

NEW YORK CITY DEPARTMENT OF CORRECTION
Special Consideration Unit Housing Application Report
December 2020 – May 2021

Pursuant to Local Law 144 of 2019(b), the below chart outlines aggregate data related to applications for housing made by transgender, gender non-binary, and intersex individuals admitted into the Department's custody from December 1, 2020 to May 31, 2021.

Individuals who identify as transgender, gender non-binary, or intersex may apply to be housed in the female facility in the Special Considerations Unit (SCU), a dormitory-style housing area designated for the purpose of housing individuals who identify as transgender, intersex, or gender non-binary; a general population unit in the female facility; or placement in a male facility. Housing applications are used strictly for the purpose of making housing determinations and not for the purpose of determining an individual's gender identity; individuals in custody receive access to programming and services that align with their stated gender identity regardless of where they are housed. Final housing determinations are made on a case-by-case basis in a manner that ensures the individual's health and safety and abates any management or security concerns. If an individual who identifies to the Department as transgender, intersex, or gender non-binary does not agree with the initial housing determination made based on their application or is removed from their housing placement for security reasons, they can request reconsideration of their housing placement.

As much as possible, the Department seeks to accommodate an individual's desired housing placement in accordance with their gender identity. However, when considering an individual's safety, denials may occur insofar as the specific housing area requested may not be suitable. For instance, an individual may request placement in SCU, but the general population unit of the female facility may be more appropriate and thus their request would be denied. Regardless, absent some other concern, such an individual would still be housed in a female facility if such a placement comports with their gender identity. Additionally, during this reporting period, if an individual changed their preference after their initial placement and informed the Department of that change via a voluntary statement form, the Department generally honored their new preference and transferred them into their preferred housing area.

Most of the individuals whose applications were not approved in this period had violent criminal histories and/or exhibited violence against DOC staff. A past conviction for a violent crime does not automatically disqualify an individual from being housed in a facility that conforms to an individual's gender identity. However, when an individual exhibits past conduct that indicates a propensity for violence, it presents a security concern for all other individuals situated in the same housing area. In recent months, the Department has received an influx of individuals accused of serious criminal offenses, many of whom are violent, and thus the demographic of the individuals applying for SCU housing has changed since previous reporting periods.

During this reporting period, the Department approved ~60% of applications that were considered. In the previous reporting period, the 73% of these applications were approved.¹ In total, 19 more applications were submitted during this reporting period as compared to the previous reporting period, which is likely due to the increase in new admissions and overall increase in the population that occurred following height of the COVID-19 pandemic, when the Department observed a significant reduction in new admissions and the overall population. The number of denials increased between reporting periods, as did the number of requests for reconsideration.

¹ The previous reporting period captures data related to applications for housing made by individuals who identify as transgender, gender non-binary, or intersex admitted into the Department's custody from June 1, 2020 to November 30, 2020.

Total Number of Applications Submitted	Number of Applications Approved ²	Number of Applications Denied	Number of Applications Reconsidered	Outcome of Reconsiderations Denied	Outcome of Reconsiderations Approved
94 ³	56	28	14 ⁴	8	6

² If an individual is listed as having been “Approved for Alternate Housing,” they were placed in housing that conforms to their gender identity, but they were not housed in the specific area they requested. For instance, an individual may have requested to be housed in RMSC SCU but were housed in RMSC general population instead. Because SCU is a dorm setting, there are additional security concerns that must be considered when housing individuals there.

³ The total number of applications submitted includes applications which did not result in a final determination. For example, an application may not result in a final determination if the applicant withdrew their application, or the individual was release from custody prior to their application reaching final review.

⁴ A final determination rendered on one (1) application for reconsideration occurred outside of the reporting period; this will be included in the aggregate-level report the next reporting period.