



**Commission of
Correction**

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

In the Matter of the Death of

**Mary Yehudah,
an incarcerated individual of the
Rose M. Singer Center**

June 25, 2024

**To: Commissioner Lynelle Maginley-Liddie
NYC Department of Correction
75-20 Astoria Blvd., Suite 100
East Elmhurst, NY 11370**

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 Mary Yehudah, who died on May 18, 2022, as result of circumstances which occurred while an incarcerated individual in the custody of the New York City Department of Correction, the Commission has determined that the following final report be issued.

FINDINGS:

1. Mary Yehudah was a 31-year-old female who died on 5/18/22 from Hyperglycemia and Ketoacidosis due to Diabetes Mellitus, most likely induced by COVID-19 infection, while hospitalized at Elmhurst Hospital and in the custody of the New York City Department Of Correction (NYC DOC). Yehuda had previously been incarcerated at the Rose M. Singer Center (RMSC) on Rikers Island. The Medical Review Board has found that there was substantial non-compliance to minimum standards pertaining to security and supervision while Yehudah was physically compromised for hours prior to receiving medical attention for a life-threatening medical condition.
2. Yehudah was born in New York, NY. Yehudah was survived by her mother and siblings. Yehudah reported having a 10th grade education. There was no further demographic or social history available to the Commission for Yehudah.
3. Yehudah had no significant medical history and was not prescribed any medications.
4. [REDACTED]
5. [REDACTED]
6. On 2/12/22 at 6:20 p.m., Yehudah was admitted into NYC DOC custody from the Bronx Criminal Court after being charged with Robbery 1st Degree. Yehudah was held on a \$50,000 bond or a \$10,000 cash bail. Yehudah scored a “two” on the Suicide Prevention Screening for answering “yes” to experiencing a significant loss in the last six months and having a previous suicide attempt. Yehudah’s next court date was scheduled for 5/19/22. A review of the Suicide Prevention Screening by Commission staff identified that question # 10 was a two-part question, a. and b. In question # 10 a., Yehudah answered “yes” to “Detainee has previous suicide attempt”. Part b. asked, “Attempt occurred within the last year. If YES, notify Supervisor”. Yehudah commented that the suicide attempt was one year prior. Correction Officer (CO) A. checked “No” to the attempt occurred within the last year. The Medical Review Board finds that CO A. failed to notify a Supervisor that Yehudah reported having a previous suicide attempt one year

prior and that CO A. did not refer Yehudah to Mental Health.

7.

[REDACTED]

8.

[REDACTED]

9.

[REDACTED]

10.

[REDACTED]

[REDACTED]

11. On 2/13/22 at 6:32 p.m., Yehudah was moved from RMSC reception to RMSC Housing Area 7.

12. [REDACTED]

13. [REDACTED]

14. [REDACTED]

15. [REDACTED]

16. [REDACTED]

17. [REDACTED]

18. [REDACTED]

19.

[REDACTED]

20.

[REDACTED]

21.

[REDACTED]

22.

[REDACTED]

23.

[REDACTED]

24.

[REDACTED]

[REDACTED]

25. [REDACTED]

26. [REDACTED]

27. [REDACTED]

28. [REDACTED]

29. [REDACTED]

30. [REDACTED]

31. [REDACTED]

32. [REDACTED]

33. [REDACTED]

34. [REDACTED]

35. [REDACTED]

36. [REDACTED]

37. [REDACTED]

38. On 3/5/22 at 3:54 p.m., Yehudah was transferred from RMSC Housing Area 9 to RMSC Housing Area South 2B.

39. [REDACTED]

[REDACTED]

40.

[REDACTED]

41. On 3/10/22, Yehudah was transferred from RMSC Housing Area South 2B to RMSC Housing Area 8A.

42.

[REDACTED]

43.

[REDACTED]

44.

[REDACTED]

45.

[REDACTED]

46. On 4/5/22, Yehudah was transferred from RMSC Housing Area 8A to RMSC Housing Area East 4B.

47.

[REDACTED]

[REDACTED]

48.

[REDACTED]

49.

[REDACTED]

50.

[REDACTED]

51.

[REDACTED]

52.

[REDACTED]

53.

[REDACTED]

54. [REDACTED]
55. On 5/12/22, Yehudah was transferred from RMSC Housing Area East 4B to RMSC Housing Area 4.
56. On 5/12/22 at 4:11 p.m., per the NYC DOC Callout Report, Yehudah entered Housing Area 4 of RMSC and began moving her property into her assigned cell, # 46.
57. On 5/13/22 at 5:28 p.m., per the NYC DOC Callout Report, an officer brought a food tray to Yehudah's cell. The officer exited Yehudah's cell, retrieved water, and brought the water back to Yehudah.
58. On 5/14/22 at 5:35 a.m., per the NYC DOC Callout Report, Yehudah exited her cell and went to take a shower. Yehudah returned to her cell at 5:55 a.m.
59. On 5/15/22 at 11:59 a.m., per the NYC DOC Callout Report, an officer opened Yehudah's cell door and provided her a food tray.
60. On 5/15/22 at 7:03 p.m., per the NYC DOC Callout Report, a Captain (Cpt.) and an officer conducted a visual tour inside of Yehudah's cell. There was no documentation available to the Commission on the results of the visual tour that was completed in Yehudah's cell.
61. On 5/16/22 at 12:44 p.m., per the NYC DOC Callout Report, an officer opened Yehudah's cell door and provided her a food tray and an incarcerated individual (II) brought water to Yehudah. The officer exited Yehudah's cell with the food tray. During an interview with Commission staff, CO L.J. reported taking Yehudah a tray because she did not like to come out of her cell. CO L.J. reported that Yehudah did not want to eat and that she only wanted to lay down and go to sleep. CO L.J. reported that Yehudah did not appear to be confused or sick at that time.
62. On 5/16/22, per the NYC DOC Callout Report, 30-minute tours on Housing Unit 4 were not conducted at the following times: 5:00 a.m., 5:30 a.m., 6:00 a.m., 6:30 a.m., 7:00 a.m., 7:30 a.m., 8:00 a.m., 8:30 a.m., 9:00 a.m., 9:30 a.m., 10:00 a.m., 11:00 a.m., 11:30 a.m., 12:00 p.m., 1:00 p.m., 2:00 p.m., 2:30 p.m., 3:00 p.m., 3:30 p.m., 4:30 p.m., 5:00 p.m., 6:00 p.m., 6:30 p.m., 7:00 p.m., 7:30 p.m., 8:00 p.m., 8:30 p.m., 9:00 p.m., 9:30 p.m., 10:00 p.m., 10:30 p.m., and 11:00 p.m.

This is a violation of 9 NYCRR §7003.2(b) which states: *General supervision shall mean the availability to prisoners of facility staff responsible for the care and custody of such prisoners which shall include supervisory visits conducted at 30-minute intervals.*

This is also a violation of 9 NYCRR §7003.2(c)(1) - (4) which states: *Active supervision shall mean the immediate availability to prisoners of a facility staff responsible for the care and custody of such prisoners which shall include: (1) uninterrupted ability to communicate orally with and respond to each prisoner unaided by any electronic or other artificial amplifying device; and (2) the conducting of supervisory visits at 30-minute*

intervals; (3) the ability of staff to immediately respond to emergency situations; and (4) in any facility housing area in which more than 20 inmates are housed, the continuous occupation of a security post within such housing area.

This is also a violation of 9 NYCRR §7003.5(a)(1)-(4) which states: *Prisoner population counts shall: (1) be conducted at the completion and commencement of each regularly scheduled shift; (2) be conducted by the staff member completing such regularly scheduled shift; (3) be conducted by the facility staff member beginning the next regularly scheduled shift, and (4) include an accounting of all prisoners housed in or otherwise assigned to the facility area in which such count is completed.*

63. On 5/16/22 at 4:05 p.m., CO J.S. documented in the Unit 4 logbook that she had assumed the Unit 4 post with a count of 23 incarcerated individuals that were all alive and breathing. During an interview with Commission staff, CO J.S. reported that when she did her initial count on the unit, Yehudah was standing in her cell by the window. CO J.S. reported that Yehudah was asked if she wanted to come out of her cell for dinner and that Yehudah did not want to come out of her cell. CO J.S. reported that Yehudah did not appear to be ill, she was not moaning, and she did not request to go to sick call. CO J.S. reported that Yehudah was sitting on her bed for the 8:00 p.m. count.
64. On 5/17/22 at 12:40 a.m., CO T.C. documented in the Unit 4 logbook that she assumed the Unit 4 post with a count of 25 incarcerated individuals that were all alive and breathing. During an interview with Commission staff, CO T.C. reported that when she arrived on the unit, Yehudah was moaning and when she went to Yehudah's cell to check on her, Yehudah stopped moaning. CO T.C. reported asking Yehudah if she was okay, and Yehudah nodded yes. CO T.C. reported that Yehudah was non-verbal but that she was breathing and nodding her head. CO T.C. reported that Yehudah laid on her mattress all night and was moaning, and when Yehudah's cell was approached, Yehudah would stop moaning.
65. On 5/17/22 at 2:20 a.m., from a review of video recording of Unit 4 by Commission staff it was observed that Captain (Cpt.) A.K. was completing a tour of Unit 4 and she approached cell # 36 that housed Yehudah and looked into the cell using her flashlight. Cpt. A.K. then stood up on her toes and looked into Yehudah's cell. During an interview with Commission staff, Cpt. A.K. was asked why she stood on her toes to look into Yehudah's cell. Cpt. A.K. reported that when she came onto Unit 4 to do a tour, she could hear one of the incarcerated individuals making a weird sound. Cpt. A.K. asked the officer who was making the noise and the officer reported the Yehudah was making the noise. Cpt. A.K. reported that when she looked in Yehudah's cell, she observed Yehudah sitting on the floor on her mattress. Cpt. A.K. reported that she looked into Yehuda's cell on her toes to make sure that there was no one else in the cell with Yehudah. Cpt. A.K. asked Yehudah why she was making noises (sexual) and Yehudah responded, "You're a woman, I'm a woman." Cpt. A.K. reported that she asked Yehudah if she was okay, and Yehudah said, "Yes".
66. On 5/17/22, per the NYC DOC Callout Report, the following was observed from the Genetec video recording from RMSC Housing Area 4:
- At 12:00 a.m., no tour was conducted.
 At 12:30 a.m., no tour was conducted.
 At 12:40 a.m., another officer on post toured and looked inside cell # 46.

At 12:57 a.m., an officer toured and looked inside cell # 46.
At 1:30 a.m., no tour was conducted.
At 1:30 a.m., no tour was conducted.
At 2:00 a.m., no tour was conducted.
At 2:10 a.m., an officer toured and looked inside cell # 46
At 2:20 a.m., a Captain toured and looked inside cell # 46.
At 2:30 a.m., no tour was conducted.
At 2:57 a.m., an officer got food for morning feeding and entered the pantry.
At 3:00 a.m., no tour was conducted.
At 3:01 a.m., an officer was at the Officer's desk.
At 3:30 a.m., no tour was conducted.
At 3:36 a.m., an officer exits the area.
At 4:00 a.m., no tour was conducted.
At 4:22 a.m., an officer returns to the post.
At 4:26 a.m., an officer tours the bottom tier, then enters the pantry.
At 4:30 a.m., no tour was conducted.
At 4:32 a.m., an officer exits the pantry.
At 5:00 a.m., no tour was conducted.
At 5:14 a.m., an officer opens cell # 48 for lock-out feeding. The officer did not stop by cell # 46 for a lock-out option.
At 5:30 a.m., no tour was conducted.
At 6:00 a.m., no tour was conducted.
At 6:30 a.m., no tour was conducted.
At 7:00 a.m., no tour was conducted.
At 7:30 a.m., an officer tours and looks inside cell# 46.
At 7:32 a.m., an officer looks inside cell # 46.
At 8:00 a.m., no tour was conducted.
At 8:30 a.m., a Captain is on post, signed the logbook and then exits at 8:30 a.m. and did not tour area.
At 8:30 a.m., no tour was conducted.
At 8:44 a.m., an officer tours and affords option to lock out, but by passes cell # 46.
At 8: 55 a.m., an incarcerated individual looks inside cell # 46 and then alerts the officer on post.

The lack of completed supervisory tours by the housing area officers is a violation of 9 NYCRR §7003.2(b), 9 NYCRR §7003.2(c)(1)-(4), and 9 NYCRR §7003.5(a)(1)-(4) and are also instances of false documentation in the official housing area logbook.

67. On 5/17/22, per the Incident Report written by CO S.P., CO S.P. was conducting a 9:00 a.m. tour of the area and observed Yehudah in cell # 46 fully unclothed lying on the floor of her cell breathing but unresponsive. CO S.P. had several failed attempts to get a response from Yehudah and CO S.P. notified Cpt. J. Cpt. J. attempted to get a response from Yehudah without a response and Cpt. J. radioed for a medical emergency.
68. On 5/17/22 at 9:05 a.m., Dr. [REDACTED] arrived to RMSC Housing Area 4 and was directed to Cell # 46 that housed Yehudah. [REDACTED]

[REDACTED]

69. On 5/17/22 at 9:19 a.m., EMS arrived at the scene and assumed care of Yehudah.

[REDACTED]

70.

[REDACTED]

71.

[REDACTED]

ACTIONS REQUIRED:

TO THE COMMISSIONER OF THE NEW YORK CITY DEPARTMENT OF CORRECTION:

1. The Commissioner shall note the findings of the Commission's report as official notice that facility staff were found to be repeatedly out of compliance with minimum standards for security and supervision standards including:
9 NYCRR §7003.2(b) General supervision;
9 NYCRR §7003.2(c)(1)-(4) Active supervision;
9 NYCRR §7003.5(a)(1)-(4) Prisoner population counts.
2. The Commissioner shall conduct a thorough review and investigation into the staff

assigned to Yehudah's housing area and the staff responsible for supervising the housing area staff. If staff are found to be in violation of Department directives, staff should be the subject of administrative action(s).

3. The Commissioner shall conduct a thorough review and investigation into why on 2/12/22, admitting CO A. did not notify a Supervisor that Yehudah reported a suicide attempt one year prior and did not refer Yehudah to Mental Health.
4. The Commissioner shall prepare and provide a comprehensive corrective action plan to assure compliance with the cited minimum standards.

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

In a response dated May 14, 2024 to the Commission's preliminary report, NYC DOC indicated that all requested reviews were completed. Three DOC members were identified for administrative action regarding supervision of the housing area. Revised Command Level Orders have been issued to RMSC facility administration regarding Active Supervision, General Supervision, and Prisoner Population Counts. Provisions were included for staff training, staff counseling, staff discipline, and supervisory follow-up.

WITNESS, HONORABLE YOLANDA CANTY, Commissioner, 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 25th day of June 2024.



Yolanda Canty
Commissioner
Commission of Correction

YC:BB:vc
2022-M-0058
June 25, 2024

cc: Deputy Commissioner of Legal Matters/General Counsel
Deputy Commissioner of Security Operations
Deputy Commissioner of Health Affairs
Director of Compliance
Patricia Yang, DrPH, Senior Vice President
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