



October 19, 2021

Anthony J. Annucci, Esq.
Acting Commissioner
New York State Department of Corrections
and Community Supervision
The Harriman State Office Campus
1220 Washington Avenue
Albany, New York 12226

Re: NYS IG 1384-316-2021

Dear Acting Commissioner Annucci:

On May 26, 2021, the New York State on PAUSE Enforcement Hotline received an anonymous complaint alleging that [REDACTED] a correction officer employed by the New York State Department of Corrections and Community Supervision (DOCCS), posted a video to his personal Instagram account indicating that he possessed fake COVID-19 Vaccination Record Cards and was willing to distribute them to others. This information was forwarded to the Offices of the New York State Inspector General on June 1, 2021. This letter reports the results of the Inspector General's investigation of this matter.

The DOCCS Employees' Manual provides, "No employee, whether on or off duty, shall so comport himself or herself as to reflect discredit upon the Department or its personnel."¹ To this end, DOCCS issued a memorandum to its employees regarding their use of social media.² The memorandum, in pertinent part, reads:

DOCCS employees who maintain social media accounts . . . are expected to present themselves to the public with a sense of decorum and professional dignity. This is critical to DOCCS' mission. The Department's effectiveness as a public safety entity depends, to a large extent, upon its credibility. The public should always realize that the Department is staffed with responsible, conscientious professionals.

The Inspector General viewed the 13 second video posted by [REDACTED] to his [REDACTED] Instagram account. The video began by displaying an unknown individual

¹ DOCCS Employees' Manual § 2.1.

² DOCCS, Memorandum, Social Media (February 7, 2017).

holding a stack of cards that appear identical to actual COVID-19 Vaccination Record Cards. The cards display the heading "COVID-19 Vaccination Record Card," the seal of the U.S. Centers for Disease Control and Prevention, and fields for a vaccine recipient's name and date of birth, as well as information about the purportedly administered vaccines (i.e., vaccine manufacturer, lot number, dates, vaccination site). The following captions appeared during the video:

- My moms scrapbooking skills and my will to not be a gov guinea pig have resulted in fake vaccine cards (these are not the final ones) they'll be printed on card stock if you need one [let me know]
- These are legit
- The government I can offer you security. I only require that you kneel. Free thinkers Now see, that's gonna be a problem

The final caption appeared with an image of the logo of the nonprofit conservative organization "Turning Point USA."

██████████ provided testimony under oath to the Inspector General in which he acknowledged maintaining the Instagram account ██████████ and posting the video in question but denied creating, possessing, distributing, or selling fake COVID-19 Vaccination Record Cards. ██████████ explained that the video was meant to be a political statement and not an actual offer to distribute fake COVID-19 Vaccination Record Cards. He further testified, "I posted something stupid. I immediately deleted it after because it was stupid . . . I was just fed up with all the shit going on . . . Shouldn't have posted it."

Despite insufficient evidence to conclude that ██████████ created, possessed, distributed, or sold fake COVID-19 Vaccination Record Cards, his actions may violate the aforementioned DOCCS policy. In light of these findings, I recommend that DOCCS take any action it deems appropriate against ██████████ for his conduct.

Please advise me of any action taken by DOCCS in response to this recommendation within 45 days of the date of this letter. If you require further information, please contact Special Deputy Inspector General Lynn Tabbott at (845) 357-2111.

██████████
Acting Inspector General

Cc: Cathy Sheehan, Esq.
Deputy Commissioner and Counsel