

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 17-17588**



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
INVESTIGATIVE ASSIST SUMMARY REPORT



Case Number: 17-17588

OIG Inspector: Inspector Christopher Welsh

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Ryan Walker

Date Assigned or Initiated: 10-2-2017

Complaint Against: Inmate Paul Day DC# B14268 (*Deceased*)

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

Complainant: Lieutenant James Pittman

Outside Agency Case #: FM-37-0026

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death-Other

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 October 2, 2017, the Office of the Inspector General received MINS complaint #808650 from Okeechobee Correctional Institution. On September 28, 2017, at approximately 6:53 p.m., Inmate Paul Day #B14268 was discovered lying [REDACTED] on the cell floor of his assigned cell, G2108, by Officer Urbano Contreras. [REDACTED] was contacted and arrived at the facility. [REDACTED] subsequently pronounced Inmate Day deceased. The Florida Department of Law Enforcement (FDLE) is the lead investigative agency and Senior Inspector Christopher Welsh was assigned the assist on October 2, 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 September 28, 2017, at approximately 7:34 p.m., On-call Senior Inspector Christopher Welsh was dispatched by On-call Inspector Supervisor Yolanda Brown to report to Okeechobee Correctional Institution (OCI) in reference to an inmate death. On September 28, 2017, at 7:22 p.m., Inmate Paul Day was pronounced deceased [REDACTED] at Okeechobee CI by [REDACTED]. Florida Department of Law Enforcement (FDLE) Special Agent Ryan Walker is the lead investigator and Inspector Christopher Welsh is the primary assist in this investigation.

Inmate Paul Day was a Black Male; Date of Birth: June 10, 1971; incarcerated October 27, 2015 for first degree murder in the commission of a felony. Inmate Day was sentenced to life.

- Day last visit was July 1, 2017 during his incarceration.
- Day was housed in G-dormitory (general population/secure housing cells).
- Day has not received a disciplinary report since received in department custody.

September 28, 2017

On September 28, 2017, at approximately 6:50 p.m., G-dormitory officer, Officer Contreras, notified the shift officer in charge, Lieutenant James Pittman [REDACTED] in G-dormitory. Upon arrival on scene at approximately 6:53 p.m., Lieutenant Pittman observed Inmate Day [REDACTED] in cell G2108. [REDACTED] was notified and arrived on scene at approximately 7:00 p.m. [REDACTED] Day [REDACTED] escorted him [REDACTED] [REDACTED] Upon arriving [REDACTED] Day and [REDACTED] Day which [REDACTED] responded to Okeechobee CI at 7:13 p.m., [REDACTED] Day and pronounced him deceased at 7:22 p.m.

- At approximately 6:50 p.m., Officer Contreras notified the shift OIC that there was [REDACTED] [REDACTED] in G-dormitory.
- At approximately 6:53 p.m., Shift OIC, Lieutenant Pittman entered G-dormitory and observed Day lying on the floor of G2108.
- At approximately 7:00 p.m., [REDACTED] arrived at G-dormitory, [REDACTED] ay and removed



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



him from the dorm en route [REDACTED].

- At approximately 7:13 p.m., [REDACTED] arrived and entered Okeechobee CI. [REDACTED]
- At approximately 7:22 p.m., [REDACTED] pronounced Day deceased.
- At approximately 7:23 p.m., EAC Duty Officer was notified.
- At approximately 7:32 p.m., EAC notified Supervisor Brown.
- At approximately 7:34 p.m., Supervisor Brown notified Inspector Welsh of the death at Okeechobee CI and to respond.
- At approximately 8:03 p.m., Supervisor Brown notified the Florida Department of Law Enforcement (FDLE) Watch Desk.
- At approximately 8:14 p.m., On-call FDLE Special Agent Mark Willis made contact with Inspector Welsh and advised FDLE would be responding.
- At approximately 8:40 p.m., Inspector Welsh arrived at Okeechobee CI.
- At approximately 8:53 p.m., FDLE Special Agent Shawn Cruse and Kevin Sapp arrived at Okeechobee CI.
- At approximately 9:35 p.m., Inspector Welsh and FDLE agents reviewed the fixed wing camera.
- At approximately 10:15 p.m., FDLE Special Agents Ryan Walker and Mark Willis arrived at Okeechobee CI. Special Agent Walker is the lead investigator and signed the 2017 Revisions to S. 945.10, Florida Statute-Investigative Demand forms.
- At approximately 10:30 p.m., FDLE agents entered the [REDACTED] to investigate Day's body.
- At approximately 11:08 p.m., Inspector Welsh and FDLE collected evidence in G-dormitory.
- At approximately 11:20 p.m., Inspector Welsh notified the Medical Examiner's (ME) Office for the 19th District Bill Miller of the death of Day.
- At approximately 11:28 p.m., FDLE conducted interviews of all staff involved in the incident in G-Dormitory involving Day.

September 29, 2017

- At approximately 12:45 a.m., FDLE conducted interviews of approximately six (6) inmates from G-Dormitory.



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



- At approximately 1:26 a.m., George Stevens of Tri-County Transport arrived at Okeechobee CI.
- At approximately 1:32 a.m., Tri-county Transport entered the compound to retrieve Day's body.
- At approximately 2:00 a.m., Tri-county Transport departed the compound with Day's body.
- At approximately 3:30 a.m., all FDLE agents departed Okeechobee CI.
- At approximately 3:50 a.m., Inspector Welsh departed Okeechobee CI.

There was no indication of physical attack [REDACTED] to Day's body. Based upon inmate interviews, it appears Day [REDACTED].

FDLE Final Report:

On September 28, 2017, at approximately 2350 hours, OCI Lieutenant Susan Dinius-Mast provided SA Walker with two DVDs containing surveillance video from dorm G, wing 2 where Inmate Day was housed. Upon a review of the surveillance video, SA Walker made the following observations:

September 28, 2017

5:55 PM - A subject resembling Inmate Paul Day enters into cell 2108 with another inmate. One of the inmates soon exits the cell, goes into the next cell and returns to cell 2108.

5:57 PM - An unidentified third inmate exits cell 2108 and closes the cell door.

6:01 PM - Inmate Winyatto Williams runs out of cell 2108 toward the dayroom and falls to the ground near the entry door. He is assisted up by other inmates and stumbles back toward cell 2108 where he stands outside of the cell. Inmate Williams can be seen swaying back and forth, and appears unsteady on his feet.

For approximately the next 50 minutes, multiple inmates briefly go in and out of cell 2108. At 6:40 PM, a larger group of inmates (6 to 7) began congregating outside of the cell and looking inside.

6:51 PM - Lt. James Pittman entered the wing and goes into the cell.

6:52 PM - A second corrections officer entered the wing and can be seen communicating on his radio.

6:55 PM - Additional officers arrives and the inmates are placed in the cells. [REDACTED] also arrives [REDACTED] and enters cell 2108.

6:56 PM - Inmate Day is placed [REDACTED] and is taken out of the dorm.

6:59 PM - An inmate enters cell 2108 with a mop.

Several inmates briefly go in and out of cell 2108 until the door is closed by an officer at 7:17 PM.



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



7:28 PM - An officer appears to apply evidence tape to the closed cell door.

SA Walker noted the surveillance video appeared consistent with information provided by the witnesses who indicated they observed Inmate Day in the cell [REDACTED]. The witnesses reported entering into the cell and attempting to wake Inmate Day who they described as kneeling face down on the floor of the cell. The video also appeared to show that Inmate Day voluntarily entered into cell 2108 and fell ill while in the cell out of view of the camera.

A copy of the video CD will be placed in the investigative file in Central Office.

The Florida Department of Law Enforcement provided a copy of Agent Ryan Walker case closed report, #FM-37-0026. The report noted FDLE agents responded to Okeechobee CI, reference Day's passing. The case was thoroughly investigated and no suspicious circumstances were discovered during this investigation. The autopsy found that the victim died as a result of an accident [REDACTED] being a contributing factor. The manner of death was determined to be accidental.

No criminal or administrative violations were noted by FDLE.

On February 19, 2018, the District 19 Medical Examiner's Office provided the autopsy report for Day. The report indicated the following: District Medical Examiner Dr. Roger Mittleman determined that Day's manner of death was accidental, caused [REDACTED]. The [REDACTED] have been identified [REDACTED].

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 Ryan Walker this death investigation be closed as follows:

1. Exceptionally Cleared

Inspector Welsh reviewed the investigation completed by FDLE, and administrative issues were not identified.