

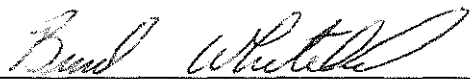
Case# 08-21298

Florida Department of Corrections
Office of the Inspector General



“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 foregoing report and the contents of the report are true and accurate based upon my personal knowledge, information, and belief.”



Investigator's Signature



Date





Florida Department Of Corrections
 Office of the Inspector General
 Report of Investigation
 Paul C. Decker, Inspector General



MAY 14 2008

Case Number: 08-21298

Inspector General Case #: 08-1298 Facility: Florida State Prison
 Classification of Incident: Inmate Death
 February 4, [REDACTED] Field Office/Region: Gainesville / Region 2
 Incident Date: 2008 Time: 3:40pm Inspector: Whitehead
 Date of Report: April 29, 2008 Case Type: A

Check all that apply:

- Confidential Medical Information
- 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 (if applicable)
- Complaint of Discrimination
- Addendum
- Wing Video Camera(s) Present in the Area of Incident YES NO

SUMMARY OF ALLEGATIONS:

On Monday February 4, 2008, while assigned as B-Wing Housing Officer, Officer Timothy Fowler reported that while returning an inmate from a callout on the first floor back to his assigned cell, he observed Inmate Harvey Murphy housed in B1-101S, hanging from his neck with a homemade rope tied around his neck and secured above his head tied [REDACTED]. The shift supervisor [REDACTED] were noted and upon the arrival of Captain Smith the cell was opened. Once in the cell ligature cutters were used to cut Inmate Harvey down and [REDACTED]. Upon [REDACTED] Inmate Murphy [REDACTED] was pronounced dead by the [REDACTED] at 4:16pm.

SUMMARY OF DISPOSITION/JUSTIFICATION FOR DOWNGRADE/EXONERATION:

- As a result of the investigation and analysis of all evidence it is determined that Inmate Murphy [REDACTED]. The autopsy reported conducted by Doctor Martha Burt indicated the cause of death [REDACTED] and the manner of death was suicide.



Florida Department Of Corrections
Office of the Inspector General
Report of Investigation
Paul C. Decker, Inspector General



Case Number: 08-21298

	Name	Title / DC #	D.O.B.	Employee ID #
Complainant:	Fowler, Timothy	Officer	[REDACTED]	
Victim:	Murphy, Harvey	N04863	03/29/79	
Witness(es):	Miller, Kelly	Sergeant	[REDACTED]	
	Chapman, Norman	Sergeant	[REDACTED]	
	Smith, Andrew	Captain	[REDACTED]	
	Kelly, Jeffrey	Officer	[REDACTED]	
	Baird, Travis	Sergeant	[REDACTED]	
	[REDACTED]	[REDACTED]	[REDACTED]	
Subject(s):	Murphy, Harvey	N04863	03/29/79	

Arrest: Employee Inmate Other Guilty Addendum Pending
Charges: Not Guilty
 Felony Misdemeanor Nolo Contendere
Date of Arrest: P.T.I. Other (explanation):
Date Reported:

Sentence of Court / Agreement:

Administrative Violation(s):

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

FINDINGS:

In his incident report of February 04, 2008, Sergeant Chapman indicated:

"At approximately 3:40 PM, on Monday, February 04, 2008, while assigned as B-Wing supervisor, I was attempting to secure an Inmate in the cell, when Officer T. Fowler observed an inmate in cell B1-101S hanging in his cell from his neck with a homemade blue state material rope. I then ordered Officer J. Kelly to notify [REDACTED] the OIC to come to B-Wing ASAP. I then went to the quarterdeck to retrieve the ligature cutter [REDACTED] and broke seal #0136421 and Officer T. Fowler stayed cell front during this incident. Captain A. P. Smith arrived on B-Wing, with Sergeant K. Miller and Sergeant T. Baird. When Captain A. P. Smith arrived he ordered the cell B1-101S, to Officer J. Kelly, to be unlocked. Captain A. P. Smith entered the



Florida Department Of Corrections
Office of the Inspector General
Report of Investigation
Paul C. Decker, Inspector General



Case Number: 08-21298

cell along with myself, Officer T. Fowler, Sergeant K. Miller, and Sergeant T. Baird. I then cut the rope with the ligature cutter, while Officer T. Fowler and Sergeant K. Miller grabbed Inmate Murphy, Harvey, #N04863, B/M and laid Inmate Murphy on the floor and Officer T. Fowler

Officer T. Fowler then stated

The cell B1-101S was secured with documentation by Officer J. Kelly." (Exhibit A-1)

Upon being notified of the incident I responded to the Florida State Prison where I was advised by Captain Smith that

At 4:16pm

Murphy was pronounced dead Captain Smith advised that the cell of Inmate Harvey was secured until my arrival. Upon review of the body

The body was photographed and released to Archer Funeral Home. (Exhibits A-2, B-1)

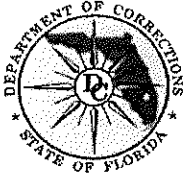
I photographed the cell with very little property being noted. A blue shirt was found lying in the middle of the room with an apparent cut. The shirt appeared as if it were rolled up and used as a hanging device. On the wall above the toilet was which was apparently used by Inmate Murphy to hang himself. The shirt was taken into evidence. (Exhibit B-2)

In his incident report of February 04, 2008, Officer Fowler indicated:

"At approximately 3:40 PM, on Monday, February 04, 2008, while assigned as B-Wing housing officer, I was securing and inmate returning from a callout on the first floor back into his cell. I then observed Inmate Murphy, Harvey, #N04863, B/M, housed in cell B1-101S, hanging from his neck with a homemade rope tied around his neck and secured above his head. Shift supervisor and the Shift supervisor arrived on the wing and ordered myself, Sergeant N. Chapman, Sergeant K. Miller, and Sergeant T. Baird to enter the cell. I then entered the cell and placed handcuffs on Inmate Murphy. Sergeant N. Chapman then used the ligature cutters to remove the rope from around Inmate Murphy's neck. Myself and Sergeant K. Miller lowered Inmate Murphy to the floor. This incident was referred to the second shift OIC for further disposition." (Exhibit A-3)

In his incident report of February 04, 2008, Officer Kelly indicated:

"At approximately 3:40 PM on Monday, February 04, 2008, I was running the door panel as Sergeant Norman Chapman was returning an inmate back to his cell B1-128S, when Officer Timothy Fowler observed inmate Murphy, Harvey B/M, #N04863 housed in cell B1-101S was apparently hanging in his cell B1-101S. Officer Timothy Fowler then told Sergeant Norman Chapman. Sergeant N. Chapman and Officer T. Fowler placed the inmate into cell B1-128S and I went and called OIC Captain Andrew P. Smith about the incident of a possible hanging. I then returned to cell front to were Captain Andrew



Florida Department Of Corrections
Office of the Inspector General
Report of Investigation
Paul C. Decker, Inspector General



Case Number: 08-21298

P. Smith responded and gave me the order to unlock the cell door. At this time Captain Andrew P. Smith and several staff entered the cell." **(Exhibit A-4)**

In his incident report of February 04, 2008, Sergeant Baird indicated:

"At approximately 3:55 PM on Monday, February 4, 2008, I was summoned to B-Wing by the shift OIC Captain Andrew P. Smith. I entered the wing and responded to cell B1-101S which houses inmate Murphy, Harvey B/M, DC#N04863. The cell door was opened and inmate Murphy was cut down from [REDACTED] that he had fashioned a noose to and was hanging from. The noose was removed, inmate Murphy was restrained [REDACTED]

(Exhibit A-5)

In his incident report of February 04, 2008, Sergeant Miller indicated:

"At approximately 3:50 PM on Monday, February 4, 2008 I entered cell B1-101S due to inmate Murphy, Harvey, B/M, DC#N04863 hanging, I grasped inmate Murphy's right arm with my right hand while Officer Timothy Fowler applied handcuffs on inmate Murphy. Once the fabric was cut from inmate Murphy I used my right hand to grasp inmate Murphy right shoulder in order to place inmate Murphy on the floor. Then with the assistance of Officer Timothy Fowler I grasped both the inmates' arms with both my hands and [REDACTED]

(Exhibit A-6)

A review of the fixed wing video did not show any evidence of foul play. The following is a one hour prior to Inmate Murphy being found hanging:

2:40 p.m. Sergeant Chapman conducts wing check.

2:46 p.m. Sergeant Chapman departs wing.

2:50 p.m. Sergeant Chapman and Officers Fowler and Kelly are on the wing removing the inmate for escort.

2:55 p.m. Staff depart the wing.

3:15 p.m. Sergeant Chapman and Officers Fowler and Kelly are on the wing removing the inmate for escort.

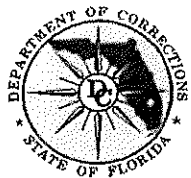
3:19 p.m. Staff depart the wing.

3:29 p.m. Sergeant Underhill is on the wing delivering property.

3:36 p.m. Sergeant Underhill departed the wing.

3:41 p.m. Officer Fowler is on the wing and observes the inmate hanging, [REDACTED] the Shift Supervisor were notified. **(Exhibit B-3)**

A review of Inmate Murphy's [REDACTED]



Florida Department Of Corrections
Office of the Inspector General
Report of Investigation
Paul C. Decker, Inspector General



Case Number: 08-21298



(Exhibit A-7)

A review of the Office of the Medical Examiner's Autopsy Report Findings indicated the probable cause of death [redacted] and the manner of death was suicide.

(Exhibit A-8)



Florida Department Of Corrections
 Office of the Inspector General
 Report of Investigation
 Paul C. Decker, Inspector General



Case Number: 08-21298

<u>Paul White</u>	Inspector	<u>5/1/08</u>	Date
<u>Barbara Waddell</u>	Inspector Supervisor	<u>5/19/08</u>	Date
<u>J. G. Sobach</u>	Chief Prison Inspector	<u>5/14/08</u>	Date
_____	Deputy/Inspector General	_____	Date



Florida Department Of Corrections
Office of the Inspector General
Report of Investigation
Paul C. Decker, Inspector General



Case Number: 08-21298

EXHIBIT/ATTACHMENTS SECTION

A. EXHIBIT(s) - attached:

1. Incident report of Sergeant Chapman.
2. [REDACTED]
3. Incident report of Officer Fowler.
4. Incident report of Officer Kelly.
5. Incident report of Sergeant Baird.
6. Incident report of Sergeant Miller
7. [REDACTED]
8. Autopsy Report.

B. EXHIBIT(s) - not attached:

1. Photographs of the body of Inmate Harvey.
2. Photographs of the cell.
3. Fixed wing video.