIST

CASE # 15-29660



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



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Case Number: 15-29660

OIG Inspector: Inspector Douglas O. Foster
 Senior Inspector Zachary Mulharan

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Alphonso Williams

Date Assigned or Initiated: 01-04-2016

Complaint Against: N/A

Location of Incident – Institution/Facility/Office: Lake Correctional Institution

Complainant: N/A

Outside Agency Case #: OR-37-0035

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Chief Inspector General Case Number: N/A



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I. AUTHORITY

The Florida Department of Corrections, Office of the Inspector General, by designation of the Secretary and § 944.31, Florida Statutes, is authorized to conduct any criminal investigation that occurs on property owned or leased by the department or involves matters over which the department has jurisdiction.

The testimony references included in this report are summations of oral or written statements provided to inspectors. Statements contained herein do not necessarily represent complete or certified transcribed testimony, except as noted. Unless specifically indicated otherwise, all interviews with witnesses, complainants, and subjects were audio or video recorded.

II. METHODOLOGY

The investigation reviewed the derivations of the allegation advanced by the complainant. The scope of this investigation does not seek to specifically address tort(s), but violations of criminal statutes. The criterion used to evaluate each contention or allegation was limited to the following standard of analysis:

1. Did the subject's action or behavior violate Florida criminal statutes?

III. ANALYSIS

The standard and analysis in this investigation is predicated with the burden of proving any violation of law, established by probable cause. The evidence considered for analysis is confined to the facts and allegations stated or reasonably implied. The actions or behavior of the subject are presumed to be lawful and in compliance with the applicable Florida law, unless probable cause indicates the contrary.



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IV. DEFINITIONS

Unfounded:

Refers to a disposition of a criminal case for which probable cause does not exist to suggest the suspect's behavior or action occurred nor is an arrest or formal charge being initiated.

Closed by Arrest:

Refers to a disposition of a criminal case for which probable cause exists that an identified subject committed the offense and one for which an arrest or formal prosecution has been initiated.

Exceptionally Cleared:

Refers to a disposition of a criminal case for which probable cause exists that an identified suspect committed the offense, but one for which an arrest or formal charge is not initiated, or in the case of a death investigation, one for which no evidence exists that the death was the result of a crime or neglect.

Open-Inactive:

Refers to a disposition of a criminal case for which a criminal investigation commenced, but where evidence is insufficient to close as unfounded, closed by arrest, or exceptionally cleared.

Investigative Assist Closed

Refers to a disposition of an investigative assist, where the conduct being investigated by the outside agency did not concern allegations against a Department employee, contractor, inmate, offender, or other person either employed or under the supervision of the Department.



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V. PREDICATE

On January 1, 2016, at 11:10 pm, Supervisor Robert Calamari called Senior Inspector Zachary Mulharan and advised that Inmate Bobby McGee C10302 had expired [REDACTED] [REDACTED] at Lake Correctional Institution on December 27, 2015. An autopsy indicated [REDACTED]. His death appeared attribute [REDACTED] On December 28, 2015. FDLE CASE# OR-73-1823.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

Based on the exhibits, witnesses' testimony, subject officer's statements, and the record as a whole, presented or available to the primary inspector, the following findings of facts were determined:

On December 27, 2015, at approximately 12:20 p.m., Officer Lindsey Phillips observed Inmate McGee jump from the second tier of quad 3 in E-Dorm with a sheet tied around his neck and the other end secured to the railing near cell# E3206. After Inmate McGee jumped over the railing, inmates assisted in removing the bed sheet. [REDACTED]
[REDACTED]

On December 27, 2015, at approximately 02:00 p.m., On-call Inspector Supervisor Yolanda Brown called this inspector to advise Inmate Bobby McGee DC# C10302 cell# E3106L had been transferred from Lake Correctional Institution (Lake C.I.) [REDACTED] [REDACTED] at E-Dormitory (E-Dorm), Lake C.I. Inmate McGee attempted to hang himself from the upper railing of E-Dorm. Supervisor Brown advised Florida Department of Law Enforcement (FDLE) was notified of the incident.

At approximately 02:04 p.m., while en route [REDACTED] this inspector contacted Captain Tracy Ryles ID# 18656, to obtain information regarding the incident. Captain Ryles advised Inmate McGee had a ligature wrapped around his neck and he jumped off the upper foot walk and attempted to hang himself by hanging from the railing. Several inmates and correctional officers were able to free him from the ligature. This inspector requested a copy of the wing video, and a list of witnesses and participants for future investigation.

At approximately 03:17 p.m., I received a telephone call from FDLE Agent David Hubbard who advised he was at Lake C.I. to investigate the incident involving Inmate McGee. This inspector advised the agent I was en route [REDACTED] to interview the inmate and to determine his status. Agent Hubbard advised FDLE would formally investigate the incident. The inspector advised Agent Hubbard a copy of the wing video had been requested for the investigation into the incident and a witness list was being prepared.

At approximately 04:00 p.m., I arrived [REDACTED] and was advised by correctional officers that an FDLE Agent [REDACTED] conducted an interview with the inmate, but had departed prior to my arrival.

At approximately 04:03 p.m., I met with and informally interviewed Inmate McGee to determine the [REDACTED] Inmate McGee discussed this incident [REDACTED]



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██████████ Inmate McGee stated ██████████ he desired to commit suicide. Inmate McGee stated he voluntarily jumped over the railing and no one pushed him. Inmate McGee stated he was housed with another inmate in E-Dorm.

During the interview, I took several photographs of Inmate McGee. This inspector ██████████
██████████ The inmate ██████████
██████████ Inmate McIntyre ██████████
██████████

██████████ was not present or available for interview or discussion. However, records indicate Inmate McGee's ██████████
██████████
██████████.

At approximately 04:30 p.m., this inspector notified Supervisor Brown and Agent Hubbard Inmate McGee ██████████

During this investigation, no evidence was discovered or detected of any improper actions committed by staff members, against Inmate McGee. Evidence indicates Inmate McGee ██████████
██████████ as a desire to commit suicide.

On January 04, 2016, at approximately 01:00 p.m., I received information from Crime Analyst Erin Blakemore of the Inspector General's Office of the death of Inmate McGee. Analyst Blakemore did not have any further information regarding the cause of death.

On January 05, 2016, at approximately 08:45 a.m., I called Agent Williams to provide him with the information regarding the death of Inmate McGee. Agent Williams advised me he aware of Inmate McGee's death and a preliminary autopsy report indicated Inmate McGee ██████████
██████████

On or about January 10, 2016, Senior Inspector Zachary Mulharan as assigned to investigate the death of Inmate McGee conducted interviews ██████████, DOC officers and ██████████ involved with Inmate McGee.

On June 14, 2016, this inspector received the completed FDLE report by Agent Williams regarding Inmate McGee. The report was in disk form and contained .the final FDLE report, audio recording of witnesses and Inmate McGee and video of the incident in E-Dorm

Agent Williams' final report concludes that based upon all information and evidenced gathered Inmate McGee attempted suicide singularly and there was no evidence to suggest a criminal violation occurred.

VII. CHARGES

List alleged violations of Florida Law:

1. None.



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VIII. CONCLUSION

Based on the information gathered during the investigation, it is the recommendation of FDLE Special Agent Alphonso Williams the death of Inmate McGee was not a criminal Violation. Agent Williams closed this case, to be termed as follows:

1. Unfounded.

Based on the information gathered during the investigation, The Medical Examiner report concluded that ""In consideration of the circumstances surrounding the death, and after examination of the body, toxicology analysis, [REDACTED], it is my opinion that the death of Bobby McGee, a 60 year of white male, [REDACTED]."

Inspector Douglas O. Foster reviewed the investigation completed by FDLE, and no administrative issues were identified.