



**Commission of
Correction**

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

In the Matter of the Death of

**Franklin Chase,
an incarcerated individual of the
Cattaraugus County Jail**

March 22, 2023

**To: Sheriff Timothy S. Whitcomb
Cattaraugus County Sheriff's Office
301 Court Street
Little Valley, New York 14755**

Allen Riley
Chairman

Thomas J. Loughren
Commissioner

Yolanda Canty
Commissioner

[REDACTED]

6. Chase remained incarcerated from his date of admission on 8/20/20 to his terminal event on 5/2/21. Chase had some disciplinary issues and was involved in an altercation with another incarcerated individual but otherwise had an unremarkable time in custody. Chase was housed in the 12 cell E pod at the time of his death.

7. On 5/2/21 at 2:53 p.m., Officer D.T. assumed supervision of E Pod. A count was completed on the unit with off going Officer E.B. A count of 8 incarcerated individuals was confirmed. Medications were passed at 2:57 p.m. and the food cart with the dinner meal arrived at 4:08 p.m. Officer D.T. did rounds in the unit at 15-minute intervals with no unusual activity recorded.

8. Incarcerated individuals on the unit were let out into the day space at different intervals due to limited physical contact restrictions for COVID precautions. Chase was out of his cell from after 5:00 p.m. until 7:00 p.m. Chase then said to Officer D.T. that he would go back to his cell and let other individuals on the unit have time out. Chase was secured back in his cell around 7:00 p.m. Officer D.T. secured the unit and went on his break. Officer D.T. returned from his break at approximately 7:18 p.m. Officer D.T. then let three state ready individuals out for out of cell time. Officer D.T. resecured them at approximately 8:50 p.m.

9. At approximately 9:01 p.m., Officer D.T. completed his medication pass on the unit. Officer D.T. then completed another cell check. Officer D.T. observed Chase in his cell reading a newspaper. Officer D.T. then left the floor for a 15-minute break.

10. Officer D.T. returned to E-pod at approximately 9:18 p.m. and began a check of the cells. He stopped at Chase's cell, cell 1, and observed Chase sitting cross legged on the floor facing the cell door. Officer D.T. yelled through the door to Chase to ask if he was ok, but Chase did not respond. Officer D.T. opened the cell door and Chase fell forward. Officer D.T. called for assistance from other officers. Officer S.A. and a trainee arrived and assisted Officer D.T. The officers pulled Chase from his cell into the day space. Chase was blue in the face, unresponsive and not breathing. Sgt. B.C. immediately arrived after with an AED. The AED was applied, no shock was advised, and CPR was started by Officer S.A. Officer P.V. arrived on the unit and assisted with CPR. Officer P.V. also administered nasal Narcan to Chase at 9:23 p.m. and 9:30 p.m.

11. EMS arrived on the scene at approximately 9:30 p.m. [REDACTED]

- [REDACTED]
- [REDACTED]
12. [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
13. After Chase was pronounced at the scene and then removed by the coroner, an immediate cell search and investigation was begun by the Cattaraugus County Sheriff Office's detectives. Detectives began questioning all incarcerated individuals on the housing unit and conducted a search of Chase's cell. On the table in Chase's cell was a yellow piece of paper that was folded and had "ice" written on it, a rolled red piece of paper and a piece of paper that had "D.... K.... 48498" written on it. These items were seized by the detectives as evidence. No other contraband was located during the search. Interviews with the other incarcerated individuals on the housing unit revealed that II [REDACTED], who was friends with Chase, had picked up a newspaper from II D.K.'s cell, cell 9, and had brought it to Chase earlier that evening. II [REDACTED] stated that Chase would buy the newspaper and let others on the unit borrow it.
14. A search was conducted of II D.K. and his cell. Three separate bundles were located, one in the toilet, one on the bunk and one on K.'s person. The bundles which contained suspected drugs were confiscated and placed into evidence. A follow-up search was done of all cells on E block the next day with a K-9. No further contraband was located but the newspaper that was passed to Chase did appear to have had something taped inside it at one point.
15. A review of the video recording of the housing unit activity on E block revealed that at approximately 8:41 p.m., II [REDACTED] is seen picking up a newspaper from cell 9, II D.K., and delivering it to Chase's cell, cell 1. Then at 9:02 p.m., Officer D.T. completed a supervisory round and then left to go on a break. When Officer D.T. returned from his break, he conducted a check of the cells first and noticed that Chase was unresponsive.
16. Detectives reviewed recorded phone calls from Chase on the jail phone system. In the morning on 5/2/21, Chase made a phone call to his father and informed him that he needed \$200 for items such as magazines, books, and things he needed from another incarcerated individual. Chase's father agreed to provide the money. At approximately 10:10 a.m., Chase contacted a [REDACTED] subject to ask if he would deposit the money into the account of another individual and [REDACTED] agreed. Chase then called his father back at

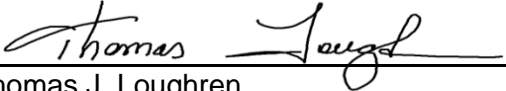
10:13 a.m. and told him to give the money to his sister and the name of the account to deposit it into, D.K. #48498. At 3:56 p.m., Chase called [REDACTED] again to confirm that his father gave him the money and the information. At 5:22 p.m., Chase called his sister and the sister deposited money into D.K.'s account during the phone call. Subsequent interviews by detectives with [REDACTED] and Chase's sister revealed that Chase's sister had used a credit card account in [REDACTED]'s name to make the deposit for D.K.

17. On 5/5/21, an incident occurred whereby D.K. was transported to Olean General Hospital for an evaluation after doctors had discovered what appeared to be a condom filled with an unknown substance in D.K.'s rectum. A search warrant was prepared by detectives and was signed by a judge to authorize an invasive search of D.K. D.K. was informed of the warrant [REDACTED]. A search was done of D.K.'s clothing, hospital room, hospital bed and CT room but no contraband was located. A period of time had lapsed between the initial CT D.K. had and when the object was identified whereby it is presumed that D.K. had removed the object and disposed of it without supervision officers taking notice.
18. Lab analysis of the contraband confiscated from D.K.'s cell confirmed that it was Fentanyl.
19. On 6/15/21, D.K. was arrested by the Cattaraugus County Sheriff's detectives and charged with Criminal Possession of a Controlled Substance 3rd Degree, Criminal Sale of a Controlled Substance 3rd Degree, Criminally Negligent Homicide, Manslaughter 2nd Degree and three counts of Promoting Prison Contraband 1st Degree.

ACTIONS REQUIRED:

That this case be closed as an accidental overdose of Fentanyl and Methamphetamine.

WITNESS, HONORABLE THOMAS J. LOUGHREN, 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 22nd day of March, 2023.


Thomas J. Loughren
Commissioner & Chair
Medical Review Board

TJL:CO:jdb
2021-M-0064
March 2023