

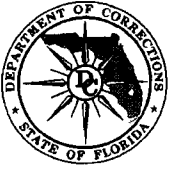
# Florida Department of Corrections



## Office of the Inspector General

**CRIMINAL INVESTIGATION**

**Case # 13-13304**



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



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



**Case Number:** 13-13304

**Inspector:** Inspector Mark D. Pentolino

**Date Assigned or Initiated:** 11-25-2013

**Complaint Against:** Sgt. Teresa Burgess

**Location of Incident – Institution/Facility/Office:** Reception and Medical Center

**Complainant:** Inmate Roger Bailey

**Use of Force Number:** N/A

**PREA Number:** N/A

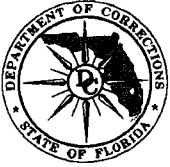
**Classification of Incident:** Death Investigation

**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 November 22<sup>nd</sup>, 2013, at approximately 7:45 pm, Correctional Officer Teresa Burgess reports via incident report (#HU-2013-01333) that while assigned as [REDACTED] Security Sergeant, she was advised by Officer J. Brown that Inmate Roger M. Bailey DC# 737660 was pronounced deceased [REDACTED]. This information was reported to the Office of Inspector General through the Management Information Notification System (MINS) and assigned as a criminal investigation to Inspector Mark D. Pentolino on 11/25/2013.

A review of the Notification of Death for Inmate Bailey dated November 22, 2013, revealed that he was pronounced deceased [REDACTED] at 7:55 pm. The cause of death pending autopsy was listed [REDACTED]. According to the departmental records, all the correct notifications were issued. . A request was submitted on 11/27/2013 to the 8th District Medical Examiner's Office in Gainesville, Florida for final autopsy report.

**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:

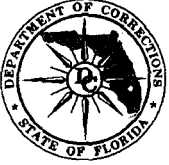
A review of the Notification of Death for Inmate Bailey dated November 22, 2013, revealed that he was pronounced deceased [REDACTED] at 7:55 pm. The cause of death pending autopsy was listed as [REDACTED]. According to the departmental records, all the correct notifications were issued. . A request was submitted on 11/27/2013 to the 8th District Medical Examiner's Office in Gainesville, Florida for final autopsy report.

On January 31<sup>st</sup>, 2014 the Office of Inspector General received the Final Autopsy Report for Inmate Roger Bailey from the Gainesville Medical Examiner's Office. The Final Autopsy Report which was signed and dated January 14<sup>th</sup>, 2014, advised Certifying Pathologist William F. Hamilton, M.D., determined Inmate Bailey's cause of death as [REDACTED] which occurred in 2005; before being incarcerated. No other contributing factors were listed.

**VII. CHARGES**

List alleged violations of Florida Law:

N/A



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**VIII. CONCLUSION**

Based on the information gathered during this investigation, it is determined Inmate Bailey's death could not be contributed to anything but natural causes, [REDACTED] which occurred before incarceration. It is the recommendation of Inspector Mark D. Pentolino the allegation is termed as follows:

1. Exceptionally Cleared