

Meeting - August 7, 2024 12-2pm

Attendance:

Lyric Truth
Mik Kinkead (notes)
Kimberly Mckenzie
Lucas Marquez
Saloni Sethi (facilitation)
Nicole Levy
Michael Griffin
Munsky
Josh Epstein
Natalie Fiorenzo
Klevis Baholli
Bart Bailey
Ronald Porcelli
Jemarley McFarlane
Dori Lewis
Brittan Hardgers
Chelsea Chard

Agenda:

- Intros of new members
- Task Force “ground rules” documents from BOC
- Review of the data circulated 7/24
- Follow-up questions circulated 7/25

Introductions: We welcome Lyric, Jemarley, Josh (and later Brittan) and introduce ourselves

BOC Ground Rules Document: Bart was reviewing forms for the Task Force and saw that the Ground Rules document had not been signed since October 2019 so he re-circulated in July 2024 and asked all members to sign on. We discuss the foundational documents from 2019 and what has changed since then.

Points Raised:

- Can we assign an alternate to attend if we can't? And can we be firmer about attendance requirements (as well as realistic with attendance)
- A note that the Ground Rules document needs to correct some of the dates to reflect actual publishing of reports
- Bart already updated the document to reflect the move to monthly meetings
- Also structure document: says “BOC shall convene” but BOC is not convening, so do we want to address that?
 - Role of BOC in all of this - structure, etc. a lot for one person to take on
 - Mik has taken on a lot of this work, when/if he leaves will there be chaos? How will we sustain this

- Confusion because the zoom link comes from Rachel, the agenda comes from Mik...but who is the Task Force? And then who is the BOC to enforce Ground Rules if they aren't even offering a zoom link for the meetings?
- October notes from 2019 have some original ground rules and ideas, and Mik can circulate them
- Lots of behavior language – discussion as to who is likely to be targeted and effected by that language the most.

Review of Data Circulated:

- How is there a decimal in the daily average daily person? Chelsea says “the report that is out there is the report that is out there” “I have nothing further to say about the report” “it is what is outlined in the law”
- Denial rate for nonbinary people is 100% and the denial rate for trans men is redacted so therefore unknown
- DOC was asked what the calculation was for this data and Task Force is told that the requirement is the report, the report has been provided, DOC has met the requirement.
- DOC was asked if they have any reflections – positive or negative or just in general – regarding the process of making the report. Again, Task Force is told that DOC has met the requirement of publishing and “it is what is outlined.”

Review of Outstanding Questions Circulated 7/25

The LGBTQIA+ Initiatives Unit reported onboarding of new staff in February 2024, are there any updates? Anything to share?

- Yes, fully staffed at the point. No further staffing. Three coordinators, and Munsky.
- **Can the TF meet with these folks?** Staff is engaged in the facilities and so no, not able to meet with the Task Force.
- **Can we see job descriptions?** Job descriptions are publicly posted so DOC will get back to the Task Force re: is that available. Anything further will be taken back (back and forth as to whether it is helpful to know the job descriptions for the LGBTQIA+ Initiatives Unit. DOC suggests the Task Force does not need to know this.)
- **In February it was mentioned that a helpline for uniform staff was being opened. Uniform staff don't have access to email while on duty so a phone hotline will be open with B/C # to arrange a meeting between the Initiatives Unit and someone inside. Has this happened?** The helpline has been opened and utilized; referrals come through. Currently in the basis of getting helpline to all staff in a discrete manner. Needs to be discrete because folks in custody can't have access to it – can only be up in staff-only spaces, each facility has to be dealt with differently. If no spots then talking to officers in person. 3-4 facilities have had these spots identified.

In February 2024 we were told that there would be “more DEI trainings for the general population (of incarcerated people) to dispel myths, stigmas, provide education, make LGBTQ identity more visible while still keeping private individual identities. Piloting in March, will be launched in April. 4 courses and each one gets a certificate.” (quote from notes) **How did the pilot go?**

- Pilot happened – went very well. With staff, have some more staff-based trainings to open up trainings. The training with people held at OBCC went well, 13-16 participants. Everyone who began ended the course too (outside of one person) so that is FANTASTIC. Learned some things about facilitation, scheduled more for AMKC one to two a month is the goal all run by Munsky’s staff. Need to get a Spanish-speaking RMSC facilitator.
- **Did the course launch in April?** It is now fully launched now. May have some minor changes, but in force.
- **Feedback?** After each course they get a survey to take 7 questions, and that’s where most of the edits come from (Question asked: *Can you share feedback in aggregate?*) not much resistance, people were either engaged or not interested but not negative. Many people who just hung around the outside and listened...

In 2023 the New Deputy Commissioner for Trainings said he was beginning to implement survey monkey to see reactions/feedback

- **Has this been implemented?** That Deputy Commissioner for trainings left so no work is going forward. Chelsea is not sure if there is another way to provide feedback for participants. Staff can give feedback in a variety of manners but not sure what mechanisms there are if any for individual training courses. Training Department serves multiple functions. The Academy is for new recruits and in-service trainings for all staff. Not sure of the extent to which they are collecting feedback.
- **What is the feedback for the trainings that involve LGBTQIA+ Specific Content?** No feedback because not implemented.

In June 2023 we were told that Munsky is now certified to be allowed to give trainings - they are working on the goal of having it be Munsky who gives some/a number of the trainings. Munsky will be doing a series of train the trainer. Munsky has begun to review the longer training for PREA, and they will go through some of the other procedural trainings such as pat frisk etc. Because pat frisking TGNCNBI people is part of the overall pat frisk training (and so forth).

- **How many trainings has Munsky given?** Not yet provided any
- **How many trainers are trained?** Not yet implemented because of leadership changes at the Academy, initiatives have slowed down.
- **Have the other trainings been reviewed?** Munsky provided notes on current training that exists before the most recent new recruit class so they will receive the edited training, same for PREA – so Munsky has sat through all of them but hasn’t provided a review of all of them. Munsky plans to give feedback on the PREA training first. *Mik notes the Taskforce has the TGNCNBI specific trainings because*

of a FOIL request, even though DOC representatives on the Task Force did not give us these.

One of the recommendations was to involve a TGNCNBI organization in curriculum development and implementation. A lot of government agencies on the Task Force offer trainings - Ronald and Saloni both mentioned this. **Does CCHR do academy trainings? Any updates on cross-government-agency collaboration (Does CCHR do academy trainings?)?**

- Neither DOC nor CCHR are aware of CCHR trainings being at the academy. There are all-city employee trainings that DOC must take same as any city employee: DCAS trainings Dept of Citywide Administration – most available online and some are mandated. Any updates on Community-based organizations to collaborate on or co-create trainings? not that DOC is aware of.

CHS can you give us any updates on how trainings have altered since the contract with the Human Identity Project? Previously you shared that nurses and doctors were getting a training on gender identity, names, and PGPs. How has this changed with the Human Identity Project collaboration?

- The “LGBTQ+ Mental Health Training Project” was developed and delivered by NYC Health + Hospitals’ Office of Diversity, Equity & Inclusion, in partnership with the Institute for Human Identity, so it does not directly impact CHS-specific trainings.
- Of the 22 members of NYC Health + Hospitals staff who graduated from the program in its pilot year, one was a CHS employee. The system is planning for a second cohort this fiscal year and will be advertising the opportunity to participate among all NYC Health + Hospitals staff. According to pre- and post-survey findings, staff rating their knowledge of transgender topics as “comprehensive” increased by 42 percent and staff rating their confidence in providing comprehensive mental health to LGBTQ+ patients as “very confident” increased by over 50 percent.

In June 2023 we were told that within DOC “a lot of stuff has overlapping reporting, but there is a sex marker and then at some point a different system was created to change gender identity. Sex marker can’t be changed. Those two systems are not connected. There’s no way to change the public facing one.” **Any updates on these systems? Are they connected yet?**

No updates at this time

- **What steps have been made in the 14 months since this was last answered?** No updates at this time. Mik shared about the teletype from FOIL that in August 2021 all officers were told to “utilize the noted preferred name listed in IIS and stated pronouns” – this is really great, and it’s sad that the TF had to learn from a FOIL rather than DOC telling us this directly. This is an important and good move and advocates can lean on this for our advocacy when a community member or client is facing misgendering or misnaming. Mik requests that DOC share when they do the right thing with us, because we want

to know these things too, or else our Report won't be complete. Ronald suggests that DOC can have a time to highlight positive developments – maybe built into the agenda?. Mik says that's what we used to do, we used to have time for DOC, BOC, and CHS updates but DOC never had anything to tell us, so we moved on to these questions because we knew things were happening and DOC just wasn't communicating with the TF. Saloni highlights that all of these questions are the follow-ups on the recommendations from the Report, so we are asking because since January 2023 DOC hasn't given us any updates, we have to do the work of going back and asking. We would love to have DOC choose to share updates on the recommendations so we can do the best report.

- In November 2023 CHS determined that the Task Force could not see the updated pre-arraignment form. Is this still the position? No. Nicole states that this was a misunderstanding and the pre-arraignment form wasn't updated.

- In June 2023 we asked if the PREA Intake Questionnaire had been updated to include distinct questions about sexual orientation, gender identity, and gender expression (“SOGIE”)? We were told no. What about now? No. There have been no updates to that in 14 months, not sure if policy is even under review. Takes a staggering amount of time to update DOC policies.

The Task Force was told that DIY/pro se name change forms were being provided in all the law libraries. **Are there any updates on this? How is this going?**

- **any updates? How is this going?** Munsky worked with all of the law library coordinators, they all have the name change forms in the law library. They were trained by their supervisors on the legal aspects of this. Changed outreach materials so folks know they can use the law library for this.
 - o Mik notes Munsky sent him the forms and he had some edits to reflect sex marker correction, but he didn't get back to the unit with those. He will prioritize them. Also he is still available for trainings/consultations/etc on name changes
- **Number of completed name changes?** Not tracked, unknown. Two RMSC folks got referred.
- **Has there been outreach to other orgs to request help?** Yes! Tons of outreach to find pro bono spaces to do this work. Legal Aid is trying to get a pro bono firm to help, will continue to work with Munsky on this. Not sure why this is so hard – but this is not a DOC issue, but something with pro bono firms. Lucas also asks about bringing BDS in to do this too. Michael also suggests law schools and clinics. Michael, Lucas, Munsky, and Mik will meet to strategize more.

In February the Task Force was told that they were looking for donations for chest binders, we all discussed that DOC should pay for them as undergarments, not have to rely on donations. Review of the minimum standards shows they already cover all undergarments, no need to change the rules. Michael brings up that's a potential NYC HRL violation. **Where is this now?**

- DOC is moving forward to making a purchase of binders with DOC funds, won't need to seek donations. Have about 50 left. "Working on" that – would like to connect with BOC to share resources and get more. The Board is of the opinion that binders are undergarments and should be provided by DOC.
- **What sizes are available?** Have 3X and XS, have some XL, L. Large and XL are most requested. Not many for below a medium – folks do tend to gain weight in custody. Munsky just needs to submit the paperwork for the order.
- **How do people learn about sizing?** People can self-measure, CHS can measure, and they are asked about sizing beforehand. If an exchange is needed they get a new one, swap one out.

Are tampons now available at RMSC?

- Prolonged back and forth, but it appears that yes, tampons and napkins are available at RMSC and the menstrual cup is available upon discharge.
- **Has DOC made the changes to allow for menstrual products at men's jails too in the counseling rooms?** Process in place where an individual can request menstrual products. DOC states they are provided "immediately" – but cannot say if that's two hours or 24 hours. Chelsea is satisfied with the requesting of menstrual products in the men's jails. Lyric states it seems that Mik is unsatisfied, wants to know if Chelsea is satisfied. Chelsea is satisfied. States only one person ever and it was "immediately" provided. Mik says it is one person that you know of, and you can't define immediately, we don't know if this person waited minutes or days.
 - o Quote from December notes on implementing the policy of having menstrual products available in counseling offices, specifically those staffed by members of the TGNCNBI Initiative when visiting the men's jails is disputed. DOC says they never agreed to implement and as they are satisfied by this current setup they will not consider.
- **Anything further about menstrual products you want to share?** Chelsea wants to keep this only about TGNCNBI people, Mik shares the connections between lack of funding for cis women and how that relates to TGNCNBI people.

In May 2023 Melanie (then at mayor's Office to End Domestic and Gender Based Violence) asked if their org could help push the disconnect between Securing Orders, courtroom practice, buses to intake, and the wait between intake and transfer to gender affirming housing. Melanie used to work with Tish James' office so she could leverage her connections. **Did this happen?**

- Melane no longer on Task Force, Ronald will reach out.
- Told in July 2023 that DOC was reaching out to OCA. "No updates on securing order, SCU, or other forms when a person is transferred from court to DOC custody. DOC is actively engaging on this with OCA, "X" indicating a specialized intake process through RMSC is still possible but very preliminary and nothing is finalized" **Have there been any more attempts?** No movement given leadership changes. Intend to press forward with this on OCA. Chelsea says her words are taken out of context, she has no OCA meetings planned, her answers remain the same. Mik points out that DOC doesn't edit the notes and as we rely on the

notes, DOC involvement with editing the notes would be helpful to make sure we have consistent notes, especially as Chelsea has twice refuted past notes.

- **What is the authority for DOC saying that the securing order is what dictates intake?** DOC has the authority to make all of their own decisions and policy decisions. OCA still needs to change their securing orders and reflect gender identity. BUT, it seems like DOC policy in using the securing order is up for being changed. 4498 (we find it p.6). Lively discussion. Is 4498 referring to any other authority here, or is this one paragraph the basis for keeping people in gender mis-aligned intake cells? It appears yes, DOC must follow their own policies, this is self-inflicted on them by themselves.
 - o **Has DOC Legal reviewed Broome and Steuben settlements that do not rely on the securing order? Or the 7 other counties that voluntarily enacted it?** Because such a large jail system and court system, sheriff's office means that it is a small project, not comparable to NYC jails, not useful to compare. (Unsure if this is a "no" or a "yes").
- In May 2023 Chelsea said "regarding the X marker, which is not particularly useful, it's not descriptive enough" **What does "descriptive enough" mean?** Chelsea says that she did not say this, this was a task force report, for the purposes of intake don't need to know specific identity, so the X does work to indicate the group and not the particular gender identity.
- In May 2023 Chelsea said "We will house NB individuals in Rosie's and potentially there's a pathway to do an intake that way"
 - o **How is that proceeding?** It's not. Again, Chelsea states this was never said. Fourth time.