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October 25, 2018

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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) and the Erie County Correctional Facility (ECCF) during October 4-5, 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 (March 2018-August 2018),
2. minutes of the suicide prevention leadership group meeting (May 2018-August 2018),
3. minutes from (May 2018-August 2018) of the Correctional Oversight Committee,
4. Constant Observation Database Information from (April 2018-August 2018),
5. Crisis Bed/Constant Observation Trending Reports from (April 2018-August 2018),
6. data re: crisis stabilization and transitional unit bed usage at ECMC, and
7. other relevant QI audits/studies, including a FMH medication audit (October 2018).

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

1. Thomas Diina (Jail Management Superintendent),
2. John Rodriguez (First Deputy Superintendent - ECHC),

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3. Paul Evans (First Deputy Superintendent - ECCF),
4. Michael Reardon (First Deputy Superintendent/Compliance),
5. Ronald Schoelerman, LCSW (Director of Intensive Adult Mental Health Services),
6. Christa Cutrona, R.N., M.S.N. (Director of Correctional Health Division),
7. Crystal Quinn, R.N., B.S.N. (Quality Improvement Nurse),
8. Daniel Antonius, Ph.D. (Director, Division of Forensic Psychiatry, University at Buffalo), and
9. Evelyn Coggins, M.D. (Chief Psychiatrist, ECFMH),

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).

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 census statistics included the following:

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MAR 16 2018 through AUG 31 2018

Month	ECHC	ECHC MFC	ECHC % MFC	ECCF	ECCF MFC	ECCF MFC %	TOTALS
March*	408	638	63.95%	602	794	75.82%	1046
April	404	638	63.32%	589	794	74.18%	1042
May	417	638	65.36%	544	794	68.51%	1055
June	438	638	68.65%	525	794	66.13%	1076
July	427	638	66.93%	515	794	64.86%	1065
August	435	638	68.18%	505	794	63.60%	1073

Month	ECHC - Male INS	ECHC - Female INS	ECCF - Male INS	ECCF - Female INS	TOTAL	ALL RELEASES
March*	573	132	334	46	1085	597
April	1006	221	775	114	2116	969
May	1070	242	732	117	2161	1071
June	1116	207	704	115	2142	1131
July	1097	203	737	104	2141	1018
August	1079	213	718	97	2107	982

Info	ECHC Male	ECHC Female	ECHC Total	ECCF Male	ECCF Female	ECCF Total
Total Days	62766	8976	71742	81751	9899	91650
AVG Daily Pop	371	53	424	483	58	542
Daily Intake	25	5	31	11	2	13
AVG Stay	14	9	13	42	28	40
Total Intake	4298	991	5289	1943	345	2288
Median Stay	5	5	5	28	14	25

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Appendix I provides relevant staffing information for ECHC and ECCF.

The Stipulated Order of Dismissal

Only one provision (C.3.e.f.: [referral timelines]) 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 recent past history of a high staff turnover rate. Both these issues were likely due to non-competitive salaries, which has now been remedied. There are currently no staffing vacancies except for a psychiatric nurse practitioner. It is anticipated that this provision will soon be in compliance. Appendix III lists this 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 substantial compliance during the last site assessment continue to remain in compliance. It is expected that they will be substantial compliance for 18 consecutive months prior to the next site assessment. Appendix VIII lists these two provisions.

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

My past four 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.

This project is now completed and staff have been using this space since the last site visit. I visited the new space, which is a significant improvement from the office space previously used by the mental health staff at ECCF.

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:

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- 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 a slightly revised 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 May 2-3, 2019. 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,



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