

Florida Department of Corrections
Office of the Inspector General

Case Number: 11-2-12958



"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 attached report and the contents of the report are true and accurate based upon my personal knowledge, information, and belief."

Ken W. Sims

Inspectors Signature

3/20/12

Date

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Florida Department of Corrections
 Office of the Inspector General
 Report of Investigation
 Jeffery T. Beasley, Inspector General

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 DEPARTMENT OF CORRECTIONS

APR 25 2012



BUREAU OF
 STATE INVESTIGATION

Inspector General Case #: 11-2-12958

Facility: Cross City CI

Classification of Incident: Inmate Death [REDACTED]
 15E

Field Office/Region: Gainesville/2 East

Incident Date: December 17, 2011 Time: 9:30 AM

Inspector: Kevin W. Snow

Date of Report: March 20, 2012

Case Type: A

- 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 (if applicable)
- Equal Employment Opportunity Commission (EEOC)
- Addendum
- Wing Video Camera(s) Present in the Area of Incident

SUMMARY OF ALLEGATIONS:

On December 17, 2011, while conducting rounds with Assistant Warden Susan Davis, Sergeant James Watson discovered that Inmate Israel Fonseca [REDACTED] by staff members [REDACTED]. Inmate Fonseca was pronounced deceased. Senior Inspector Kevin Snow responded to the institution that same day and initiated investigation. This information was placed in the Management Information Notes System on December 17, 2011, and was assigned for investigation on December 19, 2011.

SUMMARY OF DISPOSITION/JUSTIFICATION FOR DOWNGRADE/EXONERATION:

This case is CLOSED, CLEARED EXCEPTIONALLY as investigation finds the death of Inmate Fonseca was [REDACTED]. The autopsy conducted by Doctor William Hamilton, the District Eight Medical Examiner, revealed that Inmate Fonseca's probable cause of death [REDACTED]. Investigation revealed that [REDACTED] as well as in a latex glove in the toilet of his cell. Inmate Fonseca was housed alone and the fixed wing video showed that no one entered his secured single man confinement cell. There was not a suicide note and inmate witnesses testified that Inmate Fonseca was heavily involved in the narcotics trade at Cross City CI.



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	Name	Title / DC #	D.O.B.	Employee ID # or Non-Employee Contact Information	
Complainant:	Snow, Kevin W.	Senior Inspector	[REDACTED]	20079	
Victim:	Fonseca, Israel	Inmate #198619	10/29/1980		
Witness(es):	Hamilton, William	Medical Examiner		352-273-9292	
	Davis, Susan V.	Assistant Warden	[REDACTED]	5158	
	Watson, James M.	Sergeant	[REDACTED]	22509	
	Driggers, Neville A.	Sergeant	[REDACTED]	5883	
	Perry, Ann M.	Sergeant	[REDACTED]	3495	
	Deavitt, Adam L.	Correctional Officer	[REDACTED]	46543	
	Jones, Ralph H.	Correctional Officer	[REDACTED]	45181	
	Evans, Rebecca K.	Correctional Officer	[REDACTED]	36596	
	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
		Johnson, Charles L.	Inmate #B07521	04/22/1989	
	Dinkins, Kelly R.	Inmate #137093	05/01/1966		
	Spaulding, Ronald W.	Inmate #Y03206	05/31/1978		
	Johnson, Bobby	Inmate #Q08166	08/10/1981		
	Rodriguez, Frankie	Inmate #W12100	03/06/1985		
	Bell, Malik A.	Inmate #167122	08/21/1983		
	Reaves, Jason	Inmate #K61007	11/02/1981		
	Tackett, Robert E.	Inmate #U03198	09/24/1966		
Subject(s):	N/A				

Arrest: Employee Inmate Other

Addendum Pending

Charges:

Felony Misdemeanor Date of Arrest:

Date Reported:

Other Agency Case Number:

FINDINGS:

In an incident report submitted on December 17, 2011, Sergeant James Watson indicated the following:

On December 17, 2011, at approximately 9:30 AM while assigned as Confinement Supervisor he was making a security check with Assistant Warden Susan Davis on Quad 1. During the check they looked into cell A-1208 which contained Inmate Israel Fonseca and he appeared [REDACTED]. He called Inmate Fonseca's name several times and Inmate Fonseca [REDACTED]. He advised Officer Adam Deavitt [REDACTED]. He called the main control room and asked Sergeant Mitchell to notify Captain Rowell [REDACTED]. At approximately 9:33 PM he and Officers Jones and Deavitt entered Inmate



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Fonseca's cell. Officer Deavitt checked [REDACTED] Officers Jones and Deavitt [REDACTED]. At approximately 9:35 AM [REDACTED] Officer Deavitt. At this time he exited the cell. (Exhibit A1)

In the Shift Supervisor comment section of the incident report submitted by Sergeant James Watson on December 17, 2011, Captain Francis Rowell indicated the following:

Duty Warden Susan Davis was present when this incident occurred. He arrived on the quad at 9:38 AM and witnessed Officer Deavitt and [REDACTED] on Inmate Fonseca who was lying on the floor. At approximately 9:55 AM [REDACTED] pronounced Inmate Fonseca dead at 10:05 AM. The door to the cell was sealed shut with crime scene tape at 10:10 AM and staff members were instructed not to enter or unseal the cell. Officer B. Evans arrived at 9:39 AM and started an emergency log which was discontinued at 11:15 AM. (Exhibit A1)

In an incident report submitted on December 17, 2011, Assistant Warden Susan Davis indicated the following:

On Saturday, December 17, 2011, at approximately 9:30 AM she was conducting Duty Warden rounds on A-1 while being escorted by Sergeant Watson. After passing cell A-1208 which housed Inmate Israel Fonseca she heard Sergeant Watson calling Inmate Fonseca's name. She returned back to Inmate Fonseca's cell and he was not responding to Sergeant Watson. Officer Deavitt responded to the cell and he and Sergeant Watson entered the cell. Notifications began [REDACTED] Inmate Fonseca would be pronounced deceased at 10:00 AM. Inmate Fonseca's cell was secured with crime scene tape at 10:10 AM. (Exhibit A2)

In an incident report submitted on December 17, 2011, Correctional Officer Adam Deavitt indicated the following:

On December 17, 2011, at approximately 9:30 AM while assigned as the Quad 1 Housing Officer he observed Assistant Warden Susan Davis and Sergeant Watson making a security check. Sergeant Watson observed that Inmate Watson [REDACTED] and instructed him [REDACTED] due to Inmate Fonseca being [REDACTED] Sergeant Watson then called the control room and requested that the Officer in Charge [REDACTED] At approximately 9:32 Officer Jones entered the quad. At approximately 9:33 AM he along with Sergeant Watson and Officer Jones entered Inmate Fonseca's cell. [REDACTED] He and Officer Jones [REDACTED] while Officer Jones went to get [REDACTED] At approximately 9:35 AM [REDACTED] Officer Jones at 9:45 AM. [REDACTED] (Exhibit A3)



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In an incident report submitted on December 17, 2011, Officer Ralph Jones indicated the following:

On December 17, 2011, at approximately 9:32 AM while he was assigned as Alpha Dormitory Housing Supervisor he entered Quad 1. He was advised that Inmate Fonseca [REDACTED]. He and Officer Deavitt along with Sergeant Watson entered Inmate Fonseca's cell. Officer Deavitt [REDACTED] Inmate Fonseca [REDACTED]. He and Officer Deavitt [REDACTED]. Officer Deavitt [REDACTED] while he went to retrieve [REDACTED]. Upon his return to the cell [REDACTED]. Officer Deavitt [REDACTED]. Officer Deavitt [REDACTED].

(Exhibit A4)

In an incident report submitted on December 17, 2011, [REDACTED] indicated the following:

[REDACTED]

(Exhibit A5)

In an incident report submitted on December 17, 2011, Officer Rebecca Evans indicated the following:

On December 17, 2011, at approximately 9:40 AM she responded to Quad 1 cell A-1208 [REDACTED]. Inmate Israel Fonseca had been found in the cell [REDACTED]. She began an emergency log at 9:40 AM which continued until 11:15 AM when advised to not keep it by Captain Rowell. (Exhibit A6)

Senior Inspector Kevin Snow, as the on call inspector, was notified of the death and responded to Cross City Correctional Institution on December 17, 2011 and initiated investigation.

After a review of all the incident reports and wing logs the crime scene tape was removed, Inmate Fonseca's cell was entered, and photographs of the scene were taken to include the front of the body. It was observed that Inmate Fonseca was shirtless and there was [REDACTED]. It was also observed that [REDACTED] was on the sheets and blankets of the bunk, which had been the original position of the body before it was moved [REDACTED]. Inmate Fonseca was [REDACTED] with the assistance of security staff [REDACTED]. A thorough search of the cell was conducted and several items were discovered that implicated Inmate Fonseca as being involved in narcotics distribution. A sealed glove finger was observed floating in the toilet and was removed from the toilet. After opening the glove it was discovered that a foil coffee creamer packet was in the glove that [REDACTED] respectively. The packaging [REDACTED] were photographed and entered into evidence. A homemade battery pack for operating a cell phone was also discovered and placed into evidence. After arrival in the [REDACTED] Inmate Fonseca's clothing [REDACTED].



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to include additional photographs. There were [REDACTED] discovered. The crime scene was released back to Cross City CI. (Exhibit A7 and B1)

Fixed wing video was reviewed from 12:00 Midnight until 10:07 AM when Inmate Fonseca's cell was sealed. During the review staff members are observed completing their checks and counts in accordance with policy. Staff members appear to stay at the cell fronts for between five and eight seconds on average. At 6:26 AM Inmate Spaulding and a staff member arrive at Inmate Fonseca's cell front to feed him the morning meal. The flap is opened and the staff member looks inside the flap. At one point it appears that Inmate Fonseca either moves or sits up as observed through the open flap. Checks and counts continue until shift change at 7:59 AM. Checks, counts, [REDACTED] continue until 9:28 AM when Assistant Warden Davis arrives for rounds. She and a staff member are viewed walking by Inmate Fonseca's cell only to stop and walk back to it. After several moments the flap is opened and an officer is viewed running up the stairs. Other staff members arrive and the cell is breached at 9:33 AM. [REDACTED] and then staff members are viewed coming on and off the wing and in and out of the cell. [REDACTED]

[REDACTED] The cell is secured at 10:07 AM. There are no violations of Department rules observed during a review of the video. There are no staff members or inmates that enter Inmate Fonseca's cell until it is breached at 9:33 AM. (Exhibit B2)

An attempt was made to interview Inmates Johnson Charles DC# B07521 and Dinkins, Kelly DC# 137093 who were in the cells surrounding Inmate Fonseca's cell but they refused to make a statement.

In a sworn recorded interview taken on December 17, 2011, Inmate Ronald Spaulding indicated the following:

He was feeding breakfast that morning between 6:30-6:45 AM and the officer opened the flap and asked Inmate Fonseca if he was going to eat. He observed that Inmate Fonseca had his shirt off and that it was wrapped around his head and neck. He said that Inmate Fonseca was snoring loudly. The officer tapped the key on the flap and Inmate Fonseca turned a little bit and [REDACTED]. The flap was shut and they finished feeding breakfast. When they came around to pick up the trays Inmate Fonseca was again asked if he wanted breakfast and they again got no response but heard him still snoring. He assumed Inmate Fonseca [REDACTED] because he helped pack Inmate Fonseca's property when he was originally brought to confinement several days earlier and he observed several glove fingers and other clues that led him to think that Inmate Fonseca was a player in the drug trade. He denied hearing any rumors that Inmate Fonseca was involved in the drug trade. He denied passing narcotics to another cell for Inmate Fonseca or seeing Inmate Fonseca [REDACTED]. (Exhibit B3)

In a sworn recorded interview taken on December 17, 2011, Inmate Bobby Johnson indicated the following:

He last talked to Inmate Fonseca, who he called, "Izzy", sometime between 11:25-11:30 PM on December 16, 2011. Sometime around 6:00-6:15 AM he observed the staff members feeding breakfast. They came to Inmate Fonseca's cell and knocked on the door with the keys and handcuffs. He did not see any movement or hear anything from Inmate Fonseca. He said the officer and orderly moved on to the next cell. The orderly and officer came back around to pick up trays and he did not see them knock again on Inmate Fonseca's cell. Count time and [REDACTED] happened and then he heard Mrs. Davis outside his cell. He tried to stop Mrs. Davis and Sergeant Watson to ask Mrs. Davis a couple of questions but they had already passed his cell and gotten in front



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of Inmate Fonseca's cell. He saw Sergeant Watson call Inmate Fonseca several times and then saw the flap to the cell drop and Sergeant Watson look inside. He heard Sergeant Watson get on the radio and call the captain and say that there was [REDACTED] in the building. He had seen Inmate Fonseca [REDACTED] before and said that they had at one point discussed setting up a few narcotics transactions. He said that when Inmate Fonseca came to confinement he was [REDACTED]. He and Inmate Fonseca had been at Wakulla CI together. Inmate Fonseca was known to have [REDACTED] K-2, or any type of pills. Inmate Fonseca was also known to deal cocaine and always had a cell phone. Inmate Fonseca charged other inmates to use his cell phone. Inmate Ronald Spaulding the inmate orderly was the person that got drugs to everyone in confinement along with food and other things. Inmate Jason Reaves would make sure the narcotics being moved were brought back from the visiting park. Inmate Reaves would also hold the cell phone in his room on occasion. Inmate Malik Bell was a holder of narcotics for Inmate Fonseca. [REDACTED]

[REDACTED]

(Exhibit B3)

[REDACTED]

(Exhibit A8-A9)

In a sworn recorded interview taken on December 17, 2011, [REDACTED] indicated the following:

[REDACTED]

(Exhibit B3)



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In a sworn recorded interview taken on December 17, 2011, Sergeant James Watson indicated the following:

At approximately 9:20 AM Assistant Warden Davis came into the building and signed all the logs. It was nearing time to make a security check so he told her that he would go with her while making her rounds on Quad 1. After the bottom floor was checked they went to the top floor. As they were checking cell 1208 he noticed that something did not seem right with Inmate Fonseca. He could not see Inmate Fonseca's face but called his name several times and did not get a response. He told Officer Deavitt [REDACTED] Officer Deavitt brought him the phone and he called the control room to let them know what was going on, to have Captain Rowell en-route to the dorm, [REDACTED] Officer Jones came onto the quad and he told Jones to get [REDACTED] Officer Jones brought [REDACTED] and he along with Officers Jones and Deavitt breached the cell. Officer Deavitt [REDACTED] Inmate Fonseca [REDACTED] Officer Deavitt and Jones placed [REDACTED] and Officer Deavitt [REDACTED]

He exited the cell while [REDACTED]. He had conducted count procedures around 8:00 AM with Officer Deavitt. He did not notice anything out of the ordinary with Inmate Fonseca at that time and observed him moving. He did not conduct any further checks until the 9:30 AM check. During the shift change right at 8:00 AM he was not given any information relating to Inmate Fonseca by the Midnight Shift staff. He had heard that Inmate Fonseca was involved in the narcotics trade and that he was currently in confinement due to a fight over narcotics. (Exhibit B3)

In a sworn recorded interview taken on December 17, 2011, Assistant Warden Susan Davis indicated the following:

She was the assigned Duty Warden for the week and came to A-Dorm to conduct her rounds. She spoke with the staff present for several minutes and then went to Quad 1 to start her rounds. Sergeant Watson conducted the round with her. As she went to Inmate Fonseca's cell she noticed that he was lying on his back with his shirt off. She assumed Inmate Fonseca was asleep and did not have any questions of her so she continued on to the next cell. Sergeant Watson was behind her doing his security check and she turned after hearing Sergeant Watson call Inmate Fonseca's name several times. Sergeant Watson opened the flap and he made a comment about Inmate Fonseca [REDACTED] or that he was trying to determine if Inmate Fonseca [REDACTED]. It was obvious to her that Sergeant Watson felt that something was not right because he notified the other officer on the quad to [REDACTED]. The officer brought Sergeant Watson the phone and they both notified the control room, [REDACTED] and Captain Rowell of the incident. She started notifying the leadership staff for Cross City CI. Sergeant Watson and Officers Deavitt and Jones breached the cell [REDACTED]. Officer Deavitt and [REDACTED] with and at some point Officer Jones took over for Officer Deavitt. [REDACTED] and took [REDACTED]. [REDACTED] called the effort at 10:00 AM. She made sure that the cell door was secured, watched Captain Rowell place evidence tape on the door, and had staff start a log of the event. (Exhibit B3)

In a sworn recorded interview taken on December 17, 2011, Officer Adam Deavitt indicated the following:

He and Sergeant Watson relieved the Midnight Shift and conducted a count of Quad 1. During the check Inmate Fonseca appeared [REDACTED]. He also conducted the next two security checks and



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observed that Inmate Fonseca [REDACTED] At 9:30 Sergeant Watson and Duty Warden Davis conducted a check of the quad. He guessed that during the check Sergeant Watson noticed that something was not right with Inmate Fonseca because he stopped and called Inmate Fonseca's name several times, getting no response. He was at the desk and Sergeant Watson yelled to him [REDACTED] and started towards the cell with the portable phone. Sergeant Watson got the phone from him and called the control room advising them to notify the Officer in Charge [REDACTED] Officer Jones entered the quad and came to the cell front. They breached Inmate Fonseca's cell. He went in and immediately [REDACTED] He observed [REDACTED] He and Officer Jones [REDACTED] He also observed [REDACTED] Every time he [REDACTED] Officer Jones went down to get [REDACTED] while Officer Jones was retrieving [REDACTED] Officer Jones [REDACTED] He exited the cell. He had never heard any information that Inmate Fonseca was involved in the narcotics trade.

(Exhibit B3)

In an incident report submitted on December 17, 2011, Officer Neville Driggers indicated the following:

On December 17, 2011, at approximately 6:15 PM he was assigned as E-Dorm Housing Supervisor. He was designated [REDACTED] inmates Brian Delk, Jason Reeves, Malik Bell, Robert Tackett, and Ronald Spaulding. [REDACTED] Inmate Spaulding was already housed in confinement [REDACTED] When Inmate Spaulding was [REDACTED] Inmate Spaulding, placed restraints on him, and returned him to his cell. Inmate Spaulding will receive a disciplinary report [REDACTED] At approximately 6:48 PM Inmate Tackett [REDACTED] and disciplinary report [REDACTED] At approximately 7:06 PM Inmate Delk [REDACTED] and was returned to open population. At approximately 7:20 PM Inmate Bell [REDACTED] Inmate Bell freely [REDACTED] He was given a [REDACTED] written a disciplinary report for [REDACTED] At approximately 7:35 PM Inmate Reeves [REDACTED] was returned to open population.

(Exhibit A10)

The autopsy of Inmate Fonseca was conducted by Doctor William Hamilton of the District 8 Medical Examiner's Office. During examination [REDACTED] The cell [REDACTED] An Office of the Medical Examiner Evidence Disposition form [REDACTED] During the autopsy it was found that Inmate Fonseca had [REDACTED]

[REDACTED] Doctor Hamilton stated that his preliminary findings pending [REDACTED] and the final examination report were that Inmate [REDACTED]

(Exhibit A11 and B1)



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In an incident report submitted on December 18, 2011, Sergeant Ann Perry indicated the following:

On December 18, 2011, at approximately 12:30 PM while assigned as the Control Room Supervisor she was monitoring inmate phone calls when she heard Inmate Frankie Rodriguez talking to a caller named Amanda at phone number [REDACTED]. Inmate Rodriguez was on the phone at 12:13 PM sounding very upset and stated, "Izzy is dead." He was on the phone for about sixty seconds and then hung up. At approximately 12:45 PM Inmate Rodriguez called this same number back and had Amanda call another number to a caller named Jasmine. The number was to Jasmine's cell phone. Amanda placed the calls on speaker phone and a conversation ensued. Rodriguez explained to Jasmine and Amanda saying, "Izzy is dead, [REDACTED]. He further explained in detail what happened to "Izzy." (Exhibit A12)

In the Shift Supervisor Comment section of the incident report submitted by Sergeant Ann Perry on December 18, 2011, Captain Francis Rowell indicated the following:

On December 17, 2011, Inmate Israel Fonseca was found [REDACTED] in his cell. Fonseca's nickname is "King Izzy." Inmate Fonseca and Inmate Rodriguez are both from the Palm Beach area. (Exhibit A12)

A review of phone calls made by Inmate Frankie Rodriguez to the phone number [REDACTED] on December 17, 2011, was conducted. During a review of a call made at 12:14 PM Inmate Rodriguez states that "Izzy" died. The person he called, later identified as Amanda, asked how and Inmate Rodriguez said that he guessed [REDACTED]. He tells Amanda to call his sister and terminates the call. At 1:00 PM he calls Amanda again and tells her that Fonseca [REDACTED]. Rodriguez then asks her what Jasmine says about it and she tells him that she has not been able to get Jasmine to answer the phone. He tells her to call Jasmine on the other phone so she does. He tells her to tell Jasmine that "Izzy" went to confinement and [REDACTED]. (Exhibit B3)

An attempt was made to interview Inmates Malik Bell, Jason Reaves, Robert Tackett, and Frankie Rodriguez but they refused to participate in the interview.

In a Medical Examiner District Eight Report of Investigation completed by Doctor William Hamilton on March 7, 2012, the following was noted:

Autopsy Findings:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]

Probable Cause of Death: [REDACTED] (Exhibit A13)



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Kevin W. Smith

 Inspector

3/20/12

 Date

N/A
 _____ / _____
 Regional Supervisor / Lead Inspector

 Date

[Signature]

 Law Enforcement Lead Inspector Supervisor

3/28/12

 Date

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

 Date

 Inspector General

 Date



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EXHIBIT/ATTACHMENTS SECTION

A. EXHIBIT(s) - attached:

1. Incident report submitted by Sergeant Watson.
2. Incident report submitted by ASW Davis.
3. Incident report submitted by Officer Deavitt.
4. Incident report submitted by Officer Jones.
5. [REDACTED]
6. Incident report submitted by Officer Evans.
7. Wing log.
8. [REDACTED]
9. [REDACTED]
10. Incident report submitted by Sergeant Driggers.
11. ME Evidence Disposition form.
12. Incident report submitted by Sergeant Perry.
13. ME Report of Investigation.

B. EXHIBIT(s) - not attached:

1. Photographs of the crime scene, contraband items found, and Inmate Fonseca's body downloaded to Compact Disc.
2. Fixed wing video downloaded to Compact Disc.
3. Sworn recorded interviews and recorded telephone calls downloaded to Compact Disc.
 - Inmate Spaulding
 - Inmate Johnson
 - [REDACTED]
 - Sergeant Watson
 - ASW Davis
 - Officer Deavitt
 - Inmate Rodriguez calls to Amanda