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*****FOR IMMEDIATE RELEASE*****

Former NYC Department of Correction Whistleblowers Warn of Growing Transphobia in Local Jails Under DOC Commissioner Molina

Defenders Call on City Hall to Implement the City Council TGNCNBI Task Force's Key Reforms, Including Immediate Decarceration

(NEW YORK, NY) - **The Legal Aid Society**, in response to reporting today from [The City](#) featuring multiple former New York City Department of Correction (DOC) whistleblowers warning of growing transphobia in local jails under DOC Commissioner Louis Molina, called for accountability from City Hall and for the adoption of [critical reforms released](#) this past August by the New York City Council's Task Force on Issues Facing Transgender, Gender Non-Conforming, Non-Binary, and Intersex (TGNCNBI) People in Custody.

The whistleblowers - Kels Savage, Robin Robinson and Maureen Sheehan - previously worked closely with transgender people at Rikers Island, fighting to ensure that these New Yorkers received housing consistent with their gender identity, had access to medical and other essential care, were free from sexual and physical violence while in custody, and were treated with respect and dignity.

Savage and Robinson both started in DOC's LGBTQ+ Initiatives, formed under the de Blasio Administration in 2019. The Initiatives' [stated goal](#) is to "provide individuals in the LGBTQIA+ community with well-rounded programming, resources, and access to LGBTQIA+ affirming services from the moment they enter our facilities, to their discharge, and beyond."

Maureen Sheehan previously served as Department Deputy Director of Investigations under DOC Deputy Commissioner Serena Townsend, who was charged with investigating and adjudicating misconduct complaints made against DOC employees. Townsend was [abruptly fired](#) by Commissioner Molina in early 2022.

When the whistleblowers first joined DOC, the unit's mandate was taken seriously by the Department and staff, and eventually had a direct line to DOC senior leadership. Consequently, TGNCNBI people were beginning to see better access to housing consistent with their gender identity and to other services, including bail funds and community-based support resources. The unit was instrumental in improving outcomes for Legal Aid's incarcerated TGNCNBI clients.

Most notably, LGBTQ+ Initiatives began working on a new directive to address the housing and care of incarcerated TGNCNBI people. This directive would have provided the team primary authority over housing

decisions and would have centered gender identity and an individual's safety concerns in these assessments. It would also have opened additional Special Consideration Units (SCUs). The only currently operable SCU is a voluntary housing area designated for the purpose of housing individuals who identify as transgender women, intersex women or feminine people, or feminine gender non-binary people. Additional plans for an SCU to house cisgender gay, bisexual, and transgender men was allegedly under discussion.

When Mayor Adams was elected, he appointed Louis Molina as DOC Commissioner, replacing Commissioner Vincent Schiraldi. According to the whistleblowers, around this time, the unit started to receive more pushback from DOC staff on initiatives. The directive stalled in the approval process and there continues to be no public directive addressing the housing or care of incarcerated TGNCNBI individuals.

Public defenders also began to experience pushback on advocating for the proper placement of clients and sudden transfers of clients without prior warning. Outreach to address these issues went unanswered. Legal Aid clients submitted multiple requests for housing transfers to gender-affirming facilities, many following serious incidents of physical or sexual harm. These requests were ignored, leaving clients in dangerous situations, facing frequent threats and harassment, as well as repeated physical and sexual harm.

After Dana Wax, former DOC Chief of Staff, was relieved, there no longer existed anyone overseeing or supporting the Initiative. Instead, others in DOC leadership began to deny most accommodation requests for incarcerated TGNCNBI New Yorkers.

Also, for the small number of requests that were approved, the actual transfers were not effectuated for an extended period of time, in some cases weeks, despite frequent outreach by attorneys and advocates to DOC seeking to move the process along. Some Legal Aid clients, despite approval for appropriate housing, spent their entire time within DOC incorrectly housed due to these administrative delays.

Faced with this increased pushback by Commissioner Molina and personal discrimination from staff, Savage, Robinson, and Sheehan all resigned by July 2022. It is unclear if DOC has sought to fill those vacancies.

“When I first joined DOC, I was optimistic that we could improve conditions for incarcerated TGNCNBI people, but that was all lost when Louis Molina came into power,” said **Kels Savage, former staff member with the New York City Department of Correction's LGBTQ+ Initiatives**. “Early in 2022, the policies we fought to implement to protect TGNCNBI people were quickly and blatantly ignored, and the examples I could give are countless. The needless suffering this has undoubtedly caused is immeasurable, and I'm glad to work with my former colleagues and the community to help shine a light on this crisis.”

“Commissioner Molina's apathy towards the incarcerated TGNCNBI New Yorkers I worked with was shocking and seeing members of my community suffer from such callousness is something I'll never forget,” said **Robin Robinson, former staffer with the New York City Department of Correction's LGBTQ+ Initiatives**. “Working with my former colleagues, we tried to make a difference, but any progress was scuttled by Commissioner Molina, rendering our efforts futile, and I could no longer be complicit with DOC practices under his tenure. I hope the City Council and other stakeholders demand answers from the Commissioner Molina on his refusal to treat TGNCNBI people as human beings.”

“As soon as Commissioner Molina came into his role, TGNCNBI initiatives were immediately deprioritized, and any progress towards ensuring the well-being of TGNCNBI people in custody was lost shortly thereafter,” said **Maureen Sheehan, former New York City Department of Correction deputy director of investigations**. “I still hear from former colleagues at Rikers Island about the deplorable treatment TGNCNBI people are forced to endure each day. As a member of the LGBTQIA+ community, it sickens me, and the Commissioner must be held to account for his actions.”

“While policies and practices weren't perfect under Mayor de Blasio, the deliberate indifference expressed by Commissioner Molina to the well-being of incarcerated TGNCNBI New Yorkers truly shocks the soul,” said **Mik**

Kinhead, staff attorney with the LGBTQ+ Law & Policy Unit at The Legal Aid Society. “Commissioner Molina’s actions gutted LGBTQ+ Initiatives by reducing it to a single employee and he continues to stonewall the Task Force. This sends a clear message that our TGNCNBI clients simply do not matter and what they experience in the jails – the physical and sexual assaults, the daily degradations – is not worthy of time, attention, and care from DOC leadership. We again call on all criminal legal system stakeholders to implement the Task Force’s recommendations to prevent the suffering that incarcerated TGNCNBI New Yorkers experience every day.”

Background

Today’s reporting comes after a comprehensive [report](#) released last August by the New York City Council’s Task Force on Issues Facing Transgender, Gender Non-Conforming, Non-Binary, and Intersex People in Custody on the crisis facing TGNCNBI people in New York City jails.

The report’s findings revealed 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 called on the City to immediately release all people, while implementing swift reforms on how to respectfully identify, house, and care for TGNCNBI people in local jails.

Legal Aid echoes the Task Force’s recommendations, which demand that:

- criminal legal system stakeholders facilitate the immediate release of people, including TGNCNBI New Yorkers, from custody;
- unless the person feels unsafe, housing within the jails must be based on gender identity;
- 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;
- the City and State to ensure adequate funding for community-based organizations that run alternatives to incarceration and diversionary programs, mental and medical health care, and other services;
- all officials and employees to treat people who remain in custody humanely and respectfully, conduct housing and safety interviews with every incarcerated TGNCNBI person, and ensure that they have access to affirming health care. These services must be - at minimum - at the same level as what a person would receive when out in the community;
- making directives affecting the treatment and housing of TGNCNBI people public and accessible to those in custody.

“We have been impressed with the ongoing dedication and leadership of the NYC’s Council’s Task Force on Issues Facing TGNCNBI People in Custody. Even under an unsupportive commissioner and administration, this group has continued to advocate to keep some of New York’s most vulnerable people safe in these awful prisons and jails,” **said Amanda Babine, executive director of Equality New York.**

“It is time to call out those who would knowingly and deliberately send transgender, non-binary and intersex people into male prisons and jails. It is time to stop the inhumane placement of our community members into what can be best described as a den of toxic masculinity, misogyny, and transphobia. It is time to stop the indifference to the substantial risk of sexual assault and the serious injury to our community member’s physical and mental health. It is time to house people based on their gender identity unless the person opts out of that placement, provide gender affirming medical care and treatment, and ensure individuals have access to commissary items, clothing, and programming that most closely align with their gender identities. It is time to acknowledge this problem and act,” said **Juli Grey-Owens, Board Chair & Executive Director Gender Equality New York, Inc (GENY).**

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For 145 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org