

April 13, 2020

Jennifer Jones Austin, Chair  
Margaret Egan, Executive Director  
NYC Board of Correction  
1 Centre Street, Room 2213  
New York, NY 10007  
New York City Board of Correction

Dear Chair Jones Austin, Ms. Egan and Board members,

We were dismayed to hear late on Saturday April 11, that the Board of Correction intends to hold a meeting on Tuesday April 14 to vote upon a request from the NYC Health+ Hospitals/Correctional Health Services (CHS) to limit medical and mental health care in the City jails at a time when our clients are experiencing unprecedented levels of trauma and distress. The CHS request requires careful explication and deliberation, with time to consider input from stakeholders, which is not possible absent an adjournment of the meeting date.

The Board received this variance request on April 6, 2020, but did not notify the public until 10:44 p.m. on April 11, almost six days later. And the Board did not issue notice of the public meeting scheduled for April 14 until 10:11 p.m. on Easter Sunday, April 12. The Board's public notice did not indicate why they did not publish CHS' request earlier.

We are particularly concerned about CHS's request for variances from BOC Minimum Mental Health Standards Sections 2-04(c)(3), 2-05(b)(2)(i-ii), and Sexual Abuse and Sexual Harassment Standard 5-10(d), which provide for counseling after a sexual assault and for psychiatric care and treatment services for individuals who are taking psychiatric medication. It is clear to us that this is not the time to reduce our engagement with detained persons in need of mental health care. We are receiving continuous reports from the jails describing mental health crises and challenges, and widespread failures of the ordinary sick call and medication distribution regimens. Our clients very much would like to provide you with this information that bears directly on the services they need during this time, but cannot do so on such short notice.

Moreover, it appears from the agenda described for the meeting tomorrow that the Board intends to vote and take action on this variance request *before* hearing from the stakeholders, affected people and public. This seems entirely backwards, as the information and perspective from public participation should be part of the Board's consideration and decision.

We are well aware that resources are strained across all institutions during the COVID-19 emergency and that some shifts in priorities are unavoidable. We furthermore fully support the measures CHS must take to prevent transmission of COVID during provision of treatment.

**Justice in Every Borough.**

However, the Board cannot properly make such an important decision without input from affected family members, formerly incarcerated people and other advocates for incarcerated people.

We ask that you postpone the meeting currently scheduled for Tuesday, April 14 to Friday, April 17, to allow stakeholders time to review CHS's request and submit written comments. We also ask that the Board allow public comment *before* the vote on the variance requests.

Thank you in advance for your consideration of this request.

Very truly yours,

/s/

Mary Lynne Werlwas  
Veronica Vela  
Kayla Simpson

Prisoners' Rights Project