



FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
CASE SUMMARY REPORT



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Florida Department of Corrections



Office of the Inspector General

CRIMINAL INVESTIGATION

Case # 18-11440



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Case Number: 18-11440

Inspector: Inspector Jennifer M. Langston

Date Assigned or Initiated: February 5, 2019

Complaint Against: N/A

Location of Incident – Institution/Facility/Office: Reception and Medical Center / [REDACTED]

Complainant/Deceased: Inmate Barry Montgomery DC# 747388

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Death Investigation - Natural

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Equal Employment Opportunity Investigation: Yes No

Chief Inspector General Case Number: N/A



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I. AUTHORITY

The Florida Department of Corrections, Office of the Inspector General, by designation of the Secretary and § 944.31, Florida Statutes, is authorized to conduct any criminal investigation that occurs on property owned or leased by the department or involves matters over which the department has jurisdiction.

The testimony references included in this report are summations of oral or written statements provided to inspectors. Statements contained herein do not necessarily represent complete or certified transcribed testimony, except as noted. Unless specifically indicated otherwise, all interviews with witnesses, complainants, and subjects were audio or video recorded.

II. METHODOLOGY

The investigation reviewed the derivations of the allegation advanced by the complainant. The scope of this investigation does not seek to specifically address tort(s), but violations of criminal statutes. The criterion used to evaluate each contention or allegation was limited to the following standard of analysis:

1. Did the subject's action or behavior violate Florida criminal statutes?

III. ANALYSIS

The standard and analysis in this investigation is predicated with the burden of proving any violation of law, established by probable cause. The evidence considered for analysis is confined to the facts and allegations stated or reasonably implied. The actions or behavior of the subject are presumed to be lawful and in compliance with the applicable Florida law, unless probable cause indicates the contrary.



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IV. DEFINITIONS

Unfounded:

Refers to a disposition of a criminal case for which a preponderance of the evidence exists to suggest the suspect's alleged behavior or action did not occur.

Closed by Arrest:

Refers to a disposition of a criminal case for which probable cause exists that an identified subject committed the offense and one for which an arrest or formal prosecution has been initiated.

Exceptionally Cleared:

Refers to a disposition of a criminal case for which probable cause exists that an identified suspect committed the offense, but one for which an arrest or formal charge is not initiated, or in the case of a death investigation, one for which no evidence exists that the death was the result of a crime or neglect.

Suspended:

Refers to a disposition of a criminal case for which a criminal investigation commenced, but where evidence is insufficient to close as unfounded, closed by arrest, or exceptionally cleared.



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V. PREDICATE

On June 28, 2018, at approximately 5:52 PM, Florida Department of Corrections Reception and Medical Center [REDACTED] (RMC) Inmate Barry Montgomery DC#747388, housed [REDACTED] [REDACTED] was pronounced deceased of Natural Causes ([REDACTED] [REDACTED] Inmate Montgomery's death did not meet the FDLE MOU guidelines therefore they were not contacted.

This information was reported by Reception and Medical Center via Management Information Notification System (MINS# 865512) on June 29, 2018, and assigned as a Death Investigation to Inspector Kenneth Smith in IG# 18-11440 on June 29, 2018. On February 5, 2019, this Death Investigation was reassigned to Senior Inspector Jennifer Langston for further investigation and closure.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

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

Inmate Barry Montgomery DC# 747388 is a B/M, born on August 1, 1966 and was received by the Florida Department of Corrections on June 25, 1992 and was serving a life sentence for Capital Sexual Battery out of Seminole County, FL.

In an Incident Report submitted on June 28, 2018, Reception and Medical Center [REDACTED] [REDACTED] Correctional Officer Brian Kemp reported the following information, in part:

On June 28, 2018 at approximately 5:52 PM while assigned as the Control Room Officer at [REDACTED] Officer Kemp was informed by Sergeant N. Turner that Inmate Barry Montgomery DC# 747388, housed off the ward on [REDACTED], was pronounced as deceased [REDACTED]

On June 28, 2018, at approximately 6:24 PM, Inspector Kenneth Smith was notified that Inmate Barry Montgomery DC# 747388 was pronounced deceased at 5:52 PM while housed at RMC [REDACTED] [REDACTED] At approximately 7:55 PM, Inspector Smith arrived at [REDACTED] and a visual inspection of Inmate Montgomery's body was conducted. Inspector Smith [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]. Inspector Smith photographed the scene and body of Inmate Montgomery. At approximately 8:20 PM, Inspector Smith released Inmate Montgomery's body to be picked up by the Jacksonville Medical Examiner's Office.

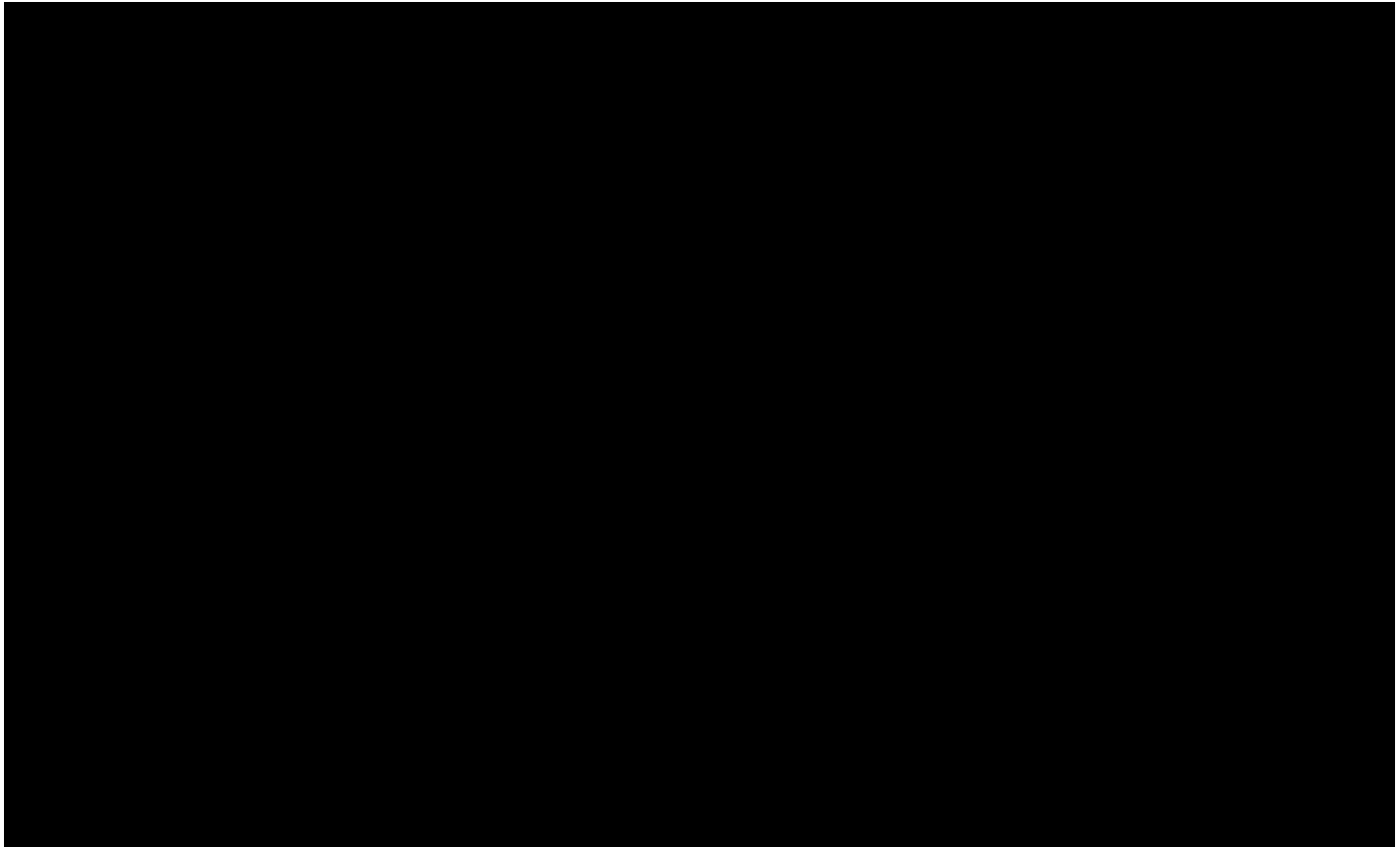
On March 2, 2019, the Jacksonville Medical Examiner's Office Autopsy Report (ME# 18-1398) was received with the following information being documented:



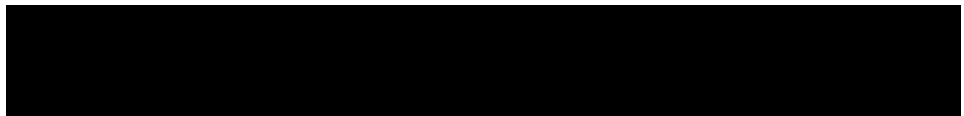
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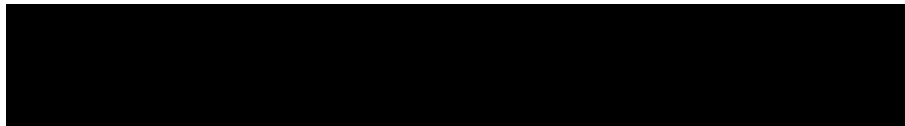
AUTOPSY FINDINGS:



CAUSE OF DEATH:



Contributory:



MANNER OF DEATH:

ACCIDENTAL

It should be noted that Inmate Barry Montgomery has been housed in the RMC [REDACTED] RMC [REDACTED] consistently from September 21, 2014 until his date and time of death.

VII. CHARGES

1. N/A



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VIII. CONCLUSION

Based on the information gathered during this investigation and the Medical Examiner's Autopsy Report, it is the recommendation of Senior Inspector Jennifer Langston that this Death Investigation be termed as follows:

1. Exceptionally Cleared

There were no administrative violations observed during this investigation.