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### For Immediate Release

## **CITY COUNCIL TASK FORCE RELEASES LONG AWAITED REPORT ON THE CRISIS FACING TRANSGENDER, GENDER NON-CONFORMING, NON-BINARY, AND INTERSEX PEOPLE IN NEW YORK CITY JAILS**

*Report exposes New York's abuse and neglect of TGNCNBI people in city jails*

*Task Force calls on New York City and State to release people, invest in care*

**August 15, New York, NY** – Today, the Task Force on Issues Facing Transgender, Gender Non-Conforming, Non-Binary, and Intersex (TGNCNBI) People in Custody released its long-awaited report on the crisis facing TGNCNBI people in New York City jails. The report's findings reveal a jail system that renders TGNCNBI people invisible, and therefore extremely vulnerable to the worst harms of arrest, incarceration, abuse and neglect. As a result, the Task Force calls on New York to immediately release all people, while implementing swift reforms on how to respectfully identify, house, and care for TGNCNBI people in New York City jails.

“The Task Force report describes at length the ways in which TGNCNBI people face discrimination, violence, and a lack of needed services and programs in New York city jails,” **said Deborah Lolai, Supervising Attorney of the LGBTQ Defense Project at The Bronx Defenders, and a member of the Task Force.** “From the moment of arrest and continuing through arraignments, a person's stated gender identity is too often ignored. Then, when a person arrives at jail, TGNCNBI people, unlike cisgender people, are required to ask – and repeatedly plead, often without success – for housing that is safe, respectful, and consistent with their gender. This report outlines recommendations for how to mitigate much of this harm, but the bottom line is clear enough: New York City jails are unable to safely house and care for anyone.”

“The report and its findings should alarm all New Yorkers,” **said Mik Kinkead, staff attorney with the LGBTQ+ Law and Policy Unit at The Legal Aid Society, and a member of the Task Force.** “There is a clear pattern and practice of discrimination against TGNCNBI people. Our clients feel this on the ground when they are denied correct housing or deprived of basic respect, safety and dignity, but this is system-wide and we see it in the lack of transparent directives, the lack of DOC engagement on the Task Force, and the lack of acknowledgement from DOC officials when we alert them that our clients are being harmed. This report makes clear that the City is wholly incapable of caring for the TGNCNBI New Yorkers in its charge, and we call on City Hall, prosecutors, elected officials and other stakeholders in government to work with us to immediately facilitate the decarceration of this community from Rikers Island and other area facilities.”

**Grace Detrevarah, a formerly incarcerated transgender woman and LGBT Liaison - Reentry/Health Educator at Osborne Association and a member of the Task Force** said “I'm encouraged by the report's recommendations to address the inhumane treatment TGNCNBI people are subjected to in New York City jails, but implementation of permanent solutions to this crisis will require that individuals affected by the criminal justice system have a true seat at the table in public forums and policy-making. If we are to end the long-standing

discriminatory and punitive treatment of TGNCNBI people in City jails, it is imperative that the voices of TGNCNBI people be heard.”

“This report urges city and state officials to stop neglecting vulnerable populations in custody, and recognize that TGNCNBI people deserve to be free from violence, discrimination and harassment while confined and upon release,” said **Kimberly McKenzie, Director of Outreach and Community Engagement at Sylvia Rivera Law Project, and a member of the Task Force.** “We must never forget our communities on the inside. We must abolish systemic harmful practices while also examining steps we can take now. This task force represents the many advocates that have chosen to be fearless in our advocacy to TGNCNBI individuals in custody and work tirelessly in their defense.”

"The Task Force on Issues Facing TGNCNBI People in Custody was formed through legislation in direct response to the tragic loss of one of our trans siblings, Layleen Polanco. Perhaps, Layleen would still be alive today were it not for the negligence of NYC DOC officers. Since its founding, the Task Force has worked diligently and with good intentions, to ensure that not another TGNCNBI person ever has to die alone while in DOC custody. Yet, we know DOC has treated the Task Force with contempt and complete disregard. The findings of this report should shock everyone’s conscience. New York City must do better by TGNCNBI folks who are incarcerated. We strive for the day when our siblings will be released, and have the opportunity to truly thrive through strategic investments. Our people need access to permanent housing, employment and medical care - not to be in cages. Furthermore, we are calling on those with the proper oversight power, namely the NYC Council, to continue scrutinizing and holding accountable the DOC in its treatment and placement of TGNCNBI while in custody," says **Elisa Crespo and Shéar Avory, Executive Director and NYC Community Organizer at the NEW Pride Agenda.**

“The release of the Council’s Task Force on Issues Facing TGNCNBI People in Custody’s report details yet another severe crisis taking place in our City’s jails,” said **Council Member Crystal Hudson, co-chair of the New York City Council’s LGBTQ Caucus.** “It reveals a system of institutional violence within the Department of Correction that facilitates the neglect, abuse, and discrimination of TGNCNBI New Yorkers in City jails and pervades throughout the entire criminal legal system. The task force’s findings should serve as a call to action for my colleagues in government, to do right by those who are incarcerated and experience firsthand the horrors taking place behind the walls of New York City’s jails. Advocates have been demanding more since long before Layleen Polanco’s life was taken, and we know the price of inaction is too steep. Our demands must be abolition and liberation.”

The Task Force spent its first 15 months cataloging in painful detail how New York City and State bureaucracies lack even the most fundamental and commonsense policies to respectfully track, understand, and provide for the basic needs and dignity of TGNCNBI people while in custody. Many agency directives and policies that govern the treatment of TGNCNBI people were either hard to obtain or non-existent, despite being referenced by agencies when asked.

Given this basic lack of transparency and systemic neglect, the Task Force concluded that New York City’s jails are unable to safely and humanely house all people, and recommended the following broad reforms:

1. The City and State must release people and decarcerate the jails, including TGNCNBI people;

2. The City and State must provide accessible and affordable housing to all people released from custody, with a focus on TGNCNBI people and their needs, where people have both the dignity of personal space and the necessary assistance of case management, such as referrals to mental health care, medical care, and assistance in accessing basic needs to survive;
3. The City and State must ensure that adequate funding for community-based organizations that run alternative to incarceration or diversionary programs, mental and medical health care and other services is provided for in each budget; and
4. All officials and employees must treat people who remain in custody humanely and respectfully, and ensure that they have access to health, housing, and other care while detained or incarcerated. These services must be - at minimum - at the same level as what a person would receive when out in the community.

In addition to these findings and recommendations, the Task Force also commented on the special barriers it faced to fulfill its mandate, many of them the result of the same bureaucratic neglect that led to its findings:

- The Task Force had to deal with constantly changing and deteriorating conditions for TGNCNBI people held in custody. Not only did the New York City Department of Correction persistently fail to protect incarcerated people from COVID-19, but steps taken to halt in-person visits and revoking all volunteer IDs and classes intensified the extreme isolation of TGNCNBI people, and made it impossible at several points for Task Force members and advocates to see for themselves the conditions in city jails.
- Salient policies and procedures affecting incarcerated members of the TGNCNBI community were not always provided to the Task Force, while critical decisions impacting them – such as creating a dangerous housing area that held transgender women in a men’s jail – were made without notice to and input from the Task Force, resulting in preventable sexual and physical violence.
- The Task Force’s work and report suffered from not always knowing a person’s gender identity. Data capturing multiple genders (e.g. an intersex man, a non-binary transgender woman) is simply non-existent at this time. It is everyone’s right to reveal only as much of their identities as they want, but this underscores the need for a safe and confidential means for TGNCNBI people to share important information about their needs while in jail, something which has been sorely lacking.

### ***About the Task Force on Issues Facing TGNCNBI People in Custody***

On June 7, 2019, Layleen Xtravaganza Cubilette-Polanco, a transgender woman, died from complications of an untreated epileptic seizure she suffered while in solitary confinement on Rikers Island. Video evidence revealed a 47 minute time frame in which the New York City Department of Correction was aware of her failing condition but did nothing to prevent her death.

With Ms. Polanco’s death at the forefront, and after years of relentless advocacy by TGNCNBI leaders, advocates, and formerly incarcerated people, the New York City Council passed Local Law 145 in July 2019 establishing the Task Force. Composed of TGNCNBI leaders, advocates, and government representatives, the Task Force is the first of its kind at both the national and local level. The Task Force is mandated to convene for five years until 2024, and to issue periodic reports on the state of TGNCNBI people held in custody in New York City jails.

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