



Florida Department of Corrections
 Office of the Inspector General
 Report of Investigation
 Gene Hatcher, Inspector General

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 DEPARTMENT OF CORRECTIONS

SEP 21 2010



BUREAU OF
 STATE INVESTIGATIONS

Inspector General Case #: 10-2-5278

Facility: RMC West Unit

Classification of Incident: [REDACTED]

Field Office/Region: Gainesville East/2

Incident Date: 06-05-10

Time: 2:40PM

Inspector: Dorothy A. Minta

Date of Report: 09-03-10

Case Type: A

Check all that apply:

- Case of Special Interest
- Confidential Medical Information
- Prison Rape Elimination Act (PREA) Number (if applicable)
- Department of Corrections presented to State Attorney Declined Accepted
- Use of Force (UOF) Number (if applicable)
- Equal Employment Opportunity Commission (EEOC)
- Addendum
- Wing Video Camera(s) Present in the Area of Incident

SUMMARY OF ALLEGATIONS:

On June 5, 2010, Officer Matthew Croll reported that at approximately 2:40PM, Inmate Lazaro Alemany DC# 086101 was found hanging with a homemade rope in the mop closet of G-Dormitory at the Reception and Medical Center West Unit (RMC-WU). The incident was reported to the Inspector General's Office via MINS on June 5, 2010 and assigned to Inspector Dorothy Minta on June 7, 2010. During the course of the investigation Inmate Efrain Aponte DC#C03492 alleged he witnessed correctional officers (unnamed) tie a noose around Inmate Alemany's neck and hang him.

SUMMARY OF DISPOSITION/JUSTIFICATION FOR DOWNGRADE/EXONERATION:

As a result of this investigation, it is determined that the allegation made by Inmate Ponte Efrain that he saw three officers tie a noose around Inmate Alemany's neck and hang him up on the rack in the closet and pull downward on him for about fifteen minutes is unsubstantiated by virtue of testimony from witnesses and official documentation.

As a result of this investigation, it is determined that Inmate Lazaro Alemany DC #086101 [REDACTED] by virtue of witness testimony, physical evidence and official documentation.



Florida Department of Corrections
Office of the Inspector General
Report of Investigation
Gene Hatcher, Inspector General



Case Number: 10-2-5278

	Name	Title / DC #	D.O.B.	Employee ID # or Non-Employee Contact Information
Complainant:	Croll, Matthew	Officer	[REDACTED]	30974
	Aponte, Efrain	C03492	02-16-74	
Victim:	N/A			
Witness(es):	Roberts, Michael	Sergeant	[REDACTED]	18107
	Waddington, Kirk	Sergeant	[REDACTED]	22136
	Young, James	Officer	[REDACTED]	33576
	Swygart, Richard	Officer	[REDACTED]	37421
	Seay, Joshua	Officer	[REDACTED]	45003
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	Rodriguez, Cesar	Inspector	[REDACTED]	18272
	McCord, Michael	Inspector	[REDACTED]	13703
	Mulharan, Zacharie	Inspector	[REDACTED]	15131
	Smith, George	Inspector	[REDACTED]	29204
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
	Hamilton, William	Medical Examiner		606 SW 3 rd Ave. Gainesville, FL 32601 (352) 273-9292
	Baker, Benjamin	H09175	02-05-80	
	Wiggins, Dwayne	H33766	09-04-80	
	McGregor, Steven	276364	08-18-54	
	Johnson, Charles	018951	12-12-48	
	Mendoza, Pedro	512443	09-06-71	
	Luster, Isaac	C03726	10-13-87	
	Starkowsky, John	C03722	06-13-82	
	Mejia, Pedro	166253	07-01-61	
	Ortega, Felix	Lieutenant	[REDACTED]	15874
Subject(s):	Lazaro, Alemany	086101	12-17-56	



Florida Department of Corrections
Office of the Inspector General
Report of Investigation
Gene Hatcher, Inspector General



Case Number: 10-2-5278

Arrest: Employee Inmate Other
Charges:

Guilty Addendum Pending
 Not Guilty
 Nolo Contendere
 P.T.I.
 Other (explanation):

Felony Misdemeanor

Date of Arrest: _____ Date Reported: _____
Sentence of Court / Agreement: _____

Administrative Violation(s):

Evidence: Weapon Drugs Other Describe:

Other Agency Case Number:
Medical Examiner #ME10-291

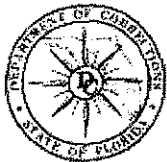
FINDINGS:

In his incident report dated June 5, 2010, Officer Matthew Croll reported that at approximately 2:40PM, unknown inmates came to the officer's station and reported to him that there was an inmate hanging in the mop closet. He responded and observed Inmate Lazaro Alemany hanging by the neck from the mop rack. He immediately radioed for assistance and retrieved the ligature cutter [REDACTED]. He cut the homemade rope from Inmate Alemany's neck [REDACTED] and assistance arrived. [REDACTED] Inmate Alemany was [REDACTED] pronounced deceased [REDACTED] at 3:30PM. Officer Croll also noted in his report that approximately ten minutes before the inmates notified him that Inmate Alemany was hanging he had opened the closet door for Inmate Alemany to obtain cleaning supplies. (Exhibit A1)

Upon arriving at RMC Inmate Alemany's [REDACTED] I took photographs of Inmate Alemany's body. (Exhibit A2)

Upon my arrival, the mop closet area was secured. I took photographs of the bathroom area and the mop closet. A portion of the homemade rope that was removed from Alemany's neck was on the floor and the remainder attached to the mop rack. I collected both portions of the rope as evidence and initiated a chain of custody. (Exhibit A3)

A review of Inmate Alemany's [REDACTED] (Exhibit A4)



Florida Department of Corrections
Office of the Inspector General
Report of Investigation
Gene Hatcher, Inspector General



Case Number: 10-2-5278

On June 5, 2010, in a written statement, Inmate Dwayne Wiggins indicated the following:

He saw Inmate Baker standing at the Officer's Station [REDACTED] He asked him what was going on and he (*Baker*) told him there was an inmate hanging in the closet. He started banging on the window and got Officer Croll's attention. Officer Croll responded immediately and got help. Inmate Wiggins stated all of the staff responded quickly and professionally. (Exhibits A5 & B2)

On June 5, 2010, in a written statement, Inmate Benjamin Baker indicated the following:

He was washing clothes and went to the closet to get a mop bucket. When he opened the door he saw Inmate Alemany hanging. He and Inmate Wiggins banged on the window and told Officer Croll what was going on. Officer Croll responded immediately [REDACTED] All of the staff responded appropriately. (Exhibits A6 & B2)

On June 5, 2010, interviews were conducted with Inmates' Steven McGregor, Charles Johnson, Pedro Mendoza, Isaac Luster, John Starkowsky, and Pedro Mejia due to them being housed around Inmate Alemany. They did not witness the incident. They had no knowledge of Inmate Alemany [REDACTED] They noticed that a few days before, he gave his chess set to a transient inmate (*none of them knew the inmate's name but stated he was no longer at RMC WU*). Since they had no knowledge of Inmate Alemany [REDACTED] and they were not present during the incident, recorded interviews were not conducted. (Exhibit B2)

In their incident reports dated June 5, 2010, Sergeant Michael Roberts, Sergeant Kirk Waddington, Officer Joshua Seay, and Officer James Young reported that they responded to G-Dormitory after Officer Croll called for assistance. Officer Young arrived first and observed Officer Croll [REDACTED] later identified as Inmate Alemany. He retrieved the [REDACTED] Sergeant Roberts, Sergeant Waddington and Officer Seay reported that upon arriving [REDACTED] (Exhibits A7, A8, A9 & A10)

In their incident reports dated June 5, 2010, Officer Richard Swygart, [REDACTED] reported that upon their arrival in G-Dormitory they observed [REDACTED] later identified as Inmate Alemany. [REDACTED] (Exhibits A10, A11 & A12)

[REDACTED] indicated that Inmate Alemany [REDACTED] He was pronounced deceased [REDACTED] at 3:30PM. [REDACTED] (Exhibits A13 & A14)

A search of Inmate Alemany's property produced numerous letters, all of which were written in Spanish. Inspector Cesar Rodriguez, who is fluent in Spanish, read all of the letters and found nothing of evidentiary value. (Exhibit B2)



Florida Department of Corrections
Office of the Inspector General
Report of Investigation
Gene Hatcher, Inspector General



Case Number: 10-2-5278

Inspector Rodriguez monitored all recent calls made by Inmate Alemany and found nothing

[REDACTED]
(Exhibit B2)

On June 6, 2010, an autopsy was performed by Dr. William Hamilton of the 8th District Medical Examiner's Office in Gainesville, Florida. Dr. Hamilton stated that everything he found

[REDACTED]
Dr. Hamilton
(Exhibit B2)

It should be noted that on June 10, 2010, I was notified that Inmate Efrain Aponte, who had been housed in G-Dormitory at RMC WU on June 5, 2010 and was now at Central Florida Reception Center had made allegations that he had witnessed correctional officers beat and murder Inmate Alemany.

On June 10, 2010, in his sworn recorded statement taken by Inspector Zacharie Mulharen and translated by Clinical Associate Mario Ramirez, Inmate Efrain Aponte indicated the following:

An unknown sergeant threatened Inmate Alemany. Then on June 5, 2010, he and Inmate Alemany stayed in the dorm to clean. Inmate Alemany told the officer he was not going to clean the bathroom because he had cleaned the dormitory. The officers sent the white inmate (*name unknown*) who was the only other inmate in the dormitory to clean the hallway and told him (*Aponte*) to stay put in a corner. At 3:12PM (*he knew the time because he looked at the clock in the officer's station*) three unknown officers handcuffed Inmate Alemany and wrapped a sheet that had been tied into a noose round Alemany's neck. The officers dragged Inmate Alemany, who was struggling, to the mop closet. He described the officers as white males, two of them weighed over 400 pounds and one was a regular sized officer. He does not know any of their names, but would recognize them if he saw them again. He saw the officers hang Inmate Alemany up on the rack in the closet and pull downward on him for about fifteen minutes. About an hour later the unknown white inmate went to the mop closet and found Inmate Alemany hanging. The officers told him (*Aponte*) if he said anything the same thing would happen to him. He indicated that no one else entered the dormitory the entire time Inmate Alemany was being killed.

(Exhibits A15 & B1)

A review of the daily roster for RMC West Unit on June 5, 2010, revealed Sergeant Christopher Morton, Officer Kenneth Williams and Officer Croll were the only three large white male officers on duty at the time of the incident. Sergeant Morton was providing recreation security at the time and Officer Kenneth Williams was the only officer on duty in E-Dormitory (*the E-Dormitory Supervisor was on a medical transport at the time*).

(Exhibit A16)

On June 28, 2010, in his sworn recorded statement taken by Inspector Michael McCord, Inmate Benjamin Baker indicated the following:

He was in the bathroom washing clothes. He went to the closet to get a bucket and saw Inmate Alemany hanging himself. He asked another inmate (*name unknown*) that was also in the bathroom what he should do because there was an inmate hanging himself in the closet. This inmate didn't care and stated,



Florida Department of Corrections
Office of the Inspector General
Report of Investigation
Gene Hatcher, Inspector General



Case Number: 10-2-5278

“So what.” He went into the bed area and told another inmate, who told him to go tell the officer. He was waiting to tell the officer when Inmate Wiggins came up and asked him what was going on. He told him there was an inmate hanging himself in the closet. Inmate Wiggins started banging on the glass and got Officer Croll’s attention. Inmate Baker stated he did not see any officer do anything to Inmate Alemany until Officer Croll went into the closet and cut him down. He did not see anyone in the closet but Inmate Alemany. He did not see Inmate Alemany go into the closet. He was not told by any officers to leave the area and come back later. To his knowledge Inmate Alemany did not have any problems with any of the officers. A few days prior, Inmate Alemany [REDACTED]

(Exhibit B1)

On June 29, 2010, in his sworn affidavit taken by Inspector Randall Smith, Inmate Dwayne Wiggins indicated the following:

On June 5, 2010, he observed an inmate (*identified as Inmate Baker*) looking [REDACTED]. He asked him what was wrong and he told him there was an inmate in the mop closet, hanging. He notified the officer (*identified as Officer Matthew Croll*), who immediately responded. Officer Croll got the ligature cutter and cut the inmate down. There were several other unknown inmates in the dormitory at the time of the incident. Inmate Wiggins was shown a photograph of Inmate Efrain Aponte DC# C03494. He did not recall if Inmate Aponte was present in the dormitory at the time. He indicated that staff did everything they could [REDACTED]

(Exhibit A16)

On August 19, 2010, the final autopsy report was received. Dr. Hamilton’s findings were: [REDACTED]

[REDACTED] of the
[REDACTED], and 5)

The probable cause of death [REDACTED]

(Exhibit A17)

In his sworn recorded statement taken August 31, 2010, with the assistance of Lieutenant Felix Ortega as interpreter, Inmate Efrain Aponte DC#C03492 indicated the following:

During this interview Inmate Aponte was asked for specific details concerning his allegations that he witnessed officers kill Inmate Alemany. He stated that on June 5, 2010, an unknown white male officer weighing approximately 400 pounds (*Later identified by Inmate Aponte from a photo line-up as Officer Matthew Croll, who was assigned to the dormitory*) told Inmate Alemany to clean the bathroom in G-dormitory. Inmate Alemany told the officer no and sat down on the floor. Inmate Aponte stated that two other officers came into the dormitory. He does not know their names, but described them as; 1) white male officer weighing approximately 400 pounds (*Later identified by Inmate Aponte from a photo line-up as Sergeant Christopher Morton, who was assigned as G-dormitory Supervisor*) and 2) tall, slender, white male with blonde hair (*No officer meeting this description was on duty*). The tall slender officer slapped Inmate Alemany in the face and then handcuffed him behind his back. Inmate Alemany asked the officers why they were treating him that way. The two big officers picked Inmate Alemany up and the tall officer got a regular sheet that was approximately five (5) feet long (*Inmate Alemany hung*



Florida Department of Corrections
Office of the Inspector General
Report of Investigation
Gene Hatcher, Inspector General



Case Number: 10-2-5278

himself with a sheet that was braided into a rope approximately 2 ft. in length) and wrapped it around Inmate Alemany's neck. Inmate Aponte stated while this was occurring he was standing in front of the closed mop closet. The officers told him to move and they carried Inmate Alemany towards the mop closet. Inmate Aponte stated Inmate Alemany was struggling and screaming trying to save his life. He started towards them to try to help Inmate Alemany and the officers told him to stop. He stopped seven to eight feet from the mop closet and stood there. Inmate Aponte then stated the tall slender officer went into the mop closet and the sheet was tied to the heater in the ceiling (*Photographs of the closet revealed there is nothing on the ceiling except an enclosed light fixture*). This officer then wrapped the untied end of the sheet around Inmate Alemany's neck as the two large officers held him up in the air. Inmate Aponte stated the officers hung Inmate Alemany up less than a foot inside the room (*Measurements revealed Inmate Alemany was approximately 4 feet into the room*) and pulled down on him for seven to eight minutes (*In his original statement he stated the officers pulled on Inmate Alemany for 15 minutes*). The officers then closed the door. One officer (*Identified as Officer Croll*) went into the Officer's Station and the other two left the dormitory. Inmate Aponte stated he went into the Day Room where he remained [REDACTED]. Inmate Aponte stated the officers hung Inmate Alemany at 2:13PM. He stated he knew this because he could see the clock in the Officer's Station from where he was standing when the officers hung Inmate Alemany with the sheet (*The distance from where Inmate Aponte was standing, 7-8 ft. from the closet, to where the closet and clock could both be observed was 25 ft.*). Inmate Aponte then stated he believed the incident began around 2:05PM. He then stated Inmate Alemany hung in the mop closet from 2:10PM until approximately 3:30PM, when the officer (*Croll*) told an unknown white inmate to go to the closet. That inmate found Inmate Alemany hanging. (Exhibit B1)

A review of the daily roster revealed three officers that met the description given by Inmate Aponte as a white male weighing 400 pounds. They were Officer Matthew Croll, Sergeant Christopher Morton and Officer Kenneth Williams. Inmate Aponte was shown Officer Williams' line-up first. He initially identified photograph #4 as one of the 400 pound officers. This photo was of Officer Charles Hughes, who is employed at Central Florida Reception Center. Inmate Aponte was then shown Officer Croll's line-up and identified photograph #4, which was Officer Croll. Inmate Aponte then stated the first officer he identified was a mistake and that no one in the first line-up was present in G-Dormitory on June 5, 2010. Inmate Aponte was then shown the line-up containing Sergeant Morton. He identified photograph #4, which was Sergeant Morton. It should be noted that according to the Daily Roster, Sergeant Morton was conducting Mess Hall Supervision and Wellness Security from 12:20PM until 3:15PM. (Exhibit A20)

A diagram of the dormitory layout was obtained and revealed that it was impossible for Inmate Aponte to be standing where he alleged and be able to see the clock hanging in the Officer's Station and the inside of the mop closet. (Exhibit A21)

Photographs taken of G-dormitory on September 1, 2010, confirmed the diagram obtained. Further photographs revealed there was not any type of heater mounted anywhere in the mop closet. These photographs were the same as the ones taken June 5, 2010, with the exception that the mop rack [REDACTED] had been removed. (Exhibit A22)



Florida Department of Corrections
 Office of the Inspector General
 Report of Investigation
 Gene Hatcher, Inspector General



Case Number: 10-2-5278

Dorothy A. Minta
 Dorothy A. Minta Inspector

09/03/10
 Date

Barbara I. Woodell
 Regional Supervisor / Lead Inspector

9/7/10
 Date

Z. A. Rauh
 Lead Supervisor

9/9/10
 Date

[Signature] / [Signature]
 Deputy Inspector General / Deputy Inspector General
 Chief of Investigations Chief of Special Operations

9/21/10
 Date

Gene Hatcher
 Inspector General

10/1/2010
 Date



Florida Department of Corrections
Office of the Inspector General
Report of Investigation
Gene Hatcher, Inspector General



Case Number: 10-2-5278

EXHIBIT/ATTACHMENTS SECTION

A. EXHIBIT(s) - attached:

1. Incident report submitted by Officer Croll
2. Photographs of Inmate Alemany's body
3. Photographs of G-Dormitory bathroom/mop closet
4. [REDACTED]
5. Written statement from Inmate Wiggins
6. Written statement from Inmate Baker
7. Incident report submitted by Officer Young
8. Incident report submitted by Sergeant Roberts
9. Incident report submitted by Sergeant Waddington
10. Incident report submitted by Officer Seay
11. Incident report submitted by Officer Swygart
12. [REDACTED]
13. [REDACTED]
14. [REDACTED]
15. [REDACTED]
16. Translation of Inmate Aponte's statement
17. RMC West Unit daily roster for June 5, 2010
18. Affidavit submitted by Inmate Wiggins
19. Autopsy report on Inmate Alemany
20. Photo line-ups of Sergeant Morton, Officer Croll, and Officer Williams
21. Dormitory diagram
22. Photographs of G-dormitory taken September 1, 2010

B. EXHIBIT(s) - not attached:

1. CD containing digitally recorded statements of the following:
 - Inmate Efrain Aponte and Inmate Benjamin Baker
2. Case Diary and Work Record