



**NEW YORK CITY
BOARD OF CORRECTION**

March 9, 2021 PUBLIC MEETING¹ MINUTES

ATTENDEES

MEMBERS PRESENT

Jennifer Jones Austin, Esq., Chair
Stanley Richards, Vice-Chair
Marco Carrion, Member
Robert L. Cohen, M.D., Member
Felipe Franco, Member
James Perrino, 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
Heidi Grossman, Deputy Commissioner for Legal Matters/General Counsel
Patricia Feeney, Deputy Commissioner for Quality Assurance and Integrity
Kenneth Stukes, Bureau Chief of Security
Steven Kaiser, Executive Director of Policy and Intergovernmental Affairs
James Boyd, Assistant Commissioner of Internal Communications
Richard Bush, Senior Correctional Administrator- Health Affairs
Brian Charkowick, Executive Director of Infrastructure & Operations
Maureen Danko, Deputy Commissioner
Keziah Eaddy, Facility Program Coordinator
Latoya Stoutt, Correction Officer
Nancy Li, Policy Analyst
Julia Szendro, Policy Analyst

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

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

Monica Katyal, Esq., MPH, Senior Director of Monitoring and Evaluation
Jeanette Merrill, MPH, Director, Communications and Intergovernmental Affairs
Ashley Smith, MPA, Chief of Staff
Zachary Rosner, MD, Chief of Service Medicine

OTHERS IN ATTENDANCE

Ashaki Antoine, Correction Officers' Benevolent Association (COBA)
Joseph Thomas, NY City Hall
Sara Newman, NYC Council
Rachel Baker, NY City Hall
Gladys Arias, NY City Hall
Rama Issa, Office of the NYC Public Advocate
Kadeem Robinson, Office of the NYC Public Advocate
Mariana Grisales, NY State Assembly
Jennifer Parish, Urban Justice Center (UJC)
Rachel Lindy, UJC
Corina Minden-Birkenmaier, UJC
Arielle Lipan, UJC
Lana Dziekonski, UJC
Josh Goldstein, UJC
Jon McFarlane, VOCAL-NY
Victoria Phillips, Jails Action Coalition (JAC)
Elizabeth Mayers, JAC
Daniele Gerard, Children's Rights
Tobin Kassa, Children's Rights
Mary Lynne Werlwas, Legal Aid Society Prisoners' Rights Project (LAS)
Kayla Simpson, LAS
Alexandra Smith, LAS
Veronica Vela, LAS
Charlotte Pope, Girls for Gender Equity
Simone Spirig, Brooklyn Defender Services (BDS)
Kelsey De Avila, BDS
Claudia Forrester, BDS
Harmony Seaburg, 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
Wendell Walters, Osborne Association
Scott Paltrowitz, HALT Solitary Campaign
Joan Pleune, HALT Solitary Campaign
Natasha White, HALT Solitary Campaign
Oliver Davis, HALT Solitary Campaign
Jack Beck, HALT Solitary Campaign
Anisah Sabur, HALT Coalition for Women Prisoners/Solitary Campaign
Daad Sharfi, NYU Solitary Confinement Project
Drake Ridge, XenoPsi
Mamou Doumbia, Women's Community Justice Association
Jordyn Rosenthal, Women's Community Justice Association

Sarita Daftary-Steel, Freedom Agenda
Darren Mack, Freedom Agenda
Robert James, Friends of Island Academy
Laura Limuli, Friends of Island Academy
Victor Pate, New York Campaign for Alternatives to Isolated Confinement (CAIC)
Frances Geteles-Shapiro, CAIC
Pooja Goel, CAIC
John W. Burns, Karasyk & Moschella,LLP
Chelsia Marcus, NY Daily News
David Grant, Independent
Michelle Duhart, The Moss Group, Inc.
Menna Demessie, UC Washington Center
Jean B., Independent
Chantal Polinsky, Independent
Melanie Dominguez, Independent
Albert Craig, Independent
Darlene McDay, Independent
Edgardo Acevedo, Independent
Melania Brown, Independent
Steven Denio, Independent
Dan Rogers, Independent
Mary Love, Independent

Approval of February 9, 2021 Minutes

Board Chair Jennifer Jones Austin (“Chair Jones Austin”) asked for a motion to approve the draft minutes of the Board’s February 9, 2021 meeting. Upon Vice Chair Richards moving the item and Dr. Safyer seconding it, the minutes were unanimously approved, 7-0 (Chair Jones Austin, Vice Chair Richards and Members Cohen, Franco, Perrino, Sherman, and Safyer). See this portion of the video recording [here](#).

Presentation and Vote on Proposed Restrictive Housing Rule

► Introduction

Chair Jones Austin discussed key elements of the new proposed Restrictive Housing Rule and the City Administrative Procedure Act (CAPA) rulemaking process. See this portion of the video recording [here](#) and discussed again [here](#).

DOC Commissioner Cynthia Brann provided remarks regarding DOC staff involvement in developing the proposed Rule. See this portion of the video recording [here](#).

► Board Discussion

Dr. Cohen, Member Sherman, and Chair Jones Austin provided remarks about the proposed Rule. See this portion of the video recording [here](#).

► Board Vote

Chair Jones Austin called for a motion to vote on proposing the Restrictive Housing Rule and to initiate the CAPA process; Member Sherman moved the item and Member Cohen seconded. See this portion of the video recording [here](#).

After the item was moved and seconded, the Board unanimously voted to propose the Restrictive Housing Rule and to initiate the CAPA process, 7-0 (Chair Jones Austin and Members Carrion, Cohen, Franco, Perrino, Safyer, and Sherman).² See this portion of the video recording [here](#).

See the Board's proposed Restrictive Housing Rule [here](#), an overview of key elements of the proposed Rule [here](#), and the Board's Restrictive Housing Rulemaking Webpage [here](#).

Public Comment on Proposed Rule and Variance Requests

The Board heard public comment on DOC's Young Adult Enhanced Supervision Housing ("YA-ESH") Variance Request, DOC's Young Adult Commingling Variance Request, and the Board's proposed Restrictive Housing Rule. Public comment was heard from Mary Lynne Werlwas (LAS), Darlene McDay (Independent), Anisah Sabur (HALT Solitary), Jennifer Parish (UJC), Kelsey De Avila (BDS), Olga Delgado (Independent), Frances Geteles-Shapiro (CAIC), Ashaki Antoine (COBA), Victoria Phillips (JAC), Darren Mack (Freedom Agenda), Albert Craig (Independent), Daniele Gerard (Children's Rights), Arielle Lipan (UJC), and Josh Goldstein (UJC).

Public comments on the variance requests and the proposed Rule are available [here](#).

YA-ESH Variance Request

► Introduction

The Board's Executive Director, Margaret Egan ("ED Egan"), introduced DOC's YA-ESH one-week variance request. See this portion of the video recording [here](#).

► DOC Presentation

DOC Chief of Staff Brenda Cooke presented the YA-ESH variance request. DOC Commissioner Cynthia Brann and Chief of Department Hazel Jennings presented on YA-ESH incidents and recent placements. 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

ED Egan clarified that the Board is voting on reinstating the most recent YA-ESH variance for one week. In that time, DOC will develop a plan to govern YA-ESH throughout the implementation of the proposed Restrictive Housing Rule and the end of restraint desk use by April 15, 2021.

Chair Jones Austin called for a motion to vote on the one-week variance. After Vice Chair Richards moved the item and Member Perrino seconded, the Board approved the variance, with seven votes in favor (Chair Jones Austin, Vice Chair Richards and Members Carrion, Franco, Perrino, Safyer, and Sherman) and one vote in opposition (Member Cohen).

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

² Vice Chair Richards momentarily stepped away and was not present to vote on proposing the Rule.

Young Adult Commingling Variance Request

► Introduction

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

► DOC Presentation

DOC's Bureau Chief of Security, Kenneth Stukes, presented DOC's six-month commingling variance request. See this portion of the video recording [here](#).

► Board Vote on Variance

ED Egan read out loud the existing eleven conditions to the variance. See this portion of the video recording [here](#).

Chair Jones Austin called for a motion to vote on the six-month variance with conditions. After the item was moved and seconded, the Board approved the variance, with seven votes in favor (Chair Jones Austin, Vice Chair Richards and Members Carrion, Franco, Perrino, Safyer, and Sherman) and one vote in opposition (Member Cohen).

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

CHS and DOC COVID-19 Update

► Introduction

ED Egan provided background on COVID-19 in the jails. See this portion of the video recording [here](#). The Board's COVID-19 PowerPoint presentation is published [here](#).

► CHS Presentation

CHS's Senior Vice President Patsy Yang provided updates on COVID-19 in the jails. See this portion of the video recording [here](#).

► DOC Presentation

DOC's Commissioner Cynthia Brann provided updates on COVID-19 in the jails. See this portion of the video recording [here](#).

► Board Discussion

Board questions and comments regarding COVID-19 in the jails, including CHS's and DOC's responses, are available [here](#).

Public Comment

The Board heard public comment from Kayla Simpson (LAS), Melania Brown (Independent), Brad Maurer (NY County Defender Services), Harmony Seaburg (BDS), Martha Grieco (Bronx Defenders), Scott Paltrowitz (HALT Solitary Campaign), Corina Minden-Birkenmaier (UJC), Lana Dziekonski (UJC), Kelly Grace Price (Close Rosie's), Ashaki Antoine (COBA), Simone Spirig (BDS), Victoria Phillips (JAC), Sarita Daftary-Steel (Freedom Agenda), and Julia Kerbs (NY County Defender Services).

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