

Florida Department of Corrections
 Office of the Inspector General
 Report of Investigation
 Jeffery T. Beasley, Inspector General

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DEPARTMENT OF CORRECTIONS

MAY 22 2012

BUREAU OF
 STATE INVESTIGATIONS



Inspector General Case #: 12-3-0711

Facility: Zephyrhills Correctional Institution

Classification of Incident: Homicide-15C

Field Office/Region: Region III-West

Incident Date: February 6, 2012 Time: 1:15pm

Inspector: Chris McCaulley

Date of Report: May 11, 2012

Case Type: C

- Case of Special Interest
- Confidential ~~CONFIDENTIAL~~
- 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

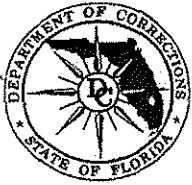
SUMMARY OF ALLEGATIONS:

On February 6, 2012, shortly after being involved in a physical altercation with Inmate Carmelo Figueroa, Inmate Julio Pintado ~~CONFIDENTIAL~~ where he was later pronounced dead. This was reported to the Inspector General's Office on February 6, 2012 and was assigned for investigation on February 8, 2012.

SUMMARY OF DISPOSITION/JUSTIFICATION FOR DOWNGRADE/EXONERATION:

As a result of this investigation, it is determined that Inmate Carmelo Figueroa has violated **Florida Statute 782.04 (Homicide)** by virtue of being involved in a mutual combatant physical altercation with Inmate Julio Pintado, which resulted in Pintado's death.

Upon approval by the Office of the Inspector General, a copy of this investigative report will be submitted to the Office of the State Attorney for the 6th Judicial Circuit for review and consideration of criminal prosecution.



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	Name	Title / DC #	D.O.B.	Employee ID # or Non-Employee Contact Information
Complainant:	Ferres, Naniska	Lieutenant	06/11/██	6672
Victim:	Pintado, Julio	DC#093810	10/09/██	
Witness(es):	Barrington, Michael	Officer	05/10/██	28101
	Creach, Clinton	DC#507946	12/21/██	
	Prine, James	DC#359118	06/17/██	
	Cook, James	DC#U22693	02/15/██	
	Hollingsworth, Jerry	DC#U11144	04/26/██	
Subject(s):	Figueroa, Carmelo	DC#208199	07/16/██	

Arrest: Employee Inmate Other Addendum Pending

Charges:

Felony Misdemeanor Date of Arrest: Date Reported:

Final Court Action(s):

Other Agency Case Number:

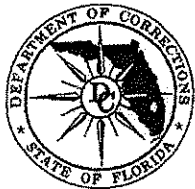
FINDINGS:

On Monday, February 6, 2012, at 3:15pm, Inmate Julio Pintado was pronounced dead by ██████████ shortly after being sent to the ██████████ following a physical altercation with Inmate Carmelo Figueroa earlier that date in the Laundry Building of Zephyrhills Correctional Institution (CI).

I arrived at Zephyrhills CI at approximately 4:00pm and met with Correctional Officer Michael Barrington, who had witnessed the physical altercation between Inmates Pintado and Figueroa.

In his sworn recorded interview, and subsequent Incident Report, Officer Barrington indicated the following:

At approximately 1:15pm, while assigned as the Laundry Officer, he was in the office of the Laundry Building when he heard some loud arguing coming from the area of the dryers. As he exited the office,



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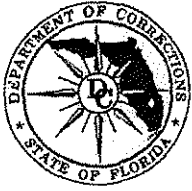
he observed Inmates Pintado and Figueroa several feet away standing in close proximity to each other and yelling loudly at each other. He could not understand what they were saying because both were yelling at each other in Spanish. He walked over to the area and asked the inmates what was going on. Figueroa responded that Pintado “keeps running his mouth” and “he’s pissing me off”. He then told both inmates to stop arguing and to walk away from each other, at which time they ceased their arguing and “backed off” from each other. He (*Barrington*) then turned around and began walking back towards the office. A few seconds later, he heard what sounded like a loud “slap”. As he turned around, he saw Figueroa strike Pintado on the side of the face with his hand. At that point, both inmates began slapping each other repeatedly with their hands. He immediately ordered the inmates to cease fighting but they continued to hit each other and chase each other around the room. At one point, Figueroa struck Pintado in the upper torso area with his fist, causing Pintado to lose his balance and fall backwards to the ground. At that point, Figueroa backed away and the fight ended. Both inmates were then placed into hand restraints by responding staff and escorted towards the Confinement Building. Both inmates were [REDACTED] as they were being escorted away. At no point did he ever observe any weapons being used during the altercation. He also did not [REDACTED] either inmate. Barrington stated that he did not recall any problems between Figueroa and Pintado in the past, adding that, to his knowledge, both inmates had been close friends. However, he had heard that the inmates had a “falling out” regarding an unknown issue over the previous weekend. (Exhibits A1, A9& B1)

According to Officer Barrington, Inmates Creach, Hollingsworth, Prine and Cook were also present in the Laundry Building when the incident took place. No other staff members or inmates were present at the time.

In his written statement and subsequent sworn recorded interview, Inmate Creach stated the following:

On the date and time in question, he was present in the laundry area where the altercation between Pintado and Figueroa occurred and did observe the entire incident. He advised that both inmates began yelling at each other in Spanish near the dryers. He could not understand what they were saying but believed the argument was a continuation of previous arguments they had had with each other earlier that day and over the last few days. At one point during the argument, Pintado lunged towards Figueroa. Both inmates then “went at it”, indicating that they both began fighting with each other. For the first several seconds, the fight consisted of them slapping each other with their hands. Pintado then began running away and Figueroa was chasing him around the tables. Pintado then grabbed a wooden clipboard that was lying on a table and turned and struck Figueroa over the head with it, breaking the clipboard in half. Figueroa then struck Pintado with his fist, (*he was unsure where Figueroa struck Pintado*), knocking him down onto the floor. Figueroa then stood over Pintado and said something to him in Spanish before backing away. Officer Barrington then interceded and the fight ended. Both inmates were then separated until backup security arrived. When security arrived, both inmates were then placed into hand restraints and escorted out of the building. Creach estimated that the entire altercation lasted only about thirty seconds. He advised that after the fight, both Pintado and Figueroa appeared shaken and were [REDACTED]

(Exhibits A2, A10 & B1)



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him that he did not want to fight him anymore. He then backed away from Pintado and nothing further took place. Figueroa stated that he never intended to cause any harm to Pintado, claiming that he and Pintado had been very close friends and had never been involved in any physical altercation with each other prior to the one on this date. **(Exhibits A14 & B1)**

It should be noted that Figueroa was informed of Pintado's death just prior to the commencement of this interview. Figueroa was visibly distraught throughout the interview, crying audibly several times during its course.

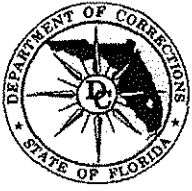
On February 7, 2012, an autopsy was performed on Inmate Pintado by Dr. Dollett White at the District Six Medical Examiner's Office (*attended by Inspector Lisa Roberts*). No immediate cause of death could be determined at the time of the autopsy. Digital photographs were taken. **(Exhibit B4)**

The autopsy report was received on May 10, 2012. According to the report, the cause of death was determined

[REDACTED]

The manner of death was listed as homicide.


(Exhibit A8)



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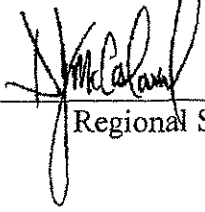

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 Chris McCaulley, Senior Inspector

05/11/12

 Date

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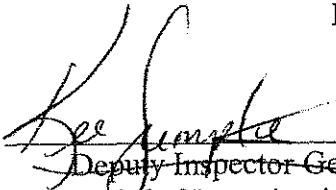

 Regional Supervisor / Lead Inspector

5/21/12

 Date

 Lead Supervisor

 Date

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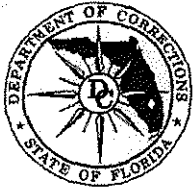
 Deputy Inspector General / Deputy Inspector General
 Chief of Investigations / Chief of Special Operations

5/25/12

 Date

 Inspector General

 Date



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EXHIBIT/ATTACHMENTS SECTION

A. EXHIBIT(s) - attached:

1. Incident Report of Officer Barrington
2. Witness statement of Inmate Creach
3. Witness statement of Inmate Hollingsworth
4. Witness statement of Inmate Prine
5. Witness statement of Inmate Cook
6. [REDACTED] of Inmate Figueroa
7. [REDACTED] of Inmate Pintado
8. Autopsy report
9. Transcription of interview of Officer Barrington
10. Transcription of interview of Inmate Creach
11. Transcription of interview of Inmate Hollingsworth
12. Transcription of interview of Inmate Prine
13. Transcription of interview of Inmate Cook
14. Transcription of interview of Inmate Figueroa

B. EXHIBIT(s) - not attached:

1. CD containing the following:
 - Digitally recorded statement of Officer Barrington
 - Digitally recorded statement of Inmate Creach
 - Digitally recorded statement of Inmate Hollingsworth
 - Digitally recorded statement of Inmate Prine
 - Digitally recorded statement of Inmate Cook
 - Digitally recorded statement of Inmate Figueroa
2. Digital photographs of the Laundry area.
3. Digital photographs of Inmate Figueroa
4. Digital photographs of Inmate Pintado
5. Broken wooden clipboard