

Meeting - May 10, 2023 12-2pm (Rachel Facilitating)

Attendees:

Nicole Levy (she/her - Correctional Health Services)
Sahar Moazami (they/them - City Council)
Michael Griffin (he/him - NYC Commission on Human Rights)
Liz Munsky (she/her - Department of Correction)
Rachel Golden (she/they/Rachel - Golden Psychology)
Heather Burgess (she/her - Board of Correction)
Melanie Weniger (she/her - Commission on Gender Equity)
Sarah Milner-Barry (she/her - Commission on Gender Equity)

Introductions

Meeting Notes

Rachel:

- Any updates from anyone on the call?

Nicole, Liz:

- No updates from past meeting

Sahar:

- Not sure who's on the subcommittees but at the end of this year the council session switches over, so if there are thoughts about making amendments to the TF bill itself, want to do that before the council switches
- Not just potential amendments to the bill but also the report itself, depending on who's chairing committees and if that's changing

Rachel:

- Can you be more specific about what you mean by changing over?

Sahar:

- Elections for city council are taking place in November, this was a shortened session as a result of the census and the need for another election within 2 years

Rachel:

- Anyone not running for reelection?

Sahar

- I think everyone is running for reelection, all current council members will be running again

Rachel:

- Any updates on wigs or external policies?

1. Razor Access and Gender Affirming Items

Liz:

- Nothing on wigs or external policies. Have updates in regard to razor access, as one of the defenders clients was not allowed access to a razor as they were in a mental observation unit

- All those who identify as women within mental observation units have access to the salon on Mondays

- So if razors cannot be on unit they'll be able to get their needs taken care of

Rachel:

- Any way someone can identify on an observation unit?

Liz:

- People can identify at any point in their incarceration, they can tell us whenever and they'll be brought to the barber

Rachel:

- Have been talking with folks from other correctional institutions about wigs and if they would allow them, or limitations on staff wearing wigs

- This is a bigger national conversation

- In Oregon and New Jersey people have gotten other things through in addition to binders including breast plates and gaffs, bras with pockets, packers, items for masc folks. Curious about DOC's policy on that and whether we could support getting more affirming items?

- Gaffs, breast plates and bras with pockets have gotten through in other states

Liz:

- We can do that, it would be the same process in regard to chest binder. Did receive a couple of requests so we can start having that conversation with security in regard to feminine shapewear

- These are all things I will bring to security, can't say yes or no in this moment.

- Certainly feminine shapewear we've had some off record conversations about

- If you can connect me to the jurisdiction that allows for breastplates that would be helpful

- If you have any language you would like for us to look over before bringing this to us, feel free to email it over and we can look through the information and language

Rachel:

- Happy to connect, predominantly folks in Oregon, and New Jersey

Liz

- NJ have feminine shapewear, think it's just specifically gaffs but will check.

Oregon would be great to speak with

Rachel:

- There is a list of every prison across the country and what they allow, and their policies. Happy to send that as well, so you can connect with folks.

Liz

- Yes, even if I have the info already, helpful to see what others are doing. Please send that over.

- Want to set expectation that sometimes prisons can be more expansive with what they can afford to people in custody than jails for different reasons. Not to say we won't take language but to set expectations

Rachel:

- Understood. Chelsea do you have thoughts on why that might be?

Chelsea:

- Not off the top of my head right now. But different populations have different considerations that need to be taken into account, as far as security. Prison populations

will often have one classification as opposed to mixed classifications within a building. Would have to talk to folks there though.

Rachel:

- <https://tlcenter.app.box.com/s/szt8awqsh9dnjggu0n0hgfixac6fzy9m>
- This is the tracking sheet for every state. Can check that to see what's available but will continue having conversations and connect you, Liz.

Heather

- Liz answered my question, that razors extend to NB folks and any TGNBI folks.

Rachel:

- So any nonbinary or TGNBI individual could get access to the barber?

Chelsea:

- That could be anyone on the unit, they don't have to identify as TGNBI. Due to mental health concerns none of those folks have access to razor but are afforded access to barber shops.

Rachel:

- Following up from last time, there was talk about getting consulting for internal and external policies. Any updates from DOC?
- Any way we can help to support you all getting policies put in place

Liz:

- From what I took away, we are always open to receiving whatever information you have including what other jurisdictions are doing
- A large piece of information that can help move things forward is having those other jurisdictions that have implemented this and can point to it as a success
- Beyond that any information you can provide as far as gaffs for example, having a MH professional like you Rachel is useful to provide to the agency to help them understand the benefits to the department and reduction of incidences
- Any information you have as far as things we're trying to move forward, please do share that

Rachel:

- Is there a benefit to having someone like me to come into the meetings?

Liz:

- I think that would have to be on a case by case basis, and see where the initial conversation goes
- Gaffs and feminine shapewear I don't see as a large lift especially given quick approval of chest binders.
- Other conversations as they arise it's good to continue to explore that

2. Law Library Follow Up

Rachel:

- Did we resolve everything about directives in the law library last meeting?

Liz:

- We discussed and we all had the understanding that DOC directives are not approved to be in the law library, that is not part of our policy
- Mik was referencing an out of date policy when he said that Directive 4498 was to be in law libraries, that was a policy from 2014

- It is not part of our current 4498 policy and specifically our law library is not permitted to hold DOC directives
- Grace explained earlier that sometimes you would have people get directives and leave them on a table, but due to the purpose of Law Library no directives are permitted
- Access to SCU forms is available in numerous different locations, including the tablet, no one has to ask, they can fill it out discretely in their own space and in their own cell - that is the most discrete way I can imagine in a jail facility

Rachel:

- Any other things to discuss today?

3. Subcommittees

Melanie:

- I know there's a list of committees and had emailed the co-chairs and offered to support in the facilitation and notetaking committee, and the implementation and next steps committee
- We would like to join those, and given that this is our second meeting I'm not sure what that looks like - do those committees meet separately and who organizes those?

Rachel:

- Generally Deb, Shear, Mik or some constellation is on each committee, they meet separately, the drafting committee meets on the second Monday
- Will follow up with them to get back to you on when those committees are meeting because they do meet separately.
- There's a spreadsheet where you can sign up and it sounds like you emailed them to do it

Melanie:

- That's fine - it's in the notes and we can follow up. Saw a list of who was on the committee but not aware of a sign up but can follow up

Rachel:

- Also a good time to plug being on the drafting committee especially given what was said earlier about Council turnover.
- Drafting committee goal is to have a draft by December or January

4. Pride Plans

Melanie:

- Usually such a large group of people involved with various organizations and Pride is coming up, so wanted to hear what folks may be doing around Pride
- CGE has Commissioners who act as a kind of advisory board to our agency, and one commissioner is Kiara St James, ED of NYTAG, who has been organizing a 'Love Rally' initially planned for Pride but pushed back to September 30

- It will be a multi city rally to celebrate and uplift the trans community and planning meetings are taking place weekly

Sarah:

- Flagging for folks on the TF if they want to get connected with the Love Rally planning effort to let me know and will connect offline

Liz:

- For the past two years we work with some of the LGBTQ folks in custody, always inclusive of the SCU and we try to get it to as many other LGBTQ people as possible to create signs for the pride march, could also potentially happen for the love rally, might speak more to trans folks

- Once signs are completed have had staff from DOC as well as volunteers from other agencies march through their signs so that inmates can have their voices seen and heard

- If anyone is interested in holding signs from folks in custody, let me know and we can coordinate

- Whether it be signs or something else for the Love Rally we can talk offline

Sarah:

- Thanks Liz, will connect separately on looping in the Love Rally

5. Markers on Securing Orders

Melanie:

- Thinking about shared opportunities for advocacy, there has been discussion around supporting markers on securing orders

Liz:

- Currently through OCA who has responsibility over the courts, and they are the ones overseeing the court bailiffs who fill out the securing orders, not the judges. A securing order is essentially the slip of paper that provides DOC most of the necessary information about the person's case - charges, identifying information

- Securing orders currently have two gender boxes - male or female

- OCA's policy is to mark the securing order based on the ID they receive from the police department, so however the police have identified this person whether it is affirming or not is how DOC will receive them

- DOC has no power to alter someone's securing order

- Without having other gender options and without having OCA review their own policy, continue to see situations where even if an attorney advocates for their client in court to have their securing order marked appropriately, attorneys have been unable to get the judge to write in a note that this is a transgender woman

- Unless we are able to get securing orders changed, we are unable to know this person's identity from arraignment, which could place a trans woman into a male intake, because according to the securing order this person is male

- DOC has written official memos to head judges in all the boroughs to which they all supported but said they had no control either. They can try to talk to court bailiffs, but they have no jurisdiction over them. It's really about OCA

- We've tried to reach out to OCA to provide them clarity on our policy, so that the securing orders under their office directly impact the intake individuals go to so they have that information

- It's about an OCA policy change to provide more gender options

Melanie:

- Do folks have other tactics or strategies that could be taken to advance this?

Heather:

- For newer folks, the TF report contains a recommendation considering this the start of a problematic domino effect, and contains a letter Liz wrote to the courts about how dangerous it is

Rachel:

- Anyone we can speak to or have a meeting with? A letter is a great start and thank you Liz for doing that.

- Any way for people who have experienced this, who OCA might listen to, call a meeting to try to push for them to make a bigger change?

Liz:

- Yes, prior to COVID was working somewhat closely with Tish James' office and they were very interested in this securing order edits, and then COVID hit

- Can see if I can find those contacts

Melanie:

- I used to work there, let me know who you are talking to and I can give you the names of the right people to facilitate the conversation

Liz

- Great.

Melanie:

- Assume that bringing in the AG's office is a bully pulpit strategy. This is a policy change issue not that a law needs to be changed?

Chelsea:

- It's possible that they can just change the form. Where it might get dicy is on the state side, and if there's any tracking. If the court information systems or something like that are connected to other systems that would need to be updated that are technologically prohibitive there could be an issue. Might seem easy on it's face, and maybe it is, to ask them to update the form, but it might be that there are other state level legislation that requires tracking related to this.

- What we hear consistently from the court side of things, and regarding the X marker, which is not particularly useful, it's not descriptive enough in some cases, but I believe that has been identified as folks want to push going onto the securing order because that's what's available on licenses which is also a state level document

- On the state level, as they're coming into court or custody through NYPD they're checking whatever state level documents as their identity and submitting that to the court to be added to the securing order

- They may not have an issue with expanding the securing order, but they may say they can't add anything beyond X because of state level documents

Melanie:

- I understand why X is not descriptive enough

- Some people have updated their state level ID to say X - what is happening at the court level when they see that?

Chelsea:

- Not sure, as far as I understand those securing orders do not have an X
- Maybe an attorney in the TF could tell you better than I could
- We will house NB individuals in Rosie's and potentially there's a pathway to do an intake that way
- In some ways X would be a good start because it indicates they may need a specialized intake process
- Some of it may be transphobia or -ism at the clerk level, but it also could be they don't feel they have the authority to make a determination about what gender should go on the marker

Mike:

- This area is difficult for CCHR and the law because there are a lot of clear things that sound like they may implicate our law but once the court system is involved it's at the state level and not in our jurisdiction
- Happy to reach out to the state division on human rights to see if they're having discussion on this and try to shed some light
- Or if anyone has contacts in their networks to see what the state is doing under the human rights law
- CCHR has its own conception of how DOC and we interact, but know this is a complicated issue that I talk with deputy about after every meeting

Chelsea:

- To set expectations, when we're talking about one part of the criminal justice system it has multiple points of contact, so it is typically more complicated

Rachel:

- If you do get folks together to talk about this would be happy to be there, Melanie

Melanie:

- Given Tthis seems like is a shared priority, a TF report recommendation, it would be great if people can go back and touch base with relevant contacts and do more research so we can have a better sense of what levers we should try to pull to see about getting more understanding of how to make progress on this
- Ist ist a technical issue, is it something else? Getting more understanding around this would be great

Rachel:

- Maybe we can send out an email afterward about this follow up point so it doesn't get punted to the next meeting. Great if you could flag it Melanie, to get it rolling, and when you want to convene on it.
- Always happy to help and provide a mental health context, but I'm sure legal folks will be happy to join

Melanie:

- Maybe I can touch base with admin folks and we can determine what can go in the email to everyone

Rachel:

- Sounds good. Anything else folks wanted to talk about?
- Mik was with a client in distress and is sorry that he wasn't able to join

Sarah:

- Will send notes to Mik so that he can advise on the process for posting them

Next Steps

- Rachel will follow up with Liz regarding any contacts that can talk through successful policies allowing for gender affirming items (Oregon, NJ, etc.) and language to support policy change to allow items
- Markers on securing orders - TF members to research and connect with different organizations and contacts at the State level who could advise on the process or strategies to use to have OCA change their policy
- Melanie added CGE names to subcommittee sign up document