

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 16-04470**



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



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Case Number: 16-04470

OIG Inspector: Inspector Jonathan Warren

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Steven Brenton

Date Assigned or Initiated: February 29, 2016

Complaint Against: N/A

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

Complainant: N/A

Outside Agency Case #: OR-37-0040

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: In-custody 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 February 22, 2016, the Florida Department of Corrections, Office of the Inspector General was notified that Inmate William James (125458) [REDACTED] and later pronounced deceased [REDACTED] at Lake Correctional Institution. The initial notification was made by the Emergency Action Center. The Florida Department of Law Enforcement (FDLE) was contacted; Special Agent Steven Brenton was assigned to conduct an investigation of the in-custody death. Inspector Jonathan Warren was assigned to assist the Special Agent Brenton with this investigation. Special Agent Brenton and Inspector Warren responded to Lake Correctional Institution and conducted a preliminary investigation. The Office of the Inspector General assigned Investigative Assist 16-04470 to Inspector Warren on February 29, 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:

At approximately 9:44pm on February 22, 2016, Correctional Officer Sergeant Yusef Stewart (45271) responded to loud noises (inmates yelling) [REDACTED] Lake Correctional Institution and discovered Inmate William James (125458) [REDACTED] on the floor of cell [REDACTED]. Inmate James [REDACTED] with thirty minute checks. Sergeant Stewart left the area. Correctional Officer Nathaniel Erving (83140) came to the area while performing an unrelated inmate escort. At 9:50pm, Sergeant Stewart returned to the cell with Correctional Officer Lieutenant Daniel Illsley (50777) and a cell extraction shield. [REDACTED] arrived at the cell front at approximately 9:50pm.

At 9:51pm, with the aforementioned staff members present, [REDACTED] was opened, and Sergeant Stewart and Officer Erving entered the cell. [REDACTED] determined that Inmate James [REDACTED] and left the area [REDACTED] at 9:52pm; she returned [REDACTED] at 9:53pm. At 9:54pm, Inmate James was removed from the cell [REDACTED].

[REDACTED] on Inmate James once he was [REDACTED].
[REDACTED] Inmate James.
[REDACTED] until Inmate James was pronounced deceased at 10:33pm [REDACTED].

Inmate James [REDACTED] until the arrival of this inspector and Special Agent Steven Brenton of the Florida Department of Law Enforcement. SA Brenton was in charge of this investigation. [REDACTED].

Inmate Arthur Atkins (167843) is the last person known to have spoken with Inmate James. Inmate Atkins was assigned to cell [REDACTED] which is next to cell [REDACTED]. Inmate Atkins could speak with [REDACTED] but could not see Inmate James. In an unrecorded statement made to this inspector and SA Brenton, Inmate Atkins
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reported that he had been speaking with Inmate James until Inmate James stated that he wished to use the restroom. Approximately five minutes after Inmate James quit speaking, Inmate Atkins began calling for Inmate James and did not hear him respond. According to Inmate Atkins, Sergeant Stewart arrived on the wing shortly after Inmate James quit speaking to him. Inmate Atkins informed Sergeant Stewart of the situation. Based on the review of staff statements and the video, this interaction occurred at approximately 9:44pm.

Inmate Atkins reported that Inmate James had said [REDACTED] shortly after eating dinner; Inmate Atkins added that the complaint was "nothing dramatic". Inmate James had not specified [REDACTED]

It should be noted that Inmate Atkins [REDACTED] in his assigned cell at approximately 9:06pm on February 22. Inmate Atkins was removed from his cell, [REDACTED], and returned to his cell at approximately 9:30pm. Inmate Atkins denied that he had consumed any substance [REDACTED]. Inmate Atkins stated that he was not aware of Inmate James taking any substances; Inmate Atkins reported that he had not smelled any odors.

After the preliminary investigation, [REDACTED]

Deputy Chief Medical Examiner Wendy A. Lavezzi provided her findings in the autopsy report for District Five Medical Examiner Case 2016-0264 which was dated May 27, 2016. Dr. Lavezzi [REDACTED] manner of Inmate James' death could not be determined. The original toxicology test did not include a test for the presence [REDACTED] Inmate James at the time of his death. At the request of this inspector, a second toxicology screening was conducted; the updated toxicology report showed that Inmate James' blood contained [REDACTED]. No other substances were identified.

Special Agent Steven Brenton provided the summary of Florida Department of Law Enforcement Case OR-37-0040. The disc reviewed and submitted to the District Seven Evidence Regional Control Area. Special Agent Brenton reported that "...the death of Inmate James could not be determined to be the result of any criminal act..." and recommended that no further investigation be conducted.

The interviews and video collected during the FDLE investigation were reviewed. It should be noted that the fixed wing video attached to the FDLE summary began at 7:50pm and ended at 10:51pm on February 22. The video previously provided to this investigator began at 9:18pm and ended at 10:00pm on February 22. A review of the video showed that the staff members assigned to H-Dormitory were not conducting security checks/cell front inspections at least every thirty minutes as required by Post Order 57, [REDACTED]/Security Sergeant/Officer.

The in-custody death of Inmate James will be termed exceptionally cleared as there is no evidence that the action or inaction of any person contributed to the death of Inmate James. It is recommended that an administrative investigation be initiated to address the apparent failure of the assigned staff to conduct routine cell front inspections.

VII. CHARGES

List alleged violations of Florida Law:

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1. No violations of Florida Statute were alleged or identified during the investigation conducted by the Florida Department of Law Enforcement.

VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Agent Steven Brenton that the in-custody death of Inmate Williams James be termed as follows:

1. Exceptionally Cleared.

Inspector Warren reviewed the investigation completed by FDLE, and administrative issues were identified. The administrative issues identified were assigned to Inspector Warren for administrative investigation in OIG case # 17-08805.