



# COMMONWEALTH of VIRGINIA

*Department of Corrections*

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**SUBJECT:** REPORT OF INVESTIGATION – #180213MAR – (FINAL) – Gross negligence on the job that results (or could have resulted) in the escape, death, or serious injury of a ward of the State or the death or serious injury of a State employee

**TO:** A. David Robinson, Chief of Corrections Operations

Roy F. Evans, Jr., Commonwealth's Attorney of Smyth County, Virginia

**LOCATIONS OF OCCURRENCE:** Marion Correctional Treatment Center (MAR)

**DATE/TIME OF OCCURRENCE:** April 24, 2018 / 17:26 hours – 17:40 hours

**DATE/TIME REPORTED:** April 26, 2018 / 14:15 hours

**INVESTIGATED BY:** Johnny R. Acosta, Master Special Agent

**SUBJECT:** 1. Thrasher, Steven Chad; Offender, #1289090; xxx-xx-0309; 1980; Male; White; MAR; Malicious Wounding (Virginia Code § 18.2-51).

2. Pickle, Johnny Dwayne; Corrections Officer; #6647285; xxx-xx-4076; 1978; Male; White; MAR; Gross negligence on the job that results (or could have resulted) in the escape, death, or serious injury of a ward of the State or the death or serious injury of a State employee (Operating Procedure 135.1.V.D.o).

**VICTIM:** 1. Givens, Charles James; Offender, #1440676; xxx-xx-8816; 1969; Male; White; MAR; Gross negligence on the job that results (or could have resulted) in the escape, death, or serious injury of a ward of the State or the death or serious injury of a State employee (Operating Procedure 135.1.V.D.o); Malicious Wounding (Virginia Code § 18.2-51).

**BASIS FOR INVESTIGATION:** On April 26, 2018, the Special Investigations Unit received notification from the Marion Correctional Treatment Center that Offender Steven C. Thrasher, #1289090 had reportedly sprayed hot water on Offender Charles J. Givens, #1440676 inside the Wing 1B shower room. The referral information indicated that Givens sustained first and second-degree burns to his scalp, abdomen, buttocks, right hand, thighs, penis, and scrotum.

**SYNOPSIS:** On April 24, 2018, Corrections Officer Johnny D. Pickle escorted Offender Charles J. Givens, #1440676 from his cell in Wing 1B to the shower room. According to Pickle, Givens had fecal material on his upper thighs, lower belly, buttocks, and groin area. Givens was a patient at the facility and known to have issues with his personal hygiene. Pickle stated that he sprayed Givens with a shower wand to help remove the fecal material. Pickle acknowledged that he did not check the water temperature while Givens was inside the shower stall, but he did attempt to regulate the water temperature for him. Pickle stated that Givens would turn off the cold water and then remark that the water was getting hot. Givens reportedly turned off the cold water two or three times while Pickle was supervising the shower room. Pickle stated that at some point, he gave the shower wand to Offender Steven C. Thrasher, #1289090 because Pickle's eyeglasses were fogging up from the steam. Thrasher was part of the offender workforce at the facility and assigned janitorial duties in Wing 1B. Although Pickle denied seeing Thrasher spray Givens with water, Givens accused Thrasher of spraying him with a water hose and holding him underneath the showerhead. Thrasher denied the allegations. Givens sustained first and second-degree burns to his scalp, abdomen, buttocks, right hand, thighs, penis, and scrotum during the shower. The surveillance footage showed that Pickle left Thrasher and Givens inside the shower room without any staff supervision for approximately two minutes while he conducted rounds in Wing 1B.

**1. INTERVIEW WITH VICTIM:**

1.1 **Offender Charles J. Givens, #1440676:** On May 14, 2018, Master Special Agent Johnny R. Acosta conducted an audio-recorded interview with Givens at the Marion Correctional Treatment Center. Givens stated that an offender (Thrasher) held him under the showerhead and sprayed him with hot water while a corrections officer (Pickle) was present.

**2. INTERVIEWS WITH SUBJECTS:**

2.1 **Corrections Officer Johnny D. Pickle:** On April 26, 2018, Intelligence Officer George H. Berry collected a handwritten statement from Corrections Officer Pickle at the Marion Correctional Treatment Center. Pickle wrote in the statement that he sprayed Givens with a shower wand to wash away fecal material on his upper thighs, lower belly, buttocks, and groin on April 24, 2018. According to Pickle, he handed the shower wand to Thrasher while Pickle cleaned his eyeglasses from the steam in the shower room. Pickle also wrote that he had to adjust the water temperature several times because Givens "kept saying" the water was too hot. (Exhibit A)

**Johnny D. Pickle:** On May 14, 2018, Master Special Agent Acosta conducted an audio-recorded interview with Pickle at the Marion Correctional Treatment Center following advisement of his Miranda rights. Pickle stated that he sprayed Givens with a shower wand while Givens was inside the shower in Wing 1B. Pickle added that Givens had fresh fecal material on his "backside". Pickle acknowledged that he never checked the water temperature with his hand while Givens was showering that day. Pickle stated that his eyeglasses fogged up



from the steam in the shower room, and he handed the shower wand to Thrasher while he cleaned his eyeglasses. Pickle added that after he got the shower wand back from Thrasher, he continued to spray Givens.

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Pickle stated that Givens told him that while he was showering himself that the water was getting too hot and Pickle adjusted the water temperature. According to Pickle, Givens would then turn off the cold water and then complain again that the water temperature was getting hot. Pickle stated that he would then adjust the water temperature until Givens was comfortable. Pickle added that he left the shower room while Thrasher and Givens were inside the shower room to conduct rounds in Wing 1B. When he returned to the shower room, Pickle stated that Givens told him that he was finished showering and Pickle escorted Givens back to his cell. Pickle added that he never saw Thrasher spray Givens with water. (Exhibit A)

2.2 **Offender Steven C. Thrasher, #1289090:** On May 14, 2018, Master Special Agent Acosta conducted an audio-recorded interview with Thrasher at the Marion Correctional Treatment Center following advisement of his Miranda rights. Thrasher stated that he was working on laundry inside the shower room while Givens was showering that day. Thrasher added that he did not know how Givens was injured, but he remembered that the water temperature was hot. Thrasher stated that Corrections Officer Pickle was present inside the shower room while he was working on laundry and Givens was showering. Thrasher denied that Pickle handed him a hose (shower wand) or that he sprayed Givens with water. (Exhibit B)

### 3. OTHER INTERVIEWS:

3.1 **Intelligence Officer George H. Berry:** On April 25, 2018, Intelligence Officer Berry submitted an Incident Report regarding Givens statements about Thrasher. (Exhibit C)

**George H. Berry:** On April 27, 2018, Berry filed an "Information Report" reflecting his investigative activity during this investigation. (Exhibit C)

**George H. Berry:** On May 14, 2018, Master Special Agent Acosta conducted an audio-recorded interview with Berry at the Marion Correctional Treatment Center. Berry stated that he received notification from the Medical Department of Givens' injuries and he responded to Wing 1B. Berry added that he was told that Givens had burns to his genitals, and Registered Nurse Daniel K. Roland took photographs of his injuries. According to Berry, Givens told him that another offender (Thrasher) burned him in the shower while correctional staff were present. Berry stated that he identified Corrections Officers Pickle and Traci D. Adkins inside Wing 1B from the surveillance video and he interviewed them. Berry added that the surveillance video also showed Givens and Thrasher alone in the shower room. Berry stated that he collected Givens' medical records from the Medical Department and the Smyth County Community Hospital.

3.2 **Corrections Officer Traci D. Adkins:** On April 26, 2018, Intelligence Officer Berry collected a handwritten statement from Corrections Officer Adkins at the Marion

Correctional Treatment Center. Adkins wrote in the statement that she observed Givens walk from the shower room to his cell on April 24, 2018, but she did not supervise his shower. (Exhibit D)

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**Traci D. Adkins:** On May 21, 2018, Master Special Agent Acosta conducted an audio-recorded interview with Adkins at the Marion Correctional Treatment Center. Adkins stated that she and Corrections Officer Pickle escorted Givens to the shower room from his cell. Adkins added that when Pickle entered the shower room with Givens, she returned to her normal duties in the housing unit. Adkins stated that Thrasher was also inside the shower room with Pickle and Givens. Adkins denied hearing anyone scream from the shower room. Adkins stated that after Givens finished showering, she and Pickle escorted him back to his cell.

3.3 **Buildings and Grounds Superintendent Christopher L. Hash:** On April 25, 2018, Buildings and Grounds Superintendent Christopher L. Hash sent an electronic message to Intelligence Officer Berry reflecting that he checked the water temperature on Wing 1B and the temperature never got above 120 degrees. (Exhibit E)

**Christopher L. Hash:** On May 21, 2018, Master Special Agent Acosta conducted an audio-recorded interview with Hash at the Marion Correctional Treatment Center. Hash stated that he checked the water temperature leaving the boiler room on April 25, 2018 and the temperature was approximately 150 degrees and the return water temperature was 120 degrees. Hash also stated that he checked the water temperature inside the shower room on Wing 1B, and the water temperature was 120 degrees.

3.4 **Buildings and Grounds Supervisor Daniel W. Roland:** On May 10, 2018, Buildings and Grounds Supervisor Daniel W. Roland sent an electronic message to Intelligence Officer Berry reflecting that he checked the water temperature on Wing 1B on April 26, 2018 and the temperature was approximately 113 degrees. (Exhibit F)

**Daniel W. Roland:** On May 21, 2018, Master Special Agent Acosta conducted an audio-recorded interview with Roland at the Marion Correctional Treatment Center. Roland stated that when he checked the water temperature in the boiler room, the temperature was approximately 126 degrees. Roland added that the normal range for the water temperature leaving the boiler room is approximately 125 degrees to 130 degrees.

3.5 **Offender Mark A. Graham, #1084560:** On May 14, 2018, Offender Mark A. Graham, #1084560 wrote a letter to the prison administration reflecting that Thrasher told him that there were no witnesses to him burning Givens. Graham also stated that Thrasher told him that he and Corrections Officer Pickle were covering for each other. (Exhibit G)

**Mark A. Graham:** On May 22, 2018, Master Special Agent Acosta conducted an audio-recorded interview with Graham at the Marion Correctional Treatment Center. Graham



stated that while he was in the recreation cage, Thrasher told him that he did not believe that the water temperature was as hot as it was that day. Thrasher then allegedly stated to Graham that the investigators did not have any witnesses other than Givens. Thrasher then denied to Graham that he sprayed Givens' lower body and genitals, but he did not say whether he sprayed his head or not.

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#### 4. INVESTIGATIVE TIMELINE:

4.1 Referenced in this report section is an investigative timeline for the Wing 1B shower room on April 24, 2018. The timeline was created from the surveillance camera footage.

*At t approximately 17:26 hours and fifty-four seconds, Givens enters the Wing 1B shower room with Corrections Officer Pickle and Thrasher. Shortly thereafter, an uninvolved, third offender exits the shower room door, leaving Givens, Pickle, and Thrasher alone in the shower room.*

*At approximately 17:27 hours and fifty-five seconds, Thrasher exits the shower room.*

*At approximately 17:28 hours and fifty-two seconds, Pickle exits the shower room and Thrasher re-enters the shower room.*

*At approximately 17:29 hours and forty-four seconds, Thrasher steps out of the shower room door, looks down the hallway, and then re-enters the shower room.*

*At approximately 17:30 hours and fifty-four seconds, Pickle re-enters the shower room.*

*At approximately 17:37 hours and eleven seconds, Thrasher exits the shower room as Pickle stands by the shower door and both subjects look down the hallway.*

*At approximately 17:37 hours and twenty-two seconds, Thrasher re-enters the shower room.*

*At approximately 17:37 hours and thirty two seconds, Corrections Officer Adkins enters the shower room.*

*At approximately 17:37 hours and forty-four seconds, Pickle and Thrasher exits the shower room.*

*At approximately 17:38 hours and forty-one seconds, Thrasher re-enters the shower room as Pickle and Atkins stand next to the shower room door. Atkins then exits the shower room, and Pickles re-enters the shower room.*

*At approximately 17:39 hours and fifty-six seconds, Thrasher exits the shower room.*

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*At approximately 17:40 hours and one second, Givens and Pickle exits the shower room.*

**AGENT'S NOTE:** The surveillance video referenced in this report section is available for review upon request to the Special Investigations Unit.

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**5. PHOTOGRAPHIC EVIDENCE:**

5.1 Enclosed with this report exhibit are photographs that were taken of Givens by Registered Nurse Daniel K. Roland on April 25, 2018. (Exhibit H)

**6. MEDICAL RECORDS:**

6.1 Enclosed with this report exhibit are Givens' medical records from the Marion Correctional Treatment Center and the Smyth County Community Hospital. (Exhibit I)

**7. APPLICABLE DEPARTMENTAL POLICY AND PROCEDURE:**

7.1 Gross negligence on the job that results (or could have resulted) in the escape, death, or serious injury of a ward of the State or the death or serious injury of a State employee (Operating Procedure 135.1.V.D.o): "These offenses include acts and behavior of such a serious nature that a first occurrence normally should warrant termination. *Group III* offenses include, but are not limited to: Gross negligence on the job that results (or could have resulted) in the escape, death, or serious injury of a ward of the State or the death or serious injury of a State employee..."

**8. APPLICABLE VIRGINIA CRIMINAL CODE:**

8.1 Malicious Wounding (Virginia Code § 18.2-51): If any person maliciously shoot, stab, cut, or wound any person or by any means cause him bodily injury, with the intent to maim, disfigure, disable, or kill, he shall, except where it is otherwise provided, be guilty of a Class 3 felony. If such act be done unlawfully but not maliciously, with the intent aforesaid, the offender shall be guilty of a Class 6 felony.