

On 6/10/24 I received the following 3 replies from Risk Management:

1.) "Risk Management has received and reviewed your correspondence dated May 30, 2024 regarding mail. Please be advised, if a resident is not available at the time of mail distribution, it will be delivered the following business day."

2.) "Risk Management has received and reviewed your correspondence dated June 1, 2024 regarding a peer. Please be advised, due to privacy laws that protect both you and your peers you will not be made aware of the findings of this investigation."

3.) "The Risk Management Department has received and reviewed your correspondence dated June 2, 2024 regarding concerns with staff being countertherapeutic toward you while working your ward. Please be advised after investigation including CCTV footage, there is insufficient evidence to support your claim. Additionally, you were observed to be verbally aggressive toward ward staff and attempt to restrict staffs access to the dining hall. This type of behavior is not permitted or tolerated in the treatment program."

* #3 is a blatant example of the attempts of Risk Management to cover up incidents and deflect wrong doing on to me.*

Then on 6/13/24 I got the following reply from Mark Cederbaum, Director, Bureau of Institutional Sex offender treatment:

"I am writing in response to your appeals to the Commissioner, dated April 23, 2024, which were originally received by the Division of Forensic Services (DFS) on April 30, 2024. These letters are citing an appeal of Dr. Tope's responses to eight different matters, as outlined below:

↳ Regarding your allegation that pieces of your personal mail were going through the package room, correspondence with facility staff revealed that your mail has been delivered per the usual process; it is important to note that at times, not specific to you or your ward, there may be pieces of mail that due to a variety of factors (e.g. size/thickness of parcel) do fall under the procedure accorded to packages and that these instances, while infrequent, occur from time-to-time which you have experienced. We appreciate your patience and understanding with this process.

2.) Regarding instruction to remove labels from incoming mail, it has been a long-established expectation and practice for residents to remove all labels and/or adhesives from incoming mail in the delivery process. Occasions when staff may not have required this to occur do not mean that it was the expected procedure. The STARC Mail + Package Policy is being updated to reflect this expectation.

3.) Regarding concerns related to a dorm room inventory conducted on March 5, 2024, the actions taken by a specific SOTA 2 member, routine property inventories will be conducted per policy for a safe and healthy environment. If during an inventory contraband is discovered, that item should be removed by staff.

4.) Regarding your concern with the phone system, specifically noting that the NCIC contract indicates calls are recorded and that the prices charged are in violation of federal laws, a review of these matters indicates that the facility does not record any calls and that pricing is calculated by the contracted agency (NCIC) within FCC regulations. Regulations dictate pricing is based on the population; the population in DOCCS and the population in OMH are different, and each have their own contract, therefore there is a difference in pricing for a call between the two locations/entities. We understand the importance of contact with the community and efforts are made to ensure residents are provided this privilege in an affordable and appropriate manner.

5.) Regarding concerns about mail that may need to be left open for inspection and what constitutes "legal mail" in this regard, you allege that you attempted to send mail to several entities which you deemed as "legal mail" however the facility indicated correspondence to these entities did not constitute "legal mail", thus requesting you to leave the mail opened for inspection. These letters were to the following entities: NYS Department of Criminal Justice Services; United States Postal Inspection Service, Criminal Investigation Service Center; NYS Office of Mental Health; and NYS Department of State, Records Access office. After correspondence with the facility and review of applicable policy, the facility appropriately requested you to leave this mail open, per your Individual Service Plan, as correspondence to these entities would not be considered "legal mail", which would rather be reserved solely for correspondence to courts and/or attorneys only. Further exploration of this issue has led to the conclusion that you are permitted to send sealed correspondence to public officials at the institutions which you specified in your correspondence, subject to the established facility procedures for verifying

recipients and addresses. Having said that, you should not use the term "legal mail" on envelopes addressed to public officials unless you are involved in litigation of which they are a party. Ordinary letters or complaint or concern to public officials are not "legal mail" and should you write this upon sealed envelopes which are not addressed to those with whom you are involved in litigation (or your attorney) the facility may choose not to send them.

6.) - Regarding your concerns about interactions with a SOTA staff member, please know that the facility, and our agency, take these concerns seriously and follow-up as needed; residents are not privy to information related to any relevant follow-up actions related to staff, thus whether there is any information to relay, it cannot be shared. Regarding your inquiry as to "what (you) did wrong", a review of the record and correspondence with staff reveal you were argumentative regarding being told to leave the item (cup) where you had found it (the bathroom), instead throwing it in the garbage can and then retrieving it and placing it on the SOTA desk. There is no evidence to substantiate your claim that documentation regarding this incident was falsified.

7.) - Regarding your request for a definition of "legal mail", it appears this has been clarified several times through your correspondence with the facility, as well as above, noting that at this time "legal mail" is considered any correspondence with courts, attorneys or those who are a co-party to litigation that you are also a part of; there are no further updates or information to share on this matter.

Regarding your request for a definition of "pen-pals", as informed by Dr. Tope, and in other facility correspondence, broadly speaking if it appears you are soliciting individuals (or vice versa) for social contacts when you previously did not have an established relationship with them, this falls under the concept of a pen-pal. This definition should not be considered inclusive of every possible situation. Case by case determination may be made.

8.) - Lastly, regarding your dorm room window, after correspondence with the facility it appears staff acted accordingly by asking you to remove any item that was obstructing the full view of your window; as outlined in the Resident Handbook, obstructing any window or door is against the resident code of conduct.

* Let me start by saying that any time you read "After Correspondence with the facility" is really only means that

they spoke to Risk Management (who covers up things and is the first to reply to complaints) and got an answer to the complaint. Next, when it comes to all the above please know the following for each:

1) It is very contradictory as you can see by reading it and is also a violation of privacy as any mail sent to package room is opened outside my presence.

2) It is very contradictory as you can see by reading it, how is it both a "long-established expectation and practice" and being added to the STARC Mail + Package Policy? Pretty odd to me.

3) There is NO policy for this currently available for STARC, so have no idea if this is true.

4) The facility not only records calls (via microphone next to phones), they also monitor them. Per page 32-33 of the contract STARC has with NCIC (Dated: 10/5/15 - OMH State Operations) it says as follows:

3.1.4. Recording and Monitoring

The CTS must be capable of recording calls in real-time and undetected, store, recall, and replay recorded conversations in their entirety. Stored calls must have the ability to be saved to removable media and be encrypted to ensure that only authorized personnel are able to access the data. The CTS must ensure that recorded calls are tamper-proof with the ability to verify that calls have not been altered or edited. Describe how the proposed system records and monitors calls including detail on the features provided that minimally meet this requirement.

3.1.4.1 Recorded Call Storage

The contractor must store all call recordings and associated call detail records for up to six (6) months without additional cost to OMH. Locked calls must be stored indefinitely without additional cost to OMH. Recorded calls must be date and time stamped that is identical to that of the system's detail record for that call.

3.1.4.2 Recorded Call Retrieval

The CTS must allow authorized staff to attach textual descriptions ("notes") to each recorded call record. Each recording must be indexed

by date, time, Personal Identification Number (PIN), and notes, Recorded calls must be searchable by date, time, PIN, notes or a combination of these fields. Describe how proposed system meets this requirement.

3.1.4.3. Equipment and Network Access

Network access and all equipment or software required allowing the facility to monitor, retrieve, playback, and store recordings to removable media, or print reports shall be provided by the Contractor at no additional cost to OMH. All equipment must be approved by OMH.

3.1.4.4. Access to Recordings

Access to live monitoring or recordings must be controlled by a multi-level password authentication system with at least the following differentiating functionality:

- Listen to live conversations only
- Listen to live or recorded conversations with the ability to store to removable media.

Describe how your solution meets or exceeds these requirements.

So, how can he say no recording is happening? We never wanted NCIC, we had RONCO who charged 5-8¢ a minute. NCIC charges 12¢ a minute. Lastly, how is being able to call family, supports, attorneys a privilege as he says it is?

5.) It is very contradictory as you can see by reading it, first not "legal mail" then it is "legal mail". PER 7 NYCRR 721.2 (a) all mentioned mail is "legal mail".

6.) Please review 2/13/24 Complaint and 2/25/24 appeal to better understand this.

7.) Please see #5 above concerning "legal mail". Concerning "Pen-Pals" what he states is very general and basically allows facility to do what they want.

8.) Four Supervisors stated window was fine and for SCTA staff member to leave me alone. There is no Handbook for STARC to date.

ALSO on 6/13/24 I received 2 replies from Risk Management that... Said in part:

1.) Risk Management has received and reviewed your correspondence dated June 6, 2024 regarding concerns with Search procedure for staff, Safety and Security of the building are of utmost importance, You would not be advised of any safety precaution or procedure taken with staff. If you are interested in receiving policies pertaining to searches, you may request such via FOIL."

2.) Risk Management has received and reviewed your correspondence dated June 9, 2024 regarding concerns with documentation in your chart. Please be advised that as per Policy 6.4-Guidelines for SOTP Progress Notes, SOTA Staff are required to document personal observations of resident behavior and interventions provided. If you have additional questions pertaining to this policy and documentation, you are encouraged to request such via FOIL."

Then on 6/14/24 I sent:

1.) Danielle Tope, Executive Director 5 appeals that said in part under "Please provide the reason for your appeal":

a.) "Reply is insufficient as it goes against policy, federal law, and State law. Also due to "suggested solution to concern" not being replied to or answered. Please review original concern as part of this."

b.) "Reply is insufficient as "action requested" was not answered/replied to. Please review original complaint as part of this."

c.) "Reply is insufficient as video/audio plainly shows staff rubbing up on me and later calling me a "dumb ass nigger" at ward door. At no time was I asked to move from the doorway, he just rushed through me. The cover up by risk management won't happen as my attorney has a copy of video. Please review original complaint as part of this. Lastly, "suggested solution to concern" was not answered/replied to."

d.) "Reply is insufficient as "action requested" was not replied to/answered. Next, if facility was so concerned with safety & security all I requested happen would be happening. RESIDENTS ARE NOT BRINGING DRUGS IN, IT IS STAFF, So find them. Lastly, policies, rules, etc... should be provided to wards not have to be purchased by residents. Search policy should be provided to me/my ward. Please review original complaint."

e.) "Reply is insufficient due to:

- 1.) "Policy 6.4-Guidelines for SOTP progress notes" was not provided to me or my ward for review,
- 2.) "Policy 6.4-Guidelines for SOTP progress notes" seems to be a CNYPC NOT STARC policy due to how it is titled,
- 3.) Risk Management is seemingly disregarding 14 NYCRR 589.2(a)(1), NY CLS Men Hyg § 7.18(b), NY Const Art IV § 8 and NY Exec Law § 102 with their reply,
- 4.) Jeff Nowicki's 10/12/21 Affidavit plainly states I reside at STARC NOT CNYPC so Policy 6.4 doesn't apply to me,
I now ask that you review original complaint as part of this."

2.) Alyssa Luley, Director of Risk Management the following that said in part under "Nature of Concern":
"On 6/10/24 I received a reply dated 6/7/24 from Kristopher Harvey, Complaint Specialist, Risk Management in reference to my 6/2/24 complaint on SOTA A. Tucker, Jr. The reply is a weak attempt to cover up the actions of SOTA A. Tucker, Jr. as SOTA A. Tucker, Jr. did rub up on me and call me a "dumb ass nigger". Video/ audio show both. I does not show me restricting access to the dining hall, as Mr. Harvey claims. SOTA A. Tucker, Jr. at no time even asked me to move prior to rubbing on me. My attorney has a copy of video and can also plainly see both things happening.

under "Suggested Solution to concern":

- That Mr. Harvey be disciplined accordingly,
- That a proper investigation be done into SOTA A. Tucker, Jr.
- That I be told the outcome of this all in writing,
- That I be told in writing if none of this will be done."

Then as of 6/16/24 I have been given 8 out of 15 weekly mail meetings. The meetings are never productive and rarely are about the mail restriction. I still to date don't know why I'm even still on it, what has to happen to have it removed or anything else. There is currently a Article 78 pending in Supreme Court to have the mail restriction removed as it is illegal and against my rights. I'll keep you updated on what happens with it all.

Stratford Career Institute

Mount-Royal, QC

This is to certify that

John Peana

has completed a course of studies in

Psychology/Social Work

and, in testimony whereof this

DIPLOMA

with highest honors

is awarded

*In witness whereof we have hereto subscribed our names and affixed
the academic seal of the school on this 9th of May 2024*


Executive Director


Registrar

