

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 15-1020**



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



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Case Number: 15-1020

OIG Inspector: Inspector Peter Lindboe

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Lawrence Perez

Date Assigned or Initiated: 01-22-2015

Complaint Against: N/A

Location of Incident – Institution/Facility/Office: Columbia Correctional Institution

Complainant: Captain Eric Roberts

Outside Agency Case #: TL-37-0013

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death/Suicide

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Chief Inspector General Case Number: 2015-0128-0001



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I. AUTHORITY

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

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

II. METHODOLOGY

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

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

III. ANALYSIS

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



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IV. DEFINITIONS

Unfounded:

Refers to a disposition of a criminal case for which probable cause does not exist to suggest the suspect's behavior or action occurred nor is an arrest or formal charge being initiated.

Closed by Arrest:

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

Exceptionally Cleared:

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

Open-Inactive:

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

Investigative Assist Closed

Refers to a disposition of an investigative assist, where the conduct being investigated by the outside agency did not concern allegations against a Department employee, contractor, inmate, offender, or other person either employed or under the supervision of the Department.



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V. PREDICATE

At approximately 9:00 PM, January 21, 2015, Inmate Myong Ji, DC# L32953 was transported from Columbia Correctional Institution (CCI) to [redacted] because his [redacted]. Inmate Ji told staff he had taken an [redacted].

At 11:33 PM, Inmate Ji was pronounced deceased by [redacted].

This was reported to the Office of Inspector General on January 22, 2015, and on-call Inspector Peter Lindboe responded. This incident is investigated by the Florida Department of Law Enforcement (FDLE) Special Agent Lawrence Perez (SA Perez), and Inspector Lindboe has been assigned to assist.

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:

SA Perez completed an Investigative Demand for Records and was provided copies of incident reports and MINS reports related to this death.

A complaint written by Inmate Frederick Hooten, DC# V08052 and sent to the Office of the Chief Inspector (CIG) General and forwarded to the Office of Inspector General on for review and handling as deemed appropriate. In the complaint, Inmate Hooten alleged Inmate Ji was murdered, he was a witness, and he wanted to speak to FDLE or the Federal Bureau of Investigation, not a department employee. Inmate Hooten wrote he feared retaliation as he had been threatened by staff if he reported anything.

SA Perez was contacted and advised of the allegations and told a welfare check would be done to ensure Inmate Hooten was safe. SA Perez requested Inmate Hooten be placed in confinement for his safety and to advise him he would interview him next week. The documents were forwarded to SA Perez via e-mail.

A welfare check was conducted and Inmate Hooten stated he had not been abused in any way. Inmate Hooten was advised he was being placed into confinement for his protection and SA Perez would interview him soon.

On Friday, January 30, 2015, SA Perez responded to CCI and with Inspector Lindboe, interviewed Inmate Hooten and other inmates who claimed to have pertinent information concerning the death of Inmate Ji. The information received is noted:

- A DOC Management Information Notes System (MINS) Report dated January 22, 2015, in which the [redacted] interviewed inmates in Y-Dormitory (where inmate Ji had been housed) concerning [redacted] in the dorm. During the course of the interviews with the [redacted] Inmate James Tolentino, DC# B08085 indicated that Inmate [redacted] the same time that Inmate Ji was being [redacted]. Inmate Hooten also complained to the [redacted] that inmate Ji was trying to get out of Y-Dorm because the officers were mean to [redacted].



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him. Inmate Hooten added that Inmate Ji had made the request to go to [redacted] but was denied access. Inmate Hooten further alleged that officers in the dorm allowed other inmates to enter Inmate Ji's cell to beat him. Inmate Hooten also stated to the

- A copy of an Affidavit sent to the Governor's OIG from Inmate Hooten claiming that he witnessed Inmate Ji's "Murder." Inmate Hooten alleged that he attempted to notify the DOC Security Staff regarding his knowledge of Inmate Ji's murder, though he alleged staff instructed him to "mind my own business." Inmate Hooten further alleged in the Affidavit that Inmate Ji had requested "protection" but was denied by Security Staff. Inmate Hooten requested an interview with FDLE or other outside agency, as the DOC had allegedly threatened him with reprisal if he reported this information.
- A copy of a DOC OIG TIPS Call Report dated January 25, 2015, from an anonymous caller. The caller alleged that he witnessed Inmate George Arnold, DC# R34315 give the inmate on Protective Management (i.e. inmate Ji) the pills that he ingested to kill himself.

Inmate Arnold vehemently denied providing Inmate Ji with prescription or non-prescription medications. Inmate Arnold explained Inmate Ji had been [redacted] and had constantly complained about [redacted] inmate Arnold added Inmate Ji wanted to transfer out of the dorm because of problems he had with the staff. Inmate Arnold advised Inmate Ji recently got into an altercation with an unidentified officer at the Center Gate and the officer instructed Inmate Ji to stand up so he could search his [redacted] Inmate Arnold said the officer became enraged when Inmate Ji [redacted] as a result of the officer instructing Inmate Ji to stand up. Inmate Arnold also alleged Inmate Ji was [redacted] the day he was [redacted]

Inmate Tolentino advised that he had no knowledge of Inmate Ji or his death, and blamed other inmates for "putting words in my mouth."

SA Perez questioned Inmate Hooten regarding the allegations contained in his Affidavit to the Governor's Office. Inmate Hooten admitted that he did not actualiv witness Inmate Ji being murdered, though he heard that Inmate Ji was forced to take an [redacted] SA Perez warned Inmate Hooten about perjuring himself on an Affidavit. Inmate Hooten was unable to provide any evidence or witnesses to his allegations of staff or inmate abuse of inmate Ji. Inmate Hooten stated during the interview he had informed staff the reason he had been placed into confinement (sending the Affidavit to the Governor's Office) and it had added to his fear of being at CCI. Inmate Hooten's allegations of fear of staff and inmates were reported to classification and he was subsequently transferred to another facility.

SA Perez received the Examination report for the autopsy of Inmate Ji. Details of the autopsy, as well as the conclusions made by the Medical Examiner's Office (MEO), were contained within the report. The following is a synopsis of the report:

- [redacted]
- [redacted]
- [redacted]



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Dr. Aurellan Nicolaescu, the Associate Medical Examiner who performed the autopsy and authored the report, indicated the cause of Inmate Ji's death was _____ Dr. Nicolaescu listed the manner of death as suicide.

Sa Perez provided a copy of a declination letter from Assistant State Attorney John Durrett in reference to the death of Inmate Ji. According to the letter, upon review of all reports associated with the investigation, it is the determination of the State Attorney's Office that no criminal activity is present for a formal charge to be brought in the case.

There were no findings of administrative or criminal violations associated with this investigation. A copy of SA Perez' investigative report is attached to this summary.

VII. CHARGES

List alleged violations of Florida Law:

1. None

VIII. CONCLUSION

No violations noted.

Inspector Lindboe reviewed the investigation completed by FDLE, and administrative issues were not identified.