



**Commission of  
Correction**

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

**In the Matter of the Death of**

**Malik Rahman,  
an incarcerated individual of the  
New York City Police Department 40<sup>th</sup> Precinct**

**June 25, 2024**

**To: Commissioner Edward A. Caban  
NYC Police Department  
1 Police Plaza  
New York, New York 10038**

**Allen Riley**  
*Chairman*

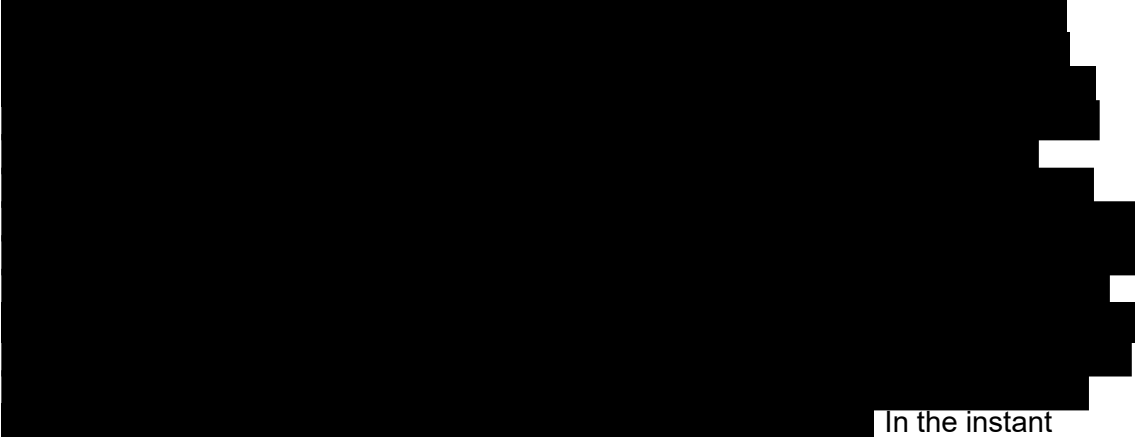
**Yolanda Canty**  
*Commissioner*

**Elizabeth Gaynes**  
*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 Malik Rahman, who died on August 25, 2021, as a result of circumstances which occurred while an incarcerated individual in the custody of the New York Police Department, the Commission has determined that the following final report be issued.

**FINDINGS:**

1. Malik Rahman was a 52-year-old male who died on 8/25/21 due to an accidental overdose involving fentanyl, para-fluorofentanyl and benzodiazepines while in the custody of the New York City Police Department (NYPD) while at the 40<sup>th</sup> Precinct holding cell area. Rahman was unresponsive in the holding cell for over 90 minutes before being noticed by NYPD officers. Rahman's condition in the holding cell was not properly verified during holding cell checks in accordance with minimum standards.
2. 

In the instant offense, on 8/10/21, Rahman forced his way into his girlfriend's apartment, took \$20, and bit the victim on her back before leaving the apartment. On 8/25/21, Rahman was arrested and was to be charged with Assault with Intent to Cause Serious Physical Injury.
3. Rahman's past medical history was unknown to the NYPD at the time of his death.
4. On 8/25/21 at 8:34 a.m., Rahman was arrested based on probable cause for Assault 2<sup>nd</sup> Degree. Rahman was field searched, and no contraband was discovered. Rahman was front cuffed due to a stabbing injury he sustained on 8/22/21. At 8:47 a.m., Rahman arrived at the NYPD 40<sup>th</sup> Precinct and was searched again with no contraband discovered. At 8:54 a.m., Rahman was lodged into the male holding pen.
5. At 10:00 a.m., 10:30 a.m., 11:00 a.m., 11:30 a.m., 12:00 p.m., 12:30 p.m., 1:00 p.m., 1:30 p.m., 2:00 p.m., 2:30 p.m., and 3:00 p.m., Detective R. documented in the Prisoner Holding Pen Roster conducting cell checks. No condition of Rahman was documented on the roster.
6. A review of the video recording of the holding cell revealed that at 12:12 p.m., Rahman was observed reaching into his right sock and approximately 45 seconds later, appeared

to place an unknown substance into his mouth. At 12:19 p.m., Detainee M.P. was also placed into the holding cell along with Rahman. At 12:35 p.m., Rahman departed the holding cell and returned at 12:44 p.m. after using the restroom.

7. At approximately 1:14 p.m., Rahman appeared to have received an unknown substance from Detainee M.P. and snorted it.
8. At 1:31 p.m., Police Officer (PO) D.K. entered the holding cell area and fingerprinted a female detainee and exited at 1:39 p.m. At 1:48 p.m., PO C.C. entered the holding cell area to speak with a female detainee and exited at 1:56 p.m. At 1:57 p.m., PO D.K. and PO Y.M. entered the holding cell area with a female detainee and removed a female at 1:59 p.m. At 2:09 p.m., PO H. and PO B. entered the holding cell area with Detainee J.M. to house him in the holding cell with Rahman and exited at 2:14 p.m. At 2:17 p.m., PO C.C. entered the holding cell area and exited at 2:19 p.m. At 2:24 p.m., PO C.C. entered the holding cell area and exited at 2:26 p.m. At 2:27 p.m., PO C.C. entered the holding cell area and provided a female detainee with a bag of chips and exited at 2:28 p.m. At 2:29 p.m., PO C.C. entered the holding cell area and exited.
9. Commission Staff reviewed the holding cell area security camera video. The following was observed:
  - At approximately 1:14 p.m., Rahman stood up in the cell from a seated position. Rahman was very uneasy on feet.
  - At approximately 1:16 p.m., Rahman sat back down on the holding cell bench.
  - At approximately 1:17 p.m., Rahman laid down on the holding cell bench.
  - At approximately 1:24 p.m., Rahman sat up and appeared to have labored breathing.
  - At approximately 1:26 p.m., Rahman convulsed, stumbled off the holding cell bench and into the corner. Rahman slowly crouched to floor of the holding cell.
  - At approximately 2:13 p.m., two police officers lodged Detainee J.M. in the holding cell with Rahman and Detainee M.P.
  - At 2:46 p.m., Detainee J.M. attempted to arouse Rahman.
  - At approximately 2:47 p.m., Detainee J.M. was looking out of the holding cell gate.
  - At approximately 2:49 p.m., Detainee J.M. began yelling at the holding cell gate.
  - At approximately 3:01 p.m., Detective M. and Detective R. entered the holding cell and attempted to arouse Rahman. They exit the holding cell.
  - At approximately 3:04 p.m., a detective returned to the holding cell with another male. Rahman is moved from the corner and at approximately 3:05 p.m., Cardiopulmonary resuscitation (CPR) is started.
  - At approximately 3:08 p.m., the Automated External Defibrillator (AED) was applied.

The Medical Review Board finds that the NYPD Officers assigned to perform cell checks failed to properly verify and document Rahman's condition in accordance with the requirements of 9 NYCRR §7504.1(d)(3) which states:

*d) A suitable record of supervisory visits shall be maintained in ink and in a legible manner and shall include but shall not necessarily be limited to the following information:*

(3) condition of prisoner(s), e.g., awake, sleeping, etc.;

10. At approximately 3:13 p.m., the Fire Department of New York (FDNY) entered the holding cell to assume care of Rahman. At approximately 3:36 p.m., Rahman was placed on a backboard and taken out of the precinct. [REDACTED]
11. NYPD crime scene unit responded to the 40<sup>th</sup> precinct to process the scene and recovered five white ripped glassine envelopes that contained heroin residue inside and two green ripped translucent plastic ziplock bags that contained cocaine residue inside.

ACTIONS REQUIRED:

TO THE COMMISSIONER OF THE NEW YORK CITY POLICE DEPARTMENT:

The Commissioner shall conduct a review of the officers assigned to the supervise the holding cell at the 40<sup>th</sup> Pct. to assure compliance with 9 NYCRR §7504.1(d)(3). Officers should be subject to administrative action if found to be in violation of department directives per the NYPD Patrol Guide.

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

WITNESS, HONORABLE YOLANDA CANTY, Commissioner, NYS Commission of Correction, Alfred E. Smith State Office Building, 80 South Swan Street, 12<sup>th</sup> Floor, in the City of Albany, New York 12210 on this 25<sup>th</sup> day of June 2024.



Yolanda Canty  
Commissioner  
Commission of Correction

YC:MB:vc  
2021-M-0109  
June 25, 2024

cc: Deputy Inspector Paul Muggeo,  
Force Investigation Division