

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 16-10243**



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



Table of Contents

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



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Case Number: 16-10243

OIG Inspector: Inspector Tracy Thursbay

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Robert Livesay

Date Assigned or Initiated: May 24, 2016

Complaint Against: N/a

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

Complainant: Captain Jeffery Pope

Outside Agency Case #: PE-37-0045

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death Investigation

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 May 23, 2016, the Department of Corrections Office of the Inspector General (OIG) received notification Inmate Danny Jackson DC# Q22809 had been pronounced deceased at Calhoun Correctional Institution after falling off his assigned top bunk. Florida Department of Law Enforcement (FDLE) notification was made, and Inspector Tracy Thursbay responded to Calhoun Correctional Institution on May 23, 2016, and provided investigative assistance to FDLE.

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:

According to Special Agent Robert Livesay, on May 23, 2016, the Florida Department of Corrections contacted FDLE Requesting investigative assistance in reference to the death of Inmate Jackson.

On May 24, 2016, an autopsy was performed on Inmate Jackson by District Fourteen Medical Examiner Dr. Jay Radtke. Dr. Radtke determined the cause of death was [REDACTED] and the manner of death was [REDACTED] an accident.

Inspector Thursbay reviewed Correspondence 16-CORR02524, which indicated the security staff and [REDACTED] who responded to assist Inmate Jackson did not help Inmate Jackson in a timely manner and were not qualified enough to know how to assist Inmate Jackson.

Investigator's Note: *Inspector Thursbay reviewed the investigation completed by FDLE Special Agent Livesay. According to the FDLE reports, Special Agent Livesay interviewed all [REDACTED] and security staff who responded to the scene to include [REDACTED] Tressa Weaver, [REDACTED] ebra Barber, Officer James Coleman, Officer Jarem Taylor, and Officer Michael Pitts. Special Agent Livesay's report also indicated he reviewed fixed wing video. Upon review of Correspondence 16-CORRO2524 and the FDLE reports Inspector Thursbay determined no administrative issues were identified.*

VII. CHARGES

There were no charges. Dr. Radtke ruled Inmate Jackson's death as an accident as a result of [REDACTED]

VIII. CONCLUSION

Based on the information gathered during FDLE Special Agent Robert Livesay's investigation, it is the recommendation of Inspector Tracy Thursbay the death of Inmate Danny Jackson be termed as follows:

- **Exceptionally Cleared**