



**Commission of
Correction**

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

In the Matter of the Death of

**Felipe Mendez
an incarcerated individual of the
New York City Police Department 47th Precinct**

December 18, 2024

**To: Commissioner Jessica Tisch
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 Felipe Mendez, who died on February 17, 2023, as a result of circumstances which occurred while an incarcerated individual in the custody of the New York City Police Department, the Commission has determined that the following final report be issued.

FINDINGS:

1. Felipe Mendez was a 39-year-old male who died on 2/17/23 due to acute Bronchopneumonia complicating Diabetes Mellitus. Mendez was detained and awaiting transport for arraignment at the New York Police Department (NYPD) 47th Precinct. Mendez was discovered unconscious inside the holding cell and was transported via ambulance to Montefiore Medical Center where he was pronounced dead. The Medical Review Board has found there was a failure by NYPD Officers and Supervisors to complete and document watch tours of the holding cell area in accordance with minimum standards.

2.

[REDACTED]

In the instant offense, Mendez was arrested for Robbery 2nd Degree.

3.

[REDACTED]

4. On 2/16/23 at 6:06 p.m., a 911 call was placed from a business where the victim stated that he was robbed at knifepoint and the assailant also brandished a taser.

5. On 2/16/23 at 6:47 p.m., Mendez and another individual were placed in custody without incident after being identified by the victim. A blue taser was recovered from Mendez's jacket pocket. A black kitchen knife was discovered on the sidewalk in front of the location. A NYPD van was requested to the scene for transport of Mendez as he utilized a wheelchair for mobility due to a prior left leg amputation.

6. On 2/16/23 at 7:04 p.m., Mendez arrived at the NYPD 47th Precinct. A review of the recorded video and officer body camera footage provided by the Commission revealed that Mendez was alert and conscious when being escorted into the precinct. Mendez was escorted to the Sergeant's desk where he was asked if he required any medical attention or an ambulance at that time, to which Mendez provided a past medical history to include Type II Diabetes, he was an amputee, and he had epilepsy but did not require an ambulance at that time. Mendez was searched in the presence of the Sergeant with negative results for any contraband.
7. On 2/16/23 at 7:12 p.m., Mendez was escorted into the cell area of the precinct where officers conducted an additional search. Mendez had his sneaker and sock removed and he was lifted from his wheelchair and placed on the cell bench. This search's results were also negative. Mendez stated that he was cold due to being anemic and he had depression and post-traumatic stress disorder. Mendez's wheelchair was secured outside of the cell. Mendez remained in the cell alone and did not appear or voice any signs of duress.
8. On 2/16/23 at 7:15 p.m., Mendez was logged on the NYPD prisoner holding pen roster with Police Officer (PO) U.R. documented as his guarding officer. PO U.R. documented observation of Mendez at 30-minute intervals from 7:30 p.m. through 10:00 p.m. A review of recorded video of the holding cell by the Commission revealed that there was no watch tour completed by an officer from 8:07 p.m. until 9:34 p.m.
9. On 2/16/23 at 10:10 p.m., Mendez was assisted from the cell bench into his wheelchair in order to be fingerprinted. At 10:29 p.m., Mendez was returned to holding cell #3. PO U.R. documented observation of Mendez at 10:30 p.m. Mendez was assisted to the cell bench where he sat upright before laying down on the bench with his head near the cell door entrance at 10:37 p.m. At 11:00 p.m. PO U.R. documented observation of Mendez and at approximately 11:09 p.m., Mendez informed PO U.R. to wake him up when it was time for him to be transported to central booking. At 11:30 p.m., PO U.R. documented observation of Mendez.
10. On 2/17/23, Mendez was documented as being observed at 30-minute intervals from 12:00 a.m. through 3:30 a.m., 6:00 a.m., 6:30 a.m., and 8:00 a.m. through 11:30 a.m. There was no documentation of any observation of Mendez on 2/17/23 from 4:00 a.m. until 6:00 a.m. as well as from 7:00 a.m. until 8:00 a.m. Commission staff reviewed the recorded video from 2/17/23 from 5:10 a.m. through 7:10 a.m. and observed an officer completing a cell check at 6:37 a.m. Commission staff reviewed the recorded video from 2/17/23 at 11:10 a.m. through 12:30 p.m. and observed an officer conducting a cell check at 11:23 a.m. The Medical Review Board finds that the NYPD staff assigned to perform cell checks failed to properly verify and document Mendez's condition in accordance with the requirements of 9 NYCRR §7504.1(a) & (d)(3) which states:

a) As a minimum, the condition of prisoners shall be checked, by actual visits to cells and detention rooms, at intervals not to exceed 30 minutes.

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.;

2. The Commissioner shall conduct a review of the emergency response to Mendez as to why resuscitation measures were not continued once started while awaiting the arrival of EMS. NYPD personnel 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, 12th Floor, in the City of Albany, New York 12210 on this 18th day of December 2024.



Yolanda Canty
Commissioner
Commission of Correction

YC:MB:vc
2023-M-0016
December 18, 2024

cc: Deputy Chief Rohan Griffith
Deputy Inspector Paul Muggeo,
Force Investigation Division
Captain Joseph Muir, Criminal Justice Bureau