

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 18-19411**



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



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Case Number: 18-19411

OIG Inspector: Senior Inspector Janine Knight

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Brian Livesay

Date Assigned or Initiated: November 7, 2018

Complaint Against: Inmate Kenneth Cooper DC#079697 (*Deceased*)

Location of Incident – Institution/Facility/Office: Northwest Florida Reception Center Annex

Complainant: NA

Outside Agency Case #: PE-37-0158

Use of Force Number: NA

PREA Number: NA

Classification of Incident: In Custody Inmate Death

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Chief Inspector General Case Number: NA



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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 November 5, 2018, at approximately 5:39 p.m., CST, On-call Inspector Supervisor Katouree Jackson contacted On-call Inspector Darla Henderson and advised her of an unresponsive inmate at Northwest Florida Reception Center Annex. Senior Inspector Skipper contacted the institution and learned that Inmate Kenneth Cooper, DC# 079697, was found [REDACTED] in his cell, K4-108U. [REDACTED], however, Inmate Cooper [REDACTED] and was subsequently pronounced deceased at 5:36 p.m., [REDACTED]. On November 7, 2018, this case was assigned to Senior Inspector Jennifer Skipper as an agency assist investigation. On November 29, 2018, this case was reassigned to Senior Inspector Janine Knight.

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 November 5, 2018, Inmate Cooper was found [REDACTED] in cell K4108, and was transported to the institutional [REDACTED] responded. Inmate Cooper remained [REDACTED] and was pronounced deceased at 5:36 p.m., [REDACTED]. Special Agent Brian Livesay (*Florida Department of Law Enforcement*) responded to the institution where he and Senior Inspector Jennifer Skipper examined the decedent, [REDACTED]. Photographs were taken of the decedent. At approximately 8:40 p.m., Andrew Winkler, 14th Judicial Circuit Medical Examiner Investigator, arrived at Northwest Florida Reception Center and took custody of the decedent.

SA Livesay and Inspector Skipper responded to the dormitory and examined the cell belonging to the decedent. The cell was then released to security. The fixed wing video revealed numerous inmates entered and exited the cell of the decedent prior to security being alerted [REDACTED]. SA Livesay conducted interviews of the identified witnesses.

On March 13, 2019, Chief Medical Examiner Jay M. Radke, concluded in his autopsy report #2018 MLA 0478, Inmate Cooper's cause of death was: [REDACTED] and the manner of his death was: Accident.

On April 5, 2019, SI Knight received the final report for FDLE Case #PE-37-0158, which indicated the following: Special Agent (SA) Brian Livesay determined through his investigation the death of Inmate Kenneth Cooper was non-criminal in nature. SA Livesay indicated he interviewed all identified witnesses, reviewed all available evidence, and reviewed surveillance video. SA Livesay cited Dr. Radtke's autopsy report findings and requested his case to be closed on April 1, 2019.

On April 15, 2019, SI Knight reviewed a copy of available video related to this incident and noted the following: The video contained one view of [REDACTED]-dormitory at Northwest Florida Reception Center Annex, and did not offer any view inside of cell K4108, where this incident occurred. The video did not contain audio recordings. The video showed a beginning timestamp of 17:00:00 and an ending timestamp of 18:17:00. No administrative violations were observed during review of the video provided.



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No further actions are warranted at this time by the Office of the Inspector General. Request investigative assist case to be closed.

VII. CHARGES

- **N/A- Death investigation – Accidental Death, due** [REDACTED]

VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Agent Brian Livesay the death investigation concerning Inmate Kenneth Cooper DC E079697 be termed as follows:

- **Investigative Assist Closed**

SI Knight reviewed the investigation completed by FDLE, and administrative issues were not identified.