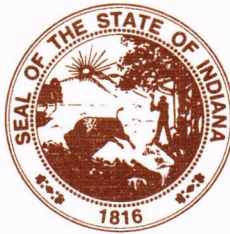


**OFFICE OF THE
PROSECUTING ATTORNEY**

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FINDINGS OF PROSECUTOR REVIEW OF INVESTIGATION
INTO THE DEATH OF SANDRA RAY

This written report serves as the Jennings County Prosecuting Attorney findings regarding the death of Sandra Ray ("hereinafter Ray"), an inmate at the Jennings County Jail.

TIMELINE OF EVENTS

1. That Ray was arrested on suspicion of Operating a vehicle while intoxicated on May 24, 2022, at approximately 4:21 P.M., by a Deputy with the Jennings County Sheriff Office. (See attached incident report)
2. That Ray submitted to a portable Breath Test (PBT) at the scene which results showed a blood alcohol content percentage (BAC) of .267.
3. That Ray was transported to the Jennings County Jail where she submitted to a certified breath test at approximately 5:27 P.M. The certified breath test showed a result of .233 g/210 L. (Alcohol readings are expressed as grams of alcohol per 210 liters of breath)
4. That Ray was remanded to the jail for operating a motor vehicle while intoxicated and operating a motor vehicle while intoxicated with a BAC of .15 or greater at approximately 6:01 P.M.
5. That Ray was placed in cell number 210 in the book-in area. The cell is directly across from the jail desk in the book-in area. She remained in cell number 210 during the entire duration of incarceration.

6. That a Jailer did the medical intake assessment with Ray at 6:13 P.M. wherein it was indicated that she appeared to be under the influence of alcohol. The assessment also indicated that Ray abused alcohol daily by drinking a 5th and will withdraw.
7. That Ray was placed on an alcohol withdraw assessment watch indicated by the purple sign on cell door 210 reading, "ALCOHOL WITHDRAW."
8. That jail officers checked on Ray and noted on the alcohol withdraw and assessment/watch report the following dates and times:
 - A. May 24, 2022, at 6:56 P.M.;
 - B. May 25, 2022, at 1 A.M, and
 - C. May 26, 2022, at 1:30 A.M.
9. That a Jailer entered cell 210 on May 26, 2022, at 7:37 A.M. and found that Ray as non-response and radioed for medical help and started CPR.
10. That EMS arrived at cell 210 at 7:45 A.M. and administered advanced life support (ALS).
11. That ALS was ceased at 7:52 A.M. and the Jennings County Coroner's office was contacted.
12. That the Jennings County Sheriff Office contacted the Indiana State Police advising that there had been an in-custody jail death.
13. That on May 26, 2022, at 9:40 A.M., Indiana State Police Detectives arrive at the Jennings County to begin their investigation.
14. That an autopsy on Ray was done on May 26, 2022, at 10:10 A.M. by pathologist, Thomas J. Sozio, D.O.

15. That the Office of the Jennings County Prosecutor received the completed investigation into the death of Ray from the Indiana State Police.

MEETING WITH INDIANA STATE POLICE INVESTIGATOR

The Jennings County Prosecutor and Indiana State Police investigator met to discuss the investigation of the death of Ray. During the meeting, it was the Indiana State Police investigator's opinion that there was no evidence of an intentionally, knowing, or reckless act by a person that would constitute a crime. The Indiana State Police Investigator explained that Ray was continually observed on video surveillance from the time she was booked into the jail until Ray was removed from the Jennings County Jail. The State Police investigator watched the entirety of the video surveillance and did not observe any act or omission by anyone that interacted with Ray while she was in the custody of the Jennings County Jail that would constitute a crime. Furthermore, the Indiana State Police investigator interviewed all jail personnel that came into contact with Ray while she was in the custody of the Jennings County Jail. Based on those interviews, there was no additional evidence that any person intentionally, knowingly, recklessly committed an act or omission that would constitute a crime.

ANALYSIS OF EVENTS AS POSSIBLE CRIMES

The duty of a prosecuting attorney in any investigation is to determine if a crime has been committed and the applicable criminal statutes that apply. Here, the Jennings County Prosecutor shall determine if the death of Ray is a result of a criminal homicide. If it is determined that there is sufficient evidence that a criminal homicide was committed, then the prosecutor must determine what applicable statutes to apply to the evidence presented. The applicable statutes to consider are the following:

- A. Murder: Murder is defined as a person who knowingly or intentionally kills another human being;
- B. Voluntary Manslaughter: Voluntary Manslaughter is defined as a person who knowingly or intentionally kills a human being while acting under sudden heat;
- C. Involuntary Manslaughter: Involuntary Manslaughter is defined as a person who kills another human being while committing or attempting to commit: (1) a level 5 or Level 6 felony that inherently poses a risk of serious bodily injury; (2) a Class A misdemeanor that inherently poses a risk of serious bodily injury; or (3) a battery.
- D. Reckless Homicide: Reckless Homicide is defined as a person who recklessly kills another human being.

The above statutes' criminal penalty and culpability is lessened from Murder to Reckless Homicide. Depending on what applicable statute applies, the prosecuting attorney shall determine the kind of culpability required for the commission of the offense. The various culpabilities are "Intentionally"; "Knowingly" and "Recklessly". The culpabilities are defined as follows:

- A. A person engages in conduct "Intentionally" if, when he engages in conduct, it is his conscious objective to do so.
- B. A person engages in conduct "knowingly" if, when he engages in the conduct, he is aware of a high probability that he is doing so.
- C. A person engages in conduct "recklessly" if he engages in conduct in plain, conscious, and unjustifiable disregard of harm that might result,

and the disregard involves a substantial deviation from acceptable standards of conduct.

The culpability in a criminal case is very different from civil culpability known as “negligence”. Negligence is a failure to use such care as a reasonably prudent and careful person would use under similar circumstances. Whether there was such a duty in this case and if there is sufficient evidence there was a breach of duty is a matter of civil law and not criminal law.

The Indiana State Police investigation did not recover any evidence that Ray was a victim of homicide. There was no evidence that Ray was intentionally or knowingly killed by another person nor was there evidence of a reckless act.

That the Jennings County Prosecutor watched the video surveillance of Ray during the time she was in the custody of the Jennings County Jail and agrees with the Indiana State Police investigator that no evidence was discovered or observed that would constitute a crime. The investigation summary prepared by Indiana State Police of the jail video is included herein and printed verbatim, except for minor grammatical changes, and redaction of some witness names for privacy purposes.

SUMMARY OF JAIL VIDEO

JCSD Jail video

I was provided a copy of the jail video. The video shows the entirety of inmate Ray's incarceration, from when she was booked in on 5/24/2022 till she left the jail on 5/26/2022. The video will be added to the case file. I have reviewed the video. The following is a summary of the video. Sandra Ray was booked in as an inmate at the JCJ on 5/24/2022 at 6:13 PM. This was as a result of an OWI investigation that stemmed from a traffic stop initiated by JCSD Sheriff Kenny Freeman on the vehicle Sandra Ray was

driving. Sandra Ray was brought into the JCJ at 4:52:16 PM and booked in after completing the chemical test, which she did not pass. Inmate Ray was served dinner on 5/24/2022 at 6:58 PM but, she did not eat it. She appeared to sleep on and off overnight. On 5/25/2022, breakfast was placed on the cell table at 7:36:48 AM. She was awake and appeared to be aware that the breakfast tray was brought in. Inmate Ray did not eat it. A male inmate comes in to remove the breakfast tray at 7:58:38 AM. Inmate Ray appears to be asleep. The video jumps ahead to 7:59:58. The tray is gone. The banana is left on the cell table. Inmate Ray appears to be asleep. Lunch was served at 12:08:04 PM by a male inmate. A member of the jail staff can also be seen. They appear to have verbal interaction with inmate Ray, who had been sleeping on her bunk. The tray was taken away at 12:25:26 by a male inmate. Inmate Ray did not eat anything. She was awake and sitting up in her bunk at the time. Dinner was brought in at 5:47:19 PM. Inmate Ray who had either been standing out of the view of the camera, at the door or out of her cell, brought the tray in and placed it in her cell. Inmate Ray goes to her cell table, makes 2 tacos, sets them on her table and appears to drink some tea or coffee. She takes the rest of the food tray over to the sink and places it down there. She goes back to her bunk and lies down. The tray is taken away by a male jail staff member at 6:08:35 PM. On 5/26/2022 at 1:02:36 AM, Jail Officer enters inmate Ray's cell and speak with her. Inmate Ray is awake. Jail Officer appears to leave the cell at 1:02:53 AM. Inmate Ray appears to sleep after that. At about 3:34:06 AM, inmate Ray rolls on to her back from lying on her left side. As she rolls over, her right arm appears to be stiff, as if it is locked out. Her left foot is pointed. She appears to be taking more rapid, deep breaths. At 3:34:16 AM, inmate Ray curls her right arm in. At 3:34:24 AM, her knees pull up toward her chest. Her right leg then hangs off the side of the bunk. Inmate Ray appears to continue to breath deep. Inmate Rays' breaths start to become shallower and less frequent. At 3:36:05 AM, inmate Ray's right arm starts to fall toward the floor. Also, as she breathes in, her throat can be seen moving and her mouth open. She appears to be having a difficulty breathing. Inmate Ray appears to take her last breath at approximately 3:41:15 AM. At 7:37 AM, a male jail officer

appears in inmate Ray's cell. He walks over to her bunk and touches her on the right arm. Inmate Ray does not respond. He walks out at 7:37:49 AM and returns at 7:38:07 AM. A few seconds later, a female jail officer enters the cell. They both don gloves, check for a pulse. In the video, as she is on the bed, inmate Ray's left arm is bent up at an angle. Her right arm was straight. Her knees were pulled in toward her chest. As they take her from her bunk to the floor, her arms and knees stay fixed in those positions. The officers immediately start CPR. The jail nurse enters at 7:40:16 AM with an AED. CPR is stopped by the male jail officer and the female officer takes over. The Nurse places the AED pads on inmate Ray as cycles of CPR and AED use continue. EMS arrives in the cell at 7:45:51 AM. At 7:46:46 AM, inmate Ray is pulled from her cell to the book-in area. EMS continue to administer ALS until approximately 7:52 AM, when they are directed to cease ALS. Inmate Ray's body is covered with a blanket until it is taken away by the Jennings County Coroner's Office.

When Ray was booked into the Jennings County Jail for Operating a Motor Vehicle While Intoxicated, the Jail staff did the Medical Intake Assessment wherein it is noted on the form that Ray abused alcohol and will withdraw. Policy -J-G-06 for Intoxication and Withdraw states that if a person who tests above .25% BAC on the alcosensor is automatically referred to the local hospital to be cleared before a person is booked into the Jennings County Jail. Here, when Ray was booked into the jail, Ray agreed to take a chemical test. The result was .23% which did not require Ray to be referred to the local hospital to be cleared to be booked into the Jennings County Jail. According to the jail staff that booked her into the jail, the book-in process was normal, and staff noted that they would not have known Ray was intoxicated from her demeanor and that Ray did not exhibit any signs of being impaired. The jail officer that booked Ray in stated that the protocol was to check on Ray twice per day-once in the morning and again in the evening.

Based on the Medical Intake Assessment, jail staff posted a sign on Cell 210 that stated, "Alcohol Withdraw" and the alcohol withdraw assessment/watch which is a form that staff fills out each time an inmate is checked. The form notes various symptoms staff is to monitor such as blood pressure, pulse, and whether the inmate is oriented, disoriented, agitated, tremors of hands or tongue, sweating, hallucinations, and sleeping.

The Alcohol Withdraw Assessment/Watch states on the bottom of staff to monitor inmate every hour for the first four hours. Thereafter, every two hours. The form also reads to call a physician of first sign of tremors or altered level of consciousness.

Ray was checked on three (3) times wherein the form was checked. Ray was checked on May 24, 2022, at 6:56 P.M. it was noted that she was oriented, and she was agitated. Ray was checked again on May 25, 2022, at 1 A.M. and it was noted on the form that she was agitated, tremors, and was sweating. The staff member had a conversation with Ray and Ray stated that she did not feel good. The staff member told Ray that if she has any distress to press the emergency button that Ray had access that is located within cell 210. A physician or nurse was not called after the second check. The third check was on May 26, 2022, at 1:30 A.M. It was noted on the form that Ray was asleep. The staff member did not go through the check list with Ray due to her being asleep.

Staff members interacted with Ray when meals were served and did not note anything unusual except one staff member said that she had not eaten very much. Meals are served three times daily.

The Prosecuting Attorney met with the Jail Commander to discuss the protocol for alcohol withdraw. According to the Major, there was not a nurse on staff when Ray was booked

into the Jennings County jail. He further stated that when a nurse is not on duty, the inmate medical intake assessment should be placed in the nurses' station for review when they come on duty the following day to do a follow up with the inmate. The Jail Commander believes that the inmate medical intake assessment was placed in the nurses' station. The copy of the assessment that the Prosecuting attorney obtained had writing on it indicating that someone had reviewed the assessment, but it was not signed by medical staff/nurse.

The nurse never saw Ray and stated that the only way she would be aware of alcohol protocol inmate unless a staff member would have advised her. However, the nurse indicated that on the morning of May 25, 2022, that she became aware by reviewing the book-in sheet that Ray was on alcohol protocol. The nurse spoke to jail staff after learning of the alcohol protocol on Ray and no one mentioned having concerns about Ray going through alcohol withdraws.

The Jail Commander stated that a doctor or nurse practitioner should have been called about the situation after the book-in process since Ray indicated that she likely would withdraw from alcohol. The Jail Commander also stated that a separate medical protocol should have been completed.

That an autopsy on Ray was done on May 26, 2022, at 10:10 A.M. by pathologist, Thomas J. Sozio, D.O. The pathologist determined that the cause of death was from complications of chronic alcoholism and withdrawal. Ray manner of death was determined to be natural. The investigation summary prepared by Indiana State Police of the autopsy is included herein and printed verbatim, and redaction of some witness names for privacy purposes.

SUMMARY OF AUTOPSY

Toxicology and Autopsy Reports

On 6/10/2022 I received copies of the toxicology and autopsy reports. I have reviewed both reports. They will be added to the case file. The following is a summary of those reports.

Toxicology Report

According to Sandra Ray, she was an alcoholic. In a conversation I had with her Sandra Ray's mother, she told me that Sandra Ray had had a drinking problem since she was 12 years old. Ray's mother also told me that Sandra Ray had been in rehab for alcoholism numerous times. Ray's mother said that Sandra Ray was recently kicked out of rehab in Henryville, In. a couple of weeks prior to her arrest for OWI on 5/24/2022. Ray's mother also told me that Sandra Ray told her that the rehab facility kept her medications. On 5/24/2022 when Sandra Ray was arrested, at 5:27 PM, she gave a chemical test sample of .23% BrAC. An autopsy was conducted on Sandra Ray on 5/26/2022. Sandra Ray died approximately 34 hrs. later. Approximately 5.5 hrs. later, during the autopsy, blood samples were taken for toxicology testing. The toxicology report reveals that at the time of her death, Sandra Ray no longer had alcohol in her system. In her system, several anti-depressant medications were detected but, at very low levels. Those medications are: 1. Citalopram 2. Fluoxetine 3. Norfluoxetine 4. Hydroxyzine.

Autopsy Report

Forensic Pathologist, Dr. Thomas Sozio of Central Indiana Forensic Associates LLC, conducted Sandra Ray's autopsy on 5/26 /2022 at 9:10 AM. Dr. Sozio noted the following: Cause of death: Complications of chronic alcoholism and withdrawal Manner of death: Natural Preliminary Anatomic/Clinical Findings: 1. Evidence of medical intervention and CPR 2. Mild obesity (~160 lbs) 3. Hepatomegaly (liver = 2450 grams) with mild-to-moderate fatty changes 4. Mild hypertension 5. No evidence of injury or bite marks to tongue 6. Pulmonary and cerebral edema 7. Severe gastritis with small upper gastrointestinal bleed 8. History of chronic alcoholism The right and left lungs display a severe amount of black anthracotic pigment present on the pleural surfaces. The liver is enlarged and has a weight of 2450 grams. The stomach contents consist of 20 cc of coffee-ground blood, consistent with a small upper gastrointestinal hemorrhage due to severe gastritis.

PROSECUTOR FINDINGS

The office of the Jennings County Prosecuting Attorney finds that no crimes were committed by employees and/or other inmates of the Jennings County Jail related to the death of Ray and that no criminal charges are warranted.

Respectfully submitted,

Brian J Belding
Prosecuting Attorney
Jennings County