



STATE OF NEW YORK
OFFICE OF THE STATE INSPECTOR GENERAL

Final Report
December 21, 2007

**PER DIEM WORKER LET GO AFTER PROBE OF BOOTLEG DVD
SALES TO PRISON GUARDS**

SUMMARY OF FINDINGS/RECOMMENDATIONS

The Office of the State Inspector General conducted a joint investigation with the Department of Correctional Services Inspector General's Office and the Office of Mental Health Internal Investigations Unit that determined that Joseph Marrone, while an employee of the New York State Office of Mental Health (OMH) assigned to a state correctional facility, inappropriately used his state computer. The evidence also suggested that Marrone copied and sold DVDs at the correctional facility. Marrone is no longer employed by OMH.

ALLEGATIONS

On April 16, 2007, the Inspector General received a complaint from an individual requesting anonymity alleging that Marrone, an OMH nurse manager employed at Five Points Correctional Facility (Five Points), sold illegally copied DVDs to other state employees during his hours of employment. The complainant also alleged that Marrone used an OMH computer to provide prospective buyers with a list of DVDs available for purchase. Marrone allegedly sold the DVDs for \$3 per copy, with some customers purchasing as many as 40 DVDs at one time. Marrone was allegedly overheard bragging that he had made over \$30,000 selling DVDs.

SUMMARY OF INVESTIGATION

The Five Points Correctional Facility in Romulus, New York is a men's maximum-security prison that houses 1,500 inmates at full capacity. The facility, which is run by the Department of Correctional Services (DOCS), also contains a Mental Health Unit where Marrone worked. Marrone retired in May 2007 after completing 39 years in

state service. After his retirement, Marrone continued to work at Five Points on a per diem basis as a contract employee with OMH.

The Inspector General interviewed the complainant who stated that he had seen correctional officers gathered around Marrone's desk, presumably looking at a list of DVDs for sale on Marrone's state computer. The complainant, however, never observed the actual list. The complainant provided the Inspector General with copies of three DVD envelopes he found in Marrone's office. Two of the envelopes were labeled with a movie title and the word "Spider," an apparent reference to a particular correctional officer at Five Points. The third envelope was labeled with a movie title and the last name of another correctional officer at the facility.

The Inspector General interviewed the two employees whose names were on the DVD envelopes. The first employee stated that he had never purchased DVDs from Marrone and denied that he was aware that anyone was selling DVDs at the facility. This employee initially denied, then admitted, that co-workers called him "Spider." The Inspector General presented him with the two envelopes bearing the name "Spider" on the front. In response, he stated that a correctional officer with the last name Spider worked at Five Points during the preceding year. A computer records check determined that DOCS has never employed a correctional officer with the last name Spider.

The Inspector General interviewed the second employee who stated that although he worked in the facility's mental health unit, he had never purchased DVDs from Marrone. He denied knowing that Marrone copied and sold DVDs and stated he had never observed the sale of a DVD.

At the Inspector General's request, the OMH Office of Investigation obtained Marrone's office desktop computer and conducted a forensic examination of the hard drive. This analysis produced evidence of a menu containing approximately 900 DVD listings on Marrone's agency computer. The Inspector General interviewed Marrone, who acknowledged maintaining a list of DVDs on his office computer, but claimed that the list was an inventory related to a secondary business he conducted off-premises. According to Marrone, he bought bargain DVDs and, after viewing them, sold them at yard sales for a profit. Marrone admitted knowing both correctional officers alleged to have purchased DVDs, but denied selling DVDs to anyone at the facility.

At the conclusion of Marrone's interview by the Inspector General, the DOCS Inspector General informed Marrone that he would no longer have access to Five Points or any other correctional facility pending the outcome of the investigation. On October 7, 2007, OMH informed Marrone that the agency would no longer be utilizing his services.

FINDINGS AND RECOMMENDATIONS

The investigation determined that Marrone inappropriately used his assigned agency computer for purposes other than official business. The DVD envelopes found on

Marrone's desk and the list of approximately 900 DVDs retrieved from his computer suggest that Marrone did sell DVDs to employees at the Five Points Correctional Facility.

As Marrone is no longer employed by OMH or assigned to a DOCS facility, the Inspector General's Office makes no recommendation for action by either agency.