



**BOARD OF CORRECTION  
CITY OF NEW YORK**

**MINUTES**

**First Quarterly Meeting of the New York City Task Force on Issues Faced by  
TGNCNBI People in Custody  
October 30, 2019**

**In-Person Attendees**

- Zoey Chenitz, New York City Commission on Human Rights
- Taylor Blackston, Mayor's Office to End Domestic and Gender-Based Violence ("ENDGB")
- Scott Levy (representing Deborah Lolai), The Bronx Defenders
- Shéár Avory (they/them/theirs), National Social Justice Advocate
- Saloni Seth, ENDGB
- Kimberly Mckenzie (she/her/hers), Sylvia Rivera Law Project
- Kelsey DeAvila, Brooklyn Defender Services
- Kandra Clark (she/her/hers), Exodus Transitional Community
- Heather Burgess (she/her/hers), NYC Board of Correction ("BOC")
- Grace DeTrevarah, The Osborne Association ("Osborne")
- Faye Yelardy, NYC Department of Correction ("DOC")
- Dori Lewis (she/her/hers), The Legal Aid Society-Prisoners' Rights Project
- Chase Strangio (he/him/his), American Civil Liberties Union
- Bryan Ellicott (he/him or they/them), Princess Janae Place
- Briana Silberberg, New York City Anti-Violence Project
- Benjamin Farber (he/him/his), Correctional Health Services ("CHS")
- Ashe McGovern (they/them/theirs), NYC Unity Project
- Andrea Mufarreh (she/her/hers), BOC
- Alana Sivin, New York City Council

**Phone Attendees**

- Sophie Cadle, Point Source Youth
- [Redacted], person in custody currently housed in the Special Considerations Unit (SCU)
- Elizabeth Munsky, DOC

## **Introduction**<sup>1</sup>

- The first quarterly meeting of the New York City Task Force on issues faced by transgender, gender non-conforming, non-binary and/or intersex (“TGNCNBI”) people in custody (“Task Force”) convened at the NYC Board of Correction’s headquarters at 1 Centre Street, Room 2213, New York, NY on October 30, 2019 at approximately 10:30AM.
- BOC facilitated the meeting, which began with each Task Force member stating their name, organization, and area of focus.
- BOC shared proposed ground rules for the meeting and asked members if they wished to propose additional ground rules. None were proposed.

## **Task Force Structure**

- BOC gave members an opportunity to review their folders, which included: (1) a meeting agenda; (2) a Membership Agreement; (3) the text of Local Law 145 of 2019 (“Local Law”)<sup>2</sup> (4) a summary of preliminary goals and issue areas; and (5) an overview of the proposed structure of the Task Force (collectively, “hand-outs”). BOC responded to questions and comments about the hand-outs.
- BOC explained that the Task Force structure was based on conversations BOC held with several dozen community and government organizations prior to establishment of the Task Force. This included discussions with many people who are now Task Force members. BOC reached out to stakeholders to obtain their feedback on how the Task Force should be structured to best facilitate its work and what issues the Task Force should focus on. As a result of this feedback, BOC proposed the establishment of “Action Committees” on select “Issue Areas.”
- BOC explained that while the Local Law does not require the establishment of Action Committees, the feedback BOC received from stakeholders was that development of the Annual Report would require more than four quarterly Task Force meetings per year and, therefore, voluntary action committees should be established to facilitate the work of the quarterly meetings.
- BOC proposed that each Action Committee focus on an “Issue Area”<sup>3</sup> and meet between quarterly meetings to discuss issues within its Issue Area and report back at the next quarterly meeting about what was discussed, action items, and next steps. Each Committee would prepare a 5-10-minute presentation of its discussion for the upcoming quarterly meeting of the Task Force. Action Committees should share material with BOC two (2) weeks before it is presented at a quarterly meeting.
- A consensus of members favored DOC representation on the Action Committees.

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<sup>1</sup> The written agenda for this meeting listed the following items for discussion: (1) introductions; (2) review of proposed ground rules; (3) questions about Membership Agreement, goals and focus areas, and Task Force structure; (4) volunteer sign-up sheet for Action Committee facilitator and Action Committee facilitator support; (5) Annual Report process; and (6) closing.

<sup>2</sup> Local Law 2019/145 requires the Board to convene a task force to “review” DOC’s policies related to “the treatment and housing” of transgender, gender nonconforming, non-binary, and intersex individuals (§ 1(a)) and submit a report to DOC, the Mayor, and the Speaker of the City Council, which contains a “summary of key findings” and “recommendations” regarding these policies (§ 1(e)). The Task Force must submit the report by September 27, 2020, within one year of formation of the Task Force (i.e., 9/27/19), and the Department must submit to the Board, the Mayor and the Council a written response to the report within 90 days of receipt. Thereafter, on an annual basis through 2024, the Task Force must submit a report and DOC must submit a response to it (*Id.*). The Local Law further provides that any time a new jail is built, the Board shall have the option to reconvene the Task Force for the purpose of reviewing implementation of policies related to the treatment of TGNCNBI people in such facilities (§ 1(f)).

<sup>3</sup> Four (4) Action Committees have been proposed each to address one of the following Issue Areas: (1) medical and mental health care; (2) DOC staffing and training to promote culture change; (3) services for and programming; and (4) intake process and housing options.

- BOC asked members to indicate on the Action Committee sign-up sheet what Committees they would like to serve on and whether they would be willing to co-facilitate a Committee meeting.

### **Issue Areas**

- After discussion of Task Force structure, members commented on individual Issue Areas.
- Several members expressed concern that the Issue Areas did not sufficiently focus on reentry services upon release from DOC custody or on transition services for people transferring from jail to state prison. There are serious problems associated with transfer to DOCCS custody. Another problematic issue that was raised was DOC transportation of trans women with men.
- Issues of particular concern to DOC are ensuring that gender-affirming and safe housing as well as programming and support services align with individual needs. These issues are layered and include, for example, discharge planning and staffing.
- Members discussed how the Task Force would address PREA implementation issues. BOC suggested that since PREA implementation touches multiple Issue Areas, Action Committees should discuss PREA implementation in the context of their respective Issue Area. In response to some members' request for PREA training, BOC said it would provide PREA materials to Task Force members and solicit interest in a training.
- BOC noted that Action Committees are free to modify or add issues to be addressed within their Issue Areas.

### **Access to Agency Policies**

- Members emphasized that the Task Force/Action Committees must have access to agency policies to identify issues and make meaningful recommendations; if policies do not exist, that issue should be addressed as well.
- Members asked if the Committees could obtain DOC and CHS policies in advance of their first meeting, so they could identify and discuss policy issues. BOC said it would distribute all such policies that are publicly available. As to other policies, BOC would discuss with DOC and CHS sharing them with the Task Force. It was also suggested that the Task Force develop a list of DOC policies they would like to review. BOC said it would forward the list to DOC and follow up with the agency about sharing its policies with other Task Force members.

### **Annual Report**

- After discussion of access to agency policies, discussion turned to development of the Annual Report.
- BOC confirmed that the Annual Report or other work product of the Task Force would be presented to the public as the work of the Task Force and not of individual Action Committees.
- In response to members' questions, BOC clarified that the Local Law authorizes the Task Force to make findings and recommendations in its Annual Report, including recommended policy changes; however, the Task Force does not have the authority to mandate policy changes; that remains within the discretion of the agency. As one member stated, in enacting the Local Law, the City Council envisioned that advocates would use the Task Force's findings and recommendations to pressure the City to enact legislative reforms regarding the treatment of transgender, gender non-conforming, non-binary and/or intersex individuals in DOC custody.
- A member's disagreement with any findings or recommendations of the Annual Report would be noted in the Report but without attributing the disagreement to a particular member.
- Upon completion of the Annual Report, BOC will suggest ways for its presentation to the public.

### **TGNCBI Population Breakdown**

Upon request, DOC provided the following breakdown of TGNCBI people in custody: As of October 28, 2019 there were 36 individuals who identify as transgender women and four (4) who identify as trans men in DOC custody. Of the 36 transgender women, five (5) trans women are in the SCU; eight (8) are in general population at RMSC; one (1) is in a Mental Observation (MO) unit at RMSC; and 22 are in Protective Custody or in General Population housing in other facilities. In response to a request for a further breakdown of the 22 people in either Protective Custody or the General Population, DOC said it would provide this information to BOC before the next quarterly meeting.

### **Meetings/Forums**

- In response to an inquiry whether a quarterly meeting could take place at RMSC, BOC reported that DOC was looking into this possibility. Members also expressed interest in speaking to more people in custody and suggested holding an open forum in one of the jails.
- BOC said it could make its office available for Action Committee meetings; other members said they also could make their office space available for this purpose.
- BOC will publish the minutes of quarterly meetings on the Task Force page on the Board's website and share Action Committee notes and presentations on the One Drive.
- BOC was asked whether members would be compensated for their participation on the Task Force. BOC said it will provide food during meetings and reimbursement for transportation, if requested. BOC will look into whether a stipend could be arranged.

### **Action Items/Follow-Up**

#### **DOC will:**

- Compile and circulate a list of publicly available DOC/CHS policies.
- Clarify the process by which Task Force members can request policies that are not publicly available from DOC/CHS.
- Circulate a list of the Action Committees and members.
- Create a hub for sharing information (One Drive), such as public PREA training materials.
- Send out minutes of quarterly meetings prior to posting.

#### **DOC will:**

- Provide a reason if it determines not to share a DOC policy with the Task Force.
- Provide, on a quarterly basis and in advance of each quarterly meeting, census information for TGNCNBI people in DOC custody, including a breakdown by facility and housing unit type.
- Report back to the Task Force about holding a forum at Rikers with TGNCNBI people in custody.

#### **CHS will:**

- Provide a reason if it determines not share a CHS policy with the Task Force.

\*The meeting adjourned at approximately 12:30 p.m.