

Florida Department of Corrections



Office of the Inspector General

CRIMINAL INVESTIGATION

Case # 17-06260



FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
CASE SUMMARY REPORT



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Case Number: 17-06260

Inspector: Inspector Kenneth Smith

Date Assigned or Initiated: 04-21-2017

Complaint Against: Inmate Bobby McIntire DC#134551

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

Complainant: Captain Brian Duncan

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death (Accidental Drug Overdose)

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Equal Employment Opportunity 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 a preponderance of the evidence exists to suggest the suspect's alleged behavior or action did not occur.

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.



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V. PREDICATE

On April 13, 2017, at approximately 1:09 AM, Florida State Prison (FSP) West Unit Inmate Bobby McIntire DC#134551 was pronounced deceased of Natural Causes [REDACTED]. [REDACTED] FDLE was notified and Special Agent Matt Walsh indicated he would not respond due to the death being reported as Natural and no evidence of foul play. This information was entered into MINS#770378 on April 13, 2017, and assigned as Criminal Case 17-06260 to Inspector Kenneth Smith on April 21, 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 April 13, 2017, this inspector responded to Florida State Prison West Unit for the suspected Natural Death of Inmate McIntire. Upon arrival McIntire was observed with a sheet covering his body. He was lying on his back beside his bunk (K1145S). FDLE Supervisor Matt Walsh was contacted and he indicated he would not respond due to the death being reported as natural. This inspector conducted an examination of the body with no foul play noted.

Fixed wing video was reviewed which showed McIntire kneeling beside his bunk and he appears to be getting something out of his locker below his bunk. McIntire slumps over and falls to the floor. Inmates Jessie Cobb DC#V17696 and Chad Ferris DC#I00126 were observed getting up out of their bunks and checking on McIntire. Both Cobb and Ferris call to the officer for help. The officer responds and calls for [REDACTED] who respond and [REDACTED] McIntire. McIntire is declared deceased. No foul play is noted in the review of the video.

Inmates Cobb and Ferris were questioned. Both indicated they observed McIntire flump to the floor and they went to check on him and called the officer for help. Both witness statements were verified by fixed wing video.

Pictures of the body are taken by this inspector and the body is released for pickup by Archer Funeral Home.

On October 23, 2017, Gainesville Medical Examiner William Hamilton submitted the final autopsy report for Inmate McIntire. Doctor Hamilton listed the cause of death as [REDACTED].

The Manner of Death was listed as Accident.

The [REDACTED] was check for the [REDACTED] to McIntire. The [REDACTED] reveals no [REDACTED] to him at or before his death.

Florida Department of Law Enforcement Special Agent Supervisor Matt Walsh was contacted and he was informed of the Medical Examiner's Report listing the death as accidental due to [REDACTED]. Walsh indicated FDLE would not be responding.

No Administrative violations were noted during this investigation.



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VII. CHARGES

List alleged violations of Florida Law:

1. N/A

VIII. CONCLUSION

Based on the information gathered during this investigation, it is the recommendation of Inspector Kenneth Smith this case be closed. The Gainesville Medical Examiner listed Inmate McIntire's death as an Accident due to [REDACTED].

1. Exceptionally Cleared