



STATE OF
WASHINGTON
DEPARTMENT OF
CORRECTIONS

INCIDENT REVIEW REPORT

Report Date 10/6/08		Level of Review Level 2
Offender Name: Toney, Leon G.	Offender DOC # 745863	Critical Incident Review # 130-08-P
Name of Initiator Earl Wright	Team Leaders C. Grandmontagne	Team Members M. Robbins, PhD

INCIDENT	
Date & Time: 9/18/08	Location: F Unit Cell B 12, MICC
Brief Description of Incident: At approximately 1129 staff In Unit F B 012 made a radio call announcing that there was a medical emergency in Segregation Cell FB12. Shortly thereafter it was announced that CPR had been initiated. Responding staff found Offender Toney hanging with a sheet wrapped around his neck, hanging from the t.v. stand. There was a Quick Response Strike Team Response on site with medical staff. Offender Toney was airlifted to St. Joseph Hospital once he was stabilized. He remains at St. Joseph Hospital as of this date.	
Name, Title, & Address of All Employees Involved: Lieutenant Kim White, Shift Lieutenant C/O Leal, F Unit Officer C/O Mildon, F Unit Officer C/O Dibenidetto, Hearings Escort Officer (First Responder)	
Name, DOC Numbers of All Offenders Involved: Toney, Leon G. DOC #745863	
Location and Description of Property Damaged: None	

REVIEW
Chronological Summary of Facts/Events: Mr. Toney was placed in segregation for an incident that occurred on 9/18/08. At approximately 0018 on 9/18/08 Offender Luis Perez #763928 was found with a cell phone in his possession. Subsequent search of his cell revealed that there was also a bottle of tattoo ink in his (Perez) cell. Search of the cell phone produced pictures of Mr. Toney (to include naked pictures) stored in the cell phone. Consequently a cell search of Mr. Toney's cell was done. A cell phone charger that matched the confiscated cell phone was found in his cell. Additionally, personal writings from his cell indicated that he too had used the phone for unauthorized access to people in the community. Mr. Toney was then placed in segregation at approximately 0530 hours. He communicated with the unit nursing staff at approximately 1015 on 9/18/08 during her rounds that he had been having difficulty sleeping for several days and asked to speak with a mental health provider. He was specifically asked by the nurse if it was emergent or if he felt like harming himself. To both questions he answered "no". Approximately one hour later, at 1130 during the distribution of lunch, Officers Leal and Mildon found Mr. Toney hanging from a noose looped over his television shelf. An immediate medical emergency response was initiated to include life-saving techniques and helicopter evacuation from McNeill Island to St. Joseph's Hospital.
Summary of Witness Statements (Include Name of Each Witness): C/O Leal: It was a routine shift with nothing out of the ordinary. He served breakfast to Mr. Toney and observed nothing unusual. When they were delivering lunch he looked into the cell and saw him hanging from a noose over his t.v. stand. He immediately made the emergency radio announcement to summons

staff and nursing were both very good about letting them know about offenders who needed to be seen for emergent care.

Jim McGinnis: Correctional Mental Health Program Manager – Mr. McGinnis made rounds on every Friday during the month of August when Mr. Toney was in segregation. Mr. McGinnis spoke with him on a number of occasions and he was fine. He made no requests for services or talked about any problems. Mr. McGinnis did state that since Dr. Richardson was not on the unit the morning of the incident there would have been someone on call if there had been a request for services by the staff, and they know how to request them.

Lt. Kim White: She was briefed about Mr. Toney and Mr. Perez's segregation placement by the off-going shift. Nothing unusual relating to this occurred until she heard the medical emergency being called at 1130. She initiated the emergency response to include the request for the helicopter. She received a call from Mrs. Renee Toney while Mr. Toney was still on the helipad. Mrs. Toney asked if he had a heart attack and thought he had been taken out by ambulance. No facility staff had notified Mrs. Toney of the medical emergency.

Dr. Frank Longano – Medical Director: Responded to the incident with the other medical staff when he heard about it. He observed and oversaw the medical response and was satisfied with the care given. He felt that staff had done everything they could for this offender and observed no difficulties with the care.

Captain Bratten: Captain Bratten was on duty when the emergency occurred. He responded to the site and observed the first responders actions and oversaw the activities of the event.

Mike Hines, CUS F Unit: He was on the unit at the time of the emergency and responded to the incident site. He controlled access to the incident site and observed the medical responders. After Mr. Toney had been removed from the site he made sure that a wellness check of all offenders on the pod occurred. Also, during the remaining portion of the day all offenders on B Pod were personally interviewed by mental health staff for stress debriefing. He notes nothing out of the usual operations for the morning. The staff was actively engaged in getting 5 offenders ready for transport and no one reported anything unusual or problematic to him. He was aware that Mr. Toney had been in segregation in August and thus knew who he was. At that time they had arranged a family phone call due to notification regarding deaths in his family.

Matt Cossette – CUS B Unit: He was aware of Mr. Toney, however he was a low key offender who he did not know a lot about. He was familiar with his request for extended family visits with his wife and that it had been turned down, however, he had no other relevant information about Mr. Toney.

Angie Hilton – Assigned Counselor from B Unit: She had been his assigned counselor since last Spring. He was easy to work with and caused no problems. She saw him when he had business that she could help him with. He was polite, respectful and a very good workers. She helped him with his job situation after he lost the work crew assignment due to his segregation placement in August. She also helped process a couple of administrative requests that he made concerning visits and transfer of funds. She was also aware of the situation regarding deaths in his family in August and had had numerous contacts with various family members. She said she last spoke to him in passing in the courtyard the day before he harmed himself. They talked about his job situation and he seemed like his usual self, happy and upbeat. She noted nothing unusual.

Rita Reynoldsen – Former Work Program Supervisor: She supervised Mr. Toney for some time. She described him as a good offender with a strong personality who could get along with anybody. He was very likeable and tried to mentor others about how to get out of the gangs. He showed no signs of weakness and didn't let things get him down for very long. He seemed adjusted to confinement and made the best of it. He liked to work and was good at it. He talked a lot about his family and seemed to genuinely care about the children. He was always well dressed, well kept and took a lot of pride in his jewelry. He always put his gold nugget wedding ring on his necklace when he wasn't wearing it.

assistance and entered the cell with C/O Mildon as soon as the door was opened. He and C/O Mildon entered the cell, wrapped their arms around his waist, removed the noose from the t.v. and lowered him to the floor. They then engaged in first responder actions.

C/O Mildon: He was with C/O Leal as they delivered the lunch tray to Mr. Toney's cell front. He was on and off the tier all morning getting the offenders ready for transport that was leaving. Additionally, he had delivered the morning tray and made medication rounds with the nurse. He noticed nothing unusual all morning. C/O Mildon observed Mr. Toney hanging from a noose over the t.v. stand. He assisted in removing him from the hanging position and provided First Responder care to Mr. Toney.

C/O Norberg: He was the assigned booth officer for the shift. He was operating the control booth except for a half hour meal period around 8:30am. He had control of the pod entry door and all cells on F Unit B Pod. During this time he allowed no one to enter Mr. Toney's cell until he opened it for C/O Leal and Mildon to respond to the emergency at approximately 1130. He saw only authorized staff on the unit and neither saw or heard anything unusual.

C/O Dibenedetto: He is a hearing escort officer who was preparing to enter the F Unit, B pod when the emergency occurred. He saw the officers look into the cell and heard the emergency announcement. He entered the pod with Sgt. Anderson, as soon as the door was opened. He proceeded to the cell where he assisted in moving Mr. Toney and then performed First Responder actions.

Sgt. Anderson: He was taking his meal break when he heard C/O Leal make the emergency notification over the radio. He immediately went to F Pod and entered the pod with C/O Dibenedetto. He entered the cell and observed C/O Leal and Mildon with Mr. Toney and directed them to bring him onto the tier where there would be more room to do CPR as the officers had indicated there was no pulse. He oversaw the first responder actions as medical interventions were applied to Mr. Toney. During the morning, it had been a routine morning and he had not observed anything unusual.

LPN Fish: While making regular wellness checks of all offenders on the unit, she spoke with Mr. Toney at approximately 1030 on 9/18/08. He said he was having a problem sleeping and was so tired. He also said that he couldn't stop thinking about things. He said he was not in pain and his sleeplessness was not due to being placed in segregation. Nurse Fish asked if he needed to be seen right now or if it could wait. She said that he had written a request to see mental health that he gave to her to deliver to mental health staff. She asked if he thought he had plans to harm himself and he said "no". She told him she would pass the message on to the mental health staff and would check back with him when she made noon medication rounds. After finishing her wellness checks she stated that she placed Mr. Toney's written request in Dr. Richardson's distribution. She responded to the medical assistance and oversaw, with other medical staff, the first responder care to Mr. Toney.

C/O Randy Sears: C/O Sears was working overtime the morning of 9/18/08 on first shift. He is normally a transport officer on 2nd shift. He was involved in placing Mr. Perez in segregation. He also escorted Mr. Toney to segregation after the cell phone charger was found in his cell. He stated that Mr. Toney was doing janitorial work on the unit. The sergeant informed him that he would be going to segregation. When he escorted him to segregation he said that Mr. Toney did not ask the reasons or make any protest. He was totally compliant and cooperative. They escorted him to segregation and the F Unit officers took over supervision of him at the entrance to the unit.

Dr. Richardson: She was off of the unit most of the morning performing other duties. She became aware of the emergency on the unit, however, was not present during the emergency response as she had no reason to be present. She did participate in stress debriefings with other offenders during the day. She did not observe the request for mental health services in her distribution box on Thursday but did find it when she returned to work on Monday, after being off on Friday. She said it is general practice on the unit for her, or another provider, to see offenders who request mental health services as soon as possible. She said the correctional

yan Denzer – CC2 F Unit: He was familiar with Mr. Toney because he delivered the news to him about the deaths in his family last August. After telling him about the deaths and arranging a telephone call to his family he asked Mr. Toney if he wished to talk to mental health or a Chaplain. Mr. Toney declined and said he was okay. Otherwise, Mr. Denzer stated that he had no contact with him.

C/O Becerra - B Unit 3rd Shift: She is assigned to his unit but had no relevant information as she only knew who he was.

C/O McNally - B Unit 3rd Shift: Was familiar with his facility reputation and conduct. He said that he generally was a bright personality but since the loss of visiting with his family over the infraction last month he had seemed a little down. He said he did not talk with him as he didn't feel he wanted to discuss it. He was a good worker and was helping with the ACA inspection preparations with regards to cleanliness and physical plant preparation.

C/O Crossen – B Unit 3rd Shift: C/O Crossen felt like he was a loner who would keep to himself a lot of the time. He didn't view him as problematic as he knew how to do his time and kept to himself.

C/O Perry – B Unit 3rd Shift: He said he was always smiling. He seemed to have a lot of movement within his assigned duties. He was always respectful and never angry. He had a lot of property and stores in his cell.

C/O Ray Harring - B Unit 3rd Shift: C/O Harring said that he was never any trouble and was always in the back ground doing his own thing. He had been working night clean up and had mentioned he was tired because he hadn't been sleeping. Mr. Toney never let on that he was having any problems or issues. He generally kept to himself in his room in the evenings unless he had some activity or watched a sports game.

C/O McCollum – B Unit 3rd Shift: Easy to supervise him, nothing noteworthy in his mind.

C/O Findley – B Unit 2nd Shift: He was conscious of his appearance and always took care of himself well. He spoke a lot and highly of his children and programmed. He took pride in his work. He saw no change in his baseline behavior which was very consistent. He had a good attitude, was always polite, respectful and did what was asked of him. He did think it unusual that Mr. Toney told him a few weeks before the incident that the person who was responsible for him being incarcerated had been killed recently. Mr. Toney told C/O Findley that he had told his partners "hey, you ought to let that go, I have". C/O Findley did not think anything about it at the time, but now wonders if it has some significance. He stated that he associated with other offenders he thought were STG associates.

Perez, Luis 763928 – Interviewed by I & I investigator G. Gilbert. Mr. Perez stated that the cell phone belonged to him and no one else.

Dr. Tom Foley – Staff Counselor: Responsible for the staff critical incident debriefing. It was held the week following the incident and the staff seemed to appreciate the opportunity to debrief the incident.

George Gilbert – I & I Investigator: Was interviewed various times by the Critical Incident Review Team.

Summary of Facts:

- 1) Three different fixed cameras were continually recording in the F Unit, B Pod that had an unimpeded view of the door to his cell.
- 2) There is no disruption of the camera coverage on these three cameras. It is continuous.
- 3) The three cameras show the entire time from when Mr. Toney entered the unit through the entrance gate and arrived on the unit. He can be seen being escorted into the unit and placed into the cell. No one was observed entering his cell until the C/O's initiated an emergency response.
- 4) The three video records have been reviewed independently by two different staff. These staff are MICC I & I investigator George Gilbert and CIR Team member Dr. Mike Robbins. They both conclude that no other person entered Mr. Toney's cell during his confinement there.
- 5) Staff interviewed by the CIR, who were on the unit that day did not observe anything unusual or suspicious that would support the possibility of someone else causing harm to Mr. Toney in F Unit.

- 6) No one is observed, either on recording or by eyewitness information, entering Mr. Toney's cell after his placement in FB 012.
- 7) The booth officer, C/O Norberg, who was in the booth from 6 am to 12 pm (except for meal period at approximately 0830) did not observe any person enter Mr. Toney's cell (FB 012). He also states that it would be impossible for anyone to get into the cell without him allowing access. He did not.
- 8) There was no staff on the unit or near Mr. Toney's door who was not supposed to be on the unit during the course of their business. Before regularly assigned and authorized staff can even enter the pod, the pod control booth officer must receive permission from either the Sgt. or CUS. No such entry was attempted or authorized.
- 9) No specific individual has been identified as the person who wanted to harm Mr. Toney. In fact, this review did not surface anyone, either staff or offender, who threatened to harm Mr. Toney.
- 10) Mr. Ron Van Boening, Superintendent, stated that after this incident he directed Mr. Shawn Murphy, Associate Superintendent, to inspect the cell for possible intrusion. He stated that Mr. Shawn Murphy thoroughly inspected the cell and found no evidence of alteration to the cell.
- 11) There is no evidence of physical injuries to Mr. Toney. Staff who observed Mr. Toney saw no signs of injury. This included the custody staff, medical staff and attending physician at St. Joseph's Hospital. The only injury observed by these staff was relative to the abrasions on his neck caused by the bed sheet noose.
- 12) Mr. Toney is a fit, muscular, tall (6'3") individual who would have engaged in struggle if an intruder had attempted to harm him (evidenced by his history of institutional conduct of fights). There is no evidence of physical injuries or disruption to his cell. The cell contents were entirely consistent with normal usage, to include his wedding ring being located on the desk.
- 13) Mr. Gilbert (I & I investigator) reported that information had been received from another offender that there was marital stress between Mr. Toney and his wife. Allegedly his wife had threatened to break off their relationship if Mr. Toney did not end his relationship(s) with other women. Many staff members spoke of how much importance Mr. Toney placed on his family relationship, particularly the children. Additionally, he had visitation with his wife terminated because of the infraction in the visiting room in 8/2008. This establishes possible stress in Mr. Toney's life.
- 14) Mr. Gilbert also reported another piece of information that indicated an offender's wife had stated words to the effect: "if Toney comes out of this, you all are in a lot of trouble". The meaning is unknown at this time, however it is suspected that Mr. Toney had complex "prison business" interests and gang affiliations that may have contributed stress to his life.
- 15) The phone which was confiscated was connected to Mr. Toney. Tied with information found in his cell, it appears that he was an active participant with various individuals on the street. The information in his cell and on the cell phone indicated internet nicknames with sexual overtones for a number of women; a credit card number and expiration date; a connection to his female crime partner and posting on "My Space". The full extent of his connections and what he was involved in is not known at this time. Again, this establishes stress in Mr. Toney's life.
- 16) Mr. Toney indicated that he was having difficulty sleeping (had been up for 3 days straight) and asked to talk with a mental health person. He did state it was not emergent.
- 17) During the approximately 11 years of Mr. Toney's incarceration he sporadically accessed mental health services 9 times with complaints of sleep disturbance and depressed mood for which he received psychotropic medications.

Based on the factual findings listed above, this critical incident team determined that Mr. Toney's injuries were self inflicted by Mr. Toney.

LIST OF APPLICABLE RCW'S WAC'S DOC POLICIES & PROCEDURES

DOC 630.550 Suicide Prevention
DOC 630.510 Mental Health Services
DOC 320.255 IMU/TTU/Segregation/Mental Health Segregation Operations
DOC 30.200 Administrative Segregation

RECOMMENDATIONS

Improvements:

While the AED was not appropriate for use on Mr. Toney and was available to the medical staff, the facility may want to consider location and number of AED's across the facility. Dr. Longano indicated that they are doing this at this time.

Tier checks as recorded in the unit log book are not visible on the fixed camera recording of F-B Pod.

The Health Care Manager is establishing a more definitive time for the initial review of offenders being placed in segregation.

ACKNOWLEDGEMENT:

Things That Worked Well:

There was an extraordinary fast response by first responders and health care staff to begin life saving measures for Mr. Toney. The medical director was on site and satisfied with the response. He indicates that it was excellent. Staff should be commended.

After the incident staff immediately began wellness check of other offender on the pod and each offender had a one on one interview with a mental health provider to provide emotional debriefing and support.

Additionally, each offender on A Pod was seen at cell front and offered mental health support.

The administrative segregation paperwork was properly completed and served to Mr. Toney.

The first shift staff and supervisors were alert and observant when they observed Mr. Perez with the cell phone. They used good investigative techniques to further identify Mr. Toney as connected to the cell phone. The CISM Debrief that was conducted by Dr. Foley for the staff was useful to them and helped reduce stress related to the incident.

The staff engaged in an emotional, energetic and robust effort to save Mr. Toney's life.

Training Records for staff indicate that First Aid/CPR and Suicide Prevention have been conducted as required.

Signature (Team Lead)

Date

Signature (Deputy Secretary/Designee)

Date

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DRAFT

**WASHINGTON STATE PATROL
INVESTIGATIVE SERVICES BUREAU**

INVESTIGATIVE REPORT

FILE TITLE Attempted Suicide	OFFICERS Detective Juli A. Gundermann	CASE NO. 08-014694
SUBJECT Toney, Leon Glennquaree	CRIMINAL ACTIVITY CODE	OTHER CASE NO.

Case Summary

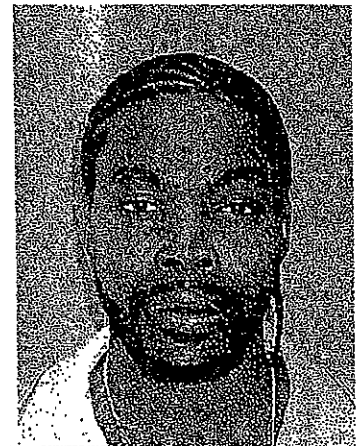
Synopsis:

On September 18, 2008, at approximately 11:29 a.m., Offender Leon G. Toney was found by McNeil Island Department of Corrections (DOC) Officers Leal and Mildon in his segregation cell hanging from a large steel shelf. They requested "Control" to open the door of Toney's cell and called for medical assistance. When the cell door opened, Leal and Mildon entered the cell releasing Toney from the noose which was made from his bed sheet. They placed Toney onto the floor outside the cell and started CPR. Airlift was summonsed while CPR continued. Airlift arrived and transported Toney to St. Joseph Hospital. Toney is currently in a coma and resides in a nursing home.

The initial investigative report was written by DOC Chief Investigator George Gilbert who forwarded all supporting documents to the Pierce County Sheriff's Department for review. On October 6, 2008, an incident review report (Critical Incident Review # 130-08-P) was completed by C. Grandmontagne, Team Leader with DOC. On October 10, 2008, DOC Secretary Eldon Vail requested assistance from the Washington State Patrol (WSP) as the Toney family alleged the incident was a result of an attempted homicide. Secretary Vail asked the WSP to conduct an independent investigation of the circumstances surrounding Toney's hanging.

Suspect:

Toney, Leon G.
McNeil Island Correction Facility
DOB: 9-6-77
OLN: TONEYLG2300F
WA: WA17695855
DOC: 745863



Injuries: Toney sustained a brain injury from the hanging and is currently in a coma.

PAGE <u>1</u> OF <u>1</u> PAGES	OFFICER'S SIGNATURE <i>Juli Gundermann</i>	DATE 5/28/09
	SUPERVISOR'S SIGNATURE <i>J. A. Hall</i>	DATE 5-28-09

Witnesses:

Rene Matthews (Toney) DOB: 5-12-1977, Toney's girlfriend.

Twila Robinson DOB: 5-16-1974, Toney's ex-girlfriend.

Incident:

On September 18, 2008, at approximately 12:18 a.m., Officer Humphrey was conducting a routine tier check when he heard a female voice coming from Offender Luis Perez's prison cell. Humphrey investigated and recovered a cell phone from Perez. Examination of the cell phone revealed several nude photos of Offender Leon Toney in a prison cell and unknown females.

Perez searched Toney's prison cell and located a cell phone charger. Toney was placed into segregation pending the investigation of possession of a cellular phone charger (contraband).

Later that morning at approximately 5:31 a.m., Toney was placed into segregation. Nurse Fish talked to Toney at approximately 10:30 a.m. when he gave her a DOC Health Services Kite stating "I've been up for three days straight I can't sleep, I need help, for real! Please help." A "kite" is a written document requesting to speak to DOC personal. Toney stated he was having problems sleeping, was tired, and could not stop thinking about things. He stated he was not in any pain and his sleeplessness was not due to being placed into segregation. Nurse Fish asked Toney if he had plans to harm himself and he stated no. She told Toney she would give the kite to Mental Health and she would check on him during her noon medication rounds.

At approximately 11:40 a.m., Officers Leal and Mildon were serving lunch. When the officers approached Toney's cell one officer looked into the cell and the other officer pushed the lunch cart back to the left. The cell door opened and Leal and Mildon entered the cell. Within one minute, additional staff responded and Toney was brought out of the cell and into the open area where they started CPR. At 12:01 p.m., (within 20 minutes) a stretcher was brought into segregation and CPR continued. Airlift then transported Toney to St. Joseph Hospital.

Investigation:

On October 15, 2008, WSP Detective Gundermann was assigned to the investigation. On October 16, 2008, Detective Gundermann contacted Earl Wright with DOC and was given two CD's with the footage from Toney being brought to segregation and the cameras in segregation. Wright also provided Detective Gundermann with a packet including all the reports regarding the attempted suicide. In the packet were also reports of an incident that occurred on July 18, 2008, between Toney and Rene Matthews, Toney's alleged wife. During this incident they were caught engaging in sexual acts in the visiting room. Wright provided copies of the paperwork found in both offender Toney's home prison cell and segregation cell, photos of the segregation cell, and copies of offender Toney's My Space account photos.

On October 23, 2008, Detective Gundermann met with DOC Chief Investigator George Gilbert. Gilbert briefed her on the incident and the allegations that have resulted. Investigator Gilbert notified Detective Gundermann his investigation revealed Officer Natasha Davson may be bringing cell phones into offenders for \$500.00 per phone and allowing congenital visits between the offender and their visitor for \$150.00. Investigator Gilbert interviewed Offender Ronnie Hamilton and he stated the July 18th incident, where Toney and Rene were caught engaging in a sexual act, was a result of Rene not paying Officer Davson for her congenital visit with Toney. (See WSP Case #09-006934.)

On October 28, 2008, Detective Gundermann met with Investigator Gilbert and FBI Special Agent Blauser. Agent Blauser stated he wanted to see the video to ensure Toney's civil rights had not been violated. Investigator Gilbert gave Detective Gundermann several CD's of phone calls from offenders at McNeil Island that were discussing the incident. Investigator Gilbert indicated offender Toney was involved with the "Bloods" gang.

On October 28, 2008, Detective Gundermann met with Investigator Gilbert and Wright at the DOC headquarters in Olympia to review the video tapes.

The following is a time line of events on the video's.

05:02 a.m. Toney being escorted into segregation.
05:31 a.m. Toney escorted into a cell and the door closes.
05:52 a.m. Officer at Toney's cell door.
06:56 a.m. Officer's walking from cell to cell, looking into the cells.
07:02 a.m. Officer's delivering breakfast.
07:07 a.m. Officer at Toney's cell door.
08:06 a.m. Officer picking up breakfast.
09:56 a.m. Nurse looked in cell.
10:26 a.m. Nurse at Toney's cell.
10:28 a.m. Nurse leaves Toney's cell.
11:41 a.m. Officer's deliver lunch to Toney and door opens.
11:42 a.m. Additional staff arrives.
11:43 a.m. Toney brought out of cell in open area.

The tapes of segregation showed the door to Toney's cell was never opened between the hours of 5:31 a.m. and 11:41 a.m., when he was found hanging from the steel shelf.

Toney, Leon G.

Detective Juli A. Gundermann

08-014694

On November 5, 2008, Detective Gundermann and Agent Blausen met Gilbert at McNeil Island. Detective Gundermann broke the evidence tape and went into the prison cell where Toney was found. She took measurements and photos of the cell. The segregation cells are designed for one occupant and the door slides right or left, to open. Located inside the cell Toney was in, is a sink and toilet combination that is made from galvanized steel. Above the sink is a metal mirror, to the right is an intercom system, and directly above is a large steel shelf (TV stand). Located in the left corner is a twin size metal and concrete platform with a mattress. In the right far corner are a metal desk and a slender window.

Detective Gundermann checked the intercom and it was in working order. Detective Gundermann took another bed sheet, wrapped it tight, and hung it over the steel shelf. It was obvious to her that it was possible to hang yourself with these materials.

A friend of Toney's, Offender Ronney Hamilton, was interviewed and stated he did not believe there was "foul play" with Toney's hanging. He believed Toney hung himself out of loyalty to his "brothers," meaning gang members. Hamilton stated Toney knew the possession of the cell phone charger was going to be investigated and he would prefer to kill himself than give up his "brothers." He believed offender Toney was also under a lot of pressure from Rene. (See attached witness statement)

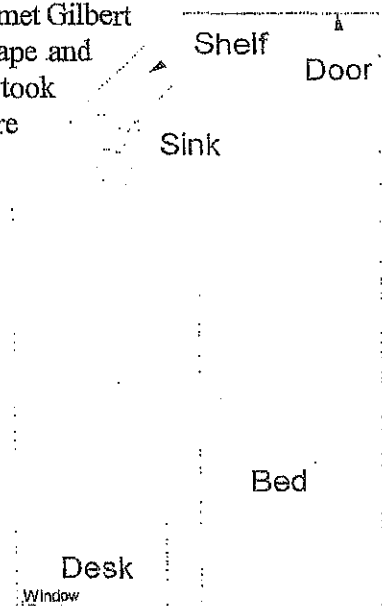
After interviewing several offenders, they believed it was the pressures of loosing his visitation with Rene, the possession of cell phones investigation, and the possibility of implicating other offenders that caused Toney to attempt suicide. (See attached witness statements) Valery Brenda Toney (Leon's mother) stated she knew DOC was not involved in the hanging and she believed it was because he was under stress. Brenda also told Detective Gundermann that Rene Matthews had hired a civil attorney by the name of Nathan P. Roberts.

Detective Gundermann attempted on numerous occasions to obtain the medical records regarding Toney's injuries he sustained during the hanging. All requests for the records to Toney's family have been denied and they have been advised by an attorney not to provide them to law enforcement.

Background:

The following information was obtained from Leon Toney's file at McNeil Island;

Leon G. Toney was sentenced to prison on September 28, 1997, for 336 months (28 years). Toney's scheduled release date was in 2024.



For illustration purpose only

On April 15, 1998, Toney asked for individual counseling due to his poor sleeping, emotional struggles, and a childhood incident. Medical reports state Toney was soft spoken and appeared frightened, withdrawn, cowered, and anxious.

On April 25, 1998, Toney went to Psychiatrist John P. Moulton, Ph.D. for a new patient evaluation. Toney told Dr. Moulton he had been receiving mental health services since 1989. Toney stated in the past he was prescribed Doxepin, as well as some other psychotropic medication. Toney recalled Doxepin helped him to sleep at night and to stay calmer during the day. He expressed he would like to be placed back on Doxepin. Toney disclosed he has had chronic depression and it had been worse during his incarceration, but he has not had suicidal thoughts.

May 6, 1998, Toney's medical reports indicate he was depressed.

On October 22, 1998, Toney saw Psychologist Gene Stroobants. Stroobants indicated in the therapy notes, "Toney was palpably depressed and asked for medications to help with his depression and poor sleeping behavior."

On January 3, 2000, Toney's medical reports indicated he had "suicidal ideations".

On January 4, 2000, Toney had an appointment regarding Doxepin to help him sleep.

On January 7, 2000, Toney asked to be placed back on Doxepin to help him sleep.

On March 10, 2000, Toney was seen by Dr. Jon Berner. Dr. Berner stated Toney was on Doxepin for insomnia and depression. Dr. Berner said he is not socializing and suspects other inmates are watching him because he is from California. Toney believed they might harm him if he is not constantly vigilant. Notes indicate they will try Neurontin for his headache, flight of ideas, and paranoia.

On March 22, 2000, Toney complained of fatigue, nausea, and fever. In the notes, it states Toney had suicidal ideations.

On October 26, 2000, Toney reported erratic sleep, was irritable, and not eating regularly. His chart notes indicate Toney has paranoia and isolates himself in his cell.

On October 25, 2001, Toney complained of having difficulty adjusting to prison in Washington. He stated he does not relate to other offenders and is having problems withdrawing from gang affiliation, as other members are trying to lure him back.

Toney, Leon G.

Detective Juli A. Gundermann

08-014694

On July 18, 2008, Toney and Rene were caught inappropriately touching each other in a conference room with her children present. DOC personnel suspended Rene's visitation privileges for 90 days for the incident. Officer McNally later noted since the loss of his visitation rights, Toney has seemed a little down.

Officer Harring noted Toney had mentioned he was tired because he had not been sleeping before the hanging.

On August 4, 2008, Toney attempted to call Rene thirteen times. Call records show the carrier blocked all the calls.

On September 17, 2008, Toney attempted to call Rene two different times and both calls were not accepted. (Detective Gundermann asked Twila Robinson, Leon Toney's ex-girlfriend, what was going on during the two months before Toney attempted suicide. Robinson stated Toney wanted to "get rid" of a false marriage certificate between Rene and Toney. See WSP Case #09-005494.)

On September 18, 2008, at 10:15 a.m., nurse Fish made an entry in Toney's medical file. She stated she did a wellness check and Toney stated he had not slept in two to three days. Toney told her he had "thoughts running through his mind" and they were keeping him awake. She asked if it was due to him being placed in segregation and he stated no. Nurse Fish asked him if he had thoughts of harming himself and he stated he did not. Toney gave Nurse Fish a DOC Health Services Kite asking to see a Mental Health Professional. Nurse Fish asked if he needed to see Mental Health immediately and he stated he did not.

Conclusion:

On September 18, 2008, Leon G. Toney attempted suicide at McNeil Island. DOC personnel found Toney hanging from a bed sheet in his segregation cell and immediately started CPR. Except for the initial allegation made by the Toney family, there is no evidence to implicate DOC personnel in the hanging and all evidence points to an attempted suicide. The video surveillance of his segregation cell clearly shows no one entered or exited the cell between 5:31 a.m. and 11:41 a.m., when he was found hanging. There was also documented evidence to show Toney had suicidal thoughts in the past and suffered from depression.



Washington State Department of Corrections Investigative Report

Case Number: 09-041-08-104

Date Opened: 09/18/2008
Date Closed:

Staff Involved: N/A


Offenders Involved: Toney, Leon G.
DOC Number: 745863
DOB: 09/06/1977
RACE: Black
Height: 6'3
Weight: 194lbs
WA SID: 17695855

Type of Investigation: Attempted Suicide

Origin of Complaint: Emergency Call via Radio

Locations of Occurrences: FB Pod (Segregation)

Dates of Occurrences: September 18, 2008

Investigated By: George Gilbert 

On September 18, 2008 at approximately 0018hrs, Correctional Officer Michael Humphrey was conducting a routine tier check when he (C/O Humphrey) observed what appeared to be offender Luis Perez #763928 talking to himself facing away from the cell door. While standing at the cell door, Officer Humphrey reported hearing a female voice over a speaker. Officer Humphrey stated offender Perez answered back to the female voice which Officer Humphrey then confirmed a conversation was going on between offender Perez and a female on a cellular phone.

Officer Humphrey notified the Shift Lt. (A. Daniels) and informed him of the situation. Additional staff responded to upper B-Unit and once at cell (UB-419) staff could still hear offender Perez talking to a female from outside the cell door. The cell door was opened and offender Perez handed the cellular phone over to Officer Humphrey. A search of offender Perez cell revealed bottle of tattoo ink. No additional cellular phone components were discovered in offender Luis Perez's cell. The items confiscated were taken to Lt. A. Daniels, which he inspected the cellular phone and discovered photos of offender Leon Toney #745863 in his cell naked. Additional nudity photos of females were also discovered. None of the photos appeared to be photos of any staff members at McNeil Island Corrections Center.

Offender Toney's cell (B325) was searched and a cellular phone charger was discovered plugged into an outlet inside offender Toney's cell. Offender Toney was placed in segregation on Administrative Segregation status (AD-Seg) pending an investigation by the facilities Investigations Unit; for allegation of possessing a cellular phone charger which matched the cellular phone confiscated from offender Luis Perez within the facility.

At approx 5:31am on September 18, 2008, offender Toney was placed in cell FB-12 in segregation. At approx. 11:40 am staff entered FB-Pod to start serving lunch and at approx. 11:41am staff discovered offender Toney with a bed sheet around his neck hanging from the TV stand in the cell.

After reviewing the camera footage from F-Unit there is no evidence of any staff misconduct. Staff escorted offender Toney to segregation without any problems. Offender Toney was processed into segregation then escorted to cell FB-12. At no time did I see any misconduct on involving staff nor did I see offender Toney refusing to follow staff directions.

Pierce County Sheriff Department was informed of the attempted suicide involving offender Leon Toney. A copy of the reports and all supporting documents will be forward to Pierce County Sheriff Department for review.

ATTACHMENTS:

- Timeline of movement in FB-Pod from 5:02am to 12:01pm
- Copy of video surveillance cameras in FB-Pod (3 cameras)
- Copy of video surveillance camera of offender Leon Toney entering segregation (3 cameras)
- 8 Photos of FB-12

SUMMARY:

While conducting a routine tier check in B-Unit, Correctional Officer M. Humphrey heard a female's voice coming from offender Luis Perez cell. Officer M. Humphrey then heard offender Luis Perez responding to the voice. Offender Perez was facing away from the cell door and did not see Officer M. Humphrey.

Officer Humphrey reported his finding to the Shift Lt. additional staff responding to B-Unit and confronted offender Perez at his cell, which he was still speaking to the female's voice. Once the officer confronted offender Perez he hung up the cellular phone and handed over the officer. Offender Perez cell was searched and no other cellular phone components were discovered. However, a bottle of tattoo ink found during the search.

The cellular phone was taken to the Shift Lt. which he inspected the cellular phone and discovered photos of offender Leon Toney in his cell naked. Offender Toney's cell was searched and the charger to the cellular phone was discovered plugged into the wall. Offender Toney was placed in segregation pending an investigation by the Investigations Unit for allegation of possessing a cellular phone charger which matched the cellular phone confiscated from offender Luis Perez within the facility.

Offender Toney was escorted to F-Unit (segregation) at approx. 5:02am and was discovered by custody staff passing out lunch tray at approx. 11:41am with a bed sheet around his neck hanging from the TV stand in FB-12.



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

Rec'd 9/30/08
JK

HEALTH SERVICES KITE

PLEASE PRINT

SUBMISSION OF HEALTH SERVICES REQUEST MAY RESULT IN A CO-PAY

LAST NAME TONZ		FIRST NAME LEON	
DOC NUMBER 745803	FACILITY/UNIT/CELL M.I.C.C.	DATE 09-18-08	TIME
JOB/PROGRAM	JOB/PROGRAM HOURS	DAYS OFF	

If you feel you have an actual medical emergency, alert the staff and do not use this form.

TYPE OF REQUEST (check only one box per form)

MEDICAL

DENTAL

OPTOMETRY

MENTAL HEALTH

MEDICATION REFILL (list medication/s or place sticker below)

OTHER: _____

REASON FOR REQUEST (list problem or medications needing refill)

I'VE BEEN UP FOR THREE DAYS STRAIGHT I CAN'T SLEEP
I NEED HELP FOR REAL! PLEASE HELP

OFFENDER SIGNATURE

HEALTH SERVICES RESPONSE/ENCOUNTER

This form must be filed if any information is entered below except for: simple prescription refills, requests for copies/record reviews, finance, non-medical work/bunk change, religious diets, shoes, classification, non-health services issues

Schedule within _____ days/weeks/months Next available sick call No visit required

RESPONDER signature and stamp (all copies)

DATE and TIME

PRESCRIPTIONS MUST BE WRITTEN ON DOC 13-435, PRIMARY ENCOUNTER REPORT (PER)

Distribution: WHITE/YELLOW - Responder, PINK - Offender keeps

Distribution upon completion: WHITE - Health Record, YELLOW - Return to Offender with Response

State law (RCW 70.02; RCW 70.24.105; RCW 71.05.390) and/or federal regulations (42 CFR Part 2; 45 CFR Part 164) prohibit disclosure of this information without the specific written consent of the person to whom it pertains, or as otherwise permitted by law.