

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 16-06519**



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



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Case Number: 16-06519

OIG Inspector: Inspector LaQuietta Thompson

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Aron Smith

Date Assigned or Initiated: 03/28/2016

Complaint Against: N/A

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

Complainant: State of Florida

Outside Agency Case #: OR-37-0041

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Natural Death

Confidential Medical Information Included: Yes No

Whistle-Blower Investigation: Yes No

Chief Inspector General Case Number: N/A



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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 or about March 27, 2016, the Office of Inspector General received a report from Martin Correctional Institution (MCI) via the Management Information Notification System (MINS). According to MINS 687974, Inmate Pedro Hernandez was pronounced deceased on March 27, 2016, while housed at MCI [REDACTED]. Florida Department of Law Enforcement responded and initiated a criminal investigation in case# OR-37-0041. This Inspector General assist case was assigned to Inspector Nelson Rios on March 28, 2016. This assist was reassigned to Inspector LaQuietta Thompson on January 4, 2018.

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 March 27, 2017, Officer Courtney Dean was assigned to Martin Correctional Institution. At approximately 0820 hours, an unknown inmate came to the sallyport and reported that an inmate inside of A4112, [REDACTED]. Officer Dean notified [REDACTED] and at approximately 0830 hours, [REDACTED] arrived with Sergeant Julia Gomez to attend to Inmate Pedro Hernandez DC# 199977, [REDACTED]. [REDACTED] Inmate Hernandez [REDACTED], and at approximately 0908 hours, [REDACTED] pronounced Inmate Hernandez deceased.

Notifications were made in accordance with policy. Inspector Nelson Rios responded and according to his Information Brief, he viewed Inmate Hernandez's body and [REDACTED]. Martin County Sherriff's Office responded as well as FDLE SA Aron Smith. SA Smith initiated a criminal investigation and assumed duties as the lead investigator. The details of SA Smith's investigation are summarized as follows:

"On Sunday, March 27, 2016, the Fort Pierce Field Office of the Florida Department of Law Enforcement (FDLE) was requested by the Florida Department of Corrections (DOC) to respond to Martin Correctional Institution (MCI), Martin County, Florida, to investigate the in-custody death of inmate Pedro Hernandez (DC#19997). Inmate Hernandez was found [REDACTED] by his cell mate, inmate Victor Moore (DC#137400), and was transported [REDACTED]. [REDACTED] inmate Hernandez, he was pronounced deceased at 0908 hours [REDACTED]."

Inmate Hernandez [REDACTED] by his cell mate, inmate Victor Moore (DC#137400), and was transported [REDACTED]. Despite [REDACTED] inmate Hernandez, he was pronounced deceased at 0908 hours [REDACTED]. [REDACTED] Inmate Hernandez was assigned to cell 4122, which was located in the A Dorm. Inmate Hernandez was assigned the lower bunk and inmate Moore had the top. Cell 4122 was where inmate Hernandez [REDACTED] began and where he was transported from prior to arriving [REDACTED].



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According to his cell mate, inmate Moore, he last talked to Inmate Hernandez on March 26, 2016, at approximately 2000 hours, when they stopped playing cards. Inmate Moore stated inmate Hernandez went to sleep right after playing cards and inmate Moore stayed up until approximately 0100 hours. Inmate Moore advised he could hear inmate Hernandez snoring throughout the night. Inmate Moore stated he awoke at 0330 hours to obtain his food from the "CFO". Inmate Moore stated that he returned from the CFO at approximately 0400 hours and he saw inmate Hernandez sitting up in the bunk and blowing his nose.

Inmate Moore said he place his bag of food on his bunk, and left the cell to watch television. Inmate Moore advised he watched television until the 0700 inmate check. After the correctional staff completed the inmate check he returned to the cell to utilize the toilet. Inmate Moore stated he tapped inmate Hernandez on the foot to get his attention, to let him know he needed to defecate. When Hernandez did not respond to the tap, he looked closer at inmate Hernandez's foot and noticed [REDACTED]. Inmate Moore stated he left the cell to get help. Inmate Moore [REDACTED].

Nineteenth Judicial District Chief Medical Examiner Dr. Roger E. Mittleman conducted the autopsy on Inmate Hernandez. Dr. Mittleman reported findings for the cause of death to be [REDACTED]. Dr. Mittleman documented the manner of death as natural in case number ME16-19-257.

[REDACTED] of inmate Hernandez that would lead investigators or the medical examiner to believe that Inmate Hernandez died as a result of any other reason than of natural causes.

On March 26, 2016, inmate Pedro Hernandez (DOC# 19997) died of natural causes while incarcerated in the Martin Correctional Institution. This case is closed."

The full investigative report has been uploaded to the database for review.

VII. CHARGES

List alleged violations of Florida Law:

1. No Violation

VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Agent Aron Smith this investigation be termed as follows:

1. Exceptionally Cleared

Inspector Thompson reviewed the investigation completed by FDLE, and administrative issues were not identified.



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