

Today Supervisory USPO Michael Rafferty and I met with Ms. Foley at our New Haven office. We started the meeting by gathering back ground information surrounding her status with DCF case and visitation with her minor children. Ms. Foley was able to provide details and at some point, while on this subject she became tearful. She advised that DCF never moved forward with allowing supervised visitation following the order by Judge Martinez in 2018. Ms. Foley advised that the DCF unit social work supervisor allegedly did not see advantage of supervised visits with the children. However, she advised that in December 2018 the actual social worker assigned to her case instructed Ms. Foley to write the children a letter. The letter was to be forwarded to the mental health clinician assigned to the children for review and approval. To date Ms. Foley does not believe that the letter was assessment by the children's clinician. Moreover, Ms. Foley expressed concern that the children were removed her sister's care after specially one year and a week and placed in a licensed DCF foster home. She able to articulate that at least when the children were placed with her sister, they were in the care of family with consistency. Ms. Foley did not provide any details as to why the children were ultimately removed from her sister. Reportedly, her mother and sister were receiving weekly to bi-monthly supervised visits with the children at the DCF office, parks or malls for the last

year. However, per Ms. Foley last week was the last DCF supervised visit and the foster parents are scheduled to commence the visitation schedule. She did confirm that DCF has plans to terminate her parental rights during a hearing scheduled in Juvenile Court in Middletown, CT on December 12th. Should her rights be terminated Ms. Foley is hoping for an open adoption, so she can maintain a relationship with the children.

When asked if Ms. Foley understood the severity of the pending charges and the potential outcome of her trial, she repeatedly stated that she was full aware of the consequences. Ms. Foley stated that at this point she is facing 15 years' incarceration whether accepts a plea or proceeds with trial. She prefaced the last statement with the following comment "So it doesn't matter anyway. My kids are my life and why I fight." We discussed with Ms. Foley the potential collateral damage to the children should she receive a lengthy prison sentence. She began to realize how the initial plea offer compared to current offer dictate how she will maintain familial relationships (her mother who is eldering with failing health and the children should the state court order an open adoption). Ms. Foley stated that if the Government decided to revisit their initial plea offer, she may consider the deal. She also confirmed that defense counsel has gone over the possible outcome of trial with her on numerous occasions.

Regarding treatment Ms. Foley has been attending out-patient mental health group sessions, with limited individual intervention with The Connection located in New Haven, CT. She advised that for the past year there has been no consistency in her assigned clinician. In fact, Ms. Foley reported that she has had a least 3 to 4 different clinicians. She stated that her therapy has been "OK" but feels that her current psych medication is no longer addressing her current issues. Ms. Foley reported that her roommate at the Virginia Wells House informed her that she has recently been talking in her sleep as if she is afraid of something or someone. However, Ms. Foley advised that she could not recall her dreams.

Since our phone conference last week, I've left several messages for Ms. Foley's clinician "Shirley LNU" who apparently has been out on vacation and currently medical leave. Earlier today I went to The Connection and spoke with the Clinical Supervisor Alexandria, who confirmed that due to the program's frequent change in staff that she has had several clinicians. I questioned why the program do not feel that an individual with Ms. Foley's history and pending legal matters, did not clinically rise to a higher level of intervention Alexandria advised that all the clients are given the option to be referred out to a private therapist should they (client) wish to have consistent individual therapy. She was not able to confirm if Ms. Foley opted to not receive the referral for outside individual services. Ms. Foley is scheduled to complete an updated mental health assessment on November 22, 2019. Alexandria was only able to provide a copy of the attached intake assessment from November 2018. She advised that it takes 30 days to get a copy of the full case record from the program's records department.

As I waited for the attached document to be printed, I was able to observe Ms. Foley and other program clients interact in the lobby. Ms. Foley appears to have established relationships with several women in her group, and it was clear from the conversations that the women utilize the program as a social outlet. Their conversations varied from gossip regarding current and previous clients, personal lives to the inconsistency of the program and their staff. One of the women

commented that the program should just close, because they cannot keep staff (security guard included).

Based on the above information it appears that Ms. Foley has not been able to establish a consistent relationship with a clinician. She has apparently been able to address the surface matters and not indulge into issues surrounding both her federal and state legal matters, issues with her immediate family to include the possibility of never having contact with her children again.

Please contact me if you have any other questions.

From: Matthew Diamond
Sent: Tuesday, November 12, 2019 10:56 AM
To: Nicole Owens <[REDACTED]>
Subject: RE: USA v. Amber Foley, 18-cr-333

Hello Niki,

I wanted to follow up on your call with Judge Bryant. Were you able to obtain any additional information or speak with Ms. Foley's clinicians about her current mental status? Please feel free to give me a call (860-240-[REDACTED]), if you prefer.

Regards,
Matt

Matthew N. Diamond | Law Clerk to the Honorable Vanessa L. Bryant
United States District Court - District of Connecticut
450 Main Street
Hartford, CT 06103
Phone: (860) 240-[REDACTED]

From: Nicole Owens [REDACTED]
Sent: Wednesday, October 30, 2019 1:52 PM
To: Matthew Diamond [REDACTED]
Subject: Re: USA v. Amber Foley, 18-cr-333

Hi Matthew,

Yes I'm available on Monday to speak with Judge Bryant. Call me at (203)410-[REDACTED] which is my cellular phone.

I am still trying to reach her therapist, who I am told is off until Monday. However, I've requested a returned call from the program director in the meantime.

Talk to you Monday.

Thanks

Niki

Sent from my iPhone

On Oct 30, 2019, at 1:15 PM, Matthew Diamond [REDACTED] wrote:

Hello Nicole,

Thank you for speaking with me yesterday regarding the Amber Foley case. Are you available on Monday at 10:00 A.M. to speak with Judge Bryant about Ms. Foley's mental status? If so, Judge Bryant and I can call you then.

Regards,

Matthew N. Diamond | Law Clerk to the Honorable Vanessa L. Bryant
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