



**Commission of  
Correction**

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

**In the Matter of the Death of**

**Kenny Rochelin (17A2150),  
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 Kenny Rochelin who died on March 6, 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. Kenny Rochelin was a 31-year-old male who died on 3/6/21 due to a suicidal hanging while in the custody of the New York State Department of Corrections and Community Supervision (DOCCS) at the Elmira Correctional Facility (CF).
2. Rochelin was born in Haiti and moved to Brooklyn, NY at a young age. Rochelin was raised by his mother and father. His father passed when Rochelin was 16 years old due to medical issues. Rochelin reported having one brother and two sisters. He was never married and reported having no children.
3. [REDACTED]  
[REDACTED]  
[REDACTED] . In the instant offense, between the dates of 2/5/16 and 3/10/16, Rochelin attempted to rob four separate victims at knifepoint, stole their property and caused injuries. He pled guilty and was sentenced to 10-years in prison. On 5/23/17, at the age of 27, Rochelin entered DOCCS and began serving his first DOCCS incarceration.
4. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] .
5. On 5/24/17, Rochelin entered DOCCS via Downstate CF. [REDACTED]  
[REDACTED]  
[REDACTED]
6. [REDACTED]  
[REDACTED] .
7. In June 2017, Rochelin was transferred from Downstate CF to Attica CF. He was then transferred to Midstate CF in March 2019. On 3/11/19, he was moved from Midstate CF General Population (GP) to the Special Housing Unit (SHU). He remained in the SHU for approximately one month and was moved back to GP on 4/10/19 for 14 days before being moved back into the SHU. On 4/25/19, Rochelin was admitted to the Midstate [REDACTED] . On 4/26/19, Rochelin [REDACTED] transferred to the Midstate CF Special Housing Unit (SHU). [REDACTED]  
[REDACTED]

[REDACTED]). On 8/25/20, Rochelin was transferred to Elmira CF [REDACTED]

8. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

9. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

10. On 7/15/20, during routine security tours, officers noted a foul odor coming from Rochelin's cell. Rochelin was made to take a shower and was advised on appropriate hygiene.

11. On 8/25/20, Rochelin was transferred to Elmira CF.

12. [REDACTED]  
[REDACTED]  
[REDACTED].

13. [REDACTED]  
[REDACTED]  
[REDACTED].

14. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

15. [REDACTED]  
[REDACTED]  
[REDACTED].

16. [REDACTED]. The lockdown consisted of all callouts being cancelled and all incarcerated individuals remaining in their cells with limited movement.  
[REDACTED].

17. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

18. [REDACTED]  
[REDACTED].

19. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

20. [REDACTED]  
[REDACTED]  
[REDACTED] mming. The  
Medical Review Board opines that Rochelin's symptoms of depression were not  
adequately addressed. While the Medical Review Board acknowledges the confines  
that a court order for medication on a patient can impose, the Board opines that  
DOCCS's policy should be reevaluated in order to be able to address a patient's needs  
when they are symptomatic and agreeable to recommended therapies.

21. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

22. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

23. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

24. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

25. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

26. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].

27. [REDACTED]
28. On 3/6/21 at 6:20 p.m., the H Block porter notified Correction Officer (CO) G.S that Rochelin was hanging in his cell. CO G.S. and CO C.S. responded and observed Rochelin hanging and unresponsive with a white sheet tied around his neck and affixed to the cell gate, preventing the door from being opened. CO C.S. called a medical emergency. Sergeant (Sgt.) B.C. arrived as CO T.C. was arriving with the cut down tool. CO G.S. and CO C.S. had already untied the sheet from the cell gate and forced the cell gate open. The sheet was removed from Rochelin's neck, and he was lowered to the floor. CO C.S. checked for vital signs finding no pulse or respirations. At 6:21 p.m., CPR was initiated. At 6:23 p.m., CO S.D. applied the AED which advised no shock and CPR was continued. At 6:23 p.m., Erway Ambulance was activated. At 6:24 p.m., Registered Nurse (RN) [REDACTED] responded [REDACTED]. Erway Ambulance arrived at the facility at 6:27 p.m. and were escorted to the H-gallery [REDACTED]
29. 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.
30. New York State Police Investigation Bureau of Criminal Investigation (BCI) conducted a search of Rochelin's cell and found no evidence of foul play, no contraband, and no other additional evidence. The investigation additionally revealed staff responded appropriately while attempting life saving measures.

ACTIONS REQUIRED:

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

1. The Forensic Services Division shall conduct a quality assurance review of Rochelin's mental health care and the treatment of his reported symptoms of depression.
2. The Forensic Services Division shall conduct a review of policies regarding patient care for individuals under a court ordered medication program who are experiencing changes in symptoms and are in need to of additional and/or different recommended therapies.

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

*In a response dated 5/10/23 to the Commission's preliminary report, the Division of Forensic Services indicated that the requested reviews were completed.*

WITNESS, HONORABLE ALLEN RILEY, Chairman, NYS Commission of Correction, Alfred E. Smith State Office Building, 80 South Swan Street, 12<sup>th</sup> Floor, in the City of Albany, New York 12210 on this 28<sup>th</sup> day of June, 2023.



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Allen Riley  
Chairman  
Commission of Correction

AR:AN:jdb  
2021-M-0033  
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