

Florida Department of Corrections



Office of the Inspector General

CRIMINAL INVESTIGATION

Case # 13-10190



FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
CASE SUMMARY REPORT



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CASE SUMMARY REPORT



Case Number: 13-10190

Inspector: Inspector Frank Lewis

Date Assigned or Initiated: 09-12-2013

Complaint Against: NA

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

Complainant: Officer Dalon McDonald

Use of Force Number: NA

PREA Number: NA

Classification of Incident: Inmate Death [REDACTED]

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Equal Employment Opportunity Investigation: Yes No

Chief Inspector General Case Number: NA



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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.



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V. PREDICATE

On September 11, 2013 at approximately [REDACTED], Officer Dalon McDonald discovered Inmate Richard Mair DC #E28783 hanging inside of cell [REDACTED]. Inmate Mair was later pronounced deceased at Dade Correctional Institution by Miami Dade [REDACTED].

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 September 11, 2013, Officer Dalon McDonald reported the following: at approximately [REDACTED] while conducting [REDACTED] security rounds inside of the [REDACTED] west area, he observed Inmate Richard Mair hanging from air vent inside of cell [REDACTED]. At that time, Officer McDonald placed a distress radio transmission. He then ran to the [REDACTED], retrieved ligature cutters, and returned to cell 3103. After the cell door was opened by Officer Pazos and Officer McDonald cut Inmate Mair down from the vent and [REDACTED].

According to Miami Dade Police report #PD130911335928 dated September 11, 2013, Inmate Mair was found hanging inside his cell [REDACTED] and was subsequently cut down and moved to [REDACTED]. Miami Dade [REDACTED] responded to the institution and pronounced Inmate Mair deceased at 5:57am. [REDACTED]

According to the Miami Dade Medical Examiner report #2013-02418 dated October 16, 2013: Inmate Mair's Cause of Death - [REDACTED] and Manner of Death - Suicide.

Warden Cummings' initial review of the video surveillance dated September 11, 2013, revealed that security checks were not conducted timely as outlined in Post Order #10 Housing Sergeant/Officer Confinement. The [REDACTED] unit inside of [REDACTED] at Dade CI is considered the Protective Management/Confinement Unit. Warden Cummings has indicated this administrative issue will be addressed by the institution.

VII. CHARGES

List alleged violations of Florida Law:

1. NA



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VIII. CONCLUSION

Based on the information gathered during this investigation, it is the recommendation of Inspector Frank Lewis the allegation against NA for **NA, in violation of NA**, be termed as follows:

1. Exceptionally Cleared