

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 17-10218**



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



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Case Number: 17-10218

OIG Inspector: Senior Inspector Louis Cordova

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Brian Livesay

Date Assigned or Initiated: June 11, 2017

Complaint Against: N/A

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

Complainant: Officer Curtis Williams

Outside Agency Case #: PE-37-0081

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death Investigation

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 June 11, 2017, at approximately 6:49 p.m. (CST), Inspector Supervisor Yolanda Brown notified Lead Senior Inspector Stacy L. Harris of the death of Inmate Calvin Johnson, DC #087753, Holmes Correctional Institution. Supervisor Brown advised the circumstances were unknown at that time. At approximately 6:54 p.m., Inspector Harris contacted Shift Supervisor Jarrard Deese, who advised Inmate Johnson [REDACTED] in A – Dormitory, Wing 1, from unknown causes. [REDACTED] by Captain Deese, [REDACTED] Inmate Johnson was pronounced deceased at 8:39 p.m., [REDACTED] Inspector Harris instructed Captain Deese to secure the crime scene, begin a crime scene log in the Dormitory and with the body and to begin review of the Dormitory video footage to determine if there was any physical altercation prior to the discovery of Inmate Johnson [REDACTED]. Inspector Harris advised Captain Deese she was en route with an estimated time of arrival of 1.5 hours. On February 28, 2018, the case was re-assigned to Senior Inspector Cordova.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

Based on the exhibits, witnesses' testimony, and the record as a whole, presented or available to the primary inspector, the following findings of facts were determined:

According to FDLE Special Agent Brian Livesay, on June 11, 2017, the Florida Department of Corrections contacted FDLE requesting investigative assistance at Holmes Correctional Institution in reference to the death of Inmate Johnson. In Johnson [REDACTED] in his bunk at approximately 6:17 p.m., and was pronounced deceased [REDACTED] a short time later.

According to Inmate Michael Keyes (DC#S31526), in investigative report PE-37-0081/6, Inmate Keyes observed Inmate Johnson go over to another inmate's bunk and smoke a cigarette or something. Inmate Keyes then observed Inmate Johnson fall over, pass out on the bunk and start to throw up a little bit. Inmate Keyes ran to Inmate Johnson with a mop bucket and rolled Inmate Johnson on his side so Inmate Johnson could throw up in the mop bucket. Inmate Keyes stated Inmate Johnson passed out the previous day and was seen throwing up after smoking.

According to Inmate Lavary Jones (DC#P12978), in investigative report PE-37-0081/7, Inmate Johnson smoked a substance on June 11, 2017, and about two (2) minutes later, Inmate Johnson started acting like he was about to throw up. Inmate Johnson laid back on the bed. Shortly thereafter, Inmate Johnson stopped moving.

According to Inmate Lonnie Locks (DC#A51889), in investigative report PE-37-0081/8, he was walking back to his bunk on June 11, 2017, at approximately 9:44 p.m. Inmate Locks noticed his bunkmate, Inmate Johnson, was lying on someone else's bed. It appeared as though Inmate Johnson was throwing up, so someone told Inmate Locks to get a bucket. Inmate Locks stated Inmate Johnson was placed on his stomach for five (5) to six (6) minutes before being moved to his bed. Inmate Locks stated he checked Inmate Johnson [REDACTED]. That is when the inmates banged on the dormitory door to get the correctional officers assistance.



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According to Inmate Ellis Stroud (DC#613250), in investigative report PE-37-0081/9, Inmate Stroud and Inmate Jones were about to smoke when Inmate Johnson approached them. Inmate Stroud indicated Inmate Johnson asked to join in and was allowed to do so. Inmate Johnson began to shake and they (Stroud and Jones) tried to bring him back. Inmate Stroud stated he had seen Inmate Johnson do this before and referred to it as “geeking out.” Inmate Stroud affirmed they were smoking K2.

Special Agent Livesay noted, in investigative report PE-37-0081/13, that on June 13, 2017, an autopsy was conducted on Inmate Johnson by Dr. Jay Radtke, Medical Examiner in the Fourteenth Judicial Circuit (Medical Examiner’s Case# 2017-MLA-0212). Dr. Radtke ruled the death of Inmate Johnson was accidental and [REDACTED]. [REDACTED]

[REDACTED]
[REDACTED] The case was closed by FDLE on September 25, 2017, after the autopsy and toxicology results had confirmed the cause of death.

Investigator’s Note: Senior Inspector Cordova reviewed the investigation completed by FDLE, and there were no administrative issues identified.

VII. CHARGES

There were no charges. Dr. Radtke ruled Inmate Johnson’s death was accidental, [REDACTED]

VIII. CONCLUSION

Based on the information gathered during FDLE Special Agent Brian Livesay’s investigation, it is the recommendation of Senior Inspector Louis Cordova that the death of Inmate be termed as follows:

- **Exceptionally Cleared**