



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

# Jumaane D. Williams

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**STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS  
TO THE NEW YORK CITY COUNCIL COMMITTEE ON CRIMINAL JUSTICE  
JULY 14, 2023**

Good morning,

My name is Jumaane D. Williams and I am the Public Advocate for the City of New York. I would like to thank Chair Rivera and the members of the Committee on Criminal Justice for holding this vote.

Nearly one in six transgender, gender non-conforming, non-binary, and intersex (TGNCNBI) people have been to prison.<sup>1</sup> Too often, departments of correction do not house TGNCNBI people in populations consistent with their gender identities, and instead isolate them or place them in housing units according to the sex they were assigned at birth, regardless of whether that aligns with their gender identity or if they have medically transitioned.

While many assume that TGNCNBI people—transgender women in particular—pose a threat to their cisgender peers, they are far more likely to be victims of physical, sexual, and verbal abuse while incarcerated. Oftentimes, transgender women are removed from their gender-aligned housing unit to the men's jail as a means of punishment, control or just plain disregard; irrespective of the reason, this is absolutely unacceptable. The transgender women who've been moved have experienced repeated verbal, physical, and sexual attacks, sometimes by the same person despite the victim reporting the assault.

It is important to note that there is a lack of documentation on how many TGNBCNBI people are incarcerated in NYC jails, particularly non-binary and intersex people and people who have overlapping gender identities, for which no data is available at all. My bill, Int 0887-2023, would require DOC to report on a monthly basis information related to individuals in DOC custody whose gender identity is different from the sex they were assigned at birth, including TGNCNBI individuals. DOC would also be required to report information regarding such individuals' housing unit placements, denials and objections to current housing unit placements, as well as instances of violence against such individuals.

While in discussion about potential changes to the bill with the administration, I took the time to deliberate the concerns articulated about the potential danger and unintentional outing of trans and gender expansive individuals. The legislation now requires quarterly reporting instead of monthly—but this change is based on administrative ease and not safety concerns. The

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<sup>1</sup> <https://www.lambdalegal.org/know-your-rights/article/trans-incarcerated-people>

administration was unable to provide rationales to explain their safety concerns. The reality is that Rikers Island is currently unsafe for trans and gender expansive individuals and not enough has been done to address the current violence experienced by those incarcerated there. This reporting bill maintains that identifying information is kept confidential while providing transparency on where TGNCNBI individuals are housed, how often they are transferred, and where they are transferred to.

In fact, the other day, I was informed by a public defender that they have seven clients at Rikers Island—all transgender women—who were placed in men's housing units and remain there despite the attorney's herculean efforts to get them transferred to a gender-aligned women's facility. These individuals have been repeatedly sexually and physically assaulted, but DOC has not relocated these seven women. I am asking the administration to immediately transfer these individuals to gender-aligned housing. Failure to do so signals to all DOC staff that their failure to assign individuals to requested gender-aligned housing—and the violence that comes as a consequence—is an acceptable practice.

I would like to take this opportunity to thank the members of the Task Force on Issues Faced by TGNCNBI People in Custody for their feedback and partnership on this bill. In particular, I would like to thank Deborah Lolai who made herself available this weekend to answer all of my questions.

Lastly, I want to state that trans and gender expansive people deserve the same respect and dignity as their cisgender peers, and this is not negated when they are incarcerated. Until DOC makes changes to ensure that city jails are safe for everyone, we will continue to lose valuable members of our communities.

Thank you.