

# Florida Department of Corrections



## Office of the Inspector General

### CRIMINAL INVESTIGATION INVESTIGATIVE ASSIST

CASE # 17-13200



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



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**Case Number:** 17-13200

**OIG Inspector:** Inspector Douglas O. Foster

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

**Outside Agency Investigator:** Special Agent Ted Silberstein

**Date Assigned or Initiated:** 07-28-2017

**Complaint Against:** N/A

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

**Complainant:** N/A

**Outside Agency Case #:** OR-37-0062

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

**PREA Number:** N/A

**Classification of Incident:** Inmate 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 July 28, 2017, the Office of the Inspector General (“OIG”) received MINS# 795046 alleging Inmate Michael Ritchey DC# 202857 while at Tomoka Correctional Institution (Tomoka C.I.), passed away suddenly and unexpectedly in the bathroom area of K-Dormitory (K-Dorm). The Florida Department of Law Enforcement (FDLE) was notified. FDLE initiated a criminal investigation into the death, FDLE case # OR-37-0062. Upon initial review of the information, the Office of the Inspector General assigned the investigative assist to Inspector Douglas O. Foster on July 28, 2017.

**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 July 26, 2017, at approximately 08:52 p.m., this inspector was notified by On-call Inspector Supervisor Dennis McIntosh regarding an inmate death at Tomoka Correctional Institution (Tomoka C.I.). At approximately 7:52 p.m., Inmate Michael Ritchey was discovered [REDACTED] in a bathroom stall of K-Dormitory (K-Dorm). After numerous attempts, by officers, [REDACTED], and [REDACTED] the inmate, he was pronounced deceased at 08:33 p.m. [REDACTED]

At approximately 09:16 p.m., this inspector contacted Captain John Coy to confirm the death scene was secured and requested he proceed with copying of any video recordings and incident reports, logs and documentation, as available, to provide to FDLE agents

At approximately 10:15 p.m., this inspector arrived at Tomoka C.I. and met with Special Agent Ted Silberstein and Special Agent Morgan DeJong. This inspector and FDLE agents proceeded to K-Dorm to review the death scene. Upon arrival Agent Silberstein photographed and video recorded the bathroom. Additionally, this inspector assisted the agent with the inspection of the deceased body. [REDACTED] were observed. Inmate Ritchey appeared to have been in good physical condition. Agent Silberstein conducted interviews with security staff, [REDACTED] and the inmates housed in K-Dorm. Agent Silberstein postponed several inmates interviews stating he would complete on July 27, 2017.

Agent Silberstein approved the Volusia County Medical Examiner (VCME) to respond to Tomoka C.I. to collect and remove the body for the purpose of conducting an autopsy. The body was transported to VCME at or about 12:30 a.m.

On December 18, 2017, this inspector received a final report from FDLE Agent Ted Silberstein. Attached to the report was photographs taken at the VCME and audio recordings of officers and staff. The investigative report also contained an autopsy report of Inmate Richey VCME, case# 17-07-464 (VX). The autopsy report filed indicated Inmate Richey died as a result of [REDACTED] [REDACTED] Associate Medical Examiner Andrew Koopmeiners, M.D. medical examination report list the death of Inmate Richey as *natural*.



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Based on the information gathered during this investigation by FDLE and the Medical Examiner, the death of Inmate Richey was natural. No criminal act or negligence was discovered, detected or developed. No administrative violations were noted from staff members or ████████ employees.

**VII. CHARGES**

**List alleged violations of Florida Law:**

1. None.

**VIII. CONCLUSION**

Based on the information gathered during their investigation, it is the recommendation of FDLE Special Agent Ted Silberstein, the death of Inmate Richey was natural.

1. Exceptionally Cleared

Inspector Douglas O. Foster reviewed the investigation completed by FDLE, and no administrative issues were identified.