

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 18-15621**



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



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Case Number: 18-15621

OIG Inspector: Senior Inspector Jared Dewey

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Victoria St. John

Date Assigned or Initiated: 09/06/2018

Complaint Against: Correctional Officer Sergeant Derek Johnson

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

Complainant: Inmate Travis Rice DC#I42532

Outside Agency Case #: TL-37-0092

Use of Force Number: 18-15709

PREA Number: N/A

Classification of Incident: Death – Undetermined/Excessive Use of Force

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 September 4, 2018, Captain Jason Yetton at Hamilton Correctional Institution (HCI) reports that Inmate Travis Rice DC #142532 (Inmate Rice) was pronounced deceased [REDACTED] at HCI.

This information was reported to the Office of Inspector General via MINS and assigned to Inspector Jared Dewey (Inspector Dewey) on September 6, 2018 for review and upgraded to a Criminal Investigation on September 6, 2018.

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 4, 2018, Inspector Supervisor Michael McCord (Inspector McCord) notified Inspector Jared Dewey (Inspector Dewey) of a deceased inmate, later identified as Inmate Travis Rice DC#142532 (Inmate Rice) at Hamilton Correctional Institution (HCI). Inspector McCord advised Inspector Dewey that Inmate Rice was being combative in F-Dormitory which necessitated a use of force. Subsequent to the use of force, Inmate Rice became [REDACTED] Inmate Brown was secured in hand and leg restraints, [REDACTED], and escorted [REDACTED] [REDACTED] Inmate Rice was pronounced deceased [REDACTED].

Inspector Dewey contacted Captain Jason Yetton (Captain Yetton) who advised Inmate Rice became combative in the dormitory. Security Staff used both chemical agents and physical force to subdue Inmate Rice. The physical force consisted of security staff putting Inmate Rice on the floor. Inmate Rice [REDACTED]. Numerous security [REDACTED] until the arrival of [REDACTED]

Florida Department of Law Enforcement (FDLE) Special Agent Tori St. John (SA St. John) contacted Inspector Dewey and advised she would be responding to lead the investigation.

Upon arrival at HCI, Inspector Dewey and SA St. John made contact with Major Jeffery Bell (Major Bell), Assistant Warden Dalphus Johnson (Warden Johnson), Duty Warden Tonya Lancaster (Mrs. Lancaster), and Captain Yetton. Inspector Dewey and SA St. John proceeded [REDACTED] to inspect Inmate Rice's body. Sergeant Brandy Wolf (Sergeant Wolf) was maintaining security on Inmate Rice and keeping a housing log. Sergeant Wolf identified [REDACTED] [REDACTED] Inmate Rice was laying [REDACTED] wearing only state issued blue pants, state issued white boxers, and a cut state issued blue shirt. Inmate Rice was still restrained by leg irons [REDACTED] [REDACTED] Inmate Rice was pronounced deceased b [REDACTED] [REDACTED]

During the inspection of Inmate Rice's body, [REDACTED] [REDACTED] [REDACTED]



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Inmate Rice's fingers appeared to be a natural color and were not discolored (yellow/brown) in a way consistent with someone who smokes. [REDACTED] to Inmate Rice's body.

Inspector Dewey and SA St. John proceeded to F2-Dormitory to inspect the crime scene, conduct inmate interviews, and search Inmate Rice's property. Upon arrival, Correctional Officer Anthony Hawkins (Officer Hawkins) was maintaining security of the crime scenes and keeping a crime scene log. A search of Inmate Rice's property by Inspector Dewey and SA St. John yielded no identifiable evidence.

SA St John, assisted by Inspector Dewey, interviewed numerous Inmates Dion Newell DC#B11304, Timothy Newville DC#S36107, Daryl Comolli DC#T40341, Jose Rivas-Fontanez DC#X68933, Devin Martinez DC#E40861, Ja Ja Rodriguez DC#B15324, Teddy Durham DC#S25655, Victor Cintora DC#T73743, Reynald Philisma DC#B14184, and Michael Mahammitte DC#B14437.

All inmates that were interviewed denied Inmate Rice was a user of "K2" (synthetic marijuana) or any other intoxicating substances. The inmates believed Inmate Rice was suffering from a "spiritual battle", which was responsible for his behavior. The inmates described the "spiritual battle" as one where Inmate Rice was calling out for Jesus and claiming to be fighting demons. Inmate Rice was asking to be prayed for by inmates throughout the dormitory.

According to Captain Yetton, he and the following security staff were involved in the incident involving Inmate Rice: Sergeant James Creamer (Sergeant Creamer), Sergeant Derek Johnson (Sergeant Johnson), Sergeant James Hardee (Sergeant Hardee), Sergeant Edwado Miller (Sergeant Miller), Sergeant Jaimy Hancock (Sergeant Hancock), Sergeant Nicholas McCoy (Sergeant McCoy), and Correctional Officer Anthony Hawkins (Officer Hawkins)

A review of the fixed wing video of [REDACTED]-Dormitory indicated the following:

Inmate Rice was seen moving around the dormitory jumping and grabbing other inmates. Sergeants Creamer, Hardee, Johnson, and Miller attempted to escort Inmate Rice to the Officer's Station. Inmate Rice stopped and appeared to dance. Inmate Rice turned toward Sergeants Creamer and Hardee and swung his arms. Sergeant Hardee attempted to grab Inmate Rice's wrist, but Inmate Rice snatched away. Inmate Rice ran around the dormitory. Sergeant Johnson applied chemical agent to Inmate Rice. Sergeant Johnson then used physical force to place Inmate Rice on the floor. Additional security staff assisted in placing restraints on Inmate Rice. Inmate Rice was escorted off camera.

On February 1, 2019, SA St John was contacted for an update on her investigation. SA St. John advised the case will be going before a Grand Jury in March. SA St. John inquired if the officers involved in the case could be placed on some type of administrative leave or no inmate contact. This request was forwarded up the chain of command and all officers were placed on no inmate contact.

SA St John also provided a copy of the final autopsy report. Doctor Robert Pfalzgraf, Associate Medical Examiner, indicated the manner of death [REDACTED]
[REDACTED] The cause of death was determined [REDACTED]



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On March 14, 2019, SA St. John contacted SI Dewey and advised that a Grand Jury would be convened on March 18, 2019, to determine an indictment against Sergeant Johnson for the charge of Manslaughter. Sergeants Creamer, Hardee, Miller, Hancock, and McCoy were not facing criminal charges.

On March 18, 2019, a Grand Jury was convened in Hamilton County. SA St. John advised the Grand Jury returned "No True Bill" against Sergeant Johnson.

On May 9, 2019, SA St. John provided a copy of her report which confirmed "No True Bill" was returned on Sergeant Johnson and the death case is closed.

During a second review of the fixed wing video covering [REDACTED] Inmate Rice is laying on his stomach while Sergeant Johnson is laying on Inmate Rice's back (Sergeant Johnson's stomach to Inmate Rice's back). Sergeant Johnson can be seen with his left arm wrapped around Inmate Rice's throat and neck area, consistent with a technique known as a Standard Vascular Neck Restraint ("chokehold").

(Investigative note: The FDLE Case file, and related videos, was too large to upload into IGIS. The FDLE Case file was turned over to Inspector McCord on 05/23/2019.)

A check of Sergeant Johnson's FDLE CJSTC Form 6, Defensive Tactics Performance Evaluation from his Basic Recruit Training indicated he was not tested or showed proficiency on the proper utilization of the Standard Vascular Neck Restraint.

A check of the FDLE High Liability Curriculum for Defensive Tactics identified the neck area, when used with empty-hand techniques, is categorized as a target area having deadly force possibilities (See attachment 17, pages 235-236).

Based on SA St. John's report, it is requested that this case be closed Exceptionally Cleared.

Based on the Autopsy Report, which was corroborated by video evidence, along with Sergeant Johnson's Form 6 and FDLE High Liability Curriculum for Defensive Tactics, there appears to be possible administrative violations against Sergeant Johnson for Excessive Use of Force, F.A.C. 33-208.002(14).

The Use of Force related to this case is still open under Case #18-15709.

VII. CHARGES

1. Violation of § 782.07(1) Florida Statutes, Manslaughter

§ 782.07(1), Florida Statute, The killing of a human being by the act, procurement, or culpable negligence of another, without lawful justification according to the provisions of chapter 776 and in cases in which such killing shall not be excusable homicide or murder, according to the provisions of this chapter, is manslaughter, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.



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VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Agent Victoria St. John the allegation against Sergeant Derek Johnson for **Manslaughter, in violation of § 782.07(1) Florida Statutes**, be termed as follows:

1. Exceptionally Cleared

Inspector Dewey reviewed the investigation completed by FDLE, and administrative issues were identified. The administrative issues identified were assigned to the Use of Force Unit for administrative investigation in OIG case # 18-15709.