



**Commission of
Correction**

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

In the Matter of the Death of

**Nathaniel Sergio (DIN 22B1610),
an incarcerated individual of the
Elmira Correctional Facility**

December 20, 2023

**To: Honorable Daniel F. Martuscello, III
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 Nathaniel Sergio who died on May 22, 2022, 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. Nathaniel Sergio was a 40-year-old white male who died on 5/22/22 from a suicide 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] In the instant offense occurring between 2020 and 2021, Sergio damaged property, including fencing and antenna cables to emergency service communications and cell towers, a rooftop door, and several other power cables. Sergio was convicted of Criminal Mischief in the 2nd Degree and was sentenced to 2-6 years in prison. This was his first NYS DOCCS Incarceration.
3. Sergio had no significant medical history.
4. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
5. A review of county jail records indicated that Sergio was received at the Oneida County Jail on 10/16/21. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
6. [REDACTED]
[REDACTED]
[REDACTED]
7. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

8. [REDACTED]

9. [REDACTED]

10. [REDACTED]

11. [REDACTED]

12. [REDACTED]

13. [REDACTED]

14. [REDACTED]

15. [REDACTED]

16. Sergio was first received by DOCCS on 4/18/2022 at the Elmira Reception Center. Sergio remained in the Reception Center for the remainder of his incarceration.

17. [REDACTED]

18. [REDACTED]
19. [REDACTED]
20. [REDACTED]
21. [REDACTED]
22. [REDACTED]
23. On 5/22/22, during security rounds of the reception center, at 7:50 a.m., CO C.S. observed Sergio hanging in his cell with a state sheet wrapped around his neck and tied to the electrical conduit at the rear of his cell. CO C.S. immediately called a medical emergency and CO A.H. arrived with the cutdown tool. CO C.S. and CO A.H. entered the cell and the cut down tool was used. Sergio was then lowered to the ground. CPR was started immediately. CO N.B. arrived at the cell with the AED at 7:51 a.m. The AED was placed on Sergio and no shock was advised. CO M.P. administered five doses of nasal Narcan throughout the medical emergency. RN [REDACTED] arrived at 7:53 a.m. [REDACTED] At 7:55 a.m., Sgt J.F. contacted Erway Ambulance Services. Erway Ambulance arrived at the scene at 8:07 a.m. and assumed care of Sergio. [REDACTED]

ACTIONS REQUIRED:

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

1. The Director shall conduct a quality assurance review regarding patient charting to assure that changes in medications are documented.
2. The Director shall conduct a quality assurance review regarding patient charting to assure compliance with CBO Policy # 9.27 in that Initial Psychiatric Evaluations are completed properly and timely.

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

In a response dated 11/17/23 to the Commission's preliminary report, OMH indicated that the requested reviews were complete as part of their incident review with corrective actions taken.

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 20^h day of December, 2023.



Allen Riley
Chairman
Commission of Correction

AR:AN:vc
2022-M-0060
December 20, 2023

cc: Dr. Carol Moores, Chief Medical Officer
James Donahue, Associate Commissioner of Mental Health
Superintendent Kevin McCarthy, 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