



Florida Department of Corrections
Office of the Inspector General
Report of Investigation
David Folsom, Interim Inspector General

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STATION 123456789

Inspector General Case #: 10-1-4881

Facility: Northwest Florida Reception Center

Classification of Incident: [REDACTED]

Field Office/Region: Tallahassee/Region I West

Incident Date: 06/03/2010 Time: 8:29 p.m.

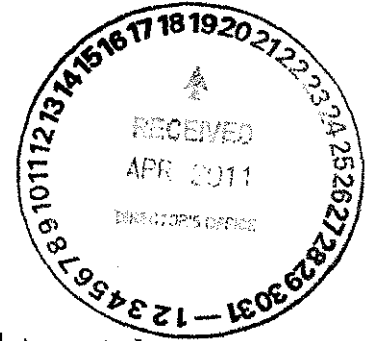
Inspector: Arthur Rountree

Date of Report: 02/11/2011

Case Type: A

Check all that apply:

- Case of Special Interest
- Confidential Medical Information
- Prison Rape Elimination Act (PREA) Number (if applicable)
- Department of Corrections presented to State Attorney Declined Accepted
- Use of Force (UOF) Number 2010-110-0120
- Equal Employment Opportunity Commission (EEOC)
- Addendum
- Wing Video Camera(s) Present in the Area of Incident



SUMMARY OF ALLEGATIONS:

On June 3, 2010, Inmate Rommell Johnson #080667 became disorderly in his confinement cell which resulted in the application of chemical agents. Inmate Johnson refused orders to be handcuffed so he could be showered [REDACTED] security staff entered Inmate Johnson's cell and he was [REDACTED]

[REDACTED] Inmate Johnson [REDACTED] where he was pronounced deceased. This incident was reported to the Office of the Inspector General via the Management Information Notification System (MINS) on June 10, 2010, and assigned for investigation on June 14, 2010.

SUMMARY OF DISPOSITION/JUSTIFICATION FOR DOWNGRADE/EXONERATION:

As a result of this investigation and autopsy findings, it is determined that the death of Inmate Rommel Johnson #080667 was an accidental [REDACTED] Inmate Johnson's own actions lead to the application of chemical agents. Afterwards, he refused to allow staff to remove him for a decontamination shower [REDACTED] His refusal to allow staff to apply restraints prolonged his exposure and [REDACTED]

Additionally, there is insufficient evidence to support the allegation Inmate Rommell Johnson was physically abused by staff before the application of chemical agents and the force was unauthorized or excessive. The amount and type of force was in accordance with the Florida Administrative Code and Department procedures.



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	Name	Title / DC #	D.O.B.	Employee ID # or Non-Employee Contact Information
Complainant:	Rountree, Art	Senior Inspector	[REDACTED]	18479
Victim:	Johnson, Rommell	Inmate / DC #080667	07/19/1965	
Witness(es):	Yeomans, Jonathan	Correctional Officer	[REDACTED]	59387
	Whiddon, Jason	C.O. Sergeant	[REDACTED]	27924
	Edminson, Shaun	Correctional Officer	[REDACTED]	54062
	Angove, Mark	C.O. Sergeant	[REDACTED]	530
	Wahl, Robert	Correctional Officer	[REDACTED]	54388
	Strausbaugh, Michael	Correctional Officer	[REDACTED]	44431
	Murphy, James	Correctional Officer	[REDACTED]	51427
	Baker, James	Correctional Officer	[REDACTED]	55693
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
	Brinson, Lorenzo	Inmate / DC #S08328	10/04/1981	
	Butler, Jerome	Inmate / DC #V03652	10/28/1978	
	Flowers, Walter	Inmate / DC #U30535	12/11/1984	
	Fuller, Timmothy	Inmate / DC #H31733	06/09/1984	
	King, John	Inmate / DC #524316	06/27/1976	
	Munn, Joshua	Inmate / DC #G11436	12/18/1986	
	Settle, Justin	Inmate / DC #V08109	08/15/1981	
	Stewart, Levert	Inmate / DC #J17573	01/04/1982	
	Thomas, Elijah	Inmate / DC #X68794	03/06/1986	
Subject(s):	Mercer, Michael	C.O. Captain	[REDACTED]	14260
	Cone, George	C.O. Sergeant	[REDACTED]	44189
	Martin, Andrew	Correctional Officer	[REDACTED]	49519
	Brown, Daniel	Correctional Officer	[REDACTED]	43170
	Martin, Christopher	C.O. Sergeant	[REDACTED]	13274
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]



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Arrest: Employee Inmate Other Addendum Pending

Charges:

Felony Misdemeanor Date of Arrest: Date Reported:

Final Court Action(s):

Other Agency Case Number:

FINDINGS:

In his incident reports, dated June 3, 2010, Officer Andrew Martin indicated the following:

On June 3, 2010, he was assigned as G-Dormitory Housing Officer (*confinement*). At approximately 4:09 p.m., he was picking up food trays in G3-Dormitory at the conclusion of the evening meal. He approached cell G3-202, which housed Inmate Rommell Johnson #080667 alone. Inmate Johnson refused to comply with orders to return his food tray and began to curse at him. He counseled with Inmate Johnson and ordered him again to return the food tray but he refused. He notified Sergeant Jason Whiddon (*G-Dormitory Housing Supervisor*) who also attempted to counsel with Inmate Johnson with negative results. He witnessed Sergeant George Cone use the minimal amount of force necessary in order to quell Inmate Johnson's disturbance. **(Exhibits A1 & A2)**

In his incident reports, dated June 3, 2010, Sergeant Jason Whiddon indicated that following:

On June 3, 2010, he was assigned as G-Dormitory Housing Supervisor. At approximately 4:22 p.m., Officer Martin notified him that Inmate Johnson was causing a disturbance in the confinement unit. He counseled with Inmate Johnson about keeping his tray and ordered him to return the food tray. Inmate Johnson refused and stated, "I aint giving you this tray until I'm finished eating. I'm tired of ya'll treating us like fucking dogs and not giving us enough time to eat." He repeated his orders and told Inmate Johnson to stop using foul language. Inmate Johnson stated, "I'll cuss at anybody I want to." Inmate Johnson refused to cease his disorderly behavior and began yelling out of the cell in an attempt to get other inmates involved. He notified Captain Michael Mercer who responded to Inmate Johnson's cell. Captain Mercer counseled with Inmate Johnson twice. The third time, Captain Mercer entered G3-Dormitory with the handheld video recorder operated by Officer Shaun Edminson and gave Inmate Johnson a final order. Inmate Johnson complied and passed the food tray out of his cell. The handheld video recording ceased.

At approximately 5:35 p.m., he was advised by Officer Martin that Inmate Johnson began yelling from his cell and cursing staff again. He attempted to counsel with Inmate Johnson again and ordered him to cease his behavior. At approximately 5:49 p.m., Captain Mercer returned to G3-Dormitory with Sergeant Cone who administered chemical agents to Inmate Johnson. At approximately 6:00 p.m.,



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Captain Mercer told him to watch Inmate Johnson through the cell door until he retrieved the camera. Inmate Johnson refused a cool water shower and Captain Mercer instructed Officer Edminson to begin a two hour observation of him. At approximately 6:30 p.m., Officer Edminson notified Captain Mercer that Inmate Johnson [REDACTED] Captain Mercer [REDACTED]

[REDACTED] The determination was made that Inmate Johnson [REDACTED] He entered the cell with Sergeant Mark Angove, Officers Edminson and Michael Strausbaugh. They put restraints on Inmate Johnson [REDACTED] Inmate Johnson was [REDACTED]

(Exhibits A3 & A4)

In his Report of Force Used #2010-110-0120, and incident report, dated June 3, 2010, Sergeant George Cone reported the following:

On June 3, 2010, he was assigned as E-Dormitory Housing Sergeant. At approximately 4:48 p.m., he was instructed by Captain Mercer to report to G-Dormitory. He was informed that Inmate Johnson was being disorderly. After Inmate Johnson was issued a final order to cease his disorderly behavior, he complied and the handheld video recording ended.

At 5:30 p.m., Inmate Johnson again became disruptive by yelling out into the quad and used profanity towards staff. Captain Mercer retrieved and issued him the MK9-OC canister of chemical agents. At approximately 5:50 p.m., by order of Captain Mercer, he administered three one second bursts of chemical agents to Inmate Johnson. Captain Mercer ordered Inmate Johnson to cease his disorderly behavior but he continued to be disruptive. At approximately 5:55 p.m., by order of Captain Mercer, he administered three one second bursts of chemical agents to Inmate Johnson. Inmate Johnson continued to refuse orders given to him and began to rub feces on the floor of his cell. Due to the Oleoresin Capsicum (OC) chemical agents being ineffective and Inmate Johnson's refusal to comply with lawful orders, Captain Mercer was authorized to administer Orthochlorbenzal Malononitrile (CS) chemical agents. However, at approximately 6:06 p.m., Inmate Johnson was given another order by Captain Mercer to cease his behavior and he began to comply. Captain Mercer re-initiated the handheld video recording and ordered Inmate Johnson to approach the cell door and allow restraints to be applied so he could be escorted to the shower for decontamination. Inmate Johnson refused to come to the cell door.

[REDACTED] Inmate Johnson refused to comply [REDACTED] Captain Mercer ended the handheld video recording. Captain Mercer instructed Officer Edminson to monitor Inmate Johnson for two hours and offer him a shower every thirty minutes. He documented his use of 340 grams of chemical agents from canister #266 during the incident and that his certification to use chemical agents was valid through September 2010.

(Exhibits A5 & A6)



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On June 3, 2010, Sergeant George Cone possessed a current weapons qualification card (DC6-277) for the use of chemical agents through September 2010. (Exhibit A7)

The Chemical Agent Accountability Log for the MK-9-OC, Body Guard LE-10 canister #266 used in this incident indicated that the canister had been issued on June 3, 2010 at 5:02 p.m. and weighed 559 grams. The canister was returned at 5:12 p.m. and weighed 559 grams. The second entry was at 5:40 p.m. and the canister weighed 559 grams. The canister was returned at 6:23 p.m. and weighed 219 grams (340 gram reduction in weight). Canister #266 was confiscated and placed in evidence (Exhibits A8 & B1)

The Chemical Agent Accountability Log for the MK-9-CS, Sabre Red canister #17 indicated that it was issued at 6:03 p.m. and weighed 347 grams. It was returned at 6:15 p.m. at the same weight (not used). (Exhibit A9)

In his incident reports dated June 3, 2010, Captain Michael Mercer indicated the following:

On June 3, 2010, at approximately 4:30 p.m., he was advised that Inmate Johnson was being disorderly and refused to return his food tray. He responded to G-Dormitory and was advised by Sergeant Whiddon that he and Officer Martin had both counseled with Inmate Johnson with negative results. He attempted to counsel with Inmate Johnson about his disorderly behavior and ordered him to return the food tray but he refused. He reviewed the [REDACTED]

[REDACTED] He contacted Duty Warden Sonya Avant-Carroll and advised her of the situation. Ms. Avant-Carroll authorized the use of OC chemical agents to quell Inmate Johnson's disturbance. Officer Edminson initiated the handheld video camera and he conducted his lead-in statement followed by Officer Martin and Sergeant Whiddon's statements of their attempts to resolve the situation. At 5:09 p.m., he approached Inmate Johnson's cell and gave him a final order to cease his behavior or chemical agents would be used. Inmate Johnson complied and passed the food tray from his cell and filming ceased.

At approximately 5:30 p.m., he was advised that Inmate Johnson had again become disorderly by yelling and using profanity towards staff. At 5:50 p.m., he ordered Sergeant Cone to administer chemical agents to Inmate Johnson. He gave Inmate Johnson several orders to cease his behavior but he continued to disrupt the operations of the confinement unit. At approximately 5:55 p.m., he ordered Sergeant Cone to administer chemical agents to Inmate Johnson. Inmate Johnson continued to refuse his orders to cease and began to smear feces on his cell floor. [REDACTED]

[REDACTED] He contacted Duty Warden Avant-Carroll and received authorization to use CS chemical agents to quell Inmate Johnson's disturbance.



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At approximately 6:06 p.m., he approached Inmate Johnson's cell and he had ceased his disorderly behavior and was sitting in the corner of the cell looking at him. Chemical agents were not used due to Inmate Johnson ceasing his disorderly conduct. At approximately 6:08 p.m., Officer Edminson began recording again with the handheld video camera. He gave an opening statement and proceeded to Inmate Johnson's cell. He gave him an order to place his hands out of the cell so restraints could be applied. Inmate Johnson refused by not acknowledging him and remained seated in the corner.

continued to refuse the shower. At approximately 6:11 p.m., the handheld video recording ended and he ordered Officer Edminson to observe Inmate Johnson and offer him a shower every thirty minutes.

At approximately 6:27 p.m., Officer Edminson advised him that Inmate Johnson had slid to the floor and was lying face up. He responded to Inmate Johnson's cell and observed him lying face up in his cell.

At approximately 6:34 p.m., Sergeants Whiddon and Angove and Officers Edminson and Officer Strausbaugh entered the cell and found Inmate Johnson. He ordered staff to place restraints on Inmate Johnson.

advised that Inmate Johnson

At approximately 7:00 p.m., Inmate Johnson was escorted from G-Dormitory. He was placed in a cool water shower. He refused to acknowledge staff orders or follow them. At approximately 7:10 p.m., Inmate Johnson was

Inmate Johnson with Inmate Johnson he was pronounced dead at 8:29 p.m.

(Exhibits A10 & A11)

In his incident reports dated June 3, 2010, Officer Shaun Edminson indicated the following:

On June 3, 2010, he was assigned as an internal security officer. At approximately 5:07 p.m., he began the handheld video recorder and Captain Mercer conducted a lead in statement. Officer Martin and Sergeant Whiddon each gave a brief statement of their attempts to resolve the disturbance prior to Captain Mercer's arrival. Captain Mercer issued Inmate Johnson a final order to cease his disorderly behavior. Inmate Johnson complied with orders and the video recording ended after Captain Mercer gave a closing statement.

At approximately 6:09 p.m., he restarted the handheld video recording of Inmate Johnson following the application of chemical agents. Captain Mercer

Captain Mercer gave a



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closing statement and he ended the video recording. He was ordered to observe Inmate Johnson for two hours in an upright position [REDACTED] and to offer him a cool water shower every thirty minutes. He gave the video camera to Captain Mercer. At approximately 6:25 p.m., he observed Inmate Johnson [REDACTED] and lie face up on the cell floor. He advised Captain Mercer who responded [REDACTED] Inmate Johnson [REDACTED]. He entered the cell with Officer Strausbaugh, Sergeants Angove and Whiddon. Inmate Johnson [REDACTED] They placed restraints on him [REDACTED] Inmate Johnson [REDACTED] Inmate Johnson was [REDACTED] Inmate Johnson [REDACTED] received a cool water shower. After he was showered, Inmate Johnson [REDACTED] [REDACTED] and Captain Mercer [REDACTED] Inmate Johnson. (Exhibits A12 & A13)

The Daily Record of Special Housing – Supplemental for Inmate Johnson detailed an incident, dated May 28, 2010, detailing Inmate Johnson’s had become disorderly yelling at the orderlies. He told staff, “This is my house!” Inmate Johnson eventually complied and no force was indicated. The record also detailed the events on June 3, 2010, handwritten by Sergeant Whiddon and Officer Martin. They both recorded specific statements made by Inmate Johnson throughout the incident. The last entry was Inmate Johnson’s refusal to be handcuffed. (Exhibit A14)

The handheld use of force video recording dated June 3, 2010, contained two segments. The first segment covered the beginning of the incident when Inmate Johnson was issued a final order and complied. The second segment of the handheld video recording was initiated after the use of force ceased and documented the attempts to handcuff Inmate Johnson so he could be removed for a shower [REDACTED]

The first segment began at 5:07 p.m. with Captain Mercer standing outside the entrance door to the confinement unit. He identified himself and the camera operator identified himself as Officer Edminson. Captain Mercer identified Inmate Johnson and stated that he was creating a disturbance in his cell, attempting to incite other inmates into creating a disturbance and refused to give up his food tray. He indicated that Officer Martin, Sergeant Whiddon and himself tried to counsel with Inmate Johnson and ordered him to cease his disturbance “to no avail.” Captain Mercer introduced Officer Martin and Sergeant Whiddon who individually addressed the camera and documented their attempts to counsel with Inmate Johnson. Captain Mercer then stated that they would proceed to the cell front and issue Inmate Johnson a final order. At 5:09 p.m., Captain Mercer gave Inmate Johnson his final order to cease his behavior and warned that if he failed to comply chemical agents would be utilized. Inmate Johnson is heard stating, “Yes sir.” Captain Mercer instructed him to give him the tray through the food flap and to clean up the cell floor. The camera view of the handheld video recording did not show the food flap. Captain Mercer advised that Inmate Johnson had given up his food tray and stopped his disorderly behavior. At 5:10 p.m., Officer Edminson identified himself as the camera operator and Captain Mercer advised him to cease recording.



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The second segment of the handheld video recording began at 6:09 p.m. Captain Mercer advised that the recording was a continuation of Inmate Johnson and that chemical agents had been administered to him. He indicated that force had ceased and Inmate Johnson refused to come out of his cell for a shower. Captain Mercer advised [REDACTED]

[REDACTED] The camera operator followed Captain Mercer [REDACTED] to Inmate Johnson's cell and positioned himself to the left side of Inmate Johnson's cell. Captain Mercer stated, "Inmate Johnson I'm giving you a direct order to get off the floor and come up and cuff up." No response was heard [REDACTED]

[REDACTED] Captain Mercer stepped to the cell and called out, "Johnson." Captain Mercer stated, "Inmate Johnson, I'm giving you another order to come to the handcuff portal.....You refusing the order?" No response was heard. Captain Mercer addressed the camera and indicated that Inmate Johnson stopped being disorderly but was refusing to be handcuffed. He indicated that he was sitting on the floor, refusing all orders. Captain Mercer advised that Inmate Johnson would be observed for the next two hours and offered a shower every thirty minutes at which time he would be removed for a shower. At 6:11 p.m., Captain Mercer completed his closing statement and the video recording ended. [REDACTED] from multiple sources during the post use of force segment of the handheld video recording. However, it could not be determined [REDACTED] (Exhibit B2)

Two Authorizations for Use of Force were completed by Duty Warden Sonya Avant-Carroll. The records documented the information provided by Captain Mercer to gain the authorization for OC chemical agents and CS chemical agents. Ms. Avant-Carroll authorized and signed both documents. Ms. Avant-Carroll also completed an incident report concerning her authorization for the use of force. (Exhibits A15 ~ A17)

[REDACTED] (Exhibit A18)

[REDACTED] (Exhibit A19)

In her digitally recorded sworn statement given on December 10, 2010, [REDACTED]

[REDACTED]



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[REDACTED]

(Exhibit B3)

digitally recorded sworn statements given on June 3, 2010, and October 2, 2010, [REDACTED]

[REDACTED]

(Exhibit B3)

[REDACTED] for Inmate Johnson was
at the time he was placed in confinement. Both documents were completed by [REDACTED]

(Exhibits A20 & A21)



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In a digitally recorded sworn statement given on November 8, 2010, [REDACTED]

[REDACTED]

(Exhibit B3)

In his incident report written on June 3, 2010, and digitally recorded sworn statement given on October 21, 2010, Sergeant Mark Angove indicated the following:

He was assigned to internal security and was called to G-Dormitory by Captain Mercer. He responded to G-Dormitory and went into Inmate Johnson's cell. Inmate Johnson was lying on the floor. His upper torso was facing up and his lower body was twisted on the side. His [REDACTED] Inmate Johnson did not say anything. Inmate Johnson was naked and they put clean under pants on him. He and the other staff put Inmate Johnson [REDACTED]

He did not recall [REDACTED]

Inmate Johnson was [REDACTED]

Inmate Johnson was not [REDACTED]

The officers who escorted Inmate Johnson [REDACTED] placed him in the shower [REDACTED] to decontaminate him [REDACTED] They put him on the floor of the shower underneath the shower head with his back against the wall. The officers used cups to rinse him from the shoulders down. He recalled hearing Inmate Johnson [REDACTED] while he was in the shower. They [REDACTED] room. That is when [REDACTED] that Inmate Johnson [REDACTED]

(Exhibits A22 & B3)

In his incident report written on June 3, 2010, and digitally recorded sworn statement given on October 25, 2010, Officer Robert Wahl indicated the following:

He was assigned as the infirmary officer on June 3, 2010. He received a call on the radio to meet staff at the entrance door [REDACTED] When he opened the door he noticed that Inmate Johnson [REDACTED] He did not observe [REDACTED] anything else remarkable about Inmate Johnson. The staff told him that the inmate had refused to shower so they took him [REDACTED] shower in the hallway [REDACTED] Officers Edminson and Strausbaugh [REDACTED]



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[REDACTED] Officer Strausbaugh held the inmate upright as Officer Edminson operated the cold water shower controls located outside of the cell. They let the water run over his head and body and he recalled seeing the marking dye being rinsed from his body. Officers Edminson and Strausbaugh placed Inmate Johnson [REDACTED] and he returned to his office. He observed Officer Edminson quickly leave the [REDACTED] and go down the hall. [REDACTED] When he went back [REDACTED] he observed [REDACTED] He recalled the [REDACTED] Officer Edminson [REDACTED] The other staff [REDACTED] (Exhibits A23 & B3)

On June 3, 2010, following the incident, this writer was advised by Inspector Supervisor Stuart Harrison to respond [REDACTED] in response to the report of Inmate Johnson's death. Upon arrival [REDACTED] this writer was briefed [REDACTED] who advised that Inmate Johnson had been pronounced deceased at 8:29 p.m. [REDACTED] The body of Inmate Johnson was [REDACTED] was covered. Inmate Johnson's legs remained shackled and there were [REDACTED] The body was [REDACTED] Inmate Johnson was wearing only his state issued under pants which were stained with the marking dye from the chemical agents. His body was photographed and his hands were bagged and sealed. This writer remained with the body until the medical examiner's transport personnel arrived and assumed possession of the body. [REDACTED] at the time of autopsy. (Exhibits B4 & B5)

An inspection of the cell (G3-202) occupied by Inmate Johnson was conducted. The cell was a standard two man cell. The cell showed no signs of struggle [REDACTED] and appeared normal. There was a plain mattress somewhat rolled to one end of Inmate Johnson's bunk with his personal property. The cell was photographed and the personal items were collected. (Exhibit B4)

It should be noted that after Inmate Johnson was removed from the cell the orderlies assigned to the confinement unit mopped and cleaned the cell. Officer Jonathan Yeomans supervised the inmates. This was routine practice following all uses of force.

The clothing and linen from Inmate Johnson's cell had been removed from the cell and put in a single plastic biohazard bag. The bag was given to Inspector Louis Cordova who also responded to the incident on June 3, 2010. The bag contained three white towels with stains from the marking dye, one torn towel (small) also stained with marking dye, a pink colored towel, a pair of white boxer shorts, one blue shirt and one pair of blue pants. The pants were turned inside-out [REDACTED] The items were air dried and packaged separately. There were [REDACTED] in any of the items. (Exhibit B6)

A review of [REDACTED] for Inmate Johnson indicated [REDACTED]



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[REDACTED]

(Exhibits A24)

In her digitally recorded sworn statement given on November 1, 2010, [REDACTED] indicated the following:

[REDACTED]

(Exhibit B3)

In her digitally recorded sworn statement given on November 1, 2010, [REDACTED] indicated the following:

[REDACTED]

(Exhibit B3)

In her digitally recorded sworn statement given on October 21, 2010, [REDACTED] the following:

[REDACTED]

(Exhibit B3)



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September 21, 2010, District Fourteen Medical Examiner Michael D. Hunter, M.D. completed his autopsy report and case summary. His autopsy report indicated that the manner of death was accidental and the cause of

[REDACTED] The case summary detailed the review of Inmate Johnson's [REDACTED] from the incident reports supplied to the medical examiner's investigator. (Exhibits A25 & A26)

Following the June 3, 2010 incident, outside complaints were received making allegations in general that Inmate Johnson was beaten to death, a large amount of chemical agents were used and that procedures were not followed. Additionally, multiple inmates were identified through the Prison Tips Line, [REDACTED] letters, and request forms. All the identified complainants were interviewed and their allegations are addressed.

On June 12, 2010, former employee Thomas Brown sent an electronic mail message (*email*) to Secretary McNeil mainly concerning his own disciplinary issues and dismissal. He alleged that the administration at Northwest Florida Reception Center was covering up abuse of staff and inmates and that the incident with Inmate Johnson was the same "old business as usual." He indicated that Inmate Johnson had [REDACTED] and "gassed" three times and "not properly videoed." Voicemail messages were left at two telephone numbers from the employee's record and a request for an interview was emailed to the same address used to send the original complaint. The former employee never returned the telephone calls or responded to the email message. He was not employed by the department at the time of this incident. (Exhibit A27)

An anonymous letter, dated July 12, 2010, was received by the Office of the Chief Inspector General. The letter alleged that Inmate Johnson was "pepper sprayed with the cameras running." The cameras were turned off but the "pepper spray was not." The writer indicated that staff was laughing while Inmate Johnson [REDACTED] (Exhibit A28)

A second anonymous letter was received on September 23, 2010, concerning Inmate Johnson's death. The writer alleged that Inmate Johnson's cell was cleaned [REDACTED] and his clothing disposed, to destroy the evidence. [REDACTED] The writer further alleged that investigators on scene "let it be known" that they were on the officer's side and that the warden, colonel and Secretary McNeil had helped "cover up" this incident. (Exhibit A29)

In his digitally recorded sworn statement given on August 11, 2010, Inmate Joshua Munn #G11436 indicated the following:

He was housed in G3-107 on June 3, 2010, when chemical agents were used on Inmate Johnson. He heard Inmate Johnson tell Captain Mercer [REDACTED] Captain Mercer told him [REDACTED] Captain Mercer came by the cell and told him to give them the food tray. When Inmate Johnson complied, he



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heard Captain Mercer read the statement to the camera that if he continues he will not receive another warning. He never heard Inmate Johnson making any noise until he was "gassed." He was being quiet and did nothing to cause them to use force on him. He heard Inmate Johnson [REDACTED]. He could not see Inmate Johnson's cell from his cell but he could hear everything and saw staff as they went up and down the stairs. Captain Mercer came back to the cell about 6:30 p.m., opened the door and "pretty much emptied a can" into the cell. About five minutes later, Captain Mercer asked the camera operator how much time he had left and the camera operator told him six minutes. Captain Mercer went back upstairs and "emptied another can" into the cell. Captain Mercer came back about ten minutes later and told Inmate Johnson to come to the food flap to get handcuffed. Captain Mercer said he refused and walked off. About five minutes later, Captain Mercer came back and said the same thing. Captain Mercer looked in the cell and said, get the chain off the door. The security staff closed all the flaps on the cell doors but his flap remained open slightly and he saw them [REDACTED]. He heard Officer Martin or the camera operator say aloud that Inmate Johnson was [REDACTED]. They were laughing and asked themselves [REDACTED]. He came forward now because they "gas" a lot of inmates and he did not want to be a victim too. (Exhibit B3)

In his digitally recorded sworn statement given on August 25, 2010, Inmate Justin Settle #V08109 indicated the following:

He was housed in G3-201 on June 3, 2010. He recalled the application of chemical agents to an inmate in G3-202 when he was housed in confinement at Northwest Florida Reception Center Main Unit. He could not recall the inmate's name (*Inmate Johnson*). During the day shift, Inmate Johnson [REDACTED]. During meal time on the evening shift, Inmate Johnson [REDACTED]. He tried to explain to the officer that he could not eat. The officer said that he was refusing to give up his tray and closed the food flap. Inmate Johnson did not yell or kick the door. The officer went and got Captain Mercer and they came back with the camera. Inmate Johnson was not disorderly. Inmate Johnson was praying and they came and "gassed" him. He recalled them administering chemical agents at least two times but no more than three times. The officer told Inmate Johnson he did not know why he was "praying to God," he could not save him [REDACTED]. About fifteen minutes [REDACTED], the officer that was watching the cell, told the other staff to [REDACTED] because Inmate Johnson [REDACTED]. When the captain [REDACTED] there they went inside [REDACTED]. (Exhibit B3)

In his digitally recorded sworn statement given on August 27, 2010, Inmate Elijah Thomas #X68794 indicated the following:

He was housed in cell G3-201 (*adjacent to Inmate Johnson*) on June 3, 2010. Inmate Johnson received a food tray. He ate slowly because [REDACTED]. After the trays were passed out, they (*staff*) went to the other "quad" and then came back. Inmate Johnson was not finished eating and



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refused to give Officer Martin his food tray. The sergeant and Captain Mercer came in to talk to him. Inmate Johnson told Captain Mercer [REDACTED] Captain Mercer told him [REDACTED] but he was still going to "gas" him. He recalled that Inmate Johnson told Captain Mercer [REDACTED] but Captain Mercer refused him. He did not hear anyone making noises or kicking on the door. Inmate Johnson then gave them the food tray and the staff left. They came back at 8:00 p.m. to "gas" him. He heard Inmate Johnson praying. He did not hear anyone kicking on a door or making any noise. They applied chemical agents twice with two cans. Inmate Johnson would not come to the door to be handcuffed. Staff said Inmate Johnson was lying on the floor. He heard [REDACTED]

(Exhibit B3)

In his digitally recorded sworn statement given on October 4, 2010, Inmate Levert Stewart #J17573 indicated the following:

He was housed in G3-203 (adjacent to Inmate Johnson). He recalled Inmate Johnson called out to him and his cellmate (Inmate Jerome Butler) to beat on the cell door to let staff know [REDACTED]

[REDACTED] About 10-20 minutes later, [REDACTED]

About an hour later, [REDACTED]

[REDACTED] The officers said that Inmate Johnson was lying [REDACTED]. The officers told him that if he knocked on the door like that he and his cellmate could get "sprayed" for it. He did not personally know, but believed the day shift passed the information about the incident on to the evening shift because the evening shift mentioned "getting" Inmate Johnson for the "stunt he pulled." The staff assigned to the evening shift closed the flaps covering all cell door windows. His flap was left partially open and he could still see outside his cell. He was seated on the sink and his cellmate was seated on the toilet so they could see "everything." About 45 minutes to an hour after the food trays were passed out, the staff began to act like Inmate Johnson would not give up his food tray. They told Inmate Johnson they were going to "spray" him. He did not hear Inmate Johnson verbally refuse to give back his tray and he did not yell or bang on his cell door. He did not hear Inmate Johnson say anything. He said they had the flap closed but were still asking him for the tray even though the flap was closed and he was not able to give it to them. He saw staff getting the camera ready and put the chains on the cell door. He knew Inmate Johnson was at his cell door by the way staff were acting and talking, but Inmate Johnson did not say anything. About 10-20 minutes after they left with the camera they "sprayed" him with a "long spray" and then shut the door. He heard Inmate Johnson [REDACTED]. He heard staff order him to put his hands behind his back. [REDACTED]

Inmate Johnson [REDACTED] Captain Mercer [REDACTED] Captain Mercer told the officer to "spray" him again. He heard the "spray" again and a few minutes later he heard a "boom" like something had hit the wall. He believed that Inmate Johnson had fallen on the floor. Captain Mercer and two other sergeants were at the door. Captain Mercer told Inmate Johnson to get up and "cuff up!" and to "stop playing like you dead or something." When staff realized Inmate Johnson was dead, the heavy set sergeant [REDACTED] (Sergeant Whiddon) said "oh, shit" and ran down the stairs. He said that the inmate [REDACTED]. He alleged that staff cleaned him, changed his "uniform" and wiped off the walls before Inmate Johnson was removed from the cell. He could see them take in clean rags and a clean uniform. When they took Inmate Johnson out, he could see [REDACTED]



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[REDACTED] Inmate Johnson was not moving at all. He did not know if his eyes were open or not. During the days following, officers repeatedly came to their cell asking them what they saw and threatened them not to talk to anyone. (Exhibit B3)

In his digitally recorded sworn statement given on October 4, 2010, Inmate Jerome Butler #V03652 indicated the following:

He was housed in G3-203 with Inmate Stewart on June 3, 2010. Between 4:50 and 5:30 (p.m.), the inmate in cell 202 (Inmate Johnson) asked him to beat on the door to alert staff [REDACTED]

[REDACTED] He beat on the door and Officer Brown and Sergeant Martin came in. They took Inmate Johnson [REDACTED]

[REDACTED] When Officer Brown removed Inmate Johnson from the cell, he pushed him against the wall and then he pushed his head against the wall. Officer Brown told Inmate Johnson [REDACTED]

[REDACTED] he was going to "gas his ass." After they took Inmate Johnson [REDACTED] Sergeant Martin came to his cell door. Sergeant Martin told him that he was lucky because if Inmate Johnson [REDACTED] he was going to "gas" him too for beating on the cell door. Sergeant Martin told him he did not care if someone was dying, he should not beat on his door. He alleged that day shift staff had passed on information to the next shift to "gas" the inmate. He overheard Officer Yeomans and Sergeant Whiddon making statements that Inmate Johnson had to get "gassed tonight" and that was what they told Inmate Johnson.

The officer put a food tray in the cell but they would not open the food flap to take the tray back. Captain Mercer, Sergeant Whiddon and Officer Yeomans took the tray out of the cell. Captain Mercer told the inmate to get ready because they were going to "gas" him. Officer Martin came to Inmate Johnson's cell and kept saying things to try and incite him. Inmate Johnson did not get loud and was not disorderly. He [REDACTED] and told them [REDACTED] but they ignored him. When Captain Mercer returned with the "gas" he told the inmate that "tonight's your night. [REDACTED] you best figure out a way to live." After they "sprayed" him, [REDACTED]

[REDACTED] Captain Mercer told [REDACTED] they had everything under control. When [REDACTED] they "gassed" him again. He heard a "clunk" and believed that Inmate Johnson had fallen. Captain Mercer commented that the inmate had [REDACTED] He told the inmate to quit lying there and get his "ass" up and [REDACTED] or he was not coming out. Captain Mercer told him to get up and quit lying there [REDACTED] When they came back to "gas" him a third time, Captain Mercer told the sergeant to "spray him in his fucking mouth since he won't get his ass off the floor."

When they opened the door, the sergeant ran down the stairs [REDACTED] Captain Mercer, Officer Yeomans, Sergeant's Whiddon and Cone and another officer went in the cell with clean boxers, two wet towels and a dry towel. They changed his cloths and cleaned him up. They put the dirty clothing and towels in a bag and he heard Captain Mercer tell them to make sure and get rid of the bag. When they brought Inmate Johnson out of the cell, they saw the "flap" on his cell door window was left open. Captain Mercer told



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him that he better act like he did not know "shit." When they took Inmate Johnson downstairs, [REDACTED] He told his cellmate [REDACTED] Later that night, Captain Mercer and Sergeant Whiddon came back and asked him and his cellmate what they saw and they told him they did not see anything. They told them to keep it like that or they would be next. The next morning, Officer Brown and Sergeant Martin came to their cell and asked them what they knew. He told them he did not know anything. They told him to keep his mouth shut. When Captain Mercer came back to work that day, he came to his cell with Sergeant Whiddon. Captain Mercer told him if he kept his mouth shut he would see about letting him out early and if not they would be his "worst fucking nightmare." He indicated that he did not get out of confinement early. (Exhibit B3)

This statement was obtained after the retention period for [REDACTED] recordings. The video recording depicting Officer Brown's actions when Inmate Johnson [REDACTED] earlier in the day was not available for review.

In his digitally recorded sworn statement given on July 8, 2010, Inmate John King #524316 indicated the following:

He worked in the main unit laundry. He had seen [REDACTED] in red bags. The same day he called the TIPS line (June 4, 2010) or the day before, the laundry sergeant came and got him and another inmate and took them [REDACTED] It was underneath the stands used to dry mattresses. He told them to go get some bleach water, scrub pads and gloves and clean [REDACTED] it. They pulled [REDACTED] out and scrubbed it down with bleach water. [REDACTED] He had heard a rumor that an inmate had been beaten pretty badly in confinement the night before and the [REDACTED] was at the laundry. [REDACTED] He identified it [REDACTED] from the way [REDACTED] The sergeant had them put [REDACTED] A couple hours later, the sergeant picked up a couple bottles of hydrogen peroxide from the captain's office. They cleaned [REDACTED] with hydrogen peroxide and scrub brushes [REDACTED] (Exhibit B3)

In his digitally recorded sworn statement given on August 19, 2010, Inmate Timmothy Fuller #H31733 indicated the following:

He was assigned as the orderly in confinement on June 3, 2010, when Inmate Johnson died. Inmate Johnson was [REDACTED] during the day shift because [REDACTED] in the hallway and [REDACTED] While passing out food trays for the dinner meal between 4:00 p.m. and 4:30 p.m., Officer Martin threw Inmate Johnson's food tray on the cell floor. When they returned to the cell to pick up food trays, Inmate Johnson would not give his tray back. Captain Mercer came to confinement and talked to Inmate Johnson, but he would not give the food tray back. He was in the sally port (hallway) and could not hear what Captain Mercer said. When Captain Mercer, Officers Martin and Yeomans and the confinement sergeant (Sergeant Whiddon) walked out, he heard Captain



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Mercer tell them that they were going to give Inmate Johnson a few minutes and if he did not give the food tray back they were going to "spray his ass." Captain Mercer and Officer Martin went back inside and talked to Inmate Johnson. Sergeant Whiddon and Captain Mercer retrieved a can of gas and put it in a plastic coffee can with hot water. They routinely heat up canisters like that. After they used chemical agents on Inmate Johnson, they told them (*orderlies*) they were going to have a mess to clean up. He was used to cleaning up "gas" because they do it almost every day. Inmate Johnson was being disruptive by yelling and kicking on the cell door. From the sally port area, he could see Inmate Johnson at the cell door and could hear him. Once they applied three one second burst, they weighed the can and returned to the cell and "sprayed" the rest of the can into the cell. He heard Captain Mercer telling Officer Yeomans and Sergeant Whiddon how "stupid" Inmate Johnson was and how much they loved "gassing" people. They returned to Inmate Johnson's cell and he was at the cell door window yelling and beating on his cell door. Staff was talking so low he could not hear them from the sally port area.

They began to assemble the extraction team and returned to the cell again to counsel with Inmate Johnson. Inmate Johnson continued to yell and they got another can and "gassed" him again. He saw the tall baldheaded sergeant (*Sergeant Cone*) go to the cell three times and "gas" Inmate Johnson. When they went back to the door, he did not know what happened but they called for Officer Martin [REDACTED]. They opened the cell door and went inside. He heard a stomping noise echoing through the dormitory. He was still outside in the sally port. It sounded to him like someone was stomping on the "ground" (*floor*). They [REDACTED].

[REDACTED] He was in the sally port area on the other side of the door, which separated the two sally port areas. He saw Inmate Johnson [REDACTED]. He could not identify [REDACTED]. Sergeant Whiddon, Captain Mercer, Officer Martin and some other unknown staff were in the area. [REDACTED] Inmate Johnson tensed his arm up [REDACTED]. He either did not comply or refused to comply. [REDACTED]

[REDACTED] Officer Yeomans took him and the other confinement orderly inside to clean the cell. He did not know the other inmate's name. He was a young black male inmate with gold teeth that they called "Stutter." He saw [REDACTED]. The pillow was on the bunk but had multiple boot prints in different directions on the pillow case. There was also [REDACTED]. They cleaned the cell and wrapped the soiled cloths and linen in a sheet. They put the cloths and linens in a biohazard bag and put it outside because [REDACTED]. He returned to the sally port hallway. He observed staff [REDACTED]. Inmate Johnson [REDACTED]. He was facing away from him and could not tell if [REDACTED]. [REDACTED] Inmate Johnson [REDACTED] and was not making any sounds. [REDACTED]

(Exhibit B3)



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In his digitally recorded sworn statement given on August 26, 2010, Inmate Walter Flowers #U30535 indicated the following:

He was an orderly assigned to confinement and recalled the incident with Inmate Johnson. Inmate Johnson told the officer, "Fuck ya'll, call the captain" and that he was not getting the tray. Inmate Johnson was at the cell door and was loud. As they went down the stairs, he began kicking his cell door. He and the other orderlies were secured in the hallway on the opposite side of the dorm to eat their food. When staff use force and the captain comes in, the orderlies are always secured in the shower cell in another dormitory. He did not remember if any of the other orderlies were taken back to the quad during the incident. They are never allowed in the area when an inmate is "gassed." He did not recall if he passed trays on that side and denied that an officer threw any food tray. He saw Inmate Johnson with the tray in his hand and there was food on the tray. The inmate was screaming at them refusing to give the tray back to staff. There was no mess in the cell. He did not recall if he was assigned to clean the cell. He did recall looking in the cell after it was secured and could see the dye from the "gas" [REDACTED]. He did not see [REDACTED] and orderlies are not allowed [REDACTED]. There were four orderlies out that night and one of them was white. He could not recall the white orderly's name (*Inmate Fuller*). He remembered that the white orderly was talking about the incident and that he was going to claim [REDACTED] to try and get transferred from the institution.

(Exhibit B3)

On October 4, 2010, the Tallahassee Field Office received a letter mailed to the Florida Department of Law Enforcement (FDLE). The return address and name at the close of the letter was Lorenzo Brinson #808328. The letter alleged that Captain Mercer had used chemical agents on Inmate Johnson for problems on the previous shift and that Inmate Johnson had told him [REDACTED] and not to "gas" him. (Exhibit A30)

In his digitally recorded sworn statement given on October 14, 2010, Inmate Lorenzo Brinson #S08328 indicated the following:

He denied that he wrote or mailed the letter to FDLE. He believed his signature was forged. He recalled an incident when an inmate collapsed but did not have any direct knowledge or information about the incident. When the incident occurred, he was in his cell and the flap covering the cell window was shut. He could not see anything and did not recall hearing anything. He indicated that a lot of inmates were talking about the incident and they also had tried to use the incident to get a transfer. He denied having any knowledge of the letter or who wrote it. He was "shocked" when he received a response letter from FDLE and threw it away. (Exhibit B3)

The fixed wing video recordings, dated June 3, 2010, of G-Dormitory were reviewed and depicted the attempted retrieval of Inmate Johnson's food tray at 16:09 (*camera time*) and their attempts to counsel with him. At 17:08, Captain Mercer arrived with the handheld video camera operator and after a brief moment Sergeant Whiddon opened the food flap and removed the food tray. At 17:30, Officer Martin was seen performing a routine security check. He stopped briefly at Inmate Johnson's cell and then completed his security check. At 17:31, Officer Martin returned to the cell and appeared to counsel with Inmate Johnson. Sergeant Whiddon and



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Captain Mercer returned and appeared to counsel with Inmate Johnson. Inmate Johnson was not standing at the door at this time. Sergeant Cone is observed applying chemical agents twice at 17:50 and again at 17:55. At 18:07, [REDACTED] Inmate Johnson's cell door with Captain Mercer and left approximately a minute later. [REDACTED] at 18:09 and looking into the cell with Captain Mercer (*also covered by handheld recording*). At 18:32, [REDACTED] Inmate Johnson's cell during [REDACTED]. At 18:34, the cell was opened and Inmate Johnson was [REDACTED]. At 18:43, two orderlies arrive at the cell with an officer and begin to clean the cell.

Following the allegation that Officer Martin threw Inmate Johnson's tray on the floor, additional fixed wing video recordings were requested. The video depicted the delivery of food trays to Inmate Johnson's cell at 16:00 by Officer Martin. Inmate Johnson was at the cell door when Officer Martin placed the tray on the food flap. The majority of the view of the food tray was blocked by Officer Martin's body. However, his movements were consistent with the delivery of food trays to the adjacent cells. No abrupt or remarkable movement was observed that would indicate he pushed or threw the food tray on the floor. Inmate Johnson was standing immediately inside the cell door and walked away after the tray went into the cell. Inmate Johnson did not bend down and pick anything up nor did he remain at the cell door. The officer closed the food flap and went to the next cell. (Exhibits B7~B22)

In his digitally recorded sworn statement given on October 25, 2010, Officer James Murphy indicated the following:

He was assigned to G-Dormitory on June 3, 2010. His assigned duties were in G1 & G2 Dormitories. During the incident with Inmate Johnson, he was feeding and picking up food trays in G1-Dormitory and supervised inmate showers in G2-Dormitory. He could not hear the disturbance in G3-Dormitory from where he was. He saw Captain Mercer reviewing a file in the officer's station and then the captain made a telephone call. He assumed that [REDACTED]

[REDACTED] The confinement orderlies are removed from the affected side of the dormitory when any use of force incident begins. They are secured in the quads on the opposite side until the incident was over. During the incident on June 3, 2010, he recalled the orderlies being kept in the dayroom at the tables in G2-Dormitory. He recalled Inmate Johnson [REDACTED]

[REDACTED] He was inside G2-Dormitory and could not hear [REDACTED] Inmate Johnson. He saw staff take Inmate Johnson out of the dormitory but could not recall if Inmate Johnson [REDACTED] He denied that any staff act inappropriately. He did not see anyone heat up the chemical agents canister with hot water. He did not recall any previous interaction with Inmate Johnson and was not aware of any briefing from the previous shift concerning Inmate Johnson. (Exhibit B3)



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G-Dormitory is a "Butterfly" style housing unit. The view from G2-Dormitory dayroom to G3-Dormitory was separated by three security doors and has a very limited view of G3-Dormitory. The orderlies in G2-Dormitory dayroom would not have had any view of Inmate Johnson's cell.

In his digitally recorded sworn statement given on October 25, 2010, Officer James Baker indicated the following:

He was assigned to the officer's station in G-Dormitory on June 3, 2010. His duties were to provide overall security of G-Dormitory, operate doors, and answer the phone. He did not activate the audio monitoring speaker in G3-Dormitory and could not hear Inmate Johnson's disturbance from inside the officer's station. He recalled when he opened the doors for the captain to use chemical agents on the inmate and when the inmate was removed [REDACTED]. He did not see the inmate close enough to observe his condition. He was taken [REDACTED] then escorted [REDACTED]. At approximately 9:30 p.m., he was reassigned to G3-Dormitory to provide security for the scene. He assisted Inspector Louis Cordova in securing the cell door. He did not see any staff act inappropriately. The orderlies in confinement are routinely moved to the opposite side of the dormitory at the start of all use of force incidents. He did not recall the previous shift briefing him about Inmate Johnson or if he had any contact with Inmate Johnson before this incident. He denied that anyone has ever heated up a chemical agent canister prior to a use of force. (Exhibit B3)

In his digitally recorded sworn statement given on October 21, 2010, Sergeant Mark Angove indicated the following:

He arrived after the use of force and had no knowledge of the events prior to the use of chemical agents. They did not remove any clothing from Inmate Johnson. He saw the marking dye [REDACTED] in the cell but [REDACTED]. Captain Mercer did not tell him or other staff to throw away or destroy anything. He did not recall seeing any inmate orderlies in the area. He did not hear [REDACTED] to Inmate Johnson or [REDACTED]. He did not witness any abuse of Inmate Johnson or unprofessional behavior by staff. (Exhibit B3)

In his incident report written on June 3, 2010, and digitally recorded sworn statement given on October 27, 2010, Officer Michael Strausbaugh indicated the following:

He was assigned to internal security on June 3, 2010, when he was called to G-Dormitory to remove Inmate Rommell Johnson from his cell. He entered the cell with Sergeants Whiddon and Angove, and Officers Edminson and Martin. [REDACTED]. He did not recall if Inmate Johnson [REDACTED]. He did not recall him saying anything. [REDACTED] walked around the vestibule area [REDACTED]. He did not hear anything [REDACTED] and the other staff [REDACTED]. Inmate Johnson was placed in the shower.



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He did not recall who or how Inmate Johnson was showered. Afterwards, they took Inmate Johnson [REDACTED]. He was instructed to report to the control room in preparation to escort Inmate Johnson [REDACTED]. He denied that anyone abused Inmate Johnson in any way and indicated that staff acted appropriately to his needs.

(Exhibits A31 & B3)

In his digitally recorded sworn statement given on October 27, 2010, Officer Shaun Edminson indicated the following:

He did not recall [REDACTED] and no staff attempted to clean up anything or remove anything from the cell at that time. He did not witness anyone abuse Inmate Johnson in any way. He did not hear anyone mention that Inmate Johnson [REDACTED]. He was not in confinement after the final warning and did not hear Inmate Johnson being disorderly. He did not observe anyone heat the chemical agent's canister with hot water.

(Exhibit B3)

In his digitally recorded sworn statement given on October 25, 2010, Officer Robert Wahl indicated the following:

He did not see anyone abuse or act inappropriately during the incident. Everyone tried to do everything possible [REDACTED]

(Exhibit B3)

In her digitally recorded sworn statement given on November 8, 2010, [REDACTED] indicated the following:

[REDACTED]

(Exhibit B3)

In his incident report dated June 3, 2010, and digitally recorded sworn statement given on October 29, 2010, Officer Jonathan Yeomans indicated the following:

He was assigned as a housing officer in G-Dormitory on June 3, 2010. He was advised by Sergeant Whiddon to decontaminate Inmate Johnson's cell following the use of force. He supervised the orderlies as they cleaned the cell. He did not recall being involved in the use of force of Inmate Johnson. He denied that anyone on a previous shift had prearranged the force used on an inmate during his shift.

(Exhibits A32 & B3)

In her digitally recorded sworn statement given on October 29, 2010, [REDACTED] indicated the following:

[REDACTED]



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[REDACTED]

(Exhibit B3)

In his digitally recorded sworn statement given on January 25, 2010, Officer Daniel Brown indicated the following:

He was assigned to G-Dormitory (*confinement*) to the day shift on June 3, 2010. He recalled Inmate Johnson telling him [REDACTED] He called Sergeant Martin and Inmate Johnson was removed from the cell [REDACTED] He never threatened to "gas" Inmate Johnson. He denied that he or anyone else pushed or caused Inmate Johnson's head to hit the wall. He denied that anyone told the next shift that Inmate Johnson needed to be "gassed." He denied that he or anyone else laughed or joked about the incident.

(Exhibit B3)

In his incident report dated June 3, 2010, and digitally recorded sworn statement given on January 25, 2010, Sergeant Christopher Martin indicated the following:

He was assigned to G-Dormitory to the day shift on June 3, 2010. He recalled going to Inmate Johnson's cell [REDACTED] He and Officer Brown escorted Inmate Johnson [REDACTED] Officer Brown did not push Inmate Johnson's head into the wall. Officer Brown did not threaten to "gas" him if there was nothing wrong with him. He had no knowledge that anyone arranged the use of chemical agents with the following shift. Nobody laughed or joked about the incident.

(Exhibits A33 & B3)

In her digitally recorded sworn statements given on June 3, 2010, and November 1, 2010, [REDACTED] indicated the following:

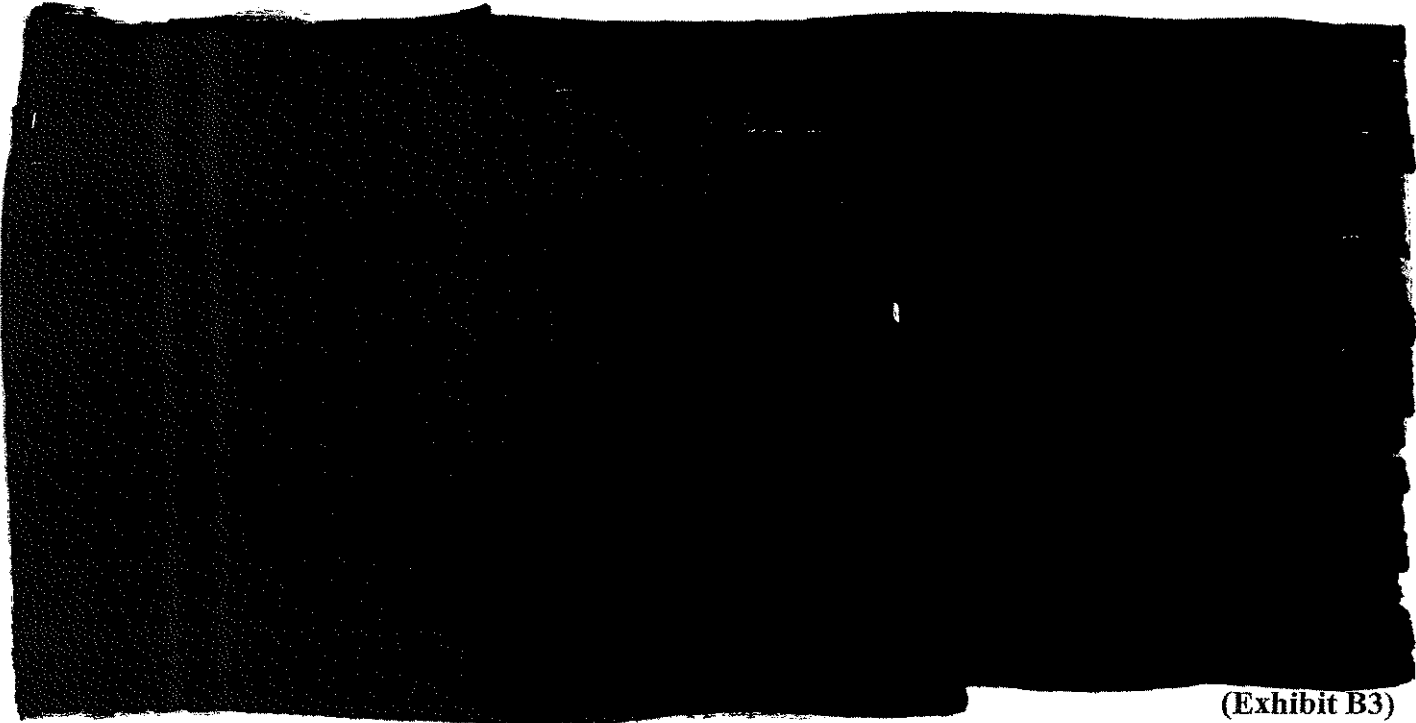
[REDACTED]



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(Exhibit B3)

In his digitally recorded sworn statement given on January 25, 2010, Officer Andrew Martin indicated the following:

He did not throw the tray on the floor nor did he give Inmate Johnson the wrong tray. He denied that he antagonized or incited Inmate Johnson. Inmate Johnson was given the same amount of time to eat as the other inmates. There were no other complaints from other inmates about the time given to consume their food. Inmate Johnson gave the tray back to the captain and ceased his disorderly behavior. The previous shift did not arrange for chemical agents to be used on Inmate Johnson. There was no prearranged plan to use force on Inmate Johnson. Inmate Johnson became disorderly again by using profanity towards staff and yelling out of his cell. He observed Sergeant Cone applied chemical agents. He was present for the entire incident and did not hear Inmate Johnson

_____ Captain Mercer to remove Inmate Johnson after the first application. After the second application, Inmate Johnson ceased his disorderly conduct. Inmate Johnson did not comply with orders to come to the cell door to be handcuffed. He remained downstairs and did not see Inmate Johnson until they entered the cell and removed him. When he entered the cell, Inmate Johnson _____ and it did not appear _____ Inmate Johnson was

_____ He never heard _____

_____ They took Inmate Johnson _____

_____ All staff responded appropriately to Inmate Johnson's _____

_____ He denied that anyone abused Inmate Johnson.

(Exhibit B3)



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In his digitally recorded sworn statement given on October 28, 2010, Sergeant Jason Whiddon indicated the following:

He was not aware of staff from the previous shift passing any information about Inmate Johnson to him or his staff. He had no knowledge that the use of chemical agents had been planned because of Inmate Johnson's problems with the previous shift. He was present at Inmate Johnson's cell when Captain Mercer counseled with him. Captain Mercer did not threaten Inmate Johnson or act inappropriately. Inmate Johnson did not [REDACTED] before, during or after the use of force. He had no knowledge that Officer Martin threw Inmate Johnson's food tray on the floor or incited or encouraged Inmate Johnson to act disorderly. He did not see anyone heat the chemical agent canister in hot water. He had no knowledge nor overheard a discussion between security staff [REDACTED] that Inmate Johnson [REDACTED]. He did not witness any abuse of Inmate Johnson and all staff responded appropriately to the incident. [REDACTED]

(Exhibit B3)

In his digitally recorded sworn statement given on December 15, 2010, Captain Michael Mercer indicated the following:

Everyone responded appropriately to Inmate Johnson [REDACTED]. He offered the Employee Assistance Program pamphlet to several staff because they were upset after the incident. He denied that anyone heated the chemical agent's canister up with hot water before the use of force. [REDACTED] He gave the canister to Sergeant Cone. [REDACTED]

[REDACTED] He denied that he told Inmate Johnson to quit "playing like he was dead." He denied that he told Sergeant Cone to "spray" Inmate Johnson in the mouth. He did not threaten inmates to not cooperate with the investigation or not to talk to the inspectors. He never observed anyone laughing or joking about the incident. He had no knowledge that anyone had instigated the incident with Inmate Johnson. He denied that anyone verbally or physically abused Inmate Johnson. (Exhibit B3)

In his digitally recorded sworn statement given on January 25, 2010, Sergeant George Cone indicated the following:

He was called to confinement to administer chemical agents to Inmate Johnson due to his disorderly conduct. He did not witness the final order. Captain Mercer issued him the chemical agent canister. When he arrived in the quad he could hear Inmate Johnson yelling profanities at staff. He administered the first application of chemical agents and exited the quad. Inmate Johnson continued to yell and began to [REDACTED]. He applied chemical agents but Inmate Johnson continued his disorderly conduct. Captain Mercer received authorization to use a third application of chemical agents but Inmate Johnson began to comply and ceased his disorderly conduct. He left the confinement unit and returned to his assigned duties in E-Dormitory. He was not present [REDACTED]



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[REDACTED] Captain Mercer to handcuff Inmate Johnson. Captain Mercer did not tell him to "spray" Inmate Johnson in the mouth. Inmate Johnson did not say anything to him during the use of force and made no requests [REDACTED] while he was there. He denied any knowledge that anyone instigated or agitated Inmate Johnson. **(Exhibit B3)**



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[Signature]

Art Rountree Senior Inspector

2/10/11

Date

[Signature]

Debbie Carter Arrant

02/11/2011

Date

Regional Supervisor

Lead Inspector

Kathleen Harrell

Lead Supervisor

2/19/11

Date

[Signature]

Interim Deputy Inspector General / Deputy Inspector General
 Chief of Investigations Chief of Special Operations

3/3/11

Date

[Signature]

Interim Inspector General

3-7-11

Date



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EXHIBIT/ATTACHMENTS SECTION

A. EXHIBIT(s) - attached:

1. Incident report submitted with the use of force by Officer Andrew Martin
2. Incident report by Officer Andrew Martin
3. Incident report submitted with the use of force by Sergeant Jason Whiddon
4. Incident report by Sergeant Jason Whiddon
5. Report of Force Used #2010-110-0120 by Sergeant George Cone
6. Incident report by Sergeant George Cone
7. Copy of Sergeant George Cone's weapons qualification card
8. Chemical Agent Accountability Log for the MK-9 OC canister
9. Chemical Agent Accountability Log for the MK-9 CS canister
10. Incident report submitted with the use of force by Captain Michael Mercer
11. Incident report by Captain Michael Mercer
12. Incident report submitted with the use of force by Officer Shaun Edminson
13. Incident report by Officer Shaun Edminson
14. Daily Record of Special Housing – Supplement for Inmate Rommell Johnson
15. Authorization for Use of Force for OC chemical agents
16. Authorization for Use of Force for CS chemical agents
17. Incident report by Duty Warden Sonya Avant-Carroll
18. [REDACTED]
19. [REDACTED]
20. [REDACTED]
21. [REDACTED]
22. Incident report by Sergeant Mark Angove
23. Incident report by Officer Robert Wahl
24. [REDACTED]
25. Medical Examiner's Autopsy Report
26. Case Summary completed by the Medical Examiner's Office
27. Electronic Mail Message from former officer Thomas Brown
28. Anonymous letter dated July 12, 2010
29. Anonymous letter received on September 23, 2010
30. Letter mailed to FDLE allegedly by Inmate Lorenzo Brinson
31. Incident report by Officer Michael Strausbaugh
32. Incident report by Officer Jonathan Yeomans
33. Incident report by Sergeant Christopher Martin

B. EXHIBIT(s) - not attached:

1. MK-9 OC chemical agents canister #266



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2. Compact Disc containing the handheld video segments
3. Compact Disc containing digitally recorded statements of the following:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Sergeant Mark Angove
- Officer Robert Wahl
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Inmate Joshua Munn
- Inmate Justin Settle
- Inmate Elijah Thomas
- Inmate Levert Stewart
- Inmate Jerome Butler
- Inmate John King
- Inmate Timmothy Fuller
- Inmate Lorenzo Brinson
- Inmate Walter Flowers
- Officer James Murphy
- Officer James Baker
- Officer Michael Strausbaugh
- Officer Shaun Edminson
- [REDACTED]
- Officer Jonathan Yeomans
- Officer Andrew Martin
- Sergeant Jason Whiddon
- Captain Michael Mercer
- Sergeant George Cone
- Officer Daniel Brown
- Sergeant Christopher Martin

4. Compact Disc containing digital photographs of the following:

- Inmate Romnell Johnson's body [REDACTED]
- Inmate Johnson's cell (G3-202) and personal items

5. [REDACTED] from Inmate Romnell Johnson's body at the autopsy



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6. Inmate Rommell Johnson's clothing recovered from red biohazard bag
7. Compact Disc containing fixed video recording (*Camera 1*) from 1500 to 1545
8. Compact Disc containing fixed video recording (*Camera 1*) from 1545 to 1609
9. Compact Disc containing fixed video recording (*Camera 1*) from 1609 to 1650
10. Compact Disc containing fixed video recording (*Camera 1*) from 1650 to 1720
11. Compact Disc containing fixed video recording (*Camera 1*) from 1720 to 1750
12. Compact Disc containing fixed video recording (*Camera 1*) from 1750 to 1820
13. Compact Disc containing fixed video recording (*Camera 1*) from 1820 to 1850
14. Compact Disc containing fixed video recording (*Camera 1*) from 1850 to 1920
15. Compact Disc containing fixed video recording (*Camera 1*) from 1920 to 1944
16. Compact Disc containing fixed video recording (*Camera 2*) from 1500 to 1545
17. Compact Disc containing fixed video recording (*Camera 2*) from 1545 to 1609
18. Compact Disc containing fixed video recording (*Camera 2*) from 1609 to 1650
19. Compact Disc containing fixed video recording (*Camera 2*) from 1650 to 1735
20. Compact Disc containing fixed video recording (*Camera 2*) from 1735 to 1820
21. Compact Disc containing fixed video recording (*Camera 2*) from 1820 to 1905
22. Compact Disc containing fixed video recording (*Camera 2*) from 1905 to 1944