FILE-NYSCoC Complaint ICE

# **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**

**KENNETH T. JONES** UNDERSHERIFF

ANTHONY J. WEED ASSISTANT UNDERSHERIFF **DENNIS D. BARRY** CHIEF DEPUTY

ANTHONY M. MELE CORRECTIONS ADMINISTRATOR

WWW.ORANGECOUNTYGOV.COM

# **MEMORANDUM**

TO:

Sheriff Carl E. Dubois

FROM:

Lieutenant Luis A. Moreno (+

DATE:

January 13, 2022

RE:

New York State Commission of Corrections Complaint

On January 5th, 2022 I was instructed to conduct an investigation into New York State Commission of Corrections Complaint The complaint was authored by Inmate Was no longer in the custody of the Orange County Sheriff. Inmate was turned over to the New York State Department of Corrections December 31st 2021. In his complaint, Inmate Makes several vague allegations towards staff. The validity of some of these complaints cannot be verified or properly investigated as Inmate Modern did not provide specific incidents, dates, times or in some cases names of staff which he references in his complaint. Additionally, the basis of his complaint is in reference to Grievance The complaints were investigated by the Facility Grievance Coordinator, denied on merits, and forwarded to the Citizens Policy and Complaint Review Council on December 21st 2021. I will address each complaint in the order listed by Inmate Youngs.
Inmate claims that the facility is "constantly" out of clothing items and games:  The facility keeps an adequate supply of games and clothing which are stored in the main warehouse. These supplies are replenished as needed. The facility does not replace games and other items solely based on a request from the inmate population. These items are replaced as needed based on normal wear and tear and damage. Clothing items are stored in the main warehouse and property room. These items are laundered and recirculated for use. As answered in grievance a 3xl jumpsuit was not immediately available upon his request 12/2/21. Inmate was issued a larger jumpsuit size until 12/6/21. At no time was Inmate deprived of facility issued clothing.
Inmate claims that the coffee supplied to the inmate population is cold and meals are lukewarm:  Coffee is served daily for the breakfast meal. The Coffee and Morning Meal are served at 0600 hours. The coffee is served in an insulated container which maintains heat for several hours. The lukewarm meal referenced by Inmate is in fact not served as a hot meal. The French toast bake which he references is a meant to be served and consumed at room temperature. This is not a "hot meal". This complaint was also answered by the Facility Food Services Director in written format. Inmate also references a complaint











to Sergeant Kyle Mann on November 6th 2020 in regarding meal service several days prior, November 2nd 2020. Inmate complained that there were rocks in his beans. It was established that the hard item he complained of was an uncooked bean. The Facility Food Director agreed that the Kitchen staff would continue to make every effort to remove these items prior to meal service. As per his written memorandum, Sergeant Mann explained this to Inmate and other inmates who had complained of the issue. No inmate requested a grievance regarding the matter and accepted that the Kitchen would make every effort to correct the issue.
Inmate claims that between 1230 and 1300 hours, no inmate is permitted to recreate, and that cell confined inmates were permitted more recreation time then allowable:  Inmate is currently housed in the facility protective custody unit per his own request. During his current incarceration inmate was the subject of 11 keep separates. Keep separates which were initiated as a result of requests from himself or other inmates or as a result of physical altercations. These keep separates necessitated the implementation of a staggered recreation scheduled which allows all inmates the required minimum requirements for recreation purposes. No inmate is deprived of the appropriate amount of out of cell activity. The scheduled was created on a rotating basis as to allow each group out of cell activity time at daily alternating times.
Inmate claims that the "internal reporting" procedure for issues related to tablet software to the "facility liaison" are avoided:  The facility does not have a "liaison" for issues related to tablet software. The tablets are outfitted with a customer service number. All staff are trained with the basic knowledge of tablet functions. Supervisory Staff are tasked with attempting to resolve any issues within the scope of their training. Any issues that are not resolvable are brought to the attention of the Shift Commander for further action.
Inmate Claims that Sergeant William Proscia denied him a grievance:  Sergeant William Proscia has authored a memorandum explaining the facts and circumstances regarding the allegation. Sergeant Proscia explains that while conducting a supervisory round, Inmate began to yell and demand a grievance regarding the recreation schedule. Sergeant Proscia attempted to calm Inmate to have him explain what the issue was to try and resolve the issue. Inmate became disrespectful towards Sergeant Proscia and was reminded that he had previously grieved the recreation schedule. Because of Inmate disruptive conduct Sergeant Proscia exited the unit to allow time for Inmate to calm down and rollow up on is complaint. On a follow up supervisory rounds Inmate walked away from Sergeant Proscia and did not speak to him regarding the matter.
Inmate Claims that Sergeant James Miller denied him a grievance:  Sergeant James Miller has authored a memorandum in which he states that at no time did Inmate ask for a grievance. Inmate made this claim after being issued an Inmate misbehavior Report for using the unit microwave during a time frame in which its use is not permitted. Inmate was to be issued an informal disciplinary sanction and refused. This led to a formal Inmate Misbehavior Report being issued to allow for due process. Inmate claims that he spoke to an officer reparding refusing he informal discipline. He does not name the Officer. I am unable to determine who Inmate is referring to as he does not specify.

Inmate	claims that Sergeant Nicholas Gessner did not allow for witnesses during a disciplinary hearing
and tha	t Oπicer Ricardo Laudato falsified the Inmate Misbehavior report :
Inmate	appealed the decision made during disciplinary hearing to the Chief Administrative
Officer	or Designee. In accordance with Section 7006.10 of the New York State Minimum standards all
	ary testimony was reviewed. It was found that the disciplinary process was conducted fairly and in
	ince with departmental policy and procedure. There is no evidence to support Inmate Youngs claim
	ff falsified the Inmate Misbehavior Report.

Inmate claims that the facility is violating New York State law in regard to COVID 19 restrictions and that cleanliness a sanitation issues exist:

The facility has gone to great lengths to ensure the safety and wellbeing of all Inmates, Corrections Staff and Civilian Staff which work within the facility in regard to the COVID-19 virus. This includes sanitizing units at minimum three times daily, the use of ionizers throughout the facility daily. Details which include the cleaning of all facility door handles and commonly touches items three times per shift. And although unfortunate to the inmate population, the restriction of contact visiting. This restriction was necessary to prevent the spread of the virus within the facility and to protect the health and well being of all persons. These restrictions were put in place in accordance with guidance from the Centers for Disease Control and Prevention as well as the New York State Department of Health. The restrictions are not solely in the County of Orange but have been implemented and imposed by the New York State Department of Corrections and several Counties within the State of New York. The restrictions are evaluated periodically and revised based on spikes/drops of COVID-19 cases within the county.

concludes with several non specific complaints regarding inadequate supplies, forms, cold Inmate housing units, unfulfilled law library and property requests, retaliation from staff, denied grievances by various sergeants, an allegation of staff spitting at him, and an alleged "cover up" in regard to Officer Laudato falsifying a report. The facility maintains an adequate supply of all forms which are available to the inmate population. provides no supporting documentation or details regarding an alleged claim that he was spit Inmate requests video footage be reviewed to confirm if he made any comments towards on by staff. Inmate Officer Laudato. This is a moot request as the facility video footage does not record audio. Inmate claims that the facility cleaning records are falsified. This allegation is blatantly false. The law library is open for inmate use 5 days per week. Legal services are also available on the inmate tablet software through the lexis nexus program, which is accessible from 0830 to 2230 hours seven days per week. The temperature in all areas of the facility is set at 70 degrees. In conclusion I find that Inmate complaints are either unfounded or unsubstantiated due to lack of supporting information on his behalf. The origainal complaints were all investigated and answered by the Facility Grievance Coordinator. Inmate decision, as well as the decision of the Chief Administrative Officer. The appeal was forwarded to the Citizens Policy and Complaint Review Council. All supporting memorandums and documentation are attached.

CC:

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SHERIFF CARL E. DUBOIS

ANTHONY J. WEED ASSISTANT UNDERSHERIFF **DENNIS D. BARRY** CHIEF DEPUTY

ANTHONY M. MELE CORRECTIONS ADMINISTRATOR

WWW.ORANGECOUNTYGOV.COM

# **MEMORANDUM**

TO:

Sheriff Carl E. Dubois

FROM:

KENNETH T. JONES

UNDERSHERIFF

Sgt. William Proscia #118 5,

DATE:

January 11, 2022

RE:

Response to complaint filed by former Inmate

I am authoring this memorandum at the direction of Lt. Moreno, L. regarding a complaint filed by former
Inmate On December 1, 2021 at 0907hrs. while working as the Bravo Wing
Sergeant the following occurred. While conducting supervisory rounds with Lt. Moreno in
immediately approached me upon entering the unit and began yelling in a
loud voice "I want a greviance, this rec. schedule is hullshit." I responded by saying "Good morning sir
" and asking him what the problem was. Inmate responded stating "Im not saying good morning to
you because i don't fucking like you." I calmy explained to Inmate that I will attempt to address his
concern informally in accordance with NYS minimum standards sec 70.32. Inmate
yelling in a agitated tone "Do your fucking job." I advised Inmate that I will not speak to him if he
does not calm down and that i will not stand there and be yelled at. I reminded Inmate that he has
grieved the rec. schedule several times and was denied because the facility is within NYS minimal
Standards guidelines regarding recreation for a protective custody housing unit. I then completed my
supervisory rounds in housing unit and exited the unit. Upon completing my third supervisory round
on the same date, Inmate did not attempt to speak to me and walked in the other
direction when i entered the housing unit. End of memorandum.

CC:











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# **MEMORANDUM**

TO:

Sheriff Carl E. Dubois

FROM:

Sergeant Vincent Murphy 062 Sah 2000

DATE:

January 12, 2022

Former Inmate

RE:

complaint to the New York State Commission of Correction

I am authoring this memo at the direction of Luis Moreno 020. Former Inmate nade sevaral complaints to the New York State Commission of Correction. Inmate claims that I stated to him that taking a shower in a stall that hadn't been cleaned was "not a problem". Inmate also stated that the showers as well as the rest of the housing unit hadn't been cleaned from 12-9-21 to 12-19-21. At no time have I ever told any inmate that taking a shower in a dirty stall was not a problem. I advised Inmate that if he was worried about the cleanliness of the shower he wanted to use, the unit had supplies readily available such as a shower brush and bleach for him to clean the shower. Inmate clean the shower stating that it was not his job. As for the init and showers not being cleaned from 12-9-21 to 12-19-21. All units in the facility are cleaned daily. had an inmate assigned as the trustee to clean the unit daily. All inmates were advised that due to COVID, they were responsible for cleaning the showers before and after each use. Cleaning supplies were made readily available to anyone who requested them. End of memorandum.

CC:













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CORRECTIONS ADMINISTRATOR

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#### **MEMORANDUM**

TO:

Sheriff Carl E. DuBois

FROM:

Sergeant James Miller #044 / Marco

DATE:

January 15, 2022

RE:

Inmate grievance request.

I was directed by Lieutenant Luis Moreno #020 to author a memo on Inmate
who is stating that he requested a grievance from me on 12/02/21. On the date in question I was working
mv assigned post as the Bravo Wing Sergeant on the 2300X0700 shift. At 0640 hours, I was notified by
lousing Unit Officer Riccardo Laudato #551 that he was going to give a warning Instant
Adjudication to Inmate
for not dressing properly and for using the microwave at chow after being
ordered not to. At 0650 hours Officer Laudato notified me that Inmate
and he stated that he did not care that he would be placed
in cell confinement. I then left and at 0710 hours I went back to
and had Inmate
sign his
statement of confinement. At no time did Inmate
ask me for a grievance. End of report.













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# **MEMORANDUM**

TO:

Sheriff Carl E. DuBois

FROM:

Sergeant Kyle Mann @ waw # "2

DATE:

January 13, 2022

RE:

Claims regarding denied grievances by former Inmate

I am authoring this memorandum regarding claims made by former Inmate
Mr. claims that in the past, I had denied him grievances that he had requested. It is the policy of the
Orange County Sheriff's Office that if an inmate requests a grievance, all reasonable attempts to resolve the
issue will be made. If an acceptable resolution can not be made, a grievance will be issued to the inmate. This
is further guaranteed by New York State Minimum Standard 7032. At no time did Mr.
grievance and I denied him access. Mr. further claims that on 11/6/2020, he brought to my attention
an Issue with his meal tray from 11/2/2021, and recall speaking to Mr. Issue transporting his meal. Mr.
was not the only inmate that had complained about the meal, stating there were "pebbles" in their beans. I did
speak to the Trinity staff Justin Jorio, addressing this complaint Justin that he Trinity staff Justin Jorio, addressing this complaint Justin that Trinity staff Justin Jorio, addressing this complaint Justin the Trinity staff Justin Jorio, addressing this complaint Justin the Trinity staff Justin Jorio, addressing this complaint Justin the Trinity staff Justin Jorio, addressing this complaint Justin Lives to Justin Justin Lives and Justin Lives to Justin Li
speak to the Trinity staff Justin Iorio, addressing this complaint. I was told by the Trinity staff that the hard bits
were uncooked beans and that every attempt was being made to remove these hard, uncooked beans before
meals were plated and left the kitchen. This information was relayed to the inmates that had complained about
their meal. No inmate, including Mr. requested a grievance regarding this matter. End of
Memorandum.

CC:













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## **MEMORANDUM**

TO:

Sheriff Carl E. DuBois

FROM:

Sergeant Joseph Cimorelli 142 55 Cml/14(

DATE:

January 12, 2022

RE:

Response to former Inmate

allegation.

I was instructed by Lieutenant Luis Moreno to respond to an allegation made by former Inmate that I ignored several written requests of his. On several occasions I spoke with Inmate a variety of topics while on rounds in At no time did I received a written request from Inmate













#### Commission of Correction

ALLEN RILEY Chairman THOMAS J. LOUGHREN Commissioner

YOLANDA CANTY Commissioner

January 5, 2022

Sheriff Carl Dubois Orange County Sheriff's Office 110 Wells Farm Road Goshen, New York 10924

Re: Complaint #

Dear Sheriff Dubois:

Enclosed please find a copy of correspondence received by the Commission from who alleges that a staff member spit on him while incarcerated at the Orange County Jail. made several other allegations in his complaint letter.

It is requested that an investigation be made into this complaint and that the Commission be apprised of your findings. If an investigation has already been completed, please advise the Commission of your findings. Please ensure that such findings are included on agency letterhead.

Please forward such information to the Commission, via the Correspondence Shared Mailbox by **March 7, 2022**. Please be advised, if the information contained within your response exceeds limitations of standard e-mail service, please contact the Correspondence Shared Mailbox to utilize our IBM Aspera – Secure File Transfer Service.

Thank you for your cooperation in this matter.

Sincerely.

Terrence Moran
Director of Operations

cc: Cynthia Allen, Supervisor Larry Roe, Supervisor Anthony Mele, Colonel

Enclosure

12-13-21

NYS Commission on Correction Alfred E, Smith State Office Building 80 S, Swan Street, 12th Floor Albany, NY 12210

Rei

To Whom It May Concern:

I am writing a response to the decision of the above grievance given to me today by the facility has made clear that no rebuttal argument may be submitted by me, I will address the items in the original submitted order.

I. 3xl Jumpsuits were not available for over a month. I was not given a larger size until after the 12-2-21 incident when I asked CO Dolezal why I hadn't gotten one yet and he said they were out. The facility is constantly out of different clothing and games (I finally bought my own Scrabble Dictionary). Inmutes rarely complain via grievance due to the struggle to get one and the retaliation often suffered.

2. I was told the coffee we are given is Tea'so that is Just confusion. I have no doubt the coffee is hot when it arrives on the unit but when breakfast is served 1-2 hours after it arrives, it's no longer hot. The Kitchen is constantly complained about by inmates, we are told to get used to it. Grievances are met with resistance and retaliation and complaints get ignored. This is similar to When Sergeant Hann reported on 11-6-20 that no one else had complained of recks in the beaus when Justin Iorio stated on 11-2-20 that he replaced my tray, Obviously this was not my tray as Sergeant Mann states he didn't replace my food, this raises the question, who's tray did they replace, because obviously that person completed too,

3. From 12:30-1 no inmates were scheduled to be out from either 'Keep-separate' group, This is a violation of NYCRR 70:75, 4(a) as three inmates were not Keep-locked and therefore not segregated, during this 12 hour. Additionally, while I cannot, and was not, grieving the two no-contacts getting more than four hours, I was grieving, and con grieve, that I was being treated unfairly because they were getting more rec than policy allowed, which took away

from my rec time. Members of the stuff apparentely agree with me as the schedule has been improvised daily to adjust for the things I grieved. However, the schedule should have been corrected in its computer -generated form.

4. Obviously tablet software cannot be givered, which is why I did not givere that. What I givered, and has been totally avoided, is that problems are not reported to GTL as the liason officer is wholly unaware of said problems, This 'Internal Reporting' is grievable and the subject of my giverance,

disrespectful to state "I need a grievance" without the pleasantries of "Good morning" or "How are you" is irrellevant to the grievance process. His angry reply of "I'm not your bitch" prempted me to reply "I only asked you to do your Job" to which he replied it was his Job to fix the issue, not hand out grievances, I simply replied, "then fix the schedule." Many sgt's, if asked only to fix the issue, will ignore the problem and only asking for a grievance gives them a "deadline". I applicate that I walked away from Sot-Proscia but I was unaware he wanted to talk to me as he never made any apparent sign that he wanted to talk Sgt Proscia has always been hostile towards me and

I avoided him after our initial exchange so further hostilities would not have room to breed. As CO Andular informed me that he had not been as ked of the is sues with the schedule I am curious as to how soft froscia had investigated my complaint.

Gr Seryeunt Miller has strong reason to claim that I did not ask for a grievance. The officer I spoke to Just before I retused the IA is the only one without reason to make false statements yet it seems he was not asked for a report.

T/8, On 12-8-21 I was found guilty by Sergeant Gessner at a hearing. Soft Gessner refused to call any of my witnesses, Also, as I understand, this was one of his only hearings during his years here. I was given the strong impression that he was chosen to find me guilty regardless of the evidence, The fact that Captain Potter backed his finding without calling any witnesses supports this, Calling witnesses is a right under 7006,86d). Additionally, Sergeant Gessner confirmed that the camera showed that I did not say anything when CO Laudato stated I said "I'm going to use the microwave," Soft Gessner informed me this was irrelevant as I was "running my mouth" all the way back to my cell, I can claim I did not insult CO Laudato, but it can not be proven any more than he can prove I did without a lip-reader.

However, since it is obvious, evident, and accepted that I did not say anything when he claimed I said one thing; the veracity of his entire report becomes questionable. Furthermore, I did not, and was not, going to file, a grievance about the use of the noscrowave. However, it is not a written policy and therefore I cannot be charged with using it, and I wasn't

9. The CDC guidelines do not override the law of New York State. The guidelines are only followed as far as restricting immates. The guidelines for protecting an immate's mental health are being wholly ignored

Conclusion: As usual for the OCSO, the investigation for this grievance was incomplete. 7032,3(6-5) is written to prevent retaliation for filing a grievance, but the grievance process, which does not match the grievance policy, allows inmates to be retaliated against Just for asking for the form, as was done here. The OCSO has gone to great lengths to cover-up what was done here and to shield CO laudate for his actions, I respectfully request that the CO that accomplaned CO laudate on count be questioned and the footage of the incident be reviewed to sec if I said anything to laudate before using the microwave, as he claims, and if the count CO did indeed stop and tall

to me, as I claimed, Lastly, I request a on-site review of the facility's orievance process. From 12-9-21 has had the showers cleaned to 12-19-21 our unit once, and nothing else cleaned at all. Officers falsify the trustee report weekly. Set Murphy told me talking a shower in a stall that hasn't been cleaned in a week is not a problem s Sgt Proscia stated he didn't care what happens on the unit. Sgt Comurell's ignored the written request I sent him. Lt Kiszka feels the problem is beneath him. The facility will not be hug my three-year-old or Kiss my fiance because of COVID but Sail order which requires bleaching the unit three times daily, \$5 not even followed once a week. The food is always cold, the unit is always freezing, Property release forms are trushed unless a gergeant fulfills them. Law Library requests are left on officer desks and unfulfilled. Inmutes that are the loudest and most aggressive are given whotever they munt while rule-abiding inmates get ignored. Officers are allowed to retallate whenever they want and are bucked by the command staff. I have been spit on by an officer, lied to, retaliated against, and threatened. Greenances that are actually fought and for and filed are ton given irrelevant or negligent responses. The facility claims "no other complaint was made" but the greene

officer himself stated that if grievance forms were easily accessible then he would receive three-hundred per day, He is correct, Right now sergeants have no motivation for solving a grievance per 7032,3(6-4) as they can decline them, as Sgt Proscia always does, or deny that we requested them, as Syt Miller did. They rely on the fact that the next sergeant will either solve the problem for them, as Sot Daniels does, or use some ridiculous excuse to deny it, as Sot Mann does. When a grievance is finally obtained and filed the issue is distorted, as #4 above, ignored, us #122 above, or denied. This is creating un atmosphere of helplessness, anger, frustration, and tension. I request a true inquiry by an outside party to determine the extent that the OCSO has gone to su order to subvert invides, Thank you for your time and consideration.



ORANGE COUNTY JAIN
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GOSHEN, NEW YORK 1092#

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NYS Commission on Correction Alfred E, Smith State Office Building 80 S, Swan Street, 12th Floor Albany, NY 12210

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