



**Commission of  
Correction**

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

**In the Matter of the Death of**

**Michael Frears,  
an incarcerated individual of the  
Erie County Holding Center**

**January 25, 2023**

**To: Sheriff John C. Garcia  
Erie County Sheriff's Office  
10 Delaware Avenue  
Buffalo, New York 14202**

**Allen Riley**  
*Chairman*

**Thomas J. Loughren**  
*Commissioner*

**Yolanda Canty**  
*Commissioner*

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 Michael Frears who died on March 13, 2021 , as a result of circumstances which occurred while an incarcerated individual in the custody of the Erie County Sheriff at the Erie County Holding Center, the Commission has determined that the following final report be issued.

FINDINGS:

1. Michael Frears was a 27-year-old male who died on 3/13/21 due to Fentanyl overdose while in the custody of the Erie County Sheriff at the Erie County Holding Center. Frears had notable postmortem changes that indicated that the supervisory rounds conducted on that tour did not comport with the requirements of New York State Minimum Standard 9 NYCRR §7003.3.
  
2. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] . On 3/12/21, Frears was arrested for Criminal Possession of a Weapon 2<sup>nd</sup> Degree and 3<sup>rd</sup> Degree, Criminal Possession of a Controlled Substance 7<sup>th</sup> Degree, and a Parole Violation. Frears had a court appearance scheduled for 3/17/21.
  
3. [REDACTED]  
[REDACTED]  
[REDACTED]
  
4. On 3/12/21, Frears was arrested by the Buffalo Police Department and brought to the Erie County Holding Center at 12:20 p.m. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] . On 3/12/21 at 1:35 p.m., Frears was placed in Bravo Long 23 cell. There was no further interaction or documentation in the housing logbook regarding Frears. General supervisory tours were conducted throughout the night on Bravo Long from 3/12/21 into 3/13/21.

5. On 3/13/21 at 4:45 a.m., Deputy S.C. noted that a general supervision tour was completed. At approximately 5:15 a.m., the Bravo Long unit was served breakfast trays and one tray was not taken. Deputy S.C. noted that Frears had not gotten his breakfast tray. Another incarcerated individual attempted to wake Frears and notified Deputy S.C. that Frears was not responding. Deputy S.C. responded to the cell and attempted to wake Frears without any response and at 5:21 a.m., a medical response was activated. During an interview with Commission staff, Deputy S.C. stated that Frears was laying on his back with the blankets on and appeared to be sleeping all night during Deputy S.C.'s completed 15-minute rounds. Medical staff and addition security staff arrived and were unable to obtain a response from Frears. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].
6. At 5:35 a.m., American Medical Response EMS arrived. [REDACTED]  
[REDACTED]  
[REDACTED]. The Medical Review Board opines that the postmortem findings indicate Frears' death occurred hours before his discovery. This finding indicates that the supervisory tours conducted by the deputy did not comport with the requirements of 9 NYCRR §7003.3(c) which state: *At a minimum, general supervision shall be maintained in all facility housing areas when all prisoners are secured in their individual housing units.*
7. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
8. A small plastic bag was located in Frears' cell after the incident. The contents of the bag were tested and found to be positive for Fentanyl.


ACTIONS REQUIRED:

TO THE OFFICE OF THE SHERIFF OF ERIE COUNTY:

The Sheriff will take note of the postmortem changes identified and assure proper compliance with 9 NYCRR §7003.3(c).

*In a response dated 1/20/23 to the Commission's preliminary report, the Erie County Sheriff Office indicated that supervisory visits were verified as being conducted by officers every 15 minutes on Frears' housing area. The Medical Review Board remains opined that although the supervisor rounds were verified as being completed, Frears had documented postmortem changes at the time of his discovery indicating that death had occurred minimally two hours earlier.*

WITNESS, HONORABLE THOMAS J. LOUGHREN, 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 on this January 25, 2023

A handwritten signature in cursive script, reading "Thomas J. Loughren", written over a horizontal line.

Thomas J. Loughren  
Commissioner & Chair  
Medical Review Board

TJL:DC:jdb  
2021-M-0039  
January 2023