

ALLEN RILEY Chairman THOMAS J. LOUGHREN
Commissioner

YOLANDA CANTY Commissioner

May 3, 2023

Sheriff Paul Arteta Orange County Sheriff's Office 110 Wells Farm Road Goshen, New York 10924-6740

Re: Complaint Pedicificat Law Section revisal officers, except resident feet and proceedings. Section revisal of proceedings.

Dear Sheriff Arteta:

The Commission of Correction is in receipt of the investigation results regarding the above referenced complaint letter received in regard to response has been reviewed and this issue is deemed closed.

The Commission would like to thank you and your staff for your cooperation with this matter.

Sincerely,

Allen Riley Chairman

cc: Assistant Undersheriff Evelyn Mallard Corrections Administrator Lawrence Catletti



April 20, 2023

Mr. Donald R. Lincourt, Correctional Facility Specialist 2 New York State Commission of Correction 80 So. Swan Street, 12th Fl. Albany, NY 12710

Re: COI

COMPLAINT

Publicofficers Law Section reveal criminal investigative techniques or procedures, except routine techniques and

Dear Mr. Lincourt:

We are in receipt of the complaint letter from Commission on February 06, 2023. Each of Mr Claims has been investigated previously by our agency and have been unfounded by Captain James Potter. This includes his medical complaints, PREA complaints, Staff harassment complaints. In addition, Mr. has filed 02 grievances which were denied on merits. One of the grievances submitted was a copy of the complaint sent to the Commission of Corrections for complaint The findings were unfounded and denied on merits by Grievance Coordinator Sergeant Eric Colby. If any further information is required, please feel free to contact this office.

Sincerely,

LAWRENCE J. CATLETTI Corrections Administrator

CC:

Mr. Larry Roe, SCOC Supervisor Ms. Cynthia Allen, SCOC Supervisor Sheriff Paul Arteta Undersheriff Evelyn Mallard Undersheriff Wilfredo Garcia Files

Sheriff Paul Arteta

MEMORANDUM

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Sheriff Paul Arteta

FROM:

Lieutenant Earl Campbell 018 14.5 Calors

DATE:

February 19, 2023

RE:

Correspondence received by the Commission of Correction from Incarcerated Individua



This memorandum is being authored at the direction of Captain Lawrence Catletti in reference to correspondence received by Administration from the Commission of Correction. In that correspondence, incarcerated individual makes allegations of staff assault as well as other allegations of staff wrong doings.

The first allegation Inmate claims is that on March 5th, 2021, and or October 24th, 2022, a photo was released of him to the media. This allegation was addressed through the grievance process. A request for more information was issued to him so that staff could identify the photo he was referring to. Inmate failed to provide any additional information. Without the additional information this allegation could not be further investigated.

The second allegation is Inmate claims he is in pain and needs to see a urologist. Inmate did see a urologist on January 24th, 2023, at Crystal Run Healthcare.

The third allegation is Inmate stated he needs a no contact with Sergeant Daniel Figueroa 132, in sum and or substance he claims Sqt. Figueroa among several other officers beat him, suffocated him, and broke his arm several years ago. This allegation was also addressed through the grievance process. A request for more information was issued to him. Inmate failed to provide any additional information. Without the additional information this allegation could not be further investigated.

The fourth allegation is Inmate stated in sum and or substance that on January 2nd, 2023, his genitals was touched by an Officer during an excessive and unnecessary pat search. This allegation was investigated by Lieutenant Mark Berlinski and the PREA Coordinator. A video review of this allegation was also conducted. At no time during the pat search was Inmate Jeanty's genitals were touched. The pat search conducted was within policy and procedure. Inmate allegations were found unsubstantiated by the PREA Coordinator.

The fifth allegation is Inmate claims that on January 4th, 2023, an Officer slapped his rear end during an excessive and unnecessary pat search. This allegation was also investigated by Lieutenant Mark Berlinski and the PREA Coordinator. A video review of this allegation was also conducted. At no time during the pat search was Inmate rear end was slapped. The pat search conducted was within policy and procedure. Inmate allegations were found unsubstantiated by the PREA Coordinator.



Sheriff Paul Arteta

rage 1012
Inmate also wrote in his correspondence to the Commission of Correction he would like to press charge
on staff for the incident where he claimed his genitals were touched and the incident, he claimed his rear end wa
slapped. These allegations were found unsubstantiated by the PREA Coordinator, and no charges were or will be
filed against the officers involved in these claims.

Inmate also states in his correspondence to the Commission of Correction that he is being detained illegally and maliciously. He further states he has had enough of Orange County Jail. addressed through the grievance process. Inmate Jeanty was remanded to the custody of the Orange County Sheriff's Office by the Orange County Court. The is reason he is being detained is outside the control of the Orange County Sheriffs Office. End of Memo.

Page 2 of 2

CC:

New York State Commission of Correction <u>Inmate Grievance Form</u> Form SCOC 7032-1 (11/2015)

Facility: Dran Ge County Jail	Housing Location Publicofficers Law Section reveal criminal investigative techniques continue techniques and procedures;
Name of Inmate: Publicofficers Law Section reveal criminal investigative techniques or procedures, except routine techniques and procedures;	Grievance : Publicoffices Law Section reveal criminal investigation techniques of procedures, except fourier techniques and procedures.
Brief Description of the Grievance (Submitted by the grievant we Number of Sheets Attached ()	vithin 5 days of occurrence)
See Attacked Miclothes Still Sul Inn	CHP
	25 26 8
Action requested by the grievant (Submitted by the grievant will Number of Additional Sheets Attached (1)	thin 5 days of occurrence):
See Attacked	
No Contact with Sgt. Figur	1000 1/2/2- 11/11/2
Tress Charges on OFFICERS	W 16-12-3 and 114/23
Publicofficers Law Section reveal criminal investigative techniques or procedures, except	18/2-00
Grievant Signature: routine techniques and procedures:	Date/Time Submitted: 1/10/ 4:30A
Receiving Staff Signature:	Date/Time Received: 1/19/2023 07/4/4/3
Investigation Completed by:	Colby Date Completed: 1/21/23
<u>Decision of the Grievance Coordinator</u> Written decision shall be issued within 5 business days of r reasons underlying the determination	Number of Sheets Attached (۱) eceipt of grievance and shall include specific facts and
☐ Non-Grievable issue as per 9 NYCRR §7032.4(h) (n	nay not be appealed to CAO)
☐ Grievance Accepted	
☐ Grievance Denied on Merits ☐ Grievance Denied due to submitted beyond 5 days	of act or occurrence (can be
appealed to CAO) .	
☐ Grievance Accepted in part/ Denied in part (Note s below)	pecific Acceptance/Denial parts
See attacked	
	2
-	
Signature of the Grievance Coordinator:	Taes Colby Date: 1/26/23

COMPLAINT AND NOTICE OF CLAIM

- 1) on or about 3/5/21 and or 10/24/22, A Photo of Me was released to the Media.
- DI amin Pain, Need SurgerY(s) and Need to See a Urologist.
- 3) ON NVMCTOUS OCCAISIONS, I requested NO Contact with SGIT. FIGURDA, ON 12/9/22, SGIT. FIGURDA WAS ON MY UNIT Which is Harrassment and Traumatizing, because SGIT. FIGURDA WAS among the several officers Nithout cause or Provocation, beat Me, Suffocated Me and broke MY Arm Spiral Fracture of Humbrous Bone) Many Years ago. 5/24/21 about orange County Jail (O.C.J.). SGIT. FIGURDA SEXUALLY Harrased Me, by Moving Paper OFF MY door and looked at me while, I was using the bathroom. On or about 4/1/21 SGIT FIGURDA and another OFFicer opened a bag of Popcorn in My Cell, which is Harrassment, OCJ does Not serve enough Food. On 11/9/21 about, (O.C.J.) I was called to see the exe doctor, and Without Seeing the exe doctor, I was imeadiatly Sent back to my unit, due to a Fighton. On MY way back in the Hallway (Delta wing) SGIT. Figurda, Chased me and Said "Come here you Fuckin PUSSY!" [Yelled/Screamed].
- DON 1/2/23: 7:30PM (O.C.J.), OFFICER John Doeld Touched My Genitals, during a unessecury and excessive "Pat down" before 6:61e study in the Hallway outside the Jail Chapel Room "(Acros Frambravaving Entrance),
- Don 1/4/23 at about 8:30 Am, (O.C. J) Law Library, OFFICER John Doe#(2) Slapped My Rearend (butt), during a unessecary and excessive pat down.
- © I want to Press Charges ifor Forcible Touching and any other Applicable Charges. I also want a copy of those videos (1/2/23 and 1/4/23) and if Not, make sure they are preserved, as well as not lost or destroyed.
- DIan being detained Illegally and Malicously.

COMPLAINT AND NOTICE OF CLAIM

- 1) on or about 3/5/21 and or 10/24/22, A Photo of Me was released to the Media.
- DI amin Pain, Need Surgery(s) and Need to See a Urologist.
- 3) On NVMCrous Occaisions. I requested No contact with SGT. Figurog. In 12/9/22, SGT. Figurog was on My unit which is Harrassment and Traumatizing. because SGT. Figurog was among the several officers Nithout cause or Provocation, beat Me, Suffocated Me and broke MY Arm Spiral Fracture of Humorous Bone) Many Years ago. 5/24/21 about orange county Jail (O.C.J.). SGT. Figurog Sexually Harrased Me, by Moving Paper OFF My door and looked at me while. I was using the bathroom. On or about 4/1/21 SGt Figurog and another officer opened a bag of Popcorn in My cell, which is Harrassment, OCJ does Not serve enough Food. On 11/9/21 about. (O.C.J.) I was called to see the exe doctor, and Without Seeing the exe doctor, I was imeadiatly Seat back to my unit, due to a fights. On MY way back in the Hallway (Delta wing) SGT. Figurog, Chased me and Said "Come here you Fuckin PUSSY!" [Yetled Screamed].

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- © I want to Press charges ifor Forcible Touching and any other Applicable Charges. I also want a copy of those videos (1/2/23 and 1/4/23) and if Not make sure they are preserved as well as not lost or destroyed.
- DIam being detained Illegally and Malicousty.



1/26/2023

GRIEVANCE COORDINATOR'S DECISION

nmate: Publicofficers Law Section reveal criminal investigative techniques or proceedures, except routine techniques and procedures;	ID#	Publicofficers Law Section reveal criminal investigative techniques or procedures, except routine techniques and procedures;
		except routine tearningses and procedures,

Your grievance has been investigated and is denied on merits. In your grievance you claim the following:

- That the facility released a photo of you to the media.
- That you are in pain and need to see a urologist.
- That you need a no contact with Sgt. D. Figueroa due to an incident that occurred in 2021.
- That on January 2, 2023, at 0730 hours an Officer touched your genitals during a pat down before bible study. (Forwarded to PREA Coordinator)
- That on January 4, 2023, at 0830 hours the Law Library Officer, while conducting a pat down in the Law Library, "slapped my rear end". (Forwarded to the PREA Coordinator)
- That you want to press charges for forcible touching for the incidents that occurred on January 2, 2023, and January 4, 2023.
- That you are being detained illegally.

The issues that occurred on January 2, 2023, and January 4, 2023, involving pat searches that Officers allegedly touched you inappropriately, were forwarded to the PREA Coordinator and found that the allegations were unsubstantiated. As a result, there have been no charges filed at this time.

A request for more information was issued to you so that we could identify the photo you were referring to and the date of the use of force involving Sgt. Figueroa that occurred "many years ago" but you failed to provide any additional information so these matters could not be investigated any further.

Regarding your complaint that you are in pain and need to see a Urologist. You were evaluated by a Urologist on January 24, 2023, for this issue. You will continue to receive all medically necessary care.

Regarding you being unlawfully detained. The reason for you being detained is outside of the control of the Chief Administrative Officer.

Sgt. E. Colby 100

GRIEVÂNCE COORDINATOR





MEMORANDUM

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Sheriff Paul Arteta

FROM:

Sgt Daniel A Figueroa 132 58 t Und a fumaisc

DATE:

January 20, 2023

RE:

grievance

On the above date. I was advised by Sergeant Eric Colby 100 to author a memorandum pertaining to grievance . In this grievance, Inmate claims that I harass him. On one date in perticular,11-9-2021, Inmate claimed that I harassed him while he was in the hallway. He did file a grievance and I did respond to that grievance by writing a memorandum that was turned in to the grievance coordinator. All allegation in this grievance are false as I am assigned as The Delta Wing Sergeant and I have not been assigned as the Charlie Wing Sergeant. End of report

CC:



MEMORANDUM

TO:

Sheriff Paul Arteta

FROM:

Alex Avagnano #243

DATE:

January 19, 2023

RE:

Allegations made by Inmate Publicofficers Law procedures, except

On January 04, 2023 In response to Grievance I was assigned to work as the Law Library Officer. At 0805 hours I called down Inmate and he arrived in the Law Library 0806 hours. Inmate was there to make photocopies of some paperwork he said he needed. At 0830 hours Inmate stated to me that he was done and wanted to return to his Housing Unit. I then walked over to the door and conducted a pat search on prior to him leaving the Law Library. Inmate alleges that I "slapped" him on the rear end (butt) during the search. At no time during or after my pat search did I slap Inmate Jeanty on his "rear end".

CC:





MEMORANDUM

TO:

Sheriff Paul Arteta

FROM:

Officer Carlos Canario #104

DATE:

January 20, 2023

RE:

Inmate Publicofficers Law Section reveal criminal investigative techniques or procedures, except routine techniques and procedures;

I was directed to author a memorandum pursuant to the interaction with Inmate January 2nd, 2023 at 1930 hours for which Inmate filed grievance Inmate alleges that on said date and time I conducted an unnecessary and excessive pat down and that during the pat down I touched his genitals. On said date I was initially assigned to my post as Hall 3 Officer. During the hours of 1940 to 1945, I had been reassigned to Hall 1 and I was asked by Officer Natalie Ciappa #150 to assist her with patting down male inmates prior to entering and upon exiting the Chapel from Bible Studies. I conducted pat downs on the 27 inmates and detainees that attended the services and during the pat downs I did not touch Inmate on his genitals. Pat searches were conducted as I was trained to do.

CC:



To: Sgt Colby

From: Brenden Gonzalez

Date: 1/23/2023

Re: Publicofficers Law Section reveal criminal investigative techniques or procedures, except routine techniques and procedures;

Publicofficers Law Section reveal crimina investigative techniques or procedures, except routing techniques and procedures.

Grievance Date: 1/19/2023

Mr. is complaining about needing to see an Urologist. Mr. is in fact correct; as he was scheduled for the appointment after his last visit with our Medical Director. Unfortunately, we are at the mercy of outside providers' schedules when we schedule appointments; as it sometimes may take months to see a specialist even when outside of the correctional setting. However, Mr. will likely have already been to his Urologist appointment by the time he receives this response. Mr. therefore continues to receive all necessary medical care.

Regards,

Brenden Gonzalez

New York State Commission of Correction <u>Inmate Grievance Form</u> Form SCOC 7032-1 (11/2015)

Facility: OCS	Housing Location: investigative techniques or procedures, except routine techniques and procedures;
Name of Inmate Publicofficers Law Section reveal criminal investigative techniques or procedures, except routine techniques and procedures;	Grievance #: Publicofficers Law Section reveal criminal investigative techniques or procedures, except routine techniques and procedures;
Brief Description of the Grievance (Submitted by the grievant within 5 of Number of Sheets Attached (\)	days of occurrence)
On 11/25/22 at about 5:00 PM, I Found hair	rin MY Food (A Small amount of Macaroni
and cheese, Next to an Individual noodle with hair	r wralled around it) Sgt. 'John Doe",
took roodle with hair to take pitere, alroadle	
Not returned to me) on 11/14/22 I had diareha	
at about 5:00 Pm, I found hair in my Food.	Soon after at about 5:35PM, Trustel
Action requested by the grievant (Submitted by the grievant within 5 da Number of Additional Sheets Attached (A) Inchvoince Folk	ays of occurrence):
I want to Press charges and have criminal c	omplaintfiled. Mandatory Showers
BeFore Shift, disposable Surgical gowns	C: 1\ 1-1 C
	and Kitchen Officers including
More Sulervision of Kitchen and food Cart.	Stoldoing round Syhile trustee
Publicofficers Law Section reveal criminal investigative techniques or procedures, except routine techniques and procedures;	Date/Time Submitted: 1/30/27 10:30 Am
Receiving Staff Signature: B / 184	Date/Time Received: 12/1/3033 0808 415
Investigation Completed by: Soft Colylins	Date Completed: 12/8/22
Decision of the Grievance Coordinator Written decision shall be issued within 5 business days of receipt reasons underlying the determination	Number of Sheets Attached (I) of grievance and shall include specific facts and
☐ Non-Grievable issue as per 9 NYCRR §7032.4(h) (may no	ot be appealed to CAO)
☐ Grievance Accepted	
 Grievance Denied on Merits Grievance Denied due to submitted beyond 5 days of ac 	et or occurrence (can be
appealed to CAO)	
☐ Grievance Accepted in part/ Denied in part (Note specifi below)	c Acceptance/Denial parts
See attached	* 12
	y s
* " Ç	
	*
Signature of the Grievance Coordinator: Sql Co	12/8/22 Date: 12/8/22

Serving food Made coments about hair. On 11/24/02 I also found hair in My food at about 11:20 AM. I nadequte Supervision of cart, food Pering and Serving. Unsanitary handling of housing unit vestibule door, food cart, and trays. (What is the Purpose of gloves if

trustee is touching everything) on 11/28/22 about 11:10 Am procedures; I found an UNK nown "Partical" andor "Feathers" in MY Food (Spa 9hett; without Sauce).

Not enough food is Served either. Your body uses energy to digest food, you need a dequate food to think properly and Function. Being hungry is cruel Punishment, which makes Peolle angry and hostile.

On another occaision (about Last year) I was served food and had to vrinate every sor 10 minutes for a few hooks. one of the officers thought it was funny. There was also are backnown inci avestionable incident (last year about) where an Inmate had complications during and or after evening meal and had to be hospitalized.

ACTION REQUESTED BY THE GRIEVANT CONTINUED

is alone with cart and or fidiling, inside cart. Sanitize hands before serving (and cart poor). serv more food, serve SNACKS.

I want to See and or copy of Kitchen Video, as well as prolitofficers Law Section reveal or procedures, except routine techniques and procedures. Expert routine techniques and procedures and procedures. Procedures and procedures are procedures. Expert routine techniques and procedu



ORANGE COUNTY SHERIFF'S OFFICE

110 WELLS FARM ROAD GOSHEN, NEW YORK 10924-6740

845-291-4033

FAX: 845-294-1590



SHERIFF CARL E. DUBOIS

DENNIS D. BARRY CHIEF DEPUTY

KENNETH T. JONES UNDERSHERIFF

ANTHONY J. WEED

ANTHONY M. MELE ASST. UNDERSHERIFF CORRECTIONS ADMINISTRATOR

12/8/2022

GRIEVANCE COORDINATOR'S DECISION

Inmate:

has been investigated and is denied on merits. In your Your Grievance Investigative tech grievance you claim that on November 25, 2022, you found a hair on your dinner tray and that the portion of macaroni was small. You also claim that on November 28, 2022, you found "An unknown particle or feather" in your food. In addition to that you stated "On another occasion about a year ago" after being served your tray and beginning to eat you had to urinate every 10 minutes. You also stated that another incident, also a year ago, you had to be hospitalized "during and or after" eating your dinner meal. The meals served, including the portions, are reviewed by a licensed Dietician and are in accordance with the recommended daily caloric intake. Your request that the facility serve snack is denied. On November 25, 2022, you reported that you found a hair in your food. This was reported to Corrections staff, and you were provided another tray. A review of the housing unit logbook for November 28, 2022, does not show any report of items (feathers) found in your tray. Regarding your claims that occurred approximately one year ago, this portion is beyond the 5 days of the act or occurrence. Both Corrections staff and trustees will be utilized as needed. Trustees who prepare the food do so in accordance with food and safety guidelines and health department regulations.

Sgt. E. Colby #100

GRIEVANCE COORDINATOR











NOTE: IF GRIEVANT HAS BEEN TRANSFERRED OR RELEASED FROM THE FACILITY, FORWARD TO C.A.O. FOR DETERMINATION Grievant's Appeal to the Chief Administrative Officer Must submit within two business days of receipt of the Grievance Coordinator's written decision I have read the above decision of the Grievance Coordinator and I agree to accept the decision I am appealing to the Chief Administrative Officer Publicofficers Law Section reveal criminal Grievant Signature investigative techniques or procedures, except routine techniques and procedures Decision of the Chief Administrative Officer: Number of Sheets Attached () Shall be issued within five business days after receipt of appeal and provided to grievant ☐ Non-grievable issue as per 9 NYCRR §7032.4(h) (may not be appealed to CPCRC) \square Grievance Accepted (attach written directive of provided remedy/relief pursuant to 9 NYCRR §7032.4(I)) Grievance Denied on Merits \square Grievance Denied due to submitted beyond 5 days of act or occurrence (may be appealed to CPCRC) \square Grievance Denied due to appeal submitted beyond 2 business days (may be appealed to CPCRC) ☐ Grievance Accepted in part/Denied in part (attach written directive of provided remedy/relief pursuant to 9 NYCRR §7032.4(I) for the Accepted portion of grievance) Signature of the Chief Administrative Officer: Pursuant to 9 NYCRR §7032.5(a), any grievant may appeal any grievance DENIED by the facility administrator, in whole or in part, to the State Commission of Correction. I have read the above decision of the Chief Administrative Officer and I agree to accept the decision I am appealing to the Citizen's Policy and Complaint Review Council Grievant Signature: Dafe: Submission to the Citizen's Policy and Complaint Review Council NOTE: IF GRIEVANT HAS BEEN TRANSFERRED OR RELEASED FROM THE FACILITY, FORWARD TO CPCRC UNLESS C.A.O. HAS ACCEPTED THE GRIEVANCE IN ITS ENTIRETY NOTE: A GRIEVANCE ACCEPTED IN ITS ENTIRETY BY THE CHIEF ADMINISTRATIVE OFFICER OR FOUND NON-GRIEVABLE BY THE CHIEF ADMINISTRATIVE OFFICER MAY NOT BE APPEALED, AND SHALL NOT BE FORWARDED, TO THE CITIZEN'S POLICY AND COMPLAINT REVIEW COUNCIL. I HAVE ISSUED THE GRIEVANT A RECEIPT INDICATING THE DATE THE APPEAL HAS BEEN SUBMITTED TO THE CITIZEN'S POLICY AND COMPLAINT REVIEW COUNCIL. I HAVE ENCLOSED WITH THIS GRIEVANCE THE INVESTIGATION REPORT, THE WRITTEN DIRECTIVE OF PROVIDED REMEDY/RELIEF FOR GRIEVANCES SUSTAINED IN PART (IF APPLICABLE) AND ALL OTHER PERTINENT DOCUMENTS.

Date:

Signature of the Grievance Coordinator: