

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 19-03567**



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



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Case Number: 19-03567

OIG Inspector: Kevin Ortiz

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Jared Mynard

Date Assigned or Initiated: 03-01-2019

Complaint Against: N/A

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

Complainant: Correctional Officer Sergeant Kenneth Holmes

Outside Agency Case #: JA-37-0144

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Unattended 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 02/23/19, Sergeant Kenneth Holmes was conducting count at Baker C.I. when he approached the cell of Inmate Justin Petty DC #R49585 and observed Inmate Petty [REDACTED]. On 02/25/19, Inmate Petty was pronounced deceased as a result. The Florida Department of Law Enforcement was notified, responded, and advised they would be the lead investigatory agency (Case #JA-37-0144). This was reported via MINS #s 912068 and 912727 and assigned as Investigative Assist #19-03567 to Inspector K. Ortiz on 03/01/19.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

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

On 02/23/19, Correctional Officer Sergeant Kenneth Holmes was assigned as the G Dorm Housing Supervisor at Baker C.I. At approximately 12:13 hours, he was conducting the [REDACTED] formal count when he approached cell G1-103 and observed Inmate Justin Petty [REDACTED] (Petty). ICS (Incident Command System) was initiated and once enough staff was present an emergency cell breach was conducted. Inmate Petty was removed from the homemade noose, hand and leg restraints were applied, and Inmate Petty was removed from the cell. Inmate Petty [REDACTED] was activated and arrived at 12:39 hours. [REDACTED] relieved staff [REDACTED] upon departing the institution at 12:44 hours.

On 2/23/19, at approximately 12:53 p.m., this Inspector was advised that Inmate Justin Petty was housed at the Baker Correctional Institution when he was found [REDACTED] from his bunk during a security check. This inspector responded. Below is a summary of the response.

FDLE Special Agent Supervisor Josh Mead advised an agent would be sent to [REDACTED] in Jacksonville. Due to an agent responding to [REDACTED] this inspector responded to Baker C.I. to ensure any crime scene, video, and all documents were properly preserved. Once the scene was confirmed to be preserved, this inspector reviewed the fixed wing video. *Note: On the evening of 02/22/19, Inmate Petty was placed in confinement due to being found lying on the floor of his cell in open population [REDACTED] Inmate Petty [REDACTED] He was suspected of being under the influence of drugs. [REDACTED] placed in confinement.* On 02/22/19, at approximately 11:33 p.m., Inmate Petty was placed in cell G1-1103 alone. Security checks appeared to have been made and breakfast was fed at approximately 5:45 a.m. Lunch began at approximately 10:29 a.m. and trays were picked up at approximately 10:57 a.m. At approximately [REDACTED] a security check was conducted. At approximately 11:51 a.m., an orderly was seen at Inmate Petty's cell door and appeared to be speaking to Inmate Petty. At approximately 12:10 p.m., an orderly was seen sweeping in front of Inmate Petty's cell. At approximately 12:13 p.m. staff began a security check when they stopped at Inmate Petty's cell. One staff member remained at the cell door until additional assistance arrived at approximately 12:15 p.m. The cell was breached at approximately 12:17 p.m. At approximately 12:18 p.m., Inmate Petty was brought out of the cell and laid on the floor in the wing. [REDACTED] began until approximately 12:38 p.m., when he [REDACTED] and removed from



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the wing. During the review of the fixed wing video it was noted that a handheld video recorded the breach. The fixed wing video and the handheld video were placed on compact discs and a Chain of Custody was initiated for each. [REDACTED] for Inmate Petty were also obtained. [REDACTED]

At approximately 3:03 p.m., SA Supv. Mead contacted this inspector and advised that Inmate Petty [REDACTED]. Therefore, agents would be responding to Baker C.I. At approximately 4:03 p.m., SA Supv. Mead, SA Jared Mynard, SA Veronica Edwards, and SA David Meacham arrived at Baker C.I. SA Supv. Mead advised that FDLE would be the lead investigatory agency and that SA Mynard would be the lead agent. FDLE responded to Inmate Petty's confinement cell upon arrival. A sheet was observed tied to the upper bunk and hanging over the bunk down to the floor. A search of the cell revealed no foul play. Photos were taken of the cell. FDLE collected the sheet Inmate Petty used as evidence. The cell was released at approximately 5:42 p.m. Both orderlies on the fixed wing video were identified and interviewed by FDLE. [REDACTED] and security staff involved in the response were held over until interviewed by FDLE. Upon the conclusion of FDLE's investigative activity, SA Supv. Mead advised there appeared to be no foul play suspected. At approximately 7:45 p.m., FDLE departed Baker C.I.

Note: Inmate Justin Petty was received in prison on 07/07/16. He was sentenced in Pasco County to four years and fifteen days in prison on a charge of Felon in Possession of a Firearm. He was received at Baker C.I. on 12/27/18. He was due to be released from prison on 09/14/19.

On 02/25/19, Justin Petty [REDACTED] while housed [REDACTED]. He was pronounced deceased at 2:38 p.m.

[REDACTED] a Medical Examiner Report prepared by the District 4 Medical Examiner's Office for Justin Petty indicated [REDACTED]. The cause of death [REDACTED]. The manner of death was suicide.

On 05/21/19, FDLE SA Jared Mynard advised the FDLE investigation was closed and provided a copy of the investigation. He further advised there were no criminal or administrative issues noted during his investigation. The evidence FDLE collected was turned over to this inspector and entered into evidence. The investigation completed by FDLE was reviewed and administrative issues were not identified.

VII. CHARGES

N/A

VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of Inspector Kevin Ortiz this investigation be termed as follows:



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1. Investigative Assist Closed