

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 17-04576**



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.....	8
VIII. CONCLUSION.....	8



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



Case Number: 17-04576

OIG Inspector: Ryan Nicholas

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Lawrence Andres

Date Assigned or Initiated: 03-21-2017

Complaint Against: N/A

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

Complainant: N/A

Outside Agency Case #: MI-37-0050

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Death of Inmate James Perez

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 March 15, 2017, the Florida Department of Corrections (FDC), Office of the Inspector General (OIG) received notification of the death of Inmate James Perez DC#168772 (Inmate Perez). Inmate Perez was pronounced deceased on March 15, 2017, [REDACTED]. The Florida Department of Law Enforcement (FDLE) is conducting the death investigation. Upon initial review of the information, OIG initiated a criminal investigation assist into the death and assigned it to Inspector Ryan Nicholas.

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 15, 2017, Captain Dean Lewis reported in an incident report the following: On March 15, 2017, at approximately 08:17 am, she was the alpha shift supervisor. Officer Eulaunda Lyles who was assigned at [REDACTED] notified her that Inmate James Perez DC#168772 was pronounced deceased at 08:14 am, [REDACTED]. Inmate Perez was being housed [REDACTED] after a suicide attempt.

Security personnel [REDACTED] completed an inmate death notification checklist which documented the following: Inmate Perez's [REDACTED] the responding law enforcement agencies, and the notification of security management.

Security personnel [REDACTED] completed a house unit log. The entries began on March 15, 2017, at approximately 07:00 am, and ended on March 15, 2017, at approximately 10:25 am.

On March 15, 2017, the Miami-Dade County Medical Examiner's Department assumed control of Inmate Perez's body.

On March 15, 2017, the Miami-Dade County Medical Examiner's Department completed investigation report (2017-00815) and indicated the following:

- The report listed the cause of death [REDACTED]
- The report listed the attendees as Forensic Technician David Morcomb and Photographer Heidi Nichols.

On March 13, 2017, FDLE Special Agent (SA) Lawrence Andres initiated investigative report MI-73-2193 documenting Inmate Perez's suicide attempt. Upon Inmate Perez's death on March 15, 2017, case number MI-37-0050 was created. There were a total of six (6) serials which were completed on June 12, 2017. The following is a summation of reports completed by SA Andres.

On March 13, 2017, at approximately 06:30 pm, the Florida Fusion Center notified him that Inmate James Perez DC#168772 [REDACTED] in his cell due to a suicide attempt.



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



He stated he made contact with the duty supervisor Special Agent Supervisor (SAS) Eric Jester and advised him of incident.

SA Andres stated SAS Jester requested he responded to [REDACTED]. He then made contact with SA Michael Stein and advised him to go to South Florida Reception Center (SFRC) and he (SA Andres) would proceed [REDACTED].

He arrived at [REDACTED] at approximately 07:35 pm, and met FDC Officers Etayem and Green. They were guarding Inmate Perez's body [REDACTED]. He spoke [REDACTED] at approximately 08:15 pm, who advised Inmate Perez [REDACTED].

He stated at approximately 08:35 pm, Miami-Dade Police Department Crime Scene Officer Magdalena Maquieira took photos of Inmate Perez's body. He departed [REDACTED] and arrived at SFRC at approximately 09:22 pm. SA Stein had already contacted and interviewed most of FDC personnel. SA Stein also secured a copy of the surveillance recording of the dormitory.

He stated at approximately 09:32 pm, he, SA Stein, FDC Senior Inspector Richard Ryder, Inspector Ryan Nicholas, and MDPD Crime Scene Officer Maquieira processed Inmate Perez's cell (E1211). The cell door was shut with crime scene tape draped over the door. On the window of the door was a piece of paper that obscured the view into the cell. The paper read "THE END! 2-13-69 to 3-13-17 R.I.P."

SA Andres stated upon opening the cell's door, he noticed a bunk bed on the right side of the room with no mattress on the top bunk. On the bottom bunk was a pillow and mattress. There were small personal items throughout the room to include a pair of pants and a shirt. Found on the top bunk was a hand written letter addressed to FDLE describing how upset Inmate Perez was concerning the slow process of handling complaints and unfair treatment.

He stated he took possession of the pants, the letter, and the piece of paper that covered the window. The pants were apparently the item used by Inmate Perez to commit his suicide. At approximately 09:52 pm, the processing of the cell was completed and he departed SFRC.

SA Andres stated on March 14, 2017, he made contact [REDACTED] and he was informed Inmate Perez's [REDACTED].

He stated on March 15, 2017, at approximately 08:35 am [REDACTED] him that Inmate Perez passed away at 08:14 am.

He stated at approximately 09:30 am, he arrived [REDACTED]. He met with MDPD Officer Riggerbach, FDC Officer Lyles and FDC Officer Quant. Medical Examiner personnel A. Zuriarrain arrived to pick up Inmate Perez's body under case number 2017-00815. He turned over Inmate Perez's pants to M.E. Zuriarrain as the ligature used to commit the suicide. At approximately 10:24 am, M.E. Zariarrain departed with Inmate Perez's body.

SA Andres stated on March 17, 2017, he received a copy of the Miami-Dade County Medical Examiner's report. The M.E. report stated that the manner of death for Inmate Perez was suicide. The autopsy was conducted on March 16, 2017, by M.D. Shanedelle Norford.



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



He stated on March 20, 2017, he began reviewing the surveillance recording. He observed Inmate Ricardo Orta DC# M83004 looking into the window of Inmate Perez's cell E1211 at 03:51 pm, as he collected canteen forms. At 03:59 pm, a piece of paper is placed over the window. At 03:53 pm, an officer is seen opening the latch to cell E1211. At 03:55 pm, several additional officers responded. At 04:00 pm, [REDACTED] At 04:18 pm, [REDACTED] responded. At 04:34 [REDACTED] starts to remove Inmate Perez for the cell [REDACTED].

He stated after reviewing the CD it appeared consistent with the FDC reports he reviewed.

On March 23, 2017, he interviewed Inmate Orta. During the interview Inmate Orta stated he could not recall looking into the window of Inmate Perez's cell and he could not recall anything out of the ordinary during that time frame.

SA Andres closed the case on June 12, 2017. He concluded that Inmate Perez [REDACTED] [REDACTED] his cell on March 13, 2017. Inmate Perez was alone in his cell at the time of the incident. Inmate Perez was taken to [REDACTED] pronounced him deceased on March 15, 2017, at 08:14. The Miami-Dade M.E. reported the manner of death was suicide.

VII. CHARGES

List alleged violations of Florida Law:

N/A

VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Agent Lawrence Andres the death of Inmate James Perez be termed as follows:

1. Exceptionally Cleared

Inspector Nicholas reviewed the investigation completed by FDLE, and no administrative issues were identified.