

Florida Department of Corrections



Office of the Inspector General

CRIMINAL INVESTIGATION

Case # 14-10799



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



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Case Number: 14-10799

Inspector: Ryan Nicholas

Date Assigned or Initiated: 08-19-2014

Complaint Against: N/A

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

Complainant: Major Augusto Martinez

Use of Force Number: N/A

PREA Number: N/A

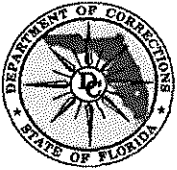
Classification of Incident: Inmate Death [REDACTED]

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 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.



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V. PREDICATE

On or about September 16, 2014, the Department of Corrections (DOC), Office of the Inspector General (OIG) received late notification of the Natural Death of Inmate Okey Kennedy DC# 066511 (Inmate Kennedy). Inmate Kennedy was pronounced deceased on June 14, 2011, [REDACTED] while under the supervision of the DOC. Miami-Dade Police Department investigates all in-custody deaths within Dade County. Upon initial review of the information, the OIG initiated a criminal investigation into the allegations. The criminal investigation has been assigned to Inspector Ryan Nicholas on August 19, 2014.

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:

Security personnel at SFRC completed an Emergency Log concerning the death of Inmate Okey Kennedy and the following is a summation:

- On June 14, 2011, at approximately 6:46 am, [REDACTED] R. Quintana pronounced Inmate Okey Kennedy (Inmate Kennedy) deceased [REDACTED]
- On June 14, 2011, at approximately 6:47 am, Lieutenant Gibbs was notified and a death of inmate checklist notification was initiated.
- On June 14, 2011, between 6:55 am to 07:36 am, Miami-Dade Police Department (MDPD), SFRC's Duty Warden, Eac Duty Officer, SFRC's Colonel, SFRC's Chaplain, and SFRC's Inspector were all notified of Inmate Kennedy's death.
- On June 14, 2011, between 07:52 am to 10:57 am, MDPD representative responded and conducted an in-custody death investigation.

On June 14, 2011, Officer Lascelles Sewell reported in an Incident Report the following: On June 14, 2011, at approximately 6:46 am, while working [REDACTED], he observed [REDACTED] Rod pronounce Inmate Kennedy deceased [REDACTED] Madeline approximately one (1) minute earlier noticed Inmate Kennedy [REDACTED]. Officer Sewell stated he notified Lieutenant Gibbs [REDACTED]



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On June 14, 2011, MDPD Officers S. Givens and R. Cowart completed an offense-incident report concerning the death of Inmate Kennedy and the following is a summation:

Inmate Kennedy was deceased and his body was located [REDACTED]
Inmate Kennedy was housed [REDACTED] which was designated for Florida Department of Corrections inmates. [REDACTED] R. Quintana pronounced Inmate Kennedy deceased at approximately 07:46 am. The cause of death was [REDACTED]
[REDACTED]

On June 16, 2011, the Miami-Dade County Medical Examiner Department completed an autopsy report (case 2011-01505) on Inmate Kennedy and indicated the Cause of Death as: [REDACTED]
[REDACTED] The Manner of Death is: Accident

On July 10, 2013, MDPD Detective M. Dominguez completed a report (case PD110614239080) concerning the death of Inmate Kennedy and the following is a summation:

On June 14, 2011, at approximately 7:45 am, MDPD Officer Cowart (Officer Cowart) advised him that Inmate Okey Kennedy expired [REDACTED] Officer Cowart told him Inmate Kennedy was housed at Everglades Correctional Institution (ECI) and South Florida Reception Center (SFRC). On June 04, 2011, at ECI, Inmate Kennedy suffered a fall while showering and struck his head. Inmate Kennedy [REDACTED] to DOC personnel and was transported [REDACTED] On June 07, 2011, Inmate Kennedy suffered another fall [REDACTED] He remained [REDACTED] his demise.

On June 14, 2011, at approximately 8:20am, he (Detective Dominguez) interviewed DOC Officer Williams (Officer Williams). Officer Williams told him on October 12, 1978, Inmate Kennedy was convicted and received a life sentence for second (2nd) degree murder and carrying a concealed firearm crime. On June 04, 2011, Inmate Kennedy suffered a fall while showering and struck his head. Inmate Kennedy [REDACTED] to DOC personnel and was transported to [REDACTED] based on DOC protocol. On June 07, 2011, Inmate Kennedy was [REDACTED] and he (Officer Williams) walked into the [REDACTED]
[REDACTED]

Officer Williams stated upon the completion [REDACTED] he heard a thump sound. He exited [REDACTED] and observed Inmate Kennedy lying on the floor. He (Officer



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Williams) and [REDACTED] Robaldo Gonzalez ([REDACTED] Gonzalez) helped Inmate Kennedy up from the floor. Officer Williams indicated he [REDACTED]
 [REDACTED]
 Inmate Kennedy's [REDACTED] from that point and on June 14, 2011, Inmate Kennedy was pronounced deceased by [REDACTED] R Quintana. Prior to Inmate Kennedy's expiration his sister [REDACTED] on June 13, 2011.

On June 14, 2011, at approximately 9:00am, he (Detective Dominguez) interviewed [REDACTED] Gonzalez. [REDACTED] Gonzalez told him on June 07, 2011, Inmate Kennedy was escorted to [REDACTED] Gonzalez stated he informed Inmate Kennedy, who was [REDACTED]

[REDACTED] Gonzalez indicated he, [REDACTED] Amado Nunez ([REDACTED] Nunez), and Officer Williams exited [REDACTED] and entered into [REDACTED] [REDACTED] After [REDACTED] Gonzalez) heard a loud thump sound. They all exited [REDACTED] and observed Inmate Kennedy lying on the floor. Inmate Kennedy was [REDACTED] and escorted to a [REDACTED]

Detective Dominguez stated [REDACTED] Nunez was not present [REDACTED] during his investigative interviews. Therefore, an interview was not completed.

Detective Dominguez further indicated he interviewed Inmate Kennedy's [REDACTED] named Myla Malto. [REDACTED] Malto told him (Detective Dominguez) the same change of events as previously told to him by Officer Cowart and Officer Williams.

Detective Dominguez case disposition was exceptionally cleared.

There are no administrative violations relative to the inmate's death.

VII. CHARGES
 List alleged violations of Florida Law:

N/A

VIII. CONCLUSION



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Based on the information gathered during this investigation, it is the recommendation of Inspector Ryan Nicholas the case is termed as follows:

1. Exceptionally Cleared