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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New York, New York

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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. 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. 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.

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. 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

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2 Clarification of 115.42(c) & (e) available at http://www.prearesourcenter.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.”

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 forcibly, if not, we get on their shit list and get raped or set up [for SHU].”

\(^5\) Id at 77.


\(^7\) 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.


\(^9\) 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.\textsuperscript{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.

\textbf{Concerns Regarding the Rule-Making Process}

\textsuperscript{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 is 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.\(^\text{11}\)

*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 mis-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

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 …

§ 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 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 hour 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 do go 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

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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 disabilities\(^\text{15}\), 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 cannot 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 then express such a vulnerable truth to a Department that experts 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 than 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 Knows

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

Transgender

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/bisexual, because being women and I like men. My identity and my sexuality are two different things.
In 2005 I was heavily into the drug trade. In 2005 I started using Heroin and was a dealer but I never stole or sold it. I bought it in small quantities. I was addicted to Heroin and my parents were upset but the money on my back was not. I started selling the debt that my family, kids, and everything I had. I was addicted to selling my body but I was making a living by just selling Heroin. This is when 2005 ended and I ended up losing all my money, which is left in prison money. One day I was watching my body and then I realized I was not.
I have been in this prison since April 2021 and the treatment of transgender prisoners has gotten better, but we are still not there. The first thing to know is that the biggest thing is the one of the double jeopardy of PREA. PREA is being used to make transgender people more humble. The reality is that PREA is being used to make prisoners more humble. That is why we come into a prison and we become.

To meet a transgender person and express their values, even as you sit in a room, if you can sit in the same room, you will be treated with respect and kindness. When the option comes, you either pick a man, a woman, or one that will treat you right and not disrespectfully. If the advocate is not a friend, PREA is not to pick anything that leaves you open to sexual abuse. A rider is a person who can open a door or even read your phone. Of course, there is the P.C. ride back, but that is something you bring in from home, so you sign in and locked down for

At least every day for at least 35 days, you are in the next reality. When it ends, it starts again. Also, being in P.C. means to participate in programs, workshops, and educational activities, and, if you get to the point where there is nothing to say, you should be making the hard, most important, self-service decision, and that is pre cisely what we are doing. The advocate is that most transgender suffer from addiction and depression.

As they are packed in a place where everything you remember of your physical needs are depression kicks in called by the admissions. If you have had, you are not ready to come. To keep yourself from getting there, the advocate is that all ideas can be met by helping with your access and capacity, and you change a new mostly sexually oriented step but that does not prevent you from still being attacked by your own worst self, on top of that we have the shame, the discrimination against transgender, with the depression and anxiety, you get trapped in your (enrich the administration and human dignity) and the trap is deepening. Being having a sexual relationship this has to be in a regulation format of your old PREA, most likely the policy, and not anything but for your safety, you will be asked to sign in to P.C. that you will be made, the prison, and is now part of your new. Regardless of what PREA is used to make on time before. Does not have nothing more than to keep from getting here.

As the advocate, they use PREA to force us into the P.C., and nothing. In addition to all of this, our nappy is not

And, clean out with a bucket, not keep high time you get set in a room, facility, because time can not be dwalt back, whereas is a straight-liner, you keep high time. And they get set to title 38 on the box, which is true yet set to title 38 in 4 to finish. Keep high time this have to wait six months for a classification, deep then we get set to get things to and what is the situation, have LGBT+ housing only all blocks that will be allowed, but everything else. With the only segregation should be in the housing units. Have a chart to make sure these rights are respected. LGBT, this state, Alex have support groups to help build self-esteem and who is from the LGBT+ to help in this. They don't feel they have to request to drugs or not as a coping mechanism to help in that time.

Even though I have no experience with trans, I hope this helps.
Transcription of Letter to the best of our ability by Susan Beaty and Anya Morgan, SRLP legal interns
summer 2016

In 2011 I was hevely 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 hour 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 needs to understand the cross over from sex. They are no longer a male figure. They are beautiful women 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 Deeds, we should be treated with the same as a friend.
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 god? Things do happen, but we are more than dirt, we are colors of feelings and love. We know what we went in life and to get there is beyond the sky. We don't need the problems that go on inside those 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 what’s 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 / [ ] No

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

[ ] Yes / [ ] No

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

[ ] Yes / [ ] No

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

[ ] Yes / [ ] No
The way that we perceive women are treated in public is

very much cruel. We may be perceived as physically attractive

but by commercial efforts too. We are seen as sexual objects

not people with feelings. Even exposure to have been sexually

assaulted by a soft and C.O. I didn't know what to do, because

they made the phone to run my bed by setting me up with a

weapon. All I could do was endure the abuse. Physical and sexually

and after physical endure. It was used against me.

I have not been heard, but I have been related by an

office card soft, and I felt督察 and were because
I am currently a freshman. I believe the faculty needs to 

have a plan in place where.... transgender can 
be dealt with than what is in the case to be 

called "no efforts" and "treatment is cruel and unusual 
apparent because we are females! Facilities had 
to offer programs for LGBT, whereas if we can 

discuss issues current approaches = your MISTAKE 

did allow trans women to come from outside (yes, 

more TOTES, TOTES,等) things increases so compulsory, we tried 

we allowed that he identify as females and that how we and 
to be treated! Now like sexual objects!!!
I recently been through a lot the other past few and
decision makes it very sexually related to a core
how many of my lives being doing and increased
and if we say something we are supposed to express
it. So that's why we don't say anything. We just endure
it. I have been discriminated against many a job wanted
or a facility felt more comfortable being placed in.
I have been visited by C. and a S. they grabbed, raped,
and tortured me. And it's been not difficult because the
express lemons are over 4.50.
I think that it's best that we have this meeting so people can

in this room to a better understanding. I'm not sure if we

can consider and act related. Some of us don't have

family, drug, or alcohol and our teens community helps

so we are. We also would like the medical department to

be more respectful and helpful when we need (HER) 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 identity 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]. During my time in jail, I feel it was very hard to defend myself. I have changed my sex on my medical chart two years ago at the discretion of my doctor.

In the process, trans women were treated with ignorance by staff. We were not given hormones. In Kansas City, I feel that some of the staff are discriminatory towards trans members. I have been put in situations that I have no business being in like being around sex offenders also. It was dangerous to live around the guys for a month. I have been asking for hormones my medical record and my medical records to see if hormones are provided. I was not approved until one year ago. But it was not prescribed until one month later. I had ongoing issues with other inmates also was at risk for sexual assault in jail. I was seen by mental health. The thing that never was very hard to deal with in jail is that something was 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? [illegible]

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

[illegible]

How do you racially identify? [illegible]

How old are you? [illegible]

Have you ever been in the NYC jails? [illegible]

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

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

Any other identity information you want us to know about you? [illegible]
The text on the page is not legible or clear due to the handwriting style.
I feel that we should not be influenced
controlling
anything.

I think that we should not be influenced
controlling
anything.

I think that we should not be influenced
controlling
anything.
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? Iguela

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

[blank]

How do you racially identify? Half Black, 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?
I am in trouble. They have a long been. Work for so. I feel 2 things need to change me. Being we should not be trusted to live well there are times. don't feel it. Don't call me. And for some reason, things are all they do. I am not sure. there is no way to deal with. There was not.
Yes, Sylvia wrote this paper
work is required in a complaint
Persuade the legal law ask you have
Persuade to come it by me ill
tell you it should not have happened
in your place he said
we are going to fight
I believe whoever feels they really need "hRT" 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

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 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 empty. 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. Us is what they use to call us. Many times I ask them to call me by my name. 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 bo name normal 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 Transgender lived there together in the THU it needs care
of work

Have you ever been in SHU, PC, or another solitary-like unit?
Yes I have I've been in SHU PC & Hu Housing

Any other identity information you want us to know about you?
No but if you need further 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 Texas or CA or whatever these CO's here are from and all they want to do is put their hands on some one they love to embarrass us & some of them love to just feel on us and put their hands in places where it's not supposed to be.

They try to make us like here. But any how...

In Spain times were in the past and we started with each other and there was what we thought here to do because you really have just you and your sisters. So please don't get it twisted if you knew a citation or anything like that. Don't act like you don't know the rules. When you may be on 10 or 4th and all the
These officers will disrespect your Kep. They will not let you in. House here. You can get in.

and the Bloods would let the officer know it.

Put that mark in here. We will dump him out of

car or let him it's a cop then officers sure can.

You only have a few of them that try to help.

out in Baker mostly the families they try to the

Hope to help in Curtis out not one of them.

out most of them. They wait please need them.
with us girls it's very bad for us girls

already is so some time the boys/blood/order

cares plus on that and try to write use to

get what they want and need once they

have you they got you they will have you get

they wrote for you so you can get get up and

not then they will try to get up inside of

you know what I mean they will try to

play round thing so you always get to be on

floor (point) you got to put smart then be for me

get smart you some means you are not you shut

out on the low bar they want for it time that

can barrass you go in and wise matter I know one

I got from and if you smart you can gave them

while because they to hurt you not to come again
I would like for them to respect our PCP.

I also would like for them to second the point of order.

Not in front of all the witnesses, we can try to

not be undressing in front of committee members.

Let's not make a mistake and they do it twice.

So I would like for them to stop it.

US Flagget, we made it clear and Flagget, I want it and that needs to help us more with

getting our bills and understandings and inspections.

Can't neglect it.
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 NYC’s 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 wipe 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? RENAA SUGARLOVE/ALBERTE RODRIGUEZ

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

WOMAN, TRANSGENDER, BUTCH QUEER!!

How do you racially identify? PUERTO RICAN

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


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., GOUSRACE C.F., GREAT MEADOW C.F.

We get abuse by the officers wanting us to do sexual act with them forcibly if not we get on their shit list and get rape or setup with fabricated misbehavior reports that get us put in JSP or keep lock cell confinement.

Docecs administrators ignore our complaints. Falsifying investigative reports not writing what we tell them saying we denied the allegations and dismissed our complaint.

We need better investigative investigations by Docecs administrators and NYS OSI to IG and a independent committee to protect us more from staffs and inmate sexual abuse.

We also need better trained Docecs counselors and OMH therapists to help us communicate with more confidence about our abuse been committed upon us by staff and other inmate.

Docecs OMH RCTP 9B cells are being used to physically abuse inmates in general or sexually abuse us. Docecs central office has conduct better rounds and investigations in all Docecs OMH RCTP 9B, 12F, 13ECP, 21ICP, units and plus DNY. PRP need to conduct more visits in these units of a independent committee.
Better training on hatred discrimination by DOC officers and supervisors at county city jail which are more dangerous to us than detainees.

We also need a housing unit for only transgender, queens and all LBGT 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 raped several times by other prisoners and officers. It was not very present at all specially when they were 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 DOC don't do a good job at it when it is the employees who are committing the sexual abuses 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, and others.

What should have been done better and need to be done better is better supervising of the CMH RCP O B S I C P units, more better administrator presence daily making rounds and asking inmates in RCP O B S if they got any complaints of serious nature that will merit an investigation immediately.

And we need better medical care while in a CMH O B S RCP unit where currently medical staff went write injury reports from the physical abuse we receive by officers and get that help then beat us too and they need to stop starving us two to three times daily every week while in CMH RCP O B S.
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 forcibly, 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.

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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 Le transfer

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 needs to stop ostracizing and discriminating against trans people.
As being a transwoman in the prison system, I have experienced being harassed, discriminated against, and 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 marker in the prison system (i.e. IDs, etc.). 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 can't 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 house.

Venus Otto
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!