



**Commission of
Correction**

**Final Report of the
New York State Commission of Correction:**

In the Matter of the Death of

**Samuel Spells (15A4338),
an incarcerated individual of the
Midstate Correctional Facility**

March 29, 2022

**To: Honorable Anthony Annucci
Acting Commissioner
NYS Department of Corrections
And Community Supervision
The Harriman State Campus
1220 Washington Avenue
Albany, New York 12226**

Allen Riley
Chairman

Thomas J. Loughren
Commissioner

Yolanda Canty
Commissioner

GREETINGS:

WHEREAS, the Medical Review Board has reported to the NYS Commission of Correction pursuant to Correction Law, section 47(1)(d), regarding the death of Samuel Spells who died on June 18, 2019, while an incarcerated individual in the custody of the NYS Department of Corrections and Community Supervision at the Midstate Correctional Facility, the Commission has determined that the following final report be issued.

FINDINGS:

1. Samuel Spells was a 36-year-old male who died on 6/18/19 from a suicidal hanging while in the custody of the New York State Department of Corrections and Community Supervision (NYS DOCCS) at Midstate Correctional Facility (CF).

2. Spells was born in East Meadow, NY. Spells was survived by a mother and four children. Spells received a GED in 2001. There was no further demographic or social history information available for Spells.

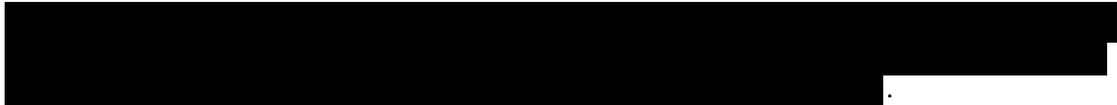
3. [REDACTED]

4. [REDACTED]

5. [REDACTED]

In the instant offense on 12/11/14 in Suffolk County, Spells was unlawfully in possession of more than ½ ounce of cocaine with intent to sell as well as scales for weighing the cocaine and glassine envelopes for packaging it. Additionally, Spells was in possession of a loaded .38 caliber RG40 handgun, a Ruger mini 14 semi-automatic rifle, a bushmaster semi-automatic rifle, and a German 12-gauge shotgun. Spells was arrested by the Suffolk County Police and remanded to the Suffolk County Jail where Spells

remained until being sentenced to NYS DOCCS. Spells was sentenced in October 2015 to serve 7 years of incarceration.

6. Spells was admitted into NYS DOCCS at Downstate CF on 10/29/15. Spells was transferred to Mohawk CF on 11/19/15. NYS DOCCS' documentation indicated that Spells spent time in Cayuga CF, Bare Hill CF, Upstate CF, Franklin, Cape Vincent CF, and Gouverneur CF until being transferred to Midstate CF on 5/14/19. This is where Spells remained until the terminal event.
7. During Spells' incarceration, Spells received seven Tier 2 infractions for violent conduct, fighting, direct order, out of place, creating a disturbance, movement violation, unauthorized exchange, unauthorized legal, delay count, count violation, property unauthorized, and smuggling. Spells received sanctions that included keeplock, no packages, no phone, no commissary, and no recreation. Spells received four Tier 3 infractions for creating a disturbance, property unauthorized, direct order, out of place, smoking, urinalysis test, movement violation, drug possession, smuggling, hearing disp, and facilitating correspondence. Spells received sanctions that included keeplock, special housing unit (SHU), no phone, no recreation, no packages, and no commissary.
8. NYS DOCCS' records indicated that Spells was transferred nine times during his 2015 incarceration. Five of the transfers were for program purposes and four of the transfers were disciplinary related.
9. On 1/4/19 at 10:30 p.m. at Franklin CF, Spells received a Tier 2 infraction for violent conduct, creating a disturbance, fighting, and direct order. Spells was sanctioned to 30-days keeplock. NYS DOCCS' documentation indicated that Spells was transferred from Franklin CF SHU to Gouverneur CF SHU 200 on 1/15/19 due to unsuitable behavior.
10. On 2/15/19, Spells was transferred from Gouverneur CF to Cape Vincent CF for program purposes after finishing the 30-day keeplock sanction.
11. On 2/20/19 at 11:00 a.m. at Cape Vincent CF, Spells received a Tier 3 infraction for a failed urinalysis test. Spells was sanctioned to 30 days keeplock and 60 days of no recreation, packages, commissary, or phone. CO N.D. submitted a regular mental health referral for Spells after Spells was placed in SHU-A-1 on keeplock status for the Tier 3 infraction. Spells was referred to mental health for having a significant change in sleeping habits and communication, and for verbalizing that people were out to get him.
12. 
13. 

14. On 3/4/19 at 4:00 p.m., Sergeant (Sgt.) J.C. submitted a regular mental health referral for Spells due to Spells being very disruptive of other incarcerated individuals and staff, and for verbalizing that people were out to get him. Sgt. J.C. documented that Spells was not suicidal.

15. [REDACTED]

16. On 3/15/19, NYS DOCCS' documentation indicated that Spells completed the 30-day keeplock sanction.

17. On 3/20/19 at 6:35 p.m., Spells received a Tier 3 infraction for creating a disturbance, property unauthorized, direct order, out of place, hearing disp, and smoking. Spells was sanctioned to 53 days in SHU, and 60 days of no recreation, packages, commissary, or phone. Sgt. T.R. submitted a regular mental health referral due to Spells' request to see OMH and for Spells thinking people were out to get him.

18. [REDACTED]

19. On 4/8/19, Spells was transferred from Cape Vincent CF to Gouverneur CF for a SHU to SHU transfer.

20. On 5/12/19, NYS DOCCS' documentation indicated that Spells completed the 53-day SHU sanction.

21. On 5/14/19, Spells was transferred from Gouverneur CF to Midstate CF after completing a 53-day SHU sanction. NYS DOCCS' documentation indicated that Spells' transfer was for program purposes.

22. [REDACTED]

23. [REDACTED]

24. On 5/22/19 at 8:10 p.m., Spells received a Tier 2 infraction for Violent Conduct and Fighting. Spells was sanctioned to 24 days keeplock and 30 days of no packages,

commissary, or phone.

25. [REDACTED]

26. [REDACTED]

27. [REDACTED]

The Medical Review Board opines that after receiving five referrals to mental health services from DOCCS staff from February to May 2019, OMH clinicians should have considered placing Spells minimally on Active Screening Status as per CBO Policy 1.4, to further assess if services would have been clinically indicated.

28. [REDACTED]

29. [REDACTED]

30. [REDACTED]

31. [REDACTED]

32. [REDACTED]

33. [REDACTED]

34. On 6/14/19, NYS DOCCS' documentation indicated that Spells completed the 24-day keeplock sanction.
35. On 6/16/19 at 5:45 p.m., security made a mental health referral to OMH indicating that Spells made a statement about committing self-harm due to hearing unknown voices.
36. [REDACTED]
37. [REDACTED]
- The Medical Review Board again opines that after being placed in RCTP, Spells should have minimally been placed in Active Screening Status to further follow and determine if services were clinically indicated.
38. On 6/18/19 at 11:45 a.m. in the Dorm1E day room, Corrections Officer (CO) A.J. observed Incarcerated Individual (II) B. holding a broom and was threatening to hit Spells with it. Spells was seen taking a fighting stance. CO A.J. gave several direct orders for Spells to place his hands on the wall. After CO A.J. gave several more direct orders to Spells, Spells did comply with no further incident. Sergeant (Sgt.) M.B. was notified of the incident. Sgt. M.B. responded to the dorm and Spells was escorted off the dorm and placed in the Sgt.'s van to be escorted to a different location to be interviewed. Spells refused to get out of the van and reported that he would not move anywhere but "the box". Spells would not give a reason for the statement. Sgt. A.J. gave Spells several direct orders to get out of the van but Spells refused. Sgt. A.J. notified the Watch Commander who authorized Spells to be placed in SHU 10-1-16. Spells was escorted to SHU 10-1 with no further incident.
39. On 6/18/19 at 1:08 p.m. in the SHU, Sgt. C. interviewed Spells for a Suicide Prevention Screening Guidelines for the SHU/keeplock admission. Spells answered all the questions on the screening with no triggers to notify mental health for an immediate or regular mental health referral.
40. On 6/18/19 at 2:35 p.m., CO K.S. documented that the last 30-minute round in SHU 10-1 block was completed.
41. On 6/18/19, Acting Superintendent (AS) W.B. documented conducting a round with Acting Captain (AC) Lt. M.S. at 2:36 p.m. on SHU 10-1. Documentation indicated that

Spells was observed in cell #16 at 2:40 p.m. and that Spells did not display any signs of distress and did not attempt to engage with AS W.B. or AC M.S. while viewing Spells' cell.

42. On 6/18/19 at 2:55 p.m., CO M.H. was conducting rounds on SHU 10-1. CO M.H. documented not seeing Spells in cell #16. CO M.H. approached the door and observed Spells seated on the floor with his back to the cell door, and a sheet tied to the cell window. CO M.H. pounded on the door and Spells did not respond. CO M.H. ran to the SHU office to get assistance and a medical emergency was initiated. CO J.P. and CO M.H. returned to cell #16 and observed that Spells had not moved and COs M.H. and J.P. entered the cell. CO J.P. used the cutdown tool to cut the sheet from the window and CO M.H. assisted Spells to the floor. CO M.H. removed the sheet from around Spells' neck and CO J.O. initiated Cardiopulmonary Resuscitation (CPR). CO J.P. retrieved the automated external defibrillator (AED) and first aid kit. CO J.P. applied the AED to Spells with no shock advised and CPR was continued. CO J.P. administered one dose of Narcan with no effect. Medical arrived at the scene and requested for Emergency Medical Services (EMS) to be notified.

ACTIONS REQUIRED:

TO THE OFFICE OF MENTAL HEALTH, DIVISION OF FORENSIC SERVICES:

The Division shall conduct a quality assurance review regarding the mental health screening and assessments of Spells and why active screening status was not considered for a patient with multiple referrals.

A report of findings and corrective actions shall be forwarded to the Medical Review Board upon completion.

In a response to the Commission's preliminary report dated 1/11/22, the Office of Mental Health indicated that the requested review was completed with corrective action(s) taken.

WITNESS, HONORABLE THOMAS J. LOUGHREN, Commissioner, NYS Commission of Correction, Alfred E. Smith State Office Building, 80 South Swan Street, 12th Floor, in the City of Albany, New York 12210 on this 29th day of March, 2022.


 Thomas J. Loughren
 Commissioner & Chair
 Medical Review Board

TJL:BB:jdb
2019-M-0062
March 2022

cc: Dr. Carol Moores, Acting Deputy Commissioner, Chief Medical Officer
Bryan Hilton, Assistant Commissioner for Mental Health Superintendent
Mark Passage, Midstate CF
Dr. Li-Wen Lee, Associate Commissioner
Division of Forensic Services, NYS Office of Mental Health Danielle Dill,
Executive Director, CNYPC
William Vertoske, Deputy Director of CBO, CNYPC
Meaghan Bernstein, Director of CBO Risk Management, CNYPC