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<http://www.CloseRosies.org>

February 9, 2021

The New York City Board of Correction

1 Centre Street

Room 2213

New York, N.Y. 10007

Via email

Good Morning: I am Kelly Grace Price, the founder of Close Rosie's. I thank the board for allowing me the chance to speak. Chair Jones-Austin's presence is missed at this hearing and I wish her well as well as a safe-return to the helm of this body. I would like to address the following in my testimony today:

- I. **Thank you for not motioning the ESH variance. I appreciate very much this posture from the Board.** I heard Commissioner Brann say "You saw what they just did..." before her mute button was hit in her conference room.

- II. **Last month during the January 12, 2021 BOC meeting Board Member Cohen asked for an explanation ref why the number of people on Rikers**

on psycho-tropic medications has skyrocket to ~1800. Please may we make sure we get answers about this?

III. Sexual Assault numbers keep going up on Rikers. We need to shift focus back to PREA implementation PLEASE we can't have this half-assed work.

IV. It saddens me to hear of another death reported on Rikers on January 21, 2021. We demand answers for this death and for Christopher Cruz, Layleen Polanco and for Eugene Castelle. I would like to discuss news out of the Federal Courthouse last week that the DOC has “edited” the video of the evening Mr. Castelle died in November of 2016:¹ apparently ~ two hours of the video are MISSING and the edited version was turned over to the attorney representing the family in the civil action, Rickner.

A. I learned that the video had been compromised just last week from a reporter from Inner City Press, Matthew Lee. Mr. Lee wrote up his notes² from a discovery hearing he attended via teleconference on February 2, 2021 in the Federal Civil Rights Case, Tirado v. City of New York et al., 19-cv-10377 (Netburn) filed by Mr. Castelle’s mother, Mrs. Tirado, of Staten Island: "Judge Netburn expressed skepticism that the City does not

<https://www.statenisland.com/demands-answers-about-additional-death-in-riker-island/> NEW YORK DAILY NEWS: Chauncey A. Corn and Stephen Rex Brown: January 22, 2017: linked February 9, 2021:

<http://www.innerecitypress.com/sdny21netburnrikerdeathicp020221.html> "After Man Dies in NYC Jail, \$2 Million Demand To Be Topped After Death Video Produced:" Matthew Russell Lee: Inner City Press: February 2, 2021: linked February 9, 2021:

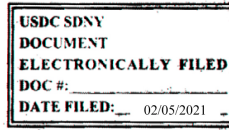
<http://www.innerecitypress.com/sdny21netburnrikerdeathicp020221.html>

have deposition transcripts computerized, and urged that an inquiry into how the video of the time of death was altered."³

- B. After conferring with the family's attorney, Mr. Rickener, I confirmed that he was provided a video by the City Law Department/NYC Department of Correction that has over TWO HOURS missing from its time-stamp. The time stamp literally just jumps ahead by two hours. Was the department hoping no one would notice?
- C. Hon. Judge Netburn filed an order on her docket on Friday, February 5, 2021 instructing the DOC to turn over the video to the family's attorney by TODAY, February 9, 2021 along with other materials withheld (apparently the DOC is with-holding deposition transcripts claiming they haven't been "computerized.")

³ Id.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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LUCILLE TIRADO,

Plaintiff,

19-CV-10377 (LAK)(SN)

-against-

ORDER

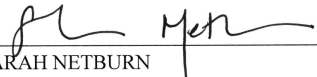
CITY OF NEW YORK, et al.,

Defendants.
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SARAH NETBURN, United States Magistrate Judge:

As discussed during the discovery conference on February 2, 2021, Defendants shall file a status letter on February 9, 2021, describing the progress made on numerous discovery issues, which include locating the missing video footage of Mr. Castelle’s death and identifying custodians for electronically stored information.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: February 5, 2021
New York, New York

- Please investigate the “disappearance” of the two hours of this video STAT before it can be covered-up.
- Please make sure the entire video and audio makes it into the hands of Ms. Tirado’s lawyer during discovery.
- Please establish oversight procedures for electronic evidence custody, storage and dissemination! Why and how could this have happened? This is not the first time in the last few years that evidence critical to federal proceedings has been destroyed by the DOC.⁴

⁴ “Darcell Marshall, a Rikers inmate who was raped by yet another male guard, and [whose story](#) was first told last year in a New York magazine article, rubbed the semen of the officer who raped her on her jeans and turned them over to investigators, but the jeans went missing for four days, and when they finally came back after testing, they contained traces of male DNA but no semen — a sign that they had been washed, according to a forensics expert.” ‘Rape Victim Who Smuggled DNA Evidence Out of Rikers Wins Settlement.’ By [Alice Sperti](#): The Intercept:

- Its time to call a special hearing to examine the recent uptick in deaths in City jails. The last time seven deaths were recorded in two years activists forced a change in the BOC Charter and called for special Federal judicial hearings into the matter. If you don't call a special hearing and examine these deaths and the cover-ups by the DOC I will make sure the Commission on Human Rights and/or a court committee does.

A. Finally, maybe you already know this but destroying and withholding evidence to be used in federal cases is a federal crime. I have asked federal investigators to look into this and to prosecute whomever in the electronic evidence chain of custody at the DOC is responsible for the altering and producing of forged evidence for violations of 18 US § 1512 which states:

- B. b) Whoever knowingly uses intimidation, threatens, **or corruptly persuades another person, or attempts to do so, or engages in misleading conduct toward another person, with intent to—**
- C. (1)
- D. influence, delay, or prevent the testimony of any person in an official proceeding;
- E. **(2) cause or induce any person to—**
- F. **(A)**
- G. **withhold testimony, or withhold a record, document, or other object, from an official proceeding;**
- H. **(B)**
- I. **alter, destroy, mutilate, or conceal an object with intent to impair the object's integrity or availability for use in an official proceeding;**
- J. **(c) Whoever corruptly—**
- K. **(1)**

- L. **alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or**
- M. (2)
- N. otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,
- O. shall be fined under this title or imprisoned not more than 20 years, or both.

Thank you for your urgent and capable attention to these matters.

Kelly Grace Price
Founder
<http://www.CloseRosies.org>
February 9, 2021

Ft. George, Manhattan New York City.