

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

TESTIMONY

The New York City Board of Correction
Public Hearing on Proposed Rule to
Amend the Minimum Standards to Detect, Prevent and Respond to Sexual Abuse and
Harassment of Persons Incarcerated in the New York City Jails and other facilities Operated by
the New York City Department of Correction

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Basis for Comments and Recommendations from the Sylvia Rivera Law Project

The Sylvia Rivera Law Project (SRLP) works with transgender, gender non-conforming, and intersex people (TGNCI people) who are of color or low-income. We offer direct legal services to people in the New York City area, including those held by the New York City Department of Correction (NYC DOC) and people incarcerated by New York State. Staff from SRLP provide legal and cultural programming twice a month to individuals housed in the Transgender Housing Unit (THU) in addition to providing direct legal services. SRLP provides direct legal services to 300-400 New Yorkers each year and we estimate that about two thirds of our clients and members are either currently in prison or jail or are on probation or parole. Since August 2015 SRLP has served roughly 50 transgender identified individuals in the NYC DOC. Based on our work, we know that TGNCI people are overrepresented in jails and prisons. As the population we serve is roughly 95% people of color, we also know that the intersections of race and gender identity make our communities over-policed and over-incarcerated.

SRLP submitted comments throughout the federal rulemaking process concerning the National Prison Rape Elimination Act (PREA) Standards and last May we submitted extensive comments to the BOC concerning the proposed rules submitted by the Public Advocate.¹ In 2014 SRLP provided a course of trainings to NYC DOC staff on working with TGNCI individuals. SRLP is well situated as legal and cultural experts regarding TGNCI people, incarceration, and sexual violence.

Due to the nature of our work and the excellent comments already submitted by many organizations such as the Legal Aid Society, Jails Action Coalition, and the Juvenile Justice Coalition LGBTQ Workgroup, SRLP's comments will focus on the experiences of TGNCI people in NYC DOC facilities. In creating this testimony SRLP would like to echo the statements of Dr. Brenda Smith, Project Director for the United States Department of Justice, National Institute of Corrections Cooperative Agreement on Addressing Prison Rape and member of the National Prison Rape Elimination Commission who has consistently stated that the way to end rape in prisons, jails, and detention centers is to not place people into these facilities. Ending sexual violence means ending a culture where people are seen to be disposable, and where individuals are uprooted from community and support rather than strengthening resources available in and provided by communities. SRLP centers this belief as a core guiding principal in this testimony.

¹ Available at: <http://www1.nyc.gov/assets/boc/downloads/pdf/Comment%20Received%20from%20Sylvia%20Rivera%20Law%20Project.pdf>

The Problem of Sexual Violence Against TGNCI People Within NYC DOC Facilities

While PREA has been in effect for some time, and while the Department of Justice has issued clarifying statements that transgender people are to be treated as the gender they identify with unless they request otherwise or a documented security reason exists to house them otherwise, SRLP is unaware of any time that the NYC DOC has *knowingly* housed a transgender woman at the Rose M. Singer Center.² Of the 50 individuals SRLP has worked with since August 2015 only two women were housed according to their gender identity. One woman never revealed to any NYC DOC staff that she was transgender and chose to go without access to life-saving hormone replacement therapies while in custody, and the other woman was immediately moved to a men's facility upon identifying herself as transgender to the Department. NYC DOC is currently completely noncompliant with PREA in regards to meaningful housing assessments of transgender identified individuals. Trans men are housed in women's facilities and trans women in men's facilities without question.³

There are few reports on the sexual violence faced by incarcerated transgender, gender non-conforming and intersex individuals. This is hardly surprising when one considers the obstacles to not only safely reporting sexual violence but to reporting sexual violence to individuals culturally competent enough to understand sexual violence against TGNCI people. At the City Council Hearing of the Committee of Fire and Criminal Justice Services jointly with the Committee on Women's Issues held December 15, 2015 it was revealed that of the 201 staff-on-DOC-held-individual sexual violence reported in 2015, only one claim was substantiated.⁴ People do not report sexual violence to the same institution that employees the individual who abused them and holds complete control over them. This truth is only amplified when the evidence suggests that their report will not be taken seriously and no penalties will befall the

² Clarification of 115.42(c) & (e) available at <http://www.prearesourcecenter.org/node/3927>

³ As mentioned in the Legal Aid Society testimony, along with other advocates, SRLP met with Faye Yelardy, PREA Coordinator for the New York City Department of Corrections and Wendy Leach, from the Moss Group, on June 8, 2016. At that meeting the DOC PREA Coordinator rebutted the assertion that 100% of prisoners across the United States have been housed according to genitalia by pointing to one transgender prisoner who was confined in DOCCS custody approximately ten years ago in a women's prison. SRLP is also familiar with this individual and know that this housing decision by DOCCS followed years of litigation and a court order requiring such housing. Most significantly, this was the sole exception that could be cited, despite the National Standards' requirements and despite the fact that virtually all prisons and jails that have been audited have been certified as PREA-compliant. As the Legal Aid Society stated, "to date, virtually without exception, every jail and prison in the United States houses individuals based on their genitalia. This is done in disregard to the overwhelming evidence that transgender women, in particular, are at high risk of sexual assault when housed in men's facilities, in disregard to particularized concerns for any individual's safety, and in disregard to the person's own perceptions of his or her gender identity."

⁴ Transcript of the City Council Hearing Minutes (Dec. 15, 2015) at 78 available at <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2531088&GUID=2A489E28-531B-402F-87CE-9300CFFA172F&Options=&Search>.

individual who abused them. In 2015 only one corrections officer was disciplined in relation to a claim of sexual violence.⁵

The few studies that do exist show that TGNCI people experience disproportionate amounts of sexual violence.⁶ We know that TGNCI people are more likely to be placed in isolation, where they experience greater risk at the hands of jail and prison staff.⁷ Within the context of city jails we know that TGNCI people disproportionately live below the poverty line and therefore are less likely to be able to pay any bail requirements.⁸ From our own work SRLP knows that many TGNCI people do not have family or loved ones who can easily visit them. The combination of being housed in an incorrect facility and being deprived of community leaves TGNCI people vulnerable and isolated. Therefore, when sexual violence does occur, many survivors do not speak of it to advocates, friends, or medical health providers let alone the individuals in control of their every movement.⁹

The extraordinary control that NYC DOC staff exercise over every aspect of life cannot be forgotten. A trans woman who survived the NYC jail system wrote to us that “I have personally been through all kinds of abuse - from rude and derogatory comments to being sexually molested... I have been sexually assaulted by a sergeant and a C.O. I did not know how to react because they have the power to [set] me up with a weapon. All I could do was endure the abuse, physically and verbally. And without physical evidence, it’s their word against mine. It’s a crime how many of us trans women are raped or harassed, and if we say something we are segregated and placed in SHU.” For other trans women, forcible sexual relationships with NYC DOC staff is a violent and consistent part of their incarceration. A trans woman who survived the NYC jail system wrote to us stating “We get abused by the officers wanting us to do sexual acts with them forcedly, if not, we get on their shit list and get raped or set up [for SHU].”

⁵ Id at 77.

⁶ Bureau of Justice Statistics Sexual Victimization in Prisons and Jails Reported by Inmates (December 2014) available at: http://www.bjs.gov/content/pub/pdf/svpjri1112_st.pdf; Sylvia Rivera Law Project It’s War in Here: a Report on the Treatment of Transgender and Intersex People in New York State Men’s Prisons 2007, p.19-23, 29, and 30; Just Detention Intl. Targets for Abuse: Transgender Inmates and Prison Rape, March 2013.

⁷ See generally: Aviva Stahl, *Transgender Women in New York State Prisons Face Solitary Confinement, Sexual Assault Solitary Watch*, August 7, 2014; *Voices from Solitary: Cruel and Unusual Punishment Solitary Watch*, August 7, 2014; Testimony by the Campaign for Alternatives to Isolated Confinement, Submitted to the New York State Assembly, November 13, 2014.

⁸ Grant, Jaime M., Et. Al, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*, National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011, p.2, 50-70.

⁹ A striking example can be read about in a recent article published on May 12, 2015: Zoe Greenberg, *Sentenced to Abuse: Trans People in Prison Suffer Rape, Coercion, Denial of Medical Treatment* RH Reality Check, May 12, 2015.

The vast majority of the SRLP's knowledge and expertise on these subjects comes from over ten years of working with TGNCI New Yorkers and our past year of attempting to work directly with individuals held in the Transgender Housing Unit in addition to those trying to be let into the unit. In reviewing the proposed rules, SRLP asked over 30 transgender identified individuals to share with us their thoughts on the proposed rules and their experiences as transgender people living in or having survived the NYC jail system.¹⁰ The responses were breathtaking and illuminating. Yet, at the same time, the overall requests were incredibly simple:

- The NYC DOC must recognize that trans women are women and therefore must be treated with the same rights and courtesies of individuals held at Rose M. Singer Center including the right to not have male officers frisk, pat search, or strip search transgender women.
- All staff must be trained on LGBTQI competency and this training must be accompanied by refresher courses. Failure to grasp concepts should lead staff to be placed in non-contact roles until they can pass the training. This training must be available to community-based organizations for vetting, supervising, and providing;
- Complaints must be investigated by third party advocates and survivors must be given timely, accurate, and full information on the status, steps, and conclusion of the investigation;
- When complaints against staff are investigated non-substantiated prior complaints from different survivors must also be considered and available for review;
- There must be serious repercussions for supervising staff who fail to make unannounced rounds, for staff who fail to report their colleagues when witnessing sexually violent, intimidating, or harassing behavior or warning signs of such behavior, and for any form of retaliation against individuals who report such actions;
- Staff must be moved away from the individual reporting sexual violence even if unsubstantiated; and
- in a sentiment that sums up all of the above recommendations: TGNCI people need to have the dignity of choice in determining their own safety. TGNCI people must be asked where they wish to be housed and absent clear and convincing evidence that housing an individual according to their personal wish is a legitimate safety concern they must be housed accordingly. In addition to placement in general population in the established men's and women's jails a women's unit in a male jail and a men's unit in the women's jail must be maintained with access to consistent and appropriate programming.

Concerns Regarding the Rule-Making Process

¹⁰ These answers are attached here as exhibits to this testimony, and some have additionally been submitted as their own separate testimony at the request of the individual.

Before moving into SRLP's recommendations on strengthening and passing the proposed rules, we wish to raise a serious concern regarding the rights of those people held within the NYC DOC to comment on this issue. SRLP was able to visit individuals in the THU on July 8 and 22, 2016. To enter the THU SRLP staff go through the MDC counsel entrance, up elevators, past the medical clinic, across a passageway from the North to South towers, up an additional flight of elevators, through stairs, and into the unit itself. At no point in time on either visit did we pass a single notice informing people who either work or are held in the NYC DOC facilities of this rulemaking process. In addition the THU itself has no signage containing information on this hearing, the proposed rules, or their right to submit testimony without fear of retaliation.

On both on July 8 and 22 SRLP staff asked individuals held in the THU if they had met with anyone from the Board or NYC DOC staff about this issue or if anyone had informed them of this public hearing. In both instances we heard a resounding no - only SRLP had informed TGNCI people held in the THU that the cultural competency trainings for staff, pat frisk procedures, their right to private showers, their right to not be strip searched by COs who do not share their gender identity, their right to be housed according to their own determination of safety, and their very housing unit was up for discussion today. This is appalling and, we feel, calls into question the ability of this Board to promulgate rules that have not had ample opportunity for the most affected groups to weigh in with commentary.

The Proposed Rules Should Be Strengthened To Explicitly Recognize the Rights of Transgender, Gender Non-Conforming, and Intersex New Yorkers and Subsequently Adopted

The Sylvia Rivera Law Project calls upon the Board to strengthen the proposed rules - in particular when it comes to areas of staff training, discipline, medical care, and housing of TGNI people - and to then adopt the strengthened rules. SRLP has previously submitted recommendations in May 2015, and we respectfully request that the Board review those recommendations as well.¹¹

Please note that all additions being suggested by SRLP are underlined while language already included in the proposed rules is in bold. Due to the extensive nature of our comments on § 5-18 we have moved § 5-18 to the beginning of our recommendations, but all other comments follow the typical order.

SRLP Recommendations

§ 5-18 Use of Screening Information

¹¹ Available at: <http://www1.nyc.gov/assets/boc/downloads/pdf/Comment%20Received%20from%20Sylvia%20Rivera%20Law%20Project.pdf>

Housing and Programming Assignments for TGNCI People

The issue of housing TGNCI people is of paramount importance to SRLP. Many of the Board's proposed rules address system-wide humiliating and dehumanizing treatment of TGNCI people - such as ending the consistent harassment of repeated searches purportedly to identify gender (§5-06(e)); requiring that staff be trained in how to conduct cross-gender pat down searches and searches of TGNCI individuals in a professional and respectful manner, and in the least intrusive manner consistent with security needs (§5-06(f)); and requiring that transgender and intersex prisoners be permitted to shower separately (§5-18(f)), as we know that a significant proportion of abuse occurs in shower areas, and that "parading" a transgender individual into the shower areas is a tactic reported by multiple trans women who have survived the NYC jails.

Yet these rules barely scratch the surface on issues of sexual violence facing TGNCI people if standards for housing remain unclear and lenient. As we have previously reported to the Board, no individual housed in the Transgender Housing Unit has reported sexual violence to SRLP *during the period in which they were housed in the THU*. Every TGNCI individual housed outside of the THU has reported sexual violence to SRLP. There is no doubt that a voluntary transgender housing unit assists in ending prison rape and that it is overwhelmingly and consistently requested by transgender women in particular. The THU is not perfect. It is in need of attention, time, and resources. Tables and chairs were removed from the unit in June and they have still not been returned. The only available entertainment in the unit is TV, individual music devices, and 5 board games that long ago lost all of their pieces. The THU has yoga and art therapy once a week but otherwise individuals do not leave the unit for programming and they routinely are not taken to recreation due to a lack of escorts. There continue to be issues of a lack of resources and attention being paid to the THU. But we know it is fulfilling its basic purpose of drastically reducing sexual violence against TGNCI women.

Moreover, SRLP maintains that the National PREA Standards allow for a voluntary transgender housing unit as one possibility for transgender people who request it if placement by gender identity or placement in the general population in a facility matching the sex assigned at birth isn't safe. We remind the Board that under the National PREA Standards the Department may not place an individual in Protective Custody or its equivalent simply because of their gender identity.

In keeping with the National PREA Standards, the proposed rules require that a transgender or intersex person's own views with respect to their safety must be given "serious consideration" and that the Department must consider on a case-by-case basis whether a program or housing assignment would ensure the individual's health and safety or if any management or security problems would present themselves. These are

important grounding ideas for the NYC DOC, yet we know that they are not sufficient given the lack of compliance with National PREA Standards currently exhibited. There must be a clearer presumption that all individuals will be housed in a facility in accordance with their gender identity unless the Department can articulate a clear and convincing reason why such housing would present a danger to staff or other incarcerated persons. It must be explicit in the rules that complaints from staff or other incarcerated people are not clear and convincing reasons, nor is the individual's gender identity itself a clear and convincing reason. This is in keeping with clarifying statements issued on the National PREA Standards.¹²

We echo the statements of the Legal Aid Society and the Juvenile Justice Coalition's LGBTQ Workgroup that allowing transgender and intersex individuals incarcerated in the City jails to be housed based on their gender identity brings the Department into moral and ethical compliance with New York City and New York State laws.¹³ In our trainings at the THU we are asked time and again why gender identity is respected and discrimination - including miss-uses of pronouns and denial of gender appropriate living accommodations - is unlawful outside of the jail yet once an individual is detained their rights are forfeited. Gender identity is an inherent truth that does not change based upon an assumed criminal conviction, and the long term devastating effects of being denied your gender identity - through forced housing with the incorrect sex, through continuous mis-identification, through harassing and violent comments - is not a sentence that the NYC facilities can impose upon a detained or incarcerated TGNCI person.

In addition to the long term mental health affects of incorrect housing placement, it is well known that housing incarcerated transgender people in accordance with their gender identity it is essential to protect them from sexual abuse and harassment, in particular for transgender women who, without question, are at an extraordinarily heightened risk of such abuse when confined in a men's jail.

The current iteration of the Transgender Housing Unit has been open for only a year and is essentially providing secure housing for individuals who voluntarily enter it. A woman currently in the THU wrote to us "Transgender housing is needed to help us, to keep us out of harms way, to keep us from being used sexually by other inmates or officers... We need our own housing!" another woman who went through the THU wrote "I had to live with men for seven months. I was asking for trans housing [...] I had been approved for a mental health evaluation months [earlier], but I was only evaluated and moved [to the

¹² Clarification of 115.42(c) & (e) available at <http://www.prearesourcecenter.org/node/3927>

¹³ See New York Human Rights Law, Legal Enforcement Guidance on Discrimination on the Basis of Gender Identity and Expression: Local Law No. 3 (2002), N.Y.C. Admin. Code §8-102(23) (guidance issued 12/15/2015); 9 NYCRR (2016) (State Human Rights Law explicitly applies to transgender individuals).

THU] after seven months of fighting, getting beat up by other inmates, being raped and sexually assaulted in jail.”

Based upon all of the above we join the Legal Aid Society in proposing language that will allows all women—whether identified at birth or later on—to be housed in a women’s facility *provided that is their own determination of the safest housing*. Risks for housing placement should not differ based upon the whether the individual is transgender or cisgender and should be assessed in the same manner as it would be for all other incarcerated individuals who present a threat to others. It is important to note that this is not a blanket requirement that transgender individuals be housed in a facility in accordance with their gender identity.

Given the testimony to this Board and the City Council for over the past year concerning the sexual violence that transgender women face when housed in a male facility it is not enough for the Board to be silent on where transgender women should be housed if confined in a men’s facility. The Board must adopt a Rule that allows for women housed in a male facility to voluntarily choose placement in a unit specifically for women, with trained staff and with the same access to programs and services as other persons in custody. These women’s units should be available to all women housed in male facilities, regardless of whether they are adult, young adult, adolescents, pre-trial or sentenced.

Based upon the meeting with NYC DOC mentioned in footnote three, SRLP understands that the Department believes some individuals who are not transgender are being housed in the THU currently in order to “prey” on the women there. SRLP has been teaching classes in the THU for the past year on a twice monthly basis. We have never yet encountered an individual who was not a TGNCI identified person. We are concerned that this belief comes from a lack of understanding of gender fluidity and personal transition journeys. Lack of cultural competency should not be a reason to close this unit.

Similarly we understand that DOC has expressed concerns that not every TGNCI woman wants to be housed in a women’s unit - and this is a belief SRLP shares and has also expressed to the Board multiple times. By making the housing voluntary and by ensuring ongoing trainings or staff in these units and access to programs we hope to address these concerns.

We believe the appropriate balance between the rights of incarcerated transgender individuals, particularly women, to safe and appropriate housing, and the legitimate interests of security will be protected if the Board were to adopt the following Rule:

§5-18: Use of Screening Information

§5-18(c): In deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, and in making other housing and programming assignments, the Department shall consider on a case-by-case basis whether a placement would ensure the inmate's health and safety, and whether the placement would present management or security problems. In coming to this decision, the Department shall house all persons in a men's or women's facility in accordance with their gender identity as stated by the person in custody regardless of sex assigned at birth, genital characteristics, or whether or not they have had gender affirming surgery(ies), unless one or more of the below conditions (§5-18(c)(1)-(3)) is met.

(1) The person in custody objects to such placement;

(2) Security staff in consultation with medical and mental health staff determine based on clear and convincing evidence, which must be documented in writing, that the individual is not transgender and is asserting a gender identity for an improper purpose. The following shall be sufficient, but not necessary, to rebut that gender identity is being asserted for an improper purpose. Instead, affirmative evidence, not merely lack of the following, must be shown to establish improper purpose:

(A) a history of receiving hormone therapy or of undergoing other treatment related to gender transition, regardless of whether supporting medical documentation is available;

(B) a history of accessing programming and services based on their gender identity or transgender status (e.g. social security, shelter services, advocacy initiatives, social service providers, not-for-profit groups);

(C) a history of being known to others as transgender and living in accordance with that gender whether prior to or during any period of incarceration;

(D) having a social security card or identification documents that list a gender different from the gender listed on the booking information;

(3) Security staff in consultation with medical and mental health must articulate a clear and convincing reason why housing a prisoner according to his/her gender identity would pose a present danger to staff or other persons in custody. A person in custody's gender identity, transgender status, genital characteristics or whether or not they have had gender affirming surgery(ies) are not to be considered in assessing potential danger.

§5-18(d): The Department of Corrections will provide voluntary housing units for women who are not housed in accordance with gender identity so that any woman

or girl who is housed in a facility for men or boys for any of the above reasons shall have access to a voluntary women's unit within the men's jail, unless the jail has shown pursuant to sections (c)(2) and (c)(3), above, that the individual is falsely claiming a female gender identity for an improper purpose or presents a present danger to staff or other persons in custody.

§5-18(e): Housing units for women and girls in the men's facilities shall be staffed by individuals trained in working with LGBT people in custody, in addition to that required by Proposed Rule § 5-12 (a)(9). This training will include:

- (1) instructions on the nature of transgender identity and the cycles of incarceration and violence experienced by transgender people.
- (2) instructions on how to understand the psychosocial and safety needs of transgender and gender non-conforming persons in custody;
- (3) instructions on how to be alert to signs of situations in which persons in custody-on-persons in custody anti-transgender harassment may potentially occur;
- (4) instructions on using gender-affirming and sexual orientation affirming language when interacting with transgender and gender non-conforming individuals;
- (5) instructions on the specific needs of transgender gender nonconforming survivors of sexual abuse; and
- (6) up-to-date information about medical and mental health standards for treatment of individuals with gender dysphoria.

The Department shall provide the Board with documentation reflecting that all staff assigned to housing units for women and girls in the men's facilities have received this training. This documentation shall be provided twice per year and shall include the training schedules that were completed and a summary of the curriculum and credentials of persons providing training.

§5-18(f): All clinical and programming needs available to general population persons in custody shall be made available to persons in custody housed in a voluntary Women's Unit.

§5-18(g): The placement of transgender individuals will be tracked and documented so as to ensure that transgender persons in custody are not automatically and involuntarily assigned to particular facilities or placed in isolation solely based on their genital characteristics, whether or not they have had gender affirming surgery(ies), gender identity, gender expression, transgender status or assigned sex at birth. This tracking shall include whether the person in custody requested such housing, all information considered in making the housing

determination, and shall clearly articulate the specific reason for the housing determination. This documentation shall be provided to the Board on a quarterly basis.

§5-18(h): Placement and programming assignments for each transgender or intersex inmate ...¹⁴

§ 5-19 Protective Custody and § 5-29 Post-Allegation Protective Custody

That transgender women are routinely placed in Protective Custody was a recurring theme amongst individuals who have survived the NYC jails. One woman wrote to us that the NYC DOC “need to have a facility where trans women can be placed without putting us in [...] PC. To be around male officers and inmates is cruel and unusual punishment because we are females!” She concludes that if trans women can’t be placed in the women’s jails then “I think that it’s best that we have separate trans housing. It’s a benefit for us trans women to be around each other and not isolated. Some of us don’t have family during incarceration, and our trans community helps one another.”

Another trans woman wrote to us concerning her time in Protective Custody saying it “is the same thing as being in the box. You sign in to be locked down for 24 hours per day [and] being in PC prevents you from going to programs, both mandatory and volunteer, [DOC] would love nothing more than to keep trans people locked down 24 hours a day. They use PREA to force us into IPC, PC, or the SHU... What is the solution? To have LGBTQ housing blocks, that still allow people to do everything that the general population does.”

Segregated Confinement is Not an Acceptable Housing Option

The proposed rules currently permit the Department to assign people to involuntary segregated housing “until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.” SRLP is extremely worried that TGNCI people and young people will face de-facto solitary confinement as a result of this rule. Segregated confinement is *never* an acceptable alternative to a lack of safe housing. Regardless of the rationale, “protective” segregation can have the same devastating mental and medical health effects as punitive segregation. Further, involuntary protective custody can isolate vulnerable populations from other people, putting them at greater risk for sexual abuse. Unfortunately, SRLP often hears

¹⁴ We have proposed inserting new language to replace §5-18(d)-(f), and propose a new §5-18(g). The language previously found in §5-18 (d)-(f) is now located in §5-18 (h)-(j).

from individuals who are ostensibly placed in “protective isolation” only to be repeatedly sexually abused by Department staff. SRLP endorses the restrictions on protective custody outlined in § 5-19 and referenced in § 5-29. SRLP therefore recommends adding the following language to § 5-19 (a):

(a) Inmates at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If the Department cannot conduct such an assessment immediately, the Department may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment. If no alternative for housing is available besides segregated housing, alternatives to incarceration and release shall be seriously considered.

§ 5-01: General Definitions

Definitions

In order to assist Department staff, individuals held by the DOC, their advocates, and loved ones, SRLP supports the inclusion of the terms sexual orientation and gender identity in the general definitions. SRLP also recommends adding the following definitions to proposed Chapter 5 of Title 40 of the Rules of the City of New York §5-01. These definitions are used in the final PREA Rule (28 CFR § 115.5) and in DOC Directive 4498 Transgender Housing Unit.

(1) The following terms will be defined as follows:

Sexual Orientation: Sexual orientation refers to a person’s romantic and physical attraction. A continuum of sexual orientation exists.

Gender Identity/Expression: Gender identity is the internal sense of feeling male, female, or some combination or absence of these feelings. This may or may not coincide with societal expectations for that gender. Gender expression is the manifestation of that identity.

§ 5-02: Definitions Related to Sexual Abuse

Maintaining the Same Standards of Evidence for Prisoners and Officers

SRLP is concerned that the proposed rules create two separate standards of evidence. A more intensive standard is proposed for claims of sexual violence by a DOC staff,

contractors, or volunteers against an incarcerated person than the standard needed for one incarcerated person against another. The proposed language for §5-02 (b) and (c) of Chapter 5 of Title 40 of the Rules of the City of New York differ *only* in that sexual abuse of a DOC-held individual by a staff member, contractor, or volunteer must have had the “intent to abuse, arouse, or gratify sexual desire” while a claim of sexual abuse by of a DOC-held individual by another DOC-held individual need not allege there was the intent to abuse, arouse, or gratify sexual desire.

SRLP’s own knowledge of the difficulty in proving intent for claims brought under the 8th Amendment of the Constitution of the United States informs us that it is nearly impossible to prove the *intent* of a State employee, especially when actions may have occurred months or even years prior. Likewise, we are concerned that individuals held within in DOC may receive excessive punishment for these claims and face a lesser standard *only* because of their status as being held by the DOC.

Upon review, we believe that the standard of “(b)(3) contact between the mouth and any body part where the staff member, contractor, or volunteer,” “(b)(4) penetration of the anal or genital opening, however slight by a hand, finger, object, or other instrument, that is unrelated to official duties” and “(b)(5) any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties” is sufficient and there is no need for an additional finding of intent.

§ 5-04: Supervision and Monitoring

Long-Term Storage of all Videos

SRLP feels that given the advent of inexpensive digital video storage, *all* video—regardless of whether it has been part of an allegation of sexual violence, a disciplinary hearing, or other investigation—should be stored for six months *at a minimum*. SRLP has represented clients who have taken up to a year to find the support, courage, and sense of safety to report their sexual violence. When this occurs, SRLP is often unable to offer any legal support as almost all evidence is no longer in existence. Moreover, this also creates obstacles with ensuring the individual receives the independent and culturally appropriate counseling they deserve as such services are often tied to legal claims. SRLP therefore recommends the following amendment to Chapter 5 of Title 40 of the Rules of the City of New York §5-04 (i):

(i) The Department will preserve all videos from security cameras for at least six (6) months.

Additional Cameras

SRLP has represented clients who have been abused in areas with inadequate surveillance, including stairwells, closets, and transportation vehicles. The Department should further secure areas of correctional facilities where abuse is known to occur. Therefore, SRLP recommends amending Chapter 5 of Title 40 of the Rules of the City of New York §5-04 (k) as follows:

(k) The Department shall require placement of a surveillance camera in an area where sexual abuse is repeatedly reported or alleged to have occurred or consideration of alternative preventative measures such as increased monitoring rounds or the assignment of additional Department staff in that area. The Department shall require placement of surveillance cameras in all transportation vehicles.

§ 5-06: Limits to cross-gender viewing and searches

Additional protections for TGNCI incarcerated people

In speaking with currently incarcerated TGNCI people we received consistent complaints regarding searches of all calibers. An individual who attempted multiple times to be placed in the THU but was never allowed to enter it wrote to us saying this: “I [...] would like for them to search us not in front of all the inmates. We are trans, we should not be undressing in front of inmates or other C.O.s.” Another individual wrote to us saying: “Female C.O.s should be the only ones who conduct pat frisks on [female] trans people.”

It is incredibly important that the Board strengthen and adopt these protections as it assists in ensuring that intersex and transgender inmates are treated in accordance with their gender identities unless exigent circumstances require otherwise. This proposed rule also further reifies that transgender women are women and should not be subjugated to the deeply traumatic impact of different-sex pat frisks. By this proposed Rule, the Board importantly recognizes that all women are entitled to the same protections from cross-gender pat frisks.

SRLP recommends the following changes to include protections for transgender, gender nonconforming, and intersex people:

(b) The Department shall not permit cross-gender pat-down searches of female inmates, inmates housed in women’s facilities, or inmates who have identified themselves as transgender, gender non-conforming, or intersex, absent exigent circumstances. Should exigent circumstances be found they must be detailed in writing and submitted to the PREA Commissioner. The

Department shall not restrict these inmates’ access to regularly available programming or other out-of-cell opportunities in order to comply with this provision

(c) The Department shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female inmates, inmates housed in women’s facilities, or inmates who have identified themselves as transgender, gender non-conforming, or intersex.

SRLP also endorses the protections for transgender and intersex people outlined in § 5-06 (e) and (f), and recommends the following addition to this section:

(h) Any transgender woman with a medical or other permit to wear a bra will not be forced to remove her bra during searches where individuals strip to their underwear. Likewise she shall not be forced to strip to her underwear in front of other inmates, staff, or COs beyond those needed to comply with search requirements.

§ 5-08: Hiring and Promotion Decisions

A currently incarcerated transgender woman wrote to us stating “I was raped by a CO and it should not have happened because 18 people grieved him prior and he should have been removed and replaced.” SRLP strongly supports comments submitted by the Legal Aid Society and the Jails Action Coalition proposing that, when staff members are considered for promotion or predicate staff assignments, evidence of previous patterns of behavior (including unsubstantiated allegations) must be considered, with specific findings restricting promotions entirely.

§ 5-10: Evidence Protocol and Forensic Medical Examinations

Third Party, Culturally Competent Victim Advocates

SRLP agrees that survivors of sexual violence should have access to qualified victim advocates to support them through their medical exams and subsequent investigation. SRLP is concerned that survivors will not be able to fully trust advocates employed by the Department, regardless of whether they come from within the Department’s security command or staff. SRLP believes that representatives from community-based organizations are better equipped to provide culturally competent and language-specific services that are apart and separate from any aspect of the survivor’s detention or incarceration.

SRLP recommends that § 5-10 (d) and (e) be amended to specify that victim advocates will come from third-party community organizations, rather than from within DOC staff. Survivors should be entitled to meet with an advocate of the same gender with which they identify. Also, when applicable, advocates should be people of color and/or from the LGBT community.

§ 5-11 Policies to Ensure Referrals of Allegations for Investigations

SRLP recommends that (c) of this section be expanded upon to allow for more options for third-party neutral investigation by organizations not directly connected to the NYC DOC. Multiple individuals wrote to us saying that they did not believe they could receive a fair and unbiased investigation from an agency that is associated with NYC DOC.

A trans woman who went through the NYC jail system wrote to us that DOC “doesn’t do a good job at [investigating] when it’s their employees who are committing the sexual abuse against us. We need better [...] investigations by administration and an independent committee to protect us more from the staff’s and inmates sexual abuses.” These third-party neutral investigators must also be trained in how to properly work with LGBTQI individuals and have a range of cultural competencies and specialities.

§ 5-12 Employee Training

Recognizing the Communication Needs of the Entire NYC DOC Population

SRLP knows that individuals with disabilities, especially developmental disabilities¹⁵, are often targeted for sexual violence and that individuals who communicate in languages other than English often face difficulty in reporting or communicating concerns within the DOC. In addition to all of the proposed amendments regarding employee training, SRLP recommends the following additions to § 5-12 (a)(9):

(9) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender non-conforming inmates, and inmates with limited or no English proficiency, inmates who are Deaf or Hard of Hearing, and inmates with developmental disabilities or delays.

Staff Education and Accountability

SRLP also strongly endorses JAC’s proposal that DOC investigators undergo regular mandatory trainings regarding sexual violence by a third-party community organization.

¹⁵ See, e.g.: Leigh Ann Davis, MSSW, MPA *People with Intellectual Disabilities in the Criminal Justice System: Victims and Suspects* The Arc, August 2009.

In preparing for this testimony we received multiple comments on the importance of staff education and accountability.

One woman who survived the THU and other NYC facilities before going upstate wrote that “The treatment of transgender people in New York [...] jails is extremely horrible on so many levels. The correctional officers, both male and female, refer to [trans women] as he/him and not she/her. [The officers receive trainings] to address transgender inmates as their gender identity, but officers totally disregard what they have been taught. I feel as though the systems [is] aware of the population of the transgender community [...], but ignore the fact that we have rights when it comes to the system doing anything about retraining these officers to be more open-minded and [to] not look down on transgender inmates. The facility needs more than just retraining- it needs to stop ostracizing and discriminating against trans people.”

One trans woman wrote to us that “all staff members should have to take LGBTQ sensitivity training taught by a professional, not someone who knows nothing about LGBTQ people and just read from some manual.” Another wrote to us that staff regularly treat transgender woman as “sexual objects” and they desperately need trainings on challenging the idea that transgender women are sexual objects and constantly sexually available.

A transgender man who survived RMSC before going upstate wrote to us that he repeatedly asked staff to at least meet him half-way by using his name rather than pronouns “[but] not at all respect this. Their attitude is [that] we [are] all female inmates... I feel that corrections should have training for all personnel when dealing with transgender inmates. Their treatment of us can be much better. We are judged harshly because of who we are instead of [with] empathy.”

Another woman, who repeatedly requested to be placed in the THU but was consistently denied wrote to us that “The NYC Jails need training on how to handle [trans women] because they have no idea [...] I would like for the NYC jails to respect our preferred gender pronouns [...] And I would like for them to stop calling us faggots. We have a name, and faggot is not it.”

Based upon the testimony collected, we believe that this training must be mandatory and must be extended to all staff. In addition to the topics listed in § 5-12 (c), this training should include topics such as effective victim interviewing, writing reports using the language of non-consensual sex, and the neurobiology of sexual assault. These trainings must be led by third-party community organizations and the curriculum must be available for review.

Effective victim interviewing can not be over emphasized. One transgender woman wrote to us that, after reporting a rape in the State DOCCS she was pulled off of a transfer vehicle and brought to “a room where I was questioned for an hour about the rape. It was like I was the criminal, that I did something wrong. Then I was placed back on the bus [...] They took no consideration for my safety or feelings. If someone is going to do an investigation, they should be trained on how to deal with victims of sexual abuse.” Without proper training on interview techniques it is unlikely that any claims of sexual violence will ever be substantiated.

To ensure staff accountability, SRLP also recommends that as part of § 5-12 (d), staff should be tested on the material after the training, and a refresher course should be mandatory after every two years. SRLP suggests that promotions be dependent on the passing of these tests and that staff who are unable to pass these tests not be placed in situations where they are responsible for the well being of detained or incarcerated people.

§ 5-17 Screening for Risk of Victimization and Abusiveness

General Screening for Sexual Abuse Vulnerability

The current proposed rules suggest that upon entry to a facility, all individuals shall be screened to determine their risk to sexually abuse or to be a survivor of abuse. While screening can be an effective tool, SRLP takes issue that this is worded to only imagine sexual abuse as committed by other people held by the DOC, and does not imagine that DOC staff might perpetrate abuse. SRLP hears regularly and repeatedly about sexual violations by DOC staff against our clients. We rarely hear complaints or concerns regarding other incarcerated individuals. We therefore recommend that proposed rule § 5-17 (a) be amended to read:

(a) All inmates shall be assessed during an intake screening and upon transfer to another facility for their own risk of being sexually abused by anyone with whom they come in contact, or sexually abusive towards other inmates.

§ 5-20 Inmate Reporting

Creating Multiple Options for Reporting Sexual Violence

SRLP strongly endorses the proposed rule providing for “multiple internal ways” for individuals to report sexual violence to an entity not associated with the Department. We also strongly encourage the multiple ways in which reports may be taken (“verbally, in writing, anonymously, and from third parties”).

We know from our clients that many would rather remain silent than express such a vulnerable truth to a Department that exerts complete control over their daily lives. Allowing for neutral and culturally competent third parties to receive complaints may allow for an increase in reporting and an increase in people's beliefs that the reports remain confidential and are expertly dealt with.

§ 5-23 Staff and Agency Reporting Duties

Staff Reporting and Accountability

SRLP supports requiring staff to report sexual abuse, retaliation, and staff neglect. SRLP feels that the requirements outlined in the proposed rules are not stringent enough, and will not guarantee staff accountability. Unfortunately, SRLP regularly hears from our clients that Department staff ignore and cover up incidents of sexual violence, and retaliate against survivors who report their abuse. SRLP recommends that the Department impose meaningful consequences on staff who fail to report abuse, retaliation, or staff neglect. These consequences could include deferring promotion, altering shift duties, or termination.

§ 5-24 Agency Protection Duties

For the reasons outlined in SRLP's comments on § 5-19 (See "*Segregated Confinement is Not an Acceptable Housing Option*," above), SRLP also recommends the following additions to § 5-24:

When the Department of Correction learns that an inmate is subject to a substantial risk of imminent sexual abuse it shall take immediate action to protect the inmate. Such immediate action shall NOT include placement in any form of segregated confinement including protective custody, administrative segregation, or similar housing. If an individual is pre-trial, alternatives to incarceration and release shall be seriously considered.

§ 5-28 Agency Protection Against Retaliation

SRLP strongly endorses the current proposed rules protecting individuals who report sexual assault. Retaliation for surviving and reporting sexual violence is a pervasive problem throughout the New York State system. On many occasions, SRLP clients have reported abuse and then been placed in punitive solitary confinement for "engaging in sexual behavior" when that behavior is in fact non-consensual. In one instance, an SRLP client received a disciplinary ticket for "causing a disturbance" when she attempted to ward off her attacker by screaming. We also endorse the proposed rule stating that for 90 days after reporting abuse, the individual will be monitored to prevent retaliatory disciplinary actions. One trans woman wrote to us that "if you [report] staff you will only get retaliation." If this is a generally known or believed attitude across NYC DOC facilities then the City of New York cannot be compliant with federal law as incarcerated

or detained individuals will not report for fear of retaliation. It is vitally important that there is meaningful discipline for staff who alert others regarding unannounced supervisor rounds, supervisors who fail to make unannounced rounds, staff who fail to report their colleagues when witnessing sexually violent, intimidating, or harassing behavior or warning signs of such behavior, and for any form of retaliation against individuals including staff members who bravely report such actions.

§ 5-29 Post-Allegation Protective Custody

(See *Segregated Confinement is Not an Acceptable Housing Option*, above).

§ 5-38 Ongoing Medical and Mental Health Care for Sexual Abuse Victims

Continued Support for Survivors Upon Release

SRLP strongly recommends providing medical and mental healthcare to survivors of sexual abuse for a period lasting no less than six months following the report of violence. Survivors must have access to proper medical and mental health care for a significant time period beyond the initial event even if the claim is unsubstantiated. We heard from one transgender woman that even though she reported a rape and had a visit from an investigator mental health care and counseling was never made available to her. She wrote to us that “I was raped while I was in protective custody [...] Nothing was done to [the individual] and I never saw a therapist about it. The IG was very disrespectful and they did not believe me [...] I feel like it sends a message that it’s alright to rape and why bother reporting crimes [...] people who report rape should receive counseling as well as advocacy.”

Moreover we know from our clients that the physical and psychological effects of sexual abuse do not end when a survivor is released from NYC DOC custody. SRLP feels strongly that the Department should do everything in its power to ensure that survivors continue receiving treatment and support after they are released. Connection to care upon reporting sexual violence must involve providing meaningful connections to reentry service providers who can continue to support individuals upon release.

§ 5-40 Data Collection and Review

SRLP recommends that the Department’s semiannual report on allegations of sexual abuse include additional demographic information about survivors and perpetrators of abuse. SRLP suggests changing § 5-40 (b)(4) to read:

(4) Victim and perpetrator’s gender and race, and whether they identify as LGB or TGNCI.

§ 5-41 Audits

In the interest of transparency, SRLP recommends that the PREA audit materials that the Department submits to the Board be made available to the public. These materials should be published online and in a timely fashion, similar to the requirements for the semiannual report outlined in § 5-40(e).

Addition: Programming

The Office of the Public Advocate previously submitted proposed rules on programming for female inmates. SRLP supports providing specialized programs and services to meet the needs of vulnerable people. SRLP recommends that the Department provide preventative programming for young people, women, LBG and TGNCI people.

SRLP thanks the Board for the opportunity to submit this testimony and participate in this process. In addition, we ask that the Board please take a moment to review the attached appendixes of written responses from formerly and currently incarcerated transgender people sharing their thoughts on the Proposed Rulemaking Activity. For individuals who allowed us to share identifying information we are sharing that information that we believe will allow them to stay safe and confidential.

Respectfully Submitted,



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APPENDIX A:
Testimony from Alisha Marie Kohn, a white 27 year
old trans woman

What name do you use? Alisha Marie Robin

How do you identify your gender identity (i.e. trans woman?)

Transwoman

How do you racially identify? Caucasian

How old are you? 27

Have you ever been in the NYC jails? No

Have you ever been in the Transgender Housing Unit or the Gay Housing Unit on Rikers?

No

Have you ever been in SHU, PC, or another solitary-like unit?

yes

Any other identity information you want us to know about you?

I identify myself as being 'straight' / heterosexually, because I am a woman and I like men. My identity and my sexuality are two different things

In 2011 I was heavily into the drug known as suboxone. In 2008 I started using
Heroin more or less I became addicted to drug and started using when I became sexually promiscuous. After two straight
years of using Heroin/suboxone my pocketbook was gone but the money on my back was not. I started getting
into debt destroyed family ties and everything I had. Then I resorted to selling my body it

because that I was selling my body hoping to get paid or even utilized. This is when 2011 came along
and I ended a young drug money base, which is not in prison money. One day I was walking past

from my program on a non-movement time there I was met by one of the young members
five others and I was raped. After that moment I expressed what happened until about 4 years later
when I was in a support group with I believe aware of what happened to me. Then when I was at
a disciplinary hearing in 2016 for drug use I expressed to the hearing officer what happened

and in 2017 I was told that report was taken up until it was only once I got back down well because
of that was I never reported the rape the HC reported it. Then I came to mid-stroke with I am

off a transfer bus DCES is just dropping someone off. They pull me off the bus to and I was put
in a room at mid-stroke where I was questioned for an hour about the rape it was like I was the criminal that
I did something wrong. Then I was placed back on the bus where I was asked by the inmates where I was if
I could really want to get pulled off the bus for an hour. I had to tell the inmates why I was with DC I was

very pissed off on how it was handled they took no consideration about my safety or feelings. If someone is to
do investigation this should be handled in how to deal with victims of sexual abuse. As for DCS harassment
or discrimination that happens every day there is not enough paper to describe what happens daily. If you
write up a sheet maybe it only takes more harassment. I think all staff members should have

to take DCFTA seriously being taught by a professional not someone who knows nothing about
the DCFTA lifestyle and just hear from some inmates.

I have been in MYS prisons since 2008 and the treatment of transgender prisoners has gotten better but we've still not there yet to having full equal rights. The biggest thing is the use of the double edged sword of PREA. PREA is being used to make trans people's time ten times harder than it is. The reality of prison life for a transgender is this when you come into a prison you are forced

to mind a 'man' or become used or posed sexual violence all your life if you know how to. When you come into a prison as soon as you get off the bus the word has already spread that a new girl has come in. Immediately the boys start to make these moves the 'cut' and 'underwear'. There will be letters in your cell/cube maybe food of tops and underwear. Now the option come, you either pick a man, hopefully one that will treat you right and more importantly keep off the adverse from others. Next option is not to pick any body, then that leaves you open to sexual advances either verbal or even sexual physical. Of course there is the

P.C. rule but that is the something as being in there but as you sign-in be locked down for 24 hrs away from at least 90 days then you go to the next facility where it starts all over again. Also being in P.C. prevents for us to participate in programs both mandatory/voluntary so when you go to the parole board there is nothing to help your chance of making the board. Most trans women, myself included choose a man to protect us and/or take care of us. Also remember that most Transwomen suffer from addiction and depression so when they are placed in a place where everyday you remind of your physical gender depression kicks in followed by the addiction so now you have habit now you really need a man to pay off your debt. Most trans women come with little to no family support and having the idea that all needs can be met by being with a guy seems more appealing. Once you choose a man mostly sexually advances step but that does not prevent people from still being attracted to you and even worst deals. On top of that you have the people who are discriminatory against Trans/gays, with the resistance and resistances you get slips dropped on you (Notes to the Administration about physical activity) once the slip is dropped saying you are having a sexual relationship this has to be a investigation because of good old PREA. Most likely the Admin won't find anything but for your safety you will be asked to sign in to P.C. if not you will be moved where the protection you had is now gone by your man. Regardless of what PREA is used to make our time harder. DECS would have nothing more than to keep Trans locked down 24 hrs a day, they use PREA to force us into DP, PC, under SHU. In addition to all of that if you happen to be

placed, class and catch a ticket and get kept lock time you get sent to a Max-B facility, because Trans can not be double booked whereas a straight male gets kept lock time and they get sent to SHU. So then go back to a Max, where us Trans get sent to Max-B to finish kept lock time then have to wait six months for a classification drop then wait to get a transfer back to a Max. What is the solution? Have LGBTQ housing units/cell blocks that still is allowed to do things like G.F. does with G.F. The only segregation should be in the housing units. Have staff trained in LGBTQ housing requirements. LGBTQ life style. Also have support groups to help build self-esteem and create places for LGBTQ to talk so they don't feel they have to wait to days or weeks as a coping mechanism to help due time time.

Even though I have no experience with MYS units I hope my ideas can help in some ways

Transcription of Letter to the best of our ability by Susan Beaty and Anya Morgan, SRLP legal interns summer 2016

In 2011 I was heavily into the drug known as suboxone. In 2008 I started using heroin. I became addicted and started using when I became someone's property. After two straight years of using heroin and suboxone, my protector was gone but my debt was not. I started going into debt, devastated my family ties, sold everything I had. Then I started selling my body. It became so bad that I was selling my body hoping to get paid and cover my debts. In 2011, I owed a gang \$250 in drug money, which is a lot in prison money. One day I was walking back from my program on a non-movement time. I was met by one of the gang members plus two others and I was raped. After that moment I suppressed what happened until about four years later when I was in a support group and I became aware of what happened to me. When I was at a disciplinary hearing in 2015 for drug use, to the hearing officer what happened to me in 2011 and how that made me sober up until recently when I fell back down. I never reported the rape but the hearing officer reported it. Later I was on a transfer bus.... they pulled me off the bus and sat me in a room where I was questioned for an hour about the rape. It was like I was the criminal, that I did something wrong. Then I was placed back on the bus. When I was asked by the inmates where I was... I had to tell the inmates why I was with the IG. I was very pissed off about how it was handled. They took no consideration for my safety or feelings. If someone is going to do an investigation they should be trained on how to deal with victims of sexual abuse.

Harassment and discrimination... happen every day. There is not enough paper to describe what happens in here every day. If you write up a staff member, it only leads to more harassment. I think all staff members should have to take LGBTQ sensitivity training taught by a professional, not someone who knows nothing about LGBTQ people and just read from some manual.

I have been in NYS prisons since 2008 and the treatment of transgender prisoners has gotten better but we still do not have full equal rights. The biggest thing is the use of the double-edged sword of PREA. PREA is being used to make transgender prisoners time harder than it already is. The reality of prison life for a transgender person is this; when you come into prison you are forced to find a "man" or become used or passed around or even sell yourself if you know how to. When you come into prison, as soon as you get off the bus, the word has already spread that a new girl has come in. Inevitably boys start to make their moves... There will be letters in your cell, maybe food and other needs. Now the choice comes- you either pick a man, hopeful that one will treat you right and more importantly keep others away. Next option is not to pick anybody, and that leaves you open to sexual advances either verbal or physical. Of course there is the PC route, but that is the same thing as being in the box. You sign in to be locked down for 24 hours per day for at least 90 days, then go to the next facility where it starts all over again. Also, being in PC prevents you from going to programs, both mandatory and volunteer, so that when you go to parole board there is nothing to help your chance of getting out. Most transwomen, including myself, choose a man to protect us and take care of us. Also, most transwomen suffer from addiction and depression, and in prison we are reminded every day of your physical gender, so depression kicks in, followed by addiction, so now you have a habit and you need a man to pay off your debt. Most trans women come with little to no family support, so the idea that all your needs can be met by a guy becomes more appealing. Once you choose a man most sexual advances stop but that does not prevent people from still being attracted to you or even worse jealous. On top of that, you have the people who discriminate against trans people and gays... You get slips dropped on you, which are notes to the administration about illegal activity. Once the slip is dropped saying you have a sexual relationship, there has to be an investigation because of good old PREA. Most likely, the administration

won't find anything but for your safety you'll be asked to sign into PC. If not, you will be moved and you will lose the protection from your man. Regardless of what PREA is used to make our time harder. DOCCS would love nothing more than to keep trans people locked down 24 hours a day. They use PREA to force us into IPC, PC, or the SHU... What is the solution? To have LGBTQ housing blocks, that still allow people do go everything that the general population does. Also, give staff LGBTQ sensitivity training. Also, have support groups to help build self-esteem and a safe place for LGBTQ people to talk so they don't feel they have to resort to drugs or sex as a coping mechanism.

APPENDIX B:
Testimony from an anonymous 40 year old
transgender woman

How do you identify your gender identity (i.e. trans woman?)

male. Queer.

How do you racially identify? None.

How old are you? 40 years old.

Have you ever been in the NYC jails? NO.

Have you ever been in the Transgender Housing Unit or the Gay Housing Unit on Rikers?

NO.

Have you ever been in SHU, PC, or another solitary-like unit?

NO.

Any other identity information you want us to know about you?

None.

The state Dept. needs to understand the cross
over from MTF. They are no longer a male
figure. They are beautiful woman who are
still growing into that figure. And there should
be a facility just for us with the same
rights as a regular female prison has. And
eventhough we are prisoners, when we enter
Dosses, we should be treated with the
same as a female.

I've never been in NYC Jails, but as I've
said before, we need to be treated as the
regular male prisoners. why are we dirt
to prison while others are gods? Things do
happen, but we are more than dirt, we
are colors of feelings and love. We know what
we want in life and to get there is beyond
the sky. We don't need the problems that go on
inside these walls and stop us from doing
what's right.

**Transcription of Letter to the best of our ability by Susan Beaty and Anya Morgan, SRLP legal interns
summer 2016**

The State Dept needs to understand the cross over from MTF. They are no longer a male figure. They are beautiful woman who are still growing into that figure. And there should be a facility just for us with the same rights as a regular female prison has. And even though we are prisoners, when we enter prison, we should be treated the same as a female.

I've never been in NYC jails, but as I've said before, we need to be treated as the regular male prisoners. Why are we dirt to prison while others are gods? Things do happen, but we are more than dirt. We are colors of feelings and love. We know what we want in life and to get there is beyond the sky. We don't need the problems that go on inside these walls and stop us from doing whats right.

APPENDIX C:

Testimony from an anonymous Black and Latina trans woman who will turn 28 on August 17 and has spent time in AMKC, BKDC, GMDC, MDC, and ARDC who has been placed in placed in a male Protective Custody unit due to her gender identity

How do you identify your gender identity (i.e. trans woman?)

trans woman

How do you racially identify? Black / Hispanic

How old are you? 28 (on August 17)

Have you ever been in the NYC jails? Yes - CMTDC, ARDC, AMKC
Tomb, Brooklyn House

Have you ever been in the Transgender Housing Unit or the Gay Housing Unit on Rikers?

No

Have you ever been in SHU, PC, or another solitary-like unit?

Yes (SHU and PC)

Any other identity information you want us to know about you?

No

The way that we transgender women are treated in prison is
wrong and cruel. Not only do we deal with being raped by other inmates,
but by Correctional officers too. We are seen as sexual objects,
not people with feelings. From experience I have been sexually
assaulted by a Sgt and C.O. I didn't know how to react because
they have the power to run my bid by setting me up with a
weapon. All I could do was endure the abuse. Physical and verbally
but without physical evidence, it's hard used against mines.
I have never been raped, but I have been seduced by an
officer and Sgt. And I felt disgusted, and worse because

too a minority in Prison. I believe the facility needs to
have a Prison in NY'S TERMS where Trans Women can
be placed, without them putting us in SHU or PC to be
count male officers and inmates is cruel and unusual
punishment because we are females! Facilities need
to offer Programs for LGBTQ inmates so we can
discuss issues amongst ourselves. I know NY'S Prisons
don't allow Trans women to receive feminine articles (bras,
make up, Tampons, etc) through packages or commissary, we should
be allowed that. We identify as females and that's how we need
to be treated! Not like sexual objects!!!

I have personally been through all the abuse. Trans Rule and

delegatory comments to being sexually harassed. It's a crime

how many of us trans women are raped or harassed

And if we say something we are segregated and placed in

SHU. So that's ~~why~~ why we don't say nothing. We just endure

it. I have been discriminated against receiving a job = wanted

or a facility = felt more comfortable being placed in.

I have been violated by Cts and a Sgt. They grabbed, kissed,

and touched us. And it's even more difficult because in the
only trans women in some of the prison = go to.

~~of the common sort of the process of to~~

I think that it's best that we have trans living in places and

in NHS places it's a benefit for us trans women to be

around each other and not isolated. Some of us don't have

family during incarceration and our trans community helps

one another. We also would like the medical departments to

be more respectful and helpful with our med (HRT) treatment.

**Transcription of Letter to the best of our ability by Susan Beaty and Anya Morgan, SRLP legal interns
summer 2016**

The way we, transgender women, are treated in prison is wrong and cruel. Not only do we deal with being raped by other inmates, but by correctional officers, too. We are seen as sexual objects, not people with feelings. From experience I have been sexually assaulted by a sergeant and a C.O. I did not know how to react because they have the power to ruin my bid by setting me up with a weapon. All I could do was endure the abuse, physically and verbally. And without physical evidence, it's their word against mine. I have never been raped, but I have been molested by a sergeant and an officer. And I felt disgusted, and also weak because I am a minority in prison. I believe that prisons need to have a facility where trans women can be placed without putting us in SHU or PC. To be around male officers and inmates is cruel and unusual punishment because we are females! Facilities need to offer programs for LGBTQ inmates so that we can discuss issues amongst ourselves. I know that NYC prisons don't allow trans women to receive feminine articles (bras, make up, panties, etc.) through packages or commissary. We should be allowed that. We identify as females and that's how we need to be treated! Not like sexual objects!!

I have personally been through all kinds of abuse- from rude and derogatory comments to being sexually molested. It's a crime how many of us trans women are raped or harassed, and if we say something we are segregated and placed in SHU. So that's why we don't say nothing. We just endure it. I have been discriminated against receiving a job I wanted or a facility I felt more comfortable being placed in. I have been violated by a CO and a sergeant. They grabbed, kissed, and touched me. And its even more difficult because I'm the one trans woman in some of the prisons I have been in.

I think that its best that we have trans housing on Rikers and in New York State prisons. It's a benefit for us trans women to be around each other and not isolated. Some of us don't have family during incarceration, and our trans community helps one another. I would also like the medical departments to be more respectful and helpful with our medical treatment, including HRT.

APPENDIX D:
Testimony from Star, a Black transgender woman
currently held in the THU

My name is [REDACTED] Transgender During
The time in Jail I feel it was very hard to defend my
self I have change my sex on my ~~birth~~ ^{driver's} license two year ago on hormones
in the process trans women I been ignored by staff use of force
in Am kc I feel that some of the staff are discrimination towards LGBT
members I have been put in situations that I have no business
in being in like Boys and sex offenders also it was dangerous
to live around the guys for 7 months I have been asking for protection
my record can tell you medical records to of hormone given mental health
evaluation that was approved months ago but it was not answered until
7 month later of fight getting beat up by other inmates also was
raped sex assaulted in Jail also I was seen by mental health
about the occurs ~~then~~ about the thing that happened to me because of
the thing that happened ~~was~~ was very hard to deal with in Jail please
help something has to be done

Transcription of Letter to the best of our ability by Susan Beaty and Anya Morgan, SRLP legal interns summer 2016

My name is [redacted] transgender. During the time in jail I feel it was very hard to defend myself I have change my sex on my DMV ID two years ago on F hormones in the process trans woman. I have been ignored by staff, abused, and I feel that some staff are discriminatory towards LGBT people. I have been put in situations that I have no business being in, like being around sex offenders and violent people. I had to live with men for seven months. I was asking for trans housing.... I had been approved for a mental health evaluation months ago, but I was only evaluated and moved after seven months of fighting, getting beat up by other inmates, being raped and sexually assaulted in jail. Please help, something needs to be done.

APPENDIX E:

Testimony from Diamond, a 40 year old Black transgender woman who has spent time in the NYC jails including the THU and who has been placed in a male Protective Custody unit due to her gender identity

What name do you use? Danielle

How do you identify your gender identity (i.e. trans woman?)

Transgender

How do you racially identify? African American

How old are you? 40

Have you ever been in the NYC jails? Yes

Have you ever been in the Transgender Housing Unit or the Gay Housing Unit on Rikers?

Yes

Have you ever been in SHU, PC, or another solitary-like unit?

Yes

Any other identity information you want us to know about you?

No

in the future, I will be able to do more of this
with the help of the other people who are working
for me. I will be able to do more of this
work in the future. I will be able to do more of this
work in the future.

And even in the future, I will be able to do more of this
work in the future. I will be able to do more of this
work in the future. I will be able to do more of this
work in the future.

And even in the future, I will be able to do more of this
work in the future. I will be able to do more of this
work in the future. I will be able to do more of this
work in the future.

And even in the future, I will be able to do more of this
work in the future. I will be able to do more of this
work in the future. I will be able to do more of this
work in the future.

[illegible]

5. UNIT: Mammals - 100%

I feel that we should not be discriminated

against ^{confronting} ~~Barbar~~ just-Arsk females

should be the only ones who can control

them - or "barnyard" / "barn" & some type

of road should be given to "barn" / "barn"

starting only barnyard and ending them
in barnyard

Transcription of Letter to the best of our ability by Susan Beaty and Anya Morgan, SRLP legal interns summer 2016

In some jails, trans are discriminated against like the program committee will give a trans person a job, but staff will not call them to work or will tell them "Oh, I don't need you."

And [unclear] I was raped while I was protective custody by a person in general population. I reported it and he was written a misbehavior report, but it was dismissed, even though DNA evidence was collected. Nothing was done to him and I never saw a therapist about it. The IG was very disrespectful and they did not believe me.... I feel like it sends a message that it's alright to get raped and why bother reporting crimes.

Staff should not discriminate against trans and gay people, and we should be allowed to work anywhere in the jail. If a sexual assault is reported and evidence is collected, then everything should be done to prosecute the perpetrator. Just because they have a good disciplinary record does not mean they are not capable of rape. Also, people who report rape should receive counseling as well as advocacy.

I feel we should not be discriminated against and when conducting pat frisks female's should be the only one's who can conduct the, on trannys with breasts and some type of card should be given to tranny's with breasts stating only women can conduct them on trannys. Female COS should be the only ones who conduct pat frisks on trans people with breasts.

APPENDIX F:
Testimony from Isabella a 31 year old white
transgender woman who has been placed in a male
Protective Custody unit due to her gender identity

What name do you use? ISABELLA

How do you identify your gender identity (i.e. trans woman?)

as a female

How do you racially identify? half British half asian

How old are you? 31

Have you ever been in the NYC jails? No

Have you ever been in the Transgender Housing Unit or the Gay Housing Unit on Rikers?

No

Have you ever been in SHU, PC, or another solitary-like unit?

No

Any other identity information you want us to know about you?

 No

I am in Windsor they have
a long house back for us I feel
2 things need to change the
being we should not be forced
to live only, there are some
dent like it a lot of problems and
the staff need ^{what} more training we
all have to be encouraged to
there to talk & deal with
it they want us badly

Yes Sylvia Rivera has paper
work a grievance & a complaint
pursuant to civil law ask you have
permission to review it by me I'll
even send a copy enclosed I can
tell you it should not have
happened over 12 people
involved but you be about
to be done pursuant to complaint

I Believe whoever feels they
really need "LRT" they should
not be denied

**Transcription of Letter to the best of our ability by Susan Beaty and Anya Morgan, SRLP legal interns
summer 2016**

I am in Woodbourne they have a trans house/block for us. I feel 2 things need to change one being we should not be forced to live only there cuz some don't like it and that makes problems and two staff need a lot more training cuz all they do is discriminate cuz they are forced to talk and deal with us and they treat us badly.

Yes, Sylvia Rivera has paperwork a grievance and a complaint pursuant to civil law ask you have permission to review it by me I'll even send a copy enclosed. I can tell you it should not have happened cuz 18 people grieved him prior and he should have been removed and replaced.

I believe whoever feels they really need HRT they should not be denied.

APPENDIX G:
Testimony from Luke a 53 year old white transgender
man who survived RMSC on Rikers

What name do you use? Luke Lyons ([REDACTED])

How do you identify your gender identity (i.e. trans woman?)

Transgender F to M

How do you racially identify? White

How old are you? 53

Have you ever been in the NYC jails? Yes Rikers Island

Have you ever been in the Transgender Housing Unit or the Gay Housing Unit on Rikers?

No

Have you ever been in SHU, PC, or another solitary-like unit?

No

Any other identity information you want us to know about you?

No

I feel that Corrections
should have training for all
personel when dealing with
transgender inmates. Their
treatment of us can be much
better. We are judged harshly
because of who we are instead
of empathy. There are times
when we are violated with
searches of body instead of being
respected. ~~It~~

There is definitely discrimination
with staff and other inmates.
Some think we are weird, sick,
freaks or strange. We are made
fun of, I have heard other
inmates make fun of me and
others because we are different
from the rest.

People who are transgender like myself, need proper information regarding policies and procedures with treatment and care.

It has taken me over a year to be able to get the information I needed in order to see a Doctor who deals with my issues.

We as Inmates in the System are not respected as transgender. Ms is what they use to call us. Many times I ask them to call me by my name [REDACTED] Instead of using pronouns, but not all respect this. Their attitude is we all Female Inmates.

**Transcription of Letter to the best of our ability by Susan Beaty and Anya Morgan, SRLP legal interns
summer 2016**

I feel that corrections should have training for all personnel when dealing with transgender inmates. Their treatment of us can be much better. We are judged harshly because of who we are instead of empathy. There are times when we are violated with searches of body instead of being respected.

There is definitely discrimination with staff and other inmates. Some think we are weird, sick, freaks or strange. We are made fun of, I have heard other inmates make fun of me and others because we are different from the rest.

People who are transgender like myself need proper information regarding policies and procedures with treatment and care. It has taken me over a year to be able to get the information I needed in order to see a doctor who deals with my issues.

We as inmates in the system are not respected as transgender. Ms is what they use to call us. Many times I ask them to call me by my name [redacted – last name]. Instead of using pronouns, but not all respect this. Their attitude is we all female inmates.

APPENDIX H:

Testimony from Osha Daya a 27 year old transgender woman who has survived the THU and other NYC DOC jail units in addition to being placed in a male Protective Custody unit due to her gender identity

What name do you use? Osha Daya or King but in jail officers use my name my box name Norman Brown & please use Osha Daya or King

How do you identify your gender identity (i.e. trans woman?)

I am a Transgender boy to woman so am a female

How do you racially identify? _____

How old are you? am 27 years young

Have you ever been in the NYC jails? Yes I have

Have you ever been in the Transgender Housing Unit or the Gay Housing Unit on Rikers?

Yes I have me and my wife Terrence ^{with SP} was there together in the THU it needs a lot of work

Have you ever been in SHU, PC, or another solitary-like unit?

Yes I have I've been in SHU, PC, ^{Rm 110} ~~At the~~ housing

Any other identity information you want us to know about you?

No but if you need please feel free to ask

Here the Prisons are very out of Control
we are not Liked by the Co's they have it
out for us just Because we are Trans or Gm
or what ever these Co's here are facis
and All they want to do is Put their hands on
Some one they Love to emburess use & Some
of them Love to just feel on us and Put their
Damn hands in Places where its not Suppost to be
they try to make us Hurt Rec But my girls that
I Spend time with in the yard we stand with
each other and thats what you L-dre have to
do because you really have just you and your Sisters
and Please dont get it twisted if you have a little
Plaything / some Police matter dont let it come up with
me cause you may be on for a set or all and all the

These officers will Disrespect your Person. They
will put you in A House here you can get some
and the Bitches would let the officer know do
Put that nigger in here we will dump him out
or cut him it's A Setup these officers don't care
you only have a few of them that try to help us
out in Rikers mostly the Femmes they try to
help to help the Gays out not one of them
out most of them the NIGERS don't need things
on how to murder us because they have no
idea what some of us that don't have it like
Because that's not how it should be it's not
Do it

well with us girls it's very hard for us As it
Already is so some time the boys /Bloods/ under
Covers Play on that and try to wife use to
get what they want and need once they
have you they got you they will have you get
their drugs for you so you can get set up and
not them they will try an get up inside you
you know what I mean they will ~~test~~ try to

Play mind game so you know you got to be on
Fleck (Point) you got to out smart them be for me
out smart you some minutes Play and not get shot
but on the low low they want for it time they
can harass you send you Kites better I know one
I got them and if you want you will save them
on Kite, because that's to beat you out to make /Bloods/
in case you

I would like for them to Respect our PGF

I Also would like for them to Seew us

not in front of all the inmates we are Inmates we

Should not be undressing in front of inmates or other

Co's am here at Patten and they do that all

to us and I would like for them to Stop Chilly

US Faggots we have A Union and Faggots is not

it and they need to help us more with
getting our Bras and underwear and hormones
rais higher

Transcription of Letter to the best of our ability by Susan Beaty and Anya Morgan, SRLP legal interns summer 2016

Here the prisons are very out of control. We are not liked by the COs. They have it out for us just because we are trans or gay or whatever. These COs here are racist and all they want to do is put their hands on someone they love to embarrass us and some of them love to just feel on us and put their damn hands in places where it's not supposed to be. They try to make us theirs but my girl that I spend time with in the yard, we stand with each other. That's what you ladies have to do because you really have just you and your sisters. And please don't get it twisted, if you have a little plaything, so called prison boyfriend, don't get too caught up with him cause you may be on for a set up. All and all, the girls need to stick with each other.

These officers will disrespect your preferred gender pronouns. They will put you in a house where you can get dumped and the Bloods would let the officer know don't put that mook in here, we will dump him and/or cut him. It's a set up. Those officers don't care. You only have a few of them that try to help us out in Rikers, mostly the females. They try their best to help the girls out. Not all of them, but most of them. The NYCS Jails need training on how to handle us because they have no idea. Well, some do, but they don't give a fuck because they don't get in trouble, that's why they do it.

With us girls, it's very hard for us as it already is, so sometimes the boys/Bloods/under covers play on that and try to wife us to get what they want and need. Once they have you, they got you. They will have you get their drugs so you can get set up and not them. They will try and get up inside you, you know what I mean. They will try to play mind games so you always got to be on fleek (point). You got to outsmart them before they outsmart you. Some inmates play "I'm not gay" shit but on the low low they want you. At times they can harass you, send you kites (letters). I know cause I got them, and if you're smart, you will save the kites, because that's to help you cover yourself in case somehow other Bloods caught on. Always save yourself. Think like a woman. That's what we are. So think like one. There are times when we/us girls have to do what we have to do to keep safe and eat and get money. I'm no dummy about that. It's hard for us and I understand but we need to be careful. The COs are not here for us. We are on our own, that's why we stick with our family, which is the LGBT. Some of us are making an LGBT organization family in Jail or Prison to keep us safe in Jail or Prison. The help we get, it's only from places like Sylvia Rivera Law Project and New Alternatives. To be real with you, ladies, I don't trust a lot of these organizations for us LGBT, but SRLP and New Alternatives have been here for me and my wife Terrianna and I thank them for that.

I would like for the NYC jails to respect our preferred gender pronouns. I also would like for them to search us not in front of all the inmates. We are trans, we should not be undressing in front of inmates or other COs. I am here at Attica, and they do that a lot to us. And I would like for them to stop calling us faggots. We have a name, and faggot is not it. And they need to help us more with getting our bras and underwear and hormones raised higher.

APPENDIX I:
Testimony from Rona Sugar Love, a 55 year old
Puerto Rican transgender woman and butch queen
who survived the gay housing unit from 1978-1979

What name do you use? RONA SUGAR LOVE / ALBERTO RODRIGUEZ ^{STABOR}

How do you identify your gender identity (i.e. trans woman?)

WOMAN, TRANSGENDER, BUTCH QUEEN!!

How do you racially identify? PUERTO RICAN

How old are you? APRIL 29, 1961 55 YRS OLD

Have you ever been in the NYC jails? 1977, 1978, 1979, 1980, 2000, 2014

Have you ever been in the Transgender Housing Unit or the Gay Housing Unit on Rikers?

1978-79 MIXURE

Have you ever been in SHU, PC, or another solitary-like unit?

YES SHU

Any other identity information you want us to know about you?

ATTICA C.F., CLINTON C.F., ELmira C.F., GREAT MEADOW C.F.
WE GET ABUSE BY THE OFFICERS WANTING US TO DO
SEXUAL ACTS WITH THEM FORCEFULLY IF NOT WE GET ON
THEY SHIT LIST AND GET RAPE OR SETUP WITH
FABRICATED M.L. BEHAVIOR REPORTS THAT GET US
PUT IN JAIL OR KEEP LOCK CELL CONFINEMENT

DOCCS ADMINISTRATORS IGNORE OUR COMPLAINTS
FALSIFYING INVESTIGATIVE REPORTS NOT WRITTING
WHAT WE TELL THEM SAYING WE DENIED THE ALLEGATIONS
AND DISMISSED OUR COMPLAINTS

WE NEED BETTER INVESTIGATIVE INVESTIGATIONS
by DOCCS ADMINISTRATORS AND N.Y.S. OSI ie IG
AND A INDEPENDENT COMMITTEE TO PROTECT US
MORE FROM STAFF AND INMATES SEXUAL ABUSE

WE ALSO NEED BETTER TRAINED DOCCS COUNSELOR
AND OMM THERAPISTS TO HELP US COMMUNICATE
WITH MORE CONFIDENCE ABOUT OUR ABUSES BEEN
COMMITTED UPON US BY STAFF AND OTHER INMATE

DOCCS OMM RCTP QBS CELLS ARE BEING USED TO
PHYSICALLY ABUSE INMATES IN GENERAL OR SEXUALLY
ABUSE US DOCCS CENTRAL OFFICE MUST CONDUCT BETTER
ROUND AND INVESTIGATIONS IN ALL DOCCS OMM
RCTP QBS, ICP- TRI ICP'S UNITS AND PLUS PRNY
PRP NEED TO CONDUCT MORE VISITS IN THESE UNITS OR
A INDEPENDENT COMMITTEE.

BETTER TRAINING ON HATRED DISCRIMINATION by
DOCs OFFICERS AND SUPERVISORS AT COUNTY CITY JAIL
WHICH ARE MORE DANGEROUS TO US THAN DETAINEES

WE ALSO NEED A HOLDING UNIT FOR ONLY TRANS-
GENDER, QUEENS AND ALL LGB FAMILY TO FEEL MORE
SAFE AND HAVE MORE FEMALE OFFICERS RUN THE
UNIT TO HAVE BETTER COMMUNICATIONS WITH
ALL DOC EMPLOYEES WITHOUT DISCRIMINATION

FROM 1977 TO 1980 I GOT RAPE SEVERAL TIMES
by OTHER PRISONERS AND OFFICERS IT WAS NOT
VERY PLEASANT AT ALL ESPECIALLY WHEN THEY WAS
Nobody TO TELL IT TO NOR REPORT IT TO

THATS WHY IN 2016 WE NEED BETTER TRAINED
EMPLOYEES AND A COMMITTEE WE CAN REPORT
SEXUAL ABUSE TO CAUSE DOCs DONT DO A GOOD
JOB AT IT WHEN ITS THEY EMPLOYEES WHO
ARE COMMITTING THE SEXUAL ABUSES AGAINST
US.

YES I HAVE HAD SEXUAL RELATIONSHIPS WITH OFFICERS, CIVILIANS IN SEVERAL FACILITIES SUCH AS CLINTON CF, ATTICA CF, GREAT MEADOW CF, WENDE CF

WHAT SHOULD OF BEEN DONE BETTER AND NEED TO BE DONE BETTER IS BETTER SUPERVISING OF

THE CMAH RCTP CBR ICP UNITS MORE BETTER ADMINISTRATOR PRESENCE DAILY MAKING ROUNDS AND ASKING INMATES IN RCTP CBR IF THEY GOT ANY COMPLAINTS OF SERIOUS NATURE THAT WILL MERIT A INVESTIGATION IMMEDIATELY

AND WE NEED BETTER MEDICAL CARE WHILE IN A CMAH CBR RCTP UNIT WHERE CURRENTLY MEDICAL

STAFF WON'T WRITE INJURY REPORTS FROM THE PHYSICAL ABUSE WE RECEIVE BY OFFICERS AND SGT'S THAT HELP THEM BEAT US TO DEATH

AND THEY NEED TO STOP STARVING US TWO TO THREE TIMES DAILY EVERY WEEK WHILE IN CMAH RCTP CBR

POLICIES THAT ARE MEANT TO PROTECT US
NEED TO BE ENFORCED BY ADMINISTRATORS,
AND MANDATORY POLICY FOR ALL DOC
OFFICERS AND EMPLOYEES TO GET TRAINING
IN HOW TO COMMUNICATE BETTER WITH ALL
LGB TRANS PRISONERS IN ALL CITY JAILS AND
YOUTH FACILITIES IN NYC

THINGS WILL ONLY GET BETTER WHEN WE
START HAVING BETTER COMMUNICATION AND
RESPECT WITH DOC OFFICERS AND EMPLOYEES

IT TAKES A GOOD AGGRESSIVE ADMINISTRATION
IN DOC TO MAKE SUCH POSITIVE CHANGE
FOR A BETTER SAFE ENVIRONMENT.

ALL WE WANT IS TO BE EQUALLY TREATED WITH
LOVE AND RESPECT NOT PHYSICAL VIOLENCE

Transcription of Letter to the best of our ability by Susan Beaty and Anya Morgan, SRLP legal interns summer 2016

Attica C.F., Clinton C.F., Elmira C.F. Great Meadow C.F.. We get abused by the officers wanting us to do sexual acts with them forcedly, if not, we get on their shit list and get raped or set up with fabricated misbehavior reports that gets us put in SHU or keep lock cell confinement. DOCCS administrators ignore our complaints, falsify investigative reports by not writing what we tell them, saying we denied the allegation and dismissed our complaints.

We need better investigative investigations by DOCCS administrators and NYS OSI ie. I.G. and an independent committee to protect us more from the staff's and inmates sexual abuses.

We also need better trained DOCCS counselors and OMH therapists to help us communicate with more confidence about the abuses being committed upon us by staff and other inmates.

DOCCS OMH RCTP OBS cells are being used to physically abuse inmates in general or sexually abuse us. DOCCS central office must conduct better rounds and investigations in all DOCCS OMH RCTP OBS, ICP, TRI ICP units and PLS DRNY PRP need to conduct more visits in these units or an independent committee.

Better training on hatred discrimination by DOCCS officers and supervision at county city jail which are more dangerous to us than detainees. We also need a housing unit for only transgender, queens and all LGB family to feel more safe and have more female officers run the unit to have better communication with all DOCCS employees without discrimination.

From 1977 to 1980 I got raped several times by other prisoners and officers. It was not very pleasant at all, especially when there was nobody to tell it to nor report it to.

That's why in 2016 we need better trained employees and a committee we can report sexual abuses to cause DOCCS doesn't do a good job at it when it's their employees who are committing the sexual abuse against us.

Yes I have had sexual relationships with officers, civilians in several facilities such as Clinton C.F., Attica C.F., Great Meadow C.F., Wende C.F.. What should have been done better and needs to be done better is better supervising of the OMH RCTP OBS ICP units, better administrator presence, daily round making, and asking inmates in RCTP OBS if they got any complaints of serious nature that will merit an investigation immediately.

And we need better medical care while in an OMH OBS RCTP unit where currently medical staff wont write injury reports from the physical abuse we receive by officers and SGT's that help them beat us too. And they need to stop starving us two to three times daily every week while in OMH RCTP OBS.

Policies that are meant to protect us need to be enforced by administrators and mandatory policy for all DOCCS officers and employees to get training in how to communicate better with all LGB Trans prisoners in all city jails and youth facilities in NYC.

Things will only get better when we start having better communication and respect with DOCCS officers and employees. It takes a good aggressive administration in DOCCS to make such positive change for a better, safe environment. All we want is to be equally treated with love and respect, not physical violence.

APPENDIX J:

Testimony from Terrianna Witherspoon, a 33 year old mixed race transgender woman who has survived the THU and other NYC DOC jail units in addition to being placed in a male Protective Custody unit due to her gender identity

What name do you use? Terrance Witherspoon

How do you identify your gender identity (i.e. trans woman?)

Trans Woman

How do you racially identify? Mixed

How old are you? 33

Have you ever been in the NYC jails? Yes I have

Have you ever been in the Transgender Housing Unit or the Gay Housing Unit on Rikers?

Yes

Have you ever been in SHU, PC, or another solitary-like unit?

Yes PC

Any other identity information you want us to know about you?

No

The treatment of transgender people in
The NYC Prison System is extremely horrible
on so many levels. The Correctional Officers
both male and female refer to us as
he/him and not she/her. The State trains
The officers to address transgender inmates
as their gender identity, but officers totally
disregard what they have been taught. I
feel as though the prison systems are
aware of the population of the trans-

gender community that are incarcerated, but
Ignore the fact that we have rights. As
far as the system doing anything about
retraining these officers to be more open-
minded and not to look down on the transgender
inmates. The facility needs more than just
Retraining, it need to stop ostracizing and
discriminating against trans people.

As being a trans-woman in the Prison
system, I have experienced being harassed,
discriminated and ostracized against while
being incarcerated, not just by the Cos, but
the inmates as well. I feel that the Cos are
not doing their job to prevent any kind
of punishment to the inmates that are
committing these hateful acts.

In closing, I just want to say that the prison system need to reach out to the transgender inmates on a regular basis to find ways to get the officers and staff to using the correct gender mark in the prison system (ie ID's ect.) I feel that all prisons should have a housing unit for trans people, as well as products so trans-women can keep up their feminine appearance. .

**Transcription of Letter to the best of our ability by Susan Beaty and Anya Morgan, SRLP legal interns
summer 2016**

The treatment of transgender people in New York prisons and jails is extremely horrible on so many levels. The correctional officers, both male and female, refer to us (trans women) as he/him and not she/her. The state trains officers to address transgender inmates as their gender identity, but officers totally disregard what they have been taught. I feel as though the prison systems are aware of the population of the transgender community that are incarcerated, but ignore the fact that we have rights when it comes to the system doing anything about retraining these officers to be more open-minded and not look down on transgender inmates. The facility needs more than just retraining- it needs to stop ostracizing and discriminating against trans people.

As a trans woman in the prison system, I have experienced being harassed, discriminated against, and ostracized while being incarcerated, not just by the C.O.s, but by the inmates as well. I feel that the C.O.s are not doing their job to prevent any kind of punishment to the inmates that are committing hateful acts.

In closing, I want to say that the prison system needs to reach out to transgender inmates on a regular basis to find ways to get the officers and staff to use the correct gender markers. I feel that all prisons should have a housing unit for trans people, as well as products available so that trans women can keep up their feminine appearance.

APPENDIX K:
Testimony from Venus Otero, a Latina transgender
woman currently held in the THU

Transgender housing is needed to help us to keep us out of harms way. To keep us from being used sexually by inmates or officers. If the crips and bloods get there own house why cant the transgenders. They allways beat us up and dont allow use to be house. in regular Papulation by the inmate Papulation, so transgender Papulation is very anti transe. We need our house!

Jenae Antero

**Transcription of Letter to the best of our ability by Susan Beaty and Anya Morgan, SRLP legal interns
summer 2016**

Transgender housing is needed to help us, to keep us out of harms way, to keep us from being used sexually by other inmates or officer. If the crips and bloods get there own house why cant the transgenders they always beat us up and don't allow us to be house in regular population by the inmate population. So transgender population is very anti trans. We need our own housing!