

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 17-04735**



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



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Case Number: 17-04735

OIG Inspector: Senior Inspector Louis Cordova

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Matt Infinger

Date Assigned or Initiated: March 22, 2017

Complaint Against: N/A

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

Complainant: Lieutenant David Smith

Outside Agency Case #: PE-37-0067

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death Investigation

Confidential Medical Information Included: Yes No

Whistle-Blower 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 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 22, 2017, the Department of Corrections Office of the Inspector General received notification Inmate Rafael Urguiaga (DC#183713) [REDACTED] in the bathroom of E1-dormitory at Century Correctional Institution. [REDACTED] and Inmate Urguiaga was pronounced deceased on March 22, 2017, at approximately 12:08 a.m. Florida Department of Law Enforcement (FDLE) notification was made, and Inspector Mary Gustafson responded to Century Correctional Facility on March 22, 2017, to provide investigative assistance to FDLE. On February 28, 2018, the case was re-assigned to Senior Inspector Louis Cordova.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

Based on the exhibits, witnesses' testimony, and the record as a whole, presented or available to the primary inspector, the following findings of facts were determined:

Investigator's Note: *The summary findings listed below were obtained from the FDLE investigative reports associated with FDLE Case# PE-37-0067.*

According to FDLE Special Agent Matt Infinger, on Wednesday, March 22, 2017, at approximately 12:30 AM, the FDLE Watch & Warning desk received notification of an in-custody death at the Century Correctional Institution (CCI). FDLE Special Agent Infinger was advised on March 21, 2017, at approximately 11:30 p.m., Inmate Rafael Urguiaga [REDACTED] lying face down in stall seven (7) of the bathroom in E-dormitory. Inmate Urguiaga [REDACTED] of CCI where he was pronounced deceased at 12:08 a.m.

On March 22, 2017, FDLE Special Agent Infinger, and FDLE Special Agents Mike Jankowski, Dennis Haley, Paul Kelly, Larry Shallar, and acting Special Agent Supervisor (SAS) Vanessa Carmona responded to the scene at CCI. FDLE Special Agent Infinger and the above agents went to E-dormitory and observed the bathroom area where Inmate Urguiaga was found deceased in stall seven (7). The area was photographed and sworn recorded statements were obtained from staff and inmates.

According to Lieutenant Smith, he was told over the radio there was an inmate on the floor in the bathroom of E-dormitory. Lieutenant Smith stated when he arrived on scene there were three (3) officers already attending to Inmate Urguiaga. Lieutenant Smith [REDACTED] inmate was on the floor in bathroom stall seven (7) clothed in a t-shirt and blue pants. Lieutenant Smith stated he [REDACTED] to the inmate. Lieutenant Smith stated the inmate was placed in restraints for the officer's safety [REDACTED]. Lieutenant Smith [REDACTED] [REDACTED] and Inmate Urguiaga [REDACTED] of CCI.

According to Sergeant Hunter Boutwell, he was in B-dormitory where he was assigned when he heard a call for assistance. Sergeant Boutwell responded, and when he arrived, Lieutenant Smith and Officers Cullman (Jeffrey Coleman), Davidson (Timothy Davidson), and McGhee (Colton McGhee) were already present. It appeared the officers [REDACTED]. The inmate appeared [REDACTED]. Sergeant Boutwell secured the [REDACTED].



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scene by ordering all inmates onto their bunks. Sergeant Boutwell stated none of the inmates appeared to be nervous or acting strange. [REDACTED] arrived a few minutes later, Sergeant Boutwell was directed to go to the front gate [REDACTED] into the compound.

According to Sergeant Odis Morris, he was in C-dormitory where he was assigned when he heard a call for emergency traffic on the radio, "Inmate [REDACTED] in Echo Dorm." Sergeant Morris responded, and when he arrived, Lieutenant Smith and Officers Cullman (sic), Davidson and McGhee were already present. It appeared Lieutenant Smith and Officer Davidson [REDACTED] [REDACTED]. The inmate was on his side and was already handcuffed. [REDACTED] Lieutenant Smith again called over the radio [REDACTED].

[REDACTED] to the inmate, [REDACTED]. Inmate Urguiaga [REDACTED] on top of the inmate [REDACTED].

According to Officer Justin Moyer, he was assigned to E-dormitory. However, he was away from the dormitory for an extended period of time during the evening hours of March 21, 2017, because he was submitting an evidence locker. Officer Moyer stated he heard a call for assistance in E-dormitory while he was conducting the submission. Officer Moyer began to respond to the call for assistance and [REDACTED] during his response. Officer Moyer stated [REDACTED] to E-dormitory. Once he [REDACTED] arrived to E-dormitory, Officer Moyer observed Officer Coleman [REDACTED] to an inmate in the bathroom. Officer Moyer conveyed after seeing the situation was under control, he began seating other inmates on their beds.

According to Officer Colton McGhee, he was assigned to H-dormitory when he heard a call for assistance in reference to an inmate down in the bathroom in E-dormitory. Officer McGhee and Officer Timothy Davidson responded together and were the first two (2) officers to arrive. Officer McGhee secured the scene by keeping all inmates from the area while Officer Davidson checked Inmate Urguiaga for a pulse. Officer McGhee said Inmate Urguiaga was laying on the floor in a toilet stall with his feet near the toilet and his head in the walkway. Inmate Urguiaga's head was on a blanket. Lieutenant Smith and Officer Cullman arrived very soon thereafter. Lieutenant Smith and Officer Cullman (sic) handcuffed the inmate for the officers' safety, and they then rolled Inmate Urguiaga onto his back [REDACTED] [REDACTED]. According to Officer McGhee, [REDACTED]. Inmate Urguiaga [REDACTED].

According to Officer Timothy Davidson, he was on the yard when he heard the emergency traffic over his portable radio in reference to Inmate Urguiaga. Officer Davidson stated he responded to the E1-dormitory bathroom where he observed Inmate Urguiaga [REDACTED]. Officer Davidson stated he assisted in securing Inmate Urguiaga in handcuffs [REDACTED]. Officer Davidson stated [REDACTED] he assisted with escorting Inmate Urguiaga [REDACTED] [REDACTED] pronounced Inmate Urguiaga deceased.

According to Officer Jeffrey Coleman, he was in D-dormitory when he heard radio traffic over his portable radio in reference to Inmate Urguiaga. Officer Coleman stated he responded to the E1-dormitory bathroom where he observed Inmate Urguiaga lying face down [REDACTED]. Officer Coleman stated he assisted with handcuffing Inmate Urguiaga [REDACTED]. Officer Coleman stated



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██████████ arrived he assisted with transporting Inmate Urguiaga ██████████ until Inmate Urguiaga was pronounced deceased ██████████. Officer Coleman stated when he observed Inmate Urguiaga he was lying face down half way out a stall with a blanket under his head. Officer Coleman stated Inmate Urguiaga had water splashed on him that appeared to come from an inmate trying to wake him up.

FDLE Special Agent Infinger indicated he observed the video footage ██████████ to determine what inmates entered the bathroom at the time Inmate Urguiaga was in the bathroom area of E-dormitory. Inmates Joaquin Jaramillo (DC#274524), Darrell Paschal (DC#J35065), Kyle Smith (DC#B13942), Pedro Reyes-Cuevas (DC#134448), and Marty Faulk (DC#Q08263) were identified as inmates who entered the bathroom and needed to be interviewed.

According to Inmate Jaramillo, he walked into the bathroom to use the restroom and noticed an inmate on the ground in stall seven (7). Inmate Jaramillo stated the inmate on the ground ██████████ two (2) white inmates were trying to help the inmate on the ground. Inmate Jaramillo stated the inmates who were helping the inmate on the ground were yelling to the "guard's" that ██████████. Inmate Jaramillo stated the inmate on the ground smoked "K2" daily. Inmate Jaramillo also stated the day before a similar situation occurred in E -dormitory where an inmate fell out on the floor from smoking "K2," but the inmate did not die.

According to Inmate Paschal, he was using the bathroom and noticed Inmate Urguiaga on the ground in the bathroom. Inmate Urguiaga was not responding to him when he was asking if he was alright. Inmate Paschal stated he went over and tried to wake Inmate Urguiaga up and also noticed he was ██████████. Inmate Paschal stated he notified the officers that Inmate Urguiaga ██████████. Inmate Paschal also stated Inmate Urguiaga smoked "that stuff" before because he had helped him to his bunk a few days prior to this incident. Inmate Paschal also stated it was common for inmates to smoke "that stuff" in E-dormitory.

According to Inmate Smith, he woke up and went into the bathroom to take a "piss." Inmate Smith saw an inmate on the ground and people were on the radio calling for help.

According to Inmate Reyes-Cuevas, he never went inside the bathroom area of the dormitory while Inmate Urguiaga was inside. Inmate Reyes-Cuevas stated there were several other unknown inmates who went inside the bathroom area and when they exited they sat in front of his evidence locker. Inmate Reyes-Cuevas conveyed the only knowledge he had of Inmate Urguiaga's death was other unknown inmates were attempting to wake him up inside the bathroom area. Inmate Reyes-Cuevas stated the unknown inmates put a blanket on Inmate Urguiaga and even poured water on him in an attempt to wake him up.

According to Inmate Faulk, he observed Inmate Urguiaga enter the bathroom area of the dormitory. After entering the bathroom area, Inmate Faulk did not pay any attention to Inmate Urguiaga. Inmate Faulk stated he used the bathroom, dumped hot water out and brushed his teeth all while Inmate Urguiaga was still inside the bathroom area. Inmate Faulk relayed there was a half wall which separated each toilet, and he could not see what Inmate Urguiaga was doing while he was inside the bathroom area. Inmate Faulk did see Inmate Urguiaga's feet, heel down and toe up, protruding past the half wall while he was discarding his hot water. Inmate Faulk stated he did not think anything was out of the ordinary. Inmate Faulk indicated other inmates checked on Inmate Urguiaga, and each time they said "he's still breathing."



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On August 15, 2017, FDLE Special Agent Infinger received the autopsy report completed by Dr. Cameron Snider from the District One Medical Examiner's Office. Dr. Snider stated Inmate Urguiaga's death was accidental [REDACTED]. ADB-Fubinaca was defined as one of many synthetic cannabinoid drugs. The drug was typically sprayed on botanical material and smoked, although it could be ingested in liquid or powder form. ADB-Fubinaca was bound to the same brain receptor as THC, the active component of marijuana, and appeared to produce similar pharmacological effects.

A review of the toxicology report confirmed Inmate Urguiaga had synthetic cannabinoids noted in his blood sample.

Investigator's Note: *Senior Inspector Cordova's review of the death investigation completed by FDLE did not identify any administrative issues.*

VII. CHARGES

There were no charges. Dr. Snider ruled Inmate Urguiaga's death as accidental [REDACTED]

VIII. CONCLUSION

Based on the information gathered during FDLE Special Agent Matt Infinger's investigation, it is the recommendation of Senior Inspector Louis Cordova that the death of Inmate Urguiaga be termed as follows:

- **Exceptionally Cleared**