Florida Department of Corrections

Office of the Inspector General

CRIMINAL INVESTIGATION
Case # 13-3298

Table of Contents

FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
CASE SUMMARY REPORT

Case Number: 13-3298

Inspector: Inspector Christopher Hancock

Date Assigned or Initiated: April 3, 2013

Complaint Against: N/A

Complainant: Officer Timothy Yates

Use of Force Number: NA

Charges: N/A

Confidential Medical Information Included: _X_ Yes   ___ No

Whistle-Blower Investigation: ___ Yes   _X_ No

Chief Inspector General Case Number: NA

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.

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 did not occur 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.

V.

FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL
CASE SUMMARY REPORT

PREDICATE

On March 31, 2013, Officer Timothy Yates was assigned as a recreational security officer at Suwannee Correctional Institution (*SWCI*), and observed Inmate Richard Eller DC#C06572 fall onto the sidewalk. While on the sidewalk, Inmate Eller was ██████████████████████ ███████████████ was contacted █████████████████████████████. Inmate Eller was subsequently pronounced deceased ██████████████████

This incident was reported to the Office of Inspector General on April 1, 2013, via MINS and subsequently assigned to Inspector Christopher Hancock for Criminal investigation on April 3, 2013.

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:

Officer Timothy Yates was on the recreation yard when he heard someone yell something and observed Inmate Richard Eller falling to the sidewalk. When inmate Eller hit the sidewalk, there was a very loud "thud" like sound. There were no inmates within fifteen to twenty feet of Inmate Eller. Officer Yates responded and observed Inmate Eller ████████████████████████████████████
Officer Yates called for assistance via radio.

Sergeant Valorie Hoffman, Officer David Alford, and Officer Thomas Wainwright responded to the call for assistance. Officer Alford and Officer Wainwright relieved Inmate Michael Lott ██████████████████ Sergeant Hoffman ordered Officer Yates to █████████████████████ Officer Alford, Officer Wainwright and inmates ███████████████████████████

Inmates Lott, David Carmichael, Joseph Weese, and Michael Roddenberry all testified they heard a loud sound such as a "thud" when Inmate Eller's head hit the concrete sidewalk. Inmate Lott and Inmate Roddenberry assisted ██████████████████████

Kevin Collins observed Inmate Eller laying on the sidewalk ████████████████████████ ████████████

Photographs were taken of Inmate Eller's body prior to being release to the Medical Examiner's Office. These photographs depict ██ ████████████████ Photographs were also taken during the autopsy of Inmate Eller. These photographs depict ██████████████████████████

In the Department of Medical Examiner District Four report, Dr. Giles determined Inmate Eller's manner of death was an accident. Inmate Eller's death was ████████████████████████████████ ██

VII. CHARGES

List alleged violations of Florida Law:

NA

VIII. CONCLUSION

Based on the information gathered during this investigation, it is the recommendation of Inspector Christopher Hancock, this investigation be termed as follows:

1. Exceptionally Cleared