



**Commission of
Correction**

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

In the Matter of the Death of

**Andrew D. Jackling (20B0902),
an incarcerated individual of the
Five Points 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

[REDACTED]

7.

[REDACTED]

8.

[REDACTED]

9.

[REDACTED]

10.

[REDACTED]

11. On 9/25/20, Jackling was transferred from Elmira CF to Five Points CF.

12.

[REDACTED]

[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]

- 25. [REDACTED]
- 26. [REDACTED]
- 27. [REDACTED]
- 28. [REDACTED]
- 29. [REDACTED]
- 30. [REDACTED]
- 31. [REDACTED]

[REDACTED]

32.

[REDACTED]

33.

[REDACTED]

34.

[REDACTED]

35.

[REDACTED]

36.

[REDACTED]

[REDACTED]

37. [REDACTED]

38. On 4/26/21 at 8:46 a.m., Jackling was last seen alive during a security round by Correction Officer E.S. while in 9 Block cell C2-40.

39. On 4/26/21 at 10:40 a.m., security staff were called for assistance by the second occupant of Jackling's cell when the occupant returned from the law library. Correction Officer (CO) J.J. and CO J.R. arrived at the cell and found Jackling on the floor of the cell with a plastic garbage bag and net bag over his head. CO J.J. immediately called a medical response. CO J.J. started to cut the net bag from Jackling's head and CO J.R. tore away the plastic garbage bag. CO J.J. immediately began Cardiopulmonary Resuscitation (CPR) and CO J.R. requested an Automated External Defibrillator (AED) via the radio. CO J.R. then took over CPR. CO E.S. arrived at the cell and began CPR as CO J.R. administered artificial ventilations using a bag valve mask. At 10:42 a.m., RN [REDACTED] arrived [REDACTED]

[REDACTED]

[REDACTED] At 10:50 a.m., additional medical staff arrived [REDACTED]

[REDACTED]

40. A review of the facility logbook entries from 4/26/21 indicated that at 6:15 a.m., the count was taken and there was a nurse on the unit. At 6:55 a.m., Fire and Safety Officer (FSO) T.W. checked the gurney. At 7:05 a.m., the count cleared. At 7:10 a.m., chow was going out and returned at 7:35 a.m. At 8:01 a.m., rounds were completed by Sgt. M. At 9:36 a.m., a lieutenant documented making an unannounced round and conducting Tier Two hearings. At 10:40 a.m., a medical response was called to 9-C2-40 cell for Jackling. The

facility logbook does not indicate that security rounds were completed by any correction officers, only from a sergeant and a lieutenant. A review of the facility video from 4/26/21 showed that at 8:13 a.m., a correction officer completed a security round. This round was not documented in the logbook. Although documented in the logbook, rounds were not observed on the facility video being made by a sergeant at 8:01 a.m. or a lieutenant at 9:36 a.m. At 9:29 a.m., a correction officer walked through the area but did not complete a security round. At 10:38 a.m., the other occupant of Jackling's cell returned, was locked in and was immediately seen returning to the cell door. At 10:40 a.m., CO E.S. arrived at the cell door. From 8:13 a.m. until 10:40 a.m., there were no security rounds completed. This is in violation of Directive # 4945 Inmate Counts and Directive #4091 Logbooks III. Entries: which states "A commonsense approach will prevail when deciding whether to make an entry. Any error should be in favor of over documentation. However, as a minimum, they will include: (I) Rounds."

ACTIONS REQUIRED:

TO THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION:

1. The Commissioner shall conduct a quality review of the staff assigned to the housing area to determine if supervisory tours were completed in accordance with NYS DOCCS Directive 4945 Inmate Counts (B) Unscheduled Counts: which states unscheduled counts will be done to verify that the inmate population is alive and well.
2. The Commissioner shall conduct a quality review of the supervisory staff assigned to the housing area and of the logbooks for contents in accordance with NYS DOCCS Directive 4091 Logbooks.

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

In a response dated 5/9/25 to the Commission's preliminary report, the Deputy Commissioner of Health Services indicated that the requested reviews were completed with corrective actions to include administrative action and retraining of staff.

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:AL:vc
2021-M-0062

June 25, 2025

cc: Dr. Carol Moores, Chief Medical Officer
James Donahue, Associate Commissioner of Mental Health
Superintendent Reginald Bishop, Five Points 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