



**Commission of
Correction**

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

In the Matter of the Death of

**Jose Gomez Sanchez,
an incarcerated individual of the
Niagara Falls City Police Department**

September 27, 2022

**To: Superintendent John Faso
Niagara Falls City Police Department
1925 Main Street
Niagara Falls, New York**

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 Jose Gomez-Sanchez who died on February 28, 2020, as a result of circumstances which occurred while in custody at the Niagara Falls Police Department, the Commission has determined that the following final report be issued.

FINDINGS:

1. Jose Gomez-Sanchez was a 33-year-old male who died on 2/28/20 from complications of chronic alcoholism while in the custody of the Niagara Falls Police Department. There was no indication that the facility staff were aware of or that Gomez-Sanchez demonstrated severe alcohol intoxication. The officer failed to complete supervisory tours and falsified records. The case was investigated by the Attorney General's office and the District Attorney's office. The officer was subsequently criminally charged and as part of the plea bargain, the officer resigned from the Niagara Falls Police Department. Officer O. pled guilty to tampering with public records and was sentenced to community service.
2. [REDACTED]. There was no further medical or mental health history noted or available.
3. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. Shortly after, the Niagara Falls Police received a call for a domestic issue involving Gomez-Sanchez at the mother's residence. The mother reported that Gomez-Sanchez was intoxicated and demanding money. The responding officers resolved the issue without taking Gomez-Sanchez into custody and cleared the call. Within 15 minutes, the police were called back to the residence and Gomez-Sanchez was arrested for Menacing after threatening his mother. Gomez-Sanchez was taken to the Niagara Falls Police Department. Gomez-Sanchez was held at the police department until he was seen by the judge at 9:15 a.m. At 10:21a.m., Gomez-Sanchez was released on his own recognizance with an order of protection. On 2/28/20 at 1:15 p.m., the Niagara Fall Police responded to the mother's residence again as Gomez-Sanchez was at the residence which violated the order of protection. Gomez-Sanchez was arrested for Criminal Contempt 2nd Degree and taken to the Niagara Falls Police Department. The recent emergency room visit [REDACTED] was never relayed to the police agency staff. [REDACTED]
[REDACTED].
4. A review of the recorded video footage from Niagara Falls PD revealed that on 2/28/20:

At 1:17 p.m., Gomez-Sanchez walked into the Niagara Falls PD without difficulty

Gomez-Sanchez answered questions, was able to remove his own jacket. Gomez-Sanchez ambulated to the holding cell and was stable in gait.

At 1:25 p.m., Gomez Sanchez was placed into booking cell #20.

At 1:30 p.m., Gomez-Sanchez was able to sign his property release.

At 1:34 p.m., Gomez-Sanchez was walked out of the booking cell to the fingerprinting room.

At 1:47 p.m., Gomez-Sanchez was again secured in booking cell #20.

At 3:46 p.m., Officer O. punched his timecard (used to record supervision of the cell area) and he and Officer W. walked out of the jail area.

At 4:03 p.m., Officer O. prepared for county prisoner transfer by removing clothing from the property room. There was no interaction with Gomez-Sanchez.

At 4:17 p.m., Officer O. punched his timecard and sat at the officer's desk.

At 4:43 p.m., Officer O. went to the punch clock and waited approximately three to four minutes before punching the time clock.

At 4:46 p.m., Officer O. punched the time clock and walked out of the jail area and walked past Gomez-Sanchez's cell on the way. Gomez-Sanchez was seen trying to close the cell door meal slot.

At 5:05 p.m., Officer O. assisted in removing prisoners from their cells for the Niagara County Sheriff's Officers and walked past Gomez-Sanchez's cell without interacting with Gomez-Sanchez.

At 5:13 p.m., Officer O. entered the jail area and walked past Gomez-Sanchez's cell. Officer O. punched his timecard and exited the jail area walking past Gomez-Sanchez's cell. Gomez-Sanchez was seen trying to close the cell door meal slot.

At 5:31 p.m., Officer O. returned to the jail area and sat at the officer's desk.

At 5:45 p.m., Officer O. punched his timecard and sat down without performing a supervisory check.

At 6:08 p.m., Officer O. brought Gomez-Sanchez toilet paper and sat down.

At 6:14 p.m., Gomez-Sanchez was seen trying to close the cell door meal slot.

At 6:15 p.m., Officer O. punched his timecard and sat down without performing a supervisory check.

At 6:39 p.m., Officer O. walked out of the jail area passing Gomez-Sanchez's cell on way out.

At 6:40 p.m., Gomez-Sanchez was seen trying to close the cell door meal slot.

At 6:42 p.m., Officer O. returned to the jail area with a food container and passed Gomez-Sanchez's cell on his way to the desk.

At 6:44 p.m., Officer O. punched his timecard and sat down without performing a supervisory check.

At 7:04 p.m., Gomez-Sanchez was seen trying to close the cell door meal slot.

At 7:08 p.m., Officer T.M. brought meals to the jail and Officer O. gave a meal to Gomez-Sanchez which was accepted.

At 7:16 p.m., Officer O. punched his timecard and sat down without performing a supervisory check.

At 7:21 p.m., 7:29 p.m., and 7:36 p.m., Gomez-Sanchez was seen trying to close the cell door meal slot.

At 7:49 p.m., Officer O. punched timecard and sat down without performing a supervisory check.

At 7:57 p.m., Officer O. walked out of the jail area and looked into Gomez-Sanchez's cell on the way out.

At 8:19 p.m., Gomez-Sanchez was seen at the cell door and a piece of toilet paper was pushed under the door, Officer O. walked into the jail area and looked into Gomez-Sanchez's cell on the way.

At 8:21 p.m., Officer O. talked to Gomez-Sanchez for about 30 seconds.

At 8:25 p.m., 8:27 p.m., 8:36 p.m., and 8:41 p.m., Gomez-Sanchez was seen trying to close the cell door meal slot. Gomez-Sanchez was seen pacing back and forth.

At 8:48 p.m., Officer O. punched his timecard and sat down without performing a supervisory check.

At 8:52 p.m., Officer J.M. entered with another prisoner and secured the prisoner in cell 12.

At 9:01 p.m., Gomez-Sanchez was seen moving around in his cell.

At 9:13 p.m., Officer O. talked to Gomez-Sanchez for approximately 15 to 20 seconds and returned to the desk.

At 9:15 p.m., Gomez-Sanchez was seen trying to close the cell door meal slot.

At 9:20 p.m., Officer O. punched the timecard and exited the jail area without looking at Gomez Sanchez.

At 9:21 p.m., Gomez-Sanchez reached his hand out of the meal slot.

At 9:49 p.m., Officer O. entered the jail area and walked toward the desk. A piece of toilet paper was pushed out of Gomez-Sanchez's cell door. Officer O. punched his timecard and sat down without performing a supervisory check.

At 10:18 p.m., 11:06 p.m., and 11:34 p.m., Officer O. punched the timecard and sat down without performing a supervisory check.

At 11:44 p.m., Officer S.C. entered the jail and passed Gomez-Sanchez's cell. As Officer S.C. and Officer O. walked past Gomez-Sanchez's cell, Officer S.C. stopped and looked into the cell. Officer O. looked into the cell through the open meal slot.

At 11:45 p.m., the cell was opened, and Officer O. entered the cell and left to make a phone call while Officer S.C. entered the cell.

At 11:46 p.m., both officers left the jail area and returned within one minute.

At 11:52 p.m., Niagara Falls Fire Department entered the jail and went to Gomez-Sanchez's cell.

At 11:54 p.m., Niagara Falls Fire Department exited the cell.

At 11:58 p.m., Lt. M.T. entered the jail area and spoke with Officer O.

At 11:59 p.m., EMS AMR ambulance entered the jail and went to Gomez-Sanchez's cell.

At 12:03 p.m., EMS exited the cell.

5. A review of the logbook entries revealed that Officer O. documented that checks were completed and that the prisoners appeared to be okay at: 3:47 p.m., 4:18 p.m., 4:45 p.m., 5:15 p.m., 5:46 p.m., 6:16 p.m., 6:45 p.m., 7:17 p.m., 7:50 p.m., 8:21 p.m., 8:50 p.m., 9:20 p.m., 9:50 p.m., 10:20 p.m., 11:07 p.m., and 11:35 p.m. The time punches matched the time of the log entries. The failure of Officer O. to complete actual supervisory visits of the cell area was in violation of 9 NYCRR §7504.1(a), which states "As a minimum, the condition of prisoners shall be checked, by actual visits to cells and detention rooms, at intervals not to exceed 30 minutes". Additionally, Officer O. failed to document the meal provided to Gomez-Sanchez which is a violation of 9 NYCRR §7505.1(c), which states a "record of meal provided, including a notation of the prisoner's refusal thereof, shall be maintained".
6. On 2/28/20 at 11:45 p.m., Officer C. arrived to relieve Officer O. The two officers made a check of the prisoners together and observed Gomez-Sanchez lying on the floor under the bed. The officers knocked on the window of the cell door and yelled to Gomez-Sanchez. Officer O. retrieved the key to the cell to check on Gomez-Sanchez. Once inside the cell, Officer O. performed a sternum rub on Gomez-Sanchez without response. American Mobile Response was activated at 11:50 p.m. and arrived at 12:00 a.m., EMS noted that Gomez-Sanchez was cold to the touch with rigor and lividity to the

left flank area. There was mottling of the upper extremities with dried vomit around his mouth.

7. Gomez-Sanchez attempted to make 169 phone calls from his cell between 3:52 p.m. and 9:19 p.m. Gomez-Sanchez made three phone calls, could follow instructions of the operator, and never requested medical assistance.
8. Officer O. resigned before administrative action was served for violating department procedure, falsifying documents, truthfulness, and criminal conduct. The matter was turned over to the Niagara County District Attorney's Office as well as the NYS Attorney General's Office. Officer O. was charged with several misdemeanors and one felony. The case was pled out and Officer O. pled guilty to tampering with public records and was sentenced to community service plus resigning from Niagara Falls PD as a condition of the plea agreement.

ACTIONS REQUIRED:

TO THE SUPERINTENDENT OF NIAGARA FALLS POLICE DEPARTMENT:

The Superintendent shall conduct a review of policy and procedures with staff assigned to holding cell supervision to assure that requirements of 9 NYCRR §7504.1(a) and §7505.1(c) are complied with and maintained.

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 27th day of September, 2022


Thomas J. Loughren
Commissioner & Chair
Medical Review Board

TJL:DC:jdb:
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