

Det. M. Smith Report on Toole's Death
Statement of Sgt. Ruise ref. same
(Adam Walsh)

From: **Phil Mundy**
Investigator
State Attorney's Office
Phone 305-831-6368
Pa
Mob

May 30, 1997

To: **Ralph Ray, Jr.**

Attached for your files.

Mark Smith's report deals with how he learned of TOOLE's death and his interviews with staff prison personnel that had contact with TOOLE during his last days. It also documents that he obtained blood samples from TOOLE's autopsy.

The statement of Sgt. RUISE of F.S.P. merely recounts TOOLE admitting guilt in the WALSH case on Aug. 16 but he did not die till Sept. 15th and he was not always coherent during his terminal days.

201 S.E. 6th Street • Fort Lauderdale, FL 33301

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INCIDENT REPORT
POLICE DEPARTMENT - HOLLYWOOD, FLORIDA

Incident Number: 81-56073
Sgd: DB

Date: 10/07/96
Entered by: DDE33

ON 09/28/96, THIS DETECTIVE WAS INFORMED BY STEELE BENNETT FROM AMERICA'S MOST WANTED IN WASHINGTON, DC, THAT HE WAS INFORMED THAT OTTIS TOOLE HAD DIED ON 09/15/96 IN A PRISON HOSPITAL IN NORTH FLORIDA. THIS DETECTIVE IMMEDIATELY CONTACTED FLORIDA STATE PRISON AND CONFIRMED THAT HE DID IN FACT DIE AT THE NORTH FLORIDA RECEPTION CENTER HOSPITAL. THIS DETECTIVE CONTACTED SGT WALL OF THE NORTH FLORIDA RECEPTION CENTER WHO STATED THAT TOOLE WAS TRANSPORTED TO THIS FACILITY ON 08/13/96 FROM THE FLORIDA STATE PRISON AND DIED FROM NATURAL CAUSES. AN AUTOPSY PERFORMED LATER, REVEALED THAT TOOLE DIED OF CIRRHOSIS OF THE LIVER AND HEPATITIS.

ON 10/01/96, THIS DETECTIVE RESPONDED TO THE FLORIDA STATE PRISON FOR THE PURPOSE OF INTERVIEWING SGT BOB RUISE AND INMATE _____, WHO WAS PREVIOUSLY REFERRED TO IN THIS DETECTIVE'S SUPPLEMENT REPORTS. SGT RUISE PROVIDED A SWORN STATEMENT WHEREIN HE STATED HE HAD A CONVERSATION WITH TOOLE APPROXIMATELY TWO DAYS AFTER HIS TRANSFER. ACCORDING TO SGT RUISE, TOOLE INITIATED THE CONVERSATION ABOUT THE WALSH CASE AND ABOUT HIS INVOLVEMENT. SGT RUISE STATED THAT TOOLE'S SPEECH WAS SLURRED, BUT STATED THAT HE DID COMMIT THE CRIME AND THAT HE ACTED ALONE. WHEN TOOLE DID NOT SPEAK, HE WOULD NOD HIS HEAD IN THE AFFIRMATIVE WHEN REFERRING TO THIS CASE AND HIS INVOLVEMENT. SEE THE TRANSCRIPTION OF THIS STATEMENT FOR FURTHER DETAILS. THIS DETECTIVE SIFTED THROUGH PROPERTY WHICH TOOLE HAD LEFT AT THE FLORIDA STATE PRISON, NOTING NUMEROUS LETTERS AND A BIBLE NONE OF WHICH CONTAINING ANYTHING PERTAINING TO THIS CASE.

THIS DETECTIVE ATTEMPTED TO INTERVIEW _____ WHO DID NOT WISH TO MAKE ANY STATEMENTS. _____ HAD PREVIOUSLY STATED THAT HE DID HAVE ENOUGH INFORMATION TO PUT TOOLE IN THE ELECTRIC CHAIR AND REFRAINED FROM TELLING ALL. IT IS BELIEVED, HOWEVER, THAT _____ DID IN FACT TELL ALL HE KNEW DURING SUBSEQUENT INTERVIEWS WITH HIM AFTER HE DID MAKE THIS STATEMENT.

THIS DETECTIVE NEXT RESPONDED TO THE NORTH FLORIDA RECEPTION CENTER HOSPITAL AND INTERVIEWED SGT JOHN WALL OF THE INSPECTOR'S OFFICE. SGT WALL RECALLED SPEAKING WITH TOOLE APPROXIMATELY TEN DAYS PRIOR TO HIS DEATH DURING WHICH HE WAS MOSTLY INCOHERENT AND NOT ANSWERING QUESTIONS DIRECTLY.

SGT WALL ADDED THAT TOOLE KEPT ASKING HIM WHEN HE WAS GOING TO RETURN TO THE CORRECTIONAL INSTITUTE AND WAS NOT AWARE THAT HE WAS DYING.

THIS DETECTIVE NEXT SPOKE WITH PSYCHOLOGICAL COUNSELORS, JERRY BOBBICK AND EUGENE JEFFERSON. MR BOBBICK STATED THAT THE COUNSELORS ARE LIAISONS BETWEEN THE PATIENTS AND THEIR FAMILIES AND DID NOT RECALL SPEAKING WITH TOOLE. MR JEFFERSON, HOWEVER, STATED THAT HE RECALLED SPEAKING WITH TOOLE AND NOTED THAT HE WAS MOSTLY INCOHERENT AND RESPONDING TO HIM WITH ANSWERS THAT DID NOT COINCIDE WITH THE QUESTIONS.

THIS DETECTIVE NEXT INTERVIEWED RN'S, MARGARET WOOLLEY AND J DOWELL. NURSE WOOLLEY STATED THAT SHE TENDED TO TOOLE SINCE HE WAS ADMITTED UNTIL 09/01/96 AND RECALLED THAT HE NEVER MADE ANY ADMISSIONS AND ADDED THAT HE NEVER SPOKE INTELLIGENTLY OR COHERENTLY WHICH NURSE DOWELL CONCURRED WITH. THIS DETECTIVE HAD EARLIER SPOKEN BY PHONE TO A NURSE DENNIS TURNBOW WHO STATED THAT TOOLE ADMITTED TO HIM THAT HE AND HIS FRIEND "LEROY" TOOK ADAM WALSH FROM THE MALL AND KILLED HIM. WHEN ASKED, TURNBOW STATED THAT TOOLE

TOLD HIM THAT LEROY IS HIS FRIEND WHO IS ON DEATH ROW IN TEXAS. THIS INFORMATION WAS DISREGARDED FOR REASONS COVERED EARLIER IN THIS INVESTIGATION.

ON 10/01/96, THIS DETECTIVE RESPONDED TO THE ALACHUA COUNTY MEDICAL EXAMINER'S OFFICE AND TOOK CUSTODY OF THREE VIALS OF BLOOD FROM TOOLE WHICH WERE RECOVERED AT AUTOPSY. EMPLOYEE ALBERT ISAAC TURNED THESE VIALS OVER TO THIS DETECTIVE AT APPROXIMATELY 1:20PM AND THEY WERE PLACED INTO AN ICED STYROFOAM CONTAINER. THESE VIALS WERE DELIVERED TO THIS AGENCY'S EVIDENCE REFRIGERATOR ON 10/02/96 TO BE TAKEN TO THE BROWARD SHERIFF'S OFFICE LABORATORY FOR PROFILING FOR FURTHER REFERENCE.

THE FOLLOWING WILL BE A VOLUNTARY TAPED STATEMENT TAKEN FROM SGT. RUISE, B/M, DOB 3-4-65. SGT. RUISE IS EMPLOYED WITH THE FL STATE PRISON. STATEMENT IS BEING TAKEN BY DET. MARK SMITH, BADGE 1163 COMMENCING ON 10-1-96 AT APPROX. 1016 HRS.

Q. SGT. RUISE, AT THIS TIME I'D LIKE TO PLACE YOU UNDER OATH BY VIRTUE OF MY COMMISSION AS A POLICE OFFICER FOR THE CITY OF HOLLYWOOD, COUNTY OF BROWARD, STATE OF FL. WOULD YOU RAISE YOUR RIGHT HAND PLEASE? (LET THE RECORD REFLECT HE'S DOING SO). DO YOU SOLEMNLY SWEAR TO TELL THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH SO HELP YOU GOD?

A. I DO

SGT. RUISE HAVING APPEARED BEFORE ME AS A POLICE OFFICER FOR THE CITY OF HOLLYWOOD, COUNTY OF BROWARD, STATE OF FL HAVING BEEN DULY SWORN DEPOSES AND STATES:

Q. SGT. RUISE, I CAME TO THE PRISON TODAY IN REGARDS TO AN INDIVIDUAL BY THE NAME OF OTTIS TOOLE WHO IS AN INMATE HERE AT THE FL STATE PRISON HERE, AS WELL AS I BELIEVE IN UNION CORRECTIONAL INSTITUTE OVER THE YEARS. YOU'RE FAMILIAR WITH WHAT WE'VE DONE IN THE LAST YEAR OR SO IN REGARDS TO CONVERSATIONS WITH TOOLE. AS A MATTER OF FACT YOU WERE INVOLVED IN THE LAST INCIDENT WE HAD, I BELIEVE IT WAS BACK IN FEB. WHERE WE OBTAINED A STATEMENT FROM TOOLE. YOU WERE PRESENT AT THE TIME.

I HAD A PHONE CONVERSATION WITH YOU YESTERDAY AND I, OR I'M SORRY, LAST WEEK AND CAME UP HERE AND INFORMED YOU I WAS GONNA TAKE A STATEMENT FROM YOU IN REGARDS TO MOST RECENT CONVERSATIONS YOU'VE HAD WITH TOOLE. UM, JUST TO SET IT UP, YOU LAST SPOKE TO TOOLE AT THE N.FLORIDA RECEPTION CENTER AS YOU MENTIONED ON 8-16-96. CAN YOU TELL ME IF YOU WOULD WHAT THE CIRCUMSTANCES WERE FOR THAT CONTACT AND THAT CONVERSATION?

A. YEAH, ON AUG.16TH I WENT TO UM, N.FL RECEPTION CENTER TO INTERVIEW HIM ON A USE OF FORCE THAT WE'VE HAD HERE PRIOR TO HIM YOU KNOW, BEING TRANSFERRED TO THE RECEPTION CENTER.

Q. WHAT DOES THAT MEAN, THE USE OF FORCE?

A. UH, WHERE STAFF HAD TO USE FORCE ON HIM TO GAIN COMPLIANCE WHEN HE WAS ON LOCAL ORDER. UM, SO I DID, I WENT TO UM, NFRC TO UH, INTERVIEW HIM ON THAT AND UM, HE DIDN'T HAVE ANY COMPLAINTS UH, ABOUT FORCE, YOU KNOW, THE AMOUNT OF FORCE THAT WE USED ON HIM. UM, HE FURTHER STATED TO ME THAT UH, THAT HE NEEDED TO TALK TO ME SO I SAID WELL I, I'VE GOT TIME YOU KNOW, WHAT DO YOU WANT TO TALK TO ME ABOUT AND HE UH, WENT AS FAR AS TO SAY I WANT TO TALK TO YOU ABOUT WHAT WE'VE TALKED ABOUT IN THE PAST.

AND I SAID SPEAKING OF WHAT, YOU KNOW, WE'VE TALKED ABOUT A NUMBER OF THINGS IN THE PAST. AND HE SAID ABOUT MY CASE. I SAID

WHAT CASE AND HE SAID THE CASE THAT UH, THEY'RE TRYIN' TO GET ME ON THE UM, LITTLE ADAM WALSH YOU KNOW, KID. I SAID WELL, OK. I SAID WE'VE TALKED ABOUT IT BEFORE I SAID, BUT WHAT DO YOU WANT TO TELL ME ABOUT IT NOW.

AND HE WAS FADING OUT, YOU KNOW, A LOT AND SO WHAT I WOULD DO

Q. BEFORE WE GO ANY, I DON'T THINK WE COVERED THIS IN THE STATEMENT. HE WAS IN THE HOSPITAL, CORRECT?

A. RIGHT, HE WAS OVER IN THE HOSPITAL.

Q. AND UH, HE HAD BEEN TRANSFERRED FROM EITHER HERE OR UCI TO THAT HOSPITAL?

A. HE WAS TRANSFERRED FROM FSP TO UH, NORTH FL RECEPTION CENTER, THEIR HOSPITAL.

Q. OK, SO THAT'S THE REASON HE WENT THERE WAS TO GO INTO THE HOSPITAL.

A. RIGHT. HE WENT THERE 'CAUSE HE WAS DIAGNOSED WITH HEPATITIS.

Q. OK

A. AND HE WAS GOING OVER THERE FOR THE TREATMENT

Q. OK

A. AND UM, HE WAS LYING IN THE BED AND EVERYTHING WHEN I INTERVIEWED HIM BUT HE WAS ABLE TO SIT UP, YOU KNOW, AND TALK TO ME AND HIS SPEECH WAS SLURRED, YOU KNOW, A LITTLE BIT AND, BUT WHEN HE'S STARTING TO GET TO THAT POINT, I WOULD ASK A LOT OF QUESTIONS AND IF HE COULDN'T VERBALLY ANSWER ME, YOU KNOW, HE WOULD NOD HIS HEAD.

Q. OK, SO HE SAID ABOUT THE ADAM, HE WANTED TO TALK ABOUT THE ADAM WALSH CASE.

A. YEAH, HE WANTED TO TALK ABOUT THE ADAM WALSH CASE.

Q. OK

A. SO, AND UM, HE STARTED TALKING UH, ABOUT IT AND THE FIRST THING HE SAID WAS THE UH, THE KID THAT WE TALKED ABOUT BEFORE, THAT THEY WAS TRYIN' TO GIVE HIM A CASE AND I, AND I, RIGHT OFF THE BAT YOU KNOW, I TOLD HIM I SAID I DON'T WANT YOU TO TELL ME NOTHING THAT THEY'RE TRYIN' TO GIVE YOU. I SAID IF YOU KNOW ANYTHING ABOUT IT, YOU KNOW, YOU TELL ME. SO HE KID OF FROZE UP ON ME A LITTLE BIT. I SAID DO YOU KNOW ANYTHING ABOUT THE CASE. HE SAID UH, YEAH. I SAID WELL, LET ME ASK YOU THIS. I SAID HAVE YOU EVER HAD ANY PHYSICAL CONTACT WITH THE LITTLE ADAM WALSH KID. AND HE WOULD NOD HIS HEAD, WOULDN'T NEVER SAY, YOU KNOW, VERBALLY THAT HE DID, BUT HE WOULD NOD HIS HEAD IN THE MANNER OF YES, I HAD SOME CONTACT WITH HIM.

Q. SO HIS NOD WAS IN THE AFFIRMATIVE WHEN

A. RIGHT

Q. TO THAT QUESTION.

A. TO THAT QUESTION, RIGHT.

Q. OK

A. AND UM, AND I WOULD SAY WHERE AND HE WOULD, HE, HE COULDN'T EXACTLY REMEMBER WHERE AND UM, AND I COULDN'T GET IT OUT OF HIM, YOU KNOW, WHERE HE HAD, YOU KNOW, HAD HAD CONTACT WITH HIM AND UM, SO I ASKED HIM DOES HE KIND OF REMEMBER WHAT HAPPENED. AND HE SAID NO, I DON'T REMEMBER ALL OF IT WHAT HAPPENED. I SAID WELL, KIND OF TELL ME WHAT YOU REMEMBER AND HE COULDN'T REALLY, YOU KNOW, SPIT IT ALL OUT, AND LIKE I SAID, HIS SPEECH WAS KINDA SLURRED

Q. RIGHT

A. AND UM,

Q. DID HE SAY ANYTHING THOUGH ABOUT IT THAT YOU REMEMBER?

A. NO, I DON'T REMEMBER HIM SAYING, YOU KNOW, ANYTHING ABOUT IT, YOU KNOW, OTHER THAN WHAT I ASKED, AND HE DID ADMIT HE HAD SOME CONTACT WITH HIM.

Q. RIGHT

A. AND I ASKED WHERE BUT HE, HE COULDN'T REMEMBER WHERE AND UM, AND THEN I DID ASK HIM, YOU KNOW, UM, YOU KNOW, WAS HE ALONE AND HE DID SAY HE WAS ALONE.

Q. HE DID NOD HIS HEAD YES OR DID HE SAY YES?

A. HE SAID YES HE WAS ALONE.

Q. OK

A. YOU KNOW, WHEN THIS, THIS HAPPENED BUT UM, LIKE I SAID HIS SPEECH AND STUFF WEREN'T YOU KNOW, TOO GOOD.

Q. RIGHT

A. AND HE HAD ASKED ME, YOU KNOW, TO COME BACK AND HE WAS TRYING TO GET BETTER BUT I NEVER DID GO BACK TO HIM AND, AND BEFORE I COULD GET BACK, HE HAD PASSED, YOU KNOW. THAT'S WHEN I FOUND OUT HE DID.

Q. SO THE LAST, THE 8TH, THE 16TH OF AUG. IS THE LAST TIME YOU HAD, THAT WAS THE LAST TIME YOU HAD CONTACT WITH HIM.

A. THAT'S THE LAST TIME I HAD HAD CONTACT WITH HIM REFERENCE TO

THE HALL AND HE KEPT WANTING TO TALK ABOUT IT BUT

Q. OK IN WHAT WAY? HOW WOULD HE SAY IT?

A. YOU KNOW

Q. AND THIS IS OVER THE MONTHS PAST SINCE THE LAST TIME I WAS HERE?

A. RIGHT, RIGHT. THIS IS SINCE THE LAST TIME YOU WERE HERE. AND I WOULD SEE HIM OCCASIONALLY YOU KNOW, UP AT THE CLINIC IN THE HOLDING CELL WAITING TO BE SEEN BY THE DOCTOR AND UM, HE WOULD SAY, HE WOULD ASK ME YOU KNOW, LIKE HOW I'M DOIN' AND STUFF LIKE THAT AND I'D SAY GOOD, SO I'D STOP AND SPEND A FEW MINUTES WITH HIM. AND I SAID WHAT YOU GOT. HE SAID I STILL WANNA TALK TO YOU SOME MORE, YOU KNOW, ABOUT IT, BUT YOU KNOW HOW HE IS. YOU HAVE TO LET HIM GIVE IT TO YOU, YOU KNOW, 'CAUSE IF YOU START, YOU KNOW PRESSURING HIM OR PRYING HIM FOR STUFF, YOU KNOW, HE, HE, HE'D CLIMB UP ON YOU. BUT UH, YOU KNOW, HE WOULD CONSTANTLY TELL ME, YOU KNOW

Q. HE WOULD DROP HINTS OR DROP UH

A. UM HUM

Q. YEAH, DROP HINTS THAT HE STILL WANTED TO TALK AND HE WAS INVOLVED.

A. RIGHT, YEAH. HE WOULD YOU KNOW, CONSTANTLY EVERY TIME HE SAW ME, YOU KNOW, HE WOULD TELL ME, HE'D SAY I STILL WANNA TALK TO YOU ABOUT THAT CASE AND I WOULD ALWAYS MAKE HIM CONFIRM WHAT HE'S TALKING ABOUT.

Q. OK

A. AND HE SAID, YOU KNOW, AND BEFORE AND THE FIRST TIME I CONTACTED HIM, HE ALWAYS WOULD PUT THE LITTLE A-W, HE WOULD WRITE IT ON SOMETHING ESPECIALLY IF SOMEBODY WAS IN THE AREA.

Q. DID HE DO THAT MORE THAN THAT ONE, THE ONE TIME?

A. HE WOULD

Q. THAT PAD?

A. HE WOULD DO IT ON A HAND, ON HIS HAND OR SOMETHING. HE'D GET A PEN OR SOMETHING, ESPECIALLY LIKE MOST OF THE HOLDING CELLS ARE SET UP YOU KNOW, YOU GOT ONE, IF YOU GOT 2 OR 3 THERE RIGHT BY EACH OTHER AND YOU CAN HEAR.

Q. RIGHT

A. SO HE DIDN'T REALLY WANT TOO MANY PEOPLE, YOU KNOW, TO KNOW THAT HE WAS TALKING ABOUT THAT CASE 'CAUSE I REMEMBER DISTINCTIVELY

IT, UH, WHAT RESULTS WILL, YOU KNOW, HE'LL, THE AFTER EFFECTS YOU KNOW HE'LL GET FROM PEOPLE HERE

Q. RIGHT

A. AND HE, HE ALWAYS FELT LIKE THEY WOULD TRY TO KILL HIM OR SOMETHING LIKE THAT.

Q. FOR KILLING THE KID?

A. FOR KILLING THE KID, SO HE WOULD WRITE IT ON THE HAND.

Q. WOULD HE SAY JUST THE INITIALS?

A. YEAH, HE WOULD WRITE THE AW AND THEN I'D ASK HIM

Q. RIGHT

A. I'D SAY IS THIS ABOUT THE LITTLE ADAM WALSH KID, YOU KNOW AND HE WOULD YOU KNOW, SHAKE HIS HEAD YES OR NO. I SAID WELL, I'LL GET AROUND, YOU KNOW, TO SEEING YOU BUT EVERY TIME I KNOW I'VE TALKED TO HIM HE WANTED TO DO THAT BUT

Q. OK

A. BUT I ALWAYS TRIED TO MAKE A PDINT FOR HIM TO TELL ME YOU KNOW, THAN ASK HIM, 'CAUSE LIKE I SAID BEFORE, IF YOU ASKED HIM YOU KNOW, SPECIFIC STUFF RIGHT OFF WITHOUT LETTING HIM TALK TO YOU, HE WOULD, HE WOULD DECLINE EVERYTHING.

Q. RIGHT. I KNOW. OK, IS THERE ANYTHING ELSE THAT YOU CAN THINK OF BEFORE WE UH, CONCLUDE THIS STATEMENT THAT MIGHT BE IMPORTANT?

A. I CAN'T THINK OF ANYTHING ELSE.

Q. HAS EVERYTHING YOU TOLD ME BEEN TRUE TO THE BEST OF YOUR KNOWLEDGE, COMPLETE TRUTH?

A. YES

STATEMENT WILL BE CONCLUDED ON 10-1-98 AT APPROX. 1025 HRS.