

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 18-13295**



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



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Case Number: 18-13295

OIG Inspector: Inspector Mai Morris

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Andrew Tokajer

Date Assigned or Initiated: July 31, 2018

Complaint Against: N/A

Location of Incident – Institution/Facility/Office: Santa Rosa Correctional Institution Annex

Complainant:

Outside Agency Case #: PE-37-0148

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Death Investigation

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 or about July 31, 2018, the Florida Department of Corrections (*FDC*), Office of the Inspector General (*OIG*), received information via Management Information Notes System report #871919 which indicated on July 27, 2018, at Santa Rosa Correctional Institution Annex (*SARCI-A*), Inmate Cuebas, Michael DC# K63818 was discovered [REDACTED] with a sheet in shower cell Q3-218. Inmate Cuebas [REDACTED] at the time of his discovery and was transferred to the Q-dormitory [REDACTED]. [REDACTED] pronounced Inmate Cuebas deceased at 9:28 p.m. On July 27, 2018, on-call *OIG* Inspector Mai Morris responded to *SARCI-A* and assisted Florida Department of Law Enforcement (*FDLE*) Special Agent Andrew Tokajer who was in charge of the investigation. On July 31, 2018, the *OIG* District 1 Field Office initiated an investigation and assigned Inspector Mai Morris.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

Based on the exhibits, witnesses' testimony/statements, and the record as a whole, presented or available to the primary inspector, the following findings of facts were determined:

On July 27, 2018, at approximately 10:04 p.m., *FDLE* was notified of the in-custody death of Inmate Michael Cuebas located at *SARCI-A*. On July 27, 2018, at approximately 8:24 p.m., Inmate Cuebas [REDACTED] inside of cell, Q3-218, which is a single-occupancy shower cell inside of Q-dormitory.

[REDACTED] on Inmate Cuebas by correctional [REDACTED] [REDACTED] and Inmate Cuebas was pronounced deceased at approximately 9:28 p.m. *FDLE* Special Agent Andrew Tokajer responded to conduct the death investigation.

On July 27, 2018, at approximately 10:22 p.m., Special Agent Tokajer responded to *SARCI-A* to investigate the death of Inmate Cuebas. Upon arrival, SA Tokajer contacted Inspector Mai Morris. Inspector Morris provided the following summary: Inmate Cuebas was being housed in Q3-112 inside of Q-dormitory wing 3, [REDACTED]. On July 27, 2018, at approximately 8:24 p.m. correctional staff found Inmate Cuebas [REDACTED] inside of shower cell Q3-218. Correctional staff [REDACTED] Inmate Cuebas deceased at approximately 9:28 p.m. Records indicated Inmate Cuebas [REDACTED]. Special Agent Tokajer reviewed video surveillance and conducted interviews of witnesses, which all corroborated the fact that Inmate Cuebas used a sheet [REDACTED] inside of the shower cell.

On July 30, 2018, at approximately 9:00 a.m., Special Agent Tokajer attended the autopsy of Inmate Cuebas at the District One Medical Examiner's Office located [REDACTED] in Pensacola, Florida. The autopsy was performed by Medical Examiner Doctor Timothy Gallagher. Doctor Gallagher informed Special Agent Tokajer the preliminary findings [REDACTED] that the cause of death appeared [REDACTED].



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On September 24, 2018, Special Agent Tokajer received and reviewed the autopsy report from the District 1 Medical Examiner's Office. Doctor Gallagher performed the autopsy of Inmate Cuebas and his findings were that Cuebas' cause of death [REDACTED] with his manner of death listed as suicide.

VII. CHARGES

N/A

VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Agent Andrew Tokajer the death of Inmate Michael Cuebas be termed as follows:

- Suicide, [REDACTED]

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