

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 18-16163**



FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
INVESTIGATIVE ASSIST SUMMARY REPORT



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Case Number: 18-16163

OIG Inspector: Senior Inspector Chip Potter

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Terrance Tyler

Date Assigned or Initiated: 09/13/2019

Complaint Against: Inmate Michael Hernandez DC# P31867

Location of Incident – Institution/Facility/Office: Columbia Correctional Institution

Complainant: Officer Miguel Del Valle

Outside Agency Case #: TL-37-0094

Use of Force Number: None

PREA Number: N/A

Classification of Incident: Homicide

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Chief Inspector General Case Number: None



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I. AUTHORITY

The Florida Department of Corrections, Office of the Inspector General, by designation of the Secretary and § 944.31, Florida Statutes, is authorized to conduct any criminal investigation that occurs on property owned or leased by the department or involves matters over which the department has jurisdiction.

The testimony references included in this report are summations of oral or written statements provided to inspectors. Statements contained herein do not necessarily represent complete or certified transcribed testimony, except as noted. Unless specifically indicated otherwise, all interviews with witnesses, complainants, and subjects were audio or video recorded.

II. METHODOLOGY

The investigation reviewed the derivations of the allegation advanced by the complainant. The scope of this investigation does not seek to specifically address tort(s), but violations of criminal statutes. The criterion used to evaluate each contention or allegation was limited to the following standard of analysis:

1. Did the subject's action or behavior violate Florida criminal statutes?

III. ANALYSIS

The standard and analysis in this investigation is predicated with the burden of proving any violation of law, established by probable cause. The evidence considered for analysis is confined to the facts and allegations stated or reasonably implied. The actions or behavior of the subject are presumed to be lawful and in compliance with the applicable Florida law, unless probable cause indicates the contrary.



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IV. DEFINITIONS

Unfounded:

Refers to a disposition of a criminal case for which probable cause does not exist to suggest the suspect's behavior or action occurred nor is an arrest or formal charge being initiated.

Closed by Arrest:

Refers to a disposition of a criminal case for which probable cause exists that an identified subject committed the offense and one for which an arrest or formal prosecution has been initiated.

Exceptionally Cleared:

Refers to a disposition of a criminal case for which probable cause exists that an identified suspect committed the offense, but one for which an arrest or formal charge is not initiated, or in the case of a death investigation, one for which no evidence exists that the death was the result of a crime or neglect.

Open-Inactive:

Refers to a disposition of a criminal case for which a criminal investigation commenced, but where evidence is insufficient to close as unfounded, closed by arrest, or exceptionally cleared.

Investigative Assist Closed

Refers to a disposition of an investigative assist, where the conduct being investigated by the outside agency did not concern allegations against a Department employee, contractor, inmate, offender, or other person either employed or under the supervision of the Department.



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V. PREDICATE

On September 13, 2018, while housed at Columbia Correctional Institution (CCI), Inmate Larry Mark (Inmate Mark) DC# 083426 was involved in an altercation with Inmate Michael Hernandez (Inmate Hernandez) DC# P31867. Inmate Mark [REDACTED] unit where he was pronounced deceased [REDACTED], at CCI.

On September 13, 2018, due to the resignation of Inspector Santerfeit, this case was reassigned to Lead Senior Inspector Chip Potter, on March 05, 2019.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

Based on the exhibits, witnesses' testimony, subject officer's statements, and the record as a whole, presented or available to the primary inspector, the following findings of facts were determined:

On September 13, 2018, after being notified of the death of Inmate Mark, Inspector Santerfeit is assumed to have responded (*no notes forwarded to this writer*) in accordance with Office of Inspector General (OIG) policy. Per the Memorandum of Understanding between the OIG and Florida Department of Law Enforcement (FDLE) Special Agent Terrance Tyler (SA Tyler) responded to the scene and took lead on the death investigation.

SA Tyler provided Inspector Santerfeit with an Investigative Demand Form (*attached*) to obtain records and videos involving this case. Inspector Santerfeit provided the attached forms and information requested to SA Tyler.

The crime scene was processed and the remain of Inmate Mark, were arranged to be transported to the Medical Examiner's Office.

On March 05, 2019, I submitted an email to SA Tyler requesting a status update on his case, and advise if he needed any further assistance from the OIG, this writer would be his contact. SA Tyler advised, via email attached, he no longer requires assistance from the OIG, and as soon as his final report (TL-37-0094) is approved he will forward me a copy for my records.

Note: Video evidence provided to SA Tyler are too large to attach to this report; therefore, after this case they will be submitted to be maintained in this case file.

On February 18, 2019, SA Tyler received the autopsy report for inmate Larry Mark from the Jacksonville Medical Examiner's Office. The report listed the cause of inmate Mark's death as [REDACTED] The manner of death was determined to be Homicide. (FDLE Report, and Autopsy report attached)

VII. CHARGES

List alleged violations of Florida Law:

N/A



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VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Agent Terrance Tyler based on the Medical Examiners findings, Inmate Mark's death be classified a Homicide.

1. Agency assist Closed

After further review of FDLE Agent Tyler's investigation, there were no administrative violations noted.