

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 16-14166**



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



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Case Number: 16-14166

OIG Inspector: Inspector Kevin Tharpe

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Frank Linton

Date Assigned or Initiated: 07-23-2017

Complaint Against: Inmate Dennis Nobrega, DC# K52273

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

Complainant: N/A

Outside Agency Case #: TL-37-0033

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Accidental Death

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.

V.



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PREDICATE

On July 23, 2016 at approximately 1805 hours, Sergeant Andrew Jones found Inmate Dennis Nobrega, DC# K52273 hanging from the air vent in his cell at Wakulla Correctional Institution Annex (WCI). Captain Dana Wilson and Sergeant Jones removed the noose from Inmate Nobrega's neck [REDACTED]. Captain Wilson and Sergeant Jones [REDACTED]. Inmate Nobrega was pronounced deceased [REDACTED].

Inspector Kevin Tharpe was dispatched to the scene by Inspector Supervisor Yolanda Brown due to the suspicious nature of the death. Florida Department of Law Enforcement (FDLE) was called and Special Agent (SA) Frank Linton responded as the on-call agent. SA Linton assumed control of the investigation upon his arrival.

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:

Interviews of Florida Department of Corrections (FDC) personnel, inmates, [REDACTED] Inmate Nobrega were conducted by SA Linton and Inspector Tharpe. The substance of all the interviews were found by investigators as being consistent.

The final report of the autopsy of Inmate Nobrega was completed by Dr. Lisa Flannagan with the Medical Examiner's Office (ME) on September 23, 2017, where she noted the following [REDACTED]

[REDACTED]

Dr. Flannagan listed the cause of death [REDACTED]

VII. CHARGES

List alleged violations of Florida Law:

1. None

VIII. CONCLUSION



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Based on the information gathered during their investigation, it is the recommendation of Inspector Tharpe this Investigative Assist is closed based on the findings by FDLE and the ME's Office. Inspector Tharpe reviewed the investigation completed by FDLE and no administrative issues were identified.