

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 16-21359**



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



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Case Number: 16-21359

OIG Inspector: Inspector Scott Gambel

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Matthew Grinstead

Date Assigned or Initiated: 11/25/2016

Complaint Against: Inmate Timmy Smith, DC# 137208

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

Complainant: N/A

Outside Agency Case #: TL-37-0037

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Death Investigation

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 November 25, 2016, Officer Mattie Hooker (*Hooker*) at Suwannee Correctional Institution (SWCI) observed Inmate Timmy Smith, DC# 137208 (*Smith*) laying on the floor of the J-dorm side 1 bedding area. Hooker found Smith [REDACTED]. Hooker alerted additional security staff and along with Inmate Harry Martinez, DC# X91861 (*Martinez*), [REDACTED] Smith. Sergeant William Kelley (*Kelley*) and Sergeant Johnny Mackey (*Mackey*) [REDACTED]. [REDACTED]. [REDACTED] Smith who was then transported from the dorm.

Smith [REDACTED] Inspector Scott Gambel (*Gambel*) was notified by Supervisor Katouree Jackson (*Jackson*) [REDACTED] with Smith. Gambel [REDACTED] that Smith [REDACTED]. [REDACTED] Smith [REDACTED]. Upon Smith's [REDACTED], he was pronounced dead at 11:10 pm. Gambel was notified by Jackson and responded [REDACTED] where he was met by FDLE Agent Mark Pentolino (*Pentolino*) to continue the investigation. Inspector Lee McGauley (*McGauley*) and FDLE Agent April Glover (*Glover*) responded to SWCI for the scene investigation. Smith [REDACTED] morgue to await the autopsy.

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:

The autopsy findings for the death of Smith show it to be the result [REDACTED]. [REDACTED] This case was reviewed by the State Attorney's Office and there appears to be no evidence in this case that would support criminal charges. There is no further investigation warranted at this time by the Florida Department of Law Enforcement.

The final investigation findings from Grinstead as well as the autopsy report are attached to this report.

VII. CHARGES

List alleged violations of Florida Law:

1. N/A

VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Agent Matthew Grinstead that the death of Inmate Timmy Smith appears [REDACTED] and should be termed as follows:

1. Exceptionally Cleared



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