

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 18-07673**



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



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Case Number: 18-07673

OIG Inspector: Inspector Richard Ryder

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Michael Stein

Date Assigned or Initiated: 04-30-2018

Complaint Against: N/A

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

Complainant: Captain Cornelius Tharpe

Outside Agency Case #: MI-37-0071

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death (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 April 27, 2018, the Florida Department of Corrections, Office of the Inspector General received information that Inmate Joe Gilyard, DC# 312127 was pronounced deceased at Dade Correctional Institution (DCI). On April 27, 2018 at approximately 12:05 am, Captain Cornelious Tharpe received a call due to an inmate in [REDACTED]. Captain Tharpe arrived [REDACTED] [REDACTED] Inmate Gilyard. Lieutenant Fernandez [REDACTED] subsequently pronounced Inmate deceased at 12:26 am. An investigative assist to the Florida Department of Law Enforcement (FDLE) was opened assigned to Inspector Richard Ryder.

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 April 27, 2018, Senior Inspector Frank Lewis responded to DCI reference this inmate death. At approximately 1:30 am, SI Lewis contacted DCI Captain Tharpe and FDLE Special Agent Michael Stein who provided background information.

In his April 27, 2018 Incident Report, Captain Tharpe indicated the following: On Friday, April 27, 2018, at approximately 12:05 am, he was summoned [REDACTED] inmate. When he arrived, [REDACTED] Inmate Gilyard. Inmate Gilyard earlier the day before, [REDACTED] gave Inmate Gilyard [REDACTED] [REDACTED] Once [REDACTED] [REDACTED] After monitoring Inmate Gilyard for several hours, he was [REDACTED].

In his April 27, 2018 Incident Report, Officer Leopoldo Diaz indicated the following: On April 27, 2018, at approximately [REDACTED] he was conducting a security check [REDACTED] and discovered Inmate Gilyard [REDACTED]. Officer Diaz immediately notified [REDACTED] [REDACTED]

In her April 27, 2018 Incident Report, [REDACTED] indicated the following: On April 26, 2018, she checked on Inmate Gilyard, [REDACTED] [REDACTED] was subsequently initiated.

In her April 27, 2018 Incident Report, [REDACTED] indicated the following: She saw Inmate Gilyard [REDACTED] at approximately 10:00 pm, and the inmate [REDACTED] [REDACTED] were calling the on-call provider. [REDACTED] arrived [REDACTED] and the time of death was 12:28 am.



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In her April 26, 2018 Incident Report, [REDACTED] indicated the following: [REDACTED]
[REDACTED] that Inmate *Gilyard* [REDACTED].

At around 10:00 pm, the inmate [REDACTED] 911 was subsequently called.

In his April 27, 2018 Incident Report, [REDACTED] indicated the following: At 11:50 pm, the inmate was talking [REDACTED]. At 12:05 am, the officer yelled that the inmate [REDACTED] Himself, [REDACTED]. [REDACTED] arrived at 12:25 am and subsequently called the time of death.

In her April 27, 2018 Incident Report, [REDACTED] indicated the following: On April 27, 2018, at approximately 12:05 am, [REDACTED] on Inmate Gilyard. [REDACTED] continued until [REDACTED] arrived at approximately 12:25 am and pronounced Inmate Gilyard deceased.

The FDLE in-Custody Death Summary Report submitted by Agent Stein indicates the following, in part: The Miami-Dade Medical Examiner's Office cause of death was due [REDACTED] and the manner of death was classified as suicide.

The Investigations Report and Autopsy Examination Report submitted by the Miami-Dade County Medical Examiner Department indicate the following, in part:

Cause of Death: [REDACTED]

Manner: Suicide

There are no administrative violations to address.

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 Michael Stein via the MDME Office that this case be termed as follows:

Exceptionally cleared