

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 16-11800**



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



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Case Number: 16-11800

OIG Inspector: Inspector Brad Howard

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Jennifer Wolf

Date Assigned or Initiated: 06-20-2016

Complaint Against: Inmate Oliver Bozeman, DC# L60865

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

Complainant: Officer Dustin Cowser

Outside Agency Case #: TL-04-0027

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 12, 2016, at Columbia Correctional Institution (CCI), Officer Dustin Cowsert (*Cowsert*) reported while assigned to F-Dormitory he observed Inmate Arthur Hicks (*Hicks*), DC# 188731 lying on the floor of the Quad 1 dayroom [REDACTED]. Cowsert initiated Incident Command System (ICS) protocol and summoned additional security and [REDACTED]. Upon the arrival of additional staff, Hicks was placed [REDACTED] from a [REDACTED] and Hicks was [REDACTED] in Gainesville, FL. Following preliminary investigation, it was determined a possible battery had occurred.

This incident was reported to the Office Inspector General (OIG) and subsequently reported to the Florida Department of Law Enforcement (FDLE) and on-call Inspector Brad Howard and Special Agent (SA) Jennifer Wolf responded to CCI on June 12, 2016.

On June 16, 2016, On-Call Supervisor Joseph Hamner (*Hamner*) was notified Hicks had been pronounced deceased [REDACTED] (*Gainesville, Florida*).

This information was reported to the OIG via Management Information Notification System (MINS) and assigned to Inspector Brad Howard as an Investigative Assist to FDLE on June 20, 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 June 12, 2016, SA Wolf was dispatched to CCI due to an inmate who [REDACTED]. Inmate Hicks was sitting in the dayroom of F-Dormitory when he suddenly collapsed to the floor and [REDACTED]. Hicks' actions prior the collapse were viewed and revealed he was involved in a physical altercation with Bozeman and other unknown inmates several times that morning. Hicks was [REDACTED] determined Hicks was [REDACTED]. Hicks was placed [REDACTED] pending family notification. On June 13, 2016, Hicks was pronounced dead at 14:04 hours.

On June 12, 2016, SA Wolf was provided a DVD containing video surveillance footage [REDACTED]. Hicks and Bozeman were observed fighting with each other on four separate occasions from 09:46:23 until Hicks collapsed at 11:06:22. At 10:03:31 an unknown inmate is viewed stomping on the head of either Hicks or Bozeman. It is not clear from the video footage which inmate is on their back lying on the floor during the fight. At 10:04:12 Bozeman crawls out of the cell on his back.

Several inmates housed in F-Dormitory at the time of this incident were interviewed. Several inmates testified Hicks and Bozeman were arguing. Some inmates did not know what they were arguing about, others testified they were arguing over K-2 (*Synthetic Cannabinoids*). Some of the inmates observed Hicks and Bozeman fighting, others only heard the commotion. Multiple inmates indicated Hicks would not leave Bozeman alone and was determined to fight him. A couple of the witness inmates testified



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Hicks blocked the exit door in order to keep Bozeman from going to chow but, Bozeman continued attempts to avoid a confrontation.

Bozeman was read his Miranda warning and agreed to answer questions. Bozeman testified Hicks was angry inside his cell and was under the influence of K-2. Hicks was mad because Bozeman would not smoke with him. Hicks thought Bozeman possessed K-2. Hicks wanted to fight Bozeman because he felt disrespected. Bozeman did not want to fight Hicks and tried to avoid him several times. Hicks blocked the door when the dorm was released for chow and Bozeman did not eat. Hicks was walking around the dorm antagonizing Bozeman and told him he was not going to stop until they fought. Bozeman told Hicks he did not want to fight and he told him he had a life sentence and did not care. Bozeman fought Hicks so he would stop antagonizing him. No weapons were involved. Bozeman was not trying to hurt Hicks during the altercation.

After the altercation, Hicks sat in the dayroom in front of the fan. A few moments later Hicks [REDACTED] and collapsed to the floor.

Cowsert was working in F-Dormitory at the time of this incident. Cowsert was in the officer's station when several inmates notified him there was a [REDACTED] on in F-Dormitory. Cowsert observed Hicks lying on the floor inside the dorm and several inmates were [REDACTED] to him. Cowsert summoned for [REDACTED] Hicks was lying on the on the floor as if he had [REDACTED] and was [REDACTED] Security and [REDACTED] responded to F-Dormitory approximately one minute later. Hicks was [REDACTED] Hicks was rushed from the dormitory to the [REDACTED]

Cowsert indicated there were no prior calls for [REDACTED] n this date and he knew of [REDACTED] or disciplinary issues with Hicks.

On November 4, 2016, FDLE SA Wolf received a report from the District 8 Medical Examiner's Office containing the autopsy results regarding Hicks. Chief Medical Examiner William F. Hamilton, M.D., determined the probable cause of death as [REDACTED] and the manner of death as a homicide.

VII. CHARGES

List alleged violations of Florida Law:

On November 14, 2016, SA Wolf hand delivered this case file to Assistant State Attorney (ASA) John Durrett at the State Attorney's Office in Columbia County. The file included all Investigative Reports, Related Items, and the Investigative Summary drafted in furtherance to this investigation. Durrett signed a case file receipt. Durrett anticipated it would be several months before the SAO would have a filing decision.

VIII. CONCLUSION

On November 4, 2016, FDLE SA Wolf received a report from the District 8 Medical Examiner's Office containing the autopsy results regarding Hicks. Chief Medical Examiner William F. Hamilton, M.D.,



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determined the probable cause of death as [REDACTED] and the manner of death as a homicide.

On November 14, 2016, SA Wolf hand delivered this case file to Assistant State Attorney (ASA) John Durrett at the State Attorney's Office in Columbia County. The file included all Investigative Reports, Related Items, and the Investigative Summary drafted in furtherance to this investigation. Durrett signed a case file receipt. Durrett anticipated it would be several months before the SAO would have a filing decision.

Once a filing decision is made by the SAO concerning this investigation an additional investigative report will be added to this investigation advising the decision.

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