



**Commission of  
Correction**

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

**In the Matter of the Death of**

**James Ellis,  
an incarcerated individual of the  
Erie County Holding Center**

**March 27, 2024**

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

**Allen Riley**  
*Chairman*

**Yolanda Canty**  
*Commissioner*



5. [REDACTED]

6. [REDACTED]

7. [REDACTED]

8. [REDACTED]

9. [REDACTED]

[REDACTED] As Ellis had persistent gastrointestinal symptoms over the course of three weeks that could have been indicative of a more serious disease process, the Board opines that a referral to a physician with gastroenterology consultation would have been appropriate intervention rather than prescribe another proton pump inhibitor to which Ellis had already reported was ineffective in addressing his reports of vomiting.

10. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]. Ellis was transferred to Foxtrot North [REDACTED]  
[REDACTED]

11.

[REDACTED]  
[REDACTED]

12.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] The Medical Review Board finds that there were significant failures by medical staff at the sick call encounters on 11/28/21 and 11/29/21. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED] The Medical Review opines that there was a failure by medical staff to properly assess, failure to notify and consult with a physician and a grossly missed diagnosis. Additionally, the Medical Review Board questions the credibility of the medical staffs' findings that Ellis clear lung sounds at both sick call encounters on 11/28/21 and 11/29/21 as the gross anatomic findings at autopsy revealed that Ellis had edematous lungs (right 1560 g / left 1260 g) with bronchopneumonia and a necrotic abscess of the right lung indicating possibly weeks of developing infection. The Medical Review Board opines that the cited failures collectively indicated inadequate supervision of the medical staff and health services delivery.

13.

[REDACTED]  
[REDACTED]

14.

On 11/30/21 at 8:15 p.m., Ellis was seen alive by Deputy G.W. on Foxtrot North in cell 11. At 8:26 p.m., LPN J.D. arrived on unit to administer medications and Ellis was found unresponsive on his back on the floor of his cell, Foxtrot North cell 11. [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]

15. A search of Ellis’s cell following the terminal event revealed that there was a pool of dark red blood and fluid that was expelled during resuscitation.

16. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

17. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Although Ellis’s cancer was established and likely metastasizing prior to his incarceration, the findings do illustrate that he had an acute illness and significant disease process during his 9 weeks of incarceration which was not detected by the attending medical providers at the Erie County Holding Center. The Medical Review Board questions the diagnosis of the metastatic carcinoma being primary as gastrointestinal without any histology studies indicated as being performed.

ACTIONS REQUIRED:

TO THE JAIL PHYSICIAN OF THE ERIE COUNTY HOLDING CENTER:

The Medical Review Board requests that an independent peer review be conducted regarding Ellis’ healthcare during his incarceration with a focus on:

1. Why no physician referral nor gastrointestinal consultation was ordered for Ellis after having repeated complaints of gastrointestinal distress over a three week period.
2. Why Ellis was not immediately referred to a physician on 11/29/2021 after complaints of chest pain and unstable vital signs.
3. Why Ellis’s 15 lbs. weight loss was not accounted for nor recognized by attending medical staff.
4. Why Ellis’s repeated complaints of vomiting were treated with courses of proton pump inhibitors despite complaints that the treatment was ineffective.
5. How medical staff documented finding clear lungs bilaterally at sick call encounters on 11/28/21 and 11/29/21 with a postmortem diagnosis of bilaterally bronchopneumonia with abscess.

A report of the findings and any correction actions taken shall be provided to the Medical Review Board upon completion.

*A response dated 1/29/2024 to the Commission’s preliminary report was received from the Erie County Sheriff Office. The quality of care issues identified by the Medical Review Board were not specifically addressed in the response. The Medical Review Board remains affirmed in their findings and the identified issues in the case.*

TO THE CHIEF MEDICAL EXAMINER OF ERIE COUNTY:

The Medical Review Board requests that a quality assurance review be conducted regarding the postmortem diagnosis of Ellis being listed as “metastatic carcinoma of probable gastrointestinal primary”. [REDACTED]

*In a response dated 1/31/2024 to the Commission’s preliminary report, the Erie County Medical Examiner indicated that the requested review was completed but did not find cause to amend the findings in their autopsy report.*

TO THE CHAIR OF THE ERIE COUNTY LEGISLATURE:

As the appointing authority for the delivery of jail incarcerated individual health services pursuant to Correction Law section 501, the County Legislature shall review the above findings and conduct an inquiry into the fitness of the currently designated provider.

WITNESS, HONORABLE ALLEN RILEY, Chairman, 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 27<sup>h</sup> day of March 2024.



Allen Riley  
Chairman  
Commission of Correction

AR:DC:vc  
2021-M-0161  
March 27, 2024