

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 15-26874**



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



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Case Number: 15- 26874

OIG Inspector: Inspector Tracy Thursbay

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Troy Roper
Special Agent Robert Hall

Date Assigned or Initiated: November 17, 2015

Complaint Against: N/A

Location of Incident – Institution/Facility/Office: Gulf Correctional Institution Annex

Complainant: Captain James Cleckley

Outside Agency Case #: PE-37-0035

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death Investigation

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.



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V. PREDICATE

On November 15, 2015, the Department of Corrections, Office of the Inspector General (OIG) received notification Inmate Eduardo Rios DC# 347214 was pronounced deceased at Gulf Correctional Institution Annex after being carried to the sally port area of the dormitory. Florida Department of Law Enforcement (FDLE) notification was made, and Inspector Tracy Thursbay responded to Gulf C.I. Annex on November 15, 2015, and provided investigative assistance to FDLE.

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:

According to FDLE Special Agent Roper, on November 15, 2015, the Florida Department of Corrections contacted FDLE requesting investigative assistance in reference to the death of Inmate Rios.

On November 16, 2015, District Fourteen Medical Examiner Jay Radtke M. D. performed an autopsy on Inmate Rios. Dr. Radtke determined the cause of death [REDACTED] and the manner of death was homicide.

According to Special Agent Hall's final report, the Fourteenth Judicial Circuit Chief Assistant State Attorney Greg Wilson declined to prosecute the case for lack of evidence as to who caused Inmate Rios' death.

VII. CHARGES

There were no charges filed by FDLE, and no administrative issues were identified.

VIII. CONCLUSION

Based on the information gathered during the FDLE investigation, it is the recommendation of Inspector Tracy Thursbay the death of Inmate Rios be termed as follows:

- **Open-Inactive**