

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 17-09344**



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



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Case Number: 17-09344

OIG Inspector: Inspector Latricia Ruiz

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Jerrick Pittman

Date Assigned or Initiated: 05-31-2017

Complaint Against: N/A

Location of Incident – Institution/Facility/Office: Charlotte Correctional Institution

Complainant: Captain Richard McManus

Outside Agency Case #: FM-37-0022

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Undetermined/Other death

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Chief Inspector General Case Number: None



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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 May 29, 2017, at approximately 3:29 am, Senior Inspector Latricia Ruiz was dispatched by On-call Supervisor David Allen to respond to Charlotte Correctional Institution in reference to an inmate death. On May 29, 2017, at approximately 2:51 am, Inmate Ceasar Ruano DC# M27173 was pronounced deceased [REDACTED] at Charlotte Correctional Institution [REDACTED]. The primary cause of death is unknown. Inmate Ruano [REDACTED]. On May 31, 2017, this allegation was assigned to Inspector Latricia Ruiz as an investigation assist. Florida Department of Law Enforcement is the lead investigating agency.

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:

CASE NARRATIVE:

On May 29, 2017, at approximately 2:15 a.m., Correctional Officer Sergeant Ricardo Martin found Inmate Ruano [REDACTED] in A-3207 at Charlotte Correctional Institution. Sergeant Martin [REDACTED] and Inmate Ruano's [REDACTED] was initiated and [REDACTED] was notified. Inmate Ruano was transported [REDACTED] at Charlotte Correctional Institution. [REDACTED] was activated.

At approximately 2:45 a.m., [REDACTED] entered the front gate in Charlotte County [REDACTED]. At 2:51 a.m., Inmate Ruano was pronounced deceased [REDACTED].

At approximately 3:10 a.m., Captain Richard McManus notified EAC Joseph Murrhee of Inmate Ruano's death. At approximately 3:20 a.m., EAC Murrhee notified On-call Supervisor David Allen of Inmate Ruano's death.

At approximately 3:24 a.m., Supervisor Allen notified Senior Inspector Latricia Ruiz to respond to the Charlotte Correctional Institution for a death investigation assist.

At approximately 3:59 a.m., Florida Department of Law Enforcement (FDLE) Supervisor Patrick Crough made contact and advised agents will be en route to Charlotte CI.

At approximately 5:30 a.m., Florida Department of Law Enforcement Agents arrived.

At approximately 6:28 a.m., Inspector Ruiz arrived at Charlotte Correctional Institution.

At approximately 6:35 a.m., Special Agent Pittman signed the Investigative Demand form. Agent Pittman received one (1) log [REDACTED], one (1) log from A Dormitory, one (1) Control Room log, and one (1) Inmate Roster for A Dormitory.

At approximately 6:57 a.m., Office of the Medical Examiner District 22, Investigator Les Husbands, Inspector Ruiz and Agent Andy Kempel viewed Inmate Ruano's body and there were no signs [REDACTED].



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██████████ his body. Photographs were taken of Inmate Ruano's body.

Special Agent David Staley conducted interviews of all staff and inmate witnesses.

At approximately 7:11a.m., David Cormier with D & L Removal and Transport arrived for removal of Inmate Ruano's body.

At approximately 8:35a.m., Agent Pittman and Staley entered A Dormitory to conduct a search and photograph cell A3-207-U.

At approximately 10:00a.m., Senior Inspector Ruiz, Special Agent Kempel, Pittman, Special Agent Staley and Supervisor Crough departed.

On May 30, 2017, District 22 Medical Examiner Dr. Riazul Imami, M. D. conducted an autopsy on Inmate Ruano and was not able to find any immediate cause of death.

On June 1, 2017, additional information was added after a complete review of the fixed wing video. On May 30, 2017, a review of the fixed wing cameras date stamped May 28, 2017 to May 29, 2017, 22:00 to 03:00 hours (hrs) in A-Dormitory at Charlotte Correctional Institution was conducted and reflects the following:

- At 22:00 hrs, one (1) officer and one (1) inmate was in quad 3. The unidentified inmate was observed upstairs on the outside of cell A3-207 at the window. The officer remained downstairs.
- At 22:06 hrs, Inmate movement in cell 3207, inmate standing at the door
- At 22:20 hrs, Inmate movement in cell 3207, inmate standing in the door
- At 22:21 hrs, Inmate beating on cell door 3207
- At 22:27 hrs, Inmate standing in front of cell door window
- At 22:29 hrs, Inmate standing in front of cell door window
- At ████████ hrs, security check conducted by Sergeant Martin. Inmate Ruano was standing at his door when the officer passed by the cell.
- At 22:35 hrs, dormitory lights turned out.
- At ████████ hrs, no security checks conducted, however, intake of new inmate to confinement. Three (3) officers were still on the wing. Sergeant Martin was called upstairs by an inmate to check on the inmate in cell 3206. At 22:51 hrs, the inmate in cell 3206 then directed the sergeant to check on cell 3207, which housed Inmate Ruano. The sergeant approached cell 3207, the lights were turned back on in quad 3 for a moment. Sergeant Martin asked Inmate Ruano was he alright. A reply from Inmate Ruano could not be heard. Sergeant Martin then had the lights turned back off. Sergeant Martin walked back to cell 3206, then exited the quad.
- No activity on quad 3 from 23:00 to 00:49
- At ████████ hrs, security check and/or count conducted
- At ████████ hrs, no security checks conducted. Staff entered quad 3-104 and placed property bag in a cell on lower wing.
- No cell front security checks/ counts conducted from ██████████ hrs.
- At ████████ hrs, Sergeant Martin conducted security check. When he approached cell 207, he looked in the window, shining his flashlight inside of the cell. Sergeant Martin then called out



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Inmate Ruano a few times, then he entered the cell. He then exited the cell and secured the cell door. Sergeant Martin then called for assistance.

Note: There were no observance of a [REDACTED] on the scene prior to [REDACTED] arrival.

- At 02:18 hrs, additional staff arrived to assist.
- At 02:23 hrs, [REDACTED] rived.
- At 02:24 hrs, unidentified inmates in quad 3 were yelling from their cells “can’t believe this, that man been complaining all day.”
- At 02:31 hrs, Inmate Ruano removed from the cell by [REDACTED]
- At 2:33 hrs, Inmate Ruano’s cell secured.
- At 2:34 hrs, unidentified inmates in quad 3 complaining that the inmate had been complaining all day. (*Possibly cells 3202, 3203, 3205, 3206*)

Incident reports and documentation review

Security staff completed all appropriate reports concerning Inmate Ruano’s death. A review of the reports did not reveal any criminal violations. However, administrative, or internal policy violations by Department of Corrections (FDC) were noted.

On June, 16, 2017, Riazul H. Imami, M.D., DME, completed the autopsy report (Report # 1085 17-A-45) on Inmate Cesar Ruano and provided a copy of the report to Special Agent Pittman and Senior Inspector Ruiz.

Autopsy findings:

Dr. Imami stated in the report that Ruano's death was caused by [REDACTED]
[REDACTED] and secondary to [REDACTED]

During the course of the investigation, via collection of evidence, the processing of scenes, interviews conducted, review of FDLE report (FM-37-0022), no criminal infractions were noted or discovered; however, there were administrative policy rules violations observed, noted or discovered.

This investigation is closed.



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VII. CHARGES

List alleged violations of Florida Law:

During the course of the investigation, no criminal infractions were noted or discovered; however, there were administrative policy rules violations observed, noted or discovered.

VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Jerrick Pittman, no criminal violations were discovered during this investigation, this case, be termed as follows:

1. Exceptionally Cleared

Inspector Ruiz reviewed the investigation completed by FDLE, and administrative issues were identified. The administrative issues identified were assigned to Inspector Greg Fulcher for administrative investigation in OIG case # 18-01854.