

File - NYSCoC
Complaint
#163138



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

November 30, 2022

Mr. Allen Riley, Chairman
New York State Commission of Correction
80 So. Swan Street, 12th Fl.
Albany, NY 12210

Re: REPORTABLE INCIDENT [REDACTED] - NOTICE OF VIOLATION

Dear Chairman Riley:

We are in receipt of your September 26, 2022 letter requesting actions to be taken to address the findings contained within the above-referenced notice.

Part 7022 Reportable Incidents

7022.3(a) (1 & 2) Reportable incidents other than inmate deaths Commission staff found that body-holds, spit shield and an unplanned use of mechanical restraints were required to subdue the incarcerated individual to terminate the incident that is the basis of this complaint. Additionally, the incarcerated individual was sent to an outside medical facility to be evaluated, post incident, though it is unclear if any treatment was rendered. As a use of force was required to terminate the actions of the incarcerated individual, this incident represents an *Individual Inmate Disturbance* and should have been reported to the Commission within twenty-four hours pursuant to the requirements of this section and the Reportable Incident Guideline Manual. Commission staff found no reportable incidents from the facility occurring on May 30, 2022.

Action Required: Facility administration shall ensure that:

1. All major disturbances, escapes, inmate group actions, personnel group actions, hostage situations, firearm discharges, natural/civil emergencies, and major maintenance/service disruptions shall be reported immediately upon occurrence or discovery, in a form and manner prescribed by the Commission, as set forth in the Commission's Reportable Incident Guidelines for County Correctional Facilities.
2. All other reportable incidents shall be reported, in a form and manner prescribed by the Commission, as set forth in the commission's Reportable Incident Guidelines for County Correctional Facilities, within 24 hours of occurrence or discovery.

Action Taken: Pursuant to Reportable Incident [REDACTED] Part 7022 Reportable Incidents 7022.3(a) (1 & 2) Reportable incidents other than inmate deaths, Notice of Violation, we acknowledge this incident should have

~ A C C R E D I T A T I O N S ~



Gray, Donna

From: [REDACTED]
Sent: Friday, December 02, 2022 8:37 AM
To: Gray, Donna
Subject: [EXTERNAL] RE: NYSCOC REPORTABLE INCIDENT NOTICES OF VIOLATIONS [REDACTED]
AND [REDACTED]

Caution! This message was sent from outside your organization.

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Received. Thank you.

Thank you,
Vicky Connors
NY State Commission of Correction
80 S. Swan Street, 12th Floor
Albany, NY 12210
[REDACTED]

From: Gray, Donna [REDACTED]
Sent: Thursday, December 1, 2022 3:14 PM
To: scoc.sm.Correspondence [REDACTED] Allen, Cynthia (SCOC) [REDACTED] Roe,
Larry (SCOC) [REDACTED] >
Cc: Mele, Anthony [REDACTED] Catletti, Lawrence [REDACTED] Potter,
James [REDACTED] Jones, Kenneth T. [REDACTED]
Subject: NYSCOC REPORTABLE INCIDENT NOTICES OF VIOLATION [REDACTED]

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Dear Mr. Riley, Chairman:

I am in recent of your September 21, 2022 and September 26, 2022 letters regarding the above-referenced Notices of Violation.

Attached are the actions taken to address the violations contained within these notices. If you have further questions, please feel free to contact Captain Potter or myself.

Thank you,

Donna M. Gray
Secretary/Administrative Assistant II
Administration Offices/Corrections Division
ORANGE COUNTY SHERIFF'S OFFICE



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WWW.ORANGECOUNTYGOV.COM



August 25, 2022

Mr. Allen Riley, Chairman
New York State Commission of Correction
80 So. Swan Street, 12th Fl.
Albany, NY 12710

Re: **REPORTABLE INCIDENT** [REDACTED]

Dear Chairman Riley:

We are in receipt of your June 29, 2022 letter requesting investigative findings into the above-referenced complaint of [REDACTED] and have attached Lt. Kiszka's findings hereto. If any further information is required, please feel free to contact this office.

Sincerely,

 For Col. A. Mele
ANTHONY M. MELE
Corrections Administrator

cc: Mr. Larry Roe, SCOC Supervisor
Ms. Cynthia Allen, SCOC Supervisor
Sheriff Carl E. DuBois
Undersheriff Kenneth T. Jones
Assistant Undersheriff Anthony Weed
Files

~ A C C R E D I T A T I O N S ~





Commission of Correction

ALLEN RILEY
Chairman

THOMAS J. LOUGHREN
Commissioner

YOLANDA CANTY
Commissioner

June 29, 2022

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

Re: Complaint [REDACTED] Orange County Jail

Dear Sheriff DuBois:

Enclosed please find a copy of correspondence received by the Commission from Mr. [REDACTED] in his complaint Mr. [REDACTED] is alleging that he was physically assaulted by [REDACTED] correctional staff.

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 [REDACTED] by **August 29, 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,

A handwritten signature of Allen Riley in cursive script.

Allen Riley
Chairman

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



ORANGE COUNTY SHERIFF'S OFFICE

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WWW.ORANGECOUNTYGOV.COM

MEMORANDUM

TO: Sheriff Carl E. DuBois
FROM: Lieutenant Keith Kiszka 019
DATE: July 31, 2022
RE: Complaint [REDACTED]

I was ordered by Assistant Jail Administrator Lawrence Catletti 015 to investigate the following complaint [REDACTED] from State Commission of Corrections. The following complaint is in reference to a use of force on May 30, 2022, regarding Inmate [REDACTED]. Inmate [REDACTED] complains that Officer Kenneth Kelly 119 punched him in his jaw and placed his knee in his back. Inmate [REDACTED] also claims that nobody would give him grievance for this complaint. I spoke with Inmate [REDACTED] on July 23, 2022, on this matter. Inmate [REDACTED] stated to me that he no longer wishes to pursue this complaint and that he had nothing more to say to me. I told Inmate [REDACTED] if he did wish to speak with me on this matter at any time, I would take his complaint. There is no evidence that Officer Kenneth Kelly 119 punched Inmate [REDACTED] in his jaw. Officer Kelly did however place his knee on his back, which is a technique that is taught to control a non-compliant inmate during this incident. The use of force on May 30, 2022, at 1855 hours in Main Medical was investigated and found to be a proper use of force. There is also no evidence that Inmate [REDACTED] was denied a grievance on this matter, due to him refusing to speak to me in reference of this incident. The copy of the report will be included in this packet and all findings of this report will be forwarded for the SCOC's review.

cc:

Files

~ A C C R E D I T A T I O N S ~



6/5/22

The reason for this grievance is because the officers in the Orange County Jail assaulted me. The Date Sometime around 5/31/22, or 5/30/22, or 6/1/22, around one of these dates! I was in medical in the officers assaulted me! Officer Kelly Punch me in my jaw when I was on the ground then he put his ~~hand~~ knee into my back in, dug it into my back after he knew I had a bad back that was one of the reasons I was in medical in he knew this! All of this should be on video camera I had to go to the outside hospital for this the officers assaulted me.

RECEIVED
JUN 09 2022

This is my grievance! I ask the officers in the jail for a grievance but they will not give me one! I'm sending this to your office now!

Orange County Jail
110 Wells Farm Rd.
Goshen, NY 10924

WESTCHESTER NY
7 JUN 2022 PM 4 L

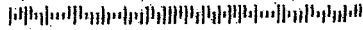


US POSTAGE PATNEY BOWES
ZIP 10924 \$ 000.53⁰
02 4W
0000356795 JUN. 06. 2022

Nam

Alfred E Smith
State Office Bldg
80 South Swan Street 12th floor
Albany, N.Y. 12210,

12210-800199



CLASS/Disc

ORANGE COUNTY SHERIFF'S OFFICE
USE OF FORCE REPORT



Date: 05-30-2022

ERT
Incident #: [REDACTED]

SOG Incident #: _____

Occurred in (Location of Incident): Main Medical

SUBJECT INFORMATION

Name of Subject: [REDACTED]

Age: 34 Sex: Male Race: Black

Height: 6' 1" Weight: 180 Ethnicity: Non-Hispanic

Impairment: ☐ Yes (check all that apply) ☐ Sober ☐ Intoxicated
☒ No ☐ Drug Use ☒ Mental Problem Other: M/ H history

Resistance Used by Subject: Disruptive with staff / refusing direct orders

Subject Directed Threat At: Responding staff

Subject Armed: ☒ No ☐ Yes (other than hands, fist, feet.) Type: _____

Weapon Type Used by Officer: N/A

Injuries Sustained by the Subject: Inmate claims jaw pain, lower back pain and right leg pain.

Medical Treatment Provided: ☒ Yes ☐ No Refused ☐ Status: ☒ Treated and Released ☐ Admitted

Ambulance Unit#: GOVAC Other: EMT Danny Vankleeche, Hannah Reinle, Kristen Eagleston

Hospital: Transported to GHMC for further evaluation Physician: N/A

OFFICER INFORMATION

Name & Rank of Officer: Officer Thomas Bruder Shield # 560

Age: 30 Sex: Male Race: White

Height: 5'11" Weight: 180 Ethnicity: Non-Hispanic

On Duty: ☐ No ☒ Yes Years of Service: 4 yrs 11 months

Is Officer Fulltime? ☐ No ☒ Yes Officer Identifiable? ☐ No ☒ Yes

Type of Force Used by Officer: BH / MR

Injuries Sustained by the Officer: None

Medical Treatment Provided: ☐ Yes ☒ No Status: ☐ Treated and Released ☐ Admitted

Ambulance Unit#: N/A Other: N/A

Hospital: N/A Physician: N/A

ORANGE COUNTY SHERIFF'S OFFICE
USE OF FORCE REPORT



Date: 05-30-2022

ERT [REDACTED]
Incident #: [REDACTED]

SOG Incident #

Occurred in (Location of Incident): Main Medical

SUBJECT INFORMATION

Name of Subject: [REDACTED]

Age: 34 Sex: Male Race: Black

Height: 6' 1" Weight: 180 Ethnicity: Non-Hispanic

Impairment: ☐ Yes (check all that apply) ☐ Sober ☐ Intoxicated
☒ No ☐ Drug Use ☒ Mental Problem Other: M/ H history

Resistance Used by Subject: Disruptive with staff / refusing direct orders

Subject Directed Threat At: Responding staff

Subject Armed: ☒ No ☐ Yes (other than hands, fist, feet.) Type:

Weapon Type Used by Officer: N/A

Injuries Sustained by the Subject: Inmate claims jaw pain, claims lower back pain and right leg pain

Medical Treatment Provided: ☒ Yes ☐ No Refused ☐ Status: ☒ Treated and Released ☐ Admitted

Ambulance Unit#: GOVAC Other: EMT Danny Vankleeche, Hannah Reinle, Kristen Eagleston

Hospital: Transported to GHMC for further evaluation Physician: N/A

OFFICER INFORMATION

Name & Rank of Officer: Sergeant Michael Shaffer Shield # 140

Age: 44 Sex: Male Race: White

Height: 6' 0" Weight: 240 Ethnicity: Non-Hispanic

On Duty: ☐ No ☒ Yes Years of Service: 19 years

Is Officer Fulltime? ☐ No ☒ Yes Officer Identifiable? ☐ No ☒ Yes

Type of Force Used by Officer: BH

Injuries Sustained by the Officer: None

Medical Treatment Provided: ☐ Yes ☒ No Status: ☐ Treated and Released ☐ Admitted

Ambulance Unit#: N/A Other: N/A

Hospital: N/A Physician: N/A

ORANGE COUNTY SHERIFF'S OFFICE
USE OF FORCE REPORT



Date: 05-30-2022

ERT
Incident #: [REDACTED]

SOG Incident #

Occurred in (Location of Incident): Main Medical

SUBJECT INFORMATION

Name of Subject: [REDACTED]

Age: 34 Sex: Male Race: Black

Height: 6' 1" Weight: 180 Ethnicity: Non-Hispanic

Impairment: ☐ Yes (check all that apply) ☐ Sober ☐ Intoxicated
☒ No ☐ Drug Use ☒ Mental Problem Other: M/ H history

Resistance Used by Subject: Disruptive with staff / refusing direct orders

Subject Directed Threat At: Responding staff

Subject Armed: ☒ No ☐ Yes (other than hands, fist, feet.) Type:

Weapon Type Used by Officer: N/A

Injuries Sustained by the Subject: Inmate claims jaw pain, lower back pain and right leg pain.

Medical Treatment Provided: ☒ Yes ☐ No Refused ☐ Status: ☒ Treated and Released ☐ Admitted

Ambulance Unit#: GOVAC Other: EMT Danny Vankleech, Hannah Reinle, Kristen Eagleston

Hospital: Transported to GHMC for further evaluation Physician: N/A

OFFICER INFORMATION

Name & Rank of Officer: Officer Kenneth Kelly Shield # 119

Age: 31 Sex: Male Race: White

Height: 6'3" Weight: 240 Ethnicity: Non-Hispanic

On Duty: ☐ No ☒ Yes Years of Service: 3 yrs 6 months

Is Officer Fulltime? ☐ No ☒ Yes Officer Identifiable? ☐ No ☒ Yes

Type of Force Used by Officer: BH

Injuries Sustained by the Officer: None

Medical Treatment Provided: ☐ Yes ☒ No Status: ☐ Treated and Released ☐ Admitted

Ambulance Unit#: N/A Other: N/A

Hospital: N/A Physician: N/A

ORANGE COUNTY SHERIFF'S OFFICE
USE OF FORCE REPORT



Date: 05-30-2022

ERT [REDACTED]
Incident #: [REDACTED]

SOG Incident #

Occurred in (Location of Incident): Main Medical

SUBJECT INFORMATION

Name of Subject: [REDACTED]

Age: 34 Sex: Male Race: Black

Height: 6' 1" Weight: 180 Ethnicity: Non-Hispanic

Impairment: ☐ Yes (check all that apply) ☐ Sober ☐ Intoxicated
☒ No ☐ Drug Use ☒ Mental Problem Other: M/ H history

Resistance Used by Subject: Disruptive with staff / refusing direct orders

Subject Directed Threat At: Responding staff

Subject Armed: ☒ No ☐ Yes (other than hands, fist, feet.) Type:

Weapon Type Used by Officer: N/A

Injuries Sustained by the Subject: Inmate claims jaw pain, lower back pain and right leg pain.

Medical Treatment Provided: ☒ Yes ☐ No Refused ☐ Status: ☒ Treated and Released ☐ Admitted

Ambulance Unit#: GOVAC Other: EMT Danny Vankleech, Hannah Reinle, Kristen Eagleston

Hospital: Transported to GHMC for further evaluation Physician: N/A

OFFICER INFORMATION

Name & Rank of Officer: Officer Andre Robinson Shield # 109

Age: 28 Sex: Male Race: Black

Height: 5' 9" Weight: 235 Ethnicity: Non-Hispanic

On Duty: ☐ No ☒ Yes Years of Service: 4 yrs 6 months

Is Officer Fulltime? ☐ No ☒ Yes Officer Identifiable? ☐ No ☒ Yes

Type of Force Used by Officer: BH / MR

Injuries Sustained by the Officer: None

Medical Treatment Provided: ☐ Yes ☒ No Status: ☐ Treated and Released ☐ Admitted

Ambulance Unit#: N/A Other: N/A

Hospital: N/A Physician: N/A

ORANGE COUNTY SHERIFF'S OFFICE USE OF FORCE REPORT



INCIDENT INFORMATION

Call Type: Disruptive Inmate Start Time: 1855 End Time: 1926
 Location Type: Main Medical Exam room 2
 Address: 110 Wells Farm Road Goshen, NY 10924
 Other Agencies Involved: None

Offense(s): Refusing orders / conduct which disrupts / disruptive with staff

Did Officer Approach Subject? ☐ No ☒ Yes Was Supervisor Present? ☐ No ☒ Yes
 Did Officer Discharge Firearm? ☒ No ☐ Yes Was Officer Ambushed? ☒ No ☐ Yes

NARRATIVE On 05-30-2022 Inmate [REDACTED] refused orders from staff to stand up and place his hands behind his back. Inmate [REDACTED] was currently in Main Medical exam room 2 due to previously claiming he had chest pains. Once the evaluation was completed, Inmate [REDACTED] was ordered to stand up and place his hands behind his back so he could be relocated to his assigned housing unit Medical I. Sgt. Michael Shaffer and ERT Staff spoke to Inmate [REDACTED] for several minutes in an attempt to gain compliance him. Inmate [REDACTED] refused all orders. I was then contacted by Sgt. Shaffer of Inmate [REDACTED] non-compliance to orders. I arrived at Main medical and spoke to Inmate [REDACTED]. Inmate [REDACTED] demanded that he be let out of his cell for recreation time, a shower and a phone call. I explained to Inmate [REDACTED] that due to his constant supervision watch status that he would not be able to have recreation time and a shower. I also advised him that I would allow him to make a phone call. Inmate [REDACTED] stated that he would not comply with orders unless he was allowed to have a recreation period and shower also. I then ordered staff to secure Inmate [REDACTED] in temporary hand restraints and escort him back to his housing unit. Inmate [REDACTED] then tucked his arms over each other and held onto his jumpsuit. Officer Bruder attempted to take control of Inmate [REDACTED] right wrist. Officer Robinson attempted to take control of Inmate [REDACTED] left arm and Officer Kelly attempted to take control of Inmate [REDACTED] right arm to secure him in temporary hand restraints. Inmate [REDACTED] resisted staff's efforts by keeping a hold of his jumpsuit with his arms tucked close to his body. Inmate [REDACTED] then tried to break free of staff's control of him by leaning back aggressively. Inmate [REDACTED] was then taken to the ground and placed in the prone position by ERT staff Bruder, Kelly and Robinson. Inmate [REDACTED] then resisted staffs attempts to maintain control of him by tucking his arms under his body. Officer Kelly then applied knee on back position while Officer Robinson transitioned and took control of Inmate [REDACTED] legs by pitting it in the figure four position. Officer Bruder then took control of Inmate [REDACTED] left wrist, placed it behind his back then applied a temporary hand restraint to it. Officer Kelly gained control of Inmate [REDACTED] right arm and placed it behind his back. Officer Bruder then applied the temporary hand restraint to Inmate [REDACTED] right wrist. Temporary leg restraints were placed on Inmate [REDACTED] by Officer Robinson and Inmate [REDACTED] was placed in the recovery position. While in the recovery position Inmate [REDACTED] spit in the direction of Officer Kelly and was immediately placed back in the prone position by Officer Kelly and Bruder. Sgt. Shaffer then took control of Inmate [REDACTED] legs and Officer Robinson took control of Inmate [REDACTED] right side. A spit mask was then placed on Inmate [REDACTED] by Officer Bruder. Officers Kelly was relieved from the incident and Officer Bruder was relieved by Officer Richard Kastor 362. Inmate [REDACTED] was placed in the recovery position. While waiting to be assessed by medical staff for the use of force incident, Inmate [REDACTED] claimed his jaw was hurting due to being punched in the face and he could not move his back. He also stated he could not move his right leg. Medical staff was notified and stated due to his claim of not being able to move he would need to be transported to Garnet Health Medical Center by ambulance for a further evaluation. The Orange County 911 call center was then advised. Inmate [REDACTED] was scanned with the handheld video camera for injury documentation. GOVAC Ambulance arrived at the facility and Inmate [REDACTED] was assessed. Inmate [REDACTED] was then assisted onto a stretcher, placed in hospital restraints, and escorted to GHMC for a further evaluation. Inmate [REDACTED] was issued a misbehavior report for his actions. Captain James Potter and PS&C Alfred Powell were notified of the incident.

OFFICER REPORTS: ☐ No ☒ Yes HANDHELD VIDEO: ☐ No ☒ Yes OVERHEAD VIDEO: ☐ No ☒ Yes
 PHOTOGRAPHS: ☒ No ☐ Yes INMATE STATEMENT: ☐ No ☒ Yes MEDICAL RECORDS: ☐ No ☒ Yes

NAME, ADDRESS AND TELEPHONE NUMBER OF WITNESSES:

WAS FORCE USED JUSTIFIED? ☒ Yes ☐ No (to be completed by Supervisor)

RI FILED: ☒ No ☐ Yes

WAS PS&C NOTIFIED? ☐ No ☒ Yes (If yes, name of PS&C Member) Alfred Powell

NOTIFIED BY Capt. James Potter

HOW NOTIFIED ☒ Phone ☐ Email (Other) _____

DATE NOTIFIED 05-30-2022 TIME NOTIFIED 1910

SHIFT COMMANDER SIGNATURE / SHIELD # 11-5000198

ORANGE COUNTY SHERIFF'S OFFICE
USE OF FORCE REPORT



Date: May 30, 2022

ERT Incident #: [REDACTED]

SOG Incident #: N/A

Occurred in (Incident Location): Main Medical [REDACTED]

EXPLAIN INVESTIGATIVE STEPS AND SUPPORT FOR JUSTIFICATION DETERMINATION (To be completed by Administrator or Designee):

Inmate [REDACTED] failed to comply with verbal directions to place hands behind his back to be handcuffed.

As staff attempted to guide Inmate [REDACTED] hands behind his back after his non compliance, Inmate [REDACTED] stiffened his arms and crossed them to prevent staff from securing him in handcuffs. Inmate [REDACTED] then attempted to pull his arms out of the grasp of staff. Inmate [REDACTED] was then guided to the ground in an attempt to gain control over his actions. Staff was able to gain control and apply restraints at this time.

The force utilized was necessary and reasonably applied. END.

Investigating
Supervisor:

L. Callo

Class

Officer's Report

Date of Report: 5-30-2022

Time Report Written: 2350

Date of Incident: 5-30-2022

Time Incident Occurred: 2316

Location of Incident: Booking

Incident: Inmate [REDACTED] returned from Garnet Health Medical Center.

Officer Reporting: Sgt. Vincent Murphy

Shield # 062

Narrative: Explain fully any action taken by you, any event observed, information received. Set forth names, other officers, inmates, and a detail of the information of what, who, when, where, and how. Be explicit in all information given.

On the above date and time, I was working my assigned post as the Administrative Sergeant when the following events occurred. I was notified by Booking Officer Richard Vega 517 that Inmate [REDACTED] had returned to the facility from Garnet Health Medical Center. Inmate [REDACTED] was transported back to the facility by Officers Andre Robinson 109 and Richard Kastor 364. Inmate [REDACTED] was escorted into the facility by Officer Robinson. Officer Vega began recording Inmate [REDACTED] with a facility issued video camera. Officer Robinson removed the restraints from Inmate [REDACTED]. Inmate [REDACTED] was walked through the metal detector and placed on the B.O.S.S. chair, then escorted to the clothing exchange area where a strip search was conducted by Officer Robinson. All searches yielded negative results for contraband. Inmate [REDACTED] was placed in temporary hand restraints by Officer Robinson and was then escorted to Medical by Officer Robinson, Booking Officer Manuel Olavarria 344 and Officer Dean Bacon 106 who was assigned as the close watch 1-on-1 Officer. Inmate [REDACTED] arrived in Medical at 2320 hours. At 2325 hours, Inmate [REDACTED] was placed in Exam Room 2 and assessed by Registered Nurse Christina Ozmanski who cleared him to return to Medical-1. Inmate Pearson was escorted to [REDACTED] by Officers Olavarria and Bacon and secured in [REDACTED] at 2334 hours without incident. The facility issued video camera remained pointed toward Inmate [REDACTED] cell. Officer Bacon remained on post as the 1-on-1 Officer. Inmate [REDACTED] was placed on a 10-day quarantine protocol due to not being vaccinated. Lieutenant Mark Berlinski 017 was notified. End of report.

Page 1 of 1 Pages

Reporting Officer Signature: _____ Date: _____

Sergeant Signature: Sgt. Murphy 062 Date: 5-30-22

Shift Commander Signature: lt. Robinson Date: 05-31-2022

Administrator or Designee Signature: [Signature] Date: 05/31/2022

Officer's Report

Bruder T.
Kelly K

Date of Report: 05/30/2022

Time Report Written: 2245

Date of Incident: 05/30/2022

Time Incident Occurred: 1855

Robinson A

Location of Incident: Booking/Receiving

Incident: Inmate [REDACTED] becoming disruptive resulting in a use of force and transport to Garnet Health Medical Center

Officer Reporting: Sergeant Michael Shaffer

Shield # 140

Narrative: Explain fully any action taken by you, any event observed, information received. Set forth names, other officers, inmates, and a detail of the information of what, who, when, where, and how. Be explicit in all information given.

On the above date and time I worked my assigned post as the Administrative Sergeant and ERT Team Leader when the following events occurred. At 1810 hours I made supervisory rounds in the [REDACTED] Housing Unit. At that time I spoke with Inmate [REDACTED] who was confined to his assigned [REDACTED] on constant supervision. Inmate [REDACTED] claimed he was experiencing chest pains. I advised the Housing Unit Officer Bryan Atchi 509 to contact Main Medical and advise of Inmate Pearson's complaint. Being that Inmate [REDACTED] is currently on an "ERT Escort" order and I was the ERT Team Leader, I directed Officers Kenneth Kelly 119, Andre Robinson 109 and Thomas Bruder 560 to assemble in Main Medical and prepare for the escort. At 1824 hours ERT Staff approached Inmate [REDACTED] cell. Officer Robinson began recording Inmate [REDACTED] with a hand held video camera. Officer Bruder ordered Inmate [REDACTED] to back up to his cell door with his hands behind his back. Inmate [REDACTED] complied and I accessed the cell door. Officer Bruder secured Inmate [REDACTED] in temporary hand restraints. Inmate [REDACTED] was then seated in a wheelchair and escorted out of [REDACTED] at 1825 hours. Inmate [REDACTED] was escorted to Main Medical and into Exam Room #2. Officer Bruder scanned Inmate [REDACTED] with a hand held metal detector. Officer Bruder then pat searched Inmate [REDACTED]. The searches yielded negative results for contraband and Officer Bruder removed the restraints. while that was happening, Inmate [REDACTED] became agitated and directly called Officer Kelly "pussy" and "bitch". Officer Kelly's proximity to Inmate [REDACTED] appeared to be elevating the inmate's anger. Therefore, I instructed Officer Kelly to take control of the video camera and step back from the inmate. Officer Robinson swanned positions with Officer Kelly. RN Adriene Cupertino evaluated Inmate [REDACTED] at 1840 hours. An electrocardiogram was performed. Medical Staff then cleared Inmate [REDACTED] to return to [REDACTED] Inmate [REDACTED] became increasingly argumentative. He refused my direct orders to stand up and allow ERT Staff to secure him in temporary hand restraints. At 1842 hours Inmate [REDACTED] made complaints that he fell in his cell and was experiencing back pains. Inmate [REDACTED] verbally refused to cooperate with photographs to document any injuries. The hand held video camera was utilized to scan Inmate [REDACTED] I again attempted to gain compliance through verbal dialog. Inmate [REDACTED] argued and demanded to speak with a Lieutenant. After I felt I had exhausted my ability to gain compliance I contacted the Shift Commander Lieutenant Earl Campbell. Lt. Responded to the

Officer's Report

area and attempted to gain compliance. Ultimately, Inmate [REDACTED] refused all orders to exit Main Medical and return to assigned housing unit [REDACTED]. At 1855 hours ERT Staff was instructed by Lt. Campbell to secure Inmate [REDACTED] in temporary hand restraints in preparation to escort him back to [REDACTED]. Officer Almir Pupovic 146 took control of the hand held video camera. Officer Robinson positioned himself on Inmate [REDACTED] left side. Officer Kelly positioned himself on Inmate [REDACTED] right side. Officer Bruder stood Infront of Inmate [REDACTED] and took control of Inmate [REDACTED] right wrist. Inmate [REDACTED] was then instructed to place his hands behind his back. Inmate [REDACTED] refused and immediately crossed his arms on the front of his abdomen and grabbed onto his jumpsuit. I ordered Inmate [REDACTED] to "stop resisting" and ERT Staff began to gain control of his arms. Inmate [REDACTED] continued to argue with Lt. Campbell as ERT Staff attempted to secure the inmate. Inmate [REDACTED] then became aggressively resistive to ERT Staff. ERT Staff placed Inmate [REDACTED] on the floor in the prone position and secured his hands behind his back. Officer Kelly moved to knee on back position. Officer Bruder applied temporary hand restraints and Officer Robinson applied shackles. While on the floor, Inmate [REDACTED] snit in the direction of Officer Kelly. Officer Bruder applied a spit mask to Inmate [REDACTED]. Due to Inmate [REDACTED] apparent aggression towards Officer Kelly, Officer Richard Kastor 364 relieved Officer Kelly and took over control of Inmate [REDACTED]. Inmate [REDACTED] claimed he had a back injury and could not move his right leg. Inmate [REDACTED] was also complaining of injury to his jaw. RN Adrienne Cupertino again assessed Inmate [REDACTED] at 1900 hours. At 1902 hours the hand held video camera was utilized to scan Inmate [REDACTED] for injuries. No injuries were visible. Medical Staff recommended Inmate [REDACTED] be transported to GHMC by ambulance for treatment. Officers Kastor and Robinson were assigned to escort Inmate [REDACTED] to the Emergency Room. At 1908 hours, Security Control Officer Peter Sarnecky 254 notified Orange County 911 and the Goshen Volunteer Ambulance Corp. was dispatched to the facility. At 1916 hours EMS Personnel Kristen Eagleston, Hannah Reinle and Danny Vankleech were escorted into the facility. EMS Personnel was escorted to Main Medical. EMS Personnel evaluated Inmate [REDACTED] and requested assistance placing him on a gurney. ERT Staff assisted and Inmate [REDACTED] lifted onto the gurney. ERT Staff then secured Inmate [REDACTED] in hospital restraints. At 1923 hours Inmate [REDACTED] was escorted out of Main Medical. At 1924 hours Inmate [REDACTED] was escorted into the vehicular sally port and secured in transport vehicle [REDACTED]. At 1926 hours Inmate [REDACTED] was turned over to the transport team. Inmate [REDACTED] along with the transport team then exited the facility and proceeded directly to the hospital. At the conclusion of my assigned tour (1500-2300), Inmate [REDACTED] remains under medical observation at GHMC ER. The hand held video recording and overhead surveillance footage of these events have been burned to a disc that will be submitted with this report. Inmate [REDACTED] will be issued a misbehavior report for his actions. End of report.

Officer's Report

Page 3 of 3 Pages

Reporting Officer Signature: _____ Date: _____

Sergeant Signature: [Signature] Shannon 1410 Date: 5/30/22

Shift Commander Signature: [Signature] 12. El 1410 Date: 5/30/22

Administrator or Designee Signature: [Signature] 1. Catlett Date: 05-31-2022



Orange County Sheriff's Office/
Corrections Division

USE OF FORCE
INMATE STATEMENT

5-30-22

Date

Name

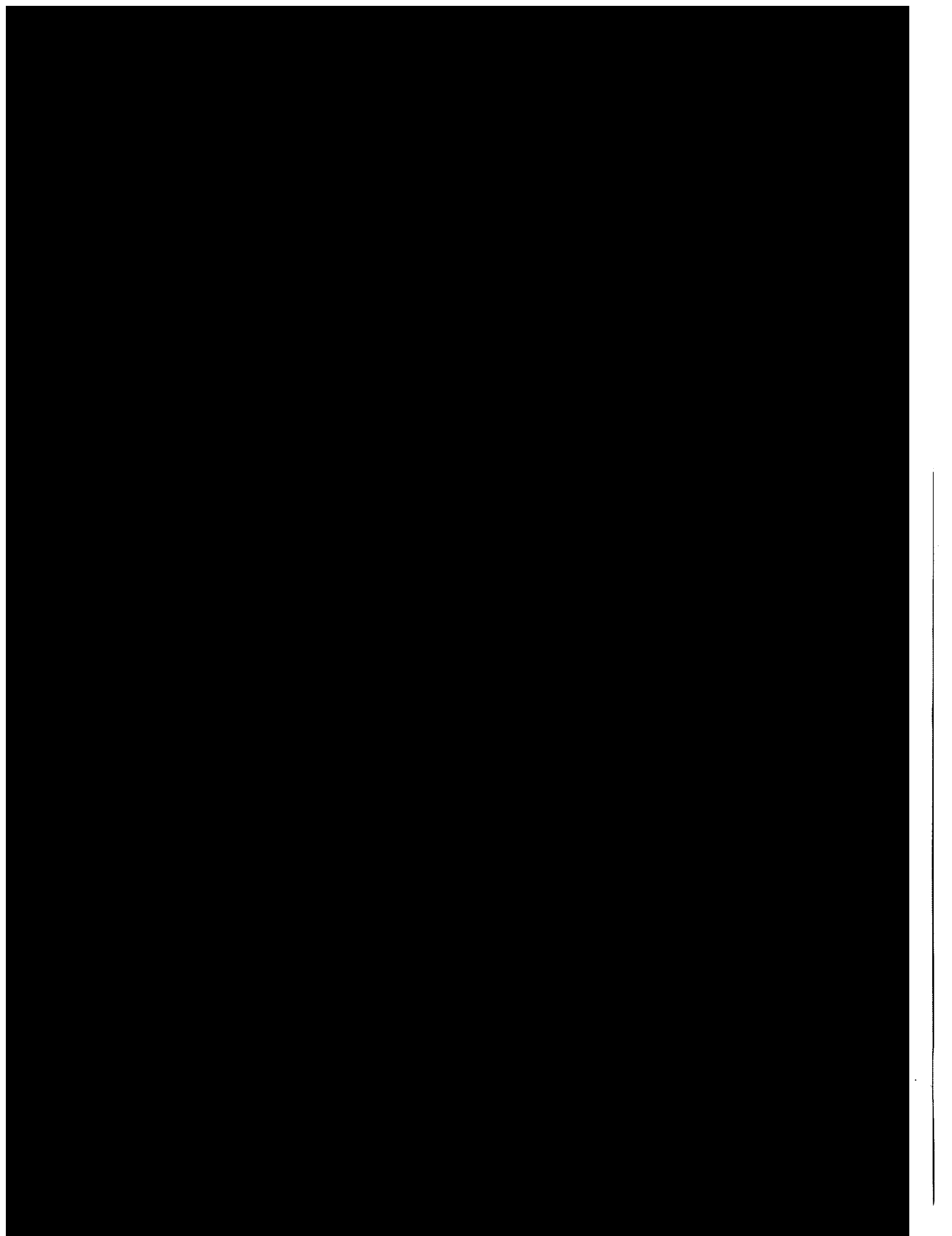
Booking ID#

With regard to the incident of _____ in which force was used
against me, I wish to make the following statement:

I do not have anything to say

5/30/22

Date



Gray, Donna

From: Gray, Donna
Sent: Thursday, August 25, 2022 9:42 AM
To: [REDACTED]
Cc: Mele, Anthony; Catletti, Lawrence
Subject: NYSCOC COMPLAINT [REDACTED]
Attachments: [REDACTED]

Dear Mr. Riley, Chairman,

I am in recent of your June 29, 2022 letter regarding the above-referenced complaint.

Attached is the investigative findings regarding in this matter. If you have further questions, please feel free to contact Captain Catletti or myself.

Thank you,

Donna M. Gray

Secretary/Administrative Assistant II

Administration Offices/Corrections Division

ORANGE COUNTY SHERIFF'S OFFICE

110 Wells Farm Road

Goshen, NY 10924

[REDACTED]

New York State Commission of Correction

Reportable Incident

Incident # :

Agency Name : Orange County Jail

Agency Type : County Jail

Date/Time of Incident : 05/30/2022 18:10

Date/Time Reported : 12/01/2022 17:01

Location of Incident :

Specific Location : Main Medical

Status : New

Incident Category(s)

General Incident Disturbances

Individual Inmate Disturbance

Inmate cell confinement

Inmate cell confinement

Staff(s) Involved

Staff Info # 1

Rank OFFICER

Name : PUPOVIC , ALMIR

Sex : Male

Shield/ID : 146

Staff Info # 2

Rank OFFICER

Name : KELLY , KENNETH

Sex : Male

Shield/ID : 119

Staff Info # 3

Rank OFFICER

Name : ROBINSON , ANDRE

Sex : Male

Shield/ID : 109

Staff Info # 4

Rank OFFICER

Name : KASTOR , RICHARD

Sex : Male

Shield/ID : 364

Staff Info # 5

Rank OFFICER
Name : BRUDER , THOMAS
Sex : Male
Shield/ID : 560

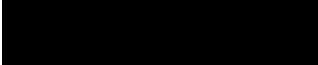
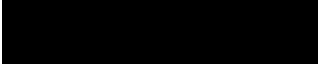

Staff Info # 6

Rank REGISTERED NURSE
Name : CUPERTINO , ADRIENNE
Sex : Female
Shield/ID : N/A

Staff Info # 7

Rank SERGEANT
Name : SHAFFER , MICHAEL
Sex : Male
Shield/ID : 140

Inmate Information # 1

Name : 
Date Of Birth : 
NYSID : 

Sex : Male

Race : Black

Ethnicity : Not Hispanic

Role in Incident : Instigator

Commitment Type : Criminal Commitment

Date of Admission in Facility : 05/03/2022

Most Serious Charge : PL 150.15

Inmate ID : 

Inmate Classification : CLOSE CUSTODY

Was Inmate boarded in ? : No

Inmate Prior Known History

Assaultive Behavior

Discipline

Escape / Attempt Escapes

Gang Affiliation

Mental Health

Substance Abuse

Suicide Attempts

**aff action in response to the
incident**

Disciplinary Action Initiated

Medical/Mental Health Evaluation on Site

Other Action

Restraints

Take to Emergency Room

On May 30th, 2022, at 1810 hours, Inmate [REDACTED] who was confined in Medical Housing [REDACTED] under constant supervision notified 1 on 1 Officer Almir Pupovic 146 and Sergeant Michael Shaffer 140 during his supervisory round that he was experiencing chest pains. Due to Inmate [REDACTED] being an Emergency Response Team Escort, the following ERT Officers were called to the unit: Officer Kenneth Kelly 119, Officer Andre Robinson 109, and Officer Thomas Bruder 560. At 1824 hours, ERT staff approached Inmate [REDACTED] cell and placed in him in temporary hand restraints escorting him to Main Medical in a wheelchair. At 1825 hours, Inmate [REDACTED] arrived in Main Medical. At 1840 hours, Inmate [REDACTED] was assessed by Registered Nurse Adrienne Cupertino. After the medical evaluation which included an electrocardiogram was completed, medical staff cleared Inmate [REDACTED] to return to Medical Housing [REDACTED]. Inmate [REDACTED] became argumentative and refused direct orders from Sergeant Shaffer to stand up so ERT staff can apply temporary hand restraints. After multiple attempts to gain compliance through verbal dialogue, ERT staff were ordered to place Inmate [REDACTED] in temporary hand restraints. Officer Kelly positioned himself on Inmate [REDACTED] right side and Officer Robinson positioned himself on Inmate [REDACTED] left side. Officer Bruder positioned himself in front of Inmate [REDACTED] and took control of his right wrist and instructed him to place his hands behind his back. Inmate [REDACTED] refused, crossed his arms in front of his abdomen and held onto his jumpsuit. Inmate [REDACTED] was told multiple times to stop resisting which he refused and became aggressively resistive. ERT staff placed Inmate [REDACTED] in the prone position and Officer Bruder applied temporary hand restraints. Officer Robinson was able to apply temporary leg restraints. Inmate [REDACTED] was then rolled to side and placed in the recovery position. While in the recovery position, Inmate [REDACTED] began spitting in the direction of Officer Kelly. Inmate [REDACTED] was placed back into the prone position. Officer Richard Kastor 364 who responded during the Use of Force relieved Officer Kelly. A spit mask was applied on Inmate [REDACTED] by Officer Bruder. Inmate [REDACTED] was placed in the recovery position again. After the Use of Force, Inmate [REDACTED] claimed injuries to his jaw and right leg. Inmate [REDACTED] was assessed by RN Cupertino. It was determined by medical staff that Inmate [REDACTED] needed to go out to Garnet Health Medical Center Emergency Room by ambulance for further treatment. At 1924 hours, Inmate [REDACTED] was escorted onto the ambulance by assigned Officer's Robinson and Kastor. At 2316 hours, Inmate [REDACTED] returned to the facility and escorted back to Medical Housing [REDACTED] remaining under constant supervision. Inmate [REDACTED] was issued a misbehavior report and placed on cell confinement pending review due to his actions.