

# Florida Department of Corrections



## Office of the Inspector General

**CRIMINAL INVESTIGATION  
INVESTIGATIVE ASSIST  
CASE # 17-11669**



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



**Table of Contents**

<b>I. AUTHORITY .....</b>	<b>4</b>
<b>II. METHODOLOGY.....</b>	<b>4</b>
<b>III. ANALYSIS.....</b>	<b>4</b>
<b>IV. DEFINITIONS .....</b>	<b>5</b>
<b>V. PREDICATE .....</b>	<b>6</b>
<b>VI. SUMMARY OF INVESTIGATIVE FINDINGS.....</b>	<b>6</b>
<b>VII. CHARGES.....</b>	<b>7</b>
<b>VIII. CONCLUSION.....</b>	<b>7</b>



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**Case Number:** 17-11669

**OIG Inspector:** Ryan Nicholas

**Outside Agency:** Florida Department of Law Enforcement

**Outside Agency Investigator:** Special Agent Nathan Waibel

**Date Assigned or Initiated:** 07-07-2017

**Complaint Against:** N/A

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

**Complainant:** N/A

**Outside Agency Case #:** MI-37-0057

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

**PREA Number:** N/A

**Classification of Incident:** Death of Inmate Bernard Flowers

**Confidential Medical Information Included:**  Yes  No

**Whistle-Blower Investigation:**  Yes  No

**Chief Inspector General Case Number:** N/A



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**INVESTIGATIVE ASSIST SUMMARY REPORT**



**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.



FLORIDA DEPARTMENT OF CORRECTIONS  
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**INVESTIGATIVE ASSIST SUMMARY REPORT**



#### **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 July 3, 2017, the Florida Department of Corrections (FDC), Office of the Inspector General (OIG) received notification of the death of Inmate Bernard Flowers DC#034392. Inmate Flowers was pronounced deceased on July 3, 2017, at South Florida Reception Center South Unit (SFRC/SU). Florida Department of Law Enforcement (FDLE) is conducting the death investigation. Upon initial review of the information, OIG initiated a criminal investigation assist into the death and assigned it to Inspector Ryan Nicholas.

**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 4, 2017, Officer Matkevius Lumpkin reported in an incident report the following: On July 3, 2017, at approximately 6:50 pm, while he was assigned to gulf dormitory (open population), Inmate Sanchez Valentine DC#T01859 advised him that Inmate Bernard Flowers [REDACTED]. Inmate Flowers was housed in side two (2), bunk 2126S. He stated he went to check on Inmate Flowers and [REDACTED]. He immediately advised his dormitory sergeant (Javier Vidal) and the main control room of incident. The alpha response team [REDACTED] were activated.

On July 3, 2017, Sergeant Javier Vidal reported in an incident report the following: On July 3, 2017, at 6:55 pm, while he was assigned to gulf dormitory an emergency was announced in side two (2). He responded and made contact with Officer Lumpkin who advised that Inmate Flowers was [REDACTED] in bed G2126.

On July 3, 2017, [REDACTED] reported in an incident report the following: On July 3, 2017, at approximately 6:50 pm, security personnel from gulf dormitory called [REDACTED]. [REDACTED] responded to gulf dormitory. They saw Inmate Flowers sitting on his bed [REDACTED]. [REDACTED]

On July 7, 2017, Sergeant Zebanisha Monroe reported in an incident report the following: On July 3, 2017, while she was assigned to the main control room an emergency traffic call was made by Officer Lumpkin. She instructed all alpha response personnel [REDACTED] to respond to gulf dormitory side two (2) [REDACTED] inmate.

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

*Security personnel at SFRC/SU [REDACTED]. The entries began on July 3, 2017, at approximately 6:50 pm, and ended on July 3, 2017, at approximately 11:45 pm.*



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On July 3, 2017, the Miami-Dade County Medical Examiner’s Department assumed control of Inmate Flowers’s body.

On July 4, 2017, the Miami-Dade County Medical Examiner’s Department completed investigation report (2017-01974) and indicated the following:

- The cause of death [REDACTED].
- The attendees as Forensic Technician Jasmain Davis and Photographer Dominique Tomillo.

On January 31, 2018, FDLE Special Agent (SA) Nathan Waibel completed FDLE report MI-37-0057. The final report indicated the following:

On July 3, 2017, at 10:11 pm, the intelligence watch and warning desk was contacted by FDC Inspector Supervisor Joe Hamner who reported the death of Inmate Flowers at SFRC/SU. On-call Special Agent Supervisor Alphonso Williams then instructed SA Waibel, SA Daniel Mosquera, and Duty SA Kelly Rawson to respond to SFRC/SU and make contact with Senior Inspector Frank Lewis.

SA Waibel stated it was reported Inmate Flowers smoked K2 (synthetic cannabinoid) with another inmate prior to his death. The Miami-Dade Police Department Crime Scene Unit, as well as the Miami-Dade Medical Examiner’s Officer were both called to respond to the location.

On January 31, 2018, he and SA Terrance Brinson obtained the final reports from the Miami-Dade County Medical Examiner’s Office. The report completed by Associate Medical Examiner Doctor Benjamin Mathis classified the cause of death [REDACTED] and the manner of death as accident. [REDACTED]

SA Waibel stated based on the final autopsy report, witness interviews, and surveillance video, there were no signs of foul play that would constitute a criminal investigation. Therefore, this case is being closed out as unfounded.

**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 FDLE Special Agent Nathan Waibel the death of Inmate Bernard Flowers be termed as follows:

1. Exceptionally Cleared



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