

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 15-309**



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



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Case Number: 15-309

OIG Inspector: Ryan Nicholas

Outside Agency: Miami-Dade Police Department (MDPD) and Florida Department of Law Enforcement (FDLE)

Outside Agency Investigator: Detective M. Brajdic and Special Agent Leslie D'Ambrosia

Date Assigned or Initiated: 01-08-2015

Complaint Against: N/A

Location of Incident – Institution/Facility/Office: South Florida Reception Center

Complainant: N/A

Outside Agency Case #: PD150106007927(MDPD) MI-37-0022 (FDLE)

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Suicide

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 or about January 07, 2015, the Department of Corrections (DOC), Office of the Inspector General (OIG) received notification of the death of Inmate Myron Montgomery at South Florida Reception Center (SFRC). On January 06, 2015, security personnel found Inmate Montgomery hanging from his top bunk. Miami-Dade Police Department (MDPD) investigates all in-custody deaths within Dade County and the Florida Department of Law Enforcement (FDLE) also completes an investigative report. Upon initial review of the information, the OIG initiated an investigative assist investigation into the incident.

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 January 06, 2015, Officer Jean Dieudonne reported in an incident report the following: On January 06, 2015, at approximately 11:00 pm, during a security check in echo dormitory (confinement), he saw Inmate Myron Montgomery DC#36539 hanging from the top bunk of cell E3105. Inmate Montgomery was housed alone in cell E3105.

Officer Dieudonne stated he immediately entered cell E3105 and cut the sheet from around Inmate Montgomery's neck. He indicated Inmate Montgomery [REDACTED] therefore he [REDACTED]

On January 07, 2015, Sergeant Hugo Hernandez reported in an incident report the following: On January 06, 2015, at approximately 11:00 pm, Officer Dieudonne told him Inmate Montgomery was found hanging from the top bunk inside cell E3105. Officer Dieudonne said he discovered this during a security check. Inmate Montgomery was housed alone in cell E3105.

Sergeant Hernandez stated he, Officer Dieudonne, and Officer Coren Moore entered cell E3105. He used a ligature cutter and cut Inmate Montgomery down. While on the floor, he detected [REDACTED] Officer Dieudonne [REDACTED] Inmate Montgomery as he (Sergeant Hernandez) notified the main control room of incident. [REDACTED] was maintained on Inmate Montgomery by security personnel until [REDACTED] arrived and assumed control.

On January 06, 2015, Officer Francisco Rosas reported in an incident report the following: On January 06, 2015, at approximately 11:00 pm, while inside the officer station of echo dormitory, Sergeant Hernandez instructed him to open cell door E3105 which housed Inmate Montgomery.

On January 06, 2015, Officer Roderick Hennigan reported in an incident report the following: On January 06, 2015, at approximately 10:58 pm, he responded to an emergency call from echo dormitory. Upon his arrival to echo dormitory he saw Inmate Montgomery [REDACTED] He assisted with [REDACTED] on Inmate Montgomery until [REDACTED] arrived and assumed control.

On January 06, 2015, Officer Roy Thomas reported in an incident report the following: On January 06, 2015, at approximately 11:10 pm, he responded to an emergency call from echo dormitory. Upon his



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arrival to echo dormitory he saw Inmate Montgomery [REDACTED] He assisted with [REDACTED] on Inmate Montgomery until [REDACTED] arrived and assumed control.

On January 06, 2015, Sergeant Tothell Joseph reported in an incident report the following: On January 06, 2015, at approximately 11:05 pm, he responded to an emergency call from echo dormitory. Upon his arrival to echo dormitory he saw Inmate Montgomery [REDACTED] He assisted with [REDACTED] on Inmate Montgomery until [REDACTED] arrived and assumed control.

On January 06, 2015, [REDACTED] reported in an incident report the following: On January 06, 2015, at approximately 11:15 pm, security personnel made her aware of a [REDACTED] in echo dormitory. She and [REDACTED] responded. Upon their arrival to echo dormitory they saw Inmate Montgomery lying on the floor [REDACTED] was performed by [REDACTED] and security personnel until [REDACTED] assumed control.

On January 06, 2015, [REDACTED] reported in an incident report the following: On January 06, 2015, at approximately 11:15 pm, security personnel made her aware of a [REDACTED] in echo dormitory. She responded and upon her arrival to echo dormitory she saw Inmate Montgomery lying on the floor [REDACTED] was performed by [REDACTED] and security personnel until [REDACTED] assumed control.

Security personnel at South Florida Reception Center (SFRC) completed an emergency log. The entries began on January 06, 2015, at approximately 11:13 am, and ended on January 07, 2015, at approximately 04:39 am.

Security personnel at SFRC completed an inmate death notification checklist which documented the following: Inmate Montgomery's [REDACTED] the responding law enforcement agencies, and the notification of security management.

On January 07, 2015, the Miami-Dade County Medical Examiner Department completed an investigation report (2015-00083) and indicated the following:

- The report listed Inmate Montgomery's Cause of Death as [REDACTED]
- The report listed the autopsy findings as follows: [REDACTED]
- The report listed the toxicology results as follows: [REDACTED]



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On January 06, 2015, the Miami-Dade Police Department (MDPD) Homicide Detective M. Brajdic completed a natural death investigation continuation/supplementary report (PD150106007927) which was approved on January 30, 2015. The following was reported:

On January 07, 2015, at approximately 12:15 am, MDPD Officer L. Garafalo informed him of the death of Inmate Montgomery an inmate of the DOC. MDPD Officer Garafalo advised him that during a security check Inmate Montgomery was found hanging. Bed sheets were fashioned into a ligature. MDPD Officer Garafalo also indicated Inmate Montgomery was cut down and [REDACTED] were made but Inmate Montgomery was pronounced deceased.

Detective Brajdic stated at approximately 12:35 am, he notified Florida Department of Law Enforcement (FDLE) statewide watch desk of the incident. He requested a FDLE special agent to respond to the scene to overseeing the investigation.

Detective Brajdic stated at approximately 12:40 am, he made contact with MDPD Forensic Services Bureau and requested a crime scene detective respond to the location of the incident.

Detective Brajdic stated at approximately 01:30 am, he, Detective R. Silvestre, and MDPD Forensic Services Bureau arrived on scene. Inmate Montgomery's body along with the scene was viewed and documented.

Detective Brajdic stated at approximately 02:00 am, he made contact with FDLE Special Agents Leslie D 'Ambrosia and Michelle Bufalino. He briefed the special agents as to the facts and circumstance surrounding the death of Inmate Montgomery.

Detective Brajdic stated at approximately 02:34 am, DOC Sergeant Hernandez was interviewed. Sergeant Hernandez reported on January 06, 2015, at approximately [REDACTED] Officer Dieudonne told him (Sergeant Hernandez) that he (Officer Dieudonne) found Inmate Montgomery hanging inside cell 3105 by a bed sheet from the top bunk. Sergeant Hernandez said he immediately retrieved the ligature cutter.

Detective Brajdic stated Sergeant Hernandez said several actions were taken to include cutting Inmate Montgomery down, checking Inmate Montgomery's [REDACTED] until relieved by [REDACTED]

Detective Brajdic stated he asked Sergeant Hernandez for any pertinent background information on Inmate Montgomery. Sergeant Hernandez told Detective Brajdic that Inmate Montgomery was convicted of sexual battery on a child, lewd and lascivious molestation, and child abuse. Sergeant Hernandez told him that Inmate Montgomery was fearful of the other inmates because Inmate Montgomery was scared the other inmates would ascertain his criminal charges and then bully him. Sergeant Hernandez also told him that Inmate Montgomery requested and was granted a solitary cell.



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Detective Brajdic stated he reviewed the surveillance cameras and saw on January 06, 2015, at approximately 10:15 pm, Officer Dieudonne escorted Inmate Montgomery into cell 3105. At approximately [REDACTED] Officer Dieudonne performed a security check at which time he observed Inmate Montgomery hanging inside cell 3105. He saw Officer Dieudonne call for assistance so Inmate Montgomery could be cut down.

Detective Brajdic stated at approximately 02:55 am, DOC Officer Dieudonne was interviewed. Officer Dieudonne told Detective Brajdic that he was assigned to echo dormitory and one of his (Officer Dieudonne) job responsibilities was to conduct security checks. At approximately [REDACTED] pm, during a security check, he (Officer Dieudonne) found Inmate Montgomery hanging by a bed sheet from the top bunk of Inmate Montgomery's cell. Officer Dieudonne told Detective Brajdic he immediately notified his superior (Sergeant Hernandez).

Detective Brajdic stated Officer Dieudonne said several actions were taken to include cutting Inmate Montgomery down, checking Inmate Montgomery's [REDACTED] until relieved by [REDACTED]

Detective Brajdic stated on January 07, 2015, at approximately 11:05 am, Inmate Montgomery's mother was notified. She reported Inmate Montgomery complained of getting bullied by other inmates (unidentified).

Detective Brajdic stated on January 07, 2015, Associate Miami-Dade County Medical Examiner Doctor Emily Dennison performed an autopsy on Inmate Montgomery under medical examiner case number 2015-00083. Doctor Dennison concluded the cause of death was [REDACTED] and classified as a suicide. The MDPD case was exceptionally cleared.

On January 07, 2015, the FDLE Special Agent Leslie D'Ambrosia completed FDLE case #MI-37-0022 into six (6) serials which was approved on January 30, 2015. The following was reported:

On January 07, 2015, at approximately 12:45 am, she was contacted by FDLE Special Agent Supervisor (SAS) Michelle Bufalino who advised her that Inmate Montgomery was found deceased at SFRC. At approximately 12:53 am, she received information from the Florida Fusion Center indicating Inmate Montgomery appeared to hang himself with a DOC state issued bed sheet on January 06, 2015.

Special Agent D'Ambrosia stated she and SAS Bufalino arrived at SFRC at approximately 2:00 am. They made contact with MDPD Homicide Detective Brajdic. Also present was two (2) MDPD uniform officers and a MDPD crime scene unit.

Special Agent D'Ambrosia stated MDPD Detective Brajdic advised Inmate Montgomery had been moved to his current position during [REDACTED] Detective Brajdic said Inmate Montgomery was housed alone in the confinement unit cell 3105. During a security check by DOC officers Inmate Montgomery was found hanging from the top bunk of his



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cell. DOC officers cut the bed sheets from around Inmate Montgomery's neck and [REDACTED] with negative results.

Special Agent D'Ambrosia stated she, SAS Bufalino, and MDPD Detective Brajdic reviewed the scene (3105). Special Agent D'Ambrosia said the cell consisted of a metal bunk containing two beds with mattresses. A sheet was affixed via the top bunk by being inserted through a small hole on the top of the metal base. The sheet was knotted on the underside of the top bunk bed. The length of the sheet was draped over the side of the top bunk and had been cut. Also located under the mattress on the lower bunk were [REDACTED]

Special Agent D'Ambrosia stated at approximately 02:30 am, DOC Inspector Nelson Rios arrived to scene. At approximately 02:35 am, DOC Sergeant Hernandez was interviewed. At approximately 03:00 am, Officer Dieudonne was interviewed.

Special Agent D'Ambrosia stated on January 09, 2015, she reviewed the surveillance recording. The recording was on January 06, 2015, between 10:10 pm to 11:45 pm. She indicated she saw a DOC officer escort Inmate Montgomery into cell 3105 at approximately 10:13 pm. The DOC officer never enters cell. A DOC officer looks into cell 3105 at approximately 10:17 pm and [REDACTED]. Several DOC officers respond to the cell at approximately 11:02 pm and 11:07 pm. [REDACTED] arrived at approximately 11:13 pm. Miami Dade Fire Rescue arrived at approximately 11:30 pm.

Special Agent D'Ambrosia stated on January 16, 2015, she received a copy of MDPD case #PD150106007927. The report also contained the Miami-Dade Medical Examiner Department report. Doctor Emily Dennison concluded the cause of death was [REDACTED] and classified as a suicide.

VII. CHARGES

List alleged violations of Florida Law:

N/A

VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of Detective M. Brajdic the case be termed as follows:

1. Exceptionally Cleared

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Agent Leslie D'Ambrosia the case be termed as follows:

2. Exceptionally Cleared



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Inspector Nicholas reviewed the investigation completed by MDPD and FDLE. There were no administrative issues identified.