

Florida Department of Corrections



Office of the Inspector General

CRIMINAL INVESTIGATION INVESTIGATIVE ASSIST

CASE # 16-22803



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



Table of Contents

I. AUTHORITY	4
II. METHODOLOGY.....	4
III. ANALYSIS.....	4
IV. DEFINITIONS	5
V. PREDICATE	6
VI. SUMMARY OF INVESTIGATIVE FINDINGS.....	6
VII. CHARGES.....	6
VIII. CONCLUSION.....	7



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Case Number: 16-22803

OIG Inspector: Inspector Douglas O. Foster

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Dale Crosby

Date Assigned or Initiated: 12-23-2016

Complaint Against: No Complaint

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

Complainant: Office of Inspector General

Outside Agency Case #: OR-37-0051

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Death

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Chief Inspector General Case Number: N/A



FLORIDA DEPARTMENT OF CORRECTIONS
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INVESTIGATIVE ASSIST SUMMARY REPORT



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.



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



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.



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



V. PREDICATE

On or about December 27, 2016, the Office of the Inspector General (“OIG”) received MINS # 746270 which alleged Inmate Jose A. Morales-Vazquez DC# M12406 while at Lake Correctional Institution (“Lake C.I.”), passed away suddenly and unexpectedly while in his assigned cell. The Florida Department of Law Enforcement (“FDLE”) was notified, and initiated a criminal investigation in FDLE case # OR-37-0051. Upon initial review of the information, the Office of the Inspector General assigned the investigative assist to Inspector Foster on December 28, 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 23, 2015, at approximately 06:44 a.m., this inspector was notified by Lieutenant Preston of an inmate death at Lake Correctional Institution. On December 23, 2016, at approximately 05:59 a.m., Inmate Morales-Vazquez died [REDACTED] [REDACTED] was pronounced deceased [REDACTED]

Inmate Morales-Vazquez’s death was sudden and unanticipated which resulted in agents from Florida Department of Law Enforcement (FDLE) being requested to conduct the investigation of the death of Inmate Morales-Vazquez.

Florida Department of Law Enforcement Special Agent Dale Crosby and Special Agent Ted Silberstein viewed and photographed Inmate Morales-Vazquez’s body.

The 5th Judicial Medical Examiner (ME) Forensic Inspector Tonda Clyde was requested and arrived at 10:06 a.m. [REDACTED] to have an autopsy conducted at the ME facility.

Inmate Morales-Vazquez was housed in a single cell [REDACTED]. While housed [REDACTED] Inmate Vazquez [REDACTED]. Inmate Morales-Vasquez [REDACTED] while housed at Dade Correctional Institution (Dade C.I.) from September 12, 2016 to October 02, 2016 prior to being transferred to Lake C.I. on October 14, 2016.

On April 18, 2017 at approximately 09:17 a.m., Special Agent Supervisor John Bachelor met with this inspector to provide the final report regarding the investigation conducted by FDLE of the death of Inmate Morales-Vasquez. The investigation was concluded by FDLE Agent Crosby with his report stating Inmate Morales-Vazquez death [REDACTED] contributing cause of deat [REDACTED]. The manner of death was undetermined. The determination of death was based upon the autopsy performed by Doctor Barbara Wolf of the 5th Judicial Medical Examiner’s office.

VII. CHARGES

List alleged violations of Florida Law:



FLORIDA DEPARTMENT OF CORRECTIONS
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INVESTIGATIVE ASSIST SUMMARY REPORT



1. None.

VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Agent Dale Crosby the death of Inmate Vasquez be termed as follows:

1. Exceptionally Cleared.

To wit: Based on investigation by Inspector Douglas O. Foster, the death of Inmate Morales-Vasquez was from natural causes supported by the autopsy conducted at the 5th Judicial medical Examiner's Office.

Inspector Douglas O. Foster reviewed the investigation completed by FDLE, and administrative issues were not identified.