

On 5/31/24 the following happened:

1.) Sent RISK Management the following that said in part under "Nature of concern":

"On 5/29/24 + 5/30/24 I was at programs and/or Rec. when RA1 Griffiths passed out mail on ward 405. Once on the ward, ward Staff called RA1 Griffiths to bring me my mail. She refused both days.

Am I supposed to skip programs and Rec. just to get my mail? This is not OK and actually violates federal law."

Under "Suggestion solution to concern":

- That I be given my mail the same day it comes,
- That a set time (when residents are on ward) be set to pass out mail,
- That RA1 Griffiths make multiple stops on the ward to get all mail to residents,
- If this wont be done I be told why in writing."

2.) Sent Barbara Koepfel, Journalist the following:

"My name is John Peana, I am a 39yo gay male that is currently (and has been for almost 16 years) civilly confined under MHL Article 10 at STARC-Dakview (aka: CNYPC). I write today after having the chance to read two of your articles. I just got the chance to read them due to having to deal with illegal strip searches and lockdown here. The two articles were:

- Sex Crime and Criminal Justice, Formerly incarcerated sex offenders say Civil commitment programs deny proper Rehabilitation,
- Modern-Day Gulag in the Golden State.

I wanted to thank you for opening the eyes of people to the truth of Civil confinement of sex offenders. I also wanted to let you know that all of administration here has changed and not for the better. I don't know if you are open to and/or have time to hear about what is going on here or what I'm currently doing to try to get changes made so I wont go into it at this time. If you do have time and want to know please let me know and I'll tell all. I thank you again for all the work you did to show others the truth and wish you well"

3.) I was once again denied photos of my family, I was told that I was denied at this time because they want me to talk about them in my treatment group(s).

* I have no idea what I have to talk about, They are just pictures of family my mother got permission to send me.*

4.) I got the following replies from RISK Management:

a.) "Risk Management has received and reviewed your correspondence dated May 22, 2024 and May 27, 2024 regarding concerns with unit 405 not being permitted off unit during the timeframe of 5/19/2024 - 5/26/2024, Safety and Security are of pivotal importance at STARC. Due to the collective behavior of noncompliance and resistance to route searches on 5/18/2024, a decision was made to limit movement throughout the program, including off ward programming"

* As you can see, they combined two complaints to hide the fact they denied me my individual therapy session.*

b.) "Risk Management has received and reviewed your correspondence dated May 27, 2024 regarding concerns with rules and regulations at STARC, Residents are expected to follow previously established (CNYPC) policy and procedure until advised otherwise"

* This is weird due to on 10/12/21 Jeff Nowicki, chief of Mental Health Treatment Services signed a Affirmation that said in part:
"STARC Oakview is an OMH secure treatment facility, which is designed for the treatment and housing of Mental Hygiene Law Article 10 sex offender residents. STARC Oakview is maintained separate, apart and under different rules, from CNYPC which continues to be maintained as a psychiatric hospital."*

c.) Risk Management has received and reviewed your correspondence dated May 28, 2024 regarding concerns with photographs you wanted taken of your room during a search. Please be advised that this is not required per policy as you allege."

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

"I received your appeal dated May 22, 2024 regarding the investigation conducted by STARC'S Risk Management Department into your complaints about a recent room search and strip search conducted on ward 405.

Your complaints and claims were thoroughly investigated, and I have reviewed and considered the entirety of your concerns. Searches are

part of routine practice at STARC and, while we understand that searches can feel invasive, they are also a necessary part of assuring safety and security. You may not be advised of the probable cause for a search being conducted. However, staff would not conduct a search without appropriate reasoning and justification. We make all efforts to conduct all searches with respect for the privacy and dignity of each resident."

* In prison I was only strip searched after visits upon transfer. At no other time was I forced to strip. How is it that as a civilian civilly confined I have been stripped more times than as a prisoner? This is a plain example of my 4th Amendment being violated, *

6.) I received a letter I sent my mother on 5/20/24 back with a sticky note on it from Lawrence Cracchiola, IRL that said: "Mr. Peana, I am sending this letter back due to you having staff's name in the letter." He held the letter for 11 days and violated my 1st amendment right and federal laws.

Then on 6/3/24 I sent:

1.) Mark Cederbaum, Director BCSO the following that said under "Please provide the reason for your appeal":

"No individualized reason was given for ME to be strip searched or my room to be searched. No reply was given to why no clinical consideration was given prior to strip searching me. Facility is in violation of their own policy (#5.15), state and federal law. *Please also review my 5/18/24 complaint as part of this appeal.

2.) Danielle Tope, Executive Director 4 appeals that said under "Please provide the reason for your appeal":

a.) "The actions by facility are/were in violation of both:
7 NYCRR § 330.4 (a)
7 NYCRR § 1704.6 (b)

Next, two complaints should not have been combined. This is my appeal to my 5/22/24 complaint. (Yard)"

b.) "I am court ordered here for treatment and by me being refused my individual therapy session with no legal reason it is a violation of that court order by the facility. My "suggested solution" was not answered. Next, two complaints should not have been combined.

This is my appeal to my 5/22/24 complaint. (Individuals)"

c.) "First, my "Suggested solution" was not answered. I am NOT at CNYPC, I AM at STARC-Oakview and CNYPC policies, rules, regulations don't apply to me. I have a affidavit from Jeff Nowicki that states this also. (Policies)"

d.) "Photos were taken on 5/18/24 by SOTA 2 Kehoe and they should be given to me as they have after every other room search I have had. (5/18/24 Rm Pics)"

3.) Risk Management the following 3 complaints that said in part:

a.) Under "Description of Problem":

"On June 1st, 2024 at approx. 4:30pm in the 405 dayroom I was threatened by resident "D". SOTA Stottard was present and said she'd document what resident "D" said. Video/audio will show the threats and also SOTA Stottard saying she'd document it. Please note that at no time did I say or do anything to resident "D".

Under "Action Requested":

- That resident "D" be delt with accordingly,
- That SOTA Stottard be disciplind if she did not document threats,

- IF none of this will be done I be told why in writing, also I be told in writing the outcome of this all."

b.) Under "Description of Problem":

"On 5/31/24 I received a letter back that I mailed on 5/20/24. The letter was never sent and had a sticky note on it from Lawrence Cracchiolo, TTL that said "Mr. Peana, I am sending this letter back due to you having Staff's name in the letter". Due to his actions he violated my 1st amendment right, state law, federal law and my privacy. My mail had to have been read, which is against the law and facility policy."

Under "Action Requested":

- That this type of action STOP!!!!,
- That my mail stop being tampered with and not sent out,
- That TTL Cracchiolo be disciplind accordingly,
- That I be told in writing the outcome of this all and what happens with TTL Cracchiolo."

c.) Under "Nature of concern":

"On 6/2/24 between approx. 8:05am and 8:20am SOTA A. Tucker, Jr.

rubbed up on me while I was in the 405 messhall doorway. He also said "dumb ass N****ger" to me at the 405 ward door. Resident "H" was present for this and I told SCTA Stuttard about it immediately.

Under "Suggested solution to concern":

- That SCTA A. Tucker, Jr. be kept away from me,
- That SCTA A. Tucker, Jr. be disciplined accordingly,
- If none of this will be done, I be told why in writing,
- I be told the outcome of all this in writing."

The following also happened on 6/3/24:

1.) I attempted to speak in group about the family pictures that were sent to me in November 2023 after my mother got permission to send them but social worker Rafael Cordero kept trying to insinuate I would have deviant thoughts concerning the pictures. I didn't appreciate that and let it be known. To date I still don't have the pictures.

2.) A letter I sent my mother was returned to me with a sticky note on it from Lawrence Cracchiolo, Treatment Team Leader that said "staff's names in letter again".

Then on 6/4/24 I sent the following to RISK Management that said in part under "Description of Problem":

"On 6/3/24 a letter I was sending to my mother was sent back to me with a sticky note on it that said "staff's names in letter again" from TTL Cracchiolo. Due to his actions he violated my 1st amendment right, state law, federal law, my privacy and my resident rights. There is nothing wrong with what I wrote and my mail had to have been read in violation of facility policy along with all the above".

Under "Action Requested":

- That this type of action stop!!!!
 - That my mail stop being tampered with and not sent out,
 - That TTL Cracchiolo be disciplined accordingly,
 - That I be told in writing the outcome of this all and what happens with TTL Cracchiolo!"
- *DO NOT combine this with 5/13/24 complaint* was at bottom.

Also on 6/4/24 I received the following from Risk Management:
"Risk Management has received and reviewed your correspondence dated May 22, 2024 regarding your ISP. Please be advised, your Treatment Team has been made aware of your concerns. This department has been advised that your treatment team is not considering eliminating random room searches from your ISP at this time."

Then on 6/5/24 I sent Danielle Tope, Executive Director the following appeal that said in part under "please provide the reason for your appeal".

"Reply is insufficient as 'suggested solution to concern' was not replied to. I ask that you also review original (5/22/24) complaint as part of this as it states reasoning why ISP room searches should have been removed."

Later in the day on 6/5/24 me and my ward were forced to endure another search. This time a dog went through the ward (including our rooms) and then we were forced to line up facing a wall while the dog was ran past us 2-3 times. *Once we were forced to line up facing the wall our rights were violated. There is not a single policy, rule, regulation, etc., that allows the facility to force us to do that.*

Then on 6/6/24 the following happened:

1.) I sent Ben Paparella the following letter:

"On 6/5/24 between 1:20pm - 1:38pm SOTA Liggins while off his post and in yard 6 yelled over to me: 'Hey Peana, they didn't find the drugs yet.' This is the 3rd incident since 5/15/24 and he needs to leave me alone, I thought you were dealing with the first 2 incidents but now there has been a 3rd and I am really anxious not knowing what he may do/say next.

If you could come see me about this all I'd greatly appreciate it."

2.) I sent Risk Management the following that said in part under "Nature of concern":

"On 6/5/24 between 1:20pm - 1:38pm SOTA Liggins while off his post and in yard 6 yelled over to me: 'Hey Peana, they didn't find the drugs yet.'"

This is the 3rd incident since 5/15/24 and he needs to leave me alone."

under "Suggested Solution to Concern":

- That SOTA Liggins be kept away from me,
- That SOTA Liggins be disciplined accordingly,
- That I be told the outcome of all this in writing."

2.) Another resident that was part of refusing to strip on 5/18/24 went over to Bldg. 41.

* Said resident made threats and derogatory comments while I sat quietly. I bring this up due to me having been told that me going to Bldg. 41 was on hold due to my action on 5/18/24 concerning the strip search. How fair is that? This is just one more way of the actions taken against me for telling what is going here. *

Then on 6/7/24 the following happened:

1.) I sent Risk Management the following that said in part under "Description of Problem":

"Over the past 7 months I have been forced to endure multiple searches (room, ward, strip, dog (room/ward), and dog (personal body)) why am I forced to go through all this and staff are not. Staff are bringing in the contraband not me, I have not and never had issues with drugs so I should not be punished and my rights violated."

Under "Action Requested":

- Staff start being searched (strip, frisk, dogs),
- I be provided with a copy of the search policy that describes each search mentioned above and when they can be done,
- If this won't be done I be told why in writing."

2.) I got the following reply from Risk Management:

"Risk Management has received and reviewed your correspondence dated May 31, 2024 and June 3, 2024 regarding concerns with letters you were trying to send out that were denied as they had staff names in them. This was done in error. This department has been advised that you have since been informed that you can resubmit these letters to be mailed out."

Then on 6/10/24 I Sent:

1.) RISK Management the following that said in part under "Description of Problem":

"On 6/7/24 I received a reply to my 6/3/24 Amendment Request for all non-medical and non-treatment group notes from 4/22/21 to 6/3/24 be removed from my chart/MHARS. The decision stated: "All OMH documentation contained in an individual's medical record is required per title 14 NYCRR 589.2" as the denial. 14 NYCRR 589.2 doesn't apply to me as I am not in a hospital, 14 NYCRR 589.2(a)(1) plainly says: "There shall be an individual record for each person admitted to the hospital", I'm in a treatment facility per NY CLS Men Hyg § 7.18(b), NY CLS Men Hyg § 7.18(b) plainly says: "Such secure treatment facilities may be created on the former grounds of hospitals operated by the office, but shall be considered separate and distinct facilities and shall not be considered or defined as hospitals".

Further, from my admission to STARC-Oakview on 4/22/21 to present not a single rule, regulation, rule book, policy, procedure, or practice has been provided to me and/or my ward for review. Without seeing any of the above how do I know what I can/can't do or have? Notes that were requested to be removed were written in violation of my rights as I to date have not seen or been provided with any STARC-Oakview rules, regulations, rule book, policies, procedures, or practices. Per Jeff Nowicki's 10/12/21 Affidavit I have to follow STARC-Oakview NOT CNYPC rules, regulations, rule book, policies, procedures, and practices. He stated in part: "STARC Oakview is a OMH Secure Treatment Facility, which is designed for the treatment and housing of Mental Hygiene Law Article 10 sex offender residents. STARC Oakview is maintained separate, apart and under different rules from CNYPC which continues to be maintained as a psychiatric hospital".

under "Action Requested":

"- That all non-medical and non-treatment group notes along with any corresponding documents be removed from my chart/MHARS,
- That if this won't be done I be told why in writing."

2.) I sent Danielle Tape, Executive Director two appeals that both said in part under: "Please provide the reason for your appeal":

"Reply is insufficient as no reason was given as to why the mail was even tampered with and read in the first place. Also, due

to the last part of my "Action Requested" was not answered/replied to."

* I wrote the same appeal for both my 5/31 & 6/3 complaints due to Risk Management combining them in one reply. *

Here are some links to look up and read that may open your eyes to some aspects of Civil Confinement.

- 1) - [washingtonspectator.org/koeppel-sex-crimes-and-criminal-justice/](https://www.washingtonspectator.org/koeppel-sex-crimes-and-criminal-justice/)
- 2) - nj.com/news/2024/05/shadow-prison.html
- 3) - williamsinstitute.law.ucla.edu/wp-content/uploads/SVP-Civil-Commitments-Oct-2020.pdf
- 4) - atsa.com/policy/civil-commitment-approach-to-20-form-management.pdf
- 5) - williamsinstitute.law.ucla.edu/visualization/lgbt-stats/?topic=LGBT=density
- 6) - themarshallproject.org/2016/01/27/why-some-young-sex-offenders-are-held-indefinitely
- 7) - theappeal.org/the-endless-punishment-of-civil-commitment/
- 8) - mitchellhamline.edu/sex-offense-litigation-policy/2024/04/16/sex-offense-civil-commitment-minnesotas-failed-investment-and-the-100-million-opportunity-to-stop-sexual-violence/
- 9) - splcenter.org/news/2-18/2016/weekend-read-they-served-their-prison-sentences-but-theyre-still-locked-up
- 10) - nbc-2.com/story/29230766/violent-sexual-predators-held-indefinitely-for-a-profit