

On 4/15/24 I wrote to my treatment team the following letter:

"After speaking to some staff I was advised to write this.

On 4/13/24 between approx. 7:35am and 8am resident "D" pushed and punched me in the 405 messhall. The incident started in the hallway when resident "D" kept making false accusations about resident "L", trying to cause issues for resident "L", and making threats toward resident "L". While resident "D" was saying/doing all that I said something like "OK, enough. He's not bothering you, thinking about you or talking about you so leave him alone". Resident "D" then became combative and aggressive toward me. We then argued shortly in the hallway then in the messhall. Then at one point after I put my tray on the counter she would not let me past to get my things and leave. She kept acting like she wanted to fight so I tried to go around her, at that point she pushed me. I was then able to get past her and that's when she punched me. I then got my things and left. (Note: I can't remember at what point from beginning to end when she said "go jerk off to kids" and called me a "faggot" among other things.) After all this I spoke to SOTA 2 Schmit about it. The rest of the day resident "D" just talked shit about hitting me and how she did nothing wrong.

Then on 4/14/24 approx. 10:40pm someone turned on the fan next to my room causing my TV to act up. When I came out my room no one was around so I unplugged it. Shortly after that resident "D" came down the hall yelling and aggressively toward me, I now understand she turned it on, I told her that there was no need for the fan to be on and I

was trying to watch TV. Once again the threats started, She then moved the fan to her room but the rest of the night she made multiple threats toward me while speaking to staff and residents.

Then 4/15/24 at least two different residents came to me to tell me resident "D" is going to claim that all she did was not her fault due to being on hormones, she is claiming her actions/behaviors are due to the hormones.

I am not scared/worried about resident "D" but her actions need to stop on all the above. I don't like bullies and she is one."

* The incident on 4/13/24 was documented but not the one on 4/14/24 (even though threats were made). Please note: Resident "D" is approx. 5'11 tall and weighs approx. 200+ lbs, she is also transgender and that is why I refer to her as she. *

Then on 4/16/24 I got the following reply from Mark Cederbaum, Director, Bureau of Institutional Sex Offender Treatment.:

"I am writing in response to your appeal to the Commissioner, dated February 25, 2024, which was originally received by the Division of Forensic Services (DFS) on March 12, 2024, citing an appeal of Dr. Tope's response to your concerns about a separation in place between yourself and a peer, access to yard time, and access to tablets.

Our office has received multiple letters from you regarding the separation yourself and peer; Please refer to the letter dated March 7, 2024, mailed on/around March 14, 2024, which serves as a response to all such references to the separation in your appeals.

Regarding your concerns related to the amount of recreational and yard hours being offered, we understand the importance of recreation and the impact of same on one's wellbeing, as well as treatment progress. There are

multiple factors and considerations involved when developing facility and program schedules, including recreational and yard hours available; after speaking with STARC staff, it has been confirmed that STARC is currently offering the most amount of recreational and yard hours that can safely be accommodated at this time and the schedules will continuously be revisited for adjustment as can be accommodated.

Regarding your concerns related to the delay in residents being provided tablets, your frustration is understandable; similarly, as mentioned above, there are a lot of factors involved in facility operation, privileges, equipment, policies, and the likes. After speaking with STARC staff, the decisions related to tablets has continually been a topic of conversation amongst facility administration and Central office and as any official determinations are made, residents will be notified. At this time, there are no updates we can provide than that several details are still in the process of being worked out; your patience and understanding is appreciated."

* The reply on the separation is insufficient as my concerns were not answered. The March 7, 2024 reply has nothing to do with the concerns raised.

Concerning rec./yard time, prior to COVID-19 we were able to have approx. 10 hours a day and all wards (6 wards) were able to go to all available times unless had a separation. Currently residents in Bldg. 39 only get approx. 3 hours a day and only with 3 wards at a time and residents in Bldg. 41 get approx. 6 hours a day with 3 wards at a time.

Concerning Tablets, NYS inmates/prisoners have had access to them for approx. 6-8 years. US as civilians civilly confined are supposed to have more rights than those incarcerated but as you see, those incarcerated have had Tablets for years*

Then on 4/19/24 I got the following replies from Daniel Tape, Executive Director that said in part:

1.) I received your appeals regarding STARC Risk Management Department's investigations into your various complaints. Your complaints and claims were thoroughly investigated, and I have reviewed and considered the entirety of your concerns. The responses to your appeals are listed below:

- New York State is currently contracted with NCIC for resident phone services. Prices are set by the contracted company. Your allegation that resident phone calls are recorded by NCIC is inaccurate.

- You report that your legal mail was denied for outgoing mail as it was sealed. You also reported that the letters you were trying to send were to New York Department of Criminal Justice Services, United States Postal Inspection Service, NYS OMH and NYS Department of State. Based upon policy review and upcoming changes, please be advised as to who specifically these were addressed to as some meet criteria for being unopened. As stated by Risk Management, legal mail includes mail to the courts and/or attorneys. Therefore, per your ISP, you are required to leave it open.

- Residents have the opportunity to participate in vocational programming while meaningfully engaging in therapeutic treatment. If residents choose not to do so, they are still allotted Personal Needs Allowance (PNA). If you need assistance with budgeting, you may speak with your unit RC 2.

- STARC Administration were made aware of your reported concerns with a recent interaction with an SCTA Staff member. Residents would not be privy to specific follow up actions relative to staff following a complaint. However, in relation to this concern, your Loss of Privilege was reviewed, and it was found that the LOP was based on factual information, and therefore appropriate. You were seen to take a plastic mug from the resident restroom and were not responsive when asked to return the property to where you found it.

° I have been advised that your treatment team has met with you regarding concerns with pen-pal agencies and explained the concerning nature of your "blog profile". There is not an explicit definition of pen-pals as you are seeking, but we are working on clarification. At this time, your treatment team can determine if it appears you are soliciting individuals (or vice versa) for contact when you previously did not have an established relationship with them.

° SCTA Staff to ask you to remove items covering your dorm room window so that they can see you, unobstructed, during security rounds. This is a part of their job responsibilities and staff asking you to remove your sweater from the window is not harassing or inappropriate. Although currently being updated, there is a resident handbook available to all residents.

2.) This is in response to multiple appeals you submitted pertaining to various concerns. For your convenience, the responses to such are listed below;

° In correspondence with the treatment team as well as package room staff, your mail is not all being filtered through the package room as you allege. Your mail is being delivered as per the usual process.

° Residents are expected to remove all adhesives from incoming mail. This has long been the expectation for the delivery process.

° Regarding the room inventory conducted on 3/5/2024, in a review of CCTV footage and in review of documentation, staff informed you that they were removing chip bags from the wall as they were considered contraband. This would not constitute a room search as you are alleging but is rather a typical practice during a room inventory.

° Regarding your referral for individual therapy, the review of these referrals takes time. I have been advised that your referral is expected to be completed in the near future."

Then on 4/24/24 I sent Mark Cederbaum, Director, Bureau of Institutional Sex offender Treatment 8 appeals that said in part "Under 'Please Provide the reason for your appeal':

1.) "Reply is insufficient as two objections were combined and 'Action Requested' was not answered. The contract that the facility has with NCIC plainly states calls are recorded. Also, prices NCIC charges are in violation of Federal laws. Please review original objections."

2.) "Reply is insufficient as 'Action Requested' was not answered. Reply is not proper reply. All letters are/were LEGAL MAIL per 7 NYCRR 721.2(a). Please review original objection."

3.) "Reply is insufficient as 'suggested solution to concern' was not answered and no information about the concern was given. What was the outcome from STARC Admin. and what did I do wrong? Video/audio will show Staff falsified Note."

4.) "Reply is insufficient as 'Action Requested' was not answered and 'Resident Mail Policy' does not give definition requested. Please review original objection as part of this"

5.) "Reply is insufficient as 'Action Requested' was not answered. My window was NOT blocked as Supervisory Staff will confirm. SCTA Staff targeted me as other residents windows WERE blocked. There is NO resident handbook for STARC-Dakview. Please review original objection."

6.) "Reply is insufficient as 'Action Requested' was not replied to. SCTA Skermont can/will confirm that pieces of my personal mail are

going through the package room".

7.) "Reply is insufficient as "Action Requested" was not replied to. IF this is policy I ask that I be shown where it says labels must be removed. I have the mail policy and nowhere in it does it say anything about removing labels."

8.) "Reply is insufficient as "Action Requested" was not answered and video/audio will show all stated in original objection is true."

Then on 4/29/24 I sent the 405 Tx Team the following:

"I write today to find out what is going on with me getting the pictures of my family (mom, niece, nephews, etc.) that I wrote about, about a month ago."

* To date the pictures have not been given to me nor have I been given my ISP (Individual Service Plan) that was due on 3/25/24. Did you know that each person here costs approx. \$375,000.00 a year to be here (STARC-Dakview). The cost for each person in prison is approx. \$70,000.00 and approx. \$90,000.00 to be on SIST (strict and intensive supervision and treatment). Then the state wonders why schools are struggling. Why spend money to hold people here for no reason when the money could be used for good by being given to schools?

* Don't forget that I'm on Facebook and Instagram.

Facebook - John Peana

Instagram - @JohnPeana