

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 17-20844**



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



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Case Number: 17-20844

OIG Inspector: Inspector Christopher Welsh

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Nathan Coogan

Date Assigned or Initiated: 11-20-2017

Complaint Against: Inmate George McElroy DC# 053796 (*Deceased*)

Location of Incident – Institution/Facility/Office: Moore Haven Correctional Facility

Complainant: Captain Victor Lawson

Outside Agency Case #: FM-37-0029

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death-Other

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 November 20, 2017, the Office of the Inspector General received MINS complaint #818604 from Moore Haven Correctional Facility. On November 17, 2017, at approximately 7:44 p.m., Officer Kenyatta Thomas was present in wing three of A-dormitory when she discovered Inmate George McElroy #053796 [REDACTED]. Security staff immediately began [REDACTED] [REDACTED] arrived and assumed the [REDACTED] [REDACTED]. Inmate McElroy was transported [REDACTED] where he was pronounced deceased by [REDACTED] at 10:25 p.m. The Florida Department of Law Enforcement is the lead investigative agency and Senior Inspector Christopher Welsh was assigned the assist on November 20, 2017.

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 November 17, 2017, at approximately 9:36 p.m., Senior Inspector Christopher Welsh was dispatched to Moore Haven Correctional Facility (MHCF) by Inspector Supervisor Katouree Jackson in reference to an inmate death. On November 17, 2017, at 8:55 p.m., Inmate George McElroy was pronounced deceased at [REDACTED] Clewiston, Florida by [REDACTED] Florida Department of Law Enforcement (FDLE) Special Agent Nathan Coogan is the lead investigator and Inspector Christopher Welsh is the primary assist in this investigation.

Inmate George McElroy, a White male, who was to be released by the Florida Department of Corrections (FDOC) on November 20, 2017.

On November 17, 2017, at approximately 7:44 p.m., Inmate McElroy was discovered lying on his assigned bunk (A3105s) [REDACTED] by Inmate Jeffrey Marion #568117. Marion notified the dormitory officer, Officer Kenyatta Thomas, who notified [REDACTED] arrived at the dormitory at approximately 7:45 p.m., in which McElroy [REDACTED] [REDACTED] was initiated. At approximately 7:49 p.m., [REDACTED] notified and responded to MHCF at approximately 8:00 p.m. At approximately 8:25 p.m., [REDACTED] departed MHCF with McElroy [REDACTED] [REDACTED] in Clewiston, Florida and was pronounced deceased at 8:55 p.m., by [REDACTED]

- At approximately 7:44 pm., Inmate McElroy was discovered on his assigned bunk (A3105S) by Inmate Jeffrey Marion. Marion reported McElroy [REDACTED] [REDACTED]
- At approximately 7:44 p.m., Correctional Officer Thomas was notified and observed McElroy on his assigned bunk [REDACTED] and immediately notified medical.
- At approximately 7:45, [REDACTED] arrived in A-dormitory, wing three and [REDACTED] [REDACTED]
- At approximately 7:49 p.m., [REDACTED] were notified.



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- At approximately 8:00 p.m., [REDACTED] arrived at MHCF.
- At approximately 8:25 p.m., [REDACTED] departed MHCF with McElroy en route to [REDACTED] in Clewiston, Florida.
- At approximately 8:55 p.m., McElroy was pronounced deceased [REDACTED].
- At approximately 9:21 p.m., Emergency Action Center (EAC) Duty Officer Angel was notified.
- At approximately 9:30 p.m., EAC notified Inspector Supervisor Katouree Jackson.
- At approximately 9:31 p.m., Supervisor Jackson notified Senior Inspector Welsh of the death at MHCF and to respond.
- At approximately 10:10 p.m., FDLE Special Agent Mark Willis made contact with Inspector Welsh and advised FDLE would be responding.
- At approximately 11:10 p.m., State Attorney's Office 20th Circuit On-call Attorney Sean Hoover was notified of the death. There was no response by the State Attorney's Office.
- At approximately 12:10 a.m., FDLE Special Agents Mark Willis and Nathan Coogan arrived at MHCF.
- At approximately 12:12 a.m., FDLE Special Agent John King arrived at HRMC to identify and photograph the entire body of Inmate McElroy.
- At approximately 12:16 a.m., 20th Circuit Medical Examiner's Office Investigator Matt Gleason was notified of the death of McElroy.
- At approximately 12:27 a.m. Inspector Welsh arrived at MHCF.
- At approximately 12:30 a.m., Agent Nathan Coogan, the lead investigator, signed the 2017 Revisions to S. 945.10, Florida Statue-Investigative Demand forms.
- At approximately 12:35 a.m., FDLE and Inspector Welsh attempted to review the fixed wing camera which was non-operational and therefore not reviewed.
- At approximately 12:38 a.m., FDLE and Inspector Welsh entered A-dormitory to evaluate the scene, collect and process evidence.
- At approximately 12:56 a.m., FDLE and Inspector Welsh interviewed all staff involved in the incident in A-dormitory involving McElroy.
- At approximately 1:12 a.m., FDLE and Inspector Welsh interviewed approximately five (5) inmates from A-dormitory, wing three.



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- At approximately 2:15 a.m., FDLE and Inspector Welsh departed MHCF.

There was no indication of physical attack [REDACTED] to Inmate McElroy's body.

On November 18, 2017, at approximately 9:00 a.m., an autopsy was conducted on Inmate McElroy by the 20th Circuit Medical Examiner Dr. Rebecca Hamilton. The preliminary cause of death is natural causes, pending results of the toxicology report.

FDLE Final Report:

The Florida Department of Law Enforcement provided a copy of Agent Nathan Coogan's case closed report, #FM-37-0029. The report noted FDLE agents responded to MHCF, reference McElroy's passing. The case was thoroughly investigated and no suspicious circumstances were discovered during this investigation. The autopsy found that the victim died as a result of natural causes with the [REDACTED]. The manner of death was determined to be accidental.

No criminal or administrative violations were noted by FDLE.

On May 15, 2018, the District 21 Medical Examiner's Office provided the autopsy report for McElroy. The report indicated the following: District Medical Examiner Dr. Rebecca Hamilton determined that McElroy's cause of death [REDACTED] [REDACTED] [REDACTED] [REDACTED] in McElroy's urine. Contributing factors of McElroy's death [REDACTED] [REDACTED]. The manner of death was determined to be an accident.

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 Nathan Coogan this death investigation be closed as follows:

1. Exceptionally Cleared

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