

MUSCOC  
Complaint



# SHERIFF

ORANGE COUNTY NEW YORK

Sheriff Paul Arteta

## MEMORANDUM

TO: Sheriff Paul Arteta  
FROM: Lieutenant Keith Kiszka 019 *KKK*  
DATE: 2/14/2023  
RE: Commission of Corrections Complaint

On 2/14/2023, I was ordered by Captain Lawrence Catletti 015 to answer allegations against me in a complaint to the Commission of Corrections from Incarcerated Individual [REDACTED] claims that he asked me how to obtain his medical records and I told him to write the medical department. At no time did I ever tell [REDACTED] to write medical directly to obtain his medical records. [REDACTED] was informed by me to file a foil request by going to the Law Library and filling out such request and directing it to either Captain Catletti or Captain Potter. I explained to [REDACTED] that this was the procedure on how to obtain his medical records. [REDACTED] also claims that he notified me that his facility issued shoes did not fit properly. At no time did [REDACTED] ever inform me about his facility issued shoes fitting properly. Upon hearing this complaint for the first time I had [REDACTED] called down to property on 2/14/23 at 1615 hours and issued a pair of size 17 facility issued shoes.

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## MEMORANDUM

TO: Sheriff Paul Arteta  
FROM: Sergeant Kyle Mann *e mann 112*  
DATE: February 16, 2023  
RE: Commission of Corrections Complaint regarding Inmate

I am authoring this memorandum in regard to claims made by Inmate [redacted] Inmate [redacted] claims that I have denied him a grievance against staff for sexual misconduct. Inmate [redacted] also claims I refused to address issues he had with his footwear and ridiculed him in the process.

On 1/6/2023 Inmate [redacted] did approach me with a complaint against Officer Perez-Colon, Javson #132. Inmate [redacted] did not request a grievance and did not initially make any reference to PREA. Inmate [redacted] stated that on the previous night, Officer Perez-Colon had approached his cell while he was exposed from the waist down and had been staring at him in a lude manner. He said he told the officer to go away, which he initially did, but then returned to look at him again. He further stated that he had had issues with Officer Perez-Colon in the past and felt he was being targeted by the officer. It was at this time that Inmate [redacted] said he should put a PREA complaint in against Officer Perez-Colon. I explained to Inmate [redacted] that I would speak to Officer Perez-Colon regarding the situation and if necessary, counsel the officer in how to properly interact with the inmate population. Inmate [redacted] seemed to accept this and said nothing further. Again, at no time did Inmate [redacted] request a grievance or request to make any official complaint. The following day, 1/7/2023, I was reassigned to the 2300/0700 shift for regular yearly shift bidding. I spoke with Officer Perez-Colon about the incident. Officer Perez-Colon stated Inmate [redacted] had had his cell door window partially covered. He approached Inmate [redacted] cell to order him to remove the window covering as it was a violation of facility rules. Initially, Inmate [redacted] did not comply with Officer Perez-Colon's orders. Officer Perez-Colon gave Inmate [redacted] some time and then returned to his cell to again order him to remove the window covering. Inmate [redacted] eventually complied with the orders and removed the window covering. Officer Perez-Colon said he did not return to Inmate [redacted] cell again aside from making regular rounds. This seemed like a reasonable explanation of events and felt that no further action was necessary. I did take the opportunity to remind Officer Perez-Colon to always be respectful and conduct himself in a professional manner when dealing with the inmate population.

In regard to Inmate [redacted] claim that he had requested and not received proper footwear since entering the facility. I cannot recall any time Inmate [redacted] approached me and complained about or requested footwear. Had he done so, at a minimum, I would have directly contacted the property and/or supply officers to see what size facility issue shoes were available or ask the property officer if there were any donated shoes that would fit Inmate [redacted]. As for his claim that I laughed at him and ridiculed him, I absolutely did not. It has always been, and will continue to be, my practice of treating every inmate with respect and in a positive and professional manner. At no time did I laugh at, ridicule or disrespect Inmate [redacted] in any manner. – End of Memorandum

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# SHERIFF

## ORANGE COUNTY NEW YORK

Sheriff Paul Arteta

## MEMORANDUM

TO: Sheriff Paul Arteta

FROM: Sergeant Idris Daniels 032 *ID 032*

DATE: February 15, 2023

RE: Response to claims made by Inmate [REDACTED] Public Officers Law Section reveal criminal investigative techniques or procedures, except routine techniques and procedures.

I was directed by Lieutenant Kiska to author a memorandum regarding claims made by Inmate [REDACTED] Public Officers Law Section reveal criminal investigative techniques or procedures, except routine techniques and procedures. Inmate [REDACTED] claimed that he has a preexisting health condition of high blood pressure, and he is being denied adequate medical treatment:

Inmate [REDACTED] did tell me that he had issues with his blood pressure and complained that he wasn't receiving any medication necessary to treat his condition. Upon speaking with Registered Nurse Adrian Cupertino, I was told the following:

Inmate [REDACTED] during his intake on December 6, 2022, stated he had a history of high blood pressure. Inmate [REDACTED] stated he was not currently taking any medication for his condition, instead he was taking an herbal remedy. His blood pressure was taken during intake and was normal. Due to Inmate [REDACTED] health claim, his blood pressure was checked once a day for three days. All results were normal. His blood pressure was then checked once per week. All results were normal. Inmate Alleyne has signed a medical release form allowing facility medical staff to access his records. Based on the information received and regular blood pressure check results, Inmate [REDACTED] has not been prescribed any medication.

According to Medical Staff his blood was checked last on February 1, 2023, with his blood pressure being normal.

Regarding Inmate [REDACTED] claim that he was not issued proper size facility shoes:

On January 30, 2023, Officer Lamont Brown did notify me that Inmate [REDACTED] did not have facility shoes that fit and needed a size 16 or larger. I spoke to Property Officer Thomas Losavio #314, who told me he was made aware of Inmate [REDACTED] need for larger shoes, and he would retrieve them from the warehouse. Upon Inmate [REDACTED] return from court Officer Losavio issued Inmate [REDACTED] size 17 facility shoes. According to Officer Losavio, Inmate [REDACTED] did not claim any injury. I observed Inmate [REDACTED] in the hallway 2 returning from court and I asked him did he receive a larger pair of facility shoes. Inmate [REDACTED] told me yes. Inmate Alleyne did not claim any injury and walked to Charlie Wing without issue. End of Memorandum

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# SHERIFF

## ORANGE COUNTY NEW YORK

Sheriff Paul Arteta

### MEMORANDUM

TO: Sheriff Paul Arteta

FROM: Sergeant Frank Breitweiser #111 *Frank Breitweiser*

DATE: 02-15-2023

RE: Responding to complaint from Inmate

On February 15, 2023, I was directed by Lieutenant Keith Kiszka #019 to author a memorandum regarding a complaint from Inmate [redacted]. On 01-06-2023, while on supervisory rounds, Inmate [redacted] approached me stating that he had an issue with the overnight Officer on 01-05-2023. He stated that the Officer was looking into his cell while he was in his cell and that he wanted a grievance. I informed Inmate [redacted] that I would investigate his issue. Upon review of the facility overhead video system, Officer Colon-Perez, Jayson #132 was the Officer working the unit on 01-05-2023. At 2326 hours Officer Colon-Perez is observed making a supervisory round. He stops at Inmate [redacted] cell and address his cell door window which he had covered. Officer Colon-Perez then continues his round. Officer Colon-Perez is then observed returning to Inmate [redacted] cell and again address the covering on his cell door window. Officer Colon-Perez does not look into Inmate [redacted] cell again only for supervisory rounds. On my next round I explained my findings to Inmate [redacted] and asked if he had his window covered, he stated yes, I was doing something, and he didn't need to watch. I explained to Inmate [redacted] that Officer Colon-Perez was addressing the covered door and not watching him. I asked Inmate [redacted] if he still wanted a grievance, he stated no. At no time did Inmate [redacted] speak to me about a PREA complaint and at no time did I deny Inmate [redacted] a grievance for not wanting to due paperwork.

Regarding Inmate [redacted] asking about shoes. On 01-06-2023 Inmate [redacted] asked if he could have his shoes out of his property. I informed Inmate [redacted] that I would look into his shoes. Upon going into his property Inmate [redacted] had a pair of work boots that are not approved in the facility. I informed Inmate [redacted] of this and explained to him that if he wanted shoes he can have them sent in through the mail. At no time did he request a pair of facility issued shoes. This was the only time he and I spoke about his shoes, nor did I make any statements about his foot size. End of Memorandum.

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## MEMORANDUM

TO: Sheriff Paul Arteta

FROM: Sergeant Eric Colby 100

DATE: March 16, 2023

RE: Complain [Redacted]

This memo is in response to complaint 173396 submitted by Inmate [Redacted] In the complaint Inmate [Redacted] makes the following allegations:

- That he submitted "numerous sick call slips regarding a few health issues". These issues included high blood pressure but was denied medication and his injured ankle.
- You attempted to obtain your medical records by writing to the medical dept., but you were unsuccessful in getting said records.
- That Officer Christopher Colon was staring at you in a lewd manner while conducting supervisory rounds
- Denied grievance on January 9, 2023, by Sergeant Mann and Sergeant Breitweiser.
- Wrote a letter to PREA Coordinator Captain J. Potter, but never received a response and no investigation was completed.
- On December 6, 2023, after arriving at the facility Inmate claims he was issued an incorrect shoe size and refused which led to him being threatened with disciplinary action. Inmate claims that although he notified Lt. Kiszka, Lt. Campbell, Sgt. Mann, Sgt. Breitweiser, Sgt. Potter, and Officer Brown that he was not issued the correct size shoe. Inmate claims this resulted in two separate injuries, one on January 27, 2023 (toe bent back) and the other on January 30, 2023 (rolled left ankle).

During the investigation it was found that the injuries sustained prior to arriving in the facility were treated at the Hospital prior to being admitted into this facility. During the initial intake of Inmate [Redacted] he only reported high blood pressure. As a result, Inmate [Redacted] was called to medical for blood pressure checks which remained within healthy parameters. There were no additional medical issues indicated by Inmate [Redacted] during the initial intake. On December 14, 2022, Inmate [Redacted] was evaluated at which time he indicated that he may have a mass on his brain and once again stated that he had high blood pressure. Inmate [Redacted] continued stating that he had been using more herbal remedies and was not prescribed any medications since April 2022. Since Inmate [Redacted] blood pressure continued to be stable no medications were ordered. After the records of Inmate [Redacted] were obtained, they were reviewed and indicated that there was no mass on his brain but instead an arachnoid cyst. During a follow up appointment with the Doctor referrals for follow up were completed. Medical has not yet received a FOIL request from Inmate [Redacted]

Inmate [Redacted] claimed that Lt. Kiszka informed him to write medical to obtain copies of his medical records. A memo received from Lt. Kiszka indicates that Inmate Alleyne was advised that he could obtain his medical records by attending the Law Library slip, completing a FOIL request, directing it to Captain Catletti or Captain Potter.



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Inmate [REDACTED] alleges that on January 9, 2023, he requested and was denied a grievance by both Sergeants K. Mann and F. Breitweiser. During the investigation both Sergeants (Mann and Breitweiser) report speaking to Inmate [REDACTED] on January 6, 2023. Sgt. Mann stated that at no time did Inmate [REDACTED] request a grievance from him. Sgt. Breitweiser stated that Inmate [REDACTED] did request a grievance and stated that it was due to Officer Christopher Colon staring at him through his cell door window. Sgt. Breitweiser informed Inmate [REDACTED] that he would investigate the incident and report his findings. Sgt. Breitweiser completed his investigation and found that Inmate [REDACTED] had his window covered which prompted Officer Colon to address the issue. Upon informing Inmate [REDACTED] of the findings, he admitted that his window was covered. Sgt. Breitweiser then asked Inmate [REDACTED] if he still wanted a grievance to which he replied "no". There is no evidence that Inmate [REDACTED] was denied a grievance.

Inmate [REDACTED] claims that he authored a letter reporting a PREA incident to Captain J. Potter but never received a response and no investigation was completed. Capt. Potter stated that he never received a letter informing of a PREA incident.

Inmate [REDACTED] alleges that upon arriving in the facility he was issued the incorrect size shoes. A review of the Sallyport system does not indicate any shoes being issued to Inmate [REDACTED]. According to Officer Brown and Sgt. Daniels Inmate [REDACTED] was issued the correct size shoes on January 30, 2023. Sgt. Daniels then confirmed with Inmate [REDACTED] that he did in fact receive the correct size shoes while returning from court. Inmate [REDACTED] did not report any injuries to Sgt. Daniels at this time. Again, on February 14, 2023, after learning of the complaint by Inmate [REDACTED] Lt. Kiszka ordered Inmate [REDACTED] sent to property where he was again issued a pair of size 17 shoes. A previous grievance [REDACTED] was submitted by Inmate [REDACTED] but there was no mention of not having the correct size shoe. That grievance was denied by both the grievance coordinator and the Chief Administrative Officer and never appealed to the NYSCPCRC.

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