

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

June 17, 2013

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

Marlysha Myrthil, Esq.
U.S. Department of Justice
P.O. Box 66400
Washington, DC 20035-6400

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 (EHC) from June 10-14, 2013. During the morning of June 12, 2013, I also site visited the Erie County Correctional Facility (ECCF). Michael Ranney (Director of Forensic Health Services) accompanied me throughout this site visit.

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

1. QI studies, which included the following:
 - a. Paper chart review, general findings,
 - b. Forensic Mental Health: Overall SOP Implementation Study (October-December 2012),
 - c. Forensic Mental Health: Constant Observation (First Quarter 2013),
 - d. COBS Database Information November 2012-March 2013,
 - e. Staffing Allocations and Vacancies,
 - f. Forensic Mental Health: Critical Medications,
 - g. Forensic Mental Health: Referrals,
 - h. Forensic Mental Health: Referrals – Timelines,
 - i. the 2012 Constant Observation Annual Report,
2. minutes and agendas of the suicide prevention leadership group meetings,
3. minutes of the mental health review committee,

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4. minutes of the correctional health review committee, and
5. a focused review of ~ 28 healthcare records of mental health caseload inmates.

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

1. Michael Reardon (First Deputy Superintendent/Compliance),
2. Michael Ranney, M.S., CRC (Director of Forensic Health Services),
3. David Marciniak, R.N. (Director of Correctional Health Services),
4. Michael Cummings, M.D.,
5. Amy Manning (Community Connections of New York),
6. Evelyn Coggins, M.D. (Chief Forensic Psychiatrist),
7. Daniel Antonius, Ph.D.,
8. correctional officers in various housing units, and
9. most of the line mental health staff in two group settings.

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).

Average facility counts during 2013 were reported as follows:

	ECHC	ECCF	YANK	ECMC	TOTAL
January	500	732	13	5	1250
February	487	737	18	3	1245
March	524	741	27	6	1275
April	543	740	36	4	1317
May	537	740	36	4	1317

Other pertinent statistics included the following:

ECHC

ECCF/YANK

	Male	Female	Total				Male	Female	Total
Average daily intake	37.60	12.76	50.36				18.93	3.19	22.13
Average daily population	460	58	518				671	88	759
Average length of stay	12.14	4.49	10.20				35.07	26.95	33.88
Mean intake	38	13	7605				19	3	22
Total intake	5678	1927	7605				2859	483	3342

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	Male	Female	Combined		Male	Female	Combined
Median stay	6	2	7		50	12	40

The number of inmates receiving mental health treatment since December 2012 was as follows:

Dec. 2012-May 2013

	ECHC	ECCF
Dec	188	205
Jan	177	191
Feb	173	189
Mar	183	185
Apr	169	182
May	157	188

Staffing

Appendix I provides relevant staffing information for ECHC and ECCF. The hiring process within the county continues to hamper filling of the staffing vacancies.

During the site visit, I toured the space being renovated for the new reception intake area, detoxification housing and the medical records department. It was well designed and will make a significant difference when opened later this summer.

The Stipulated Agreements - Executive Summary

The Stipulated Settlement Agreement and Order Concerning Suicide Prevention and Related Mental Health Issues

At the present time, all provisions of this Agreement that are being monitored by me within this Agreement continue to be in substantial compliance. Appendix III provides a summary of the relevant findings and dates that substantial compliance was found. Appendix IV lists the 22 Suicide Prevention Stipulation provisions that have been in substantial compliance for at least 18 months. The remaining three provisions have not yet met the 18 month duration criterion.

By previous agreement of the parties and with approval from Ronald Shansky, M.D., all provisions of this Agreement directly referencing detox services continue to be monitored by Ronald Shansky, M.D. because it is be a more efficient and effective process in the context of his other TCC responsibilities. These provisions are summarized in Appendix VI.

Other provisions of the Suicide Prevention Stipulation continue to be monitored via the Stipulated Order of Dismissal, although specific provisions of the former still apply.

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The Stipulated Order of Dismissal

The most significant progress re: the provisions of the Stipulated Order of Dismissal since the November 2012 site visit has been the continued implementation and evolution of the Residential Treatment Unit

The credentialing process for the mental health clinicians has proven to be a very successful endeavor based on interviews with the mental health staff. The impact of this process continues to include more comprehensive and clinically meaningful assessments and treatment plans.

The computerized mental health forms and database developed via CCNY is now being gradually rolled out. Full implementation will be a major step in improving clinical services as well as the quality improvement process. The eventual implementation of an electronic record will be greatly facilitated by this process as well.

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. An additional 7 provisions have been found to be in substantial compliance during this site assessment. Appendix VIII lists these provisions (in bold). Seven (7) provisions have now been in substantial compliance for at least 18 months (see Appendix IX). All other provisions of this Stipulated Order are in partial compliance.

I remain encouraged by the leadership exhibited by Mr. Ranney, Dr. Antonius, Dr. Cummings and Dr. Coggins and the evolving QI process. The relationship between DMH and the University of Buffalo's Department of Psychiatry has been crucial in improving the mental health services. As in the past, the leadership and corroborative actions demonstrated by First Deputy Superintendent/Compliance Michael Reardon have also been essential in this process. The leadership provided by David Marciniak, R.N. (Director of Correctional Health Services), Christa Catrona, R.N. (DON) and Dr. Heidelberger has also been impressive.

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 of the Stipulated Settlement Agreement and Order Concerning Suicide Prevention and Related Mental Health Issues (i.e., the Suicide Prevention Stipulation) that are not yet in substantial compliance for at least 18 consecutive months.
- Appendix IV lists Suicide Prevention Stipulation provisions in substantial compliance for at least 18 months
- Appendix V lists duplicative provisions of the Suicide Prevention Stipulation or provisions superseded by the Stipulated Order of Dismissal.

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- Appendix VI lists the provisions of the Suicide Prevention Stipulation to be monitored by Ronald Shansky, M.D.
- 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.

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.

Please provide any comments to this draft report by July 15, 2013.

My next site visit will be from November 18-22, 2013. 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 "JL Metzner MD". The signature is fluid and cursive, with the initials "JL" being particularly prominent.

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.