

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 18-09370**



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.....	7
VIII. CONCLUSION.....	7



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



Case Number: 18-09370

OIG Inspector: Inspector Mike Wyatt

Outside Agency: Orlando Police Department

Outside Agency Investigator: Sergeant Joe Capece

Date Assigned or Initiated: 05-30-2018

Complaint Against: N/A

Location of Incident – Institution/Facility/Office: Central Florida Reception Center

Complainant: N/A

Outside Agency Case #: 18-00196533

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



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 or about May 21, 2018, the Department of Corrections, Office of the Inspector General was informed that Work Release Inmate Robert Hogan [REDACTED] at his work location, Sundance Architectural Products, 4249 LB McLeod Rd in Orlando. He was found by a co-worker in a bathroom stall [REDACTED] lying nearby. Inmate Hogan was transported [REDACTED]. At approximately 5:25 pm, Inmate Hogan was pronounced deceased [REDACTED]. This incident occurred within the jurisdiction of the Orlando Police Department, they will be the lead for this investigation (Case #18-00196533). Upon initial review of the information, the Office of the Inspector General assigned an investigative assist to Inspector Mike Wyatt on May 30, 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:

On May 18, 2018, at approximately 1:40 pm, Mr. Constock (Manager for Sundance Architectural Products) phoned [REDACTED] and informed them that Inmate Robert Hogan had been found [REDACTED] in a bathroom stall [REDACTED] lying nearby. Inmate Hogan was transported [REDACTED] where he was pronounced deceased at 5:25 pm.

This incident occurred within the jurisdiction of the Orlando Police Department who responded and began their investigation. OPD generated 2 reports in reference to this incident (case #18-00196533), the initial report and a final disposition report.

On October 16, 2018, I requested and received OPD's initial and final disposition reports in reference to this investigation. The initial report notated the following:

On May 18, 2018, Officer Borrero responded to 4249 LB McLeod Road (Sundance Architectural Products) reference [REDACTED] male. Upon his arrival, he observed Sundance staff [REDACTED] on a white male, later identified as Robert Hogan, who was lying on his back on the restroom floor. [REDACTED] Inmate Hogan. [REDACTED]

Officer Borrero met with floor manager, Mr. Edgar Rivera, who stated verbally and in a sworn statement the following:

Mr. Rivera stated they took a lunch break at 12:00 pm, and returned to work at 12:30 pm. At approximately 12:45 pm, Mr. Rivera was informed that there was a male on the floor in a restroom stall. Mr. Rivera entered the restroom and forced the stall door open and observed Inmate Hogan face down [REDACTED] on the floor. Mr. Rivera rolled Inmate Hogan over [REDACTED] while others called 911. Mr. Rivera stated that Inmate Hogan i [REDACTED]

Crime Scene Investigator, L. Cain responded to the scene [REDACTED]. At this time, the incident does not look suspicious and there are no signs of foul play.



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



OPD's final disposition report notated the following:

On June 29, 2018, Sgt Joe Capece, received the District Nine Medical Examiner's Office Case Synopsis that was prepared by Dr. Gary Utz. The Synopsis identified the cause of death [REDACTED] and the manner of death as accident. Based on the facts and circumstances along with the finding of the Medical Examiner's Office, this case is Unfounded and Closed.

OPD unfounded their case and closed it.

VII. CHARGES

List alleged violations of Florida Law:

1. N/A

VIII. CONCLUSION

Based on the unfounded conclusion of OPD's case, coupled with the Medical Examiner's conclusion that the manner of death for Inmate Hogan was accidental due [REDACTED] it is the recommendation of Inspector Mike Wyatt that Inmate Hogan's death was an accident. Therefore, no criminal act or neglect occurred, there were no administrative violations observed.

1. INV. ASSIST – CLOSED