

Stanley Brezenoff, Chair  
NYC Board of Correction  
51 Chambers Street, Room 923  
New York, NY 10007

August 31, 2016

**Re: Submission of Additional Testimony from a trans woman recently housed in the NYC jails**

Dear Chair Brezenoff and the NYC Board of Correction:

SRLP would like to once again thank the Board for listening to the voices and submissions of the many transgender and gender non-conforming people who shared their personal experiences with the New York City jail system on July 26, 2016 at the public hearing. Thank you as well for expanding the time for public comments so that more directly impacted individuals could respond to the Proposed Rules.

On August 1, 2016 SRLP received a request from a client asking that we submit to the Board their denial of entrance into the THU and their subsequent request for reconsideration and appeal of the denial. Their request for reconsideration and appeal were never answered and they have since been transferred to DOCCS custody.

Our client felt that their denial and the request for reconsideration and appeal showed the importance of retaining the THU as a safety option for trans women and gender non-conforming individuals while also illuminating some of the ongoing concerns with the THU. In particular, this individual is concerned about who within DOC makes determinations as to individual's identities and whether these DOC employees are properly trained in transgender identities and experiences. I can share that in the time that SRLP worked with this individual they were never once allowed into the THU despite spending over 7 months in NYC custody and without ever receiving a more detailed response regarding the request for reconsideration and appeal.

At our client's request we are submitting these redacted records to the Board in the hopes that they illuminate both the importance of the THU as a safety option and the importance of ensuring the THU is monitored and run by individuals who are fully trained and culturally competent in the issues that transgender individuals face.

Respectfully Submitted,



Mik Kinkead, Esq.  
Director, Prisoner Justice Project  
The Sylvia Rivera Law Project  
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New York, NY 10011  
212-337-8550 x302  
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Enclosed:

Denial of entry dated January 13, 2016

Request to be reconsidered for the THU dated February 20, 2016

Appeal of Denial dated May 25, 2016



NEW YORK CITY DEPARTMENT OF CORRECTION  
 Joseph Ponte, Commissioner  
 Roderick Williams, Acting Deputy Commissioner  
 Health Affairs  
 75-20 Astoria Blvd., Suite 110  
 East Elmhurst, NY 11370

718 • 546 • 0475  
 Fax 718 • 278 • 6435

*Exhibit #11*

January 13, 2016

Faye Yelardy, PREA Coordinator  
 75-20 Astoria Boulevard  
 East Elmhurst, New York 11370

[Redacted]

Manhattan Detention Center  
 125 White Street  
 New York, NY 10013

Dear [Redacted]

The Transgender Housing Unit Committee received your application. However, we are unable to admit you into the unit since your status does not fit the criteria.

If you have any questions or concerns, please let your area captain know or speak to someone from social services that can contact me.

Sincerely,

*F. Yelardy*

Faye Yelardy, PREA Coordinator

cc: Roderick Williams, Acting Deputy Commissioner of Health Affairs

ATTACHMENT C

THU-3 Rev. 9/12/14

THE CITY OF NEW YORK  
DEPARTMENT OF CORRECTION

TRANSGENDER HOUSING UNIT RECONSIDERATION FORM

Inmate's Name: [REDACTED] Date: 2/20/2016

Book & Case #: [REDACTED]

Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_  
Facility: MDC

Housing Area: [REDACTED]

I would like to be reconsidered for the Transgender Housing Unit for the following reason (s):

I am presently in general population, but I currently face opposition/discrimination because of my gender non conforming status. Secondly, I am not achieving the spiritual, mental, and emotional support that a bi-sexual, transgender person needs upon transition. The lack of mental, and emotional support descends me into a depression, that is not positive for one in transition.

Being in a group setting with like peers creates a supportive environment that sets the foundation for transition. The clinical and psychiatry therapy that I attend is only every 30 days, but the supportive peers from transgender housing is daily, and interact with me constantly. I need this daily interacting with my like peers, to assist me in the changes that take place psychologically, mentally, and changes with my anatomy. Understanding myself in a better way, is being with similar persons with similar circumstances, that take place when transitioning.

If accepted, I agree to abide by all departmental rules:

INMATES SIGNATURE [REDACTED] DATE 2/20/2016

WITNESSED BY: \_\_\_\_\_

[REDACTED]  
[REDACTED]  
Manhattan Det. Center  
125 White St.  
New York, N.Y. 10013

May 25, 2016

Manhattan Detention Center  
125 White St.  
New York, N.Y. 10013

Attn: Tour Commander

Re: Letter of Appeal for THU Denial

Dear Tour Commander, MDC.

On January 13, 2016, I received a letter denying me admission to the THU. The letter stated as its only reasoning for the denial that my "status does not fit the criteria." No other reason was given, and no information on my right to appeal was provided to me. Please see Exhibit A.

I have come out to the Department of Correction as a gender non-conforming person who seeks transition. In an additional application for the THU which I made on February 20, 2016 I stated that I seek to transition and that while in the DOC placement I the THU would help meet "spiritual, mental, and emotional support" that I need for my transition - something I do not feel safe to do outside of the THU.

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Letter of Appeal For THU  
May 25, 2016

2) I have previously stated to the THU Evaluation Committee that denial of the Transgender Housing Unit keeps me in a depressive state due to the mental and emotional trauma I face in a male facility. Currently I only receive mental health counseling every 30 days but being surrounded by my transgender peers will provide me with the emotional uplift I need.

I identify as a gender non-conforming person who aims to transition. The Transgender Housing Unit was created for individuals who, due to their gender identity, voluntarily request placement with similarly identified peers for safety. My status, as the THU Evaluation Committee commented, perfectly fits the criteria for the THU and upon that basis I appeal my denial.

Sincerely

