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May 4, 2018

**To:** Michelle Parker, Esq.  
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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 April 10, 2018. 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 (September 2017-February 2018),
2. minutes of the suicide prevention leadership group meeting (October & November 2017 and January - February 2018),
3. minutes of the pharmacy and therapeutic committee meetings,
4. agendas and minutes from (October & November 2017 and January 2018) of the Correctional Oversight Committee,
5. Constant Observation Database Information from (September 2017-February 2018),
6. Crisis Bed/Constant Observation Trending Reports from (September 2017-February 2018),
7. data re: crisis stabilization and transitional unit bed usage at ECMC, and
8. other relevant QI audits/studies.

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

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 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.

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Relevant statistics included the following:

**OCT-01-2017 through MAR-15-2018**

Month	ECHC	ECHC MFC	ECHC % MFC	ECCF	ECCF MFC	ECCF MFC %	TOTALS
October	464	638	72.72%	630	794	79.34%	1094
November	447	638	70.06%	622	794	78.33%	1069
December	409	638	64.10%	613	794	77.20%	1022
January	413	638	64.73%	618	794	77.83%	1031
February	432	638	67.71%	603	794	75.94%	1035
March*	444	638	69.59%	617	794	77.70%	1061

Month	ECHC - Male INS	ECHC - Female INS	ECCF - Male INS	ECCF - Female INS	TOTAL	ALL RELEASES
October	1206	235	1060	150	2651	1117
November	1087	212	988	139	2426	997
December	1019	172	916	114	2221	846
January	1108	235	984	166	2493	1093
February	1092	187	949	140	2368	968
March*	537	112	530	74	1253	537

Info	ECHC Male	ECHC Female	ECHC Total	ECCF Male	ECCF Female	ECCF Total
Total Days	63818	8285	72103	92898	9682	102580
AVG Daily Pop	384	49	433	559	58	617
Daily Intake	27	5	32	16	3	19
AVG Stay	14	8	13	33	18	31
Total Intake	4495	983	5478	2777	520	3297
Median Stay	5	4	5	12	6	11

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Appendix I provides relevant staffing information for ECHC and ECCF.

### **The Stipulated Order of Dismissal**

Only one provision of the Stipulated Order of Dismissal remains in partial compliance since the last site visit, with two of the elements of this provision (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 one (1) provision of this Stipulated Order that remains in partial compliance.

Two provisions (4c re: treatment plans) and 4d (re: close observation placement)), which were in partial compliance during the last site assessment, are now in compliance. Appendix VIII lists these two provisions.

Appendix II provides an update re: the above referenced three provisions.

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 construction is almost 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 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.

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- 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.

My next site visit will be from October 4-5, 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". 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.

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## **Appendix I**

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## **Appendix X**