



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: March 17, 2017

FROM: Kathleen Hoague, Chief Assistant
Johnette Hardiman, Division Chief

RE: In Custody Death Investigation
Close-Out Memo, DARREN RAINEY

OFFICER(S) INVOLVED:	Sgt. John Fan Fan (FDOC- Dade C.I.) Officer Roland Clarke (FDOC- Dade C.I.) Officer Cornelius Thompson (FDOC- Dade C.I.) Officer Edwina Williams (FDOC- Dade C.I.)
DECEASED:	Darren Rainey, B/M, DOB 11/12/1962
INJURIES:	None
DATE & TIME:	June 23, 2012, approximately 8:00 p.m.
LOCATION:	Dade Correctional Institute, Transitional Care Unit, located at 19000 SW 377 Street, Miami Dade County, Florida
WEAPON:	None
LEAD:	Detective Wilbert Sanchez, Miami Dade Police Department, Homicide Unit (30-5387)
CASE #:	PD120623238979
SAO CASE #:	86-14-38 (Special Prosecutions Intake)



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Contents

1. Interoffice Memorandum	p. 1
2. Table of Contents	p. 2
3. Introduction	p. 3
4. Factual Overview	p. 3
5. Corrections Officers' Statements	p. 11
6. Nursing Staff Statements	p. 17
7. Miami-Dade Fire Rescue	p. 20
8. Inmate Statements	p. 21
a. Group 1	p. 22
(inmates who were housed in TCU west wing J3, where the shower was located)	
b. Group 2	p. 41
(inmates who were housed in TCU west wing, but not in J3)	
c. Group 3	p. 43
(inmates named as possibly having information about the incident or the shower at issue)	
9. Crime Scene	p. 45
10. Dade C.I. Shower Maintenance and Records	p. 47
11. Psychotherapy Staff at Dade C.I. (contract employees provided by Corizon)	p. 50
12. Medical Examiner	p. 51
13. Factual Analysis	p. 55
14. Trial and Evidentiary Considerations	p. 61
15. Legal Analysis	p. 70
16. Conclusion	p. 72
17. Attachments	p. 73

INTRODUCTION

The role of the State Attorney in this investigation and in conducting this review is limited to determining whether a criminal violation of Florida law has occurred, whether any person may be held criminally responsible, and whether such criminal responsibility can be proven **beyond a reasonable doubt** in a court of law

FACTUAL OVERVIEW

Dade Correctional Institute (hereinafter referred to as "Dade C.I.") is located at 19000 Southwest 377th Street, Miami-Dade County, Florida. It is a Florida State Prison facility that houses male inmates who have been sentenced to State Prison terms. Within the complex of buildings is a building called the Transitional Care Unit (hereinafter referred to as "TCU.") TCU (building number 46313009) is split into an east and west wing. Inmates are assigned to that unit because of their mental status or discipline status.

On Saturday, June 23, 2012, at approximately 10:09 p.m., Officer Framis Ramos of the Miami-Dade Police Department (hereinafter referred to as "MDPD") South District Station received a sick or injured call regarding an unresponsive male at Dade C.I. He arrived at Dade C.I. at 10:33 p.m. and made contact with Lieutenant Alexander Lopez of Miami-Dade Fire Rescue (hereinafter referred to as "MDFR") Engine #65, who had responded prior to Officer Ramos' arrival. At that time Officer Ramos was advised by Lieutenant Lopez that an inmate named Darren Rainey had been pronounced dead at 10:07 p.m. by his MDFR crew. Thereafter, the MDPD Homicide Bureau was contacted and MDPD Detective Wilbert Sanchez (I.D. 5387) was assigned the lead detective role in the death investigation. Detective Sanchez arrived on the scene at approximately 12:03 a.m. (Sunday morning) on June 24, 2012. At that time Detective Sanchez commenced his investigation into the circumstances surrounding the death of inmate Darren Rainey, B/M, DOB: 11/12/1962, (hereinafter referred to as "inmate Rainey").

On Saturday, June 23, 2012, inmate Darren Rainey was housed in the TCU at Dade C.I. and was assigned a one man cell 1109 in the west wing of the TCU.

There were five corrections officers and one sergeant assigned to the 4:00 p.m. to 12:00 a.m. shift that day at Dade C.I. in the TCU west wing. Corrections Officer Edwina Williams was

assigned to the Security Control Desk (also known as or called the “Officer’s Station”) which is a stationary assignment. As a standard procedure, security checks of all of the cells in the west wing were conducted every half hour by the other corrections officers on duty.¹ These security checks were logged into a written report kept at the Security Control Desk to which Officer Williams was assigned to that night. All of the cells in TCU west wing were one man cells and the door to each cell had a glass window so that the officers could view the inmates while standing outside each cell door.

Officer Cornelius Thompson was on duty that day. After he came on duty at 4:00 p.m., Officer Thompson conducted a security check at 6:30 p.m. When he looked into Rainey’s cell, the inmate looked as he always did to Officer Thompson, meaning nothing unusual was observed about him. Officer Roland Clarke was also on duty that day. He conducted a security check at 7:30 p.m., and he discovered that Rainey had smeared feces on himself and on his cell walls. Sergeant John Fan Fan was the supervisor on duty that day in the TCU west wing and he was conducting a security check as a supervisor at approximately the same time as Officer Clarke. He also observed that Rainey had smeared feces on himself, the cell walls and the sheets. Human feces are a bio-hazardous material necessitating that both Rainey and his cell be decontaminated. This was for his safety as well as that of the officers, inmates, and other staff. Sergeant Fan Fan told Officer Clarke to escort Rainey to a shower so that he could clean himself. He also ordered that an orderly be assigned to come to clean inmate Rainey’s cell while he was in the shower.

Officer Clarke went to Rainey’s cell, opened the door, stepped aside and waited as Rainey walked out of the cell.² Officer Clarke then escorted Rainey to a shower in unit J3 (TCU west wing). This is a different area from where Rainey’s cell was located within the west wing of TCU. J3 is a two-story housing facility where the 2nd floor is accessed by an open walkway reached by a set of stairs. There are numerous one man cells in that area which overlook the common area, which is furnished with metal tables and stools. The Security Control Desk is

¹ A Housing Unit Log (hereinafter, the Log) for TCU west, dated 06/23/12 is attached hereto as Exhibit 1. The Log reflects the time each security check was conducted and provides the name of the specific Correctional Officer conducting each security check. The Log was maintained at the Security Control Desk.

² A surveillance camera was located in the cell unit where Rainey was housed. This is **not** the unit where the shower is located. The undersigned viewed the video surveillance. As the video is time-stamped, we were able to prepare a Video Timeline with specific time references for events that occurred that night which were captured on the surveillance camera. Attached hereto as Exhibit 2 is a 1-page Video Timeline (hereinafter referred to as Video Timeline 1).

located at one end of this section. The shower to which Rainey was escorted is located on the 2nd floor at the end of the hall and that shower (B3-33) is adjacent to a janitor's closet (B2-34).³



As shown above, facing the shower from the front door, the left wall of the shower is the one shared with the janitor's closet. From left to right the width of the shower room is 35 inches (just under 3 feet). The distance from the front entrance of the shower room to the back wall of the shower room is 102 inches (exactly 8 ½ feet). The drain for the shower is located on the floor closer to the back wall of the shower room.⁴ At the front of the shower on the shower floor is a 'lip' which is 3 ½ inches high, the purpose of which is to prevent water from spilling out of the shower into the hallway. At the top and bottom section of the shower door are wide rectangular openings that allow for steam to be vented out of the shower room. Finally, there was also a mechanical extractor which was used to allow water vapor to escape. The extractor turned on automatically whenever the light was turned on in that shower room.

³ Attached hereto as Exhibits 3-A and 3-B respectively, are diagrams/sketches of the layout, cell numbers, and inmate assignments on 6/23/12 for the first and second floor TCU west wing J3.

⁴ Inserted above and attached hereto as Exhibit 4 is a photo of the shower room, taken on the night of the incident and shot from the front door area looking toward the back wall of the shower room. As reflected in the photo, the door of the shower opens into the shower and swings toward the wall shared with the janitor's closet.

Unlike other showers located in the Dade C.I. facility, this shower's on/off hand fixture located inside the shower room was inoperable. However, a floor sink is located in the adjacent janitor's closet. It has normal hot and cold water taps that control the flow and temperature of the water coming out of the faucet. A hose is attached to that faucet and the hose was inserted into a hole drilled through the shared wall. Below is a photograph of the janitor's closet depicting the faucet-hose-PVC pipe connection that enters through the wall of the janitor's closet.⁵



The water supply was set up in that manner so that even if a corrections officer had an inmate who was refusing to shower, the corrections officer did not have to depend on the recalcitrant inmate to turn on the water. The problem with this arrangement is that due to the size, layout and dimensions of this particular shower room, if an inmate did not want to take a shower, after the water was turned on, all he had to do was move to one of the back corners or front corners of the shower room and he would be completely outside the direct flow of water

⁵Inserted above and attached hereto as Exhibits 5 is a photograph taken on the night of the incident depicting the water hook-up from inside of the janitor's closet to the shower room via a hole drilled in the common wall.

coming into the room from the water hose. The picture below depicts the single stream of water that flows from the PVC pipe into the shower room when the faucet taps are turned on in the janitor's closet.⁶



After removing him from his cell, Officer Clarke then handcuffed Rainey and escorted him to the afore-described shower without incident. Officer Clarke chose that shower because based on past experiences with Rainey, when Rainey had previously smeared feces on himself, he would refuse to shower. So Officer Clarke took Rainey to a shower where he (Officer Clarke) could turn on the water and not have to rely on Rainey to do that.

Once they arrived at the shower, Officer Clarke went to the adjacent janitor's closet, turned on the water and checked the temperature to make sure it was not too hot or cold. He instructed inmate Rainey to get in the shower, he took off the handcuffs, and then shut and locked the shower door (which has a window in it). After that, Officer Clarke observed Rainey through the window and saw him lean up against the wall in the corner of the shower room and away from the water stream. Officer Clarke stayed briefly and talked to him. He told Rainey

⁶ Inserted above and attached hereto as Exhibit 6 is a photograph depicting the water flowing into the shower room.

that he couldn't go back to his cell until he washed off. Inmate Rainey did not respond at first, but eventually he answered Officer Clarke and said that he couldn't shower without soap. Officer Clarke then left to get soap for him. He went to the 1st floor to a cell that was located diagonally underneath where the shower was located on the 2nd floor. That cell was occupied by inmate Harold Hempstead. Officer Clarke went to that cell because inmate Hempstead was an orderly and he knew he would have soap available inside his cell. Upon retrieving the soap, Officer Clarke returned upstairs to Rainey and gave him the requested soap. Officer Clarke noted that Rainey was still standing in the same place inside the shower, away from the stream of water, so he was still dry. Once Officer Clarke gave him the soap, Rainey began to wash one arm and then stopped and said, "No, I don't want to do this," after which he leaned back against the wall again, away from the stream of water. Officer Clarke tried again to convince him to clean himself, but Rainey continued to stay out of the water and Officer Clarke then left Rainey in the shower to go back to his duties. It was sometime after 7:38 p.m. but before 7:41 p.m. when Rainey was placed in the shower by Officer Clarke.⁷

Officer Thompson conducted a scheduled security check in the TCU west wing at approximately 9:00 p.m. When he reached unit J3, Officer Thompson heard water running in the shower located upstairs on the second floor. This was an unusual occurrence because inmates did not ordinarily shower on weekends. When he checked inside the shower, Officer Thompson saw Rainey standing up by the door away from the stream of water. He observed that Rainey had feces on him. Officer Thompson spoke to Rainey at that time, and told him that he was not coming out of the shower until he cleaned himself.

Sometime before the next security check at 9:30 p.m. in TCU west wing, Sergeant Fan Fan decided that Rainey was going to be taken out of the shower whether he had cleaned off or not.⁸ He told Officer Clarke, who was doing the next security check, to take Rainey out of the shower on his next round. At approximately 9:30 p.m., Officer Clarke conducted the next scheduled security check. When he got to the shower, Officer Clarke stepped into the janitor's closet and turned off the water. He then looked through the shower door window and saw Rainey lying face up on the shower floor. He opened the shower door and realized that inmate

⁷ A surveillance camera was located in TCU west J3, the unit where the shower is located. The undersigned viewed the video surveillance and because it is time-stamped, we were able to prepare a Video Timeline with specific time references for events that occurred that night which were captured on the surveillance camera. Attached hereto as Exhibit 7 is a 2-page Video Timeline for TCU west J3 (hereinafter referred to as Video Timeline 2).

⁸ Based on the entry in the Log (Exhibit 1) Sgt. Fan Fan conducted the 8:00 p.m. security check.

Rainey's body was covering the drain and that about three inches of water had pooled around his body. The water was not so deep as to cover inmate Rainey's face, so his breathing would not be obstructed by the water. Additionally, the water did not overflow the shower into the hallway. He called to inmate Rainey by name and then tapped his leg to get his attention. Upon realizing that Rainey was completely unresponsive, Officer Clarke then ran to get medical help as well as alert other corrections officers. Soon thereafter, nurses and Sergeant Fan Fan arrived with a stretcher. Rainey was checked. He had no pulse and he was not breathing. Officer Clarke and Officer Thompson stepped into the shower, took hold of Rainey by his shoulders and legs to lift him and carried him down the stairs to the waiting stretcher. Sergeant Fan Fan began performing CPR while the stretcher was wheeled toward the medical building.

Once in the medical building, nurses attached Automated External Defibrillator ("AED") pads to analyze him. They gave Rainey oxygen and continued to do CPR until MDFR arrived and took over. MDFR continued lifesaving procedures until Lieutenant Alex Lopez pronounced Rainey deceased at 10:07 p.m.

The investigation conducted by MDPD Homicide Detective Sanchez at Dade C.I. began in the early morning hours on Sunday, June 24, 2012. It started with the gathering of information from interviews with Officers Clarke and Thompson, Nurse Yina Patino, and Lt. Alex Lopez (MDFR). These witnesses noted to Detective Sanchez that inmate Rainey's body had red areas and skin slippage or coming off,⁹ and some further advised that, in their opinion, he had possibly sustained burns while in the shower.

Detective David Lillard with the MDPD Crime Scene Unit arrived at Dade C.I. at 12:45 a.m., on Sunday, June 24, 2012. He located Rainey and took photographs of him while he was lying face up on a gurney in the medical building. Inmate Rainey was not wearing any clothing and Detective Lillard noted skin slippage at the time. Detective Lillard also photographed the shower and the adjacent janitor's closet with the water controls. He was asked by Detective Sanchez to test the water temperature of the water in the shower; however he advised Detective Sanchez that Crime Scene did not have the correct tools to take a water temperature reading at that time.

⁹ Generally, skin slippage is a *post mortem* change that comes about when pressure or friction is applied to the skin of a body in the early stages of decomposition. Once the body starts decomposing, any pressure applied to the skin in those areas will cause the skin to slip off or be rubbed off. These observations are discussed in greater detail later in this report.

The body of inmate Rainey was thereafter transported to the Miami-Dade County Medical Examiner's Office. Because of the portions of his body that were reported to be red and interpreted by some medical personnel to be burns, Detective Sanchez continued to handle the case as an unclassified death and made plans to attend the autopsy later that day.

An autopsy was done on Rainey at 11:20 a.m. on Sunday, June 24, 2012, by Deputy Chief Medical Examiner, Dr. Emma Lew, under M.E. case number 2012-01481. Detective Sanchez attended that autopsy and spoke to Dr. Lew afterwards. Dr. Lew advised, after she completed the autopsy, that she was unable to classify the cause or manner of death at that time, and that it would be held "pending" further studies and information. In response to specific questions by Detective Sanchez regarding burns, Dr. Lew advised that Rainey did not sustain any obvious external injuries and, particularly, that there were no thermal injuries (burns) of any kind on his body.

Between June 2012 and April 2014, no cause or manner of death had been determined in the death of Rainey, and the autopsy results were still pending lab results and supporting information from additional sources.

On April 16, 2014, Dr. Lew was again consulted by Detective Sanchez regarding this open investigation. This was due to information received from witnesses and/or interested persons who had contacted the MDPD Homicide Bureau and the Miami Dade Medical Examiner's Office. One of the witnesses who contacted authorities at that time was an inmate from Dade C.I. named Harold Hempstead. At that April 16th meeting, Dr. Lew advised that, based on information recently received, if MDPD obtained additional information from the recently reported sources, that information would assist her in determining the cause and manner of death in this investigation. Subsequently, a decision was made to interview any and all persons who had contacted the MDPD Homicide Bureau or the Miami Dade Medical Examiner's Office stating that they had information about inmate Rainey's death. In addition, after that April 16th meeting, attorneys with the Miami Dade State Attorney's Office were consulted and, at their direction, additional information regarding the crime scene was gathered. Also, witnesses were interviewed or re-interviewed to gather information sufficient for Dr. Lew to come to some conclusion regarding the cause and manner of inmate Rainey's death.

The investigation continued at that time and eventually all of the original and additional information gathered was turned over to Dr. Lew. Subsequently, Dr. Lew incorporated all

aspects of the investigation into documented findings and completed her autopsy protocol, detailing her findings regarding the cause and manner of Rainey's death culminating in the issuance of her report by January 20, 2016. In February 2016, the full medical examiner's file was turned over to the MDPD Homicide Bureau and the Miami Dade State Attorney's Office to review. In March 2016, the complete MDPD homicide file was turned over to the Miami Dade State Attorney's Office to review and determine what, if any, criminal conduct occurred, and if so, what charges, if any, could be filed in regard to inmate Rainey's death.

CORRECTIONS OFFICERS' STATEMENTS

Sergeant John Fan Fan

A sworn statement was taken from Sergeant Fan Fan by Detective Sanchez on July 23, 2014. Sergeant Fan Fan had been employed with the Florida Department of Corrections since January 4, 2008. He had been assigned to Dade C.I. since he was hired. On Saturday, June 23, 2012, Sergeant Fan Fan was assigned to the TCU unit in his capacity as a sergeant and supervisor. That day he was working the 4:00 p.m. to 12:00 a.m. shift, and was assigned to TCU west wing. The other correctional officers who were working that shift with him were Officer Edwina Williams, Officer Cornelius Thompson, Officer Roland Clarke, Officer Donell Hood and Officer Rashad Gibson.

Officer Williams was assigned to the Security Control Desk and the other officers were available to do required security checks every thirty minutes. Inmates take showers on Mondays, Wednesdays and Fridays. They do not take showers on weekends unless it is required because of a special need (as was the case with inmate Rainey).

As a supervisor, Sergeant Fan Fan was required to do at least one security check during his shift and he usually liked to do more than one check. On that day, before 8:00 p.m., while Sergeant Fan Fan was doing a security check, he observed inmate Rainey in his cell and he observed that he had feces smeared on his head, his hair, the walls and bed sheet. Soon thereafter, he ordered Officer Clarke to escort inmate Rainey to a shower, so he could clean himself. He also ordered that an orderly be sent to clean inmate Rainey's cell.

Rainey walked out of the cell without any resistance. He was taken to a specific shower in the TCU west wing J3, which could be operated by the officer rather than the inmate. The

reason for this is because Rainey had already said that he did not want to come out of his cell or go to the shower. While he ultimately went with Officer Clarke without any type of struggle, Sergeant Fan Fan and Officer Clarke knew (based on previous experience) that he would not willingly turn on a shower and clean himself.

Sometime after Rainey was placed in the shower, Sergeant Fan Fan stopped by and spoke to him.¹⁰ At that time, he observed that inmate Rainey was standing by the shower door, away from the stream of water, and was dry. He also observed that Rainey did not complain, cry, scream or indicate that he was in pain then or at any other time that night. In addition, Sergeant Fan Fan did not see then or at any time any evidence of steam or any other indication that the shower water was unduly hot.

After Rainey had been in the shower for what Sergeant Fan Fan recalled to have been one or two hours, he told Officer Clarke to bring Rainey out on his next scheduled security check, whether he had washed off or not. Sergeant Fan Fan saw Officer Clarke go toward the shower during the course of his security check. When he realized something was wrong, Sergeant Fan Fan immediately responded to the shower. At that time, he observed that the water was off, Rainey was laying on his back on the shower floor, and he was completely unresponsive. Sergeant Fan Fan observed nothing unusual about the shower or Rainey at that time other than he was lying on the floor and not responsive. Medical personnel and a stretcher arrived. Rainey was put on the stretcher and Sergeant Fan Fan immediately started CPR as they wheeled him toward the medical building. As he was doing chest compressions, Sergeant Fan Fan did notice that the skin on Rainey's chest was peeling in the area where he was placing his hand to do CPR.

As previously stated, the whole time inmate Rainey was in the shower, Sergeant Fan Fan did not hear him scream, cry, complain or kick the shower door. If this had happened, he and/or other officers would have heard it. There are microphones located throughout the facility, including outside and inside the inmates' cells, which are monitored at the Security Control Desk.

In response to inquiries about that particular shower, Sergeant Fan Fan advised that the specific shower located on the second floor in unit J3 (TCU west wing) was used regularly by inmates on scheduled shower days. It has never been used to torture or discipline any inmate to his knowledge.

¹⁰ See footnote 8.

Officer Roland Clarke

Officer Roland Clarke was initially interviewed by Detective Sanchez at 2:04 a.m., on Sunday, June 24, 2012, at Dade C.I. Thereafter, a sworn statement was given to Detective Sanchez on August 7, 2014, when the investigation was re-initiated. Officer Clarke was employed by the Florida Department of Corrections from April 2010, until mid-2014. For the majority of that time he was assigned to Dade C.I. While at Dade C.I, Officer Clarke was assigned to the TCU for about two and a half years, from approximately April 2010, to October 2012. On June 23, 2012, Officer Clarke was working the 4:00 p.m. to 12:00 a.m. shift. He was familiar with inmate Rainey, who was housed in cell 1109 in the TCU west wing (not unit J3). During a security check, sometime after 7:30 p.m. Officer Clarke looked into Rainey's cell and noticed that he had covered himself with feces. Sergeant Fan Fan was also aware of Rainey's condition that night and he ordered Officer Clarke to take inmate Rainey to shower off. In response to that order, Officer Clarke handcuffed inmate Rainey and escorted him from his cell to a shower.¹¹ Rainey was wearing a "green shroud." Officer Clarke explained that this was not a regular Department of Corrections uniform, but clothing that is issued to inmates who exhibit behavior that indicates they are trying to hurt themselves. He related that inmate Rainey had previously smeared feces on himself and then reportedly had tried to eat his feces. He had also gone on hunger strikes.

Officer Clarke escorted Rainey to the second floor shower in unit J3 (TCU west wing), which was in a different wing than where Rainey's cell was located. That shower was different than other showers in the TCU west wing or in the entire Dade C.I. facility. In that shower the controls for turning on the water were located in a janitor's closet adjacent to the shower. That feature allowed the officer to control turning the water on and off. In all the other showers, there is a central control located inside the shower that the inmate operates by pushing a button to start the water flow. Officer Clarke explained that use of this shower was necessary because, in his experience dealing with inmate Rainey, when he smeared feces on himself, he would refuse to shower. So he took him to this shower, where he (Officer Clarke) could turn the water on and

¹¹ Inmate Rainey walked out of his cell at 7:35:11 p.m. See Exhibit 2, Video Timeline 1.

Rainey could shower himself. That night, Officer Clarke escorted Rainey to the 2nd floor shower without any problem or resistance.

Once they arrived at the shower, Officer Clarke stated he turned the water on and checked to make sure it was not too hot or too cold. He then instructed inmate Rainey to get into the shower, removed the handcuffs and shut the door and locked it. The shower door has a window that allows the officers to look in on the inmate inside. At that point, Officer Clarke began a conversation with Rainey. Officer Clarke instructed inmate Rainey to wash off, but he refused to get wet and just leaned against the front wall of the shower room, in the corner away from the stream of water. Officer Clarke asked Rainey why he had smeared feces on himself and he replied, "Can't you just take me back to my cell?" Officer Clarke replied that he couldn't do that until Rainey had washed off. He continued to try to coax Rainey to shower, but he refused to respond until finally he asked for soap. Officer Clarke then left the shower area to get Rainey a bar of soap. He went to the 1st floor to inmate Harold Hempstead's cell to get the soap. Officer Clarke knew he could get soap there because inmate Hempstead was an orderly and had cleaning supplies in his cell.¹² Officer Clarke was gone for several minutes getting the soap before he returned to the shower to give the soap bar to Rainey. When he returned he observed that Rainey had not left where he was originally standing in the shower room, which was away from the water, so he was still dry. Officer Clarke gave the bar of soap to him and he observed that Rainey began to wash his right arm. Almost immediately he stopped washing and said, "No man, I don't want to do this." and then he just leaned back against the wall away from the stream of water again. After trying to coax Rainey again to shower, Officer Clarke finally left him in the shower and went back to work.

Before Officer Clarke was due to begin his next scheduled security check at approximately 9:30 p.m., Sergeant Fan Fan instructed him to take inmate Rainey out of the shower, whether he had washed off or not. In the course of the next scheduled security check, when he reached the shower area, Officer Clarke first went to the janitor's closet adjacent to the shower and turned the water off. Then he stepped to the shower and looked in the window. Officer Clarke saw Rainey lying on his back with his feet toward the shower door and his head toward the back wall. His body was covering the drain and there was water pooled around him. Officer Clarke called Rainey's name while he opened the shower door. Rainey did not respond.

¹² Officer Clarke obtained the soap from inmate Hempstead at 8:12:46 p.m. See Exhibit 7, Video Surveillance 2.

He then touched his leg while still calling his name and Rainey remained unresponsive. Officer Clarke then observed that Rainey appeared not to be breathing because his chest was not moving up and down so he immediately went to get medical help and more officers to assist.

Shortly thereafter, Officer Clarke returned to help move Rainey out of the shower, down the staircase and onto the medical stretcher. He recalled that Rainey's body felt warm and slippery, and that *when he was lifting him, some of inmate Rainey's skin was coming off.*

According to Officer Clarke, that shower is used by all inmates and no one has ever complained that they were burned because the water was too hot. In addition, at no time that night did he ever hear Rainey yell, cry, scream for help or kick the door or otherwise indicate he was in distress or pain.

Officer Cornelius Thompson

Officer Cornelius Thompson was interviewed by Detective Sanchez on Sunday, June 24, 2012, at 1:43 a.m., at Dade C.I. Thereafter, a sworn statement was given to Detective Sanchez on July 24, 2014. Officer Thompson had been employed by the Florida Department of Corrections for three years. He was assigned to Dade C.I. for the entire three years, and worked for over one year in the TCU at Dade C.I. On Saturday, June 23, 2012, Officer Thompson was working the 4:00 p.m. to 12:00 a.m. shift in the TCU west wing. Officer Thompson recalled observing inmate Rainey in his cell during one of his early security checks scheduled at approximately 6:30 p.m. He did not notice anything out of the ordinary at that time. Officer Thompson then went on his lunch break. At approximately 9:00 p.m. Officer Thompson conducted his scheduled security check. At some point during that security check, he heard water running in the upstairs shower in unit J3 and went to check the shower. It was unusual to hear shower water running on a weekend because the inmates showered during the week. When Officer Thompson looked inside the shower, he saw inmate Rainey standing in the corner close to the door and away from the stream of water. Officer Thompson observed at that time that inmate Rainey was dry and he had feces on his face and hands.

At approximately 9:30 p.m. Officer Thompson was seated inside the Security Control Desk on the 1st floor when he was alerted to a problem. He and other officers responded to the shower area where Officer Clarke was. Once there, he saw inmate Rainey lying face up and

unresponsive on the shower floor. He assisted Officer Clarke in moving Rainey out of the shower, down the stairs and onto a stretcher to be taken to the medical building.

During the course of his shift that night Officer Thompson did not hear inmate Rainey yell, scream, cry, bang on the shower door or otherwise indicate he was in distress or pain.

Officer Donell Hood

Officer Donell Hood provided a sworn statement to MDPD Homicide Detective Jorge Arana on July 23, 2014. Officer Hood had been employed by the Florida Department of Corrections since 2010. He was assigned to Dade C.I. in 2012. On Saturday, June 23, 2012, Officer Hood was working the 4:00 p.m. to 12:00 a.m. shift and he was assigned to the TCU. His specific assignment was TCU Internal Officer, which he described as being “the run around officer for everyone.” At approximately 9:30 p.m. Officer Hood heard a call for assistance on his radio.¹³ He responded to the 2nd floor shower area in unit J3 (TCU west wing). When he got to the shower, Officer Hood saw inmate Rainey lying on the shower floor with his body covering the drain. There was water pooled in the shower and Officer Hood assisted in lifting him out of the shower. As he lifted Rainey from the pooled water in the shower, he advised that it did not feel hot or unusually warm. After Rainey was placed on a stretcher, Officer Hood escorted the stretcher to the medical building.

Officer Edwina Williams

Officer Edwina Williams provided a sworn statement to Detective Sanchez on July 23, 2014. She had been employed by the Florida Department of Corrections since 2011. She had always been assigned to Dade C.I. and from 2011 to 2013 Officer Williams was assigned to the TCU west wing Security Control Desk. She was assigned to work the Security Control Desk because female officers are not allowed out onto the floor to do security checks. At the Security Control Desk, she was the booth officer and kept the log for when the security door was requested to be opened. On Saturday, June 23, 2012, Officer Williams was working the 4:00 p.m. to 12:00 a.m. shift.

Officer Williams never left the booth that night and was unaware of anything that was happening to inmate Rainey, other than what she was told by other officers after he was discovered unresponsive on the shower floor. From her station on the 1st floor, she is able to

¹³ Based on the entry on the Log (Exhibit 1) Officer Hood had previously conducted a security check at 8:30 p.m.

observe the cells on that floor in unit J3. At no time before Rainey was discovered unresponsive in the shower did any inmates on the 1st floor try to get her attention by saying something in their cells¹⁴ or otherwise signaling from the windows in their cell doors. She did not hear anything unusual that night up until the time the officers responded to the emergency call for assistance.

Officer Rashan Gibson

Officer Rashan Gibson provided a sworn statement to Detective Sanchez on July 24, 2014. Officer Gibson had been employed by the Florida Department of Corrections at Dade C.I. for approximately six years when he was interviewed in 2014. During those six years he was assigned to the TCU for four to five years. On Saturday, June 23, 2012, Officer Gibson was working the 4:00 p.m. to 12:00 a.m. shift in the TCU west wing. He was not aware of anything involving inmate Rainey and a shower until he received a radio transmission regarding medical assistance needed in the upstairs shower in unit J3. The first time Officer Gibson saw inmate Rainey's body was after he had been removed from the shower by other officers. At that time he did not notice anything unusual about inmate Rainey's appearance or his body. At no time, while he was on duty that night did Officer Gibson hear Rainey or any inmate in the TCU west wing yell for help, make any noise, or otherwise indicate they were in pain or distress.

When asked about the 2nd floor shower in unit J3, Officer Gibson said that that particular shower was used as a normal shower. He has never heard of any corrections officer using that shower for discipline nor has any inmate ever complained of that to him.

NURSING STAFF STATEMENTS

The medical staff at Dade C.I., including the nurses, was not employed by the Florida Department of Corrections. They were employees of Corizon Health, Incorporated (Corizon). Corizon was a private entity contracted to provide medical and mental health services to inmates at Dade C.I. The contract terminated in December 2012 when a new provider was engaged.

Nurse Yina Patino

¹⁴ Most, if not all, of the inmates are aware that microphones are installed within their cells and that any sounds emanating from their cells are heard and monitored at the Security Control Desk.

Nurse Yino Patino was interviewed by Detective Sanchez on Sunday, July 24, 2012, at approximately 2:30 a.m., just after the interviews of Officers Clarke and Thompson. She gave a sworn statement to Detective Sanchez on August 12, 2014. She was assigned to work at Dade C.I. from July 2008 to mid-2013. When she began she was a licensed practical nurse and in 2011 she became a registered nurse. During her employment, Nurse Patino was almost exclusively assigned to the medical unit in the TCU.

On Saturday, June 23, 2012, Nurse Patino was working the 3:00 p.m. to 11:00 p.m. shift at the TCU west wing nurse's station. That evening she first saw Rainey when she and Nurse Loren Robinson were having lunch in the break room in TCU west wing. At that time they saw Rainey being escorted to the shower. She went out into the hallway and asked inmate Rainey why he had smeared feces on himself, but he did not reply or look at her. She observed that Rainey was not being mistreated in any way while he was being escorted.

Later that evening, Officer Thompson came to the nurse's station requesting their immediate assistance. Both she and Nurse Robinson responded to the upstairs shower in unit J3 west wing. Upon arrival she observed Rainey lying face up on the shower floor and he was unresponsive at that time. The water had been turned off and there was some steam in the shower. Inmate Rainey was carried out of the shower by officers and taken downstairs to a waiting stretcher. Nurse Patino said she when she first saw inmate Rainey in the shower, *his skin looked fine*. However, as the officer's carried him downstairs *she noticed some of his skin was peeling off*. Once on the stretcher, Sergeant Fan Fan began CPR, but she quickly took over the CPR soon after that. It was then that *she noticed the skin was coming off in the area of his chest*. Rainey was taken to the medical building. On the way, as she was doing CPR, Nurse Patino noticed that Rainey's body felt hot, but she did not take his temperature because performing CPR was more important at that time.

Once they got to the medical building other nurses continued CPR, gave Rainey oxygen and placed AED pads on him. In what seemed like forty-five minutes, MDFR responded and took over life saving measures. (Note: The length of time for the response was initially complicated by the nurse who was calling for Fire Rescue. She had great difficulty trying to get an outside line to call 9-1-1).

Nurse Patino said that in the time she had worked at Dade C.I. no inmate ever complained to her about being burned in the shower.

Nurse Loren Robinson

Nurse Loren Robinson gave a sworn statement to Detective Sanchez on August 5, 2014. She had worked as a nurse with the Florida Department of Corrections since 2007. She was assigned to Dade C.I. from December 2009 to March 2013. While assigned to Dade C.I., Nurse Robinson was always assigned to work in the TCU.

On Saturday, June 23, 2012, Nurse Robinson was working the 3:00 p.m. to 11:00 p.m. shift in the TCU west wing nurse's station. She recalled seeing inmate Rainey while she was on her lunch break with Nurse Patino. She saw him in the hallway being escorted from unit J1 to unit J3. She observed that Rainey had feces smeared in his hair, and that he was not resisting or being mistreated in any way while he was being escorted.

After lunch Nurse Robinson and Nurse Patino returned to the nurse's station in west wing where later Officer Thompson came to them seeking help. At that time, she and Nurse Patino responded to the upstairs shower in unit J3. Upon arrival, Nurse Robinson saw that Rainey was lying on his back and appeared unresponsive. She walked into the shower to check his pulse (he had none) and she noted that the shower room felt warm and steamy, but not excessively hot. His body felt warm *and his skin appeared intact at that time*. The officers lifted Rainey up and carried him downstairs to the waiting stretcher. After CPR was started by Nurse Patino, she (Nurse Robinson) also noticed skin slippage on his chest. Rainey was taken to the medical building where lifesaving efforts continued until MDRF responded and took over.

Nurse Robinson said that in the whole time she was employed at Dade C.I., no inmate had ever told her that they were taken to a shower for discipline or burned in a shower.

Nurse Carol Peters

Nurse Carol Peters gave a sworn statement to Detective Sanchez on July 10, 2014. She had worked at Dade C.I. since 2006, and she was assigned to the TCU from 2006 until 2013.

On Saturday, June 23, 2012, she was working the TCU east wing nurse's station with Nurse Katherine Jensen on the 3:00 p.m. to 11:00 p.m. shift. During the shift, they received a call for assistance about an emergency in the TCU west wing. Nurse Peters responded directly to the medical building where inmate Rainey was being transported. She assisted the other

nurses with lifesaving measures, and at one point, she took his temperature from his right temple. Rainey's body felt a bit warm, but not hot and *the temperature reading was 102 °F*. While she noticed skin slippage on inmate Rainey after she started CPR, Nurse Peters did not think, in her opinion, that he had sustained any burns.

In all the time Nurse Peters had been assigned to Dade C.I. as a nurse, no inmate ever told her that they had been placed in a shower as discipline or burned in a shower.

Nurse Britney Wilson

Nurse Britney Wilson gave a sworn statement to Detective Sanchez on August 8, 2014. She worked at Dade C.I. from January 2011 to May 2013 as a licensed practical nurse. While at Dade C.I. she was always assigned to the main medical building.

On Saturday, June 23, 2012, Nurse Wilson was working the 7:00 p.m. to 7:00 a.m. shift in the medical building. During her shift inmate Rainey was brought into the medical building as an emergency case.¹⁵ When she first saw him, he was on a stretcher, appeared limp and had feces all over his head. She observed that Rainey's skin also appeared red and wrinkled. While the other nurses were performing lifesaving procedures, she attempted to call 911. There was a problem getting an outside line, but when she finally did get through *Nurse Wilson told the operator that Rainey's body appeared to be burned*. She then assisted the other nurses with compressions until MDRF took over. *Nurse Wilson noticed some skin slippage* and did try unsuccessfully to take the victim's temperature.

After this incident a few inmates did tell her that they had been disciplined by taking them to a shower for a long period of time with the water running. However, no inmate ever said that the water temperature was either too hot or too cold. Nurse Wilson also advised that she had never treated an inmate for burns received from a hot shower while she worked at Dade C.I.

MIAMI-DADE FIRE RESCUE

Lieutenant Alexander Lopez

Lt. Alexander Lopez is a Fire Fighter and Paramedic who has been employed by Miami-Dade Fire Rescue since 2003. Information provided by Lt. Lopez was communicated to

¹⁵ As reflected in Exhibit 7, the Video Timeline 2, Rainey left TCU west wing en route to the medical building at 9:33 p.m.

Detective Sanchez via Officer Ramos, who was the first officer to arrive at Dade C.I. upon dispatch. On August 18, 2014, Lt. Lopez provided a sworn statement to the State Attorney's Office. On Saturday, June 23, 2012, he was on duty when an emergency call came to his station. The call came in as a "cardiac or respiratory arrest/death/not breathing at all." At 9:52 p.m. Lt. Lopez and his crew were dispatched to Dade C.I. (19000 Southwest 377th Street) and they arrived on the site at 10:02 p.m. Upon arrival, they were escorted to the medical building. His crew members attended to the patient, inmate Darren Rainey, by continuing CPR. Lt. Lopez got information from the medical personnel there. Lt. Lopez was advised that the medical staff had been performing CPR on Rainey for the last forty-five minutes before they arrived. Rainey was lying on a hospital gurney and the paramedics noted that he was unconscious, not breathing, and had no heart beat or pulse. They placed EKG leads on him to confirm that Rainey was asystole (had no pulse or heartbeat) and then listed him as "dead on arrival" in their report.

Lt. Lopez noted that there were no signs of trauma on Rainey's body except *what appeared to be burns and/or skin slippage on certain parts of his body*. He was advised that Rainey was found unresponsive in a shower, lying on the floor with hot water running over his body. Lt. Lopez did not take his body temperature at that time. In making a head to toe assessment for their report, the paramedics noted that Rainey appeared "cool" to the touch at the time they checked him.

Lt. Lopez and his crew cleared the scene at Dade C.I. at 11:01 p.m., and they did not transport Rainey because he was deceased.

INMATE STATEMENTS

The restricted and closed nature of the location where the incident occurred necessarily limits the list of potential witnesses to corrections personnel, nurses and inmates who were present in the facility on June 23, 2012. All inmates available and willing to speak with detectives were interviewed. Several of those inmates who were included in the initial interviews gave names of others they thought might have information relevant to the investigation. That led to additional interviews of those inmates. By the time those later interviews were being conducted many of the inmates had been released and several had moved

outside of the area, including to other states. Detectives diligently searched to locate any inmate mentioned in interviews. As inmates were located, detectives traveled to wherever necessary to obtain statements from them.

The summaries of the interviews of the inmates named herein are listed below in three groups. Group 1 consists of inmates who were housed in TCU J3, the unit where the shower at issue is located.¹⁶ Group 2 consists of inmates who were housed in TCU, but not in J3. The inmates listed in Group 3 are inmates named as possibly having information about the incident or the shower at issue.

Group 1

(Inmates who were housed in TCU west wing, J3; where the shower was located.)

Inmate Harold Hempstead

Inmate Harold Hempstead's DC number is 268866. He is currently serving a sentence for numerous counts of Burglary and Armed Burglary. His projected release date is in 2161. It should be noted that at the time of Rainey's death, inmate Hempstead was a trustee (in some jurisdictions referred to as a houseman or orderly) and as such, was afforded special privileges and responsibilities by corrections staff.

On the date of the incident inmate Hempstead was housed in TCU west wing, unit J3 cell 3101. His cell was downstairs on the first floor, directly below that of inmate Ricky Schieb, who was on the second floor in cell 3201. Due to the location of the surveillance camera in TCU west wing, Hempstead's cell is clearly visible in the surveillance camera video footage for Video Timeline 2. Moreover, due to the location of that surveillance camera, the viewer can actually see the window to cell 3101 and inside a portion of that cell.

Inmate Hempstead was interviewed by Detective Sanchez and Detective Daniel Aiken on June 17, 2014, at Suwanee C.I. That statement was tape recorded and subsequently transcribed.¹⁷

¹⁶ See Exhibits 3-A and 3-B.

¹⁷ It should be noted that inmate Hempstead corresponded with the Miami Dade Police Department and the Office of the Medical Examiner sometime prior to April 16, 2014, and prior to this interview.

Inmate Hempstead described the previous times he was housed in the TCU at Dade C.I. He explained he was one of the “in-house orderlies”, generally referred to as a trustee, and that afforded him certain privileges and duties. For example, inmate Hempstead was allowed to pass out food trays, store and pass out supplies to inmates and was responsible for some sweeping and cleaning. He remembered his cell assignment on the night of inmate Rainey’s death. He was able to describe the shower set-up and the janitor’s closet in unit J3.¹⁸ Hempstead had used that shower in the past and was allowed to adjust the water himself.¹⁹ He said the janitor’s closet was not kept locked.

Inmate Hempstead said he was in his bed, reading on the evening of June 23, 2012. He said he heard the door to the wing pop open **at approximately 8:50 p.m.** He checked his watch, got up from his bed and looked out. According to his statement, from his cell door he could see Officer Clarke escorting inmate Rainey from his cell in the other wing. He did not see Rainey removed from the cell J1109, but did see inmate Rainey with Officer Clarke.²⁰ He said inmate Rainey was handcuffed behind his back. Officer Clarke escorted Rainey past inmate Hempstead’s cell and to the shower upstairs and then turned on the water. Inmate Hempstead said he could see Rainey being placed in the shower because of the reflection in the glass he could see from his cell.²¹ He could not see inside the shower or inside the janitor’s closet. He said he never saw any force or violence used by Officer Clarke and no resistance of any kind from inmate Rainey.

Inmate Hempstead said that Officer Clarke placed Rainey in the shower, then closed and locked the door. Officer Clarke then went into the janitor’s closet and turned on the water, then

¹⁸ His description is consistent with the exhibits and narratives set forth earlier in this memo.

¹⁹ As set forth later in this report, we discovered during the course of our investigation that many Dade C.I. inmates used this shower (and preferred using it). The water flow in other showers was initiated by pressing a control button in the shower. The water in those regular showers was usually cold. With the presence of cold and hot water taps in the janitor’s closet, hot water was always available for this shower. Several of the inmates also advised that some correctional officers would even let them adjust the water temperature themselves.

²⁰ Although he said he checked his watch, Inmate Hempstead’s time reference cannot be correct. Video Timeline 2 clearly shows Officer Clarke escorting Rainey to the 2nd floor shower at 7:38:54. See Exhibit 7, Video Timeline 2.

²¹ Neither the janitor’s closet nor the shower on the 2nd floor is visible from Hempstead’s cell window, nor are they visible from the surveillance camera. However, Hempstead could not have seen Rainey being placed in the shower because that event occurred more than 1 hour before Hempstead’s 8:50 p.m. time reference. At the time Rainey was actually placed in the shower, (approximately 7:40 p.m.) the window of Hempstead’s cell was completely covered up from the inside. Alternatively, if Hempstead maintains that his 8:50 time reference is still correct his testimony on that point is totally refuted because instead of looking at a reflection in the 2nd floor Plexiglas from his cell window, at that time, Hempstead was lying down on the bed inside his cell. See Exhibit 7, Video Timeline 2.

left. He says Officer Clarke immediately went downstairs and then proceeded to the officers' station.²²

According to inmate Hempstead, approximately 5 minutes after Officer Clarke left, Rainey started yelling, "I'm sorry," "I won't do it anymore," and "I can't take it no more." He yelled it multiple times, constantly, until about 9:15 p.m. Hempstead stated that during that time Rainey was also kicking the door.²³

Inmate Hempstead said that at about **9:15 p.m.** Officer Clarke and Officer Thompson went upstairs to the shower. About ten seconds behind them were Officer Hood and Sergeant Fan Fan. Inmate Hempstead said no one had been to the shower after Rainey was placed inside and before 9:15. He did not know why they went to the shower, but thought it was because of the yelling. Officer Hood and Sergeant Fan Fan stood in front of Hempstead's cell and did not go upstairs to the shower.

Hempstead did not see or hear the shower door open, but did hear Sergeant Fan Fan yell upstairs to place Rainey back in the shower. He said that Officer Hood yelled that Rainey could stay there for up to six hours. Officer Clarke yelled down that Rainey had not yet showered. Officer Clarke then went to Hempstead's cell and asked for some soap and obtained the soap.²⁴

Officer Clarke took the soap upstairs to Rainey. Inmate Hempstead then had a short conversation with Sergeant Fan Fan and Officer Hood. The officers all left the area and returned to the officers' station. Inmate Rainey immediately started yelling again. He was also kicking the door.

²² Inmate Hempstead could not have witnessed any of these events. From the 7:38:54 p.m. start of the video footage recorded from the surveillance camera located in TCU west wing until 8:09 p.m. the window to Hempstead's cell window was covered up from the inside. Hempstead removed the covering on the window to his cell at 8:09:01 p.m. See Exhibit 7, Video Timeline 2.

²³ During the time period Hempstead alleges Rainey was yelling, screaming and kicking the shower door there is no activity observed from **any** inmate. See Exhibit 7, Video Timeline 2. When Rainey's body was discovered in the shower and the flurry of activity began with the correctional officers and nursing personnel, the inmates reacted **immediately** by going to the windows of their cells. The video surveillance footage shows the inmates' reactions to events occurring within the unit. See specifically time entry 7:34:25 p.m. in Exhibit 2, video timeline 1, and 8:16:29 p.m. and 9:28:15 p.m. entries in Exhibit 7, video timeline 2.

²⁴ According to Hempstead, Officer Clarke would have gone to his cell to get soap sometime after 9:15 p.m. That testimony is refuted by the video timeline which shows Officer Clarke going to Hempstead's cell to receive soap at 8:12 p.m.

Inmate Hempstead said the yelling and kicking persisted until about 9:30, when he heard a fall. There was quiet for a minute or two then he felt something was wrong, so he started waving to the officers to get their attention. He was at the door to his cell, which is clearly visible from the officers' station. He waved for a minute or two, then waited for a minute or two, then waved again. There was no response.²⁵

Based on Hempstead's statement, at **9:40** p.m., Officer Thompson did a security check. Inmate Hempstead said he was standing in his cell from approximately 9:20 until 9:40 because he was trying to get the attention of the officers.²⁶ He saw Officer Thompson go to wing 2 (presumably to do the security check there) then enter wing 3 on the second floor, using the cross-over. Hempstead was able to watch using the reflection in the glass for most of the security check. He lost sight of Officer Thompson as he went to check on some cells, but did see him go to the shower. He said Officer Thompson walked to the shower, then to the janitor's closet, where he shut off the water. Officer Thompson then walked back to the shower where he yelled Rainey's name twice. There was no response. Officer Thompson then went downstairs and past Hempstead's cell. (Inmate Hempstead said Officer Thompson had a look of shock on his face.) Officer Thompson went to the officers' station. Hempstead watched the officers in the officers' station talking for approximately eight minutes. He named Officers Thompson and Clarke, a female officer and Sergeant Fan Fan as being at the officers' station. He could not name the female officer or say if anyone else was there. He could not hear what was being said but described their actions as "frantic." He said he did not see everything because he stepped away from the cell door. He did not see Officer Clarke leave the station, but did see him enter the wing. That was at approximately **9:50** p.m.²⁷

Inmate Hempstead said he stepped away from his door, but he did see Officer Clarke leave the officers' station. The next thing he heard, at about "**9:48 or 9:50**" was noise overhead and Officer Clarke yelling to get medical.²⁸ He heard footsteps and saw Officer Thompson run

²⁵ This testimony is completely refuted by Exhibit 7, Video Timeline 2. The surveillance camera in TCU west looks directly at the window of, and into, inmate's Hempstead's cell. From the start of the footage at 7:38 p.m. (when Hempstead's cell window is covered up) until the end of the video footage at 9:33 p.m. Hempstead never stood at the window of his cell waving.

²⁶ Rainey was wheeled out of TCU on the stretcher at 9:33:17 p.m. See Exhibit 7, Video Timeline 2.

²⁷ At 9:40 p.m. and 9:50 p.m. (the two time references given by Hempstead for these events) inmate Rainey was no longer in TCU west wing unit J3. He was being attended to by medical personnel in the medical building. Id.

²⁸ Id.

past his cell toward the nurses' station, which is in front of the adjacent wing. Nurses Robinson and Strobble²⁹ came into the wing and went to the shower. Within five seconds he heard nurse Strobble yell, "Oh, my God, he's dead." Inmate Hempstead said he heard numbers being written and run over the radio. He said the wing was full of officers, sergeants and Lt. Pinkney. (He could not name all of the officers present.)

Inmate Hempstead said he watched from a "foot or two" back inside his cell, so that the surveillance camera would not capture him looking. He heard officers call for a stretcher. He heard them coming down the stairs. His curiosity caused him to move to the window of his cell and he then saw Officer Clarke pushing the stretcher with inmate Rainey on it. Officer Thompson was assisting, trying to keep the stretcher going straight. Sergeant Fan Fan was trying to do CPR on inmate Rainey.

He described inmate Rainey as being naked, with one leg "in a lofted position" and his hands locked in front of his chest. In his opinion, *inmate Rainey's body was extremely hard*. The stretcher passed directly in front of Inmate Hempstead's cell. They took inmate Rainey out of the wing.

Approximately ten minutes later, Officer Gibson went to inmate Hempstead's cell. Officer Gibson told him that inmate Rainey was dead and they discussed the events. Officer Patterson joined them and said that the body was burned and that there was skin in the shower. Officer Gibson allegedly claimed that he told Officer Clarke that they could have skipped giving him (inmate Rainey) trays (meals). He said, "...if they can't eat, they can't poop" according to inmate Hempstead.

Inmate Hempstead described his relationship to the officers on the wing and his history of investigations while in custody. He said he had just found out that Officer Patterson was not working in TCU the night of the incident, but was working overtime elsewhere in the facility. He said the first time he saw Officer Patterson that night was after inmate Rainey was taken out of the wing.

During his statement, Inmate Hempstead described his prior stays in Dade C.I., and TCU. He also talked about his involvement with the media and alleged that other inmates had been

²⁹ We could not find a Nurse Strobble at Dade C. I.

punished in the same manner as had happened to Rainey. He claimed inmate Daniel Geiger was placed in the shower as a form of punishment. He said that inmate Shaun McKinley had information about that incident. He said that inmate Geiger was not injured when he was placed in the shower.³⁰

Inmate Hempstead also named inmates Michael Alfonso, Halden Casey, and William Wallace as persons who were also placed in the shower for punishment. Again, he said none of them suffered any injury from their time in the shower.³¹ He also stated this was the only time inmate Rainey had been placed in the shower.

Inmate Ricky Schieb

Inmate Ricky Schieb's DC number is 082469. He is serving a life sentence for Murder, Sexual Battery on a Victim Under 12, Kidnapping, and Burglary with an Assault or Battery.

On the date of the incident inmate Schieb's cell was 3201, on the second floor in unit J3.³² It was the first cell adjacent to the janitor's closet and shower. The cell is directly above that of inmate Harold Hempstead (3101) and was visible in the security video.

Inmate Schieb was interviewed on June 12, 2014, by MDPD Homicide Detective Jose Gonzalez at Dade C.I.

Inmate Schieb did not recognize Darren Rainey by name or by photograph and had not heard of anyone dying in the shower. He was in the cell nearest the shower at the time of the incident, but could not provide any useful or pertinent information about the events of Saturday, June 23, 2012.

Inmate Michael J. McLachlan

Inmate Michael J. McLachlan's DC number is 134109. He is serving a sentence for L & L on a Child Under 12. His projected release date is in 2034.

³⁰ This statement is consistent with that of Nurse Wilson who says after the Rainey's death some inmates told her they were placed in the shower as "punishment". However, the inmates said they suffered no physical injuries as a result of this "discipline". See page 19.

³¹ Id.

³² See Exhibit 3-B.

On the date of the incident inmate McLachlan was housed in J3 cell 3202, the first cell adjacent to the cell of inmate Schieb on the second floor.³³

Inmate McLachlan was interviewed by Detective Gonzalez on June 12, 2014, at Dade C.I. Inmate McLachlan did not know Darren Rainey and did not recognize his photograph. He was familiar with the incident. He said he saw Rainey being brought in to the shower by Officer Clarke and that inmate Rainey was wearing the “turtle suit” (Ferguson garment).³⁴ He said Rainey was in the shower for “one or two hours” and that he heard screaming for a few minutes at the end of the time he was in the shower. He said guards responded a minute or two after the screaming. He did see Rainey being brought out of the shower by the guards.

Inmate McLachlan was familiar with the shower and had used it himself. He said the water was adjusted by the guards, but it was okay, sometimes cold, but not unpleasant. He did mention the water was 160° F.³⁵ When asked, he said he got that temperature from another inmate. He had no knowledge of the shower being used for punishment.

Inmate Brian Hernandez

Inmate Brian Hernandez’ DC number was R26556. He was released from custody on February 19, 2013.

On the date of the incident inmate Hernandez was housed in J3 cell 3203, the first cell adjacent to the cell of inmate McLachlan on the second floor.

Inmate Hernandez was interviewed by Detective Arana on July 26, 2014, in the Broward County Jail. He refused to have his statement recorded. Inmate Hernandez did not recognize inmate Rainey’s photograph, but did recognize the name. He was familiar with the shower at issue and had used it many times. He said the corrections officers would adjust the temperature as requested. He said the water temperature in the regular showers was always too cold.

³³ Id.

³⁴ An anti-suicide smock, Ferguson garment, turtle suit, or suicide gown is a tear-resistant single-piece outer garment that is generally used to prevent a hospitalized, incarcerated, or otherwise detained individual from forming a noose with the garment to commit suicide.

³⁵ The shower water temperatures are discussed later in this report.

Inmate Hernandez said he saw Officer Clarke escort Rainey to the shower. There appeared to be no conflict, that inmate Rainey was in a blue prison uniform and was handcuffed in front of his body. He could not see the shower from his cell. He said he did hear Rainey screaming that the water was too hot for about 30 minutes. During that time he did not see any corrections officers check on Rainey. He said that a couple of unknown officers walked about half way up the stairs and asked Rainey what he wanted. He said they never went to the shower and Rainey continued to scream that the water was too hot and that he wanted out of the shower.

Inmate Hernandez said that about 20 minutes after inmate Rainey stopped screaming Officer Clarke and another officer went upstairs to do a routine check. Several other officers then ran upstairs. Officer Clarke and another officer carried inmate Rainey downstairs. He saw that Rainey had “pink flesh” on his neck and legs. He was not aware that Rainey had died until the following day.

The shower was closed for a few days. Inmates Medberry and Hempstead talked to him about the incident and told him that the corrections officers had “fried” inmate Rainey. Both inmates Medberry and Hempstead asked him to file a complaint and write letters to authorities about what happened. He did not.

Inmate Hernandez said he never heard of any inmate being burned in the shower. He had never been placed in the shower for punishment. The only time the shower had been uncomfortable was when it was too cold. He said other inmates joked about the shower being a “death shower” but he had not heard of anyone being tortured in it. He said Officer Clarke had always been respectful and they had never had any problems. He described Officer Clarke as friendly and fair, a good officer.

Inmate Stephen Weber

Inmate Stephen Weber’s DC number was L24249. He was released on July 20, 2012.

On the date of the incident inmate Weber was housed in J3 cell 3204, the first cell adjacent to the cell of inmate Hernandez on the second floor.

Mr. Weber was interviewed after his release on June 23, 2014, by MDPD Homicide Lt. William Hellman at Weber's apartment in Broward County. He did not have any personal knowledge of the death of Rainey and did not recognize Rainey's photograph.

Inmate Daniel C. Medberry

Inmate Daniel C. Medberry's DC is number 598329. At the time of inmate Rainey's death he was serving a sentence for Sexual Battery, False Imprisonment and Grand Theft. He was released in July 2016, and is currently under conditional release supervision.

On the date of the incident inmate Medberry was housed in J3 cell 3205, the first cell adjacent to the cell of inmate Weber on the second floor.

Inmate Medberry was interviewed by Detective Arana and Sergeant Damaris Palmer on June 16, 2014, at Martin County C.I. Inmate Medberry remembered Officer Clarke taking Rainey to the shower. He saw that Rainey had feces all over him. He said Rainey was handcuffed in back and was wearing "TCU jail blues." He said he heard Rainey begging to be let out, but that he could tell that Rainey was not under the water. He said he knew it was hot because he could see steam. He said inmate Rainey was in the shower less than an hour, about 30-40 minutes. Regular checks were made every 30 minutes. He said he saw 3-4 corrections officers carry inmate Rainey out of the shower. They took him downstairs to the stretcher and wheeled him out. He did not see CPR being performed.

Inmate Medberry said the shower was used for punishment, but that he had used it to shower. He said the door was open to the shower and to the adjacent janitor's closet and he was allowed to adjust the water himself. He could not say how hot the water in the shower got, but he said it was hot enough to burn. He said that it was, "... the shower everybody wanted to go in because they could adjust it..."

Inmate Medberry said that he had discussed the incident with inmate Harold Hempstead who asked him to file a grievance about the incident. Inmate Hempstead also asked inmate Medberry if he would talk to reporters.

Inmate Paul Jossa

Inmate Paul Jossa's DC number is U39495. He was serving a sentence for 2nd degree Murder at the time of inmate Rainey's death. He was released in June 2016. He is now on supervised probation.

On the date of the incident inmate Jossa was housed in J3 cell 3206, the first cell adjacent to the cell of inmate Medberry on the second floor.

Inmate Jossa was interviewed by Detective Gonzalez on June 16, 2014, at Dade C.I. He refused to have his interview recorded. However, inmate Jossa told Detective Gonzalez that he did not personally know Rainey and could not see the shower from his cell. He said that he did not witness or hear anything at the time of the incident; that he was sleeping. He said that when people talk in the cell area everything echoes. He also stated that he had not heard of the shower being used for torture or punishment. He has used the shower adjacent to the janitor's closet over 50 times. The corrections officers always adjusted the water temperature if asked to do so.

Inmate Lionel Fumero

Inmate Lionel Fumero's DC number is 183566. He is serving a life sentence for Sexual Battery on a Child under 12, Aggravated Battery with a Deadly Weapon, Possession of a Firearm by a Convicted Felon, Kidnapping, Armed Burglary, and Attempted First degree Murder.

On the date of the incident inmate Fumero was housed in J3 cell 3207, the last cell on the second floor at the end of the wall perpendicular to the wall with the shower and janitor's closet. His cell abutted that of inmate Northard.³⁶

Inmate Fumero was interviewed by Detective Arana and Detective Gonzalez on June 12, 2014, at Dade C.I. Inmate Fumero did not recognize inmate Rainey and had no knowledge of the incident. He said he heard "rumors" but did not witness anything.

Inmate Fumero was asked about the shower. He said he has used it often and described it as "pleasant." He said that he was unaware of it ever having been used as a means of torture.

³⁶ See Exhibit 3-B.

Inmate Martin Northard

Inmate Martin Northard's DC number is K58309. He is serving a sentence for Sexual Battery, L & L (victim under 16, offender over 18), and Occupied Burglary of a Dwelling. His projected release date is in October 2017.

On the date of the incident inmate Northard was housed in J3 cell 3208, the second-to-last cell on the second floor at the end of the wall perpendicular to the wall with the shower and janitor's closet. His cell was between the cells of inmate Fumero (3207) and inmate Bown (3209).

Inmate Northard was interviewed by Detective Sanchez and Detective Aiken on June 17, 2014, at Union C.I. He said that he was asleep during the incident and did not have personal knowledge of the incident.

Inmate Northard was familiar with the shower and said that everybody was allowed to use it. He had used it. He said that the guards had turned the water and it had been too hot. He was not burned and when he informed the officers they adjusted the temperature. He said sometime the inmates could adjust the water themselves. He had been allowed to adjust the water himself once or twice. He had never heard of it being used for torture, but did describe it being used for punishment. He did say that inmates had been burned in the shower. He named Barry Nelson, "Odom", and "Joshua". He subsequently said that he was placed in the shower for punishment every night. He said he did not get burned and did not need medical treatment.

Inmate Gary Bown

Inmate Gary Bown's DC number is 90566. He is serving a life sentence for Murder and has been incarcerated for 31 years.

On the date of the incident Inmate Bown was housed in J3 cell 3209. His cell was between the cells of Inmate Northard (3208) and Inmate Odom (3210) on the second floor.

Inmate Bown was interviewed by Detective Arana and Sergeant Palmer on June 16, 2014, at Martin C.I.

Inmate Bown said everyone was confined to their cells when two or three officers, including the “lady lieutenant” brought in Darren Rainey. Rainey was wearing a “turtle suit” (Ferguson garment) and was handcuffed behind his back. He was not resisting the officers. An officer placed Rainey in the shower and the other two corrections officers left. Inmate Bown could not see inside the shower, but said he was able to see the shower door and hallway in front of the shower, including the door to the janitor’s closet. Initially, inmate Bown said he did not see anyone enter the janitor’s closet, then amended his statement and said he saw an officer go in the closet. He said the corrections officer turned on the water “full blast” and steam could be seen coming out of the shower. He said Rainey started screaming at that time and the corrections officer left the area immediately. Inmate Bown claimed the screaming went on for about ten minutes. He said Rainey was in the shower about 15-20 minutes. An officer checked on him and called in an emergency on the walkie-talkie.

Inmate Bown said that a stretcher was taken to the second floor and Rainey was strapped onto it then carried down.³⁷ He described Rainey as being “burnt”. He described him as a “boiled lobster.”³⁸ Bown stated that CPR was not performed, but Rainey was just wheeled out of the area. He later found out that Rainey had died.

Inmate Bown stated that the corrections officers use the shower for punishment. He said two or three inmates had been placed in the shower for punishment. He named two inmates who had been allegedly punished in the shower; Daniel Medberry and “Geiger”.

Inmate Bown said he showers every other day and that he sometimes uses the shower at issue. However, he does not use the water coming from the janitor’s closet, but uses the regular showerhead. Nobody is forced to take a shower unless it becomes a hygiene issue, according to Inmate Bown.

Inmate Marion Odom

Inmate Marion Odom’s DC number is 53253. He is serving a life sentence for Murder, Battery on a Law Enforcement Officer, and Burglary.

³⁷ The video surveillance footage refutes this account.

³⁸ This description is inconsistent with the testimony of the nurses, MDRF personnel, corrections officers and the Medical Examiner. Rainey had no thermal injuries (burns) anywhere on his body.

On the date of the incident Inmate Odom was housed in J3 cell 3210. His cell was between the cells of Inmate Bown (3209) and Inmate Lowe (3211) on the second floor.

Inmate Odom was interviewed by Detective Gonzalez and Sergeant Palmer on June 2, 2014, at Charlotte C.I. Inmate Odom explained that he had been housed in the TCU at Dade C.I. and that he has special powers of intrusion, psychological, sexual, and mental manipulation. He was housed in TCU for security reasons.

Inmate Odom said he knew Rainey and recognized his photograph. He said that he uses his intrusion and illusion abilities to trick the security cameras so that a different person could be in the cell and the identity would be misconstrued. He also said that they like for the inmates to be clean at Dade C.I., but that the water is very dirty. Because the water is so dirty, they put chemicals in it and those chemicals burn your skin.

Inmate Odom said he was aware of Rainey's death and that Rainey had been placed in the shower after smearing feces on himself and all over the wall in his cell. The photograph of Rainey was shown to inmate Odom again and he said that it was not the person who died that night. He was in his cell and did not hear Rainey cry out at any time. He later said that he heard someone yell, "I'm sorry! I am not going to do it again."

Inmate Odom said that a sergeant asked about half-dollar sized spots on the inmate's body. (It was unclear if he was referring to Rainey or himself.) He said he was the only person ever tortured in the shower. He advised that the static electricity goes through the body and into the water through the shower. He also said the water in the shower becomes heated by placing two metal wires and a spoon into the water as it sprays.

Inmate Odom said there was torture at the jail, including the showers. He also said there was not.

Inmate Odom said he knew the information he provided from using his psychic abilities. He reads other people's minds.

Inmate Robert Wayne Lowe

Inmate Robert Wayne Lowe's DC number was 350468. He was released on August 5, 2012.

On the date of the incident inmate Lowe was housed in J3 cell 3211. His cell was between the cells of inmate Odom (3210) and Inmate Marshall (3212) on the second floor.

Mr. Lowe was interviewed at his home by Detective Sanchez and Detective Aiken on July 11, 2014. Mr. Lowe did not know why Rainey was in the shower or for how long. He did not know who placed Rainey in the shower. He did not hear any screaming or yelling. He did see the officers and nurses taking Rainey out on a stretcher.

When asked about the shower itself, Mr. Lowe said he had used it. He had no knowledge of it being used for punishment. He said he had not been mistreated while at Dade C.I. He was allowed to regulate the water in this shower by himself.

Inmate Ferris Marshall

Inmate Ferris Marshall's DC number is 180936. He is serving a life sentence for Sexual Battery with a Weapon or Force.

On the date of the incident inmate Marshall was housed in J3 cell 3212. His cell was between the cell of Inmate Lowe (3211) and a standard-use shower on the second floor.

Inmate Marshall was interviewed by Detective Gonzalez on June 16, 2014, at Dade C.I. Inmate Marshall thought he had seen inmate Rainey **a couple of days prior to the interview**. He also thought the water in the shower was cold-warm. He said he had an injury in the shower. He claimed he pushed the button for water and his hand "turned blood". The body of the statement indicates that inmate Marshall was unable to maintain clear and focused thinking during the interview.

Inmate Lawrence Smith

Inmate Lawrence Smith's DC number is D84024. He is serving a sentence for L & L Exhibition (Victim under 16, Offender over 18). His projected release date is in 2021.

On the date of the incident inmate Smith was in cell 3102, next to Inmate Hempstead (3101) on the first floor.

Inmate Smith was interviewed on June 5, 2014, by Detective Arana at the South Florida Reception Center. Inmate Smith said that one or two officers brought inmate Rainey into the “quad” (unit) and placed him in the shower and left. Right after that, Rainey started screaming that it was “too hot”. The screaming lasted for about 5 minutes. He said it was about an hour before the guards returned. The guards then called for the lieutenant.

Inmate Smith could not tell if the stretcher was taken upstairs. He said he could see that Rainey was dead. He did not see any CPR being done.

Inmate Smith has used the shower at issue before. He said the water was always hot. He said it was used for punishment and that he had been placed in the shower and burned about a month before Rainey died. He said the nurses were aware of the incident. He also said that “Corey” was also in the shower, and that many of the inmates had been placed in there for punishment.

Inmate Daniel Geiger

Inmate Daniel Geiger’s DC number is J42951. He is currently serving a sentence for L & L Molestation of a Child Under 12. His projected release date is in 2034.

On the date of the incident inmate Geiger was in cell 3103, next to inmate Smith on the first floor.

Inmate Geiger was interviewed by Detective Gonzalez on May 28, 2014, at Dade C.I. and corrections officers were present for safety reasons. Inmate Geiger was being treated in the Mental Care unit and appeared to be despondent. It did not appear that he fully understood the questions. Inmate Geiger said he did not know inmate Rainey, and was adamant that he had never been incarcerated at Dade C.I. He also said he was unaware of the shower being used for punishment or torture. (This interview was not recorded.)

Inmate Halden Casey

Inmate Halden Casey's DC number is D02838. He is serving a sentence for Attempted Murder. His projected release date is in 2045.

On the date of the incident inmate Casey was in cell 3104, next to inmate Geiger (3103) on the first floor.

Inmate Casey was interviewed by Detective Gonzalez and Sergeant Palmer on May 28, 2014, at Lake C.I. Inmate Casey refused a taped statement but did speak with Detective Gonzalez and Sergeant Palmer. He explained he had been housed at Dade C.I. on more than one occasion. He did not know inmate Rainey and did not recognize his photograph. Inmate Casey was familiar with the shower next to the janitor's closet and said it does not work. He said the water comes through a PVC pipe extending from the wall. He also said the water can be too hot but that the corrections officer will adjust it when asked.

Inmate Casey said he saw Rainey being led to the shower by Officer Roland Clarke on the night Rainey died. He said he had been medicated and went to sleep. He woke when there was commotion and saw Rainey being brought downstairs on a stretcher. He said Rainey was covered and he could not see any injuries.

Inmate Casey said that he had been placed in the same shower about three weeks prior to Rainey's death. He said that Officer Clarke put him in the shower and the water was so hot that he stood aside and placed his clothes next to him to avoid being splashed. He said it became steamy, making it hard to breathe. Inmate Casey said he became drowsy and started to cry at the time. He said that the day after Rainey's death he was taken to the infirmary and examined. He had no burns or injuries. He said that if he (Rainey) was taken to the shower at an unusual time, it was done to punish him.

Inmate Casey said he learned of the death of Rainey from other inmates. He said he was aware that Rainey was taken to that shower more often than other inmates and also taken to medical more often than other inmates. He said he was aware that inmate Rainey suffered from severe psychosis.

Inmate Casey said he had been contacted by the media and had been sent a photograph of inmate Rainey. Attempts to clarify contradictions, inconsistencies, and gaps in the statement were unsuccessful.

Inmate Paul Rowles

Inmate Paul Rowles' DC number was 053318.

On the date of the incident inmate Rowles was in cell 3105, next to inmate Casey on the first floor. Inmate Rowles died on February 12, 2013. As a result, detectives were unable to obtain a statement from him in 2014.

Inmate Michael Alfonso

Inmate Michael Alfonso's DC number is K43957. He is serving a sentence for Attempted Sexual Battery on a Child under 12. His projected release date is in 2022.

On the date of the incident Inmate Alfonso was in cell 3106, next to inmate Rowles on the first floor.

Inmate Alfonso was interviewed by Detective Gonzalez on June 16, 2014, at Dade C.I. Inmate Alfonso recognized Rainey from a photograph, and said he knew him from outside the prison and from their incarceration. He had no information concerning the death of inmate Rainey.

When asked about the shower, inmate Alfonso had not had a problem with the shower and had no knowledge of it being used for punishment or torture. (He did have a complaint about bugs, but was the only inmate to mention bugs in the water.) He was also aware that he received medication, but did not know what that medication was or why he received it. During his interview he was at times despondent, incoherent, and unable to maintain his thoughts.

Inmate Donald Brown

Inmate Donald Brown's DC number is T01192. He is serving a sentence for multiple counts of Occupied Burglary and Credit Card Fraud. His projected release date is in 2027.

On the date of the incident inmate Brown was in cell 3107 on the first floor, directly beneath inmate Fumero on the wall perpendicular to that of the shower and janitor's closet.

Inmate Brown was interviewed by Detective Sanchez on July 10, 2014, at Dade C.I.

Inmate Brown claimed he was housed in a cell near inmate Rainey. However, it is unclear if he is referring to the night of June 23, 2012, or to a previous time. He said that Rainey was not showering and that Officers Gibson and Clarke handcuffed him and said that he was going to shower that night. Other officers were also present, but inmate Brown was not sure of whom they were.

Inmate Brown claims the officers "pulled" Rainey from his cell.³⁹ After he was handcuffed, the officers escorted him to the other wing. Inmate Brown claims that he saw the officers "jump" Rainey in the hallway between the two units. He claims Sergeant Fan Fan stood there and watched.⁴⁰ He did not see Rainey being placed in the shower.

Inmate Brown was never placed in the shower for punishment. He said it was sometimes used as a holding cell, without the water on. He said that usually lasted only a short while. He was unaware of other inmate complainants of being placed in the shower for discipline. He did say that an older "Spanish" inmate with a colostomy bag would throw feces on people. That inmate was allegedly placed in the shower and buckets of cold water thrown on him.

Inmate Corey Floyd

Inmate Corey Floyd's DC number was 550872. On the date of the incident Inmate Floyd was in cell 3108, between inmate Brown (3107) and Inmate Sanders (3109) on the first floor. He was released subsequent to the incident. Detectives were unable to determine his whereabouts and thus could not interview him.

Inmate Wendell Sanders

Inmate Wendell Sanders' DC number is 87401. He was serving a 15 year sentence for Robbery. He was released from custody in January 2015.

³⁹ This statement is refuted by the video surveillance footage.

⁴⁰ Id.

On the date of the incident inmate Sanders was in cell 3109 on the first floor, between inmate Floyd (3108) and cell 3110 which was unoccupied.

Inmate Sanders was located at Dade C.I. on June 12, 2014, when Det. Gonzalez attempted to interview him. Inmate Sanders refused to be interviewed.

Inmate John A. McCain

Inmate John A. McCain's DC number is P20414. He is serving a 24 year sentence for 2nd Degree Murder. His current projected release date is in December 2020.

On the date of the incident inmate McCain was in cell 3111, between 3110 which was unoccupied and inmate Davis (3112) on the first floor.

On June 12, 2014, at Dade C.I. inmate McCain was contacted by Det. Gonzalez and he refused to be interviewed.

Inmate Robert M. Davis

Inmate Robert M. Davis' DC number is W04989. He is serving a sentence for Aggravated Battery, Armed Burglary, Armed Sexual Battery, and Battery by a Detainee. His projected release date is in December 2017.

On the date of the incident inmate Davis was in cell 3112, between inmate McCain (3111) and a standard-use shower on the first floor.

Inmate Davis was interviewed by Detective Gonzalez on June 12, 2014, at Dade C.I. Inmate Davis did not recognize inmate Rainey and had no knowledge of the incident. He did not recall anyone dying in a shower. He had no knowledge of anyone being punished or tortured in a shower.

Group 2

(Inmates who were housed in TCU west wing, but not in J3.)

Inmate Martin Christianson

Inmate Martin Christianson's DC number was P43896. He was serving a sentence for Possession of Photos of Child Sexual Performance, but is now deceased.

On the date in question inmate Christianson was housed in TCU west, but not in J3 where the shower was located.

Inmate Christianson was interviewed by Detective Sanchez on August 7, 2014, at Dade C.I. Inmate Christianson was in the cell directly across from inmate Rainey on the date in question. Inmate Christianson saw Rainey smear his own feces on the walls of his cell, his cell window, and on himself. Inmate Christianson tried to get him to stop. He said the corrections officer who was doing rounds got angry, but did not yell or strike Rainey. He took Rainey, who was naked, out of the cell and walked him to the other wing. He did not put any clothing on Rainey to inmate Christianson's knowledge. Inmate Christianson could not hear any screaming.

Inmate Mark Joiner

Inmate Mark Joiner's DC number is 794441. He is serving a life sentence for Murder and Grand Theft.

On the date in question inmate Joiner was housed in TCU west, but not in unit J3.

Inmate Joiner was interviewed by Detective Sanchez on June 16, 2014, at Columbia C.I. Inmate Joiner said he saw 4 or 5 officers, including Officers Clarke and Gibbs, bringing inmate Rainey into the "quad" (unit) and taking him to the shower. He said Rainey was not resisting, but "was just getting manhandled." He said that just after Rainey was placed in the shower he could hear Rainey yelling to stop and that he could not take it. He said he heard the officers respond, telling Rainey to enjoy the shower. Inmate Rainey's yelling lasted for "a couple of minutes," then there was silence. He said that about 20 minutes later there was a security check and a corrections officer checked on Rainey. That officer then went and spoke with Officer

Clarke, then Clarke came out of the officers' station. Officer Clarke did a security check, but did not go immediately to the shower.⁴¹

Inmate Joiner said that at about 8:00 a.m. the following morning, June 24, 2012, Sergeant Seals and Officer Patterson gave him bleach and cleaning supplies and told him to clean the shower. He said he saw brown or black stuff on the floor and assumed it was feces, but then saw it was skin. He says he also saw shoes (blue canvas, not flip flops) and a "smock" (Ferguson garment). He said he put the skin inside a shoe. He said he also picked up skin from the stairs and from the floor and also put it in the shoe. Officer Patterson instructed inmate Joiner to throw the shoe and its contents away. He said he learned of inmate Rainey's death from inmate Harold Hempstead. **This cleaning of the shower was *after* the police had been there and taken the crime scene photos on Saturday, June 24, 2012, between 12:05 a.m. and 3:45 a.m.**

Inmate Joiner said he had used the shower at issue before. He had used it maybe 3-4 times. He said he had been told of it being used for punishment, but that he had not been put there for punishment. He said 4-5 inmates had been in there for punishment and been burned. He named Joshua Allen, but could not remember any others.

Inmate Gregory Shevlin

Inmate Gregory Shevlin's DC number is C05048. He is serving a sentence for Attempted Sexual Battery on a Victim Under 12. His projected release date is in 2032.

On the date in question inmate Shevlin was housed in TCU west, but not in J3.

Inmate Shevlin was interviewed on June 16, 2014, by Detective Gonzalez at Dade C.I. He did not know Rainey by name, but did recognize his photograph. When asked how he knew him, inmate Shevlin explained that he used to have to clean inmate Rainey's cell. He said Rainey "...used to put shit on him and all over the room." When asked how often that occurred, he said it was daily.

He had never used the shower at issue here. He had never heard of the shower being used for torture.

⁴¹ Inmate Joiner claims to have seen the events he described, but he admitted he was in a different "quad" (unit) at the time of the incident.

Inmate Shevlin did not have any direct knowledge of the death of inmate Rainey. He heard of the incident from other inmates, including Harold Hempstead.

Group 3

(Inmates named as possibly having information about the incident or the shower at issue.)

Inmate Joshua Allen

Inmate Joshua Allen's DC number was C02164. He was serving a sentence for Robbery. He was released on August 22, 2012.

Inmate Allen initially was not interviewed in 2014. According to his mother, Mr. Allen was hospitalized pursuant to the Baker Act. He was subsequently interviewed at his residence in Sioux Falls, South Dakota on August 12, 2015, by Detectives Aiken and Sanchez.

Mr. Allen was not a witness to the events of incident. He was, however, named as possibly having knowledge of the shower at issue. Mr. Allen said that approximately three months before his release he was placed in the shower next to the janitor's closet. He was placed there by a white latin male corrections officer. The hot water was turned on and he was left inside the shower for 10-15 minutes. He said he was not injured in any way. He said that he had been in that shower approximately twice before and that he preferred that shower. He said most inmates preferred that shower. He said he did not tell anyone about what happened until after he heard someone had died in the shower. He said he then told a therapist and an unnamed captain. Mr. Allen also said that he learned that inmate Timothy Siders had been in the shower with only the hot water, the same night he (Allen) had been placed in the shower. Mr. Allen said he never heard anyone yelling for help or banging on the shower door.

Inmate Timothy Siders

Inmate Timothy Siders' DC number is T09880. He is currently serving a sentence for Armed Robbery, False Imprisonment, and Burglary with and Assault. He has been in custody on these charges since 2014, and has a projected release date in 2038. At the time of Rainey's death, inmate Siders was at Dade C.I. serving a sentence for Burglary with an Assault, and Possession of a Controlled Substance. He was released on those charges in December 2012.

Inmate Siders was not a witness to the events of incident. He was, however, named as possibly having knowledge of the shower at issue. Inmate Siders was interviewed by Detectives Aiken and Sanchez on August 20, 2015, at Suwanee C. I. Inmate Siders said that he had heard of an inmate dying in the shower, but had no direct knowledge if it. He said he had used that same shower on at least two occasions. On one occasion a corrections officer (who he refused to name) placed him in the shower, turned on the hot water, and left him there for about 30 minutes. He was not injured, but did have little red dots on his feet. He said that he did not yell for help. He said he just stood outside the stream of water. He did not tell anyone about the incident. The second time he was placed in the shower the water was a comfortable temperature. He said a corrections officer did a security check then entered the janitor's closet and turned the water hotter. (He said he saw the officer enter the janitor's closet.) He said he then stood in the corner until he was removed from the shower about 10 minutes later. He was not injured and did not tell anyone of the incident. He did not know of this happening to anyone else. He never heard of anyone yelling for help from the shower.

Inmate Walter Fyler

Inmate Walter Fyler's DC number is 588449. He is currently on Drug Offender probation until 2029.

Inmate Fyler was not a witness to the events of June 23, 2012. He was, however, named as possibly having knowledge of the shower at issue. Inmate Fyler was interviewed by Detective Gonzalez on June 26, 2014, at Everglades C.I. Inmate Fyler had no knowledge of Rainey's death. He did not recognize Rainey.

Inmate Fyler was asked about the shower. He described the water temperature as "body temperature." He said that if a lot of people took showers, it got cold. If you were one of the first to take a shower you could get hot water. He had no knowledge of the showers being used for punishment or torture.

Inmate Shaun McKinley

Inmate Shaun McKinley's DC number was L39897. Inmate McKinley was not a witness to the events of June 23, 2012. Inmate Harold Hempstead claimed inmate McKinley had

information about inmate Geiger having been placed in the shower for punishment. Inmate McKinley was interviewed by Lt. Hellman on July 22, 2014, at the Broward County Jail where McKinley was being held on unrelated charges.

Inmate McKinley agreed to speak with Lt. Hellman, but refused to provide a taped statement. He confirmed he was not incarcerated at Dade C.I. on June 23, 2012. He said he was never placed in the shower next to the janitor's closet. He was shown a photograph of inmate Rainey and he could not identify him as being at Dade C.I. He said he had been contacted by the media, but was reluctant to say anything.

CRIME SCENE

On Sunday, June 24, 2012, at 12:05 a.m., MDPD Crime Scene Detective David Lillard responded to Dade C.I. (located at 19000 Southwest 377th Street) to process the scene of what was reported to him to be an unclassified death of an inmate, named Darren Rainey. After speaking to Detective Sanchez, he first responded to the infirmary in the medical building where he observed inmate Rainey lying on a hospital gurney. Detective Lillard observed that Rainey had no clothes on and other than skin slippage, he noted no other signs of trauma. He also observed signs of Fire Rescue intervention where inmate Rainey still had white medical electrodes on his chest, arms and calves from EKG testing.

Detective Lillard took photographs of inmate Rainey in the infirmary while he was lying on the gurney. He also took photographs of the shower that inmate Rainey was in that night as well as the adjacent janitor's closet with the water controls. Detective Lillard cleared the scene at 3:45 a.m. on Sunday morning, June 24, 2012.

In 2014, the MDPD Homicide Bureau again requested that MDPD Crime Scene Unit respond to Dade C.I. to further process the scene with regard to the open unclassified death investigation of inmate Darren Rainey.

On May 26, 2014, MDPD Crime Scene Detective Bengal Dow responded to Dade C.I. (located at 19000 Southwest 377th Street). Once on the premises, Detective Dow was directed to unit J3 in the west wing of the TCU (Building number 46313009) where the shower that was used by inmate Rainey was located. In his report, Detective Dow described unit J3 as a two-

story housing facility where the second floor is accessed by an open stairway and an open walkway. He observed that there are numerous cells (with windows in the doors) that overlook a common area that is furnished with metal tables and stools. The shower in question is located on the 2nd floor at the very end of the hall walkway. The shower (B3-33) is located next to a janitor's closet (B3-34).⁴² He describes the shower door as a "cut down with a large gap at the top and bottom of the door." The door also has a window, a handle and lock, and there is an open slot below the window (to allow for handcuff removal).⁴³ At the time that Detective Dow saw the shower, it was no longer being accessed by a hose through the wall originating in the adjacent janitor's closet. The walls and floor of the shower are tiled. Detective Dow measured the shower and it is 98 inches tall, 35 inches wide, 102 inches long and there is a lip at the door that is 3-1/2 inches tall.

The janitor's closet was fitted with a floor sink and faucet on the wall that is shared with the shower. There was also a hole in that same wall that is shared with the shower. However, there was no hose from the faucet leading to the hole in the wall at that time. Detective Dow also inspected the boilers for the west wing of the TCU. The boilers were located outside the west wing, housed in a "Mechanical Room" on the second floor on the north side of the west wing. The boilers are housed within a closet and are accessed via a ladder. Detective Dow visually inspected the boilers on that day and neither of the boilers seemed to be on. Specifically, the right boiler was disconnected and wires were visible. The left boiler's thermostat was set at 120° F.

That day, Detective Dow hooked up a hose from the sink in the janitor's closet, through the hole in the wall and exiting into the shower. This would have been similar to the hook up that existed the night inmate Rainey was in the shower. He then used a special water resistant thermometer to take water temperature readings. However, because neither boiler was on, and one of the boilers was completely disconnected, those readings could not be considered to simulate temperatures on June 23, 2012, when inmate Rainey was in that shower.

Photographs of the shower, the common area, and the boilers were also taken by Detective Dow that day.

⁴² See Exhibit 8-B.

⁴³ See Exhibits 8-C and 8-D. Exhibit 8-E is a photograph depicting the door of the shower from the viewpoint of a person standing inside the shower and looking outward.

In addition to the still photographs taken, there are two video surveillance recordings recovered in 2014. The first surveillance video is of TCU showing the cell where inmate Rainey was initially housed and his removal from the cell. The second video is of the TCU west wing unit J3, where the shower was located. Neither video has an audio component.

DADE C.I. SHOWER MAINTENANCE AND RECORDS

Vladimir Mendez-Vega

Mr. Mendez-Vega was the Construction and Maintenance Supervisor at Dade C.I. on June 23, 2012. He was interviewed for this investigation in 2014. In response to inquiries about showers and water temperature, he advised that the water temperature was inspected on a monthly basis by the Environmental Health and Safety Officer, Sergeant Darlene Dixon. To his knowledge, she would conduct these tests by inserting a thermometer into a cup of water from the individual showers. The standard temperature from water coming from the showers was supposed to be 100 to 120° F.

Mr. Mendez-Vega further explained that the TCU was divided into an east and west wing. Each wing had two boilers assigned to it. However, he stated that one of the boilers in the TCU west wing was inoperable and all of the hot water for that wing was being supplied by a single boiler. Therefore it would be difficult for any shower to get excessively hot or sustain an excessively hot temperature for any prolonged period of time. Each boiler had only an eighty gallon capacity and if only the hot water was turned on, the temperature in the boiler would begin to relatively quickly drop in temperature. As fresh, cooler water replaced the outgoing hot water, the boiler could not maintain the original hot water temperature. The longer the hot water was left running the lower the hot water temperature would become. In addition, he advised that the shower located next to the janitor's closet in unit J3 had an operable extractor which was used to allow the vapor to escape. This extractor was operable and it turned on automatically when the lights went on in the shower.⁴⁴

⁴⁴ See Exhibit 8-F.

Richard James Marvez

Mr. Marvez had been a plumber for thirty years (30) and he had been employed in that capacity at Dade C.I. since December 2009. His position was that of a Vocational Technician Plumbing Supervisor in June 2012, and he was the only plumbing supervisor at that time. He performed all the plumbing repairs at the institution. He was interviewed for this investigation in 2014. Mr. Marvez advised that the shower water in the TCU west wing is heated by two eighty gallon boilers that generated over 500,000 BTU with regular mixing valves on each independent boiler. These boilers were installed in 1996 and each is set to specifications ranging between 100° and 120° F. That is the temperature maintained in all boilers in the compound except for food service, which is generally maintained 20 degrees warmer.

Mr. Marvez' work schedule is Monday through Friday from 7:00 a.m. to 4:00 p.m. He was not on duty on Saturday, June 23, 2012, when inmate Rainey was placed in the shower.

Mr. Marvez further advised that at present (May 23, 2014) only one boiler was working in the TCU west wing. The second boiler had been disabled for approximately a year. There are no records that show exactly when the boiler became inoperable. Prior to that time both boilers were operational to his knowledge. The inoperable boiler in the TCU west wing was an older model boiler (installed in 1996) and it was not scheduled for repair upon becoming inoperable. Because it was an older model, the institution was intent on replacing all older models when the budget allowed. Mr. Marvez further advised that the key to the boiler room was secured by the correctional officer in charge (OIC) at the Security Control Desk. When he wanted to access the boiler room, he was required to request the key from the OIC, which is noted in a handwritten log, in order to track monthly inspections or repairs. Mr. Marvez advised that maintenance was generally conducted in the form of a visual inspection of each boiler by him. He further explained that routine maintenance entailed a walk through and visual inspection of all lines, pumps and equipment.

A review of the maintenance records revealed no complaint filed regarding the boilers in the TCU west wing prior to and including June 23, 2012.

Captain Darlene Dixon

Captain Darlene Dixon provided a sworn statement to Detective Sanchez on June 5, 2014. She had been employed by the Florida Department of Corrections since 2000. In June

2012 she was assigned to Dade C.I. and was of the rank of Sergeant at that time. From April 2008 to August 2012 she was the Environmental Health and Safety Officer at Dade C.I. The duties of the safety officer were to make sure there were no safety hazards that could endanger the staff or the inmates. She conducted monthly tests and was required to fill out a monthly inspection report where she would document any issues or deficiencies. In addition, she would complete a Work Request Form to fix any deficiencies found. As a part of her overall inspection duties, Captain Dixon would check the hot water temperature in one of the first floor showers located in every building. There was no set day that the tests were conducted within the month. There was a log kept where the monthly temperature recordings were noted for each building. The hot water temperature was not to exceed 120° F. If the monthly temperature exceeded that, she would put in a work order to have maintenance adjust the temperature. She advised that she used a digital thermometer to conduct these tests and that her thermometer broke in May 2012 (before inmate Rainey's death on June 23, 2012). As a result, the monthly hot water tests of the first floor showers for May and June 2012 were not conducted.

Captain Dixon was not working on Saturday, June 23, 2012. On Monday, June 25, 2012, when she arrived at work, Captain Dixon learned of the death of inmate Darren Rainey in the shower in the TCU west wing. After she arrived at work, she was asked by Warden Jerry Cummings to take a hot water temperature reading from the shower in unit J3 in the TCU west wing that was used by inmate Rainey. Captain Dixon still did not have a digital thermometer on June 25, 2012, when the warden asked her to take this temperature reading, so she borrowed a meat thermometer from food service. The meat thermometer that she got from food services had a long metal probe with a round gauge on top. When she went to take the temperature in the shower that day, Captain Dixon asked Officer Reginald Patterson to accompany her. Normally, Captain Dixon explained it was her practice to take the water temperature of shower by putting the water in a styrofoam cup. However, that day she took the temperature from the source, which was the faucet in the adjacent janitor's closet. She placed the thermometer probe under the running hot water for approximately one minute, and the thermometer read 160° F.⁴⁵

Upon determining that temperature, Captain Dixon called Warden Cummings to advise him of the results. At that time, she became aware that someone else had checked the temperature of the water in that same shower earlier that day, but that she did not know who that

⁴⁵ This particular temperature reading (160° F) will be discussed later in the medical examiner portion of this report.

person was. Later that afternoon, she decided to go retest the water temperature in the afore-stated shower. Using the same thermometer (from food services) to test the hot water coming straight from the faucet in the janitor's closet, Captain Dixon advised that the temperature reading was 125° F at that time. On Tuesday, June 26, 2012, at 10:01 p.m. and 10:03 p.m. Captain Dixon sent two follow-up emails in which she advised the afore-stated temperature readings, requested work orders and warned staff not to use that shower.⁴⁶

Assistant Warden James McClelland

James McClelland was the Assistant Warden to Warden Jerry Cummings at Dade C.I. on June 23, 2012, when Darren Rainey died in a TCU west wing shower. On Monday, June 25, 2012, he was on duty and initiated an internal investigation into circumstances surrounding the death of inmate Rainey. The information McClelland obtained from his internal investigation was placed in an email and sent to Warden Cummings on Monday, June 25, 2012, at 9:56 a.m.⁴⁷

As part of his investigation, on Monday, June 25, 2012, Assistant Warden McClelland, along with the maintenance supervisor took a temperature reading of the hot water in the shower in unit J3 in the TCU west wing. He utilized a digital thermometer and noted that the hot water temperature was between 120° and 126° F. In addition, the two boilers that operated in TCU west were checked.

PSYCHOTHERAPY STAFF at DADE C.I **(Contract employees provided by Corizon.)**

George Mallinckrodt

Mr. Mallinckrodt was a Psychotherapist who was employed by Corizon Health Incorporated and was placed by that company at Dade C.I. to work in that capacity. He worked at Dade C.I. from December 2008, through August 2011. While Mr. Mallinckrodt worked at Dade C.I., he worked with inmates assigned to the TCU.

When he was interviewed by Detective Sanchez on April 23, 2014, Mr. Mallinckrodt advised that he had been fired prior to inmate Rainey's death and therefore he was not working

⁴⁶ A copy of that email is attached hereto as Exhibit 9.

⁴⁷ A copy of that email is attached hereto as Exhibit 10.

there when the event occurred. He had no first-hand knowledge of the incident involving inmate Rainey or any other incidents involving inmates assigned to Dade C.I. Mr. Mallinckrodt advised that any information he had regarding these type of incidents, he learned from another Psychotherapist, Julia Arencibia.

Julia Arencibia

Ms. Arencibia worked as a Psychotherapist at Dade C.I. from 2006 to 2013. She was not present on Saturday, June 23, 2012, when inmate Rainey was placed in the shower in the TCU west wing. She learned of Rainey's death when she returned to work on Monday, June 25, 2012. Ms. Arencibia was interviewed by Detective Sanchez on May 20, 2014. When asked about the shower located in unit J3 in the TCU west wing and any inmate complaints, she advised Detective Sanchez that she had not heard of any inmates being tortured or burned in that shower.

MEDICAL EXAMINER

Deputy Chief Medical Examiner, Dr. Emma Lew

On Sunday, June 24, 2012, at 11:20 a.m., Deputy Chief Medical Examiner Dr. Emma Lew performed an autopsy on inmate Darren Rainey (ME Case No. 2012-01481). Inmate Rainey was pronounced deceased by MDFR the evening before at 10:07 p.m. at the Dade C.I. medical building and the body was thereafter transferred to the Miami Dade County Medical Examiner's Office for autopsy. MDPD Homicide Detective Sanchez attended the autopsy that morning and spoke to Dr. Lew afterwards about her findings. Dr. Lew advised that based on the autopsy alone, she was unable to give a cause or manner of death at that time. When asked about any trauma that she noted, Dr. Lew advised that other than skin slippage, inmate Rainey had no gross internal or external injuries and no obvious trauma. With regard to the skin slippage and red areas noted on the body, Detective Sanchez asked Dr. Lew if inmate Rainey had sustained any burns on his body. Dr. Lew advised Detective Sanchez that there were **no thermal injuries (burns) of any kind** on Rainey's body. Dr. Lew advised Detective Sanchez at that time that the case was "pending" further studies (testing) and information.

On Wednesday, April 16, 2014, Detective Sanchez again met with Dr. Lew to discuss plans for moving the investigation forward. Dr. Lew advised that she was having additional toxicological analysis and other testing done. She further stated that additional and more detailed information from witnesses about the incident and more information about the crime scene, correctional institute and inmate Rainey's medical history would assist her in determining the cause and manner of death in this pending case.

With the assistance of the Miami Dade State Attorney's Office, MDPD Homicide detectives interviewed and re-interviewed witnesses. In addition, efforts were made to obtain the medical records of inmates and other records and information regarding the shower and procedures at Dade C.I. Although we were able to obtain medical records for two inmates, including Rainey, the court blocked our efforts to obtain such records for other inmates.

All of this information was assimilated and submitted to Dr. Lew for her review. On December 30, 2015, Dr. Lew finished her report entitled "Classification of Pending Case" in the death investigation of Darren Lee Rainey (ME # 2012-01481). Then on January 20, 2016, Dr. Lew completed the "Autopsy Protocol" in the death investigation of Darren Lee Rainey (ME # 2102-01481). In both of these documents, Dr. Lew stated her findings regarding the cause and manner of inmate Rainey's death and evidence supporting those findings.

Based upon her review of all the records provided including the autopsy, toxicological and other medical testing, Dr. Lew noted the following facts and came to the conclusions set forth below.

Based on medical records and the autopsy, Dr. Lew noted that Rainey had a pre-existing mental condition (schizophrenia) and an undiagnosed medical condition (atherosclerotic heart disease). Prison medical records revealed that as a result of his mental illness, Rainey was prescribed the psychotropic medication haloperidol. While he generally refused to take that medication orally, he occasionally would consent to accept intramuscular injections. The records reflect that on June 20, 2012, at 9:45 a.m. inmate Rainey received an injection of haloperidol deconate 150mg into his left deltoid muscle. Blood analyzed after his death revealed the presence of haloperidol in a concentration of 58mg/ml, which is within therapeutic range.

Dr. Lew notes two important aspects and correlations regarding Rainey's mental and medical conditions and his prescribed medication. The first is that "schizophrenic patients have an increased mortality rate over the general population." Further, Dr. Lew advised that

“schizophrenic patients may have a dysfunction of the autonomic nervous system which could increase the risk of cardiovascular events.” As previously described, Dr. Lew found evidence during the autopsy of atherosclerotic heart disease and made it one of her autopsy findings. Second, with respect to psychotropic medications, Dr. Lew noted that certain types of anti-psychotic medications, including haloperidol, have been known to “impair thermoregulation⁴⁸ and contribute to hyperthermia.”⁴⁹ In addition, Dr. Lew noted that people with schizophrenia have a “dysregulation of body temperature⁵⁰, including an impaired ability to compensate to heat stress.” Therefore, placing Rainey in the shower atmosphere for a prolonged period of time with his mental condition (schizophrenia) could have created an impaired ability to deal with heat stress. In that same vein, the medication haloperidol could cause a physiological event which could create a pre-disposition to sudden cardiac death. This possible result was further strengthened by factual evidence received by Dr. Lew in witness statements and the internal video of the events. As explained by Dr. Lew in the “Classification of Pending Case” document:

Antipsychotic or neuroleptic medication use (including haloperidol) can be complicated by an adverse neurologic condition, neuroleptic malignant syndrome, which is characterized by hyperthermia, rigidity, and autonomic dysregulation. Side effects of haloperidol may include seizure and low blood pressure. The video shows that although Mr. Rainey was carried out of the shower by the corrections officers without a back board, the body looked stiff and his left arm was abnormally rigid and did not dangle loosely as expected in someone who was unconscious. This may reflect rigidity of the body associated with haloperidol or a seizure. Intravenous haloperidol has also been associated with an effect on cardiac function with a prolongation of the QTC interval which can cause polymorphic ventricular tachyarrhythmia.

This type of heart condition (polymorphic ventricular tachyarrhythmia) is associated with a condition that Rainey did suffer from to wit: the underlying, previously undiagnosed, atherosclerotic heart disease.

Immediately after Rainey’s death, witnesses claimed that they observed burns to his body **after** he was removed from the shower. In support of those observations, Captain Dixon stated

⁴⁸Thermoregulation is the ability to maintain a fairly steady body temperature even under a variety of external conditions.

⁴⁹Hyperthermia is an elevated body temperature due to failed thermoregulation that occurs when a body produces or absorbs more heat than it dissipates. Hyperthermia can become a medical emergency requiring immediate treatment to prevent disability or death.

⁵⁰“Dysregulation of body temperature” refers to an impaired ability to automatically self-regulate one’s own body temperature vis-à-vis outside stressors and conditions.

that two days after the death, she attempted to verify the hot-water temperature using a meat thermometer from the food services area of Dade C.I. as opposed to the regularly used digital thermometer. She placed the meat thermometer directly in a stream of hot water as it emerged from the faucet as opposed to in a cup of water obtained from the faucet as was the usual procedure. The reading she recorded was 160° F. This recorded temperature is not indicative of the shower water temperature two days earlier, when Rainey was placed there. Furthermore, we know that the water temperature could not have been 160° F at the time Rainey was in the shower as water at that temperature would have caused burns to Rainey's body. Those burns would have been most evident on Rainey's feet. Right after the autopsy Dr. Lew advised Detective Sanchez orally that although there was skin slippage, there were **no burns** on Rainey's body. In her final report, Dr. Lew notes that there was *post mortem* skin slippage, but no *ante mortem* burns or scalding⁵¹ on any part of Rainey's body, including the tops and soles of his feet.⁵²

Dr. Lew further opined that the skin slippage was consistent with exposure to a warm, moist environment at or around the time of the terminal event. She went on to explain that skin slippage is a post mortem change that comes about when pressure or friction is applied to the skin of a body in the early stages of decomposition. Skin slippage would be expected to be found on a body in a humid environment with water and moisture acting to soften and loosen skin. This is consistent with the known facts. Rainey was placed in the shower at approximately 7:40 p.m. by Officer Clarke. Officer Clarke turned on the water and the water ran continuously until approximately 9:30 p.m. when Officer Clarke was ordered to take Rainey out of the shower and found him lying in a pool of water on the shower floor. Witnesses who responded to the shower noted that it was warm, steamy and moist inside. Rainey was lifted and carried out of the shower by two officers who grabbed him by his extremities. After he was placed on the stretcher, CPR was performed by applying pressure to his chest area. The areas where witnesses noted skin slippage were on the chest and extremities.

Dr. Lew noted that Rainey had an elevated body temperature (as taken by a nurse) after he was taken out of the shower and his temperature was still elevated hours later when it was

⁵¹ Ante mortem burns or scalding would have been burns or scalding injuries that occurred to inmate Rainey's body **before** his death.

⁵² According to Dr. Lew, if Rainey had sustained exposure to 160° F water in the shower room, there would have been signs of heat effect. Heat effects include redness, swelling and blisters of the first and second degree severity. Those effects would have been evident at least on his feet, if not on other parts of his body.

taken as part of the autopsy protocol. Without knowing what inmate Rainey's temperature was before he was placed in the shower, it is hard for Dr. Lew to assess this fact. The only comment she could make was that, along with knowledge of the time of death, elevated temperature contributed to decomposition and most likely to his skin slippage.

After reviewing all of the available evidence and data, Dr. Lew listed her findings as to the cause and manner of Rainey's death in her official Autopsy Protocol and she explained those findings in the Classification of Pending Case set forth as follows:

The most likely mechanism of Mr. Rainey's sudden death was a cardiac arrhythmia associated with his underlying atherosclerotic heart disease. Additional factors that contributed to cardiac arrhythmia were Rainey's schizophrenia, treatment with haloperidol, and elevated body temperature and confinement inside a shower room. It cannot be ruled out that Rainey had an elevated body temperature before he was placed in the shower room, associated with a psychotic episode which prompted him to smear feces on his body. Confinement inside a shower room would not normally cause death, and it is not substantiated that temperatures inside the shower room were excessively high; however, Rainey had the risk factors of pre-existing cardiac disease, schizophrenia and treatment with haloperidol when he was placed in the shower room. Therefore, it is reasonable that these factors in combination initiated a chain of events that culminated in Rainey's death at that time, under those circumstances. **The cause of death is schizophrenia, atherosclerotic heart disease and confinement inside the shower room. There was no evidence of any intent to harm Rainey, only for him to wash off the feces he had smeared on his body. The appropriate manner of death is accident.** (*Emphasis added*)

FACTUAL ANALYSIS

For purposes of our factual analysis, the testimony of officers, inmates, contract medical employees, physical evidence and medical evidence have all been evaluated. We recognize there are inconsistencies in the testimony provided. We also recognize there are inconsistencies between the testimony provided and the physical evidence. Notwithstanding such inconsistencies, there is a general agreement on a core set of salient facts.

Darren Rainey was an inmate at Dade C. I. at the time of his death. It is of record that he was being treated for mental illness, schizophrenia. As a result of his mental illness, Rainey was assigned to the TCU which is designed to house mental health inmates. He received psychotropic

medication (haloperidol) to address the symptoms of his illness. Haloperidol can be administered orally or by injection. Inmate Rainey sometimes refused to take the medication orally, but would allow it by injection. A few days prior to his death, on June 20, 2012, at 9:45 a.m., Rainey was injected with a dose of haloperidol. As a result of his mental condition, Rainey had episodes where he would defecate in his cell and smear the feces on the cell and on his person. The corrections officers assigned to TCU knew Rainey and were aware of his episodes with feces and the difficulties in cleaning such a bio-hazardous material with a mentally ill person.

In unit J3 in TCU west wing one of the showers had been adapted to have free-flowing water via a hose connected to a sink in an adjoining janitor's closet. That allowed corrections officers and, sometimes, inmates to control the water-flow and water-temperature. That shower was used for inmates on a regular basis, as well as for an inmate like Rainey who refused to clean himself after smearing feces on his body. There were two components to that particular shower; the shower room itself, and the adjoining janitor's closet. The shower had a locking metal door with 3 openings. Openings on the door were located on the top and bottom, as well as in the middle, allowing correctional officers to apply or remove handcuffs as needed. There was also a window in the door through which the correctional officers could view the inmate inside the shower. There were no "working" controls to turn on the shower within the shower itself. However, the water was controlled from inside the adjacent janitor's closet. Inside that closet was a floor sink with dual control knobs for hot and cold water. A hose was connected to the faucet on one end and to a PVC pipe on the other. The PVC pipe provided water to the shower via a hole drilled in the upper part of the common wall.

On Saturday, June 23, 2012, inmate Rainey was discovered in his cell covered with his own feces. (Rainey was in a single-person cell.) Officer Clarke was instructed by Sergeant Fan Fan to take Rainey to a shower to have Rainey clean himself. Sergeant Fan Fan also instructed that the cell be cleaned while Rainey was in the shower. Officer Clarke removed Rainey from his cell, handcuffed him, and escorted him to the shower on the second floor of unit J3 in TCU west wing without incident. Rainey walked out of his cell unassisted at 7:35:11 p.m.

Once they arrived at the shower, Officer Clarke turned the water on in the janitor's closet and verified a reasonable temperature. He then instructed Rainey to get into the shower. Rainey

complied and turned so that Officer Clarke could remove his handcuffs. Officer Clarke shut and locked the door of the shower. Officer Clarke instructed Rainey to wash off. Rainey refused and leaned against the wall, out of the area of the flowing water stream. The shower room was of sufficient size that Rainey could stay dry and avoid the water stream. That is exactly what Rainey did.

Soon thereafter, at Rainey's request, Officer Clarke went to get soap for him. Officer Clarke went to the first floor, the cell of inmate Harold Hempstead. Inmate Hempstead was a trustee or houseman, and had cleaning supplies in his cell. Once he obtained the bar of soap from inmate Hempstead at 8:12 p.m., Officer Clarke returned to the shower and gave the soap to Rainey. Rainey began to wash his right arm and almost immediately said he did not want to "do that" and stopped washing himself. He backed into the corner, outside of the area of the water flow. After Officer Clarke was unable to coax Rainey to wash, he left the area and returned to his duties.

Security checks were made by corrections officers in TCU west wing every half hour, as is procedure. A security check involves a corrections officer going to each cell in the wing and looking at each inmate within his cell. Regular security checks were made that night.

At approximately 9:00 p.m. Officer Thompson conducted a scheduled security check. When he checked on inmate Rainey in the shower, he noted that Rainey was still dry and was standing outside the stream of water and still had feces on his body. Just prior to the scheduled 9:30 p.m. security check by Officer Clarke, Sergeant Fan Fan instructed him to remove Rainey from the shower, regardless of whether he had washed himself or not.

When Officer Clarke approached the shower, he first went into the janitor's closet and turned off the water. He then went next door to the shower and immediately saw Rainey lying on his back on the shower floor with his body covering the drain. This had caused water to pool around Rainey's body. Officer Clarke determined that Rainey was unresponsive and did not appear to be breathing. Officer Clarke sought immediate medical attention and assistance from other officers. Nurses and correctional officers responded promptly to the shower. Nurse Patino saw Rainey while he was still on the floor of the shower room. As to the skin slippage, Nurse Patino noted that Rainey's skin looked "fine" as he was on the shower floor. After he was lifted

from the shower floor, Nurse Patino noticed skin peeling off as the correctional officers carried Rainey downstairs.

After assistance arrived, Officers Clarke and Thompson lifted Rainey and took him from the shower downstairs to a stretcher that had been brought to the bottom of the stairs on the first floor. CPR was initiated and continued as Rainey was transported to the Dade C.I. medical building. Life-saving measures were attempted by the nursing staff and corrections officers and continued until MDFR personnel arrived. After initial CPR began, Nurse Patino noticed skin slippage in the area of Rainey's chest. These observations of Nurse Patino are consistent with Dr. Lew's explanation about skin slippage and her autopsy finding.

The unusual activity of the response to inmate Rainey was noted by the inmates at that time and they went to their respective cell windows to watch the commotion. Some of the inmates noted redness on Rainey's skin as he was wheeled away on the stretcher.⁵³ The redness would have been consistent with the skin slippage noted by Nurse Patino and others that occurred when pressure had been applied to Rainey's skin, namely his extremities and chest.

MDFR was called and responded. MDFR personnel also attempted life-saving measures, but pronounced Rainey dead at 10:07 p.m. Redness and skin slippage were noted by medical personnel and corrections officers. As to the redness, it was described as "burns" to MDPD Homicide Detective Sanchez during his initial interviews that night.

The issue of whether inmate Rainey suffered **actual** burns while in the shower was investigated by Detective Sanchez when he attended the autopsy. The autopsy was conducted by Dr. Emma Lew within 12 hours of Rainey's death. After the autopsy, Detective Sanchez questioned Dr. Lew about any trauma to Rainey's body and any evidence of burns. Dr. Lew advised that there was no obvious trauma and **no burns** to inmate Rainey at the time of his death. That opinion and finding has never changed.

Inmate Harold Hempstead was one of the most vocal inmates who claimed that Rainey was scalded to death in the shower by the corrections officers. He said that Rainey screamed throughout the time that he was in the shower and the officers ignored Rainey's screams. Because of this, inmate Hempstead said he did everything he could to get the attention of the

⁵³ See footnote 21.

officers. However, his claims are totally refuted by the evidence revealed in the surveillance videos. Inmate Hempstead covered the window to his cell and the window was covered during most of the events that occurred that night. Further, when the window to the cell was uncovered, the video surveillance captured inmate Hempstead lying on his bunk. The video surveillance camera is stationary and in its fixed position points directly at inmate Hempstead's cell. At no time that night did the camera capture inmate Hempstead waving his arms to raise alarm to get the attention of the officers as claimed. In fact, while Rainey was in the shower Officer Clarke went to Inmate Hempstead's cell to retrieve soap for Rainey. Inmate Hempstead did not avail himself of the opportunity to raise *any* alarm. It is known that Inmate Hempstead discussed the events of June 23, 2012, with other inmates immediately afterward, and on subsequent occasions. This is known from statements made during the later interviews.

Inmate interviews taken later were likely tainted or influenced by the statements made by Inmate Hempstead as several of those interviewed mentioned they had spoken with Inmate Hempstead. Some of the interviews suggested that Rainey was physically abused on the way to the shower and that once in the shower, Rainey screamed in protest or pain. The allegations themselves were inconsistent when compared to each other, and in many cases when compared with the video surveillance timeline. Some inmates said he screamed when he was first placed in the shower and other inmates said it was at the end of the shower period. Again, the video does not indicate any knowledge or concern by any inmate until the corrections officers and nursing staff entered J3 to remove Rainey from the shower and place him on the stretcher.

Those interviews also brought about the suggestion that the shower was used for punishment, and that inmates, including Rainey had been burned as a result of the water temperature. No evidence was uncovered during the course of the investigation to support the allegation that any inmate had been burned as a result of the water temperature in any shower in TCU. Nurses who had been assigned to TCU for years had never seen any inmate seeking treatment for burn injuries sustained in any shower in Dade C.I. Nevertheless, any discussion of elevated water temperature is superfluous to any factual analysis in this case as Dr. Lew found that there were **no burns to Rainey's body**, including his feet.⁵⁴

⁵⁴ Id.

Microphones and surveillance cameras placed throughout TCU west wing are monitored at a Security Control Desk located on the first floor of TCU west wing. Any screaming would have been picked up by the microphones that night and heard by the officer assigned to the Security Control Desk and/or other corrections officers in the area. The officer assigned to the Security Control Desk had a clear view of most of the cell windows on the first floor, but not of the cells or of the shower on the second floor. The officer assigned to the Security Control Desk, Officer Williams, did not hear any screaming, did not see any inmate attempt to get her attention, and did not see any unusual inmate activity that night. In fact, Officer Williams was unaware of any of the issues surrounding inmate Rainey that night until after he was discovered on the shower floor. None of the corrections officers or medical personnel on duty that night in TCU west wing heard Rainey scream, cry, bang on the shower door, or otherwise indicate that he was in distress or pain.

There was a surveillance camera that recorded movement within TCU west wing; however it did not have an audio component. Footage from that surveillance for that night was reviewed starting at 7:38 p.m. that night when Officer Clarke escorted Rainey to the shower and continued through 9:33 p.m. when Rainey was removed on the stretcher. Cells in TCU west wing unit J3 were visible in that the same surveillance footage. During the time block at issue, there is no noticeable distress or concern evidenced by any of the inmates in their cells.

On June 24, 2012, Dr. Lew conducted an autopsy of Rainey. The ultimate purpose of an autopsy is to discover the cause and manner of death. Initially, in 2012, Dr. Lew advised Detective Sanchez that based on the autopsy alone she was unable at that time to state a cause or manner of death. That was primarily due to the lack of external or internal indications of trauma or burns to Rainey's body. For an extended period of time the autopsy results remained classified as "pending further investigation." The investigation continued. Subsequently, in 2016, after all of the original and additional information gathered was submitted to Dr. Lew, she completed her autopsy protocol.

Dr. Lew found that the following factors contributed to the cause of death of inmate Rainey: schizophrenia, undiagnosed atherosclerotic heart disease, and confinement inside the shower room with heat and humidity. Dr. Lew then determined that the manner of

death was accidental because there was no intent on the part of the corrections officers to harm inmate Rainey.

TRIAL AND EVIDENTIARY CONSIDERATIONS

Although the scope and purpose of this investigation is directly related to the death of inmate Darren Rainey, we feel compelled to address the broader scope of the allegations made beyond the individual Rainey incident which would impact any presentation in court. Those allegations include assertions by some witnesses that the shower where Rainey died: 1) was used on a regular basis to punish or discipline inmates; and 2) had caused injury to other inmates who had been placed in that shower.

It is clear that inmate Harold Hempstead was the main witness making the above assertions. In his statement given to Detectives Sanchez and Aiken on June 17, 2014, Hempstead discusses with the detectives his contact and involvement with the media. He also advised that “other inmates had been punished in the same manner as had happened to Rainey”. As to what “had happened to Rainey,” inmate Hempstead’s testimony is that Rainey was placed in the shower by correctional officers, left in the shower for an extended period of time. In addition, Hempstead asserted that Rainey began to scream as if in pain as well as kicked the shower door because the water in the shower was too hot. Therefore, it is Hempstead’s position that Rainey was purposely scalded in the shower by the excessively hot water.

After the date of Rainey’s death, Hempstead spoke to a number of persons in Dade C.I. and proactively shared his thoughts and opinions about what had occurred. He encouraged/solicited some of the inmates he spoke with to file complaints and contact the media. Some of the inmates interviewed confessed that some of the information they stated during their interviews was not based on personal knowledge, but based on what someone told them. Several of them said that Hempstead was the one who provided the information. In fact, some of the *incorrect* information given by some of the witnesses was consistent with Hempstead’s account. Due to the role Hempstead’s testimony played in the investigation as well as his apparent influence on other witnesses, we feel it is important for us to examine Hempstead’s allegations in greater detail.

At the conclusion of a criminal trial in the State of Florida, the judge provides guidelines to the members of the jury in the form of jury instructions. Those instructions are designed to assist the jurors in evaluating the testimony of witnesses who testify during the trial. One of the standard jury instructions given by the judge is entitled, *Weighing The Evidence*.⁵⁵ The introduction of that instruction is as follows:

WEIGHING THE EVIDENCE

It is up to you to decide what evidence is reliable. You should use your common sense in deciding which is the best evidence and which evidence should not be relied upon in considering your verdict. You may find some of the evidence not reliable, or less reliable than other evidence.⁵⁶

The jury instruction goes on to suggest some factors the jurors should consider as they evaluate witness testimony. We will list some of them here:

You should consider how the witnesses acted, as well as what they said. Some things you should consider are:

- Did the witness seem to have an opportunity to see and know the things about which the witness testified?
- Did the witness seem to have an accurate memory?
- Does the witness's testimony agree with the other testimony and other evidence in the case?
- Has the witness been convicted of a [felony]?⁵⁷

We will analyze Hempstead's critical testimony and statements using these factors.

Did the witness seem to have an opportunity to see and know the things about which the witness testified? The undisputed answer to this question is NO.

1. The video surveillance footage we reviewed which was captured from the surveillance camera located in TCU west wing started at 7:38:54 p.m. The video camera has a clear and obstructed view of inmate Hempstead's cell. Based on that video footage we know for a fact that the window to Hempstead's **cell was covered up from the inside** from 7:38:54 p.m., when the video started, until 8:09 p.m. Hempstead did not remove the covering on the window to his cell until 8:09:01 p.m. *See Exhibit 7, Video Timeline 2.* Because of this single fact, inmate Hempstead could not have seen Officer Clarke escorting Rainey past Hempstead's cell, nor could he have witnessed Officer Clarke taking him upstairs to the shower, all of which he

⁵⁵ Florida Standard Jury Instructions for Criminal Cases, Instruction 3.9

⁵⁶ *Id.*

⁵⁷ *Id.*

claims he saw. Hempstead did not have an opportunity to **see and know** these things about which he testified.

2. Inmate Hempstead, whose cell is on the 1st floor and not facing the shower, said after Officer Clarke took Rainey upstairs to the shower, **he** could see Rainey being placed in the shower. Hempstead said he was able to do this by looking through his cell window at the reflection in a piece of Plexiglas located on the 2nd floor. Although Hempstead said he could not see **inside** the shower or **inside** the janitor's closet from his cell, he specifically stated that Officer Clarke placed Rainey in the shower, then closed and locked the door. He said Officer Clarke went into the janitor's closet and turned on the water, then left. Neither the janitor's closet nor the shower on the 2nd floor is visible from Hempstead's cell window, nor are they visible from the position of the surveillance camera. Hempstead claims that from his cell window he can look at a piece of Plexiglas located on the 2nd floor which faces the 2nd floor hallway and see in the reflection, actions that are taking place above and off to the side of his 1st floor cell. Although one may be able to see the hallway and general areas in front of those rooms by looking at the Plexiglas, it is impossible to see **into** those rooms. Moreover, Hempstead claims he witnessed these events at 8:50 p.m. However, based on the video we know for a fact that Rainey was placed in the shower at least an hour earlier. For either time frame Hempstead chooses to use, we know for a fact he could not have witnessed Rainey being placed in the shower. If we use the earlier time, he couldn't have seen it because the window to his cell was covered up. If it was the later time, he could not have witnessed these events by looking out his cell window at the 2nd floor Plexiglas because the video proves that Hempstead was not standing looking out of the window of his cell at 8:50 p.m. On this point, Hempstead did not have an opportunity to **see and know** these things about which he testified.
3. The video footage shows that inmate Hempstead replaced the covering on his cell window at 8:56 p.m. and does not remove it again until 9:07:46. Yet, he says that at about **9:15 p.m.** Officer Clarke and Officer Thompson went upstairs to the shower. About ten seconds behind them were Officer Hood and Sergeant Fan Fan. **Inmate Hempstead said no one had been to the shower after Rainey was placed inside and before 9:15 p.m.** He says Officer Clarke yelled down that Rainey had not yet showered. Officer Clarke then went to Hempstead's cell and asked for some soap and obtained the soap. As previously stated, Officer Clarke obtained the soap almost an hour earlier than Hempstead says this event happened. The time discrepancy is notable because inmate Hempstead particularly stated that he was sure of the times because he looked at his watch. Further, Hempstead opines that no one had been to the shower after Rainey was placed inside and before 9:15 p.m. However, based on the video footage, we know that by 9:15 p.m.: inmate Rainey had been in the shower

for more than an hour; Officer Clarke had been to the shower on several occasions; and Officer Thompson had gone to the shower, saw Rainey standing up by the door away from the stream of water, observed that Rainey had feces on him, and told Rainey that he was not coming out of the shower until he cleaned himself. Again, on these points Hempstead did not have an opportunity to **see and know** these things about which he testified.

4. At **9:40** p.m., according to Hempstead, Officer Thompson did a security check that Hempstead observed by using the reflection in the 2nd floor Plexiglass. He saw Officer Thompson go to wing 2 (presumably to do the security check there) then enter wing 3 on the second floor, “using the cross-over.” Hempstead said he was able to watch for most of the security check. He lost sight of Officer Thompson as he went to check on some cells, but did see him go to the shower. He said Officer Thompson walked to the shower, then to the janitor’s closet, where he shut off the water. Officer Thompson then walked back to the shower where he yelled Rainey’s name twice. There was no response. Officer Thompson then went downstairs and past Hempstead’s cell. Inmate Hempstead said Officer Thompson had a look of shock on his face. This account by Hempstead has Thompson as the correctional officer who turned off the water in the janitor’s closet and then went to the shower and called Rainey’s name. Here again, inmate Hempstead is wrong. First, Officer Thompson was **not** the correctional officer who turned off the water in the janitor’s closet, found Rainey lying on the floor of the shower and called out Rainey’s name. It was Officer Clarke. Yet, Hempstead said he did not see Officer Clarke enter TCU west wing J3 until approximately 9:50 p.m. And again, as to Hempstead’s time references, **by 9:40 p.m. or 9:50 p.m., inmate Rainey was no longer in TCU west wing J3**; he was in the Medical Building. Rainey was wheeled out of TCU on the stretcher at 9:33:17 p.m. Here again, on these points Hempstead does not seem to have an opportunity to **see and know** these things about which he testified.

Did the witness seem to have an accurate memory? The answer is also NO.

1. Nearly all of inmate Hempstead’s time references are off. He said he was in his bed, reading when he heard the door to the wing pop open **at approximately 8:50 p.m.** He checked his watch, got up from his bed and looked out. From his cell door he said he could see Officer Clarke escorting inmate Rainey from the other wing into TCU west wing J3 and that Officer Clarke escorted Rainey past inmate Hempstead’s cell and to the shower upstairs, then turned on the water. We have already demonstrated that it was impossible for Hempstead to have seen any of these events because his window was covered up.

2. Inmate Hempstead's testimony is severely flawed in another way. He claims that he looked at his watch as these events started transpiring and it was 8:50 p.m. The video footage proves he is wrong. By 8:50 p.m. inmate Rainey had already been placed in the shower (sometime after 7:38 p.m. but before 7:41 p.m.); Officer Clarke had spent time trying to coax Rainey to wash the feces off his body in the shower; Rainey asked Officer Clarke to provide him with a bar of soap; Officer Clarke went to inmate Hempstead's cell to get the bar of soap; Officer Clarke obtained the soap from inmate Hempstead at 8:12:46 p.m., (three minutes after inmate Hempstead removed the covering from his cell window); Officer Clarke returned to the shower and gave the soap to Rainey; Rainey started washing one of his arms and then decided he didn't want to do that; Officer Clarke left the shower area to return to his duties. Even if he had seen the events, (and he could not with the window to his cell covered up) Hempstead's timing is off and his memory is obviously not accurate.
3. On another point, inmate Hempstead says, at about "9:48 or 9:50" he heard a fall overhead and Officer Clarke yelling to get medical. He heard footsteps and saw Officer Thompson run past his cell toward the nurses' station, which is in front of the adjacent wing. Nurses Robinson and Strobble came into the wing and went to the shower. Within five seconds he heard Nurse Strobble yell, "Oh, my God, he's dead." As to this account, we were never able to locate a Nurse Strobble at Dade C. I., let alone working there that night. Moreover, as it relates to the timing, by "9:48 or 9:50" inmate Hempstead is wrong again. By 9:48 p.m. inmate Rainey was no longer in TCU west wing J3; he was in the Medical Building. The video footage proves that Rainey was wheeled out of TCU on the stretcher at 9:33:17 p.m. Again, Hempstead's timing is off and his memory is obviously not accurate.

Does the witness's testimony agree with the other testimony and other evidence in the case?

For crucial areas and critical areas of his testimony the answer to this question is also NO.

1. The points raised in the analysis above reveal that with regard to whether Hempstead seemed to have an opportunity to **see and know** the things about which he testified, or whether he seemed to have an accurate memory, inmate Hempstead's testimony does not agree with the other testimony, video evidence, or other evidence uncovered during the investigation. There are other areas for which it is clear Hempstead's testimony does not agree.
2. In addition to stating that **he saw** things that we now know were impossible for him to see (because he had his cell window covered up) inmate Hempstead also claims **he did** some things that he obviously did not do. Inmate Hempstead said Rainey was yelling

and kicking the shower door until around 9:30 p.m. Around 9:30 he said he heard a fall followed by silence and he (Hempstead) became concerned. Hempstead says thereafter he was standing at the window of his cell trying to get the attention of the officers. He says from approximately 9:20 p.m. until 9:40 p.m. he was trying to get their attention of by waving. The surveillance camera in TCU west wing J3 has an unobstructed view of inmate Hempstead's cell. At no time during that night does inmate Hempstead ever stand in front of his window waving at anyone. Hempstead's testimony is inconsistent with the physical evidence.

3. One of Hempstead's most troubling allegations is that after Rainey was placed in the shower Rainey yelled, screamed and kicked the shower door. Hempstead specifically says that approximately 5 minutes after being placed in the shower Rainey started yelling, "I'm sorry," "I won't do it anymore," and "I can't take it no more." As to the yelling and screaming from Rainey in the shower, the only other inmates who provided testimony on that point were Brian Hernandez, Michael J. McLachlan and Daniel C. Medberry.

Inmate Hernandez said he did hear Rainey screaming that the water was too hot for about 30 minutes. During that time he did not see any corrections officers check on Rainey. He said that a couple of unknown officers walked about half way up the stairs and asked Rainey what he wanted. He said they never went to the shower and Rainey continued to scream that the water was too hot and that he wanted out of the shower. Inmate Hernandez said that about 20 minutes after inmate Rainey stopped screaming Officer Clarke and another officer went upstairs to do a routine check. That is when Rainey was discovered on the floor of the shower room.

Inmate McLachlan's account is totally different from the other two (2) accounts of Rainey screaming while in the shower. McLachlan states that Rainey was in the shower for "one or two hours" and that McLachlan heard screaming for a few minutes at the end of the time he was in the shower. He said guards responded a minute or two after the screaming. He said he saw Rainey being brought out of the shower by the guards.

Inmate Medberry remembered Officer Clarke taking Rainey to the shower and he saw that Rainey had feces all over him. He said he heard Rainey begging to be let out, but he could tell that Rainey was not under the water. He said he knew the water was hot because he could see steam. Medberry's cell was on the 2nd floor, six (6) rooms removed from the shower. Medberry said the shower was used for punishment but it was the shower everybody wanted to go in because they could adjust it.

Inmate Lawrence Smith said that one or two officers brought inmate Rainey into the “quad” (unit) and placed him in the shower and left. Right after that, Rainey started screaming that it was “too hot.” The screaming lasted for about 5 minutes. He said it was about an hour before the guards returned. The guards then called for the lieutenant.

Inmate Gary Bown said everyone was confined to their cells when two or three officers, including the “lady lieutenant” brought in Darren Rainey. Rainey was not resisting the officers. An officer placed Rainey in the shower and the other two corrections officers left. Inmate Bown could not see inside the shower, but said he was able to see the shower door and hallway in front of the shower, including the door to the janitor’s closet. Initially, inmate Bown said that he did not see anyone enter the janitor’s closet, then amended his statement and said he saw an officer go into the closet. He said that the corrections officer turned on the water “full blast” and steam could be seen coming out of the shower. He said Rainey started screaming at that time and the corrections officer left the area immediately. Inmate Bown claimed that the screaming went on for ten minutes. He said Rainey was in the shower about 15-20 minutes. An officer checked on Rainey and called in an emergency on the walkie-talkie.

None of accounts about Rainey screaming are consistent with each other. Hempstead says Rainey started screaming 5 minutes after he was placed in the shower. McLachlan says the screaming did not start until the end of a 1-2 hour shower, and shortly thereafter, the correction officers removed Rainey from the shower. Inmate Bown claimed the screaming went on for about 10 minutes and said Rainey was only in the shower a total of about 15-20 minutes. Medberry said he heard Rainey begging to be let out, but he could tell that Rainey was not under the water. Smith said the screaming lasted for about 5 minutes and the guards returned after about an hour. Hernandez said Rainey screamed the water was “too hot” for about 30 minutes. Not only are the witnesses’ testimonies inconsistent with each other, most, if not all of their accounts are inconsistent with Hempstead’s account. Contrary to the accounts of these witnesses, every correctional officer who went to the shower and saw Rainey while he was still alive said that Rainey was dry. Clearly, Rainey had not come into contact with **any** water; hot or cold.

Interestingly, in McLachlan’s statement, he mentioned that the water in the shower was 160° F. When asked how he knew that, he said he got the information from another inmate. As to inmate Hernandez, he said he did not know Rainey was dead until the day **after** the incident. Hernandez said inmates Medberry and Hempstead talked to him about the incident and told him that the corrections officers had “fried” inmate Rainey. Both inmates Medberry and Hempstead asked him to file a complaint

and write letters to authorities about what happened. He did not. As to Medberry, he said he had discussed the incident with inmate Harold Hempstead who asked him to file a grievance about the incident. Inmate Hempstead also asked inmate Medberry if he would talk to reporters. The allegation that corrections officers had “fried” Rainey is totally refuted by the Medical Examiner’s testimony that Rainey had **no burns** or injuries anywhere on his body.

4. In addition to the testimony from witnesses about Rainey screaming being inconsistent with each other, it is also inconsistent with the testimony of all of the other personnel in the west wing unit that night. None of the correctional or nursing personnel heard any screaming, yelling or kicking of doors that night. With microphones installed in the cells and in the hallways, such a commotion would have reverberated through the facility and been noted and been reacted to by the officers in the halls and the officer monitoring the Security Desk. The video surveillance footage gives no indication that anything untoward went on in the unit until after Rainey was discovered on the shower floor. After the discovery, the video footage shows some inmates going to and looking out of their cell windows. In addition to the correctional officers the medical personnel (who are not employees of the Department of Corrections) stated they did not hear any such activity that night.
5. Hempstead and Medberry also claim that other inmates had been placed in the shower as a form of “punishment.” If the implication is that inmates were placed in the shower and scalded with hot water coming out of the PVC pipe in the wall next to the janitor’s closet, that testimony is inconsistent with the testimony of the majority of the inmates who regularly used that shower without incident. It is also inconsistent with the testimony of the correctional personnel, all of the nurses, as well as the physical evidence. No one was ever treated for burns or complained about having been forced to take a shower in scalding hot water.
6. With the exception of inmate Halden Casey no other inmate gave any information about being placed in the shower with excessively hot water. Inmate Casey said that he had been placed in the same shower about three weeks prior to Rainey’s death. He said that Officer Clarke put him in the shower and the water was so hot that he stood aside and placed his clothes next to him to avoid being splashed. He said it became steamy, making it hard to breathe. Inmate Casey said he became drowsy and started to cry at the time. In the same statement, inmate Casey said the water can be too hot but that the corrections officer will adjust it when asked. Inmate Northard gave similar testimony. These statements are consistent with the testimony of most of the other inmates who showered in that particular shower. In fact, several inmates advised that the correctional officers allowed them to adjust the water temperature themselves.

7. In addition to Hempstead's testimony being inconsistent with that of the other inmates, each of the nurses who have worked at Dade C. I. for years stated unequivocally that they have never seen or treated a Dade C. I. inmate who was complaining of or in need of treatment for burns from a hot shower. Similarly, the overwhelming majority of the approximately 30 inmates who were interviewed stated they had no knowledge about that shower being used to discipline inmates or to torture inmates. One inmate (Hernandez) stated that the only time **that shower** had been uncomfortable for him was when it was **too cold**. Hempstead claimed that inmate Daniel Geiger was placed in the shower as a form of punishment. However, in his statement Geiger said he was unaware of the shower being used for punishment or torture.
8. After the Rainey's death, Nurse Wilson stated a few inmates did tell her that they had been disciplined by being taken to a shower for a long period of time with the water running. However, no inmate ever said that the water temperature was either too hot or too cold. We are aware that Hempstead spoke to a number of inmates after the Rainey's death. We are not certain whether these statements made to Nurse Wilson were the result of Hempstead's commentary. Assuming the inmates provided the statements to Nurse Wilson of their own accord, we are still at a loss as to what the disciplinary aspect of this "punishment" was. Most inmates interviewed stated a preference for that particular shower because they could not only get hot water, but in some cases could control the water flow.

Based on all of the assertions set forth in this section, Hempstead's testimony (and even that of some of the other inmates) does not agree with the other testimony and physical evidence in this case.

Has the witness been convicted of a [felony]? Clearly, the answer to this is YES.

1. The reason Hempstead was at Dade C. I. was because he was serving a sentence for numerous counts of Burglary and Armed Burglary. His projected release date is in 2161.

After evaluating Hempstead's testimony and statements in light of all of these factors, it is apparent to us that in many critical and crucial areas, Hempstead did not seem to have an opportunity to see and know the things about which he testified; he did not seem to have an

accurate memory; he has been convicted of a felony;⁵⁸ and lastly, his testimony was not consistent with the other testimony and other reliable and undisputed evidence in the case. For these reasons, Hempstead's testimony is inherently unreliable and therefore not credible. It is highly likely that a jury would reject his testimony when weighing the evidence during the fact-finding process.

LEGAL ANALYSIS

We begin our legal analysis by addressing which potential crimes could be charged in the death of inmate Rainey. Because this involves the death of a human being, we will consider violations of Chapter 782, Florida Statutes, relating to homicide. That consideration would include First Degree Murder, Second Degree Murder, any degree of Felony Murder, and Manslaughter.

The fact pattern presented in this case does not support consideration of the crime of premeditated First Degree Murder, section 782.04(1)(a), Florida Statutes. We do not even reach the issue of whether any corrections officer engaged in premeditation as defined by law. More basic to our analysis is the fact that all homicides, but for felony murder, require proof that the killing was the product of a specific intent with malice aforethought. There is no evidence that Sergeant Fan Fan, Officer Clarke, Officer Thompson, or Officer Williams acted with malice aforethought at the time Inmate Rainey was placed in or left in the shower. Rather, the evidence is that Rainey smeared his own feces on himself and placed himself in a situation requiring that he be decontaminated. (This decontamination was for his benefit as well as that of other inmates and correctional staff.) This need for decontamination could not have been predicted and necessitated immediate action. Placing Rainey in a shower and allowing him to wash himself was a reasonable and practical response to the situation. There was no evidence of specific intent with malice aforethought, much less a premeditated intent to kill.

⁵⁸ We only list the convicted felony entry because it is one of the factors included in the Weighing the Evidence Standard Jury Instruction. However, his status as a convicted felon does not automatically exclude inmate Hempstead from being a credible witness. In fact, if his testimony had been consistent with other testimony, if he did seem to have an opportunity to see and know the things he talked about and if his memory did appear to be accurate his testimony would have been accepted just as that of the other witnesses whose testimony passed the test on these criteria.

Neither does this fact pattern warrant consideration of Second Degree Murder, 782.04(2), Florida Statutes. In order to prove the crime of Second Degree Murder, the prosecution would have the burden of proving that one or more of these officers' actions evinced a depraved mind. More specifically, we would have to prove that one or more of the officers acted with ill-will, hatred, spite or evil-intent, when Rainey was placed in the shower or left in the shower. There is absolutely no consistent and reliable evidence in this case to suggest even circumstantially, that any of these officers acted in that manner.

We also conclude that the fact pattern presented in this case does not support consideration of any degree of Felony Murder, in violation of section, 782.04(1)(a), 782.04(3), or 782.04 (4), Florida Statutes. The fact pattern in this case is devoid of any evidence whatsoever that would suggest that the death of Rainey occurred during the commission of an enumerated felony by any of these officers.

Finally, the crime of Manslaughter, 782.07(1), Florida Statutes requires the prosecution to establish that one or more of the officers caused the death of inmate Rainey by Culpable Negligence. The Culpable Negligence jury instruction provides that:

“Each of us has a duty to act responsibly towards others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care towards others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard for the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights. The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.”

In order to prove Manslaughter, the prosecution would have to show that one or more of the officers engaged in a course of conduct that was criminally reckless. Based on the facts and evidence adduced through this investigation the prosecution could not meet that burden. Placing an inmate who has defecated upon himself in a shower to decontaminate himself is not conduct

that is criminally reckless. Moreover, the fact that there were no burns on Rainey's body substantially and convincingly refutes any possible claim that he was either intentionally or unintentionally exposed to excessively hot water. The shower itself was neither dangerous nor unsafe. The shower was not historically used in any way that threatened the safety of the inmates. The evidence does not show that Rainey's well-being was grossly disregarded by the correctional staff. Accordingly, the evidence fails to show that any correctional officer acted in reckless disregard of Rainey's life as the State would be required to prove in the crime of Manslaughter.

CONCLUSION

Accordingly, and in conclusion, the facts and evidence in this case do not meet the required elements for the filing of any criminal charge. Therefore, none of the correctional officers at Dade C.I. are criminally responsible for the death of inmate Rainey. Based upon the foregoing, we close this investigation without filing any criminal charges.

Submitted by:


Assistant State Attorney

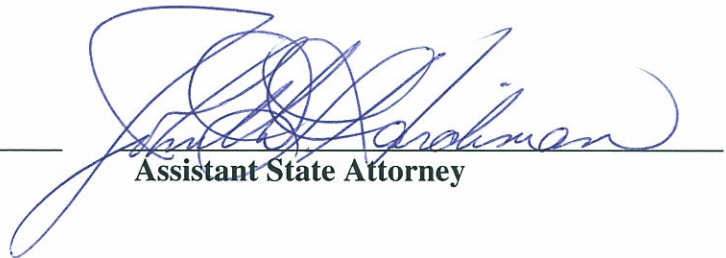

Assistant State Attorney

EXHIBIT 1

**Department of Corrections Housing Unit
Log for TCU west wing**

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS
HOUSING UNIT LOG

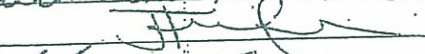

DADE CORRECTIONAL INSTITUTION
(INSTITUTION)

HOUSING UNIT

TCU WEST

DATE

06/23/19

TIME	LOG OF EVENTS	INITIALS
5:00 pm	Off. Clarke escort Nurse Guarro in wings to conduct med rounds.	EGW
5:09 pm	Buccell announced per Dade control	EGW
5:18 pm	Clar Formel count announced per Dade control	EGW
5:31 pm	Med rounds complete	EGW
5:35 pm	Off. Gibson conduct security check all secure	EGW
5:49 pm	Countdown commenced in wings	EGW
6:14 pm	Countdown complete	EGW
6:30 pm	Off. Thompson conduct security check all secure	EGW
7:05 pm	Buccell announced to prepare for Formel count per Dade control	EGW
7:30 pm	Off. Clarke conduct security check all secure	EGW
7:40 pm	Formel count announced per Dade control	EGW
7:55 pm	Zim Ranney, Darrin D# 06954 was pulled from cell because he had faces all over him and cell call was placed in shower at approx. 8:00 pm and call was cleared	EGW
8:00 pm	Off. Fenton conduct security check all secure	EGW
8:00 pm	Clar Formel count announced per Dade control	EGW
8:05 pm	Off. Hood conduct security check all secure	EGW
8:10 pm	Off. Thompson conduct security check all secure	EGW
8:20 pm	Off. Clarke conduct security check at this time Report Zim Ranney, Darrin D# 06954 in shower unresponsive and notified Nurse Robinson and Hydrobo immediately and taken to medical and arrival at approx. 9:40 pm	EGW
10:00 pm	Off. Clarke conduct security check all secure	EGW
10:34 pm	Buccell announced to prepare for Formel count per Dade control	EGW
11:00 pm	Off. Gibson escort nurse Patus in wings to	EGW
Housing Sergeant Signature: 		
Housing Officer Signature: 		

Each Correctional Officer and Correctional Officer Sergeant will make entry as to the time she/he assumed duties for the housing unit and the time relieved. Signature of the Housing Officer and Sergeant indicates that she/he has relieved the preceding shift, read the previous entries on the Housing Unit Log; and assumes the responsibility for any corrective action or follow-up action required. This log will be forwarded daily to the

EXHIBIT 2

Video Surveillance Timeline 1

The surveillance camera is a fixed camera attached to a flat wall facing the cell where inmate Rainey was housed, not the unit with the shower. This video shows the interaction of inmate Rainey with corrections officers when he is taken out of his cell to be escorted to the shower.

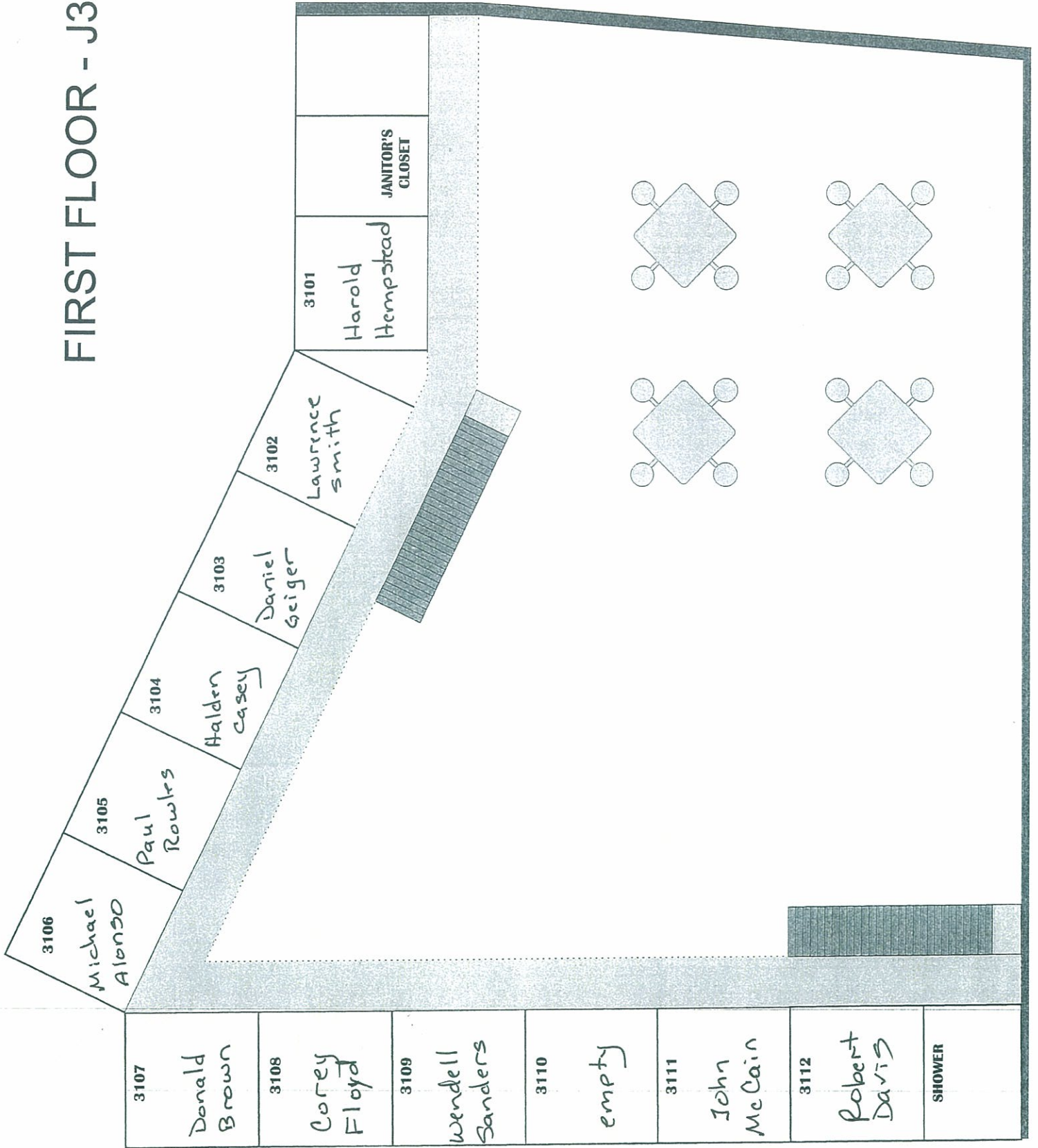
7:34:00	Officer Clarke enters the unit alone. He is reading papers. There is no visible inmate activity.
7:34:25	Officer Clarke walks to inmate Rainey's cell. One other inmate can be seen at his cell window. Another corrections officer enters the unit, also alone, and walks near Officer Clarke. He stands several feet away, watching the cell. Two more inmates can be seen in their windows.
7:35:08	Officer Clarke opens the cell door for inmate Rainey then stands to one side. The second officer remains a few feet away. No weapons are used.
7:35:11	Inmate Rainey walks out of his cell, unassisted. He is already wearing a Ferguson garment and is already handcuffed. No noticeable inmate activity.
7:35:11- 7:35:32	Officer Clarke escorts inmate Rainey out of the unit. The second officer follows a few feet behind. No other officers are visible in the unit. There does not appear to be any force used at any time.
7:37:00	Video ends. No other inmate activity noted.

EXHIBIT 3

2 pages

**First and Second Floor Plans
for TCU west wing J3**

FIRST FLOOR - J3



SECOND FLOOR - J3

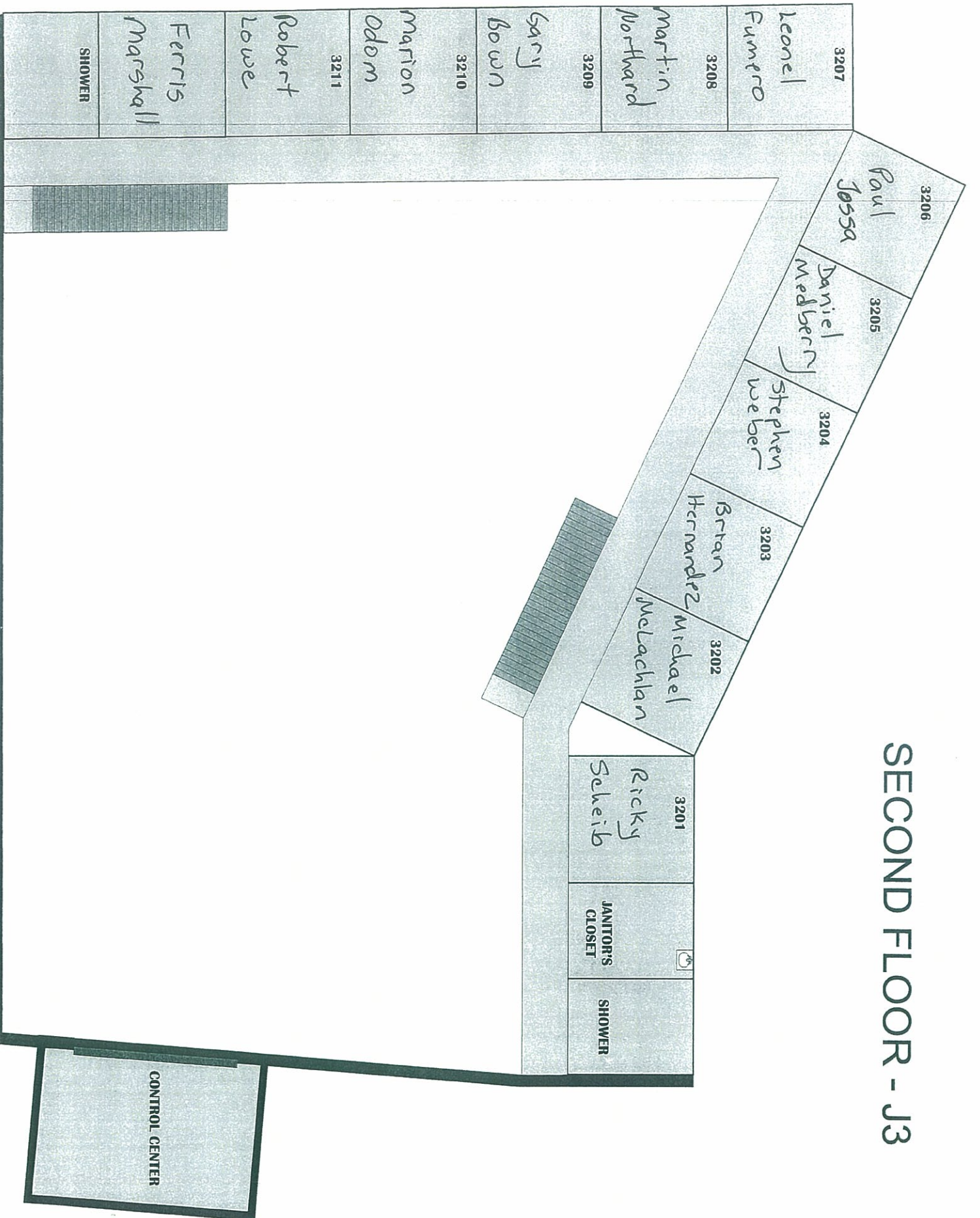


EXHIBIT 4

**Photograph of the shower room
in TCU west wing J3**

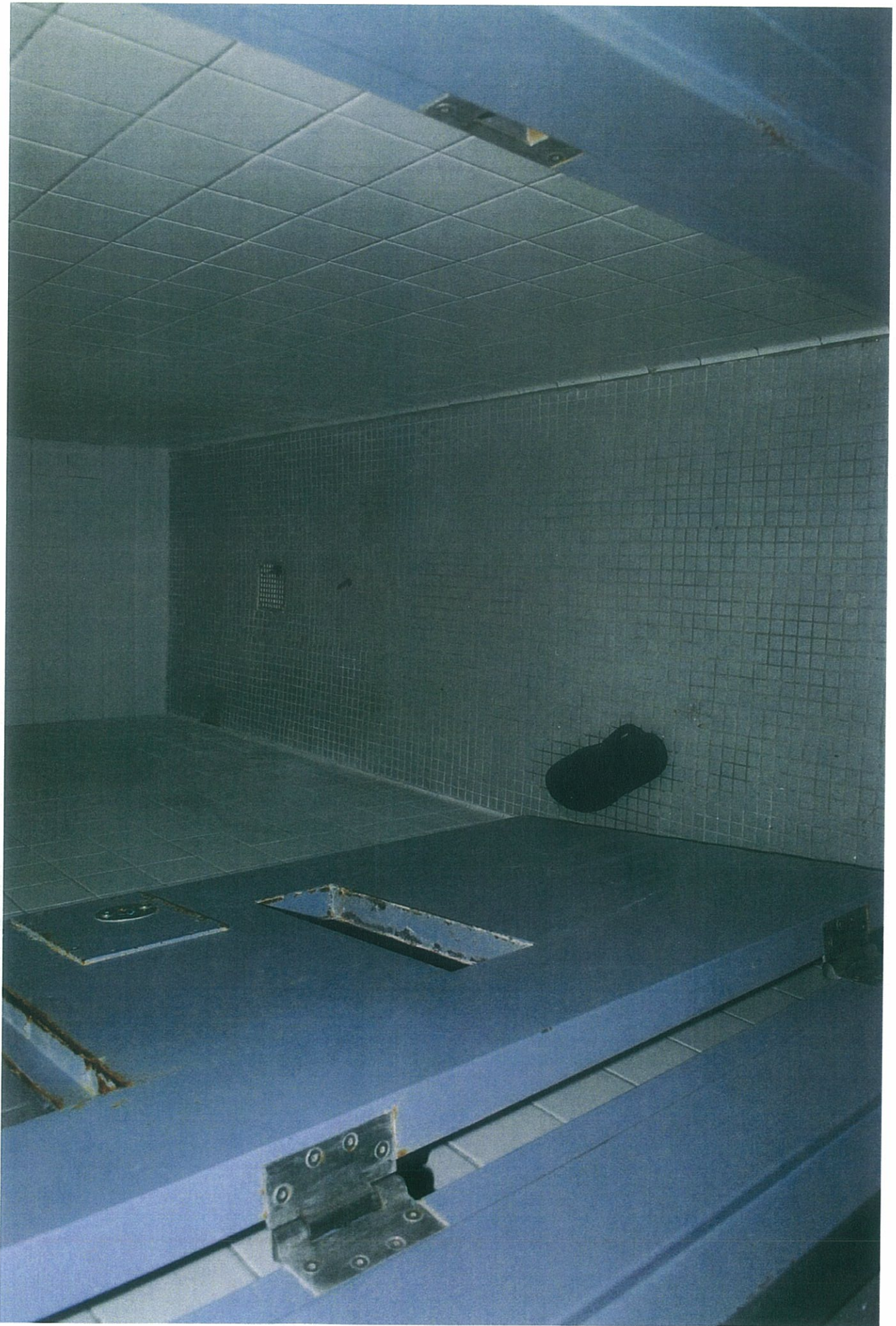


EXHIBIT 5

Photograph of the water hook-up from inside of the janitor's closet to the shower room via a hole drilled in the common wall



EXHIBIT 6

**Photograph of the water flowing into the
shower room**



EXHIBIT 7

Video Surveillance Timeline 2

The surveillance camera is a fixed camera attached to a flat wall facing the cells in TCU west. No cells are next to or under the camera. The shower and janitor's closet are not visible in the footage. Most cell windows are visible, but not inside the cells. The one exception is the cell of inmate Harold Hempstead. Inmate Hempstead's bed can also be seen within his cell. There is no audio component to the recording.

Inmate activity is consistent throughout the recording unless otherwise noted below. Generally, inmate activity is limited to looking out of the window of the cells. None of the cells had a view into the shower, either directly or indirectly.

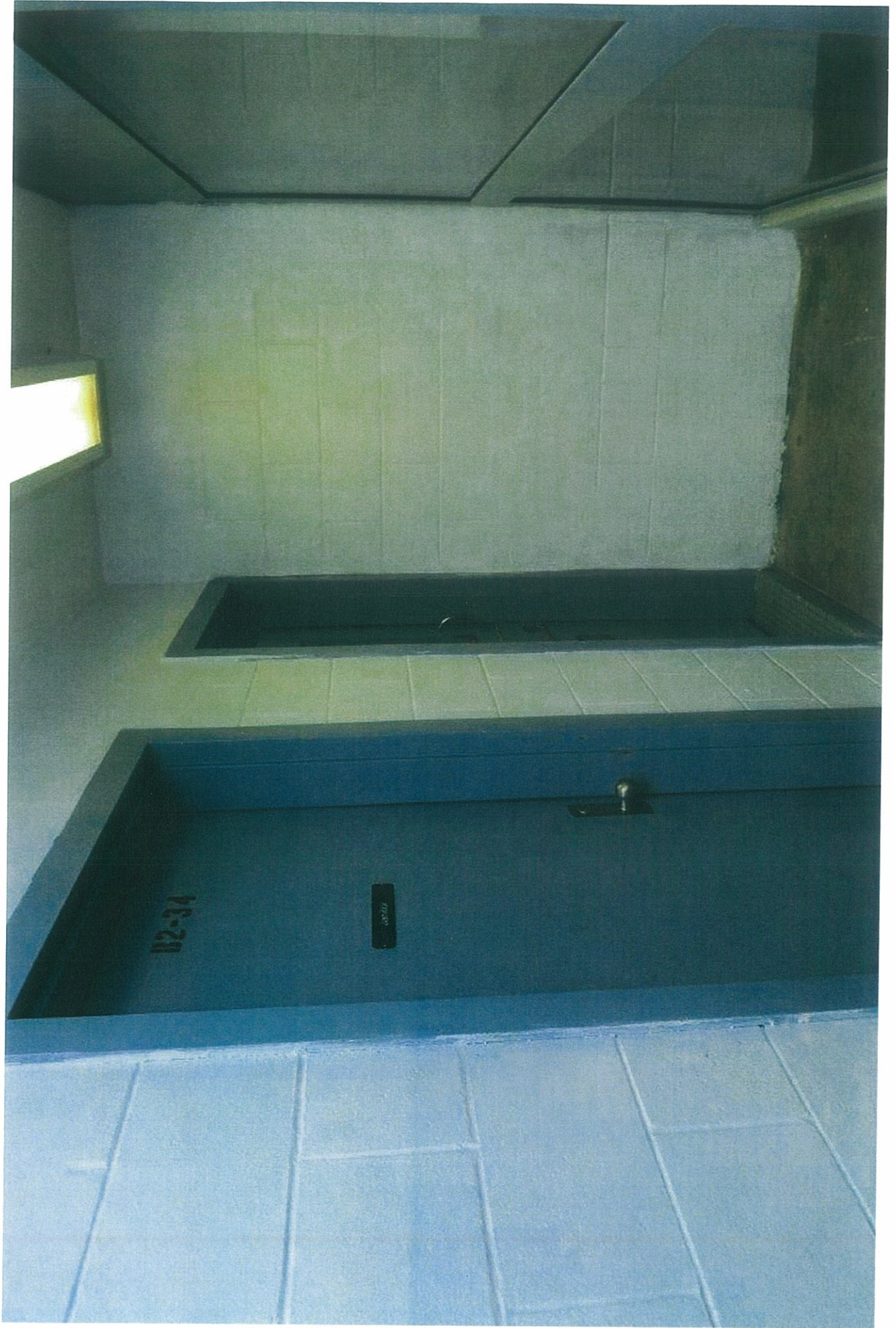
7:38:54	Officer Clarke escorts Rainey to the shower.
7:40:51	Officer Clarke reappears, coming from shower and does a security check.
7:41:59	Officer Clarke walks toward the shower.
7:43:06	Officer Clarke reappears, coming from shower, goes downstairs the area.
7:54:36	Corrections Officer (believed to be Sgt. Fan Fan) does downstairs check.
7:55:03	Corrections Officer (believed to be Sgt. Fan Fan) goes off camera.
7:56:34	Corrections Officer (believed to be Sgt. Fan Fan) appears, does upstairs check, and walks toward shower (7:56:56).
7:57:19	Corrections Officer (believed to be Sgt. Fan Fan) reappears coming from the shower, leaves the floor. Inmates all quiet.
8:09:01	Inmate Hempstead removes covering from his cell window. (Inmate Hempstead's window has been covered since beginning of the video). Inmate Hempstead is not visible within his cell until 8:10:30, when he sits on his bed.
8:10:55	Officer Clarke walks toward shower.
8:12:03	Officer Clarke reappears, coming from shower.
8:12:28	Officer Clarke speaks with inmate Hempstead. No other inmate activity at this time.
8:12:35	Officer Clarke walks away from inmate Hempstead, then returns.
8:12:46	Officer Clarke walks away from inmate Hempstead with something in his hand (soap). Inmate Hempstead lies down in his bunk.
8:13:17	Officer Clarke walks toward shower. An officer, Sgt. Fan Fan and 2 inmates meet at the tables on the first floor in front of inmate Hempstead's cell. Inmate Hempstead remained on his bed.
8:16:29	The officers and the inmates walk out of camera view. Some of the inmates went to their cell windows briefly.
8:17:36	Officer Clarke reappears, coming from the shower.
8:56	Inmate Hempstead covers his cell window again.
9:07:46	Inmate Hempstead removes the covering from his cell window again. He folded the covering and moved away from the window.
9:11:28	Officer Thompson checks the first floor cells. There is minor inmate activity visible in the cell windows.
9:12:38	Officer Thompson checks the second floor cells.
9:13:05	Officer Thompson walks toward the shower.
9:13:32	Officer Thompson reappears, coming from the shower, walks downstairs past inmate

	Hempstead's cell and goes off camera.
9:25:41	Officer Clarke reappears.
9:26:09	Officer Clarke walks toward the shower.
9:27:28	Officer Thompson and Sgt. Fan Fan walk toward the shower.
9:28:10	Officer Thompson and Officer Clarke leave shower floor in a hurry.
9:28:15	Multiple inmates can be seen going to their windows to watch. Inmate Hempstead does not.
9:28:45	Corrections Officer returns (fast pace) to unit and goes upstairs to shower.
9:28:54	Inmate Hempstead appears to get up from his bunk.
9:28:57	Inmate Hempstead goes to the window of his cell.
9:29:11	Nurses Robinson and Patino, and officers go to the shower.
9:29:48	Corrections Officer goes to second floor.
9:30:47	Shift Lieutenant Pinkney appears; other officers enter.
9:31:22	Several people leave.
9:32:10	The stretcher arrives on the first floor.
9:32:48	Officer Thompson and Officer Clarke carry inmate Rainey downstairs to the stretcher.
9:33:17	Inmate Rainey is removed from TCU on the stretcher. The stretcher is pushed by two corrections officers. The nurses and other officers provide escort.

EXHIBIT 8

**Composite Exhibit of Photographs
(A-F)**











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EXHIBIT 9

**E-mails from Captain Darlene Dixon
(2 pages)**

Dixon, Darlene

From: Dixon, Darlene
Sent: Tuesday, June 26, 2012 10:01 PM
To: Méndez-Vega, Vladimir
Cc: Cummings, Jerry; McCarter, Dexter
Subject: TCU Water Temperatures

Follow Up Flag: Follow up
Flag Status: Flagged

On 6/25/12, Janitor closet near cell 3201 read 160 F at 9:08 am and 125 F at 2:05 pm. Customer request 1253274/1253285 was entered to adjust hot water temperature 100-120 F.

On same date, east nursing station hot water not working/west nursing station hot water temperature read 80F. Customer requests 1253278/1253282 was entered. J1 water temperatures read 80 F; customer request 1253276/1253277 was entered. J4/J5 water temperatures read 98/90 F; customer request 1253279, 1253280, 1253283, and 1253281 was entered.

Please, send maintenance staff to TCU to adjust water temperatures between 100-120 F.

Dixon, Darlene

From: Dixon, Darlene
Sent: Tuesday, June 26, 2012 10:03 PM
To: Tarver, Clifford; Pinkney, Shauntrell; Hall, Omar; Miller, Hollis
Cc: Cummings, Jerry; McCarter, Dexter; Mendez-Vega, Vladimir
Subject: Janitor Closet/ Shower near J3201

Please, instruct staff not to utilize janitor closet and shower near cell J3201 until further notice. The hot water temperature is above 120 F. Signage is posted on door.

EXHIBIT 10

**E-mail from Assistant Warden James
McClelland
(2 pages)**

Sanchez, Wilbert O.

From: Ryan, Carrie <ryan.carrie@mail.dc.state.fl.us>
Sent: Thursday, June 05, 2014 10:06 AM
To: Sanchez, Wilbert O.
Subject: FW: Inmate Rainey, Darren DC# 060954 (**LE EXEMPT**)
Attachments: PIC_0438.JPG; PIC_0429.JPG; PIC_0434.JPG; PIC_0436.JPG

Good Morning Det. Sanchez,

Below you will see an email that was sent from the Assistant Warden at the time to Warden Cummings referencing Inmate Rainey and information on the shower cell. This email was obtained as a result of the public records request that was done on the Warden's emails. The attached photos were from the shower cell during that time. If you have any questions, please let me know.

Carrie

From: Saavedra, Elissa
Sent: Thursday, June 05, 2014 9:58 AM
To: Ryan, Carrie
Cc: Saavedra, Elissa
Subject: FW: Inmate Rainey, Darren DC# 060954 (**LE EXEMPT**)

Inspector Ryan,

Please forward this e-mail to the detective working this case at Miami Dade PD. The ME may also wish to see this.

This e-mail was sent from Assistant Warden James McClelland to Warden Jerry Cummings, and was discovered during an OIT search of Warden Cummings' e-mails. There are several thousand e-mails, some of which involved this case and/or the TCU unit at Dade CI. Should Miami Dade PD wish to obtain all the e-mails, a search warrant will be required. I will be speaking with the SAO today.

v/r

Elissa R. Saavedra
Assistant General Counsel
Florida Department of Corrections

From: McClelland, James [<mailto:mccllelland.james@mail.dc.state.fl.us>]
Sent: Monday, June 25, 2012 9:56 AM
To: Cummings, Jerry
Subject: Inmate Rainey, Darren DC# 060954

Attached are photos of the shower and adjacent room in which Inmate Rainey was escorted to at approximately 8pm on June 23, 2012. As viewed by fixed wing video the inmate was escorted to the shower without incident and periodic security checks were made by assigned security staff. According to the staff conducting these checks, Inmate Rainey was escorted to the shower due to him having rubbed feces upon himself and the reason this shower was utilized was due to previous instances where Rainey would refused to turn on the water and avoided washing himself. Staff reported using

this shower stall because the inmate could not control the water flow as the controls for this shower were in the adjacent room. Additionally, according to staff that currently work and have previously worked within TCU, this shower was never used previously and inquires could not determine when the modifications to this shower was made, although it is believed to be several years ago. An inspection of the assigned stainless steel shower fixture within this shower noted that it is currently inoperable.

As reported by assigned staff, each time they conducted a check on this inmate he was standing at the shower stall door away from the water flow and refusing to shower. Each reported that due to low volume of water coming into the shower stall, Inmate Rainey was easily able to stay away from the water flow by standing at the cell door. At approximately 9:14pm, the last security check without any signs of duress was conducted. At approximately 9:30pm, Security Staff observed Inmate Rainey unresponsive and positioned in a manner that his body was over the shower floor drain. Water had risen to the point that it began to rise over the 3 inch barrier between the floor and shower door.

On June 25, 2012, our assigned Maintenance Supervisor and I utilized a digital thermometer to take readings of water temperatures from this same shower. The water source was turned on in the same manner as reported by the staff member that turned this water on during the incident. Reading from the water (with both hot and cold turned on $\frac{1}{4}$ turn) ranged from 99 to 101 degrees. We then turned only the hot water on and this temperatures ranged from 120 to 126 degrees.

Currently TCU operates with (4) 80 Gallon Lovvhinvar 585,000 BTU Liquid propane Boilers (Model #CLA501-030-DF9). These Boilers were manufactured in 1995 and were recently re-certified on April 9, 2012. Two of these Units operate the west side of TCU which is where the incident occurred. Temperature readings leading into the boiler room mixing valve were measured at approximately 126 degrees.

Assigned on duty maintenance staff have been instructed to ensure that the water temperature is reduced under the 120 degree threshold. Additionally, the manufacture device shown in photo 0429 will be dismantled and secured within the evidence locker. I will personally ensure both these tasks are completed prior to close of business today and that no showers are taken until complete.

Unfortunately, my efforts to obtain photos of Inmate Rainey are still in progress and the assigned Miami Dade Police Department Supervisor has approved delivered by 6/26/12. Once these photos are obtained, I will immediately forward to you as requested.

If you require any additional information or action, please feel free to contact me.

JT McClelland, Assistant Warden
Dade Correctional Institution
Office 305-242-1909
Cell 305-619-3136