



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



Table of Contents

I. AUTHORITY	4
II. METHODOLOGY.....	4
III. ANALYSIS.....	4
IV. DEFINITIONS	5
V. PREDICATE	6
VI. SUMMARY OF INVESTIGATIVE FINDINGS.....	6
VII. CHARGES.....	9
VIII. CONCLUSION.....	9

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 17-12075**



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



Case Number: 17-12075

OIG Inspector: Senior Inspector Christopher Baty

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Patrick Crough

Date Assigned or Initiated: 07-10-2017

Complaint Against: *Deceased*-Inmate Antonio Kirkland DC# 116761

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

Complainant: Correctional Major Johnny Morales

Outside Agency Case #: FM-37-0023

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: (Undetermined / Other Death)

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Chief Inspector General Case Number: N/A



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



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.



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



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.



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



V. PREDICATE

On July 10, 2017, at approximately 4:16 p.m., On-call Senior Inspector Christopher Baty was dispatched by On-call Inspector Supervisor Yolanda Brown to report to Charlotte Correctional Institution (CCI) in reference to an inmate death-other. On July 10, 2017, at 4:29 p.m., Inmate Antonio Kirkland, DC# 116761 was pronounced deceased [REDACTED] at Charlotte Correctional Institution by [REDACTED]. Florida Department of Law Enforcement (FDLE) Special Agent Patrick Crough was assigned as the lead investigator. FDLE case #FM-37-0023 was assigned to this case. Senior Inspector Christopher Baty was assigned as the primary assist in this investigation on July 10, 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 July 10, 2017, at approximately 3:18 p.m., Inmate Santos McGill, DC# W01203 and Inmate Antonio Kirkland, DC# 116761 were observed in their assigned cell A2110 (confinement) in a mutual altercation. Staff gave orders for the inmates to cease their actions to which they refused. Staff utilized chemical agents to get the inmates to cease their assault upon each other. The inmates ceased the altercation, however refused to be placed in hand restraints. A cell extraction team was assembled and Colonel Johnny Morales entered the area. Inmate McGill submitted to hand restraints without the need for the cell extraction team and it was at that time Inmate Kirkland [REDACTED] responded upon request. Inmate McGill had already been removed to a decontamination shower. Inmate Kirkland was found [REDACTED] at that time and continued through the transport [REDACTED] responded and Inmate Kirkland was pronounced deceased at 4:29 p.m.

- At approximately 3:18 p.m., on July 10, 2017, [REDACTED] was called in A-dormitory Quad-2.
- At approximately 3:25 p.m., Officer Gable initiated the Incident Command System (ICS) for A-Team to respond to A-dormitory quad-2 due to [REDACTED] inmate.
- At approximately 3:30 p.m., A-Team arrived [REDACTED]
- At approximately 4:00 p.m., staff arrived [REDACTED] with Inmate Kirkland [REDACTED]
- At approximately 4:15 p.m., [REDACTED] arrived and entered the [REDACTED]
- At approximately 4:16 p.m., Supervisor Brown notified Inspector Baty of the incident at Charlotte C.I. and to respond.
- At approximately 4:20 p.m., [REDACTED]



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



- [REDACTED] pronounced Inmate Kirkland deceased at 4:29 p.m.
- At approximately 4:30 p.m., EAC Duty Officer was notified.
- At approximately 4:47 p.m., Supervisor Brown notified the Florida Department of Law Enforcement (FDLE) Watch Desk.
- At approximately 5:04 p.m., Supervisor Brown notified (SAO) State Attorney Office On-call Investigator Stanley Ragin.
- At approximately 5:24 p.m., On-call FDLE Special Agent Mark Willis made contact with Senior Inspector Baty and advised FDLE would be responding.
- At approximately 5:40 p.m., Inspector Baty arrived at Charlotte CI.
- At approximately 5:41 p.m., FDLE Special Agent Patrick Crough made contact with Inspector Baty and advised he was the lead agent and his team was responding.
- At approximately 6:20 p.m., Investigator Stanley Ragin of the State Attorney's Office for the 20th Judicial District arrived at Charlotte C.I.
- At approximately 6:25 p.m., FDLE Special Agents Carmody, Beatty, Kempel, Crough, McCardle and Sarney arrived at Charlotte CI. FDLE signed the 2017 Revisions to S. 945.10, Florida Statute-Investigative Demand forms.
- At approximately 6:30 p.m., FDLE Agents entered [REDACTED] to investigate Inmate Kirkland.
- At approximately 7:15 p.m., Senior Inspector Laticia Ruiz arrived at Charlotte C.I.
- At approximately 7:20 p.m., Inspector Baty notified the Medical Examiner's (ME) Office for the 22nd District Lex Husbands of the death of Inmate Kirkland.
- At approximately 7:25 p.m., Agents conducted interviews of all staff involved in the incident in A-Dormitory involving Inmate Kirkland.
- At approximately 7:45 p.m., FDLE Special Agents Balunan and Thomson and the FDLE Crime Scene Unit arrived at Charlotte C.I.
- At approximately 8:00 p.m., Investigator Husbands of the ME's Office arrived at Charlotte C.I.
- At approximately 8:05 p.m., Agents conducted interviews of approximately 12 inmates from A-Dormitory.
- At approximately 8:10 p.m., Investigator Ragin of the State Attorney's Office departed Charlotte C.I.



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



- At approximately 8:15 p.m., Inspector Baty assisted Agents Balunan, Thomson and Investigator Husbands in collecting evidence in A-Dormitory.
- At approximately 9:30 p.m., FDLE Agents Balunan, Thomson and Investigator Husbands from the M.E. Office departed Charlotte C.I.
- At approximately 10:30 p.m., the ME's transport van entered the compound with Dan Nankivell and Dick Veselka to retrieve Inmate Kirkland's body.
- At approximately 10:50 p.m., ME's transport van departed the compound with Dan Nankivell, Dick Veselka and Inmate Kirkland's body.
- At approximately 11:00 p.m., all FDLE Agents departed Charlotte C.I.
- At approximately 11:10 p.m., Inspector Ruiz departed Charlotte C.I.
- At approximately 1:30 a.m., Inspector Baty departed Charlotte C.I.

FDLE Special Agent Andrew Kempel's report:

On July 10, 2017, at approximately 4:30 p.m., the Florida Department of Law Enforcement (FDLE) Intelligence Watch and Warning desk was contacted by the Florida Department of Corrections (DOC) Office of Inspector General (OIG) and notified of the death of Inmate Antonio Marcus Kirkland (DOC #116761). Inmate Kirkland was incarcerated at the Charlotte Correctional Institution (CCD located at 33123 Oil Well Road, Punta Gorda, Florida. Inmate Kirkland was involved in an altercation within his prison cell, A2110, with his cellmate, Santos McGill (DOC #W01203). Correctional officers responded to A2110 and deployed pepper spray in an attempt to break up the fight. Kirkland [REDACTED] during the removal of inmates from the cell as the inmates were being secured. Accordingly, DOC requested the assistance of FDLE to investigate the circumstances surrounding his death.

On Thursday, August 17, 2017, Special Agent (SA) Andrew Kempel received and reviewed a copy of the 22nd District Medical Examiner's (ME) Office report regarding Inmate Kirkland's autopsy. A seven-page report memorialized the results of the autopsy performed on Inmate Kirkland's body on July 12, 2017. ME Dr. Riazul Imami's opinion stated, in sum and substance, that Inmate Kirkland died [REDACTED]

[REDACTED] . [REDACTED]
[REDACTED]
[REDACTED] The manner of Inmate Kirkland's death was classified as an accident.

On page seven in the opinion of the report, SA Kempel located two typographical errors. Both errors appear in the opinion. One being the age listed of the decedent as 77, which should have been 44. The other was the word foot which should have been the word food. SA Kempel contacted the ME about those errors and they said they would review and correct those errors.

On Friday, October 6, 2017, SA Kempel received a revised page seven containing the corrections.

A copy of the autopsy report was placed in the case file as Related Item #1NV-24



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



A copy of the revised page seven of the autopsy report was placed in the case file as Related Item #1NV-26.

FDLE Special Agent Ronald McCardle's Final Report:

On the evening of July 10, 2017, Special Agents (SA) from the Florida Department of Law Enforcement (FDLE) Fort Myers Regional Operations Center (FMROC) responded to the Florida Department of Corrections (FDOC) Charlotte Correctional Institution (CCI), 33123 Oil Well Road, Punta Gorda, Florida to investigate a reported in custody death. Inmate Antonio Kirkland, (FDOC # 116761) was found [REDACTED] after an altercation with another inmate, in his assigned confinement cell.

On November 28, 2017, FDLE SA Ronald Slade McCardle conducted a final review of all the material in this case file, including the report from the Medical Examiner's (ME) office. ME Dr. Riazul Imami's opinion stated that Inmate Kirkland [REDACTED]
[REDACTED] The manner of Inmate Kirkland's death was classified as accidental. See Investigative Report (IR) 29 for additional details.

All investigative and administrative activity is concluded; this case is closed with this report.

VII. CHARGES

List alleged violations of Florida Law:

N/A

VIII. CONCLUSION

Based on the information gathered during FDLE's investigation, it is the recommendation of FDLE Special Agent Patrick Crough, no criminal violations were discovered during this investigation, this case, be termed as follows:

1. Exceptionally Cleared

Senior Inspector Christopher Baty reviewed the investigation completed by FDLE, and no administrative issues were identified.