

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 18-11250**



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



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Case Number: 18-11250

OIG Inspector: Ryan Nicholas

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Tatiana Miguel

Date Assigned or Initiated: 06-27-2018

Complaint Against: N/A

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

Complainant: N/A

Outside Agency Case #: MI-37-0074

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death of Inmate Jemal Simmons

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 or about June 26, 2018, the Florida Department of Corrections (FDC), Office of the Inspector General (OIG) received notification of the death of Inmate Jemal Simmons DC#110184. Inmate Simmons was pronounced deceased on June 26, 2018, at South Florida Reception Center South Unit (SFRC/SU). Florida Department of Law Enforcement (FDLE) is conducting the death investigation. Upon initial review of the information, OIG initiated a criminal investigation assist into the death and assigned it to Inspector Ryan Nicholas.

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 June 26, 2018, Officer Omari Wright reported in an Incident Report the following: On June 26, 2018, at approximately [REDACTED] during count in alpha dormitory, he found Inmate Jemal Simmons [REDACTED].

On June 26, 2018, Sergeant Alfred Brooks reported in an Incident Report the following: On June 26, 2018, at approximately 5:13 am, while he was assigned to alpha dormitory, he initiated ICS because Inmate Simmons [REDACTED]. Inmate Simmons was sitting on a toilet [REDACTED] in side one (1) bathroom. Inmate Simmons [REDACTED]. A-team personnel responded [REDACTED].

Investigator's notes: Security personnel at SFRC/SU completed an inmate death notification checklist which documented the following: Inmate Simmons [REDACTED] the responding law enforcement agencies, and the notification of security management.

Security personnel at SFRC/SU completed an emergency log. The entries began on June 26, 2018, at approximately 6:18 am, and ended on June 26, 2018, at approximately 11:07 am.

On January 26, 2018, the Miami-Dade County Medical Examiner's Department assumed control of Inmate Simmons's body.

On January 26, 2018, the Miami-Dade County Medical Examiner's Department completed ME report #2018-01877.

- The report listed the cause of death [REDACTED].
- The report listed the attendees as Forensic Technician David Morcomb and Photographer Leonard Wolf.



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FDLE Special Agent Tatiana Miguel completed FDLE case report #MI-37-0074 and indicated the following: On June 26, 2016, the FDC notified FDLE of an inmate death which occurred at SFRC. FDLE Special Agent Supervisor Felipe Williams and FDLE SA Miguel were called out to conduct an investigation into the death of Inmate Simmons.

FDLE SA Miguel stated FDC Sergeant Brooks advised he noticed Inmate Simmons in the restroom/toilet facilities using commode number 5 at approximately 2:43 am. Soon thereafter, Inmate Simmons was observed returning to his assigned bunk area. At approximately 4:34 am, Sergeant Brooks observed Inmate Simmons on camera using the toilet facilities once again. At approximately [REDACTED] during headcount, Inmate Simmons was still positioned on the commode as if he were using the facilities. However, there [REDACTED] At this time, security personnel summoned the facilit [REDACTED]. [REDACTED] At 6:18 am, [REDACTED] pronounced Inmate Simmons deceased.

FDLE SA Miguel stated a preliminary review of Inmate Simmons's body [REDACTED] [REDACTED] Video surveillance did not reveal any foul play. Miami-Dade Medical Examiner Toxicology report revealed that Inmate Simmons [REDACTED]. The manner was accidental.

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 Tatiana Miguel the death of Inmate Jemal Simmons be termed as follows:

1. Exceptionally Cleared

Inspector Nicholas reviewed the investigation completed by FDLE, and no administrative issues were identified.