

Florida Department of Corrections



Office of the Inspector General

CRIMINAL INVESTIGATION

Case # 13-7732



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



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CASE SUMMARY REPORT**



Case Number: 13-7732

Inspector: Senior Inspector Kevin Snow

Date Assigned or Initiated: 07-22-2013

Complaint Against: N/A

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

Complainant: Sergeant Gregory Thornton

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: [REDACTED]

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 July 20, 2013, at approximately [REDACTED] Sergeant Gregory Thornton reported that while making a security check of wing 2 in K-Dorm he observed Inmate Mark Ziembra with a sheet around his neck attached to the top bunk. After sufficient help arrived the cell was breached, the sheet was cut, and [REDACTED]. At approximately [REDACTED] Inmate Ziembra was pronounced deceased by [REDACTED]. This information was placed in the Management Information Notification System on July 20, 2013, and was assigned for criminal investigation to Senior Inspector Kevin Snow on July 23, 2013.

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:

On July 20, 2013, at approximately [REDACTED] Sergeant Gregory Thornton was conducting a security check of K-Dorm at Reception and Medical Center. During a check of cell K2-109, which houses Inmate Mark Ziembra, he discovered him sitting on the floor facing away from the bottom bunk and hanging by a ligature around his neck made of braided strips of sheet that tied to the upper bunk. He summoned assistance and when it arrived, the cell was breached, a ligature cutter was used to cut the ligature from around the neck of Inmate Ziembra, his body was laid flat on the floor, and [REDACTED]. Inmate Ziembra was pronounced deceased at [REDACTED]. Inmate Ziembra's body was left in place and his cell was secured until Senior Inspector Kevin Snow arrived.

Photographs were taken of the scene and body as evidence. A search of the cell and Inmate Ziembra's stored property failed to turn up any additional evidence or a possible [REDACTED]. The ligature that had been cut from the neck of Inmate Ziembra was collected as evidence. It appeared to have been made from torn strips of his inmate issued sheet and then braided together. He ran the end of the sheet through a hole in the sheet metal on the top bunk and tied a large knot in the end to keep the ligature from slipping back through the hole. It then appeared he tied the other end around his neck and sat down while leaning forward which would have [REDACTED] inmate Ziembra [REDACTED] or statements to indicate his state of mind several hours earlier while being placed in confinement and interviewed by Captain William Hamilton for a disciplinary infraction. A review of the Securus inmate phone system failed to turn up any additional information.



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Attempts were made to interview inmates in the surrounding cells but they refused to make sworn statements indicating they had no information because Inmate Ziemba had only been in the dorm for a few hours.

A review of the fixed wing video was conducted from the time Inmate Ziemba was housed in K-Dorm until his cell was sealed after he had been pronounced deceased. Inmate Ziemba never left his cell and no one entered his cell. Members of security staff are viewed opening his tray flap a couple of times throughout the evening and passing Inmate Ziemba things. Staff members conducted their checks according to policy.

Medical Examiner Doctor William Hamilton conducted an autopsy on the body of Inmate Ziemba. During the autopsy he noted that Inmate Ziemba had [REDACTED]. He further noted that Inmate Ziemba had [REDACTED]. His [REDACTED]. [REDACTED] He listed the probable cause of death [REDACTED] with the manner of death as a suicide.

It should be noted there were no administrative violations observed or discovered during the investigation of this case.

VII. CHARGES

List alleged violations of Florida Law:

N/A

VIII. CONCLUSION

As a result of this investigation, it is determined that this Investigative Report is being CLOSED, EXCEPTIONALLY CLEARED, based on autopsy findings. The cause of death [REDACTED] and the manner of death is considered a suicide.