

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMMITTEE ON CRIMINAL JUSTICE JOINTLY WITH THE
COMMITTEE ON WOMEN AND GENDER EQUITY 1

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CRIMINAL JUSTICE
JOINTLY WITH THE COMMITTEE ON
WOMEN AND GENDER EQUITY

----- X

January 25, 2023
Start: 10:13 A.M.
Recess: 3:00 P.M.

HELD AT: COUNCIL CHAMBERS - CITY HALL

B E F O R E: Carlina Rivera,
Chairperson of the Committee on
Criminal Justice

Tiffany L. Cabàn,
Chairperson of the Committee on
Women and Gender Equity

COUNCIL MEMBERS:

- Shaun Abreu
- David M. Carr
- Shahana K. Hanif
- Mercedes Narcisse
- Lincoln Restler
- Lynn C. Schulman
- Althea V. Stevens
- Kevin C. Riley
- James F. Gennaro
- Jennifer Gutierrez
- Kristin Richardson Jordan

1 COMMITTEE ON CRIMINAL JUSTICE JOINTLY WITH THE
2 COMMITTEE ON WOMEN AND GENDER EQUITY

2

3 A P P E A R A N C E S

4 Louis Molina
5 Commissioner of the Department of Corrections

6 Sideya Sherman
7 Commissioner of the Mayor's Office of Equity

8 Paul Shechtman
9 General Counsel Department of Correction

10 Jeanette Merrill
11 Director of Communications and Intergovernmental
12 Affairs at Correction Health Services

13 Deborah Lolai
14 Member of the New York City Task force on
15 Incarcerated Transgender, Gender Non-Conforming,
16 Non-Binary and Intersex Individuals

17 Shèàr Avory
18 Lead Statewide Community Organizer at New Pride
19 Agenda

20 Grace Detrevarah
21 Formerly incarcerated trans woman

22 Mik Kinkead
23 White trans man, attorney

24 Rachel Golden
25 Founder and Director of Golden Psychology

Jane Doe
Incarcerated from 2017 to 2019

Elisa Crespo

Morgan Everhart
Criminal Defense Attorney who represented Alyssa
Rodriguez

Robyn Mar
Chief Practice Officer at the Bronx Defenders

Maritza Henriquez
LGBTQ law and policy unit at the Legal Aid Society

1 COMMITTEE ON CRIMINAL JUSTICE JOINTLY WITH THE
2 COMMITTEE ON WOMEN AND GENDER EQUITY 3

4 A P P E A R A N C E S (CONT.)

5 Shieti Molina
6 Investigator with the Bronx Defenders

7 Kirby Hiciano
8 DOC custody for two years as a transgender female

9 Diana Griffith
10 Prisoners' Rights Advocate at the Bronx Defenders

11 Laura Rolston
12 On behalf of Kirby Hiciano

13 Rocco Renadi Rose
14 On behalf of LB, who was a transgender woman who
15 was housed at Rosie's

16 Sharon White Harrigan
17 Executive Director of the Woman's Community Justice
18 Association

19 Zachery Katz Nelson
20 Executive Director of the Lippman Commission

21 Sophia Paul
22 On behalf of an anonymous incarcerated client for
23 Legal Aid Society

24 Allie Bohm
25 Policy Counsel at the NYCLU

Sarah DeVita
Staff Attorney at the Legal Aid Society in the
LGBTQ on Policy Unit

Marianna Chrysiliou
Assistant Director of the Behavioral Health
Services Unit at the Center for Community
Alternatives

Natalie Fiorenzo
Corrections Specialist at New York County Defender
Services

Lucas Marquez
Associate Director of Civil Rights and Law Reform
at Brooklyn Defender Services

1 COMMITTEE ON CRIMINAL JUSTICE JOINTLY WITH THE
2 COMMITTEE ON WOMEN AND GENDER EQUITY 4

3 A P P E A R A N C E S (CONT.)

4 Chaplain Dr. Victoria Phillips
5 Co-Chair to the New York City DOC Young Adult Task
6 Force

7 Raul Rivera
8 Bronx Native

9 Helen Skipper
10 Speaking on behalf of WCJA on behalf of the Justice
11 for Women Task Force

12 Kelly Grace Price
13 Close Rosie's

14 Leah Faria
15 Director of Community Liaisons and organizing with
16 the Women's Community Justice Association, WCJA

17 Roslyn Smith
18 Beyond Incarceration Program Manager for VDAY

19 Kelly Briem
20 Graduate level student of social work

21

22

23

24

25

26

27

28

29

30

31

1 COMMITTEE ON CRIMINAL JUSTICE JOINTLY WITH THE
2 COMMITTEE ON WOMEN AND GENDER EQUITY 5

3 SERGEANT AT ARMS: This is a sound check for the
4 Committee on Criminal Justice jointly with the
5 Committee on Women and Gender Equity. Today's date
6 is January 25, 2023, being recorded by Danny Wong in
7 the Chambers.

8 SERGEANT AT ARMS: Good morning and welcome to
9 the New York City Council Hybrid Hearing on the
10 Committees on Women and Gender Equity together with
11 Criminal Justice. At this time, please silence all
12 electronic devices to vibrate or silent mode. Chair,
13 we are ready to begin.

14 CHAIRPERSON RIVERA: [GAVEL] Good morning
15 everyone. Thank you for being here. I'm Council
16 Member Carlina Rivera, Chair of the Committee on
17 Criminal Justice. Welcome to our joint hearing with
18 the Committee on Women and Gender Equity Chaired by
19 Council Member Cabàn.

20 Today's oversight hearing is on the treatment of
21 TGNCNBI individuals in custody and the policy
22 recommendations made to create meaningful change.
23 Before we proceed further, I want to acknowledge that
24 we are here today because for TGNCNBI individuals in
25 custody, the violence, indignity, and trauma
inflicted in jail is amplified.

1 COMMITTEE ON CRIMINAL JUSTICE JOINTLY WITH THE
2 COMMITTEE ON WOMEN AND GENDER EQUITY 6

3 Trans and gender expansive people are over five
4 times more likely than the general population to be
5 sexually assaulted by facility staff and over nine
6 times more likely to be assaulted by other prisoners
7 and people incarcerated.

8 Most TGNCNBI people in custody do not live in
9 safe gender aligned housing and sadly, we also know
10 that being trans or gender expansive in jail can be a
11 death sentence. Today, we are joined by loved ones
12 of Layleen Polanco, a transgender woman of color who
13 tragically died of an untreated epileptic seizure she
14 suffered on Rikers Island in 2019. And as we begin
15 this hearing, I'd like us to observe a moment of
16 silence to recognize and remember Layleen and all
17 those we have lost. [00:02:14-00:02:26] Thank you.

18 At this hearing, the Committee on Criminal
19 Justice will be hearing five pieces of legislation.
20 My bill, Intro. Number 355 related to permitting
21 individuals in jail to choose the gender of their
22 doctor. Intro. Number 728 introduced by Council
23 Member Powers, Council Member Cabàn and myself
24 related to reforming housing decisions for
25 transgender and gender non-conforming people in jail.
Intro. Number 831 introduced by myself and Chair

1 COMMITTEE ON CRIMINAL JUSTICE JOINTLY WITH THE
2 COMMITTEE ON WOMEN AND GENDER EQUITY 7

3 Cabàn related to establishing a citywide resource
4 navigator for women and gender expansive persons.

5 Intro. Number 887 introduced by the Public
6 Advocate, myself and Chair Cabàn related to
7 establishing a citywide resource navigator. And
8 Resolution Number 458 by Council Member Bottcher
9 calling on the New York Legislator to pass and the
10 Governor to sign a Gender Identity Respect, Dignity
11 and Safety Act. As well as another bill in the
12 Committee on Women and Gender Equity, Resolution 177
13 introduced by the Public Advocate, calling on the New
14 York State Legislature to pass and the Governor to
15 sign a bill that would mandate the Office of Court
16 Administration to update the securing order form to
17 include a gender x option.

18 I welcome the Public Advocate Mr. Williams and
19 Council Member Bottcher who have joined us today to
20 provide brief remarks on their legislation. Mr.
21 Public Advocate.

22 PUBLIC ADVOCATE WILLIAMS: Thank you very much
23 Madam Chair. As mentioned, my name is Jumaane
24 Williams, Public Advocate City of New York. Thank
25 you Chair Rivera and Cabàn and members of the

1 COMMITTEE ON CRIMINAL JUSTICE JOINTLY WITH THE
2 COMMITTEE ON WOMEN AND GENDER EQUITY 8

3 Committees on Criminal Justice and Women and Gender
4 Equity for holding this important hearing.

5 Nearly one in six transgender, gender non-
6 conforming, non-binary intersex, people have been in
7 prison. Too often Department of Correction do not
8 house TGNCNBI people in populations consistent with
9 their gender identities. And instead isolate them or
10 place them in housing units according to the sex they
11 were assigned at birth, regardless of whether it
12 aligns with their gender identity or they have
13 medically transitioned.

14 While many assume that TGNCNBI people transgender
15 women in particular pose a threat to the cisgender
16 peers, therefore more likely be victims of physical,
17 sexual and verbal abuse while incarcerated.

18 In 1979, the Department of Corrections created a
19 special unit within the men's jail on Riker's Island
20 to house transgender women and gay men. At this
21 time, there was only one such unit in the country.
22 Eventually, however, similar problems that existed
23 elsewhere plagued the unit and was shut down in 2005.
24 Perhaps the most well-known example of abuse and
25 disrespect experienced by TGNCNBI people incarcerated
at Rikers is as mentioned by the Chair, a tragic 2019

3 death of Layleen Polanco, a transgender woman whom
4 DOC refused to house in general population with
5 cisgender women. With that alone, in solitary
6 confinement despite her known histories of seizures.
7 It is possible Layleen would be alive today had DOC
8 placed her in a housing unit consistent with her
9 gender identity.

10 In the wake of Layleen's death, the City Council
11 passed Local Law 145, which commissioned the Board of
12 Corrections to convene a task force composed of
13 government representatives and advocates to examine
14 issues TGNCNBI incarcerated people.

15 In August of last year, the task force published
16 its first reports detailing outstanding and devastating
17 harms, abuses and indignities facing TGNCNBI people
18 incarcerated in New York City jails. The indignities
19 that they experience while incarcerated, often start
20 arrests. When the arresting officer incorrectly
21 lists a person's sex they were assigned at birth and
22 their name and their paperwork.

23 The inaccurate information is then repeated by
24 the attorney drafting the criminal complaint.
25 Additionally, there was no option for gender markers
outside of the male, female, binary. That

3 misinformation gets led down all the way through the
4 process, often leading to people to be misidentified,
5 leading to assault, abuse and trauma. In a majority
6 of cases, the task force study incarcerated TGNCNBI
7 people were not housed in units consistent with their
8 gender identity. Of the 41 people whose gender
9 identity and task force knew 63 percent were housed
10 in misaligned housing, including 58 percent of trans
11 women and 100 percent of trans men.

12 The task force also found that multiple
13 transgender women had been removed from their gender
14 aligned housing units to the men's jails as of means
15 of punishment and or control. It cannot be
16 overstated how dangerous this practice is. The women
17 who have been moved reported repeated verbal,
18 physical and sexual assaults sometimes by the same
19 person despite the victims reported assault.

20 Also, DOC which even transfers cisgender women to
21 the men's jails as means of punishment and this
22 disregard for the safety of TGNCNBI people is
23 absolutely unacceptable.

24 Yesterday, there was an article in the city.
25 According to that article, the administration have
walked back programs made inaccurately and

3 respectfully housing TGNCNBI people, particularly
4 transwomen in city jails. It also says the
5 Administration has fired or pushed out administrators
6 that pushed for TGNCNBI people to be housed in
7 facilities that align with their gender identities
8 and effectively cut off any power influence that the
9 LGBTQ affairs unit would have to fight dignity and
10 safety of LGBTQ incarcerated people.

11 The unit not only employs one person or the rest
12 of the staff reassigned and protest. One of whom had
13 suicidal thoughts because they felt powerless to
14 intervene in the abuse.

15 I want to acknowledge the courage of
16 whistleblowers and incarcerated transwomen who told
17 their stories despite risk of apprising. Many
18 TGNCNBI people who are incarcerated in New York City
19 jails, particularly non-binary and intersex people
20 and people with overlapping gender identities, for
21 which no data is available at all. My bill Intro.
22 0887 would require DOC to report on a monthly basis
23 information related to individuals in DOC custody
24 where gender identity is different from the sex they
25 were assigned at birth including TGNCNBI people. DOC
would also be required to report information

3 recording such individuals housing in placements,
4 denial and objections to current housing unit
5 placements, incidents of violence against such
6 individuals.

7 Today, the Council is also hearing Resolution
8 0117, a Resolution calling on the New York State
9 Legislature to pass and the Governor to sign a bill
10 that would mandate the Office of Court Administration
11 to update the securing order form to include a gender
12 x option. I thank the Chairs for hearing these bills
13 today. This information is vital to the task force
14 and to efforts improving the living conditions for
15 TGNCNBI incarcerated city jails.

16 Lastly, I do want to say as a cisgender, straight
17 man of faith who's Black and Caribbean, I want to
18 note that we cannot legislate empathy or respect for
19 TGNCNBI people. That is a responsibility for all of
20 us and I want to make sure I am clear of I
21 intentionally had to make sure I grew in many areas
22 to understand. I still have more growth to do.
23 Hopefully, we can all acknowledge that with ourselves
24 so we can protect everyone. I think that's something
25 that's sorely missing.

1 COMMITTEE ON CRIMINAL JUSTICE JOINTLY WITH THE
2 COMMITTEE ON WOMEN AND GENDER EQUITY 13

3 TGNCNBI people deserve the same respect and
4 dignity as our cisgender peers and this is not
5 negating when they are incarcerated. Until DOC makes
6 changes to ensure that city jails are safe for
7 everyone, we will continue to lose valuable members
8 of our community. Thank you.

9 CHAIRPERSON RIVERA: Thank you Mr. Public
10 Advocate and for your bill in relations to reporting
11 on gender identity of individuals in custody at DOC.
12 Now, we will hear from Council Member Bottcher.

13 COUNCIL MEMBER BOTTCHEER: Thank you Chairs Rivera
14 and Cabàn for holding today's hearing and to the
15 Committee and Policy Staff for your work preparing
16 for today. My Resolution being heard today calls on
17 the New York State Legislature to pass and the
18 Governor to sign the Gender Identity Respect, Dignity
19 and Safety Act. By Senator Julia Salazar and
20 Assembly Member Nily Rozic, which would help ensure
21 the appropriate treatment and placement of
22 incarcerated people based on their gender identity.

23 I want to thank Assembly Member Rozic and Senator
24 Salazar for their work on this critical issue in
25 Albany. It's so important to also acknowledge the
work of the task force and the years of experience

3 and knowledge they brought to identifying actions
4 this Committee is hearing today.

5 Finally, I want to speak directly to the New
6 Yorkers who've had your gender identity ignored or
7 actively discarded during your time in the criminal
8 justice system in our city, state and country. We're
9 here today to work for you and I'm grateful to all of
10 you who have bravely shared your stories to inspire
11 this important work and to help force change. Thank
12 you.

13 CHAIRPERSON RIVERA: Thank you Council Member
14 Bottcher. Now, let me start an oversight hearing on
15 TGNCNBI individuals in custody by providing a little
16 background. In the wake of Layleen Polanco's death,
17 the Council passed Local Law 145 that required the
18 Board of Correction to establish a TGNCNBI task force
19 to review policies and make recommendations to
20 improve the treatment in housing of transgender,
21 gender non-conforming, non-binary and intersex people
22 in Department of Correction custody. The task force
23 includes representatives from city agencies,
24 including the DOC and Correctional Health Services,
25 as well as advocates, legal service providers and
formerly incarcerated individuals.

3 Even as the pandemic ravished our city, this task
4 force worked tirelessly on a volunteer basis to put
5 together a comprehensive report that should serve as
6 a roadmap to change. I want to personally thank all
7 the task force members for their continued service to
8 New York City and for holding all of us accountable
9 for ensuring everyone is treated with the dignity and
10 respect they deserve.

11 As this hearing progresses, I look forward to
12 hearing more from DOC on how they plan to address
13 staff practices and policies that too often create
14 danger for TGNCNBI people by placing in them in
15 gender misaligned facilities. How DOC and CHS will
16 improve access to healthcare, including access to
17 gender affirming surgery and how reentry planning can
18 be tailored to provide linkages to culturally
19 competent services and programming.

20 I also look forward to hearing directly from task
21 force members and justice impacted people whose
22 willingness to share personal and often traumatic
23 stories is to be commended.

24 As was illustrated yesterday in powerful
25 reporting by the city, this Administration has a long
way to go towards protecting TGNCNBI individuals in

3 custody. I urge the members of the Administration
4 present at this hearing to show their respect for the
5 brave individuals who are willing to share their
6 experiences by remaining present as we take their
7 testimony.

8 Before I move on to Chair Cabàn for her opening
9 statement, I want to acknowledge my colleagues on the
10 Committee who are present. We've been joined by
11 Council Members Narcisse, Abreu, Gutiérrez, Carr and
12 Bottcher. Thank you very much. Now, I would like to
13 invite Chair Cabàn to give her opening statement.

14 CHAIRPERSON CABÀN: Thank you Chair Rivera. Good
15 morning, my name is Council Member Tiffany Cabàn,
16 Chair of the Committee on Women and Gender Equity, as
17 well as Co-Chair of the Council's LGBTQIA+ Caucus.
18 My pronouns are she, her. Welcome to all of you to
19 this very important hearing. I am very eager to dig
20 into this vital topic. In my years as a public
21 defender, I represented hundreds upon hundreds of
22 clients who came through Rikers Island. Many of them
23 gender expansive and I've spoken in depth with gender
24 expansive New Yorkers in captivity on assorted visits
25 to the Island since then.

3 I look forward to marshaling my full breadth of
4 experience and understanding in today's hearing,
5 drilling down into the details as deeply as possible
6 and hopefully uncovering some of the answers that the
7 public deserves.

8 Before we begin, I want to take another moment to
9 acknowledge the presence of Melania Brown, the sister
10 of Layleen Polanco, a transwoman who died in
11 captivity on Rikers Island in 2019. I regard every
12 death in captivity as a murder at the hands of the
13 captors and we should be haunted as well by the story
14 of Alyssa Rodriguez, who died very shortly after
15 being released from Rikers where she was sexually
16 assaulted on more than one occasion.

17 The memories of Ms. Polanco, Ms. Rodriguez and
18 too many others should deeply trouble our conscience
19 and propel us towards any and every solution
20 necessary to make sure not one more death is
21 inflicted upon our incarcerated neighbors.
22 Additionally, I want to recognize and thank the
23 members of the TGNCNBI task force for your
24 contributions and your dedication. I know that while
25 you were appointed, serving on a task force is a
volunteer role, as was mentioned by Chair Rivera,

3 that many of you in addition today jobs. Often as
4 advocates and attorney's without compensation while
5 experiencing compounded trauma and mistreatment.
6 You've produced a groundbreaking and heartbreaking
7 report despite the hardship and we all owe you an
8 immense debt of gratitude.

9 And lastly, I want to address you Commissioner
10 Molina and your associates. As you surely know,
11 under your leadership, the DOC has acquired a
12 reputation, as something of a rogue agency,
13 unanswerable to oversight bodies. According to the
14 Board of Corrections, two of whose key meetings last
15 fall you missed entirely, DOC recently revoked the
16 BOC's staff independent real time access to the jails
17 security footage. And according to a 2022 report of
18 the federal monitor signed to oversee DOC operations
19 that under your stewardship Mr. Molina, DOC has
20 essentially "essentially eliminated the proactive and
21 collaborative approach that previously existed.
22 Reduced its level of cooperation and limited its
23 information sharing and access in ways which inhibit
24 the work of the moderating team."

25 I therefore like to invite you Mr. Molina to take
this opportunity to attempt to correct, rather than

3 reenforce that reputation by staying for the duration
4 of public testimony, so you can hear first-hand from
5 directly impacted people in the task force that
6 painstakingly compiled this devastating report.

7 With many thanks to Madhuri Shukla my Legislative
8 Director, Brenda McKinney the Committee Senior
9 Legislative Counsel and Eisha Wright Deputy Director
10 of Finance, for their work on this hearing. I'd like
11 to pass it back to you Chair Rivera.

12 CHAIRPERSON RIVERA: Thank you very much Chair
13 Cabàn and thank you to everyone for coordinating to
14 make this Committee hearing happen.

15 Now, I will turn to our Committee Counsel to
16 address some housekeeping items, who will then
17 administration the affirmation to the witnesses from
18 the administration, who will then begin their
19 testimony, Jeremy.

20 COMMITTEE COUNSEL: Thank you. First, as a
21 reminder, today is an in-person hearing with the
22 option of virtual testimony for the public. The
23 Committees will be accepting registrations for
24 testimony throughout the hearing. Anyone who is
25 attending the hearing in person and who wishes to
testify in person should see the Sergeant at Arms to

1 COMMITTEE ON CRIMINAL JUSTICE JOINTLY WITH THE
2 COMMITTEE ON WOMEN AND GENDER EQUITY 20

3 fill out a witness slip in the back, even if you are
4 registered in advance online.

5 As usual, we will begin today's hearing with
6 testimony from the administration followed by Council
7 Member Q&A and then move to public testimony. We
8 will limit Council Member Q&A including comments to
9 five minutes. During the public testimony portion of
10 the hearing, witnesses from the public will be
11 limited to two minutes. As a reminder to all of our
12 witnesses, please state your name prior to your
13 testimony for the record. The Committees will also
14 be accepting written testimony for up to 72 hours
15 after the hearing.

16 Now, I will administer the affirmation to our
17 witnesses. With us today, we have Louis Molina
18 Commissioner of the Department of Corrections; Sideya
19 Sherman Commissioner of the Mayor's Office of Equity;
20 Paul Shechtman General Counsel Department of
21 Correction, and Jeanette Merrill Director of
22 Communications and Intergovernmental Affairs at
23 Correction Health Services. If each of you could
24 please raise your right hand. Do you affirm to tell
25 the truth, the whole truth and nothing but the truth

3 in your testimony before this Committee and respond
4 honestly to Council Member questions?

5 Seeing that all witnesses have answered in the
6 affirmative, Commissioner Molina, you may begin your
7 testimony.

8 LOUIS MOLINA: Good morning Chairs Rivera and
9 Cabàn and members of the Committee on Criminal
10 Justice and on Women and Gender Equity. I am Louis
11 Molina Commissioner of the Department of Correction
12 and I'm joined today by the Departments General
13 Counsel Paul Shechtman. Thank you for affording me
14 the opportunity to testify today on this important
15 topic.

16 The New York City Department of Correction is
17 committed to ensuring that transgender, gender non-
18 binary, and intersex individuals, also known as TGNBI
19 individuals in our custody are treated with dignity
20 and respect and housed safely and appropriately.
21 Historically, TGNBI individuals in prisons and jails
22 have been mistreated and have experienced higher
23 rates of physical and sexual assaults than cisgender
24 individuals.

25 Victimized a vulnerable population is cruel but
regrettably through our correctional history, it has

3 not been unusual. I am proud that the Department has
4 been a national leader in developing safe and
5 progressive policies for the placement and care of
6 TGNBI individuals, because New York City often serves
7 as a model for other jurisdictions.

8 We engage frequently with experts and
9 stakeholders to ensure that our policy support the
10 safety and wellbeing of TGNBI individuals in our
11 custodial care. In 2018, the Department was one of
12 the first correctional institutions to house
13 individuals based on their gender identity. Since
14 that policy was enacted, gender identity has always
15 been based on self-identification.

16 Unlike other jurisdictions, we do not require a
17 diagnosis of gender dysphoria, on medical examination
18 or gender aligned identification documents. In 2019,
19 the Department established an LGBTQ+ affairs unit to
20 support LGBTQ+ individuals in our custody, especially
21 TGNBI individuals. This unit and the wide supported
22 offers is unique among correctional agencies in this
23 country.

24 My testimony today is divided into three parts.
25 First, I will begin by sharing some basic statistics
regarding our TGNBI population. Second, I will set

1
2 forth some principles that guide the department in
3 the housing and care of TGNBI individuals. Lastly, I
4 will address the legislative proposals on the agenda
5 today.

6 Let me start with some general information on
7 statistics. Individuals who identify as transgender,
8 gender non-binary or intersex, may apply to be housed
9 in the special consideration unit, also known as the
10 SCU. A dormitory-style housing area located at Rose
11 M. Singer; a facility also known as Rosie's. They
12 also can be housed in general population unit at
13 Rosie's or in a male facility.

14 Individuals receive access to programming and
15 services that align with their stated gender
16 identity, regardless of where they are housed. Final
17 housing determinations are made on a case-by-case
18 basis and take into consideration where an individual
19 states that they feel safest. As well as any
20 management or security concerns.

21 There are some approximately 50 self-identified
22 TGNBI individuals known to the department in our
23 custody. And as you undoubtedly know, not all
24 individuals who identify as TGNBI choose to disclose
25 their identity to the department. So, it is likely

3 that our TGNBI population includes more than the
4 approximate 50 individuals.

5 Currently, 38 of those approximate 50 know TGNBI
6 individuals are housed in their requested gender
7 facility. This means they are housed in a female
8 facility. If they have requested to be housed there
9 or in a male facility if they have requested to be
10 housed there. The remaining TGNBI are in protective
11 custody, mental observation housing or other units as
12 appropriate.

13 Now, I will turn to the principles that guide the
14 department and the way we treat and house TGNBI
15 individuals. First, department staff are expected to
16 treat TGNBI individuals with respect and dignity.
17 Staff may not use transphobic, homophobic or
18 otherwise derogatory language in addressing or
19 discussing TGNBI individuals. They must respect an
20 individual's pronoun choice and preferred name. Any
21 staff member who disrespects or abuses a TGNBI
22 individual, will be subject to discipline. This is
23 outlined in our policies and reinforced by department
24 leadership, myself included.

25 Second, TGNBI individuals should be processed
through an intake facility that is aligned with their

3 gender identity. That means, transwomen should be
4 admitted to Rosie's where cisgender women are
5 admitted. This is subject on which we could use help
6 from defense attorney's and the courts. Currently
7 the securing orders that we receive from court have
8 only two gender identities, male and female. The
9 result is that too often transwomen are identified as
10 males and transported to our male intake facility at
11 the Eric M. Taylor Center, also known as EMTC.

12 This should not occur. Correctly identifying an
13 individual's gender at the outset assists us
14 throughout an individual's stay in our custody.

15 Third, individuals should be housed in a facility
16 consistent with their gender identity. Absent
17 overriding security or management concerns. Living
18 in gender affirming housing with others who have
19 shared experiences, provide support, community and
20 affirmation, it makes incarceration less traumatic.
21 Moreover, as history shows TGNBI individuals face
22 greater risk of assault, discrimination and
23 humiliation if placed in a housing unit that is
24 misaligned with their gender. Simply stated, we
25 recognize that sex assigned at birth cannot determine
placement.

3 Fourth, we will continue to operate a special
4 consideration unit to provide TGNBI individuals the
5 opportunity to live with others with shared
6 experiences. However, it is not important – it is
7 important to recognize that many TGNBI individuals
8 prefer to reside in general population in Rosie's.
9 Others prefer to be housed in a male facility. Their
10 preference should be given great weight. TGNBI
11 individuals are not a monolith. Each individual has
12 unique needs and challenges and they differ in where
13 they feel safest.

14 In short, there is no one size fits all approach
15 to housing determinations and our placement policy
16 must reflect that reality.

17 Fifth, as a presumptive rule, self-identified
18 gender should determine placement but it cannot be
19 definitive. And a flexible policy or placement based
20 on self-identified gender would present safety
21 concerns for transgender males. They could be
22 subject to sexual harassment, abuse and violence if
23 placed with cisgender men and they typically prefer
24 to be placed in a woman's facility.

25 Six, TGNBI individuals should not be transferred
out of a facility aligned with their gender for

3 conduct that would not cause a cisgender individual
4 to be transferred. We must be focused on treating
5 all persons in custody equitably regardless of their
6 gender.

7 Seventh, TGNBI individuals should have access to
8 the same programming options as cisgender
9 individuals. The department provides unique and
10 gender affirming programs and service opportunities
11 for TGNBI individuals regardless of where they are
12 housed. We also provide TGNBI individuals with an
13 extensive LGBTQ+ reentry resource guide and seek to
14 connect individuals to a network of gender affirming
15 community providers that can be accessed upon
16 release. And we actively work closely with
17 Correctional Health Services, also known as CHS, to
18 ensure that TGNBI individuals can access gender
19 affirming healthcare and meet their mental healthcare
20 needs. Additionally, all TGNBI individuals have
21 access to toiletry and clothing items that align with
22 their gender identity and gender expression. This
23 year, we have added chest binders to the list of
24 available items, so that trans men and gender non-
25 binary individuals can appear more traditionally
masculine if they choose. Proper clothes and

3 undergarments can decrease feelings of gender
4 dysphoria and reduce incidents of self-harm among
5 those who wish to use them.

6 Finally, I would like to take a moment to
7 highlight a few of the legislative items on the
8 agenda today. Intro. 728 would provide TGNBI
9 individuals the right to appeal denials of preferred
10 placement and require that CHS and the Board of
11 Correction participate in the appeal process.
12 Neither of those entities, however, has expertise in
13 classification, security or jail management. Safe
14 placement is the department's job and must remain our
15 responsibility. Moreover, the department already has
16 a housing reconsideration process that allows TGNBI
17 individuals to seek review of their housing
18 placement. Individuals can apply for reconsideration
19 if they have been denied their preferred housing
20 placement or removed from their preferred housing
21 placement.

22 The reconsideration process encourages
23 individuals to provide additional information
24 including references and recommendations from
25 community groups and our staff, which has not been
previously considered and might support a different

3 outcome. We must be open minded enough to change our
4 mind on placement when new information or changed
5 circumstances call for it.

6 Intro. 831 would enhance a resource navigator
7 program with the Mayor's Office of Criminal Justice
8 to assist women and gender expansive persons in
9 locating appropriate reentry programs. I support
10 efforts to expand available resources for both women
11 and TGNBI individuals who have experienced
12 incarceration as reentry programs reduce the
13 likelihood of recidivism. We look forward to working
14 with the Council to ensure that appropriate reentry
15 services are available.

16 Finally, resolution 117 calls on the state
17 legislature and the Governor to enact the bill that
18 would require the Office of Court Administration to
19 update the securing order form to include a gender x
20 option. We support efforts to expand a gender
21 identity option or securing orders. As this will
22 assist us in making appropriate housing placement for
23 those coming into our custody.

24 As I stated at the outset, the Department has
25 been a leader in the placement and care of
transgender individuals. Enacting groundbreaking

1 policies that outpace other jurisdictions. With that
2 said, it is incumbent upon the department to
3 continuously evaluate and update our policies to meet
4 the evolving needs of TGNBI individuals and all
5 persons in our custodial care, which to date are
6 almost 6,000 people. And strengthen policies and
7 directive where necessary.
8

9 Ensuring a safe and humane environment for
10 everyone in our custodial care is our highest
11 priority. Thank you for the opportunity to testify
12 today at this important subject.

13 JEANETTE MERRILL: Good morning Chairs Rivera and
14 Cabàn and members of the Committees on Criminal
15 Justice and Women and Gender Equity. I am Jeanette
16 Merrill, Director of Communications and
17 Intergovernmental Affairs for New York City Health
18 and Hospitals Correctional Health Services, also
19 known as CHS. I appreciate the opportunity to
20 testify at today's hearing about the transgender,
21 gender non-conforming, non-binary and intersex task
22 force report and associate of legislation. My
23 testimony will provide an overview of the medical
24 mental health and reentry services CHS provides to
25 the TGNCNBI individuals in our care.

3 At CHS, we are unequivocal in our belief that all
4 people in the city's custody have a right to gender
5 affirming healthcare provided in a respectful and
6 dignified manner. We know that many of our TGNCNBI
7 patients have experienced diversity when accessing
8 and receiving healthcare in the community and we view
9 every jail based clinical encounter as an opportunity
10 to provide the high-quality affirming care our
11 patients deserve.

12 We also recognize that there are opportunities to
13 improve, expand, and enhance our services for TGNCNBI
14 individuals and this work is ongoing throughout our
15 services. Shortly after becoming the independent
16 health care provider in the city's jail, as a new
17 division of New York City Health and Hospitals, CHS
18 began updating our transgender care policies and
19 procedures, using community, national and
20 international standards to promote gender affirming
21 care. We established a work group to create access,
22 to ensure access to gender affirming treatment and to
23 reduce barriers to care for our transgender patients.
24 This includes building capacity to prescribe hormones
25 within our service, so patients do not have to seek
care from offsite specialists. And ensuring the

3 mental health involvement focuses on supporting an
4 individual's treatment and care.

5 The current transgender care policy and as an
6 associated care templates, incorporate guidance from
7 the World Professional Association for Transgender
8 Health, Fenway Health and the University of
9 California, San Francisco's Gender Affirming Health
10 Program. Guidance such as these help to advise our
11 clinicians on how to appropriate counsel and care for
12 transgender patients, starting from the new admission
13 process.

14 As part of the medical intake, CHS clinicians ask
15 all patients about their gender identity, as well as
16 their preferred names and pronouns. The information
17 is documented and the electronic health record in
18 order to inform the patients clinical care, which may
19 include the initiation or maintenance of hormone
20 therapy.

21 Like all of our patients, TGNCNBI individuals
22 received individualized medical and mental health
23 services while in our care. Patients who identify
24 with TGNCNBI during the new admission process, or
25 during subsequent clinical encounters, are reviewed
by our physician leader for gender affirming care who

3 may refer these individuals to see a justice special
4 populations care team.

5 While CHS has worked to build transgender care
6 capacity within our primary care workforce and
7 throughout all clinical and nonclinical disciplines,
8 we have also recognized the need for more specialized
9 services for our transgender patients. We recently
10 established an interdisciplinary team of case
11 workers, social workers and physicians to provide
12 additional in jail support to planning service and
13 post release follow-up for vulnerable populations,
14 including transgender individuals.

15 This team conducts regular case conferencing in
16 order to discuss and coordinate the care of these
17 patients who have unique clinical needs. This team
18 is also in regular communication with the Department
19 of Corrections, LGBTQ+ Affairs Unit.

20 Transgender patients were interested in pursuing
21 gender affirming surgery, would likely be referred to
22 the intradisciplinary team. As a part of New York
23 City Health + Hospitals, CHS works to support on an
24 individual level gender affirming surgeries within
25 the system.

3 Because the challenges in accessing gender
4 affirming surgery in the community are compounded by
5 the challenges of providing care in a carceral
6 setting, particularly the unpredictable length of
7 stay in pretrial detention. These surgeries may not
8 occur as timely as our patients or our providers
9 would like. We will continue to work diligently with
10 our Health + Hospitals community partners and with
11 the Department to ensure expeditious access to these
12 surgeries.

13 In addition to the medical and mental health
14 needs of our patients, reentry services prove crucial
15 to our patients wellbeing. Starting at intake, CHS's
16 reentry and transitional services team helps patients
17 plan for successful return to the community. For
18 TGNCNBI patients, this may include referrals to New
19 York City Health + Hospitals pride health centers and
20 to other community-based organizations that
21 specialize in serving this population.

22 Transgender patients under the care of our mental
23 health service receive additional district planning
24 services and our patients under the care of the
25 Special Populations Care Team will receive follow-up
phone calls. We are actively working to develop more

3 comprehensive specialized reentry services for this
4 population, especially since in 2022 more than 38
5 percent of our TGNCNBI patients reported being
6 homeless before incarceration or not having a place
7 to go after jail.

8 I will now turn to the legislation. Intro. 355
9 would permit incarcerated individuals in city jails
10 to choose the gender of their doctor. We appreciate
11 the patients need to feel comfortable with their
12 health care providers and for many individuals, their
13 comfort is dependent on being treated by a doctor of
14 the same gender, especially when receiving
15 reproductive and sexual health services.

16 Building trust between patients and providers is
17 incredible important and proves particularly
18 challenging in a carceral setting. Access to health
19 care in jail can simultaneously be more critical and
20 more challenging. CHS works to accommodate patients
21 who feel uncomfortable or dissatisfied with their
22 health care providers for whatever reason. Patients
23 can contact CHS's patient relations department, file
24 a complaint or to seek a second opinion and they can
25 call our health triage line to speak directly with a
nurse about any health care concern.

3 However, we should also not create unrealistic
4 expectations in the jail environment, where health
5 services run 24 hours a day, 7 days a week and where
6 certain evaluations occur at unpredictable times,
7 such as injury evaluations or emergencies.

8 It is not feasible and may not even be possible
9 to staff each service in all of our clinics and
10 therapeutic housing areas with female, male, and non-
11 binary physicians at all times. We remain committed
12 to supporting our patients through the provision of
13 appropriate and timely care. Just as we remain
14 committed to recruiting a diverse workforce.

15 However, it would be unfortunate for a patient to
16 experience a delay in care or to forego care because
17 of a requirement for a provider of a particular
18 gender who may not be available.

19 Before closing, I would like to thank the task
20 force for the significant time and energy they've
21 invested in creating the report. We look forward to
22 continuing our work with them, particularly as we
23 develop more educational materials for TGNCNBI
24 patients. I would also like to thank CHS's nurses,
25 doctors, social workers and other health
professionals who care for our TGNCNBI patients. We

3 are fortunate to have such dedicated clinicians to
4 help us expand and improve our services. Thank you.

5 CHAIRPERSON RIVERA: Thank you very much. Thank
6 you for using TGNCNBI language so we can be inclusive
7 as possible. Let's try to do that going forward. I
8 also want to note that we've been joined by Council
9 Members Hanif, Brewer and Riley. Thank you to my
10 colleagues for joining us. Okay, so, let's just
11 start with a few questions about data.

12 In your testimony you mentioned that you know
13 that there are 50 TGNCNBI people currently in your
14 custody. When is this number from? Is it from 2022?
15 Most recent today's number. You said 38 individuals
16 are housed in their requested facility with others in
17 the mental observation unit for example. Can you
18 explain that decision making process?

19 LOUIS MOLINA: My apologies, I didn't have the
20 mic on. We have a person who can come forward to
21 express their gender identity and express the
22 preferred housing location and there is a special
23 consideration unit housing that we have established
24 at Rosie's in addition to possibly placing someone in
25 general population housing at Rosie's. And we have a
determination unit that evaluates that persons

3 application. It takes a number of things into
4 consideration; security, possibly infraction history
5 if that's available. We get input from CHS, LGBT+
6 unit as well opines and provide some insight on that
7 and a determination is then made.

8 I will say that about 75 percent this year of
9 those applications have been approved.

10 CHAIRPERSON RIVERA: How many transgender women
11 are in men's jails and how many are in Rosie's? And
12 how many are there voluntary verse involuntary?

13 LOUIS MOLINA: So, to answer your first question
14 about transwomen that are in men's jail and how many
15 are in Rosie's. In our male facilities, we have more
16 than ten but less than 20. And I speak to these
17 situations in aggregate just to protect the identity
18 of those in these facilities.

19 As far as those that are involuntarily not in one
20 of the preferred facilities that they're choosing,
21 that number is 11.

22 CHAIRPERSON RIVERA: And so, that decision to not
23 fulfill their request was made throughout with this
24 group of people that you describe including CHS?

25 LOUIS MOLINA: It's made by the determination
unit. CHS provides insight that helps guide that

3 determination. But I think it's important to note
4 that if new information comes to light, if additional
5 information that the individual wants to put forward,
6 there is a reconsideration process and there has been
7 times that during that reconsideration process, that
8 the decision was reversed.

9 CHAIRPERSON RIVERA: How many non-binary people
10 are in the men's jails and how many at Rosie's and
11 how many are there voluntary versus involuntarily?

12 LOUIS MOLINA: I think given the low numbers; we
13 would be placing ourselves publicly in a situation to
14 outing individuals that may not want that publicly
15 known. So, I'm happy to talk to you offline about
16 specifics about either individuals or significantly
17 low numbers, yourself or anybody else in the Council.

18 CHAIRPERSON RIVERA: So, even though they might
19 be low numbers, you do have the numbers?

20 LOUIS MOLINA: Yeah, we could talk about that
21 offline.

22 CHAIRPERSON RIVERA: Is this data shared with the
23 task force?

24 LOUIS MOLINA: I'm not sure if that may have been
25 shared at the task force prior to my engagement. I
don't believe that that number has been shared as of

3 late with the task force but I could follow-up with
4 you and determine if that was asked and if we did
5 share it with them and at what points and time we may
6 have done that.

7 CHAIRPERSON RIVERA: I would appreciate that
8 because from what we've heard from task force
9 members, DOC reps have emailed the group but have
10 refused to give the task force this data. So, if we
11 can help cultivate that relationship and make sure
12 that we're not just complying with the legal mandate
13 but giving the task force the respect and the data
14 that they deserve to do their job. I would note that
15 Intro. Number 887 is a bill to ensure that the
16 Administration is providing the necessary information
17 to the task force. So, can you and your team commit
18 to giving this updated data to task force members on
19 a monthly basis?

20 LOUIS MOLINA: I can commit to evaluating the
21 request and of course being open minded with the goal
22 of being forward thinking as we have been since 2018.
23 I mean, our practices far exceed probably many of the
24 significant, many of the jurisdictions in America, so
25 with that open mind, I would be open to taking that
under consideration.

3 CHAIRPERSON RIVERA: Forward thinking is
4 important but so is transparency, so that's what I'm
5 trying to ensure that we are codifying here today
6 that not only are we working together in a
7 partnership, that we're fulfilling these requests so
8 that they can do their best work.

9 So, the task force report included a DOC
10 directive that created a housing determination
11 process for TGNCNBI people and guidelines for the
12 Special Considerations Unit. And in your testimony
13 you mentioned how people apply for the Special
14 Considerations Unit. Is this directive public? From
15 what I understand, it's restricted and not public.

16 LOUIS MOLINA: It is not a public document
17 because there are security parameters guiding that
18 document, so it is not public.

19 CHAIRPERSON RIVERA: Why are even the people that
20 are directly affected by it, the people in the jails
21 not allowed to see it?

22 LOUIS MOLINA: Well, the individuals in the jail,
23 the applicants are called in for consideration are
24 being given a form to answer questions to be given
25 consideration. I will point out that prior to my
26 tenure, that document was shared with the task force

3 to help in the task force work. So, we were good
4 partners in providing the task force with that
5 document.

6 CHAIRPERSON RIVERA: How does the department
7 expect compliance if people don't know their rights
8 and obligations?

9 LOUIS MOLINA: Well, people have been -
10 individuals have been explained that they have a
11 right for reconsideration. A number of times, if we
12 do provide them with an explanation as to our
13 determination, we provide that to the individual.
14 That individual of course has every right to exercise
15 their right if they want to share that document with
16 someone else. But we do not provide that
17 determination document to third parties but we would
18 not discourage individuals to seek out any type of
19 community support that they think would help guide
20 our reconsideration process.

21 CHAIRPERSON RIVERA: And from, from what I
22 understand, housing reconsideration can only happen
23 after 90-days?

24 LOUIS MOLINA: Yes because we don't want to have a
25 situation where we have individuals is asking for
reconsideration on a very, very frequent basis. We

3 have six, almost 6,000 individuals in our custodial
4 care and we have to balance the entirety of the jails
5 ecosystem. We have a number of vulnerable
6 populations that are outside of this group of
7 individuals and we have to keep everything within
8 balance.

9 CHAIRPERSON RIVERA: So, transwomen need to be
10 held in men's jails for 90-days before potentially
11 going back to Rosie's?

12 LOUIS MOLINA: It's possible. When we make a
13 determination of the appropriate housing, it's
14 possible that the appropriate housing determination
15 could have been a male facility.

16 CHAIRPERSON RIVERA: Well, I think we call can
17 understand how problematic that can be, so I know we
18 have questions from my colleagues on this but, I want
19 to ask about the status of the updates to the
20 directive. Because in the article published
21 yesterday by the city, you were quoted as saying, you
22 had set up an internal committee to update policies
23 for TGNCNBI people in custody. Can you tell us who
24 this Committee is comprised of?

25 LOUIS MOLINA: So, we have a policies and
procedures unit. As you know and as the monitor has

3 said, public being his reports, that we have had a
4 significant change in the leadership of this
5 department, which was positive from the monitors
6 point of view, as we tackle a number of challenges
7 and issues facing the department.

8 So, in addition to our policies and procedures
9 unit, we have significant change in senior staff from
10 our senior deputy Commissioners and our deputy
11 Commissioners, many of whom have experiences managing
12 not only these types of issues and policy discussions
13 as well as other junior persons within the department
14 that will be on that Committee to evaluate not only
15 this directive but a number of directives that effect
16 hundreds of people that are in our custodial care.

17 CHAIRPERSON RIVERA: How many TGNCNBI people are
18 currently working on the directive?

19 LOUIS MOLINA: Oh, I don't think it's my place to
20 out those individuals. If they themselves have not
21 publicly identified themselves publicly, I think what
22 I can tell you is that the individuals part of that
23 group have a varied of life experiences that are
24 relevant to us making an informed decision. If the
25 policy or directive needs to be changed.

3 CHAIRPERSON RIVERA: Well, no one in the task
4 force or in your custody has that privilege, so I
5 wanted to ask to ensure that for the sake of
6 inclusivity, that the task force and the directives
7 specifically was representative and reflective of the
8 work that needed to get done. Will the department be
9 sharing drafts of the directive with the task force
10 for input and advice?

11 LOUIS MOLINA: That's not my intention, no.

12 CHAIRPERSON RIVERA: Why?

13 LOUIS MOLINA: Because I think individuals that
14 we have selected represent a body of work that
15 balances not only the needs of a vulnerable
16 population, but understand security, classification
17 and a number of other subject matter expertise that
18 the task force doesn't have.

19 CHAIRPERSON RIVERA: How will you seek input from
20 TGNCNBI people, leadership, the community itself.

21 LOUIS MOLINA: Well, we engage with experts and
22 stakeholders all the time, to have very frank
23 conversations. We have members within our own
24 department that are also members of that community.
25 So, we get voices of expertise from a number of
areas.

3 CHAIRPERSON RIVERA: The DOCLGBTQI Initiatives
4 Unit has lost three of four employees in the past
5 year. What is the total number of staff at present?

6 LOUIS MOLINA: For that particular unit, we have
7 one executive director that is still on staff. We
8 have vacancies in that unit, as well as we have
9 vacancies in number of business units within the
10 department. Our challenges with attrition across the
11 board for both uniform and non-inform staff is not
12 unique to the New York City Department of
13 Corrections, and people in a professional job move on
14 to do other things.

15 CHAIRPERSON RIVERA: So, right now, there's
16 currently one staff member, the Director?

17 LOUIS MOLINA: We have one executive director but
18 again, there are a number of individuals from the
19 TGNCBI community that serve in a number of capacities
20 within the department. So, even though we have only
21 one person specifically in that unit, which is very
22 at its core mission, programmatic and community
23 engagement base, other business units within the
24 department also have a voice in that. And I think
25 when we think about the leadership of the department
as it is today versus what it was, we have a

3 leadership that not only infuses a significant number
4 of individuals with varied experiences and talents
5 outside of New York City. And what we're talking
6 about really is a cultural see change in really the
7 thinking of the entirety of the department and also
8 the culture of the departments thinking.

9 And I think that's at heart in where you get to a
10 position of normalcy in manning a number of
11 vulnerable communities that are placed in our
12 custodial care.

13 CHAIRPERSON RIVERA: I think a cultural see
14 change would be welcomed at the Department of
15 Corrections. There's no doubt. I mean, it's deeply
16 dysfunctional. I know you're trying to manage the
17 situation as best you can but it is troubling on
18 almost a daily basis. Will DOC commit reestablishing
19 a steady point of contact when public defenders or
20 others in the community need to report emergencies
21 regarding housing placement?

22 LOUIS MOLINA: Well, we have that now. We
23 regularly receive communications, in the majority of
24 times, email communications that go to my staff
25 members that are responsive to either advocates.
Sometimes their attorneys on behalf of individuals

3 that they're advocating for or possibly representing.
4 To either be given reconsideration or to have maybe a
5 health and welfare check on a particular individual.
6 Or to address a particular incident that maybe
7 occurring.

8 We also have 311. We also have the Office of
9 Constituent and Grievance and services. That is also
10 accessible to those that are in custody. So, there
11 are a number of avenues in which advocates,
12 individuals themselves, concern community leaders can
13 communicate with the department and get a response.

14 CHAIRPERSON RIVERA: Does the department intend
15 to give members of the LGBTQI Initiatives unit input
16 on housing decisions. I know right now there's a
17 sole employee left within that unit until you rehire
18 individuals or actually hire individuals. Do they
19 have input on housing decisions?

20 LOUIS MOLINA: So, they have been part of the
21 determination unit discussions and similar and alike
22 to Correctional Health Services. They provide input
23 as to their position and observations and engagement
24 with the individual that's being given a
25 determination as to the appropriate housing.

3 CHAIRPERSON RIVERA: Is DOC still operating the
4 ambassador's program?

5 LOUIS MOLINA: So we have ambassador training
6 that happens in service training with staff. I can
7 follow-up with you to let you know how many of those
8 individuals we have in place. I don't know the
9 number off the top of my head.

10 CHAIRPERSON RIVERA: And how many uniformed
11 officers participate? If you could give me that?

12 LOUIS MOLINA: Got it.

13 CHAIRPERSON RIVERA: What actions is the
14 department taking to ensure members of this unit are
15 treated with dignity and respect at work?

16 LOUIS MOLINA: Well, it's my expectation that all
17 members of our department treat each other, contract
18 providers, volunteers, persons in custody, anyone
19 that we engage with with the public with dignity and
20 respect. We do that also by a number of a training,
21 some required by DCAS, some internally, inclusivity,
22 working with vulnerable populations. So, it is an
23 ecosystem that I support where we have individuals
24 treating people with dignity and respect. And when
25 actually enacted because it wasn't in place, our
organizational health strategy, it was important for

3 me to ensure that our staff would not only support it
4 but that support came about in a very dignified and
5 respectful way, so that we can achieve the best of
6 all of our employees, both uniform and non-uniform
7 and provide an environment for those contract
8 providers and volunteers and faith-based leaders that
9 come into the department to be able to engage with
10 our vulnerable population.

11 CHAIRPERSON RIVERA: There was a recent report by
12 the New York Civil Liberties Union that said 95
13 percent of trans and non-binary people in state
14 correctional populations are actually harassed or
15 called names by staff. And so, we want to ensure; I
16 know you are putting forward a culture of inclusivity
17 and respect but that sort of data is troubling. So,
18 to ensure that you are iterating that policy and have
19 a workplace of respect and dignity. So, I just want
20 to thank NYCLU for taking the time to ask those
21 questions. I'm just going to ask about one more
22 thing. We have a couple of members and of course
23 Chair Cabàn, who is going to be asking questions. I
24 want to ask uhm, as was noted in the report, when the
25 TGNCNBI task force was formed, the death of Layleen
Polanco was at the forefront of the public

3 conversation. I do not invoke that name lightly.

4 It's important to mention that in the DOC
5 investigation that followed her death, we learned
6 that Ms. Polanco who came into custody with a history
7 of epilepsy and seizures was placed in punitive
8 segregation and when unobserved by DOC staff for
9 stretches of time. 57 minutes, 47 minutes, 41
10 minutes, during the period between when she was last
11 confirmed alive and when a medical emergency was
12 declared.

13 One of the reasons we know this information is
14 because BOC was unencumbered in their ability to view
15 Genentech video of the housing unit where Ms. Polanco
16 died. And as of last week, these policies have
17 changed and become more restrictive. Access to video
18 by DOC was severely curtailed by the Department of
19 Correction. BOC's investigations into deaths in
20 custody do not focus on criminal wrong doing or
21 individual fault. Instead they seek lessons to learn
22 from, to help make sure no one else suffers that same
23 fate.

24 So, Commissioner, when the stakes are this high,
25 why choose to restrict access to video footage?
Would you not agree that the independent oversight

3 and the reports produced by DOC can be helpful to
4 identify areas where the departments procedures can
5 be improved?

6 LOUIS MOLINA: So, I'm a big supporter of
7 oversight bodies. That's why when I came onboard in
8 January of 2022, I was highly disturbed and
9 aggravated that the Board of Corrections for two
10 years, didn't once visit Riker's Island but instead
11 chose to stay home and work remotely and just collect
12 a paycheck while uniform and non-uniform staff that
13 worked at the department, came in every day during a
14 global pandemic to manage a very vulnerable
15 population.

16 As it relates to the real time access of video
17 footage within a department, what I did was align our
18 engagement with the Board of Corrections, with the
19 City Charter. So, they have access to view these
20 videos at our headquarters facilities. We have set
21 up stations and offices where they can view that in
22 private. When they like to come, they're in business
23 hours to do that. If there are exigent circumstances
24 where they need to see something very quickly, we
25 will make sure that that office is available to them
to view video.

3 CHAIRPERSON RIVERA: I understand you've changed
4 the protocol to be aligned. I laid out an example, a
5 very serious example of why we feel the access
6 previous to this change in protocol was important.

7 During this time that we've been asking
8 questions, you haven't really mentioned working with
9 the task force either. And so, I ask that you know
10 on behalf of the Committee on Criminal Justice, I
11 sincerely hope that you give us a reason to believe
12 that you look forward to working with them moving
13 forward. And with that, I'm going to turn it over to
14 my colleague. Thank you for answering my questions.

15 Chair Cabàn.

16 CHAIRPERSON CABÀN: Thank you. I'm going to
17 start by talking a little bit about the policies and
18 directives following up on some of Chair Rivera's
19 questions but I did want to start with a simple one,
20 well a couple simple questions hopefully from both
21 your follow-up on your testimony, as well as some of
22 the answers that you have given here thus far today.

23 You mentioned in your testimony that you
24 discipline Corrections Officers who violate policy
25 surrounding you know queer and gender expansive folks
on Riker's Island. Can you tell me how many

3 disciplinary actions or proceedings has taken place
4 since you have been Commissioner of DOC?

5 LOUIS MOLINA: Thank you for the question. So,
6 in January of last year, I inherited nearly 4,000
7 backlog of disciplinary cases that went all the way
8 back to 2017, that vary in a number of areas of
9 policy –

10 CHAIRPERSON CABÀN: But I'm just curious about
11 the areas directly about –

12 LOUIS MOLINA: What I've done is, I have
13 adjudicated and closed out over 2,600 disciplinary
14 cases in one year.

15 CHAIRPERSON CABÀN: Commissioner, I just ask that
16 you focus on my question. My question is specific
17 numbers about disciplinary proceedings that resulted
18 from violations of specifically those policies. I
19 don't want the larger number of the entirety of
20 disciplinary proceedings, I want ones that are
21 pertaining to these policies.

22 LOUIS MOLINA: I don't have the number in front
23 of me. We would have to audit thousands of cases to
24 try to get you that number but we can look into see
25 if we can do that.

3 CHAIRPERSON CABÀN: We would certainly like them.

4 I think the reason for that Commissioner, is because
5 we would like to see if there is a disparity between
6 the testimony that we're hearing around what people
7 are experiencing everyday versus the number of times
8 people are being identified as breaking those
9 policies and held accountable for them and getting
10 the kinds of actions that change behavior going
11 forward, so that we're not continuing to traumatize
12 gender expansion folks, expansive folks on the
13 Island. So, that is my reason for asking. I would
14 love follow-up on that.

15 You also mentioned in your testimony, that you
16 were a big fan of oversight. And so I just wanted to
17 ask you, I know that one of your first actions as
18 Commissioner of Department of Corrections was to fire
19 Serena Townsend(SP?) and I just want to ask, have you
20 refilled that position?

21 LOUIS MOLINA: That position has been refilled.

22 CHAIRPERSON CABÀN: Okay and who holds it now?

23 LOUIS MOLINA: Deputy Commissioner Manuel
24 Hernandez is the Investigations Division Deputy
25 Commissioner. Deputy Commissioner Solange Grey is
the Deputy Commissioner overseeing the Trials

3 Division. That unit was put in two, so that we could
4 have proper checks and balances, not only in our
5 investigations process and really timely and
6 meaningful discipline in our trials process, none of
7 which those two things were happening when I took
8 over the department. In fact, under this teams
9 leadership, the Federal Monitor finally moved us into
10 partial compliance in that area, which had not been
11 done years prior.

12 CHAIRPERSON CABÀN: So, you went a different
13 route, it's not that independent position but
14 somebody that was brought in internally. So, I want
15 to follow-up on another thing that was mentioned by
16 the Chair. Let me just find the answer you gave
17 here.

18 Okay, so you were asked about the LGBTQI+
19 Initiatives Unit. I know that in, I believe it was
20 2021, there were four. You lost one member, so you
21 had a vacancy going into 2022, correct?

22 LOUIS MOLINA: Yes.

23 CHAIRPERSON CABÀN: Okay, and so that vacancy was
24 never filled in 2022 and so, the three of the four
25 remaining personnel as part of that unit in the span

3 of less than a year, you lost two members of that
4 unit, correct?

5 LOUIS MOLINA: They resigned.

6 CHAIRPERSON CABÀN: Okay, and so, I know that
7 your testimony that you gave when asked about these
8 positions and the vacancies was a general answer
9 around how has across the board been hard to recruit,
10 hire, and maintain personnel municipal employees
11 essentially, is that correct?

12 LOUIS MOLINA: That is correct.

13 CHAIRPERSON CABÀN: Okay. And so, I just want to
14 push back on that a little bit because again, thanks
15 to some quite frankly, really incredible reporting by
16 the city recently, two of those members spoke out
17 about their experiences and what was stark about
18 that, was that they communicated experiencing on a
19 different scale but many of the same
20 microaggressions, not so microaggressions, and
21 discriminations that gender expansive New Yorkers,
22 whether or incarcerated or not experience every
23 single day and they felt that because of that and
24 because that they weren't getting a seat at the table
25 and being taken seriously in those meetings, despite
having personal experience and being directly

3 impacted, that that was the reason they left. And
4 that seems pretty different than sort of just the
5 general challenges of being able to not maintain
6 municipal employees because of flexibilities around
7 remote work or pay. That seems like a really
8 targeted and specific cultural problem that the DOC
9 needs to fix. Would you agree?

10 LOUIS MOLINA: No, I would not.

11 CHAIRPERSON CABÀN: Okay. I'm going to move on
12 from there. I am looking forward to hearing from the
13 task force directly.

14 So, I also want to ask you in terms of the
15 policies and directives. Following up again on some
16 of the Chair's excellent questions, is how does the —
17 the Chair asked about the task force report and that
18 directive that created the housing determination
19 process and the guidelines for the SCU. I know that
20 we covered you know why. Your reasoning why it's
21 restricted and not public but how does the department
22 expect compliance and people don't know their rights
23 and obligations?

24 LOUIS MOLINA: Well, the individuals are provided
25 with an application that's pretty I will call very
open to provide them a place for us to be able to

3 consider their housing determination. They have
4 access to not only uniform staff that can help guide
5 them if they want that. They also can engage with
6 other individuals who they feel can advocate on their
7 behalf for guidance. They can submit
8 recommendations, references in support of that
9 application. We have our LGBTQ+ Unit, which is also
10 available for assistance, if they so need it.

11 CHAIRPERSON CABÀN: I'm glad that you mentioned
12 the LGBTQ+ Unit. It's a good follow-up to the answer
13 you just gave in respect to compliance and people
14 knowing or not knowing their rights or obligations in
15 that same city article that I referenced. There's an
16 email that they obtained from the Department of
17 Corrections that said it is the responsibility of all
18 staff to work with LGBTQ+ individuals and argued,
19 memorialized in an email arguing that the lack of
20 interaction, admitting to a lack of interaction and
21 access with the LGBTQ+ Unit was not an indication
22 that gender expansive folks and the queer communities
23 needs aren't being met. And it begs the question
24 that if that were the case, why does the unit exist
25 to begin with? I think that you know, the reason why
something that is built like that is to address a

1 need and it's under the theory that you know there is
2 only so much you can do with a certain amount of
3 supplementary training for an officer that's doing
4 sort of general population work and that there is a
5 need for access to folks with a larger base of
6 knowledge, experience and training around the needs
7 of the LGBTQIA+ community.
8

9 So, why is it that there is this stark lack of
10 access and interaction between the LGBTQ+ unit and
11 LGBTQIA+ incarcerated New Yorkers?

12 LOUIS MOLINA: I don't believe that there's a
13 lack of that.

14 CHAIRPERSON CABÀN: Despite having, despite there
15 being an email from the Department of Corrections
16 acknowledging that that interaction isn't taking
17 place.

18 LOUIS MOLINA: I don't have the email in front of
19 me and I think when you read an email a lot can be
20 put in or not put in or taken into an email,
21 depending on the context of the conversation. But
22 when I've had the opportunity on a number of
23 occasions to listen in on that process of
24 determining, the voice of the LGBTQ+ unit was on
25 there. We had other subject matter experts from a

3 number of areas to include PREA, voice a concern.

4 And I felt that the conversations that I have
5 overheard were very robust with everybody wanted the
6 best for the person that was asking for this special
7 consideration.

8 CHAIRPERSON CABÀN: Okay, and so I know Chair
9 Rivera asked about the policy directive that we can't
10 see. I want to expand on that a little bit and ask
11 about the trainings mandated by the directive.

12 So, what's the current status of the staff
13 trainings mandated by the directive? Are they
14 happening? Is there any formal evaluation or
15 feedback form to gauge a participants are finding the
16 trainings helpful or if they have any impact? And
17 then I'm going to ask again if it's possible for the
18 task force or the Council staff to review one such
19 training. I know that you said you would have to
20 think about providing the directive itself. But what
21 about the training that's mandated by the directive?

22 LOUIS MOLINA: So, we have a number of trainings.
23 I will read you the list. So, let me just read you
24 some of the trainings that we do have. In addition
25 to DCAS driven training on inclusivity and having a
respectful workplace, we have respectful LGBTQI+

3 classification training that's done with our staff.

4 We have pat frisk searches for special populations.

5 Previously it used to be called our cross gender and

6 transgender pat frisk searches. We have pride

7 ambassador training. We have gender response and

8 have trauma informed gender responsive approaches in

9 DOC Operations Training. We have training that we do

10 for our visit process. We have a power of inclusion

11 training and everybody matters and equal employment

12 opportunity that includes training, which is provided

13 for all New York City employees. We also have Prison

14 Rape Elimination Act, not only initial training but

15 refresher training that happens with the staff as

16 well on a regular basis.

17 CHAIRPERSON CABÀN: And I just want to make sure

18 you answer the entirety of the question. Is there a

19 mechanism for a formal evaluation or feedback form in

20 each -

21 LOUIS MOLINA: That's a good question. So, we

22 recently hired a Deputy Commissioner of training,

23 which has over two decades of law enforcement

24 training.

25 CHAIRPERSON CABÀN: Okay, I'm going to hand it

over in like two minutes.

3 LOUIS MOLINA: Tens of thousands of law
4 enforcement officers. NE is developing a mechanism
5 not only for this training, but to get survey
6 feedback on all of our training in the department to
7 make sure that it's an alignment for the students
8 that are experiencing that training, meeting sort of
9 not only their learning objectives but also if they
10 have input in areas where we might be able to advance
11 that training. And that input may be because of
12 these students lived experience. That's something
13 that we may or may not be aware of, we can take that
14 into consideration.

15 CHAIRPERSON CABAN: So, just for the record, to
16 be clear, it does not exist currently. You're in the
17 process of doing such a thing and again I want to
18 urge and make sure that part of that process is that
19 participants are providing critical evaluation and
20 feedback on these and then the last question, is the
21 request of can you provide us with sort of the
22 details around the different trainings that you have
23 listed, so that we can see them and review them.

24 LOUIS MOLINA: Yeah, I could share with you the
25 training titles, that's fine and the descriptions of
what the trainings are.

3 CHAIRPERSON CABÀN: Thank you. I know that my
4 colleagues have a lot of questions. I have a lot
5 more question but I want to make sure that they get
6 some time to do that. So, I'll hand it over now and
7 I look forward to the second and maybe a third round.

8 CHAIRPERSON RIVERA: Thank you so much. I just
9 want to reiterate you know, having one person in a
10 unit that is incredibly important to the decision-
11 making process, recommendations, having that sort of
12 inclusive coalition of people with vast experiences
13 and talent. It's important and I know you've
14 mentioned that there are hiring issues across the
15 board and the city. We understand that with the
16 municipal workforce but this unit in particular and
17 what has happened, there needs to be change and there
18 has to be progress. So, we just want to - that
19 person in the unit, you mentioned disciplinary
20 records particularly related to those with
21 interactions with our TGNCNBI population. That's
22 going to be important to get back to us on. I'm only
23 reiterating this because in the past we have asked
24 for data. We're still waiting on data from previous
25 hearings and I want to ensure that transparency and
the partnership improves going forward.

3 LOUIS MOLINA: For the record ma'am, Madam Chair,
4 we provided you with all of the data requests to your
5 office and your team. I don't know if your team
6 maybe haven't provided it to you but we don't have
7 any outstanding data requests that we owe your
8 office.

9 CHAIRPERSON RIVERA: Okay. We're going to ask
10 you; this is not the topic of this hearing but in
11 addition to some of the contracts with our converting
12 to digital, contracts with certain providers and
13 things that related to previous topics, I will be
14 sure to make sure that I have all that information
15 and if it's all in, I will correct myself publicly
16 but the relationship has been challenging and
17 frustrating in relation to transparency. So, that's
18 how I feel. I'm saying it publicly, I think many
19 people know that and that's been my experience.

20 The other thing I will say about BOC and your
21 answer of you being now aligned with the Charter.
22 That is some information that if you can give me more
23 details as to the decision-making process going into
24 that. You mentioned BOC's failure to appear at
25 Rikers during the pandemic and sitting back and
collecting a paycheck and while I'm not going comment

3 on that and clearly the relationship between you and
4 BOC is important. They are an oversight body. Their
5 access to that footage is incredibly important and
6 has shed light on tragedies that have occurred on
7 Rikers Island in which we desperately need change to
8 save lives going forward.

9 So, if we have to codify going back to the pre-
10 protocol change, we will through legislation. So, we
11 will explore that. I know my colleagues have
12 questions. I want to go to Council Member Bottcher
13 first and then Narcisse, Hanif and then Stevens.

14 COUNCIL MEMBER BOTTCHEER: Thank you so much. In
15 your testimony Commissioner, I didn't hear you weigh
16 in on the Resolution I introduced in support of the
17 state legislation, the Gender Identity, Respect,
18 Dignity and Safety Act. Unless I missed it.

19 LOUIS MOLINA: Is it Resolution 117?

20 COUNCIL MEMBER BOTTCHEER: No, 458.

21 LOUIS MOLINA: Yeah, I'll just, I'll read that
22 Resolution and follow-up with you just my thoughts on
23 it. Once you have some final language on what that
24 Resolution looks like, I'm happy to engage with you
25 on it.

1 COMMITTEE ON CRIMINAL JUSTICE JOINTLY WITH THE
2 COMMITTEE ON WOMEN AND GENDER EQUITY

67

3 COUNCIL MEMBER BOTTCHER: Essentially, just
4 expressing support for the state bill. Are you
5 familiar with the Gender Identity Respect, Dignity,
6 and Safety Act?

7 LOUIS MOLINA: Yes.

8 COUNCIL MEMBER BOTTCHER: You are?

9 LOUIS MOLINA: Yeah.

10 COUNCIL MEMBER BOTTCHER: What are your views on
11 that bill?

12 LOUIS MOLINA: I think in support of and what I
13 know about the bill at this moment, I just have to
14 take into the operational implications of the bill
15 and I just need more time to sort of digest
16 operational insecurity concerns that may be
17 unintended consequences of that bill. So, I'd like
18 to just be able to have more time to give you a more
19 thorough answer on that. And I can do that offline
20 with you Council Member.

21 COUNCIL MEMBER BOTTCHER: Okay. Does anyone else
22 on the staff have any opinions on that bill? Any
23 more granular knowledge about it? Anyone?

24 LOUIS MOLINA: No.
25

3 COUNCIL MEMBER BOTTCHE: No, okay. Maybe during
4 the course of this hearing, you could get back to us
5 with something about that bill. Thank you.

6 CHAIRPERSON RIVERA: Thank you Council Member.
7 We're going to go to Council Member Gutiérrez before
8 Narcisse. Council Member.

9 COUNCIL MEMBER GUTIÉRREZ: Thank you so much
10 Chairs and thank you both for being so thoughtful
11 with your questions and your leadership. I have two
12 questions. Commissioner Molina, I'm a little
13 disheartened at the negligence of this task force and
14 their recommendations and their yearlong commitment
15 to improving the conditions at Rikers and you
16 agency's negligence of wanting to work with the task
17 force.

18 So, I want to know specifically, what of the
19 recommendations do you deem as an unhelpful that
20 support your negligence to work with on? In your
21 testimony, point six, you say you want to focus on
22 treating all persons in custody equitably, regardless
23 of their gender. One of their housing highlights
24 says yes, we believe that individuals in custody
25 should not be housed or disciplined based on
additional factors that would not be considered for

3 cisgender people in custody. I believe that that
4 supports your claim. So, I'm curious, what about
5 their recommendations you think is not helpful to
6 your department improving conditions for these
7 inmates?

8 LOUIS MOLINA: When I first came into office, I
9 offered to meet with the representatives from the
10 task force to hear their concerns. They declined
11 that meeting. Since then, the task force has issued
12 an extensive report after a number of years outlining
13 their concerns. Concerns around their need for
14 personal, financial compensation and other
15 recommendations, which I have reviewed and which I
16 have responded to accordingly. I have a trusted
17 representative on the task force who can address
18 issues as they arise during the task force meeting
19 and that person brings these issues to my attention
20 if warranted.

21 COUNCIL MEMBER GUTIÉRREZ: But that doesn't
22 explain the work that they've been doing for years,
23 which is recommendation. Which is identifying with
24 this community. It doesn't answer the question of
25 what of the work that they've done do you deem as

3 unhelpful or unqualified to integrate into your
4 agency to improve the conditions for this community.

5 LOUIS MOLINA: We frequently engage with experts
6 and stakeholders to evaluate our current policies and
7 identify areas that warrant change. Many of the
8 recommendations throughout the task force report were
9 developed over the course of the past three years.
10 And many have already been incorporated into our
11 policy.

12 COUNCIL MEMBER GUTIÉRREZ: I know that they are
13 going to testify and I hope that they'll bring up
14 what their experience has been but I disagree with
15 that. My last question is, in your testimony, you
16 also mention that staff members are expected to treat
17 TGNBI individuals with respect and dignity. I just
18 want to clarify why they are not or understand why
19 they are not mandated as opposed to expected and what
20 are the consequences for DOC Officers when they do
21 not do that? That was not made clear to me.

22 LOUIS MOLINA: Alright, so let me make it clear
23 now. It is my expectation that all persons in our
24 custody. Individuals co-workers, contract providers
25 or any member of the public that our DOC staff come
into contact with, treat people with dignity and

3 respect, and we have policies and procedures where if
4 they are in conflict with that or are acting in a way
5 that is undermining what this departments mission is
6 or a persons in their profession, then we take
7 disciplinary action. I'm a person that believes in
8 accountability and clearly from 2015 to 2021, we
9 didn't have that in the department.

10 As I inherited over almost 4,000 disciplinary
11 cases for infractions related to a number of issues
12 that -

13 COUNCIL MEMBER GUTIÉRREZ: Sure, so talk to me
14 about what this looks like since January of 2022.

15 LOUIS MOLINA: Oh, I'm happy to do it. I have
16 closed out and adjudicated over 2,600 disciplinary
17 cases for disciplinary action violations going back
18 all the way to 2017.

19 COUNCIL MEMBER GUTIÉRREZ: But they are not
20 specific to disciplinary action for officers that
21 have directly been in conflict of that policy to -

22 LOUIS MOLINA: They may be, they may be, I don't
23 know that off the top of my head right now given that
24 I had to close so many thousands of cases.

25 COUNCIL MEMBER GUTIÉRREZ: Understood, okay. My
last piece since I have 39 seconds is again,

3 disappointed that this task force exists and is
4 completely being ignored and reading their report and
5 hearing your testimony, I believe that there are so
6 much to gain. I think that there is a disservice to
7 imply that the only experts are the folks in uniform
8 who may identify with this community but I think it's
9 a complete disservice to neglect this entire task
10 force who have lost family, who have been committed
11 to this and yes, are volunteering their time. Not
12 enough folks assigned a task force make any money.

13 LOUIS MOLINA: They made that very clear.

14 COUNCIL MEMBER GUTIÉRREZ: I hear that. I hear
15 that. Thank you so much Chairs.

16 CHAIRPERSON RIVERA: Thank you Council Member
17 Gutiérrez. Council member Narcisse followed by
18 Public Advocate Williams. Oh well, Narcisse followed
19 by Council Member Stevens.

20 COUNCIL MEMBER NARCISSE: Good morning. Thank
21 you for being here and thank you Chair Carlina Rivera
22 and Cabàn for open that conversation and looking for
23 transparency and to address the inequities wherever
24 we are in New York City. So Commissioner, thank you
25 for having you again, seeing you again but the task
force seems to be a problem because if we have a task

3 force, is to give recommendation and when task force
4 give recommendation is for us to listen and try to do
5 the best we can to address things that are not being
6 done.

7 So, one of my questions. How do TGNBI go about
8 requesting a housing transfer in and out of Rosie's
9 and how long the process take and what does it
10 entail?

11 LOUIS MOLINA: So, a member that self identifies
12 with gender identity and requests for a preferred
13 housing assignment, fills out an SCU application,
14 which is a Special Consideration Unit Housing
15 Application. It is expected that within three days
16 of that application being received, we have meetings
17 regularly throughout the week for consideration of
18 those applications, so that we can give a
19 determination, typically within three days to that
20 applicant as to our decision. Whether it's approved
21 or we've come to a different conclusion where we
22 think the appropriate housing unit they want to stay
23 at.

24 They're also given an opportunity if the
25 determination unit does not approve that request to
be able to put in for reconsideration and provide the

3 determination unit with additional information that
4 may not have been available or shared at the time the
5 FCU application was taken under consideration.

6 COUNCIL MEMBER NARCISSE: What, can you tell me a
7 little bit of the reason that the application with
8 the denial is not going through?

9 LOUIS MOLINA: There's a number of reasons. You
10 know that decision is made with security.
11 Correctional classification, things to take into
12 consideration, Prison Rape Elimination Act guidelines
13 and on rare occasions we may have information from
14 the applicant themselves that they may be just trying
15 to get into a preferred housing unit. It really has
16 nothing to do with their gender identity.

17 COUNCIL MEMBER NARCISSE: Thank you. Thank you
18 Madam Chairs.

19 CHAIRPERSON RIVERA: Thank you Council Member.
20 We've been joined by the Public Advocate who was on
21 stack to ask questions. Mr. Public Advocate.

22 PUBLIC ADVOCATE WILLIAMS: Yes, thank you so
23 much, appreciate that. First, I want to - I always
24 try to come at this knowing my context and so, I
25 always say as a cisgender straight Black man who is
of faith and the Caribbean, I always recognize the

3 growth that a lot of us have to do and intentionally
4 do that. And that's my concern, sometimes if we
5 don't make that marker than we don't intentionally
6 move where we need to and I always say and like to
7 say, you don't have to be racist to move forward of
8 racist paradigm. I don't have to necessarily be
9 transphobic or misogynist to move forward a system
10 that's based in harming transgender and misogynist
11 systems. And so, so if we can you know all
12 acknowledge that, I think it gives us space to grow.

13 So, my issue is it seems that what was put in
14 place to help protect the TGNCNBI community and
15 LGBTQI community, it seems to be less than before.
16 So, I just wanted to know one, the LGBTQI unit, is
17 there less staff now than it was in the prior
18 administration?

19 LOUIS MOLINA: There is less staff now than there
20 was in the prior administration but we have less
21 staff now in a number of business units, not just
22 that one.

23 PUBLIC ADVOCATE WILLIAMS: So, you think that one
24 is less staff now in commensurate with the amount of
25 staff you've lost all together?

3 LOUIS MOLINA: Uhm, I think it's a contributor to
4 that. I mean, we have lost significantly more staff,
5 even percentagewise in other areas within the
6 department. People make decisions and they move on
7 professionally.

8 PUBLIC ADVOCATE WILLIAMS: It seems to me that
9 the population that seems to be harmed more than
10 others may want to put that into consideration as
11 well.

12 The city mentioned a directive that was shelved.
13 It was a draft policy directive that helped get
14 people into their gender assigned housing. Was that
15 directive shelved or it wasn't? Are you aware of it?

16 LOUIS MOLINA: Uhm, I don't know if I would use
17 the word shelved. I think that what we have are
18 policies and directives in general. There are times
19 where individuals might make recommendations for
20 consideration in moving the policy in a different
21 direction or adding things to it. And we have done
22 that in a number of directors and in some occasions,
23 we have maintained the directive as is. So, we're
24 always happy to take recommendations from our staff
25 and others to give consideration to points of view
that we should take under advisement as far as a

3 directive. But the directive which it stands right
4 now, I think is significantly progressive than any
5 other process in any other jail, prison in America.

6 PUBLIC ADVOCATE WILLIAMS: I think that's
7 indicative how bad everything else is, not always how
8 good we are, but—

9 LOUIS MOLINA: Somebody has to start though
10 Public Advocate.

11 PUBLIC ADVOCATE WILLIAMS: I hear you and I want
12 to acknowledge the start but also acknowledge how bad
13 it is everywhere else. I also wanted to ask your
14 perspective. It seems that the unit had more
15 influence previously and has less now. Is that
16 correct?

17 LOUIS MOLINA: I would not frame it that way. I
18 mean, listen, I can't you know understand a person's
19 individual viewpoint that they might have perceived
20 themselves having more influence or more in a
21 particular period of time. We've known each other
22 for a very long time. I'm a very inclusive person
23 and uhm, I have a number of staff that work for me
24 that hear from a number of vulnerable populations to
25 include this one.

3 So, I take the executive directors or any member
4 on my teams input on this issue and others very
5 seriously and they interact with me directly on
6 hundreds of occasions during the week. So, I think
7 people – the staff that work in the Department of
8 Corrections, by their access to me, have influence
9 because I'm the Commissioner.

10 PUBLIC ADVOCATE WILLIAMS: I understand. I would
11 say based on what I've seen in that story and I
12 remember when I went to Rikers, there was a non-
13 binary; I think they identified as trans, if I
14 remember correctly in a facility. And I mentioned,
15 I'm not from the community but I do identify pain.
16 That person was in a lot of pain and very terrified.
17 And so, from what I've seen and what I saw in the
18 city and what I hear, it seems that that unit and the
19 people who are advocating for the population, it does
20 have less influence. That maybe a perspective but it
21 seems like it's true and I just want to say, we need
22 to intentionally identify areas of microaggressions
23 of aggressions. And if we don't intentionally try to
24 do that, people get harmed and I always try to use
25 myself in my journey and growth to continue to do
that and I hope you and the Department of Corrections

3 does as well because people are being harmed and will
4 continued to be harmed.

5 Lastly, I do want to mention, I've very concerned
6 about the camera situation. It seems to me and I
7 heard what you mentioned, I can't say if it was true
8 or not. If it is true, if people work at home and
9 they could have come in. That is a valid point but I
10 don't know if this decision was in direct response to
11 that. I would like to know what sparked the change
12 because it does seem that it was more restrictive and
13 unnecessarily so.

14 So, is it something that happened that made you
15 have to restrict the access that the Board of
16 Correction had?

17 LOUIS MOLINA: I think I wanted to ensure that the
18 management of our jail was in compliance with the
19 City Charter, like we have to be in compliance with a
20 number of different areas, in the management of a
21 correctional facility. And I made that decision to
22 be in compliance with the City Charter, which still
23 allows the Board of Corrections all the Access Rights
24 that are outlined in the City Charter.

25 PUBLIC ADVOCATE WILLIAMS: Thank you Madam Chair.
I would say, we have known each other for a while and

3 I know the work that you want to do. I have to say
4 even with that response, it seems to me that there
5 was no specific reason to do that. Other than that,
6 we wanted to take away access that the Board of
7 Corrections had. Perhaps because they were shining
8 light on a lot of things that the Department didn't
9 want to see and I'm hoping that that was not the case
10 but I'm not hearing a real reason to have made that
11 change right now.

12 So, hopefully if there is one, you could share
13 that at some point but thank you.

14 LOUIS MOLINA: Thank you.

15 CHAIRPERSON RIVERA: Thank you Mr. Public
16 Advocate. We're going to hear from Council Member
17 Stevens followed by Brewer.

18 COUNCIL MEMBER STEVENS: Good morning everyone
19 and hello Commissioner.

20 LOUIS MOLINA: Good morning.

21 COUNCIL MEMBER STEVENS: So, I just have two
22 really quick questions. So, can you talk to me a
23 little bit about what kind of training does DOC and
24 BOC staff receives or provide gender affirming care
25 to folks who are incarcerating? And please give
26 details around frequency and topics that are covered.

3 LOUIS MOLINA: Sure, so I can't speak to the
4 Board of Corrections training and how they train
5 their staff, so I'll let them speak for themselves.
6 We have respectful LGBTQI+ classification training.
7 It is an instructor led training. The audience of
8 that training is to recruit correction officers
9 during the academy. We have pat frisks and search a
10 special population training that was previously
11 called cross gender and transgender pat frisk search
12 training. That is also taught at our academy. The
13 audience for that is also uniform recruit correction
14 officers. It is also offered in in-service training
15 regularly. We had pride ambassador training.

16 COUNCIL MEMBER STEVENS: Can you - what is
17 regularly? What does that mean?

18 LOUIS MOLINA: In some of our trainings we're
19 required to do a yearly. In others we're doing it
20 every two years. So, I can follow-up which one of
21 these are yearly's which one of these are two years.
22 Happy to do that for you. We had pride ambassador
23 training. The audience for that was pried ambassador
24 selected by the Division of Programs and Community
25 Partnerships for uniformed officers. We have gender
responsible, trauma informed and gender responsive

3 approaches to DOC operations. The target audience of
4 that training is uniformed staff. We do that
5 training not only in recruit training, which is the
6 initial academy training but we also offer it in
7 service to correction officers as well, particularly
8 those that are assigned to Rosie's on an in-service
9 basis.

10 We have a visit process training. The audience
11 for that is also our uniformed staff. It's an in-
12 service training for correction officers that work in
13 our visit housing area. We have power of inclusion
14 training. That happens to be a training that must be
15 completed every two years. This training will
16 facilitate awareness of the emotional impact of being
17 a member of the LGBTQ community and provides guidance
18 for how to create and promote an open and inclusive
19 environment for this community.

20 We have everybody matters equal employment
21 opportunity and diversity of inclusion for New York
22 City employees training that's driven by DCAS.
23 That's also done every two years. That training
24 course supports the mandated under Local Law 121 in
25 the City Charter and provides all city employees with
the framework to understand the importance of

3 diversity and inclusion and how to develop the skills
4 needed to create an inclusive work place. We also
5 have Prison Rape Elimination Act initial training and
6 we have Prison Rape Elimination Act refresher
7 training. Both of those things are related to our
8 PREA standards.

9 In September 4, 2003, President George W. Bush
10 signed into law the Prison Rape Elimination Act of
11 2003 and the goal of the Prison Rape Elimination Act
12 is to eradicate prison rape in all types of
13 correctional facilities in the United States and that
14 training is part of our Prison Rape Elimination Act
15 standards.

16 COUNCIL MEMBER STEVENS: So you guys are having
17 regular trainings and there's a number of trainings
18 and just thinking about the evaluations of these
19 trainings, how do you think these things are being
20 implemented and like evaluating the staff around this
21 training that they're receiving because often there's
22 training that's provided but that doesn't necessarily
23 mean that it's implemented.

24 LOUIS MOLINA: So, I think you make a good point
25 Council Member. I think and your point is that
training is not learning. And I think what we have

3 done in recently appointing Dr. Robert Gonzales who
4 is our Deputy Commissioner of Training, who has over
5 two decades of experience in this field, is that in
6 addition to enhancing and improving training where
7 needed from a lesson plan standpoint, what he is
8 going to also be doing is doing surveys to get
9 feedback on how that training is impacting the
10 students learning ability. He's done a lot of work
11 in a very, very short time. We're talking only a
12 couple of months that he's been with us but I think
13 that's an important point that we want to adopt that
14 practices that are adopted by higher education to
15 make sure that the goals of learning are achieved.

16 COUNCIL MEMBER STEVENS: Yeah, I think it's
17 always really important because you know, it's always
18 nice and easy to come in and list the trainings that
19 people take but the limitation and evaluation is
20 always super important. That should be part of the
21 process and not just from the people who took the
22 training but also the people who are affected by it
23 right?

24 So, I'm a big proponent of 360 trainings where I
25 mean, 360 evaluations where not only they're being
evaluated but also the folks who are being effected

3 are also being evaluated, which I think is super
4 important. So, definitely will want to follow-up
5 around what that looks like and how can we make sure
6 that is being implemented?

7 And then I just have one more question around, if
8 someone identifies a transgender, how will they be
9 able to disclose this information and what will the
10 immediate steps be? Please explain how staff – who
11 on the staff they would disclose this to and
12 timelines around getting supports that they need?

13 LOUIS MOLINA: Got it, so just – I'll answer your
14 question, I just want to go back to just one more
15 point about evaluation. So, we recently appointed an
16 assistant commissioner in program evaluation. This
17 individual is part of our office of management and
18 planning that I've shared with you in the past. That
19 what we've done is we want to be an evidence base,
20 data informed, learning organization and evaluating
21 not only our programmatic initiatives to include our
22 initiatives with this specific community is something
23 that assistant commissioner is going to spear up.
24 So, happy to share more with you that offline.

25 To your question of how someone can express their
gender identity and get consideration for housing, so

1 we have a number of ways that we do that through our
2 intake process. In our intake process, we have not
3 only a Prison Rape Elimination Act questionnaire but
4 we also have a classification questionnaire that
5 persons that are placed in our custody also fill out,
6 which allow them an opportunity to express their
7 gender identity. And if they want to go into
8 preferred housing of their choice, at that time, they
9 can submit a Special Consideration Unit Application
10 and the determination unit within three days, makes a
11 determination whether or not that application is
12 going to be approved.

14 In 2022, we had a 75 percent approval rate of
15 applicants that have come in for that consideration.
16 And then we're placing those individuals in what that
17 determination unit deems to be the appropriate
18 housing. The persons that are part of that
19 determination unit, get guidance from CHS. They get
20 guidance from the LGBTQ+ Affairs Unit. They also get
21 guidance from our PREA, Prison Rape Elimination Act
22 team, as well as facility leadership has an
23 opportunity just to share with the group observations
24 that they've had with the individual, if we've had a
25

3 history of just that person being justice involved
4 and in our system.

5 So, a lot goes into making that determination.
6 In the event that the determination does not go into
7 the applicants favor. For lack of a better term,
8 I'll say the applicants favor, then that individual
9 is afforded a reconsideration process to provide
10 additional information that may not have been
11 provided in the original application.

12 COUNCIL MEMBER STEVENS: Just, what, what, what,
13 what would be a determining factor for them not to be
14 considered?

15 LOUIS MOLINA: So, there's a number that it's not
16 an exact science but I think you know you have
17 individuals, a small number that may gender identify
18 for the purpose of preferred housing rather than
19 their gender identity and we have information,
20 sometimes that's phone calls. Sometimes that's how
21 they define their gender identity that gives us that
22 determination. There are security concerns that we
23 take into consideration, classification concerns,
24 separation order concern. So, there's just a number
25 of different areas in totality that inform that
decision.

3 COUNCIL MEMBER STEVENS: Alright, thank you.

4 LOUIS MOLINA: You're welcome.

5 CHAIRPERSON RIVERA: Thank you Council Member. I
6 just want to acknowledge that we've been joined by
7 Council Member Schulman remotely. And now, Council
8 Member Brewer for questions.

9 COUNCIL MEMBER BREWER: Yup, thank you very much.
10 I've always been confused as to why Health +
11 Hospitals and I have great respect for Dr. Katz;
12 doesn't frontload Rikers with the best medical care
13 in the world because people may not get that outside.
14 But here would be your opportunity to do this at
15 Rikers. I've told Dr. Katz that. I'll keep saying
16 it.

17 So, my question in this case is and I know you
18 talked about a team approach, which is always
19 excellent. So, I don't know how many people are
20 actually on that team. And I also understand that
21 the main provider is at Rosie's. Although many
22 people from the TGNCNBI community are in the men's
23 jails. So, I wanted to know if there are medical
24 providers trained in trans care and hormone
25 replacement therapy in the men's jails? And I also
want to know if Health + Hospitals, I guess it's

3 called Correctional Health Services but I call it
4 Health + Hospitals, train more medical providers on
5 trans related healthcare to ensure that there's
6 universal access. I guess in general also, we'd love
7 to have more specifics. How many people get health
8 care? Are there any challenges? Are the correction
9 officers bringing people over? Do they want to go
10 over? Do they have a doctor whom they respect? So,
11 those are two questions but please, the medical has
12 got to be better at Rikers. Go ahead.

13 JEANETTE MERRILL: Sure, thank you. So, I guess
14 to start I would say we do have really excellent
15 health care providers. Our nurses, doctors, social
16 workers, PA's on Rikers do a really difficult job.

17 COUNCIL MEMBER BREWER: I understand. You need
18 more of them. Go ahead.

19 JEANETTE MERRILL: Yes, we are recruiting and
20 hiring additional professionals. So to your first
21 question I believe is about the capacity to initiate
22 or maintain hormone therapy.

23 So, we have worked to build that capacity
24 throughout our primary care service. So, it wouldn't
25 just be a provider on Rosie's who could initiate or
maintain that therapy for a patient. Although most

3 of our expertise in this field would be our Rosie's
4 providers. But you know, every individual patient
5 receives individuals medical and mental health
6 treatment, potentially through this intradisciplinary
7 team, although it is small, it's new but that's where
8 our transgender patients who have particularly unique
9 clinical needs.

10 COUNCIL MEMBER BREWER: Okay, do you have data?

11 It doesn't have to be now but exactly how many people
12 have been served for the last year? Because that's
13 how long this administration has been in existence.
14 Exactly what kind of services they have received.
15 Are you planning more to – are you going to have more
16 medical providers on health care to ensure that
17 there's universal access specifically on trans
18 related? Do you have that data today or can you
19 provide it? Specifics, how many people have you
20 served? What kind of services have they received and
21 then do you also have some kind of a survey? Are
22 they happy? Are they not happy?

23 Every time I fill out something for my health
24 care, I get this God Damn Survey asking me do you
25 like it? Do you not like it? Do you do something
similar?

3 JEANETTE MERRILL: So, I would have it in real
4 time, we don't have you know an official survey that
5 goes out to patients after their clinical encounters.

6 COUNCIL MEMBER BREWER: Would you consider doing
7 that?

8 JEANETTE MERRILL: I think it's something we can
9 talk about for sure with our clinicians, how that
10 could help you know improve treatment. I can tell
11 you since the intradisciplinary team was established
12 in August of last year, there have been 36
13 transgender patients who have received that
14 specialized care. The team also cares for vulnerable
15 patients generally. So, they're also treating our
16 medically complex patients, pregnant patients,
17 geriatric patients.

18 COUNCIL MEMBER BREWER: Okay. If people go from
19 Rosie's to the men's jail, because of some kind of
20 difference in terms of what they're requesting, is
21 that something; is that a policy that is appropriate
22 for health? And do you monitor such policies if
23 people want a different hormone treatment? Do you
24 monitor policies like that or is that just something
25 that's done by correction?

3 JEANETTE MERRILL: In terms of the change in
4 housing placement?

5 COUNCIL MEMBER BREWER: Yes, yup, yup.

6 JEANETTE MERRILL: So we have to be careful about
7 how we insert a clinical voice into gender-based
8 housing placements because you know a clinician can't
9 determine an individual's gender identity. There's
10 no medical or mental health evaluation. But we also
11 understand that an individual who feels unsafe or
12 unhappy in his, her, their housing placement, that
13 could adversely affect their mental health. So,
14 there is a voice for us there. We just don't want to
15 medicalize gender identity.

16 COUNCIL MEMBER BREWER: So, either you or the
17 Commissioner mentioned that you consult with some of
18 these national organizations. Is that something that
19 you do regarding health care also?

20 JEANETTE MERRILL: So, a lot of community based
21 and international health care standards informed our
22 transgender care policies and associated care
23 templates. We do have expertise within the system
24 but we also speak to other jurisdictions.

25 COUNCIL MEMBER BREWER: Okay, so my question
would be getting the data specifically. I mentioned

3 nothing, 36 people but if anything more specific
4 would be helpful and then second, I would like to see
5 a survey. Can you promise that you'll get us a
6 survey?

7 JEANETTE MERRILL: I will definitely speak with
8 our clinicians about that.

9 COUNCIL MEMBER BREWER: Dr. Katz will get a phone
10 call from me. We want a survey. Thank you very
11 much.

12 JEANETTE MERRILL: I know, okay.

13 CHAIRPERSON RIVERA: Thank you Council Member for
14 asking for data and that's just the part that I
15 mentioned earlier Commissioner. When we had asked
16 following the October 25th Committee on Criminal
17 Justice Hearing focused on substance use in city
18 jails, we asked for a per month break down of drug
19 seizures that occurred at the following interdiction
20 points. The male from visitors from DOE staff and
21 from DOC contract providers and you gave us part of
22 the data and referred us to DOI. And we know that
23 there is data because DOI actually shared with
24 reporters complaints regarding contraband smuggling
25 by DOC staff and that it had soared by about 70
percent in 2022 compared to 2021.

3 So, I just want to say that there is a difference
4 between responding to data requests and actually
5 providing all of the relevant information we've
6 requested of your agency. So I just wanted to clear
7 that up and you saying, you get us all the stuff that
8 we ask for.

9 LOUIS MOLINA: Well, I don't have access to DOI's
10 data. I think you may be referencing allegations of
11 which have a very low substantiation rate based on if
12 you're referring to the article that came out
13 regarding allegations of contraband narcotics coming
14 in but that is data that I don't control. It's
15 housed within DOI, so they have to be responsive to
16 you on those areas.

17 CHAIRPERSON RIVERA: I know, I know the data
18 exists Commissioner because you came in and claimed
19 how many instances of drugs in the hundreds that you
20 have acquired and yet, we never really got a
21 breakdown. You brought in pictures of fentanyl laced
22 Christmas cards and you never gave us a breakdown of
23 how you gathered that data.

24 So, here's what I'm going to say.

25 LOUIS MOLINA: We can resend it to you.

3 CHAIRPERSON RIVERA: Here's what I'm going to
4 say. You gave us part of the data. You referred us
5 to DOI. I am not saying you're DOI. I know that you
6 have data that you can share and that you should and
7 that you claim to have in completion. What I'm
8 saying is that referral is not the same as actually
9 sharing data. So, we could agree to disagree but in
10 terms of transparency, I would love our relationship
11 to get better and improve but I want to get back to
12 the hearing topic. To not take away from this issue.

13 So, the directives that you've requested related
14 to TGNCNBI individuals include more than
15 reconsideration of housing decisions. They also
16 cover treatment by staff. So, what security concerns
17 are there specifically with making the policy public?
18 Can you give us an example?

19 LOUIS MOLINA: Uhm, no, not at this time.

20 CHAIRPERSON RIVERA: You don't have an example of
21 why it could be problematic?

22 LOUIS MOLINA: I don't.

23 CHAIRPERSON RIVERA: Okay. When do you think you
24 could get back to us on that?

25 LOUIS MOLINA: I can give you a timeline by the
end of today when I can get back to you.

3 CHAIRPERSON RIVERA: Alright, I'll hear from you
4 later today. So, in DOC's response to the TGNCNBI
5 task force report, the department states that the
6 department disagrees with the recommendation that no
7 one shall be removed from gender aligned housing,
8 such as the SCU as a form of punishment. Are
9 individuals removed from SCU to deescalate violence
10 and placed into temporary restrictive housing, such
11 as solitary confinement or rather placed in gender
12 misaligned general population housing units?

13 So, if the punishment is general population, why
14 is this done? How do you go about making those
15 decisions?

16 LOUIS MOLINA: So, if we have an incident in a
17 special consideration unit, and it is possible that
18 we could have an incident there where the primary
19 aggressor needs to be removed. We do have de-
20 escalation housing, as you know which is temporary.
21 Typically less than six hours, so we can make a
22 determination if that individual should go back to
23 their original housing location or is there some
24 other appropriate housing for that individual. But I
25 agree that in general principle, a person who gender
identifies and is in a preferred gender identified

3 housing unit, if they committed – they had general
4 conflicts that would happen in cisgender units that
5 they just wouldn't be summarily removed. It's on a
6 case-by-case basis right? So, it really depends on
7 the type of incident that we may be evaluating at
8 that moment. And we don't have solitary confinement,
9 so we're not placing anybody in solitary confinement.

10 CHAIRPERSON RIVERA: Well, that was a subject of
11 a seven-hour hearing and I hope we can pass that
12 bill, because I do believe that a version of it does
13 exist and that uhm, it is up to us to ensure that it
14 does not exist in any form.

15 I'm going to let Chair Cabàn ask a couple
16 questions.

17 CHAIRPERSON CABÀN: Thank you. I mean I just
18 want to start by saying that it is deeply disturbing
19 knowing, coming in knowing what the topic of today's
20 hearing would be and you're unable to provide and
21 articulate one reason supporting a really
22 consequential policy that your department has taken
23 that is – I'm a little bit blown away by that and I'm
24 usually not so surprised by some of answers.

25 But I want to talk about housing and I'm going to
get very specific here. Is a transgender persons

3 disciplinary record taken into consideration in their
4 housing determination of whether to house them in a
5 men's or women's facility?

6 LOUIS MOLINA: All persons disciplinary record if
7 one exists, helps inform a classification housing
8 decision.

9 CHAIRPERSON CABÀN: And is a cisgender's - so,
10 that includes a cisgender person then right? Their
11 disciplinary record is taken into consideration to
12 determine whether to house them in a men or women's
13 facility?

14 I guess, let me reframe the question. So, you're
15 saying a transgender persons disciplinary record is
16 taken into consideration on whether to house them in
17 a men's or women's facility, is what I just heard,
18 correct?

19 LOUIS MOLINA: All persons to include.

20 CHAIRPERSON CABÀN: So, so then specifically, is
21 a cisgender persons disciplinary record taken into
22 consideration in their housing determination of
23 whether to house them in a men's or women's facility?

24 LOUIS MOLINA: A cisgender's persons disciplinary
25 record would help inform the appropriate housing unit
that that person would be placed in.

3 CHAIRPERSON CABÀN: Again, specifically their
4 disciplinary record.

5 LOUIS MOLINA: It is part of what informs the
6 decision.

7 CHAIRPERSON CABÀN: So, you're telling me, so
8 you're telling me that the New York City Department
9 of Correction would send a cisgender woman to a men's
10 jail based on her disciplinary record?

11 LOUIS MOLINA: Not solely on that alone.

12 CHAIRPERSON CABÀN: But it could – you're saying
13 it could happen.

14 LOUIS MOLINA: In the totality of evaluating
15 security classification needs, the vulnerabilities of
16 other persons that are placed in our custodial care,
17 it helps, it informs the decision for all persons
18 that are in our custody.

19 CHAIRPERSON CABÀN: Have you and in taking into
20 account a cisgender woman's disciplinary record, have
21 you ever then made the decision to house her in a
22 men's jail?

23 LOUIS MOLINA: No.

24 CHAIRPERSON CABÀN: Okay. Is a transgender
25 persons criminal record taken into consideration in

3 their housing determination of whether to house them
4 in a men or women's facility?

5 LOUIS MOLINA: It's possible related to Prison
6 Rape Elimination Act standards. Again, there's a
7 multitude of factors that go into making this
8 decision of which 75 have been approved in making
9 sure that some was in the appropriate level of
10 housing.

11 CHAIRPERSON CABÀN: So, when you say it's
12 possible, then the answer to my question is yes. A
13 transgender persons criminal record is taken into
14 consideration in determining whether to house them in
15 a men's or women's facility, correct?

16 LOUIS MOLINA: It helps inform the decision. All
17 of those things are security classification
18 information.

19 CHAIRPERSON CABÀN: So, it's yes.

20 LOUIS MOLINA: To take in that decision, yes.

21 CHAIRPERSON CABÀN: Simply yes, okay, thank you.
22 Is a cisgender persons criminal record taken into
23 consideration in their housing determination of
24 whether to house them in a men or women's facility?
25

3 LOUIS MOLINA: Their criminal charges help inform
4 the security classification of that individual and
5 determine what is the best housing for them.

6 CHAIRPERSON CABÀN: So, again you're telling me
7 that the New York City Department of Correction would
8 send a cisgender woman to a men's jail based on her
9 criminal record?

10 LOUIS MOLINA: No, because we have site and
11 separation rules by the State Commission on
12 Corrections that we have to abide by.

13 CHAIRPERSON CABÀN: Okay, so I just want to like
14 contextualize what I just heard. Commissioner, your
15 answers to these questions illustrates that
16 discrimination persists. The DOC must ensure that
17 there are no additional factors in determining safe
18 gender aligned housing for TGNCNBI people in custody
19 that would not be considered in the housing of
20 cisgender people in custody.

21 So, I mean to put it very simply to say that you
22 would do something differently -

23 LOUIS MOLINA: It's a very complicated issue.

24 CHAIRPERSON CABÀN: In a case of a cisgender
25 woman, but that these are considerations you would
make for a transwoman or a gender non-conforming or

3 non-binary or an intersex person is a difference in
4 how those populations are being treated. I just want
5 to close that section with that.

6 Now, you had said that a cisgender woman has
7 never been housed in the men's jail, correct?

8 LOUIS MOLINA: Not since I have been there, no.

9 CHAIRPERSON CABÀN: So, housing for cisgender
10 women is not on a case-by-case basis in terms of
11 gender alignment?

12 LOUIS MOLINA: No, because we have site and
13 separation rules with the State Commission on
14 Corrections when it comes to cisgender men and women.

15 CHAIRPERSON CABÀN: And I just want to be really
16 clear on this again. A cisgender woman would like,
17 well, I guess you said they would be considered for
18 housing in a men's jail. That was your previous
19 testimony, is that correct?

20 LOUIS MOLINA: No, what I said was if we had a
21 trans man that wanted to be housed in a male
22 facility, uhm, the determination unit would take it
23 under advisement.

24 CHAIRPERSON CABÀN: So, a cisgender woman would
25 never be considered for housing in a men's jail,
correct?

3 LOUIS MOLINA: Not based on the State Commission
4 on Correction rules.

5 CHAIRPERSON CABÀN: Now, housing reconsideration
6 can only happen after 90 days, so transwomen need to
7 be stuck in a men's jail for 90-days before
8 potentially going back to Rosie's correct?

9 LOUIS MOLINA: They would be staying in the
10 appropriate housing that we would determine is best
11 for them.

12 CHAIRPERSON CABÀN: Those 90 days?

13 LOUIS MOLINA: Yes.

14 CHAIRPERSON CABÀN: They could be stuck in a
15 men's jail before going back to Rosie's?

16 LOUIS MOLINA: They could be.

17 CHAIRPERSON CABÀN: Okay. I want to go back for
18 one more thing and then I will wrap up. I think this
19 is really important to note. You had talked about
20 PREA. Council Member Gutiérrez when she was here hit
21 on this a lot. I just, just for context, this double
22 sided is the report from the task force. It's 140
23 pages. I don't have your response right in front of
24 me but this was the length of your response. It was
25 the equivalent of this.

3 And so, you know I take it to heart when the
4 Council Member talks about how seriously the task
5 forces efforts are being taken by your department and
6 some of the things like I'm deeply concerned about is
7 you know I've heard some of the answers around, well,
8 we have queer or gender expansive staff. It's not
9 comparable to having a fully staffed task force
10 dedicated to the issues faced by trans, GNC, non-
11 binary and intersex New Yorkers. And you know if we
12 want to be evidence based and data informed, then
13 this report is the evidence and the data. And it
14 includes sections titled training within the DOC is
15 ineffective and it does not reflect collective
16 leadership with the recommendations.

17 And so, if you endeavor to be data informed, then
18 I'm certainly urging you to engage with the data and
19 the task force that made it and you know I have heard
20 what the policies are supposed to be but I will say
21 and I think that we're going to hear it and I hope
22 that you stay to listen to it. That this has been
23 very contrary to my personal experiences.

24 I have been to your facilities, under your watch.
25 I have met with transgender, non-binary and gender
non-conforming folks who have sat in intake for three

3 or four days. I have seen people with their housing
4 changed because of disciplinary action taken. A lot
5 of the things that you have named are policies. I
6 have talked to people who have experienced it first-
7 hand. As a public defender representing gender
8 expansive New Yorkers, I have sat on the other side
9 of a cage watching a transgender woman sit before me
10 with a sea of men behind her at 100 Center Street
11 growing facial hair for the first time in years
12 because she wasn't getting her hormones. Didn't want
13 to be housed in gen pop with men and you could see
14 the fear in her eyes.

15 This is, this is life and death and if there are
16 folks here who have not read the personal accounts
17 that are included in this task force report, I urge
18 you to. I urge you to because it does. We know
19 this. Layleen Polanco is an example. It has killed
20 people and so we need you to do better and we need
21 you to meaningfully engage with the work that the
22 task force is doing and these are the things that you
23 have mentioned are not a substitute for that. And
24 so, I promise I'm going to wrap it up.

25 CHAIRPERSON RIVERA: We're going to hear from the
task force panel now.

3 CHAIRPERSON CABAN: Yeah, I just want to note
4 that in this really comprehensive report, when you
5 talked about PREA Commissioner, that there were some
6 significant problems with your ability to implement
7 it. Saying "many of the complaints collected from
8 task force members including various city agencies,
9 service providers and Board of Corrections, appear
10 and stem from the DOC's misinterpretation and
11 misapplication of these standards when applied to the
12 TGNCNBI people in custody.

13 And so, that's incredibly important and I hope
14 that gets flushed out with the task force testimony,
15 and again, I hope that you stay to listen to it.
16 Thank you.

17 CHAIRPERSON RIVERA: Well, thank you for being
18 here and for answering our questions. I know there
19 was some data requested from you all and some
20 commitments and hopefully promises fulfilled
21 including on hormone replacement therapy from CHS, a
22 potential survey asked by Council Member Brewer.
23 Training medical providers, just universal access in
24 general and then the ongoing challenges with medical
25 care and Commissioner Molina, I mentioned some of the
other data that we've requested that we hope to hear

3 from you in relation to the topic of this hearing and
4 previous ones.

5 So, again, we hope that you will stay. There are
6 people that have been waiting here very patiently and
7 I just want to thank you. We are going to hear from
8 the task force first and I'm going to announce that
9 panel in a second. So, thank you for your testimony.

10 Task force Panel One and if I mispronounce your
11 name, please correct me. It happens to me. I don't
12 want it to happen to you and I welcome the
13 correction. We have Deborah Lolai, Shèàr Avory,
14 Grace Detrevarah, Mik Kinkead, and we have Rachel
15 Golden on Zoom.

16 You can start as soon as you are ready, just make
17 sure the red button is on and thank you for being
18 here.

19 DEBORAH LOLAI: Thank you. I just want to start
20 off by thanking you all. On my way here in the cab,
21 I found myself not able to control my tears and I
22 didn't know what was happening and the same thing
23 happened this morning when you all introduced this
24 hearing and I realized that for so many years, close
25 to ten years, I have been working with trans and
gender expansive folks and representing them and

3 hearing their stories and so many of their faces have
4 been coming up for me in the last two weeks as I have
5 collected stories to share with you today. And each
6 of them have experienced so much pain and that pain I
7 carry with me in all of my work, in everything I do
8 every single day and I cannot tell you how much
9 gratitude I have for you to allow us to share those
10 stories and those experiences and bring peoples
11 voices out, so thank you, thank you, thank you.

12 Good morning Chair Rivera, Chair Cabàn and
13 Committee Members. My name is Deborah Lolai, I use
14 she, her pronouns and I am a member of the New York
15 City Task force on Incarcerated Transgender, Gender
16 Non-Conforming, Non-Binary and Intersex Individuals.
17 And one of the authors of the task forces report.
18 I'm also the Director of the LGBTQ Defense Project
19 that Bronx Defenders.

20 A large portion of the work the LGBTQ Defense
21 Project – a large portion of our work at the LGBTQ
22 Defense Project involves representing gender
23 expansive people in criminal cases and advocating for
24 improved conditions of confinement for them during
25 their incarceration in New York City jails.

3 Those of us testifying today as members of the
4 Task Force will be testifying about the report. Our
5 needs in writing future reports and the proposed
6 legislation. I will focus on the report that
7 describes the inadequacies of DOC's current intake
8 process and how it causes significant harm to gender
9 expansive people. But before I do that, and I will
10 certainly address many, many points that the
11 department mentioned this morning in my written
12 testimony. However, what I want to know is where was
13 the executive director of the LGBTQI Initiatives Unit
14 this morning?

15 With all due respect, there were several comments
16 that the Commissioner made which demonstrated how
17 little he understand about this issue. And how
18 little he understands the needs of this community.
19 He couldn't respond to the most basic questions. The
20 only person I have ever interacted with at the
21 Department of Correction, who does understand these
22 issues and who is actually invested in helping
23 incarcerated gender expansive folks is Elizabeth
24 Munsky(SP?), the Executive Director of that unit and
25 I want to know where she is. Why didn't the
department, why didn't they have her testify today?

3 She would have been able to answer all of your
4 questions I'm sure.

5 As you know, the determination of whether a
6 person is going to be incarcerated pretrial, is made
7 by the judge at their arraignment. The first court
8 appearance. Usually hours or days after the arrest.
9 There are so many important aspects of the
10 arraignment that can determine the trajectory of a
11 person's case, such as whether bail is set. One
12 aspect of arraignments that is not as well known to
13 most people, is that the paperwork filled out during
14 the arraignment, specifically the securing order,
15 also known as the blue card, will determine whether a
16 person will be sent to the women's jail or men's jail
17 for intake.

18 A court officer filled out the blue card and DOC
19 sends every person to the male or female intake
20 facility based solely on the gender designation
21 marked on the blue card. We public defenders and
22 advocates routinely advocate for the gender
23 designation on blue cards to be marked correctly for
24 our gender expansive clients. My colleagues call me
25 every time they are representing and transgender

3 person arraignment and I can tell you that
4 unfortunately, our advocacy is not always enough.

5 Many judges refuse to correct the gender
6 designation on the blue card and when they do direct
7 court officers to mark the blue cards with the
8 correct gender, court officers often ignore the
9 judges instruction.

10 While this seems like an unimportant technical
11 step, an incorrect notation on the blue card often
12 results in gender expansive people experiencing
13 extreme violence. You are going to hear many
14 testimonies today by individuals on behalf of
15 currently incarcerated gender expansive people. Many
16 of the horrifying experiences you will hear about,
17 could have been prevented if DOC's intake process met
18 the safety needs of gender expansive people.

19 One of those clients Ms. Regina, is a transgender
20 woman, who has been incarcerated at least three times
21 in the past few years. During one of her
22 incarcerations a few years ago, she was housed in the
23 men's jail. She begged DOC to send her to Rosie's,
24 the women's jail, but they refused. Only after she
25 was attacked with boiling water and suffered from
third degree burns, was she moved to Rosie's. Since

1
2 that incident, she has been released and incarcerated
3 twice more. Her blue card was marked with male,
4 which meant that despite DOC having a record of her
5 being physically assaulted in custody for being a
6 transgender woman and previously transferred to
7 Rosie's, she was sent to the men's intake facility.

8 During the ten-day quarantine period at the men's
9 jail, she was physically assaulted. Weeks later, she
10 was arrested again and the same thing happened once
11 more, but this time, she spent nearly a month in the
12 men's jail before she was transferred to Rosie's.

13 Ms. Regina's case is an example of violence
14 against a transgender woman in DOC custody that could
15 have been entirely prevented if DOC did not rely on
16 the blue cards gender designation but instead had a
17 more meaningful and inclusive intake process.

18 Each day that a gender expansive person is sent
19 to a jail mis-aligned with their gender identity,
20 their life and safety is at risk. To DOC, a ten-day
21 period may not seem like a long time, evidently by
22 DOC by Commissioner Molina's statement that 90-days
23 seems to you know be not a big deal to wait to submit
24 a reconsideration form.

3 However, to a transgender person experiencing
4 violence during that time, the trauma remains with
5 them forever. We can prevent this from happening.
6 If the Office of Court Administration is not willing
7 to take action to address this issue. We urge the
8 City Council to address it.

9 DOC should not solely rely on a gender marker on
10 a piece of paper to determine where a transgender
11 person will be held. There should be a meaningful
12 intake process before people are brought to intake.
13 The taskforce has offered suggested amendments to
14 improve Intro. Number 728 to include this and we hope
15 that you will consider our proposal.

16 I'd also like to briefly comment on Resolution
17 Number 117. While the state legislation amending
18 securing orders to include a non-binary gender marker
19 x, is certainly well-intentioned and clearly an
20 effort to be inclusive of people who identified
21 outside of the male or female binary. It will not be
22 helpful in ensuring that gender expansive people are
23 sent to the correct intake facility.

24 First, there are currently no jails for non-
25 binary people and we are not advocating for more
jails to be built. Second, there is currently an

3 opportunity at arraignments for people to correct
4 their gender marker on paperwork, unless their lawyer
5 knows to ask about it and we can convince court staff
6 to change the gender marker on their paperwork.

7 And just another example of how clearly
8 Commissioner Molina does not understand these issues,
9 he seemed to suggest that including gender marker x
10 would be helpful because transwomen could be marked
11 as gender marker x. That's not helpful because
12 transgender women are women. Including a gender
13 marker x would be to be inclusive of non-binary
14 people, not women.

15 My colleague Mik Kinkead will be addressing the
16 remaining legislation on behalf of the Task Force.
17 Thank you for the opportunity to testify before you
18 on this matter and I hope to continue this
19 conversation with both committees and other members
20 of City Council and of course, I can answer any
21 follow-up questions.

22 SHEAR AVORY: If it's acceptable, is it possible
23 for Dr. Golden to go next please because she is
24 zooming in from India. That's how important this is
25 to her.

CHAIRPERSON RIVERA: Absolutely.

3 RACHEL GOLDEN: Thank you so much. Thank you Mik
4 and everyone. Good morning Chair Rivera, Chair Cabàn
5 and other Committee Members. I am so grateful to be
6 able to speak with you all today and I'm sorry, I am
7 unable to be there in person. My name is Dr. Rachel
8 M. Golden. My pronouns are she and they. I am a
9 psychologist with a decade of training and experience
10 in gender affirming care. And I am the Founder and
11 Director of Golden Psychology, a gender affirming
12 practice based in New York City.

13 Across my career, I have provided support for
14 hundreds of gender expansive individuals and their
15 families. I also developed the New York State
16 Transgender Identity program, part as a function of
17 OMH, which provides gender affirming care to people
18 held within 29 of the 53 New York State prisons. I
19 currently consult on legal cases related to gender
20 care and affirmation for people held in city jails,
21 federal detention centers, and state prisons and I
22 volunteered to be on this taskforce.

23 I will speak today about two important steps
24 toward supporting TGNCNBI people within the
25 correctional system. One, quickly and efficiently

3 housing individuals in facilities that align with
4 their gender.

5 And two, ensuring that CHS and the Department of
6 Correction provide prompt access to the gender
7 affirming medical care, including surgeries and
8 gender affirming hormones that TGNCNBI people within
9 the correctional system deserve.

10 First, why it's quick and efficient housing and
11 gender affirming settings so important? TGNCNBI
12 individuals face disproportionate rates of
13 incarceration and violence and victimization of all
14 incarcerated.

15 In published research, 78 percent of transgender
16 individuals reported emotional pain from hiding their
17 gender identity during incarceration. 47 percent of
18 transgender women who have been incarcerated reported
19 being victimized while incarcerated and 59 percent of
20 transgender women reported being sexually assaulted
21 while incarcerated. This is compared to four percent
22 of men held in male facilities.

23 The burden of this victimization is
24 disproportionately carried by transgender women of
25 color and the result of these experiences is trauma,
PTSD, depression, anxiety and suicide attempts and

1
2 completions. These are well-documented facts about
3 the experiences of TGNCNBI individuals in carceral
4 settings and there is no reason to expect that New
5 York City sites are any different. TGNCNBI
6 individuals in custody deserve to be quickly placed
7 in housing that aligns with their gender identity and
8 allows them a safer place from which to embody their
9 identity.

10 Any delays in placement and fear mongering that
11 one bad actor will pretend to be transgender,
12 therefore create an unsafe environment, result in the
13 continued disproportionate targeting of TGNCNBI
14 individuals for harassment and violence. This is
15 especially dangerous for those who are already
16 multiply marginalized, especially those early in
17 their gender exploration and transition. Failing to
18 quickly place individuals in gender affirming
19 housing, increases the risks and instances of sexual
20 violence, mental health decompensation and places an
21 added burden on the correctional system to manage
22 complaints and treat medical and mental health issues
23 that result from individuals being housed in a non-
24 affirming setting.

3 It seems in the best interest of all to speedily
4 place individuals in housing that aligns with their
5 gender and safety needs. To continue, the wrongful
6 idea that there is great incentive to pretend to be
7 trans in order to gain access to transgender housing
8 units and services, or for other anti-social gain is
9 a fallacy. Given the reality of harassment, trauma
10 and abuse, there is little no incentive to pretend to
11 be transgender. Let alone to put in the work to
12 sustain that over time.

13 In addition, there is absolutely no evidence that
14 people pretending to be transgender is a common
15 occurrence, whereas there is ample evidence
16 supporting the risk of violence and assault to
17 transgender women being housed in a male facility.

18 Next, I will speak about the importance of access
19 to gender affirming medical care, which broadly
20 covers access to gender affirming hormones, commonly
21 referred to as HRT and gender affirming surgeries.
22 Medical transition by HRT or surgery is a well-
23 documented effective treatment for gender dysphoria.
24 It was endorsed by the World Health Organization
25 amongst countless other medical and mental health
organizations, such as the American Medical

3 Association, which states that gender affirming care
4 is medically necessary. Evidence based care that
5 improves the physical and mental health of
6 transgender and gender diverse people. In essence,
7 withholding this care is akin to withholding insulin
8 from a person with diabetes.

9 Transition itself is often a winding path with
10 switchbacks and has no set endpoint or goal. For
11 those who wish to medically affirm their transition,
12 the procedures cost time, money and immense mental
13 energy, including a constant risk of violence and
14 mistreatment every step of the way. Given the
15 challenges in accessing medical services, many people
16 are not able to engage in medical gender affirmation
17 prior to incarceration. In addition, the process of
18 transition varies across individuals and some may not
19 choose to pursue medical gender affirmation, as it
20 may not affirm their experience of their gender
21 identity.

22 TGNCNBI individuals who do not wish to medically
23 affirm their transition or who are early in their
24 transition or who are early in their transition may
25 not fit a binary notion of what "being trans looks or
sounds like." However, this is not prove of present

3 danger to others, deceived or potential to cause
4 harm. In fact, lack of medical transition can place
5 people at a greater risk of harassment and abuse.

6 TGNCNBI individuals held in custody should be
7 given access to gender affirming medical care, as
8 meets their individual transition needs. They
9 deserve to be afforded gender affirming housing that
10 provides greater safety while they are held in
11 custody, both are lifesaving solutions that have the
12 potential for a tremendous effect of wellbeing and
13 safety and reduction of violence and trauma. We
14 have a duty to believe people when they tell us they
15 are trans. It takes great courage for people to
16 self-advocate in this setting in particular to
17 receive medical care, to ask to be moved into
18 affirming housing unit, so they can more safely
19 transition. Find community and become themselves.

20 When legislation and correctional environments
21 prevent this, undo harm is unequivocally the result.
22 We have a responsibility to TGNCNBI people within the
23 correctional system to do the work of affirmation and
24 protection. Starting with allowing TGNCNBI
25 individuals held in custody to be quickly housed
without delay in facilities concurrent with their

3 gender experience and providing access to lifesaving
4 medical interventions such as surgeries and access to
5 HRT.

6 Thank you so much and I'm happy to answer any
7 questions.

8 GRACE DETREVARAH: Hello, I'm Grace Detrevarah.
9 My pronouns are she, miss, her. I am a formerly
10 incarcerated trans woman. I spent almost 15 years of
11 my life watching this whole department change from
12 the 90's to now. I am evidence of what can be but
13 that's not important. As a service provider today
14 with the Osborne Association and dealing with the
15 issues from arrest to arraignment to detainment has
16 been disrespected, has been informed by those all who
17 are adequate to change, to listen, to modify, and not
18 come in front of this Council, in front of these
19 people and become unprepared and just use procedural
20 tactics because that is exactly what we all heard
21 here today.

22 We would hope for those of who do what we do,
23 that we don't continue to chase our own tails with
24 procedures that we were not even considered for. We
25 have to die in custody. We have to not even know
what those procedures are once we do become in

3 custody. As a person who provides service for those
4 who are not only incarcerated right now, but who
5 provide services directly impacted by Rikers Island
6 and being a Black or Latino or a trans or woman.
7 Please understand that oversight from arrest till the
8 procedures that are in front of us are allocated for
9 you to look over and include us because you cannot do
10 this with just policies. These are human beings you
11 are talking about here.

12 So, I say and speak for those formerly
13 incarcerated who have restructured their life to be
14 able to come here and tell you as a formerly
15 incarcerated person who is now part of the transition
16 of getting us adequate, humane, services and care
17 while in custody or going through the system.

18 We thank you as a collective. We thank you as
19 human beings and we damn sure ask you as voters, as
20 your citizens, take this just as important as you
21 would take any issue and don't do this seasonally.
22 Do you hear me? This ain't June. We go through this
23 from January to December. This Task Force continues
24 to be the proactive ones. We watched here today and
25 I will it again as my colleagues sat here and
witnessed, we do not need, just like you don't need

3 to be proactive listening to a directive or a policy
4 direction that he couldn't even tell you what is the
5 assets for or where they are going with it because
6 they had never read it. Again, I thank you.

7 Hello, good morning. I would like to note for
8 the record that the only Council Members remaining
9 are Chair Rivera and Chair Cabàn. And even after
10 being asked to remain present for public testimony, t
11 hear from the members of this Task Force, DOC decided
12 to leave.

13 SHEÀR AVORY: I am Shèàr Avory. I use they, them
14 pronouns. I'm the Lead Statewide Community Organizer
15 at New Pride Agenda and a sitting member of the New
16 York City Task Force on issues impacting TGNCNBI
17 people in custody. I am a Black and indigenous non-
18 binary trans femme of seminal and Black descent. A
19 creative visionary published researcher, social
20 justice advocate and practical abolitionist.

21 I have been a leading voice youth activism within
22 movements for social justice since the age of 13 and
23 have become one of the most politically influential
24 leaders of my generation. It's an honor to be here
25 today. Given my lived experience, I am grateful to
be alive and to have the courage to participate in

3 this moment and in our work as a city commissioned
4 taskforce to honor Layleen.

5 However long overdue, the day has come. The
6 light of day has finally been cast on our effort, on
7 our labor, on our expertise. This is our moment.
8 This is our public hearing. Today, not only will we
9 be seen, we will be heard. I'd like to begin my
10 remarks with a few moments of collective silence.
11 May we all take a moment of silence for Layleen
12 Polanco extravaganza.

13 May we take a moment of silence for Alyssa
14 Rodriquez, another sibling of our community who died
15 after experiencing the horrors of being wrongfully
16 housed as a male on Rikers Island, raped, evaluated
17 and then sent back to the same housing unit at AMKC
18 where she was raped again.

19 May we take a moment of silence for the 19 people
20 who died on Rikers Island in 2022 and for the 15
21 lives lost on Rikers Island the year prior. For
22 Kalief Browder, and all of the lives lost to
23 senseless acts of violence, hate and the atrocities
24 of state based systemic and institutional
25 oppressions.

3 And lastly, a moment of silence to honor the land
4 for which we are on. The land of the Lenape to honor
5 their lives and the lives of our ancestors. They
6 will not be forgotten and how ever brief a moment,
7 the very least we can offer to reflect on the lasting
8 devastating of colonialism and to reckon with my
9 ancestors, eternal grief that will only seize with
10 the demise of all that oppresses us.

11 Thank you. My heart breaks today. My heart
12 breaks for Layleen and for all of my siblings who
13 can't be here today to share their own stories and
14 their own voices. I am bracing for more heartbreak
15 in hearing the testimonies and lived experiences of
16 our communities family, who are fortunate enough to
17 still be alive to speak for themselves at today's
18 hearing. And in the struggle of daily life as a
19 rally and cry for the innumerable stories that we
20 won't ever know. I'm heartbroken anticipating that
21 what I say today will not be heard reflected upon and
22 acted on. I'm heartbroken because that is what has
23 been the reality of the City Commission Task Force
24 since early after its establishment.

25 Our words, our experiences, our recommendations
over the past three years especially throughout the

3 pandemic, has meant nothing to so many, very little
4 to some but more than words today were nearly 200
5 pages can express to us. It has been a genuine,
6 exhaustingly traumatic labor of love, dedication to
7 justice and commitment to freedom.

8 The most important question you all must ask
9 yourself today, is if you have the same moral
10 reverence, character of service and unwavering
11 diligence to the enrichment of the communities you
12 serve as we do. There's an old, yet most fitting
13 saying in Grassroots Organizing that goes, "whose
14 side are you on friend? Whose side are you on?
15 Whose side are you on friend? Whose side are you
16 on?"

17 I was here in the gally of Council Chambers on
18 October 17, 2019, just three short months after the
19 unfortunate and preventable death of Layleen Polanco,
20 when the Council voted in support of new borough-
21 based jails and a nonbinding commitment to close
22 Rikers Island by 2027. Now, four years before its
23 scheduled closing, the greatest fears of activists
24 and organizers on the other side of the Close Rikers
25 Now Campaign are playing out in real time.

3 Not only is the Adams Administration hell bent on
4 continuing the torturous use of solitary confinement,
5 rebranded as punitive segregation, the Mayor has
6 publicly stated his damning opposition to closing
7 Rikers entirely. Worse, he has the gal to support
8 its expansion with a so-called Plan B.

9 I stand by what I said speaking at the No New
10 Jails Rally in City Hall Park directly after the
11 Close Rikers Now vote. "Every Council Member who
12 voted in support of closing Rikers to build new jails
13 is a modern-day slave holder." They had blood on
14 their hands. Mayor Adams has blood on his hands and
15 with 2022 being the deadliest year of jailing in New
16 York City, this Council has blood on its hands too.
17 I stand by what I said then and I stand by what I am
18 saying now. Save our lives. We are dying.

19 Before I proceed, I acknowledge some may not
20 appreciate the tone I am taking. Some may not agree
21 with what I say. Your values and principles might
22 not align with mine. That's okay. After my remarks,
23 it's possible a few of you will even dismiss me as an
24 arrogant, loud mouth, disrespectful, radical, young
25 person. That's okay too. Unfortunately, I'm used
it. But please allow me to be a touch more personal.

3 I am a survivor of conversion therapy, the turbulence
4 of foster care, the reality of homelessness and the
5 pipelines of poverty to incarceration. I am a
6 grassroots activist and organizer committed to the
7 advancement of social, economic, racial, gender,
8 disability and environmental justice. I have the
9 honor of serving then former Vice President Biden as
10 the 2018 Biden fellow for LGBTQ equality at the Biden
11 foundation and Washington DC.

12 During the height of the pandemic, I worked to
13 make public policy, government funding and city
14 services more equitable for New Yorkers as a Policy
15 Associate at the Office of the New York City Public
16 Advocate and my record speaks for itself, with eight
17 legislative victories and winning over \$13 million in
18 investments into resources and services for our
19 intersectional communities across the country.

20 You don't have to like me personally or agree
21 with what I say, but you will respect my time and my
22 expertise and you will listen to the call to action I
23 came prepared to deliver today. Our grieving
24 community will be heard today and I hope my words,
25 our words reverberate into immediate and urgent
action to save our lives now.

3 Just yesterday, the city published an article
4 following a five-month investigation about the Adams
5 Administration and Commissioner Molina specifically
6 working to completely disband the LGBTQ+ Affairs Unit
7 and remove protections for transwomen. How timely
8 and ironic that after four long years, the day before
9 our first public hearing, three years overdue,
10 whistle blowers are the headline of a new story.
11 Suddenly exposing the same growing mistreatment of
12 TGNCNBI New Yorkers. This very body of experts
13 commissioned by the city, has been tasked to report
14 on for years. We have been sounding the [INAUDIBLE
2:34:37].

15 While I appreciate the coverage and the
16 perspectives of two of our members being included in
17 that report, our official report released last year,
18 should have been the subject of headlines months ago.
19 When the deadline passed in 2020 for us to publish
20 our first report, City Council should have intervened
21 by calling a public hearing.

22 Instead, the deadline continued to lapse for two
23 additional years as we continued reviewing policies,
24 conducting research, advocating for those most
25 impacted by COVID-19 within carceral settings and

3 drafting the report in question today with
4 excruciatingly minimal support from the Department
5 and Board of Corrections. And where was the
6 Council's interest in oversight when de Blasio
7 colluded with Governor Hochul to sell out trans
8 communities housed in gender aligned housing on
9 Rikers Island and relocate them to upstate prison
10 facilities? Many of whom were being held pretrial.
11 The only way in which the Department of Corrections
12 can claim to be a national leader, is in the amount
13 of blood it has on its hands.

14 Our 200 page in depth report cannot be
15 overshadowed by a ten-minute read. Likewise, it's
16 thoroughness cannot be compared to the departments
17 disgracefully mediocre seven-page response. Their
18 disparaging and belittling response demonstrates just
19 how inept and unwilling the Department of Corrections
20 is to work with us in good faith.

21 While promising that it would continue to review
22 its policies to "support the evolving needs of the
23 TGNCNBI population." In the aftermath of the reports
24 publication, the department swiftly and effectively
25 cut off our ability to investigate conditions, and
likewise no longer permits us the ability to tour

3 facilities to see the conditions for ourselves first
4 hand.

5 The department's response, their testimony today
6 and Commissioner Molina's inability to even
7 acknowledge the presence of the taskforce at today's
8 hearing and our work more broadly and yesterday's
9 report underscores what this experience has been like
10 for us as a taskforce. It is reminiscent of how
11 we've been continuously, routinely, and intentionally
12 sidelined and devalued while simultaneously being
13 exploited for the good intentions but meaningless
14 symbolism of progressive reform.

15 We've been patronized. We've been pathologized.
16 We've been gaslit. Our cries for help when unheard
17 and unresponded to, just like Layleen's. Have any of
18 you; I'm taking a moment to note that I'm speaking
19 practically to an empty Council Chamber. Have any of
20 the Council Members who attended today's hearing
21 taken the time to read, study, and reflect on your
22 own City Commission report to address the issues
23 impacting TGNCNBI people in custody in the city's
24 care? Did you yourself, I repeat, did you yourself
25 read or even glance over the report or did a staffer
review the Chapter summaries and compile notes on

3 your behalf? Are you the elected person committed to
4 seriously addressing these issues? Are you committed
5 to valuing our expertise, acting on our policy
6 recommendations and holding this despotic, fascist
7 administration accountable to its immorally just
8 inequities?

9 At a time of unprecedented and unrelenting
10 attacks against gender expansive communities across
11 the country, New York should be the forbearer of
12 hope, of opportunity, of justice for all. As
13 progressive as we claim to be, New York City is
14 failing TGNCNBI New Yorkers. Our liberation, the
15 liberation of transgender, non-binary and intersex
16 people is liberation for everyone. Coast to coast,
17 beyond borders and across the world. Our issues,
18 injustices, inequities and disparities are the
19 crossroads of collective struggle. Lack of stable
20 housing, access to higher education, gainful
21 employment, competent health and mental health care,
22 equitable and accessible public services, anti-
23 Blackness, xenophobia, antisemitism and ongoing
24 genocides of Black and indigenous people
25 internationally is a trans rights issue.

3 It is past time that we recognize and center
4 trans rights as the cornerstone of human rights
5 because our issues intersect all disparities and
6 struggles across race, gender and class. From racism
7 and discrimination, mass incarceration, immigration,
8 and acts of hate even in New York City. 55 years
9 after the Stone Wall uprising, 57 years after the
10 Black Cat Tavern and 58 years after the Compton
11 Cafeteria riots. 70 years after the start of the
12 modern civil rights movement, 161 years after the
13 emancipation of slavery. 176 years after the spark
14 of the Woman's Rights Movement. 249 years after the
15 American Revolution for Liberty and Justice for All.
16 532 years since the onslaught of colonization and
17 systemic eradication of Native people.

18 Our Black, indigenous immigrant gender expansive
19 siblings are still struggling and being left behind.
20 Shame. I will allow fellow members of the task force
21 to speak to the specific findings and recommendations
22 outlined in our report. The subsidence of my
23 remarks, however, is in sharing our collective
24 experiences vulnerably and transparently to plead for
25 your solidarity and ensuring that the work of this
task force to date and in the future is not done in

3 vein. Today's public hearing alone simply won't be
4 enough. May it be incumbent upon your consciousness
5 to take note expeditiously on the following requests:

6 Vote affirmatively in support of the legislative
7 initiatives being considered before you today.

8 Mandate the department to engage with us as a
9 stakeholder required to advise on policies and
10 guidelines. To do everything possible to make
11 information and data publicly available and to work
12 in good faith with the task force moving forward.

13 Invest available resources to sustain the
14 functionality of the task force and to enhance the
15 capability of the Board of Corrections to be better
16 able to facilitate the City Commissioned work and its
17 responsibility to have oversight over the Department
18 of Corrections. Amend the very bill establishing the
19 task force to more clearly define our authority to
20 investigate, review policies, access data, tour city
21 jail facilities, advise on best practices and provide
22 recommendations on the improvement of public policies
23 and department guidelines.

24 Lastly, collaborate with the city's Public
25 Advocate to conduct an additional public hearing
within the next three months regarding the

3 investigative reporting that was yesterday and any
4 process made by the Department of Corrections to
5 productively engage with us. The city's task force
6 on issues impacting TGNCNBI individuals in custody,
7 in good faith efforts as outlined in our collective
8 testimonies and the Council's own line of questioning
9 to the department.

10 In the name of Layleen Polanco and in solidarity
11 with oppressed communities across the five boroughs,
12 throughout New York State, from coast to coast and
13 beyond our borders, I thank you.

14 MIK KINKEAD: Thank you all so much and thank you
15 for staying. I'm going to read some prepared remarks
16 and then I have some responses as well. So, thank
17 you for this opportunity. I know I have been
18 hounding many of you with requests and questions and
19 demands since about May of 2022. I'm really glad
20 that we're here today.

21 My name is Mik Kinkead, I use he, him pronouns.
22 I am a White trans man and I am an attorney. As a
23 lawyer, I have worked at the Prisoners Legal Services
24 of New York, the Sylvia Rivera Law Project and at the
25 Legal Aid Society of New York City. Since 2015, I
have been in the New York City jails teaching classes

3 and various iterations of the transgender housing
4 unit, which is now called the special considerations
5 unit. I am a member of this community and I'm on the
6 ground doing this work and I have been since 2015.
7 It is with great seriousness that I know my privilege
8 of being physically here sitting before you with ten
9 years' worth of stories concerning the New York City
10 jails treatment of transgender, gender non-
11 conforming, non-binary and intersex people.

12 While I sit in this hearing room, I am protected
13 by all the laws of the City of New York. My name and
14 my pronouns must be respected. I must be allowed
15 access to restrooms, programs and housing equal to
16 that of any cisgender man. I am allowed to make
17 determinations for my own safety regarding if and how
18 I share any medically private information and I get
19 to seek out the care that fits my medical needs. If
20 it's deemed medically necessary by my doctor, my
21 insurance must cover it.

22 I am allowed to dress as traditionally masculine
23 or as traditionally feminine as I wish and still
24 maintain my identity, my pronouns and my name. I get
25 to love who I love without that reflecting on my
gender identity or expression. It is my believe and

3 it is the believe of all the authors of this report
4 that these same rights apply to every single person
5 in the city jails. Yet the reality is that TGNCNBI
6 people in the city jails cannot consistently and
7 without fear access these rights. Because of these
8 fears, many people chose to not provide testimony
9 even if anonymously at today's hearing.

10 I know my colleague Deb and I went to Rikers
11 multiple times over the past week and a half to try
12 and collect testimonies. Most of the people we met
13 with refused. I also had scheduled about six
14 appointments with people who are home, off of parole,
15 no one reporting and the response from all them was
16 I'd rather move on with my life and not relive this,
17 especially knowing that probably nothing will happen.

18 Which is why the folks who are here today, thank
19 you so much. It's incredibly moving. So, the
20 department has said multiple times that they are
21 leaders regarding the treatment of transgender non-
22 conforming, non-binary and intersex people in
23 custody. Yet as you could see, the folks who sat
24 before you couldn't even get those terms right. I
25 want to seriously challenge any assertion that
providing basic rights and dignity qualifies as

1 leadership. It may well be that the majority of
2 prisons and jails throughout the U.S. fail to treat
3 us as if we are humans but doing better than that is
4 not good and does not make you a leader. This is not
5 the standard by which I as a transperson, determine
6 who leads my community. A leader for TGNCNBI people
7 would not refuse to share data, refuse to provide
8 access, make erroneous statements to the press or
9 deny actual community leaders the ability to
10 participate in and create best practice policies. I
11 underline all these points because I'm
12 extraordinarily aware that publishing the report in
13 August, I was one of only a hand full of trans people
14 on the task force and my presence on the task force
15 serves as a stamp of authority. At any time, the
16 department can point to me and say they have a
17 transgender person and an attorney with the knowledge
18 of the city jails, been involved since 2015 and
19 therefore the taskforce is successful.
20

21 And I need to make it absolutely crystal clear to
22 the Council that the department has not only refused
23 to allow us to advise them at every turn, they have
24 consistently acted in disrespectful ways towards our
25 members. There have been multiple times when I have

1 considered leaving this Task Force because I did not
2 want to leave my community to think that this was
3 somehow meaningful or would change anything. And
4 I've stuck with it mostly because of folks like Shèàr
5 and like Grace and like Deb who show up and do this
6 work against huge odds. We had a unique opportunity
7 to provide knowledge of the lives of folks in the
8 city jails.
9

10 When we were appointed there were 22 of us and
11 nine of use identified as TGNCNB. We had no intersex
12 identified people on the panel and we still don't.
13 At the time we published our report, we had dropped
14 to 13 members and only three of us were TGNCNBI
15 identified and there was the other three of us who
16 are right here. Everyone else had to leave and some
17 of that yes, was because of COVID and it was because
18 of changes in jobs but a lot of it had to do with the
19 fact that people did not want to be disrespected on a
20 systematic basis by the Department of Corrections all
21 the time. Did not want to be told that we were lying
22 about what we were experiencing.

23 The Local Law treating this Task Force must be
24 altered to be clearer and stronger. Otherwise this
25 Task Force is nothing more than an exercise and

3 traumatizing those of us who are appointed and create
4 a façade of good press for the city.

5 Believe the trauma as a fellow transperson of
6 hearing about the assaults and the rapes, of the
7 violence and the daily discrimination is horrible. I
8 have vivid visions of going to Bellevue to meet with
9 survivors of rapes, who survived those rapes while in
10 DOC custody and I can still see the scars. I can see
11 their faces and they will be with me forever.

12 I would not be on this task force if I did not
13 think there was the possibility that something useful
14 could come from it. And that is why at this point we
15 are demanding that DOC take this entity seriously and
16 meet with us in good faith. I know I gain nothing
17 from DOC refusing to grow. My people just get hurt
18 more. I'm not on this task force in order to yell at
19 DOC. I'm on the task force because I want to meet
20 with them in good faith to develop better policies.
21 And you heard today consistently the Commissioner
22 say, that we would not be considered as part of that.
23 Then I want to know why we're here. It's trauma that
24 I don't need and I believe none of my fellow
25 panelists need either.

3 So, I want to talk about a couple of things. The
4 department talked about changes they have made, and I
5 want to emphasize, every single one of those changes
6 was a result of a lawsuit or a pending lawsuit. None
7 of those changes happened because they decided to
8 those things on their own. They talk about 2018, the
9 leader by moving the trans housing into RMSC. That
10 was because of a lawsuit and I want to say again, the
11 woman who brought that lawsuit, decided not to come
12 here today to speak because she said she wanted to
13 move on with her life and I hope she can.

14 The department said that they did share the
15 directive with us and that contradicts statements
16 that they said to press multiple times in August and
17 throughout the rest of this year, that we leaked it.
18 They shared it with us. We received clearance from
19 BOC legal to share it and the DOC has had consistent
20 access to the report and its various different drafts
21 since we began drafting it in 2020.

22 So, DOC has always had access to that and any
23 suggestion that they don't in my opinion, is a
24 suggestion that they did not look at those drafts and
25 care about them until they were published.

3 I want to say a few more points. The bills of
4 course today are wonderful and we thank you for them.
5 There are probably 185 anti-LGBT legislation pieces
6 in the United States right now. And most of them
7 mark gender identity and gender expression, so
8 anything that allows us to live our lives is
9 wonderful and thank you for that but all these need
10 some significant work and I really look forward to
11 working with all of you on them.

12 So, 355, we agree with the many of the comments
13 that CHS made, that we don't want to do anything that
14 would hamper access to medical care. And none of the
15 people we spoke with talked about the importance of
16 being able to choose the gender identity of their
17 provider. What they spoke with was having competent
18 providers. People who didn't lie to them about the
19 effects of hormones. People didn't lie to them about
20 the effects of surgeries. People didn't tell them,
21 if you take this hormone, you will become sterile.
22 Just absolutely lies.

23 So, we need more competent care with CHS. We
24 also need them to figure out the contract between CHS
25 care and Health + Hospitals, in particular the pride
centers. Because we have been told since 2019 and we

3 have documented court documents on this matter that
4 there will be a contract in order for people to
5 access gender affirming surgeries, yet it is 2023 and
6 we were told at our most recent meeting that the
7 number of surgeries provided was less than ten. I
8 said, oh, my God that is amazing. That means that
9 someone had a surgery. I had no idea. I thought I
10 would be the first to know and they said, oh, no,
11 that could mean zero too.

12 So, we need to know what's happening with that
13 and people need to have access to that. Absolutely
14 it is a very challenging thing to recover from
15 intense surgery while in jail and whenever I work
16 with someone who is looking at a short period of
17 time, I say what I will do is I will connect you to
18 care and you can get surgery when you come home when
19 it's safer. But for some people, they're inside for
20 three or more years and many of our trans clients are
21 because of issues with bail, issues with reentry and
22 alternative to incarceration programs, etc.. So,
23 they actually have the time to have surgeries and
24 recover.

25 There was a woman most recently and I think this
is probably something that CHS was saying in response

1 to the data issue, who was accessing electrolysis in
2 the hopes of receiving a vaginoplasty. She was
3 inside for over two years. She did not finish her
4 electrolysis appointments and she has now gone to a
5 men's prison without having access surgery. And we
6 happen to know that New York Docs does not have
7 contracts with any surgical providers. So, she is
8 now serving a very long sentence upstate with no hope
9 of accessing that surgery.
10

11 Again, the citywide resource navigator for women
12 and gender expansive people, a wonderful idea. I
13 think we're all very excited about it. I just want
14 to say that the definition of gender expansive in
15 that bill is so broad because it includes gender
16 stereotyping, that the database created would have to
17 be every single alternative to incarceration in the
18 city. Because gender expansive people could include
19 for example, a feminine cisgender man and intersex
20 man, a trans man like myself who wants to go to a
21 men's alternative to incarceration facility. And if
22 that men's alternative to incarceration facility
23 says, we don't house you here, they are in denial of
24 the Human Rights Law. So, you would have to include
25 every single facility and that's quite a big ask.

3 There is an LGBTQI reentry providers group,
4 Chaired by Andrea Williams at the Legal Action
5 Center. I think they'd be wonderful to consort with
6 on this bill. 887 again, a wonderful bill because
7 data is sorely needed. But some of the things that
8 we would need to have added to it were things such as
9 timelines.

10 When you asked the Commissioner at the beginning
11 of this about where that data came from and he said
12 that data was from today. We have seen in the past
13 that DOC has moved people right before important data
14 times in order for their data to look good. There's
15 no guarantee that those folks are going to stay in
16 gender aligned housing any day past today.

17 In August, right before we published a report, a
18 housing at AMKC, which at the time was the only
19 special considerations unit in men's jails, which
20 housed transgender women, despite us being promised
21 that it would not house transgender women. All the
22 people in that unit were moved to RMSC and that unit
23 included cisgender men and transwomen who did not
24 want to be at RMSC. They were all moved to RMSC so
25 that the numbers that were reported could say, we are
housing all these trans women at RMSC. Very few of

3 those folks stayed there. To the extent that DOC
4 says that people misrepresent their gender identity.
5 I would point to you that move that DOC did against
6 everyone else's wishes and say, you put cismen in
7 Rose. You did not ask them where they wanted to be.
8 You did not check in with them. You did not do
9 anything that was appropriate or peer related around
10 this and then you say people are lying about their
11 gender identities.

12 What you are doing is you are failing to do your
13 job. So, I again, the number that they represented
14 today, I would seriously ask, is that same in two
15 weeks from now?

16 And then finally on Council Member Power's bill,
17 we have submitted extensive edits. There is a
18 coalition, I believe it has 14 organizations that are
19 very diverse in terms of who they represent as well
20 as everyone who is a report author from the task
21 force. And it just, we really need; as Deb said in
22 her testimony, intake is where we need to make an
23 intervention.

24 And the department said this in their reply. The
25 department said this today and yet they refused to
talk to us about intake and how to make it better.

3 We really need those intake spaces to be the place of
4 first intervention. And with that, I close. Thank
5 you.

6 GRACE DETREVARAH: Before we move on further, I
7 want to say this to close out for service providers.
8 It has been very transforming to watch organizations
9 like the Osborne Association and Exponents and so
10 forth and so forth, make their selves available at
11 the expense of sometime having to do the work for
12 corrections by saying what we're exactly looking for.
13 Meaning that the same documentation that we have sent
14 them, they will do what their Commissioner done today
15 and come across as if they were a part of actually
16 reviewing the report. At no time was this done. So,
17 I say, as you understand, knowing those agencies that
18 are mandated to help LGBTQIA and specifically in the
19 last - I'm going to be clear, 2015, are now allocated
20 to make these services relevant in their own
21 programs.

22 So, there are organizations that are proactive,
23 not because corrections has asked us. Because we're
24 on the side of receiving those phone calls and going
25 to see those individuals who are detained. And if
they get the strength and make it through all that

3 trauma of being in custody, they come to us and we're
4 here to do that work because this is the work that we
5 say and that I know that I do and others do this
6 work.

7 As a Council, we cannot say it any clearer. This
8 will continue and it has the potential of death. The
9 potential of death. Let us not make January 25th a
10 day where you were informed as a Council after
11 hearing the sitting Commissioner express through
12 modified prepared, no answers that you fully
13 understand the magnitude of what this subjects and
14 all those legislation is necessary. Please know
15 this. Thank you.

16 CHAIRPERSON RIVERA: Thank you. Thank you uhm—

17 GRACE DETREVARAH: Grace.

18 CHAIRPERSON RIVERA: Well, I was going to say
19 Grace but that was my question about service
20 providers and how they've been and I don't want to
21 say forced because I know why you all do this work.
22 Like you all do this work out of love and out of need
23 and out of experience but like the fact that I think
24 something that was brought up in terms of voting on
25 the bills, mandating collaboration and more

3 resources. That goes to exactly what you're talking
4 about, so I just want to thank you for saying that.

5 Council Member Chair Cabàn, did you want to ask a
6 question?

7 CHAIRPERSON CABÀN: Yeah, I have a couple but I
8 want to start by expressing gratitude and just also,
9 just love. Like, I may not - I know some of you
10 personally but I may not know you but I love you and
11 I appreciate the work that you're doing. Sorry, I
12 had to stand. I couldn't sit for any longer. I'm
13 getting old.

14 I wanted to ask, first of all, duly noted on you
15 know I share in your concern and I missed asking
16 about it but why Ms. Munsky wasn't here. It's a
17 question I had as well and we have follow-up
18 questions that we all send to DOC to get answered.
19 But I had a question for you Dr.. You talked a
20 little bit about care obviously and that same, we
21 referenced it a lot. That in that same city article
22 that appeared yesterday, there was a quote, an
23 officer quoted as saying, you know I'm going to say
24 80 percent of them really tries to, they take their
25 hormones and they go for their surgery. And we've
talked a little bit about whether that's happening or

3 not and I think we need to follow-up with
4 Correctional Health Services but for you
5 specifically, what are the – can you go a little bit
6 deeper to what the medical standards concerning
7 TGNCNB folks identity and hormone replacement therapy
8 surgeries and other interventions and whether those
9 standards change when you're institutionalized. And
10 the last thing I'll add for context to that that I
11 thought was disturbing and I'm hoping that you can
12 expand on a little bit, was that and this goes to
13 show how little they are familiar with the issues of
14 the community. Is that the decision to have surgery
15 is not a litmus test for whether or not a person is
16 trans. And that is a very personal decision as to
17 whether to take that kind of medical intervention or
18 action. And so, that was deeply disturbing. So, I'm
19 hoping you can touch on the importance of that a
20 little bit but also, kind of flush out what some of
21 those medical standards for the community are and
22 how, if at all they change when you're
23 institutionalized?

24 RACHEL GOLDEN: Sure, yeah, I'm happy to answer
25 that and thank you for your question. I just want to
say that I know that I'm here in the capacity of uhm,

3 I'm not a medical provider. I'm a mental health
4 provider. I'm a psychologist and I'm happy to answer
5 questions about the standards of care that are you
6 know published by the World Professional Association
7 of Transgender Health. And I just want to recognize
8 that the incredible importance of the lived
9 experience that folks are talking about today and
10 that that perhaps proceeds what any governing or you
11 know institutional lobby you would say about what is
12 correct care. That we should be listening to people
13 about the care that they need.

14 With that said, many institutions follow the
15 guidelines of W PATH and currently they have issued
16 something called the Standards of Care 8, which is
17 the most recent version of the Standards of Care.
18 They have evolved over time to be more somewhat more
19 justice and equity focused. However, they do present
20 barriers and gates for people to – hurdles for people
21 to go over, gates for people to pass through, often
22 times placing a provider in a role where they are
23 making the ultimate decision about whether or not
24 somebody can provide informed consent for care. Btu
25 ultimately, it does just boil down to regardless of
the institution that somebody is in, regardless of

3 the place where they live, regardless of you know
4 anything other than you know their ability to provide
5 informed consent, they should have access to any kind
6 of gender affirming care that they desire.

7 What informed consent means, is just the ability
8 to understand the risks and rewards of any kind of
9 surgical intervention and to be able to make a
10 decision to you know take part in that surgery right?

11 To be able to just say, I understand everything that
12 is being laid out before me about what could
13 potentially go right. What could go wrong. What I
14 will have to do to care for myself and I am of you
15 know sound mind to be able to provide that consent.

16 That does not mean that people who are
17 experiencing any kind of mental health issue are
18 people with any kind of developmental differences,
19 any kind of neurodiversity, can't provide informed
20 consent as well. They certainly can. The way that
21 informed consent is achieved is just through
22 communication with that person until you know, to
23 make sure that we are responding to their needs and
24 giving them the information that they need.

25 So, just to reiterate, there is no difference in
the care that is provided to folks, whether or not

3 they are in a carceral setting or in any other
4 institutional setting. I think that was your first
5 question and let me note, does that answer Council
6 Member Cabàn, does that answer your first part of
7 your question?

8 CHAIRPERSON CABÀN: Yes, it does. I mean and
9 feel free to expand if you think there's something
10 that was missed but thank you.

11 RACHEL GOLDEN: Yeah, the only other thing that I
12 might say about it is that you know, standards of
13 care that have been issued; I went to the W PATH
14 conference this year and the standards of care that
15 have been issued, there is a special section about
16 institutional care that relates to unfortunately, the
17 W PATH chose to group together, where W PATH chose to
18 group together institutional care in nursing homes,
19 any other type of institutional facility alongside
20 correctional facilities. And you know it's
21 unfortunate that they didn't distinguish the
22 differences between being held in those different
23 types of settings because there are stark differences
24 in the way that people are able to access care much
25 as you know mentioned and the ability that people

3 have in the flexibility of what they're wearing, what
4 they're doing and their access to resources.

5 However, there main recommendations that they
6 provided was just to provide more education and
7 training to Department of Corrections to Correctional
8 Staff in being more gender affirming. That was the
9 only difference.

10 MIK KINKEAD: If I'm allowed, I just want to make
11 one quick comment, which is that we have heard from
12 people and this is not something that we have at
13 length in the report but we hope maybe in the next
14 report we can go into more. Choosing either to have
15 access to surgeries and hormones or to not access
16 surgery and hormones based upon how they think they
17 will be housed. So, there are a number of trans
18 women I have spoken with who did wish to pursue
19 vaginoplasties but did in order to help increase
20 their chance of being housed as a woman. That's why
21 we need something like [INAUDIBLE 3:06:44]. That's
22 why we need the amended version of Power's bill,
23 because it needs to be clear that you don't need to
24 do incredibly intensive things to your body to be
25 housed as a woman. That absolutely needs to be your
choice because it is right for you and how you are

3 perceiving yourself in the world. And yet we have
4 heard from transwomen who have undergone that because
5 of their fear that they will be housed as men again
6 upon a second arrest or upon a violation of parole.
7 And likewise, I just want to say, we've also heard
8 from many people who upon hearing that they will not
9 spend their prison time in women's facilities or in
10 men's facilities as well for trans men, that they
11 choose to stop taking hormones in order that they can
12 pass better for the length of their sentence.

13 And so, both of these things are really horrific.
14 The fact that we don't have strong housing laws and
15 the fact that it implicates medical and mental
16 health, I just want to really emphasize, I don't know
17 how to tell anyone who's not trans about how
18 important it is to make the decisions you need to
19 make for your own body but it is, it's really
20 disturbing to hear that people look at their life
21 ahead and say well, if I'm going to spend three years
22 in this facility, I need to do this thing to my body
23 in order to survive. That's not a position anyone
24 else is placed in.

25 CHAIRPERSON RIVERA: Agreed and thank you and we
will - I appreciate you going into some detail on how

3 we can improve the language of the bills as well and
4 we took notes on not just what you mentioned but also
5 people to work with in collaboration because that's
6 incredibly important.

7 So, I just want to — I want to thank this panel
8 for your time, for what you do, for being here
9 waiting this long. For listening to the Department
10 of Correction and being underwhelmed is the
11 understatement I'm going to use right now.
12 Incredibly exhausting and frustrating and raging, so
13 thank you. Thank you for your testimony. Thank you
14 for your service. We look forward to the next report
15 to working with you and to uhm, again voting on the
16 bills, mandating better collaboration, more
17 resources, seeing how we can expand the taskforce
18 oversight and including those amendments in that
19 language to the bills. Thank you.

20 PANEL: Thank you.

21 MIK KINKEAD: I'm so sorry, if there are no more
22 questions, may I say one more thing? I apologize.
23 Okay, I just want — I had circled some things just to
24 clarify.

25 At the beginning of his testimony, Commissioner
Molina said that one of the reasons why they were

3 leaders is because they do not go based upon medical
4 diagnosis or medical exam. Those two things are not
5 allowed under the Prison Rape Elimination Act, so the
6 fact that they don't do things that are illegal,
7 doesn't give them cookies.

8 The task force desperately need a Spanish
9 translator and we need support staff. We don't have
10 anyone from the Trans Latino Coalition, any one from
11 [INAUDIBLE 3:09:38] because they primarily speak in
12 Spanish and we don't have the capacity for that. So,
13 we are really missing all of our Spanish speaking
14 TGNCNBI folks. We desperately need that. You know,
15 the four of us are all paid by our organizations for
16 the labor. If anyone is not part of our organization
17 that pays for the labor, then they really can't
18 participate and that has made a huge issue.

19 Commissioner Molina said that BOC did not tour
20 the facilities. They sat on their behinds. Heather
21 Burgess whose been on the task force since the
22 beginning did tour the facilities throughout COVID
23 and I just wanted to say that because that's an
24 extreme slight to make. If there are people who are
25 better situated than us to advise, which the
Commissioner said multiple times, we'd love to know

3 who they are and then place them on the task force.

4 We'll work with them. I know DOCs works with NCTE
5 the National Center for Transgender Education. If
6 that's who it is, you know, I'm happy to call them
7 up. I know folks who work there.

8 Commissioner Molina said we refused a meeting.
9 It's because he allowed only three of us to meet with
10 him and he said it would be a meet and greet. We
11 would not be able to discuss anything of meaning
12 during that meeting, so we said that's not worth our
13 time. And then two more things. One thing that we
14 want to talk about in the task force report is about
15 the volunteers and the trainings. We didn't actually
16 get access to any of those. I have sat through the
17 PREA trainings. One of the security trainings that
18 is used uses a video of a trans woman to show how not
19 to respond to something. I sat in that training.
20 All the people being trained with me said that's a
21 man and no one corrected them except for me and I was
22 told to be quiet. So, those trainings need help.

23 And then finally, regarding not outing anyone, I
24 completely understand that. Look, I get that. None
25 of us have the privilege.

3 CHAIRPERSON RIVERA: I want to recognize Rachel;
4 you have your hand up right Dr.? Oh, I don't know if
5 you had your hand up. Please.

6 DEBORAH LOLAI: Thank you. If there aren't any
7 other questions, I just want to highlight a few
8 comments as well. As Mik mentioned, we noticed that
9 DOC will often move people around very temporarily
10 right before their reporting is due. So, I urge you
11 in two weeks, to check in with them and see what
12 numbers they'll give you. But further, in addition
13 to that, the data that they have is severely
14 inaccurate and the reason for this is because they
15 are only counting the numbers of people who have felt
16 safe enough to out themselves to a staff person at
17 DOC. Their numbers are a lot lower than the actual
18 numbers and we know this because collectively as
19 public defenders on the task force, we represent more
20 people than they tell us exist in DOC custody right?

21 So, their numbers are very much under reported
22 and inaccurate and another point I just want to make,
23 Commissioner Molina said that currently, 11 trans
24 people in their custody are not housed in alignment
25 with their gender identity and they are not housed:
they're involuntarily. That number is also a lot

3 lower than the actual number. Again, collectively as
4 public defenders here, we represent more than 11
5 people who are housed, misaligned with their gender
6 identity against their will.

7 So, just want to say that their numbers are not
8 accurate and if we're going to make - if there's
9 going to be a data bill, there also needs to be a way
10 to meaningfully collect that data because that's not
11 happening right now. And Chair Cabàn, I just want to
12 thank you for your line of questioning, highlighting
13 the discrimination that gender expansive people face
14 in housing determination. What it comes down to,
15 everything we are talking about today, comes down to
16 is that they do not affirm peoples gender identities
17 and they do not see transwomen as women and they do
18 not see transmen as men and they do not affirm non-
19 binary people. As you you know demonstrated with
20 your line of questioning, ciswomen's disciplinary
21 records, their criminal records are not considered
22 when determining their housing placement. Whether
23 they are going to be in a men's jail or a female
24 jail. Those factors are routinely considered for
25 trans and gender expansive people. And peoples
gender identities are being used against them as

3 punishment. Not that long ago, Worden Phipps went
4 into the SCU and told the transwomen in the SCU,
5 things have changed around here. If any of you break
6 any of the rules, you're going right back to the
7 men's jails. It's no secret this is happening right
8 and what it comes down to is people are not being
9 respected and affirmed for who they are. That's what
10 all this boils down to. Again, thank you for your
11 time and we hope to continue these conversations.

12 CHAIRPERSON RIVERA: Thank you. Thank you so
13 much. Thank you for bringing up just the lack of
14 affirmation as being something so very significant
15 and I just even the lack of like, including the
16 acronym of the task force to be disrespectful. So,
17 thank you. Thank you very much. Thank you for your
18 time again for waiting this long. I want to bring up
19 the next panel whose also been patient. I'm going to
20 read the names from the slips as was turned in for
21 the next panel. We have Jane Doe, Elisa Crespo
22 representing Morgan Everhart on behalf of Alyssa
23 Rodriguez, Robyn Mar on behalf of Ms. Regina.

24 COMMITTEE COUNSEL: I just want to note that from
25 moving forward, we are going to put a clock on public

3 testimony in order to accommodate everybody present
4 today.

5 CHAIRPERSON RIVERA: You can start as soon as
6 you're ready. We'll start on the left.

7 JANE DOE: Okay, uhm, good afternoon. My name is
8 Jane and I was incarcerated from 2017 to 2019. So,
9 when I was first went through the system, I was
10 placed in Rosie's, which is a women's jail. So, to
11 me it sounds right because I'm a woman. I identify
12 as a woman so I'm in a woman's jail. But as soon as
13 I revealed, I told the doctor I am a transgender
14 woman, I was immediately transferred to -

15 CHAIRPERSON CABAN: I am so, so, sorry but would
16 you mind pulling the microphone a little bit closer
17 to you. I have a little bit of hearing loss and so,
18 I'm having some trouble hearing you. Thank you.

19 JANE DOE: So, then I was immediately transferred
20 to MDC and it's a men's jail but they have a unit
21 called transgender housing unit. So, I was there;
22 even though I was there, I was still fine because I
23 have an individual cell. Each person has his own
24 individual cell and we have our own cell door, so
25 nobody's going to bother me.

3 Now, after a while, I think about a year, the THU
4 which is the Transgender Housing Unit was cancelled,
5 so I was transferred to Rosie. In Rosie they now,
6 they have a housing for LGBT but inside this new
7 unit, they don't have, it's like a dorm. I don't
8 have my own cell, so when people get into a fight and
9 when pepper spray was being used, I have asthma, I
10 couldn't breathe. So, I complained about that and I
11 was transferred to Brooklyn House at the time. So,
12 it was a man's house and I don't want to go but I
13 have no choice.

14 So, I was experience very terrible things, which
15 I will explain later in a few seconds. So, uhm, and
16 because of what happened, I was transferred back to
17 MDC, Manhattan Detention Center and at the time,
18 something like almost like a LGBT housing. It's not
19 for transgender but they have different kind of LGBT
20 people there and I still feel safe because I have my
21 own cell. I have my own cell door, so I'm kind of
22 like, okay, I'm just you know being myself, I can be
23 safe, in my own cell. I'm ready to come to my cell
24 because I don't feel save when I get out.

25 So, I was there until I was transferred to Ulster
and then to Woodbourne and both of which, they are

3 men's facilities. Now, from my own experience when I
4 look back, I can say that I was fine and I feel safe.
5 When I was in the women's jail which I identify with
6 because I identify as a women. And also I feel safe
7 when I have my own cell, with my own cell door. For
8 example, when I was in Rosie's I was actually fine
9 when I was first in Rosie's but then when I explained
10 to a doctor, hey I need hormone because I'm a
11 transgender woman. And they said, oh, no, no, no,
12 you cannot stay here but I said all my State ID say
13 I'm a woman. So, I was dumbfounded at that moment.
14 Why my State ID was overturned by the Department of
15 Correction. I don't know why but I just feel like my
16 right was overridden. And the other thing is, when I
17 was in jail, I had my own individual cell and my own
18 solid door. I also feel safe.

19 For example, as I was THU Transgender Housing
20 Unit, when I was [INAUDIBLE 3:21:49]. Now, what is
21 not fine is when I was in all men's facility or when
22 I was in housing, which I don't have my own solid
23 door. For example, when I was housed, not soon after
24 when I was house, I was assaulted twice, in two
25 consecutive days. Not once but twice. So, and the
response is, oh, we're going to protect you and I was

3 put in a box to protect me. So, obviously I was
4 traumatized and I was then sent to uhm, another
5 facility but to bring this issue to light is that the
6 assailants know what they're doing. They assault me
7 when it was in locking time and nobody supposed to be
8 walking the hallway. Everybody's supposed to be
9 locked in but they are professional. They know what
10 they are doing. They are able to pick all the gays.
11 Imagine that. There are gays in a correctional
12 facility and they were able to pick all the gays to
13 me, to assault me and during that process, everything
14 was in camera. Everything was recorded and I just
15 wonder, I was yelling for help, where are the police
16 officers? Do they care? I just wonder.

17 CHAIRPERSON RIVERA: I just want to - if you can
18 wrap up because I want to make sure I get - I have a
19 couple dozen people that want to testify.

20 JANE DOE: Okay, sure of course.

21 CHAIRPERSON RIVERA: And thank you for sharing
22 and I'm so sorry.

23 JANE DOE: Okay, alright. So, but to boil down
24 to I just want to share two main things. It's very
25 important for transgender people to be housed in a
place where we have our own individual cell with

3 solid door, where people cannot get access to us.
4 Because we are like an easy target. We are like a
5 shiny object for people, for men to vent their anger
6 and their energy and their frustration on.

7 And the second thing is, and equally important,
8 is people should have the right to be housed
9 according to their identity that they and the gender
10 that they identify with. And last but not least,
11 transgender right is human right. Thank you. Thank
12 you.

13 CHAIRPERSON RIVERA: Thank you very much and I
14 just want everyone to know, many of you have been
15 here before but your testimony does go in full on the
16 record with the Council to be memorialized forever.
17 We do have a clock that goes off after two minutes,
18 so if you could just not – you know just stop in the
19 middle of your sentence but just wrap up your last
20 thought so we can get to all the people that have
21 waited patiently and thank you very much. Thank you.

22 MORGAN EVERHART: My name is Morgan Everhart. I
23 am a Criminal Defense Attorney who represented Alyssa
24 Rodriguez. I wish that Alyssa could be here today
25 with us to tell her own story, but she died before
she got the chance to do that.

3 Alyssa described some of her experience in words,
4 so I'm going to read what she wrote. She said, I am
5 a trans Latina who has transitioned since age 13.
6 I've been through hell with DOC. First, I'm at
7 Rosie's, then THU, then AMAKC, where I was raped two
8 times because after the first rape I was returned to
9 the same jail where I was raped again. I was raped
10 two times and I will never forget the loneliness,
11 pain, destruction this has caused in my life.

12 I can only describe what Alyssa experienced
13 inside Rikers as hell. Alyssa had an army of people
14 advocating for her, many of whom are in this room
15 today. And even then, she was repeatedly assaulted
16 and harassed. She was moved from THU to AMKC. She
17 was in an open dorm with cismen where she was raped
18 in the showers. She took the risk of reporting the
19 rape immediately. She was taken to Bellevue. She
20 got a rape kit and then when she was discharged back
21 to the island, they placed her right back in the
22 men's facility at AMKC.

23 Even though as her lawyers, we were ringing every
24 possible alarm bell we could. We were talking to
25 PREA, to DOC, to MOCJ, everyone knew what had
happened and yet they put her right back into

3 "protective custody" where she was raped a second
4 time in under a week. Again, she reported it
5 immediately. She went to Bellevue. She got a rape
6 kit. The rape, the harassment, the trauma that she
7 experienced was entirely preventable and she filed a
8 lawsuit against DOC. She won, her lawyers won I
9 think the largest settlement for somebody who's been
10 sexually harassed at Rikers or sexually assaulted I
11 should say, but she didn't get to live to see that.

12 I represented Alyssa for I think a year and a
13 half after she was released and I'll try to be brief
14 but I think it's important to note the violence of
15 what happens inside of Rikers doesn't end when
16 someone leaves Rikers. The system perpetuates it.
17 She had taken I think you know what we call a
18 treatment plea right, which means if she did
19 treatment, drug treatment successfully, she gets a
20 lesser charge but if she's unsuccessful, they hang a
21 huge prison sentence over your head, which meant that
22 every court date that she came back for the next year
23 and a half, she was terrified at the very real
24 possibility that she was going to go right back to
25 the place where she was assaulted.

3 And I think it was the judges, the DA's, everyone
4 in the court room was so apologetic about what had
5 happened to her at Rikers but they also had
6 absolutely no problem threatening her with more
7 prison and threatening to send her right back to jail
8 if she wasn't complying with treatment in the way
9 that they wanted her to.

10 And I think that we saw the physical toll that
11 took on Alyssa. I can say before one court
12 appearance, she had epilepsy, she had a seizure in
13 the hallway. I came outside and she was out cold on
14 the floor. Before another court appearance, she was
15 so terrified the judge was going to put her in jail,
16 my colleague Deb who testified earlier was holding
17 her back as she was vomiting in the toilet. And I
18 say that because the ongoing threat of sending her
19 back to the place where she knew she would never be
20 protected was very real.

21 CHAIRPERSON RIVERA: If you could just wrap up.

22 MORGAN EVERHART: Yeah, I will say that she
23 finished her treatment court plea. I included a
24 photo of us from her last day because she was so
25 thrilled that she didn't have to face that
possibility anymore. And unfortunately, she died

3 just a few months later. She didn't get a chance to
4 testify here today but I know that she would have and
5 she appreciates everyone here who has. So, I thank
6 you for listening to her story.

7 CHAIRPERSON RIVERA: Thank you.

8 ROBYN MAR: Good afternoon. My name is Robyn
9 Mar. I am the Chief Practice Officer at the Bronx
10 Defenders and I'm here to share the testimony of Ms.
11 Regina, who is a currently incarcerated client of the
12 Bronx Defenders.

13 Dear City Council,

14 My name is Ms. Regina. I identify as a
15 transgender woman. I've experienced a lot of
16 discrimination that is systematic because I am a
17 transgender woman. I'm currently incarcerated at
18 Rosie's but before being transferred to Rosie's, I
19 was at EMTC for several weeks. This is the second
20 time in a few months I have been incarcerated. Each
21 time DOC knew that I am transgender but made me wait
22 in the men's jails for a long time before
23 transferring me to Rosie's.

24 A few years ago, I was incarcerated at DOC in the
25 men's jail and was being harassed on a regular basis.
I requested to be moved to RMSC but no one listened

3 to me. One of the other inmates threw boiling hot
4 water on me because of my transgender identity and I
5 suffered from severe third-degree burns. It was only
6 then that they agreed to move me to Rosie's where I
7 was much safer as a transgender woman.

8 On October 24, 2022, I was arrested and sent to
9 EMTC, a men's jail at Rikers Island, even though I
10 requested to be sent to Rosie's. I was at EMTC for
11 over a week before I was transferred to Rosie's. I
12 was told I needed to complete my ten-day quarantine
13 before they could move me. During the time I was at
14 EMTC, I was abused, harassed and targeted by other
15 inmates because of my gender identity. I was
16 physically assaulted by a male inmate and threatened
17 with violence every day. I was released after
18 spending some time at Rosie's.

19 On December 29, 2022, I was arrested again and
20 the same thing happened all over again. DOC knew I
21 was a transgender woman but they did not send me to
22 Rosie's. They sent me to EMTC again. I had to wait
23 several weeks this time for them to move me to
24 Rosie's. I kept asking them to move me to Rosie's
25 over and over again, but it took them so long.
During that time, I suffered very much. The entire

3 dorm found out that I am transgender and teased me
4 all the time. That really effected my mental health.
5 Even though I'm at Rosie's now, I'm still suffering
6 mentally from all the trauma.

7 Thank you for the opportunity to share this
8 testimony today.

9 CHAIRPERSON RIVERA: Thank you.

10 GIA LOVE: Thank you for the opportunity for
11 letting us share our testimony from a client, LES
12 client. My name is Gia Love(SP?), I am the Director
13 of Programs at New York Transgender Advocacy Group.
14 This testimony was provided by a client to a staff
15 attorney with Legal Aid over a series of meetings. I
16 am a transgender woman. I was moved from another
17 state to NYC to clear a warrant. The other state
18 housed me as a man, so DOC put me in the men's intake
19 to. I told DOC that I'm a woman and I need female
20 housing and I need my hormones. I told them I was so
21 scared in the men's jail. I didn't tell any of the
22 people I was with that I am a woman. I was scared of
23 what they would do to me.

24 On August 5th, I was told that I was approved to
25 go to women's housing. I was so relieved. I was
told to pack up all my things and get ready to move.

3 I was already to go and then in front of everyone in
4 my unit, the officer said I couldn't be moved because
5 my unit was on COVID quarantine. The officer said I
6 couldn't go to Rosie anymore, couldn't be moved to
7 women's housing because I needed to stay in COVID
8 quarantine in the men's housing. But he said this in
9 front of everyone in the unit. Everyone suddenly
10 knew who I was and what was happening.

11 That evening, a group of men assaulted me in the
12 shower. They were saying awful derogatory things.
13 They didn't know who I was before they assaulted me
14 because I was outed. It was terrible. I filed the
15 PREA complaint and I called my lawyer. I went to the
16 medical clinic and they told me not to worry that
17 they wouldn't send me back to the same unit where I
18 was assaulted. I was sent back to the same unit
19 where I was assaulted. I slept in the same unit that
20 night, in the same room as the men who assaulted me.
21 DOC said because of COVID, I couldn't be moved at
22 all. I had to stay there with these men from Legal
23 Aid. This client eventually got RMSC and women's
24 housing. In the course of our representation, we
25 reached out to DOC on multiple occasions concerning
her safety and DOC did not want to apply

3 acknowledging the harm done to her or suggest that
4 anyone involved in these incidents would face the
5 repercussions. Thank you.

6 CHAIRPERSON RIVERA: Thank you very much for
7 sharing that and please, express our appreciation to
8 these individuals for bringing this story forward and
9 shedding just light on what actually goes on inside
10 of the facilities versus a lot of what we hear in
11 these chambers. So, thank you to this panel and
12 thank you for submitting your testimony. Thank you.

13 I'm going to call up Shieti Molina (SP?)
14 representing Laura Rolston on behalf of Kirby Hiciano
15 and Diana Griffith on behalf of Angel. And I want to
16 recognize that we've been joined by Council Member
17 Restler remotely. Oh, in person, he's totally here.
18 He is here, I'm sorry.

19 MARITZA HENRIQUEZ: Hi, good afternoon. My name
20 is Maritza Henriquez. I'm with the LGBTQ law and
21 policy unit at the Legal Aid Society and I'm here to
22 submit testimony of Kathy. A 66-year-old transgender
23 woman who was assaulted on Rikers Island on November
24 7, 2022. This was transcribed from an audio
25 interview conducted on January 23, 2023. Ms. Kathy
wanted to come and testify in person but ongoing

3 medical concerns related to her assault kept her from
4 being here today.

5 I was on Rikers Island for five months and I was
6 there because I failed to go to court. I missed my
7 court date and I was remanded to Rikers and to think
8 back on why I got there is crazy to me. I completely
9 forgot I had court but I came back and apologized
10 profusely for missing my court date. The judge
11 simply looked at me and said, it's okay. To ensure
12 it doesn't happen again, we will set a bail of
13 \$50,000. And at that point, I couldn't hear a single
14 thing. I knew I was going to Rikers. I just broke
15 down. I haven't committed any violent crimes, so
16 it's crazy that my punishment is to live in violence.

17 When I got there, they sent me to the North
18 Infirmary Command because of my diabetes and heart
19 disease. When I got to the dorm, there were several
20 inmates at the gate and they were yelling and telling
21 the guard, "they can't come in here. We don't want
22 any faggots in the dorm. This mother fucker has tits
23 and we don't want him here."

24 The guard replied, "you cannot tell us what to do
25 and she is coming in the dorm." So, they let me in.
Upon arrival, I immediately started making my bed and

3 as I was making my bed, one of the inmates hit me so
4 hard on the back of my head with a cane, the part
5 that you hold the cane with, that it broke in half
6 and yet he continued to beat me over the head so
7 badly that I had a lump here. She gestured to the
8 top of her head. And then back here, to the back of
9 her skull. It looked like a softball, a big lump and
10 they brought me to an outside hospital Bellevue, took
11 x-rays and said everything was "all right." But I
12 have had headaches, dizziness and my ears have been
13 ringing ever since November 7th when the attack
14 happened.

15 I was at the infirmary for medical care and
16 instead, I was assaulted. The inmates there were
17 also there for medical care. People on crutches, in
18 wheelchairs etc. But low and behold in a hospital
19 setting, I was still assaulted because I am
20 transgender. There is women's housing at Rosie's but
21 I was not granted that and instead housed with men
22 leading to my assault.

23 When I came back from the hospital, officers in
24 squad gear escorted me to my new dorm. I was still
25 at NIC, still with men. The officers announced that
I would be staying there despite opposing opinions

3 and that if anything happened to me, the inmates
4 would be punished. I immediately began to cry. I
5 was so humiliated. All the inmates felt threatened
6 and they all had me to blame.

7 Close Rikers Island. It is a bad place, not just
8 for transpeople, for people in general. I have seen
9 young kids come in and get cut, stabbed and I knew
10 one who lost an eye. I met a man who was assaulted
11 with hot water from the coffee pot, where it looked
12 like his skin was melting in real time and all of
13 this happened at NIC in the hospital.

14 I believe since the last time I was in
15 incarcerated, things have gotten worse. It is even
16 violent for female correction officers who are
17 verbally and physically assaulted by male corrections
18 officers. I saw one walk up behind a woman CEO, grab
19 her behind and grope her and press his genitals onto
20 her back side. She looked in shock like she didn't
21 know what to do.

22 I am no angel and I have been incarcerated but
23 Rikers Island is like Hotel Hell. If you are sent
24 there, you need to be careful. As a transwoman, I
25 have not seen any positive changes. It has gotten so
much scarier in the last few years and not only for

3 transgender people but for women and anyone feminine
4 and seen as weak or vulnerable, it is incredibly
5 dangerous.

6 Last week, I went to court and the guard was
7 harassing me because I was wearing a hat in court.
8 Women are allowed hats in court. He was very nasty
9 to me and told me that I needed to remove it. I
10 replied, "I am a transwoman and will keep it on." He
11 insisted and then went on to escalate the issue but
12 the judge affirmed me. The court officer glared at
13 me but I would not let myself be bullied, even though
14 I have been punished for standing up for myself
15 before.

16 When I served time in Attica, there was a guard
17 who harassed me and other inmates all the time
18 screaming, "you fucking faggots." So humiliating and
19 so depressing. I wrote a complaint and sent it to
20 the Attorney General. But after I filed the
21 complaint, I was harassed endlessly by prison staff.
22 They would come into my cell and nitpick and tell me
23 that I was breaking rules when I wasn't. They would
24 take my things away and if you try to stand up for
25 yourself as is your human right, you are met with

3 more punishment. Since you are not going against one
4 officer but a fraternity.

5 They label you a trouble maker if you complain
6 against any of them and punish you for it by
7 harassment and putting you in the box. But after I
8 got parole and came home, after all of that, I
9 received a letter saying that they suspended the
10 officer because he was on social media saying that he
11 "bullies the faggots in Attica." I called the
12 Department of Correction; they didn't correct
13 anything. There was never any support for me. We
14 were there for one reason, to be punished for things
15 we have done in the past. There was nothing
16 rehabilitating me to ensure I would not act as I had
17 to get me in there.

18 I even brought this up to the judge and the
19 charges just make it harder to get work and move on
20 with my life and it's so lonely in there. And they
21 make it sound so simple when you arrive and explain
22 the procedures and then there I am with a cracked
23 head. A female captain walked in and saw me after
24 the attack and hollered, "oh my God, what happened to
25 you?" Because my head was so swollen, it looked like
a softball. She took photos of me and the broken

1 cane. I did not press charges, as that can open the
2 doors for more violence.
3

4 CHAIRPERSON RIVERA: If you could just wrap up.

5 MARITZA HENRIQUEZ: But when I got to CHS, the
6 doctor took one look at me and said, oh, it's just a
7 lump, no big deal. I said, "make sure you write down
8 what happened and all the details. My neck still
9 hurts and pops and my ears are still ringing." I
10 still remember hearing people laughing when I was
11 getting beaten and someone halfheartedly asking for
12 my assailant to stop.

13 Rikers need to close and the box needs to be
14 abolished. It is the cruelest thing you can do to
15 someone. I used to be put in the box allegedly for
16 my protection as a transwomen and I felt like a caged
17 animal, not a human being.

18 DIANA GRIFFITH: Good afternoon. My name is
19 Diana Griffith and I'm a Prisoners Rights Advocate at
20 the Bronx Defenders and today, I'm going to be
21 reading the testimony of Angel who is one of our
22 incarcerated clients.

23 My name is Angel. I'm a non-binary person
24 currently incarcerated in a men's jail at DOC. I
25 spent a few months at the female facility at Rosie's.

3 Before I was transferred to Rosie's, I was in a male
4 facility originally. I asked to be transferred to
5 Rosie's to avoid being discriminated against as a
6 non-binary person. I thought it would be safer there
7 but upon moving to Rosie's, I experienced even more
8 discrimination. The staff at Rosie's would call me
9 inappropriate names such as Harry Trannie. They
10 would tell me and transwomen that we were men and
11 made other statements that were harmful to my mental
12 health. The staff at Rosie's made it very clear to
13 us that they didn't want transpeople there.

14 Every day seemed like an uphill battle. One of
15 the CEO's wanted to get me off the facility so she
16 made up a lie that I threatened her. The lie was
17 proven to be untrue but the deputy removed me from
18 Rosie's anyway.

19 If they're going to be staff at DOC working with
20 transpeople, they should be trained on how to do
21 respectfully. Being in jail is already hard enough
22 for anyone but being a non-binary person in jail
23 feels impossible to survive. I hope that future
24 inmates don't have to experience the trauma I and so
25 many other went through. Thank you.

CHAIRPERSON RIVERA: Thank you.

3 LAURA ROLSTON: Good afternoon, my name is Laura
4 Rolston, I'm a social worker with the Bronx Defenders
5 testifying on behalf of my client Ms. Kirby Hiciano.

6 Dear City Council,

7 My name is Kirby Hiciano. I have unfortunately
8 been in DOC custody for two years as a transgender
9 female. I identify as a woman but for most of my
10 incarceration I have been housed in the men's jails
11 at DOC. I have been at EMTC, BCBC, AMKC and RMSC.
12 DOC continues to move me around all the time, placing
13 me in situations where I faced harm and even danger
14 due to my transgender identity. I have always
15 followed the rules at DOC protocol in reporting such
16 situations but I have never received a permanent
17 solution to keep me safe.

18 Most recently, I was forced into protective
19 custody in the men's jail allegedly because there was
20 no room in the LGBTQ designated housing at AMKC.
21 Protective custody to me is not a healthy or safer
22 environment because I am placed there with gang
23 members seeking separation from general population,
24 which result in them harassing and trying to control
25 those of us in the LGBTQ community.

3 For example, they force us to wash their clothes
4 for free and engage in sexual acts in order to be
5 able to stay there safely. Other transgender people
6 have fought their way out and have been thrown out
7 due to refusing to engage in sexual acts. I have
8 avoided these confrontations by isolating myself in
9 my cell and thanks to God, not needing to depend on
10 others for support because I have my family support.
11 Most transgender people don't have this kind of
12 family support.

13 DOC officers are aware of what is going on and
14 the harassment that the transgender community faces
15 on a daily basis. However, due to their own fear of
16 confrontation with the inmates, there is no one we
17 can go to for help. There is not much mental health
18 services can do to help us and now inmate movement
19 has been left to a department that is not aware of
20 what is happening inside the housing units.

21 If the movement department knew what was going
22 on, maybe they wouldn't force me into dangerous
23 situations such as being moved to protective custody
24 at BCBC or AMPC. Even when I was transferred to
25 RMSC, a women's jail, I experienced discrimination by

3 female captains and officers when they reminded me
4 every day that I "was born a male."

5 When I was transferred from AMPC to RMSC, DOC
6 officers forcibly removed my wig at intake, which was
7 the one item I had in here that allowed me to express
8 my gender and feel at peace amongst other women.

9 This one act that seemed so unimportant to them, made
10 my stay at RMSC uncomfortable and caused me to be
11 ostracized. I have always felt oppressed, bullied
12 and targeted by DOC. All of this discrimination and
13 harassment for the past two years has affected my
14 mental health significantly. I've had to start
15 taking antidepressant and anti-anxiety medications
16 just to cope with my environment on a daily basis.
17 The different incidents I've experienced have
18 resulted in me being diagnosed with post-traumatic
19 stress disorder.

20 Sadly, I have attempted suicide twice in the past
21 two years. Nevertheless, I wake up each morning
22 looking forward to the day that I will be released
23 and returned to the community and my family. It is
24 that which motivates me and keeps me strong during
25 everything that I face while in here. If I could
help change DOC and alleviate my problems here, I

1 would and that's why I'm speaking out about it. I
2 hope this testimony brings change to me and people in
3 my community soon. Thank you for listening.
4

5 SHIETI MOLINA: Good afternoon. My name is
6 Shieti Molina. I'm an investigator with the Bronx
7 Defenders. The testimony I will be reading today is
8 anonymous. It is provided by one of our clients who
9 is currently incarcerated.

10 Hello, I am a transgender man currently
11 incarcerated at the female jail at DOC Rosie's. I
12 want to share with you how I have been treated here
13 as a transgender man. There is very little
14 understanding of our community here at Rikers Island.
15 I use he, him pronouns but most captains and
16 individuals I come across continue to call me she,
17 even though I am not a she. I am a he. The constant
18 misgendering results in conflicts and altercations
19 because even though they are aware of my gender, they
20 continue to misgender me.

21 Every time that happens on a daily basis, I get
22 very emotional because when you identify as a male,
23 why should someone keep referring to you as female?
24 That is disrespectful, ostracizing and excluding me
25 from myself. I also want to share that it is not

3 right that there is a unit for transgender women but
4 not for transgender men. There is nowhere for us to
5 feel safe and like we belong here. Thank you.

6 CHAIRPERSON RIVERA: Thank you. Thank you for
7 sharing and again, please convey these individuals.
8 We know that we can't possibly understand what they
9 are going through but for them to put their
10 experiences to paper and bring them here publicly is
11 incredibly important to us, so I just want to thank
12 you all for representing on their behalf and of
13 course for the work that you do in your own
14 respective organizations. Thank you.

15 Alright, we're going to go to the next panel.
16 That includes Rocco Renaldi Rose representing Sharon
17 White Harrigan, Zachary Katz Nelson and Sophia
18 Upel(SP?) representing, all on Zoom. I thought I saw
19 one of them but. Uh, Rocco, do you want to start?

20 ROCCO RENALDI: Yeah, I'll start. My name is
21 Rocco Renaldi Rose. I was asked to testify by Mik
22 Kinkead and Rachel, Rachel Golden and I am testifying
23 on behalf of LB, who was a transgender woman who was
24 housed at Rosie's then removed to a men's jail where
25 she stayed for the rest of her time within DOC
custody and she is currently in a men's prison. Here

3 is her testimony. Rikers Island has not only robbed
4 me of my right to body, it has robbed me of my right
5 to be treated like a lady. I am denied women's
6 housing because of acts of violence by people who
7 hate me for no reason, attack me for no reason, want
8 to kill my kind off the earth for no reason.

9 Please listen to me. They even placed me back at
10 the housing where I was raped in the shower. Can you
11 imagine being made to take a shower in the same stall
12 where you were raped? For months and they wonder why
13 I act violent. Please, my voice should be heard.
14 Let me say this, being a trans female inside of a
15 men's jail is the most tremendous thing a human sole
16 can endure. We get discriminated against, verbally
17 abused and assaulted. People are taught that being
18 friends with, talking, living with, even standing
19 next to an LGBTQ+ member is forbidden. I have one
20 ask of the City Council. Go to a men's housing unit
21 and tell them that you plan to house an LGBTQ+ person
22 in the unit and watch in horror at the protest and
23 threats that will surely come.

24 And as for officers, they have no LGBTQ+
25 awareness. They have only two housing areas for us
but they have 100 different options for gang members.

3 They get mad at us when we can all be housed together
4 and they become verbally abusive like it's our fault
5 that people hate, despise and outcast us. I was on
6 suicide watch and my officer was supposed to watch me
7 in my cell but he left. When he left, I was sexually
8 assaulted. They kept me in a holding pin for seven
9 days. I did not shower. I had no blankets, nothing
10 to cover me.

11 SERGEANT AT ARMS: Thank you. Time has expired.

12 CHAIRPERSON RIVERA: Will you just wrap up your
13 last thought please. That was the time.

14 ROCCO RENALDI: I did not brush my teeth and
15 sometimes I didn't even eat. The person bringing me
16 food didn't want a faggot or the thing to eat. Those
17 are not even half of the names he called me. You
18 would think that seven days of this treatment was bad
19 enough, but on the seventh day, they let a man into
20 my cell and he sexually assaulted me. This was on
21 camera but they didn't do anything. DOC said I
22 wanted it and got mad that I made them do paperwork
23 because I wanted to go to the hospital for an HIV
24 prevention pill.

25 When I said I wanted to go, they said, can you
not? They denied me going to a women's jail because

1 they say I'm too violent. I'm violent because I was
2 raped. I'm violent because I was in housing with 20
3 other weightlifting, pushup doing men with no CEO to
4 protect me. I deal with unjustified hate. I deal
5 with antagonism at its max. I deal with wanting to
6 kill myself because I was robbed the satisfaction
7 from the people who want to kill me. I could have
8 died multiple times and the sad and honest part is
9 that I am grateful I was only raped and attacked
10 during my time at Rikers.
11

12 The Legal Aid Society asked me what the most
13 important rule change would be. My answer is that
14 any rule that will not have a person feel grateful
15 they were sexually assaulted and not killed will work
16 for starters. I fear that asking for anything more
17 is too much to ask. Thank you.

18 CHAIRPERSON RIVERA: Thank you. We're going to
19 go to Sharon, then Zack, then Sophia. Thank you
20 Rocco.

21 SHARON WHITE HARRIGAN: Thank you so much
22 Chairperson Carlina Rivera. Thank you for holding
23 this vital public hearing. I am the Reverend Sharon
24 White Harrigan, the Executive Director of the Woman's
25 Community Justice Association, also known as WCJA and

1 of the Justice for Women Task Force and would like to
2 express our organization fervent support for Intro.
3 831, which would amend the city's administrative code
4 to establish a new citywide resource navigator for
5 women and gender expansive persons.
6

7 WCJA also leads to Beyond Rosie's Campaign, where
8 we advocate for policies and proposals that would
9 reduce the population housed at the Rose M. Singer
10 Center. And in doing so, will expedite the closure
11 of Rosie's. So, it is important to remember that
12 this is not a new crisis. There has been an urgent
13 and humanitarian crisis effecting GNC people at
14 Rikers Island for decades. Moreover, this is not a
15 secret. The creation of the taskforce was in no
16 small part a reaction to tragic death of Layleen
17 Polanco in 2019. And the repeated failures to
18 respond to the unique needs of the gender expansive
19 population in custody and requires a unique and
20 holistic approach. Establishing a gender expansive
21 resource navigator program is crucial to achieving
22 this goal.

23 Intro. 831's resource navigator program will
24 assist women and GNC folks during and after their
25 incarceration, bolster the city's database on

3 alternatives to incarceration, provide support and
4 outreach to educate those -

5 SERGEANT AT ARMS: Time expired.

6 SHARON WHITE HARRIGAN: In the legal system and
7 the broader public on their new programs and services
8 available to individuals who are identified as women
9 and/or gender expansive folks. Increasing the
10 likelihood for a successful reentry in incarceration.
11 We cannot afford to wait during a time of acute
12 crisis. We must decarcerate now. That so many have
13 for so long ignored or been able to turn a blind eye
14 and refuse to accept daily reports of despair and
15 death. This must become an opportunity for New York
16 City to enact real, robust reforms because this
17 moment is not unique but our response needs to be
18 different and we must leave behind the inequality,
19 racial disparity, old models and practices and vote
20 for Intro. 831 as a new, bold and necessary tool to
21 do just that. Thank you for listening.

22 CHAIRPERSON RIVERA: Thank you. Zach and then
23 Sophia.

24 ZACHERY KATZ NELSON: Hi, good afternoon. I'm
25 Zachery Katz Nelson, Executive Director of the
Lippman Commission. Thank you so much for holding

3 this hearing today. You know until the day that
4 Rikers closes, absolutely everything possible needs
5 to be done to make sure that people are safe at
6 Rikers, transgender folks, gender expansive people
7 are safe at Rikers.

8 I want to focus today on steps that we can take
9 to make sure that people aren't at Rikers in the
10 first place. You know last year the Lippman
11 Commission together with WCJA and partners at the
12 Data Collaborative for Justice and the Center for
13 Justice Innovation put out a report called the Path
14 to Under 100. To reduce the population of people at
15 Rosie's and trans folks at other places as well to
16 make sure that there were as few people as possible
17 safely incarcerated in the jails.

18 And one of the bills today, Intro. 831 as Sharon
19 was just discussing picks up on one of our
20 recommendations and pushes forward this idea of a
21 database and resource navigators, we think that's
22 absolutely essential. But the database navigators
23 will be bolstered in their efficacy, if we can also
24 ensure that people have early holistic assessments.
25 If we can find out as early as possible in somebody's
incarceration about mental health issues, about their

1 experiences of abuse, we can try and ensure that
2 they're connected as early as possible with service
3 providers and diverted out of Rikers. So often now,
4 those types of assessments are done in months into
5 someone's time in incarceration. We shouldn't have
6 to wait. No one should have to wait.
7

8 What I will also say is Chair Rivera, as you know
9 well, a population of U-team dedicated to gender
10 expansive people would be critically utilized,
11 critically needed to ensure that peoples cases get
12 resolved and people get diverted out of Rikers as
13 soon as possible.

14 And finally, as we head into budget season, I
15 would just ask that you fully fund our city's gender
16 responsive community-based programs that are proven
17 to cut recidivism and put people on the path to
18 success. They cost far less than what we spend on
19 Rikers with far better results. Thank you so much
20 for your time.

21 CHAIRPERSON RIVERA: Thank you. Thank you very
22 much. Sophia.

23 SOPHIA PAUL: Hi, my name is Sophia Paul and I
24 was asked to testify by Mik Kinkead and Dr. Rachel
25

3 Golden and I am testifying on behalf of an anonymous
4 incarcerated client for Legal Aid Society.

5 I am a transgender woman. In 2021, I got
6 arrested and was held in the New York City jails. I
7 told everyone that I needed to be housed safely in
8 the women's jail and eventually the department moved
9 me to the RMSC. I served my time at RMSC and came
10 home. In the spring of 2022, I was arrested again.
11 I told everyone that I am a transgender woman and
12 need to be housed in a women's jail. But instead of
13 being brought back to RMSC, I was brought to EMTC for
14 men's intake and then eventually placed in men's
15 housing. I kept telling everyone that this wasn't
16 safe. In June of 2022, I was attacked in my cell.
17 It was the morning and I was still in bed under my
18 covers and asleep. The door to my cell had been
19 opened and the man in the unit entered and cut my leg
20 with something sharp. They knew I was different and
21 they didn't want me there.

22 I've been requesting women's housing so many
23 times but I never heard anything back. After the
24 attack, I called Legal Aid's Prisoners' Rights
25 Project and asked them to help me. I didn't think I
needed to do that earlier because I thought the

3 department would correct this. They knew I was
4 housed as a woman before. I was asking to be housed
5 as a woman again. Nothing had changed. But when I
6 was attacked, I knew I needed help. I was so tired.
7 To survive in the men's jail, I was covering up who I
8 was, trying to act tough but it hurt me to do this.
9 It's not who I am. I called Legal Aid and told them
10 I needed help. I couldn't do this alone. It took
11 Legal Aid a week of advocacy before the department
12 send someone to come to the men's jail. When they
13 came, all they did was give me an application for
14 gender affirming housing. I was pretty upset. I was
15 cut in my sleep by someone who hated me for being me
16 and all the department did was give me paperwork.

17 I told them they had housed me as a female
18 before. I was told it didn't matter and I needed to
19 fill out the paperwork again.

20 SERGEANT AT ARMS: Time expired.

21 SOPHIA PAUL: I filled out my application and
22 turned it in. After another two weeks, they finally
23 moved me to RMSC. This was now three weeks after I
24 was attacked but even then they got it wrong. When
25 they moved me, they put me into the special
considerations unit. That's supposed to be a

1 voluntary unit, you have to choose to go there. I
2 hadn't chosen it or asked for it. Last time I was at
3 RMSC, I was in general population like any other
4 woman. I knew I could do it. It was another week of
5 my attorney advocating for me before I was finally
6 moved to general population. I'm still there now,
7 but I know that none of this is certain and I worry
8 every day that I might be moved again. Thank you.

10 CHAIRPERSON RIVERA: Thank you to this panel for
11 their testimony. Thank you very much. I'm going to
12 call up the next panel. We have Allie Bohm, Sarah
13 DeVita, Marianna Chrysiliou, Natalie Fiorenzo and
14 Lucas Marquez. And again, you'll hear the buzzer
15 when the two minutes is up, if you could just finish
16 your - wrap up your last thought and uh, would you
17 like to start? Just make sure your mics on. Make
18 sure the red light is on.

19 MARIANNA CHRYSILIOU: Good afternoon Chairpersons
20 Rivera, Cabàn, and esteemed members of the Committee.
21 My name is Marianna Chrysiliou. I am the Assistant
22 Director of the Behavioral Health Services Unit at
23 the Center for Community Alternatives and I would
24 like to highlight accounts from our celebrated and
25

3 respected participants on the positive impact of
4 gender specific programming.

5 So, our organization is a nonprofit agency that
6 provides reintegrated justice and offers alternatives
7 to incarceration services. We operate several
8 alternative to detention and incarceration programs
9 including the Crossroads to Recovery for women
10 program. Participants self-identify at intake and
11 choose where they would like to be and where they
12 feel most comfortable. Crossroads to Recovery is a
13 licensed outpatient substance use treatment program
14 offering trauma informed, gender specific and client
15 centered services. We serve women from all walks of
16 life, including returning citizens for a local state
17 and federal facilities, women engaging in the work
18 release program, Edgecombe Residential Treatment
19 Facility.

20 Participants with pending court charges and those
21 seeking medication assistance services. Members of
22 our community seek comprehensive and holistic
23 services, including individual and group counseling,
24 mental health support, cognitive behavioral
25 interventions, health education, HIV and hepatitis C
testing, court advocacy service and medication

3 assistant treatment services. Our approach is
4 tailored to meet the unique needs of participants and
5 support them as individuals as they strive to improve
6 their health and wellness and live self-directed
7 lives and recognize their full potential. The woman
8 in our program was self-identified based on gender
9 identity and expression often express that they feel
10 supported by the services noting that they benefit
11 from a safe environment to connect with one another
12 to discuss coping skills, to process emotions and be
13 empowered in their recovery. They find that the
14 benefits by exploring what it means to be in
15 recovery, discussing triggers. Many of our
16 participants voice new understanding of the changes
17 they experience while in recovery including post-
18 traumatic growth, increased self-awareness and higher
19 understanding of their own emotions and of particular
20 significance. A woman's voice that they have found
21 increase safety in relationships both within the
22 program and their personal lives as they advance in
23 their recovery and seek to build further upon their
24 successes. They continually show great resilience,
25 reflection and perseverance and we as providers are

3 honored to bear witness to their hard-won growth and
4 transformation.

5 Thank you for the opportunity to testify today.
6 We look forward to continuing to provide gender
7 specific services for women and advocating for
8 services and resources for the community.

9 LUCAS MARQUEZ: Good afternoon, my name is Lucas
10 Marquez. My pronouns are he, they and I am the
11 Associate Director of Civil Rights and Law Reform at
12 Brooklyn Defender Services and a very new member of
13 the task force. The Departments in resistance to
14 improve the treatment of trans and gender expansive
15 people in custody and to work with the task force.
16 It means it is unable to safely and humanely house
17 TGNCNBI people at all. The city must release all
18 people and decarcerate the jails, including all trans
19 and gender expansive people.

20 The lack of transparency and trans competency
21 around the housing application process continues and
22 it puts people in danger and exacerbates mental
23 health concerns. It is our experience that that
24 process is confusing, convoluted and delayed. I'd
25 like to use my time to discuss on example of one of
the people that we represent Ms. Harrison. A

3 transgender woman that was highlighted in the city.

4 After twice being assaulted and grew up in men's

5 jails, she requested a housing transfer. While

6 waiting for the departments housing determination,

7 she continued to face harassment and threats, so

8 correctional officers locked her in her cell for her

9 safety for several days and she struggled to get

10 enough food and water. It was like she was being

11 punished. The stress and isolation led her to begin

12 cutting herself. She was put on suicide watch but

13 was not transferred units. Ms. Harrison and her BDS

14 attorney repeatedly requested a transfer into West

15 Facility, a medical unit and DOC's LGBTQ+ Fairs Unit

16 advocated on her behalf.

17 Nonetheless, 12 days later after the self-harm

18 occurred, Ms. Harrison was told DOC denied her

19 request. The next day, desperate to get out of the

20 men's jail, she ingested batteries. In response, the

21 department moved her around various men's jails,

22 causing her mental health to worsen. She applied for

23 housing at RMSC. Three weeks later, without being

24 moved, Ms. Harrison attempted suicide with the blade

25 of another shaving razor. It was only after multiple

incidents of self-harm, a suicide attempt. Clear

3 indications of mental health concerns and months of
4 abuse and assault in men's jails, Ms. Harrison was
5 finally moved out of the jails into RMSC. When she
6 was moved, she said she felt like a heavy load was
7 lifted. Thank you.

8 CHAIRPERSON RIVERA: Thank you.

9 SARAH DEVITA: Hi, my name is Sarah DeVita. I
10 use she or they pronouns and I'm a Staff Attorney at
11 the Legal Aid Society in the LGBTQ on Policy Unit,
12 Former Public Defender with Legal Aid in Brooklyn.
13 Legal Aid has submitted written testimony outlining
14 our support for the work and recommendations of the
15 taskforce as well as our positions on the bills
16 before the Council today. We also shared a number of
17 stories, both today in testimony and in our report.

18 So, I would also like to use my time today to
19 respond to the DOC and CHS testimony. Unlike DOC I
20 am prepared today with some data of clients that I
21 work with. I personally work with - currently work
22 with 13 TGNCNBI individuals in DOC custody. That
23 doesn't include other clients, my other colleagues in
24 my unit, the Prisoners' Rights Project and our online
25 defenders are representing. Of them, ten identify as

3 transwomen and three identify as non-binary. All of
4 them have disclosed this to DOC.

5 Five individuals are at RMSC. Four of those
6 individuals were originally brought to male
7 facilities and it took anywhere from two to four
8 weeks to be brought to Rosie's. Only one was brought
9 directly to RMSC. Three individuals are at male
10 facilities after being transferred from RMSC
11 involuntarily and we know a few more that that has
12 also occurred with.

13 Four have been continuously been denied housing
14 at RMSC. Some of these, many times over the three
15 years that they have been detained. Only one is okay
16 in being in a men's facility but is trying to get
17 into a PC unit, a Protective Care unit where they
18 will feel safe.

19 In terms of a steady point of contact at DOC. We
20 have tried to figure out ourselves who this would be.
21 We have not received any notification of changes in
22 staff until we get emails that bounce back. In the
23 month of January, I personally sent 11 emails to DOC,
24 including to PREA, the LGBTQ+ Affairs, legal and any
25 other contact we've been encouraged to use. I did
not receive a single response in the month of

3 January. Of these three were follow-up emails for
4 clients that I had said previous.

5 In terms of people not being moved for
6 disciplinary reasons, again, we know of four to five
7 individuals in this last year that were moved for
8 disciplinary measures from RMSC to the men's
9 facilities. Access to gender affirming care; only
10 certain facilities have quality access to affirming
11 care. That being in our experience, RMSC and AMKC
12 sometimes.

13 I would note also that in reviewing medical
14 records our clients are often misgendered within the
15 records, even when other providers refer to our
16 clients correctly.

17 Just briefly on the issue of the securing order.
18 I would say that there's a big problem in the courts
19 with securing order. However, we often will contact
20 DOC directly from intake, from the arraignments or I
21 will call them myself and let them know someone
22 that's coming. Even in those instances, they are not
23 able to divert that person or they refuse to. One
24 time where we did get a commitment from DOC to divert
25 our client to the female facility, a Deputy

3 Commissioner interceded and that individual ended up
4 in a men's facility.

5 And finally, I just want to mention, there was
6 reference to community support when someone is
7 applying for a reconsideration form. What DOC is
8 saying is provide proof from the community that you
9 are in fact trans. That you do in fact have the
10 identity that you are saying to DOC that you have -
11 they're asking for letters of reference to your
12 transness and I just want to make sure that it's
13 clear that that's what they're referring to. Thank
14 you.

15 CHAIRPERSON RIVERA: Thank you.

16 ALLIE BOHM: Hi, my name is Allie Bohm. I use
17 she, her pronouns and I'm a Policy Counsel at the
18 NYCLU. The NYCLU is deeply grateful to the members
19 of the task force for the critical work they
20 undertook to document a crisis at Rikers and for
21 their thoughtful recommendations, which the NYCLU
22 supports. Thank you also to those who've shared
23 stories today. Because the NYCLU represents
24 transgender individuals who are or have been
25 incarcerated in New York State, task force members

3 asked us to share our experiences and lessons learned
4 from outside of the city.

5 For example, the NYCLU represents Jenna Faith, a
6 transgender woman who was incarcerated in a men's
7 general population unit in Steuben County. In a case
8 brought jointly with [INAUDIBLE 4:12:26] and Baker
9 Hostetler. I knew I was going to mispronounce that
10 firms name. Following gross mistreatment in the
11 men's facility Jenna settled with Steuben County and
12 the jail agreed to presumptively house people
13 consistently with their gender identities with a list
14 of reasons that cannot be used as the basis for
15 denial.

16 Ensure that staff at the jail respect a persons
17 self-identified gender identity and all other
18 contacts, including name and pronoun use and
19 searches. Ensure access to clothing, toiletry items,
20 and grooming standards, consistent with a persons
21 gender identity. Ensure access to medical care
22 consistent with a persons gender identity. There is
23 every reason to believe that these protections will
24 be effective and workable in New York City.

25 The New York States Sheriffs Association was
involved in negotiating the settlement and ultimately

3 signed off on the Steuben County policy. Moreover,
4 Connecticut, Massachusetts and California have
5 enacted similar protections legislatively and New
6 Jersey agreed to similar policy and a settlement to
7 litigation. What's more, these protections are
8 required by the 8th Amendment to the US Constitution,
9 which prohibits cruel and unusual punishment, as well
10 as by the New York State Human Rights Law and other
11 state civil rights laws.

12 Indeed, the U.S. Department of Justice has
13 interpreted the 8th Amendment to require that TGNCNBI
14 individuals who are incarcerated be housed in
15 facilities that align with their gender identities
16 where necessary to provide reasonable safety.
17 Furthermore, the equal protection clause of the U.S.
18 Constitution prohibits treating transgender people
19 differently than cisgender people without a
20 compelling justification and courts have applied this
21 rule in the context of housing in prisons and jails.

22 For these reasons, the NYCLU strongly supports
23 Reso. 458, calling on the New York State legislature
24 to pass and the governor to sign the gender identity
25 respecting the Safety Act. The NYCLU also supports
the task force edits to Intro. 355. While we are

3 grateful for the spirit of the introduction, we are
4 deeply concerned that the Resolution as drafted would
5 fail to keep transgender, gender non-conforming, non-
6 binary and intersex people who are incarcerated safe.

7 We've offered specific recommendations for
8 several of the proposals in our written testimony.

9 Thank you for the opportunity to testify and for your
10 consideration of this critically important issue.

11 I'm happy to take questions.

12 CHAIRPERSON RIVERA: Thank you very much for your
13 feedback on the legislation and for your comments on
14 the testimony that was given today. I know we have
15 Natalie, so what I would ask is uhm - alright, so I'm
16 going to actually thank this panel. Natalie, if it's
17 okay, I'm going to bring you up and then I'm going to
18 invite the remaining people that are in person to
19 join you. Yeah, okay. Thank you to his panel and
20 thank you. It's a pleasure to work with all of you,
21 it really is.

22 So, I'm going to ask who is here in person to
23 join this last panel. I believe Chaplain Dr.
24 Victoria Phillips as well as Raul Rivera and we do
25 have two people joining us via Zoom, Helen Skipper
and Kelly Grace Price. So, if we can hear from

3 Natalie, Dr. V., Raul, Kelly Grace Price and then
4 Helen Skipper and that will be the last panel for
5 today.

6 Excuse me one second to this panel, give me one
7 minute. Alright, my apologies. If there is anyone
8 here that would like to testify, please know that you
9 will get your moment and I apologize for any
10 technical discrepancies.

11 Alright, we could get one more chair and then we
12 can fit everybody and we'll make this the panel while
13 also including two people via Zoom of course and
14 Natalie, please know we're going to start with you as
15 soon as we get settled. So, again we're going to go
16 with Natalie, then Dr. V. then Raul Rivera, then
17 Kelly Grace Price then Helen Skipper and then I'm
18 going to include the other names that I've just
19 received, okay. Thank you.

20 NATALIE FIORENZO: Uhm, good afternoon everyone.
21 My name is Natalie Fiorenzo. I use she, her
22 pronouns. I'm a Corrections Specialist at New York
23 County Defender Services and also a new member of the
24 TGNCNBI Task Force.

25 The conditions at Rikers Island are deplorable no
matter who you are. I'm sure everyone in this room

3 can agree to that but those will be effected most by
4 the rampant dysfunction. Our clients are the most
5 vulnerable, the most pushed to the margins of
6 society. It's clear from the task forces report from
7 everyone who has testified today and from
8 conversations I personally had with clients, that
9 transgender, nongender conforming, non-binary and
10 intersex detainees on Rikers Island are not safe.

11 On the agenda today are various Introductions and
12 Resolutions to the legislation that are crucial to
13 the respect, livelihoods and overall wellbeing of our
14 TGNCNBI clients on Rikers. With the caveat that
15 while the sentiments of these legislations are well
16 intentioned, I urge you to please incorporate the
17 task forces input on everything that they have said
18 today.

19 I would like to speak today specifically in
20 support of the task force's edited version of Council
21 Member Powers Intro. 728. I assume you all have seen
22 the article that came out yesterday about the virtual
23 disappearance of LGBTQ services available on Rikers
24 every since Molina has become Commissioner there.
25 The results of this were highlighted by the story of
26 Tamara Harrison, who committed self-harm multiple

3 times during abuse that she was facing being housed
4 at a male facility, two different male facilities.

5 In my experience, speaking with our transgender
6 women clients, 100 percent of them who were placed in
7 a male facility before being sent to Rosie's were
8 sexually assaulted or physically assaulted, 100
9 percent of them. Some of them to this day are still
10 at a male facility while we are trying our best to
11 get them housed properly.

12 One of those clients explained to me that she
13 informed officers at the precinct, courtroom staff
14 and DOC that she was a transwoman, had previously
15 been at Rosie's and she was still sent to the male
16 facility where she was physically assaulted. I urge
17 you to think about all these accounts when you decide
18 how to vote on Intro. 728 and Reso. 458. I'm almost
19 finished, thank you.

20 Male facilities are not a safe and not a viable
21 option for anyone who says that they need to be
22 housed in female facility. Housing detainees
23 according to their gender identity is the only way to
24 prevent attacks on transgender, nongender conforming
25 or non-binary or intersex folks in male facilities
from happening going forward.

3 This is exactly why the task forces version of
4 Intro. 728 is so important but only with those edits
5 will the legislation be strong enough to actually
6 give our clients agency to be housed where they need
7 to be housed to be safe. The task force is made up
8 of many people who are transgender, non-binary or
9 nongender conforming themselves and their edits are
10 informed, not only by their lived experiences but
11 folks on Rikers Island now undergoing these
12 preventable violent issues first hand. If you do
13 want a real solution, if you want increased support
14 for this community, please incorporate the edits that
15 the task force has brought to you and pass Intro. 728
16 as well as Resolution 458 and do not let our clients
17 suffer any longer. Thank you.

18 CHAIRPERSON RIVERA: Thank you very much for the
19 amendments. Dr. V.

20 DR. VICTORIA PHILLIPS: Peace and blessing
21 everyone. Chairs Rivera and Cabàn, thank you so much
22 and all other Council Members. I'm Chaplain Dr.
23 Victoria Phillips, Co-Chair to the New York City DOC
24 Young Adult Task Force, yet another task force which
25 the Commissioner has fallen short in actively
engaging local experts and residents in New York City

3 impacted communities. I'm the Founder and CEO of
4 Visionary Ministries and I worked for the past eight
5 years at the Mental Health Project Urban Justice
6 Center.

7 I'm a member of many coalitions but today I'm
8 here representing the Justice for Women Task Force
9 and as a longstanding member of the Jails Action
10 Coalition, I can go back at least 12 years on the
11 record, speaking on that behind the walls and even
12 troubles amongst the TGNCNBI population.

13 There is no perfect system. Only the rule of law
14 keeps us safe. We are human beings and we all
15 deserve to live with dignity before, during and after
16 detention and incarceration. New York releases
17 approximately 1,500 women from prison each year
18 according to the prison policy initiative. While
19 women have unique reentry experiences and needs,
20 unfortunately reentry resources are still largely
21 designed for men.

22 Intro. 831 will assist in providing referrals to
23 appropriate programs to support safe, successful
24 diversion and reentry. People presenting similar to
25 Mr. Carter who died less than 48 hours at Rikers in
2022 would have been diverted after countless city

3 agencies failed him. Over 80 percent of Rosie's
4 population has a mental health concern. So, thank
5 you all for today.

6 I'd like to address something quickly about
7 today's hearing. Commissioner Molina stated newly
8 recruitment trained or new programs, yet I'd like to
9 raise the concern of new recruits being trained on
10 jailing by old staff that them themselves need
11 culture change. I raised on the record my concerns
12 in the past but I think it's important to highlight
13 today that it's cute to run a list of titles but I'm
14 more concerned with numbers. How many officers
15 assigned directly to housing units in areas with the
16 population are actually trained? When? What and
17 refreshers are actually needed?

18 Seven years ago, I begged City Council for more
19 funding to expand DOI, BOC programming and for more
20 officers due to them working three tours. I too
21 questioned DOC last year and the year before on where
22 they were during the pandemic. None of them went to
23 the jails for two years is a stretch. It's an actual
24 lie on the record and I just want to state that
25 lastly, I'll say surveys are great but let's find out
if more than if they are happy or sad. Let's see if

3 they know their rights. Let's ask, do they have
4 access to medical and mental health services in a
5 timely manner. Do they feel safe? Who will conduct
6 these surveys? Who collects the data? Don't just do
7 a survey for sake of saying that you created one.

8 And the Commissioner, when he answered the
9 process of requesting housing, think of the grieving
10 process and how that fails in DOC today. Now just
11 think a leader, the Commissioner, didn't even have
12 clearer data for about 50 people today under his
13 authority, yet he told you DOC is leading the nation.
14 DOC has never liked my questions in the Board rooms
15 at the advisory or the task force meeting. They
16 bully advocates and I'll have none of that.

17 So, I believe what Mik was saying earlier today
18 about not feeling comfortable while giving out this
19 expertise. And I'll finish with saying, Commissioner
20 Molina has no respect for those directly impacted or
21 our leadership. It's clear with his respect for
22 BOC's oversight and I want to highlight that several
23 individuals on BOC have experienced on
24 classification, security and jail management. He
25 would know that if he knew the history of the board
members.

3 And last year, I actually told him that a Worden
4 reached out to me regarding a discharge occurring
5 because no one in DOC's discharge had actually
6 completed the discharge needed. And to this day, he
7 has never asked me what occurred after that, only
8 complained that a Worden actually reached out to me.

9 So, I say all of this on the record to show City
10 Council that he does not want people that have the
11 experience and the expertise around him that he has
12 not chosen to be in a certain position. He does not
13 like leadership or directives coming from anyone
14 outside of his immediate circle and to me that's
15 signs of a narcissist and we do not have time for a
16 nark to be leading DOC. We need to preserve life and
17 I want to highlight as I close out, that as an army
18 brat, I was taught that when the platoon leaves, you
19 bring everybody in that platoon back.

20 So, until we stop remanding people in the
21 courtrooms and until we stop allowing people to be
22 violated by the probation officers, I'm going to be a
23 part of every conversation about a borough based jail
24 because we need to close Rikers but my community
25 members lives matter at all times. Peace and
blessings.

3 CHAIRPERSON RIVERA: Thank you Dr. V. Raul.

4 RAUL RIVERA: I'll stand for this. My name is
5 Raul Rivera. I'm a Bronx Native. I'm Puerto Rican.
6 Council Member, you didn't show face. I'm going to
7 reach out to you and other Council Members, you
8 didn't show face. You know what's happening to the
9 Puerto Rican community. The DOT is bigoted towards
10 the [INAUDIBLE 4:26:52]. It's bigoted to the Puerto
11 Ricano, here in New York. They're taking down our
12 name, our signs and you know this. To the gay
13 community, I don't think you should expect anything
14 from this Committee. It's a farce. They don't speak
15 up for their people. Carlina Rivera is Puerto Rican.
16 Cabàn is Puerto Rican. We've got many Puerto Rican's
17 in this Council and they're not hearing the cry of a
18 Puerto Rican. If you can't defend your people,
19 believe me, you can't defend anyone. That's what I
20 have to say. We're showing face. You should have
21 showed face. Did I text you or not? Did you know
22 about what happened yes or no? You know what
23 happened.

24 CHAIRPERSON RIVERA: Here's what I'm going to
25 say.

3 RAUL RIVERA: You know, you know what happened.
4 Yes or no? I'm asking you yes or no.

5 CHAIRPERSON RIVERA: You are here. I hope that
6 you have some sort of testimony.

7 RAUL RIVERA: I'm giving my testimony. Don't
8 interrupt. Do you know what happened? You know what
9 happened.

10 CHAIRPERSON CABÀN: Sir, hang on.

11 RAUL RIVERA: Don't interrupt.

12 CHAIRPERSON CABÀN: You're being -

13 RAUL RIVERA: Don't interrupt. This is my
14 testimony. Don't interrupt.

15 CHAIRPERSON RIVERA: You're going to get 30
16 seconds to finish your testimony.

17 RAUL RIVERA: I don't want to be interrupted. I
18 don't want to be interrupted.

19 CHAIRPERSON RIVERA: You have 27 seconds, so go
20 ahead.

21 RAUL RIVERA: You are not defending your people.
22 Don't pretend that you could defend your people.
23 Huh? You're not doing it. You're not defending your
24 people. You are not going to be able defend anybody.
25 New York City, hear the cry of the Puerto Rican.

[INAUDIBLE 4:28:25]. Phonies. I keep it real.

3 CHAIRPERSON RIVERA: Let's go to Kelly Grace.

4 Thank you for your testimony. Kelly Grace Price.

5 Thank you for your time, we're moving on.

6 KELLY GRACE PRICE: Hi, it's [INAUDIBLE 4:28:53].

7 Thank you so much. It's Kelly Grace Price from Close

8 Rosie's. Thank you for this hearing. Thank you

9 Council Member Cabàn and Rivera for sitting for this

10 hearing. I'll turn in my written testimony, as you

11 know I always do and please, I beg your pardon, I

12 never turn on my camera because I have such poor Wi-

13 Fi.

14 I just want to focus in on what the Commissioner

15 was saying about aligning the Board of Correction

16 with the New York City Charter. As you know Council

17 Member Cabàn and Rivera, the DOC and the BOC Charter

18 is something that I talk about all the time and I

19 want to be - can you hear me? I hear other people

20 talking? Hello?

21 CHAIRPERSON RIVERA: Yeah, we can hear you.

22 KELLY GRACE PRICE: Okay, I beg your pardon. I

23 want to be very clear about the New York City Charter

24 and what it says about the Board of Correction and

25 its oversight capabilities and powers imbued in it by

the Charter. I have spoken for a long time about how

3 the Charter has been ignored regarding the
4 appointment process to the Board of Correction and
5 I'd like the city to review that but that's not what
6 I want to focus on today. I want to focus
7 specifically on what Commissioner Molina said about
8 aligning the New York City Charter.

9 Specifically the Charter says, the Board or by
10 any written designation of the board, any member of
11 it, the executive director or other employees shall
12 have the following powers and duties. The number one
13 point in the Charter that the Board has, is that it
14 has the inspection and visitation at any time of all
15 institutions and facilities under the jurisdiction of
16 the department. Now, at any time is very clear. The
17 language is very clear. It's not at the leisure of
18 the department or when the department wants to
19 provide access, it's at any time.

20 The language of the Charter has been
21 misappropriated by people within the DOC constantly
22 to appoint people when they don't need to be
23 appointed. I don't know if you've noticed, but we've
24 lost -

25 SERGEANT AT ARMS: Time is expired.

3 KELLY GRACE PRICE: I'll of course put all this
4 in my written testimony.

5 CHAIRPERSON RIVERA: But please wrap - no, I want
6 to give you some additional time since you were
7 interrupted.

8 KELLY GRACE PRICE: You know, this is the point I
9 wanted to make orally and I will turn in my extensive
10 written testimony about the different bills and how
11 legislation in the past has within adhered to. I've
12 had a big problem this week. Jeremy knows and
13 Council Member Cabàn knows, I've been fighting with
14 the DOC and the law department about data but
15 specifically about the Charter. We need to make sure
16 that we hold Commissioner Molina to exactly what he
17 said today. He wants to abide by the New York City
18 Charter.

19 So, please, don't let Brenda McGuire or any other
20 alum wave around his infamy and try and hoodwink you
21 on what the Charter needs. The Charter is very
22 specific. Please pay attention to it and I will
23 detail arguments that you can use to dispute this
24 attack on the DOC's mandate for oversight of the DOC
25 in my testimony. Thank you so much for listening to

3 me. I'm tired of the sound of my voice. Thank you
4 for this hearing. I'm exhausted.

5 CHAIRPERSON RIVERA: Thank you for your testimony
6 and we appreciate that because we know we have the
7 power to legislate change but for the Commissioner to
8 say that he was being - going aligned with the
9 Charter and restricting access, just doesn't really
10 make a lot of sense to us here. So, thank you for
11 that. I'm going to go to Helen Skipper on Zoom.

12 HELEN SKIPPER: I am here. I am here. Thank
13 you. Thank you Chairman. Thank you Council Members.
14 My name is Helen Skipper. I am speaking on behalf of
15 WCJA on behalf of the Justice for Women Task Force.
16 On behalf of the LGBTQGNBI reentry Task Force. And
17 most importantly, on behalf of myself, someone with
18 lived experiences from the age of until my early
19 40's, I cycled in and out of Rikers Island. I grew
20 up on the Rose M. Singer Center.

21 So, for 25 years, I was on the hamster wheel of
22 recidivism. I speak strongly for the passing of
23 Intro. 728 and other bills introduced today. As a
24 criminologist, as a lived experiences scholar, the
25 criminal justice system is not built for women or
gender expansive folk. We need these Intro.'s, we

3 need these resources, we need housing appropriate for
4 how we identify ourselves. We need the resource
5 navigator program. We need a database of
6 alternatives to incarceration for women and gender
7 expansive folk. The criminal justice system was
8 never built to house us, to provide services for us.
9 We also need more people of lived experiences sitting
10 on the Council. Sometime last year, I was approached
11 about being on the Council. I don't know what
12 happened with that but you need more people with
13 lived experiences, those who are closest to the
14 problem are closest to the solution.

15 Please afford the possibility of passing these
16 Intro.'s. As we look at the possibility, as we look
17 at the opportunities that are in front of us. Women
18 were not to be in the criminal justice system.
19 Please afford these and approving this legislation.
20 Please look at the validity of lived experience. You
21 have had all of these testimonies laid before you.
22 Look at the data, look at the research, look at the
23 testimonies. Intro. 728 -

24 SERGEANT AT ARMS: Thank you. Time has expired.

25 HELEN SKIPPER: Thank you but let me also say
that for the testimony and I've been on camera for

3 the whole day, all of the testimony was much longer
4 than the two or three minutes you are affording us
5 now. Why are you shutting us down now? Please think
6 about that. Thank you for your time.

7 CHAIRPERSON RIVERA: Thank you and we did allow
8 the TGNCNBI Task Force to give more time to respond
9 since they are the title of the hearing. So, we try
10 to keep it typically to two minutes. As you can see,
11 I'm a little soft on the timer but that's because I
12 appreciate you all so very much.

13 Alright, so I want to recognize the following
14 people registered to testify. We have Leah Faria,
15 Roslyn Smith, Kelly Briem, Kiera St. James and Kandra
16 Clark. We have been joined by Roslyn Smith, Kelly
17 Briem and Leah Faria and Roslyn; would you like to be
18 begin?

19 ROSLYN SMITH: Thank you. My name is Roslyn
20 Smith and I am the Beyond Incarceration Program
21 Manager for VDAY. A global organization that vows to
22 end violence against all women and girls. I'm also a
23 member of WCJA Task Force. I served 39 years and
24 five months in prison and 18 months on Rikers Island
25 and I'm here to testify on behalf of the resource
navigator Intro. Number 831. This bill is important

3 to me because women and gender expansive people are
4 left out of the conversations and do not receive the
5 needed services to address their needs while
6 incarcerated or upon reentry. Women have been
7 incarcerated at nearly five times a higher rate in
8 2020 that in 1980, when I was incarcerated. In my
9 capacity as an advocate, I have visited Rosie's
10 recently and nothing much has changed. We can and
11 should do better to help people succeed before,
12 during and upon release from prisons and jails.

13 Most of us are poor, people of color, survivors
14 of violence and trauma and suffer from mental and
15 physical health illnesses as well as substance use
16 and have been locked out of medical, educational,
17 vocational and economic opportunities to help us
18 succeed. We need to be provided with resources that
19 address our unique needs and get supportive help
20 while incarcerated or detained, to address the issues
21 that brought us there in the first place. We need to
22 have wrap around services from the start and when we
23 are preparing for release, we need safe housing, jobs
24 that will pay us a living wage, therapeutic programs,
25 physical and mental health, resources and trauma
centers and services to access and help with child

3 care. We need our voices to be heard, so we can heal
4 and succeed to be the best of our abilities while
5 incarcerated and once we are released. If a program
6 like this Intro. 831, would have been available to me
7 while I was incarcerated, it would have helped me
8 navigate my reentry process much better without all
9 the setbacks I encountered and prepared me for
10 success instead of failure. I hope this bill
11 continues to garner support, so that women and gender
12 expansive people impacted by the injustice system
13 will receive the resources they need and be treated
14 with dignity and respect. Thank you.

15 CHAIRPERSON RIVERA: Thank you. Kelly?

16 KELLY BRIEM: Can you hear me? Okay. Hi, thank
17 you so much Chair Rivera and Council woman Cabàn.
18 David Carr, I am his constituent; he's not here. Am
19 I surprised?

20 My name is Kelly Briem. I currently am a
21 graduate level student of social work. I'm also an
22 executive in the business sector for 20 years. I am
23 part of the Justice for Women Task Force and Beyond
24 Rosie's Campaign. I am also a formerly incarcerated
25 woman, trafficking survivor and chronic gender abuse
survivor.

3 As I heard testimony today, I could only thank my
4 God. Why are we having this conversation over and
5 over and over and the insanity cycle of doing the
6 same thing every single time expecting different
7 results is seen every single decade. And every
8 single decade, it doesn't get better, it gets worse.
9 I see various TGNCNBI. Did I get it right? I'm
10 sorry. And women on Rikers. I go back to give back
11 what was given to me because I would not be here
12 today if it wasn't for my sisters who uplifted me and
13 gave me hope and inspiration that I am more than the
14 labels and the stigma and the stereotypes that not
15 only DOC, PD court systems said that I wasn't worthy
16 and as I listen today, the level of smarts beauty,
17 leaves me utterly speechless and I am here to
18 advocate for Intro. 831. A resource navigator
19 because half the women and the gender expansive,
20 don't even belong on Rikers. It should be diversion
21 from the get go and through education and resources
22 that are appropriate, then maybe we would stop having
23 these conversations of abuse oppression and continual
24 perpetuated vileness.

25 And the last thing I want to say as my own story
is, I was trafficked and I had no housing, no

1 clothing, no money. I couldn't put two sentences
2 together and they put me in a co-ed when I was pushed
3 out the window, fly birdy into a co-ed contracted
4 short term residential. And if you're talking about
5 going from the frying pan into the fire, I was thrown
6 in only to continue the abuse continually. And thank
7 you so much for hearing me and thank you so much
8 everyone for your testimony. It truly filled my
9 heart. Thank you.
10

11 CHAIRPERSON RIVERA: Thank you. Thank you for
12 saying that about your colleagues. Leah.

13 LEAH FARIA: Good afternoon Chair Rivera, Chair
14 Cabàn and the rest of the City Council. My name is
15 Leah Faria and I am the Director of Community
16 Liaisons and organizing with the Women's Community
17 Justice Association, also known as WCJA. Where our
18 focus is decarceration.

19 I served 22 years incarcerated with three of
20 those years served on Rikers Island. With no
21 previous criminal record, I could have been better
22 served by receiving an alternative program located in
23 my community. Which would have also allowed me the
24 opportunity to stay with my young son and family. I
25 could have been able to better advocate for myself in

3 court and my attorney would have been able to push
4 for an alternative program versus me sitting in jail
5 and prison, which is also a situation where I was
6 further traumatized.

7 As an advocate, I currently visit Rosie's, the
8 Rose M. Singer Center twice a month where I'm able to
9 sit with the women and gender expansive people,
10 listening and relating to their issues and concerns.
11 Many are suffering from substance abuse. Many are
12 mothers. Many are first time offenders and they will
13 be better served in the community where they can
14 receive the help they actually need instead of being
15 coerced into taking plea deal agreements that are an
16 injustice to them, their loved ones and their
17 communities.

18 Intro. 831 is important because it would help
19 women and gender expansive people get the necessary
20 help they actually need instead of being detained and
21 retraumatized. This resource navigator bill is a way
22 to safely decarcerate and help the city, as well as
23 the community reach its goals of lowering the
24 population, which is needed to actually close Riker's
25 Island. Thank you.

3 CHAIRPERSON RIVERA: Thank you. Well, thank you
4 to this panel very much for staying with us since 10
5 a.m. for your expertise, for your passion, for your
6 commitment and all that you do. It's - thank you.

7 So, with that, if there are any, if there's
8 anyone else in these Chambers that would like to
9 testify, please let us know before we adjourn. Okay,
10 okay, thanks again to this panel. I'll turn it to
11 Chair Cabàn. Would you like to say something in
12 closing?

13 CHAIRPERSON CABÀN: Yes. I mean, I just simply
14 want to reiterate my gratitude for the personal
15 testimonies, for the folks who spoke on behalf of
16 others who were unable to give their own testimony.
17 For the work of the task force. You know as a queer
18 Latina, former public defender, these are issues that
19 I care deeply, deeply about. And so, I just want to
20 on the record, reaffirm my commitment to partnering
21 with you all to make sure that we get the results
22 that you need. I have read your report from the task
23 force cover to cover and I'm here to follow-up on
24 anything you need. We are both ally's to that
25 respect and I just - I want to thank you for the

3 lifesaving work that you all do. So, I appreciate
4 you all and I appreciate you being here all day.

5 CHAIRPERSON RIVERA: Yes, as many of you heard,
6 today's oversight hearing has laid bear the horrific
7 treatment of TGNCNBI individuals within the
8 Department of Correction. The DOC has continued to
9 fail to provide safe and respectful housing, medical
10 care, and support which has resulted in the tragic
11 deaths of individuals like Layleen Polanco and the
12 suffering of countless others.

13 So, as Chair of the Criminal Justice Committee,
14 and I want to thank Chair Cabàn for joining me in
15 this hearing. We are absolutely just enraged by the
16 DOC's lack of action and their commitment to
17 addressing the issues with the expertise just in this
18 very room, let alone across the city.

19 The testimony and evidence presented today shaped
20 by the lived experiences, the expertise of the
21 TGNCNBI community, it leaves no room for doubt that
22 change has to happen. It's not a seasonal
23 conversation. We continue to bring these issues up
24 in this hearing and of course, we'll continue to do
25 so and I'm thankful for my partnership with Chair
Cabàn. Yet we saw that the DOC continues to resist

3 transparency. They continue to resist
4 accountability. Choosing instead to protect its own
5 interest and neglect the wellbeing of those in its
6 custody. And that to me is the most alarming.

7 So, this Council will continue to work with the
8 task force members. I want to thank you for all the
9 time that you gave us today for that report. For
10 everyone who represented someone else who could not
11 be here because of access, privilege, fear, thank you
12 and thank you for holding us accountable to push for
13 progress in real reform. And of course I want to
14 thank the entire TGNCNBI community for sharing their
15 own lived experiences and expertise and uhm, for
16 today for being here with us for so long. Thank you
17 very much.

18 And with that, we adjourn. [GAVEL] Thank you to
19 the staff.
20
21
22
23
24
25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date February 8, 2023