

# UPDATES

Hi everyone, I know it has been a while since I last posted on here but things have been a little hectic for me. Over the past approx. 12 months alot has happened. Here is some of what has happened:

**\* July 2024-** I was finally moved to another building at the facility. It is the better of the two buildings that this facility has. There are more "Freedoms" (free movement, single bathroom/showers, more job opportunities, etc....) in this building but it is still Civil Confinement.

**\* August 1st, 2024-** I recieved a Decision And Order on my Article 78 pertaining to the illegal Mail Restriction I was on since 2018. It said in part:

"ORDERED, the Petition is granted, to the extent that the determination of Respondents upholding the mail restriction is vacated and the matter is remanded back to Respondents for a new determination consistent with their own policies."

(\*\*Article 78 was filed in Albany County Supreme Court under Index No. 4714-23/(904714-23)\*\*)

Due to that decision and order I was FINALLY taken off the illegal Mail Restriction approx. a week later.

**\* November 25th, 2024-** I filed a new Article 78 in Albany County Supreme Court that pertains to the removal of all progress notes in my chart and MHARS that are not medical or from a clinical group. The Article 78 was done after the facility refused to remove the records and dur to the facility also not having followed both: N.Y. Const. IV 8 and N.Y. Exec. Law 102 that states that all policies, procedures, rules, rule books, etc.... must be filed with the NYS Secretary of State/NYS Dept. of State before they are valid and enforcable. To date NO policies, procedures, rules, rule book, etc.... has been filed with either of the above. This place became STARC-Oakview on 4/22/21 and still nothing has been filed, so how are we as residents to know what we can/can't do/have here? (This was filed under Index No. 11493-24).

**\* December 31st, 2024-** My closet support and friend went home.

**\* January 31st, 2025-** I went to court with yet again another recommendation for SIST (5th one in a row) from my evaluator in front of Judge Paul Deep for my annual review.

**\* March 31st, 2025-** I was targeted, harassed, and abused. This is what happened:

"On 3/31/25 at approx. 12:30pm RC2 Willey called me to the desk for mail. As I was opening a piece of mail from Mission Lane Visa I told her that I would have to go get an envelope to send out the credit card. Then SCTA Allen got into the conversation trying to get the piece of paper out of my hand that came with the card and I asked him to stay out of it as I was dealing with RC2 Willey. He wouldn't stop after me asking him too multiple times and then he took my mail and the card off the counter aggressively.



RC2 Willey then handed me back my mail that SCTA Allen took and I went to go get the envelope to mail out the card. Once back I went to the opposite side of the counter to stay away from SCTA Allen and deal with putting the card into an envelope with RC2 Willey who I asked to come over to the other side of the counter. SCTA Allen then came over to us and continued his aggressive behavior as he continued to interfere and escalate the situation by being loud and aggressive. He continued to ignore my requests to leave me alone. After that, the next thing I remember is another resident trying to talk to me and then me putting the card into an envelope and handing it to RC2 Willey. Then I went to get my stuff to go outside to calm down. Then at approx. 12:40pm I went out to get on the elevator to go downstairs to go outside and SCTA2 Kinville (who I'm supposed to have a separation with due to her past behaviors toward me) got off one elevator as I went to get on the other one saying I could not go down stairs. Then she called an unwarranted RED DOT as I was getting off the elevator. Then once back on the ward I repeatedly asked her to get away from me (she was right on my hip) and when she wouldn't, I kept walking away from her as she proceeded to follow me. I even at one point said that she's not even supposed to be near me as there is a separation between us. She then said there wasn't and continued to follow me. I also kept repeating "Why is no one following my ICPP" (Individual Crisis Prevention Plan) and agitating the situation during the whole situation. Then a little while later SCTA2 Kinville got really close to me and told me I was on "NO OFF WARD" for the rest of the day (she also said "Do you understand me, do you understand me, I mean all day"). Then at approx. 2:50pm I spoke to SCTA Allen about all that happened, my ICPP, how his actions effected me, my PTSD, how I never heard him say I couldn't leave the ward, my PTSD blackouts and how I would like him to review and follow my ICPP in the future. I also apologized for my actions and then heard him out. He then admitted where he went wrong and also apologized. (PLEASE NOTE: Multiple times during this situation I tried to get away but staff kept instigating/agitating the situation). It is all on video/audio but the facility refuses to review it to prove all I said. They also refused my request under FOIL for a copy of the video/audio."

**\* April 7th, 2025-** I was put on "14 Days loss of Regular Privileges" (No work, commissary, personal electronics, etc....) for the incident on March 31st, 2025. At NO time was I even given a chance to tell my side of what happened, call witnesses, have video/audio reviewed prior to the restriction. It was like I was automatically guilty. (This is nothing new here, we are ALWAYS guilty and NEVER get a chance to defend ourselves).

**\* May 2nd, 2025-** The facility Implemented an illegal Mail Restriction on me with no explanation as to what rule, policy, etc.... I violated.

**\* May 5th, 2025-** I sent a letter to Judge Adam W. Silverman (the Judge that signed the August 1st, 2024 Decision and Order on the last Mail Restriction) about the new Mail Restriction. It said:



"I write today to file a complaint and request a Cease and Desist Order against STARC-Oakview for violating your Decision And Order Dated August 1st, 2024 under Index No. 4712-23. On May 2nd, 2025 STARC-Oakview put me back on an Mail Restriction in direct violation of your Decision and Order as they once again did not follow their own policy (Policy # 5.11, Section "I") and used false narrative/pretenses to put it on me. I have broke no rules concerning my mail, no reason was documented for the restriction, no time frame was given for the restriction, no doctor has signed the restriction, I have not been given a copy of said restriction but it is being enforced none the less. As you may remeber from the case, Policy # 5.11, Section "I" states:

**"RESTRICTION OF RIGHTS"**

At any time that a right will be restricted in any way, the rationale for the restriction, a written physician's order with the time frame for the restriction, and an amended service plan must be entered into the clinical record. A weekly review of any restriction must be conducted by the Treatment Team. In no event may any right be restricted or limited as a punishment or for the convenience of staff".

As stated above, I've broke no rules concerning my mail to warrent this restriction. What I have done was assist 4 others in getting thier Mail Restriction removed using your Decision and Order. There is NO documented reason(s) for the restriction to be applied to me. I now request that you please issue:

- 1.) An Order forcing STARC-Oakview to remove the Mail Restriction from me, and
- 2.) An Cease and Desist order against STARC-Oakview so they can not enforce the illegal and unwarranted Mail Restriction, and
- 3.) An Order sanctinoning all involved for violating your August 1st, 2024 Decision and Order".

I also sent Cease and Desist orders to facility staff that said:

**"RE; CEASE AND DESIST"**

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 and/or conduct:

- 1.) Enforcing or attempting to enforce the Mail Restriction that was placed on John Peana illegally on May 2nd, 2025 in vilation of:

- Acting Justice of the Supreme Court Hon. Adam W. Silverman's Order dated August 1st, 2024,
- New York Mental Hygiene Law 33.02(a)(9), (b), 33.05(a), 14 NYCR 527.5(b)(9), (c),
- Policy # 5.11, Section "I".

- 2.) Harassing and/or targeting John Peana,
  - 3.) Abusing Authority,
  - 4.) Tampering with John Peana's incoming and outgoing mail,
  - 5.) Mentally/Emotionally abusing John Peana
- as said practice and/or conduct violates 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 practice and/or conduct will be brought against you in Supreme Court of Albany and/or Oneida pursuant to section 31.19(c) of Mental Hygiene Law".



\* **May 15th, 2025-** The facility removed the illegal Mail Restriction from me that they implimented on May 2nd, 2025.

\* **May 23rd, 2025-** Judge Paul M. Deep made his decision on my release to SIST/Continued Confinement. He decided on Continued Confinement. Some of his reasoning for his decision were:

- 1.) "There was limited testimony regarding the Petitioner's potential release plans."
- 2.) "The petitioner did not address any release plans during his testimony".
- 3.) "In this matter, it is concerning that John P. did not fully engage in treatment during this review period".
- 4.) "The petitioner failed to address the issue of his withdrawal from treatment, lack of engagment and noncompliance while testifying".
- 5.) "He failed to address why he withdrew from treatment until the month of this hearing".

Ok, now let me give some insight into 1-5 above.

1.) I was told by my attorney not to talk about this due to SIST not even being discussed at this time and also due to him saying my evaluator would handle that topic.

2.) SAME AS ABOVE (1)

3.) Did not engage in Treatment for approx. 4-5 weeks in Dec. 2023/ Jan. 2024 due to needing a break. At that time I had been programing for approx. 15 years straight with no interruption and then both my sister and Great-uncle passed away. I just needed to be able to morn and reboot.

4.) SAME AS ABOVE (3) and my attorney refused to question me while on the stand. Said it would be explained by my evaluator.

5.) SAME AS ABOVE (4/5) and it is a lie. I was programing for approx. 12 months by the time I went to court on January 31st, 2025.

\* **June 3rd, 2025-** I wrote and sent a letter signed by 100 residents about the phone system here and the lack of Tablets here to:

- NYS OMH, Consolidated Business Office
- NYS OMH Commissioner Ann Marie T. Sullivan

It read as follows:

"Re; Contract with NCIC Phone Service and Request for Tablets

To Whom it may concern,

I write today on behalf of all the undersigned to complain about NCIC Inmate Phone Service and the contract that NYS OMH has with them. I am also writing on behalf of all the undersigned to request that a company be found and contracted to provide Tablets to us. I will go into each of the above now.

We would first like to say that we nor our famililies had any input into even using NCIC for phone services. Some of the complaints are:

1.) The company does not reply to voice messages left by us or our families when there is a issue with phone, phone account or dropped calls.

2.) The company charges inflated rates per minute for phone calls (approx. .12¢ a minute).

3.) The companies system continually drops calls and loses service (dead air) for hour and some times days.



4.) The companies equipment is faulty (ex. low volume, staticy reception, buttons stick/don't work, etc....).

5.) Money on family/friends accounts comes up missing regularly. Residents have kept records of minutes used on the phone and the amount of money charged by NCIC exceeds the amount of minutes used.

Next, we are currently stuck in the dark ages as we have no access to Tablets (NYS DOCCS has had them since approx. 2018) at this facility. Almost every thing has gone digital and by us not having Tablets we are at a loss/disadvantage. We are civilians and should have had Tablets way before prisoners. Tablets are integral to everyday life now, preparing for society as almost all communication is done digitaly (email, job applications, resumes, interviews, etc....), the rehabilitation of residents (treatment materials, recreation, leasuire time, communication with providers/family/friends,etc....) and gives a sense of autonomy.

We now request:

1.) The contract with NCIC be discontinued and a new phone provider be found with input from us/ our families (if possible) on what services we would like as part of the contract and the prices that will be charged.

2.) That a provider of Tablets/Tablet services be found after getting input from us on services/features/etc.... that we would like and then a contract made with them so we can recieve and use Tablets (as all NYS DOCCS does).

We would like for all of this to be done ASAP as both are very important to our futures. Thank you for your time and patience with this all and we await to hear from you about this all".

\* **June 13th, 2023** - The facility implimented a new policy (Not filed with NYS Secretary of State/NYS Dept. of State) concerning Mail. It said in Part:

**"POLICY & PURPOSE:**

STARC is committed to providing a safe and therapeutic enviornment for residents, employees and visitors. This includes addressing risks to potential exposure to hazardous materials or contraband entering the facility in the mail.

This current policy applies to STARC-Oakview

**STATUTE S & STABDARDS:**

\* OMH Offical Policy Manual, PC-050

\* 14-CRR-NY Part 527.11

\* 14-CRRNY Part 527.12

It also says in part:

**"Characteristics of suspicious envelopes and packages"**

- Inappropriate or unusual labeling:

\* Excessive postage

\* Handwritten or poorly type addresses

\* Misspelling of common words

\* Strange return address or no return address

\* Incorrect title or title without name

\* Not addressed to a specific person

\* Marked with restrictions, such as "Personal", "confidential",

or "Do not x-ray"



- \* Marked with threatening language
- \* Postmarked from a city or state that does not match return address.

-Appearance:

- \* Powdery substance felt through or appearing on the package or envelope
- \* Oily stain, discoloration, or odor
- \* Lopsided or uneven envelope
- \* Excessive packaging material such as masking tape, string, etc.

-Other Suspicious Signs:

- \* Excessive weight
- \* Ticking sound
- \* Protruding wires or aluminum foil.

## PROCEDURE

### STARC Oakview:

#### 1.) Routine Safe Handling of Mail

a.) At least once a day Monday through Friday (except legal holidays), identified STARC staff (SCTA/Designee) will receive mail from Central Mail Room. Central Mail Room staff, working under the auspice of Central New York Psychiatric Center (CNYPC), are trained in the safe mail handling under CNYPC to sort mail for staff, departments, and residents while alert for suspicious parcels.

b.) Residents mail is retrieved and transported by SCTA staff to STARC Mail Handling room.

c.) The mail handling room has fume box, PPE, and Naloxone available, as well as a camera able to be monitored by the Safety and Security Department.

#### d.) SCTA/Designee will:

i.) Notify the Safety and Security Dept. when mail opening will commence for the purpose of staff safety monitoring.

ii.) Identify and separate official legal and clergy correspondence. Such mail shall remain unopened and placed in separate envelope labeled for Unit RC review prior to delivery.

iii.) Turn on fume box.

iv.) Don nitrile gloves.

v.) Open mail items, with exception of official legal and clergy correspondence, under "fume box", this includes:

a.) Removing all stamps, stickers, or anything else stuck to exterior of envelope.

b.) Removing all from each envelope, inspecting each page, returning mail, unread, to envelope.

c.) If checks, cash, or money orders are enclosed, the envelope will shall be stamped "Money Enclosed".

d.) If photos enclosed, the envelope will shall be stamped "photo enclosed".

e.) If no suspicious materials are found, the mail will be sorted and readied for delivery to the unit mailbox.

i.) SCTA will notify the Unit RC via e-mail at the conclusion of each building mail delivery.



11.) The Unit RC will retrieve the resident mail from the unit mailbox, bring to the unit, and distribute mail to each resident per the STARC Mail and Package policy.

This policy not only violates residents (who are civilians NOT prisoners) rights but also State and Federal laws. Next, the facility (STARC-Oakview) doesn't even have a "Mail and Package Policy", at least not one any resident has seen or that has been filed with the NYS Secretary of State/NYS Dept. of State. This facility has not had a single incident that HAZMAT or any other Agency has had to be called. This "Policy" is just a means to open and read residents mail.

**\* June 14th, 2025-** I wrote Judge Rowan Wilson a letter concerning the Phone system, Lack of Tablets and the new mail "policy". I wrote everything above to him and am hoping to hear back from him soon.

**\* June 30th, 2025-** I recieved a reply from Michael Pulizotto, Chief Clerk VI in reply to my June 14th, 2025 letter to Judge Wilson dated June 26th, 2025. It said in part:

"Your June 14, 2025 letter to Chief Judge Rowan D. Wilson was referred to me for response. Unfortunately, due to strict ethical constraints that govern all judges and nonjudicial staff of the New York State Unified Court System (USC), I am very limited in the manner by which I may respond to your inquiry.

Please understand that except for judges who are acting in their judicial capacity, all judges- including all judicial leaders- and all non-judicial UCS staff are strictly prohibited from intervening on behalf of any litigant or potential litigant in any pending or impending (potential) case. Even Cheif Judge Wilson may become involved in a matter only if it is pending before the Court of Appeals, which is not applicable here. Further, all judges and nonjudicial USC staff are strictly prohibited from providing legal advice."

**\* July 6th, 2025-** I wrote a complaint to Risk Management concerning the NCIC Phone System, Lack of Tablets and the new Mail "Policy".

**\* July 11th, 2025-** I wrote and sent follow up letters to:

- NYS OMH, Consolidated Business office
- NYS OMH Commissioner Ann Marie T. Sullivan

concerning my June 3rd, 2025 letter about the NCIC Phone System and Lack of Tablets.

**\* July 17th, 2025-** I recived a reply from Alyssa Luley, Director of Risk Management that said in part:

"Risk Management has recieved and reviewed your correspondence dated July 6th, 2025 regarding various concerns. For your convenience, the responses to your concerns are listed below:

- \* NCIC is the contracted phone provider for STARC as you state. Your concerns with the service are noted.

- \* BISOT is aware of your concerns regarding a lack of tablets. This department does not have any update regarding this request.

- \* Safe Handling and Distribution of Mail is not limiting residents rights or privileges as you allege. It is rather ensuring safety within the program. This does not require amendments to every



residents ISP/ a weekly meeting as you assert. This policy and practice will remain in effect."

\* July 18th, 2025: I wrote the following appeal to Danielle Tope, Director of STARC-Oakview:

"This appeal is being written due to the replies being vague and not actually replying to the complaint made on July 6th, 2025 by me concerning the NCIC Phone System, Lack of Tablets and the Safe Handling and Distribution Of Mail Policy.

Alyssa Luley, LMSW, Director of Risk Management said the following in her July 10th, 2025 reply to me:

- "NCIC is the contracted phone provider for STARC as you state. Your concerns with the service are noted".

She at no time spoke on or replied to all I wrote about the NCIC system, equipment, pricing, loss of service or the request for the contract to be dis-continued and a new provider contracted.

- "BISOT is aware of you concerns regarding a lack of Tablets. This department does not have an update regarding this request". If her dept. doesn't have any update regarding this she should have told me who to write and/or forwarded the complaint to them for reply so that it could be properly answered.

- "Safe Handling and Distribution of Mail is not limiting resident rights or privilege as you allege. It is rather ensuring safety within the program. This does not require amendments to every resident ISP/ a weekly meeting as you assert. This policy and practice will remain in effect".

She at no time spoke on or replied to what I wrote about in the complaint concerning: -Policy # 5.11

-N.Y. Const. IV 8

-N.Y. Exec. Law 102

-14 NYCRR 527.12

Also, since when is mail a "Privilege"? Sorry to say but ISP's MUST be amended and weekly meetings MUST be given to every resident under both Policy # 5.11 and 14 NYCRR 527.12. Judge Silverman in Albany County Supreme Court Has already Notified the facility of this fact.

I now re-request the following:

1.) The contract with NCIC be discontinued IMMEDIATELY and a new provider be found with input from residents/ residents families (if possible) on what services we would like as part of the contract and the prices that will be charged.

2.) That a provider of Tablets/Tablet services be found after getting input from residents on services, features, etc.... that they want and then a contract made with them so Tablets can be recieved and used (as all NYS DOCCS Inmates do).

3.) That this Policy be discontinued IMMEDIATELY or all steps layed out in 14 NYCRR 527.12 and Policy # 5.11 be followed.

4.) If any or all of this (1-3 above) wont be done I be told why in WRITING at your earliest convience."

With all this being said, I will end this by saying:

Due to being in this facility (STARC-Oakview) I am unable to reply on any platform, so if you would like, please contact me at the following address:



John Peana  
277888  
STARC-Oakview  
9005 Old River Rd.  
Marcy, NY, 13403

OK

You can try to leave me a message on one of my accounts (Facebook or Instagram) and I will try to have both accounts checked as often as I can. You can also try emailing me at

[Jipeana85@yahoo.com](mailto:Jipeana85@yahoo.com)

But that will also only be checked once and a while. Best bet to get in touch with me is by writing the above address.

ANY SUGGESTIONS, COMMENTS, QUESTIONS, ASSISTANCE, HELP IS WELCOME AND APPRECIATED.

Thank you for taking the time to read all this and I hope you have a good day/night.