

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 17-21201**



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.....	Error! Bookmark not defined.
VIII. CONCLUSION.....	7



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



Case Number: 17-21201

OIG Inspector: Inspector Steven Donaldson

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Barry Kays

Date Assigned or Initiated: 11-28-2017

Complaint Against: N/A

Location of Incident – Institution/Facility/Office: Florida State Prison

Complainant: N/A

Outside Agency Case #: JA-73-1727

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death Unattended

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Chief Inspector General Case Number: N/A



FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
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 November 22, 2017, Inspector Donaldson was dispatched to Florida State Prison (FSP) [REDACTED] in reference to the unattended death of 45-year-old Inmate Sharif Silva DC#X49746. Inmate Silva (close management I) was housed in a single man cell behind a solid steel door with an extended food flap. Inmate Silva was pronounced deceased [REDACTED] at 12:45 PM on November 22, 2017. Inmate Silva [REDACTED] [REDACTED] by staff members until the arrival [REDACTED] at 12:37 PM. Inmate Silva's body was secured inside the FSP Prison [REDACTED] after being pronounced deceased. This information was reported in Management Information Notification System (MINS) report #819527. The Florida Department of Law Enforcement (FDLE) was notified, and initiated a criminal investigation in FDLE case # JA-73-1727. On November 28, 2017, Inspector Steven Donaldson was assigned investigative assist # 17-21201 to assist FDLE in their investigation.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

Senior Inspector Stacy Fish notified the Florida Department of Law Enforcement (FDLE) Help Desk at 1:06 PM on November 22, 2017, of this incident on behalf of Inspector Donaldson.

FDLE Special Agent Supervisor Chad Brown and Special Agents Barry Kays, Will Porter, Michael Clark and Garrett Carlisle arrived at the Florida State Prison at 1:46 PM. They conducted interviews of staff members / inmates, searched the inmate's cell and photographed the inmate's body. FDLE indicated [REDACTED] Inmate Silva and conferred with the Eighth Judicial Circuit Medical Examiner's Office about the autopsy. FDLE released the body for transport by Archer Funeral Home to Eighth Judicial Circuit Medical Examiner's Office for examination.

Photographs were taken of Inmate Silva's body and cell [REDACTED] noted during the inspection of the body with FDLE.

Inspector Donaldson reviewed Inmate Silva's [REDACTED]. Inmate Silva [REDACTED] [REDACTED]. Inmate Silva [REDACTED] [REDACTED] Inmate Silva [REDACTED] [REDACTED]

The last use of force with Inmate Silva was on November 14, 2017, [REDACTED] [REDACTED]

MINS and IGIIS indicated Inmate Silva has attempted to commit suicide in the past while in FDC custody. Inmate Silva [REDACTED], the most recent being on November 9, 2017.

The following security checks performed by correctional officers were observed on video: It should be noted the time on the video and the actual real time was 26 minutes different.

- [REDACTED]
- [REDACTED]
- [REDACTED]



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



- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- 12:30 PM unsecure food flap exterior box.
- 12:33 PM Inmate puts food tray inside food flap box.
- 12:36 PM Sergeant Rogers returns to Inmate cell and starts ICS.
- 12:38 PM Lieutenant Thompson arrives at the Inmate’s cell.
- 12:40 PM cell door opened on hand held video.

FDLE Special Agent Barry Kays, supplied Inspector Donaldson with his case summary report indicating he closed his investigation. FDLE closed their investigation indicating “the crime scene, witness testimony and video evidence support Dr. Aurelian’s findings”. *(District 8 Medical Examiner’s Office Doctor)*

A State of Florida Medical Examiners Report prepared by the District 8 Medical Examiner’s Office Doctor Aurelian Nicolaescu indicates the following:

Inmate Silva’s cause of death [REDACTED] . The manner of death was listed as “Suicide”.

Attached to the IGIS electronic case file is a copy Medical Examiners report and FDLE summary report.

Several inmates made allegations of improper conduct regarding Inmate Silva’s death. Those allegations were investigated by FDLE and included in the FDLE summary report attached to this report. FDLE indicated that the inmates who made the allegations were not in locations to view Inmate Silva’s cell or gave false information that did not coincide with the facts discovered in the FDLE investigation. Inmate eyewitness testimony from actual inmates that could view Inmate Silva’s cell and video evidence also did not support the allegations of improper conduct by staff.

Inspector Donaldson concurs with the Medical Examiner’s Office manner of death being suicide.

VII. CONCLUSION

Based on the information gathered during this investigation, it is the recommendation of it is the recommendation of FDLE Special Agent Barry Kays that this case be termed as follows:

1. Investigative Assist Closed



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



Inspector Donaldson reviewed the investigation completed by FDLE, and administrative issues were not identified.