

Running Minutes and Agendas for Task Force (most recent meeting first)

Meeting - January 11, 2022 12-2pm on Zoom (Mik facilitating)

Intros

Attendees:

Deborah Lolai (taking minutes; she/her - Bronx Defenders)
Mik Kinkead (facilitator; he/him - Legal Aid Society)
Heather Burgess (she/her - Board of Correction)
Kandra Clark (she/her - Exodus Transitional Community)
Michael Griffin (he/him - NYC Commission on Human Rights)
Ronald Porceli (they/them - UNITY Project)
Lucas Marquez (he/they - Brooklyn Defenders Services)
Chelsea Chard (she/her - Department of Correction)
Liz Munsky (she/her - Department of Correction)
Nicole Levy (she/her - Correctional Health Services)
Grace Detrevarah (she/her - Osborne Association)
Sahar Moazami (they/them - City Council)
Shear Avory (they/them - New Pride Agenda)
Andrea Bowen (she/her - Chief Housing Officer NYC)
Dori Lewis (she/her - Prisoner Rights/ Legal Aid Society)
Saloni Sethi (they/she - Mayor's Office to End Gender Based Violence)
Jeanette Merrill (she/her - Correctional Health Services)
Rachel Golden (she/they/Rachel - Golden Psychology)
Kim Barr (she/they - Queens Defenders)

Grounding

Mik asked for a description of the Task Force for new members; first report published in August; DOC published reply in December; City Council hearing scheduled for 1/25/23 - after the hearing we will begin writing the next report. Our goal is to make DOC safer, more humane, allow people coming home and not being so harmed by their treatment while inside that their reentry is made even more challenging.

Follow-up on to-dos from last meeting:

- 1) Can we schedule a tour of facilities for TF members (wherever TGNCINB people are largely housed)

Chelsea: At this time we cannot offer a tour.

Mik: Is there another time we can check back in about it?

Chelsea: It's not possible right now and will not be for a few months - large groups are not touring right now because of operational issues and COVID.

Deb: Can we check in about it in the Spring, March or May TF meeting?

Chelsea: Yes, we can check back in March or May.

Dori: How large are the groups generally?

Chelsea: No more than 10 people approximately - so we will have to break it up into two or more tours.

Mik: And we wouldn't want to tour all of DOC, just areas that a lot of trans people are in.

- 2) Shear will take lead on connecting us with F2L [provides commissary support to Black, Indigenous, and people of color who are queer, trans and/or two-spirit and incarcerated in New York State.]

Mik: Mitchell from F2L could help support us in teaching us how to contribute to the commissary. Table this conversation until Shear joins.

- 3) Nicole to bring answers to the following questions from the 12/7/22 meeting: (1) do you/CHS have data on the number of individuals who request gender-affirming surgeries? (2) how are people in custody made aware that these services are available?

Nicole: CHS does not formally track patient requests for gender-affirming surgeries. Our patients have undergone fewer than 10 surgeries, so we cannot provide any specific data without compromising patient confidentiality.

Nicole: CHS patients who might consider gender-affirming surgery are flagged by our care providers for help with navigating these procedures when it is clinically appropriate. Patients then learn more about their options in individualized conversations with a provider who specializes in transgender care. We are currently reviewing our patient-facing materials and identifying areas for improvement, including providing more information about gender-affirming surgery.

Mik: If it were zero surgeries, would you say zero?

Jeanette: No, we would say "fewer than 10"

Mik: Do you have a sense of how many people are requesting those surgeries? Or about training of staff on how to respond to those requests.

Jeanette: It would be anecdotal. The providers at Rosies are attuned to this. We have a provider who is trained on this. There are opportunities for more system wide training.

Dori: Which kind of surgeries are available to your patients?

Jeanette: NYC Health + Hospitals currently offers top surgeries; for bottom surgeries, and electrolysis, we would look to outside providers (e.g. Mt. Sinai). Mik also asked a question about provider training - there are clinicians at Rosie's who specialize in gender-affirming care and the H+H system offers LGBTQIA training to all employees. This is another area for growth in our service.

Chelsea: Any city reporting or general public reporting that happens, if there is any report with such few numbers, they use “less than —” language as to not compromise confidentiality

Ronald: I think this is based on relatively recent privacy laws

- 4) Liz to check in with folks at DOC about restarting the resource fairs starting up again.

Liz: it shouldn't be a problem in some facilities, but some facilities have not resumed communal activities post-COVID. For new folks, pre-COVID, we used to host resource fairs with LGBTQ providers to offer information to incarcerated LGBTQ people. It was a seemingly successful event based on connections made by providers and people in custody. We could make it happen in RMSC. The next goal would be to make it happen at AMKC, but that may be a harder pull because of the size of the facility and less communal programming happening there. There are a lot of new folks here, so I can reach out to Heather with information about how to sign up for more information when we get a date set. Is that ok with you Heather?

Heather: Yes, totally ok.

Mik: FYI for folks who don't know this - there are 8 jails at Rikers and there is VCBC aka “the boat.”

- 5) All members please check to see if your bio is correct, if not send to Mik or Heather to update:

<https://www.nyc.gov/site/boc/jail-regulations/task-force-on-issues-faced-by-tgncbi.page>

- 6) Deb will give new members access to google doc to sign up for committees.

Updates from BOC, CHS, DOC

Deb: Are there any updates to the finalization of the new TGNCNBI policy that has been in the works for several years? Is it possible for the Task Force to review a draft?

Chelsea: There are no updates but we will let people know when we have the final policy.

Deb: Can we review it before it's finalized?

Chelsea: No, but we are taking the recommendations from the report into account.

Heather: No updates from BOC.

Chelsea: No major updates on our end. Maybe Liz has more information.

Liz: It's almost entirely done, but we have received security approval to provide chest binders to people in facilities and I have about 50 chest binders available. There is some final paperwork.

Mik: We want to make sure people can use their binders however they want or as often as they want.

Liz: It's being classified as underwear, not as a medical device.

Mik: This is an example of why it's important for us to review the policy, because new things come up (such as binders) that were not mentioned in the report, so we would want to offer input on the policy.

Liz: This is an example of why communication with CHS is so important.

Rachel: What's happening as far as training of staff about binders, especially as it relates to searches. Sometimes it can be protective to have a card that says you can be wearing the binder when you're being searched by staff who are not trained. How can we train people to ensure that staff is informed about what binders are so they don't think that it's being used to hide something?

Liz: Higher ups such as deputies and the warden at RMSC are going to be trained. We are not going to be able to train all COs in one moment, but we will start with search teams and floor officers in the housing units who interact with people on a regular basis. Those are our priorities. That will happen before any binders are provided in any facilities. DOC disperses info by reading them (teletypes) at roll calls for 21 days. So we will include info about the binders on a teletype. Right now, we have a transgender pat/frisk policy and I will see if there is any way to add an addendum to that about binders.

Michael: Liz, can you elaborate on the Pat Frisk policy, and also if you could speak more about searches where clothes need to be removed.

Mik: We don't know about the pat/frisk policies.

Liz: The policy is from PREA. I can share it with all of you. It includes things like how the touching needs to be done, etc. but I can send it to you all. Regarding strip searches, I need to talk to security about it because I have never been a part of that so I need to come back with answers on that. If we classified it as a medical device, then it would require CHS to provide a diagnosis and state a need for it as a medical device. It will also be used to pathologize trans people.

Mik: Strip searches is a very heavily litigated topic.

Heather included the BOC Minimum Standard in the chat: § 5-06 Limits to Cross-Gender Viewing and Searches. See below.

(a) The Department shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.

(b) The Department shall not permit cross-gender pat-down searches of female inmates, absent exigent circumstances. The Department shall not restrict female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.

(c) The Department shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female inmates.

(d) The Department shall implement policies and procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent

Liz: The only addition to the BOC minimum standard to this policy is that the TGNCNBI person gets to choose the gender of the officer doing the search or pat frisk. Unless there are exigent circumstances, that request must be honored and if it's not honored, there must be a notation as to why it was not honored.

Mik: FYI exigent circumstances these days seem to include things like "low staffing."

Mik: We were told there is a new person on the SCDU. Is this true?

Liz: There is a new person on the SCDU named Sasha Barreto. She chairs the phone calls.

Mik: How many people are in the SCU? And also if someone leaves RMSC and wants to come back, can they?

Liz: If someone is removed from RMSC, they must await a 90 day period to apply for reconsideration. Chelsea can speak to the numbers in the SCU.

Chelsea: As I've stated before, we will not be sharing data with the Task Force.

Redaction of notes - sharing of confidential information

Nicole: update from CHS is that we have a meeting scheduled with Dr. Golden and we are looking forward to that conversation about how to improve our process of gender affirming care.

Sahar: I've received more information that we will be able to accommodate people speaking twice [City Council Hearing]. It would be helpful for us if you could let us know when someone will be speaking multiple times.

Updates from any Task Force members

Mik: for new members - please send Heather your names, pronouns, and bios for the BOC website

Reminder of committees

Strategy planning for City Council hearing

Mik: There will be a meeting Friday at 9am - I can share link with folks.

Deb: Update from Brenda at City Council.

Chelsea: The tablets have phone capabilities, so people can call into numbers from the tablet, such as the BOC numbers. However, this is not anonymous.

Shear: If we testify on behalf of someone, can we also give our own remarks?

Sahar: I will double check with the committee council. Time to testify is limited, so it's unlikely that you'll be able to testify twice.

Shear: So we really need an outreach strategy for volunteers to sign up.

Deb: We can discuss this at Friday's committee meeting.

Andy: I did a hearing around VICE where I had individual folks sign up, but someone else would read it when they signed up.

Mik: I've done that at BOC hearings, but City Council is more strict.

Grace: Chelsea, can you clarify about reading testimony?

Chelsea: I don't know for sure if the person making the statement has to use their name

NEXT Meeting: Feb 1st 2023, 12-2pm. Shear facilitating.
