

Florida Department of Corrections



Office of the Inspector General

CRIMINAL INVESTIGATION

Case # 17-10721



FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
CASE 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..... 10

VIII. CONCLUSION..... 10



FLORIDA DEPARTMENT OF CORRECTIONS
 OFFICE OF THE INSPECTOR GENERAL
CASE SUMMARY REPORT



Case Number: 17-10721

Inspector: Inspector Harry Hutson

Date Assigned or Initiated: 6-20-2017

Complaint Against: N/A

Location of Incident – Institution/Facility/Office: Cross City Correctional Institution

Decedent : Inmate David Shaw, DC# 304994

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Death Investigation

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Equal Employment Opportunity Investigation: Yes No

Chief Inspector General Case Number: N/A



FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
CASE 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
CASE SUMMARY REPORT



IV. DEFINITIONS

Unfounded:

Refers to a disposition of a criminal case for which a preponderance of the evidence exists to suggest the suspect's alleged behavior or action did not occur.

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.



FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
CASE SUMMARY REPORT



V. PREDICATE

At approximately 1040 hours on 6-17-2017, at Cross City CI, Inmate David Shaw, DC# 304994 [REDACTED] by the Cross City CI [REDACTED] Inmate Shaw [REDACTED] and was [REDACTED] period. At approximately 1400 hours Inmate Shaw began having [REDACTED] [REDACTED] was notified and responded at 1410 hours. Inmate Shaw was transported to [REDACTED] at 1432 hours. Inmate Shaw was [REDACTED] to the [REDACTED] for observation at 2100 hours. At approximately 0130 hours, on 6-18-2017, Inmate Shaw's [REDACTED] to the point where he [REDACTED], and was transferred to the [REDACTED] At 0324 hours, Captain Bobby Brown notified Inspector Hutson that Inmate Shaw had [REDACTED] from which he could [REDACTED] Inmate Shaw was pronounced deceased by [REDACTED] at 0324 hours, on 6-18-2017. Inmate Shaw's death was reported in MINS on 6-19-2017, and assigned to Inspector H. Hutson on 6-20-2017, as Death Investigation 17-10721.

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:

Deceased Inmate David Shaw, DC# 304994, DOB/08-03-1973, was initially received by the department on 9-21-2004 when he began serving a life sentence for Armed Robbery and 1st Degree Murder from Duval County. He arrived at Cross City CI on 4-18-2004 as a resolution to a protection issue.

At approximately 1040 hours on 6-17-2017, Inmate Shaw [REDACTED] and was [REDACTED] by the Cross City CI [REDACTED]. Inmate Shaw [REDACTED] of [REDACTED] and was [REDACTED] period. At approximately 1400 hours Inmate Shaw began having [REDACTED] [REDACTED] and he became combative.

[REDACTED] was notified at 1405 hours and [REDACTED] was notified and responded at 1410 hours. Inmate Shaw was transported to [REDACTED] at 1432 hours. Inmate Shaw was [REDACTED] for observation at 2100 hours. At approximately 0130 hours, on 6-18-2017, Inmate Shaw's [REDACTED] to the point where he [REDACTED], and was transferred to the [REDACTED]

At 0324 hours, Captain Bobby Brown notified Inspector Hutson that Inmate Shaw had [REDACTED] [REDACTED] from which he could [REDACTED]. Inmate Shaw was pronounced deceased by [REDACTED] [REDACTED] at 0324 hours, on 6-18-2017.

Inspector Hutson responded to [REDACTED] to initiate an investigation. Upon his arrival, Inspector Hutson examined the entire exterior of the inmate's body in an effort to locate any indication of trauma or suspicious injury. [REDACTED] and photos of the entire body were taken to document this fact. The cause of Inmate Shaw's death is shown as [REDACTED] in inmate Shaw's [REDACTED]



FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
CASE SUMMARY REPORT



In Cross City CI incident report MU-1706-075, dated 6-17-2017, Lt. Edward Kimbril reported that at 0840 hours, on 6-17-2017, Inmate Shaw was escorted to [REDACTED] due to [REDACTED] and [REDACTED]. Upon his arrival at [REDACTED] Shaw was placed in [REDACTED] cell under [REDACTED]. At 1429 hours Lt. Kimbril was advised that Inmate Shaw had stood up in the [REDACTED] cell, and had then fallen to the floor—striking his head. After [REDACTED] Inmate Shaw, [REDACTED] [REDACTED] who ordered Inmate Shaw transported to [REDACTED] [REDACTED] Inmate Shaw departed the main unit compound at 1505 hours. Institutional [REDACTED] from Cross City CI corroborate Lt. Kimbril’s account of the incident.

In Cross City CI incident report MU-1706-079, Officer Kira Williams reported that on 6-17-2017, at 2100 hours she was on duty as the control room clerk when she was notified by Sergeant Vicky Estes that Inmate Shaw had been [REDACTED]. At 0132 hours, on 6-18-2017, Inmate Shaw’s [REDACTED] and he had been relocated to [REDACTED]. In the same incident report, Captain Bobby Brown reported that at 0324 hours on 6-18-2017, Inmate Shaw had been pronounced deceased by [REDACTED]

In Cross City incident report 1706-098, Director of [REDACTED] reported that on 6-18-2017, at 1000 hours, she was conducting an inventory of the [REDACTED] left in Inmate Shaw’s property when she realized that [REDACTED] were missing. [REDACTED] also noticed some loose papers fall from a notebook one of which, contained a note stating:

mom

HI, HOW ARE YOU DOING? HOPE
ALL IS WELL AND ENJOY WITH YOU
AND THAT THIS LETTER FINDS
YOU IN THE BEST OF SPJR775
WELL MOM I AM SO SORRY
AND HOPE YOU CAN FORGIVE ME
FOR GIVING UP. MOM I WANT
TO BE HOME.

In Cross City CI incident report 1706-099, [REDACTED] reported that on 6-18-2017, at 1130 hours, Inmate Robert Shilstone, DC# G06357, told her that he had been friends with Inmate Shaw. Inmate Shilstone further advised [REDACTED] that Shaw had been “going through something” and that Inmate Shaw seemed to be struggling to deal with his prison sentence.

In Cross City CI incident report 1706-100, Officer Rebecca Evans reported that on 6-19-2017, at 1330 hours, she was monitoring inmate telephone calls when she noticed that calls had been made on 6-18-2017 using Inmate Shaw’s SECURUS PIN number; 304994. When asked, “Why would David do that?” and “why and how could David do this to us?” The inmate making the call advised that Inmate Shaw had been [REDACTED] and that he “had not been acting right.” Officer Evans was eventually able to learn that the inmate who made the telephone call was Timothy Walker, DC# 125696, and the calls were made to Shaw’s sister; Laviece Ruiz AT 757-839-7075.



FLORIDA DEPARTMENT OF CORRECTIONS
 OFFICE OF THE INSPECTOR GENERAL
CASE SUMMARY REPORT



During a recorded, telephonic (575-839-7075) interview conducted on 6-27-2017, Laviece Ruiz—sister of Inmate Shaw—gave the following information:

Ms. Ruiz advised that she had received a letter at her post office from Inmate Shaw, two (2) days after Shaw’s death. In the letter, Inmate Shaw made references to being “done with this life” and “going back home to his heavenly father.” Ms. Ruiz has no doubt that the letter was written by her brother, David, because she recognized his handwriting.

Ms. Ruiz further advised that for some reason the letter was addressed to Inmate Shaw’s ex-wife—Tracy Lamb—but it was sent to Ruiz’ post office box. Ms. Ruiz related that she got permission to open the letter from Ms. Lamb., and Ruiz then agreed to provide Inspector Hutson with a copy of the letter.

Ms. Ruiz had heard no recent suicidal statements from Inmate Shaw but she also advised that Inmate Shaw had attempted suicide in the past—at a different institution. Apparently, on this occasion, Inmate Shaw saved [REDACTED] and attempted to take an overdose of these hoarded pills.

The last time Ms. Ruiz spoke with Inmate Shaw was a couple of days prior to Shaw's death, and Inmate Shaw did not sound [REDACTED] or upset about anything. However, Ms. Ruiz advised that there is [REDACTED] in her family and she believes Inmate Shaw [REDACTED]. Ms. Ruiz related that he got along well with his fellow inmates and she has no reason to believe anyone would have wanted to harm Inmate Shaw.

On 7-19-2017, Ms. Ruiz met with Probation & Parole Supervisor Alfie Frazier, in Jacksonville, and provided copies of the letter she had received from Inmate Shaw. Mr. Frazier scanned the documents and emailed them to Inspector Hutson. The documents received were copies of the envelope, a photograph of Inmate Shaw and a female, and two pages of hand-written text:





FLORIDA DEPARTMENT OF CORRECTIONS
 OFFICE OF THE INSPECTOR GENERAL
CASE SUMMARY REPORT



(01/17/17:10)
 BEG YOU TO LIVE RIGHT TO MAKE RIGHT
 JUSTICE AND REPAIR OF THE WOUND CASTES
 AND LIVE THE GOSPEL OF YOUR COURAGE,
 THROUGH THE BENCH IN THE NAME OF GOD
 AND THROUGH HIS TRUE MURCH AND WE WILL
 ALL CRUE SPEAK FOR THE BLESSED PRISON
 OF OUR HEAVENLY FATHER AS A FATHER
 FATHER, I KNOW HIS TO BE THE WITHOUT
 A DOUBT, I KNOW I WILL LIVE IN HEAVEN!
 (LENS 1.17 - MORNING 10:30)
 send
 FATHERS CAN BE ASKED FORGET, PROVIDED
 HEAVENLY FATHER, DON'T, I KNOW, I WANT
 TO BE WITH YOU OWN FATHERLY, AND THE
 LORD HAS SHOWN ME HOW I CAN, THE LORD
 HAS SHOWN ME HOW I CAN, I WILL BE WAITING
 TO MEET YOU ALL WITH OPEN ARMS, LOVE YOU!
 P.S. TRACY PLEASE SEND THIS LETTER TO ALL, WHEN
 THE TIME IS RIGHT, THANK YOU SO MUCH.

During a sworn, audio-recorded interview conducted at Cross City CI, on 7-17-2017, Inmate Robert Shilstone, DC# G06357, gave the following information:

Inmate Shilstone related that that he was friends with Inmate Shaw and had been approximately 1 ½ - 2 years. Shilstone stated that he had advised [REDACTED] that Inmate Shaw had been “going through something” and, when he was asked to elaborate, he explained that Inmate Shaw had seemed to be emotionally struggling with his life prison sentence. Inmate Shilstone does not believe Shaw was involved [REDACTED] and he was unaware of Shaw having any enemies. Inmate Shilstone was not known to use illegal drugs such as K2. Inmate Shilstone did seem [REDACTED] at times, and these times seemed to increase in frequency leading up to the time of his death. Shilstone stated that Inmate Shaw sometimes got annoyed with a fellow inmate with whom his sister—Laviece Ruiz—was having some kind of relationship, but Inmate Shilstone does not know of anyone who would wish harm to Inmate Shaw.

During a sworn, audio-recorded interview conducted at Cross City CI, on 7-17-2017, Inmate Timothy Walker, DC# 125696, gave the following information:

Inmate Walker advised that he is involved in a relationship with Inmate Shaw’s sister, Laviece Ruiz, and that he often talked to Ms. Ruiz using Shaw’s SECURUS telephone account. Shaw had been going to [REDACTED] was apparently running [REDACTED]. Inmate Walker has never seen Inmate Shaw use illegal drugs and he does not believe Shaw had any enemies. Inmate Walker never heard Inmate Shaw mention harming himself, but Walker does not believe anyone would have harmed Inmate Shaw

Office of the Medical Examiner in the 8th District, signed by Dr. William Hamilton, MD, which contained the following findings:

1. [REDACTED]
2. [REDACTED]



FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
CASE SUMMARY REPORT



3. [REDACTED]
4. [REDACTED]
5. [REDACTED]

Probable Cause of Death: [REDACTED]

Manner of Death: Suicide

There was no video coverage of the incident and no evidence has been discovered indicating foul play or suspicious activity on the part of inmates or staff members. It appears that proper procedures were followed by both [REDACTED] and security staff, and all indications are that Inmate Shaw's death was the result of an intentional suicide.

VII. CHARGES

None

VIII. CONCLUSION

Based on the information gathered during this investigation, it is the recommendation of Inspector Harry Hutson that this investigation be closed with no further action by the Office of the Inspector General.

1. Exceptionally Cleared.