

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 17-04470**



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



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Case Number: 17-04470

OIG Inspector: Senior Inspector Louis Cordova

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Dennis Haley

Date Assigned or Initiated: March 16, 2017

Complaint Against: N/A

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

Complainant: Captain Glen Simmons

Outside Agency Case #: PE-37-0065

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate 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 March 16, 2017, the Department of Corrections Office of the Inspector General received notification Inmate Monday DeMarsh (DC#N10886) [REDACTED] declared deceased while housed at Century Correctional Institution. On-call Inspector Andrew Tokajer responded to the scene to provide investigative assistance to the Florida Department of Law Enforcement (FDLE). On August 21, 2017, this case was re-assigned to Inspector Kate Gustafson. On February 28, 2018, the case was re-assigned to Senior Inspector Louis Cordova.

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:

Investigator's Note: *The summary findings listed below were obtained from the FDLE investigative reports associated with FDLE Case# PE-37-0065.*

According to Special Agent Haley, on March 16, 2017, he responded to Century Correctional Institution concerning the death of Inmate DeMarsh. The Florida Department of Corrections requested that the Florida Department of Law Enforcement (FDLE) investigate the death of Inmate DeMarsh.

Special Agent Haley indicated when he arrived at Century Correctional Institution he was advised by Captain Glen Simmons that Inmate DeMarsh and two (2) other inmates [REDACTED] in C-dormitory on March 16, 2017, and were suspected of having been under the influence of "spice (synthetic cannabinoids)." At approximately 1645 hours Inmate DeMarsh was found next to his bunk in C-dormitory [REDACTED]. Inmate DeMarsh [REDACTED] [REDACTED] pronounced Inmate DeMarsh deceased. The two (2) other inmates, Inmate Alan Owens (DC#033593) and Inmate Steven Hall (DC#D98510) [REDACTED] in confinement.

Special Agent Haley stated he viewed the body of Inmate DeMarsh [REDACTED] and Inmate DeMarsh's [REDACTED]

Special Agent Haley indicated the review of the fixed wing video in the dormitory showed Inmate DeMarsh smoking with two (2) other inmates right before [REDACTED] at approximately 1612 hours. The other two (2) inmates [REDACTED] but Inmate DeMarsh [REDACTED] Special Agent Haley stated the video review revealed Inmate DeMarsh [REDACTED] and on the floor of C-dormitory between bunks and could not be seen on camera. Inmate DeMarsh remained on the floor for over thirty-one (31) minutes before he was eventually discovered. Inmates in C-dormitory who were returning from chow were observed walking past Inmate DeMarsh several times and never alerted correctional officers to any problems.

Investigator's Note: *General Post Order#9 (Housing Officer / Sergeant - General Population) states in part that staff in general population dormitories are only required to conduct security checks once an hour. Inmate Marsh was housed in a general population dormitory at the time of his death.*



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Special Agent Haley reported there were a total of sixty-four interviews conducted with inmates housed in the same dormitory as Inmate DeMarsh. In summary, the inmates indicated they had no direct knowledge of the incident with Inmate DeMarsh. The inmates further indicated it was common for inmates to smoke spice in the dormitory [REDACTED]. There were no complaints of abuse or neglect by correctional staff.

Investigator's Note: *On June 27, 2017, Inspector Tokajer made contact via email with FDLE Special Agent Dennis Haley in reference to the status of this investigation. Inspector Tokajer was informed by Special Agent Haley the case was closed and he would prepare a copy of the case file for Inspector Tokajer. On or about July 8, 2017, Inspector Tokajer received the FDLE final report, case # PE-37-0065 from FDLE Special Agent Haley. The results of the autopsy performed on Inmate DeMarsh was not provided by FDLE Special Agent Haley to Inspector Tokajer.*

On July 17, 2017, Special Agent Haley received the autopsy report for Inmate DeMarsh. A review of the toxicology report revealed Inmate DeMarsh [REDACTED]. Medical Examiner Dr. Andrea Minyard reported the cause of death [REDACTED]. manner of death was accidental.

Investigator's Note: *Senior Inspector Cordova's review of the death investigation completed by FDLE did not identify any administrative issues.*

VII. CHARGES

There were no charges. Dr. Minyard ruled Inmate DeMarsh's death was accidental [REDACTED].

VIII. CONCLUSION

Based on the information gathered during FDLE Special Agent Dennis Haley's investigation, it is the recommendation of Senior Inspector Louis Cordova that the death of Inmate DeMarsh be termed as follows:

- **Exceptionally Cleared**