

# Florida Department of Corrections



## Office of the Inspector General

**CRIMINAL INVESTIGATION  
INVESTIGATIVE ASSIST  
CASE # 18-20520**



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



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**Case Number:** 18-20520

**OIG Inspector:** Inspector Mike Wyatt

**Outside Agency:** Orlando Police Department

**Outside Agency Investigator:** Sergeant Joe Capece

**Date Assigned or Initiated:** 11-29-2019

**Complaint Against:** N/A

**Location of Incident – Institution/Facility/Office:** ██████████-CRC

**Complainant:** Inmate Jim Jones

**Outside Agency Case #:** 2018-00454916

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

**PREA Number:** N/A

**Classification of Incident:** Unattended 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 or about November 26, 2018, at approximately [REDACTED] pm, Officer Etta Wright entered room 3 of Alpha Dorm to conduct master roster count at [REDACTED]. When she reached bunk A1 202U, Inmate Richard Berube failed to give his name and DC number. Upon closer inspection she found Inmate Berube to be sitting in a [REDACTED]

[REDACTED] responded to assist Officer Wright. [REDACTED] arrived at approximately 10:11 pm, Inmate Berube was pronounced deceased at 10:31 pm. Witness statements were gathered from the inmates in the room. The Orlando Police Department responded and will lead this investigation. OPD case #18-00454916 was assigned to their investigation. Upon initial review of the information, the Office of the Inspector General assigned an investigative assist to Inspector Mike Wyatt on November 29, 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:

Per the MINS Report, On November 26, 2018, at approximately 9:56 pm, Officer Etta Wright entered room 3 of Alpha Dorm to conduct master roster count at [REDACTED]. When she reached bunk A1 202U, Inmate Richard Berube failed to give his name and DC number. Upon closer inspection she found Inmate Berube to be sitting in a [REDACTED]

[REDACTED] responded to assist Officer Wright. [REDACTED] was activated at 9:58 pm, [REDACTED] was retrieved from the control room. Inmate Berube was removed from his bunk and placed on the floor in a supine position. [REDACTED] All the inmates were escorted out of the dorm.

At approximately 10:11 pm, [REDACTED] Inmate Berube was pronounced deceased at 10:31 pm. Witness statements were obtained from the inmates assigned to the dorm.

Due to [REDACTED] being in the jurisdiction The Orlando Police Department they responded and will lead this investigation (case #18-00454916).

On November 27, 2018, I received the initial ME case synopsis completed on Inmate Richard Berube by Dr. Sara Zydowicz. The synopsis did not denote a cause or manner of death instead it listed "Pending Further Studies."

On February 7, 2019, I requested and received OPD's initial police report in reference to this investigation. The report notated the following:



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On November 26, 2018 at 10:20 pm, Officer R. Mina #12512 and Officer W. White #32445, were dispatched to [REDACTED] in reference to assisting [REDACTED]. Upon their arrival they met with the complainant, Etta Wright, who advised the following:

On 11/26/18 at approximately [REDACTED] pm, Etta Wright was conducting bed checks of the inmates. Wright went to the bunk of Richard Berube. Wright saw Berube sitting on his top bunk with ear phones on. Wright attempted to get his attention [REDACTED]. Wright saw [REDACTED]. Wright brought him down to the floor [REDACTED].

[REDACTED] he was subsequently pronounced dead at 10:31 hours. [REDACTED] Sergeant Weaver #12481 was notified of the incident. Sgt J. Capece #12608 was also notified along with the medical examiner David Miranda. Miranda arrived on scene and took over the investigation.

I reviewed the witness statements completed but the inmate's that were assigned to the same room as Inmate Berube. None of the inmates saw or heard anything unusual or uncommon until staff arrived and found Inmate Berube [REDACTED]. It was noted by one inmate that they witnessed Inmate Berube go to his bunk. The inmate went to sleep and was awoke by staff telling him to leave the room after Inmate Berube was found [REDACTED]. There were 12 statement gathered from the inmates in the room.

On March 5, 2019, I received the final case synopsis in reference to this investigation. It was noted by Dr. Sara Zydowicz, that both the manner and cause of death were "Undetermined."

On March 29, 2019, I received OPD's final case report authored by Homicide Supervisor Sergeant Joe Capece. He notated the following:

On 3/5/19, he received the District Nine Medical Examiner's Office Case Synopsis. The Synopsis identified the CAUSE OF DEATH as Undetermined and the MANNER OF DEATH as Undetermined and is no longer pending. At the time of the initial police response there were no signs of foul play or [REDACTED] to the deceased. Based on the facts and circumstances and the finding of the Medical Examiner's Office, this case is UNFOUNDED and Closed.

**VII. CHARGES**

**List alleged violations of Florida Law:**

1. None

**VIII. CONCLUSION**

Based on information gathered during this investigation, along with the medical examiner's conclusion, OPD closed their case as unfounded. There were no signs of foul play or trauma observed to the decedent. Therefore, no criminal act or neglect occurred, there were no administrative violations observed or documented. It is the recommendation of Inspector Mike Wyatt; this investigative assist should be closed without further action by the Office of the Inspector General.



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1. INV. ASSIST – CLOSED