



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 Jesse Weed 022 *Jesse Weed 022*

DATE: January 10, 2021

RE: Complain [REDACTED]

On January 6, 2021, I was tasked with investigating Complaint [REDACTED] received by the New York State Commission of Corrections, which was submitted by Inmate [REDACTED]. Inmate [REDACTED] expressed that the complaint he filed with the New York State Commission of Corrections is in regards to his safety as well as his treatment at the Orange County Jail. Inmate [REDACTED] stated that he has constant conflict with Sergeant Keith Kiszka 134 to the point that he has filed a lawsuit and "dropped several grievances on him". He further stated in the complaint that "the Officers run up in my cell mostly every day shaking me down". Inmate [REDACTED] also alleges that "Sergeant Kiszka has his buddy Sergeant Louis Pascal 042 riding his back". Lastly Inmate [REDACTED] claims that he had a false positive on a drug test for suboxone, to which he stated "it is almost impossible to get drugs into the facility unless it's by an Officer or staff in general."

The following are my findings into the investigation of Complaint [REDACTED]. Review of the grievance logbook indicated that Inmate [REDACTED] has submitted several grievances on Sergeant Kiszka. All grievance that were submitted on Sergeant by Inmate Herring were all properly investigated and concluded to be unfounded.

In regards to Inmate [REDACTED] suggesting that "the Officers run up in my cell mostly every day shaking me down", I conducted a review of the entire year of 2020 up to and including November 3, 2020 when he dated his correspondence. The review indicated that Inmate [REDACTED] has been housed in the [REDACTED] housing unit, which houses twenty eight (28) inmates, since April 19, 2019. He has occupied [REDACTED] for that entire period of time. Three (3) computer generated random cell searches are conducted daily on the 0700-1500 and 1500-2300 shifts with the exception of Sundays on the 1500-2300 shift when all cells are searched. From January 1, 2020 through November 3, 2020, Inmate [REDACTED] cell was randomly picked for cell searches seventeen (17) times. With six (6) cells being searched daily in a housing unit that houses twenty eight (28) inmates, I find that Inmate [REDACTED] statement of "the Officers run up in my cell mostly every day shaking me down" is unfounded.

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



A review was also conducted into the matter of Inmate [REDACTED] stating that "Sergeant Kiszka has his buddy Sergeant Pascal riding his back". At no time has Inmate [REDACTED] submitted a formal complaint or grievance on Sergeant Pascal pertaining to him "riding his back".

The final statement made by Inmate [REDACTED] was that he had a false positive on a drug test for suboxone, to which he stated "it is almost impossible to get drugs into the facility unless it's by an Officer or staff in general." On November 1, 2020 Inmate [REDACTED] was in a visiting session when an Officer smelled the odor of smoke emanating from Inmate [REDACTED]. A cell search was conducted in which staff found three (3) coffee creamer containers with ash residue along with three (3) burnt items appearing to be cigarettes hidden in his garbage can. Inmate [REDACTED] complied and submitted a urinalysis sample using the REVEAL multi drug testing kit. The result of the test clearly indicated that the urine sample tested positive for Buprenorphine (Suboxone) which per policy and procedure, would remain in your system for two (2) to six (6) days after using the substance. Inmate [REDACTED] has been in continuous custody at the Orange County Correctional Facility since July 30, 2017. Inmate [REDACTED] has already been identified as a known contraband risk. He has previously submitted a urinalysis test on August 15, 2017 which tested positive for Oxymorphone and Cocaine. Inmate [REDACTED] also provided a urinalysis test on February 18, 2019 in which he tested positive for Marijuana. When I questioned Inmate [REDACTED] about his comment pertaining to "it is almost impossible to get drugs into the facility unless it's by an Officer or staff in general", Inmate [REDACTED] laughed at me and did not make a comment. All information received and gathered pertaining to the investigation of Complaint [REDACTED] was turned over to Captain Lawrence Catletti. End of memorandum.



Commission of Correction

ALLEN RILEY
Chairman

THOMAS J. LOUGHREN
Commissioner

December 23, 2020

Colonel Anthony Mele
Orange County Jail
110 Wells Farm Road
Goshen, New York 10924

Re: Complaint: [REDACTED]

Dear Colonel Mele:

Enclosed please find a copy of a correspondence received at the Commission from Mr. [REDACTED]. [REDACTED] appears to be concerned about his wellbeing. Please review and take any action you deem appropriate.

Your attention to matters of mutual concern is appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul D. Annetts".

Paul D. Annetts
Correctional Facility Specialist II

cc: enclosure

5000

Nov 3, 2020

Thomas Loughren
Commissioner of Corrections
Building Two, 1220 Washington Ave
Albany NY 12226

NYS DOCS
Received

RECEIVED
DEC 8 3 2020
SCOR

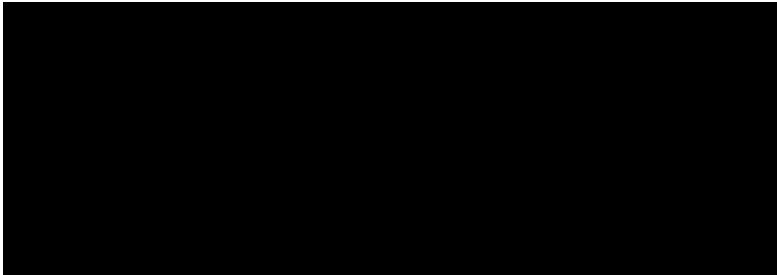
DEC 16 2020
153126
Commissioner's Office

I am writing you on regards to my safety as well as my treatment here at Orange County Jail I have a constant conflict with Sgt. Kiske It's to the point I filed a lawsuit on him and dropped several grievances on him as well, needless to say he is the grievance Sgt. Since the lawsuit and grievances it's been nothing but constant badgering. They (officers) run up in my cell mostly everyday shaking me down. Sgt Kiske has his buddy Sgt Pasqual riding my back. I even have a false positive on a drug test for Suboxone. It's almost impossible to get any drug in this facility unless it's by an officer staff in general.

I'm not sure what else to do so thats why I'm contacting you because nothing that I do here in house seems to be working. I fear for my safety and well being. I've been here for about 3yrs fighting my case. I need someone to look in this corrupt matter. I'm not sure what the protocol maybe if there any way to get me out of this facility and replaced some where else as I deal with my legal regards.

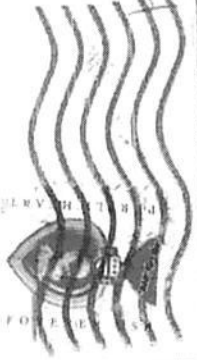
Please contact me A.S.A.P. and hopefully you will have further instructions on my behalf. Even direct me to the right people if your not the one.

Sincerely Yours,

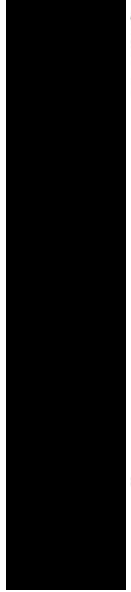


Orange County Jail
110 Wells Farm Rd.
Goshen, NY 10924

WESTCHESTER NY 105
4 NOV 2020 PM 2 L



Name



Thomas Loughren
C.O.C.
Building Two 1226 Washington Ave
Albany, NY 12226-1226

12226-

Orange County

Goshen, New York 10924

Cell Movement Log

Booking Number:

Name:

CHN:

SEQ NUM: 12

Date	Time	Officer/Badge	Movement Reason	Comments
07/31/2017	1748	POWLES/545	Initial Entry	NEW INMATE
07/31/2017	2117	MANN/447	Initial Entry	NEW INMATE MOVE
08/02/2017	1112	GOODRICH/378	Disciplinary	DISP MOVE
08/05/2017	1418	SPINA/520	Intermittent Intake	CLASS MOVE
08/07/2017	0931	DIMARTINO/383	Disciplinary	DISCIPLINARY
08/09/2017	1710	MANN/447	Intermittent Intake	PER D WING SGT
08/11/2017	1900	SHIPMAN/475	Intermittent Intake	BPN MOVE
08/24/2017	1316	MIALE/389	Intermittent Intake	MOVE
09/13/2017	1354	MIALE/389	Intermittent Intake	CLASS MOVE
11/11/2017	1342	SPINA/520	Intermittent Intake	CLASS
04/17/2018	1111	MIALE/389	Intermittent Intake	RETURN
04/17/2018	1240	MIALE/389	Intermittent Intake	MOVED
10/27/2018	1320	LAJARA/503	Classification	CLASSIFICATION MOVE
11/14/2018	2037	SHOSTAK/408	Intermittent Intake	PER SGT SHAFFER
01/22/2019	1354	AZMITIA/141	Intermittent Intake	CLASS MOVE
02/18/2019	1402	ROBERTSON/459	Disciplinary	DISCIPLINARY
02/22/2019	2100	OLDFIELD/420	Intermittent Intake	CLASS MOVE
04/13/2019	0848	MIALE/389	Intermittent Intake	CLASS
03/07/2020	2112	SHIPMAN/475	Housed Out	ADMITTED ORMC
03/12/2020	1920	OLDFIELD/420	Housed Out - Returned from	RETURNED FROM ORMC



COPY

ORANGE COUNTY JAIL INMATE MISBEHAVIOR REPORT

A. You have been cited for an act of misconduct as indicated below. You may be confined to your cell pending your hearing.

Inmate's Name: [REDACTED] Booking Number: [REDACTED] Housing Unit Location: Delta Wing

Date of Infraction: 11/01/2020 Incident Time: 1422 Incident Location: Housing Center

Rule(s) Violated:

.. ..
.. A1-24 A positive reveal drug test/breath analysis. ..
.. ..

Description of Incident: On the above date and time, I was assigned as the Delta Wing Sergeant. After finding several burnt cigarettes in Inmate Herring's cell, I was ordered by Lt Zappolo to conduct a Urinalysis Test on Inmate [REDACTED]. At 14 10 hours, Inmate Herring was escorted to Delta Wing Housing Center. At 1412 hours, I read the Inmate Urinalysis Testing Notification form to Inmate [REDACTED]. Inmate [REDACTED] refused to sign this form. At 1417 hours, Inmate [REDACTED] provided a urine specimen witnessed by Officer Polombo. At 1422 hours, the urine specimen provided by Inmate [REDACTED] tested positive for Buprenorphine (Suboxone).

Employee Witnesses: None

Other Inmates Involved:

Employee Name: Sgt. Pascal 042 Signature: [Signature] Report Date: 11/02/20 Report Time: 1000

Sergeants Findings:

I have reviewed the report and investigated the event. Based on the information provided in the report and the information gained during my investigation, I have determined that the information is true and accurate as reported.

Notes: Inmate [REDACTED] stated that "They put that shit in my urine," "I took the test and they walked away with it, I never got to see the results. I have never done suboxone in my life."

Sergeant Name: [Signature] Signature: [Signature] Report Date: 11/2/2020 Report Time: 1341

Shift Commander Name: [Signature] Signature: [Signature]

B. Command Review: Review Date: 11-2-2020 Review Time: 2302

Name: [Signature] Rank: Lt Signature: [Signature]

Level: 1 Confinement Pending Hearing: yes ☒ no ☐ ☐ Dismissed at Review

Reason: Reported actions are a threat to security, health

Page 1 of 2

Incident #: _____

Hearing #: _____

Revised 03/17/17



COPY

ORANGE COUNTY JAIL INMATE MISBEHAVIOR REPORT

A. You have been cited for an act of misconduct as indicated below. You may be confined to your cell pending your hearing.

Inmate's Name [REDACTED] Booking Number: [REDACTED] Housing Unit Location [REDACTED]

Date of Infraction: 11/01/2020 Incident Time: 1240 Incident Location: [REDACTED]

Rule(s) Violated:
A1-21 Possession of any facility contraband .. A3-08 Violation of General rules

Description of Incident: On the above date and time, I was assigned as the Delta Wing Sergeant. I was notified by Visiting Officer Hatfield that Inmate [REDACTED] came down for a visit and had a bodily smell of smoke. I then went to [REDACTED] currently occupied by Inmate [REDACTED] and conducted a search of his cell. Upon completion I found 3 coffee creamer containers having ash residue and 3 small burnt items appearing to be cigarettes in his garbage can. Also, in the garbage can, I found 1 long rolled up item, appearing to be a cigarette, having been burnt at one end made up of toilet paper. All items were placed in a secured plastic bag and photos were taken.

Employee Witnesses: None

Other Inmates Involved:

Employee Name: Sgt. Pascal 042 Signature: [Signature] Report Date: 11/01/20 Report Time: 1255

Sergeants Findings:

I have reviewed the report and investigated the event. Based on the information provided in the report and the information gained during my investigation, I have determined that the information is true and accurate as reported.

Notes: When interviewed Inmate [REDACTED] stated, "They didn't find anything in my cell." You think this write up is going anywhere.

Sergeant Name: Cimarelli Signature: [Signature] Report Date: 11-1-2020 Report Time: 1324

Shift Commander Name: [Signature] Signature: [Signature]

B. Command Review: Review Date: 11-1-2020 Review Time: 2311

Name: Amos Rank: Lt Signature: [Signature]

Level: 2 Confinement Pending Hearing: yes ☒ no ☐ ☐ Dismissed at Review

Reason: Reported actions are a threat to security

Page 1 of 2

Incident #: _____

Hearing #: _____



ORANGE COUNTY JAIL HEARING REPORT FORM

A. Inmate's Name: [REDACTED] Booking Number: [REDACTED] Housing Unit: Delta Wing
Hearing Officer: Lt. Berlinski Hearing Number: [REDACTED] Date of Incident: 11/1/2020
Hearing Date Start: 11/07/2020 Hearing Completed: 11/10/2020

A. Charge(s):

Charge	Plea
.. A1-24 A positive reveal drug test/breath analysis. ..	not guilty
..
..
..
..

B. Summary on Inmate's Statement: They put the stuff inside my urine, I was tested the day before by Sgt Murphy and it was negative. He took the test in the other room out of my view when they tested it. I asked to see it and he said no. I asked the night sergeant to give me another test and they refused.

C. Hearing Disposition:

Charge	Disposition
.. A1-24 A positive reveal drug test/breath analysis. ..	guilty
..
..
..
..

D. Evidence Relied On: Sergeant Pascal's submitted misbehavior report, and Sergeant Proscia's statements on said report, following their investigation into the incident.

Positive Urinalysis.

Note : Inmate [REDACTED] has been in continuous custody since 07/30/2017. Far exceeding the 2-6 days as per policy for Suboxone (Buprenorphine) to remain in his urine.

E. Penalty:

Charge	Penalty	Keeplock dates
.. A1-24 A positive reveal drug test/breath analysis. ..	20	
.. ..		
.. ..		
.. ..		
.. ..		
Total Keeplock days calculated:		12/07/2020@0830

If you are found guilty of a violation(s) of Facility rules and Regulations, your account may be surcharged twenty five dollars (\$25.00) as an imposed sanction of discipline and which can be collected at any time in the future including subsequent admission into the facility.

F. Reason for Disposition: Your disregard for rules and regulations will not be tolerated. This office sentences you to (20) days in cell confinement to be served in Disciplinary Segregation. While under Disciplinary Segregation, you will not receive any Commissary items. Please be advised that any actions similar in nature will result in more severe disciplinary sanctions.

ORANGE COUNTY CORRECTIONAL FACILITY
REQUEST FOR URINALYSIS

INMATE NAME _____ NUMBER _____

REQUEST MADE BY LT. ZAPPALLO DATE: 11/11/2020

AGENT(S) SUSPECTED (IF ANY) UNKNOWN

CIRCUMSTANCES LEADING TO REQUEST SUSPICIOUS ACTIVITY

TEST APPROVED BY: LT. ZAPPALLO DATE: 11/11/2020

INMATE TOLD THE UNDERLYING REASON WHY HE IS BEING ORDERED TO SUBMIT A URINE SPECIMEN CIRCLE ONE:
(SUSPICION) ROUTINE, RANDOM)

BY SGT. PASCALE DATE 11/11/2020 TIME 1412

HAS INMATE TAKEN MEDICATION RECENTLY? (YES OR NO) SPECIFY- _____

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

INMATE ORDERED TO SUBMIT SPECIMEN: DATE 11/11/2020 TIME 1417

SPECIMEN WITNESSED AND OBTAINED BY OFC. A. POLOMBO DATE 11/11/2020 TIME 1417

DOES INMATE WILLFULLY REFUSE TO SUBMIT SPECIMEN? (YES OR NO)

DOES INMATE CLAIM TO BE UNABLE TO SUBMIT SPECIMEN IN THE PRESENCE OF OTHERS?
(YES OR NO) * DATE 11/11/2020 TIME _____

*(In the event an inmate makes this claim, the procedures in the Urinalysis Testing Policy, section E-3 shall be followed).

IF INMATE CLAIMS TO BE UNABLE TO SUBMIT SPECIMEN, HAS INMATE BEEN GIVEN AT LEAST THREE HOURS TO SUBMIT SPECIMEN? (YES OR NO)

SPECIMEN TESTED BY (1ST TEST) OFC. A. POLOMBO DATE 11/11/2020 TIME 1422

RESULTS _____

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

SPECIMEN TESTED BY (2ND TEST) _____ DATE _____ TIME _____

RESULTS _____

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

CHAIN OF CUSTODY (STARTING WITH STAFF OBTAINING SPECIMEN, ATTACH ADDITIONAL PAGES IF NECESSARY)

FROM	<u>OFC. POLOMBO</u>	TO	<u>INMATE MURKIN</u>	DATE	<u>11/11/2020</u>	TIME	<u>1417</u>
FROM	<u>INMATE MURKIN</u>	TO	<u>OFC. POLOMBO</u>	DATE	<u>11/11/2020</u>	TIME	<u>1417</u>
FROM	<u>OFC. POLOMBO</u>	TO	<u>DISPOSED</u>	DATE	<u>11/11/2020</u>	TIME	<u>1422</u>
FROM	_____	TO	_____	DATE	_____	TIME	_____
FROM	_____	TO	_____	DATE	_____	TIME	_____
FROM	_____	TO	_____	DATE	_____	TIME	_____
FROM	_____	TO	_____	DATE	_____	TIME	_____
FROM	_____	TO	_____	DATE	_____	TIME	_____
FROM	_____	TO	_____	DATE	_____	TIME	_____

This form is to be filled out COMPLETELY. It is to accompany the specimen until the specimen is tested.

If the specimen is positive, a MISBEHAVIOR REPORT shall be written.



COPY

ORANGE COUNTY JAIL INMATE MISBEHAVIOR REPORT

A. You have been cited for an act of misconduct as indicated below. You may be confined to your cell pending your hearing.

Inmate's Name [REDACTED] Booking Number: [REDACTED] Housing Unit Location [REDACTED]

Date of Infraction: 02/18/2019 Incident Time: 0950 Incident Location: Dayroom

Rule(s) Violated:

A1-22 Conduct disrupts/interferes with facility

A1-21 Possession of any facility contraband

.. A1-23 No Smoking in facility

Description of Incident: On the above date and time, Inmate [REDACTED] Inmate [REDACTED] and Inmate [REDACTED] can be seen smoking near the back TV in Delta 4's Dayroom on the DVR overhead video. Inmate [REDACTED] cell was searched and 2 batteries that had been tampered with were found in the cell. Inmate [REDACTED] was placed in cell confinement pending review. End of report.

Employee Witnesses: N/A

Other Inmates Involved [REDACTED]

Employee Name: Sgt. Della Pia 127 Signature: [Signature] Report Date: 02/18/19 Report Time: 1251

Sergeants Findings:

I have reviewed the report and investigated the event. Based on the information provided in the report and the information gained during my investigation, I have determined that the information is true and accurate as reported.

Notes: After speaking with Inmate [REDACTED] he denies that he smoked anything, urine came up positive for THC. Seen on DVR during investigation (C)

Sergeant Name: Sgt. K. Kiseka Signature: [Signature] Report Date: 2/18/19 Report Time: 1345

Shift Commander Name: A Morris Signature: [Signature]

B. Command Review: Review Date: 2/19/19 Review Time: 0303

Name: Conklin Rank: Lt. Signature: [Signature]

Level: 2 Confinement Pending Hearing: yes ☐ no ☐ ☐ Dismissed at Review

Reason: Actions are a threat to the safety + security of the facility

Page 1 of 2

Incident #: _____

Hearing #: _____

Revised 03/17/17



ORANGE COUNTY JAIL INMATE MISBEHAVIOR REPORT

COPY

A. You have been cited for an act of misconduct as indicated below. You may be confined to your cell pending your hearing.

Inmate's Name: [REDACTED] Booking Number [REDACTED] Housing Unit Location [REDACTED]

Date of Infraction: 08/15/2017 Incident Time: 1108 hrs Incident Location: Main Medical

Rule(s) Violated:

A1-15 possess/use/intro drugs/alcohol/notpresc med
 .. A1-24 A positive reveal drug test/breath analysis.

Description of Incident: On the above date and time of incident I was working in my assigned post as the CIU/SRG Officer. Pursuant to a CIU/SRG investigation, I was administering a Urinalysis Test on Inmate [REDACTED] When the test was complete, it displayed a positive result for Public Officers Law Section reveal criminal investigative techniques or procedures, except routine techniques and procedures. and Lieutenant Conklin was notified. ERT staff was notified and at 1126 hours Inmate [REDACTED] was escorted out of Main Medical by Officers DeSena, C #395, Robertosn, S #450, Figueroa, J #353 and Mendoza, D #336.

Employee Witnesses:

Other Inmates Involved:

Employee Name: CO P Leon #381 Signature:  Report Date: 08/15/17 Report Time: 1230

Sergeants Findings:

I have reviewed the report and investigated the event. Based on the information provided in the report and the information gained during my investigation, I have determined that the information is true and accurate as reported.

Notes: OFFICER LEON STATED IN THE POSITIVE URIN
TEST.

Sergeant Name: LEON Signature:  Report Date: 8-15-17 Report Time: 1300

Shift Commander Name: LT. Conklin Signature: 

B. Command Review: Review Date: 15 AUG 2017 Review Time: 2235

Name: C. Robertosn 022 Rank: LT Signature: LT - C. Robertosn 022

Level: 2 Confinement Pending Hearing: yes ☒ no ☐ ☐ Dismissed at Review

Reason: THIS IS A THREAT TO THE SAFETY AND SECURITY
OF THE FACILITY.

Page 1 of 2 Incident #: _____ Hearing #: _____