

NEW YORK STATE COMMISSION OF CORRECTION

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In the Matter of the Death :  
 :  
of Mark Perlov, an inmate of :  
the Anna M. Kross Center :  
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FINAL REPORT OF THE  
NEW YORK STATE COMMISSION  
OF CORRECTION

TO: Commissioner Dora Schriro  
NYC Department of Correction  
75-20 Astoria Blvd, Ste. 100  
East Elmhurst, NY 11370

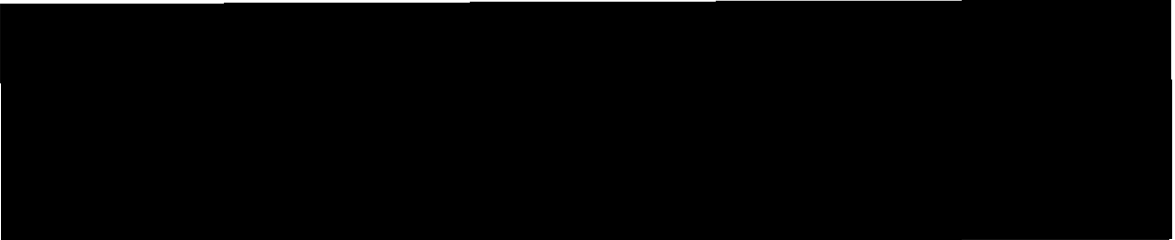
GREETINGS:

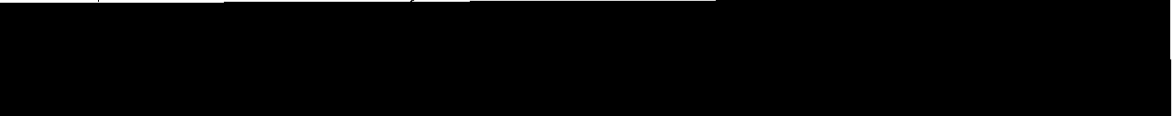
WHEREAS, the Medical Review Board has reported to the NYS Commission of Correction pursuant to Correction Law, section 47(1)(d), regarding the death of Mark Perlov who died on August 25, 2010 while an inmate in the custody of the NYC Department of Correction at the Anna M. Kross Center, the Commission has determined that the following final report be issued.

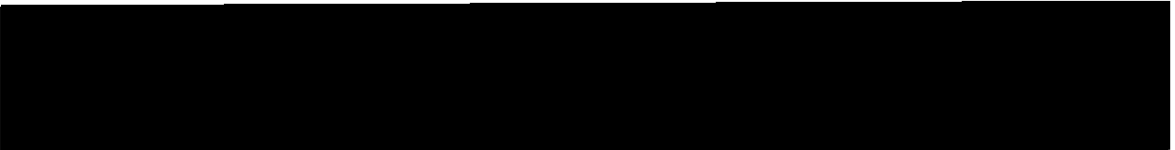
FINDINGS:

1. Mark Perlov was a 43 year old male who died on 8/25/10 from suicidal hanging while in the custody of the New York City Department of Correction (NYCDOC) at the Anna M. Kross Center (AMKC).

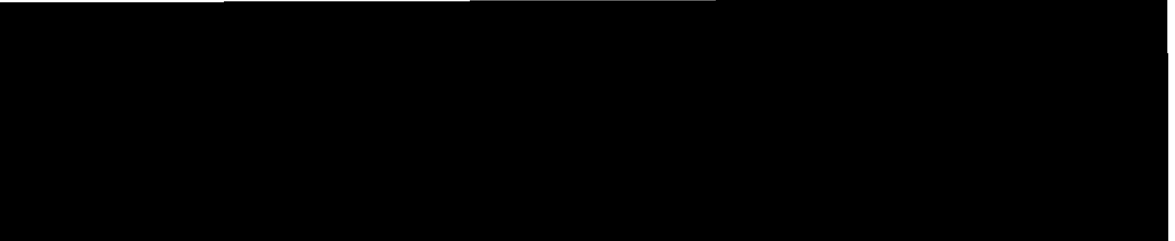
2. Mark Perlov was born in Manhattan, NY. His mother was deceased and his father reportedly lived in Westchester County. He was a high school graduate with some college completed. He was not married and had no children. Perlov did not report any recent work history and was reported to be homeless at the time of his arrest.

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6. On 6/8/10, Mark Perlov was arrested by the New York Police Department (NYPD) for Burglary, Criminal Possession of Stolen Property, and Possession of Burglary Tools. He was arraigned in New York City Criminal Court Part F and remanded to the NYCDOC on \$35,000 bail. He was transferred to AMKC on 6/9/10.

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12. On 7/8/10, Perlov was involved in a fight with another inmate. Perlov reportedly punched the inmate in the eye.

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[REDACTED]

24. [REDACTED]

25. [REDACTED]

26. [REDACTED]

27. [REDACTED]



28. [REDACTED]

29. [REDACTED]

30. [REDACTED]

31. On 8/24/10, Perlov was transferred from Quad 4 to Quad Lower 11, cell #18 in AMKC. On 8/25/10, Officer E.M. was assigned supervision of Quad Lower 9 and 11 for the 3:00 a.m. to 12:00 p.m. tour. Officer E.M. reported seeing Perlov in his cell at approximately 6:30 a.m. lying on his bed. Officer E.M. then was relieved for a break at approximately 7:00 a.m.

32. At approximately 8:00 a.m., Officer E.M. returned to the Quad Lower 9 and 11 post. At 8:30 a.m., she reported conducting a tour of the 9 side of the unit. Rounds for the 9 side were signed for in the logbook by Officer E.M. at 8:30, 9:00, and 9:30 a.m. stating "tour of the area, all appears normal." It was reported to Commission staff during the investigation from Officer E.M. that she was monitoring an inmate situation on the 9 side and was not able to conduct a round on the 11 side, however, there is no notation of such in the logbook. A review of the 11 side logbook shows a tour logged in by Captain K.L. at 8:58 a.m. and then tours completed at 8:45, 9:15, 9:45 a.m. stating "tour of area, all appears normal." Officer

- E.M. stated to Commission staff during the investigation that she did not begin a tour of the 11 side until approximately 9:30 a.m. There was no reported round made on the 11 side between 8:00 a.m. and 9:30 a.m. by Officer E.M. indicating that false logbook entries were made between 8:30 a.m. and 9:30 a.m. These cited instances are in violation of 9 NYCRR §7003.2(c) (2) and §7003.3(j) (6) (i-iv).
33. At approximately 9:45 a.m., Officer E.M., while conducting the tour of Quad 11, approached Perlov's cell and observed he had bed sheets covering the cell door. Officer E.M. pulled the sheets away and then observed Perlov was lying on the floor of his cell face down with towels and sheets wrapped around his neck. Perlov was positioned under the cell desk and had affixed the ligature to the desk frame.
34. Officer E.M. notified the A post officer, Officer M.B., to open the cell door. Officer E.M. entered the cell to try and remove the sheets from Perlov's neck with the 911 tool but could not. Officer E.M. told Officer M.B. to notify the area supervisor and medical staff. Officer M.B. made the notifications at approximately 9:31 a.m. and responded down to assist Officer E.M. Officer M.B. took over removing Perlov's ligature. Officer E.M. took the A post key to let responding medical staff in the unit.
35. Captain K.L. and Captain K.N. both responded to the report of a medical emergency in Quad Lower 11. Captain K.L. entered cell #18 and found Perlov on the floor with a towel around his neck. Officer M.B. was in the process of trying to get Perlov turned over and the ligature removed. Captain K.N. entered the cell, turned Perlov over, and began CPR. Captain K.N. performed chest compressions while Officer M.B. conducted rescue breathing.
36. A radio transmission was received by the Main Clinic Post officer at approximately 9:43 a.m. that there was a medical emergency in Quad Lower 11. Medical staff consisting of Dr. Y.P. and PA F.N. departed the clinic to the emergency. Drs. A.H. and J.R. soon followed afterwards.
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39. A search of Perlov's cell revealed a suicide note addressed to his father and two other females.

RECOMMENDATIONS:TO THE COMMISSIONER OF THE NYC DEPARTMENT OF CORRECTION:

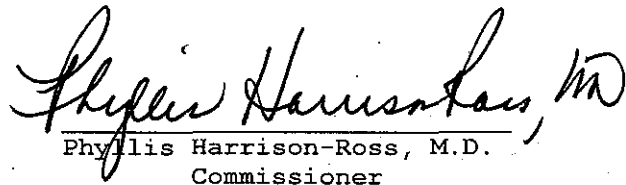
1. The Department shall conduct an inquiry into the conduct of the officer (E.M.) who failed to conduct a supervisory tour of the housing unit in compliance with 9 NYCRR §7003.2(c) (2) and who falsified the housing area log in violation of §7003.3(j) (6) (i-iv).

The Department should conduct a joint review with Prison Health Services, Inc. of instances in which patients are not produced for appointments to identify the reasons therefor and to identify procedures that will minimize inmate production for appointments.

TO THE DEPUTY COMMISSIONER, DIVISION OF HEALTH CARE ACCESS AND IMPROVEMENT, NYC DEPARTMENT OF HEALTH AND MENTAL HYGIENE:

1. The Division should conduct a quality assurance review with the psychiatrist (Dr. D.G.) [REDACTED]
2. The Division should conduct a joint review with NYCDC of instances in which patients are not produced for appointments to identify the reasons therefor and to identify procedures that will minimize inmate production for appointments.

WITNESS, HONORABLE PHYLLIS HARRISON-ROSS, M.D., Commissioner, NYS Commission of Correction, 80 Wolf Road, 4<sup>th</sup> Floor, in the City of Albany, New York 12205 this 20<sup>th</sup> day of December, 2011.

  
Phyllis Harrison-Ross, M.D.  
Commissioner

PH-R:mj  
10-M-121  
9/11

cc: Eric Berliner, Executive Director  
of Health Services  
Thomas Bergdall, General Counsel  
Sara Taylor, Chief of Staff  
Amanda Parsons, Deputy Commissioner  
Correctional Health Services, NYC  
Department of Health & Mental Hygiene  
George Axelrod, Deputy Executive Director,  
NYC Department of Health & Mental Hygiene