



**Commission of
Correction**

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

In the Matter of the Death of

**Derek Labutta,
an incarcerated individual of the
Saratoga County Jail**

June 25, 2025

**To: Sheriff Michael H. Zurlo
Saratoga County Sheriff's Office
6012 County Farm Road
Ballston Spa, New York 12020**

Allen Riley
Chairman

Yolanda Canty
Commissioner

Elizabeth Gaynes
Commissioner

nursing staff seeing Labutta between 12:00 a.m. and 4:15 a.m. on 3/17/24.

13. On 3/17/24 at 3:45 a.m. and 3:57 a.m., per the constant supervision logbook, Labutta was sitting on his bunk, vomiting.
14. On 3/17/24 at 4:15 a.m., CO N.L. documented in the constant supervision logbook that RN [REDACTED] was in Holding Cell 2 to check Labutta's vital signs. A review of Labutta's medical record by Commission staff found no record of this interaction.
15. On 3/17/24 at 4:31 a.m., CO N.L. documented in the constant supervision logbook that RN [REDACTED] delivered medication to Labutta. A review of Labutta's medical record by Commission staff found no record of this interaction.
16. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
17. On 3/17/24 at 8:23 a.m., CO T.C. documented in the constant supervision logbook that Labutta refused all breakfast items.
18. On 3/17/24 at 9:11 and 9:25 a.m., CO C. documented in the constant supervision logbook that Labutta was vomiting. CO C. asked if Labutta was ok and Labutta stated that he just needed to vomit.
19. On 3/17/24 at 10:08 a.m., CO G. documented in the constant supervision logbook that Labutta was dry heaving.
20. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] During an interview with the Commission, NP [REDACTED] stated that detox check protocol would include two assessments per day as one per 12-hour shift.
21. On 3/17/24 at 11:16 a.m., CO G. documented in the constant supervision logbook that Labutta was forcing himself to vomit.
22. On 3/17/24 at 11:28 a.m., CO G. documented in the constant supervision logbook that Labutta refused all food items.
23. On 3/17/24 at 12:02 p.m. and 12:19 p.m., CO G. documented in the constant supervision logbook that Labutta was vomiting.
24. On 3/17/24 at 12:13 p.m., CO G. documented in the constant supervision logbook that RN [REDACTED] administered medication to Labutta. There was no record of this interaction submitted to the Commission.

25. On 3/17/24 at 12:56 p.m., CO G. documented in the constant supervision logbook that Labutta was dry heaving.

26. [REDACTED]

27. On 3/17/24 at 3:37 p.m., CO G. documented in the constant supervision logbook that Labutta was vomiting. There was also no indication that Labutta's vomiting was reported to medical.

28. [REDACTED]

29. A review of the documentation provided to the Commission showed that there was no completed detox checks documented for the 7:00 a.m. to 7:00 p.m. shift of 3/17/24 or the 7:00 p.m. to 7:00 a.m. shift into 3/18/24.

30. [REDACTED]

31. [REDACTED]

32. [REDACTED]

[REDACTED] The Medical Review Board finds that although placing Labutta on constant supervision and having him assessed by the LMSW were appropriate interventions, there was a lack of review from a medical provider prior to removing Labutta from constant supervision. As Labutta had been placed on constant supervision due to the need for closer supervision for medical reasons while going through withdrawal, assessment from the medical providers should have taken place

prior to him being removed from constant supervision. The Medical Review Board opines that there was a lack of proper communication between the medical and mental health staff regarding Labutta's status.

33. On 3/18/24 at 10:14 a.m., Labutta was moved from holding cell 2/cell 108 to A-Pod, Unit 2 cell 127. At 2:05 p.m., Labutta requested a shower from the Unit 2 officer due to defecating on himself while detoxing.
34. On 3/18/24 at 4:27 p.m., upon a review of the facility video from A-Pod Unit 2 dayroom, CO D.F. opened and entered Labutta's cell to deliver a meal tray. At 4:47 p.m., CO D.F. entered the cell and retrieved the meal tray.
35. On 3/18/24 at 5:13 p.m., Labutta was escorted from the housing area for a detox check. At 5:16 p.m., Labutta was escorted back to the housing unit. A review of the recorded video indicated that Labutta then stood in the sub-dayroom area and attempted to use the phone. [REDACTED]
[REDACTED]
36. At 5:47 p.m. and 6:04 p.m., CO D.F. logged an entry of "Visual Inspection and Watch Tour conducted. All appears normal."
37. On 3/18/24 at 7:08 p.m., per the Shift Log Entry Summary, CO D.F. logged an entry of "visual Inspection and Watch Tour conducted. All appears normal." CO D.F. completed that entry prior to making a physical tour. When CO D.F. completed the watch tour, and he discovered Labutta unresponsive.
38. These logbook entry discrepancies were in violation of Saratoga County Correctional Facility Policy # CD 02-26-22, Facility Logs, C., which states that "All log entries documenting a supervisory visit will be accurately recorded at the completion of such visit by the officer conducting the visit. 3. Any documentation entered late shall be labeled as such when it is entered, by the time of entry, the time of original occurrence, and the reason for the delay must be recorded."
39. A review of the Watch Tour Report record documented that regular watch tours were started and completed as scheduled from 4:00 p.m. until Labutta was found at 7:12 p.m.
40. On 3/18/24 at 7:12 p.m., while CO D.F. was conducting a watch tour, Labutta was found hanging in his cell from a bedsheet attached to the vent. CO D.F. called for assistance. Sergeant (Sgt.) S.D., who was in the housing unit for an unrelated issue, responded immediately. Sgt. S.D. found CO D.F. in Cell 127, holding Labutta up to relieve the pressure on Labutta's neck. Sgt. S.D. cut the sheet around Labutta's neck and called for a medical response via radio. Sgt. S.D. checked and found Labutta pulseless. Sgt. S.D. began Cardiopulmonary Resuscitation (CPR) immediately. Additional security staff and RN [REDACTED] and Licensed Practical Nurse (LPN) [REDACTED] arrived [REDACTED]
[REDACTED] Lieutenant G.F. requested for Emergency Medical Services (EMS) to be activated. CO D.F. was advised to retrieve the Automated External Defibrillator (AED) and upon arrival, the AED was applied. [REDACTED]. At 7:19 p.m., Ballston Spa Fire Department arrived [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]. At 7:29 p.m., [REDACTED], Malta EMS arrived. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

ACTIONS REQUIRED:

TO THE JAIL PHYSICIAN FOR THE SARATOGA COUNTY JAIL:

1. The Jail Physician shall conduct a review of nursing practices to determine why detox checks were not completed per protocol.
2. The Jail Physician shall conduct a review of nursing practices to determine why there is missing medical documentation and why entries of patient encounters were not consistent with recorded times in the housing area.
3. The Jail Physician shall conduct a review of mental health practices to determine why Labutta was removed from a constant watch prior to being seen by a medical provider. Additionally, the Jail Physician shall review communication policy between medical and mental health staff regarding individuals on constant supervision.

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

In a response dated 4/18/25 to the Commission's preliminary report, PrimeCare Medical of New York indicated that all requested reviews were completed with corrective action training completed with staff. A review of corrective actions taken will be performed by the Commission at a later scheduled health services evaluation.

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
2024-M-0046
June 25, 2025