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June 14, 2014

To: Michelle Parker, Esq.
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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) from May 12-16, 2014. During the morning of May 14, 2014, 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. DOH QI studies, which included the following:
 - a. Forensic Mental Health: Medication audit
 - b. Forensic Mental Health: Nurse Medical Record review
2. a May 2014 report entitled "Erie County Department of Mental Health Forensic Mental Health Quality Management Report" (see Attachment A), which covered the following topics:
 - i. Residential Treatment Unit
 - ii. Crisis Beds
 - iii. Comprehensive Treatment Planning
 - iv. COBS Database Report
3. minutes and agendas of the suicide prevention leadership group meetings,
4. minutes of the correctional health QA & QI minutes,
5. minutes of the mental health review committee,

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6. agendas and minutes of the correctional health review committee, and
7. focused review of 16 healthcare records.

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. Christa Cutrona, R.N. (Director of Nursing),
5. Daniel Antonius, Ph.D.,
6. Amy Manning (Community Connections of New York),
7. Evelyn Coggins, M.D. (Chief Forensic Psychiatrist), and
8. 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 Eric 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:

Average Facility Counts: 11/01/2013-05/04/2014

Month	ECCF	ECHC	Total
November	825	494	1319
December	757	448	1205
January	758	457	1216
February	771	470	1242
March	742	479	1221
April	725	478	1203
May	736	451	1187

Total Facility In Count: 11/01/2013-05/04/2014

Month	ECCF Male Ins	ECCF Female Ins	ECHC Male Ins	ECHC Female Ins	Total
November	1812	408	1307	269	3796
December	1586	335	1102	231	3254
January	1746	351	1248	239	3584
February	1604	714	2550	564	5432
March	1360	586	2832	580	5358

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April	1378	570	2846	568	5362	
May	729	120	522	47	1418	
TOTALS	10215	3084	12407	2498	28204	56408

Facility Specific: 11/01/2013-05/04/2014

Info	ECCF Male	ECCF Female	ECCF Total	ECHC Male	ECHC Female	ECHC Total
Total Days	123616	17444	141060	78854	8246	87100
AVG Daily Pop	668	94	762	426	44	470
Daily Intake	32	8	41	32	7	39
AVG Stay	20	10	18	13	5	11
Total Intake	6074	1591	7665	5961	1430	7391
Median Stay	2	1	2	4	2	3

Staffing

Appendix B provides relevant staffing information for ECHC and ECCF. Attachment C summarizes the annual staffing needs analysis.

During the site visit, I toured the newly renovated space for the reception intake area, detoxification housing and the medical records department. It was well designed and was now operational.

The Stipulated Agreements - Executive Summary

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

Appendix III provides a summary of the last 3 provisions of this specific stipulation, which are monitored by this consultant, to have been found to be in sustained compliance.

Appendix IV lists the 22 Suicide Prevention Stipulation provisions that have been previously assessed to be in substantial compliance for at least 18 months.

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. 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 2013 site visit have included the following:

1. successful implementation of the treatment team concept in the closed observation bed (COBS) units,
2. achieving substantial compliance re: several medication management provisions,
3. selection of an electronic medical record for implementation in the near future.

Other areas that continue to improve and/or maintained include the following:

1. the credentialing process for the mental health clinicians,
2. the treatment program in the RTU,
3. the treatment program in the COBS bed units,
4. the quality improvement process,
5. the working relationships between medical, mental health and correctional services,
6. the effectiveness of the mental health input into the disciplinary process, and
7. the competency of the line mental health staff clinicians.

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 six (6) provisions have been found to be in substantial compliance during this site assessment. Appendix VIII lists these provisions (in bold). Seven (7) provisions are now newly in sustained compliance for at least 18 months (see Appendix IX), which results in a total of 24 such provisions. Nine (9) provisions of this Stipulated Order remain in partial compliance.

The leadership exhibited by Mr. Ranney, Dr. Antonius, and Dr. Coggins and the evolving QI process remains impressive. The relationship between DMH and the University of Buffalo's Department of Psychiatry continues to be crucial in improving the mental health services. As in the past, the leadership and collaborative 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) and Christa Cutrona, R.N. (DON) remains 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

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Prevention Stipulation) that have newly been assessed to be in compliance for at least 18 consecutive months.

- Appendix IV lists Suicide Prevention Stipulation provisions previously assessed to be 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.
- 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.
- Attachment A is a May 2014 report entitled "Erie County Department of Mental Health Forensic Mental Health Quality Management Report.
- Attachment B is the 2014 staffing needs analysis.

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.

My next site visit will be from November 17-21, 2014. 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, M.D.", with a stylized initial "JL" and a flourish at the end.

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.