



April 13, 2020

BY E-MAIL

Jennifer Jones Austin, Chair
Members of the Board
NYC Board of Correction
1 Centre Street, Room 2213
New York, NY 10007

Re: April 14, 2020 Meeting about CHS Variance Requests

Dear Chair Jones Austin and Members of the Board:

We are deeply concerned about the Board's process for considering Correctional Health Services' (CHS) requested variances to §§ 2-04(c)(3), 2-05(b)(2)(i-ii), 3-04(b)(2)(v)(D), and 5-10(d) of the Board's minimum standards. We ask that you allow public comment *before* the vote on the variance requests and reschedule the meeting to allow stakeholders at least 72 hours to review CHS's requests and formulate responses.

The Board failed to provide interested stakeholders with adequate notice of the variance requests. Although CHS made the requests on Monday, April 6, the Board did not inform the public until five days later. Then on Sunday, April 12 after 10 p.m., the Board notified the public of its intention to vote on the variance requests on Tuesday, April 14 at 8:30 a.m., effectively limiting public notice of the meeting to one business day. This lack of notice is unacceptable and demonstrates a singular lack of transparency.

Moreover, the Board's notice indicates that it intends to decide the variance requests without hearing from the public, which is directly contrary to the Board's meeting format. Scheduling public comment *after* the vote takes place denies stakeholders the opportunity to share their concerns about the variance requests. It ignores critical input from community members, elected officials, and others who are concerned about the treatment of people incarcerated in the New York City jails.

The Board is well aware that family members, formerly incarcerated people, public defenders, and other advocates for incarcerated people regularly attend Board meetings and provide comments about issues under consideration by the Board. Denying the opportunity for these stakeholders to

be heard is a drastic departure in the Board's process, and prevents Board members from considering information regarding the impact of the proposed changes on incarcerated people.

We understand that CHS resources are strained given the COVID-19 emergency, but that is no reason for the Board to deviate from its well-established practices for providing interested stakeholders with notice and the opportunity to be heard. The Board should have as much information as possible when it considers decisions to allow incarcerated people to receive less than the minimal amount of care required by Board standards.

We urge you to hear from stakeholders before voting and to postpone the Board meeting to allow stakeholders to consider fully the proposed variances.

Thank you for considering this request.

Sincerely,

NYC Jails Action Coalition Members

cc: Margaret Egan, Executive Director