

**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**

May 23, 2017

**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 May 4-5, 2017. Ronald Schoelerman, LCSW (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 November 2016-February 2017,
3. minutes of the pharmacy and therapeutic committee meetings,
4. agendas and minutes from November 2016-March 2017 of the Correctional Oversight Committee,
5. Constant Observation Database Information from September 2016-March 2017,
6. Crisis Bed/Constant Observation Trending Reports from September 2016-March 2017,
7. data re: crisis stabilization and transitional unit bed usage at ECMC, and
8. 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 15

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

### 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).

Update to the January 2012 site assessment: The Division of Correctional Health provides medical and dental services to both facilities. This had been under the jurisdiction of the County of Erie Department of Health. This is Division now transferred to the jurisdiction of the Erie County Sheriff's Office. The Intensive Adult Mental Health Services remains under the jurisdiction of the County of Erie Department of Mental Health.

Relevant statistics included the following:

### NOV-01-2016 through MAR-31-2017

Month	ECHC	ECHC MFC	ECHC % MFC	ECCF	ECCF MFC	ECCF MFC %
November	542	638	85%	717	794	90%
December	503	638	79%	692	794	87%
January	512	638	80%	692	794	87%
February	521	638	82%	694	794	87%
March	508	638	80%	679	794	86%

Month	ECHC - Male INS	ECHC - Female INS	ECCF - Male INS	ECCF - Female INS	TOTAL	ALL RELEASES
November	1071	173	1297	233	2774	1104
December	1059	165	1222	247	2693	1097
January	1112	182	1282	260	2836	1091

Psychiatric Assessment  
 Re: ECHC and ECCF  
 Page 3 of 15

February	1045	157	1206	226	2634	993
March	1107	184	1266	278	2835	1156

Info	ECHC Male	ECHC Female	ECHC Total	ECCF Male	ECCF Female	ECCF Total
Total Days	69363	8795	78158	93334	11640	104974
AVG Daily Pop	459	58	517	618	77	695
Daily Intake	30	6	37	19	3	22
AVG Stay	15	8	13	32	21	30
Total Intake	4576	1040	5616	2872	548	3420
Median Stay	5	4	5	13	7	11

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 October 2016 site visit have included the achievement of two additional provisions (4.d. iv & v-- - ECMC and inpatient bed provisions) being in substantial compliance for 18 months (i.e., sustained compliance). In addition, I now consider provision C.1 (a & b) to have been in compliance for over 18 months. Appendix IX lists the 50 provisions that have been in sustained compliance for at least 18 months. The provisions newly found to be in sustained compliance are bolded in Appendix IX.

Two provisions of the Stipulated Order of Dismissal that were assessed to be in sustained compliance during the previous site visit are now in partial compliance (3 e & f---response times to urgent and routine referrals), which appears to be due to staffing vacancies and a high staff turnover rate. Both of these issues are likely due to non-competitive salaries, which if not remedied will lead to continued partial compliance. It is unknown at this time whether staffing allocation issues are contributing to the partial compliance.

Appendix III lists the four (4) provisions of this Stipulated Order that remain in partial compliance.

My past two reports included the following:

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

Psychiatric Assessment  
Re: ECHC and ECCF  
Page 4 of 15

relatively quickly. The County anticipates a March/April 2016 start to this project, with an expected duration of 5-6 weeks.

It is my current understanding that a contract was recently approved for construction of this project.

The electronic medical record implementation process continues to improve but remains a work in progress due to poor IT support from the vendor.

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 stabilization
- Attachment C is the critical psychotropic medication list

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 September 28-29, 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,



Psychiatric Assessment

Re: EHC and ECCF

Page 5 of 15

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 15

## **Appendix I**

Psychiatric Assessment

Re: ECHC and ECCF

Page 7 of 15

## **Appendix II**

Psychiatric Assessment

Re: ECHC and ECCF

Page 8 of 15

### **Appendix III**



Psychiatric Assessment

Re: ECHC and ECCF

Page 9 of 15

## **Appendix VII**

Psychiatric Assessment

Re: EHC and ECCF

Page 10 of 15

**Appendix VIII**

Psychiatric Assessment

Re: EHC and ECCF

Page 11 of 15

**Appendix IX**

Psychiatric Assessment

Re: EHC and ECCF

Page 12 of 15

**Appendix X**

Psychiatric Assessment

Re: EHC and ECCF

Page 13 of 15

**Attachment A**

Psychiatric Assessment

Re: ECHC and ECCF

Page 14 of 15

**Attachment B**

Psychiatric Assessment

Re: ECHC and ECCF

Page 15 of 15

**Attachment C**