

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 18-06112**



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



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Case Number: 18-06112

OIG Inspector: Lead Senior Inspector Bobby Hartwell

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Travis Lawson

Date Assigned or Initiated: March 31, 2018

Complaint Against: NA

Location of Incident – Institution/Facility/Office: Apalachee Correctional Institution West Unit

Complainant: Inmate Michael Rogers #189321 (deceased)

Outside Agency Case #: PE-37-0130

Use of Force Number: NA

PREA Number: NA

Classification of Incident: Death Accidental

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Chief Inspector General Case Number: NA



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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 31, 2018, the Department of Corrections, Office of the Inspector General received notification of an inmate death at Apalachee CI East Unit. During security checks in R1 dormitory Correctional Officer Derek Harvey found Inmate Michael Rogers #189321 [REDACTED] on the floor of his assigned cell. Inmate Rogers [REDACTED] pronounced Inmate Rogers was pronounced deceased at 9:12 pm CST. Upon initial notification, Senior Inspector Bobby Hartwell responded to institution to initiate an agency assist for death investigation on March 31, 2018.

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:

Summary of callout timeline: (all times eastern)

- [REDACTED] – While making rounds in R dormitory inmates summoned Officer Derek Harvey into R-1 in reference to an inmate [REDACTED]. Officer Harvey found Inmate Michael Rogers laying on the floor of his cell R1-114 [REDACTED]. Officer Harvey called for assistance and Sergeant Bradley Prescott responded [REDACTED]. Inmate Rogers [REDACTED]. [REDACTED] inmate Rogers [REDACTED] pronounced deceased at 9:12 pm [REDACTED].
- 8:26 pm – Inspector Hartwell is contacted by Supervisor McIntosh and advised to respond to the institution.
- 9:13 pm – Inspector Hartwell contacted by FDLE, Inspector Hartwell determines Inmate Rogers has been pronounced deceased and FDLE advises they will respond.
- 9:25 pm – Andrew Winkler with the 14th Judicial Circuit Medical Examiner's Office is notified and advises he will respond [REDACTED].
- 9:38 pm – Inspector Hartwell arrives at ACI East.
- 10:10 pm – SA Travis Lawson arrives at ACI East. FDLE Agents interview staff, [REDACTED] and the deceased inmate's cell mate, Inmate Alberto Saniesteban. [REDACTED] advised Inmate Rogers [REDACTED]. Inmate Rogers [REDACTED] the entire time and made no statements.
- Inmate Saniesteban indicated Inmate Rogers had been smoking K2 in their cell with two other inmates. The other inmates were identified by their cell numbers R1-102 and R1- 213. Inmate Saniesteban indicated when he returned to his cell for count Inmate Rogers was on the floor [REDACTED]. Another inmate was on the toilet passed out and the third staggering around the room. Inmate Saniesteban went to the door and summoned security.
- 11:52 pm – Mr. Winkler exits [REDACTED] with the deceased. Crime scene log completed and scanned to Inspector by the OIC. Autopsy scheduled for Monday April 2, 2018.
- 12:35 am – FDLE and Inspector Hartwell exit the institution.

On April 1, 2018, Captain Helms forwarded all the incident reports and other documents from the incident to Inspector Hartwell who forwarded the items to SA Lawson. Copies attached.

On June 13, 2018, SA Lawson advised the case was still ongoing awaiting the medical examiner's Case Number: 18-06112



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report for closure. Email attached.

On August 29, 2018, SA Lawson advised the case was still ongoing awaiting the medical examiner's report for closure. Email attached.

On September 24, 2018, Doctor Jay Radtke, the medical examiner for the 14th Judicial District, provided a copy of Case number 2018-MLA-0125 in regards to Inmate Roger's death. No trauma consistent with physical assault was found. No criminal actions were found.

- **Cause of death:** [REDACTED]
- **Manner:** Accident

On September 29, 2018, a copy of FDLE case report #PE-37-0130 was received and attached to the case file. The case was closed by SA Travis Lawson as an accidental death [REDACTED] medical examiner's report indicated.

No evidence of criminal behavior or neglect was noted in the report.

This investigation found no known violations of Florida Statue, Florida Administrative Code or Department of Corrections Procedures pertaining to the death of Inmate Rogers.

VII. CHARGES

There were no violations of law found by the Medical Examiner Jay Radtke M.D. listed the cause of death for Inmate Michael Rogers as accidental.

VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Agent Travis Lawson the death of Inmate Michael Rogers, be termed as follows:

- **Exceptionally Cleared**

Inspector Hartwell reviewed the investigation completed by FDLE, and administrative issues were not identified.