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The New York City Board of Correction  
1 Centre Street  
Room 2213  
New York, N.Y. 10007  
Via email

**Re: recent rollbacks in BOC oversight capabilities and public access to participation in monthly-scheduled public BOC meetings.**

Dear Board of Correction Executive Director Masters; Board Members and; Staff:

I wish to formally make a request for the NYC Board of Correction (BOC) to take up a vote to oust Board Chair Dwayne Sampson. The Rules of the BOC allow for removal of board members:

§2. A member can be removed by the Mayor for cause. If the Mayor wishes to remove a member of the Board, he shall so notify the Board and the Board shall notify the member, hold a hearing at which the member may be represented by counsel, and thereafter deliver to the Mayor a written recommendation on which two-thirds of the duly appointed members must concur. Upon written request, two-thirds of the duly appointed members can convene such a meeting. Any member whose removal is proposed by the mayor shall be given written notice by the Board specifying the grounds for the proposed action and shall have thirty (30) days to respond.

§3. The Board on its own initiative, two-thirds of the duly appointed members concurring, can recommend to the Mayor the removal of a member for cause and such recommendation shall be subject to all the relevant procedural requirements of §2.

As you know, on [January 10, 2022](#) the BOC was slated to decide on a variance submitted by the DOC asking that the minimum standards the DOC operates under be amended to include a ban on all home-sent care packages and personal physical mail coming into City jails. The plan was to [scan all mail](#) and then provide digital access on tablets and to [only accept care packages from pre-approved vendors](#) which price-gauge already-impooverished communities trying to send toothpaste, chapstick, cookies, tuna, dental floss, writing paper, stamps, socks, other drygoods and hygiene products to their loved ones behind bars. Instead of voting on the variance, Sampson, newly-minted as BOC Chair, side-lined the decision into a committee composed of himself, Pitts and Ramos, to investigate and make a recommendation back to the board. The variance has popped back up and will be discussed and voted on during the February 14, 2023 BOC meeting. But Chair Sampson has not made any announcement as to the work of the sub-committee he formed; nor has he proposed any alterations to the language of the variance.

The side-lining of the BOC's discussion of the variance is exactly the kind of closed-door decision-making lacking transparency, public input or shared process that has [brought Dwayne Sampson's critics to accuse him of "astro-turfing."](#) *This is the practice of giving the appearance of grass-roots, social-justice work while instead nurturing corporate interests under the guise of diversity.* Sampson's NGO, National Transportation Diversity

Council, has been recently accused of creating a fake “community benefits framework” to mend fences between workers in Alabama and the New Flyer Bus Corporation that had come under fire during the early days of the pandemic for alleged [race and gender discrimination and dangerous and unhealthy working conditions at New Flyer’s publicly-subsidized bus manufacturing facility in Anniston, Alabama](#). After refusing to negotiate directly with labor and community groups, New Flyer announced a partnership with Sampson’s National Transportation Diversity Council [TDC] to create a “community benefits framework” that would help “commit the company to equitable hiring practices, training, apprenticeship programs and other high-road standards in New Flyer manufacturing plants.” The Alabama Coalition for Community Benefits referred to TDC’s arrangement with New Flyer as “[a heavy-handed attempt to shut down the coalition ... which has been organizing \[by workers and labor unions\] to hold New Flyer accountable](#).” The entire leadership of TDC has been characterized as: “almost exclusively executives of [companies that seek business from transit agencies, current high-level transit agency managers, including several who interface with private contractors, and former transit managers who have gone on to own or work for companies that do business with their former employers](#).” Sampson’s own comments addressing the Board of Correction as its Chair for the first time on January 10, 2023 belie his intentions as chair to monetize the “business of corrections:” “[I really see ah \[sic\] a vision as chair of ahah \[sic\] the Board \[of Correction\] that’s going to be really interactive ah \[sic\] with the Department \[of Correction\] in encouraging programs and other insights that’s going \[sic\] to benefit the communities involved with the BUSINESS OF CORRECTIONS](#)” [emphasis added].

If the variance passes, incarcerated people won’t be allowed to possess analog photos or books or magazines sent by loved ones. Instead a security giant like [Securus Corporation](#) will be paid to scan letters and distill intelligence information gleaned from incoming mail: this is big business. Last year Securus raked in over \$200,000,000 in revenue. To access a photo or a letter or a drawing from a child people at Rikers will have to have a tablet. The tablets: charge for access; charge per each email sent; charge for sending/uploading/downloading attachments and; charge for per-minute access to materials stored. The quality of scans is low-grade; tablets go out of service; are reportedly smashed by correction officers in retaliation for complaints and; [are rife with technical & security flaws](#). This same variance [was proposed in 2016 as a Rule Change](#) but was not popular with the BOC. Hundreds of clergy members, some of them on Mayor de Blasio’s Interfaith Council, responded en masse in opposition to the rule change that would have prohibited personal religious materials (such as family Bibles and religious artifacts) from reaching people caged on Rikers: it was rescinded before a vote.

I question the leadership of Chair Sampson to handle the matter in such a closed-door manner without taking into consideration the thousands of clergy members and community members who rallied against this in the past. ***Chair Sampson’s other acts as BOC Chair: to limit meetings from nine to six a year; to circumnavigate ED Masters in the filing of field investigative requests from BOC members; to limit the number of members of the public who may appear and speak during public comment period during BOC meetings; all belie that Mr. Sampson is harmful in spirit to the very document, [the Board of Correction’s Section of the NYC Charter](#), that gives him his authority. His presence as Chair of the BOC, and as an individual member of the BOC, put the fragile and historically unique agency in peril.***

- 1. As a person with an ADA disability the limitation of in-person speakers is against the ADA, a Federal Law ref the email distributed along with the agenda and variance and referendum package that will be presented at tomorrow’s February 14, 2023 BOC meeting:***

*”To ensure that we maximize the limited time in the meeting space, elected officials and the first six people to sign-up for each comment period (first three in-person and first three online) will be allowed to testify.”*

Will people in wheelchairs, or in my case, with an ADA service dog be required to race people up to the second floor auditorium at 100 Worth St. in the morning in order to secure a spot as a speaker on the roster? What accommodation will be made for persons like myself with disabilities. As it happens I am currently also using a wheelchair because of 9/11-related medical issues and am so completely insulted by this sudden rule change that I actually just may show up in person tomorrow morning to see how this sudden change in access may play out for a person with a double disability.

2. **The NYC Charter requires that incarcerated people held under DOC custody have access to BOC meetings to make grievances.**

How will the testimonials of currently caged people in the custody of DOC be accommodated under these new public comment period rules? Likewise people “held” under the custody of the DOC are also people, like myself, who have been held in custody and are entitled, under the BOC Charter, to appear and make public comment at the BOC meetings:

f. The board shall establish procedures for the hearing of grievances, complaints or requests for assistance (1) by or on behalf of any person held or confined under the jurisdiction of the department or (2) by any employee of the department.

3. **The change in access to public comment during BOC meetings is illegal under NY Open Meetings law.**

**Windsor Owners Corp. V. City Council of City of N.Y.**, 23 Misc.3d 490, 878 NYS2d 545 (2009) held that government bodies with a precedent for public access for public comment at its hearings must continue the same accommodation.

4. **Board Chair Sampson, as he is continuing in his role leading his non profit, is in conflict of interest to his role in serving the citizenry of NY as the leader of the oversight board the Department of Correction; which assigns hundreds of millions of government contracts a year: is Mr. Sampson interacting with big government contractors looking to seek rapport with the DOC in the same manner he acted in the NEW FLYER situation? The stories have not been finally reported out by the press or in legal filings in courts; we don't even know if Mr Sampson, himself, is under criminal investigation.**

The BOC's own Rules state: “§2. Whenever a question concerning the existence of a conflict of interest or apparent conflict of interest arises in connection with a member or proceedings of the Board of Correction, the Board, two-thirds of its members concurring, shall refer such question to the New York City Board of Ethics and any other appropriate agency.”

I ask you to vote to revoke the membership of Dwayne Sampson from the NYC Board of Correction and to call a special vote and meeting to explore and examine these issues as soon as is statutorily allowed. Thank you for your timely and expedient attention to this most urgent matter.

Yours,  
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