

# Florida Department of Corrections



## Office of the Inspector General

**CRIMINAL INVESTIGATION  
INVESTIGATIVE ASSIST  
CASE # 17-22342**



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



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**Case Number:** 17-22342

**OIG Inspector:** Senior Inspector Lark Napier

**Outside Agency:** Florida Department of Law Enforcement

**Outside Agency Investigator:** Special Agent Jonathan Stephens

**Date Assigned or Initiated:** 11 December 2017

**Complaint Against:** N/A

**Location of Incident – Institution/Facility/Office:** Tomoka Correctional Institution

**Complainant:** Inmate Christopher Spence (Decedent)

**Outside Agency Case #:** OR-37-0072

**Use of Force Number:** N/A

**PREA Number:** N/A

**Classification of Incident:** Accidental Death (Inmate) – 15E

**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 11 December 2017 the Department of Corrections, Office of the Inspector General, received information indicating that Inmate Christopher Spence (E01712 W/M 05/17/1980) was discovered [REDACTED] in cell B3208 at Tomoka Correctional Institution on 11 December 2017 at 2240 hours. At 2305 hours on 11 December 2017, Inmate Spence was pronounced deceased by [REDACTED]. In accordance with the active Memorandum of Understanding, the Florida Department of Law Enforcement (FDLE) assumed the investigative lead for this In-Custody Death investigation on 11 December 2017; Case Agent: Special Agent Jonathan Stephens.

**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 fact were determined:

**Initial Response**

At 2330 hours on 11 December 2017, this inspector was contacted by On-call Inspector Supervisor Katouree Jackson to respond to Tomoka Correctional Institution due to an in-custody inmate death investigation / FDLE Case Assist. Because the decedent was an open population inmate that expired from an unknown cause and manner, this inspector was advised that the Florida Department of Law Enforcement (FDLE) would be responding, in accordance with the most current Memorandum of Understanding (MOU) between the Florida Department of Corrections and the FDLE.

At 2332 hours, a brief background review of the decedent, Inmate Christopher Spence (E01712 W/M 05/17/1980) determined that he arrived in the Florida Department of Corrections on a commitment of fifteen (15) cumulative years for Grand Theft Motor Vehicle, Trafficking in Stolen Property [3 counts], Providing False Information to a Pawnbroker / <\$300 [2 counts], and Burglary of an Occupied Dwelling or Conveyance [2 counts] on 27 November 2006. Inmate Spence had a Tentative Release Date (TRD) of 20 March 2021. A review of the Corrections Data Center (CDC) database determined that Inmate Spence had [REDACTED] at the time of his expiration.

At 2337 hours, this inspector was provided an initial telephonic critical incident briefing by Correctional Officer Captain John Coy, during which Captain Coy reported that during the Master Roster Count in B-Dormitory, correctional officers were alerted by Inmate Alan Taylor (948714 W/M 07/13/1968), the cellmate of the decedent, that the decedent [REDACTED] in their shared cell, B3208. Upon an initial examination, security personnel determined that Inmate Spence [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] The Chief Health Officer, [REDACTED] called the Time of Death at 2305 hours on 11 December 2017. Inmate Spence [REDACTED] the [REDACTED]



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Captain Coy indicated that the decedent was secured in the primary crime scene, cell B3208, and that a correctional officer with a Critical Incident / Crime Scene Log was stationed directly in front of the cell door. Coy was directed to isolate Inmate Alan Taylor in a sequestered, dry cell or holding area and to advise all involved staff that they would not be permitted to depart Tomoka Correctional Institution until released by the responding FDLE Special Agents or this inspector. Additionally, Captain Coy was directed to ensure that the [REDACTED] [REDACTED] copies for submission to the District Seven (7) Medical Examiner's Office, with an identical set of copies for the FDLE, pending their submission of the required Investigative Records Request.

At 2347 hours, this inspector provided a telephonic critical incident briefing to the FDLE On-call Special Agent Supervisor, who advised that Special Agent David Hubbard would be responding to Tomoka Correctional Institution with a second, unidentified Special Agent.

At 0105 hours on 12 December 2017, this inspector arrived at Tomoka Correctional Institution. Informational briefing packets including background information on the decedent and his cellmate were compiled in anticipation of the FDLE arrival.

At approximately 0130 hours, Special Agents David Hubbard and Jonathan Stephens arrived at Tomoka Correctional Institution and assumed command of the incident.

At 0238 hours, the primary scene was discovered secured and intact with a correctional officer directly in front of the secured door of general population cell B3208. Cell B3208 was a secure, two-man cell with two (2) vertically adjacent bunks attached to the west wall, separate porcelain toilet and sink fixtures attached to the east wall, a single window in the north wall, and the top hung, solid, roller door on the south wall. The scene was unremarkable with no evidence of violence or struggle. No debris, [REDACTED], or other physical evidence was determined to indicate any physical anomalies within the room. Several articles of evidence were collected by the FDLE.

The decedent was [REDACTED], located in the space between the bunks and the opposite wall. He was fully clothed with an inmate jacket, 2 inmate shirts, 2 pairs of inmate pants, a pair of white socks, and one state issued "clog type" shoe on his left foot. His undergarments were undetermined at the time of the initial visual inspection. There were no apparent tears or punctures in his clothing, [REDACTED] were visible upon cursory examination. Special Agent Hubbard elected to contact the District Seven (7) Medical Examiner's Office to request an investigator and transport. Further examination of the decedent was delayed pending the investigator's arrival.

At 0315 hours, Inmate Alan Taylor was interviewed. Special Agent Stephens took the case lead and recorded the interview. At the request of Special Agents Hubbard and Stephens, this inspector remained in the room during the interview. Inmate Taylor indicated that the decedent was smoking an unknown substance immediately preceding the decedent's [REDACTED] and subsequent death. *At the conclusion of the FDLE on-site response, Inmate Taylor was ordered placed in Administrative Confinement status pending further investigation by the FDLE and the Medical Examiner.*

At 0349 hours, the Medical Examiner's Investigator arrived and was directly escorted to B-Dormitory, from the Sallyport Gate, by Internal Security Officers. At 0355 hours, a head to toe manual examination [REDACTED]



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██████████ Due to the confined space within the crime scene, the FDLE Special Agents and the Medical Examiner's Investigator conducted the examination and secured the decedent for transport. *Cell B3208 was retained as a secured crime scene pending further investigative efforts.* The decedent was transported to the Medical Examiner's Office at approximately 0500 hours.

Special Agents Hubbard and Stephens conducted staff interviews from 0539 to 0750 hours.

At 0800 hours, this inspector assisted Special Agent Hubbard with an inspection of the decedent's personal property.

At 0840 hours, all FDLE Special Agents departed Tomoka Correctional Institution. This inspector relayed final instructions to Management, turned in issued communications equipment, and departed at 0915 hours. On-call Inspector Supervisor Katouree Jackson and District 7 Inspector Supervisor Dennis McIntosh were provided with an update of progress.

**Release of Decedent Medical Information**

On 13 December 2017, this inspector provided SA Stephens with the required ██████████ ██████████ Inmate Spence's ██████████ ██████████ Stephens returned the completed and signed forms at 0907 hours on 14 December 2017.

On 18 December 2017, after clearance from Special Agent Stephens, cell B3208 was released to Management for routine occupation and use. Also on 18 December 2017, SA Stephens received Inmate Spence's medical records from Inspector Jonathan Warren at Tomoka Correctional Institution.

**Authorization to Return Confined Inmates to Population**

On 22 December 2017, SA Stephens cleared Inmate Alan Taylor for release from Administrative Confinement status. He additionally authorized the final disposition and release of any unrecovered property from cell B3208.

**Authorization for Decedent Property Release**

On 27 December 2017, Special Agent David Hubbard authorized the release of the decedent's property to his next of kin.

**Investigative Follow-up**

On 17 January 2018 and 16 March 2018, this inspector initiated a follow-up contact with SA Stephens concerning the disposition of FDLE case number OR-37-0072. The final Medical Examiner's report was pending.

**FDLE Case Disposition and OIG Review**

On 06 June 2018, Special Agent Jonathan Stephens received the District 7 Medical Examiner's Report from the forensic evaluation of the decedent, Christopher Spence. Associate Medical Examiner Andrew Koopmeiners conducted an autopsy on 13 December 2017. Doctor Koopmeiners indicated that the Manner and Cause of death were "Undetermined". Regarding the toxicology findings, Koopmeiners noted the "... ██████████ ██████████" and further that "Testing cannot rule out intoxication by a novel substance that is not detectable on routine screening."



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On 15 June 2018, a digital copy of FDLE case number OR-37-0072 was delivered to Inspector Warren at Tomoka Correctional Institution pending this inspector's return from extended leave.

On 06 August 2018, this inspector conducted a comprehensive review of OR-37-0072. It was noted that Special Agent Stephens utilized multiple avenues beyond the resources of the District 7 Medical Examiner's Office to determine the presence [REDACTED] in the evidentiary items recovered from cell B3208, with negative or inconclusive results.

The Florida Department of Law Enforcement determined no Probable Cause to extend criminal charges to any party.

No administrative deficiencies were determined during the course of this investigation and further action is not anticipated.

**VII. CHARGES**

**List alleged violations of Florida Law:**

No evidence of any criminal or administrative violations was determined and no charges are anticipated.

**VIII. CONCLUSION**

Based on the information gathered during the course of this investigation, it is the recommendation of Inspector Lark Napier the disposition of the In-custody Death of Inmate Christopher Spence, who was determined to have expired in an undetermined manner due to an undetermined cause, with the additional Medical Examiner's notation that the [REDACTED], as evidenced by the official report from the District 7 Medical Examiner's Office, be termed as follows:

**1. EXCEPTIONALLY CLEARED**

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