



**Commission of
Correction**

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

In the Matter of the Death of

**Andres R. Perez (10B2011),
an incarcerated individual of the
Auburn 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 Andres R. Perez, who died on October 1, 2020, while an incarcerated individual in the custody of the NYS Department of Corrections and Community Supervision at the Auburn Correctional Facility, the Commission has determined that the following final report be issued.

FINDINGS:

1. Andres R. Perez was a 45-year-old male who died on 10/01/20 of suicidal self-inflicted lacerations to both his arms while in the custody of New York State Department of Corrections and Community Supervision (DOCCS) at Auburn Correctional Facility (CF).
2. Perez was born in Chicago, Illinois. Perez lived in the U.S. with his biological mother and father until age five. Perez's father was physically abusive to his mother and siblings. When Perez was five years old, Perez's mother moved him and his four siblings to Puerto Rico. Perez had no further contact with his father but maintained a relationship with his mother who still resided in Puerto Rico. It was unclear at what age Perez returned to the U.S. Perez dropped out of High School after completing 9th grade. Perez was single with no reported employment history. Perez was survived by his parents, two brother, two sisters and four children.
3. [REDACTED] In March 2010, Perez was arrested for 2 counts of Predatory Sex Assault Against as Child Less than 13 and Act in Manner Injurious to a Child Less than 17 in Niagara County. Perez had reportedly engaged in multiple acts of sexual abuse over a 12-month period with [REDACTED]. In June 2010, Perez was convicted of Criminal Sexual Act in the 1st Degree and was sentenced to 20 years of incarceration.
4. [REDACTED]
5. [REDACTED]

[REDACTED]

6. [REDACTED]

7. Perez remained incarcerated at Elmira CF between May 2011 and December 2016.
[REDACTED]

8. [REDACTED]

9. [REDACTED]

10. [REDACTED]

[REDACTED] OMH acknowledged during their incident review that at the time of Perez's death, there were staffing and mental health service access issues due to the restrictions that the COVID pandemic had placed.

11. [REDACTED]

- [REDACTED]
12. [REDACTED]
 13. Perez was transferred to Auburn CF on 9/21/20 due to the need of separation from other incarcerated individuals. Perez had only been at Auburn CF ten days when he committed suicide. Perez had not yet been seen by any of the mental health staff at Auburn CF. Per OMH Policy, active case transfers must be scheduled to see their primary therapist within two weeks of the transfer and must be scheduled to see the psychiatric provider within 30 days of the transfer. The Medical Review Board opines that OMH should consider reviewing the transfer policy for Level 1 patients in order to provide for expedited primary therapist encounters within two weeks of the transfer.
 14. Perez was assigned to A-2 company, cell 15 at Auburn CF. Officers B.G. and T.C. made rounds of the company for the night shift. At approximately 2:00 a.m., Officer T.C. observed Perez in his cell using the bathroom.
 15. At approximately 3:00 a.m., Officer B.G. saw Perez lying in his bunk and had shined the flashlight, inadvertently, into Perez's eyes.
 16. Rounds were completed again at approximately 4:00 a.m. and 5:00 p.m. and Perez appeared to be sleeping on his bunk.
 17. At approximately 6:23 a.m., Officer B.G. reported seeing Perez on his bunk sleeping with one arm hanging off the bed.
 18. At approximately 7:00 a.m., while conducting the master count security round of A-2 company, Officer B.H. observed Perez unresponsive laying on his bed inside cell A-2-15 surrounded by blood and vomit. Perez did not respond to verbal commands. Officer B.H. yelled to Officer T.B., who called a medical emergency.
 19. At 7:02 a.m., responding staff including Sergeant (Sgt.) R.T., Officer J.L. and Officer M.G. entered the cell and found Perez unresponsive with lacerations to both arms. CPR was started immediately and the AED was applied. EMS was then activated by Lieutenant C.R.
 20. At 7:04 a.m., officers placed Perez in a stretcher and brought him out to the end of the gallery. CPR was continued and Registered Nurse (RN) [REDACTED] met the staff there [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
 21. [REDACTED]
[REDACTED]
 22. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- [REDACTED]
- [REDACTED]
23. A search of Perez's cell after the terminal event revealed that his state issued razor was missing and was likely what was used to self-inflict his lacerations however, the razor was not recovered.

ACTIONS REQUIRED:

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

The Medical Review Board requests the Division of Forensic Services to review the transfer policy and to consider implementing a policy that requires an expedited primary therapist encounter for all Level 1 OMH patients.

In a response dated 2/9/24 to the Commission's preliminary report, the Division of Forensic Services indicated that transfer documentation was modified in November 2020 to include more explicit information regarding an individual's overall risk.

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:JW:CO:vc
2020-M-0104
March 27, 2024

cc: Dr. Carol Moores, Chief Medical Officer
James Donahue, Associate Commissioner of Mental Health
Superintendent Joseph Corey, Auburn 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