

Florida Department of Corrections



Office of the Inspector General

**CRIMINAL INVESTIGATION
INVESTIGATIVE ASSIST
CASE # 16-12276**



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



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Case Number: 16-12276

OIG Inspector: Inspector Steven Donaldson

Outside Agency: Florida Department of Law Enforcement

Outside Agency Investigator: Special Agent Greg Holycross

Date Assigned or Initiated: 06-22-2016

Complaint Against: N/A

Location of Incident – Institution/Facility/Office: Florida State Prison

Complainant: Inmate Ricky Silva DC# L24722

Outside Agency Case #: JA-37-0117

Use of Force Number: N/A

PREA Number: N/A

Classification of Incident: Inmate Death Investigation Assist

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 June 22, 2016, Inspector Donaldson was dispatched to the Florida State Prison (FSP) in reference to the unattended death of 36 year old Inmate Ricky Silva DC#L24722. Inmate Silva (close management III) was housed in a single man cell behind a solid steel door. Inmate Silva was discovered by Correctional Officer Brian Singletary [REDACTED] on his bunk. [REDACTED] was initiated by staff members at approximately 6:36 PM until the arrival of [REDACTED] at 6:54 PM. Inmate Silva was pronounced deceased by [REDACTED] at 7:45 PM. FDLE Special Agent Greg Holycross is the lead assist agent in FDLE case # JA370017. This information was reported in Management Information Notification System (MINS) report #'s 707784. This assist is being investigated in 16-12276 by Inspector Steven Donaldson, assigned on June 27, 2016.

VI. SUMMARY OF INVESTIGATIVE FINDINGS

Inspector Donaldson proceeded to [REDACTED] and observed Inmate Silva's body covered with a sheet [REDACTED]. A correctional officer was posted with a log documenting personnel entering and exiting the secured area. [REDACTED] indicated it appeared based on [REDACTED] that Inmate Silva [REDACTED].

F.D.L.E. Special Agents Matt Walsh and Keesha Nauss arrived at [REDACTED]. They conducted interviews of staff members. F.D.L.E. agents indicated they observed no signs of trauma on Inmate Silva and conferred with the Eight Judicial Circuit Medical Examiner's Office. F.D.L.E. released the body for transport by Archer Funeral Home to Eight Judicial Circuit Medical Examiner's Office for examination. Inspector Donaldson reviewed Inmate Silva's [REDACTED]. Inmate Silva was [REDACTED].

[REDACTED] Photographs were taken by Inspector Donaldson of Inmate Silva's body with no visible signs of suspicious injuries noted during the inspection of the body with F.D.L.E.

Inspector Donaldson proceeded to the Florida State Prison and met F.D.L.E. Special Agents Greg Holycross, Lonnie Mills and V. Carbia. F.D.L.E. conducted interviews of staff members and inmates and searched Inmate Silva's cell. The last use of force with Inmate Silva was on November 11, 2012, IG# 12-1647.

The following [REDACTED] were observed on video:

Ofc. Cubbage gives food tray to Inmate Silva	4:00 PM
Ofc. Fogerty picks up food tray from Inmate Silva	4:23 PM
Ofc. Fogerty [REDACTED]	[REDACTED]
Ofc. Jackson [REDACTED]	[REDACTED]
Ofc. Cubbage [REDACTED]	[REDACTED]
Ofc. Jackson [REDACTED]	[REDACTED]
Ofc. Allen [REDACTED]	[REDACTED]
Ofc. Singletary [REDACTED]	[REDACTED] starts incident command system
Cell door opened officers enter	6:35 PM

