

Florida Department of Corrections



Office of the Inspector General

CRIMINAL INVESTIGATION

Case # 18-15538



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



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Case Number: 18-15538

Inspector: Inspector Robert A. Weeks

Date Assigned or Initiated: 10/30/18

Complaint Against: N/A

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

Complainant: Inmate Robert Azevedo (Deceased)

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Death Investigation (Accidental)

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.

Suspended:

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 09/05/18, at 7:51 pm, at Hardee Correctional Institution, Captain Gordon Schrank reported that on 09/04/18, at 5:22 pm, Inmate Robert Azevedo was discovered [REDACTED] in F Dormitory, cell F4102. [REDACTED] responded, and at 5:56 pm, Inmate Azevedo was pronounced deceased. This was reported to the Inspector General's Office via a MINS on 09/05/18, and assigned as a Death Investigation to Inspector Richard Wyatt on 09/05/18.

This case was reassigned to Inspector Robert A. Weeks on 10/30/18.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

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

On 09/04/18, at 6:12 pm, I was notified by On-call Inspector Supervisor Michael McCord that an inmate at Hardee Correctional Institution, (HCI), was found [REDACTED] in his cell, and subsequently pronounced dead.

Upon arrival at HCI, I was escorted by Correctional Officer Lakita Whitten to F Dormitory where the body of Inmate Robert Azevedo's was located in cell F4102. Upon viewing Inmate Azevedo's body, I saw that he was lying on his back wearing a blue prison shirt, a pair of dark shorts, white socks and white tennis shoes. His head was pointing toward the open cell door, and his feet pointing towards the back of the cell.

An overview of Inmate Azevedo's body was photographed in the cell, as was the cell and the dormitory. Inmate Azevedo's entire body was then visually inspected; both clothed and unclothed, and there were [REDACTED] indicating anything suspicious. Photographs of his entire body, both clothed and unclothed were taken again.

At 8:49 pm, Doctor Vera Volnikh, Associate Medical Examiner with the Office of the District Medical Examiner, 10th Judicial Circuit was contacted, and she authorized the Medical Examiner's Transport personnel to respond to HCI, and transport Inmate Azevedo's body to the Medical Examiner's Office.

In an Incident Report dated 09/04/18, and during a subsequent sworn recorded statement on 09/04/18, at 9:20 pm, Correctional Officer Lakita Whitten indicated the following:

She was working F Dormitory when at approximately 5:20 pm, Inmate Richard Carr approached the control room and told her that his roommate, Inmate Azevedo was on his bunk, the bottom bunk, and he could not wake him up. She then sent another inmate, whose name she could not provide, into the cell to, "make sure", they couldn't wake Inmate Azevedo up. She then called on her radio for assistance advising that she had [REDACTED] then called [REDACTED] to advise them of [REDACTED] as well. Other staff



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members responded to the dormitory and they entered Inmate Azevedo's cell, while she remained in the control room. She never went down to Inmate Azevedo's cell during this incident.

She did not see Inmate Azevedo in any type of confrontation with any other inmates during her time in the dormitory.

In an Incident Report dated 09/04/18, and during a subsequent sworn recorded statement on 09/04/18, at 9:25, pm, Correctional Officer Pierrette Bryant indicated the following:

At approximately 5:22 pm, she responded to F Dormitory after hearing a radio call from Officer Whitten asking for assistance. Upon arrival, she and Sergeant Rodney Mattox entered Inmate Azevedo's cell, F4102, and saw him sitting up on the lower bunk, with his head slumped over leaning on a bed post. [REDACTED] then they laid him down onto his bunk, then onto the floor at [REDACTED]

Shortly after that, [REDACTED]. [REDACTED] also arrived, however she stepped away from the cell at that point. She heard that Inmate Azevedo's cellmate, Inmate Carr, was telling some of the officers that Inmate Azevedo had been smoking something all day, possibly K-2.

In an Incident Report dated 09/04/18, and during a subsequent sworn recorded statement on 09/04/18, at 9:36 pm, Sergeant Rodney Mattox indicated the following:

At approximately 5:22 pm, he responded to F Dormitory in reference to a radio call for assistance from Officer Whitten. He and Officer Bryant entered Inmate Azevedo's cell, and found him sitting upright on the bottom bunk with his head slumped over. He attempted to get Inmate Azevedo to respond by touching him, [REDACTED]. He determined that Inmate Azevedo [REDACTED] at which time they placed him on the floor.

He and Officer Bryant [REDACTED] and after a short time, [REDACTED] who pronounced Inmate Azevedo dead.

While he was working on Inmate Azevedo, [REDACTED] indicating anything suspicious. He later heard that his cellmate, Inmate Carr, was saying that Inmate Azevedo was smoking something all day, possibly K-2.

He was also aware that there was another inmate in that dormitory [REDACTED] the same time this incident occurred with Inmate Azevedo. Inmate Jeremy Whitehead was found in his cell, F4105, by his cellmate lying on the floor. He is not aware if the two incidents were connected, but he believes that it was being looked into.

On 09/04/18, at 9:46 pm, during a sworn recorded statement, Nurse Christina O'Neal indicated the following:



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She responded to F Dormitory [REDACTED] after they received a call [REDACTED] that an inmate was found in his cell [REDACTED]. Upon arrival, she saw Sergeant Mattox and Officer Bryant [REDACTED] on Inmate Azevedo in cell F4102, [REDACTED] on the inmate. [REDACTED] Inmate Azevedo. [REDACTED] pronounced Inmate Azevedo deceased at 5:56 pm.

She saw nothing on Inmate Azevedo's body that indicated to her that there was foul play involved in his death. She has seen a death from a [REDACTED] before, and although she cannot say that this was what Inmate Azevedo died of, from what she saw, his death is consistent [REDACTED].

On 09/04/18, at 10:03 pm, during a sworn recorded statement, [REDACTED] indicated the following:

She responded to F Dormitory with [REDACTED] after she received a call that an inmate was found in his cell [REDACTED]. Upon arrival, she saw Sergeant Mattox and Officer Bryant [REDACTED] Inmate Azevedo in cell F4102, [REDACTED] on the inmate.

[REDACTED] Inmate Azevedo. [REDACTED] pronounced Inmate Azevedo deceased at 5:56 pm. She saw nothing on Inmate Azevedo's body that indicated to her that there was foul play involved in his death.

On 09/04/18, at 9:12 pm, during a sworn recorded statement, [REDACTED] indicated the following:

At approximately 5:25 pm, she responded to F Dormitory after a phone call came into the [REDACTED] that an inmate was found [REDACTED]. Upon arrival, [REDACTED] along with Officer Bryant [REDACTED] on Inmate Azevedo, who was lying on his back in his cell, F4102.

[REDACTED] arrived shortly after that and [REDACTED] [REDACTED] and at 5:56 pm, he pronounced Inmate Azevedo deceased. During her interaction with Inmate Azevedo, she saw [REDACTED] [REDACTED] indicating anything suspicious.

On 09/05/18, at 2:12 am, during a sworn recorded statement, Inmate Richard Carr indicated the following:

Inmate Azevedo began smoking K-2, around 5:00-6:00 am, and smoked it all day. Since he was smoking in the cell all day, he stayed out of the cell [REDACTED]. Inmate Azevedo didn't smoke K-2 often, he was just smoking it today. He walked into his cell for the



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afternoon count around [REDACTED] pm, and Inmate Azevedo was asleep, sitting up on his bunk; at least he thought he was asleep. Two officers, unknown who, came by their cell to do count, and they just looked through the cell door window as they counted.

After count, at about 5:10 pm, he tried to wake up Inmate Azevedo for chow, but could not wake him up. He then told the officer in the control room that he could not wake him up, and she sent another inmate, whose name he cannot remember, to check on Inmate Azevedo to see if he was telling the truth. Several officers arrived shortly after that, and that's when they determined he was dead.

He does not know who Inmate Azevedo got the K-2 from, and to his knowledge, he had no altercation with anyone today, and no one beat him up.

On 09/05/18, at 2:21 am, during a sworn recorded statement, Inmate Ronald Keefer indicated the following:

He had been playing chess when count was called, so he went into his cell, F4105, and found his cellmate, Inmate Jeremy Whitehead [REDACTED] but lying on the floor. He did not know if [REDACTED], so he told the officers that he was on the floor, and they went in and checked on him.

It was at the same time the other inmate in F Dormitory was found in his cell [REDACTED]. He does not know if Inmate Whitehead was smoking with Inmate Azevedo, and does not even know what they were smoking. All he knows is that he walked into his cell around 5:00 pm, and found Inmate Whitehead on the floor, so he reported it to the officer in the control room.

On 09/05/18, at 2:29 am, during a sworn recorded statement, Inmate Jeremy Whitehead indicated the following:

He smoked K-2 today, but not with Inmate Azevedo. Everybody in the dormitory was smoking it. He was in his cell smoking by himself, while Inmate Azevedo was apparently in his cell smoking.

He was never [REDACTED] [REDACTED]. He was taken [REDACTED] and was able to come down off of it, that's why he was not sent out [REDACTED]. He doesn't know who he got the K-2 from, and would not tell anyone if he did know.

He doesn't know Inmate Azevedo, and does not know what he was smoking, or if he was even smoking anything. He knows nothing about what happened to him.

Upon review of the video from the mounted cameras in [REDACTED] Dormitory, they revealed the following:

- Camera [REDACTED] in [REDACTED] Dormitory appeared to be [REDACTED] [REDACTED]. Cell F4102 could not be seen in this video. The control room however, could be seen just outside the entry/exit door. The



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quality of this video was poor and very blurry. The video started at 4:19 pm, and ended at 5:55 pm.

There were a few inmates that could be seen moving around in the dormitory, but none could be identified due to the poor quality of the video. At [REDACTED], an officer who could not be identified, walked through the dormitory conducting a security check by looking into the cells through the cell door windows. At [REDACTED] it appeared that Officer Whitten entered the dormitory, and conducted another security check.

At 5:07 pm, the cell doors were opened, and inmates started walking around and leaving the dormitory. At this time, due to the poor quality of the video, it could not be determined if, or when Inmate Carr exited his cell and walked out of the dormitory to contact the control room officer, however, it appeared at 5:19 pm, Inmate Carr entered the dormitory with another unknown black male inmate, and they headed to the direction of cell F4102.

At 5:20 pm, Inmate Carr departed the dormitory again, then re-entered the dormitory by himself shortly after that. At 5:22 pm, Sergeant Mattox and Officer Bryant entered the dormitory. At 5:23 pm, another officer, along with [REDACTED] entered the dormitory, and headed towards cell F4102. Again, cell F4102 could not be seen in the video.

At 5:26 pm, [REDACTED] entered the dormitory, and seconds after that, additional staff members arrived. At 5:47 pm, [REDACTED] arrived and headed toward cell F4102. The video ended at 5:55 pm.

- Camera [REDACTED] in [REDACTED] Dormitory is apparently [REDACTED] [REDACTED] towards cell F4102, however the view did not show inside the cell. The video started at 4:19 pm, and ended at 5:55 pm, and the quality of this video was clearer than the video from Camera [REDACTED]

Most of the cell doors were closed at this point, and at [REDACTED] pm, an officer who I could not identify, walked through the dormitory conducting a security check by looking into the cells through the cell door windows. At [REDACTED] pm, Officer Whitten entered the dormitory, and conducted another security check.

At 5:07 pm, the cell doors were opened, and inmates started walking around and leaving the dormitory. At this time, Inmate Carr could be seen exiting cell F4102 wearing a white tee shirt, blue prison pants and tennis shoes, and he walked out of the dormitory towards the control room. At 5:08 pm, Inmate Carr re-entered the dormitory, and entered back into cell F4102. At 5:09 pm, Inmate Carr walked out of the cell, and walked upstairs to an unknown cell.

At 5:10 pm, Inmate Carr and an unknown white male inmate walked downstairs, then entered cell F4102. An unknown black male inmate then stood at the cell door, however he walked away shortly after that. The unknown inmate, and Inmate Carr, now wearing a blue prison shirt, walked out of the cell and back upstairs to an unknown cell. At 5:12 pm, Inmate Carr walked downstairs, then walked out the dormitory.



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At 5:19 pm, Inmate Carr, now with an unknown black male inmate re-entered the dormitory, and they both entered cell F4102. At 5:20 pm, both of them could be seen exiting the cell, and they walked back out the entry/exit door. Shortly after that, Inmate Carr re-entered the dormitory by himself, and stood around outside his cell.

At 5:22 pm, Sergeant Mattox and Officer Bryant entered the dormitory, and they could be seen entering cell F4102. It appeared they laid Inmate Azevedo's body on the floor, and they could be seen moving around, [REDACTED]. At 5:23 pm, another officer, along with two [REDACTED] entered the dormitory, and entered cell F4102.

At 5:26 pm, another [REDACTED] entered the dormitory and walked up to cell F4102, then seconds after that, additional staff members arrived. At 5:47 pm, [REDACTED] arrived and headed towards cell F4102, where they entered cell and began working on Inmate Azevedo.

Also, in this video, the [REDACTED] and staff members are viewed walking back and forth to cell F4105, where Inmate Whitehead [REDACTED] and was laying on the cell floor. The video ended at 5:55 pm.

- Camera [REDACTED] in [REDACTED] Dormitory, appeared to be [REDACTED] [REDACTED] looking down towards the first floor. Cell F4102 is located on the left side of this particular view. The same action seen in this video, is the same depicted in the video from Camera [REDACTED]

There was nothing observed in the videos that indicated anything suspicious occurred that resulted in the death of Inmate Azevedo, however, there was no video obtained that covered the time frame prior to Inmate Carr discovering Inmate Azevedo [REDACTED] in his cell.

Inmate Azevedo's [REDACTED] were reviewed, to include the [REDACTED] [REDACTED]. The records indicated that he was incarcerated under the supervision of the FDC on 06/05/03, in reference to a life sentence, where he remained until his death on 09/04/18. [REDACTED] while incarcerated, and had a history of [REDACTED]

[REDACTED]

On 03/21/19, I received a copy of the Autopsy Report submitted by Doctor Volnikh. The report indicated that the Autopsy of Inmate Azevedo was conducted on 09/06/18, at 8:30 am.

The Autopsy Findings [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Doctor Volnikh indicated the following:

- Cause of Death: [REDACTED]
- Manner of Death: Accidental.



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VII. CHARGES

No criminal or administrative issues were discovered during this investigation.

VIII. CONCLUSION

Based on the information gathered during this investigation, it is the recommendation of Inspector Robert A. Weeks that due to No Criminal or Administrative concerns being discovered during the course of this investigation, this case should be termed as follows:

1. Exceptionally Cleared.

To wit: The death of Inmate Azevedo was determined to be Accidental.