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December 19, 2014

To: Michelle Parker, Esq.
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Zazy Lopez, 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) from November 17-21, 2014. Due to the blizzard, I was unable to site visit the Erie County Correctional Facility (ECCF) although I met with the ECCF mental health supervisor and reviewed relevant QI studies. 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. the November 13, 2014 Erie County Department of Mental Health Forensic Mental Health Quality Management Report, which covered the following topics:
 - i. Outpatient Level of Care Review
 - ii. Residential Treatment Unit
 - iii. Crisis Beds
 - iv. Comprehensive Treatment Planning
 - v. COBS Database Report
 - vi. Psychiatric Medications Useless Review
 - vii. Young Men's Unit Referral Report

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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,
6. agendas and minutes of the correctional health review committee, and
7. focused review of 10 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. (Chief of Forensic Mental Health Division, ECMC),
6. Brian Pagkos (Community Connections of New York),
7. Michelle Boehm (Community Connections of New York),
8. Evelyn Coggins, M.D. (Chief Forensic Psychiatrist),
9. Deborah Goldman (Interim DMH Commissioner), and
10. Michael Cummings, M.D. (Executive Director for Behavioral Health, ECMC).

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:

MONTH	ECCF	ECHC	Total
May	742	474	1217
June	744	501	1246
July	748	522	1271
August	744	508	1252
September	753	544	1298
October	758	530	1289
November	758	531	1289

MONTH	ECCF Male Ins	ECCF Female Ins	ECHC Male Ins	ECHC Female Ins	Total
May	1375	300	1402	303	3380
June	1371	656	2846	648	5521
July	1436	354	1550	363	3703

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August	1367	313	1420	331	3431
September	1373	608	2964	602	5547
October	1411	316	1526	345	3598
November	907	187	792	172	2058

STATS	ECCF Male	ECCF Female	ECCF Total	ECHC Male	ECHC Female
Total Days	126767	20133	146900	88980	11893
AVG Daily Pop	646	102	749	453	60
Daily Intake	26	7	34	35	9
AVG Stay	24	13	21	12	6
Total Intake	5213	1478	6691	7040	1806
Median Stay	4	1	3	5	3

Staffing

Appendix I provides relevant staffing information for ECHC and ECCF.

The Stipulated Agreements - Executive Summary

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

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.

The Stipulated Order of Dismissal

The most significant progress re: the provisions of the Stipulated Order of Dismissal since the May 2014 site visit have included the achievement of sustained in compliance re: the following provisions:

1. the credentialing process,
2. initial treatment plans,
3. mental health subcommittee process, and
4. quality management activities schedule.

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

1. the treatment program in the RTU,

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

The electronic medical record has not yet been implemented.

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 provision 8.e, which includes the following:

The County will create a Pharmacy and Therapeutics Committee, to assist in creating and implementing guidelines for the prescription of certain types of psychotropic medications. The Committee will meet at least quarterly.

The above provision is now in partial compliance due to lack of quarterly meetings.

An additional three (3) provisions have been found to be in substantial compliance during this site assessment. Appendix VIII lists these provisions (in bold). Another four (4) provisions are now newly in sustained compliance for at least 18 months (see Appendix IX), which results in a total of 27 such provisions. Appendix III lists the seven (7) provisions of this Stipulated Order that remain in partial compliance.

The leadership exhibited by Mr. Ranney, Dr. Antonius, and Dr. Coggins and the 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 and Superintendent Tom Diina have also been essential in this process.

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.

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- Attachment A is the November 13, 2014 Erie County Department of Mental Health Forensic Mental Health Quality Management Report.

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 June 2-5, 2015. 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" and "M".

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.