

## Meeting - June 7, 2023 12-2pm (Mik Facilitating)

### Attendees:

Michael Griffin (he/him - NYC Commission on Human Rights)  
Melanie Weniger (she/her - Commission on Gender Equity)  
Sarah Milner-Barry (she/her - Commission on Gender Equity)  
Sahar Moazami (they/them - City Council)  
Deborah Lolai (**taking minutes**; she/her - Bronx Defenders)  
Mik Kinkead (**facilitating**; he/him - Legal Aid)  
Nicole Levy (she/her - Correctional Health Services)  
Heather Burgess (she/her - Board of Correction)  
Saloni Sethi (they/she - Mayor's Office to End Gender Based Violence)  
Ronald Porceli (they/them - NYC Unity Project)  
Natalie Fiorenza (she/her - New York County Defenders Services)  
Lucas Marquez - (he/they - Brooklyn Defender Service)  
Chelsea Chard (she/her - DOC)  
Elizabeth Munsky (she/her - DOC)

### **Meeting Notes**

**Intros, Reminder re: notes:** notes from past meetings need to be approved, Mik will send to BOC to post this afternoon.

Mik: Since we cant do the DOC updates until DOC joins at 1pm, can we discuss the latest BOC meeting, Heather?

Heather: Essentially, Hoskins was elected as vice chair and Jasmine (current ED) has been reinstated as interim ED (the chair attempted to remove her and put in someone else). They also edited the bylaws to reaffirm the scope of the chair's power.

Heather: reminder for folks who want to attend the next meeting on the 13th, it is in person only.

Natalie: Has there been a change to the 3-person limit on testimony rule?

Heather: I'm not sure but I will let you know

Melanie: could this be a good time for us to share updates? We mentioned this at the last meeting, but I want to give Sarah an opportunity to share about the support we can give to plan a specific event and campaign.

Sarah: one of our commissioners Kiara St. James is spearheading a "Love rally" via NYTAG the idea is to have it across the country on September 30th. This is to address the legislative attacks on trans folks across the country. We are happy to be supporting Kiara with this initiative.

Mik: the NYS Dept of labor have a survey for TGNC people re employment. The state required them to do a report last year, so they realized there are no numbers on this so they are doing this survey. Will put a link to it in the chat.

Ronald: Unity Project is launching a web page for LGBTQ resources. And hopefully by the end of the month well be announcing the renovation of a clinic, and announcing the Unity grantees who were selected, and we also launched a trauma informed healing collective. Info shared re pride on times square on June 23-25 - many performances and fun event. July kicks off SYEP pride (summer youth employment program).

Deb: shared the Marsha and Sylvia plan from LGBTQ Caucus at City Council

### **Bill Committee Updates**

Mik: at the hearing in January 2023, a few bills were introduced. Some we were aware of and some we were not. We have been working with the city council on all of those bills. Here are some updates.

**Int 831 (re-entry)** - this was put on the hearing as a navigator position. Not a TF bill. Suggested by beyond rosies. We provided some edits on terms, etc. its now for cis women and TGNCINB people. This is being voted on on thursday (tomorrow)

**Int 887 (data)** - this is also on hold. PA is deferring it to make it better before voting on it.

**Int 728 (housing)** - CM powers bill. This is the biggest bill on the list. The last meeting went really well, they heard our edits and submitted them. It is in a good place, and it could potentially be voted on this summer. We are going to be doing outreach to get more co-sponsors.

**Res 458 (GIRDS)** - we reached out about changing some of the stats (to make them more local) and the final resolution was not worded in a way that was very clear about what support for GIRDS meant. We never heard back about this bill.

**Res 117 (X gender marker)** - this is being put on hold because PAs office listened to us about how it doesn't actually address the problem and can be used in a discriminatory way

**Int 355 (choosing gender of your provider):** being deferred because they heard our feedback that it doesn't address the problem and potentially creates more problems.

Mik: We also brainstormed some other bills, including a revision of the local law that created this TF, trying to work with other organizations to strengthen ATI programs to improve their protection of TGNCINB people. There are jurisdictional issues here. Something to support all people to have better access to IDs coming home. Maybe having a site on Rikers to support the process. There used to be many places where

people could do this, but there are so few now. So we are hoping to have something on rikers so people can do IDNYC upon release

We have a meeting with the LGBTQIA caucus next week

Mik: provided specific example of how discrimination plays out at ATIs and how he heard there is money in the state budget towards addressing concerns with ATIs – any potential for city involvement?

Saloni: challenge is that providers will want more money to do this. Is there explicit language the commission can create to help in this situation?

Mike: the issue is that our jurisdiction does not extend to the courts, but happy to take this back to joanne to see if there is anything we could do to help. There were instances in housing court in the law enforcement bureau where we sent similar letters. I could see the timing of these issues being challenging.

Dept of criminal Justice statistics may have more money for ATIs, so maybe some of that could be allocated towards an ATI position at CCHR

Ronald: Im talking to re-entry folks at MOCJ soon, so I will bring this up with them

### **Drafting Committee: Intake Section updates**

From Mik's 5/30 email: "therefore respectfully request that CHS and DOC come to the next meeting prepared to discuss the "intake and New Admission" section of the Report. I have prepared the below questions which all reference the recommendations listed on pages 44-45 of the report which were created after "review [of] the department of correction's policies related to the treatment and housing of transgender, gender nonconforming, non-binary, and intersex individuals in the department of correction's custody" which is , of course, the purpose and purview of this Task Force as stated in Local Law 145/2019 1(a)."

1. To what extent have CHS and DOC revised documentation and data systems to accurately capture all gender identities?
  - If any documents or data systems have been revised please share these revisions with the Task Force
    - Nicole: CHS has internally reviewed and updated the questions CHS staff ask patients at intake, and we thought it was important that expanded GI and pronoun options are available, we also inquire about PGPs, our clinicians are being trained to understand all of these options. Clinicians expected to understand that the only way to know PGPs is by asking and not assuming based on appearance. Developed an interdisciplinary group of staff to develop training. Right now it is only the nurses and doctors who are getting this training, not all CHS staff.

2. To what extent have CHS and DOC reached out to or otherwise supported OCA, NYC Department of Probation or NYPD in revising their documentation and data systems to accurately capture all gender identities? To what extent has your organization explained to OCA, NYC Department of Probation or NYPD the importance of having an accurate lived gender identity on departmental papers and securing orders?
  - a. Nicole: We agree that all paperwork should capture the correct information re: GI. We have not spoken to these agencies and defer to DOC, CCHR, etc. but happy to expand on what information we do collect and where it goes. The purpose of EPASS is to screen individuals and support diversion programs. So our nurses and patient care associates conduct screenings, asking medical history info, substance use, health problems, mental health problems, vitals, medications, referrals to diversion liaisons,
3. A letter written by Elizabeth Munsky to Judges and Court Officers was attached as Exhibit E to the August 2022 Report – have any additional letters been written? Has there been correspondence from court officers or Judges regarding these efforts? What other steps have happened since October 2021?
  - a. Chelsea: Liz sent a letter prior to COVID, and anything that happened before covid doesnt matter much. We have been in touch with OCA to touch base on where they are at. At the time Liz reached out the state hadnt even changed their forms to include gender marker X.
  - b. Chelsea: Re data: we need to discuss internally the best way for us to track things. We are discussing how to capture gender identity via data.
  - c. Liz: our data system is able to break folks down between TGNCINB identities. This is only when people identify themselves to us. We can change peoples gender markers internally if it is marked incorrectly. (Trans male, Trans female, non-binary, intersex)
  - d. Chelsea: a lot of stuff has overlapping reporting, but there is a sex marker and then at some point a different system was created to change gender identity. Sex marker can't be changed. Those two systems are not connected. Theres no way to change the public facing one.
  - e. Has CHS updated their pre-arraignment screening form to include lived gender identity and, at the request and consent of the individual, made sure that this information is provided to defense counsel, the court, and district attorney's office?
    - If yes please share the updated screening form with the Task Force
    - Nicole: We haven't made any adjustments. As Liz explained, even if we did collect this information, it doesn't mean that the SO will be changed.
    - Mik: the intake form is not the same as the pre-arraignment form?
    - Nicole: The pre-arraignment form is more about whether the patient is in distress in the moment
    - Deb: the recommendation wasnt to change the form (i think it already indicates whether someone is trans), it was to change the way it was used. Consider using that instead of the securing order?
    - Mik: can we see an up to date pre-arraignment form?

- Deb: currently the GI/sex is the NYPD arrest paperwork which becomes the Securing Order. This is all based on past records, fingerprints, IDs, and not someone asking how do you identify? But then CHS has a pre-arraignment form that is an actual conversation with a person, and that might be a better place to get the gender identity and how it is used in the facility process.
5. If yes, does this process happen in a confidential setting and prior to arraignment? Please explain the setting.
  6. HAS DOC worked with CHS, BOC, and the TGNCNBI Task Force to implement a safer, more comprehensive and effective plan of ensuring TGNCNBI individuals in custody are transferred to a gender-appropriate intake bus and gender appropriate intake facility? Please detail the ways that DOC has worked with CHS, BOC, and the TGNCNBI Task Force to implement such a plan.
    - a. **[original discussion redacted to show update]: Update from CHS:** “In a new handout, CHS provides guidance to trans patients about how to seek help with jail housing. Patients can also call CHS at 777# and ask for Gender-Related Services for support with the Special Considerations Unit form and other housing-related questions.”
    - b. Deb: Being housed inconsistent with GI is a clinical determination as there are significant medical and mental health consequences. Similar to the way people with seizure disorders need to have CHS weigh in before being moved to segregation
    - c. Mik: The AMA also sees it as a clinical decision  
[https://www.hrw.org/news/2018/06/21/american-medical-association-passes-new-lgbt-policies?gclid=CjwKCAjw1YckBhAOEiwA5aN4AUxi\\_nBg6KXvvMIGnQBnudyLvF\\_9QeYULiISNE3GxZnF1e2gPxRjxhoC-UkQAvD\\_BwE](https://www.hrw.org/news/2018/06/21/american-medical-association-passes-new-lgbt-policies?gclid=CjwKCAjw1YckBhAOEiwA5aN4AUxi_nBg6KXvvMIGnQBnudyLvF_9QeYULiISNE3GxZnF1e2gPxRjxhoC-UkQAvD_BwE)
  7. Has DOC updated the PREA Intake Questionnaire to include distinct questions about sexual orientation, gender identity, and gender expression (“SOGIE”)?
  8. If yes, what are these updates?
    - Please provide the updated version of the PREA Intake Questionnaire to the Task Force
  9. Have intake officers been trained or re-trained on TGNCNBI competence and awareness?
  10. What was the date of the last training and the names of the trainers?
  11. How many officers attended and completed the training?
    - Please provide the training slides, handouts, and other materials to the Task Force
  12. Has DOC implemented a confidential way for people in custody to fill out the PREA Intake Questionnaire form? If yes, what is the method?

### **Closing Announcements**

Ronald: Liz mentioned that people in custody will be making signs. We can hold them in our contingent at pride

LiZ: We will be having a pride event at RMSC, where there will be sign making. AMKC will have an event with Golden psychology conversation, RNDC with Young adults

(need a contact there), at VCBC we will be holding a smaller event with destination tomorrow potentially. I reached out to the new coordinators at osbourne. Bare minimum, I will be holding the event myself. Each of those facilities will have sign making. DOC will not be marching given the issues with law enforcement the past couple of years. We would love support on carrying signs throughout the parade. VCBC (14th) RNCD (15th) AMKC (21st) RMSC (29th)

## DOC Updates

\*\*\*\*DOC representatives weren't able to join until 1:40pm, so we couldn't finish meeting. Adjourned for June 16th from 11-1pm to continue.\*\*\*

### Additional Meeting - June 16, 2023 11-1

#### Attendees:

Michael Griffin (he/him - NYC Commission on Human Rights)  
Sarah Milner-Barry (she/her - Commission on Gender Equity)  
Melanie Weniger (she/her - Commission on Gender Equity)  
Lucas Marquez (he/they - Brooklyn Defender Service)  
Sahar Moazami (they/them - City Council)  
Deborah Lolai (**facilitating** she/her - Bronx Defenders)  
Mik Kinkead (**notes** he/him - Legal Aid)  
Dori Lewis (she/her - retired Legal Aid)  
Shear Avory (they/them - New Pride Agenda)  
Chelsea Chard (she/her - DOC)  
Elizabeth Munsky (she/her - DOC)  
Kimberly Mckenzie (she/her - Sylvia Rivera Law Project)  
Natalie Fiorenzo (she/her - NYCDS)  
Ronald Porcelli (they/them - UNITY)  
Saloni Sethi (they/she - Mayor's Office to End Gender Based Violence)

## Meeting Notes

### **Drafting Committee: Intake Section updates**

From Mik's 5/30 email: "therefore respectfully request that CHS and DOC come to the next meeting prepared to discuss the "intake and New Admission" section of the Report. I have prepared the below questions which all reference the recommendations listed on pages 44-45 of the report which were created after "review [of] the department of correction's policies related to the treatment and housing of transgender, gender nonconforming, non-binary, and intersex individuals in the department of correction's custody" which is, of course, the purpose and purview of this Task Force as stated in Local Law 145/2019 1(a)."

2. To what extent have CHS and DOC revised documentation and data systems to accurately capture all gender identities?

Chelsea: We have been looking into our data systems to see what gum and duct tape we can use to try and capture GI as they relate to operations. Our data systems are pretty old, they are not all connected, built at different times as the agency evolved. On a preliminary level we have a way that could be improved upon to capture trans male trans female, NB, and intersex identities. But we are still looking for a way to integrate it into the other options. Certainly looking into it. And needs to be improved upon.

There are several systems. Public-facing (“inmate lookup”), harder lift, not the one they are looking at. The sex marker there is taken from the securing order. DOC does not think they can actually change this. So starting internally to track and measure. There are a few places where one can disclose gender identity and they aren’t all tracked in the same system. So challenging. PREA screening in the intake area, if sharing TGNBI then getting SCU form. Doesn’t delineate between SO and GI *still*. Because need to do everything all at once, not piecemeal.

How long does it take for PREA screening to occur? Through intake in 24 hours so sometime within the 24 hours is when the PREA screening occurs. Obviously still being litigated in Nunez. PREA intake happens when the person is “by the phone area” that is more confidential - one person with officers.

Updating all the forms in tandem not piecemeal, the form by the courts is included in the review. Intake facility is determined by the securing order only. The arraignment form is not the right one.

Timeline to the form is not available right now - finalize everything firmly before opening it up to DOC all, not anything sent for official revision

- PREA form
- Arraignment form (last in line - Dori brought up)
- TGNBI SCU housing form has been updated to share male housing, GP, PC, etc. So YAY!!! That’s one of our recommendations!! Chelsea said she could share it with us.
- Who is working on the Directive? Who are the stakeholders? Deputy Commissioner level, internal folks, update the policy to make sure it is sustainable and will meet the needs for the long term. Are there outside consultants?
- Chelsea and Liz are at the table

4. A letter written by Elizabeth Munsky to Judges and Court Officers was attached as Exhibit E to the August 2022 Report – have any additional letters been written? Has there been correspondence from court officers or Judges regarding these efforts? What other steps have happened since October 2021?
  - a. Chelsea: Liz sent a letter prior to COVID, and anything that happened before covid doesnt matter much. We have been in touch with OCA to touch base on where they are at. At the time Liz reached out the state hadnt even changed their forms to include gender marker X.

- b. Chelsea: Re data: we need to discuss internally the best way for us to track things. We are discussing how to capture gender identity via data.
- c. Liz: our data system is able to break folks down between TGNCINB identities. This is only when people identify themselves to us. We can change peoples gender markers internally if it is marked incorrectly. (Trans male, Trans female, non-binary, intersex)
- d. Chelsea: a lot of stuff has overlapping reporting, but there is a sex marker and then at some point a different system was created to change gender identity. Sex marker can't be changed. Those two systems are not connected. There's no way to change the public facing one.
- e. Court staff use the NYPD police paperwork to create the securing order. DOC then relies upon the securing order for intake. DOC PREA screening form - which should happen within 24 hours - can then get the person to be transferred. But from court to intake we need help getting OCA to understand.
  - i. The issue with getting rid of the securing order as the requirement for NY county facilities - because no other county relies on it
  - ii. No other county houses by gender identity according to Chelsea
  - iii. Mik brings up Broome and Steuben who are under lawsuit decrees to do so.
- f. There have been really preliminary conversations about the securing order. They look promising. Gender X marker now available on the ID and the birth certificate (most people who come into custody don't have those though). Having an "X" marker resolves the issue for intake because X would equal go to RMSC for intake. DOC position is that if you are TGNCNBI then should go to RMSC for intake.
  - i. Purpose of Gender Marker "X" - is an option for intersex people who are non-binary and people who are non-binary who are not intersex. It's not for binary trans people. Obviously great for non-binary people coming through intake, but it doesn't resolve the issue of women or men who are trans.
  - ii. OCA sees the gender marker on the securing order as intake only. Maybe there is another term, not gender X marker. They are open to other options (know that "unknown" is rude, what are other options?)
  - iii. They don't yet know the flow - and NYPD would have to be in on the conversation too. Why would this make a change to how court officers act? Because they aren't doing that now.
    1. Chelsea says that PREA does require a case by case determination of housing so we have to be aware of that. But, it doesn't happen until intake housing so not sure how that interacts here. This is pre-PREA.
    2. Try to get *all* of OCA on board to give direction broadly so then it can be reinforced throughout.
    3. Operational so that 10,000 employees can understand it vs. how can we ensure people are affirmed from the beginning.



4. Mik mentions third party contractors who can assist with TGNCNBI identities since we don't know who within DOC who is TGNCNBI is working on these issues.
5. Jurisdiction aside - there is a possible NYC HRL and NYS HRL and federal law flag issue if all TGNCNBI people are treated differently than cisgender people (i.e. if all trans women are treated differently than all cis women)

Has CHS updated their pre-arraignment screening form to include lived gender identity and, at the request and consent of the individual, made sure that this information is provided to defense counsel, the court, and district attorney's office?

- If yes please share the updated screening form with the Task Force
  - Nicole: The purpose of EPASS is screening individuals for specific health conditions to help prevent hospital runs and support diversion programs, so collecting this information is not the focus of this program, and we haven't made any adjustments to the form. As Liz explained at the last meeting, even if we did provide this information to defense counsel, it doesn't mean that the SO will be changed.
  - Mik: the intake form is not the same as the pre-arraignment form?
  - Nicole: The intake conducted for patients in custody is much more comprehensive than an EPASS screening. EPASS screenings are about assessing whether the patient is in distress in that moment.
  - Deb: the recommendation wasn't to change the form (I think it already indicates whether someone is trans), it was to change the way it was used. Consider using that instead of the securing order?
  - Mik: can we see an up to date pre-arraignment form?
  - Deb: currently the GI/sex is the NYPD arrest paperwork which becomes the Securing Order. This is all based on past records, fingerprints, IDs, and not someone asking how do you identify? But then CHS has a pre-arraignment form that is an actual conversation with a person, and that might be a better place to get the gender identity and how it is used in the facility process.
9. HAS DOC worked with CHS, BOC, and the TGNCNBI Task Force to implement a safer, more comprehensive and effective plan of ensuring TGNCNBI individuals in custody are transferred to a gender-appropriate intake bus and gender appropriate intake facility? Please detail the ways that DOC has worked with CHS, BOC, and the TGNCNBI Task Force to implement such a plan.
    - a. DOC working with BOC and CHS? We don't want to medicalize gender and CHS can't share protected healthcare information. CHS has been a referral source for gender-aligned housing. DOC talks to CHS about mental health concerns. **Update:** In a new handout, CHS provides guidance to trans patients about how to seek help with jail housing. Patients can also call CHS at 777# and ask for Gender-Related Services for support with the Special Considerations Unit form and other housing-related questions.

10. Has DOC updated the PREA Intake Questionnaire to include distinct questions about sexual orientation, gender identity, and gender expression (“SOGIE”)?
  - a. No, not yet. It is part of the broader conversation.
11. If yes, what are these updates?
  - Please provide the updated version of the PREA Intake Questionnaire to the Task Force
12. Have intake officers been trained or re-trained on TGNCNBI competence and awareness?
  - a. Everyone who goes through recruitment receives a training through the academy related to intake and classification and TGNCNBI people. City employees also have a standalone diversity training that the officers go through.
  - b. Can TF get a copy of the training? Training is modeled on the directive, Chelsea will need to discuss whether
  - c. Is there a process for collecting feedback on the trainings? New Deputy Commissioner said he was beginning to implement survey monkey
  - d. Academy training is the ongoing training too - “the academy” runs all trainings; new recruits training is also called “the academy” which is confusing
  - e. Who facilitates the training on TGNCNBI people in custody? DOC doesn’t know. We imagine that the trainings would be much more effective if someone from LGBTQ+ Unit co-facilitated. Liz is now certified to be allowed to give those trainings - she is working on the goal of having it be Liz who gives some/a number of the trainings. This is an opportunity for huge improvement. Uniform staff tend to respond well to credible messengers who are uniform staff so that should be part of the eventual goal too. Liz will be doing a series of train the trainer. Liz has begun to review the longer training for PREA, and she will go through some of the other procedural trainings such as pat frisk etc. Because pat frisking TGNCNBI people is part of the overall pat frisk training (and so forth)
  - f. One of the recommendations was to involve a TGNCNBI organization in curriculum development and implementation - is this part of an ongoing plan? It doesn’t hurt to ask. DOC policies are trained internally, some trainings are contracted out. There are portfolios of trainings with John Jay or Carnegie Mellon etc., so it could be worth it reach out. If someone was to loop out then we can loop Chelsea and Liz in. A lot of government agencies on the Task Force offer trainings - Ronald and Saloni both mentioned this. Does CCHR do academy trainings?
13. What was the date of the last training and the names of the trainers?
  - a. They don’t know the names of the trainers. Dates are a bit hard - it happens constantly.
14. How many officers attended and completed the training?
  - a. Please provide the training slides, handouts, and other materials to the Task Force
  - b. Chelsea is going to see if we can get this. TF should follow up on this.

- c. It's a new recruit training so could be classes of about 100 - not sure how many people in each class size.
13. Has DOC implemented a confidential way for people in custody to fill out the PREA Intake Questionnaire form? If yes, what is the method?
- a. Covered, it is "by the phones" in the intake cell. One person in custody and the officers. Unclear how separate or private this actually is.
  - b. And at any point in time a PREA staff member can do a re-screening, and when that happens they go to a confidential space.
  - c. How does someone talk to a PREA officer: SafeHorizon hotline, 311, family can do it for them, internal PREA hotline, can call from their tablet (don't know the number but its in the pamphlets), LGBT is 1010...PREA hotline is 3472040378
  - d. Am I escorted out to the phone area just for the form to be filled out? No, everyone is allowed a phone call once they come into intake. So people are pulled out of the pen to make a phone call and then at the same time the screening is done. Does the officer have other forms? How many officers? Not sure. But not by anyone else who is custody.
  - e. Once I fill out the SCU form what happens? Interview not required, but officers can support for literacy and other language needs. Is that officer specially trained in intake? The officer wouldn't have received specialized training, but everyone at the academy would have had that training.

**Bills subcommittee meeting:** Tuesday at 2pm - ask Mik or Natalie if want to be included

**DOC Pride Events:** RNDC and VCBC pride events, there are some humorous and profound signs made. 2 more pride events coming up. Can provide signs for the love rally or anything else people want to hold signs at.