

# Florida Department of Corrections



## Office of the Inspector General

**CRIMINAL INVESTIGATION  
INVESTIGATIVE ASSIST  
CASE # 16-01711**



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



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**Case Number:** 16-01711

**OIG Inspector:** Senior Inspector Janene McLaughlin

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

**Outside Agency Investigator:** Special Agent Kevin Sapp

**Date Assigned or Initiated:** 01/22/16

**Complaint Against:** N/A

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

**Complainant:** Correctional Officer Gerry Nutter

**Outside Agency Case #:** FM-37-0012

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

**PREA Number:** N/A

**Classification of Incident:** Inmate Death - Accidental

**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 January 21, 2015, the Office of the Inspector General was advised that on January 21, 2016, at approximately [REDACTED], at Okeechobee Correctional Institution, Sergeant Gerry Nutter was conducting count in C-Dormitory when he observed Inmate Elgin Carey, DC#K77704, lying on the floor of cell C3-122S [REDACTED]. Inmate Carey was housed alone. ICS was initiated [REDACTED]. [REDACTED] arrived in C Dormitory and transported Inmate Carey [REDACTED]. [REDACTED] Inmate Carey [REDACTED] at the time. [REDACTED] Inmate Carey [REDACTED] at approximately 11:10pm [REDACTED]. Inmate Carey, [REDACTED] and it was determined that Inmate Carey was deceased at 11:14pm. Senior Inspector Janene McLaughlin was notified and responded to Okeechobee CI in addition to Agents from Florida Department of Law Enforcement. A Whistle-Blower review was conducted for this complaint. This was assigned as an Investigative Assist to Senior Inspector Janene McLaughlin to assist FDLE in Case #: FM-37-0012.

**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:

January 21-22, 2016 timeline:

- On January 21, 2016, at approximately [REDACTED] Inmate Carey was placed in bed with the assistance of his assigned [REDACTED] in preparation for master roster count.
- On January 21, 2016, during count, Inmate Carey was discovered two different times on the floor of his cell. Inmate Carey was responsive and was placed back onto his bed by his assigned [REDACTED] (in the presence of security staff). Inmate Carey declined offers to [REDACTED].
- On January 21, 2016, at approximately 10:28pm, Sergeant Gerry Nutter discovered Inmate Carey on the cell floor [REDACTED]. He initiated ICS [REDACTED].
- On January 21, 2016, at approximately 10:37pm, [REDACTED] arrived in C Dormitory and transported Inmate Carey [REDACTED] since Inmate Carey was partially responsive. Inmate Carey [REDACTED].
- On January 21, 2016, at approximately 11:10pm, [REDACTED] it is determined that Inmate Carey was deceased. Time of death noted as 11:14pm.
- On January 21, 2016, at approximately 11:45pm, On-call Inspector Supervisor Katouree Jackson contacted On-call Senior Inspector Janene McLaughlin for response to Okeechobee CI. Supervisor Jackson also contacted Florida Department of Law Enforcement (FDLE).
- On January 21, 2016, at approximately 11:55pm, Senior Inspector McLaughlin made contact with Captain Jeffery Striebel at Okeechobee CI and obtained additional details of the incident.
- On January 22, 2016, at approximately 12:07am, FDLE Special Agent Supervisor (SAS) Tracy Maurer made contact with Inspector McLaughlin and advised that FDLE staff will be responding to Okeechobee CI.
- On January 22, 2016, at approximately 12:19am, SAS Maurer contacted Inspector McLaughlin and advised that SAS Mark Willis and another Special Agent (SA) would be responding to Okeechobee CI from the Sebring area. Inspector McLaughlin contacted Captain Striebel and



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advised FDLE would be responding and provided direction as to what documents to have ready upon FDLE's arrival and ensured the cell and the inmate's body was properly secured and monitored with appropriate logs initiated.

- On January 22, 2016, at approximately 1:12am, SAS Mark Willis contacted Inspector McLaughlin and advised he and SA Kevin Sapp would be responding to Okeechobee CI.
- On January 22, 2016, at approximately 2:36am, FDLE staff observed cell C3-122 and found it in perfect order. FDLE staff began staff and inmate interviews. Staff incident reports were also provided to FDLE.
- On January 22, 2016, at approximately 3:05am, FDLE staff released cell C3-122 back to normal operations.
- On January 22, 2016, at approximately 3:05am, Inspector McLaughlin arrived at Okeechobee CI. An Investigative Demand was obtained from FDLE SA Kevin Sapp.
- On January 22, 2016, FDLE SAS Willis authorized the notification to the St. Lucie County Medical Examiner's Office. Sergeant Ezekiel Quiroz contacted the medical examiner's office via telephone.
- On January 22, 2016, at approximately 8:35am, Inmate Carey's body was removed from the institution and transported to St. Lucie County Medical Examiner's Office.

On January 22, 2016, the following documents were provided to FDLE Special Agent Sapp (Primary Investigator):

- Completed and signed Investigative Demand
- Face sheet for Inmate Carey.
- [REDACTED] for cell C3-122 and body of Inmate Carey
- A list of staff and inmates related to this incident
- Incident Reports written by:
  - Officer S. Lowe
  - Captain J. Striebel
  - Officer W. Ard

On January 22, 2016, FDLE completed the following:

- Photographed Inmate Carey's body (front and back)
  - At 2:45am, body was observed by FDLE Special Agents [REDACTED] [REDACTED] Inmate Carey's [REDACTED] Inmate Carey was dress in a long sleeve gray shirt, blue shorts, white socks, and had pads/leads on body [REDACTED] No evidence was collected.
- Photographed cell C3-122. No evidence was collected.
- Interviewed the following:
  - Captain Jeffrey Striebel
  - Sergeant Gerry Nutter
  - Officer Steven Lowe
  - [REDACTED]
  - [REDACTED]
  - Inmate Mac Wright, DC#031427 (Inmate Carey's [REDACTED])
  - Inmate Pope, Darryl, DC#B02221 ([REDACTED])
- Provided a copy of the completed DC-524: Release of Body form for Inmate Carey.





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On January 25, 2016, Senior Inspector Christopher Welsh attended the autopsy of Inmate Elgin Carey, DC#K77704, at the St. Lucie County Medical Examiner's Office. The following was reported by Inspector Welsh:

"This morning myself and FDLE Agent Jay Schultz attended the autopsy of Inmate Elgin Carey #K77704 performed by Dr. Mittleman. During the autopsy, it was discovered that Inmate Carey [REDACTED] Dr. Mittleman was advised that during the preliminary interviews with staff and inmates that Inmate Carey had fallen out of his bunk on at least one occasion and also fell prior [REDACTED] That was the only instance in the autopsy that was abnormal."

On January 25, 2016, FDLE Special Agent Kevin Sapp requested the following assistance:

- To meet on January 27, 2016, Wednesday, at Okeechobee CI at 8:00am.
- Have the following staff and inmates available for re-interview:
  - Sergeant Gerry Nutter
  - Officer Steven Lowe
  - Inmate Mac Wright, DC#031427
- Re-secure cell C3-122
- [REDACTED] that was assigned to Inmate Carey
- Wants to re-enact the finding of Inmate Carey in his cell utilizing the [REDACTED] and initial staff involved.

Inspector McLaughlin made arrangements on January 25, 2016, for all of the above.

On January 26, 2016, Inspector McLaughlin delivered the following DVD to Special Agent Kevin Sapp:

- Fixed wing video for all camera angles in [REDACTED] Dormitory, quad [REDACTED] for the following dates and times: 1-21-16 beginning at 9:30pm through 1-22-16 until 3:15am

On January 27, 2016, Inspector McLaughlin obtained the following video footage and hand delivered them to FDLE SA Kevin Sapp:

- [REDACTED] Dormitory [REDACTED] from 1-21-16 at 9:30pm through 1-22-16 at 3:15am
- [REDACTED] Dormitory wing [REDACTED] from 1-21-16 at 4:00am through 2:00pm
- [REDACTED] Dormitory wing [REDACTED] from 1-21-16 at 2:00pm through 11:59pm

On January 27, 2016, Inspector McLaughlin and Inspector Christopher Welsh assisted FDLE SA Kevin Sapp and SA King with the following:

- Arranged for staff and inmate re-interviews
  - Sergeant Gerry Nutter
  - Officer Steven Lowe
  - Inmate Mac Wright, DC#031427 (Inmate Carey's [REDACTED])
  - Inmate Pope, Darryl, DC#B0222 [REDACTED]
  - Inmate Dennis Pearson, DC#084306 (stopped at Inmate Carey's cell prior to count)





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- Arranged for clearing of C Dormitory, wing 3 for scene re-enactment
- Scene re-enactment with Inmate Wright, Sergeant Nutter, and Officer Dwight Beckford (played role of Inmate Carey) at cell C3-122. Digitally recorded by SA King.
- Arranged for SA King and SA Sapp to interview inmates assigned to C Dormitory, wing 3
- SA Sapp released cell C3-122 back to normal operations

On January 28, 2016, FDLE Special Agent Sapp released cell C3-122 back to normal operation. Facility staff was advised.

On January 29, 2016, FDLE Special Agent Sapp released Inmate Elgin Carey's personal property with the exception [REDACTED].

On February 2, 2016, FDLE Special Agent John King delivered a court order [REDACTED], and classification records for Inmate Carey. In addition, [REDACTED] which were located in Inmate Carey's personal property were given to FDLE Special Agent King along with a chain of custody. A copy of Inmate Carey's [REDACTED] was provided to FDLE Special Agent King per the court order by Inspector Welsh.

On February 5, 2016, Inspector McLaughlin provided Classification staff at Okeechobee CI a copy of the court order and advised to make a copy of Inmate Carey's classification file for FDLE per the court order. Inspector McLaughlin advised, she would pick up the file copy on Monday.

Fixed wing video was obtained from all three (3) cameras which captured [REDACTED] Dormitory, quad [REDACTED] between the following dates and times:

- January 21, 2016 at 9:30pm through January 22, 2016, at 3:15am.
- Incident time lines as follows:
  - 22:01:15: Inmate Wright ([REDACTED]) entered cell C3-122. Another inmate stopped at the cell front.
  - 22:02:03: The other inmate left the cell front (this inmate never entered the cell).
  - 22:03:33: Inmate Wright exited cell C3-122, and closed the cell door.
  - 22:04:09: Inmate Wright stood at his own cell front.
  - 22:04:17: Inmate Wright entered his own assigned cell.
  - 22:27:45: Sergeant Nutter does visual check through cell window and then opened cell door of C3-122.
  - 22:28:04: Inmate Wright and Sergeant Nutter entered cell C3-122.
  - 22:28:32: Sergeant Nutter exited the cell to complete count.
  - 22:29:55: Inmate Wright exited cell C3-122, and said something to Sergeant Nutter who was on the second tier.
  - 22:30:06: Inmate Wright entered cell C3-122.
  - 22:30:50: Sergeant Nutter entered cell C3-122.
  - 22:31:22: Sergeant Nutter exited cell C3-122.
  - 22:34:11: Sergeant Nutter entered cell C3-122.
  - 22:34:40: Officer Lowe arrived at cell front of cell C3-122.
  - 22:34:48: Sergeant Nutter exited cell C3-122 and Officer Lowe entered the cell.
  - 22:35:28: Sergeant Nutter at the cell front of cell C3-122 and Officer Lowe exited the cell and remained at cell front.



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- 22:35:37: Sergeant Nutter entered cell C3-122.
- 22:35:44: Sergeant Nutter exited cell C3-122.
- 22:36:28: Inmate Wright exited the cell with what appeared to be an empty wheelchair (in a collapsed position-left and right sides are close together). The wheelchair was placed against the wall, outside of the cell. Inmate Wright then re-entered the cell
- 22:40:23: [REDACTED] (possibly female, [REDACTED]) arrived at cell front of cell C3-12 [REDACTED].
- 22:41:04: Inmate [REDACTED] entered cell C3-122 [REDACTED] [REDACTED]
- 22:42:51: Inmate [REDACTED] exited cell C3-122 with [REDACTED] an officer [REDACTED] to the doorway of cell C3-122.
- 22:44:14: Inmate Carey approached cell door [REDACTED].
- 22:46:12: All security staff, [REDACTED] the inmate [REDACTED] Inmate Wright [REDACTED] and Inmate Carey [REDACTED] exited the quad.

On January 29, 2016, Inspector McLaughlin inquired to SA Sapp concerning the release of Inmate Carey's personal property. SA Sapp stated all personal property can be released with the exception [REDACTED] found in the property. He will need [REDACTED] found for review by the Medical Examiner.

On February 8, 2016, Inspector McLaughlin delivered the Classification file of Inmate Carey to Special Agent Sapp, per the court order. All records, per the court order, have been delivered to FDLE.

On February 29, 2016, Inspector McLaughlin received Inmate Elgin Carey, DC#K77704, autopsy report from FDLE Special Agent Kevin Sapp. The following was noted:

- Cause of Death: [REDACTED]
- Contributory Cause: [REDACTED]
- Manner of Death: Accident

On March 21, 2016, FDLE Special Agent Kevin Sapp provided the OIG with the complete FDLE case file.

## **VII. CHARGES**

**List alleged violations of Florida Law:**

No violations noted. Inmate death was accidental not involving staff or inmates.

## **VIII. CONCLUSION**

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Agent Kevin Sapp the death of Inmate Elgin Carey, DC#K77704, be termed as accidental.

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

- Exceptionally Cleared