

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 16-17985**



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



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Case Number: 16-17985

OIG Inspector: Ryan Nicholas

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Kristen Brennan

Date Assigned or Initiated: 09-27-2016

Complaint Against: N/A

Location of Incident – Institution/Facility/Office: South Bay Correctional Facility

Complainant: N/A

Outside Agency Case #: MI-37-0043

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Death of Inmate Nicholas Beyo (suicide)

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 September 26, 2016, the Florida Department of Corrections (FDC), Office of the Inspector General (OIG) received notification of the death of Inmate Nicholas Beyo DC#E13389. Inmate Beyo was pronounced deceased on September 26, 2016, at South Bay Correctional Facility (SBCF). Florida Department of Law Enforcement (FDLE) is conducting the death investigation. Upon initial review of the information, OIG initiated a criminal investigation assist into the death and assigned it to Inspector Ryan Nicholas.

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 September 26, 2016, Officer Linton Thomas reported in an incident report the following: On September 26, 2016, at approximately [REDACTED] while he was assigned to hotel dormitory, he and Officer Elijah Shull conducted count within the dormitory. He stated he noticed a towel obstructing the view into cell 201. He gave multiple verbal directives for the towel to be removed, but he did not get a response.

Officer Thomas stated he asked Officer Shull to have Sergeant Deakeidra Weston open room 201. Upon the cell door being opened, he saw Inmate Nicholas Beyo sitting on the floor with a sheet tied around his neck. The ligature was tied to a wall. Inmate Beyo's hands were bounded behind his back and a rag was stuffed in his mouth. Officer Shull requested assistance. Sergeant John Liss, Officer Baisha Boonton, and Officer Tarsha Cooper responded. They cut the sheet from around Inmate Beyo's neck. Sergeant Liss [REDACTED] Inmate Beyo [REDACTED].

On September 26, 2016, Officer Shull reported in an incident report the following: On September 26, 2016, at approximately [REDACTED] he entered hotel dormitory and proceeded with the formal count procedures with Officer Thomas. He stated as he counted the bottom tier of quad one (1) Officer Thomas requested he come to cell 201, which was located on the top tier.

Officer Shull stated in cell 201 [REDACTED] inmate. The inmate had a towel wrapped around his neck with the opposite end tied to a clothes hanger, [REDACTED] [REDACTED] The inmate had both his hands bounded behind his back. The inmate only had boxer on. He stated he could tell the inmate [REDACTED]. Officer Thomas instructed him to call for additional assistance from security [REDACTED]. He followed directive and the response team arrived. Sergeant Liss [REDACTED] from around Inmate Beyo's neck [REDACTED] [REDACTED]

On September 26, 2016, Sergeant John Liss reported in an incident report the following: On September 26, 2016, at approximately 12:16 pm, he responded to hotel dormitory, wing 1, cell 201, for an alpha team emergency. He stated he went into cell 201 and saw Inmate Beyo [REDACTED]. He saw a bedsheet around Inmate Beyo's neck, a cloth stuffed in his mouth, and his hands were bounded behind his back. He ordered Officer Tarsha Cooper to retrieve the ligature cutter.



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He attempted to loosen the knot around Inmate Beyo's neck as he waited for the ligature cutter. Officer Cooper and Officer Baisha Booton returned and they cut the ligature from around Inmate Beyo's neck. [REDACTED] Inmate Beyo [REDACTED]

On September 26, 2016, Officer Tarsha Cooper reported in an incident report the following: On September 26, 2016, at approximately 12:16 pm, she responded to hotel dormitory, wing 1, cell 1, for an alpha team emergency. She stated she went into cell 201 with Officer Booton and Sergeant Liss. She saw Inmate Beyo [REDACTED]. His hands were bounded behind his back and a cloth like material was stuffed in his mouth. Sergeant Liss attempted to loosen the knot from around Inmate Beyo's neck as she recovered the ligature cutter. She assisted Sergeant Liss and Officer Booton with cutting Inmate Beyo down. Sergeant Liss and Officer Burgess [REDACTED] Inmate Beyo [REDACTED]

On September 26, 2016, Officer Baisha Boonton reported in an incident report the following: On September 26, 2016, at approximately 12:16 pm, she responded to hotel dormitory, wing 1, cell 1, for an alpha team emergency. She stated she went into cell 201 and saw Sergeant Liss attempting to cut Inmate Beyo down. Inmate Beyo [REDACTED] from a bedsheet that was wrapped around his neck. Inmate Beyo hands were bounded behind his back and a cloth was stuffed in his mouth. Once Inmate Beyo was cut downed Sergeant Lis [REDACTED]. Sergeant Liss instructed someone [REDACTED] [REDACTED] Sergeant Liss and Officer Burgess [REDACTED] on Inmate Beyo u [REDACTED] [REDACTED]

On September 27, 2016, the Palm Beach Medical Examiner's Office completed an investigation #16-1500 and indicated the following:

- The cause of death [REDACTED].
- The manner of death as suicide.

On October 4, 2016, GEO Inspector Christopher Castner completed investigation #16-1657. His investigation determined Sergeant Weston violated GEO policy 3.2.2 standards of employee conduct, when she logged security, safety, and sanitation inspections on H dormitory housing log which were not conducted.

His investigation determined Officer Thomas violated GEO policy 3.2.2 standards of employee conduct, when he failed to conduct security, safety, and sanitations inspections while assigned to H dormitory.

His investigation determined Officer Shull did not violate GEO policy 3.2.2 standards of employee conduct, when he failed to conduct security, safety, and sanitations inspections while assigned to H dormitory.

On January 19, 2017, FDLE Special Agent (SA) Kristen Brennan completed FDLE report MI-37-0043. The final report indicated the following:



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On September 26, 2016, at approximately 1:00 pm, the FDLE received information from FDC regarding the in-custody death of Inmate Beyo at SBCF. FDC reported Inmate Beyo was discovered during a head count in his assigned cell [REDACTED] with his hands tied behind his back and a cloth rag inside of his mouth. [REDACTED] to SBCF and pronounced Inmate Beyo deceased at 12:33 pm. It should be noted that SBCF is operated under contract by the GEO Group, Inc.

SA Brennan stated on September 27, 2016, she attended the autopsy of Inmate Beyo at the Palm Beach County Medical Examiner's Office (PBCME). The autopsy was performed by Associate ME Doctor Gertrude M. Juste, who related that her findings indicated Inmate Beyo's cause of death was consistent with suicide [REDACTED]

SA Brennan stated on January 19, 2017, she received the final ME report which concluded the cause of death [REDACTED] and the manner of death was suicide. Per the report the external examination revealed [REDACTED] Inmate Beyo's [REDACTED]

SA Brennan stated PBCME Forensic Investigator Heroin Ruiz determined the handwritten suicide note was left by Inmate Beyo. Law enforcement officers visually examined Inmate Beyo's body and [REDACTED] to suggest that Inmate Beyo was involved in a struggle or that a third party was involved. Inmate Beyo's cell, H1201, appeared in order and foul play was not suspected. Inmate Beyo's history [REDACTED]. He was also known to use drugs. He was supposed [REDACTED] but had stopped.

SA Brennan stated investigation closed no further information.

VII. CHARGES

List alleged violations of Florida Law:

N/A

VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Agent Kristen Brennan the death of Inmate Nicholas Beyo be termed as follows:

1. Exceptionally Cleared

The administrative violations were addressed by the GEO Group, Inc.