



**Commission of  
Correction**

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

**In the Matter of the Death of**

**Andrew Harrington (14B0178)  
an incarcerated individual of the  
Fishkill Correctional Facility**

**December 18, 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*

**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 Andrew Harrington, who died on February 8, 2022, while an incarcerated individual in the custody of the NYS Department of Corrections and Community Supervision at the Fishkill Correctional Facility, the Commission has determined that the following final report be issued.

FINDINGS:

1. Andrew Harrington was a 31-year-old male who died on 2/8/22 from asphyxia due to a suicide hanging while in the custody of the New York State Department of Corrections and Community Supervision (NYS DOCCS) while at the Fishkill Correctional Facility (CF).
2. Harrington's first encounter with the criminal justice system was in the instant offense, where Harrington was arrested in March 2013 after Harrington engaged in sexual intercourse and oral sex with a 14-year-old female. In August 2013, Harrington was convicted by plea of Attempted Rape 2<sup>nd</sup> Degree and was sentenced to 10 years of probation. In January 2014, Harrington was resentedenced on a probation violation and was incarcerated in NYS DOCCS.
3. [REDACTED]
4. In January 2014, Harrington was received at Elmira CF Reception and in February 2014, Harrington transferred to Groveland CF. In April 2014, Harrington transferred to Marcy CF. In July 2015, Harrington transferred to Fishkill CF and then to Midstate CF in August 2016 for his release. In October 2017, Harrington was returned to Elmira CF on a parole violation. In November 2017, Harrington transferred to Mohawk CF. In December 2017, Harrington transferred to Collins CF. In March 2019, Harrington returned on his third parole violation to Elmira Reception and in April 2019, Harrington transferred to Collins CF. In June 2020, Harrington transferred to Groveland CF. In July 2020, Harrington transferred to Midstate CF.
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]

8.

[REDACTED]

9.

[REDACTED]

10.

[REDACTED]

11.

[REDACTED]

12.

[REDACTED]

13.

[REDACTED]

Harrington had a Tier II infraction for Violent Conduct and Fighting and was sanctioned with 15 days loss of recreation and 30 days loss of package and commissary along with 30 days keeplock that was suspended until 5/30/21.

14. [REDACTED]

15. [REDACTED]

16. On 3/12/21, Harrington transferred to Fishkill CF from Midstate CF. [REDACTED]

17. [REDACTED]

18. [REDACTED]

19. [REDACTED]

20. [REDACTED]

21. [REDACTED]

22. [REDACTED]

23. [REDACTED] Although the medication discontinuation was within OMH Correction Based Operations policy, it is the recommendation of the Medical Review Board that all medication discontinuations by psychiatric providers be accompanied with documented attempts by the provider to provide education to the patient on medication effectiveness with adherence to the prescribed therapy(s).

24. [REDACTED]

25. [REDACTED]

26. [REDACTED]

27. [REDACTED]
28. [REDACTED]
29. [REDACTED]
30. [REDACTED]
31. [REDACTED]
32. On 2/8/22, Corrections Officer (CO) M.P. was conducting his 11:30 a.m. count in Dorm 12-1 and realized that he had one unaccounted for individual. CO M.P. heard the shower running and noted that the front door was obstructed. Harrington was found suspended in the bathroom. Harrington was tied to the window bars and the door was jammed closed. CO M.P. called a code green and then retrieved the cut down tool. Two incarcerated individuals untied the sheet and began Cardiopulmonary Resuscitation (CPR) until CO M.K. arrived and took over. CO J.S. arrived and gave rescue breaths. The Automated External Defibrillator (AED) was applied by CO M.P. without shock advised. Medical staff arrived [REDACTED] At 11:43 a.m., Emergency Medical Services (EMS) was activated. [REDACTED] At 11:51 a.m. per the EMS run report, EMS arrived [REDACTED]
33. Per the NYS DOCCS Health Services Suicide Review, the following deficiencies were noted in the emergency response:
- A cervical collar was not applied as per HSPM 1.35 Suspected Spinal Injuries Algorithm.
  - There was a 15-minute delay in the administration of Narcan per Directive 4059 Response to Health Care Emergencies Uniformed Correctional Staff will follow form 4058 Protocol for Narcan Administration by Uniformed Correctional Staff First Responders.
  - Response from medical was 13 minutes, which was due to a difficult location.
  - The emergency response form was missing information.
  - The Narcan standing order expired on 8/31/20.

- There was no documentation in the medical record of oxygen, airway, provider notification or disposition.
- Training was to be completed with medical and DOCCS staff.

ACTIONS REQUIRED:

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

The Medical Review Board requests that the Division conduct a review of the medication refusal and discontinuation policy(s) with consideration of requiring attempts for provider – patient education prior to the discontinuation of prescribed therapy(s).

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

*In a response dated 11/12/24 to the Commission's preliminary report, the Division of Forensic Services 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, 12<sup>th</sup> Floor, in the City of Albany, New York 12210 on this 18<sup>th</sup> day of December 2024.



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Yolanda Canty  
Commissioner  
Commission of Correction

YC:BB:vc  
2022-M-0017  
December 18, 2024

cc: Dr. Carol Moores, Chief Medical Officer  
James Donahue, Associate Commissioner of Mental Health  
Superintendent Michael Daye, Fishkill 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