

Close-out Memorandum of the
Investigation Regarding
Michael Anthony Prouty
July 18, 2022



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
December 18, 2023



INTEROFFICE MEMORANDUM




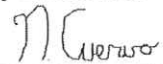

TO: KATHERINE FERNANDEZ RUNDLE DATE: December 5, 2023
State Attorney

FROM: STAFFING/REVIEW TEAM RE: SAO/Case #: 62/22/07/18/001
Injured: Michael Anthony Prouty

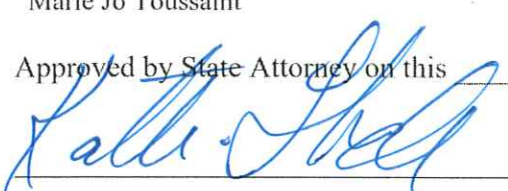
Based on the information obtained and reviewed during the course of the investigation, the conclusion of the staffing/review team is the following:

On July 18, 2022, shortly after 3:00 PM, Miami-Dade Officer Camilo Nino spotted a stolen vehicle driven by Michael Prouty, who had escaped from a Department of Corrections facility earlier that day. Ofc Nino pursued Prouty, who failed to stop, and the Officer's vehicle became disable. Officer Christopher Gonzalez from the City of Doral located the vehicle and advised via radio the driver was on foot. Prouty attempted to enter a business; however, two employees held the door closed. Prouty then ran into an adjacent business, and multiple employees from that office ran outside in fear. Police wear directed to that business where they conducted a search and observed broken ceiling tiles and heard noise in the ceiling. Officers ordered Prouty to come down from the ceiling. Officers observed him holding an object that appeared to be a firearm. Prouty advised he was armed and made threats to shoot himself. City of Doral Officer Hernandez attempted to convince Prouty to surrender, however, officers had to retreated outside for safety when Prouty refused. Prouty remained inside the ceiling for more than an hour, so a Special Response Team responded to assist in a plan for dealing with a barricaded subject. Eventually, Prouty escaped to the exterior roof through the ceiling, and about after 30 minutes of pacing back and forth, he ran across the roof toward police. Prouty raised what appeared to be a firearm in the direction of several police officers, and they discharged their weapons. Prouty was struck in the back of the right leg, sustaining a non-life-threatening wound, and surrendered. The apparent firearm was then discovered to be a black plastic handle with black electrical tape wrapped around made to appear like the size and shape of a firearm. Pursuant to F.S. 776.012 and 776.05, City of Doral Officers Gonzalez 97-833, Punyed 97-839, Orellana 97-471, Vales 97-914, and Leon 97-428 were legally justified in the use of deadly force, and thus no criminal charges can be filed based on the discharge of their weapons.

The members of the staffing/review team for this case are:

 _____ Howard Rosen	<i>/s/ Deisy Hernandez</i> _____ Deisy Hernandez	 _____ Stephen K. Talpins
 _____ Kathleen Hoague	 _____ Nilo Cuervo	 _____ Christine Zahralban
<i>/s/ Marie Jo Toussaint</i> _____ Marie Jo Toussaint		

Approved by State Attorney on this 18 day of Dec, 2023.



KATHERINE FERNANDEZ RUNDLE
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: DECEMBER 5, 2023

FROM: WILLIAM REICH &
MARI JIMENEZ
Assistant State Attorneys

RE: POLICE SHOOTING CLOSEOUT MEMO
Case # 62/22/07/18/001

OFFICERS INVOLVED:	Christopher Gonzalez ID #97-833 Doral PD Eduardo Punyed ID #97-839 Doral PD Kevin Orellana ID #97-471 Doral PD Jean Vales ID #97-914 Doral PD Erick Leon ID #97-428 Doral PD
INJURED:	Michael Anthony Prouty (Gunshot to Right Leg)
DATE & TIME:	Monday, July 18, 2022, at approximately 3:13 P.M.
LOCATION:	8000 NW 25 th Ave., Doral, FL (Office Park)
WEAPONS:	Glock 17 Gen 4, 9mm pistol, #LVS098 (Ofc Gonzalez) Glock 17 Gen 5, 9mm pistol, #BMSA991 (Ofc Punyed) Glock 17 Gen 4, 9mm pistol, #BTHX965 (Ofc Orellana) Smith & Wesson model M&P-15, 5.56 caliber rifle, #SW74375 (Ofc Vales) Glock 17 Gen 4, 9mm pistol, #BKG994 (Ofc Leon) Apparent Firearm (Michael Prouty)
LEAD/REPORTS:	FDLE Special Agent Ricardo Martinez / Report Received 10-10-2023
CASE #s:	FDLE - MI-27-0195 MDPD – PD220718-238635 DPD – 220718-014015
SAO CASE #:	62/22/07/18/001

SUMMARY

On July 18, 2022, shortly after 3:00 p.m., Miami-Dade Police Department (MDPD) Officer (Ofc.) Camilo Nino spotted a stolen red Ford Escape, bearing Florida tag number PEGK65, near the intersection of NW 87 Avenue and NW 12 Street. It was subsequently determined that the stolen vehicle was being driven by the Subject, Michael Anthony Prouty. At the time, Prouty was under the supervision of the Florida Department of Corrections. Earlier that day, he had escaped from a Department of Corrections facility, stolen a red Ford Escape SUV, and fled from the area in it. This was reported to law enforcement.

Ofc. Nino saw the stolen SUV make a northbound turn into a shopping plaza on the northside of NW 12 Street, west of NW 84 Avenue. Ofc. Nino turned into the plaza and drove toward the stolen vehicle with the intention of making a felony stop. He stopped his marked unit front end to front end with the stolen SUV in the Chili's parking lot. Ofc. Nino was able to observe Prouty behind the wheel. Prouty drove around Nino's marked police car and fled through the parking lot, driving over curbs. During a short pursuit, Ofc. Nino's marked unit became disabled when he attempted to follow the stolen SUV. He advised the dispatcher of the vehicle's direction of travel and the subject's description.

Doral Police Department (DPD) officers began to arrive and search for the stolen SUV that fled from Ofc. Nino. DPD Ofc. Christopher Gonzalez located the vehicle abandoned behind 8290 NW 25 Street and advised via his police radio that the driver, who would later be identified as Michael Anthony Prouty, was seen headed toward NW 25 Street on foot. Prouty was seen by several employees at the office park located at 8000 NW 25 Street around 3:14 p.m.

During his flight from arriving officers, Prouty attempted to enter an office park business located at 8000 NW 25th Ave. Suite 400. However, a male employee, Mathew Cacoco, saw Prouty approaching and held the front door closed so he could not enter. Prouty attempted to force his way inside by yanking on the door twice, but Mr. Cacoco prevented it. When the business manager, Todd Trnka, saw this, he joined Mr. Cacoco at the door and yelled at Prouty to leave. Prouty reached behind his back as though he was going to grab something but changed his mind. Prouty then ran to and entered the front door of the adjacent business located in Suite 500. Mr. Trnka saw a police car drive by in front of the business between 5-10 seconds later, so he whistled and waved his arms to attract the officer's attention. Mr. Trnka pointed to Suite 500 and exclaimed, "The person you're looking for just went into Suite 500." Mr. Trnka stated that within seconds,

multiple employees from the business in Suite 500 began to run out in fear and anxious excitement and the officer immediately ran inside the building. Other arriving officers followed him moments later.

After entering Suite 500, Prouty ran through various rooms and offices, startling employees and causing them to flee. He ran to a room that had tall metal racks. Prouty climbed up a rack and into the drop ceiling space. Officers conducted a room by room search for Prouty while evacuating the employees, some of whom told the officers that Prouty was inside the ceiling. Officers could see broken ceiling tiles and fallen debris in many parts of the office. To search for Prouty, officers had to look up into the holes in the ceiling created by Prouty.

Officers heard noises and saw Prouty inside the ceiling. They ordered him to come down, but he refused. Prouty was agitated and acting erratically and aggressively. Officers reported that they saw Prouty holding an object that appeared to be a firearm. (See inserted picture below). Prouty told them that he was armed. He made threats to shoot himself that indicated that he was armed with a firearm. Officers saw Prouty place the object to his head and state that he wanted to kill himself. He was specifically heard saying "there will be brain matter all over the place" and that he was "done with life". DPD Ofc. Hernandez attempted to convince Prouty not to kill himself and to come down. However, since Prouty was able to move about freely inside the ceiling where he could not be seen, the officers were particularly exposed and vulnerable to gunfire if Prouty decided to shoot. Therefore, the officers retreated outside. Prouty remained inside the ceiling for more than an hour. Meanwhile, the MDPD Special Response Team (SRT) was brought to the scene to create and enact a plan for dealing with Prouty as a barricaded subject.

Prouty moved about inside the drop ceiling space repeatedly damaging numerous ceiling tiles throughout the business. He also damaged walls and air ducts in his attempt to escape to the roof. Eventually, Prouty was able to climb and crawl up an air-duct into the interior of A/C handler # 10 located on the exterior roof. Somehow, Prouty managed to extricate himself from the machinery – causing significant damage to the A/C unit – and emerge on the roof of the building.

DPD Officers took up a position on the roof of the building to the south located at 7999 NW 25 Street. Police officers on the neighboring building were able to observe Prouty on the roof pacing back and forth while holding a blue umbrella. At times, Prouty opened the umbrella and held it above his head to shade himself from the sun. At times, he sat down on the rooftop or on an A/C unit. These officers kept Prouty under surveillance while he moved about on the rooftop. The Local 10 news helicopter captured video of Prouty on the rooftop of 8000 NW 25 Street

holding the blue umbrella and another object that appeared to be a firearm at waist height with his right hand. DPD officers saw Prouty put the object that appeared to be firearm to his head while on the rooftop and relayed this information via police radio.

After being on the rooftop for approximately 30 minutes, Prouty swiftly and deliberately advanced across the rooftop for several seconds in a southerly direction towards the building located at 7999 NW 25 Street where several DPD officers had been watching from the roof. These officers were largely exposed to gunfire as their only possible cover came from the low, raised edge of the roof. As Prouty advanced towards them, Ofc. Vales shouted to his fellow officers, "Get down! He's coming this way!" Prouty raised and pointed the object in his right hand in the direction of the DPD officers. Ofc. Vales can be heard shouting to Prouty, "Don't do it!" The DPD officers opened fire and Prouty turned back in the direction from which he came. He was struck in the back of the right leg and sustained a non-life-threatening wound. Prouty dropped to the roof and laid down behind a large, rooftop air conditioning unit. At one point, Prouty came out from behind the air conditioning unit in distress and laid face down on the rooftop. MDPD SRT, including a medic, gained access to the roof by driving the SRT truck next to the building and using a ladder on top of it. They approached Prouty and were able to take him into custody without further incident. He was treated on scene before being airlifted to the Jackson Hospital's Ryder Trauma Center.

It was then discovered that the object that Prouty had carried like a firearm and had held to his head was a black, plastic handle with black electrical tape wrapped around it intentionally designed to make it look like a firearm. The object was consistent with the size and shape of a firearm.



CONCLUSION

The role of the State Attorney in this investigation and in conducting this review is limited to determining whether a criminal violation of Florida law has occurred, whether any person may be held criminally responsible, and whether such criminal responsibility can be proven beyond a reasonable doubt in a court of law. The State Attorney does not establish agency policy, procedures, and training requirements. Nor does the State Attorney have any responsibility for determining disciplinary action or pursuing civil litigation in these matters. In other words, given the applicable law, the State Attorney's role is to determine whether the actions of the officers in question constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

The undersigned Assistant State Attorneys have reviewed the FDLE Use of Force Investigation Summary, as well as the Crime Scene Reports, the Supplemental Reports, 911 calls, the sworn statements of all officers and civilians, all the photographs, all open-source video from public sources, and all the body-worn camera footage pertaining to this investigation secured and provided by FDLE. We have found that the statements made by officers and civilians are consistent with or corroborated by the evidence. We offer our conclusion based on the results of our independent investigation and the review of all the evidence.

Section 776.012, Florida Statutes, permits the use of deadly force when a person believes such force is necessary to prevent imminent death or great bodily harm to himself or another or to prevent the commission of a forcible felony. Further, Section 776.05, Florida Statutes, permits a law enforcement officer to use any force that he believes is necessary to defend himself or another from bodily harm.

It is the undersigned Assistant State Attorneys' legal determination that it was lawful for the officers involved to discharge their firearms at Prouty for the following reasons: Prouty was conclusively determined to be the driver of the stolen car who fled from the police in a vehicle and then on foot. To hide from the officers who were pursuing him, he attempted to force his way into one occupied business that was not open to the public before forcing his way into a second one. When he knew that police were inside the building and surrounding it, Prouty climbed inside much of the ceiling of the warehouse looking for a way out for more than an hour. Rather than surrender

and come down, he engaged in a desperate attempt to escape by gaining access to the roof by crawling through a large, commercial air conditioning unit. Prouty knew that police officers were surrounding the building and he had seen officers take to the roof of the building at 7999 NW 25 Street. Officers had attempted to talk Prouty into coming down from the rooftop. Prouty sounded and appeared to be suicidal. He indicated that he wanted to end his life with a firearm. Prouty stated that he was armed with a firearm. Officers observed him holding an object which was consistent with the shape and size of a firearm. Prouty held the object in a manner that was consistent with how a person would hold a firearm. He held this object to his head while talking about shooting himself in the head. These facts made it reasonable for a person to believe that Prouty actually was armed with a firearm. These facts also made him a danger to others when he escaped from the warehouse ceiling to the roof of the building. When Prouty raised and pointed that object in their direction after advancing for several seconds toward the officers on the opposite rooftop, he committed a felony against those officers and presented an imminent threat of death or great bodily harm.

Based on these statutory provisions, and based upon all the evidence amassed during the investigation by the Florida Department of Law Enforcement, the undersigned Assistant State Attorneys find the use of deadly force to be legally justified.

Prepared by:

/s/ William Reich

William Reich
Assistant State Attorney