

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CRIMINAL JUSTICE

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July 13, 2023
Start: 10:01 a.m.
Recess: 10:16 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: Carlina Rivera
Chairperson

COUNCIL MEMBERS:

Shaun Abreu
David M. Carr
Shahana K. Hanif
Mercedes Narcisse
Lincoln Restler
Lynn C. Schulman
Althea V. Stevens

A P P E A R A N C E S (CONTINUED)

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2 SERGEANT AT ARMS: Good morning and
3 welcome to today's Committee on Criminal Justice.
4 Place all electronic devices to vibrate or silent
5 mode. Thank you for your cooperation. Chair, we are
6 ready to begin.

7 CHAIRPERSON RIVERA: Good morning. I am
8 Council Member Carlina Rivera, Chair of the Council's
9 Committee on Criminal Justice. I'd like to welcome
10 you to today's vote on Proposed Introduction 887B,
11 introduced by Public Advocate Williams, myself, and
12 Council Member Caban, and supported by many of our
13 colleagues. I want to recognize my colleagues who are
14 here and thank them for being here early this morning
15 for this important vote, Council Members Restler,
16 Schulman, Carr, Narcisse, and of course, myself. And
17 we have been joined by the Public Advocate who will
18 hear from momentarily. The legislation we are voting
19 on today will provide additional reporting on the
20 treatment of transgender, gender non-conforming, non-
21 binary, and intersex people in Department of
22 Corrections custody. In particular, this bill will
23 shed light on whether DOC ensures that people are
24 housed in facilities aligned with their gender
25 identity. According to a report from the TGNCNBI

1 Taskforce, in 2022, 63 percent of people who self-
2 identified as TGNCNBI last year were in gender miss-
3 aligned housing. These decisions can have dire
4 consequences. When TGNCNBI people are in gender
5 miss-aligned housing they are subject to increase
6 risk of sexual assault, harassment, and other forms
7 of violence. We must know the scope of this issue in
8 order to hold DOC accountable for ensuring safety and
9 equitable treatment for all individuals in custody. I
10 want to thank the TGNCNBI Taskforce for their input
11 that informed this legislation and their continued
12 advocacy on behalf of transgender and gender non-
13 conforming, non-binary, and intersex people in
14 custody. I also want to thank the Public Advocate
15 for his leadership on this legislation which I am
16 proud to co-sponsor and urge my colleagues to vote
17 aye. And before I ask the Clerk to call the roll,
18 Public Advocate Williams would like to make some
19 remarks about the bill.
20

21 PUBLIC ADVOCATE WILLIAMS: Thank you very
22 much, Madam Chair, much appreciated. As mentioned,
23 my name is Jumaane Williams. I'm the Public Advocate
24 for the City of New York. Want to thank again the
25 Chair, Chair Rivera, and the members of the Committee

1 on Criminal Justice for holding this vote. Thank you
2 for your sponsorship as well as Council Member Caban
3 and all the other Council Members who support it.
4 Nearly one in six transgender, gender non-conforming,
5 non-binary, and intersex, TGNCNBI, people have been
6 to prison. Too often Departments of Corrections do
7 not house TGNCNBI people in populations consistent
8 with their gender identities, and instead isolate
9 them or place them in housing units according to the
10 sex they were assigned at birth, regardless whether
11 that aligns with their gender identity or if they've
12 medically transitioned. While many assume that
13 TGNCNBI people, transgender women in particular, pose
14 a threat to their cis-gendered peers, they are far
15 more likely to be victims of physical, sexual, and
16 verbal abuse while incarcerated. Often times,
17 transgender women are removed from the gender-aligned
18 housing units to the men's jail as a means of
19 punishment, control, or just plain disregard.
20 Irrespective of the reason, this is of course,
21 absolutely unacceptable. The transgender women who
22 have been removed have experienced repeated verbal,
23 physical, and sexual attacks sometimes by the same
24 person despite the victim reporting the assault. It
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1 is important to note that there is a lack of
2 documentation on how many TGNCNBI people are
3 incarcerated in New York City jails, particularly
4 non-binary and intersex people and people who have
5 overlapping gender identities, which no data is
6 available at all. My bill Intro 0887 would require
7 DOC to report on a monthly basis information related
8 to individuals in DOC custody with gender identities
9 different from the sex they were assigned at birth,
10 including TGNCNBI individuals. DOC would also be
11 required to report information regarding such
12 individuals' housing placement, housing unit
13 placement, denials and objections to current housing
14 unit placements, as well as instances of violence
15 against such individuals. While in discussions about
16 potential changes to the bill with the
17 Administration, I took the time to deliberate the
18 concerns articulated about the danger and
19 unintentional outing of trans and gender-expansive
20 individuals. This legislation now requires quarterly
21 reporting instead of monthly to address some of the
22 administrative concerns. I also tried to address
23 some of the safety concerns, although we didn't quite
24 agree with them on the safety concerns, but having it
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2 quarterly instead of monthly would avoid any real-
3 time information being put out there. The reality is
4 that Rikers Island is currently unsafe for trans and
5 gender-expansive individuals and not enough have been
6 done to express the current violence experienced by
7 those incarcerated there. This reporting bills
8 maintains that identifying information is kept
9 confidential while providing transparency on where
10 TGNCNBI individuals are housed, how often they're
11 transferred, and where they are transferred to. In
12 fact, the other day I was informed by a public
13 defender that they have seven clients at Rikers
14 Island, all transgender women who were placed in
15 men's housing units and remain the attorney's
16 herculean efforts to get them transferred to gender-
17 aligned women's facilities. These individuals have
18 been repeated sexually and physically assaulted, but
19 DOC has not relocated these seven women. I'm asking
20 the Administration to immediately transfer these
21 individuals to gender-aligned housing. Failure to do
22 so signals all DOC staff that their failure to assign
23 to individuals to requested gender-aligned housing
24 and the violence that comes as a consequence is an
25 acceptable practice. I'd like to thank this

1
2 opportunity to thank the members of the taskforce on
3 the issues faced by TGNCNBI people in custody, for
4 their feedback and the partnership on this bill.
5 particularly I'd like thank Deborah Olay [sp?] who
6 made herself available this weekend to answer all of
7 my questions as we were trying to respond to some of
8 the Administration's concerns. Lastly, I want to
9 state that trans and gender-expansive people deserve
10 the same respect and dignity as their cis-gendered
11 peers, and this is not negated when they're
12 incarcerated. Until DOC makes changes to ensure that
13 city jail is safe for everyone, we will continue to
14 lose valuable members of our communities. Thank you
15 again, Chair, and to all the Council Members.

16 CHAIRPERSON RIVERA: Thank you, Public
17 Advocate Williams. I also want to recognize that
18 we've been joined remotely by Council Members Hanif
19 and Abreu, and I now call on the Clerk to call the
20 roll.

21 COUNCIL CLERK: Good morning. William
22 Martin, Committee Clerk. Roll call vote Committee on
23 Criminal Justice Proposed Introduction 887B. Chair
24 Rivera?

25 CHAIRPERSON RIVERA: I vote aye.

COMMITTEE ON CRIMINAL JUSTICE

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COUNCIL CLERK: Abreu?

COUNCIL MEMBER ABREU: I vote aye.

COUNCIL CLERK: Thank you. Hanif?

COUNCIL MEMBER HANIF: I vote aye.

COUNCIL CLERK: Thank you. Narcisse?

COUNCIL MEMBER NARCISSE: I vote aye.

COUNCIL CLERK: Restler?

COUNCIL MEMBER RESTLER: Aye.

COUNCIL CLERK: Schulman?

COUNCIL MEMBER SCHULMAN: Aye.

COUNCIL CLERK: Stevens? Carr?

COUNCIL MEMBER CARR: Aye.

COUNCIL CLERK: By a vote of 7 in the affirmative, 0 in the negative and no abstentions, item has been adopted by the Committee.

CHAIRPERSON RIVERA: We're going to hold the roll open for two minutes for Council Member Stevens. I want to thank the other members of the Committee. Thank you so much. Everybody, I need everybody to please-- Council Member Stevens?

COUNCIL MEMBER STEVENS: Aye on all.

COUNCIL CLERK: Thank you. Vote-- final vote now is 8 in the affirmative, 0 in the negative,

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and no abstentions. Madam Chair, that is a full
committee.

CHAIRPERSON RIVERA: Thank you so much,
and with that we adjourn.

[gavel]

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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 July 14, 2023