

Grand Jury Responds To Inmate's Death At Riverbend

By Marcus Washington

NASHVILLE, Tenn. - The autopsy report lists homicide as Charles Toll's cause of death, but a Davidson County Grand Jury has cleared guards at Riverbend Maximum Security Installation of any criminal wrongdoing.



The video of an inmate forcibly taken from their cell, or an extraction, can look crude, painful and rough, but according to the Tennessee Department of Correction, it follows procedure.

Inmate Charles James Frank Toll died during an extraction in 2010.

"According to the medical examiner, he was asphyxiated by the guards holding him down," said Toll's family attorney, David Raybin. "That's what the medical examiner ruled."

The Davidson County Grand Jury has made a ruling of its own. They do agree what happened at Riverbend caused 33-year-old Toll's death, but there is no probable cause for criminal charges. The Grand Jury did have several recommendations.



"I have seen a lot of Grand Jury reports and this one is very good," said Raybin.

Raybin is leading a civil suit against the correctional officers involved. He said the recommendations of: more extraction training, improving video quality and recording training, have medical checks before extraction, a place to check inmates moments after the extraction and review of current extraction policy, are right on point.

"We certainly agree that the Grand Jury's recommendations and review were right on target and were 100 percent correct," said Raybin.

Raybin said he doesn't think anyone tried to kill Toll, but there is no doubt in his mind Toll's civil rights were violated.

"You can have a situation where someone is killed in a car wreck, for example, and there is a lawsuit, but no criminal charges filed as a result of it, and we see a lot of it. That's sort of what we have here in this particular case," explained Raybin. "They went on for several pages outlining in great detail things need to be changed out there so somebody else does not die as a result of this."

In response to the Grand Jury Report, TDOC said, "The Department of Correction is pleased with the Grand Jury's decision. Their view is consistent with our investigation and conclusion that our officers acted properly. We appreciate and will review the grand jury's recommendations. While Mr. Toll's death was certainly unfortunate, the bottom line is, our officers followed policy."

Toll's mother's civil suit against many officers involved in the extraction is ongoing. Documents are being exchanged and depositions are being taken from those officers.