

Meeting - October 4, 2023 12-2pm

Attendees:

Kandra Clark (she/her, **notes**) - Exodus
Matt Graham (he/him, **notes**) - CGE
Saloni Sethi (she/her, **facilitating**) – NYC EGBV
Rachel Golden (she/they) – Golden Psychology
Kimberly (she/her) - Sylvia Rivera Law Project
Liz Munsky (she/her) - DOC
Lucas Marquez (he/they) - BDS
Sahar Mozami (they/them) - City Council
Ronald Porcelli (they/them) - NYC Unity Project
Melanie Weniger (she/her) - CGE
Nicole Levy (she/her) - CHS
Shaquana Pearson (Pearson is preferred name to use) - BOC
Chelsea Chard (she/her) - DOC
Mik Kinkead (he/him) - LAS
Mike Griffin (he/him) - CCHR
Valerie Greisokh (she/her) - DOC

Agenda:

Introductions
Updates/New Items - see below
Committee Report backs (if any)
Questions for DOC and BOC regarding the recommendations made in the Housing Section of the Task Force report in August 2022
Closing/Announcements

Updates: Commission on Gender Equity is co-chairing the Street Harassment Housing Board - they recently released a survey and would like to get more responses from the LGBTQIA+ community. Link to survey is here: www.nyc.gov/endstreetharassment

DOC: (Liz) Chest binders are approved and all folks in custody who have requested have received binders. They have sent out a lot of educational packets that were created with Points of Pride - a national org.
DOC is also hosting national coming out day events that should be happening and Liz will be working on hosting a larger community event in December for which she will be reaching out to all of us. She is confirming the date. Rachel went into Rikers and it was very successful. Rachel spoke about the experience.

CHS: (Nicole) the Clinical Court Advocacy Team can help patients discharged for an ATI program get a 7-day supply of meds they can pick up from Water Street or get a 28-day supply through a pharmacy of their choice. Requests should be sent to CHSClinicalCourtAdvocacy@nychhc.org. CHS has a Sexual Abuse Advocacy program - Patients can call the hotline at 347 774-7037

Friday, 10/20 at 10am will be the next legislative subcommittee meeting. Working on 728 (housing) and the local law amendments for the Task Force law.

Melanie shared that they testified about providing menstrual products at the Menstrual Equity Hearing. Chelsea added: Tampons are now available on housing units.

Meeting Notes

Drafting Committee: Housing Section updates

The recommendations regarding housing are divided into 6 sections. These are follow-up questions relating to the recommendations made by the TaskForce in August 2022. These questions were emailed to BOC and DOC on September 18, 2023.

Housing Determination

1. Please describe the current way that a TGNCNBI person is housed within DOC custody

- a. Someone w with a recent history with DOC who has made such a request (affirmed or denied)
- b. Someone new to custody
- c. Someone with a history with DOC but never made such a request
- d. Specific: from arraignments to intake housing? From intake housing to general housing? At any other time (new medical diagnosis, sentencing, etc.)

Current directive in place - people are housed based on securing order and if they identify as TGNCNBI they will go through the process in place. There is no tracking for when someone was previously in custody. No updates on meeting with OCA but DOC is working on this. Stated securing order is what is relied on, can not cite to source.

Liz has worked with the Deputy of Transportation who is very aware that if it is anywhere notated that the person is trans, she works with the Deputy of Transportation to get them intaked appropriately prior to transfer so they never step foot in a male facility. Some people everyone knows, so when seen in court DOC is already aware. If it's someone who has been in custody before they'll put something "female" "male and female" sometimes write something "IDs as female" or "trans" Demarcated in the actual boxes

Mik mentioned that in the reply to the TF report, DOC acknowledged intake was a serious issue. What has been happening there? They have worked to change this practice and Liz speaks with attorneys/social workers, etc. Mik shared that he sends emails a few times a month and hadly ever gets a response. Would love if we had one person to correspond with and if they would mandate a response. Mik did give DOC kudos!

2. What factors go into this consideration?

All listed in current directive - nothing has changed or altered

3. Who is at the “table” for this discussion?
 - a. Specific titles or Specific people?
 - b. What are the qualifications?

The folks listed in current directive. We follow the directive. Various levels of expertise, including Liz and PREA folks, custody management, not always straightforward decisions.

4. Who reviews these determinations? Do they have the power to reverse them? Anyone who receives a denial has the ability to apply for reconsider. They can escalate but not self-escalating. Same Committee reviews. Working to make a clearer process.

5. What is the timeline or criteria required for someone to re-apply? No timeline. People removed for PREA allegations, timeline would be 3 months but this could be changed. Mik shared a client was non-consensually removed from women’s housing in September and told 90 days before re-applying.

6. Has DOC developed a script used to inform TGNCNBI individuals in custody of when and how they may apply or re-apply for gender-aligned housing?

No - but folks are well equipped to speak - it is mostly Liz and PREA Teams that speak. Classification training and lots of education around SCU - Liz mentioned this information is also included in orientation. It’s a dynamic conversation, talking to real humans. New admissions orientation material provided at all new admissions.

7. Please describe the current way that a cisgender person is housed within DOC custody?
 - a. Someone w with a recent history with DOC
 - b. Someone new to custody
 - c. Specific: from arraignments to intake housing? From intake housing to general housing? At any other time (new medical diagnosis, sentencing, etc.)?

Everyone gets PREA screening and intake that goes into housing determination. Previous institutional record can impact housing determination. Full medical eval is also included which can help determine housing.

Removal from Gender Aligned Housing

1. Once in gender-aligned housing can a cisgender person be moved into gender mis-aligned housing? If yes under what circumstances?
 - a. following a disciplinary ticket? (at what stage? Receiving the ticket? After the hearing?)
 - b. following a PREA allegation? (at what stage? investigation? After conclusion is reached?)
 - c. Voluntarily?

No – not even if found to have violated PREA or disciplinary measures.

2. Once in gender-aligned housing can a TGNCNBI person be moved into gender misaligned housing? If yes under what circumstances?
 - a. following a disciplinary ticket? (at what stage? Receiving the ticket? After the hearing?)
 - b. following a PREA allegation? (at what stage? investigation? After conclusion is reached?)
 - c. Voluntarily?

Yes - under PREA standards. They are NOT moved as a disciplinary measure. They can voluntarily move. If a person voluntarily moves they fill out a statement

Can also move for substantiated PREA allegations and false reporting of gender identity. PREA - can be moved to a different unit within the facility during the investigation phase as well at any facility (SCU, General, etc.) If clear aggressor, they are moved, if unclear both parties are moved. For example, is housed in the SCU, if known or apparent who aggressor or victim is – then removed from unit but not facility. Same for RMSC in general pop. When it is not clear – not on video no witnesses – then both removed. Try to never move victims.

Misrepresentation of gender identity – redacted notes on this subject.

3. What due process is provided to a TGNCNBI person removed from gender-aligned housing?
 - a. Do they receive anything in writing? (how do they receive it? How quickly?)
 - b. Do they receive representation similar to a disciplinary proceeding?
 - c. Do they have the right to appeal? (how long? What method?)
 - d. Do they receive representation upon appeal?
 - e. Who else is informed when a person is moved? No one

There is no due process, this is not a legal or disciplinary process. So no representation provided, it is just a reclassification. 90 days they can re-apply.

4. What is the standard that must be met in order to remove from gender-aligned housing?
 - a. Is the information relied upon to meet that standard cited to in the written decision?

If you have a denial, you receive a denial and written notification. If you are removed, you often do not receive a written notification either. If there is a PREA allegation, that would be a case-by-case situation.

5. How is a person informed of their move out of gender aligned housing? In person? In a letter? By the decision maker or by someone lower down the chain of command? Is the person provided with a space to ask questions or make requests for safety?

Notified you are transferred - no one is told they are transferring ahead of time due to security reasons. If removed due to PREA allegation then would receive that paperwork. If a person will be housed in gender misaligned facility then told about PC option. Staff are always checking with in LGBTQIA+ folks to see if they want to reapply or have any safety concerns.

Housing in The Special Considerations Housing Units

1. How many SCUs does DOC currently operate? 1 in Rosies
 - a. What is the criteria for admission?
 - b. What documents govern the SCU?

DOC will send an updated SCU Form, criteria is the same as directive.

2. What due process is provided to a TGNCNBI person removed from SCU housing? None. Note that removal from SCU just means transfer to another facility.
 - a. Do they receive anything in writing? (how do they receive it? How quickly?)
 - b. Do they receive representation similar to a disciplinary proceeding?
 - c. Do they have the right to appeal? (how long? What method?)
 - d. Do they receive representation upon appeal?
 - e. Who else is informed when a person is moved?
 - f. Where is a person moved to when they are removed from the SCU? How is that housing determination made?

None - same as previous question. People can only be there voluntarily. The person signs a voluntary release form. LGBTQ Coordinator also meets to discuss the reason why they are moving, makes sure they know about other housing options.

3. What is the standard that must be met in order to be removed from the SCU?
 - a. Is the information relied upon to meet that standard cited to in the written decision? No written decision but may have separation order through PREA and they would receive that in writing. Separation order may also be a reason for denial of SCU.

Removal would be the same as why any person would be removed from a unit.

4. Does DOC provide all denials of SCU applications to the BOC, to the person in custody, to the person's criminal defense attorney, and to any additional attorney and/or advocate chosen by the person?

Yes to BOC and to the person. The person can give that out freely to whoever they want to. Bi-weekly reports are sent to BOC as well (minimum standard 518 bi-weekly and twice-yearly mandatory City Council report).

5. How many full-time staff are assigned to work at the SCU?

It is one unit - same amount of staff assigned to any unit. An officer, program staff, etc. No difference than any other unit. Nonuniform staff travel to various units.

6. How many part-time staff are assigned to work at the SCU?

Same as above. Not sure if they have part-time staff.

7. Are any of these positions social work related?

We have social workers within program staff but no specific social worker on the unit per se. Liz's team is uniquely situated and qualified but generally speaking, all staff are trained to work with this population. She takes a leadership role in speaking with and educating leadership across the facility and agency so everyone is trained, etc. Liz can also bring to leadership to make sure folks are re-trained.

Applications

1. The Task Force respectfully requests to see the updated form for requesting gender aligned, SCU, or LGBTQ+ affirming housing. Chelsea will send us. Not many changes.

a. What is the title of the form?

b. Does this form apply to a trans woman, a trans man, an intersex male person, an intersex female person and a non-binary person seeking either male or female housing? yes

c. How is the SCU described in the form? Is it clear that a person identifying as female does not *need* to go to the SCU if she wishes to be in female housing? We have orientation for folks and the form is usually the last thing they see. It would not be the first time they are hearing about it. No formal description of SCU on the form but they can add. LGBTQ Disclosure forms so they can capture more info. This form discusses what is gender aligned housing and what their options are. In custody pamphlets also have this info when they are in admissions and when they are meeting their Coordinator. Liz changed the name of form to the LGBTQ Information Form

Housing in Gender-Misaligned Facilities

1. When someone who has self-identified to DOC as TGNCNBI is housed in a gender mis-aligned facility, what criteria are considered when determining the facility placement?

a. Are these criteria written down?

b. Does the individual have a chance for in/out regarding safety in a mis-aligned facility?

Collected at intake and updated accordingly. Anyone can ask for PC placement at any time. If you are removed, denied, etc., DOC sends the info to the unit that works on PC placement. Some criteria make you not eligible for PC.

2. How often do DOC staff check on the safety of TGNCNBI people in mis-aligned facilities? What is the setting for these check-ins?

Met by Liz's team at least once a week. Very least is a monthly basis due to capacity. But they also have folks that they meet with more than once a week. PREA person also meets with folks (starts at 7 days and requirement goes to 30 days). Determination calls are Monday, Wed., and Fri. First question is about safety - asked by both PREA and Liz's Team. Chelsea also talked about how this is all officer's jobs also. First question at all meetings is safety.

3. Following an incident of reported sexual abuse, are people in custody (who reported or otherwise) allowed to request that LGBTQ+ Initiative Team members be present with PREA staff at post-report interviews? How are they made aware?

No because of the PREA interview/investigation process, those are confidential. They cannot have more people in the room. If they need more support, they should call Safe Horizon or other outside providers for assistance. Safe Horizon can provide a Victim Advocate that can be in the room per MOU between DOC and Safe Horizon. All staff are trained on sensitive interviewing training. Chelsea will get the list of all outside orgs.

4. Has DOC discussed any housing methods other than a binary gender division?
No, only binary sex housing has been discussed.

Data and Reporting

1. DOC must accurately and timely update information about the gender identity of every person in its custody so that appropriate services and housing can be provided.

2. Does DOC maintain the following data?
- Whether a TGNCNBI person in custody has been housed voluntarily or involuntarily in a gender or gender-misaligned facility.
 - Whether a person in custody is housed in the SCU.
 - The type of housing (i.e. general population, protective custody, etc.) in which TGNCNBI persons are held.
 - The number of TGNCNBI people who are housed involuntarily in a facility that is not aligned with their gender identity.
 - Where is this data held? Is it central or in different forms/areas?

DOC data systems are ancient, and they track the normal data they have described previously. Confusing but strong identifying information laws. Can report reasons for denials in the aggregate.

3. What specific reporting does DOC provide to the BOC concerning the above?
- Does any of this include a detailed anonymized explanation for such placements?

Chelsea said some do. Kandra does not remember these categories but could be mistaken. Would love to see data on programming DOC is providing as well.

New Data Bill:

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5993802&GUID=0364417A->

[6AC9-4A51-BECC-114E888400A2&Options=ID%7cText%7c&Search=transgender](#) asked if DOC was prepared for first reporting due under the new law. Was told DOC would speak to council on it. Clarified, legal counsel or City Council? City Council.

Kandra wants to highlight in the report the way that data can be changed in the Borough-Based Jails. Part of Riker's problem is the internet, etc. They will never be able to track data in these facilities like they will be able to in the BBJ.

4. The Task Force recommended that one year after implementation of the new RMAS rule, DOC and BOC should investigate the outcomes regarding the elimination of solitary confinement and its impact on TGNCNBI people such as numbers of TGNCNBI people held in the RMAS, their lengths of stay, and infraction charges and dispositions.
 - a. BOC has this or any similar study been implemented?
 - b. DOC has this or any similar study been implemented?

Chelsea – RMAS was not implemented at all.

Pearson - she is not familiar with this. RMAS has not been implemented. Pearson will follow up with BOC.