



**Commission of
Correction**

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

In the Matter of the Death of

**John Malaussena (05A4835),
an incarcerated individual of the
Green Haven Correctional Facility**

March 27, 2024

**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 John Malaussena, who died on June 28, 2021, while an incarcerated individual in the custody of the NYS Department of Corrections and Community Supervision at the Green Haven Correctional Facility, the Commission has determined that the following final report be issued.

FINDINGS:

1. John Malaussena was a 55-year-old male who died on 6/28/21 due to Acute Fentanyl Intoxication while in the custody of the New York State Department of Corrections and Community Supervision (NYS DOCCS) at the Green Haven Correctional Facility (CF).
2. [REDACTED]
[REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] In the instant offense, on 6/9/04, Malaussena caused the death of a male individual by beating him in the head with his hand and a pool stick. Malaussena was convicted of Murder 2nd Degree and was sentenced to 25 years to Life in state prison.
3. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
4. In 2005, Malaussena was received at Downstate CF and transferred to Clinton CF. In 2007, Malaussena transferred to Shawangunk CF. In May 2008, Malaussena transferred to Attica CF. In September 2008, Malaussena transferred to Upstate CF. In December 2008, Malaussena transferred to Auburn CF. In September 2012, Malaussena transferred to Upstate CF. In December 2012, Malaussena transferred to Five Points CF and then to Great Meadow CF. In August 2014, Malaussena transferred to Eastern CF. In August 2018, Malaussena transferred to Fishkill CF in the Special Housing Unit (SHU) 200. In September 2018, Malaussena transferred to Coxsackie CF.
5. [REDACTED]
6. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
7. [REDACTED]
[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
8. On 5/17/21, Malaussena transferred to Green Haven CF. [REDACTED]
- [REDACTED]
- [REDACTED]
9. [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
10. On 6/28/21 at approximately 1:40 p.m., Correction Officer (CO) P.C. was notified by another individual that there was something wrong with Malaussena. CO P.C. responded and found Malaussena face up on his cell floor between the bed and toilet. A medical response called at 1:40 p.m. Sergeant (Sgt.) A.E. responded. Cardiopulmonary Resuscitation (CPR) was initiated and the Automated External Defibrillator (AED) was applied with no shock advised. CO T.B. administered Narcan at 1:44 p.m. and 1:47 p.m. without the desired effect. CPR was continued. Registered Nurse (RN) [REDACTED] and RN [REDACTED] arrived on the housing unit. [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED] EMS arrived at 2:11 p.m. [REDACTED]
- [REDACTED]
11. The Medical Review Board has found that there was a failure by DOCCS to timely activate EMS to the medical emergency as the reported time was at 1:55 p.m., approximately 15 minutes after Malaussena was discovered unresponsive. An investigation by DOCCS Office of Special Investigation also identified this issue and found that facility' watch commander, Lt. N.V., failed to call 911 which delayed the EMS response. Lt. N.V. received corrective action training and her probationary period was extended.

ACTIONS REQUIRED:

This case be closed as an accidental overdose

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
Chairman
Commission of Correction

AR:DC:vc
2021-M-0087
March 27, 2024

cc: Dr. Carol Moores, Deputy Commissioner Chief Medical Officer
James Donahue, Associate Commissioner of Mental Health
Superintendent Mark Miller, Green Haven CF