



**Commission of
Correction**

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

In the Matter of the Death of

**Daniel Rose (15B1860),
an incarcerated individual of the
Elmira Correctional Facility**

June 28, 2023

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

Allen Riley
Chairman

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 Daniel Rose who died on February 18, 2021, while an incarcerated individual in the custody of the NYS Department of Corrections and Community Supervision at the Elmira Correctional Facility, the Commission has determined that the following final report be issued.

FINDINGS:

1. Daniel Rose was a 52-year-old white male who died on 2/18/21 from a suicide hanging while in the custody of New York State Department of Corrections and Community Supervision (NYS DOCCS) at the Elmira Correctional Facility (CF).
2. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] His instant offense that occurred in 2014, he was arrested by the Auburn Police Department and charged with Assault 1st Degree. In 2014, Rose repeatedly stabbed a male victim in the head and neck causing serious injury. He was convicted of Assault 1st Degree and sentenced to eight years in prison and was serving his first NYS DOCCS incarceration.
3. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
4. Rose was first received by DOCCS on 6/18/15 at Auburn CF and transferred to Elmira Reception the following day. Rose remained at Elmira CF throughout his incarceration and was transferred between general population [REDACTED]).
5. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
6. [REDACTED]
[REDACTED]
[REDACTED]

7. [REDACTED]

8. [REDACTED]

9. [REDACTED]

10. [REDACTED]

11. [REDACTED]

12. [REDACTED]

13. [REDACTED]

14. On 2/18/21 at 5:15 a.m., Rose was observed to be alive in [REDACTED] Gallery 2, Cell 4 by Correction Officer (CO) J.M. who was performing a supervisory tour. At approximately 5:34 a.m., during a security round, CO J.M. observed Rose hanging from the cell conduit in the right rear of his cell. He immediately called a medical emergency and for additional staff to respond. CO J.M., CO S.D., and Sergeant (Sgt.) J.W. entered the cell with CO J.M. and Sgt. J.W. lifting Rose's body as CO S.D. cut the boot lace. Rose was lowered to the ground with no pulse or respirations found and CPR was started immediately. At approximately 5:35


a.m., CO J.M. applied the AED to Rose which advised no shock. CPR on Rose was continued. Sgt. B.S. called Erway Ambulance at 5:37 a.m. Registered Nurse (RN) [REDACTED]. then arrived at the scene and Rose was move from the cell to the cage floor area. Erway Ambulance arrived at the scene at 5:43 a.m. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

15. The Office of Special Investigation's (OSI) Investigative report determined that security and medical staff responded appropriately. OSI's investigation revealed no evidence of foul play or staff misconduct or staff malfeasance.

ACTIONS REQUIRED:

That this case be closed as a suicide.

WITNESS, HONORABLE ALLEN RILEY, Chairman, 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 28th day of June, 2023.



Allen Riley
Chairman
Commission of Correction

AR:AN:jdb
2021-M-0023
June 2023

cc: Dr. Carol Moores, Chief Medical Officer
Bryan Hilton, Assistant Commissioner for Mental Health
Superintendent James Donahue, Elmira 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, Advocacy Letter Coordinator, CNYPC