

# Florida Department of Corrections



## Office of the Inspector General

**CRIMINAL INVESTIGATION  
INVESTIGATIVE ASSIST  
CASE # 17-08244**



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



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**Case Number:** 17-08244

**OIG Inspector:** Inspector Greg Fulcher

**Outside Agency:** Florida Department of Law Enforcement

**Outside Agency Investigator:** Special Agent Scott Gibson

**Date Assigned or Initiated:** 05-15-2017

**Complaint Against:** Deceased Inmate Jorge Rosario DC# 778438

**Location of Incident – Institution/Facility/Office:** Hardee Correctional Institution – Work Camp

**Complainant:** N/A

**Outside Agency Case #:** TM – 37 - 0020

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

**PREA Number:** N/A

**Classification of Incident:** Inmate 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 May 15, 2017, the Office of Inspector General received MINS report #777787 reference the death of Inmate Jorge Rosario DC# H34442. On May 14, 2017, at approximately 1:28 a.m., On-call Inspector Supervisor Maurice Radford contacted On-call Inspector Greg Fulcher reference a deceased inmate housed at Hardee Correctional Institution-Work Camp. Supervisor Radford advised an inmate was found [REDACTED] in the inmate's assigned dormitory bunk. The inmate was identified as Inmate Jorge Rosario DC# H34442. Staff [REDACTED] to Inmate Rosario. [REDACTED] were contacted for additional [REDACTED] [REDACTED] transported Inmate Rosario to [REDACTED] [REDACTED] Inmate Rosario was subsequently pronounced deceased at [REDACTED]. On May 15, 2017, this investigative assist was assigned to Inspector Greg Fulcher.

**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 14, 2017, at approximately 1:28 a.m., On-call Inspector Supervisor Maurice Radford contacted On-call Inspector Greg Fulcher reference a deceased inmate at Hardee Correctional Institution-Work Camp.

At approximately 1:55 a.m., Supervisor Radford notified the Florida Department of Law Enforcement (FDLE) Watch Desk.

Contact was made with Hardee C.I., Officer in Charge (OIC) Captain Thomas Fossett. Captain Fossett advised [REDACTED] was on scene and took over care of Inmate Rosario. The current information known at the time of the incident was that staff in A-Dormitory at the Work Camp, were alerted by inmates there was a [REDACTED]. An officer checked on the situation and discovered Inmate Rosario had [REDACTED] were contacted and responded. The on-duty [REDACTED] advised staff to call 911 and then began [REDACTED] Officers continued [REDACTED] until [REDACTED] arrived. There did not appear to be any [REDACTED] Inmate Rosario's body. Captain Fossett advised that during the [REDACTED] of Inmate Rosario, an unidentified inmate approached him from the side and indicated Inmate Rosario may have ingested a controlled substance, possibly heroin.

Inmate Rosario was subsequently transported to [REDACTED] in Wauchula where [REDACTED] pronounced Inmate Rosario deceased.

While in route to [REDACTED], Inspector Fulcher was contacted by FDLE Special Agent Supervisor Rick Tavares. Supervisor Tavares was advised of Inmate Rosario's death and the body's current location at [REDACTED] in Wauchula. Agent Tavares advised FDLE would be responding.

Inmate Rosario was housed in an open population dormitory. The scene and Inmate Rosario's bunk area were secured and preserved.



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Inspector Fulcher arrived at [REDACTED] Prior to entering the facility, FDLE Special Agent Scott Gibson called and advised he was in route to [REDACTED] as well.

Inmate Rosario was in [REDACTED] placed Inmate Rosario in a body bag prior to law enforcements' arrival. An officer remained with Inmate Rosario's body. The location and scene were preserved until Agent Gibson arrived.

Agent Gibson arrived and identification of Inmate Rosario's body was made via an Inmate Face Sheet and Inmate Rosario's ID bracelet. Photographs were taken of the location and of Inmate Rosario's body. There were no visible signs [REDACTED]

[REDACTED] arranged for body removal and transport to the District 10 Medical Examiner's Office. Agent Gibson and Inspector Fulcher departed [REDACTED] and responded to Hardee C.I. - Work Camp.

Upon arrival at the Work Camp, additional FLDE Agents Jeff Erb and Jeremy Fillin arrived to assist. Law Enforcement entered the compound and went to A-Dormitory, Wing-2 (*the location of Inmate Rosario's bunk*). Agent Gibson was the lead investigator for FDLE and advised he would process the scene and Agents Erb and Fillin would begin interviews of [REDACTED] and officers.

Inspector Fulcher assisted in facilitating an interview location and locating the staff for interviews.

Agents Fillin, Erb and Inspector Fulcher then began interviews. The interviews conducted were of [REDACTED] and the officers who were on duty. Upon completion of the interviews, Agents Fillin, Erb and Inspector Fulcher returned to A-Dormitory.

The interviews conducted revealed staff were alerted to [REDACTED] inmate in A-Dormitory. Staff responded and [REDACTED] and contacted [REDACTED] for additional [REDACTED] Inmate Rosario did not appear to have any [REDACTED] his body. Inmate Rosario had [REDACTED] which was from when he fell over off of his bunk.

Agent Gibson advised additional information was discovered. He was able to review dormitory surveillance video of the moments prior to the incident involving Inmate Rosario. Agent Gibson identified an inmate who appeared to have had been in contact with Inmate Rosario moments before he collapsed off his bottom bunk. The inmate was identified as Inmate Nicholas Wilson DC# U53263. Agent Gibson requested the OIC at Hardee C.I. contact a Canine search handler. He requested a search of the dormitory and Inmate Wilson.

Canine Handler Inspector Roderick Kelly responded. Inspector Kelly and his assigned Canine Elsie conducted a search of A-Dormitory and the inmates. No controlled substances were located on any inmate or in the living area of an inmate. However, a cellular telephone and an unknown controlled substance in a small cellophane bag were located in the dayroom. Inspector Kelly seized the items for evidence and processing.

The surveillance video was reviewed. Inmate Wilson was seen interacting with Inmate Rosario. (*A copy of the video will be submitted to Tallahassee to be placed in the permanent case file*)



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Agents Gibson and Erb and Inspector Fulcher conducted an interview of Inmate Wilson. Inmate Wilson indicated he did not give any illegal or controlled substances to Inmate Rosario. Inmate Rosario had his own controlled substances. Upon completion of the interview, Inmate Wilson was placed into administrative confinement pending investigation. Inmate Wilson indicated he is on an outside work squad. This would provide him the means of obtaining contraband. However, no contraband was located on Inmate Wilson's person or in his property.

Investigators debriefed prior to departing the institution. There was [REDACTED] Inmate Rosario's body. There were no inmates or persons immediately around Inmate Rosario when he may have ingested a possible controlled substance. The investigation will continue and an autopsy will be conducted.

Agent Gibson completed an investigative demands form. Attached to this report are copies of: the investigative demand form, inmate face sheet, District 10 Medical Examiner Autopsy form, A-Dormitory bed assignments, [REDACTED] form and Agent Gibson was provided a CD of dormitory video.

A-Dormitory was released back to the institution for normal operation.

Inmate Rosario's next of kin was notified by Duty Warden Travis Lamb. Inmate Rosario's wife, Nehcoe Rosario was informed of her husband's death.

Based upon the discovered and known information related to the death of Inmate Rosario and the initial findings pending any findings from the autopsy, the investigation indicates Inmate Rosario passed due to an [REDACTED]

The [REDACTED] of Inmate Rosario will be part of the official investigation in reference to Inmate Rosario's death.

*Inmate Rosario was a 42 year old, Black male, weighing approximately 250 pounds, and 6'02" tall.*

On May 15, 2017, an autopsy was performed on Inmate Rosario by Medical Examiner Doctor Stephen Nelson at the District 10 Medical Examiner's Office in Winter Haven Florida, Polk County. Inspector Fulcher was in attendance of the autopsy.

Dr. Nelson conducted an external and internal examination of Inmate Rosario's body. Dr. Nelson noted [REDACTED]. Also noted was [REDACTED]. Dr. Nelson [REDACTED] Dr. Nelson's initial finding as a cause of death was [REDACTED].

On November 9, 2017, Dr. Nelson completed the autopsy report (report #201-10-FA-290) on Inmate Rosario and provided a copy of the report to Agent Gibson and Inspector Fulcher. [REDACTED]

There was no [REDACTED] Inmate Rosario's body.



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Dr. Nelson's opinion finding was that Inmate Jorge Rosario died as a result of [REDACTED] Dr. Nelson ruled the manner of death as Accidental. *(A copy of the autopsy report is attached to this report)*

On January 9, 2018, Agent Gibson provided a copy of his closed FDLE report, report #TM-37-0020. Upon receiving the autopsy report findings from the District 10 Medical Examiner's Office, Inmate Rosario's manner of death is classified as Accidental. FDLE closed their case. No additional action or investigative activity were deemed necessary or required. Agent Gibson maintained no evidence in the case. *(A copy of FDLE report TM-37-0020 is attached to this report)*

Through the course of the investigation via collection of evidence, the processing of scenes, interviews conducted, review of FDLE's report (#TM-37-0020) and review of surveillance video, no criminal infractions were noted or discovered; as well as no administrative policy or rules violations were observed, noted or discovered.

**VII. CHARGES**

**List alleged violations of Florida Law:**

No criminal or administrative violations were observed or discovered during this investigation.

**VIII. CONCLUSION**

Based on the information gathered during their investigation, it is the recommendation of Inspector Greg Fulcher that due to no criminal or administrative violations discovered during the investigation this case, be termed as follows:

1. Closed - Exceptionally Cleared