

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 16-01984**



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



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Case Number: 16-01984

OIG Inspector: Inspector Greg Fulcher

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Alberto Diaz

Date Assigned or Initiated: 01-25-2016

Complaint Against: N/A

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

Complainant: N/A

Outside Agency Case #: FM-37-0013

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death (Unattended)

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 January 25, 2016, at approximately 2:50 pm, at Charlotte Correctional Institution, Correctional Officer Scott Archibald was assigned to A-Dormitory and discovered Inmate Reginald Davis DC# B11446, in the shower next to cell A1-101, with a ligature tied around his neck which was also tied to the window bar. Inmate Davis [REDACTED]. Officer Archibald cut the ligature, Sergeant Brandon Fisher [REDACTED]. Inmate Davis was taken [REDACTED]. At approximately 3:17pm, [REDACTED] Inmate Davis. At 3:25 pm, [REDACTED] pronounced Inmate Davis deceased via telephone [REDACTED]. Senior Inspector Janene McLaughlin [REDACTED] at Charlotte CI and Florida Department of Law Enforcement (FDLE) Special Agents responded to Charlotte CI. A Whistle-Blower review was conducted for this investigation. This case was assigned as an Investigative Assist to Senior Inspector Janene McLaughlin on January 25, 2016, reference FDLE Case #: FM-37-0013. On April 26, 2017, the investigative assist was reassigned to Inspector Greg Fulcher.

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:

Senior Inspector Janene McLaughlin's timeline report for January 25, 2016:

- January 25, 2016, at approximately 1:34 pm, Inmate Davis was released from C Dormitory [REDACTED] and was reassigned to A Dormitory, quad one (Administrative Confinement Unit). Inmate Davis was placed into the shower nearest cell A1-101 until a cell could be assigned.
- 2:56 pm: Inmate Davis was discovered in the shower nearest to cell A1-101. [REDACTED]. Inmate Davis had a ligature tied around his neck which was also tied to the window bar of the shower. It appeared the ligature was made from the white stripe from his state issued blue pants.
- 2:58 pm, The ligature was cut and Inmate Davis was removed from the shower and Sergeant Brandon Fisher [REDACTED].
- 3:01 pm: [REDACTED] A Dormitory, quad one. [REDACTED].
- 3:11 pm: [REDACTED] security staff exited A Dormitory with Inmate Davis in route to [REDACTED]. [REDACTED] Inmate Davis [REDACTED]. Senior Inspector McLaughlin, Senior Inspector Lorelei Anderson, Senior Inspector Wayne Elrod, and Inspector Latricia Ruiz [REDACTED] as Inmate Davis was being brought in.
- 3:17 pm: [REDACTED] Inmate Davis. [REDACTED] made contact, via telephone, [REDACTED]. [REDACTED] pronounced Inmate Davis deceased at 3:25 pm.
- 3:26 pm: Supervisor Yolanda Brown contacted the Florida Department of Law Enforcement (FDLE).
- 3:45 pm: FDLE Special Agent Supervisor Tracy Maurer contacted Senior Inspector Janene McLaughlin and advised FDLE was in route to Charlotte CI.



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- 5:00 pm: FDLE agents arrived at Charlotte CI:
 - o Special Agent Supervisor Tracy Maurer
 - o Special Agent Alberto Diaz, Primary Investigator
 - o Special Agent Daniel Mehler
 - o Special Agent Linda Pollard
 - o Special Agent Michael Ortiz
 - o Crime Scene Technician Kate Reidy
- 5:33 pm: SA Mehler, SA Diaz, CT Reidy escorted to A-Dormitory, quad one for processing of scene. SA Ortiz and SA Pollard began staff interviews.
- 6:50 pm: SA Diaz released the scene back to normal operations.
- 7:02 pm: SA Diaz, SA Mehler and CT Reidy were escorted [REDACTED] to view [REDACTED] the body of Inmate Davis. The Charlotte County Medical Examiner was contacted by FDLE SAS Maurer.
- 8:13 pm: Medical Examiner Investigator Les Husbands arrived.
- 8:30 pm: Inmate interviews, determined by FDLE, began.
- 8:58 pm: Medical Examiner's contracted transport company staff arrived to transport Inmate Davis's body to the Medical Examiner's Office. (Mr. Charles Coffey and Mr. LA Daniels)
- 9:28 pm: Inmate Davis's body was released to the Medical Examiner's Office and was removed from the facility.
- 10:06 pm: SAS Maurer examined Inmate Davis's personal property, which was not in his possession at the time of the incident. A copy of an inmate request was retrieved from the property by FDLE. SAS Maurer released Inmate Davis's property back to the facility for appropriate handling. (*An Investigative Demand form was obtained and signed by FDLE*)
- 11:48 pm: FDLE staff and Senior Inspector Janene McLaughlin exited the facility.

FDLE Special Agent Alberto Diaz completed an Investigative Demand for Records Pursuant to Criminal Investigations in reference to Inmate Reginald Davis, DC# B11446, and was provided with the following items:

- Inmate Population Information Detail for Inmate Davis
- Internal movement history for Inmate Davis
- Disciplinary report history for Inmate Davis
- MINS history for Inmate Davis
- Visitation information and history for Inmate Davis
- Inmate trust fund account information and history for Inmate Davis
- Inmate release plan for Inmate Davis
- A Dormitory floor plan
- Bed assignment printout for A Dormitory, quad 1 for January 25, 2016
- Bed assignment printout for reflecting cellmates of Inmate Davis from January 15, 2016 through January 22, 2016
- Incident reports from:
 - o Officer Dortona
 - o Sergeant Fisher
 - o Officer Perrine
 - o Captain Harriss



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- [REDACTED]/Crime Scene Log for body of Inmate Davis
- Crime Scene Log for A dormitory, quad 1 shower nearest cell A1-101
- Control Room Log for January 25, 2016 for A Shift
- Housing Unit Log for A Dormitory, January 25, 2016 for A Shift (last entry 4:20pm)
- Timeline provided by security
- Inmate request dated January 19, 2016 written by Inmate Davis
- Copy [REDACTED] for Inmate Davis
- One CD of fixed wing vide [REDACTED]
- One DVD of fixed wing video (Evidence Cameras) from [REDACTED]
- One DVD from camera of pictures taken by security staff
- List of staff witnesses.

Limited [REDACTED] from Inmate Davis' [REDACTED] [REDACTED] was provided to the Charlotte County Medical Examiner's Office Investigator, Mr. Les Husbands. In addition, Mr. Husbands was also provided with copies of incident reports concerning the incident.

FDLE Special Agents were assisted by with the following:

- Briefed on situation upon arrival
- Provided a list of staff witnesses
- Provided above listed documents and video
- Escorted Special Agents and Crime Scene Tech to A Dormitory, quad 1
- Escorted Special Agents and Crime Scene Tech [REDACTED]
- Arranged for office space for interviews
- Arranged staff availability for interviews
- Arranged inmate availability for interviews
- Escorted Medical Examiner Investigator to A Dormitory, quad 1 and [REDACTED]
- Escorted body retrieval staff [REDACTED]

On January 26, 2016, Senior Inspector McLaughlin provided FDLE Agent Diaz with the following items:

- Protective Management Packet concerning Inmate Davis
- Control Room Log for January 25th and January 26, 2016 for C Shift

On January 26, 2016, Senior Inspector McLaughlin sent copies of the following completed incident reports to FDLE Special Agent Diaz:

- Sergeant Fisher
- Officer Archibald
- Officer Garcia Rodriguez
- Officer Perrine III
- Captain Harriss

On January 26, 2016, FDLE Agent Diaz contacted Senior Inspector McLaughlin and requested additional video capturing any escort or transport of Inmate Davis outside of the dormitories.

On January 26, 2016, Senior Inspector McLaughlin assisted FDLE Agents David Staley and Michael Ortiz with conducting the following [REDACTED] interviews at Charlotte CI:

- [REDACTED]



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- [REDACTED]
- [REDACTED]

On January 27, 2016, FDLE Agent Diaz contacted Senior Inspector McLaughlin and requested photographs of the A-Dormitory cut down tool.

On January 27, 2016, Senior Inspector Lorelei Anderson attended the autopsy of Inmate Reginald Davis, DC#B11446, at the Charlotte County Medical Examiner's Office. Dr. Imami did not note anything unusual and a preliminary finding of the death was suicide.

On January 28, 2016, Senior Inspector McLaughlin provided FDLE Agents Diaz and/or Ortiz with the following items:

- A Dormitory Housing Unit Log for Day Shift, January 25, 2016, from 4:20pm to 5:00pm
- A Dormitory Housing Unit Log for night shift January 25, 2016 from 5:00pm to January 26, 2016, 5:00am.
- [REDACTED] fixed wing view from evidence cameras # 1 and 2
- [REDACTED] fixed wing view from evidence cameras # 3 and 4
- [REDACTED], fixed wing view from evidence camera
- [REDACTED] fixed wing video [REDACTED]
- [REDACTED] fixed wing video from [REDACTED], for January 25, 2016, from 1:00 pm to 11:59 pm
- Five pictures of the cut down tool
- Screen shot document [REDACTED] captured by fixed wing video; all available exterior cameras [REDACTED]; views of all [REDACTED] fixed wing cameras in [REDACTED]
- Names and schedules of additional Charlotte CI staff

On January 29, 2016, FDLE Agent Jennifer O'Connell delivered a court order to Senior Inspector McLaughlin, for release of documents and information concerning Inmate Reginald Davis DC# B11446. The court order included Inmate Davis' [REDACTED] classification file, and any videos or photographs showing Inmate Davis [REDACTED]. Copying of the files was immediately initiated.

On January 29, 2016, Senior Inspector McLaughlin discovered two inmate requests submitted by Inmate Davis. Copies of the inmate requests were provide to FDLE Diaz since a court order for records had already been served.

On February 1, 2016, Senior Inspector McLaughlin provided FDLE Agent Patrick Crough a copy of Inmate Davis's [REDACTED] (as per court order), and classification files. The files were for FDLE Agent Diaz.

On February 3, 2016, Senior Inspector McLaughlin assisted FDLE Agents Diaz and Staley with staff and inmate interviews:

- Inmate John Coates, DC#S36358



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- Assistant Warden Kara Williams
- Classification Supervisor James Licata
- Lieutenant Keith Lodge
- Sergeant Johnathan Reid
- Sergeant Brandon Fisher
- Sergeant Roosevelt Duncan
- Officer Cesar Mejia

In addition, Senior Inspector McLaughlin provided FDLE Agent Diaz with the following items:

- Handheld video from January 25, 2016: Captured turning the video recorder on and immediately off. *(the video was fixed wing camera surveillance video footage)*
- C Dormitory Housing Unit Log from Day Shift (5:00a-5:00p) on January 25, 2016

On February 4, 2016, Charlotte C.I. facility staff forwarded Senior Inspector McLaughlin two informal grievances from Inmate Todd Sims, DC#T04594. Within the grievances, Inmate Todd alleged that "Inmate Reginald Davis, DC#B11446 could have been saved but staff failed to do their jobs". The grievances were forwarded to FDLE Agent Diaz for review.

On February 29, 2016, Senior Inspector McLaughlin received the autopsy report of Inmate Reginald Davis, DC#B11446, from the District 22, Charlotte County Medical Examiner's Office.

- Cause of death: [REDACTED]
- Manner of death: Suicide

On September 22, 2016, Senior Inspector McLaughlin of District 9 Field Office received a letter from Investigator Chuck Battaglia with the 20th Judicial Circuit, State Attorney's Office regarding the death investigation of Inmate Reginald Davis. Investigator Battaglia indicated the State Attorney's Office conducted a preliminary review of Inmate Davis' death and based on the initial findings, the investigation has been closed.

On May 4, 2017, Florida Department of Law Enforcement (FDLE) records department provided the Office of Inspector General a copy of the case closing report of Special Agent Alberto Diaz, reference FLDE case/report number FM-37-0013. The investigation and report were in relation to the unattended death of Inmate Reginald Davis DC# B11446 at Charlotte Correctional Institution (C.I.), on January 25, 2016.

A summary of FDLE's report:

The investigation determined Inmate Reginald Davis' manner of death was a suicide. Inmate Davis [REDACTED] r.

Inmate Davi [REDACTED] inside a shower within A-Dormitory at Charlotte C.I. Institutional staff [REDACTED] Inmate Davis [REDACTED]. Inmate as pronounced deceased [REDACTED]



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FDLE agents responded to Charlotte C.I., reference the unattended death of Inmate Davis. FDLE was the lead agency, and Special Agent Diaz was the lead investigator on the investigation. FDLE agents began the investigation and conducted interviews and processed scene locations and evidence. FDLE reviewed surveillance video of the institution locations related to the incident.

Through interviews and review of surveillance video footage, it was determined staff placed Inmate Davis into a shower room in A-Dormitory after being transferred from C-Dormitory. This was at approximately 1:34 pm. Inmate Davis was discovered at approximately 2:56 pm. During the time frame, no one else entered the shower room. Inmate Davis [REDACTED] hanging from the shower door by a ligature which was around his neck.

Charlotte C.I. staff removed Inmate Davis from the shower and immediately [REDACTED] [REDACTED]. Additional staff responded and assisted. Inmate Davis was eventually taken to the [REDACTED] Charlotte County [REDACTED]. Inmate Davis was subsequently pronounced deceased [REDACTED].

An autopsy was performed by District 22 - Charlotte County Medical Examiner's Office. The autopsy report by Medical Examiner, Doctor R.H. Imami, provided his opinion and finding on Inmate Davis' death:

Inmate Davis [REDACTED]. No evidence of any other [REDACTED] was noted. Inmate Davis [REDACTED]. The manner of death is classified as a suicide.

On May 18, 2017, at Lake Correctional Institution's [REDACTED] Inspector Billy (Roy) Long attempted an interview with Inmate Todd Sims DC# T04594. The interview was in reference to the inmate grievance Inmate Sims completed in January of 2016. His grievance had a comment about Inmate Davis's death and Charlotte C.I. There were no specific details or staff referenced.

Inmate Sims refused to provide an interview or even speak with Inspector Long. Inspector Long attempted to explain the purpose of the interview and Inmate Sims still refused.

On June 15, 2017, FDLE provided a CD copy of the video Inspector McLaughlin provided to Agent Diaz on January 25, 2016. The video was of the fixed wing surveillance camera footage [REDACTED]. Inmate Davis was released [REDACTED] in C-Dormitory, to be placed into a non-disciplinary confinement cell in A-Dormitory.

A review of the video was conducted. Inmate Davis was placed into a shower cell within a wing of A-Dormitory until his cell was ready. He appeared to be visibly well. This occurred at approximately 1:34 p.m., on January 25, 2017. Staff were observed moving about the wing of A-Dormitory past the shower at approximately 1:41 p.m. and 2:10 p.m. Inmate Davis would be standing by the shower cell door window or move about the shower cell. At approximately 2:24 p.m., was the last visible movement of Inmate Davis, he appeared to sit down on the floor with his back along the shower cell door or the wall by the door (where an individual walking by would see the top of his head along the wall and his feet). At approximately 2:40 p.m., staff entered the dormitory wing and were moving about. At approximately 2:56 p.m., an officer went to the shower door and discovered Inmate Davis [REDACTED]. Inmate



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Davis was removed from the cell and officers [REDACTED]. No improper action or conduct by staff was observed.

VII. CHARGES

List alleged violations of Florida Law:

No criminal violations were discovered or observed during this investigation by the Florida Department of Law Enforcement or the Office of Inspector General. No administrative violations or infractions were discovered or observed during this investigation. The Charlotte County State Attorney's Office reviewed the information and documents and facts related to the investigation and death of Inmate Davis, and advised no action or further investigation will be conducted by the Charlotte State Attorney's Office.

VIII. CONCLUSION

Based on the information gathered during their investigation, FDLE and Special Agent Alberto Diaz completed and closed their investigation and case report #FM-37-0013. It is recommended this investigative assist be termed as follows:

1. Investigative Assist Closed