

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 16-15108**



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



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Case Number: 16-15108

OIG Inspector: Inspector Christopher Baty

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Andrew Kempel

Date Assigned or Initiated: 08-09-2016

Complaint Against: N/A

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

Complainant: N/A

Outside Agency Case #: FM-37-0017

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death

Confidential Medical Information Included: ___ Yes X No

Whistle-Blower Investigation: ___ Yes X 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 August 8, 2016, at approximately 7:40 am, On-call Inspector Supervisor Yolanda Brown notified Inspector Christopher Baty of an unattended death at Charlotte Correctional Institution. Inmate Patrick Dalton had been pronounced deceased in the Charlotte Correctional Institution [REDACTED] of an unknown cause. Florida Department of Law Enforcement (FDLE) Special Agent Andrew Kempel is the lead investigator. FDLE case #FM-37-0017 was assigned to this case. Inspector Christopher Baty is the primary assist in this investigation assigned on August 9, 2016.

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 August 8, 2016, at approximately 6:50 am, [REDACTED] was called in D-Dormitory Quad-1.
- At approximately 6:50 am, Sergeant Julia Erns initiated the Incident Command System (ICS) for A-Team to respond to D-Dormitory quad-1 due to an [REDACTED] inmate on bed D1-119U.
- At approximately 7:00 am, Sergeant Branden Fisher arrived in D-Dormitory and immediately [REDACTED].
- At approximately 7:05 am, Inmate Dalton was [REDACTED] at Charlotte Correctional.
- At approximately 7:25 am, [REDACTED]
- At approximately 7:31 am, [REDACTED] pronounced Inmate Dalton deceased.
- At approximately 7:35 am, EAC Duty Officer Boone was notified.
- At approximately 7:40 am, On call Inspector Supervisor Yolanda Brown notified Inspector Christopher Baty.
- At approximately 7:45 am, Inspector Supervisor Brown notified the Florida Department of Law Enforcement (FDLE) Help Desk.
- At approximately 7:48 am, [REDACTED] exited the Institution.
- At approximately 7:50 am, Florida Department of Law Enforcement (FDLE) Supervisor Special Agent Mark Willis notified Inspector Christopher Baty and advised Agents would be responding the Charlotte Correctional.



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- At approximately 7:50 am, Inspector Gregory Fulcher arrived at Charlotte CI.
- At approximately 8:45 am, Inspector Christopher Baty arrived at Charlotte CI.
- At approximately 9:15 am, Special Agent Supervisor Patrick Crough, Special Agent Michael Ortiz, Special Agent Gary Negrielli and Special Agent Andrew Kempel arrived at Charlotte CI.
- At approximately 9:45 am, FDLE Special Agent Andrew Kempel made first contact with Inspector Baty.
- At approximately 9:49 am, Special Agent Supervisor Patrick Crough, Special Agent Michael Ortiz, Special Agent Gary Negrielli and Special Agent Andrew Kempel arrived at the Charlotte CI [REDACTED].
- At approximately 10:05 am, Inspector Baty and FDLE Agents went to D-dormitory to process the crime scene.
- At approximately 10:30 am, Inspector Baty notified the Medical Examiner's (ME) Office for the 22nd District Gregory Scharf of the death of Inmate Dalton.
- At approximately 10:35 am, Special Agent Alberto Diaz arrived to Charlotte CI.
- At approximately 11:20 am, Medical Examiner Gregory Scharf arrived at Charlotte CI.
- At approximately 1:05 pm, Medical Examiner's (ME) Office for the 22nd District Gregory Scharf exited the institution with Inmate Dalton.
- At approximately 1: 38 pm, Inspector Baty was advised by FDLE Supervising Agent Crough to release the crime scene.
- At approximately 1: 39 pm, Inspector Baty advised Major Gatto to release the crime scene in D-Dormitory.
- FDLE Agents interviewed all inmates from D-dormitory and all officers involved in the incident.
- At approximately 4:15 pm, Inspector Fulcher exited Charlotte CI.
- At approximately 4:45 pm, FDLE Agents departed from the institution.
- At approximately 4:45 pm, Inspector Baty departed Charlotte CI.

The following documentation was provided to FDLE Special Agent Andrew Kempel.

- Charlotte Incident Synopsis Past & Present
- Copies of Phone Calls of Inmate Dalton



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- Copy of [REDACTED] Video
- Diagram of D-Dormitory
- Chain of Custody form for the Video and Phone Calls
- D-Dormitory Information Logs

Investigative Demand for Records Pursuant to Criminal Investigation form was signed by Agent Kempel.

On August 9, 2016, Inspector Baty and FDLE Special Agent Andrew Kempel attended the autopsy on Inmate Dalton by Elise Arbefeville, MD. The initial cause of death was undetermined, pending [REDACTED]

On August 10, 2016, an email was received from Special Agent Kempel approving the release of Inmate Patrick Dalton's personal property to the family.

On September 13, 2016, a completed copy of the District 22 Medical Examiner's Report was received. The report reflects that the preliminary cause of death of Inmate Patrick Dalton was a [REDACTED] and the manner of death is classified as Accident [REDACTED]. The examination revealed no signs of foul play.

FDLE Special Agent Kempel advised via email case number FM-37-0017 (IG Case Number 16-15108) Inmate Patrick Dalton's DC#V36061 death investigation was officially closed.

VII. CHARGES

List alleged violations of Florida Law:

1. No criminal or administrative violations observed or discovered during the course of this investigation.

VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of Inspector Christopher Baty based on the Medical Examiner's Report and FDLE Special Agent Andrew Kempel the death of Inmate Patrick Dalton, be termed as follows as accidental:

- Exceptionally Cleared