

On 11/16/23 the following happened:

1.) I sent a appeal to Danielle Tope, Executive Director of STARC-Dakview to appeal the decision I got on 11/15/23. The decision was dated 11/8/23 and was in reply to my 11/6/23 appeal of 14 days Loss of Privilege. The appeal said:

"The fact that the person who did the behavior writing and saying that he (Not I) did it was ignored. I should not have been punished on 11/3/23 for something I did not do. Also, I was not afforded Due Process before being punished"

Under the section that says "Please provide the reason for your appeal" on appeal form

2.) I sent an appeal to Alyssa Luley, Director of Risk Management at STARC-Dakview to appeal the 28 days Loss of Privilege I was given on 11/15/23. The appeal said:

"On 11/15/23 I was served by Ttl. Cracchiolo with 28 days "Loss of Regular Privileging" for supposed items found on the illegal room and strip search on 11/7/23. The "LOP" says in part: "The search revealed several items of Contraband that included a cell phone charger, miscellaneous wires and chargers that had been altered." Per your Policy 6.4, "Attachment" - "CNYPC-SOIP Contraband List" NONE of the items are Contraband in category "A", "B" or "C". On top of it all, I have had atleast 10 room searches since 2021 and the supposed phone charger has never been taken. I didn't even know the supposed phone charger was mixed in with the other wires. I thought it was taken in 2021 when the phone was taken. The above "LOP" is in violation of my rights, NYS Law and your own Policies"

Under "Action Requested" on the form, I wrote:

- That I be taken off the 28 days "Loss of Regular Privileging",
- Be able to make up any lost work hours,
- from here forward be given Due Process,
- the targeting/harassment STOP!!
- I be shown all "contraband" and also be given photos and written descriptions for each piece of "contraband!"

3.) I sent a "Objection to Care and Treatment" to Alyssa Luley, Director of Risk Management at STARC-Dakview. It said under "Description of Problem":

"On 11/7/23 I was illegally strip searched on camera in the 405 Sideroom. There was also NO doctors order for the strip search. If as staff (SCTA 2 Ashley) stated that electronic devices were being looked for a strip search was not

necessary as the facility has a B.O.S.S, chair and hand-held detectors (wands) that **WILL** detect any metal objects on/in a person. My rights were violated on multiple levels due to the actions of the facility. The actions on 11/7/23 are a Fourth amendment and possibly a Eighth amendment violation, they also constitute Illegal Search and Seizure."

Then under "Action Requested" It says:

"- I be told what the Probable Cause for the strip/room search was and who authorized the strip and room search,
- that such behavior/abuse stop immediately,
- that all involved be legally sanctioned,
- that all items be returned to me or I be reimbursed for them."

4.) I was once again punished for supposed items found on 11/7/23 illegal strip/room search, I was informed that I am now on "Random Room Searches". What that basically means is that at any time (day/night) my room and body can be searched without reason. The harassment, targeting and abuse of me is a direct result of the information I keep providing to outside agencies/entities about here (STARc). I am under attack and need help. Any suggestions, help, assistance would be greatly appreciated. Just write me with any suggestions, help, assistance.

On 11/17/23 I sent a "Objection to Care and Treatment" to Alyssa Luley, Director of Risk Management at STARc-Danview. It said under "Description of Problem":

"On 11/16/23 TTL Cracchiolo, TTL Dawes, SOTA 2 Schmidt and Psychologist Vuong called me into the 405 messhall to tell me I was being put on "Random Room Searches" as a result of a supposed cellphone charger being found in my room on 11/7/23. I should not be on "Random Room Searches" as your Policy 6.4, "Attachment" - "CNTPC-SOTPC Contraband List" plainly shows NONE of the supposed items found in my room on 11/7/23 to be contraband in category "A", "B" or "C". This is also excessive as I already am on 28 days "LOP" for the same items. This is all in violation of my Fourth and Eighth amendment rights.

Then under "Action Requested" it says:

"- That the "Random Room Searches" be removed from me, my records and MHARS,
- That the abuse, harassment, targeting and punishing of me STOP!!
- That my rights stop being violated."

Also on 11/17/23 I received a reply from Danielle Tope in reply to my 11/10/23 appeal. It said in part:

"Your complaint and claims were thoroughly investigated, and I have reviewed and considered the entirety of your concerns. As previously stated by Risk Management, strip searches do not require a physician signature. You may be getting confused with cavity searches, which would require a physician signature. However, STARC does not perform cavity searches. For more information pertaining to this policy, you may request Resident Searches through FOIL.

For safety and security, you may not be advised of the probable cause for a search being conducted. However, STARC would not conduct a search without appropriate reasoning and justification."

Then on 11/20/23 I:

1.) Sent Mark Cederbaum, Director, Bureau of Institutional Sex Offender Treatment a appeal to Danielle Tope's reply. The appeal said Under "Please provide the reason for your appeal":

"A.) Complaint was not fully answered as the "Probable cause" and who authorized strip/room search has still not been told to me,

B.) a doctors order IS required for a strip search per NYS Law and OMH policy,

* The actions on 11/7/23 were a Fourth and Eighth Amendment Violation *

2.) Wrote two "Objections to care and Treatment" and sent them to Alyssa Luley, director of Risk Management. They said:

A.) Under "Description of Problem":

"On 9/20/21, 3/3/23, 4/27/23 & 11/7/23 my room was searched. On those days my property was NOT put back in the place it came from nor was it kept neat & orderly. This all is in direct violation of policy."

Under "Action Requested":

"- That such practices cease,
- That when room searches are conducted all items be put back in their place and in a neat & orderly fashion."

B.) Under "Description of Problem":

"On 8/25/23, 11/1/23 & 11/10/23 RC2 Courtney Stern signed a "STARC Oakview Loss of Privileges - Form: MED STARC 502 (02/22)" on the line entitled "Treatment Team Leader Signature".

She is NOT a Treatment Team Leader and by her signing the form(s) as a Treatment Team Leader she is falsifying state documents and violating my rights.

She's signed a punishment that was placed on me which is abuse. She and the facility are in violation of state law, Federal law and OMH Policy:

under "Action Requested":

"- That all 3 Loss of Privileges be removed from my records, MHARS and myself,

- That this practice cease immediately,

- I be able to make up any work hours lost due to the above 3 Loss of Privileges or be reimbursed for the hours."

3.) Wrote the following to 4 Lawyers:

"I am writing today due to not having access to the internet or email to see if your/your firm would be willing to represent me and multiple other residents in the Treatment Facility we are in. The basis of the class action would be for illegal strip searches. I personally have been strip searched on camera approx. 4 times since September 2021. All the searches were excessive as the items that were supposedly being looked for would have easily been found by using the available B.O.S.S. chair and/or hand held metal detector the facility has. The most recent illegal strip search was on 11/7/23, here is a brief overview:

On 11/7/23 I and 3 others were forced to strip search due to supposed "Probable Cause". We all were stripped one by one on camera and those of us who pushed the issue were told we were being strip searched for electronic devices (cellphone, tablet, etc.). There was a 5th resident who refused to strip and he got assaulted and placed on a level for 3 days. Once the strip searches were done all of our rooms and those of the other approx. 20 residents were searched. Mind you, only 5 of us were targeted and strip searched. Since 11/7/23 I and others have filed complaints at the facility asking what the "Probable Cause" was for the strip/room searches and who authorized them. The reply has been "For safety and security, you may not be advised of the probable cause for a search being conducted" or along those lines depending on who replies to complaint. Then when it comes to the strip searches themselves we are directed to review "Central New York Psychiatric Center - Policy #6.4 - Searches".

PLEASE NOTE: this policy has nothing to do with us here. On 4/22/21 we all were discharged from Central New York Psychiatric Center (CNYPC) and admitted to The Secure Treatment And Rehabilitation Center - Oakview (STARC-Oakview) and have **NOT** been provided with or been able to see a single policy, procedure, practice, rule book, etc. for STARC-Oakview to date. They claim that we have to follow CNYPC's policies, procedures, practices, rules, etc. as there are none created for STARC-Oakview. We are not residents at CNYPC so none

of their policies, practices, procedures, rules, etc. all apply to us.

I hope I have given you enough information to make a decision on representing us but if not, please contact me and I will provide any information needed."

↑ ↑ ↑ ↑ ↑
***** If anyone reading this is a Attorney or knows a Attorney that can help with this please contact me to set up having a conversation about filing a CLASS ACTION Lawsuit.

Then on 11/22/23 I:

1.) Sent a "objection to care and Treatment" to Alyssa Luley, Director of Risk Management that said:

Under "Description of Problem":

"On 10/31/23 my Cineaste magazine was given to the 405 Tx team for review and then on 11/7/23 my Jack The Lad magazines (2x) were given to the 405 Tx team for review. It has been 21 days since the Cineaste magazine and 14 days since the Jack The Lad magazines (2x) were given to the 405 Tx Team and I still don't have them. This is a excessive amount of time to hold my property."

Under "Action Requested":

"That I be given my 3 magazines or be told in writing why I won't be given them."

2.) Sent a "objection to care and Treatment" to Alyssa Luley, Director of Risk Management that said:

Under "Description of Problem":

"On 11/7/23 my room was searched and the following items were taken: miscellaneous wires, hat and portable radio. To date, none of the items have been returned to me. It has been 14 days and my property should have been given back by now"

Under "Action Requested":

"That my property be returned to me"

Then on 11/24/23 I received a letter dated 11/20/23 from Alyssa Luley, Director of Risk Management that said:

"Risk management has received and reviewed your correspondences dated November 19, 2023 regarding various concerns. The responses to such are listed below:

1 - STARC is in the process of updating all policies, with multiple having been already enacted. You may request whichever policies you wish to view through FOIL.

2 - Risk Management does not keep contraband files, You may request the corresponding safety report via FOIL.

3 - Regarding losses of privilege, RC2 staff are able to review and prepare the LOP document. STARC Administration reviews and signs off on all LOPs before administration. There is no indication that the LOPs you reference need to be revoked, nor that they are a falsification.

4 - STARC staff make every effort to return property to its original state following room searches. Due to the volume of property that residents have this may not always be attainable. However, rooms are left in an appropriate and clean manner.

5 - Regarding correspondence dated 11/16/23 pertaining to room searches, this provision of your ISP will not be removed."

*Note: I will be posting photos of the before and after of my last room search to show how the room is left as soon as I get them.

Then on 11/27/23 I sent:

1.) Danielle Tope, Executive Director Four appeals. They said:

A.) "I direct you to my 11/16/23 objection and ask that you review it. I re-iterate all it says as part of this" (#5 above),

B.) "I re-iterate all I said in my objection concerning RC2 signing "LOPs" and ask that you look at it as it being against OMH Policy, state/federal law" (#3 above),

C.) "I have photos of all the searches, which show that my room is never "left in an appropriate and clean manner". Items are supposed to be put back where they are gotten from in a orderly & neat manner, NOT piled on my bed in shambles" (#4 above),

D.) "IF there are policies for STARC they should be provided to me/residents. We should NOT have to FOIL them. By law you must provide copies to all wards. I now re-iterate all my 11/19/23 objection stated, please review it." (#1 above)"

2.) Justin Lopata, chief of operations a request that said:

"I write today after being directed to by Alyssa Luley, Director of Risk Management to request a copy of the 11/7/23 Safety report done

after my room was searched" (#2 above),

3.) Alyssa Luley, Director of Risk Management;

A.) a "Objection to Care and Treatment" that said:
under "Description of Problem":

"A little over a month ago, I received a book entitled "Jay's Gay Agenda" that was sent to the 405 TX Team for review. To date the book has not been approved or disapproved"

under "Action Requested":

"That the book be given to me or I be told in writing why I won't get it."

B.) a letter that said:

"I write today to find out why two (2) of my Objection to Care and Treatments from 11/15/23 have not been answered. They were:

1.) Concerning Strip Searches +

2.) 28 day LOP (Appeal of LOP),

My Objection to care and treatments for 11/16/23 and 11/19/23 have been replied to but not my 11/15/23 ones mentioned above"

Now I'd like to get into a decision I have made due to all I have posted to date, dealing with Treatment Fatigue (15 plus years of Treatment/repeat groups), the following letter I wrote and what happen due to the letter. My letter was dated 10/3/23 and said in part:

"I am writing you all today for a few reasons. Those reasons are:

1.) My Core Group

I feel that this group is not conducive to my treatment. Some of the reasons I am saying this are:

a.) due to feeling ignored/not heard on the many incidents of targeting by Mr. Baynes and resident "S". Every time I try to pro-socially confront either of them it is always turned around on me. If I have to take responsibility for things I say/do, why can't they? Resident "S" scares me, due to that and how he has verbally attacked me in the past I have been very hesitant to give him feedback or interact with him in group. With Mr. Baynes, I truly have nothing against him. My issue with him is how he makes comments/statements that are triggering and then when he is called out tries to turn it back on the person who called him out, my second issue is that he allows residents to verbally attack other residents with little to no redirection until things go overboard. Yes, some of this has stopped since Ms. Mlasgar has been

in the group but that is ONLY because she is in the group, With or without her in the group does not change the past issues that don't seem able to be confronted and corrected honestly.

b.) I program at a Cognitions level (if not higher) in most situations and feel I am currently by not losing my temper, being direct, trying not to instigate larger issues, knowing when not to push on issues, writing this letter, etc... I do feel that at times due to "a" above I have fallen back but that is due to not wanting to be triggered, attacked or made to feel that my feelings/concerns don't matter.

c.) Yes, a small part of the issue "for me" in group is that I am unable to do assignments (Tactics) until others are caught up to me by doing their Distortions assignments. Also, that my whole group that I have worked with for multiple TX mall sessions have either went home, or to Bldg. 4l. These are my issues and I am working through them but they are small in the larger scheme of my core group issues.

I feel like I have lost all control over my safety, autonomy, and treatment with all the above. I just want to feel heard and be able to program as I have for years without having to compete with all the above."

* I sent the letter (my second one) to: Dr. Shupp, Chief Psychologist/MS. Mlasgar, Social Work Supervisor/Treatment Team Leader Crocchiolo/MS. Vuong, 405 Psychologist/Rehab Counselor 2 Stern*

Then shortly after that during a meeting with those same people I was told I was being moved to "Reflections". Some reasons given for this were:

- Barriers to discussing sexuality in group
- Focuses on external factors (ex., Peers attacking group, facilitators not facilitating)
- unreceptive to feedback.

* Group notes contradict all 3 of the above. Program go's:

- Reflections, Foundations, Cognitions, Healthy Life Style.

I was basically punished for speaking up about my fears/needs and not just staying stagnated.

- Mr. Baynes is a Rehab Counselor-2 and I did not use other resident name as it is a HIPAA violation if I did.*

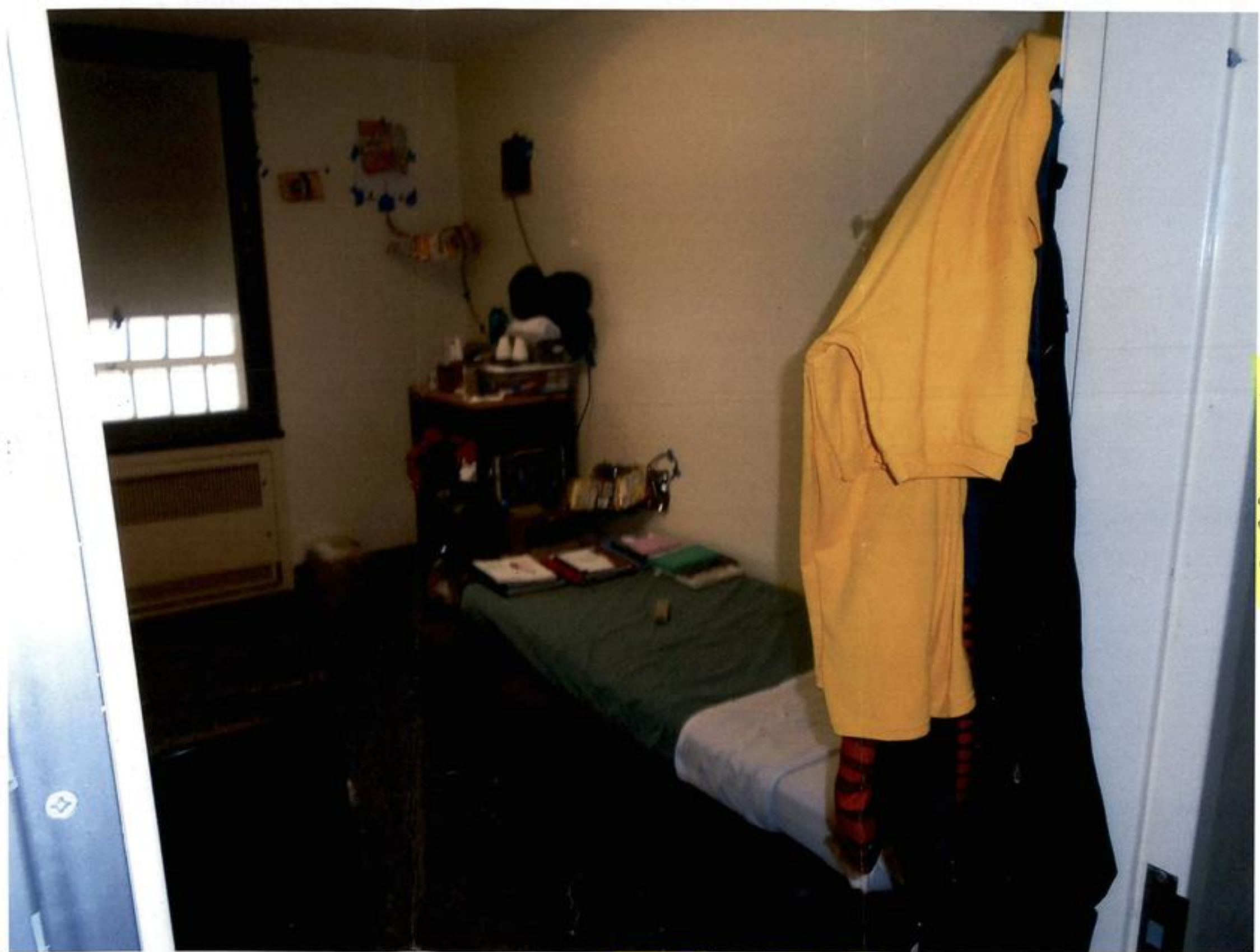
So, due to all the above, my past posts, the abuse/targeting/punishing and dealing with Treatment Fatigue (15 years of the same repeat groups) I have decided to take a break from programming. This was a very hard decision for me but after a lot of thought and evaluating I had to do it so I wouldn't break and have a major crash that caused me even more issues.

* Thoughts / comments / advice ?? Please let me know.*

As I mentioned in a earlier Post, here are photos of what my room looked like before (3 pictures) and after (5 pictures) it being searched. Does anyone believe the room was left in a "appropriate and clean manner" as is claimed by Risk Management in their 11/20/23 replie? The following pictures are from a mild search. I don't currently have pictures of one of the extreme searches.



Before Search



-2- before search

-2- before search



-3- Before Search

-3- Before Search

4-180

DORM 16
J. PEANA

4-180 After Search

4-180 After Search





- 5 - After search

From Officer [unclear]



before Nelson search

76- Peter Search



www.need.com

~ 2 - After Search



-8- After search

see a few search