

JEFFREY L. METZNER, M.D., P.C.
3300 EAST FIRST AVENUE
SUITE 590
DENVER, COLORADO 80206

TELEPHONE (303) 355-6842
FACSIMILE (303) 322-2155
TAX ID #84-0848664

November 20, 2016

To: Michelle Parker, Esq.
First Assistant County Attorney
Erie County Department of Law
95 Franklin St., Room 1634
Buffalo, NY 14202

Marlysha Myrthil, Esq.
Trial Attorney, Special Litigation Section
U.S. Department of Justice, Civil Rights Division
950 Pennsylvania Avenue, N.W. (PHB)
Washington, D.C. 20530

From: Jeffrey L. Metzner, M.D.

Re: *USA v Erie County et al.*

As you are aware, I site visited the Erie County Holding Center (ECHC) and the Erie County Correctional Facility (ECCF) during October 20, 2016. Ronald Schoelerman, LMSW (Director of Intensive Adult Mental Health Services) accompanied me throughout this site visit.

Sources of information utilized in compiling this draft report included review of the following documents:

1. the Summary of Levels of Care Qualitative Review report (see Attachment A),
2. minutes of the suicide prevention leadership group meeting and health/mental health review subcommittee meetings from April-August 2016,
3. minutes of the pharmacy and therapeutic committee meetings,
4. agendas and minutes from April 2016-August 2016 of the Correctional Oversight Committee,
5. Constant Observation Database Information from May 2016-August 2016,
6. Crisis Bed/Constant Observation Trending Reports from July-August 2016,
7. data re: crisis stabilization and transitional unit bed usage at ECMC,
8. a NYS Commission of Correction report re: the 2012 death of Mr. RM, and
9. other relevant QI audits/studies.

During the site visit, I had the opportunity to meet with the following persons:

Psychiatric Assessment

Re: ECHC and ECCF

Page 2 of 14

1. Michael Reardon (First Deputy Superintendent/Compliance),
2. John Rodriguez (First Deputy Superintendent),
3. Ronald, Schoelerman, LCSW (Director of Intensive Adult Mental Health Services),
4. Christa Cutrona, R.N., M.S.N. (Director of Correctional Health Division),
5. Crystal Quinn, R.N., B.S.N. (Assistant Director of Nursing),
6. Daniel Antonius, Ph.D. (Director, Division of Forensic Psychiatry, University at Buffalo),
7. Evelyn Coggins, M.D. (Chief Psychiatrist, ECFMH),
8. Shawntel Davis, LMSW,
9. Danielle Crowley, LCSW, and
10. Wanda Garcia, LMSW.

Overview

Please refer to my January 2012 site assessment report for an overview of the Erie County Correctional Center (ECCF) and the Erie County Holding Center (ECHC). Both facilities are under the authority of Erie County Sheriff and are managed by the Superintendent of the County's Jail Management Division (JMD).

Relevant statistics included the following:

April-01-2016 through September-30-2016

Month	ECHC	ECHC MFC	ECHC %	ECCF	ECCF MFC	ECCF MFC %	TOTALS
April	517	638	81.03%	681	794	85.76%	1198
May	522	638	81.81%	690	794	86.90%	1212
June	526	638	82.44%	686	794	86.39%	1212
July	529	638	82.91%	698	794	87.90%	1227
August	533	638	83.54%	700	794	88.16%	1233
September	573	638	89.81%	720	794	90.68%	1293

Month	ECHC - Male INS	ECHC - Female INS	ECCF - Male INS	ECCF - Female INS	TOTAL	ALL RELEASES
April	1130	199	1336	308	2973	1322
May	1158	188	1449	273	3068	1292
June	1142	198	1378	301	3019	1344
July	1150	188	1347	284	2969	1361
August	1122	204	1367	309	3002	1493
September	1157	196	1394	349	3096	1328

Info	ECHC	ECHC	ECHC Total	ECCF	ECCF	ECCF Total
------	------	------	------------	------	------	------------

Psychiatric Assessment

Re: ECHC and ECCF

Page 3 of 14

	Male	Female		Male	Female	
Total Days	83692	13947	97639	111525	15869	127394
AVG Daily Pop	457	76	533	609	86	696
Daily Intake	33	8	41	20	3	24
AVG Stay	13	9	22	30	22	28
Total Intake	6075	1468	7543	3692	719	4411
Median Stay	5	5	5	10	6	9

	ECHC Male	ECHC Female	ECHC Total	ECCF Male	ECCF Female	ECCF Total
Median Stay	3037 = 5	734 = 5	3772 = 5	1846 = 10	360 = 6	2206 = 9

Appendix I provides relevant staffing information for ECHC and ECCF.

The Stipulated Order of Dismissal

The most significant progress re: the provisions of the Stipulated Order of Dismissal since the April 2016 site visit have included the achievement of sustained compliance in one additional provision ((7) Documentation and Record-keeping) and one provision that is newly found to be in substantial compliance. Appendix IX lists the 48 provisions that are now in sustained compliance. The provision newly found to be in sustained compliance is bolded in Appendix IX.

All of the provisions of the Stipulated Order of Dismissal that were assessed to be in substantial compliance during the previous site visit have remained in substantial compliance except for the previously referenced provision that is now in sustained compliance. Appendix VIII lists these provisions. A total of four (4) provisions are now in substantial compliance. The following provision is newly found to be in substantial compliance:

8.f. The County will continue to develop and implement a policy and procedure regarding psychotropic medication non-compliance that meets the standard of care.

Appendix III lists the three (3) provisions of this Stipulated Order that remain in partial compliance.

My previous report included the following:

Psychiatric Assessment

Re: ECHC and ECCF

Page 4 of 14

Funding to significantly expand the ECCF mental health office space via a renovation project was approved by the Legislature on September 11, 2015. This space is needed in order to more adequately provide needed mental health services to inmates at ECCF. The County reports that the DPW is in the process of drafting a contract for an A/E consultant to come on board. Preliminary drawings were completed in 2014, so the design phase should be completed relatively quickly. The County anticipates a March/April 2016 start to this project, with an expected duration of 5-6 weeks.

Construction was anticipated to begin in about six months. I discussed with staff specific design issues such the need for an alarm system in each office, large windows in the office doors and construction of a large multipurpose room.

The electronic medical record implementation process continues improve but remains a work in progress.

The leadership exhibited by Mr. Schoelerman, Dr. Antonius, and Dr. Coggins remains impressive. The relationship between the Department of Mental Health and the University of Buffalo's Department of Psychiatry continues to be crucial in improving the mental health services.

Appendices

The following appendices are attached to this report:

- Appendix I provides a summary of mental health staffing allocations.
- Appendix II provides a summary of my findings re: the Stipulated Order of Dismissal.
- Appendix III lists the provisions that remain in partial compliance.
- Appendix VII references an excerpt of the Stipulated Agreement re: Sexual Abuse.
- Appendix VIII lists the Stipulated Order provisions that have been found to be in substantial compliance but for less than 18 consecutive months.
- Appendix IX lists the Stipulated Order provisions that have been found to be in substantial compliance for at least 18 months.
- Appendix X is the document request for the next site visit.
- Attachment A is the Summary of Levels of Care Qualitative Review report
- Attachments B is a summary of crisis bed usage at ECMC since the last site assessment.
- Attachment C provides information relevant to detainees psychiatrically hospitalized via the 730, 943 and 508 processes in an OMH facility.

Please note that the formatting in some of these appendices may not correspond to the original Agreements due to cutting and pasting from the original agreements. However, the language (i.e., content of the provisions) is unchanged.

Psychiatric Assessment


Re: ECHC and ECCF

Page 5 of 14

My next site visit will be from May 4-5, 2017. Appendix X provides a summary of my requests for pre-site information.

Please do not hesitate to contact me if I can answer any further questions.*

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey L. Metzner". The signature is stylized with a large, looped initial "J" and a cursive "L".

Jeffrey L Metzner, M.D.

Clinical Professor of Psychiatry

University of Colorado School of Medicine

*This report was transcribed via the use of voice software, which may explain any typographical errors still present.

Psychiatric Assessment

Re: EHC and ECCF

Page 6 of 14

Appendix I

Psychiatric Assessment

Re: EHC and ECCF

Page 7 of 14

Appendix II

Psychiatric Assessment

Re: EHC and ECCF

Page 8 of 14

Appendix III

Psychiatric Assessment

Re: EHC and ECCF

Page 9 of 14

Appendix VII

Psychiatric Assessment

Re: EHC and ECCF

Page 10 of 14

Appendix VIII

Psychiatric Assessment

Re: EHC and ECCF

Page 11 of 14

Appendix IX

Psychiatric Assessment

Re: EHC and ECCF

Page 12 of 14

Attachment A

Psychiatric Assessment

Re: EHC and ECCF

Page 13 of 14

Attachment B

Psychiatric Assessment

Re: EHC and ECCF

Page 14 of 14

Attachment C