

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 17-05558**



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



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Case Number: 17-05558

OIG Inspector: Inspector James K. Maloney

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Matt Infinger

Date Assigned or Initiated: 04/03/2017

Complaint Against: Inmate John Oakes DC #642167 (*Deceased*)

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

Complainant: Sergeant Kelly Kennedy

Outside Agency Case #: PE-37-0071

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death

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 April 3, 2017, at approximately 1:21 p.m., Assistant Warden John Kolodziej, Walton Correctional Institution, notified Senior Law Enforcement Inspector Stacy L. Harris and Law Enforcement Inspector James K. Maloney, he was en route to [REDACTED] inmate. Warden Kolodziej advised the incident appeared to be K2 spice related. The deceased inmate was identified as John Oakes, DC #642167, who was pronounced deceased by [REDACTED] at 1:29 p.m.

The preliminary investigation indicated no obvious signs of foul play, [REDACTED] to the deceased as evidenced by a cursory review of the body and the video record. Several inmates were observed smoking an unknown substance, to include Inmate Oakes, who after smoking the unknown substance laid down on his bunk and does not appear to move again.

Senior Inspector Randy Anglin notified the FDLE Watch Desk at 1:35 p.m. FDLE agents responded and assumed primary investigative duties for the incident.

On April 4, 2017, Senior Inspector Harris and Inspector Maloney attended the autopsy of Inmate Oakes with FDLE agents. The preliminary information obtained indicated possible [REDACTED] pending further analysis.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

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

On April 3, 2017, at approximately 1:21 p.m., Assistant Warden Kolodziej notified Inspector Stacy L. Harris and James K. Maloney he was en route to [REDACTED] inmate. Warden Kolodziej further advised Inmate Oakes' current status was possibly due to the use of K2 spice.

Upon the arrival of Inspectors Harris and Maloney in [REDACTED] we observed Correctional Officers Justin Shaw and James Filpi [REDACTED] on Inmate Oakes. Inspector Maloney observed no obvious, visible signs of [REDACTED] to Inmate Oakes' person. At that time, Inmate Oakes was [REDACTED]

Inspector Harris notified Inspector Supervisor Maurice Radford of Inmate Oakes' [REDACTED] at approximately 1:26 p.m. Inspector Radford advised to contact Senior Inspector Randy Anglin. Inspector Harris notified Inspector Anglin of the above situation and during their conversation, [REDACTED] pronounced Inmate Oakes deceased at approximately 1:29 p.m. Inspector Anglin notified FDLE of the death of Inmate Oakes at approximately 1:35 p.m.

Inspectors Harris and Maloney entered F - Dormitory and reviewed the video footage. It was observed several inmates were smoking an unknown substance, to include Inmate Oakes, who after smoking the unknown substance laid down on his bunk and did not appear to move again. After a few minutes, unidentified inmates could be observed attempting to rouse Inmate Oakes, to no avail. The inmates then began to [REDACTED] After several minutes an inmate notified F - Dormitory Sergeant Kelly



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Kennedy of the inmate's [REDACTED]. There was no physical disturbance or altercation, or any signs of foul play on the video footage. Warden Kolodziej provided Inspector Maloney a copy of the F – Dormitory Housing Log and a copy of the Bed Inventory List.

At approximately 1:59 p.m., Inspector Harris was notified by FDLE Agent Supervisor Chris Williams he and his team were en route to the institution. At approximately 2:24 p.m., Inspector Harris was notified by FDLE Agent Mark Brown his estimated time of arrival would be 3:20 p.m. Agent Brown requested any and all witnesses be separated, which had already been done. The following inmates were observed in the area of Inmate Oakes just prior to his [REDACTED]: McCloud, Lorenzo T., DC #M29432, Bunce, David M., DC #821894, Garcia, Jesus M., DC #B01145, Suggs, Gregory L., DC #N17500, Hack, Basem S., DC #349269, Carnes, James P., DC #P48375, Cruz, Joel V., DC #X26989, and Evans, Marshall L., DC #063029.

At approximately 3:22 p.m., Agent Brown arrived at the institution and was escorted by Inspectors Harris and Maloney to [REDACTED] to examine Inmate Oakes' person. At approximately 3:29 p.m., Medical Examiner Renee Sigler arrived at the institution, at which time Agent Brown released Inmate Oakes' body. At approximately 3:35 p.m. FDLE Agent Chris Williams arrived at the institution. At approximately 3:45 p.m. FDLE Agent Matt Infinger arrived at the institution. Inspectors Harris and Maloney assisted with the facilitation of interviews of the known witnesses to include the following: [REDACTED] and Correctional Officers – Shaw, Justin and Filpi, James.

Inspectors Harris and Maloney escorted the FDLE Agents to Y – Dormitory to assist with the facilitation of the following interviews: McCloud, Lorenzo T., DC #M29432 and Bunce, David M., DC #821894. Inspectors Harris and Maloney escorted the FDLE Agents to F- Dormitory where we facilitated with searching Inmate Oakes' footlocker, which was met with negative results for contraband.

At approximately 4:07 p.m., the body removal service arrived at the institution and departed with the deceased at approximately 4:35 p.m. At approximately 4:27 p.m., The Medical Examiner departed the institution. At approximately 5:21 p.m., all FDLE Agents departed the institution.

On April 4, 2017, Inspectors Harris and Maloney attended the autopsy of Inmate Oakes with FDLE Agent Matt Infinger. Doctor Cameron Snider conducted the autopsy.

On October 27, 2017, Inspector James K. Maloney received Inmate Oakes' Autopsy and Toxicology report (MLS17-275) in which revealed the Cause of Death to be [REDACTED] and the Manner of Death to be an Accident.

On October 30, 2017, Inspector James K. Maloney received the final Investigative Report from Special Agent Matt Infinger which advised he reviewed the Autopsy report on August 14, 2017, for Inmate John Oakes and the autopsy report will be maintained as report #INV-11, in the related items section of FDLE case PE-37-0071, and that Case PE-37-0071 is closed at this time.

There were no violations of Florida Administrative Code, Florida State Statute, or Department of Corrections Police and Procedure noted in this investigation.



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VII. CHARGES

- None

VIII. CONCLUSION

Based on the investigative findings by Inspector James K. Maloney recommends the death of inmate Oakes be termed accidental and this Investigative Assist be closed.

- Exceptionally Cleared