

On 2/5/24 I sent two "Legal Mail" letters out to:

- 1.) New York State Department of Criminal Justice Services,
- 2.) United States Postal Inspection Service, Criminal Investigation Service Center.

Later that day both letters were brought back to me and I was told if I did not open them, they would not get sent out.

Then on 2/6/24 the following happened:

1.) I sent Risk Management a **objection to Care and Treatment** that said in part:

Under **"Description of Problem"**:

"On 2/5/24 RC 2 Stern brought me two letters I sent out "Legal Mail" saying she was told they were not "Legal Mail" and had to be opened. She would not tell me who told her this. Per 7 NYCRR 721.2(a) Privileged correspondence is defined as correspondence addressed to any of the following persons or entities at their official business address, or except as noted in subdivision (b) below, received from such persons or entities;

(1) Governmental/public officials. Any American federal, state or local government or agency; any official of a nation, state or tribe of which person is a citizen. My mail was to:

- 1.) New York State Dept. of Criminal Justice Services +
- 2.) United States Postal Inspection Service, Criminal Investigation Service Center."

Under **"Action Requested"**:

1.) That I be told in writing who told RC 2 Stern mail was not "Legal Mail" and had to be opened to be sent out.

2.) That my mail stop being tampered with and be sent out when I send it or I be told in writing why this want happen if it want."

2.) I tried to send out the two "Legal Mail" letters I tried to mail out on 2/5/24, I again was refused to send them out if I did not open them.

3.) I was denied by **Elaine Vuong, Psychologist** a list of what I have to do to go to Bldg. 41.

4.) I received the following reply from Mark Cederbaum, Director, Bureau of Institutional Sex Offender Treatment dated 1/24/24.

"I am writing to acknowledge receipt of your multiple appeals signed on December 25, 2023, which was received by this office on January 5, 2024. In your correspondence you appeal responses from Dr. Tope and Risk Management regarding multiple issues, including Room Searches, and Loss of Privileges.

After reviewing documents pertaining to the concerns noted in your letter, it appears these issues have been thoroughly addressed in previous responses by Dr. Tope and Risk Management. To briefly summarize, the use of the Boss chair is one tool utilized by STARC during searches, but, at times, other forms of searches are necessary to ensure the safety and security of the facility, staff, and residents. Policy does not require the use of a Boss chair preferentially over a strip search; copies of policy can be requested through FOIL and, in addition, we have asked the facility whether they can find a means to make policies available for inspection that will not interrupt daily operations. Please note, requests for a physical copy of a policy will still need to be processed through FOIL. The pictures before and after your room was searched shows that items were placed neatly on your bed, chair, or desk. Given the amount of property that residents have it is not feasible for staff to return every item back to its original place. Given your history of possessing contraband, Room Searches are included in your ISP. This appears to be clinically appropriate at this time; multiple team members are involved in the Loss of Privilege process and all Loss of Privileges are reviewed with administration prior to begin given to residents. It is not beyond the scope of the RC 2's duties to sign a Loss of Privilege as indicated on the LOP form. Please note, that, as Loss of Privileges are a clinical intervention rather than a law-enforcement action, "hearings" are not required!

Then on 2/7/24:

1.) Resident "Ds" was forced to move to another ward due to his brother supposedly sending me money.

2.) I got a reply from Risk Management that said in part:
"Risk Management has received and reviewed your correspondence dated January 29, 2024 regarding concerns with a separation schedule. This was done in error. This department has been advised that this concern has been rectified."

3.) I got a reply from Danielle Tope, Executive Director that said in part:

"I received your appeals regarding multiple investigations conducted by STARC's Risk Management Department. Each of your complaints and claims were thoroughly investigated, and I have reviewed and considered the entirety of your concerns. For your convenience, the responses to each of your concerns are listed below:

- I have been advised that your treatment team met with you regarding your inquiry into those individuals on your negative correspondence list and you have been provided with this information. Additionally, this information is documented in your clinical chart.

- You report that you do not have pen pal profiles. However, you have active listings on Facebook, Between the Bars and Prison Pen Pals, all of which include your current address and a request for people to write you. This solicitation of pen pals is not permitted.

- Policy does specifically indicate that residents are not permitted to have pen pals. You can reference the Resident Mail and Package policy for more information.

- You were not permitted to attend your great-uncle's funeral in person on 12/26 following discussion with administration. All efforts are made to support residents when they are impacted by personal events outside the facility, and while in-person funeral and deathbed visits are allowed, there are limits based on policy and operational practices and needs. In this instance, we had to rely on virtual visitation.

- Through review and research, there is indication that Charles DeTar runs and/or is affiliated with Between the Bars, which allows individuals to post blogs online through this third party forum.

- Your Treatment Team has received your signed release of information for Dr. Berlin and is organizing contact with this individual.

- Regarding pictures of your minor family members, there were individuals in the pictures noted to not be your nieces/nephews. As previously stated, since you are not currently engaging in group treatment, your treatment team is unable to process further any discussion of these photographs. As such, these photos will not

be approved at this time, but that can be revisited at a further date in consultation with your clinical team,

- I have been advised that you were provided with a copy of the signed release of information for Kelly Harnett, which is also stored in your clinical chart

- Residents are required to sign consent for treatment prior to being assigned to groups. Of note, you have signed the consent for years so it's unclear what your hesitation is at this point to follow the process which allows us to get you assigned. If you don't wish to sign consent, you may still be assigned to EXploring Ambivalence and Engagement (EAE) group. I'm hopeful that you will be able to resolve this with your team.

- The denture cream sold in commissary is commonly used and not inadequate as you report. However, if you prefer an alternative or different brand, they are available for purchase through catalogs.

- In review of video from the date and time where you report staff "got in (your) face" and threatened you, it was observed that you were taunting staff in the dayroom, continuously telling them to "write their note" and "sit (their) ass down." When you were not receptive to staff asking you to refrain from comments, you were appropriately asked to leave the dayroom. You also were heard stating, "come get this guy before I do, I'm going to get you, I'll punch him in his fucking mouth." You were also seen slamming the dayroom door and throwing a staff chair in the hallway. Staff did not respond aggressively, nor did they "get in your face" or escalate the situation.

- Due to the above-described incident, you were appropriately restricted from the dayroom for 14 days. The law library is conveniently located for all in the dayroom and requires an ability to manage one's behavior around others. If ever you are on restriction and have an imminent need for information, you should inform a member of your treatment team.

- You expressed concern that Risk Management responded to a letter about various concerns you reported rather than referring to the letter directly to administration. As stated by that department, there is an established process of addressing resident complaints. Risk Management appropriately forwards all appeals for review by administration and you receive responses in writing. Many, if not all of the issues noted in your January 8, 2024 letter have been addressed

in writing, if you have further issues you would like to have addressed as an appeal, please let us know. However, an individual in-person meeting with STARC Administration is not being coordinated at this time.

◦ The mail log was checked for the day you reported mail was not completed, and it was found that mail was in fact logged and sent out,

◦ Regarding your concern that staff was 'singing a made-up song about you,' to antagonize you, in review of CCTV footage, staff were heard softly singing a song playing on the radio (Industry Baby - Lil Nas X).

◦ In another complaint pertaining to staff, video review indicated SCTA staff were observed to be discussing their concerns with their supervisory staff. You were seen yelling down the hallway at staff, antagonizing them and stating, "write a fake note, go ahead." Staff continued to attempt to speak with their supervisor, and you continued to yell down the hallway,

◦ In a review of notes in your chart, there are progress notes outlining clinical concerns with various books you recently submitted and why they were not approved. As stated by Risk Management, books are judged based on the respective resident's clinical needs.

◦ Vocational programming is a privilege that can be earned through meaningful participation in group programming. If you wish to participate in vocational programming, you are encouraged to continue with groups. Related to your concerns with a peer's programming, you would not be made aware of any treatment information or decisions pertaining to other residents,

◦ As related to your reported concern that the pens sold in stationery are not working to your expectations, there have been no other complaints pertaining to the quality of the pens. As such, an alternative is not being explored at this time. There are additional stationery items available through resident catalogs which you can consider should you no longer wish to use the pens in stationery."

Then on 2/8/24:

1.) I again tried to send out the two "Legal Mail" letters I tried to mail on 2/5/24. Both letters were again not let out.

2.) I got a reply from the New York State Department of State dated February 2, 2024 that said in part:

"Thank you for reaching out to the Department requesting an update on your FOIL request. Please be advised the Department of State's Records Access Office has searched its files but has not received a FOIL request from you. We apologize for any confusion or inconvenience this may bring. To ensure your request is received by the Department, we ask that you please resubmit your request and address your letter to:

NYS Department of State

Records Access office ATTN: Vincent Meccariello

One Commerce Plaza

99 Washington Ave.

Albany, NY, 12231

Again, we apologize for any inconvenience. Upon receiving a new request from you, the Department will complete a diligent search and respond within the time parameters outlined in Public Officer Law."

It is pretty weird that they never got my request. This is just more proof that the facility is messing with my mail.

3.) Treatment Team Leader Lawrence Cracchiolo and Rehab. Counselor Courtney Stern met with me to tell me that the separation with Resident "M" was being put back in place for my safety.

Then on 2/9/24:

1.) I sent Risk Management an Objection to care and Treatment that said in part:

Under "Description of Problem":

"On 2/8/24 I was told that for my safety a separation with Resident "M" was being put in place. I now write: For years I was told I could not go to Bldg. 41 due to resident "M" being over there, then on 1/9/24 he was sent to Bldg. 39 (where I am). How am I still in Bldg. 39 if the above is true? Both Dr. Tope & Dr. Cederbaum have told me in writing that due to the separation with resident "M" I could not go to Bldg. 41. He's now in Bldg. 39 and so am I, I should have been sent to Bldg. 41. I have agreed to program so there should be no reason I can't be sent to Bldg. 41.

Under "Action Requested":

- That I be sent to Bldg. 41 or be told in writings;
- 1.) Why I won't be,
- 2.) What have to do to go,
- That I be told in writing how I can now reside in the same Bldg. as resident "M" if won't be sent to Bldg. 41"

2.) I sent Danielle Tope, Executive Director a appeal that said in part under "Please provide the reason for your appeal":
"Reply is insufficient. as today 2/8/24 I was told that the Separation was going back in place. I stand by all my objection to Care and Treatment Stated."

3.) I sent 16x appeals to Mark Cederbaum, Director, Bureau of Institutional Sex Offender Treatment. They said in part under "Please provide the reason for your appeal":

a.) Reply is insufficient. I have NOT been provided with my negative correspondence list in writing nor is the information in my clinical chart. I just had a chart review on 2/7/24 so I know information is not there. "Action Requested" has not been replied to. (Neg. Corr. list),

b.) Reply is insufficient. "Action Requested" never replied to. There is NO rule, policy, etc., that says a resident can't have Facebook, blog, pen-pal ad. Next, for anyone to know about Facebook, Between the Bars and Prison Pen Pals my privacy had to have been violated. I personally have not put anything out there to gain pen-pals. (Blog),

c.) Reply is insufficient. "Action Requested" was not answered. I DO NOT have any pen-pals. As a matter of fact, what is the definition of a "Pen-Pal"? (Pen-Pal).

d.) Reply is insufficient. "Action Requested" not answered. No valid answer given. (Uncle Funeral),

e.) Reply is insufficient. "Action Requested" was ignored. There is no rule, policy, etc., that someone can't have a blog, write someone who runs/is affiliated with a blog. There is no legitimate reason on why I can't deal with this individual and/or have a blog. (Veteran),

f.) Reply is insufficient. To date I still have not been able to speak to Dr. Berlin. This has been going on for months and is a violation of state law, and my Resident Rights, not to mention Federal law. (Dr. Berlin),

g.) Reply is insufficient. The photos contained my 2 nephews, my mother, my niece and my niece's boyfriend. Only my two nephews are

minors (14 & 16yo). The photos were sent in after my mother got approval to send them, I keep asking to program, (Family pics),

h.) Reply is insufficient, I am court mandated here for treatment and facility is mandated to provide treatment if I want it no matter if I sign a contract or not, I am entitled to the groups I want without signing a contract, (contract),

i.) Reply is insufficient as video/audio will show all I wrote in my objection to care and treatment is true, The cover up's need to STOP. (SCTA Santa Maria),

j.) Reply is insufficient and against both Federal and State Laws, You can NOT deny me access to the Law Library, I did tell my TX team about needing legal material/research and they denied me access also. (Law Library/LOP),

k.) Reply is insufficient, I wrote members of administration to request a meeting NOT to file complaints, Letter should have never went to Risk Management, Please review all documents pertaining to this, (Letters to Admin.),

l.) Reply is insufficient, At no time did I say mail was not completed, What I said was mail was not completed on the 11pm-7am shift by SCTA Santa Maria per policy, It had to be done on the 7am-3pm shift by SCTA Major. (Mail/Santa Maria),

m.) Reply is insufficient, Staff was NOT singing along to radio, If video/audio are reviewed you will see that "Industry Baby - by: Lil Nas X" was not even on the radio, Risk Management is lying. (SCTA Rigari),

n.) Reply is insufficient and "Action Requested" was not answered, There are NO notes in chart as to why all 7 books were denied, I just did another chart review on 2/7/24. (7 Books),

o.) Reply is insufficient and "Action Requested" was not answered, How is work a privilege when at least one resident I know of works without programming? I don't want information on another resident, I already know he is able to work without programming. (work)

p.) Reply is insufficient and "Action Requested" was ignored, There has been multiple complaints by residents about the pens, Facility should not be directing residents to buy pens from catalog (especially those with limited funds) because they can't provide adequate pens, Facility should actually be providing pens to residents. (Pens),

4.) I sent a FOIL Request to NYS Dept. of State.

5.) Both "Legal Mail" letters I sent out were both brought back to me and I was told they would not go out unless I opened them. The letters were to:

- a.) NYS Department of State,
- b.) NYS Office of Mental Health.

Then on 2/12/24:

1.) I sent Daniel Tope, Executive Director, Justin Lopate, Chief of Operations, Treatment Team Leader Lawrence Cracchiolo and Rehab Counselor 2 Courtney Stern the following Cease And Desist Order, it said in part:

"In accordance with section 31.19(b) of the New York Mental Hygiene Law, you are hereby ordered to cease and desist immediately the following practices or conduct:

- Enforcing illegal Individual Service Plan (ISP) mail restriction on John Peana,
 - Interfering with the mailing out of Legal Mail (defined under 7 NYCRR 271.2(a)) by John Peana,
 - Harassment of John Peana,
 - Violating State laws, Federal laws and the Resident Rights of John Peana,
 - Abusing Authority in any way above and/or in general toward John Peana,
- Said practices or conduct violate Article 31 of the New York Mental Hygiene Law.

If you fail to immediately comply with this Cease And Desist Order, a proceeding to restrain the prohibited practices or conduct will be brought against you in the Supreme Court of Oneida County pursuant to 31.19(c) of Mental Hygiene Law."

2.) I sent Risk Management 5 "Objection to Care and Treatments" that said in part:

a.) Under "Description of problem":

"On 2/9/24 I attempted to send out "LEGAL MAIL" to:

1.) NYS Dept. of State & 2.) NYS OMH. They were returned to me the same day with a sticky note on them saying "Please leave these open per your ISP". Later that day I spoke to RC2 Stern who said mail was not "LEGAL MAIL" per her channels and would not be sent out until I opened them. Per 7 NYCRR 271.2(a) both ARE "LEGAL MAIL". FYI, my ISP says in part that all outgoing mail except "LEGAL MAIL"

must be left open. Both letters above ARE "LEGAL MAIL" and whoever is stopping them from going out is in violation of state & Federal Laws and also my Resident Rights.

Under "Action Requested":

- I be told specifically who is stopping my mail from going out,
- That my mail be sent out immediately as it IS "LEGAL MAIL",
- That I be told why they won't be sent out if they won't,
- That all involved be disciplined accordingly"

b.) Under "Description of Problem":

"It has been brought to my attention by other residents/staff and Risk Management replies that my side of phone conversations have been being recorded since the day video/audio was installed at the facility (CNYPC-SOTF/STARC-dakview). On top of that, per the contract the facility has with NCIC my phone conversations (both sides) are being recorded and stored by NCIC for STARC to review if/when they want. These practices are illegal and in violation of both State and Federal law.

Under "Action Requested":

- 1.) Audio recorders be removed from where resident phones are or:
 - a.) booths be put around phones (b.) Phones moved away from Audio recorders,
- 2.) NCIC Stop recording phone calls or the contract with them be discontinued,
- 3.) I be told in writing why none of this will be done if it won't."

c.) Under "Description of Problem":

"I keep running into issues due to the facility staff all have different definitions for:

- 1.) Pen-Pal
- 2.) Legal Mail.

Under "Action Requested":

- That I be given in writing Albany's (NYS OMH) definitions to both words,
- That I be told in writing why I won't get the definitions if I won't get them."

d.) Under "Description of Problem":

"I and other residents only get \$35.00 a month in Personal Needs Allowance (PNA) but are forced to purchase all our own phone minutes, pens, stamps, paper, envelopes, clothing, cosmetics, etc... There is no way \$35.00 is enough to do all that. On top of this, prices

For all items keep going up,
under "Action Requested";

- PNA be raised,
- Facility provide phone minutes, pens, stamps, paper, envelopes, clothing (NOT STATE), cosmetics, etc.....
- Residents be given jobs,
- If none of this will be done I be told why in writing."

e.) Under "Description of Problem":

"A 30 minute phone call on the NCIC phone system is \$3.60. That is excessive compared to the \$1.50 price for a 30 minute phone call in any NYS DOCCS facility. This practice is called "Price Gauging" and STARC is complicit due to them ignoring residents complaints for years about NCIC and their prices.

under "Action Requested":

- That NCIC be made to lower their prices,
- That STARC discontinue contract with NCIC as prices are excessive,
- If none of this will happen I be told why in writing."