FILE-NYSCoC Complaint

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 Michael J. Zappolo #021

DATE: July 24, 2019

RE: NYSCOC compliant # [redacted]

This memorandum is being authored regarding the NYSCOC complaint that was submitted by Mr [redacted] who was a previously incarcerated inmate who was lawfully committed to the custody of the Orange County Sheriff and released on 04-23-19. On July 22, 2019 I directed Sergeant Jones. Kandi #120 to conduct a comprehensive review and investigation into the matters referenced by Mr. [redacted] in his complaint. All matters referenced in compliant : [redacted] had previously been addressed during his incarceration. Upon competition of a thorough investigation including a review of Mr. [redacted] grievance files I find the information reported by Mr [redacted] to be unsubstantiated. Further, I find that Sergeant Jones investigation into this complaint is complete and accurate with no further action to be taken by his agency moving forward.

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MEMORANDUM

TO: Sheriff Carl E. DuBois

FROM: Sergeant Kandi Jones #120

DATE: July 24, 2019

RE: NYS Commission of Correction complaint [redacted]

On July 22, 2019 I was directed by Lieutenant Zappolo to investigate complaint [redacted] submitted by NYSCOC. Complaint [redacted] was submitted by previously incarcerated Inmate [redacted] who was time served and released from our custody on 04/23/2019. The letter submitted to NYSCOC is dated 02/25/2019 by Mr. Allen and was stamped received on 07/18/2019 by NYSCOC.

Mr. [redacted] initial complaint is in regards to a request for Mental Health records that was addressed in Grievance [redacted] This grievance was a non grievable issue as per NYCRR 7032.4 (h) outside the control of the Chief Adminstrator.

Mr. [redacted] claims that he received inadequate medical care. Mr. [redacted] claimed he had lost weight and suffered a heart attack on 09/18/2018 and wasn't treated for it. Per Medical RN Linda Gildea Mr [redacted] was seen on 09/20/2018 when he complained of chest pain. Inmate [redacted] was sent to Orange Regional Medical Center at 1136 hours and returned at 1353 hours, diagnosed with unspecified chest pain. Mr. [redacted] also entered the facility at 170lbs on 08/23/2018. Mr. [redacted] had the following weight checks 10/01/2018 174 lbs, 12/05/2018 187 lbs and 03/16/2019 173 lbs. Mr. [redacted] did not have a heart attack and when he did lose weight it was the weight that he had gained while in custody, Mr. [redacted] still weighed more than his base weight.

Mr. [redacted] states that he filed a grievance on both Mental Health and Medical in which they were both denied. Grievance [redacted] against M/H was 7032.4 (h) and [redacted] against Medical was denied by the facility, appealed to SCOC and upheld by the commission.

Mr. [redacted] claimed that the facility was altering his mail. Mr [redacted] filed Grievance [redacted] in which he claimed the Officer would not allow him to sign for his mail (a copy of the signed mail log is in the grievance folder [redacted]. The complaint was denied by the facility, appealed to the SCOC and upheld by the commission.

Mr [redacted] also claims that he was sexually harrassed by staff and that he was in fear that he was going to be set up before his release date of 04/22/19. Mr. [redacted] filed two Grievances on staff. [redacted] which

was denied and he accepted the decision and [redacted] which was denied, appealed to SCOC and upheld by the commission. Mr. [redacted] was time served and released from custody on 04/23/2019.
Mr [redacted] attached Grievance [redacted] in which he accepted (a copy of his response is attached). Mr [redacted] also included Grievance [redacted] regarding Policy & Procedure. In Grievance [redacted] Mr [redacted] complained that he was denied being a trustee. Mr [redacted] received a Misbehavior Report dated 09/11/2016 where he was charged with harassing civilian staff while he was a trustee. Mr [redacted] did in fact have a staff no contact on the female civilian. This Grievance was denied, appealed to SCOC and upheld by the commission.
In response to complaint [redacted] regarding Mr. [redacted] complaint that he was sexually harrassed by staff - this was previously addressed in Staff Grievance complaint's [redacted]. End

NEW YORK STATE | **Commission of Correction**

ALLEN RILEY
Chairman

THOMAS J. LOUGHREN
Commissioner

July 18, 2019

Colonel Anthony Mele
Orange Correctional Facility
110 Wells Farm Road
Goshen, NY 10924

Re: Complaint # [redacted]

Dear Superintendent:

Enclosed please find a copy of a correspondence received at the Commission from Mr. [redacted] alleges that he was sexually harassed by staff while incarcerated at the Orange County Jail. Please review and take any action you deem appropriate.

Your attention to matters of mutual concern is appreciated.

Sincerely,

Paul D. Annetts

Correctional Facility Specialist II

cc: enclosure

[redacted]

(1)

Hello, 2-25-19

My name is [redacted] I am currently in (O.C.J) Orange County Correctional Facility. I arrived here on 8-23-18.

I was sentenced to serve 1yr in OCJ While here before I was sentenced & convicted I requested my M/H records by F.O.I.A around Sept-8-18 for evidence in my defense at trial. On 10-10-18 I was granted accesss to my Records. I also was sceduled for Court 10-10-18. ~~[illegible]~~ Orange County Mental Health Dpt (India Shack) Principal Clerk denied me the right to receive my own M/H records in a timely manner in violation of my 8th, 6th, 5th, 4th, 14th amend. rights which caused a hinderance & distraction & liability in my defense. I suffer M/H illness, PTSD, Schizophrenia, Anxiety, ADHD, Maniac Depressn, and others not mentioned, and which I take medication for & depend on to function properly! The O.C. M/H withheld my M/H records for over a month! It isn't right that I suffer for a Departments misconduct. If I would have received my Legal info on time I could of have built a stronger defense inwhich could of altered my judgement in court. At court I explained to Judge Brown

RECEIVED
JUL 18 2019
SCOC

that I suffer M/H illness inwhich I need the proper & correct treatment my diagnosis requires I can not receive proper care or treatment in jail & that it is causeing me extreme pain & suffering. I am extremely anxious & severlly depressed I have lost weight from lose of appetite, I cant receive correct help in OCJ and I am emotionally distressed.

Also prior my Senteceing I suffered a heart attack on 9-18-18 in C-1 down 14 cell where at O.C.J. No one responded for 3 days, No one came to me with a wheel chair to take me to medical, I feel several times in my cell from dizziness I almost died! I was finally rushed to the Hospital after they made me walk to medical.

After I was realesed from ORMC OCJ/MD did not house me in medical unit for 24 hr evaluation nor did they give me a Holster Monitor! They placed me back in General Population!! I am currently in fear for my life here at OCJ!

Later I then requested for my Medical Records by F.O.I.L on 1-3-19 MD also denied me access & my right to receive my own records which caused another hinderance and =

liability in my defense at trial. OCJ/MD violated my 14th/8th Const. Amend. rights as a U.S citezin!. I filed a grievance on both M/H Dpt's & MD's grievance was denied again.

I am currently takeing generic Rx here at OCJ for PTSD, Anxiety, MMD, ADHD, Schizophrenia, I explained to M/H it makes me very sick. No one has done nothing. I began takeing **Vistaril** & **Colonidine** & Praxil on 9-4-18 for several months now. I recently discovered ~~that~~ sometime after my heart attack on 9-18-18 that Vistiral is not to be taken with other certain meds like **Colondine** (heart rythm medication) or antidepresents, because it cause Serious heart problems! Dr. Sandra Antoniak & Dr. Palmares insisted I continue ~~usein~~ the medications. It clearly states that **Vistiral** should **Not** be used more then 4 months & that it's for short term use **ONLY**! I am afraid I will die in my sleep from cardiac arrest! It is causeing serious problems for me. I am indigent without much family support so im very vulnarable here at OCJ & ~~deliberate~~ gives the Employees here the advantage of forceing us to beg for Grievance forms which is not available on our housing units (By law they sha be!) O.C.J is withholding Grievances from us and

mistreating us & violateing me & my U.S citizen rights. This isn't right at all! I have actual evidence of everything I've mentioned including the evidence of my mail being illegally opened & altered before and after it's sent out! or in.

I believe given the evidence I have here that O.C.J is violateing Federal Law by intercepting & opening & withholding my mail.

I have filed a LawSuit against this facilities mistreatment & Sexual Harrassement no one helped me with, I even filed a Grievance in which they denied, they also placed the officer who violated me back on the Sam Unit I live, after I filed a grievance against (C.O Griffin 415#) him in fear for my safety! Again I have evidence, substantial evidence of every single thing I mentioned. I am also afraid O.C.J will set me up or frame me before my release 4-22-19 in efforts to cover there misconduct. Please help me ASAP! Please come investigate this matter. Thank You.

[redacted]

Sworn to me on 2-15-

[redacted]

VINCENT J. CZUBAK
Notary Public, State of New York
No. 01CZ6102072
Qualified in Sullivan County
Commission Expires November 24, 2019

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

INMATE COPY

Facility: Orange County Jail Housing Location: [redacted]

Name of Inmate: [redacted] Grievance #: [redacted]

Brief Description of the Grievance *(Submitted by the grievant within 5 days of occurrence)* I grieving C.O Griffin for violateing m
Number of Sheets Attached (1) inmate rights of O.C.C.F pg. 2 # 4) . in Also
I am fileing this Grievance against C.O Griffin. 415 for Discrimination, Sexaul harrasement, Insubordination, fileing a false report in which ~~he forged~~ (O.C.C.F State ment of Confinement Form) ~~and [illegible]~~. On 1/20/19 I was urinateing around 8:00 a.m C.O Griffin peer ooked threw my unblocked cell door window at my penis while I was useing the toilet →

Action requested by the grievant *(Submitted by the grievant within 5 days of occurrence)*: That I be released of cell confineme
Number of Additional Sheets Attached (1) and Write up 1/20/19 be dismissed ~~[illegible]~~ ... also to speak to the Administrator.
I ask that this Grievance is thourghly reveiwed & investigated, I ask that I recieve a copy of this Grievance after it's Signed and completed in a timely manner by policy. I ask that I not be retaliated against in anyway for my statements regardings sexaul harr nent of C.O Griffin. 415, I ask that if this Grievance is denied In anyway, that ~~[illegible]~~ be directe in a way that I can address this matter.

Grievant Signature: [redacted] Date/Time Submitted: ~~1/20/19~~ 1/22/19

Receiving Staff Signature: 137 Date/Time Received: 1/22/19 @ 1205

Investigation Completed by: 137 Date Completed: 1/29/19

Decision of the Grievance Coordinator Number of Sheets Attached ( )
Written decision shall be issued within 5 business days of receipt of grievance and shall include specific facts and reasons underlying the determination

- ☐ Non-Grievable issue as per 9 NYCRR §7032.4(h) (may 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 specific Acceptance/Denial parts below)

Your Grievance has been Investigated & All claims heave been investigated. Your grievance has been unSubstantiated.

Signature of the Grievance Coordinator: 134 Date: 1/29/19

[illegible] to stop looking at me
se refused & then [illegible] returned with an I.A sheet asked me to sign a 6hr I.A, I asked why? he Stated I block his veiw into my cell window [illegible] I told him I didn't violate anyrules &, I want to speak to a Sgt, He insisted I sign the I.A Sheet I refused because I was inocent he then kicked my door, & said I'll regret my actions, I then told him he makes me uncomfortable & I asked him to stop harrassing and intaganizing me by psycologically trying to intimedate me into signing a 6hr I.A I dont deserve. It clearly States in the O.C.C.F Rules & regulation hand book on Pg 2. #4. I did not violate A2-3 on pg 29 of the O.C.C.F hand book. Which states "Hanging anything on the cell door window that blocks the officers veiw into the cell". If C.O Griffin claims I violated this infractio how possibly did he "See "Something" covering my cell light at 8:00 A.M? If my Cell window on the door was blocking veiw into my cell!? Thats a Contridictior

He discrimanated against me when infact other inmates did actually violate infraction A2-3 in C1 dorm (1-20-19) & he did nothing to them. I am being confined in my cell, restricted from priveleges of phone, Lawlibra ect, accessess in which I need to defend myself in my case I'm in jail for, this has caused another hinderance & liability in my defense. I dont understand Violation of my Constitution rights isn't fair & equal justice or treatm evidence of everything I've stated is obtainable & sufficient. There is no reason I am being segregated & denied my rights. This incedent has caused great anxiety, I suffer M/H illness & it was difficult for me to speak up about what C.O Griffin has been doing to me. Sexual Harrassement in the work place is an epidemic in the U.S today & Inmates are no diffrent we have rights. & It's my right to stand up & speak up regardless the "consequences". I respectfully ask to be take off cell restriction in light of my evidence presented in this grievance. I have made 4 copies of this grievance for future refrence. I will also F.o.i.l All disciplinary history forms and Grievances. M/H has been notified of his grievance aswell.

(INMATE RIGHTS) of the O.C.C.F Rules. States on Pg. 2-#4, that No inmate will be disciplined except for a violation of a published and posted written rule. or regulation".

I am currently in cell confinement for an infraction I did not violate, A2-3 of Pg 29 of O.C.C.F Rules.

And this hinderance is causeing a distraction & defect In my defense on my case for court. Which is a violation of my Constitutional Amendment Rights as an equal Citizen of the U.S.

INMATE COPY

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

Facility: Orange County Jail Housing Location: [redacted]

Name of Inmate: [redacted] Grievance #: [redacted]

Brief Description of the Grievance *(Submitted by the grievant within 5 days of occurrence)* I received this Grievance
Number of Sheets Attached (1) on 2-19-19 at 2:25 from Sgt. Hernandez
I am filing this Grievance for ~~request~~ Discrimination & Unfair/Un-Equal treatment by showing favoratism. I was Sentenced 1-29-19 I have requested to be Trustee for Several weeks! No response from C.O Eawanciw, Capt. Potter told me that he was told that I have a No-contact against an Employee who doesn't WORK here! ~~that~~ left 3yrs ago! I am eligable to be Trustee. This problem is an —

Action requested by the grievant *(Submitted by the grievant within 5 days of occurrence):* I ask that this grievance
Number of Additional Sheets Attached ( ) Is returned within 5 days as stated below: ...
Also I ask that I receive a copy of this grievance after it has been reviewed & completed in a timely manner. I ask that this matter be thoroughly investigated. I ask that I be housed in A-1 just as the other Sentenced inmates. I deserve fair & equal treatment d[illegible] is prohibited. My last Grievance wasn't returned to me. I ask that I is.

Grievant Signature [redacted] Date/Time Submitted: 2-22-19

Receiving Staff Signature: _____ Date/Time Received: _____

Investigation Completed by: _____ Date Completed: _____

Decision of the Grievance Coordinator Number of Sheets Attached ( )
Written decision shall be issued within 5 business days of receipt of grievance and shall include specific facts and reasons underlying the determination

- ☐ **Non-Grievable issue as per 9 NYCRR §7032.4(h) (may 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 specific Acceptance/Denial parts below)**

_____

_____

_____

_____

_____

_____

Signature of the Grievance Coordinator: _____ Date: _____

Unnecessary

Ongoing issue. I am Sentenced, being housed amongst Detainess in C-1 who are awaiting Sentencing is a hazard & jeprodizes my situation of going home early for many reasons, Jealousy being one of many inwhich conflict may arise resulting in altercation causeing my good-times to be taken away! Unneccassary problems are occuring & I am trying to avoid them the best I can. I want to be Moved. I would like to be Trustee.

It States in the O.C.C.F rules that No one will be shown favoratism. I deserve fair & equal treatment. I Know of several Inmates who went to trustee imediately after being sentenced. No medical physicals, No background checks. And I have proof!. Cameras & Computer files dont lie.

* Why has O.C.J allowed an Escape Risk! inmate! to be Trustee?! (Yes he was caught with a Cellphone!) Why is he Currently a Trustee? yet I have been denied because of a erroneous claim of a No-contact against a ghost! (Absent Employee) Cameras & Computer files dont lie as people do. This & everything I have mentioned is fact & substantial! If an ~~ex~~ Escape risk inmate can be trustee after being caught with a Cellular device! why can't I? (His name is Kenny!) And just in case for some reason my Grievance is denied due to unsubstanial reasons, I explained this to Sgt. Pascal, Sgt Woodard, Sgt Combly, Lt. Zippolo, C.O Crittole, C.O Ryan, C.O Desjar, Sgt. Platt, C.O Letteramen, Sgt. Hernandez & several others. I also have copies of my letters regarding this matter. I have also made copies of this Grievance.

Discrimenation is prohibited I understand Trustee Status is privledged but that doesn't make it ok or acceptable to show favoratism & Discrimination! Not one officer has told me a legitament reason why I am still not housed properly (Trustee) given my situation of being Sentenced & housed with detainees inwhich can cause conflict from jealousy. I don't feel safe! Need ~~not~~ be housed with Inmates of my Status! (Sentenced).

I ask that this problem be solved A.S.A.P!

I will be Contacting my Lawyer also, Albany & Sheriffs Office. They each will receive a copy of this Grievance.

Thanks

[redacted]

New York State Commission of Correction
Inmate Grievance Form Part II

[redacted]

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
(X) I agree to accept the decision
(X) I am appea[redacted]cer

Grievant Signature [redacted] Date: 1/29/19

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)
- ☐ Grievance Accepted (attach written directive of provided remedy/relief pursuant to 9 NYCRR §7032.4(l))
- ☐ Grievance Denied on Merits
- ☐ Grievance Denied due to submitted beyond 5 days of act or occurrence (may be appealed to CPCRC)
- ☐ 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(l) for the Accepted portion of grievance)

I recently filed a grievance I do not wish to pursue this issue as long as C.O. Griffin isn't around me. I was sentenced to a County Year's I will be free Soon Im not a little Kid I am a Grown Man. I give respect I think I deserve it in return. Thanks you for your time. Have a good day.

Signature of the Chief Administrative Officer: _____ Date: _____

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: _____ Date: _____

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.

Signature of the Grievance Coordinator: _____ Date: _____