

Florida Department Of Corrections
 Office of the Inspector General
 Report of Investigation
 Walton Murphree, Interim Inspector General



Inspector General Case #: 09-42206

Facility: Martin Correctional Institution

Classification of Incident: [REDACTED]

Field Office/Region: Fort Lauderdale/ Region IV

Incident Date: 07/01/09

Time: 2:20 p.m.

Inspector: S. Thomas

Date of Report: 08/26/09

Case Type: A-1

Check all that apply:

- [REDACTED]
- Prison Rape Elimination Act (PREA) Number (if applicable)
- Principal(s) Exhibits Attached
- Department of Corrections presented to State Attorney Declined Accepted
- Use of Force (UOF) Number (if applicable)
- Complaint of Discrimination
- Addendum
- Wing Video Camera(s) Present in the Area of Incident YES NO

SUMMARY OF ALLEGATIONS:

On July 1, 2009, Inmate Smith [REDACTED] inside his assigned cell B4211. Inmate Smith fashioned a noose with his boxer shorts tying one end around his neck and the opposite end to the sprinkler head.

SUMMARY OF DISPOSITION/JUSTIFICATION FOR DOWNGRADE/EXONERATION:

I request this case be downgraded.

During review of this incident no administrative issues had been noted. A review of the confinement video tape revealed Officer Cocco had completed a security check of Inmate Smith's wing [REDACTED]. Inmate Smith was then discovered by Captain Collins at approx 2:48pm.

On July 2, 2009, the Medical Examiner's Office released the report of autopsy noting the cause of death [REDACTED] manner of death suicide.

On August 25, 2009, Detective Schimel fanick reported his investigation revealed no evidence of foul play. He also noted there are no administrative issues.



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	Name	Title / DC #	D.O.B.	Employee ID #
Complainant:	Collins, Darryl	Correctional Officer Captain	[REDACTED]	4143
Victim(s):	Smith, Hayward	073543		
Witness(es):	Thompson, Anthony	Correctional Officer	[REDACTED]	21323
	[REDACTED]	[REDACTED]		
	[REDACTED]	[REDACTED]		
	Schimelfanick, Todd	Detective Martin County Sheriff's Office		
	Colasuonno, Patrick	Detective Martin County Sheriff's Office		
	Neild, Tommy	Sergeant Martin County Sheriff's Office		
	Gaston, Christopher	Assistant State Attorney 19 th Judicial Circuit		
Subject(s):				

Arrest: Employee Inmate Other

Guilty Addendum Pending

Charges: Felony Misdemeanor

Not Guilty

Nolo Contendere

Date of Arrest:

P.T.I.

Other (explanation):

Date Reported:

Sentence of Court / Agreement:

Administrative Violation(s):

Evidence: Weapon Drugs Other Describe:

Other Agency Case Number: 9-7759

FINDINGS:

In his Incident Report of July 1, 2009, Captain Collins indicated the following:

At approximately 9:34am, Inmate Hayward Smith was discovered attempting to break a sprinkler-head in his confinement cell (B3211L). The inmate was ordered to cease or chemical agents would be used. The inmate refused and Sergeant Brian McDew administered three, one-second bursts of OC. Inmate Smith still refused and broke the sprinkler-head. The inmate was then ordered to submit to restraints. He again refused and barricaded himself inside of his cell. Warden Reid authorized the use of force if



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necessary to bring the inmate into compliance with orders to submit to restraints. Inmate Smith was again ordered to remove the barricade from his cell and submit to restraints or chemical agents would be used. He again refused and at approximately 10:17am, Officer Wayne Alexander administered three, one-second bursts of CS. Inmate Smith still refused and at this time, all force ceased.

At approximately 10:52 am, [REDACTED] advised Inmate Smith of the importance of taking a shower after exposure to chemical agents and he was unresponsive to her instructions. Captain Collins made contact with Warden Reid advising that the inmate was refusing to be handcuffed and removed from his cell to be decontaminated. Warden Reid authorized the assembly of the Cell Extraction Team (CET). Once the CET was assembled at the cell, Inmate Smith complied with the orders to be handcuffed. He was removed from his cell and placed in the shower for decontamination. After completion of the shower, Inmate Smith was escorted to [REDACTED]. [REDACTED] Once completed, he was escorted to his newly assigned cell B4211L. (Exhibit A-1)

In an additional Incident Report of July 1, 2009, Captain Collins indicated the following:

At approximately 2:20pm, Captain Collins was informed by confinement staff that Inmate Smith was tampering with the sprinkler-head in his confinement cell (B4211). Captain Collins contacted Warden Reid and advised him of this situation and requested the assembly of a CET to remove Inmate Smith from the cell, as he had previously broken a sprinkler head and chemical agents had not been effective. At this time, Warden Reid authorized the assembly of the CET to remove Inmate Smith and restore order to the confinement unit.

At approximately 2:30pm, Captain Collins received authorization from the [REDACTED].

At approximately 2:45pm, Captain Collins reported to Housing "B" Dormitory with the cell extraction team members. He instructed the team members to remain in the sally port of wing three and four while he make an attempt to counsel with Inmate Smith along with Officer A. Thompson present. Captain Collins and Officer Thompson approached cell B4211, where Inmate Smith had his cell door window covered with paper, at which time, Captain Collins ordered him to the door. [REDACTED]

[REDACTED] Captain Collins then opened the food port to obtain a visual of Inmate Smith. He then observed Inmate Smith's feet above the toilet. At that point, he repositioned himself to get a better looked and observed a white fabric around the neck of Inmate Smith on the sprinkler head. Captain Collins immediately called for assistance and the cell to be breached. He and Officer Thompson entered the cell and Officer Thompson [REDACTED] and the CET responded. The team members [REDACTED] where Officer Thompson loosened the white fabric and placed Inmate Smith on the floor. Sergeant Smith checked Inmate Smith [REDACTED]

[REDACTED] pronounced Inmate Smith deceased at 2:55pm.

(Exhibit A-2)



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In his Incident Report of July 1, 2009, Officer Thompson indicated the following:

He responded to Inmate Smith's cell and observed that Inmate Smith had covered his cell door window with paper. [REDACTED] Captain Collins saw that Inmate Smith was hanging near the toilet and sink area and immediately breached the cell door. Upon entering the cell door Officer Collins [REDACTED] until the homemade noose around his neck was removed. Inmate Smith was placed on the floor where [REDACTED]

(Exhibit A-3)

Martin County State Attorney's Office ASA Christopher Gaston was notified along with Martin County Sheriff's Office. Detectives Todd Schimelfanick, Patrick Colasuonno and Sergeant Tommy Neild of the Crime scene unit responded and conducted the investigation. The medical examiner did not respond as no foul play is suspected.

During review of this incident no administrative issues had been noted. A review of the confinement videotape revealed Officer Cocco had completed a security check of Inmate Smith's wing [REDACTED] Inmate Smith was then discovered by Captain Collins at approx 2:48pm.

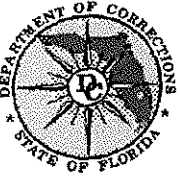
On July 2, 2009, the Medical Examiner's Office released the report of autopsy noting the cause of death [REDACTED] manner of death suicide.

(Exhibit A-4)

On August 25, 2009, Detective Schimelfanick reported his investigation revealed no evidence of foul play. He also noted there are no administrative issues that needed to be addressed.

Principal Exhibits Attached.

(Exhibit A-5)

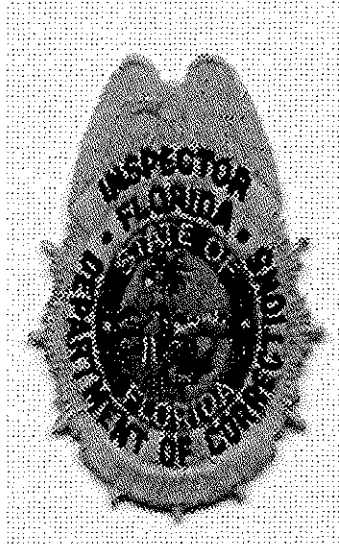


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"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss.112.532 and 112.533, Florida Statutes."

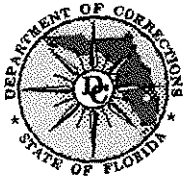
"Furthermore, under penalties of perjury, I declare I have read the foregoing report and the contents of the report are true and accurate based upon my personal knowledge, information, and belief."

Walton Murphree

Investigator's Signature

08/26/09

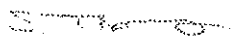
Date

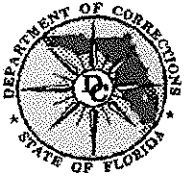


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 _____	Senior Inspector	<u>08/26/09</u>	Date
<u>Kathleen Harrell</u> _____	Prison Inspector Supervisor	<u>08/26/09</u>	Date
_____	Lead Inspector Supervisor	_____	Date
_____	Chief Prison Inspector	_____	Date
_____	Deputy/Inspector General	_____	Date



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EXHIBIT/ATTACHMENTS SECTION

A. EXHIBIT(s) - attached:

1. Incident Report by Captain Collins
2. Incident Report by Captain Collins
3. Incident Report completed by Officer Thompson
4. Report of Autopsy on Inmate Smith
5. Principal Exhibits

B. EXHIBIT(s) - not attached:

None