

# Florida Department of Corrections



## Office of the Inspector General

**CRIMINAL INVESTIGATION  
INVESTIGATIVE ASSIST  
CASE # 17-05557**



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



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**Case Number:** 17-05557

**OIG Inspector:** Senior Inspector Louis Cordova

**Outside Agency:** Florida Department of Law Enforcement

**Outside Agency Investigator:** Special Agent Mark Brown

**Date Assigned or Initiated:** April 12, 2017

**Complaint Against:** N/A

**Location of Incident – Institution/Facility/Office:** Santa Rosa Correctional Institution Annex

**Complainant:** Inmate Keith Hendry DC#U51305

**Outside Agency Case #:** PE-37-0068

**Use of Force Number:** N/A

**PREA Number:** N/A

**Classification of Incident:** Inmate Death Investigation

**Confidential Medical Information Included:**  Yes       No

**Whistle-Blower 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 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**

On March 28, 2017, at approximately 1:00 p.m., Florida Department of Corrections (FDC), Office of the Inspector General (OIG) Inspector Kate Gustafson was notified by Assistant Warden Micha Neal of an inmate death at Santa Rosa Correctional Institution Annex (SARCI-A). Inmate Fairley, Jeffery DC# P02357 [REDACTED] in vacant open-population bunk N1-124 at approximately 12:35 p.m. after other inmates alerted Security to Inmate Fairley's [REDACTED]. Inmate Fairley was pronounced deceased at 1:10 p.m. [REDACTED]. Florida Department of Law Enforcement (FDLE) Special Agent (SA) Mark Brown responded to this incident and advised FDLE would assume primary responsibility for the death investigation. On April 12, 2017, the OIG District 1 Field Office assigned Inspector Mai Morris to conduct an investigative assist in regard to the related incident. On February 28, 2018, the case was re-assigned to Senior Inspector Louis Cordova.

**VI. SUMMARY OF INVESTIGATIVE FINDINGS**

Based on the exhibits, and the record as a whole, presented or available to the primary inspector, the following findings of facts were determined:

According to FDLE SA Mark Brown, on March 28, 2017, the Florida Department of Corrections contacted FDLE in reference to the death of Inmate Fairley. Special Agents from the Pensacola Regional Operations Center (PROC) responded and initiated an investigation into Inmate Fairley's death.

On March 30, 2017, an autopsy was conducted on Inmate Fairley [REDACTED], the District 1 Medical Examiner (Medical Examiner's Case# 2017-MLA-254). Inmate Fairley's autopsy report indicated the following:

Cause of death: [REDACTED]  
Manner of Death: Accident  
Major Findings and Diagnoses:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

In Inmate Fairley' [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] These products are sold under a wide variety of names including (but not limited to) K2 and Spice. These products may be used as an alternative to marijuana.

FDLE SA Brown concluded that based on all of the information developed during his investigation, Inmate Fairley accidentally died [REDACTED] and not criminal behavior on anyone else's part. Therefore, the FDLE death investigation of Inmate Fairley was closed with no further action being taken.



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**Investigator's Note:** *Senior Inspector Cordova reviewed the investigation completed by FDLE, and no administrative issues were identified.*

**VII. CHARGES**

There were no charges. Dr. Minyard ruled Inmate Fairley's death was accidental [REDACTED]

**VIII. CONCLUSION**

Based on the information gathered during FDLE Special Agent Brown's investigation, it is the recommendation of Senior Inspector Louis Cordova that the death of Inmate Fairley be termed as follows:

- **Exceptionally cleared**