

# Florida Department of Corrections



## Office of the Inspector General

**CRIMINAL INVESTIGATION  
INVESTIGATIVE ASSIST  
CASE # 16-19144**



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



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**Case Number:** 16-19144

**OIG Inspector:** Inspector Ken Futch

**Outside Agency:** Florida Department of Law Enforcement

**Outside Agency Investigator:** Special Agent Dyana Chase

**Date Assigned or Initiated:** 01-15-2015

**Complaint Against:** Inmate Manuel Herbert #M32571

**Location of Incident – Institution/Facility/Office:** Jackson Correctional Institution

**Complainant:** Inmate Richard Harper #N03208 (Deceased)

**Outside Agency Case #:** PE-37-0054

**Use of Force Number:** N/A

**PREA Number:** N/A

**Classification of Incident:** Death Investigation

**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 October 13, 2016, the Department of Corrections, Office of the Inspector General received notification Inmate Richard Harper #N03208, due to unknown causes, became deceased in the confinement unit at Jackson Correctional Institution. The Florida Department of Law Enforcement (“FDLE”) was notified, and initiated a criminal investigation in FDLE case # PE-37-0054. On October 18, 2016, Inspector Ken Futch was assigned investigative assist # 16-19144 to assist FDLE in their investigation.

**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 October 13, 2016, Inmates Richard Harper and Manuel Herbert shared an administrative confinement cell (Y1-107) when Captain Abner Bowen witnessed Inmate Herbert physically restraining Inmate Harper in their shared cell. Captain Bowen instructed Inmate Herbert to step to the back of the cell which prompted Inmate Herbert to state Inmate Harper would try to hit him (Inmate Herbert) if Inmate Harper was let go. Inmate Herbert stepped back as Inmate Harper [REDACTED] and was helped to his feet by Inmate Herbert. Inmate Harper was escorted to the [REDACTED] found Inmate Harper [REDACTED]. Subsequently [REDACTED] was retrieved and Inmate Harper [REDACTED]. Captain Bowen requested additional assistance [REDACTED] and Inmate Harper [REDACTED] pronounced Inmate Harper deceased at 6:40 a.m.

On October 13, 2016, the Florida Department of Law Enforcement (FDLE) responded to Jackson Correctional Institution where Special Agent Dyana Chase was assigned to the investigation. On October 14, 2016, an autopsy was performed by District Fourteen Medical Examiner, Doctor Jay Radtke where Inmate Harper’s death [REDACTED]. Also listed as a contributing factor [REDACTED]. Doctor Radtke listed the manner of death, accidental.

Special Agent Chase presented the investigative summary to Assistant State Attorney Michelle Daffin for review where it was determined probable cause did not exist to file criminal charges against Inmate Herbert.

**VII. CHARGES**

There were no criminal charges in this case, Doctor Radtke ruled Inmate Harper’s death as accidental [REDACTED].

**VIII. CONCLUSION**

Based on the information gathered during FDLE Special Agent Dyana Chase’s investigation, it is the recommendation of Inspector Ken Futch the death of Inmate Harper be termed as follows:

- Exceptionally Cleared



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