

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 16-04946**



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



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Case Number: 16-04946

OIG Inspector: Inspector Christopher Welsh

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Shawn Cruse

Date Assigned or Initiated: March 4, 2016

Complaint Against: N/A

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

Complainant: N/A

Outside Agency Case #: FM-37-0015

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death/Accidental

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 March 4, 2016, the Office of the Inspector General received notification of the death of Inmate Joseph Murphy #113855 at Okeechobee Correctional Institution. Inmate Murphy was discovered [REDACTED] in his assigned cell, D3105. The Florida Department of Law Enforcement (FDLE) conducted the death investigation. The death investigation-investigative assist was assigned to Senior Inspector Christopher Welsh on March 4, 2016. Florida Department of Law Enforcement (FDLE) is the lead investigating agency.

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 March 4, 2016, Lieutenant Susan Dinius reported in an incident report that on March 4, 2016, at approximately 9:06 a.m., while Correctional Officer Jeffery Bennett was assigned as the housing officer in D-Dormitory at Okeechobee Correctional Institution (C.I.), he was advised by Inmate Lorenzo Sole #C07523 that his cellmate, Inmate Joseph Murphy #113855 [REDACTED] in his assigned cell, D3105. At approximately 9:08 a.m., first responders, Correctional Officer Tara Santos and Correctional Officer Miguel Quinones arrived at the cell and found Inmate Murphy lying on his lower bunk [REDACTED] to commands. Officer Santos [REDACTED] to which Murphy did not respond. [REDACTED] at the cell at 9:13 a.m., and Murphy [REDACTED] [REDACTED] [REDACTED] was notified and arrived at the facility at approximately 9:25am and pronounced Murphy deceased at 9:28 a.m.

FDLE Special Agent Shawn Cruse completed FDLE case report FM-37-0015 and indicated on March 4, 2016, the Intelligence Watch and Warning Desk notified FDLE of an inmate death at Okeechobee C.I., in which FDLE Special Agents Cruse, Kevin Sapp, Steve Harris, Nathan Coogan and John King responded to conduct the death investigation of Inmate Murphy.

FDLE SA Cruse stated a preliminary review of Murphy's body [REDACTED] Video surveillance did not reveal any foul play. At approximately 4:45 p.m., Murphy's body was released to Tri-County for transport to the Medical Examiner's Office in Ft. Pierce.

- On March 7, 2016, the District 19 Medical Examiner's Office completed ME Report #16-19-180.
- The report listed the cause of death [REDACTED]).
- The manner of death was ruled as Accidental.
- The report listed that Chief Medical Examiner Dr. Roger Mittleman conducted the autopsy.

According to [REDACTED], [REDACTED] [REDACTED] This level was extremely elevated based upon normal limits of 0.8-2.6 ng/ml. Inmate Case Number: 16-04946/2



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Murphy's [REDACTED] in which the normal limit for acceptable levels per the lab report is 10 ng/ml. Butylone is a substituted cathinone that has similar effects to cocaine with serious side effects to include cardiovascular and neurological issues that may result in death.

All investigative and administrative activity is concluded.

VII. CHARGES

List alleged violations of Florida Law:

None

VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Agent Shawn Cruse, no criminal violations were discovered during this investigation and this case be termed as follows:

Exceptionally Cleared

Inspector Welsh reviewed the investigation completed by FDLE and no criminal or administrative violations were identified or discovered during the course of this investigation.