



**Commission of
Correction**

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

In the Matter of the Death of

**Timothy Bush (93B3056),
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 Timothy Bush who died on November 1, 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. Timothy Bush was a 56-year-old male who died on 11/1/2021 due to a suicidal hanging while in the custody of the New York State Department of Corrections and Community Supervision (NYS DOCCS) at the Elmira Correctional Facility (CF).
2. [REDACTED]
[REDACTED]
[REDACTED] In his instant offense in 1993, Bush broke into a home and forcibly raped and sexually abused a female occupant and then assaulted her by beating her on the head with a flashlight and another blunt instrument. He was charged with Rape 1st Degree, Burglary 1st Degree, and Assault 1st Degree, and sentenced to 20 to 40 years in prison. In June 2017, Bush was released on parole. He violated parole in August 2017 and was returned to Elmira Reception Center. Bush was released on parole again in July 2019; however, his parole was revoked in 10/22/2021 and he was returned to Elmira Reception Center.
3. [REDACTED]
[REDACTED] Bush had not received a disciplinary ticket since November 2013 when he received a Tier 3 ticket.
4. Bush was most recently admitted to the Elmira CF in October 2021, following his parole violation. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
5. [REDACTED]
[REDACTED]
6. [REDACTED]
7. Bush was housed in a cell in Elmira Correctional Facility Reception Center and was last seen alive on 10/31/21 at 11:25 p.m. during security rounds.
8. On 11/1/2021 at 12:25 a.m., during the facility count round, Correction Officer (CO) R.M. found Bush sitting on his bed upright against the cell wall with a ligature around his neck. CO R.M. called for a medical emergency response and CO T.B arrived with the AED. The cell door was opened and CO T.B. untied a shoestring from the cell coat hook that was around Bush's neck. CPR was started and the AED was applied but no shock was advised. At 12:29 a.m., the first dose of Narcan was administered. Medical personnel

RN [REDACTED] arrived at the cell at 12:28 a.m. [REDACTED]
[REDACTED]
[REDACTED] Erway Ambulance arrived at the unit at 12:39 a.m. [REDACTED]
[REDACTED]
[REDACTED]

9. DOCCS Office of Special Investigation (OSI) conducted a cell search but no contraband was discovered.
10. OSI's 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:

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



Allen Riley
Chairman
Commission of Correction

AR:AN:vc
2021-M-0147
September 27, 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