

NEW YORK STATE COMMISSION OF CORRECTION

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In the Matter of the Death :  
:   
of Latisha Mason, an inmate of :  
the Schenectady County Jail :  
:   
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FINAL REPORT OF THE  
NEW YORK STATE COMMISSION  
OF CORRECTION

TO: Sheriff Dominic Dagostino  
Schenectady County Sheriff's Office  
320 Veeder Avenue  
Schenectady, NY 12307

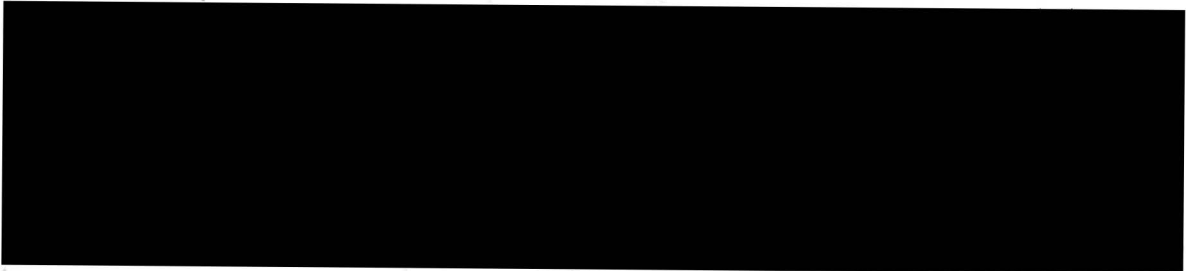
GREETINGS:

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 Latisha Mason who died on February 9, 2011 while an inmate in the custody of the Schenectady County Sheriff at the Schenectady County Jail, the Commission has determined that the following final report be issued.

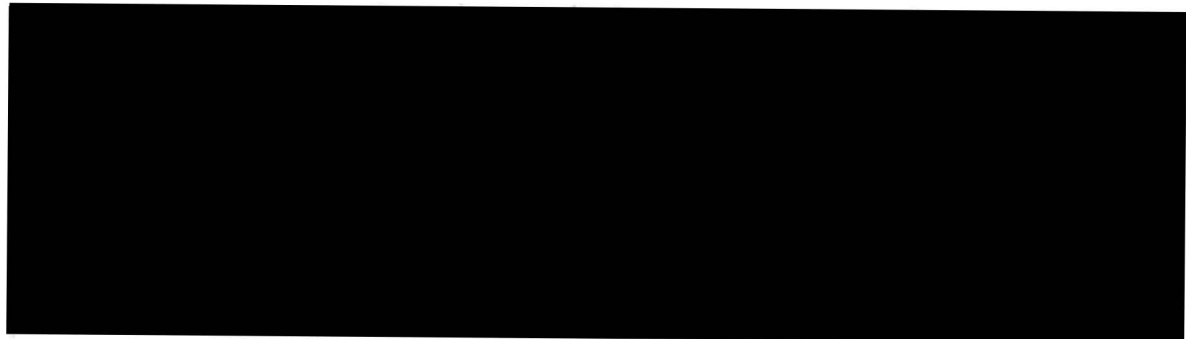
FINDINGS:

1. Latisha Mason was a 28 year old female who died on 2/9/11 from complications that developed from undetermined causes while in the custody of the Schenectady County Sheriff at the Schenectady County Jail. Mason had an acute psychosis due to PCP use that required extraordinary mental health management and was in such a state of mental and medical health as to be unmanageable in jail. Mason's death was precipitated by inadequate psychiatric and medical care by Ellis Hospital
2. Limited information was available about Mason's social background. She was from Norwalk, CT and worked as a dental assistant. Mason was unable to provide jail medical staff or hospital staff with any medical or mental health history.

3.



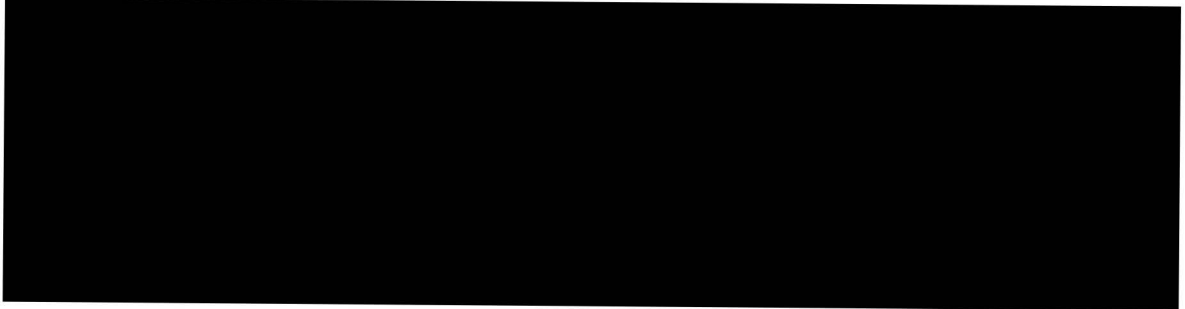
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5. Latisha Mason was arrested by the Schenectady Police Department on 2/4/11 at approximately 9:46 p.m. for Attempted Burglary, Resisting Arrest, and Obstructing Governmental Administration. Mason had refused to leave a Subway restaurant when the establishment was closing. Mason was also reported to have picked up a coffee pot and attempted to assault one of the store employees with it. Mason reportedly fought with police and resisted arrest when being taken into custody. Mason continued to be combative and disruptive at the Schenectady Police Headquarters. An ambulance was called to have her returned to Ellis Hospital for evaluation

due to bizarre behavior and possibly being under the influence of drugs. Mohawk Ambulance arrived at 10:14 p.m. to transport Mason to the hospital.

6.



7. Mason was reported to be continuously disruptive in her cell overnight at the Schenectady Police Department. Mason was reportedly arraigned cell side by a Schenectady City Court judge on 2/5/11 and committed to the Schenectady County Jail with no bail. She was to return to Schenectady City Court on 2/9/11.

8. Mason arrived at the Schenectady County Jail on 2/5/11 at approximately 11:45 p.m. Officer K.P. met the Schenectady Police at the entrance sally port where Mason was being escorted in. Schenectady police advised officer K.P. that Mason was very uncooperative and had been combative at the city lockup.

9. Officer K.P. removed Mason's handcuffs and gave her loud, clear orders to walk down the hall. Mason was mumbling unintelligibly, flailing her arms around, and not complying with orders. Officer K.P. took Mason by the left arm and escorted her into booking. As Officer K.P. began to escort Mason to the change room, Mason turned and struck Officer K.P. in the face. Officer K.P. took Mason to the floor and attempted to handcuff her. Mason continued to struggle and was sprayed once with [REDACTED] spray. After being sprayed, Mason was able to be handcuffed. She was then taken to H block for decontamination.

10.



Mason was then taken by officers to continue decontaminating her and getting her changed over.

11. Mason was returned to booking by Officer K.P. and Officer T.B. Mason was brought to the change-over room and given instructions from Lt. L, that she would be given clean dry clothes if she cooperated with officers. Mason was uncuffed and Lt. L. exited the change-over room to allow Officers K.P. and T.B. to get Mason into Jail clothing. Officer K.P. gave several clear orders to Mason to have her remove her shirt. Mason began to remove her shirt but then put it back on and mumbled something to Officer K.P. Officer K.P. again ordered Mason to remove her shirt. Mason turned towards Officer K.P. and came at her in an aggressive manor. Mason was [REDACTED] sprayed for a second time and handcuffed. She was removed from booking and returned to H-block for decontamination.

12. Mason's clothing was forcibly removed by correction officers and she was placed in a suicide prevention gown. Mason was placed in cell #27. [REDACTED]

13. [REDACTED]

14. Medical staff called the housing area at 6:30 p.m. to check Mason's status with the officer conducting constant supervision. The officer reported that Mason has sipped some fluid but refused to eat any dinner. The officer did report that Mason did appear to be more oriented then earlier.

15. At approximately 10:45 p.m., the officer called the nurse stating that Mason was requesting to be seen. [REDACTED]

16. At 1:45 a.m. on 2/6/11, Officer A. Documented in the constant supervision logbook that she attempted to speak with Mason. Officer A. Asked Mason if she was OK, if she was scared, or if she knew why she was there (in jail). Officer A. Documented that Mason did not respond to any of the questions and appeared to be withdrawn. Mason did mumble something to Officer A. that was unintelligible. Officer A. advised mason to lie down and try and get some rest.

17. [REDACTED]

18. [REDACTED]

[REDACTED] Schenectady County Jail's medical provider, Correctional Medical Care, Inc., failed to comport with their own policy "Receiving Screening" dated 3/30/10 which in part states:

"All inmates booked into the SCCF will have a Receiving Screening. SCCF will complete a Receiving Screening for all inmates by health care or

health trained personnel as soon as possible upon their arrival at the SCCF."

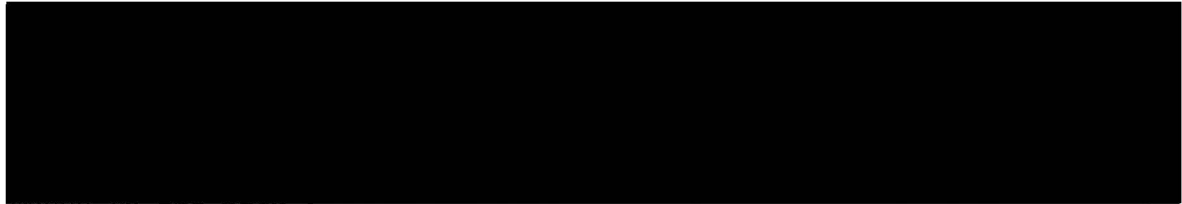
"Inmates arriving at the SCCF with an altered level of consciousness or who are bleeding, mentally unstable or otherwise in need of emergency medical attention will be immediately referred to Ellis Hospital Emergency Department or on site medical personnel for evaluation and treatment. Inmates returned from the hospital should not be accepted in the SCCF without a discharge summary and medical clearance by both the senior RN on duty and the provider (PA/MD) on duty."

Schenectady County Jail's medical provider, CMC, Inc., also failed to comply with 9 NYCRR §7010.2(d) Health Services, which states:

(d) Every inmate who at the time of admission appears to be intoxicated by alcohol or drugs shall be subject to increased supervision as determined pursuant to section 7003.3(h) of this Title. If, after 12 hours from admission, the inmate still appears to be intoxicated by alcohol or drugs, the inmate shall be immediately examined by a physician.

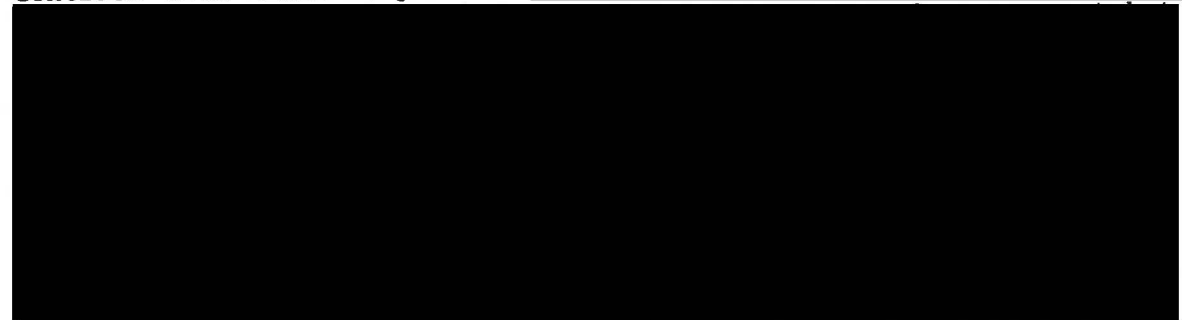
19. At 4:00 p.m., it was documented in the constant supervision logbook that Mason was stating that everyone was talking about her. At 5:25 p.m., it was documented that Mason refused to eat dinner. At 5:00 p.m. it was documented that Mason was offered Kool-Aid but refused it.

20.



21. Officer K.P. was assigned the constant watch on Mason for the 7:15 a.m. to 3:15 p.m. shift on 2/7/11. Mason was noted to be up and pacing in her cell. She picked at her breakfast food tray but ate little. At 12:00 p.m., it was documented that Mason did not eat any food from of her lunch tray but had eaten some of her breakfast meal. Mason was observed to have removed her green gown and wrapped herself in a blanket. Mason then wrapped the green gown up and was holding it as if it were a child. Mason was also observed to be putting toilet paper, her cup, and an apple up on the cell bars and then on the floor.

22. Mental health services are provided to the Schenectady CJ through a contract with Ellis Hospital.



The lack of a mental health assessment by social worker R.F. on Mason who was displaying acute

psychotic symptoms represents inadequate mental health care by Ellis Hospital.

23. At 10:00 p.m. on 2/7/11, nursing was called back to Mason's cell. Officers reported that Mason did not eat or drink during their shift. They were unsure if Mason had any intake during the day. Officers stated Mason had been pacing in her cell with a cup for hours but would not drink.

[REDACTED]

24.

[REDACTED]

25.

[REDACTED]

The baseless discharge from Ellis Hospital of a combative, uncommunicative, intoxicated patient with frank psychotic symptoms without an adequate discharge plan to a facility manifestly incapable of caring for her represents grossly and flagrantly inadequate medical care by Ellis Hospital.

26.

[REDACTED] Mason was escorted back into the jail by officers at 3:35 a.m. [REDACTED]

27. From 3:45 a.m. to 6:15 a.m. on 2/8/11, Mason was observed to be squatting, sitting, or standing at the cell gate, sometimes crying. At 6:30 a.m., she removed her gown and was naked in the cell. By 7:00 a.m., she was observed to be drinking out of the sink and lying on the floor.

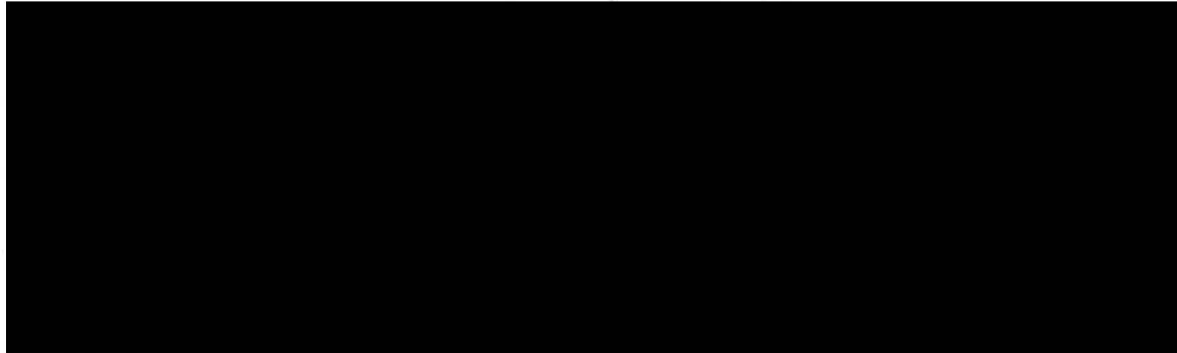
28. Officer K.P. took over constant supervision of Mason for the 7:00 a.m. to 3:00 p.m. shift. Mason was still naked in the cell and was lying under her mattress. The breakfast meal was served at 8:35 a.m. Mason was refusing to eat anything on her breakfast tray as she believed people were doing "stuff" to her food. Officer K.P. offered Mason packets of graham crackers and sealed juice containers as they were "sealed" and wouldn't have been touched by anyone. Mason accepted these and ate some of the crackers and drank some juice.

29.

[REDACTED]

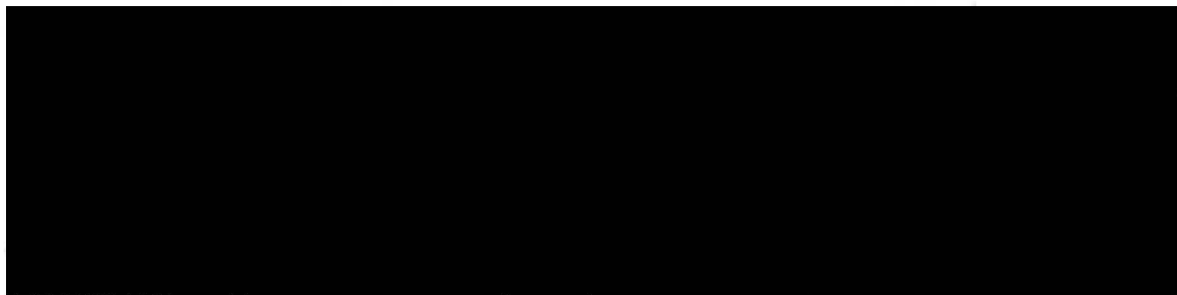


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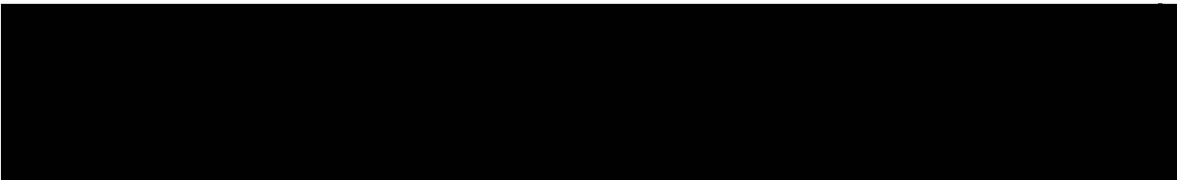


31. Mohawk Ambulance Service arrived at the jail at 11:35 a.m. to transport Mason to Ellis Hospital. Mason reportedly crouched in the corner of her cell and refused to cooperate or get dressed to go to the hospital. Correction staff had to enter the cell and carry Mason out to the ambulance gurney. Officer K.P. escorted Mason in the ambulance to the hospital. While in the transport to the hospital, Officer K.P. noted that Mason became more responsive and alert as she recalled assaulting Officer K.P. on 2/5/11.

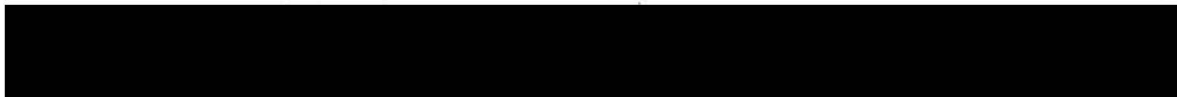
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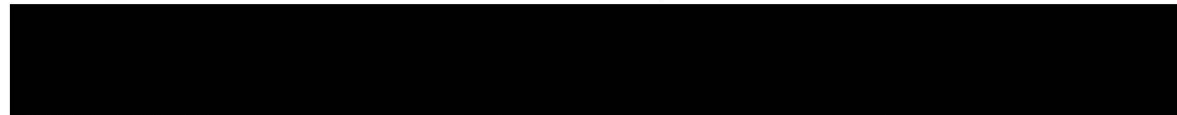
33.



34.



35.



36.

[REDACTED]

[REDACTED]

This second improper discharge from Ellis Hospital ostensibly on the spurious grounds that a patient with felony charges could not be hospitalized there with inadequate discharge planning to a facility that was unable and unequipped to provide care represents medical misconduct.

37.

Mason was never evaluated by either a psychiatrist or psychiatric nurse practitioner. The mental health services at the Schenectady CJ are provided through a contract with Ellis Hospital. A psychiatric provider is not available at the Ellis Hospital Crisis Unit after hours.

[REDACTED]

Due to Mason's frank psychotic symptoms and persistent altered mental status, over 4 days, a psychiatric examination was warranted and failure to provide one represents inadequate mental health care by Ellis Hospital.

38.

[REDACTED]

39.

[REDACTED]

40.

Officer S. received Mason on H block for constant supervision at approximately 9:05 p.m. Mason was reissued a mattress, a blanket, and a gown. Mason remained standing at the cell gate.

41.

Officer T.M. took over the constant supervision of Mason at 11:15 p.m. Mason was observed to be standing at the cell gate, then pacing, then



- flushing the toilet several times. Officer T.M. asked Mason not to continue flushing the toilet and Mason complied.
42. By 12:30 a.m. on 2/9/11, Mason was lying down on her mattress and appeared to be sleeping. At approximately 3:43 a.m., Mason got up, stood at her sink and began running water on the corner of her blanket. When asked by Officer T.M. why she was doing that, Mason stopped. Officer T.M. documented Mason as looking dazed and as if she was going to pass out. Officer T.M. instructed Mason to lie back down to which Mason complied.
  43. Mason remained laying down on her bunk for the rest of the shift. Officer T.M. did recall observing Mason lifting her head and turning towards the officers at shift change at approximately 7:00 a.m. Officer T.M. was then relieved by Officer D.L.
  44. Officer D.L. began supervision of Mason at 7:15 a.m. Officer D.L. documented Mason as sleeping at 7:15 a.m. and 7:30 a.m. At 7:39 a.m., Officer D.L. documented that the count was cleared and Mason remained in the same position and appeared to be sleeping. At 7:49 a.m., the breakfast meal was delivered to Mason's cell. Officer D.L. documented that Mason was still in the same position on the bunk and appeared to be sleeping. Officer D.L., according to her written report, had the inmate porter shake the cell bars to wake Mason for breakfast but Mason did not respond. No action was taken at that time by Officer D.L. to investigate why Mason would not respond.
  45. At 7:55 a.m., Mason still had not gotten up to retrieve her breakfast tray. Officer D.L. had Officer J.H. open the tier door and she entered and stood at Mason's cell. Officer D.L. shook Mason's cell gate and yelled her name but got no response. Officer D.L. exited the tier, left the constant supervision post, and placed a phone call to RN B.L. RN B.L. received a call from Officer D.L. stating that her inmate on medical constant, Mason, was unresponsive but breathing. RN's B.L. and M.B. responded up to the H block to assess Mason. Officer D.L. did not make any notification at this time that there was a medical emergency with Mason.
  46. RN's B.L. and J.B. arrived on H block at approximately 8:00 a.m. Mason was observed to be lying on her left side, facing the cell wall. Mason did not respond to attempts to wake her. RN J.B. observed that Mason did not appear to be breathing and requested to enter the cell. Officer D.L. informed RN J.B. that she was ordered by Sgt. V.P. not to open Mason's cell until a sergeant was present. RN J.B. again requested to enter the cell but Officer D.L. again refused and said the only way she could allow RN J.B. in was if a code was called. RN J.B. requested that a code be called and Officer D.L. radioed to Sgt. V.P. to have him call the unit. A medical emergency was still not called in by Officer D.L. at this time.
  47. RN J.B. ordered RN B.L. to return to medical to retrieve the resuscitation equipment and defibrillator. Sgt. V.P. was called on the radio and asked to call up to G/H block. Sgt. V.P. called up to G/H block and was informed by Officer R.E. that the nurses needed to get into Mason's cell to take her vitals. Sgt. V.P. advised he would be right up. Sgt. V.P. was not made aware that Mason was unresponsive and there was a medical emergency.
  48. As Sgt. V.P. was responding, he saw RN B.L. going to retrieve the medical equipment and realized there was a medical emergency. Sgt. V.P. arrived

at H block at 8:06 a.m. He ordered the cell opened and RN J.B. entered to assess Mason. [REDACTED]

[REDACTED] Officer D.L. did not enter the cell to assist and remained at her desk.

49. [REDACTED]

50. An investigation conducted by the Schenectady County Sheriff's Office of Professional Standards resulted in disciplinary charges leading to termination for Officer D.L. Officer D.L. was found in violation of department policies by:

- Failing to notify a supervisor that Mason was apparently unresponsive at 7:49 a.m.;
- Failing to immediately enter Mason's cell, failing to call a code, and failing to notify a supervisor of the medical emergency, thus delaying aid to Mason;
- Failing to assist medical staff and jail personnel in the performance of their duties to render first aid to inmate Mason; and
- Leaving her constant supervision post on Mason at 7:55 a.m. to contact the nurse's office. Officer D.L. had radio contact with other officers or a supervisor to obtain medical assistance.

Per the Commission's investigation, Officer D.L.'s actions were in violation of 9 NYCRR §7003.2(d) (1) (2) as "Constant supervision shall mean the uninterrupted personal visual observation of prisoners by facility staff responsible for the care and custody of such prisoners without the aid of any electrical or mechanical surveillance devices. Facility staff shall provide continuous and direct supervision by permanently occupying an established post in close proximity to the prisoners under supervision which shall provide staff with:

- (1) a continuous clear view of all prisoners under supervision; and
- (2) the ability to immediately and directly intervene in response to situations or behavior observed which threaten the health or safety of prisoners of the good order of the facility."

RECOMMENDATIONS:

TO THE SHERIFF OF SCHENECTADY COUNTY:

The Medical Review Board concurs with the Sheriff's determination to terminate Officer D.L. due to violating department policy and failing to respond to Mason's medical emergency. Any further proceedings required to complete Officer D.L.'s termination should be continued.

TO THE PRESIDENT OF CORRECTIONAL MEDICAL CARE INC. (CMC Inc.):

CMC Inc. shall assure that facility medical staff comply with their own policy "Receiving Screening" and 9 NYCRR §7010.2(d) in that inmates who

are apparently intoxicated 12 or more hours after reception are seen by a physician immediately.

TO THE NYS. DEPARTMENT OF HEALTH, DIVISION OF CERTIFICATION AND SURVEILLANCE:

That the Division of Certification and Surveillance conduct an investigation into the care and treatment afforded Latisha Mason during the period 2/3/11 through 2/8/11, specifically that Ellis Hospital clinicians and officials engaged in professional misconduct in violation of State regulations by improperly failing to provide clearly indicated care for Latisha Mason when she was presented for such care on five (5) occasions during the period 2/3/11 through 2/8/11 and on two such occasions improperly discharged a combative, uncommunicative, intoxicated patient with frank psychosis to a facility known to be manifestly incapable of caring for her.

TO CHIEF EXECUTIVE OFFICER OF ELLIS HOSPITAL:

1. Ellis Hospital shall conduct a quality improvement colloquium with social worker R.F., assigned to the Schenectady CJ, [REDACTED]
2. Ellis Hospital shall conduct a quality improvement colloquium with the social workers assigned to the Schenectady CJ. [REDACTED]
3. Ellis Hospital shall conduct a quality improvement colloquium with attending ER clinicians on recognizing substance induced psychosis and develop adequate treatment protocols for such.

WITNESS, HONORABLE PHYLLIS HARRISON-ROSS, M.D., Commissioner, NYS Commission of Correction, Alfred E. Smith, State Office Building, 80 South Swan Street, 12<sup>th</sup> Floor, in the City of Albany, New York 12210 this 19<sup>th</sup> day of June, 2012.

  
Phyllis Harrison-Ross, M.D.  
Commissioner

PHR:mj  
11-M-16  
3/12

cc: Emre Umar, President, Correctional  
Medical Care, Inc.  
James Connelly, Chief Executive Officer,  
Ellis Hospital