

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

Meeting - October 12th, 2022 12-2pm on Zoom

Agenda:

Introductions/Check-In

Attendees:

Mik Kinkead (facilitating; he/him, Legal Aid)
Deborah Lolai (she/her, The Bronx Defenders)
JoAnn Kamuf Ward (she/her, NYC Commission on Human Rights)
Liz Munsky (NYC Department of Corrections)
Sahar Moazami (they/them, NY City Council)
Dori Lewis (she/her, prev. Legal Aid)
Heather Burgess (she/her, NYC Board of Correction)
Ronald Porcelli (he/him, NYC Unity Project)
Chelsea Chard (she/her, NYC Department of Corrections)
Nicole Levy (she/her, Correctional Health Services)
Shear Avory (they/them, New Pride Agenda)
Tabythia Gonzalez (she/her, NYC Commission on Human Rights)
Kandra Clark (she/her, Exodus Transitional Community)

New Agenda Items: N/A

Updates from DOC, CHS, and/or BOC

Mik requested the following information from DOC on September 21st and October 4th, 2022:

Data:

the number of -

1. trans women in women's housing
2. trans men in men's housing
3. trans women in men's housing
4. trans men in women's housing
5. how many people are in the SCU at RMSC
6. Breakdown of gender identity for people in the SCU at RMSC
7. how many people are in the SCU at AMKC
8. Breakdown of gender identity for people in the SCU at AMKC
9. BY facility, how many self-identified TGNCNBI people are in PC, in any form of isolation, in program houses, MOU, or other non-GP housing.

10. how many gnc/non-binary people have self-identified to DOC
11. where the identified gnc/non-binary people are housed
12. how many intersex people have self-identified to DOC
13. where the identified intersex people are housed

Applications -

1. how many applications were submitted for gender-aligned/SCU housing since August 1, 2022
2. how many applications approved for gender-aligned/SCU housing since August 1, 2022
3. how many applications denied for gender-aligned/SCU housing since August 1, 2022
4. how many applications appealed for gender-aligned/SCU housing since August 1, 2022
 - a. status of those appeals?

Documents -

1. Any/all documents related to the operation of the SCU at AMKC
2. any/all documents related to the operation of the SCU at RMSC
3. any/all documents related to the trainings currently ongoing for staff on working with TGNCNBI individuals in the city jails

The Department responded to the data request on October 4th, 2022:

The Department previously provided the task force with confidential policies related to the treatment and housing of TGNBI individuals in custody, in order to support the task force in meeting its scope of duties as defined in the local law. I presume these policies do not need to be provided again as they are now publicly available via the most recent report, though the Department did not authorize the public distribution of policies provided confidentially. The Department will not be providing data to the task force, especially as it was made clear in the last meeting that task force meetings are not a confidential space for disclosure or discussion of information as it pertains to DOC. The Department is already meeting its reporting obligations related to SCU housing applications, you can find the public reports on the Department's website.

Mik responded to DOC on October 11th, 2022:

Good evening Chelsea,

Thank you for the thorough response. I know the meeting is tomorrow which is very soon, but I want to respond encouraging a reconsideration here.

I genuinely believe that the spirit of this taskforce is to try and find meaningful solutions to avert harm from vulnerable New Yorkers in DOC custody. To achieve this, we must work together which means going beyond the bare minimum and meeting each other with real intent to work jointly. Part of this is having DOC, CHS, and other agencies as needed, provide information that would help this team of experts craft meaningful recommendations.

What was decided in September is that at any point during a meeting a member can ask that something be confidential. In addition, we all have 3 business days to review notes and ask for

redactions or omissions. There is no threat of what DOC is sharing with us going public without DOC having time to review and edit.

You have brought up the sharing of the Directive as an issue. I know you were not part of the task force at the time, but the link to the document which included plans to make the Directive public has been the same link since roughly June 2020 when drafting began. That link never changed and DOC employees on the task force always had access to it. The task force sought BOC counsel advice on publishing and received an affirmative. I understand you would not have allowed for publication of the Directive, but it is incorrect to say DOC did not know about it.

Likewise, it is incorrect to say that DOC cannot redact the minutes and information shared after our meetings. As I shared above, you absolutely can. There is the possibility of doing so during the meetings and after the meetings.

I want to strongly urge DOC to take a different position here. For this task force to have meaning - to be a gathering of minds genuinely committed to creating change - we need full participation from all members. I have included Paul Schectman on this email as the tenor of my conversation with him in August was so different from this email.

I truly hope that DOC reconsiders its stance here.

Thank you,
Mik

The Department reiterated their previous stance.

No updates from BOC & CHS

Mik reminded everyone that if someone would like to keep something confidential, we should just mention it.

There was confusion about what is available online, and Chelsea clarified that what is online is all SCU applications, denials, and acceptances. They are on their stats page (under "download PREA reports"). They go up every 6 months and the next one should be posted around January.

Deb reported that no new change in circumstances since the Task Force report was published in August.

Mik agreed with Deb's report, but is aware of a serious sexual assault that took place, but the client is terrified of reporting for fear of confidentiality. Chelsea and Nicole confirmed that they can be a channel for those reports.

Working Groups and Membership

Working Groups:

- **Facilitators**
- **Drafting Committee**
- **Membership and Outreach Committee**
- **Implementation and Next Steps Committee**
- **City Council Resource Committee**

Working groups may need breakout rooms to give working groups time to meet.

Mik: Not everyone has signed up for committees. As such, we should prioritize the membership and outreach committee.

Shear: at this point Shear is not sure they are comfortable welcoming new membership since DOC is not willing to engage with us in a productive way. Many of us have been very harmed in this process. We have experienced a lot of trauma in the process of writing this report, and we are not being engaged with in a respectful way. I don't want to welcome new members, especially younger ones.

Tabytha: agrees with Shear. I've only been here for about 8 months, so I didn't see everything that happened, but I am willing to help with whatever I can.

Deb: asked DOC why they are resistant to giving us data.

Chelsea: the local law requires review of the DOC policies, which we are in compliance with.

Shear: who made that decision not to share the data?

Chelsea: the Department made it. Chelsea was not willing to share who specifically made that decision.

Mik: the spirit of this Task Force is to protect the most vulnerable. We will only be hearing about the worst if we will only be using anecdotes, which are experiences of harm.

Kandra: Can we invite people outside of the Task Force to meetings?

Heather: there is nothing in the local law prohibiting that, but we do need an official membership list.

Shear: what about term renewals?

Heather: vacancies are filled at will. And people are on the Task Force for 8 years and it carries over. There is no need for additional voting for people to stay on.

- Heather corrected this later in the chat, saying this number was from a previous draft of the local law. The active law does not have time limits for membership.

Deb: Since DOC is only willing to share policies, are you able to share the new draft of the housing policy or the new policies for the borough based jails?

Chelsea: We are not willing to share the new draft of the housing policy. There is nothing further to share at this time. The law only requires us to share active policies.

Tabytha: I just want to say that this is really toxic and traumatic to listen to. We're clearly not going to get answers so let's stop with the questions.

Shear: we're 48 minutes into this meeting and we've gotten nothing. I may need to leave because this is traumatic. We need to talk about accountability and I wish there was a supervisor or director of BOC here to oversee what's happening.

Mik: I would like to email everyone who hasn't attended the last 2 meetings and see why they haven't attended and give them until the next meeting to respond (November).

JoAnn: We might want to do a larger check in on the advocates' side as well and see who is representing which entity. If folks are not able to commit to staying on for whatever reason, we will have more information to report out (for example, this being too traumatic for folks). This information would be helpful in requesting more resources for the Task Force moving forward.

Mik: looks like there is general agreement, so I'll move forward with that. Rachel Golden who is a transgender mental health specialist would like to join the Task Force. She would be a great addition to the Task Force. She has a lot of experience in DOCCS. (Mik offered a lot more details about Dr. Golden's qualifications). Are there any objections? No objections.

Deb: If DOC is not going to share data with us, we should invite a representative from each defender organization in NYC so we can get anecdotal information from each office. No objections.

Kandra: I know a lot of young trans folks who are interested in this process, by allowing them to join committee calls we can have directly impacted folks engage without subjecting them to these traumatic experiences

Shear: I would be interested in pursuing the above with Kandra, but we should be very transparent about their role in the process - what they recommend may not be possible to implement. We should set clear expectations.

Mik: for city council resource committee: I've been trying to schedule a meeting with Rivera's Chief of staff, but we had a meeting with Powers' office and asked them to encourage Rivera's staff to schedule the meeting and maybe hold one themselves. Caban's office also reached out asking for updates. If you want to be in that committee, please let Mik know, or sign up for the committee.

Shear: we should engage Caban's office more.

JoAnn: We had discussed waiting for a response or not waiting. Seems like the hearing will likely be after a response. Are we looking at late fall or early 2023?

Deb: I think a later hearing is better for time to make sure incarcerated people could testify and to have time to digest and respond to DOC's response.

Shear: I am ok with this as long as we have meetings scheduled with City Council.

Heather: I think, given that we don't have access to the new directives at this time, we could discuss any public events, panels, etc. that we want to put on that promotes the Task Force and the report.

Shear: I would like to help with that.

Agreement that committees should meet before the next Task Force meeting. Since it's all the same people:

Next Report

Deb: are we pausing on drafting the next report until the City Council hearing?

Dori: perhaps yes, but maybe we should draft a data bill for City Council so the Task Force can get data from DOC.

Sahar: it's helpful when Council members receive exact language on what data can be useful for a reporting bill, so if you have draft language it's good to share with the Council members you're speaking with, who will then be submit them to drafters.

JoAnn: lets just make sure before drafting a bill that they aren't already required to report it to BOC or other entities.

Sahar: I will be working with you all on City Council moving forward.

JoAnn: there are some projects where we can get pro bono support or law student support.

Follow up items:

- 1) Inviting Rachel Golden to join task force
- 2) Identify representatives from other public defender offices, which are not currently represented. (Brooklyn Defender Service, New York County Defender Service, Neighborhood Defender Services of Harlem, Queens Defenders)
- 3) Shear and Kandra to work on inviting impacted folks to committee meetings
- 4) Within the next week, try to have each subcommittee meet
- 5) Thinking about drafting a data bill, and other strategies to collect data from DOC

Shear will facilitate the next meeting on November 2nd, 12pm-2pm.