



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 020 *LM*

DATE: December 18, 2020

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

On December 18th, 2020 I was instructed to conduct an investigation in regard to a complaint [REDACTED] sent to the New York State Commission of Corrections by [REDACTED] regard to Inmate [REDACTED]. Mr. [REDACTED] states that he is the uncle of Inmate [REDACTED] and writes to express some concerns in regard to her treatment at the Orange County Correctional Facility and the treatment of other throughout New York State. The original correspondence was written to Governor Andrew M. Cuomo and forwarded the facility upon receipt to the New York State Commission of Corrections. In sum and substance, Mr. [REDACTED] states that he has not spoken to Inmate [REDACTED] since prior to her sentencing. Mr. [REDACTED] complains of operational errors made by the arresting agency and public defenders, as well as indicating that Inmate [REDACTED] has been deprived of basic human rights, such as breakfast, hygiene products, and making phone calls to her family. Sergeant Armond Dellapia 127 was assigned to conduct an interview of Inmate [REDACTED]. Sergeant Dellapia conducted an interview of Inmate [REDACTED] on December 18th, 2020. Sergeant Dellapia has authored a memorandum in regard to the interview. During the interview with Inmate [REDACTED] she stated that her family was overreacting, and they were worried about her. Inmate [REDACTED] stated that she likes to sleep late and often chooses not to wake up for breakfast. Her family is concerned that she is not eating properly. She further stated that she has no issues with her treatment in the facility and not had issues with making phone calls to her family. She is aware that due to the ongoing global pandemic she was temporarily restricted to certain time frames for phone calls and showers. She has received packages from her family with clothing items and is currently in possession of the maximum amount of clothing in accordance with facility policy and procedure. The facility offers hygiene items at no cost to any inmate upon entry to the facility as well as upon request to Housing Unit staff anytime thereafter. Inmate [REDACTED] stated that she has no complaint to offer and was apologetic for the complaint from Mr. [REDACTED]. She was reminded that supervisory staff make multiple rounds through the day and she is free to approach with any questions or concerns.

In conclusion I find that Mr. [REDACTED] complaints are unfounded and/or not within the purview of the Orange County Sheriff's Office. Mr. [REDACTED] concerns with operational errors made by the arresting agency and public defenders office should be addressed with the respective agencies. Mr. [REDACTED] has also stated in his correspondence that he has not spoken to Inmate [REDACTED] since prior to her entry to the facility however,

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



he details accounts of her alleged mistreatment in the facility. In regard to her treatment within The Orange County Correctional facility; by her own account Inmate [REDACTED] states that she has not experienced any of the issues brought forth by Mr [REDACTED]

cc:

Files

1



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: Sgt. Armond Della Pia *[Signature]*

DATE: December 18, 2020

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

I am authoring this memorandum in response to answer the questions raised in complain [redacted] In the letter written by Mr [redacted] on behalf of Inmate [redacted] claims were made that the inmate did not receive her breakfast meal, that she was not allowed hygiene items and that she was not permitted to make a phone call of longer than 5 mins in length. I have spoke to Inmate [redacted] about the letter. she stated that her family was overreacting and that they were just worried about her. Inmate [redacted] stated that she likes to sleep late and often doesn't get up for breakfast, and that her family was worried that she wasn't eating properly. She told me she has never had an issue making phone calls and has no issues with how she is treated in our custody. Inmate [redacted] was subject to a 14-day medical quarantine and as a result her recreation time was limited. She has stated that she did receive a package with long johns, she has in her cell the maximum number of T-shirts allowed by the facility rules. She was very polite and apologized for her family's involvement. I reminded Inmate [redacted] that Sergeants make three supervisory rounds per shift and that if she has an issue in the future to please let anyone of the supervisors aware of the issue. She again apologized and stated she has nothing to complain about.

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





Commission of Correction

ALLEN RILEY
Chairman

THOMAS J. LOUGHREN
Commissioner

December 18, 2020

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

Re: Complain

Public Officers Law Section reveals criminal
investigative techniques or procedures,
except routine techniques and procedures.

Dear Colonel Mele:

Enclosed please find a copy of a correspondence received at the Commission from Mr. [REDACTED]
[REDACTED] on behalf of Ms. [REDACTED] Mr. [REDACTED] alleges that she is not being fed
breakfast. 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

29 November 2020

Dear Governor Cuomo,

I am writing you on behalf of my niece and godchild, [REDACTED] She is currently an inmate at Orange County Correctional Facility in Goshen, NY.

I am not writing to ask for a pardon or a commutation of sentence, although I believe she certainly deserves it. I am, however, writing for you to get to the bottom of a few things and maybe to take a look at how prisoners and their families are treated throughout your state.

In order to do so, a few things must be mentioned about [REDACTED] case. I do not have many details as I have not been able to talk with her about her sentence since she was taken in last week. My understanding (which may not be fully correct) is she accepted a plea deal and received a 6 month sentence for a Class E felony, 10 years probation, and 20 years on the sex offender registry.

[REDACTED] was living with the victim's family and became involved with a teenage boy in the household. She's a good kid and prone to try to please others, so I will not prescribe fault to her or the boy. However, she knows this wasn't right and took steps to pay for her actions. She entered a rehab program and went as far as funding allowed. She found and worked two honest jobs—away from alcohol and drugs—to make ends meet. [REDACTED] made contact with her parish priest and began to try to figure out how to make things right.

The victim's family had encouraged a lot of poor behavior that led to her arrest—they allegedly paid for hotel rooms for the kids and so on. It is my understanding that at least one of the parents is an alcoholic and has issues with substance abuse. I do not know their names and I am not here to armchair convict anyone of crimes. This is just for clarity; I am not judge or jury—nor do I wish for harm to anyone else. I'm simply stating it was not an environment conducive to good decision making.

The police did not, in my opinion, behave appropriately. They called her into the station to talk about something else, confiscated her phone, and then arrested her. In that order. I'm not sure if they'd tell you that or not. Some may say that was slick police work. I don't. I think it was slimy and taking advantage of a stupid kid. She had no chance to ask for an attorney to be present during questioning nor was there any court order for her phone. Where was representation here? This isn't some cop show on TV. It was pure deceit. They could have come to her house and simply arrested her. They didn't. Don't we have Miranda rights?

[REDACTED] case was understandably put off due to the pandemic. The victim's family had, at least once, shown up at her workplace. Her car was vandalized as well, but I do not know who is responsible for that. Also, the local TV news channel ran an extensive "this child molester is still on the loose" style piece about [REDACTED] Again, her case was postponed due to the pandemic and she hadn't yet been convicted of anything. At the least, that's irresponsible sensational journalism; at the worst, it was a brazen attempt to prevent a fair trial. Isn't that why cases get changes of venue or the judge issues a gag order? How do you get a fair jury of your peers when they've all seen the defendant already convicted by a TV reporter? Are we no longer innocent until proven guilty?

When [REDACTED] finally went to court, she was assigned public defender #3. This last one showed up over an hour late and apparently had NO knowledge of [REDACTED] case. This attorney did not even know how old [REDACTED] was! If a person cannot afford an attorney, why should that person get nothing more than the appearance of representation at the court? There are good public defenders out there—you just have to be lucky enough to get one. Everyone deserves an advocate. Making this a mere formality when it comes down to a hearing clearly demonstrates the poor are NOT considered worthy of the rights and protections afforded us by our legal system. To be fair, I think Hailey did have some decent legal help—but they left her high and dry in the end. America is becoming the land of the free if you have enough cash. All others? Your mileage may vary. Everyone here counts. Everyone.

There's plenty more to share. However, the main reason I am writing is this: Why are prisoners—who are human beings, too—deprived of basic human requirements? [REDACTED] is still in quarantine but has yet to get a breakfast meal. She has no alarm clock. Nobody comes to wake her up. She does not have adequate time to eat any other meals. She is forced to choose between simple human hygiene (e.g. taking a shower) or making a 5 minute phone call to family. I can understand limiting access to phone time or media such as radio or TV. I can also understand limiting possessions and free time. After all, it's jail. It's meant to be punishment. In this country, however, we have rules about cruel or unusual punishment. Denying personal hygiene or necessities like food is exactly that. This isn't 1840's America nor some legendary Third World prison. We are more civilized than that and need to act like it.

In closing, I'm not sure what to expect. It seems like these days nothing seems to matter unless you are rich and famous. You can sell out the entire country and get pardoned like Gen. Flynn. You can skate with a lot of shadiness like Roger Stone. Even Michael Cohen got to leave prison. Hailey can't even get a meal. She has to schedule a week ahead to get anything from the commissary. That means if you are dumped in on Monday, you have NO way to get access to anything you might need like toothpaste, soap, or sanitary pads. She's cold and they won't give her a sweatshirt until she gets out of quarantine. A friend brought her some long johns and they have yet to be given to her. We aren't sure our Amazon packages with shoes and t-shirts will even make it to her. Why? Because in the eyes of the law, she doesn't matter. That's obvious. And what about the families that care about these inmates? We have to jump through hoops to help support them—with goods, dollars, and with emotional support. Somebody's making a ton of money off phone calls and other services. Those of us on the outside that care about our loved ones get to foot the cost while the inmate barely benefits. Sadly, if the inmate does not have any support system outside of the correctional facility, that person gets nothing. That's despicable business practices and an unfair encroachment upon human rights. To compound the issue, there is limitless confusion about how to get items to the inmate. While there is a website, the information is outdated and presents conflicting data from what one gets when calling the jail. Why isn't there a simple system or procedure with one identification number per inmate delineated and documented appropriately? Does the staff receive training or are they allowed to "wing it?" The latter appears more the case; I've heard directly from visitors that guards refer to dinner as "feeding" like they are not humans but wild animals. It's no wonder that policies and procedures are malleable and only put into effect as it suits the practitioner. Not everyone incarcerated is Ted Bundy—especially in county jail. They are people who made mistakes and need help. They are not expendable animals. Where does the cruelty stop?

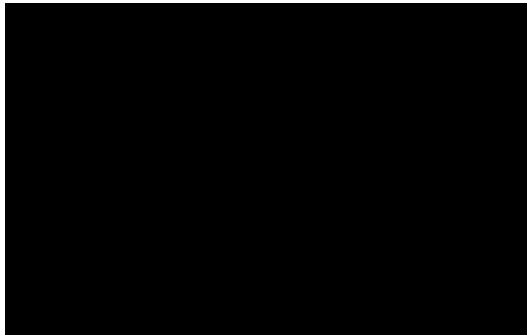
I believe you to be a good and fair leader. What I'm asking you to do is look into making sure her needs are met. [REDACTED] will serve her six months. In fact, she's already more than paid over the last year or so and will continue to be paying for her crime for the next 20 years. What she really got was a life sentence for being a dumb kid. Her story isn't unique by any means. She deserves better treatment. All prisoners do.

I am also sending you a copy of the letter I sent to the court via [REDACTED] public defender. It should be the final draft, but there may be slight editing if the final version did not get saved. Mom and I offered the Court to let her move to MO and stay with us to provide supervision. We will still take her, although I don't know if that would be permissible now.

I am also copying this letter to the appropriate state and federal senators and representatives. I realize this is a state issue, but the broader implications of [REDACTED] treatment could well be a conversation there as well.

Thank you for your consideration in this matter. Feel free to contact me with any questions at any time.

Pax et bonum,



20 December 2019

To Whom It May Concern:

My name is [REDACTED] I am an electrical engineer for a major construction/forestry/agriculture manufacturer in Coffeyville, KS and [REDACTED] I have known her for her entire life. Hailey spent the great majority of her early years in the care of my mother, my sisters and me while her mother was away at work. I am also her godfather—a role I have taken very seriously.

When Hailey was about [REDACTED] her mother, loaded her up on a plane by herself and sent her to stay with a family that none of us including [REDACTED] had ever met—let alone even heard of. Her mother remained for a few weeks here in Missouri packing for a move—ostensibly for a job and notified us at the very last moment. [REDACTED] from then on was largely responsible for her own care—including preparing meals, getting herself to and from the bus station for school and so on. Her mother was often away—sometimes even outside of the country. I cannot agree there was any stability in her life from the time she arrived in New York until her mother married her stepfather. I have no direct evidence but I can with reasonable certainty speculate [REDACTED] endured a significant amount of abuse from people close to her mother during that period. I do conclude [REDACTED] stepfather, has been a good and strong stabilizing force in an otherwise chaotic environment. Likewise, I do not believe [REDACTED] was intentionally neglectful, but rather more driven by self-interest. That being said, I also am quite sure she and [REDACTED] execution has been, at times, horribly flawed. A case in point was withholding communication with the rest of the family in Missouri to manipulate [REDACTED] into doing whatever [REDACTED] desired.

I suspect that some of the issues with [REDACTED] behavior began about the same time her younger brother was born, or at least that was an accelerating catalyst. What I unequivocally know about [REDACTED] is she is a very loving, kind, gentle person and it is not in her nature to act maliciously or with ill intent. She is a very good young lady at heart, although she has been a bit troubled of late. I beyond any doubt believe she always wants to do what is right and really strives to please others. I have never known her to be otherwise.

Furthermore, it is not my intention to assign innocence or culpability in my statements. I do not know all of the facts and it is a matter for the Court to decide. I, however, am certain there is more to this sequence of unfortunate events that led to these hearings and wholeheartedly vouch for [REDACTED] as a decent and loving young person who, if anything, has exercised the poor judgment of inexperience. I do not believe she is a danger or would act in a predatory manner to anyone. She's just not that kind of person.

I would also like to convey that [REDACTED] has always been responsible and often has assumed the responsibilities shirked by others. She is genuinely remorseful when she has done wrong right down to her soul. I know she has entered a rehabilitation program and wants to work hard to get back on track. I am convinced of this.

Finally, I would like to request the following two items:

1.) That this letter (and any others) be treated as confidential.

2.) Should a conviction arise, I beg the Court for consideration of leniency on her merits. Incarceration would be more detrimental to her overall recovery. In fact, rather than encourage rehabilitation, it might very well destroy her. She is a very bright young lady and has a lot to offer society. She just needs an opportunity to get back on track. I know she can do it. I am willing to do anything in my power to help her move forward.

Please feel free to contact me at any time.

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

2011-05-07 11:05