



**STATE OF NEW YORK  
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**LETIZIA TAGLIAFIERRO  
INSPECTOR GENERAL**

September 30, 2020

Ann Marie T. Sullivan, M.D.  
Commissioner  
New York State Office of Mental Health  
44 Holland Avenue  
Albany, New York 12229

Re: NYS IG 0090-043-2019

Dear Commissioner Sullivan:

On January 11, 2019, the New York State Office of Mental Health (OMH) referred to the Office of the New York State Inspector General a complaint alleging that former OMH [REDACTED], who worked at the Buffalo Psychiatric Center, misused three law enforcement information systems—eJusticeNY, CHARMS, and Web RICl—for personal purposes and without authorization.<sup>1</sup> The Inspector General's investigation substantiated this allegation and also found that [REDACTED] acted in an intimidating manner towards an OMH employee.

By way of background, on October 31, 2018, Buffalo Psychiatric Center [REDACTED] reported to his direct supervisors that he observed Mental Health

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<sup>1</sup> eJusticeNY is an application that provides qualified agencies and users access to federal and New York State criminal justice information. CHARMS is Erie County's Criminal History Arrest Records Management System and Web RICl, the Repository of Integrated Criminalistic Imaging, is a database that contains Erie County arrest and booking information. All require a unique username and password and are to be utilized for official law enforcement purposes only.

Therapy ██████ in possession of a purse that had been stolen from a patient at the facility. ██████ was arrested and charged with the theft and subsequently resigned from OMH. On November 11, 2018, then Safety and Security Officer ██████ who was involved in a personal relationship with ██████ at the time, was directed by the Safety Office not to communicate with other employees regarding the ██████ matter.

On November 23, 2018, during a routine audit of the CHARMS database, ██████, a safety and security sergeant at Buffalo Psychiatric Center and an administrator of the database, found that ██████ unique username, ██████ had been used on November 22, 2018 to access multiple records pertaining to ██████. After advising Chief Safety and Security Officer ██████ of the activity and receiving authorization, ██████ obtained logs from Erie County Central Police Services of ██████ access to the CHARMS and Web RICi databases for the period October 2016 through November 26, 2018. The Web RICi logs revealed that on November 17, 2018, ██████ conducted three searches for information on ██████ and on November 22, 2018, ██████ conducted five searches for ██████ information.<sup>2</sup> ██████ also obtained logs for ██████ access to New York State Department of Motor Vehicles databases and found ██████ had reviewed ██████ driver license information on October 11, 2018, and ██████ information on November 22, 2018. ██████ then reviewed ██████ daily blotter entries and activity logs and found that the searches did not correlate to any active criminal investigation or police activity at the facility.

The Inspector General reviewed and confirmed ██████ findings of ██████ improper database searches. Additionally, a review of ██████ time and attendance records confirmed that ██████ was working at the facility on the days in question. Buffalo Psychiatric Center key fob records further revealed that ██████ used his assigned key fob to enter the facility prior to the time the unauthorized searches were conducted and exit after the searches had ended. In addition, Buffalo Psychiatric Center blotter records show that ██████ was assigned desk duty during the times and dates in question and that no calls were received that would have required ██████ to leave the office during the times the searches were run. In fact, ██████ was the sole officer on desk duty for several hours on both November 17 and 22, 2018—when the searches were conducted—and all other officers were assigned to vehicle patrol or building inspections. This duty placed him at a desk next to the workstation where database searches are conducted.

The Inspector General further found that ██████ received training on the databases and was aware of the prohibitions on personal use. Records provided by Erie County Central Police Services show that ██████ last attended a three-day training on the databases in 2015. As part of this training, ██████ completed a Certification Test in which he acknowledged that “[a]ny information retrieved from using . . . CHARMS or RICi is used for criminal justice purposes only.”

██████ testified to the Inspector General that soon after ██████ arrest, ██████ was present each day at the facility’s entrance when ██████ arrived for work. According to ██████ this was a change in ██████ conduct and his duties did not require him to be present at the facility’s entrance. ██████ felt ██████ conduct was intimidating. Subsequently, coworkers advised ██████ that ██████ had been disclosing details about a prior felony conviction of ██████. In fact, ██████ testified that after the unauthorized searches were conducted, he

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<sup>2</sup> Notably, prior to November 17, 2018, ██████ had not accessed Web RICi to conduct any searches since 2016.

overheard [REDACTED] state that [REDACTED] "was a liar, had his own record, and was unreliable." [REDACTED] testified that he believed [REDACTED] released this information to discredit [REDACTED] relating to the allegations against [REDACTED]. Finally, [REDACTED] testified that when he reported to Buffalo City Court as a witness in the [REDACTED] case, [REDACTED] was standing outside the courthouse and told [REDACTED] that he was a "piece of shit."

[REDACTED] refused to provide testimony to the Inspector General regarding this matter.

On November 28, 2018, [REDACTED] was placed on administrative leave, and on December 31, 2018, he retired. On January 18, 2019, OMH advised that [REDACTED] had been served with a Notice of Discipline and OMH would proceed with discipline against [REDACTED] if he sought to return to OMH.

The Inspector General presented the findings of the investigation to the Office of the Erie County District Attorney, which advised it was declining prosecution.

Notably, the investigation found that OMH's internal controls and review processes operated to quickly identify [REDACTED] unauthorized access of the databases, and the matter was properly and timely reported to OMH and the Inspector General.

Given the above, the Inspector General has closed its investigation of [REDACTED]. Should [REDACTED] seek to return to State service, the Inspector General recommends that OMH supplement its Notice of Discipline with the Inspector General's findings regarding [REDACTED] improper conduct toward [REDACTED].

If you require further information, please contact Deputy Inspector General Jeffrey Hagen at 716.847.7102.

Sincerely,

[REDACTED]

Letizia Tagliafierro  
Inspector General

Cc: J. Mark Noordsy, Esq.  
General Counsel and Deputy Commissioner