



**Commission of
Correction**

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

**In the Matter of the Special Investigation into the Care and Treatment
Provided to**

**Daniel Higgs,
an incarcerated individual of the
Albany County Jail**

September 25, 2024

**To: Sheriff Craig D. Apple
Albany County Sheriff's Office
Courthouse
Albany, New York 12207**

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)(e), regarding the care and treatment provided to Daniel Higgs, which occurred while an incarcerated individual in the custody of the Albany County Sheriff at the Albany County Jail, the Commission has determined that the following final report be issued.

FINDINGS:

1. Daniel Higgs was a 40-year-old male who died on 8/11/23 while hospitalized from injuries he sustained from a suicide hanging attempt that occurred on 7/30/23 while in custody of the Albany County Sheriff's Office at the Albany County Jail (CJ). Higgs was boarded in as a federal detainee at the time of his suicide attempt and had been released from the custody of the United States' Marshalls at the time of his death. Higgs had been resuscitated after being found hanging in his jail cell but suffered irreversible anoxic brain damage.
2. Higgs lived with his girlfriend in Michigan. Higgs was survived by his mother and father. Higgs graduated college after eight years with a bachelor's degree and was an engineering consultant and half owner of a cannabis farm.
3. Higgs' criminal history began with the instant offense. Higgs was arrested by the Federal Bureau of Investigation (FBI) after traveling from Michigan to New York to meet underage females. Higgs was charged with exploitation and enticement. Higgs was boarded as a federal detainee at the Albany CJ.
4. [REDACTED]
5. [REDACTED]
6. On 6/29/22 at 6:33 p.m., Higgs was booked into the Albany CJ. Higgs was given a risk assessment and suicide prevention screening. Higgs scored a 'six' for having lack of support in the area as he was from Michigan, experienced a recent loss of a job, had a [REDACTED], that this was Higgs' first incarceration, as well [REDACTED].
7. [REDACTED]

[REDACTED]

8. On 6/30/22, Higgs appeared in federal court.

9. [REDACTED]

10. [REDACTED]

11. [REDACTED]

12. On 7/6/22, Higgs appeared in federal court.

13. On 7/5/22, Higgs wrote a note to inmate services where he asked for help contacting his financial institution and his therapist. Higgs received a written response for him to request a phone call to his bank through the tier sergeant as well [REDACTED], they could be verified but email and computer usage was not allowed.

14. On 7/13/22, Higgs appeared in federal court.

15. [REDACTED]

16. [REDACTED]

17. [REDACTED]

18. [REDACTED]

19. [REDACTED]

20. [REDACTED]

21. [REDACTED]

22. [REDACTED]

[REDACTED]

23.

[REDACTED]

24.

[REDACTED]

25.

[REDACTED]

26.

[REDACTED]

27.

[REDACTED]

28.

[REDACTED]

29.

[REDACTED]

30.

[REDACTED]

31.

On 7/10/23, Higgs requested a notary and signed off his power of attorney (POA) to others.

[REDACTED]

32.

On 7/22/23 at 12:45 p.m., Higgs submitted a protective custody form which indicated that he “doesn’t feel safe”.

[REDACTED]

33.

[REDACTED]

34.

[REDACTED]

35.

On 7/29/23 at 6:20 p.m., as documented in the housing unit logbook, Higgs was in the west yard.

36.

On 7/30/23, Higgs received notice of the classification decision. Higgs’ classification level was a level two and he was housed on “3 West Left 10”, a protective custody unit.

37.

On 7/30/23 at 6:50 a.m., Correction Officer (CO) M.S. assumed the duties of the 3 West housing unit. CO M.S. documented regular activities of the housing unit including meals, recreation and 30-minute watch tours. During an interview with Commission staff, CO M.S. did not recall any interaction with Higgs that shift. CO M.S. stated that Higgs did not make any requests that shift.

38. On 7/30/23 at 8:10 a.m., Sergeant M.M. was documented as receiving the protective custody compliment sheet from CO M.S. During an interview with Commission staff, Sergeant M.M. explained that this sheet is produced every shift based on the facility flow for the locking in of protective custody incarcerated individuals. Sergeant M.M. added that incarcerated individuals can add themselves to this list should they want to remain locked in during times that the housing unit is not all locked in. Sergeant M.M. stated that Higgs had not asked to be locked in. Sergeant M.M. stated that at this time, he completed a round of the housing unit and all was secure, and nothing seemed out of the ordinary.
39. On 7/30/23 at 2:55 p.m., COs V.L. and S.A. assumed the duties of the 3 West housing unit with the first watch tour completed by CO V.L. During an interview with Commission staff, CO V.L. stated that Higgs was sitting at either his desk or bunk when this watch tour was made. Higgs did not say anything to CO V.L. at that time. CO V.L. stated that he did not see anything of any concern during this watch tour. During an interview with Commission staff, CO S.A. stated that CO V.L. conducted the first watch tour as she spoke with the off going corrections officer. CO S.A. stated that she filled out the supply log. CO S.A. stated that the brooms and mops are kept in the front of the tier and upon her inventory, all appeared to be there and were accounted for. Both CO V.L. and CO S.A. stated that there was nothing reported by CO M.S. regarding Higgs when duties of the housing unit were transferred to them.
40. On 7/30/23 at approximately 3:30 p.m., CO S.A. observed a sheet affixed to Higgs' gate. Upon further inspection, CO S.A. documented that Higgs was laying on his bunk in an unusual position and his face was discolored. Documentation in a post incident reference report indicated that Higgs' back was against the cell bars and his face was blue in color. CO S.A. documented that she attempted to speak to Higgs, but he was unresponsive. During an interview with Commission staff, CO S.A. stated that she approached Higgs' cell from the rear of the housing unit and witnessed a sheet affixed to the cell, Higgs appeared to be sleeping on his bunk in an odd position with his feet off the bunk. At 3:32 p.m., a medical emergency was called via facility radio and staff responded to the tier. Higgs was observed hanging by a bedsheet with a broomstick utilized as a garrote. During an interview with Commission staff, CO S.A. stated that the sheet that was hanging hid the broomstick from her view. Responding staff attempted to remove the sheet but was unable to until a facility cut down tool was utilized. During an interview with Commission staff, CO V.L. stated that he responded to the emergency call. When he arrived, Higgs was already down, and he assisted with moving Higgs from his cell to the bullpen. Higgs was not breathing on his own and his color was purple or grayish with some marks around his neck. Higgs was relocated to the floor outside his cell and chest compressions were begun. Higgs received rescue breaths from a bag valve mask (BVM). At 3:34 p.m., Emergency Medical Services (EMS) was activated. The Automated External Defibrillator (AED) was applied but there were no shocks advised. CO G.W. palpated a pulse and Higgs was observed attempting to breathe on his own but remained unconscious. Rescue breaths continued until EMS arrived. At 3:45 p.m., Colonie EMS arrived and assumed the care of Higgs [REDACTED]. During an interview with Commission staff, Sergeant M.M. stated that he had a corrections officer posted in Higgs' cell to maintain custody of the cell. Sergeant M.M. was informed by the officer that what appeared to be a suicide note was discovered. The note was photographed and secured as evidence. The note read "Please mail these letters. (seal the one to Caitlin) Please do not resuscitate me, I don't want to live with

brain damage. This is my choice, not yours. Its not a cry for help.” The Medical Review Board has found that as Higgs was able to use a broom handle to tighten a garrote on himself in his cell, and that the cleaning supplies were not kept in safe and secure manner nor properly accounted for at shift change in accordance with the requirements of 9 NYCRR §7003.6(c) which state:

Where a facility member's assignment to a facility area is scheduled to exceed one hour, such facility staff member shall, upon assuming responsibilities in the assigned facility area and following the completion of duties set forth in subdivision (b) of this section, inspect all supplies, equipment, locks, gates, bars, screens, security windows and other securing devices, and perform any other necessary security functions as determined by the chief administrative officer

and the requirements of 9 NYCRR §7015.2(b) which states:

Each local correctional facility shall maintain a sufficient inventory of sanitation equipment. Such equipment shall be maintained in good condition and stored in a safe and secure manner.

41.

[REDACTED]

42.

[REDACTED]

ACTIONS REQUIRED:

TO THE OFFICE OF THE ALBANY COUNTY SHERIFF:

The Sheriff shall conduct a review of housing area procedures for the secure storage and accountability of all cleaning supplies and tools in accordance with 9 NYCRR §7003.6(c) and §7015.2(b).

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

In a response dated 8/7/24 to the Commission's preliminary report, the Sheriff indicated that the requested review was completed.

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 September 2024.



Yolanda Canty
Commissioner
Commission of Correction

YC:MB:vc
2023-S-0005
September 25, 2024