



**Commission of  
Correction**

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

**In the Matter of the Death of**

**David Kingsley (21B1152),  
an incarcerated individual of the  
Elmira Correctional Facility**

**September 27, 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 David Kingsley who died on August 11, 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. David Kingsley was a 33-year-old male who died on 8/11/21 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]. In August 2020, in his instant offense, Kingsley unlawfully entered a residence and stole and damaged property while under the influence. The property consisted of a pool table, folding chairs, and a guitar case. He was convicted of Attempted Burglary in the 2<sup>nd</sup> Degree and was sentenced to serve 0 to 7 years of incarceration.
3. Kingsley was admitted to the Elmira CF in July 2021, where he remained for the entirety of his incarceration.
4. [REDACTED].
5. [REDACTED].
6. [REDACTED].
7. [REDACTED].
8. On 8/11/21 at 6:43 a.m., other incarcerated individuals notified Correction Officer (CO) S.S that Kingsley, who was housed in the Reception Center, needed medical attention. Kingsley was observed to be unresponsive, slouching forward with a state sheet tied around his neck and secured to the steam pipe above his bed. A medical emergency was called at 6:43 a.m. and Sgt. T.T and CO D.B responded entering the cell. Sgt. T.T

used a cut down tool to cut and remove the sheet from Kingsley's neck. Sgt T.T. then placed him on the floor. No vital signs were found and CPR was initiated by 6:45 a.m. An AED was applied to Kinglsey but no shock was advised. CO D.B administered one dose of nasal Narcan at 6:47 a.m., then RN [REDACTED], RN [REDACTED], and RN [REDACTED]. arrived.

[REDACTED]  
 [REDACTED] Erway Ambulance arrived at the scene at 7:07 a.m. [REDACTED]  
 [REDACTED]  
 [REDACTED]

9. Investigations following Kingsley's death noted writing on the wall on his cell stating "I tried to live a good life and be a respectable man I failed. Tell my mom and my kids I'll always love them. - Kinger"
10. 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, staff misconduct, or staff malfeasance.

ACTIONS REQUIRED:

TO THE ACTING COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION:

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, 12<sup>th</sup> Floor, in the City of Albany, New York 12210 on this 27<sup>th</sup> day of September, 2023.



Allen Riley  
 Chairman  
 Commission of Correction

AR:AN:vc  
 2021-M-0104  
 June 2023

cc: Dr. Carol Moores, Chief Medical Officer  
 James Donahue, Associate Commissioner of Mental Health  
 Superintendent Christopher Yehl, Wende 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