

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 17-22757**



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



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Case Number: 17-22757

OIG Inspector: Sr. Inspector Mark A. Garcia

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Morgan DeJong

Date Assigned or Initiated: 12/20/2017

Complaint Against: Department of Corrections

Location of Incident – Institution/Facility/Office: Central Florida Reception Center Main Unit

Complainant: Inmate James McWilliams [S14953]

Outside Agency Case #: OR-37-0075

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 December 19th 2017, Inmate James McWilliams [S14953] was declared deceased by [REDACTED]. This was reported via Management Information Notes System (MINS) 824938 and assigned to Senior Inspector Mark A. Garcia as Investigative Assist 17-22757. The Florida Department of Law Enforcement (FDLE) was the lead investigative agency, into Inmate McWilliams' death. FDLE Special Agent Morgan DeJong, was the primary investigator.

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 December 19, 2017, I Senior Inspector Mark A. Garcia arrived at the Central Florida Reception Center Main Unit. There was an [REDACTED] at the facility. I contacted security staff who advised me that there was a [REDACTED] involving a possible inmate suicide in D-Dorm of the Main Unit. I immediately responded to the area. As I approached D-Dorm, I observed [REDACTED], along with Department of Corrections (FDC) staff, providing an inmate [REDACTED]. The inmate was identified as James McWilliams [S14953]. He [REDACTED] [REDACTED] [REDACTED] to Inmate McWilliams and [REDACTED] [REDACTED] him. A member of [REDACTED] Inmate McWilliams with a [REDACTED]. Inmate McWilliams was moved to [REDACTED] where [REDACTED] contacted the [REDACTED] [REDACTED] received instructions from the [REDACTED] and Inmate McWilliams was declared deceased at 7:57 AM, by [REDACTED]

I contacted Inspector Supervisor Dennis McIntosh who made the appropriate notification to the Florida Department of Law Enforcement (FDLE). I then initiated a preliminary investigation pending FDLE arrival. My preliminary investigation included a visual inspection and photography of Inmate McWilliams' cell (4102) in D-Dorm. I also observed and photographed Inmate McWilliams body and reviewed the dorm security video footage. I learned the following:

Video Review;

At 6:00 AM, in D-Dorm, all inmates (including the deceased) were locked and secured in their cells. Inmate McWilliams was housed alone in his cell. At approximately 6:20 AM, security staff awoke the inmates for movement to breakfast. The cell doors were unlocked and inmates exited their rooms. Inmate McWilliams was seen on video, moving by the window of his cell door. At 6:21:57 AM – Inmate McWilliams turned on the light in his cell, and looked out the door window. He stood and observed as inmates moved around the dorm. Inmate McWilliams shut the light in his cell off, and exited his cell. He walked through the day room and read the call outs list by the entrance to the dorm. He then calmly walked back into his cell at 6:23 AM. No one other than Inmate McWilliams entered his cell. At 6:24 AM, he closed the door to his cell, leaving it slightly ajar. The light to his cell remained turned off. Inmates in the dorm continued to move around and prepare for daily activities. Inmate McWilliams remained in his cell occasionally turning the light on and then off again. Video



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footage showed the last time Inmate McWilliams turned the light in his cell on an off, was at 6:46:07 AM. At approximately 6:49 AM inmates left the dorm for chow. Inmate McWilliams did not leave his cell. Inmates slowly returned to the dorm staring at approximately 7:04 AM. Inmate Geraldine Pridgen (246026) entered the dorm, and at 7:09:44 AM, looked into Inmate McWilliams cell through the door window. He notified other inmates of what he observed. Inmates gathered by the door to Inmate McWilliams' cell. The inmates contacted Sergeant (Sgt.) K. Washington who was in the area to conduct security checks. Sgt. Washington arrived at Inmate McWilliams' cell at approximately 7:10 AM. He realized Inmate McWilliams was hanging from the top bunk with a sheet wrapped around his neck, and [REDACTED] Sgt. Washington ordered the group of inmates back to their cells and initiated radio communication and emergency protocols. Security staff and [REDACTED] rushed to D-Dorm and provided Inmate McWilliams [REDACTED] Correctional Office D. Udo retrieved the ligature shears and cut Inmate McWilliams down. [REDACTED] At 7:30 AM Inmate McWilliams was removed from the cell and placed [REDACTED] Correctional Officer D. Udo [REDACTED] [REDACTED] [REDACTED] Inmate McWilliams. Inmate McWilliams was transported out of the dorm at approximately 7:32 AM. Security staff and FDC [REDACTED] provided Inmate McWilliams with [REDACTED] I secured a copy of the video footage for my investigation and another for the FDLE. FDLE agents were provided a copy of the video footage.

Visual Cell Inspection;

From the outside, Inmate McWilliams' cell was secured with appropriate anti-tampering tape. There was a bed sheet, braided and fashioned into a ligature tied on to the top bunk. Used [REDACTED] laid on the ground of the cell. Inmate McWilliams bed was dressed. His personal property was secured in his bunk drawer. The cell did not reveal any signs of a struggle or physical altercation. There were writings on the wall, miscellaneous letters, and personal literatures throughout the cell. I did not remove any items from the cell and it remained secured with a crime scene entry log completed by security staff. A complete inspection and photography of the cell was conducted by FDLE agents and I; upon their arrival on scene.

Inmate McWilliams' Body Visual Inspection;

I observed Inmate McWilliams body in [REDACTED]. It had [REDACTED] on and in it. [REDACTED] Inmate McWilliams [REDACTED] [REDACTED] or any other evidence which would indicate a fight, an attack, staff abuse, or other type of conflict. He had [REDACTED] which were consistent with "hanging". The [REDACTED] [REDACTED]. A complete evaluation of the body was conducted by the medical examiner's office investigator. The body was later removed by the Orange County Medical Examiner's Office.

Investigative Assist;

I made myself available to the FDLE agents and the Medical Examiner's Investigator as part of my investigative assist. FDLE was the primary investigative agency in Inmate McWilliams' death. FDLE agents were facilitated incident reports; video footage; security logs; photos I obtained; access to interview inmates and staff; and any other requested they had in order to complete their investigation.

Inspector Supervisor Dennis McIntosh was notified of the results of my preliminary investigation.



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FDLE Findings;

On April 4, 2018, FDLE Special Agent Morgan DeJong advised that the FDLE concluded its investigation into Inmate McWilliams death. Special Agent DeJong, provided me with a CD containing FDLE's Electronic Case File with their investigative findings; staff and inmate interviews; photos obtained; ME's Office Autopsy Report findings; video footage; and EBook FDLE report OR-37-0075. I reviewed the reports and items provided by Special Agent DeJong. A review of the FDLE findings revealed their determination was that Inmate McWilliams' death was suicide [REDACTED]. Their determination was based on all the evidence gathered during their investigation and Orange County Medical Examiner's Office Report 2017-001965. The medical examiner's report was generated as a result of an autopsy performed on Inmate McWilliams by Marie H. Hansen, MD. Doctor Hansen determined, based on her autopsy of Inmate McWilliams that his death was follows:

- Cause of Death – [REDACTED]
- Manner of Death – Suicide

Evidence;

I secured the CD provided by FDLE into evidence for safe keeping. It contains all photos obtained by FDLE; the EBook report, ME's Office report, the interviews conducted by FDLE, and their investigative findings.

Inspector Garcia findings;

There was no evidence, which lead me to believe, that Inmate McWilliams' death was caused by anything other than suicide [REDACTED]. My investigation and subsequent investigative assist to FDLE; FDLE's investigation; and the Orange County Medical Examiner's Office investigation; did not reveal any criminal or administrative violations by the Department of Corrections or its staff. Additional investigation by the Office of Inspector General is not necessary at this time.

Attached to this report are the photos, incident reports, and documents I reviewed during my preliminary investigation. Also attached is FDLE EBook Report OR-37-0075 and Orange County ME Report 2017-001965.

VII. CHARGES

List alleged violations of Florida Law:

1. Violation of Florida Statutes – N/A



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VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Agent Morgan DeJong the allegation against Department of Corrections for **any criminal or administrative violations**, be termed as follows:

1. Exceptionally Cleared – In this death investigation, no evidence exists that the death was the result of a crime or neglect.

Sr. Inspector Mark A. Garcia reviewed the investigation completed by FDLE, and administrative issues were not identified.