

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 18-11254**



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



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Case Number: 18-11254

OIG Inspector: Inspector Ryan Muse

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Logan Wilcox

Date Assigned or Initiated: 6-27-2018

Complaint Against: N/A

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

Complainant: Inmate Charles Vestal, DC# 312981

Outside Agency Case #: FDLE TL-37-0086

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death

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 June 23, 2018, at Wakulla Correctional Institution (WCI) Annex Inmate Charles Vestal, DC# 312931, approached the J-Dormitory Officer's station and showed Officer Charles Erskine his open hand full [REDACTED] Inmate Vestal [REDACTED] and swallowed them with water from an open plastic water bottle. Inmate Vestal was found to have swallowed approximately [REDACTED] Inmate Vestal [REDACTED]

On June 24, 2018, at 8:15 PM, Inmate Vestal was pronounced deceased [REDACTED]. Office of Inspector General (OIG) On-call Inspector Ryan Muse, and Florida Department of Law Enforcement (FDLE) On-Call Special Agent Logan Wilcox were both dispatched and responded to [REDACTED] to conduct an investigation.

On June 27, 2018, this incident was assigned to Inspector Muse as an Investigative Assist as FDLE was notified and responded to take lead.

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:

Upon arrival, Inspector Muse: made contact with security staff, began initial investigative inmate death scene protocols, and coordinated investigative assist efforts with FDLE Agent Wilcox. All records, logs, [REDACTED] (see below) were collected. Digital images were collected of; both Inmate Vestal's body including both his front and back. There appeared to be no [REDACTED]

Officer Charles Erskine was inside the J- Dormitory Officer station at Wakulla Correctional Annex (WCI). Officer Erskine's incident report detailed:

"Inmate Vestal showed me his hand which [REDACTED] (which is presumed to be approximately [REDACTED] while drinking water from a plastic water bottle. I gave him an order to stop but he swallowed the [REDACTED] anyway."

Inmate Vestal, was admitted into [REDACTED] on June 23, 2018, and declared deceased on June 24, 2018, at 8:15 PM (Eastern Standard Time) [REDACTED]. Inmate Vestal, consented [REDACTED]

Inmate Vestal's next of kin [REDACTED] arriving shortly after his time of his death. The WCI Duty Warden authorized a bed side visit for Inmate Vestal's family [REDACTED] believing he wouldn't survive another 48 hours. Inmate Vestal's mother Helen Vestal, and his sister Stacy Ratford, were both allowed to briefly view the body prior to Inmate Vestal being released to the morgue.



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Inspector Muse called WCI Annex Shift Supervisor Captain James Chunn, asking him to copy the security video footage of Inmate Vestal [REDACTED] and of him walking around [REDACTED]. Captain Chunn copied the incident report from the Officer who witnessed Inmate Vestal [REDACTED]. The DVD(s), security logs, and incident reports were presented to Agent Wilcox on June 25, 2018. The Medical Examiner's Office was notified and ordered an autopsy be conducted. Inmate Vestal's body was secured in the morgue on June 25, 2018 at 12:06 AM.

The security footage was reviewed by Inspector Muse and Agent Wilcox. Inmate Vestal was seen on video placing items into his mouth and drinking from a water bottle while standing in front of the Officer's Station window in J- Dormitory. The series of events on video support the incident reports supplied by security staff.

On June 25, 2018, Medical Examiner; Doctor Lisa Flannagan conducted an autopsy of Inmate Vestal (with the body to be turned over to next of kin upon completion). Medical Examiner Report #18M-328 stated:

Final Pathological Diagnoses:

[REDACTED]

Cause of Death: [REDACTED]

On 6-29-2018 The University of Florida [REDACTED] Report #R18-01450 which supported the Medical Examiner's Report.

This concludes all investigative activity. This injury/ death was self -inflicted with no signs of foul play to support any criminal activity. There were no administrative or policy violations associated with this incident. Inspector Muse recommends this investigation be:

- Closed- Exceptionally

VII. CHARGES

List alleged violations of Florida Law:

- NONE LISTED



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VIII. CONCLUSION

Inspector Ryan Muse reviewed the investigation completed by FDLE, and administrative issues were not identified, with this investigation now being closed.