

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE 17-04955**



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



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Case Number: 17-04955

OIG Inspector: Inspector James Padgett

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent William Mickler

Date Assigned or Initiated: 03/27/2017

Complaint Against: N/A

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

Complainant: Captain Anthony Davis

Outside Agency Case #: TL-73-2658

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Death Investigation

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Chief Inspector General Case Number:



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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 March 26, 2017 at 0552 hours, Inspector James Padgett with the Office of Inspector General (OIG) was notified by OIG on-call Inspector Supervisor David Allen, of an inmate death at Jefferson Correctional Institution (JCI). On March 26, 2017, Sergeant Jerome Ellis was notified by Inmate Robert Rivera, DC# C05585 that Inmate Paul Fox, DC# 097277 [REDACTED] Sergeant Ellis immediately requested assistance [REDACTED] additional security.

Once additional security arrived along [REDACTED] Inmate Fox. [REDACTED] indicated Inmate Fox appeared to be deceased based [REDACTED] Jefferson County [REDACTED] arrived on-scene and pronounced Inmate Fox deceased.

The Florida Department of Law Enforcement (FDLE) was notified and responded. Special Agent (SA) William Mickler was assigned as the case agent and took lead of the investigation. This Investigative Assist was assigned to Inspector Padgett on March 27, 2017.

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 March 26, 2017 at 0552 hours, Inspector Padgett was notified by FDLE Special Agent Supervisor Jason Knowles that SA Mickler and Dana Lapointe were notified of the in-custody death and were responding to JCI as the investigative team. Interviews of Florida Department of Corrections (FDC) personnel [REDACTED] Inmate Fox, were conducted by SA Mickler and Lapointe. The substance of all interviews was found by investigators as being consistent. After interviewing the involved parties and reviewing the evidence as a whole, no evidence was established to implicate any criminal violations relating to Inmate Fox's death.

On March 27, 2017, the autopsy of Inmate Fox was performed by the Medical Examiner's Office, Dr. Lisa Flannagan in Tallahassee, Florida. [REDACTED]

[REDACTED], per Florida State Statute; therefore, the cause of death [REDACTED].

Investigator's Note: SA Mickler's final report is attached with this report along with Dr. Flannagan's autopsy report.



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VII. CHARGES

List alleged violations of Florida Law:

1. None

VIII. CONCLUSION

This investigative assist is closed as the criminal death investigation is unfounded.

- Inspector Padgett reviewed the investigation completed by FDLE, and no administrative violations were identified.