

# Florida Department of Corrections



## Office of the Inspector General

### CRIMINAL INVESTIGATION

Case # 18-08349



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



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**Case Number:** 18-08349

**Inspector:** Senior Inspector Stacy Fish

**Date Assigned or Initiated:** 05-11-2018

**Complaint Against:** N/A

**Location of Incident – Institution/Facility/Office:** 209 Reception and Medical Center

**Complainant:** Sergeant Richard Flynn

**Use of Force Number:** N/A

**PREA Number:** N/A

**Classification of Incident:** 15D Inmate Death (Unattended)

**Confidential Medical Information Included:**  Yes  No

**Whistle-Blower Investigation:**  Yes  No

**Equal Employment Opportunity 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 a preponderance of the evidence exists to suggest the suspect's alleged behavior or action did not occur.

**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 May 08, 2018, Sergeant Richard Flynn at the Reception and Medical Center (RMC) was informed that Inmate Michael Morris #915085, [REDACTED] on May 07, 2018 at 12:11pm. Due to Inmate Morris [REDACTED] The primary cause [REDACTED] This information was reported via the Management Information Notification System (MINS#854330) on May 09, 2018 and assigned as Death Investigation #18-08349 to Senior Inspector Stacy Fish on May 11, 2018.

**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 May 08, 2018, Sergeant Flynn at RMC was informed that Inmate Morris, [REDACTED] on May 07, 2018 at 12:11pm. Due to Inmate Morris [REDACTED]

On May 06, 2018, at approximately 4:30am, Senior Inspector Fish was contacted by On-Call Inspector Supervisor Katouree Jackson and instructed to report to RMC, in reference to an inmate being [REDACTED] in a two-man confinement cell and was being transported [REDACTED] Supervisor Jackson advised that she was notifying the Florida Department of Law Enforcement (FDLE). At approximately 5:16am, while in route to RMC, Senior Inspector Fish was contacted by FDLE Supervisor Michelle O'Neal. FDLE Supervisor O'Neal advised Senior Inspector Fish to contact her back with an update once the situation had been accessed.

At approximately 5:45am, Senior Inspector Fish arrived at RMC and proceeded to K-Dorm, where contact was made with Sergeant Steve Roberts. Sergeant Roberts advised that at approximately 3:15am, he observed Inmate Morris in cell K-1209U [REDACTED]. He initiated Incident Command System (ICS) and additional Staff and Medical responded. The cell door was breached and Inmate Morris was placed in restraints. Inmate Morris was placed [REDACTED] exited the dorm. [REDACTED]

[REDACTED] Inmate Morris [REDACTED]

Senior Inspector Fish and Sergeant Roberts proceeded to K-1209U, which was secured as a crime scene and Officer Ronnie Fogarty had initiated a crime scene log. Sergeant Roberts and Captain Daniel Klein advised that Security Staff had searched the cell after removing both inmates and found Case Number: 18-08349



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what was believed to be a “roach” (*partially smoked cigarette*) in the cell. Security Staff was reminded of the importance of keeping the crime scene undisturbed when incidents like this occur. Captain Klein advised that the “roach” was placed in an evidence bag and was taken to the control room.

At approximately 6:10am, Senior Inspector Fish photographed cell K-1209U and advised Security Staff to leave the cell secured as a crime scene until further notice. [REDACTED] was observed in the cell.

At approximately 6:29am, Senior Inspector Fish interviewed Inmate Dennis Labrie #D90573, who was housed in cell K-1209L with Inmate Morris. Post Miranda, Inmate Labrie indicated that he did not know Inmate Morris and had only met him a couple of hours ago when he was placed in his cell. He was locked up from the West Unit for smoking a cigarette on camera and was brought to the Main Unit and placed in Inmate Morris’ confinement cell. He spoke with Inmate Morris briefly and Inmate Morris did not complain [REDACTED]

He laid down to take a nap and when he got up to use the bathroom, he discovered Inmate Morris [REDACTED]. He attempted to see if Inmate Morris [REDACTED]. He was unsure, but does not believe, Inmate Morris [REDACTED]. He attempted to call for help and one of the inmates (*unidentified*) on the wing hollered, “Leave the man alone, he’s getting high.” He continued to summons for help [REDACTED] until they finally arrived. He did not observe Inmate Morris smoke anything and was unsure if he smelt smoke.

At approximately 7:30am, Senior Inspector Fish advised FDLE Supervisor O’Neal and Supervisor Jackson of the findings. FDLE Supervisor O’Neal advised that she would be sending an agent [REDACTED] Inmate Morris. Senior Inspector Fish departed RMC [REDACTED]. Approximately 8:20am, Senior Inspector Fish arrived [REDACTED] and met with Officers J. Randolph and J. Velazquez, who were providing security on Inmate Morris. Senior Inspector Fish also met with FDLE Special Agent Y. Barbia, who was on scene.

At approximately 8:25am, Senior Inspector Fish took what photographs he could of Inmate Morris, while he was lying on his back [REDACTED]. Senior Inspector Fish left his contact information with the Officers on scene and advised them to contact him should Inmate Morris’ [REDACTED] [REDACTED]. FDLE Special Agent Carbia was briefed and advised that FDLE would not be assuming the lead role in this investigation.

At approximately 8:45am, Senior Inspector Fish departed [REDACTED]

Inmate Morris was serving a life sentence for 1<sup>st</sup> degree murder and was received on April 25, 1988.



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On May 07, 2018, at 12:11pm, Inmate Morris [REDACTED] [REDACTED] advised that Inmate Morris [REDACTED] until the family could be contacted to give consent [REDACTED].

On May 08, 2018, at approximately 10:48am, Senior Inspector Fish arrived [REDACTED] and met with Sergeant T. Burgess and Sergeant Z. Young, who were providing security on Inmate Morris. Inmate Morris [REDACTED] Senior Inspector Fish visually inspected the body of Inmate Morris and the entire body was photographed. [REDACTED] or foul play were noted. At approximately 11:25am, Senior Inspector Fish departed [REDACTED].

Senior Inspector Fish notified FDLE Supervisor O'Neal, OIG Supervisor Jackson, and Medical Examiner's Office Investigator Cathy Weldon of the findings. Senior Inspector Fish advised Investigator Weldon to contact him once [REDACTED] and the autopsy had been scheduled, so that he could attend. FDLE Supervisor O'Neal also advised that FDLE Special Agent Baria would be attending the autopsy.

On May 10, 2018, Senior Inspector Fish and FDLE Special Agent Baria attended the autopsy of Inmate Morris, which was performed at the Gainesville Medical Examiner's Office by Doctor William Hamilton. Doctor Hamilton advised that he did not detect [REDACTED] and was unable to determine a cause of death at this time. Doctor Hamilton indicated that it appeared to be a "drug death" and would like to send the "roach" that was secured as evidence from cell K-1209 off for testing. The "roach" was turned over to Medical Examiner Investigator William Grotjahn and a chain of custody is attached.

On September 12, 2018, the final autopsy report for Inmate Morris was received from the Gainesville Medical Examiner's Office. Medical Doctor William Hamilton listed the probable cause of death as [REDACTED] and listed the manner of death as "Accident." According to the Toxicology Report, [REDACTED] of Inmate Morris.

A review of the incident reports submitted by Sergeant Steve Roberts, Officer Ronnie Fogarty, and Officer Tyler Moseley, who were assigned to K-Dorm on May 06, 2018, indicated the following:

They were instructed to submit an incident report regarding late security checks. Due to housing several pre-confinement inmates, internal movements, confinement releases, completing DC-229 paperwork, inmate showers, escorting inmates [REDACTED], and other pertinent duties, they may have accidentally lost track of time or tried to rush through a security check in order to accomplish their next task. This was an isolated incident and they assure it will not happen again.



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According to the Shift Supervisor's comments on these incident reports, Captain Mark Curtis indicated that the above mentioned Staff members were counseled with regarding the importance of security checks and advised that such actions will not be tolerated in the future.

On October 16, 2018, contact was made with Warden Robert Smith at RMC and he was advised of this investigation. Warden Smith was familiar with the incident and indicated he believes the Staff members involved had already been disciplined for making late security checks. Warden Smith instructed this Inspector to forward him the information and he would address it administratively, if it had not already been addressed.

**VII. CHARGES**

N/A

**VIII. CONCLUSION**

Based on the information gathered during this investigation and the Medical Examiner's findings, it is the recommendation of Senior Inspector Stacy Fish that this investigation, be termed as follows:

1. Exceptionally Cleared.

Administrative violations were noted, which were referred to Warden Smith at RMC for review and appropriate handling, in accordance with Florida Administrative Code (F.A.C.) Rules 33-208.002, Rules of Conduct, and Procedure 208.039, Employee Counseling and Discipline