



**NEW YORK CITY
BOARD OF CORRECTION**

November 10, 2020 PUBLIC MEETING¹ MINUTES

ATTENDEES

MEMBERS PRESENT

Jennifer Jones Austin, Esq., Chair
Stanley Richards, Vice-Chair
Robert L. Cohen, M.D., Member
Felipe Franco, Member
James Perrino, Member
Michael J. Regan, Member
Steven M. Safyer, M.D., Member
Jacqueline Sherman, Esq., Member

Margaret Egan, Executive Director

DEPARTMENT OF CORRECTION

Cynthia Brann, Commissioner
Hazel Jennings, Chief of Department
Brenda Cooke, Chief of Staff
Dana Wax, Deputy Chief of Staff
Lisa Richardson, Deputy General Counsel
Timothy Farrell, Senior Deputy Commissioner
Heidi Grossman, Deputy Commissioner for Legal Matters/General Counsel
Patricia Feeney, Deputy Commissioner for Quality Assurance and Integrity
Nadene Pinnock, Deputy Commissioner for Human Resources
Peter Thorne, Deputy Commissioner of Public Information
Patricia Lyons, Deputy Commissioner of Financial, Facilities and Fleet Administration
Maureen Danko, Deputy Commissioner of Information Technology and Data Analytics and Research
Marshall Volk, Assistant Commissioner of the *Nunez* Compliance Unit
Faye Yelardy, Assistant Commissioner for Office of Sexual Abuse and Sexual Harassment Prevention
Becky Scott, Bureau Chief
Valerie Greisokh, Assistant Commissioner of Adult Programs
Steven Kaiser, Executive Director of Policy and Intergovernmental Affairs
James Boyd, Assistant Commissioner of Internal Communications
Justin Von Bujdoss, Executive Director of Chaplaincy and Staff Wellness

¹ Due to the coronavirus/COVID-19 pandemic, this meeting was conducted virtually.

Richard Bush, Senior Correctional Institutional Administrator
Jene Rene, Warden
Nancy Li, Policy Analyst
Julia Szendro, Policy Analyst
Jason Kersten, Press Officer
Gayle Robinson, Correction Officer
Allie Robertson, Policy Analyst
Paul Romeo, Correction Officer
Latoya Stoutt, Correction Officer
Andrew Toranzo, Policy Analyst
Juan Ramos, Ombudsperson
Maritza Velazquez, Deputy Warden
Yanique Calvert, Operations Administrator
Beatrice Richards, Captain

NYC HEALTH + HOSPITALS - CORRECTIONAL HEALTH SERVICES

Patsy Yang, DrPH, Senior Vice President
Ross MacDonald, MD, Chief Medical Officer, Sr. Assistant Vice President
Carlos Castellanos, Chief Operations Officer/Deputy Executive Director
Aaron Anderson, MPA, MEd, Assistant Vice President for Finance and Risk

OTHERS IN ATTENDANCE

Brielle Christian, NY State Commission of Correction
Benny Boscio, Correction Officers' Benevolent Association (COBA)
Marc Steier, COBA
Ashaki Antoine, COBA
Antonio Reynoso, NYC Council
Agatha Mavropoulos, NYC Council
Kate Theobald, NYC Council
A. Demyan, NY City Hall
Chelsea Davis, NY City Hall
Joseph Thomas, NY City Hall
Rachel Baker, NY City Hall
Michael Alperstein, NY City Hall
Kimberly Joyce, NYC Law Department
Renee Hassel, NYC Department of Investigation
Verena C. Powell, NYC Mayor's Office of Criminal Justice
Kendea Johnson, NYC Mayor's Office of Criminal Justice
Alex Liao, NYC Office of Public Advocate
Zachary Katznelson, Independent Commission on New York City Criminal Justice
and Incarceration Reform
Jennifer Parish, Urban Justice Center (UJC)
Cameron Ruffa, UJC
Victoria Phillips, Jails Action Coalition (JAC)
Daniele Gerard, Children's Rights
Jadeite Javier, Children's Rights
Julia Davis, Children's Defense Fund
Kayla Simpson, Legal Aid Society Prisoners' Rights Project (LAS)
Mary Lynne Werlwas, LAS
Veronica Vela, LAS
Julia McCarthy, LAS

Simone Spirig, Brooklyn Defender Services (BDS)
Irene Cedano, BDS
Kelsey De Avila, BDS
Claudia Forrester, BDS
Harmony Seaburg, BDS
Simone Spirig, BDS
Julia Solomons, Bronx Defenders
Tahanee Dunn, Bronx Defenders
Martha Grieco, Bronx Defenders
Kelly Grace Price, Close Rosie's
Brad Maurer, NY County Defender Services
Julia Kerbs, NY County Defender Services
Michelle Garcia, NY County Defender Services
Christopher Boyle, NY County Defender Services
Wendell Walters, Osborne Association
Tanya Krupat, Osborne Association
Charlotte Pope, Girls for Gender Equity
Francis Geteles-Shapiro, HALT Solitary Campaign
Jack Beck, HALT Solitary Campaign
Scott Paltrowitz, HALT Solitary Campaign
Robert James, Friends of the Island
Sarita Daftary-Steel, Freedom Agenda
Matthew Durot, Columbia University
Cassidy Jensen, Columbia University
Shelly Xu, New York University (NYU)
Bridget McCarthy, NYU
Tina Szpicek, NYU Law
Annette Spellen, Community Board 4
Melanie Brown, Independent
Tanisha Mills, Independent
Karis Kang, Independent
Kelly Roberts, Independent
Appollonia Martin, Independent
Loretta Young, Independent
Robert Camacho, Independent
Osman Ahmed, Independent
Rosa Goldensohn, The CITY
Richard Khavkine, The Chief-Leader
Chelsia Marcius, NY Daily News
Sydney Pereira, Gothamist/WNYC

Approval of October 13, 2020 Minutes

Board Chair, Jennifer Jones Austin ("Chair Jones Austin"), asked for a motion to approve the draft minutes of the Board's October 13, 2020 meeting. Upon Member Sherman moving the item and Vice-Chair Richards seconding it, the minutes were unanimously approved, 8-0 (Chair Jones Austin, Vice-Chair Richards and Members Cohen, Franco, Perrino, Regan, Safyer, and Sherman). See this portion of the video recording [here](#).

Announcements/Updates

Chair Jones Austin made announcements and an update on the Board's Restrictive Housing Rulemaking. The Board also unanimously re-appointed Stanley Richards to the role of Vice-Chair

of the Board, 8-0 (Chair Jones Austin, Vice-Chair Richards and Members Cohen, Franco, Perrino, Regan, Safyer, and Sherman). See this portion of the video recording [here](#).

Public Comment on Variance Requests

The Board heard public comment on the Department's Separation Status, Young Adult Enhanced Supervision Housing ("YA-ESH"), Secure Unit, and Co-Mingling Variance Requests from Antonio Reynoso (NYC Council Member), Julia Solomons (Bronx Defenders), Simone Spirig (BDS), Robert Camacho (Independent), Sarita Daftary-Steel (Freedom Agenda), Victoria Phillips (JAC), Kayla Simpson (LAS), Ashaki Antoine (COBA), Melanie Brown (Independent), Daniele Gerard (Children's Rights), Jennifer Parish (UJC), and Francis Geteles-Shapiro (HALT Solitary Campaign).

The public comments on the variance requests are available [here](#) and one additional comment from Francis Geteles-Shapiro is available [here](#).

Separation Status Variance Request

► Introduction

The Board's Executive Director, Margaret Egan ("ED Egan"), introduced DOC's six-month variance request regarding Separation Status Housing. See this portion of the video recording [here](#).

► DOC Presentation

DOC Bureau Chief, Becky Scott, presented the six-month variance renewal request regarding the Department's use of Separation Status Housing. See this portion of the video recording [here](#).

► Board Discussion

Board discussion on the variance request, including the Department's response, is available in the video recording [here](#).

► Board Vote on Variance

ED Egan read out loud the existing fifteen conditions and a proposal to vote on a two-month variance renewal, instead of the requested six-months. Dr. Cohen read out loud one additional proposed condition to the variance. See this portion of the video recording [here](#).

Chair Jones Austin called for a motion and conducted a roll call vote on Dr. Cohen's proposed condition and the proposal to renew the variance for two months, instead of six months. The Board unanimously approved the proposed condition and two-month variance renewal, 8-0 (Chair Jones Austin, Vice-Chair Richards and Members Cohen, Franco, Perrino, Regan, Safyer, and Sherman).

Chair Jones Austin called for a motion and conducted a roll call vote on the existing fifteen conditions. The Board unanimously approved the existing conditions, 8-0 (Chair Jones Austin, Vice-Chair Richards and Members Cohen, Franco, Perrino, Regan, Safyer, and Sherman).

Lastly, Chair Jones Austin called for a motion to vote on the two-month variance with conditions. After the item was moved and seconded, the Board unanimously approved the variance with conditions, 8-0 (Chair Jones Austin, Vice-Chair Richards and Members Cohen, Franco, Perrino, Regan, Safyer, and Sherman).

See the Board's vote on the variance and the conditions [here](#). The final record of variance is published [here](#).

YA-ESH Variance Request

► Introduction

ED Egan introduced DOC's six-month variance requests regarding YA-ESH and the Secure Unit. See this portion of the video recording [here](#).

► DOC Presentation

DOC Warden, Jean Rene, presented DOC's six-month variance renewal request regarding YA-ESH. See this portion of the video recording [here](#).

► Board Discussion

Board discussion on the variance request, including the Department's response, is available [here](#).

► Board Vote on Variance

Chair Jones Austin called for a motion and conducted a roll call vote on the variance renewal modifications requested by the Department. The Board unanimously voted against approving the Department's modifications to the YA-ESH variance, with eight votes in opposition (Chair Jones Austin, Vice-Chair Richards and Members Cohen, Franco, Perrino, Regan, Safyer, and Sherman).

The Board proceeded with considering the existing variance renewal. Chair Jones Austin called for a motion and conducted a roll call vote on the proposal to renew the variance for three months, instead of six months. The Board unanimously approved renewing the variance for three months, 8-0 (Chair Jones Austin, Vice-Chair Richards and Members Cohen, Franco, Perrino, Regan, Safyer, and Sherman).

Chair Jones Austin called for a motion and conducted a roll call vote on the proposed condition to eliminate the use of shackling by April 15, 2021. The Board approved the proposed condition with seven votes in favor (Chair Jones Austin, Vice-Chair Richards and Members Cohen, Franco, Regan, Safyer, and Sherman) and one vote in opposition (Member Perrino).

ED Egan read out loud the existing eighteen conditions to the variance. Chair Jones Austin called for a motion and conducted a roll call vote, and the Board approved the existing conditions with seven votes in favor (Chair Jones Austin, Vice-Chair Richards and Members Cohen, Franco, Perrino, Safyer, and Sherman) and one vote in opposition (Member Regan).

Lastly, Chair Jones Austin called for a motion and conducted a roll call vote on the three-month variance with the existing and proposed conditions. The Board approved the variance with conditions, with six votes in favor (Chair Jones Austin, Vice-Chair Richards, and Members Franco, Perrino, Safyer, and Sherman) and two vote in opposition (Members Cohen and Regan).

See the Board's vote on the variance and the condition [here](#). The final record of variance is published [here](#).

Secure Unit Variance Request

► Board Vote on Variance

ED Egan read out loud the existing eleven conditions to the Secure Unit variance. Chair Jones Austin called for a motion and conducted a roll call vote, and the Board approved the existing conditions with six votes in favor (Chair Jones Austin, Vice-Chair Richards and Members Franco,

Perrino, Safyer, and Sherman), one vote in opposition (Member Regan), and one abstention (Member Cohen).

Lastly, Chair Jones Austin called for a motion and conducted a roll call vote on the three-month variance with the existing and proposed conditions. The Board approved the variance with conditions with six votes in favor (Chair Jones Austin, Vice-Chair Richards, and Members Franco, Perrino, Safyer, and Sherman) and two votes in opposition (Members Cohen and Regan).

See the Board's vote on the variance and the conditions [here](#). The final record of variance is published [here](#).

Co-Mingling Variance Request

► Introduction

ED Egan introduced DOC's six-month variance request regarding the co-mingling of 19-21- year-olds with adults. See this portion of the video recording [here](#).

► DOC Presentation

Timothy Farrell, DOC Senior Deputy Commissioner, presented DOC's six-month variance renewal request regarding co-mingling. See this portion of the video recording [here](#).

► Board Discussion

Board discussion on the variance request, including the Department's response, is available [here](#).

► Board Vote on Variance

ED Egan read out loud the existing conditions to the co-mingling variance. Chair Jones Austin called for a motion and conducted a roll call vote, and the Board approved the existing conditions with seven votes in favor (Chair Jones Austin, Vice-Chair Richards and Members Cohen, Franco, Perrino, Safyer, and Sherman), and one vote in opposition (Member Regan).

Chair Jones Austin called for a motion and conducted a roll call vote on the variance with conditions. The variance failed to pass with seven votes in opposition (Chair Jones Austin and Members Cohen, Franco, Perrino, Regan, Safyer, and Sherman), and one vote in favor (Vice-Chair Richards).

See the Board's vote on the variance and the conditions [here](#).

CHS and DOC COVID-19 Update

Dr. Cohen presented COVID-19 related questions for CHS and DOC [here](#). Chair Jones Austin provided background on COVID-19 in the jails, available in the video recording [here](#).

DOC's Commissioner Brann provided a COVID-19 update, available in the video recording [here](#). Additional Board discussion regarding COVID-19, and DOC's response, is available [here](#).

CHS provided a COVID-19 update and responded to Board questions, available [here](#).

Nunez Consent Decree Update

ED Egan provided background on the *Nunez* Consent Decree, available in the video recording [here](#).

DOC' Deputy General Counsel Lisa Richardson and Assistant Commissioner Marshall Volk provided DOC's *Nunez* Update, available [here](#). See Board discussion and follow up [here](#).

Public Comment

The Board heard public comment from Julia McCarthy (LAS), Martha Grieco, Bronx Defenders, Victoria Phillips (JAC), Kayla Simpson (LAS), Ashaki Antoine (COBA), Marc Steier (COBA), Brad Maurer (NY County Defender Services), Kelsey De Avila (BDS), Claudia Forrester (BDS), Cameron Ruffa (UJC), and Kelly Grace Price (Close Rosie's).

The public comments portion of this video recording is available [here](#).