



**Commission of
Correction**

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

In the Matter of the Death of

**Joseph Clarke (14A2223),
an incarcerated individual of the
Fishkill Correctional Facility**

June 25, 2025

**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 Joseph Clarke, who died on April 11, 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. Joseph Clarke was a 37-year-old male who died on 4/11/22 from a suicidal hanging while in the custody of the New York State Department of Corrections and Community Supervision (NYS DOCCS) at the Fishkill Correctional Facility (CF).
2. [REDACTED] In the instant offense, on 8/1/13, Clarke, while on parole, shot a male in the ankle causing serious injuries. In April 2014, Clarke was convicted of Criminal Possession of a Weapon 2nd Degree and was sentenced to 12 years in NYS DOCCS.
3. [REDACTED]
4. On 5/23/14, Clarke was received at Downstate CF. In June 2014, Clarke transferred to Sing Sing CF. In 2015, Clarke transferred to Upstate CF. In 2016, Clarke transferred to Clinton CF. In January 2018, Clarke transferred to Coxsackie CF. In March 2018, Clarke transferred to Washington CF. In October 2019, Clarke transferred to Greene SHU 200. In December 2019, Clarke transferred to Collins CF.
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]

9. On 12/23/21, Clarke transferred to Wallkill CF. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
10. [REDACTED]
[REDACTED]
[REDACTED]
11. [REDACTED]
12. [REDACTED]
[REDACTED]
13. On 4/7/22, Clarke reported to the housing officer that someone wanted to assault him. The watch commander was notified of Clarke's statement and Clarke was moved to detention services room "1" for investigative purposes. On 4/8/22 at 1:30 a.m., a voluntary protective custody interview was completed for Clarke and he was ordered to move to another cell. Clarke refused to move to the other cell. Clarke refused all direction to move from the detention services area as well. The watch commander was notified and authorized placement of Clarke into side room one. Sergeant (Sgt.) J.F. completed a Suicide Prevention Screening Guidelines form for Clarke and noted that the reason for the Special Housing Unit (SHU) admission was for a refused cell change. Clarke responded "no" to all questions and denied having any suicidal ideation. There was no mental health referral required. As a result of the need for SHU admission, Clarke was to be transferred to Fishkill CF SHU.
14. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
15. On 4/8/22 at 2:55 p.m., Corrections Officer (CO) P.C. was on post in the detention services area and noted that Clarke was requesting to see mental health. Lieutenant (Lt.) P. contacted RN [REDACTED] and requested a reevaluation of Clarke.
16. On 4/8/22 at [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] At 3:55 p.m., the sergeant (Sgt.) noted that Clarke was placed on constant supervision [REDACTED] Shortly after, Lt. P. asked RN [REDACTED] the name of the clinician who placed Clarke on the watch. [REDACTED]
[REDACTED]
[REDACTED] Lt. P. ordered RN [REDACTED] to reevaluate Clarke.
[REDACTED]
[REDACTED]
[REDACTED] Due to the miscommunication and the fact that Clarke did not appear to have

any suicidal thoughts, Lt. P. continued with the disciplinary transfer to Fishkill CF and Clarke was taken off the watch at 5:30 p.m. The Medical Review Board opines that Clarke should have remained on one-to one watch until seen and appropriately cleared by a qualified mental health provider. Additionally, the Board opines that attempts should have been made to contact an available OMH clinician at another facility for consultation.

17. On 4/8/22 at 5:30 p.m., per the logbook, Clarke was escorted from the area. Per the trip itinerary, Clarke left Wallkill CF at 6:05 p.m.
18. On 4/8/22, Clarke was transferred from Wallkill CF to Fishkill CF Special Housing Unit (SHU) 200. At 7:30 p.m., Sgt J.J. completed a Suicide Prevention Screening Guidelines form for Clarke and noted that the reason for the SHU admission was Direct Order and Threats. Clarke responded “no” to all the questions and denied having any suicidal ideation. There was no mental health referral required. Per procedure, the form was sent to mental health [REDACTED]

The Medical Review Board opines that the staff at Wallkill CF failed to relay the information regarding Clarke’s request to see mental health or the placement on one-to-one prior to his transfer and there was no documentation provided to indicate that mental health was aware of this on the transfer.

19. On 4/11/22 at 2:55 a.m., Lt. C.W. and CO C.M. were conducting a supervisory tour in the SHU 200 and noted that Clarke in C1-18B was hanging from the recreation yard pen with a state sheet around his neck. Entry was made to the cell and CO B.D. lifted Clarke to relieve pressure while the cut down tool was used to release the sheet. Clarke was lowered to the floor. A medical response was called. RN [REDACTED] arrived [REDACTED]

[REDACTED] Emergency Medical Services (EMS) was activated at 2:59 a.m. [REDACTED]

ACTIONS REQUIRED:

TO THE DEPUTY COMMISSIONER OF THE NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, DIVISION OF HEALTH SERVICES:

1. The Deputy Commissioner shall review with the providers at Wallkill CF the process of placing and removing individuals from a one-to-one watch. Additionally, DOCCS should review protocol with OMH regarding contacting available clinicians for consultation(s) when staff are not present at the immediate facility.
2. The Deputy Commission shall review with the providers at Wallkill CF the process of

assuring that mental health is notified of any referrals that are made during the off tour and on any transfer.

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

In a response dated 5/13/25 to the Commission's preliminary report, the Deputy Commissioner for Health Services indicated that the requested reviews were completed with corrective action training with staff conducted.

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 2025.



Yolanda Canty
Commissioner
Commission of Correction

YC:DC:vc
2022-M-0042
June 25, 2025

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
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