

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 15-21947**



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



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Case Number: 15-21947

OIG Inspector: Inspector Kate Gustafson

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Kristen Cortez

Date Assigned or Initiated: 09-16-2015

Complaint Against: Inmate Daniel Russell DC# Q06467 (*Deceased*)

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

Complainant: Lieutenant Jonathan Jones

Outside Agency Case #: PE-370029

Use of Force Number: 15-21996

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: 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 or about September 16, 2015, the Department of Corrections, Office of the Inspector General received information indicating on September 16, 2015, at 03:06 a.m., Inmate Daniel Russell DC# Q06467 was found hanging by his neck in cell Y2-107, at Holmes Correctional Institution (HCI). Inmate Russell was removed [REDACTED] and [REDACTED]. [REDACTED] was activated and responded to Holmes Correctional Institution. At 3:28 a.m., Inmate Russell was declared deceased by responding [REDACTED]. On September 16, 2015, the on call Inspector Supervisor contacted Inspector Darla Henderson with instructions to respond to Holmes Correctional Institution and investigate the death of Inmate Russell. On September 16, 2015 at approximately 5:32 a.m., Inspector Darla Henderson and Inspector Kate Gustafson responded as instructed and initiated an investigation in conjunction with Special Agents from the Florida Department of Law Enforcement (FDLE).

VI. SUMMARY OF INVESTIGATIVE FINDINGS

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

On September 16, 2015, On-call Inspector Darla Henderson and Inspector Kate Gustafson responded to Holmes Correctional Institution based on information received in reference to the death of Inmate Russell, ensured scene security prior to the arrival of FDLE Special Agent Kristen Cortes (*Primary Investigator*).

Inspector Henderson and Inspector Gustafson served as liaisons between Security Management and Special Agent Cortes for the purpose of acquiring requested documents and records.

On October 20, 2015, Inspector Gustafson contacted FDLE Special Agent Cortes and learned the death investigation being conducted by FDLE is still open. Special Agent Cortes indicated their case disposition and date of closure is dependent upon a review of the official autopsy report which is still pending as of this date.

On February 08, 2016, Special Agent Cortes contacted Inspector Gustafson and indicated the final report of FDLE case # PE-37-0029 and the autopsy report were completed and mailed to Santa Rosa Correctional Institution.

On February 10, 2016, Inspector Gustafson received the final report of FDLE case # PE-37-0029 and the autopsy report. The records indicate the case was closed on January 21, 2016, and the manner of Inmate Russell's death was listed as a suicide.

VII. CHARGES

- N/A



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VIII. CONCLUSION

Based on the information gathered during this investigation, it is the recommendation of Inspector Kate Gustafson, the death of Inmate Daniel Russell based on the determination by the Medical Examiner's Office and the Florida Department of Law Enforcement this case is termed as follows:

- **Investigative Assist Closed**