



Florida Department Of Corrections
 Office of the Inspector General
 Report of Investigation
 Gene Hatcher, Inspector General

RECEIVED
 DEPARTMENT OF CORRECTIONS



OCT 8 2009

OFFICE OF THE INSPECTOR GENERAL
 REGION 1

Inspector General Case #: 09-16931

Facility: Jefferson Correctional Institution

Classification of Incident: [REDACTED]

Field Office/Region: Tallahassee/Region 1

Incident Date: 08/29/09

Time: 5:20 AM

Inspector: Edward C. White

Date of Report: 10/06/09

Case Type: A1

Check all that apply:

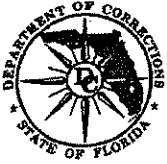
- [REDACTED]
- Prison Rape Elimination Act (PREA) Number (if applicable)
- Principal(s) Exhibits Attached
- Department of Corrections presented to State Attorney Declined Accepted
- Use of Force (UOF) Number
- Complaint of Discrimination
- Addendum
- Wing Video Camera(s) Present in the Area of Incident: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

SUMMARY OF ALLEGATIONS:

On August 29, 2009, Inmate David Maclellan died at [REDACTED] and had unexplained [REDACTED]

SUMMARY OF DISPOSITION/JUSTIFICATION FOR DOWNGRADE/EXONERATION:

It is recommended that this investigation be downgraded due to the cause of death [REDACTED]



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	Name	Title / DC #	D.O.B.	Employee ID #
Complainant:	Hollister, Clay H.	Assistant Warden		9793
Victim:	MacLellan, David	L74404		
Witness(es):	Bennett, Benjamin D.	Captain		25857
	Pate, David W.	Captain		16244
	Walker, Ronnie D.	Sergeant		22230
	Ellis, Jerome K.	Correctional Officer		6282
	Champion, Martin D.	Correctional Officer		53860
	Goode, Jairamy B.	Correctional Officer		57562
	Copelin, Gregory L.	633618		
	McCormick, Christopher	590449	01/30/68	
	Hall, Kenneth B.	671411	03/02/62	
	Rucker, Earl	051307	09/05/51	
	Walsh, William T.	694129	04/15/58	
	King, Michael L.	026929	05/04/53	
	Fairly, Jeremiah	V29373	01/28/87	
	Mullins, Jonathan	C00816	07/21/85	
	Tyson, Paul W.	562563	07/24/67	
	Schofield, Joseph	C03001	12/10/79	
	Box, Noah E.	564620	09/11/75	
	Cone, Michael L.	T18031	07/29/56	
	Campbell, Steven M.	071985	01/15/58	
	Moss, Deven G.	X40633	04/18/83	
	Brown, Craig Q.	145669	08/01/78	
	Harris, George M.	273795	06/22/69	
	Davila-Arquer, Jose	X50351	01/14/86	
	Weatherspoon, Anthony	215412	04/18/64	
	Bryant, Clarence	Q18439	03/08/87	
	Acosta, Robert A.	M13529	07/11/79	
	Sapp, Ronald E.	812000	08/24/70	
	Harris, Doyle N.	462613	11/17/64	
	Tunon, Juan A.	M48422	12/24/85	
	Gallon, Kenneth Z.	481239	06/28/60	
	Brown, Rodney A.	211976	10/30/67	
	Greer, Robert C.	267725	09/23/72	
	Weaver, Christopher S.	P22123	12/12/71	
	Wells, Kevin A.	Q20814	03/02/72	
Subject(s):	NA			



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Arrest: Employee Inmate Other
 Charges:

Guilty Addendum Pending
 Not Guilty
 Nolo Contendere
 P.T.I.
 Other (explanation):

Felony Misdemeanor
 Date of Arrest: Date Reported:
 Sentence of Court / Agreement:

Administrative Violation(s):

Evidence: Weapon Drugs Other Describe:
 Other Agency Case Number:

FINDINGS:

On August 29, 2009, at 10:30 AM CST, this Inspector received notification that Inmate David Maclellan had expired [REDACTED] wanted to speak with an Inspector before releasing the body.

Upon arrival, this Inspector met with Officer Torrance Humphries. He advised that he had been providing security [REDACTED] his date for Inmate Maclellan. He then directed this Inspector to [REDACTED] had already performed an autopsy on Inmate Maclellan and advised that he had found that Inmate Maclellan had [REDACTED]. In addition, [REDACTED]. He requested that Inmate Maclellan's [REDACTED] be faxed to him.

Photographs were taken of Inmate Maclellan's [REDACTED] (Exhibit A-1)

Contact was made with the [REDACTED] at Jefferson C. I. According to [REDACTED] on August 25, 2009.

Upon arrival at Jefferson Correctional Institution, this Inspector obtained an incident report that had been completed by Captain Benjamin Bennett, B1-dormitory's Housing Unit Log for August 24, 2009, and [REDACTED] of Inmate Maclellan.

In an incident report of August 25, 2009, Captain Benjamin Bennett indicated that Inmate Maclellan



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had been [REDACTED] at 8:25 AM on August 25, 2009. (Exhibit A-2)

B-dormitory's Housing Unit Log reflected that Inmate Maclellan had been gained in that dormitory at 7:22 PM on August 24, 2009. There were no other notations relating to Inmate Maclellan. (Exhibit A-3)

Documentation from Inmate Maclellan's [REDACTED] reflected the following:

[REDACTED]

On August 24, 2009, he fell two times. He advised that he had gotten hot the first time, and indicated that he was okay. The second time he indicated that he had [REDACTED]

[REDACTED] On August 25, 2009, at 3:00 AM, Inmate Maclellan fell [REDACTED] Inmate Maclellan stated that he had fallen and had [REDACTED] He indicated that he was [REDACTED] At 7:30 AM, it was noted that Inmate Maclellan [REDACTED] At 8:20 AM, Inmate Maclellan was [REDACTED]

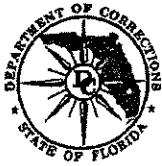
[REDACTED] On August 29, 2009, at 1030 AM, Jefferson Correctional Institution's [REDACTED] received notification that Inmate Maclellan had expired. (Exhibit A-4)

It should be noted that there were no video cameras located in B1-dormitory or the Infirmary where Inmate Maclellan's falls occurred.

Five inmates were identified as being in the [REDACTED] with Inmate Maclellan prior to him being sent to [REDACTED] Those inmates were Christopher McCormick, Gregory Coplin, Kenneth Hall, Earl Rucker and William Walsh. (Exhibit A-5)

In a sworn recorded statement of September 1, 2009, Inmate Christopher McCormick indicated the following:

On the morning of August 25, 2009, at approximately 1:15 AM, he was placed into [REDACTED] Inmate Maclellan slept across from him. Inmate Maclellan [REDACTED] Inmate Maclellan fell in front of Inmate Coplin's bed as he was returning from the bathroom the last time. When Inmate Maclellan got up he was [REDACTED] Inmate Maclellan got into several beds in an attempt to find his own. Inmate Maclellan [REDACTED] Inmate Maclellan fell backwards and to one side. He could not recall which side. No one struck Inmate Maclellan, he fell on his own. [REDACTED]



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[REDACTED]

(Exhibit B-1)

In a sworn recorded statement of September 1, 2009, Inmate Gregory Coplin indicated the following:

On the morning of August 25, 2009, he was in [REDACTED] and observed Inmate Maclellan fall. Inmate Maclellan had [REDACTED] Inmate Maclellan fell at the foot of his (Coplin's) bed. Inmate Maclellan was speaking, [REDACTED] Inmate Maclellan fell backwards and to his right, [REDACTED] Inmate Maclellan asked him to [REDACTED] however he was scared to do so. Inmate Maclellan got up and then got into the wrong bed. [REDACTED] entered and Inmate Maclellan told them that he was alright. [REDACTED] No one struck or pushed Inmate Maclellan, he fell on his own. (Exhibit B-2)

In a sworn recorded statement of September 1, 2009, Inmate Kenneth Hall indicated the following:

On the morning of August 25, 2009, Inmate Maclellan was placed into [REDACTED] because he had fallen. Inmate Maclellan was [REDACTED] and was placed into a bed. He tried to go to the bathroom, but fell backwards and [REDACTED] at the foot of his bed. The inmates in the [REDACTED] Inmate Maclellan fell a second time. He (Maclellan) fell backwards and just sat on his butt. [REDACTED] No one struck Inmate Maclellan. (Exhibit B-3)

In a sworn recorded statement of September 1, 2009, Inmate Earl Rucker indicated the following:

On the morning of August 25, 2009, he was in [REDACTED] Inmate Maclellan slept in the bed next to him. He did not see Inmate Maclellan fall, because he was asleep. He observed Inmate Maclellan [REDACTED] but did not know why. (Exhibit B-4)

In a sworn telephonic interview of September 2, 2009, Inmate William Walsh indicated the following:

On the morning of August 25, 2009, he was in [REDACTED] along with Inmate Maclellan. He did not see Inmate Maclellan fall. He saw Inmate Maclellan sit down, because he had [REDACTED] He (Walsh) got Inmate McCormick [REDACTED] asked Inmate Maclellan [REDACTED] and Inmate Maclellan [REDACTED] Inmate Maclellan [REDACTED] Inmate Maclellan was walking and sat down. Inmate Maclellan then lay back on the floor. He (Walsh) was the only one awake at that time. He did not want to see anyone get into any trouble. [REDACTED] and officers did everything that they needed to do. (Exhibit B-5)

The log for [REDACTED] on August 25, 2009, which had been completed by Officer Goode, reflected the following:



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[REDACTED] had a total of five inmates at 12:30 AM and gained Inmate Christopher McCormick at 1:20 AM. At 2:45 AM, [REDACTED]

(Exhibit A-6)

In a sworn recorded statement of September 2, 2009, Officer Jairamy Goode indicated the following:

The log of events for [REDACTED] for August 25, 2009, which he had completed, were true and accurate. An inmate had tapped on [REDACTED] window to let him know that an inmate had fallen. He (*Goode*) then observed Inmate Maclellan on the floor sitting up. He then notified [REDACTED]. He did not observe the fall. Inmate Maclellan was given instructions to stay in bed. At 4:05 AM Inmate Olwen reported for work as [REDACTED] informed Inmate Olwen to keep a close watch on Inmate Maclellan and report any incident to him (*Goode*). The [REDACTED] periodically conducted [REDACTED] on Inmate Maclellan, but never entered [REDACTED]. He (*Goode*) never observed Inmate Maclellan getting out of his bed that night. Inmate Maclellan appeared to be sleeping soundly. Inmate Maclellan remained in his bed until 7:01 AM when he was [REDACTED]

(Exhibit B-6)

On September 1, 2009, sworn statements (*affidavits and/or recorded*) were obtained from sixty-seven inmates that were housed in B1-dormitory. Information obtained from these statements indicated that Inmate Maclellan fell twice in B-1 dormitory on the evening of August 24, 2009. The first fall occurred at the officer's station window as he was being processed into the dormitory. [REDACTED]

[REDACTED] The second fall occurred later that night after he had returned from the [REDACTED]. It occurred at the left rear of the dormitory and Inmate Maclellan's [REDACTED]

[REDACTED] Information from these statements further indicated that Inmate Maclellan fell each time in the dormitory completely by himself and that no one struck him. Six inmates indicated that they saw Inmate Maclellan's first fall, eleven inmates indicated that they saw Inmate Maclellan's second fall and seven inmates indicated that they observed Inmate Maclellan fall both times. Forty-three inmates indicated that they did not see Inmate Maclellan fall and completed affidavits to that affect.

(Exhibits A-7, A-8 & B-7)

In a sworn recorded statement of September 2, 2009, Officer Martin Champion indicated the following:

On August 24, 2009, at 7:22 PM, he gained Inmate Maclellan in B1-dormitory and assigned him a bunk. He (*Champion*) was doing paperwork when an inmate tapped on the window of the Officer's Station. He looked and did not see Inmate Maclellan. He walked over to the window and observed Inmate Maclellan leaning against the Officer's Station wall in a slouched position. He (*Champion*) asked Inmate King what had happened. Inmate King stated that



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Inmate Maclellan had just slid down the wall and sat down. He (*Champion*) contacted Tower 2 and advised that he needed Inside Security in B1-dormitory. Captain Pate, Sergeant Walker and Officer Ellis entered. At that time, he went out to check on Inmate Maclellan. Captain Pate remained in the Officer's Station. Inmate Maclellan was sitting on Inmate King's locker at that time. He asked Inmate Maclellan what had happened. Inmate Maclellan stated that he had [REDACTED] He (*Champion*) then asked Inmate Maclellan if he needed to [REDACTED] Inmate Maclellan stated that [REDACTED] Officer Ellis stated that Inmate Maclellan was going to the [REDACTED] Inmate Maclellan walked out of the dormitory with the officers. Shortly afterwards, Inmate Maclellan returned and wanted his property. He (*Champion*) gave Inmate Maclellan his property. Another inmate (*name unknown*) told Inmate Maclellan that he would help him. The two proceeded to Inmate Maclellan's bunk. He (*Champion*) then continued to do paperwork. Several minutes had passed when several inmates came to the Officer's Station and advised that the inmate who had returned from the [REDACTED] They advised that he had been sitting on his bunk and had fallen. He (*Champion*) did not see Inmate Maclellan fall, nor could he see him on the floor. He called Inside Security by radio and advised of the situation. Sergeant Walker and Officer Ellis arrived shortly, got Inmate Maclellan into [REDACTED] (Exhibit B-8)

In a sworn recorded statement of September 1, 2009, Captain David Pate indicated the following:

On August 24, 2009, Inmate Maclellan was released from confinement and was being processed into B1-dormitory when he fell to the floor. He responded to a [REDACTED] call from B1-dormitory. Inmate Maclellan advised that he had [REDACTED] but was fine. Another inmate advised him that Inmate Maclellan had [REDACTED] Officer Jerome Ellis entered and escorted Inmate Maclellan [REDACTED] Later he observed Inmate Maclellan in [REDACTED] There were numerous [REDACTED] that night and he did not know that Inmate Maclellan had fallen again [REDACTED] No incident reports were generated, because he had no knowledge of the [REDACTED] (Exhibit B-9)

In a sworn recorded statement of September 1, 2009, Officer Jerome Ellis indicated the following:

On August 24, 2009, he entered B1-dormitory due to Inmate Maclellan [REDACTED] Upon his arrival, Inmate Maclellan was standing and he (*Maclellan*) stated [REDACTED] He (*Ellis*) and Captain Pate escorted Inmate Maclellan [REDACTED] Inmate Maclellan was [REDACTED] He (*Ellis*) then departed. He had no actual knowledge of Inmate Maclellan falling the second time, nor did he know who [REDACTED] the second time. (Exhibit B-10)

In a sworn recorded statement of September 1, 2009, Sergeant Ronnie Walker indicated the following:



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On August 24, 2009, Officer Champion called him to B1-dormitory and Inmate Maclellan was lying face up on the floor at the left rear of the dormitory. He spoke to Inmate Maclellan and smelled smoke, as if he had been smoking. Inmate Maclellan was coherent. [REDACTED]

[REDACTED] Several Inmates appeared to be [REDACTED] He assessed the situation. Inmate Maclellan stated that he had fallen. He (*Walker*) got a [REDACTED] Inmate Maclellan conversed with him [REDACTED] asked for a cigarette. [REDACTED]

[REDACTED] He (*Walker*) then departed and went back to the compound. (Exhibit B-11)

[REDACTED]

[REDACTED] Note, some parts of the documentation listed Inmate Maclellan as being from Jackson Correctional Institution and some parts listed him correctly as being from Jefferson correctional Institution. (Exhibit A-9)

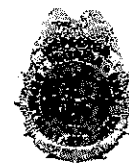
On September 2, 2009, at 12:35 PM, Doctor Anthony Clark (Medical Examiner) verbally advised that Inmate Maclellan's death was due to [REDACTED]

Upon receipt of the Medical Examiner's autopsy report, it will be placed in the case file with this report.

Additional issues relating to this investigation were covered in Investigation #09-16866.



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<u>Edward C. White</u>	Law Enforcement Sr. Inspector	¹⁴ <u>09/06/09</u>	Date
<u>Stuart J. [Signature]</u>	Prison Inspector Supervisor	<u>10/6/09</u>	Date
_____	Lead Prison Inspector Supervisor	_____	Date
_____	Chief Prison Inspector	_____	Date
_____	Deputy/Inspector General	_____	Date



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EXHIBIT/ATTACHMENTS SECTION

A. EXHIBIT(s) - attached:

1. Six photographs [REDACTED]
2. Incident report completed by Captain Benjamin Bennett
3. Housing Unit Log for B-dormitory on August 24, 2009
4. [REDACTED] completed on Inmate David Maclellan
5. [REDACTED] housing record for August 25, 2009
6. [REDACTED] Housing Unit Log for August 25, 2009
7. Affidavits of forty-four inmates housed in B1-dormitory
8. Affidavit completed by Inmate Shane Boggs (*deaf-mute*)
9. [REDACTED]

B. EXHIBIT(s) – not attached:

1. Sworn recorded statement of Inmate Christopher McCormick
2. Sworn recorded statement of Inmate Gregory Coplin
3. Sworn recorded statement of Inmate Kenneth Hall
4. Sworn recorded statement of Inmate Earl Rucker
5. Sworn recorded statement of Inmate William Walsh
6. Sworn recorded statement of Officer Jairamy Goode
7. Sworn recorded statements of twenty-three inmate witnesses in B1-dormitory
8. Sworn recorded statement of Officer Martin Champion
9. Sworn recorded statement of Captain David Pate
10. Sworn recorded statement of Officer Jerome Ellis
11. Sworn recorded statement of Sergeant Ronnie Walker