

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 18-08869**



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



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Case Number: 18-08869

OIG Inspector: Inspector Chris McGauley

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Terrance Tyler

Date Assigned or Initiated: 05/18/2018

Complaint Against: Inmate Robert Craft

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

Complainant: Captain Michael Kelly

Outside Agency Case #: TL-37-0080

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Homicide

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 May 16, 2018, at approximately 7:07 pm, Inspector Chris McGauley (*Inspector McGauley*) was contacted by Inspector Supervisor Yolanda Brown (*Inspector Supervisor Brown*) and advised Inmate Darren Shira (*Inmate Shira*) DC#D38524 currently housed at Columbia Correctional Institution Annex (CCI-A) was pronounced deceased as a result of a homicide.

Florida Department of Law Enforcement (FDLE) Special Agent Tip Tyler (*SA Tyler*) and Inspector McGauley responded to CCI-A in reference to the death. SA Tyler advised he would be taking the lead in the investigation. Inspector McGauley was assigned the Investigative Assist on May 18, 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 May 16, 2018, at approximately 7:07 pm, Inspector Chris McGauley (*Inspector McGauley*) was contacted by Inspector Supervisor Yolanda Brown (*Inspector Supervisor Brown*) and advised Inmate Darren Shira (*Inmate Shira*) DC#D38524 currently housed at Columbia Correctional Institution Annex (CCI-A) was pronounced deceased as a result of a homicide.

Florida Department of Law Enforcement (FDLE) Special Agent Tip Tyler (*SA Tyler*) and Inspector McGauley responded to CCI-A in reference to the death. SA Tyler advised he would be taking the lead in the investigation. Inspector McGauley was assigned the Investigative Assist on May 18, 2018.

Upon response to the institution to begin the investigation SA Tyler assumed the lead in the investigation, and provided Inspector McGauley with an Investigative Demand Form (*attached*) for all documentation and video related to the inmate's death. Inspector McGauley obtained and provided SA Tyler with the following items:

1. Incident Report written by Captain Michael Kelly (*Captain Kelly*) Incident Report.
2. Autopsy Report from the Medical Examiner signed by Dr. Peter Gillespie, documenting the immediate cause of death [REDACTED]
3. A DVD containing fixed wing video from [REDACTED]-Dormitory.
4. [REDACTED] concerning Inmate Shira and Inmate Robert Craft (*Inmate Craft*) DC# C00181.

On March 25, 2019, I contacted SA Tyler via phone requesting an update as to his progress, and to offer additional assistance if needed. He indicated he had completed his case and had submitted his reports for approval. When his reports are approved by his supervisor, he will send me a copy with the results.

On March 27, 2019, SA Tyler provided me copies of his final report (*attached*) via email (*attached*), and advised there would be no further assistance needed from the OIG.



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FDLE's case conclusion is the Death of Inmate Shira was classified as a Homicide.

VII. CHARGES

List alleged violations of Florida Law:

1. Violation of § 782.04(1)(a) Florida Statutes, Murder

§ 782.04(1)(a) Florida Statute, The unlawful killing of a human being:

VIII. CONCLUSION

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Agent Terrance Tyler the death of Inmate Shira be classified a **Homicide**:

1. Investigative assist closed

Inspector Chris McGauley reviewed the investigation completed by FDLE, and no administrative issues were identified.