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October 20, 2017

**To:** Michelle Parker, Esq.  
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Erie County Department of Law  
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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 September 28-29, 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 Qualitative Review and Overall ECFMH Summary report (April-August 2017),
2. minutes of the suicide prevention leadership group meeting and health/mental health review subcommittee meetings from April 2017-August 2017,
3. minutes of the pharmacy and therapeutic committee meetings,
4. agendas and minutes from (April-August 2017) of the Correctional Oversight Committee,
5. Constant Observation Database Information from (April-August 2017),
6. Crisis Bed/Constant Observation Trending Reports from (April-August 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:

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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), and
6. Evelyn Coggins, M.D. (Chief Psychiatrist, ECFMH),

**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).

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 Division is 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:

MAY-01-2017 through AUG-31-2017							
AVG H/C	ECHC	ECHC MFC	ECHC % MFC	ECCF	ECCF MFC	ECCF MFC %	TOTALS
May	451	638	70%	648	794	82%	1099
June	457	638	72%	645	794	81%	1102
July	448	638	70%	644	794	81%	1092
August	447	638	70%	664	794	84%	1111
INS /OUTS	ECHC - Male INS	ECHC - Female INS	ECCF - Male INS	ECCF - Female INS	TOTAL	ALL RELEASES	
May	1268	267	1094	175	2804	1187	
June	1158	238	1040	173	2609	1185	
July	1243	281	1065	175	2764	972	
August	1293	298	1137	194	2922	1220	
STATS	ECHC Male	ECHC Female	ECHC Total	ECCF Male	ECCF Female	ECCF Total	
Total Days	47715	7764	55479	70547	9464	80011	
AVG Daily Pop	387	63	451	573	76	650	
Daily Intake	31	7	39	21	3	24	
AVG Stay	12	8	11	27	19	26	
Total Intake	4962	1084	6046	4336	717	5053	
Median Stay	4	4	4	10	6	9	

Appendices I and IA provide relevant staffing information for ECHC and ECCF.

**The Stipulated Order of Dismissal**

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Four provisions of the Stipulated Order of Dismissal remain in partial compliance since the last site visit, with at least two of the provisions (response times to urgent and routine referrals) being partially compliant due to staffing vacancies and a high staff turnover rate. Both these issues are likely due to non-competitive salaries, which if not remedied will lead to continued partial compliance. Appendix III lists the four (4) provisions of this Stipulated Order that remain in partial compliance.

One provision (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) is newly found to be sustained compliance (see Appendix IX).

My past three 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 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 construction has started but is not yet completed.

As stated in prior reports, 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 IA provides a summary of staffing issues.
- 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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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 April 12-13, 2018. 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, cursive script.

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.

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## **Appendix I**

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## **Appendix IA**

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## **Appendix X**