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January 10, 2023

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

I am Kelly Grace Price, the founder of Close Rosie's. As always I thank the board, its director, Amanda Masters, its staff and its members for considering my comments. My written comments expand on oral comments offered during the public comment portion of the January 10, 2021 Board of Correction meeting I attended via Zoom/WebEx.

- I. **Latest DOC Variances ref mail and packages**
- II. **BOC Womens' Issues report.**
- III. **Data from the DOC/EEO's:**
  - A. Program Data**
  - B. Sexual Assault Data**
  - C. The latest BOC Death Report & Compassionate Release data**

**I. I want to thank the BOC for pushing off the votes today on the package and mail variances.**

**A.** In 2016 these same variances (asking that the DOC be allowed to cease delivering physical mail, to [scan all mail](#) and provide access on tablets and [only accept care packages from pre approved vendors](#)) were shot down by a previous BOC when they were introduced in the form of a rule change package. Many members of the interfaith community rallied and sent letters to the mayor objecting to the rule that would ban family religious objects and texts from entering the jail.<sup>1</sup> The Rule Change was amended and these precepts thrown out. It is alarming that the first order of business of the DOC in this new year is not to end the EEOs, to share data the BOC, the City Council and the community has been requesting for a year, or to make the Interagency Task Force's work public. Instead it is to regurgitate a rule change already punted by an equally conservative and stacked-board in 2016.

**B.** Please will the BOC committee formed to explore these variances examine technology that scans mail and packages for incoming drugs? There are several companies that make such mechanisms that should be considered.<sup>2</sup>

**C.** Mr. Sampson has been accused of "astro-turfing" as leader of the Transportation Diversity Council.<sup>3</sup> This is the practice of giving the appearance of grass-roots, social-justice work under the guise of corporate intention. Mr. Sampson's prior

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<sup>1</sup> <https://www.nyc.gov/assets/boc/downloads/pdf/Proposed%20rule%20package.pdf>

<sup>2</sup> <https://www.chemimage.com/safer/solutions/mail-screener>

<https://www.raysecur.com/case-study/correctional-facility-detects-more-illicit-drugs-while-reducing-mail-screening-time/>

<sup>3</sup> "Astroturf organizations are fake grass-roots organizations usually sponsored by large corporations to support any arguments or claims in their favor, or to challenge and deny those against them. They constitute the corporate version of grassroots social movements. Serious ethical and societal concerns underline this astroturfing practice, especially if corporations are successful in influencing public opinion by undertaking a social movement approach.

Charles H. Cho, Martin L. Martens, Hakkyun Kim, Michelle Rodriguez, "Astroturfing Global Warming: It Isn't Always Greener on the Other Side of the Fence," 104 Journal of Business Ethics 571-587 (2011).

[https://jobstomoveamerica.org/wp-content/uploads/2020/08/Diversity-for-Hire\\_Final.pdf](https://jobstomoveamerica.org/wp-content/uploads/2020/08/Diversity-for-Hire_Final.pdf) footnote 64.

work product on behalf of the TDC has been characterized as having: “conflicts of interest between community signatories and the broader community”; the terms of the agreement were “aspirational, broad, with few details on execution and funding;” and it “lack[ed]...enforcement mechanisms.”<sup>4</sup> Please Chair Sampson: I am leery that side-lining all debate about these variances into a committee will end in similar accusations towards your work-product on this issue on this committee. Please prove your critics wrong. Please provide reports and updates and allow adequate time for public input and oversight of the process – at all stages – on this issue and all others that you steward during your tenure on the Board of Correction.

**II. BOC Report of Women and the Population of Rosie's:** Thank you for this initiative. I am very interested in working with the BOC on the women's report. Please refer to Close Rosies' March 2019 BOC testimony in which we urge the BOC to examine these issues and we make the point (among many others) that 76% of all of us on Rosie's over the past fifteen years walked free after our detention without a guilty plea or conviction: we are innocent and being wrongly incarcerated for petty crimes at rates much higher than men. 35% of us were in Rosies on a top charge that was a misdemeanor vs only 6% of men caged for a top charge that was a misdemeanor. We don't need re entry services, we need to not be caged in the first place!<sup>5</sup>

**III. Data from the DOC:**

For the past year every time Commissioner Molina has appeared in public he has recycled his same speech over and over: reviewing tidbits of information; accusing the prior administration of leaving a mess and; re-hashing the same data points about UOF violence numbers decreasing at RNDC and GMDC without mentioning

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<sup>4</sup> “Common Challenges in Negotiating Community Benefits Agreements – and – How to Avoid Them,” supra note 70 at 10.

<https://www.forworkingfamilies.org/sites/default/files/publications/Effective%20CBAs.pdf>

<sup>5</sup> Testimony of Kelly Grace Price/Close Rosie's: March 12, 2019: The New York City Board of Correction: Ref: Women on Rikers/DOC updates on Women's' Initiatives:

<https://www.nyc.gov/assets/boc/downloads/pdf/Meetings/2019/March/KGP-Testimony-March-12-2019.pdf>

other facilities' UOF [use of force] data. Similarly to the crafty way he speaks for 30 minutes without relinquishing any new data, Commissioner displayed his wordsmithery during the Jan 10, 2023 BOC hearing when we compared the 26 DOC staffers caught bringing in contraband to Rikers to the ~500 individual pieces of contraband caught in the DOC mail. This is not a reasonable data comparison. It is a selection of data phrased to make us think contraband is flowing for the most-part from the public and from the families of people caged in our City jails but it is not an accurate comparison. How many individual pieces of contraband did those 26 officers/DOC staffers attempt to bring into the jails and were caught with/surveilled with? That would be a more apt comparison. We are listening and are tired of this nonsense. We are not ingenues and rhetoric is deadly. We need information and data shared with the community and we need the BOC to keep pressing for it. We've been asking for all-island staffing data that includes UOF, slashings and stabbings, each unit's A and B posting attendance for the past year and the Commissioner has refused it to the community and sent a sampling of data to the BOC which has not been shared. We need to trust our commissioner and our mayor: data transparency will go a long way in beginning to build trust.

**A. Program Data** The report presented by DC Torres on January 10, 2023 ref programming in City jails<sup>6</sup> was farcical. We need data on how many people are participating in programs daily/weekly/monthly in each jail; the names of the programs; how often they are offered; the completions and certifications that result from program attendance and which jails programs are being offered in. Please reference my March 2019 report<sup>7</sup> on Rosie's that analyzes FOIL data attained from the DOC ref programming on Rosies from 2013-2018 for an idea of the kinds of data publicly available before DC Torres took over programming and refused to share this data with the public. I've never been so embarrassed for a DOC official in my history

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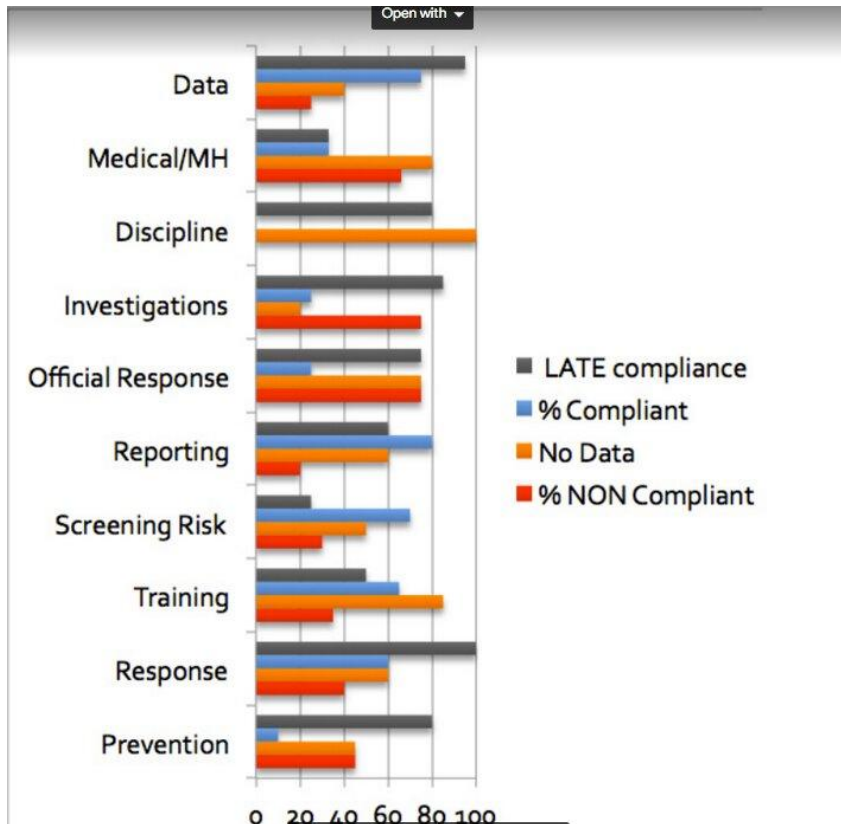
<https://www.nyc.gov/assets/boc/downloads/pdf/Meetings/2023/january/Division-of-Programs-and-Community-Partnerships-Jan-2023.pdf>

<sup>7</sup> Ibid.

of attending BOC hearings since 2013 and this includes former Commissioner Brann! Shame on you DC Torres, the Board and Commissioner Molina for not offering and not fighting for this data we have been waiting for over a year for. Remember programming is one of the five prongs of the action plan the DOC has penned in response to Hon. Judge Swain's orders. The public deserves to know how far along the DOC is in accomplishing this task that is in compliance with a federal court order.

We are tired of Commissioner Molina and not sharing data completely. His edits are no longer clever. We are still waiting for data on all jail violence broken down by week and facility; jail-wide staffing plans per day/per post; the outcome of the intake clock investigation and; full data on programming in our City jails. Please don't allow DOC to disappear data on the number of people enrolled in programs, how many times programs are run each month, the class duration and curricula and graduations and certificate completions behind a cloak of darkness. Programming is one of the prongs of the anti-violence plan submitted to Hon judge Swaine. The public deserves this data.

**B. PREA and Sexual Assault:** I have been asking the Board to conduct a full PREA audit for at least four years. The audit completed in 2019 was only on the reporting elements of the Local PREA Rule. It's time to hire someone to complete a full PREA Audit. Please find a previous snapshot I completed for the Board below. I'm happy to provide the data behind this chart. Literally zero has been done to improve PREA compliance since I made this initial survey in late 2019:



There are other large problems with reporting from the DOC on Sexual Harassment and Sexual Assault in compliance with City Council and BOC reporting mandates. Whole swaths of information is missing from reports; some reports are seven months late and others that have been published creatively interpret reporting requirements.<sup>8</sup> We need the DOC to be at minimum in compliance with reporting. It's unacceptable that there is not a PREA committee within the Board overseeing and keeping the DOC in line. Please consider creating such a committee.

**C. We also deserve true data on compassionate releases:** Shocking to see tucked away in the monitors October 28, 2022 report that 16 additional people died in Bill de Blasio's jails whose names were never reported to NYSCOC or BOC or the public. Many of these people ended up in mass graves on Hart's island. Some of them died and were never named during the time Commissioner Molina worked for the DOC as liaison to the Monitor! I heard BOC Member Rigertink ask specifically why data on compassionate releases had not been shared with the Board during the

<sup>8</sup> [https://docs.google.com/document/d/14UW7kOtkPLrzM-EPWlwDamEZ43hDT3dNLe\\_4PLZCLwg/edit](https://docs.google.com/document/d/14UW7kOtkPLrzM-EPWlwDamEZ43hDT3dNLe_4PLZCLwg/edit)

November, 2022 meeting. You will be hearing much more about this from me in the coming weeks. Even the DOC doesn't seem to have a comprehensive list of all people who perished in its custody; during compassionate release; in its borough holding cells; during work release or after being released from custody because of mental/medical neglect/torture.

I appreciate you taking the time to review my testimony, to internalize it carefully and consider its implications.

Best,

Kelly Grace Price

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[www.CloseRosies.org](http://www.CloseRosies.org)