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<http://www.CloseRosies.org>

January 12, 2021

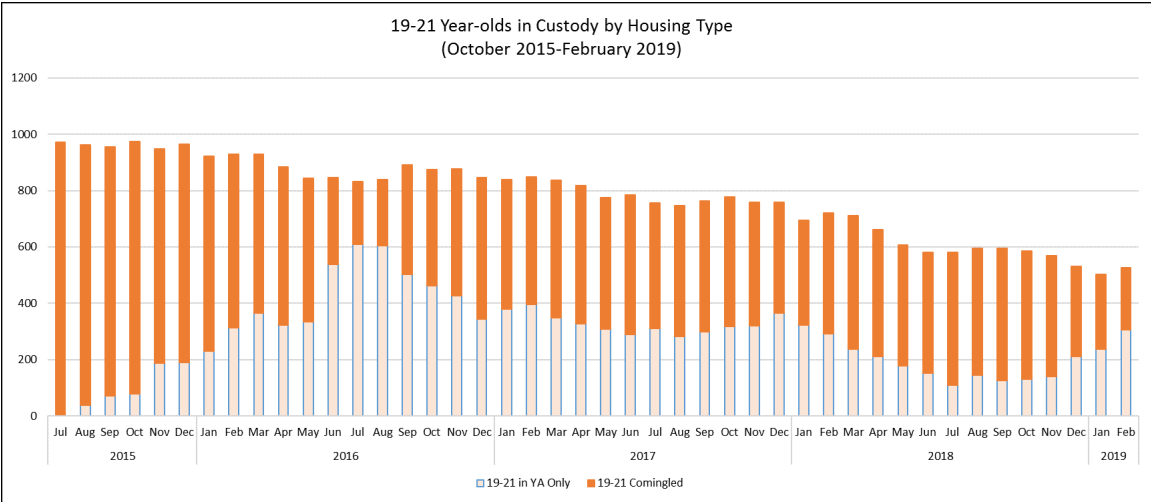
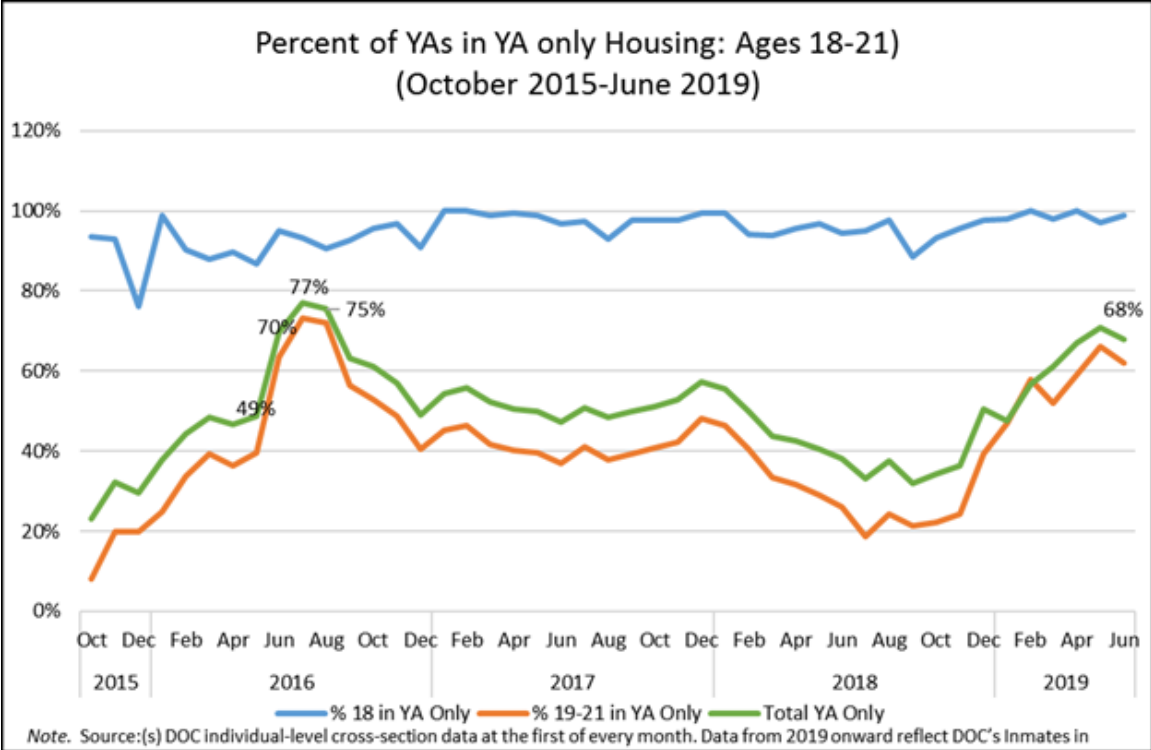
RE: Presentation and Vote – Limited Variance Renewal Request to BOC Minimum Standard § 1-02(c)(1)(Classification of prisoners)a)Co-mingling 19-21 year olds with adults

Good Morning: I am Kelly Grace Price, the founder of Close Rosie's. I thank the board for allowing me the chance to speak. I would like to address remind the board of testimony/analysis ref co-mingling that I presented to the Board orally and in writing in December of 2019:

“LESSONS LEARNED from past BOC Rule-Making

- A. ESH: In 2014 the NYC BOC embarked on a rule-making process around the creation of “new” Enhanced Supervised Housing (ESH) to ‘replace’ the practice of solitary confinement on Rikers. The process was long, contentious and arduous. An extra BOC hearing was scheduled in December of 2014 as more time was needed to debate and discuss the final vote. In January new BOC members appeared and a vote was finally pushed through: the board approving the practice with conditions. One of these conditions was that practice of blended units (housing units that mix youth under the age of 21 with adults) had to be reported on**

monthly. [These reports can be found currently on the BOC website](#); but the data and information provided in these reports conflicts with a July 2019 posting on the BOC’s website entitled: [“Are Young Adults housed with adults?”](#)



The data posted in the monthly housing reports don't include data on YA's placed in Adult units: they only count people in units already labeled as YA units. If a young adult is placed in a unit labeled an Adult Unit that head is not included in the tally for "# YAs in Co-mingled Housing Areas." Only YA's in units labeled as YA units that have some adults in them are included in this reporting. This is nutz. Close Rosie's has identified as many as ten reports with data that conflicts with the July 2019 data and will continue my evaluation.

Across the board the numbers are conflicting/different ref co-mingling in the different data posted by the BOC. For instance:

[The BOC Oct 2018 YA Monthly Housing Report says there were 299 YAs ages 16-21 in YA ONLY housing.](#)

BUT [The JULY 2019 BOC graphic in the new data report shows only around ~210 YAs in YA ONLY housing in Oct 2018...](#)

Facility	# YAs in YA-only Housing Areas	# YAs in Co-mingled Housing Areas	# Total	% of total YA population
GRVC	31	24	55	7.8%
OBCC	14	82	96	13.7%
EMTC	31	35	66	9.4%
RMSC	33	4	37	5.2%
RNDC	169	0	169	24.1%
AMKC	21	92	113	16.1%

¹ One young adult was being treated at EHPW at the time this report was compiled

Young Adult Housing Monthly Progress Report
October 2018

Facility	# YAs in YA-only Housing Areas	# YAs in Co-mingled Housing Areas	# Total	% of total YA population
BKDC	0	69	69	9.8%
MDC	0	38	38	5.4%
NIC	0	18	18	2.5%
VCBC	0	39	39	5.5%

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- [May 2019](#)
- [April 2019](#)
- [March 2019](#)
- [February 2019](#)
- [January 2019](#)
- [December 2018](#)
- [November 2018](#)
- [October 2018](#)
- [September 2018](#)
- [August 2018](#)

This has apparently been the practice throughout all YA reporting for years. I have a hunch the July 2019 data was released only in graphic form and without specific data/numbers for a reason...I will FOIL the data behind the graphic to get exact numbers. I wonder if there are other shortages on data offerings by the DOC on co-mingling? For instance, are all of these

Co-mingled Units Programming Reports only based on data pulled from units labeled as YA units with Adults in them omitting units labeled as Adult units w YAs in them?

- [March 2018 \(Updated April 17, 2018\)](#)
- [Comingled Units Programming Report](#)
- [February 2018 \(Updated April 17, 2018\)](#)
- [Comingled Units Programming Report](#)
- [January 2018](#)
- [Comingled Units Programming Report](#)
- [December 2017](#)
- [Comingled Units Programming Report](#)
- [November 2017](#)
- [Comingled Units Programming Report](#)
- [October 2017](#)
- [Comingled Units Programming Report](#)
- [September 2017](#)
- [Comingled Units Programming Report](#)

We cannot allow these “data mistakes” to stand uncorrected. We also cannot allow these criminal practices to continue and accept them from agents of our government. I think the proper frame for these crimes is to view them in light of” NYS 195.00 **Official misconduct**.

A public servant is guilty of official misconduct when, with intent to obtain a benefit or deprive another person of a benefit: 1. He commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized; or 2. He knowingly refrains from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office.

Official misconduct is a class A misdemeanor. Additionally there MAY be other public records laws that have been broken in presenting this data.

We cannot allow the DOC to keep creating these insane units and making promises to the BOC and the advocacy community that they don't keep or they doctor the data/model the

selection criteria the data is based on. A review of all DOC “blended unit” data reported to the BOC as a stipulation for the creation of ESH should be undertaken. This is FIVE YEARS after the ESH rule was created and we are still dealing with the detris the DOC churns out in the guise of data required by the ESH rule-making process....”

Please can the Board answer this question for me:

1. Who, right now, in January of 2021, at the BOC is managing the co-mingling data to ensure ALL co-mingled units are being accurately reported?