

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 16-21916**



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



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Case Number: 16-21916

OIG Inspector: Inspector Mike Wyatt

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Craig Beers

Date Assigned or Initiated: 12-09-2016

Complaint Against: N/A

Location of Incident – Institution/Facility/Office: Central Florida Reception Center

Complainant: N/A

Outside Agency Case #: OR-37-0048

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: In-Custody 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 December 7, 2016, at approximately 3:55 pm, I was informed by Warden Michael Morgan that main unit security and [REDACTED] were [REDACTED] on an inmate and outside [REDACTED] had been notified. Inmate Alfonso Dorsey [REDACTED] and was taken [REDACTED]. While in [REDACTED] he became combative and chemical agent was utilized. He was escorted to Y-Dorm for a decontamination shower. He became [REDACTED] was initiated. Outside [REDACTED] arrived and Inmate Dorsey was pronounced deceased. FDLE was notified and advised they would be responding and initiated an investigation under case #OR-37-0048.

Upon initial review of the information, the Office of the Inspector General assigned an Investigative Assist #16-21916 to Inspector Mike Wyatt on December 9, 2016.

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 7, 2016, at approximately 3:55 pm, I was informed by Warden Michael Morgan that main unit security and [REDACTED] were [REDACTED] on an inmate and outside [REDACTED] had been notified. I entered the main unit and was briefed by Warden Morgan.

According to Warden Morgan, Inmate Alfonso Dorsey [REDACTED] while in classification and was taken [REDACTED]. While in [REDACTED] he began to [REDACTED] however he became aggressive towards [REDACTED] and security staff by trying to strike and bite them. It became necessary for security staff to defend themselves and chemical agent was deployed. The first burst of chemical agent was unsuccessful therefore a second burst was applied. At that point security staff directed Inmate Dorsey to the floor and cuffed him.

He was escorted to Y-Dorm for a decontamination shower. Once in the shower Inmate Dorsey sat on the floor asking for help to get to his feet. The leg irons were removed and Inmate Dorsey asked for help once again. Security staff entered the shower and assisted Inmate Dorsey to his feet and removed the handcuffs for him to decontaminate. Inmate Dorsey sat back down and would not utilize the shower. Security staff decided to get [REDACTED] and utilize wipes to clean the chemical agent from Inmate Dorsey. Security staff and the nurse entered the shower to assist Inmate Dorsey however when they attempted to apply handcuffs they [REDACTED] confirmed that he had [REDACTED] was initiated and outside [REDACTED] was notified. [REDACTED] arrived [REDACTED], but to no avail. Inmate Dorsey was pronounced deceased by [REDACTED] at approximately 4:33 pm.

FDLE was notified and Agents David Snowden and Craig Beers responded. We entered the main unit and they photographed the crime scenes. They photographed the decedent, who had [REDACTED] but no other obvious signs [REDACTED] foul play were observed to the exterior of the body. FDLE agents conducted interview with all the parties involved. Medical Examiner Investigator Joanna Fletcher arrived and processed the decedent. The decedent was removed from the main unit at 9:03 pm. FDLE agents concluded their interviews at 10:19 pm and exited the main unit.



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The decedent [REDACTED] His sister was contacted and she advised that when he [REDACTED] he becomes very combative.

On June 21, 2017, I received Inmate Alfonso Dorsey's completed FDLE in-custody death investigation (OR-37-0048) from FDLE Special Agent Craig Beers. A synopsis is as follows:

On December 7, 2016, the Florida Department of Corrections (DOC) requested the Florida Department of Law Enforcement to investigate the death of Central Florida Reception Center (CFRC) Inmate Alfonso Dorsey (B/M, DOB: 12/22/1960, DOC #765781) who became [REDACTED] after being transported to the shower room to rinse off chemical agent. Dorsey was pronounced dead at 1633 hours.

On December 7, 2016, at approximately 1730 hours, Special Agent (SA) Craig Beers and SA David Snowden responded to the CFRC regarding the in-custody death of an inmate, Alfonso Dorsey, which occurred in Dorm "Y" earlier that same day.

During the initial investigation, Office of Inspector General (OIG) Senior Inspector Mike Wyatt, DOC officers, and an inmate were interviewed, which revealed the following information:

On December 7, 2016, at approximately 1500 hours, Inmate Dorsey [REDACTED] while sitting on a bench in the Classification Building (building# 32048019). Correctional Officers (CO) [REDACTED] assisted Inmate Dorsey. As Inmate Dorsey [REDACTED], he became physically combative. Correctional Officers and CFRC [REDACTED] assisted Inmate Dorsey on a [REDACTED] and restrained him to [REDACTED]. While correctional officers and [REDACTED] were transporting Inmate Dorsey to the [REDACTED] (building# [REDACTED]), Inmate Dorsey was attempting to remove himself from the restraints.

As they entered the [REDACTED] Inmate Dorsey completely removed himself from the restraints and again became physically combative. CO Sergeant Daniel Warner attempted to assist Inmate Dorsey to the ground, but Inmate Dorsey was physically resisting. CO Ryan Palacios and CO Michael Videtto assisted Sergeant Warner by each deploying their chemical agent. They eventually secured Inmate Dorsey. Inmate Dorsey was then escorted to shower in Dorm "Y" for decontamination. Inmate Dorsey was placed into the "#2 Cold Shower" room and unsecured. Shortly after, Inmate Dorsey became [REDACTED] responded and conducted [REDACTED] until [REDACTED] arrived. Inmate Dorsey was then pronounced deceased at 1633 hours.

On December 7, 2016, SA Beers and SA Snowden responded to CFRC and examined the crime scene. SA Beers examined and photographed various locations within CFRC, to include the Classification Hall building, the [REDACTED], and Dorm "Y." SA Beers also examined and photographed Alfonso Dorsey's body in Dorm "Y." SA Beers did not observe any signs of foul play [REDACTED] to the exterior of Dorsey's body.

Y-Dorm fixed wing summary:

On December 7, 2016, at approximately 1627 hours, two correctional officers escorted Dorsey into Dorm "Y" and placed Dorsey into the decontamination shower. Dorsey was walking with assistance



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from the correctional officers and was handcuffed behind his back. While Dorsey was inside of the cell, he was yelling, "Help!" and "Help me, Lord Jesus!" At approximately 1628 hours, Captain Slimmen entered Dorm "Y" and had CO Laughely record the incident with a handheld video camera. At approximately 1637 hours, Dorsey had his back against the cell door and his handcuffs were removed. At approximately 1700 hours, correctional officers entered the cell because Dorsey was not complying with their commands and they determined Dorsey was [REDACTED] was in Dorm "Y" when they determined Dorsey was [REDACTED] performed [REDACTED] on Dorsey until [REDACTED] arrived.

Handheld video summary:

On December 7, 2016, at approximately 1523 hours, Captain Slimmen was in Dorm "Y" and had CO Laughely record the incident with a Sony handheld video camera. Dorsey was lying on his back inside of the cell yelling, "Help!" and "Help me, Lord Jesus!" Dorsey received assistance to place his back against the cell door and his handcuffs were removed. Correctional officers subsequently entered the cell because Dorsey was not complying with their commands and they determined Dorsey was [REDACTED] [REDACTED] was in Dorm "Y" when they determined Dorsey was [REDACTED] [REDACTED] conducted [REDACTED] on Dorsey until [REDACTED] arrived.

Dorsey's body was later retrieved by the District Nine Medical Examiner's Office for further investigation.

On December 8, 2016, at approximately 0845 hours, Sara H. Zydowicz, Associate Medical Examiner for District Nine, performed a post mortem examination of Dorsey's body. Medical Examiner Zydowicz completed the autopsy report which revealed Dorsey's cause of death was [REDACTED] [REDACTED] A contributing factor was [REDACTED] [REDACTED] Based on the circumstances surrounding Dorsey's death, the manner of death was classified as a homicide.

The Florida Department of Law Enforcement (FDLE) completed a comprehensive investigation into the in-custody death of Inmate Alphonso Dorsey. The presentation of facts is based on DOC officer witnesses, civilian witnesses, and physical evidence. FDLE Special Agent Craig Beers submitted his investigative summary to the Office of the State Attorney for 9th Judicial Circuit for their review and disposition.

During the course of the death investigation, there were no administrative issues discovered.

The fixed wing video is too large to be uploaded into IGIS, therefore it will be submitted with FDLE's Investigative package along with the flash drive containing the photos, videos and interviews completed by FDLE.

VII. CHARGES

List alleged violations of Florida Law:

1. N/A



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VIII. CONCLUSION

Based on the FDLE investigative findings this case has been submitted to the 9th Judicial Circuit State Attorney's Office for review and disposition with no criminal or negligent acts noted. This investigative assist will remain open-inactive until final disposition from the 9th Judicial Circuit State Attorney's Office.

1. Open-Inactive

Inspector Wyatt reviewed the investigation completed by FDLE, and administrative issues were not identified.