



KEN PAXTON

ATTORNEY GENERAL *of* TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number: 19-974-CJ

Version Type: AMENDED

Report Date: 8/26/2020 11:47
AM

Status: Submitted

Agency/Facility Information

Agency Name: Clay County
Sheriff's Dept.

Agency Address: 215 West Gilbert

Agency City: Henrietta

Agency State: TX

Agency Zip: 76365

Director Information

Director Salutation: Sheriff

Director First Name: Kenneth

Director Middle Name: R

Director Last Name: Lemons

Reporter Name: Kerri Heaton

Reporter Email: kerri.heaton@co.clay.tx.us

Decedent Information

Identity of Deceased

First Name: Scott

Middle Name: Allen

Last Name: Payne

Suffix:

Date of Birth: 10/21/1972

Sex: Male

Race: Anglo or White

Age At Time Of Death: 46

Date/Time of Custody (arrest, incarceration) (mm/dd/yyyy hh:mm AM/PM):

Date/Time of Custody or 7/31/2019 11:35
Incident: PM

Date/Time of Death (mm/dd/yyyy hh:mm AM/PM):

Death Date and Time: 9/28/2019 5:37 AM

Manner / Cause of Death

Has a medical examiner or coroner conducted an evaluation to determine a cause of death?

Medical Examiner/Coroner Yes, results are
Evaluation?: available

What was the manner of death? (select only one)

Manner of Death: Suicide

Medical Cause of Death:

Medical Cause of Death:

Suicide

Had the decedent been receiving treatment for the medical condition that caused the death after admission to your jail's jurisdiction?

Medical Treatment: Not Applicable

If death was an accident, homicide or suicide, who caused the death?

Who caused the death?: Decedent

If a weapon caused the death, what type of weapon caused the death? (Hold CTRL to select all that apply)

Type of weapon that caused death?: Other Weapon, specify:

Other weapon, specify:

Elastic from underwear

Was the cause of death the result of a pre-existing medical condition or did the decedent develop the condition after admission?

Pre existing medical condition?: Not Applicable; cause of death was accidental injury, intoxication, suicide or homicide

If death was an accident, homicide or suicide, what was the means of death?

Means of Death: Hanging, strangulation

Location / Custody Information

Where did the event causing the death occur?

Street Address: 215 W Gilbert

City: Henrietta

County: Clay

Zip: 76365

What location category best describes where the event causing the death occurred?

Location Category: Law Enforcement
Facility

What type of custody/facility was the Decedent in at the time of death:

Type of Custody: County Jail

Specific type of custody/facility:

Specific Type of Custody/Facility:

Jail - multiple occupancy cell

What was the time and date of the deceased's entry into the law enforcement facility where the death occurred (mm/dd/yyyy hh:mm AM/PM):

Entry Date Time: 7/31/2019 11:35
PM

Where did the death occur?

Death Location: Law enforcement
facility/booking
center

General Information

Did any other law enforcement agencies respond to calls for service related to this incident?

Other Agencies Respond?: Yes

What were the most serious offense(s) with which the deceased was (or would have been) charged with at the time of death?

Offense 1:

Fugitive from Justice-Rape of Child and Child Molestation (Grays-Harbor County, Washington)

Offense 2:

Offense 3:

Were the Charges:: Filed

What were the types of charges or reason for contact? (Hold CTRL to select all that apply)

Type of Offense: Crimes Against
Child(ren)

At any time during the incident and/or entry into the law enforcement facility, did the decedent display or use a weapon?

Decedent display/use of
weapons: No

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Attempt to Injure Others?: No

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Appear intoxicated (alcohol or
drugs): Yes

Make suicidal statements?: Yes

Exhibit any mental health
problems?: Yes

Exhibit any medical problems?: No

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Barricade self or initiate standoff?:	No	Resist being handcuffed or arrested?:	No
Physically attempt/assault officer(s):	No	Gain possession of officer's weapon:	No
Verbally threaten other(s) including law:	No	Escape or attempt to escape/flee custody:	No
Attempt gain possession officer's weapon:	No		

Was the deceased under restraint in the time leading up to the death or the events causing the death?

Under Restraint: No

Summary of Incident

Summary of How the Death Occurred: (max. 30,000 characters)

Summary:

On September 28, 2019 at approximately 0519 hours, Clay County Detention Officer Allyson Forbins was issuing breakfast trays to three inmates that were housed in Tank 69, a multiple occupancy cell that can house up to eight inmates. The first inmate at the door was Brandon Everett Rumisek #12566, which was followed by Steven Wayne Lewis #13030. D.O. Forbins called for Inmate Payne to get his tray, in which Inmate Rumisek walked over to Payne's bunk in order to wake him up. Once Rumisek pulled the blanket to the side, he yelled "Payne killed himself". D.O. Forbins made entry and noticed that Payne had a ligature around his neck, and notified dispatch to call for deputies, medics, and an emergency cutting tool. Once Forbins was able to obtain a cutting instrument, she cut the ligature from above Payne's neck which was secured to the bunk above him. Clay County Sheriff's Deputy, Kevin Byrd, was the first responding deputy on scene, where he had advised DO Forbins to move Inmates Rumisek and Lewis to another secured location. Clay County Sheriff's Deputy, Jacob Sisson, assisted Deputy Byrd until he was called out to another call. Clay County Memorial Hospital Ambulance, Medic 1, that consisted of Brandon Davis and Zachary Herndon responded to the jail, where they placed a 3 lead EKG which showed asystole in all three leads, and no resuscitative attempts were made. Clay County Justice of the Peace, John Swenson, was notified and arrived on scene where he announced Payne deceased at 0537 hours. Sheriff Kenny Lemons, Detention Captain/Jail Administrator Kerri Heaton, Patrol Captain/Investigator Donny Johns, and Texas Ranger Matthew Kelly all responded. Inmate Payne was assigned a bottom bunk on the southwest wall next to the television. He had positioned a blanket and towel around his bunk to obscure sight. His head was in the southwest corner of the bunk, where he was partially laying down, his shirt off and pants down past his knees where his genitals were exposed, with both hands clenched with the right fist next to his genitals. It appears that he taken apart his underwear and fashioned it into a loop that was attached to the bunk above him. After Texas Ranger Kelly finished his initial on scene investigation, Wichita Falls Mortuary assumed custody of Payne's body at approximately 0827 hours, where he was transported to The Southwestern Institute of Forensic Sciences at Dallas for an autopsy. There is video footage of inside Tank 69; however, where his bunk was located the

television blocks most of the area. His last documented movement was at 2359 hours on 9/27/19, which appears to be some movement down by the area where his feet were located. During this time and up to breakfast feeding, there were no other inmate movements inside Tank 69. Inmate Rumisek and Lewis were both in their assigned bunks.