

02/21/24

*Attendees:*

- Mik Kinkead
- Nicole Levy
- Rachel Goldwyn
- Liz Munsky
- Barbie Melendez
- Michael Griffin
- Dori Lewis
- Jenn Lambert
- Natalie Fiorenzo
- Possibly others

*Framing the meeting*

- Mik: I want to open the meeting with some words: I want to open by thanking you all for the flexibility surrounding the news of Cecilia Gentili's passing. I know many of us either knew her or were directly affected by her work. What I'm about to read is very heavy, and I encourage anyone who is trans, nonbinary, intersex, or Two Spirit to take very good care, which may include turning off your camera or even walking away from this meeting. It's imperative that we take care of ourselves now and always. Especially for my comrades of color, those who are Indigenous, Black, people of color and immigrants.

Cecilia testified at the city council hearing that ultimately formed this Taskforce. But she would not sit on it for a few reasons. There was the lack of language access and compensation for this trying, draining work. But there was also her belief that government Taskforces rarely achieve meaningful on-the-ground change for those in crisis.

Yesterday the world learned of the passing of a young nonbinary person named Nex. Nex was 16 and lived on the Cherokee Nation. Based upon what we know, Nex was banned from using certain restrooms at their high school and, when they were found to be using a bathroom, 3 students beat Nex to the point where they could not independently walk out of the bathroom. When school officials were informed they chose to do nothing. Nex later passed from these injuries at a hospital. I am struck not by the action of the young students, but by the inaction of the school. I am struck by how similar the inaction is to the inaction of DOC when Layleen Polanco suffered a seizure while in a restricted access cell. The inaction we all saw captured on camera and was detailed in the BOC death report - reports that BOC is now limited in providing as DOC is no longer directly reporting deaths to BOC. I brace for the school's defense that Nex should not have been in the bathroom. It is incumbent on us, when the actual existence of trans and nonbinary and intersex people is being made illegal - we cannot expect to safely use bathrooms at a school - to take brave steps to find creative solutions, to actually act. I hope that representatives of government agencies here today take this very seriously. Our taskforce had been operational since 2019 and nothing substantive has changed. I hope everyone recommits to this work in the light of these deaths.

- Liz: In light of what you've said, I'm happy to provide some updates on what's going on here at DOC. I want to honor what was stated about being an individual at a gov't

agency that can cause harm by doing something. But I'm happy to step back if that doesn't feel right

- Mik: what we need is DOC to step forward more than ever. We are prepared at this point to write a report that says this task force is actively causing harm and DOC refuses to work with us.
- Liz: I am limited in what I can share

### *DOC Updates (Liz)*

- We have staff in each facility on a weekly basis
- We are doing more about awareness of services to our fellow staff, so they know what is available to our PIC
- Confidentiality of who the coordinators are is also important because it can inadvertently out a PIC who is meeting with them
- We are bulking up how to do our staff referrals, we are opening up a staff hotline that someone can just leave their B&C and we can pull them off their unit to meet
- We have a date for our resource fair, March 27. Everyone on this call is welcome to join. Once the calendar is set we will send out the info
- Been absent from some calls due to health, apologies
- We are building DEI cert course to branch our knowledge into GP
- When we have TGNCNBI people in GP, the issues that arise are both at the hands of staff and fellow PIC, so we are trying to have these conversations so that people know our team exists and are here to dispel stigmas and support the community thru education. We are launching this at the beginning of April, piloting in March
- We have been working with law library and coming up with a system where we can provide free name changes in all facility law libraries, we are working on training staff on this now
- Researching into how to get free services for gender marker changes while in custody as well

### *Discussion on DOC updates*

- Mik: In New York you can now get gender marker change with name change, so that should not be too hard to put together. Do you need any volunteers for this?
- Deb: I'll send the forms to you so you can let me know where the gender marker portion is, and make sure we're not using an outdated form. I'll get back to you on volunteering
- Mik: DEI training? What does that look like?
- Liz: It's going to be 4 courses & at the end you get a certificate. Calling it DEI for the sake of court advocacy
- Rachel: Is there any movement on access to gender affirming items?
- Deb: binders are available. We received a donation of binders but they are XS, S and 5XL. I reached out to tomboy, somewhere else, if anyone knows where else to check please let me know. Everyone who has requested them has received up to 2 binders. We are working on a proposal for disposable stand to pee (STP) devices.
- Mik: why are binders being treated differently than other things DOC supplies? Why do you have to rely on donations rather than using DOC budget?
- Liz: we are not legally obligated to provide GA garments. We are treating them as undergarments so they can keep them on their person, but I haven't received any guidance on them being in the DOC budget. I'll bring to my supervisor
- Mik: what law are you referring to?
- Liz: BOC minimum standards

- Mik: so binders would just need to be added to min standards
- Liz: but not everyone needs it, so it would need to be language like “as needed” or something
- Mik: not everyone needs bras so I’m not sure why it would need to be specifically delineated that way
- Liz: true
- Barbie: any changes to minimum standards needs to come from DOC
- Mik: can’t it come from BOC?
- BOC: well we didn't make the proposal just now DOC did
- Mik: but you could. This is what I'm talking about with gov't agencies not being proactive.
- Barbie: Liz, has DOC put this in their directives?
- Liz: it's in our permissible items
- Barbie: but will they be supplied at new admission? We have heard only RMSC PIC get binders
- Liz: we have binders at all facilities, we have someone at a male facility right now with one
- Natalie: minimum standards don't specify anything in undergarments section, so actually nothing has to be changed
- Rachel: This is the TGNCNBI task force, I would hope BOC is operating over more than word of mouth. It's jarring for *us* to be providing *you* with education on your own minimum standards. Asking an outside organization to be accountable for this when Liz from DOC is right here saying she is struggling to find binders is unacceptable
- BOC: the reason I proposed for Liz to discuss, is because that's something for Liz to bring up for a vote. I understand your sentiment. Liz and I can talk offline about how this is going to happen
- Michael Griffin: if binders are considered undergarments and are not being provided, that is violative of the NYC human rights law for one, and certainly others
- Mik: the issue with lack of DOC funding - this is actually an understanding of how to read the minimum standards by DOC. This also violates equal protection codes.
- Natalie: maybe they could be available at the same place as everything else so people know it is an option rather than having to put in a request? How does this look, are there buckets of whatever they need when they walk in?
- Liz: we have the request process for safety reasons, but there are certainly out people who would probably be comfortable grabbing them from officers at clothes box. The goal we have here in regards to all GA garments is to make them readily available at intake. In our new admissions orientation/packet it's described, but we can try to make sure it's available at intake across the board because not everyone at intake gets met with an LGBTQIA coordinator. Want to make sure it's a well-known service without people having to out themselves. But yes, it would be helpful for people to know it's an option even if they request it in confidence later. I don't know the set up unfortunately, I know how people get more undergarments, but not how they get initial undergarments upon entry to the island.

*Questions:*

*For DOC/BOC: What steps would you identify DOC/BOC has taken to reflect a system of restorative, transformative, and rehabilitative justice?*

- Barbie: Before we answer these questions, I want time to respond. I was not prepared to be answering questions today
- Liz:

- I can speak from LGBTQ unit standpoint but not DOC as a whole, Chelsea will hopefully come soon to speak more broadly. In terms of the community here, one of the things we're working on now is moving past a space where i feel like, personally, working here for 4 or 5 years, my focus has been survival. How do we assist this community to survive day to day in custody, and minimize harm? We have been able to provide spaces of support and survival for the community.
- When it comes to understanding rehabilitation and rehabilitative justice, we are starting to bring in providers that are responsive to the community and specific to the community instead of general services for rehabilitation.
- We partnered with Destination Tomorrow to provide GPS programming, this is more of a re-entry-based program feat. TGNCNBI job readiness, community integration (for lack of a better word), etc. It is provided at the Destination Tomorrow center and now they're bringing it on the island. This programming gives more access to those in custody now to be admitted into Destination Tomorrow transitional housing upon release, which is queer community housing/programming. We're in the last step of scheduling, unsure what their capacity is but we are imagining 2-4 times a month. DOC has granted funding for this.
- WCJA will have a trans liaison who will be coming in the building i think on a weekly basis, slated to be in the SCU and hopefully throughout the island later.
- We have Black trans femme artists that are working with the SCU and hopefully more broadly on the island - BTF artist collective. 50-100 Black trans artists that do a whole range of art-based skills. We have them here to do an art show, they were here to do a ball for pride, they will do again this year. Weekly programming will be performance art based. Spoken word, music, dance, make up, hair braiding, etc. This isn't DOC wide but specifically my team.
- When I try for restorative justice, I have been met with "while they're in our custody for now, they haven't admitted to their crimes. Restorative justice requires an admission of guilt"
- Transformative justice? Clarification on this please

*Discussion on response:*

- Natalie: Can you provide flyers/descriptions of these programs?
- Liz: I will find/create something
- Dori: Are there SCUs anywhere besides RMSC?
- Liz: currently just at RMSC. We do our best to have designated spaces for our community in all facilities, but people move a lot so that's challenging. Slow progress there
- Jenn: who is BOC point person going forward?
- Barbie: I don't have an answer, you'll probably see me, maybe Bart Bailey. We're having a shifting in our staffing at the moment. Maybe Katrina Blackman, not for sure. No timeline on when we will get a steady representative
- ?: Is there an email address that should be added to the chain? It was sent to Pearson, Chai Park, Jasmine Georges-Yilla and Heather from BOC.
- Barbie: Chai is gone, Pearson is in a different role, Georges is ED she will never be on the calls. Add [bmelendez@boc.nyc.gov](mailto:bmelendez@boc.nyc.gov) to email chain

*for DOC/BOC: What outside trainers have you partnered with in the past year? Specific to TGNCNBI trainers but open to any steps taken in this direction. Also, what trainings are offered to volunteers/contractors re: issues of sexual orientation, gender ID, and gender expression, particularly for members of the LGBTQ+ and TGNCNBI community?*

- Liz: there has not been movement on outside trainers, the academy has been going through constant flux and that has led to delays. In terms of trainings offered to volunteers and contractors: everyone who comes to the island more than once have to go through PREA training which has a LGBTQ aspect to it. Also situational awareness training and a volunteer orientation

#### *Discussion on response*

- Natalie: Can you provide these trainings?
- Liz: I have a feeling I can because all volunteers take it, I can send it to you. Have any official trainings been shared?
- Dori: to the best of my recollection, no
- Liz: let me ask what kind of information if any, can be shared with the task force. Edits have also been provided to the respectful classification of LGBTQ, let's see if they've been made. I'll get back.
- Natalie: What is classification exactly?
- Its about intake, how we give them the opportunity to disclose identity

*Question to DOC/BOC: What steps have been taken to align with this recommendation: "the Dept and BOC must increase transparency and accountability measures to ensure appropriate application and monitoring of BOC minimum standards, identify systemic issues within the jails, and address gaps in care within and outside the TGNCNBI population. DOC must realign itself with its own mission and set of values through a reconfiguration of staffing and accountability procedures"*

- Barbie: I can answer this one. Right now we have teams that are assigned to facilities, housing areas, or specific standards. Whenever issues are identified we try to allocate resources (manpower) to those. We have email addresses set up specifically for those groups, phone lines, a system where Tonya Glover can answer phone calls immediately from PIC. We are focused on understanding what is needed for the LGBT community, focusing on letting TGNCNBI PIC know their rights. We have a large LGBTQ population outside of SCU so we also try to educate them if they need undergarments, assistance, victim advocacy. Each person assigned works with the assistant commissioners of the facilities to hold them accountable

#### *Discussion on response*

- Natalie: What issues have you identified that have assignments at the moment? Could you share a list of teams?
- Barbie: safety concerns is a lot of them. Movement is the hardest part of our job. There is such limited PC with the closure of the boat, a lot of people really preferred it there.
- Natalie: What is the biggest setback when working with DOC and assistant commissioners? Do you feel like they assist or stand in your way?
- Barbie: For the most part, contrary to what is seen in board meetings, we have a great relationship with the Dept. Any systemic issues we have identified, i can't think of one that hasn't been solved

- Natalie: Can you please clarify when you say that you cannot think of any systemic issues in the dept that have not been solved?
- Barbie: I meant that in the context of no matter what the concern is, every single time - you, Natalie I see your emails. You email about a concern of safety, everything is brought to the Dept. BOC cannot do anything that DOC can do in the facilities because we do not control movement. What I mean, is that we have a great relationship
- Natalie: Why aren't people being transferred into safe housing then?
- Liz: movement is the most challenging part of DOC. Finding a location that is both suitable for an individual's needs, and safe, is very difficult. Every person who we receive an email about is met with LGBTQ unit and PREA and we discuss their safety or lack of safety issue. There are times where we will meet with people and they say actually I'm fine. I'm not saying that's common but it certainly happens. If that happens, we continue to meet with them on a weekly basis to check in. If someone is still feeling unsafe, the avenues we can take are:
  1. We put in a PC request
  2. If they cannot be placed into PC, we can talk about movement to other unofficial "safe spaces"
- Liz: What I don't want to sound like is that I'm 100% knowledgeable about housing decisions and know everything, because there are a lot of aspects to this. It's not always so straightforward. There are more challenges that can occur than what I just mentioned. Movement is not always the best solution/possible.
- Natalie: What are examples of these other challenges?
- Liz: Who can be housed with who, classification score, separation orders, what housing units are physically available, movement for RMSC specifically there is a limited # of housing units. We can't house different classifications together unless its a specialized unit such as SCU
- Natalie: How do you address safety concerns that are at the hands of staff?
- Liz: if you have a client that is having an issue with a staff member, one of the best things they can do if they have the capacity to do so is to make note of when and where the behavior took place. Part of holding staff members accountable beyond "let's have a conversation/change your post", is we need proof that something happened, if we have a day/time/location we can look at video, etc. Assistant commissioners change the way accountability looks, i.e. we received a number of complaints about one officer on a specialized unit, what we were able to do was remove staff from that post and redistribute the policy about non-discrimination so that if it happens again they can't use the excuse that they "weren't aware".
- Barbie: is there an agenda for these meetings?
- Natalie: yes, it is circulated prior to meetings. We will add you to email chain

*Question for DOC/BOC: what steps has DOC taken to invest in alternatives to detention and ATIs? For instance, have you participated in any panels, forums, or research studies on corrections and alternatives? Have you made any new partnerships or projects with local ATIs?*

- Liz: Speaking specifically for my unit, we have recently become members of the LGBTQ ATI working group. In December we made a presentation there. We have also been working with WCJA to help create deeper connections to outside providers. Beyond that, we have begun discussions to work with the commission on gender equity to start to relaunch and rebuild the TGNCNBI network we started to get off the ground a couple years ago (slowed down by staffing issues). They did seem very open to being the admins of this re-entry network. That is a constant focus of this unit, to get ATI programming that is not only informed but AFFIRMING to our community. Gabby Foster

TGNCNBI: re-entry network that was founded in honor of Gabby Foster who was not affirmed at his ATI and found the next day deceased.

- Natalie: Do you ever write letters in support of people you work with?
- Liz: We are not permitted to advocate for someone's release from court. We can say they have been a part of programming, responsive to programming, we are constantly looking for outside providers with knowledge that can advocate for our clients because we cannot. This means though they also need to meet and get to know the person which can be a challenge in custody. If anyone knows of a person/agency who can advocate for the court about what navigating the world as a trans person looks like, please pass along.
- Natalie: ask Rachel maybe, she is a paid expert to provide court testimony