

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 17-01213**



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



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Case Number: 17-01213

OIG Inspector: Inspector Dorothy Stafford

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Lawrence Perez

Date Assigned or Initiated: 01-24-2017

Complaint Against: N/A

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

Complainant: Captain Jason Carter

Outside Agency Case #: TL-37-0039

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death (Other)

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 January 23, 2017, at approximately 7:32PM., Senior Inspector Dorothy Stafford was dispatched by On-call Inspector Supervisor Yolanda Brown to report to [REDACTED] in Live Oak, Florida in reference to an inmate [REDACTED] Hamilton Correctional Institution (HCI) with what had been deemed [REDACTED]. On January 23, 2017, at 7:38PM, Supervisor Brown advised Inmate Jacob Cummings DC#R83512 had been pronounced deceased.

Florida Department of Law Enforcement (FDLE) Supervisor Jim Flournoy and Special Agent (SA) Lawrence Perez responded to the incident and assumed the lead in the investigation (Case #TL-37-0039), with the Death Investigation – Assist assigned to Senior Inspector Dorothy Stafford on January 24, 2017.

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 24, 2017, SA Perez signed and submitted an Investigative Demand to obtain necessary documents concerning Inmate Cummings' death.

On January 24, 2017, I attended the autopsy of Inmate Cummings, along with SA Perez. The autopsy was performed by Dr. Anthony Clark. Upon completion of the autopsy, Dr. Clark [REDACTED] Inmate Cummings' body. Dr. Clark noted [REDACTED] Inmate Cummings. Dr. Clark further advised the cause of death would be [REDACTED]

Dr. Clark requested SA Perez attempt to make contact with Inmate Cummings' family [REDACTED]

SA Perez was advised by Inmate Cummings' father that three to four years prior to his incarceration, Inmate Cummings [REDACTED]

On May 4, 2017, SA Perez received the final autopsy report from the District II Medical Examiner's Office. Dr. Clark listed Inmate Cummings' cause of death [REDACTED] There was no manner of death listed, [REDACTED] from an Aggravated Battery with a Deadly Weapon incident which occurred in 2013, in unincorporated Seminole County, Florida.

The autopsy report as noted Inmate Cummings' [REDACTED] Additionally, [REDACTED]



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As a result of the autopsy findings, SA Perez made contact with the Seminole County Sheriff's Office for follow up investigation and possible referral to the State Attorney for review. Subsequently, the Seminole County Sheriff's Office advised the State Attorney's Office decided no charges would be filed.

SA Perez provided a disk containing his case file on June 15, 2017. A review of SA Perez's report was conducted and no Administrative issues were noted. The disk containing SA Perez's file is too large to be uploaded into IGIS and will be maintained in the case file.

VII. CHARGES

List alleged violations of Florida Law:

1. Not applicable.

VIII. CONCLUSION

Based on the information gathered during their investigation, by FDLE Special Agent Lawrence Perez, Inmate Jacob Cummings' [REDACTED] that occurred prior to his incarceration. With no indication of Administrative issues, the investigation is closed,

Inspector Stafford reviewed the investigation completed by FDLE, and administrative issues were not identified.