



**Commission of
Correction**

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

In the Matter of the Death of

**Mitchell Lindow
an incarcerated individual of the
Broome County Jail**

March 27, 2024

**To: Sheriff Frederick J. Akshar, II
Broome County Sheriff's Office
155 Lt. Van Winkle Drive
Binghamton, New York 13905**

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 Mitchell Lindow, who died on November 4, 2022, as a result of circumstances which occurred while an incarcerated individual in the custody of the Broome County Sheriff at the Broome County Jail, the Commission has determined that the following final report be issued.

FINDINGS:

1. Mitchell Lindow was a 50-year-old male who died on 11/4/22 due an acute intoxication of illicit fentanyl while in the custody of the Broome County Sheriff at the Broome County Jail. The Medical Review Board has found that cause of death in this matter is attributed to Lindow's fentanyl use as there was insufficient pathologic evidence to support a manner of death due to natural causes.
2. Lindow was born in Johnson City, NY. He was survived by two sisters. Mitchell received his GED and was unemployed. There was no further demographic or social history available to the Commission for Lindow.
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
[REDACTED] In the instant offense, on 12/2/21 in Binghamton, NY, Lindow was arrested by the Binghamton City Police Department and charged with Murder 1st Degree after causing another person's death during a burglary. Lindow was arraigned in Binghamton City Court and charged with Murder 1st Degree. Lindow was remanded without bail to the Broome County Sheriff's Office at the Broome County Jail. Lindow was awaiting a trial.
6. On 12/2/21 at 10:08 p.m., Lindow was admitted to the Broome County Jail by Correction Officer (CO) W.L. for a charge of Murder 1st Degree. Lindow scored a "two" on the Suicide Prevention Questionnaire for experiencing a significant loss in the past six months and for being worried about major problems. CO W.L. documented that Lindow was alert, aware of his surroundings, and he was being cooperative with the officers.
7. [REDACTED]

[REDACTED]

8. On 12/14/21 at 11:35 a.m., Lindow was involved in a use of force with officers due to not receiving his kosher meal. The officer attempted to resolve the issue and Lindow threw the meal container at the officer's feet. Lindow refused all orders given by security staff and Lindow received two one second bursts of Oleoresin Capsicum spray. Lindow continued to refuse all orders that were given to him, and he began actively fighting with the officers. Lindow was carried off of the unit by officers due to him refusing to walk. Throughout Lindow's incarceration, he had an additional five physical incidents with other incarcerated individuals (II), one with a Special Emergency Response Team (SERT) extraction for a threat of violence towards an officer, one incident of throwing urine on an officer, and one incident of causing a near riot situation with threats of violence towards an officer. Lindow received inhouse charges along with two outside charges for these incidents.

9. [REDACTED]

10. [REDACTED]

11. [REDACTED]

12. [REDACTED]

[REDACTED]

13.

[REDACTED]

14.

A review of Lindow's medical records by Commission staff finds that Lindow did not have a medical history and physical assessment within the 14 days of his admission. This is a violation of 9 NYCRR §7010.2(b)(1) which states: *Each prisoner shall be examined by a physician licensed to practice in the State of New York or by a medical personnel legally authorized to perform such examination at the time of admission or as soon as thereafter, but no later than 14 days after admission.*

15.

[REDACTED]

16.

[REDACTED]

17.

[REDACTED]

18.

[REDACTED]

19.

[REDACTED]

20.

[REDACTED]

21.

[REDACTED]

- [REDACTED]
- 22. [REDACTED]
- 23. [REDACTED]
- 24. [REDACTED]
- 25. [REDACTED]
- 26. [REDACTED]

- [REDACTED]
27. [REDACTED]
[REDACTED]
28. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
29. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] A
review of Lindow's medical chart by the Medical Review Board finds that the facility's
physician should have been notified of Lindow's blood pressure reading of 185/93.
30. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
31. [REDACTED]
[REDACTED]
[REDACTED]
32. [REDACTED]
[REDACTED]
[REDACTED]

33. [REDACTED]

34. [REDACTED]

35. [REDACTED]

36. [REDACTED]

37. [REDACTED]

[REDACTED]

38. [REDACTED]

39. [REDACTED]

40. [REDACTED]

41. [REDACTED]

42. [REDACTED]

43. [REDACTED]

49.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] The Medical Review Board opines that the attending pathologist misdiagnosed the cause and manner of death and that Lindow's death was attributed to a fentanyl overdose. The Board found that there was no microscopic evidence of any recent or old infarct in the heart that would support a natural death due to cardiovascular disease. Furthermore, in forensic pathology, a natural death is defined as death caused exclusively by disease. The detected fentanyl (and its metabolites) is necessary and sufficient to be a valid cause of death.

ACTIONS REQUIRED:

TO THE BROOME COUNTY JAIL PHYSICIAN AND MEDICAL DIRECTOR OF PRIME CARE MEDICAL:

1. The Jail Physician shall conduct a comprehensive quality assurance review regarding the following:
 - a. Why Lindow did not have a medical history and physical assessment within the 14 days of his admission.
 - b. On 4/27/22 at 11:37 a.m., why RN [REDACTED] did not notify the facility physician of Lindow's blood pressure reading of 185/93.


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

TO THE MEDICAL DIRECTOR OF LABORATORY MEDICINE AT WILSON REGIONAL MEDICAL CENTER:

The Board requests that the autopsy findings for Lindow be reviewed with a consideration of cause of death to be revised as acute fentanyl intoxication and manner of death as accident due to the level of illicit fentanyl found in Lindow's system.

In a response to the Commission's preliminary report, an amended autopsy report was issued for Lindow listing his final diagnosis as [REDACTED].

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 27^h day of March 2024.



Allen Riley
Allen Riley
Chairman
Commission of Correction

AR:BB:vc
2022-M-0124
March 27, 2024