

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON WOMEN AND  
GENDER EQUITY

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December 3, 2020  
Start: 10:09 a.m.  
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HELD AT: Remote Hearing

B E F O R E: Helen K. Rosenthal  
Chairperson

COUNCIL MEMBERS: Helen K. Rosenthal  
Diana Ayala  
Laurie A. Cumbo  
Ben Kallos  
Carlina Rivera  
Brad S. Lander  
Darma V. Diaz

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

TS Candi

Bianey Garcia

Jared Trujillo

Brian Romero

Mateo Tabares  
Translator

Mateo Tabares

Norma Ureiro

Jennifer Orellana

Eisa Crespo

Chinyere Ezie

Tanya Walker

Audacia Ray

Bryan Ellicott

Andrea Bowen

Jillian Modzeleski

Melissa Sontag Broudo



1  
2 SERGEANT AT ARMS BRADLEY: OK, sergeants,  
3 will you start your recordings?

4 SERGEANT AT ARMS MARTINEZ: PC recording  
5 under way.

6 SERGEANT AT ARMS BRADLEY: Ms. Jones,  
7 when you're ready you may begin.

8 SERGEANT AT ARMS JONES: OK. Good  
9 morning, everyone, and welcome to today's remote New  
10 York City Council hearing of the Committee on Women  
11 and Gender Equity. At this time would all panelists  
12 please turn on their videos. And to minimize  
13 disruption, please place electronic devices to  
14 vibrate or silent. And if you wish to submit  
15 testimony you may do so at [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov).  
16 And again, that is [testimony@council.nyc.gov](mailto:testimony@council.nyc.gov). And  
17 thank you so much for your cooperation. And Chair we  
18 are ready to begin.

19 CHAIRPERSON ROSENTHAL: Thank you so much.  
20 [gavel] Rubbing alcohol. Ah, good morning and thank  
21 you for joining today's virtual Committee on Women  
22 and Gender Equity hearing on Resolutions 923 asking  
23 the governor to repeal PL240.37 and Resolution 1444  
24 to seal the convictions from PL240.37. I'm Council  
25 Member Helen Rosenthal, chair of the Committee on

1  
2 Women and Gender Equity. My pronouns are she, her,  
3 hers. I want to start by thanking everyone who has  
4 come out to testify today. Those with lived  
5 experiences in particular are the voices that we want  
6 to hear. Last year at the committee's November  
7 hearing on gender equity in New York City access,  
8 resources, and support for transgender and gender  
9 nonconforming New Yorkers we heard powerful testimony  
10 in support of Resolution 923. In 2020 we have seen  
11 at least 40 transgender or gender nonconforming  
12 people fatally shot or kill, the majority of whom are  
13 women and, ah, and in particular trans women of  
14 color. Violence against trans people comes in so  
15 many forms. We see it play out in daily interactions  
16 on the street, in the workplace, in city  
17 institutions, thinking now of the shameless murder of  
18 Layleen Polanco. And it even plays out by the media  
19 outlets, further perpetuating a system of violence  
20 that criminalizes TGNC folks. We're here today to  
21 discuss just one of these forms of violence. Trans  
22 women in New York City have been targeted for over  
23 four decades because of Penal Law 240.37, a law  
24 enacted in 1976 which criminalizes people for  
25 loitering for the purpose of engaging in a

1 prostitution offense. In reality, this statute known  
2 widely as walking while trans ban allows women to be  
3 arrested for the clothes they are wearing or for  
4 being in a certain location for a certain period of  
5 time. Charges from this law, however unfounded, have  
6 reverberating implications for employment, housing,  
7 immigration status, and parental rights. Let's be  
8 clear. This law is racist, plain and simple. It's  
9 disproportionately enforced to criminalize cis and  
10 trans women, runaway and homeless LGBTQ+ youth and  
11 immigrants. According to the Legal Aid Society of  
12 New York arrests under this law disproportionately  
13 target black and Latino women. Aside from the  
14 statistics that we read, the stories that we have  
15 heard and will hear today one thing is clear, Section  
16 240.37 must be repealed. I want to thank my  
17 colleague, Council Member Carlina Rivera, for  
18 sponsoring the two important pieces of legislation  
19 that our committee is hearing today. Resolution 923  
20 repealing 240.37 and Resolution 1445 to seal the  
21 convictions from PL240.37. I am proud to be a  
22 sponsor of both pieces of legislation and I am proud  
23 and humbled to be an ally. I want to all the  
24 advocates for their tireless work on this issue. We  
25

1  
2 thank you for sharing your lived experiences in  
3 shaping the work that we do here at the City Council.  
4 Finally, I'd like to thank my team, my chief of  
5 staff, Cindy Cardinal, my legislative director  
6 Mathery Shukla, as well as committee staff for their  
7 work in preparing for this hearing, Brenda McKinney,  
8 legislative counsel, Chloe Rivera, senior legislative  
9 policy analyst, Monica Peppel, finance analyst, and  
10 Elizabeth Arts from community engagement, and John  
11 Blaskow, the City Council's LGBTQ+ liaison. I would  
12 also like to acknowledge my colleagues who have  
13 joined us, Council Member Rivera, Council Member  
14 Ayala, Council Member Lander, and the newly minted  
15 Council Member Diaz. Um, and I want to pass it over  
16 now to Council Member Rivera to give her opening  
17 remarks.

18 COUNCIL MEMBER RIVERA: Thank you, thank  
19 you so much to everyone. Thank you, Chair Rosenthal  
20 for holding its hearing on my two resolutions related  
21 to the repeat of New York State Penal Law Section  
22 240.37, commonly known as the walking while trans  
23 ban. Over a year ago I introduced legislation  
24 calling on state lawmakers to repeat this section of  
25 the New York Penal Law Section, and advocates and

1 individuals are all here to say it's time to ban this  
2 harmful statute. In the time since then we've lost  
3 over 50 members of our trans community. It's  
4 unacceptable that we lost these beloved souls and  
5 it's unacceptable that countless more trans New  
6 Yorkers are still targeted by the broad and vague  
7 walking while trans ban which for years has been used  
8 by police officers to arbitrarily single out and  
9 arrest people suspected of prostitution and has  
10 specifically been used to target members of our black  
11 and Latino trans community. The majority of arrests  
12 under this statute in New York State occur in just  
13 five New York City police precincts, all  
14 predominantly black and brown immigrant and low-  
15 income neighborhoods. And countless trans advocates  
16 have shared stories of being stopped by the police  
17 simply because they were out with their friends or  
18 their partner in their own neighborhood. The women  
19 and others arrested under this law face devastating  
20 permanent consequences for their arrests. A single  
21 violation under this law could follow someone for the  
22 rest of their lives as this is one of only two  
23 violations in the entire state penal code that can  
24 never be sealed. That unsealed violation could haunt  
25

1 and follow these individuals forever, leading to  
2 denials for things like green cards, public housing,  
3 employment, or other benefits we consider human  
4 rights, many of which can be lifesaving. It is  
5 unacceptable that in our city and our state after the  
6 year we've had reflecting on systemic racism that New  
7 York State still permits police to target New Yorkers  
8 solely for their gender expression and frankly their  
9 existence. Holding this hearing today will draw an  
10 important focus to victim stories, to survivor  
11 stories, and will hopefully be the start of our new  
12 push to get legislation sponsored by State Senator  
13 Brad Hoylman and Assembly Member Amy Paulin passed in  
14 this legislative session. Thank you all, Chair  
15 Rosenthal, and thank you to all of the activists, the  
16 advocates, and the walking while trans ban coalition  
17 who have fought for this legislation, as well as  
18 GMHC, Make the Road, and the Legal Aid Society, who  
19 have been in this movement every step of the way.  
20 Thank you so much for the time. I look forward to  
21 the hearing.

22  
23 CHAIRPERSON ROSENTHAL: Appreciate you,  
24 Council Member Rivera. Um, really appreciate all of  
25 your hard work on this. Now I'll turn it over to

1  
2 senior policy analyst Chloe Rivera, who will review  
3 some procedural items related to today's hearing and  
4 will call the first panel of witnesses.

5 MODERATOR: Thank you, Chair Rosenthal.

6 My name is Chloe Rivera and I am the senior policy  
7 analyst for the Committee on Women and Gender Equity  
8 at the New York City Council. I will be moderating  
9 today's hearing and calling panelists to testify.

10 Before we begin, please remember that everyone will  
11 be on mute until I call on you to testify. After you  
12 are called on you will be, you will be unmuted by the  
13 host. Note that there will be a few seconds delay  
14 before you're unmuted and we can hear you. For  
15 public testimony I will call individuals in panels.

16 Please listen for your name. I will periodically  
17 announce the next two panelists. Once I call your  
18 name a member of our staff will unmute you. The  
19 Sergeant at Arms will set a clock and give you the go  
20 ahead to begin your testimony. All public testimony  
21 will be limited to three minutes. After I call your  
22 name please wait for the Sergeant at Arms to announce  
23 that you may begin before starting your testimony.

24 We will now turn to public testimony. The first  
25 panel in order of speaking will be TS Candi, a TGNC

1  
2 advocate, Biany Garcia, LGBTQ justice organizer at  
3 Make the Road New York, Jared Trujillo, president of  
4 the Association of Legal Aid Attorneys, and Brian  
5 Romero, policy associate at GMHC. I will now call on  
6 TS Candi.

7 SERGEANT AT ARMS: Your time starts now.

8 TS CANDI: My name is TS Candi. My  
9 pronouns are she, her, and hers. I'm the executive  
10 director of Black Trans Nation. Repealing the  
11 walking while trans ban means a lot to the black and  
12 brown transgender community. A lot of the black and  
13 brown transgender community has been stopped and  
14 frisked for simply walking down the street. It is  
15 really, really important that we understand the  
16 humanity of the life experience of transgender women  
17 who is just simply walking down the street and not  
18 engaging or looking for anything other than going to  
19 the store and buying something to eat. It is really  
20 important that we conceal, um, 1440, we conceal the,  
21 um, prostitution, under loitering for the person, ah,  
22 the loitering for the purpose of prostitution, um,  
23 which is, which is [inaudible] individuals like  
24 myself could get a trans to be able to learn how to  
25 live. Um, due to prostitution being openly on my

1  
2 record it has, it had gave me, ah, it had been the  
3 biggest hiccup in my life. It has prevented me from  
4 jobs. It has prevented me from housing. It has  
5 basically destroyed my humanity as being a black  
6 transgender woman for simply existing because,  
7 because of a officer profiling me because of an  
8 Adam's apple or because of my hands too big or  
9 because of [inaudible] masculinity and it has always  
10 been, um, something on my record that make me more  
11 vulnerable to do what, what placed on my record. So  
12 it's very, very important for us to repeal this law  
13 so that we as black transgender women can be able to  
14 reclaim our existence and our humanity and so that we  
15 can get employment and so that we can get housing and  
16 so that we can be able to live. Um, I yield back my  
17 time.

18 MODERATOR: Thank you for your testimony.  
19 Now Ms. Garcia you may begin once a member of our  
20 staff unmutes you and the sergeant gives you the cue.

21 SERGEANT AT ARMS: Time starts now.

22 BIANY GARCIA: [speaking in Spanish]

23 MODERATOR: Thank you for your testimony.  
24 Next, I'm sorry. Next we'll have President Trujillo.

25 SERGEANT AT ARMS: Your time starts now.

1  
2           JARED TRUJILLO: Hi all, good morning.  
3 My name is Jared Trujillo. I am the president of the  
4 Association of Legal Aid Attorneys. Ah, first I want  
5 to just thank, ah, Council Member, ah, Rosenthal, ah,  
6 for calling this meeting, and Council Member Rivera,  
7 ah, for really having the leadership, ah, to, to  
8 really push, ah, to push these two resolutions, and  
9 both [inaudible] members of the council that are on  
10 this call, ah, for just being true allies and for  
11 recognizing the humanity of the communities that are  
12 really impacted by both of these resolutions. Um, a  
13 lot, just to talk about the statutes, ah, 240.37, ah,  
14 this is a statute that is [inaudible] dubious at  
15 best. It was passed in 1976 and when this law was  
16 passed over 9700 people per year were stopped and  
17 targeted and arrested under the statute simply for  
18 having the audacity to exist in, in, in public spaces  
19 while wearing a tight skirt, while, ah, while hailing  
20 a cab, while waiting for a friend, while, again, just  
21 having the simple audacity to exist. When we think  
22 about, when we talk about how so much of the criminal  
23 legal system is a remnant of the Jim Crow era laws  
24 this is what we're talking about. This law is a  
25 direct descendent of the Jim Crow vagrancy laws,

1 where people were simply punished for being on the  
2 street. That is what this statute is. I, I want to  
3 talk, ah, about, ah, Council Member Rivera's  
4 resolution 1444, um, and why it's so important.  
5 1444, ah, calls for the state, ah, to pass provisions  
6 that would seal old violations under this statute,  
7 um, and as the council member said this is one of  
8 only two violations in the, in the entire penal code  
9 that never seals. A violation is less than a  
10 criminal disposition. A, a violation is supposed to  
11 be a, ah, noncriminal infraction. However, because  
12 this never seals it can be used for someone's entire  
13 life, ah, to deny them employment, to deny them  
14 housing, to deny them, to deny people, ah,  
15 specifically black and brown trans and, and, ah,  
16 gender nonconforming folks that already face a lot of  
17 barriers. It could really, used, be used to deprive  
18 people of what they need to survive. I also want to  
19 uplift Intro 1314, even though it's not, ah, the, ah,  
20 even though it's not subject of, ah, today's  
21 testimony. At the same time, if the City Council  
22 were to pass that bill, um, it would, um, prevent  
23 employers from even inquiring about unsealed  
24 violations, ah, which of course, ah, loitering for  
25

1  
2 the purpose of prostitution is one of those, and also  
3 thank, ah, Council Member, ah, Rosenthal for being  
4 the newest person to sign onto that bill and, ah,  
5 Council Member Lander for introducing it. Um, and,  
6 and finally, I only have a few seconds left. Seattle  
7 has repealed their walking while trans statute. New  
8 York should be a leader. New York should stand up  
9 for our black and brown communities, black and brown  
10 trans lives matter, this is how we [inaudible].

11 MODERATOR: Thank you for your testimony.  
12 Mr. Romero.

13 SERGEANT AT ARMS: Your time starts now.

14 BRIAN ROMERO: Good morning. Um, thank  
15 you, Chairperson Rosenthal, Councilwoman Rivera, and  
16 the members of the New York City Council's Women and  
17 Gender Equity Committee, for the opportunity to  
18 testify today. My name is Brian Romero. I use he  
19 and his and I'm a policy associate at GMHC. I  
20 testify today in support of Resolution 0923, which  
21 supports passage of legislation in the New York State  
22 Senate and Assembly to repeal Penal Law 240.37,  
23 loitering for the purpose of engaging in  
24 prostitution. Since inception of this statute that  
25 has resulted in the profiling, harassment, and

1  
2 incarceration of thousands of women, particularly  
3 trans women of color. It remains, as many other  
4 community members have come to know it as, as Stop  
5 and Frisk 2.0 for black and brown women. Data shows  
6 that 90% of women who are arrested under this statute  
7 are women of color, illustrating how this is a racial  
8 justice and gender equity issue. Accounts from the  
9 community have also demonstrated how criminalization  
10 under this statute has caused barriers to housing,  
11 employment, accessing benefits, all of which are  
12 necessary, particularly during this time. The  
13 support for repealing the statute has been  
14 overwhelming. Governor Cuomo, Lieutenant Governor  
15 Hochul, 37 state senators, 80 assembly members, five  
16 district attorneys, and 30 council members are in  
17 support of this bill finally passing. Racial  
18 justice, women's rights groups, immigrant rights  
19 groups, and criminal justice groups all want this to  
20 pass. However, in order to have the maximum impact  
21 for those who have been impacted by the statute, we  
22 must also ensure that New York State seals violations  
23 related to 240.37. As long as this is in the penal  
24 law and on someone's record it will continue to  
25 threaten the quality of life for people who simply

1 want to survive and be treated equitably in our city  
2 and state. If our elected leaders truly believe that  
3 black lives matter and black trans lives matter and  
4 if they're truly committed to reversing the harms of  
5 discriminatory policing has had then we must seal  
6 this violations once and for all. That is why we  
7 support passage of Resolution 144. Finally, as many  
8 advocates have said, this statute criminalizes them  
9 for being who they are and dressing as they choose.  
10 As a cis man I have not experienced this reality.  
11 But it was trans Latina women who have very  
12 graciously and generously helped me become more  
13 comfortable in my skin as a young queer man of color  
14 even as they experience discrimination every single  
15 day. Today I testify for Essa, Nissa, Valerie, and  
16 the many women who have given so much for us to  
17 simply be and so that one day as a society we could  
18 truly see them. I urge the city and state to do just  
19 that - see these women, repeal the walking law trans  
20 ban, and seal the violations once and for all. Thank  
21 you.

23 CHAIRPERSON ROSENTHAL: You know, I, I  
24 just have to start by thanking this panel for your  
25 leadership. Um, TS Candi, ah, Bianny, you've been in

1  
2 this fight forever, um, and your courage and  
3 leadership is phenomenal. Brian, as usual, you've  
4 knocked it out of the ballpark. You fight so hard  
5 for the LGBTQ+ I, I'm grateful for you. And Jared  
6 taking on these cases and your leadership with the  
7 legal aid, um, attorneys is, um, one can hear your  
8 passion in how you talk about this in such a wise  
9 way. I want to thank you for, um, your perseverance  
10 on this. Um, let's see. I see...

11 MODERATOR: Chair Rosenthal?

12 CHAIRPERSON ROSENTHAL: Yeah?

13 MODERATOR: Before we move to council  
14 member questions we have another panelist available  
15 to translate for [inaudible].

16 CHAIRPERSON ROSENTHAL: Oh, yes.

17 MODERATOR: So, um, I believe, ah, Mateo  
18 Tabares, um...

19 CHAIRPERSON ROSENTHAL: Yeah.

20 MODERATOR: If you are available, ah, the  
21 sergeant will start the clock for a translation in a  
22 moment. Thank you.

23 CHAIRPERSON ROSENTHAL: Thank you, Mateo.

24 MATEO TABARES: Hi, good morning. My  
25 name is Mateo Tabares and I'm going to interpret for

1  
2 Bianny. So she said, good morning, everyone. My name  
3 is Bianny Garcia. I'm a community organizer with the  
4 [inaudible] Project [inaudible] New York. I am here  
5 to share my testimony on how morning, ah, one of the  
6 mornings in 2008 while I was 18 years old, um, and  
7 the second time that I was dressing as a woman I  
8 decided to go out and have fun with my boyfriend.  
9 Ah, but I was stopped and frisked by undercover  
10 police officers on the corner of 86th Street and  
11 Roosevelt Avenue. It was past 4:00 a.m. in the  
12 morning when my partner and I were walking on  
13 Roosevelt Avenue. We were holding hands when all of  
14 a sudden undercover, um, cops got off a van and  
15 pushed me in front of the wall and without my consent  
16 the officers took my bag and threw everything to the  
17 floor. They found condoms and that was enough  
18 evidence of them to accuse me of doing sex work.  
19 Although my boyfriend and I tried to explain that we  
20 were a couple, ah, though we were a couple, the  
21 police didn't believe me and intimidated my partner  
22 with arresting him if he didn't leave the scene. I  
23 began my transition at the age of 17 with older  
24 transgender undocumented friends and they no longer  
25 are in this country because they were profiled as sex

1 workers and were arrested and then deported to their  
2 country of origin. Wanting to express our gender or  
3 dressing sexy is enough for the police to profile  
4 ourselves as sex workers. Um, I'm so sorry. Ah,  
5 wanting to express our gender and dress sexy is not  
6 enough for the police officer, is enough for the  
7 police to profile us as sex workers. New York must  
8 do more to protect transgender, gender nonconforming,  
9 and nonbinary communities. Many of us are afraid to  
10 go to the corner store, ah, go out to dinner or work,  
11 ah, walk with our partners, um, out in public because  
12 of police misconduct and profiling. I know stories  
13 of older transgender women who have to carry their  
14 marriage certificate out of fears of being profiled  
15 as sex workers and being arrested. I demand that New  
16 York City passes Resolution 0923 to repeal the penal  
17 code 240.37, loitering with the intent of  
18 prostitution, because the police use it to justify  
19 their illegal stops and frisk practices against  
20 transgender people like myself. The problem with  
21 this penal code is that it's too broad and gives the  
22 police the freedom to stop at any time without  
23 recognizing the immigration impact it can have on  
24 many of us. These unjustified arrests bring many  
25

1  
2 problems to the transgender sisters when they want to  
3 fix their immigration status because they often end  
4 up in prisons and then deported. Therefore, I demand  
5 that the City of New York commits itself to  
6 pressuring the state to repeal the penal code 240.37.  
7 This is a problem of stop and frisk against our  
8 gender identity and it goes against the values that  
9 the city has committed to, to provide support to  
10 immigrant communities. Thank you, everyone, for your  
11 time.

12                   CHAIRPERSON ROSENTHAL: Thank you, Mateo.  
13 Um, very powerful words. I also want to acknowledge  
14 we've been joined by Council Member Gibson, and I do  
15 see New York State Assemblywoman Paulin here. I just  
16 want to acknowledge you. I know you'll speak later.  
17 But thank you for being here and, um, thank you for  
18 showing us your dog, which brings some joy to 2020.  
19 Um, all right. Ah, let's see, Council Member Rivera,  
20 please.

21                   SERGEANT AT ARMS: Time starts now.

22                   COUNCIL MEMBER RIVERA: Thank you so much  
23 to, to all of the panelists, ah, for sharing your  
24 stories. I guess I'll start with, ah, Mr. Trujillo,  
25 just a couple questions. Um, can you tell us more

1 about how police today use this law to target your  
2 clients? What are the experiences when they are  
3 arrested and how have they reported being treated by  
4 police while in custody?  
5

6 JARED TRUJILLO: Um, so I'll say that,  
7 ah, I, I don't practice in court anymore and, and  
8 people like Jill and so many other folks here, ah, do  
9 still do that, and Melissa, and so many other people  
10 do do that work. Ah, but what I'll say just broadly  
11 the police, the words of police officers themselves.  
12 Ah, in a 2016 legal aid lawsuit an officer admitted  
13 that when he was determining who to target under this  
14 statute he looked for women with Adam's apples. Ah,  
15 we know that sexual, ah, sexual assault and sexual  
16 abuse is the second most common form of police  
17 misconduct and almost no one, maybe no one,  
18 experiences that more, ah, than sex workers and  
19 people that are profiled as sex workers. Ah, you  
20 know, there's just so many instances and stories of  
21 people that are targeted by the statute also talking,  
22 you know, saying that, ah, they've been sexually  
23 harassed, they've been sexually abused, ah, they've  
24 been threatened, ah, just, just, ah, so many  
25 instances of police really weaponizing, ah, this

1 statute, ah, to deprive people of their humanity and  
2 to make people feel unsafe.

3  
4 COUNCIL MEMBER RIVERA: Ah, this, this  
5 brings to mind I had, um, a trans women arrested in  
6 my district, ah, referred in the news as Nicky Stone.  
7 Ah, they were arrested in an unmarked van at a BLM  
8 protest, ah, this summer. I'm just curious as to  
9 what other areas do we need to tackle when it comes  
10 to police harassment and treatment of trans New  
11 Yorkers, particularly trans New Yorkers of color, and  
12 I guess I would also ask, um, for any of the  
13 panelists, especially, ah, TS Candi, you mentioned  
14 your experience. If you can elaborate on your  
15 experience with the police and how this statute has  
16 affected you. I realized they are kind of two  
17 separate questions, but one is just how your  
18 experience, how the statute has affected you  
19 personally. Um, I realize this is a very, very  
20 personal and, and, and sensitive story and experience  
21 that you would be sharing and then considering all  
22 that we've seen, especially over the past few months,  
23 especially with interactions as this movement in New  
24 York over racial injustice that we've really been  
25 forced to reckon with, the other areas we need to

1 tackle when it comes to police harassment and  
2 treatment of trans New Yorkers, particularly trans  
3 New Yorkers of color.

4  
5 TS CANDI: OK, great. Um, well, I will  
6 reiterate, ah, my story for those who, um, are new  
7 here and that, um, never heard my story before. Um,  
8 I was, I was homeless. I was living in a shelter and  
9 I was in the Bronx. And I was coming outside, um,  
10 because the homeless shelter was a nonsmoking  
11 facility. And I was coming outside to smoke a  
12 cigarette. And, um, a vehicle rolled up. Mind you,  
13 I, I, um, went on a tour to actually come up here to  
14 move, but to move to New York. I'm, I'm originally  
15 from the south. And, um, I saw an unmarked vehicle  
16 come out. It was just, it was a, a, like a dark blue  
17 vehicle, um, and it was two guys in the front, two  
18 men in the front, and, um, they had basically saw me.  
19 Um, I was walking out the, the gate and I was  
20 standing like right there by the, the stop sign by  
21 the walkway and I was just smoking a cigarette and,  
22 you know, on the phone, and the officer told me  
23 basically to come here. And he told me, um, he  
24 basically told me that he was gonna arrest me for the  
25 loitering for the purpose of prostitution if I wasn't

1 going to be an informant. So therefore he was like,  
2 um, I need to locate, um, guns and drugs, um, and I  
3 told him, he, they was gonna give me \$1500 for, for,  
4 ah, for guns and drugs and I didn't know and I wasn't  
5 gonna put my life on the line for that. And, um, and  
6 so he gave me another option. He was like so, or you  
7 have to give us oral sex. So they drove me around.  
8 They drove me around, um, I, I, I gave the oral sex  
9 to both officers, and then when they let me go, um, I  
10 hate to say it like this, but I was excited that I  
11 was able to cross the crosswalk without being, um,  
12 entrapped or without being arrested. So to answer  
13 your question, defunding the police is the number one  
14 thing that would help, um, remove the police from,  
15 um, vulnerable communities and the black communities,  
16 um, regentrifying the areas. So a lot of the  
17 polices, um, especially vice, they roam in the areas  
18 where known, um, black trans individuals and Latino  
19 trans individuals...

21 SERGEANT AT ARMS: Time's expired.

22 TS CANDI: ...they, they know our areas.

23 So therefore they, um, due to quotas and things of  
24 that nature that they have to, they have to meet due  
25 to the state law regulations that's put in place for

1  
2 them, they target us and they know that New York is a  
3 one-sided state, so therefore whatever they put on  
4 the citation or on the report the, um, the judge is  
5 going to side with the police. And us black  
6 transgender women doesn't have a, ah, do not have a  
7 voice. So it is really important for us to defund  
8 the police and to keep police out of the black, the  
9 black, um, the black underfunded most marginalized  
10 neighborhoods. We don't need policing in our  
11 neighborhoods. We need you all to invest money into  
12 community. We need more counselors. We need more  
13 teachers. We don't need police in our areas. So  
14 removing the police from historical areas that are  
15 known for black and brown transgender individuals to,  
16 to be at is the number one thing that we need to do.  
17 And we also need to defund the police. So removing  
18 the police, keeping the police away from us, and out  
19 of our areas, and that's most important to us is  
20 removing the police because the police does not help  
21 the police, incriminate the police, the state, the  
22 sexual state sanctioned violence is real. And we  
23 need you all to understand that. The polices get  
24 away with murder as we can see Breonna Taylor. I  
25 yield back.

1  
2 CHAIRPERSON ROSENTHAL: Um, just real  
3 quickly, we've been joined by Council Member Kallos.  
4 And Council Member Rivera, there, there, please keep  
5 going. Um, sergeants, ah, we, we can extend the time  
6 for Council Member Rivera if you have more questions.

7 COUNCIL MEMBER RIVERA: I, I just wanted  
8 to thank the panel and, and, you know, when I  
9 mentioned other areas that we need to tackle when it  
10 comes to police I do think, you know, unmarked  
11 vehicles, the, just the way that protest form is  
12 handle, how people are treated that have been  
13 historically marginalized, I hope that we as a  
14 council and our colleagues in, in the state and in  
15 Washington, um, can really deliver for so many people  
16 that have had these experiences. And I'm, and I'm  
17 sorry and I'm thankful, I'm thankful to be in this  
18 space with you and, and, those, those are my  
19 questions, Chair Rosenthal. I appreciate you, um,  
20 allowing me to have more time.

21 BRIAN ROMERO: Councilwoman, if I may.

22 COUNCIL MEMBER RIVERA: Please, of  
23 course.

24 BRIAN ROMERO: One thing that, um, this  
25 coalition and, and the [inaudible] New York Coalition

1  
2 has also been, ah, intentional about, ah, pushing  
3 amongst our, ah, council members is the need to  
4 defund the vice squad. Um, it is an incredibly  
5 corrupt part of the NYPD and while I echo, um, I  
6 certainly do echo TS Candi's, um, push to defund the  
7 NYPD, a bloated budget that only results in the  
8 criminalization of black and brown lives, um, we know  
9 that, that the vice squad in particular has led to  
10 the death of Yang Song, um, in Queens. And so it's  
11 an incredibly violent squad. It doesn't, ah, promote  
12 safety for anyone. Um, so in addition to what has  
13 been said, I would just, um, insert here that the  
14 vice squad should be eliminated altogether. Thank  
15 you.

16 CHAIRPERSON ROSENTHAL: Um, thank you so  
17 much, Brian. I actually just, I have a quick  
18 question, um, for Jared. You mentioned that, ah, San  
19 Francisco repealed their, um, walking while trans  
20 ban. Have any other localities, ah, done any good  
21 work in this area.

22 JARED TRUJILLO: Yeah, ah, Seattle did,  
23 ah, recently, ah, just this year, ah, this year's  
24 been very long. I believe it was this year. Um, and  
25 a few other, ah, a few other, ah, places are, are

1  
2 working on it. Ah, I know New Orleans is doing a lot  
3 of work on it. Um, D.C. is just doing a lot of work  
4 in general, um, on, ah, sex worker liberation and,  
5 and people that are profiled as such. Um, and the  
6 thing I, I do just want uplift about, ah, Seattle is  
7 that when they did it, they, they, a lot of the  
8 discourse here, um, in New York around, ah, repealing  
9 the walking while trans ban is that not everyone  
10 who's profiled by it is a sex worker, which is  
11 accurate and which is something that we should care  
12 about. In Seattle they did it because of that, but  
13 also because of how sex workers are treated. Under  
14 240.37 currently, um, it's terrible for anyone who's  
15 stopped under it. But there's certain bump-ups if  
16 you do have, ah, past, ah, prior convictions, ah, for  
17 any, under any of the other prostitution, ah,  
18 statutes, and it just, it, it complicates people's  
19 lives further and it makes those collateral  
20 consequences even more dire. So I, I truly do hope  
21 that New York can, you know, be a leader, ah, not  
22 just for the people that are not sex workers that are  
23 profiled under this statute, which is a lot of  
24 people, but also the people that are sex workers.  
25 I'm a lawyer. I'm not a lawyer one hundred percent

1  
2 of the time. Um, I don't want people asking me like  
3 legal questions if I'm just like hanging out at  
4 brunch, sometimes. Ah, you know, if you a sex worker  
5 that, that's not working at the time and you're just  
6 hanging out walking with your boyfriend or walking to  
7 the laundromat you shouldn't be profiled for this,  
8 either.

9 CHAIRPERSON ROSENTHAL: Yeah. Um, and  
10 could you talk a little bit more, ah, from a legal  
11 perspective and I really appreciated TS Candi's, ah,  
12 um, sharing her story. But, um, from a legal  
13 perspective the consequences of convictions and, um,  
14 you know, violations, getting a violation, um, under  
15 240.37?

16 JARED TRUJILLO: Sure. Um, so because  
17 this is, even though this isn't a prostitution-  
18 related offense, ah, it's under the loitering, ah,  
19 portion of the penal law, all the prostitution codes  
20 start with 230. The loitering starts with 240. This  
21 is 240.37. Ah, because it has prostitution attached  
22 to it, the title of it, it's still considered a crime  
23 involving, ah, moral turpitude, ah, which means that  
24 it could complicate someone's ability to address  
25 their immigrant status, ah, to stay in the only

1 country that they've ever called home, um,  
2 [inaudible]. Um, in addition to that, ah, even just  
3 as a violation, which, again, isn't even a criminal  
4 offense, um, it, it could be used, employers can  
5 inquire about it, ah, and a lot of people that have,  
6 ah, that have these violations want to do things like  
7 the home health aides. While this is used, and this  
8 is frequently used to deny someone the opportunity to  
9 do that job and just a whole bunch of other, of other  
10 jobs because employers are allowed to inquire about  
11 it in the first place, um, until 1314 passes,  
12 hopefully soon, um, and then also discriminate  
13 against people, ah, based upon, ah, based upon these  
14 violations.  
15

16 CHAIRPERSON ROSENTHAL: Thank you. Um,  
17 actually, a few more, um, do you have, um, actually,  
18 sorry, I'll come back to you in a second, Jared. Um,  
19 perhaps this is for Brian. Um, but any of the  
20 coalition members here and I'll, I'll give others a  
21 chance to answer this question on future panels.  
22 But, um, does anyone have any statistics around, um,  
23 where the arrests under the loitering law, um, or  
24 public law 240.37 are happening? Council Member  
25 Rivera, ah, alluded to, to the, to the ZIP codes or

1 the precincts where most of this is happening. Um,  
2 but, Brian, if you could just talk a little bit more  
3 about data or the demographics or anything like that?  
4

5 BRIAN ROMERO: Sure. So we mostly see  
6 this in, um, in Queens and Jackson Heights, ah,  
7 predominantly in the Roosevelt Ave area, um, in East  
8 New York, I believe in the South Bronx, but  
9 definitely two ZIP codes in, in Brooklyn. Um, but  
10 the far, like it is by far seen most in the Jackson  
11 Heights area of Queens for sure. Um, and earlier in  
12 the press, ah, presser, ah, we had, um, some of the  
13 member elect, ah, [inaudible] Rojas speak and it has  
14 been part of that district as well in terms of  
15 assembly district but mostly, um, in the areas of,  
16 ah, actually where Councilman Danny Dromm is, um,  
17 would have been great, um, to have had him on the  
18 presser, but he understands this issue well and, and  
19 actually, and it's, it's very public, he's spoken  
20 about this, but Councilman Dromm himself has been,  
21 ah, arrested under this statute.

22 CHAIRPERSON ROSENTHAL: Yeah. His lived  
23 experience and his passion, um, has been the driving  
24 force on this council for the past 11 years. He's  
25 been an extraordinary leader, so I appreciate your

1 mentioning him, Brian. Um, I, I have one more  
2 questions for Jerry and then, Jared, and then, um,  
3 Chloe, I know you want me to come back to you. But,  
4 um, just to keep the flow for this one second. Ah,  
5 Jared, as a lawyer, um, ah, it is our understanding,  
6 and can you help us, ah, clarify this for the record?  
7 Is it the case that all five district attorneys in  
8 New York City have said they will decline to  
9 prosecute arrests for loitering, um, for the purposes  
10 of prostitution and how long has that been the case?  
11

12 JARED TRUJILLO: Well, it, it's certainly  
13 not the case for all five.

14 CHAIRPERSON ROSENTHAL: Oh.

15 JARED TRUJILLO: Um, there are some  
16 district attorneys, but, ah, that doesn't include  
17 Staten Island. Ah, Madeline Singas, ah, in, in  
18 Nassau County has, ah, has stopped prosecuting. But  
19 there's not a lot of arrests that happen in Staten  
20 Island. Um, so I, I believe, so Brooklyn, I believe,  
21 was last year. Um, Queens was also pre recently as  
22 well. Um, I don't know if, 2020 has been a weird  
23 year because people aren't really walking, so it's  
24 hard to, you know, not a lot of people arrested under  
25 this statute 'cause no one has been outside for a

1 long part of the year. Um, the arrests were  
2 certainly down this year. Ah, but, um, Queens said  
3 that they would and the Bronx said that they would as  
4 well. Um, however, something that they did in, ah,  
5 Chesa Boudin did in San Francisco is he also declined  
6 to arrest people that, or to prosecute people that  
7 were arrested under the pretext of the statute. Um,  
8 pretext meaning, you know, like really just a legal  
9 excuse, ah, to put someone in handcuffs and throw  
10 them into a cage. And it would be great if the  
11 district attorneys in, um, in New York City would do  
12 that as well. Um, you know, of course we don't want  
13 anyone prosecuted under this statute, but we also  
14 don't want like someone picked up under the statute  
15 and then prosecuted for like having a little bit of  
16 weed, or for what other, whatever other, ah, thing  
17 that NYPD wants to incarcerate someone for.

19 CHAIRPERSON ROSENTHAL: Ah, you did not  
20 mention the Manhattan DA?

21 JARED TRUJILLO: Yeah, ah, Manhattan  
22 hasn't prosecuted these for a while. I, I don't know  
23 the year, but it's been a while.

24 CHAIRPERSON ROSENTHAL: OK, great. Um,  
25 but can I just get for the record, do you happen to

1 know the reasons why, um, Layleen Polanca's case was  
2 not prosecuted?

3  
4 JARED TRUJILLO: Ah, so Layleen's case  
5 actually it wasn't under this statute, it was under a  
6 different statute, under 230.

7 CHAIRPERSON ROSENTHAL: Right.

8 JARED TRUJILLO: Yeah. Ah, so, so she  
9 wasn't prosecuted because she was going through the  
10 human trafficking...

11 CHAIRPERSON ROSENTHAL: [inaudible] why  
12 DOC wasn't prosecuted?

13 JARED TRUJILLO: Oh, why DOC wasn't  
14 prosecuted?

15 CHAIRPERSON ROSENTHAL: For [inaudible].

16 JARED TRUJILLO: Um, yeah, so Deisha  
17 could probably speak to this and, and the folks at  
18 ABP could speak to this better than I could.

19 CHAIRPERSON ROSENTHAL: OK, OK, fair.  
20 Thank you. Sorry, just on a roll. Ah, um, if, I'll  
21 pass it back now to Chloe Rivera.

22 MODERATOR: Thank you, Chair Rosenthal.  
23 I will now call on council members who have questions  
24 in the order that they have raised their hands using  
25 their raise hand function in Zoom. I also just want

1  
2 to note that panelists' hands will be lowered as they  
3 are called via panels. Ah, council members, if you  
4 would like to ask a question and you have not yet  
5 used the raise hand function in Zoom please do so  
6 now. Also, please remember to keep your questions to  
7 five minutes. The Sergeant at Arms will maintain a  
8 clock and a member of our staff will unmute you. You  
9 may begin after I call on you and the sergeant gives  
10 you the cue. We will now hear questions from Council  
11 Member Lander and Council Member Kallos. Ah, Council  
12 Member Lander.

13 SERGEANT AT ARMS: Your time starts now.

14 COUNCIL MEMBER LANDER: Ah, thank you so  
15 much Chloe. And I just want to start with thank-  
16 yous. Ah, Chair Rosenthal, really grateful to you  
17 for convening this hearing and Council Member Rivera  
18 for your leading on this issue in the city and  
19 fighting, ah, and organizing us to fight at, at the  
20 state level. And of course especially, um, to TS  
21 Candi, um, and to Ms. Rivera and to everyone who is  
22 going to testify, ah, excuse me, to Ms. Garcia, to  
23 everyone who is going to testify today like the  
24 courage you show, like it, it, it makes the hearing  
25 powerful in a way that just goes beyond the value

1  
2 even of the resolution and the fight. You know, I  
3 think a lot of us like marched in the streets in June  
4 and July saying that black trans lives matter, um,  
5 but like understanding what that really means. all  
6 the ways in which our laws make it not true, all the  
7 ways in which we show we don't act right now as if  
8 they matter, and the ways in which that just like  
9 fundamentally dehumanizes all of us, ah, if we aren't  
10 doing what's necessary to stand up for your humanity,  
11 like we're just dehumanizing all of us. So it's  
12 painful to hear the stories, um, but I'm really  
13 grateful for your leadership and courage and for your  
14 bringing them here, like Zoom is like a hard place to  
15 tell painful stories, not that it's ever easy, but  
16 I'm really grateful for it, so, and of course, ah,  
17 Brian and Jared thank you for, for your work in the  
18 fight. Um, mostly I just want to say thank you, but  
19 I guess, um, I will ask, um, because we have more  
20 work to do, obviously this is an area where people's,  
21 um, prejudices have shifted rapidly through people  
22 doing the work and organizing and telling their  
23 stories and fighting, like attitudes are changing,  
24 you know, where it's showing up, we're like  
25 identifying ourselves and understanding why with our

1  
2 pronouns. We're trying to change this law, but we  
3 got a lot more work to do. Like I still deal with a  
4 lot of people in my life who, um, who don't get it,  
5 who aren't comfortable enough yet, and I guess I just  
6 want to ask what you think it is effective in moving  
7 people on this issue, like we still have some work to  
8 do not only to change the law at the state level,  
9 though that's obviously like a fight, a legislative  
10 fight, but we have work to do in our neighborhoods  
11 and our, our lives and I just wonder, ah, you know,  
12 what you think we can be doing that is most effective  
13 in, you know, winning hearts and minds and changing,  
14 you know, people's attitudes on this issue so we can  
15 change both, you know, how we police and how we don't  
16 police, um, and get rid of the vice squad and change  
17 the law, but also just make all of our workplaces and  
18 neighborhoods and organizations and communities, um,  
19 fully equal and embracing [inaudible].

20 JARED TRUJILLO: I can, unless someone  
21 else wants to.

22 BRIAN ROMERO: Well, I was just gonna  
23 add, add on to here, um, and I wanted to go, circle  
24 back on [inaudible] 'cause I know it's a little scary  
25 here today. Folks, bear with me. Um, but we really,

1  
2 I mean, I, I, I really do think that systemic change  
3 and legislative work really does help to shape hearts  
4 and minds, and so I am very grateful for the council  
5 members who are on here today and yet, ah, the data  
6 that we've gotten is that this has happened in  
7 Council Member Barron's district, this has happened  
8 in Council Member Adams' district, this has happened  
9 in Council Member Moya's districts, right? Um, when  
10 we look at where the, ah, majority of arrests are,  
11 certainly Dromm's, right? Um, so we need the council  
12 to be champions for these causes, right? To be  
13 here, to listen to the stories, to take those  
14 stories, to go back to the districts, to have town  
15 halls, to have folks listen to directly impacted  
16 folks, tell their stories, right? Um, to humanize  
17 the experiences, right? We need, um, certainly our  
18 partners in Albany to understand that, um, a tweet  
19 means very little if they're not willing to put, ah,  
20 the political courage behind passing these bills,  
21 right? These bills have overwhelming support, as has  
22 been said before, right? We just need leaders to  
23 bring them to the floor for votes, as much in the  
24 council, as much as in the Assembly, and as much as  
25 in the Senate. And what we don't need is for folks

1  
2 to worry that because they're in marginal seats or  
3 because of ways in which they'll be considered,  
4 right? That it's not politically expedient. Well,  
5 excuse me, f- that, right? Because communities don't  
6 care for, about, about political expediency. They're  
7 being murdered every single day, right? So what we  
8 need is for our elected officials to be really  
9 inconvenienced in supporting these issues in their  
10 communities, in the chambers, with their leaders,  
11 particularly when it's most inconvenient. To say  
12 that, um, yeah, they'll tweet about black, black  
13 lives and black trans lives, but beyond that they're  
14 willing to expend the political capital to do what is  
15 right, to say that a vote must be held here and now.  
16 And that's just step one, right? But certainly, as  
17 we've talked about...

18 SERGEANT AT ARMS: Time expired.

19 BRIAN ROMERO: Thank you.

20 COUNCIL MEMBER LANDER: Thank you.

21 CHAIRPERSON ROSENTHAL: Brian, did you  
22 want to finish your thought? What do you think? OK.

23 BRIAN ROMERO: Thank you. I was just  
24 gonna say that, I mean, I was just gonna say that  
25 many of us, as Council Member Lander said, we're out

1  
2 there across the city and state, right, in the midst  
3 of a pandemic, right, fighting for black lives  
4 because we understand that our liberation and our  
5 lives are deeply connected and tied to our siblings'  
6 lives and their safety. That if we truly believe  
7 this, right, we are willing to risk that, right? We  
8 need our elected officials to take more risks, right?  
9 We, we understand the complexities that come in with  
10 it, but frankly when we go back to our communities  
11 they don't care, and they don't need to care. That's  
12 not their responsibility to care. It's for our  
13 government to do what is right. That's all that I  
14 want to say. Thank you, Councilwoman Rosenthal.

15 MODERATOR: Thank you. Next we will have  
16 Council Member Kallos for questions.

17 SERGEANT AT ARMS: Time starts now.

18 COUNCIL MEMBER KALLOS: Ah, thank you to  
19 women and gender equity chair Helen Rosenthal, for  
20 hearing this important issue and elevating it, to  
21 Council Member Rivera for sponsoring these two  
22 resolutions. I'm a cosponsor of both. Also to  
23 committee staff, Brenda McKinney, Chloe Rivera,  
24 Monica Pempel, for your work on these resolutions and  
25 to change the world around us. I also want to thank

1  
2 you for adding my pronouns of he, his, him, as per my  
3 request. TS Candi, thank you for sharing what  
4 happened to you. What NYPD put you through is  
5 horrible, it shouldn't have happened to you, and it  
6 should never happen again. I owe you an apology for  
7 voting to increase the number of police officers in  
8 our city and that's part of why I voted against the  
9 budget because it did not actually defund the NYPD  
10 and I'll continue to do the work that you are asking  
11 for and others are asking for to hold a billion  
12 dollars from funding from the NYPD to invest it in  
13 communities harmed by over-policing, including the  
14 black trans community, ah, you so eloquently, ah,  
15 spoken to. Ah, I have, ah, a couple of questions.  
16 Um, one is, ah, what could the City Council do to  
17 uplift trans women and another one is just, ah, um,  
18 in what you've been talking about and, and TS Candi  
19 and your own experience, ah, there are, what, what is  
20 the story here in terms of, ah, the, the, how  
21 problematic this law is even when, um, we're not  
22 seeing the same level of prosecutions as one would  
23 expect for the number of people who are stopped for  
24 it.

1  
2           JARED TRUJILLO: I, I can briefly answer  
3 that second part. Um, so, it's, the problem is  
4 twofold. One, because we just have a massive amount  
5 of violations that are, that people are still, ah,  
6 being discriminated, ah, for, ah, for having. Ah,  
7 you know, the first year that the statute passed over  
8 9700 people were arrested for it. Um, so until, um,  
9 until the state realizes, ah, both resolutions, like  
10 those people are still gonna be impacted. Also, it's  
11 great if a DA declines to prosecute a case, but how  
12 long is that person sitting in custody? Sometimes up  
13 to a day, sometimes a little bit longer 'cause, you  
14 know, people run roughshod all over the Constitution  
15 all the time. Um, that, and, again, the people  
16 arrested under this is often trans women. Jail is  
17 not fun for anyone. Ah, for trans women it can be  
18 deadly. Um, so just the fact that the statute is  
19 still on the books and it gives police the ability  
20 to, to, ah, to arrest someone, um, under it and to  
21 interfere with that person's life, um, it's, it's  
22 gonna be a problem.

23           MODERATOR: Thank you. Council Member  
24 Kallos.

1 COMMITTEE ON WOMEN AND GENDER EQUITY 44  
2 COUNCIL MEMBER KALLOS: Ah, hoping to  
3 hear from TS Candi, who I think was just unmuted.

4 TS CANDI: Yes, um, I'm so sorry you all.  
5 Um, that was [inaudible] that was, um, just a  
6 disconnected call. Um, I want to be able to live. I  
7 just want to be able to, well, actually learn how to  
8 live. I just want to be able to walk down the street  
9 and feel as if I don't have to worry about someone  
10 stopping me because of fashion, because of what I'm  
11 wearing. Fashion has criminalized black trans  
12 [inaudible] women. Fashion has killed us. Fashion  
13 has made us, made vice police officers do sexual  
14 violence against us. And no one hear us.

15 COUNCIL MEMBER KALLOS: I, I'm here to  
16 hear you and listen. I think, one other question,  
17 and one my colleagues shared an experience that Danny  
18 Dromm had and just can you share some of the reasons  
19 why folks might be hanging out on the street 'cause  
20 like I, I grew up in New York City and I had a single  
21 mom [inaudible] school lunch and so like for me like  
22 there was no houses to hang out with. There were no  
23 back yards, like if you were hanging out and school  
24 was over at 3 or 4, it got dark out, like it was on a  
25

1  
2 stoop or it was in a park. Um, can you share about,  
3 um, the...

4 TS CANDI: Yes...

5 COUNCIL MEMBER KALLOS: ...how folks end  
6 up in a place where the cops can interact with you?

7 TS CANDI: Well, we have leaders and  
8 leadership that given DHS and the homeless, homeless  
9 shelters and private sectors...

10 SERGEANT AT ARMS: Time expired.

11 TS CANDI: ...and, and corporations,  
12 opportunities to, I mean, giving them a reason to  
13 evict us and throw us out of housing. So due to a  
14 lot of us being thrown out of housing into the  
15 streets, where else can we go, we in the streets.  
16 Where can we go? When sometimes a lot of us are  
17 runaway youths because we are, we don't know who we  
18 are or we trying to define our identity and no one  
19 understands us, and we go ACS and there's no bed for  
20 us. Or they have us in an area and they just  
21 generally mistreat us, so we go back to, go back into  
22 the streets. So it's really, really important to  
23 understand that we don't want to be in the streets.  
24 We don't choose the streets. You all choose the  
25 streets for us because you all don't understand our

1  
2 humanity, because y'all don't understand who we are  
3 as an individual. Because y'all are scared to  
4 understand us and because of fear, because of y'all  
5 face fear, because of y'all fear, y'all criminalize  
6 us because of y'all experience, because y'all  
7 scarcity, and make us live out of scarcity, to not  
8 want to live our truth. It's not us. We don't want  
9 to be in them streets. We want housing. We want  
10 employment. We want education. We need it. We  
11 don't want, we need. That's a need. But y'all take  
12 away our needs. And then we're not stealing. We're  
13 not killing. But we are, we are the ones that  
14 getting killed. And, and, and we are just trying to  
15 live and we are utilizing our body, y'all criminalize  
16 the world's oldest profession. So and, and, and some  
17 of us is not even, some of us when we get stopped and  
18 frisked it makes us vulnerable. Sometimes law  
19 enforcement is the ones that introduce us to it  
20 because they tell us about it and they make us do it.  
21 And then they throw us into solitary confinement and  
22 now we dead. But we all know that the criminal  
23 justice system wasn't written to protect the black  
24 and brown lives. It was, officers who just want to  
25 meet their quotas and they know where to go to meet

2 their quotas, and that's to our areas. Because they  
3 have to meet their quotas. So we don't choose to be  
4 in them streets. Understand that. Understand due to  
5 policies, not including those that are infected, they  
6 written us out. We're written out. So look at us  
7 now, now this. I yield back my time.

8 COUNCIL MEMBER KALLOS: Thank you. You  
9 have my full support.

10 MODERATOR: Thank you, Council Member  
11 Kallos. I will now call, ah, seeing no other council  
12 members waiting to ask questions I will now turn it  
13 back to Chair Rosenthal for additional questions.  
14 Chair Rosenthal.

15 CHAIRPERSON ROSENTHAL: Thank you, ah,  
16 Chloe. I just really want to thank the panelists  
17 again. Thank you for your time. Thank you for your  
18 investment in addressing this issue. Thank you for  
19 being here.

20 MODERATOR: Thank you, Chair Rosenthal.  
21 I will now call witnesses in order for the second  
22 panel of public testimony. Mateo Tabares, TGNC  
23 justice leader, organizer, Make the Road New York.  
24 Norma Ureiro, activist organizer from Make the Road  
25 New York, and Jennifer Orellana, activist organizer

1 from Make the Road New York. Once your name is  
2 called a member of our staff will unmute you and you  
3 may begin your testimony. Remember that there is a  
4 few-second delay when you are unmuted before we can  
5 hear you. Please wait for the Sergeant at Arms to  
6 announce that you may begin before starting your  
7 testimony. I will now call on Mr. Tabares.

9 SERGEANT AT ARMS: Time starts now.

10 MATEO TABARES: Hi, good morning,  
11 everyone. My name is Mateo Guerrero, um, and I'm the  
12 TJNCAQ organizer at Make the Road New York. Today  
13 I'm testifying on the city's need to pass Resolution  
14 0923, um, and also I'm here to voice the importance  
15 of passing the legislation 1314 in order to protect  
16 black and brown transgender [inaudible] binary queer  
17 communities in New York City. Make the Road New York  
18 is a membership-based organization that builds the  
19 power of Latinx and working-class communities to  
20 achieve dignity through justice, organizing policy  
21 innovation, transformative education and survival  
22 services. One of our, ah, committees is the Trans  
23 Immigrant Project. It is a community organizing  
24 project led by and for trans women of color in  
25 Jackson Heights. Ah, during our TRIP meetings, ah,

1 we frequently discuss the violence and discrimination  
2 that our trans communities are facing, whether it is  
3 at the hands of strangers, employers, landlords, um,  
4 or police, and we also discuss the alternatives to  
5 address these issues by its roots. And so one of the  
6 forms of violence that is constantly brought up  
7 during the meetings is, um, the one that TJNCAQ and  
8 the communities are facing by, ah, as a result of  
9 being targeted by the police, um, by being questioned  
10 and stopped without any reason. And so Section  
11 240.37 of the New York Penal Law gives the police  
12 excessive discretion and emboldens [inaudible]  
13 policing against transgender and gender nonconforming  
14 community members. And, ah, TRIP members,  
15 particularly transgender immigrant women and women of  
16 color, um, like we heard from Yanay and soon we will  
17 hear from Norma and Jennifer, have, um, have stories  
18 about being arrested and profiled merely for standing  
19 outside and speaking to one another, walking with  
20 their partners and other friends, or just walking  
21 from the subway to their home. Oftentimes they are  
22 followed by police cars with flashing lanterns,  
23 rushing them to open the door to their house to  
24 confirm that they are not in the area with the  
25

1 intention for loitering, ah, for prostitution. This  
2 level of harassment comes with intimidation tactics,  
3 violence, and constant gender-based harassment from  
4 police officers and, as some other folks have  
5 mentioned, it has also resulted in sexual assault for  
6 many of our community members. Not only does this  
7 have an emotional, mental, and economic impact on our  
8 TGNCNB communities, it also results in immigration  
9 consequences. For immigrant purposes it doesn't  
10 matter if the person's record has been sealed. The  
11 person has still, ah, has to answer the question of  
12 whether or not they have been arrested in the past  
13 and they're forced to, ah, forced to explain the  
14 reason for the arrest. The disclosure of the arrest  
15 is what leads to a potential obstacle in, um,  
16 addressing their immigration status, um, and this is  
17 indeed a threat, ah, to transgender nonbinary  
18 immigrants who have come to the United States to find  
19 relief from violence, um, at home. The idea of New  
20 York being a sanctuary city, ah, does not include  
21 black and brown transgender immigrant women and, ah,  
22 therefore that is the duty of New York City, ah, City  
23 Council to end the pipeline from criminalization to  
24  
25

1                   deportation. And to summarize I, I want to share  
2                   that...

3                   SERGEANT AT ARMS: Time's expired.

4                   MATEO TABARES: ...[inaudible] members,  
5                   um, are intimately familiar with the, ah, biased  
6                   policing encouraged under Section 240.37. This law  
7                   has devastating consequences for our community  
8                   members who are not only in the legal system, but,  
9                   criminal legal system, but also in, by immigration  
10                  enforcement, and so the City Council must commit to  
11                  pressure the state to repeal the penal code 240.37  
12                  now and end this racist and transphobic penal code  
13                  that has been part of the New York State law books,  
14                  ah, for over four decades. Thank you, everyone.

15                  MODERATOR: Thank you. Ms. Ureiro.

16                  SERGEANT AT ARMS: Time starts now.

17                  NORMA UREIRO: [speaking in Spanish]

18                  MODERATOR: Thank you for translation.

19                  We will now turn to Mr. Guerrero.

20                  MATEO TABARES: Hi, everyone. Um, so I'm  
21                  going to interpret for Norma. Ah, my name is Norma  
22                  [inaudible]. Good afternoon, everyone. I'm a  
23                  transgender woman from Mexico and I'm here to demand  
24                  that the City Council pass the Resolution 0923 to  
25

1 repeat the penal code 240.37, loitering with the  
2 intent for prostitution, because the police is using  
3 this penal code to discriminate, discriminate,  
4 harass, and criminalize transgender women like  
5 myself. I'm gonna be very brief. Um, I'm gonna  
6 share my story. I was stopped by the police while my  
7 boyfriend and I were walking down, ah, on 93rd Street  
8 and Roosevelt Avenue. We were coming out of a party  
9 and the police decided to arrest us, thinking that he  
10 was a client. I told the police that he wasn't a  
11 client, that he was my boyfriend, that I had his name  
12 tattooed on my body. But they didn't believe me.  
13 They still chose to not believe us. Um, they still  
14 arrested us and took us, um, into the precinct. Um,  
15 then later on I was also arrested for walking down  
16 the street. Um, a police officer saw me, stopped me,  
17 and found condoms in my bag. Um, and that was just  
18 enough of a reason for them to give me a charge on  
19 prostitution. Um, and like [inaudible] mentioned  
20 many of our, of my transgender friends and siblings,  
21 um, have been deported based on these interactions  
22 with the police. I was also deported for walking  
23 down the street and carrying these condoms. This,  
24 ah, interaction with the police is what led to my  
25

1  
2 deportation a couple of years ago, um, and it is not  
3 fair for the police to continue to do this. Ah, I  
4 also want to share that, um, that mistreatment and  
5 misconduct of the police is ongoing. Even when I  
6 have tried to talk to them, um, they make fun of my  
7 accent, they make fun of my appearance as a  
8 transgender women, um, and they many times, many  
9 times have forced, forced me to say my male name.  
10 Um, when you are walking down the street, um, they  
11 put loudspeakers telling us to go home. They keep on  
12 harassing us, and this is unfair and this needs to  
13 end now. Thank you, everyone.

14               MODERATOR: Thank you. Next we will hear  
15 from, ah, Ms. Orellana.

16               SERGEANT AT ARMS: Time starts now.

17               JENNIFER ORELLANA: Hello. [inaudible]  
18 you hear me?

19               MODERATOR: Si.

20               JENNIFER ORELLANA: OK. [speaking in  
21 Spanish]

22               SERGEANT AT ARMS: Time expired.

23               JENNIFER ORELLANA: [speaking in Spanish]

24               MODERATOR: Thank you. For translation  
25 we will now turn to Mr. Guerrero.

1  
2 MATEO TABARES: Hi again. Um, I'm gonna  
3 interpret for Jennifer. So my name is Jennifer  
4 Orellana. Um, I am a transgender women and I'm 48  
5 years old and I'm Puerto Rican. I'm here to testify  
6 on Resolution 0923. For over, ah, for over 20 years  
7 I have dedicated myself to the entertainment business  
8 and that I work in various clubs on Roosevelt Avenue,  
9 a well-known avenue since there are many LGBTQ clubs  
10 located in this area. On Saturday, June 21, on the  
11 eve of the gay parade in Queens, I was working at a  
12 [inaudible] club located on 77th and Roosevelt  
13 Avenue. And when I was finishing my show around 1:45  
14 a.m. I left the club with my suitcase, headed to  
15 another club called Music Box, which is located on  
16 74th Street and Roosevelt Avenue. Suddenly at the  
17 corner of 75th Street, ah, a guy, ah, gets out of a  
18 vehicle, um, and then he stops me and asks me what  
19 are you doing here. I told him that I was going to  
20 Music Box, ah, which is a club, to work as a  
21 performer. Then he asked, he answered that he knows  
22 what I'm doing in the streets, um, and then he  
23 proceeded to look inside my bag without my consent,  
24 um, and he saw my outfits and then he said that I  
25 was, um, ah, that I was looking for clients. Um, he

1 told me to keep walking and to go to the club, but  
2 that if he saw me again walking on Roosevelt Avenue  
3 he was going to arrest me. The officer was accusing  
4 me of looking for clients and working as a sex worker  
5 solely based on my gender identity and the clothes  
6 that I was wearing. Ah, the cop got into the car and  
7 then followed me until I got to the club. He  
8 followed me over two blocks with really bright lights  
9 and everyone was surprised, ah, to see the police  
10 escorting me in that way. Um, after finishing my  
11 show around 4:00 a.m. I went to take a taxi and I  
12 realized that the vehicle was still parked on the  
13 corner of 74th Street, probably waiting for me to get  
14 out of Music Box or waiting for other, ah,  
15 transgender women to arrest them. Um, and he gave me  
16 a sign letting me know that he was surveilling me and  
17 watching after me. Ah, today as a transgender women  
18 I demand that we have the right to walk freely in the  
19 streets and to end this harassment from the police,  
20 um, and to pass the Resolution 0923 to pressure the  
21 state to repeal penal code 240.37. It is time to end  
22 discrimination and harassment just for who we are,  
23 um, because our existence is our resistance. Thanks,  
24 everyone.  
25

1  
2           MODERATOR: Thank you for your testimony.  
3 Before I turn to Chair Rosenthal for questions, I'd  
4 like to remind council members to use the raise hand  
5 function in Zoom to indicate that you have a question  
6 for this panel. Chair Rosenthal.

7           CHAIRPERSON ROSENTHAL: Thank you so  
8 much, ah, Chloe. Ah, I know I'm stating the obvious  
9 but, um, Ms. Garcia, Ms. Ureiro, and Ms. Orellano, I  
10 see you, I recognize who you are. You are powerful,  
11 you are beautiful, and, um, I'm sure it's not easy to  
12 tell your story over and over and over again. You  
13 should know that by doing so you are helping us. You  
14 are helping us push legislation to stop this terrible  
15 behavior on behalf of the police department. What  
16 has happened to you is outrageous. It shouldn't  
17 happen to anyone. Um, I am just honored to be in  
18 your presence. Um, I do have one question that  
19 anyone should feel free to answer. Um, and it's that  
20 I'd like to hear a little more, if possible, about  
21 the Trans Immigrant Project. Mateo, maybe you can  
22 talk about this? Um, you talked about it being led  
23 by and for trans women of color. So I just want to  
24 hear a bit more from this panel about the work you're  
25

1  
2 doing, the challenges and needs facing trans  
3 immigrant women of color. Thank you.

4 MATEO TABARES: Ah, thank you very much  
5 for that question. Um, so the Trans Immigrant  
6 Project is a project of, ah, Make the Road New York.  
7 Ah, we're located in Brooklyn and Queens. Ah, TRIP  
8 is particularly located in Queens, and a lot of the  
9 work that we do is to, um, provide support and  
10 protection for our trans communities. It is led by  
11 transgender and gender nonconforming individuals, ah,  
12 Biany and transgender women, the same for, for  
13 Jennifer and Norma, and I myself a transgender man,  
14 um, all of us who are immigrants in this country and  
15 who have faced, ah, several obstacles in trying to  
16 adjust our status, um, and what we do at Make the  
17 Road is that, um, we think about, we, we advocate for  
18 different health policies, ah, police accountability  
19 policies, um, that can protect our transgender women  
20 as well as, um, housing issues. And so, ah, again,  
21 they can share more about this. Um, particularly one  
22 of the things that has impacted our community is the  
23 interactions with the police. We are also in the  
24 fight to defund the NYPD and definitely advocating to  
25 end the vice squads, ah, that has, ah, constantly

1  
2 harassed many of us, including me, um, at one of our  
3 local bars here in Jackson Heights. Um, so one, one  
4 of the ways to end that form of violence is reducing  
5 the contact and interaction between the police with  
6 our community members, um, and that is why it is  
7 important to repeal penal code 247 and also to pass  
8 many more legislations that end the criminalization  
9 of poverty and the criminalization of existence, and  
10 as Brian mentioned earlier, um, it is important that  
11 our laws reflect, ah, or that our laws actually  
12 encourage our communities to change and shift, if the  
13 city and if the city make a statement where they say  
14 that transgender women are not to be profiled just  
15 for existing then our communities will follow. Um,  
16 so that, that is all. Thank you.

17 CHAIRPERSON ROSENTHAL: I invite anyone  
18 else who would like to respond. Um, Ms. Garcia.

19 BIANEY GARCIA: So [inaudible], ah, Mateo  
20 is going to help me with interpretation. [speaking  
21 in Spanish]. Thank you.

22 MATEO TABARES: All right, for the  
23 purposes of translation this is for, from Bianey. Ah  
24 TRIP, the Trans Immigrant Project, was born in 2006-  
25 2007, um, to create a space for, for youth to share

1 their identity and explore their, ah, sexual  
2 orientation. Um, however, with the passing of time  
3 and more attention there women who were coming to the  
4 group, um, that was originally for youth. Um, they  
5 started bringing issues about [inaudible]  
6 discrimination, police violence, and police abuse,  
7 survival of hate violence, um, and discrimination in  
8 housing. Um, and so we created a support group for,  
9 particularly for transgender women. Um, we do  
10 everything possible to continue to organize our trans  
11 communities and learn about the [inaudible] and share  
12 the rights. Um, in the past many transgender women  
13 were assaulted in the streets, um, and they were  
14 afraid to even say that out loud, just for existing  
15 in public, um, but now they know their rights and,  
16 um, they have the support to navigate this, ah, forms  
17 of violence. In many occasions I have had to, um,  
18 ah, support sex, sex workers, um, when interacting  
19 with the police because the police we know that it  
20 doesn't exist for us. Um, I have seen how the police  
21 laughs at sex workers and, and many of us, ah, who  
22 identify as trans because of our gender identity, um,  
23 and I see how we are a joke to the police.

25 CHAIRPERSON ROSENTHAL: Thank you.

2 MODERATOR: Ah, we will now turn to, ah,  
3 Council Member Darma Diaz for questions.

4 SERGEANT AT ARMS: Time starts now.

5 MODERATOR: Council Member D. Diaz, a  
6 member of our staff should have, ah, requested to  
7 unmute you, and you just need to accept. Um, please  
8 let us know if it's a different problem.

9 CHAIRPERSON ROSENTHAL: Chloe, may I  
10 suggest we, um, turn to Council Member Ayala while  
11 the, um, technical issues get worked out with Council  
12 Member D. Diaz?

13 MODERATOR: Yes, of course. Ah, please,  
14 Council Member Ayala.

15 SERGEANT AT ARMS: Time starts now.

16 COUNCIL MEMBER AYALA: Thank you, thank  
17 you. Um, I, I don't have question 'cause I think all  
18 of my questions have actually been answered quite,  
19 ah, thoroughly throughout this, ah, this hearing. I  
20 want to thank Chair Rosenthal and, and Council Member  
21 Rivera for really leading this conversation. Um, I'm  
22 happy to be a cosponsor, ah, as well [speaking in  
23 Spanish].

2 CHAIRPERSON ROSENTHAL: Council Member,  
3 I, I think it was beautiful of you to thank them in  
4 Spanish. Um, may I ask you to translate...

5 COUNCIL MEMBER AYALA: Yes.

6 CHAIRPERSON ROSENTHAL: ...a summary?

7 COUNCIL MEMBER AYALA: But I just wanted,  
8 I just wanted to share that, um, one, I'm very proud  
9 of the testimony today. I know that it is not easy  
10 to, um, to come into this type of forum and share  
11 information that makes us all feel vulnerable, but  
12 that it is important as part of this work, um, to  
13 share these stories, because they're not just our  
14 stories, they are the stories of our neighbors and  
15 our sisters and our partners, um, and that these  
16 testimonies help us as a legislative body to help  
17 the, the trans community, um, feel safer in their own  
18 communities, and it helps us do the work that we need  
19 to do. So I wanted to, to just express how proud I  
20 am, um, of everything that has been said here today,  
21 of all of the advocacy work. Um, I know so many of  
22 you, um, on this panel today and I know how hard you  
23 work each and every single day, and I wanted to  
24 reiterate that we are partners in this and that you,  
25 you know, I hope that you consider us, um, you know,

1  
2 partners in, in, in your efforts, um, and just to say  
3 thank you.

4 CHAIRPERSON ROSENTHAL: Council Member,  
5 thank you for sharing that in Spanish and English.  
6 Really appreciate you.

7 COUNCIL MEMBER AYALA: Gracias, Helen.

8 MODERATOR: Ah, thank you, Council Member  
9 Ayala. Can you see if Council Member D. Diaz is able  
10 to speak? It seems we are having technical  
11 difficulties. Um, we will now, not seeing any more  
12 council member hands raised we will now move on to  
13 the next panel. I will call witnesses in order for  
14 the third panel of public testimony. Once your name  
15 is called a member of our staff will unmute and you  
16 may begin your testimony. Remember that there is a  
17 few-second delay when you are unmuted before we can  
18 hear you. Please wait for the Sergeant at Arms to  
19 announce that you may begin before starting your  
20 testimony. I will now call on Eisa Crespo.

21 SERGEANT AT ARMS: Time starts now.

22 EISA CRESPO: I'm sorry, did you say  
23 Alisa?

24 MODERATOR: Yes, you can begin.  
25

1  
2           EISA CRESPO: Thank you, I appreciate  
3 that. Ah, so first and foremost I, I just want to  
4 start by saying that this is a racial and gender  
5 justice issue. Um, you know, penal law Section 247  
6 is, is not only archaic, but it primarily impacts  
7 women of color, as you know, particularly trans women  
8 of color, which is why we're all here. Um, trans  
9 women and women of color should not be profiled  
10 because of how they dress or who they choose to  
11 congregate with, or where they choose to congregate.  
12 Trans women have been arrested for walking down the  
13 street with their spouse, it's absurd. And there are  
14 real life consequences as a result. Some of our  
15 undocumented trans sisters have ended up in the hands  
16 of ICE because of penal law Section 240.37.  
17 Moreover, I believe that the NYPD vice squad that  
18 executes this law should not exist. In a time when  
19 people are facing evictions, when our infrastructure  
20 is crumbling, when we don't have enough funds to, to  
21 have adequate PPE for essential workers, targeting  
22 women of color with the vice squad and Section 240.37  
23 is a waste of taxpayer dollars. There are even  
24 allegations of vice squad members sexually assaulting  
25 and abusing women of color who are profiled under

1  
2 this penal law. I have first-hand experience with  
3 vice squad officers, an experience that has caused me  
4 to suffer post-traumatic stress disorder for years  
5 after one of them pointed a gun to my head. So, very  
6 frankly, this is a moral and political stain on our  
7 city. I've gone up to Albany and spoke to the Powers  
8 that be to give them first-hand account of why we  
9 need to move forward on repealing penal law Section  
10 240.37. All of us know that the bill has  
11 overwhelming support in both chambers in Albany and  
12 we should stop worrying about what's politically  
13 expedient and we should bring the vote, the, the bill  
14 to the floor for a vote. I know that all of the  
15 advocates here will not stop pushing this issue. I  
16 want to all of you who have fought so hard for this.  
17 And I also want to thank the Women's Caucus, Council  
18 Members Carlina Rivera, Helen Rosenthal, Diana Ayala,  
19 Vanessa Gibson, um, Farah Louis, and all the other  
20 women in the council who are part of the caucus for,  
21 um, moving forward with this hearing. We really  
22 appreciate it. Thank you.

23 MODERATOR: Thank you for your testimony.  
24 The next three panelists I'm going to name and then  
25 I'll call them in order, will be Chinyere Ray, Izzi

1 I, ah, Ky Z. Cole, and Tanya Walker. Ah, Chinyere  
2 Ray, ah, sorry, Miss Izzi I, you may begin.

3  
4 SERGEANT AT ARMS: Time starts now.

5 CHINYERE EZIE: Thank you so much,  
6 pleasure to be with you. My name is Chinyere Ezie  
7 and I'm a senior staff attorney at the Center for  
8 Constitutional Rights. I'm joining the call today to  
9 pass Resolution 0923 as well as Resolution 1444,  
10 which call upon the New York State Legislature to  
11 repeal the archaic New York State statute, PL240.37,  
12 loitering for the purposes of engaging in  
13 prostitution, and to seal past convictions under the  
14 statute. As you've heard today, PL240.37 is an  
15 unconstitutional policy of stop and frisk that  
16 disproportionately targets women of color, including  
17 and in particular transgender New Yorkers. It  
18 targets individuals in these communities for  
19 arbitrary arrests, as well as police profiling and  
20 harassment, and by doing so PL240.37 revives the  
21 unconstitutional policy of stop and frisk that was  
22 struck down as unconstitutional in a case that my  
23 organization, the Center for Constitutional Rights,  
24 brought, called Floyd v. City of New York. Because  
25 it allows New Yorkers, particularly because it allows

1 New Yorkers, particularly women of color and  
2 transgender women of color to be stopped, searched,  
3 and arrested on the vague and non-evidenced-based  
4 assumption that they may be engaged in sex work.  
5 Now, when I say that it is not evidence-based, what I  
6 want you to be clear on is the ways that police have  
7 come to enforce the statute against black and Latinx  
8 New Yorkers. Many people, including trans women,  
9 have been arrested simply for wearing a skirt,  
10 wearing tight jeans or a tight-fitting dress, showing  
11 cleavage, or standing somewhere other than a bus stop  
12 or taxi stand. And that's by, um, in the words of  
13 NYPD officers themselves who enforce this statute  
14 across the city. Transgender women are also arrested  
15 under the statute simply by people who are, um,  
16 gazing and trying to see whether people who are in  
17 dresses have Adam's apples, as you've heard earlier  
18 today. And transgender women in particular have  
19 complained about being arrested or stopped under  
20 240.37 while doing simple things, like going to the  
21 grocery store in their community, walking to public  
22 transportation, or simply trying to meet friends,  
23 which is why the bill has been nicknamed the walking  
24 while trans ban. Although the New York, um, the NYPD

1  
2 vowed to halt its biased enforcement of 240.37  
3 following the 2016 lawsuit, the problem of arbitrary  
4 arrests continue unabated. In 2018 there was a 120%  
5 increase in arrests under PL240.37, including a 47%  
6 arrest in, increase in arrests in Queens. Black and  
7 Latinx women also remain the most impacted by this  
8 statute as 91% of people who...

9 SERGEANT AT ARMS: Time expired.

10 CHINYERE EZIE: Um, might I have  
11 permission to conclude?

12 CHAIRPERSON ROSENTHAL: Yeah, of course,  
13 please.

14 CHINYERE EZIE: OK. 91% of people  
15 arrested under the statute are black and Latinx, as  
16 well as, um, 80% being women. And even when these  
17 charges are dropped the consequences of being  
18 arrested have, um, are severe. It's very difficult  
19 for people with convictions under the statute to  
20 secure good jobs or housing because of criminal  
21 background checks that will follow you throughout  
22 life. As you've heard today, immigrants who are  
23 arrested under the statute often face the threat of  
24 deportation. And that's why in addition to repeal  
25 we're urgently asking that past convictions under the

1 statute be sealed. We are so grateful that the New  
2 York City Council has taken this issue so seriously  
3 and therefore we urge for the passage of Resolution  
4 0923 and Resolution 1444 because it's time that we  
5 repeal PL240.37 and bring this unconstitutional  
6 scourge of stop and frisk to an end. Thank you.

7  
8 MODERATOR: Thank you for your testimony.  
9 Next we will hear from Tanya Walker.

10 SERGEANT AT ARMS: Time starts now.

11 TANYA WALKER: Hello. Ah, it's still  
12 morning, so good morning Chair Rosenthal and members  
13 of the Committee on Women and Gender Equity. My name  
14 is Tanya Azapanza Johnson Walker and I am the  
15 cofounder of New York Transgender Advocacy Group and  
16 a US Army veteran and currently cochair at Equality  
17 New York, the largest statewide advocacy organization  
18 working to advance equality and justice for LGBTQI  
19 New Yorkers. Equality New York is an advocacy  
20 organization that unites and amplifies the social and  
21 political voices of the LGBTQI communities throughout  
22 New York State. We work to advance equality and  
23 justice for all, LGBTQI New Yorkers and their  
24 families as well. Equality New York uses an  
25 intersectional lens to ensure equitable outcomes for

1  
2 our community. I would like to thank you for holding  
3 this important hearing, and I am here to let you know  
4 that we strongly support Resolution 0923, pertaining  
5 to repealing the walking while trans ban and  
6 Resolution 1444, pertaining to sealing convictions  
7 for loitering for the purposes of engaging in  
8 prostitution. In 2000 I was living in Harlem and I  
9 received a call from my sister, who lived in the  
10 Bronx, at 2:30 in the morning, and she stated she had  
11 lost her keys and needed the spare set that I had for  
12 her at my house. So I said OK, meet me in a hour and  
13 I'll be there. It was still early morning, so I  
14 decided to walk to the 3rd Avenue Bridge here in  
15 Harlem. After I arrived at the bridge and started  
16 walking on it, three police cars pulled over and  
17 shouted at me and other transgender women to not move  
18 or don't move. The police requested to see our ID  
19 and began to write tickets after they checked us for  
20 warrants. I told them I had an emergency and the  
21 officer began writing the ticket to appear in court.  
22 I was detained for an hour and a half, ah, because I  
23 had a family emergency and I'm transgender. These  
24 resolutions will allow others to deal with family  
25 emergencies, for example, another innocent person

1  
2 will not have to worry about getting a ticket or  
3 being arrested just for taking a spare set of keys to  
4 a sibling in desperate need. Being transgender is  
5 not a crime and I ask you, I ask that you validate  
6 that by passing Resolution 0923 and Resolution 1444.  
7 The transgender, gender nonconforming, and nonbinary  
8 community here in New York City is counting on you.

9           MODERATOR: Thank you, Ms. Walker. As  
10 Kay Z. Cole, ah, is not currently logged in we are  
11 going to move to Audacia Ray, if you are available?

12           AUDACIA RAY: Yep. Um, good morning,  
13 everyone.

14           SERGEANT AT ARMS: Time starts now.

15           AUDACIA RAY: Good morning, everyone, and  
16 good morning to Chair Rosenthal and Council Member  
17 Rivera and the entire Committee on Women and Gender  
18 Equity. Ah, my name is Audacia Ray. I use she/her  
19 pronouns. And I'm the director of community  
20 organizing and public advocacy at the New York City  
21 Anti-Violence Project, also known as AVP. Ah, I'm a  
22 queer woman. I'm a survivor of violence and a former  
23 sex worker and as a cis white woman I aspire to be an  
24 ally to black and brown trans women and fems. Ah, I  
25 have some longer written testimony that I'm gonna

1 submit by email, but, um, for today I just want to  
2 underscore four hopefully quick points. Ah, as Jared  
3 talked about a little bit earlier in a response to a  
4 question from Chair Rosenthal, um, the Manhattan,  
5 Brooklyn, and Queens DAs have already stopped  
6 prosecuting, um, 240.37 and Manhattan, I think, has  
7 been doing that since 2015, so it's been, um, you  
8 know, a number of years that the Manhattan DA has  
9 been declining to prosecute, and I, I want to say  
10 that the, these experiments have not increased  
11 trafficking or exploitation in the sex trades, and  
12 instead they're a step towards creating greater  
13 safety for women and TGNC people in our city. So  
14 really like throughout the city DAs and police  
15 precincts could and should make the choice today to  
16 stop prosecuting those charged. Um, but that hasn't  
17 been happening, so we do need the state level bills  
18 so that that, um, that decision doesn't shift, um,  
19 with the election of each DA, um, and so that is  
20 something that, that can be established statewide,  
21 that, um, the bill, that, that 240.37 should be  
22 repealed completely. Um, my second point is, ah,  
23 starting with the fiscal year 2020 City Council  
24 started funding the early stages of work on the City  
25

1  
2 Resource Center for people in the sex trades. Um,  
3 AVP is one of the organizations that receive funds to  
4 do outreach to LGBTQ in the sex trades as part of the  
5 initiative. And one of the things that we've been  
6 hearing from, um, community members is that they're  
7 afraid that if they go to access services at sites  
8 that are known as participants in, um, that resource  
9 center that, um, just going to access services will  
10 get them targeted, um, for 240.37, um, which is  
11 really concerning that our city is creating, um, this  
12 funding to be able to support people in accessing  
13 their needs and getting services and that folks don't  
14 want to use them because they're afraid that that  
15 could lead to criminalization. Um, so, so that's a  
16 really important aspect of it and, and repealing  
17 240.37, um, would help to make people safer, though  
18 it's not the Band-Aid that will fix everything. Um,  
19 thirdly, in AVP's work of supporting survivors, we  
20 run a 24/7 hotline and over the summer...

21 SERGEANT AT ARMS: Time expired.

22 AUDACIA RAY: Um, I have one-and-a-half  
23 things left to go.

24 CHAIRPERSON ROSENTHAL: You can go, ah,  
25 Audacia, please.

1  
2           AUDACIA RAY: Sure. Um, so we've heard  
3 through our hotline over the summer many people who  
4 participated in the uprisings over the summer, um,  
5 that they were being targeted as TGNC people of  
6 color, particular, um, black fems and trans women,  
7 um, and so they were experiencing violence from  
8 police as, during those, those uprisings, um, and  
9 this, and this, ah, law on the books is, is one of  
10 the ways that police, um, can, can be justified in,  
11 in doing that harassment. Um, so we must really  
12 curtail the power of the police to profile and harass  
13 marginalized communities. And I also want to boost  
14 the call to defund the police, starting with the vice  
15 squad. Um, lastly, I want to say that although  
16 240.37 is a state-level criminal code, um, arrests  
17 are concentrated in New York City and there's this  
18 kind of ongoing finger-pointing about whether it's  
19 the city or the state's responsibility to resolve  
20 this discriminatory policing practice. So I just  
21 want to encourage the Committee on Women and Gender  
22 Equity and the whole City Council to not just pass  
23 these resolutions, but also keep looking at proactive  
24 ways that the city can lead on this issue and make  
25

1 life safer for black and brown trans women and fems.  
2 Thank you.

3  
4 MODERATOR: Thank you for your testimony.  
5 Before I turn to Chair Rosenthal for questions, I'd  
6 like to remind council members to use the raise hand  
7 function in Zoom to indicate that you have a question  
8 for this panel. Chair Rosenthal.

9 CHAIRPERSON ROSENTHAL: Thank you so  
10 much, and thank you to all the panelists. Ah, really  
11 appreciate you all. Ah, Audacia, can I, ah, just  
12 ask, ah, two questions. First is you were just  
13 mentioning, um, about what more New York City can do.  
14 Would you like to talk about that just a little bit  
15 more, maybe an example or two?

16 AUDACIA RAY: Yeah, I mean, I think the,  
17 the funding piece is, is really key, that, um,  
18 funding needs to go directly to, um, black trans  
19 women to support their needs, um, and so, you know,  
20 funding people to be housed, um, is really, really  
21 key and not just like emergency survivor housing, but  
22 permanent long-term housing, um, goes a long way to  
23 keeping people safe. Um, and so, like I said, like  
24 the DAs and police precincts can stop prosecuting  
25 these charges. Um, the city could stop the operation

1  
2 of the human trafficking intervention courts, um, and  
3 make the move to seal all the cases going through  
4 those courts. Um, so it's, it's really a combination  
5 of, um, shifting funding so, um, defunding vice,  
6 defunding NYPD, and rerouting that money directly to,  
7 um, black TGNC people, um, and, ah, trans immigrants  
8 of color. Um, and then also like taking away, um,  
9 the, the, you know, the very real ways that the city,  
10 um, does prosecute and keep people within the system,  
11 um, we haven't talked about that much today, about  
12 the human trafficking courts keep people stuck in the  
13 system, um, for, for a very long time, all with the  
14 goal of, um, getting cases dismissed, but while  
15 they're going through the process of the courts, um,  
16 folks have an open case, um, and that's really  
17 harmful and also makes it really difficult for folks  
18 to get, um, other employment if they want it and to  
19 get housing. Um, so I think, you know, kind of  
20 closing that loophole, you know, really like chopping  
21 out that process, um, by not entrapping people in  
22 that system will be really helpful.

23 CHAIRPERSON ROSENTHAL: Thank you, and  
24 thank you for your dedication. Ah, you're an

1  
2 extraordinary advocate. Thank you. I'll now turn it  
3 back to the moderator.

4                   MODERATOR: Thank you, Chair Rosenthal.

5 I will now call on council members with questions in  
6 the order that they have used the raise hand function  
7 in Zoom. Seeing no raised hands at this time, I will  
8 turn to the next panel, which will include Bryan  
9 Ellicott from Transition A Place, Annie Bowen, a  
10 consultant with Sex Workers Project in the Urban  
11 Justice Center, and Julian Mazludski, a staff  
12 attorney for victims of trafficking defense unit at  
13 the Brooklyn Defender Services. Bryan Ellicott, you  
14 may begin when the Sergeant at Arms has given you the  
15 cue.

16                   SERGEANT AT ARMS: Your time starts now.

17                   BRYAN ELLICOTT: Ah, I'm gonna start by  
18 saying good afternoon since it's a minute to noon.  
19 So, good afternoon, members of the Committee on Women  
20 and Gender Equity, Chairperson Helen Rosenthal,  
21 Council Member Rivera, and all the members of the  
22 City Council who have co-sponsored Resolution 923 and  
23 Resolution 1444. We at Princess Janae Place both  
24 support, support both of these resolutions. My name  
25 is Bryan John Ellicott. My pronouns are he/they and

1  
2 I am the program coordinator at Princess Janae Place,  
3 located in the Bronx. The mission of Princess Janae  
4 Place is to help people of trans experience maximize  
5 their full potential as they transition from  
6 homelessness to independent living. Princess Janae  
7 Place fulfills our mission by offering safe space for  
8 people of trans experience to connect with community,  
9 access gender-affirming support, as well as engage in  
10 educational and recreational activities. Princess  
11 Janae Place serves as a critical referral resource  
12 for our members to secure housing navigation,  
13 substance use and mental health resources, legal  
14 assistance, job training, and placement for health  
15 care. Here at Princess Janae Place every day we are  
16 assisting people in the need for housing and other  
17 assistance and almost 65% of our current clients,  
18 both transgender woman, trans men, and nonbinary New  
19 Yorkers have engaged in some sort of sex work or have  
20 been targeted as being sex workers when they are not  
21 in their lifetime. Of that 65%, a little less than  
22 50% of them have stated that they have been convicted  
23 of a misdemeanor or felony. We have 12% of our  
24 clients currently on probation. This currently  
25 impacts our clients' ability to obtain employment and

1 housing and often their citizenship status. No  
2 person should be targeted as a sex worker or on the  
3 basis of maybe being a sex worker based on what we're  
4 wearing. We have said this time and time again that  
5 clothing and presentation does not warrant bias  
6 towards other people. No person should be targeted  
7 for the use of carrying sex safe protections in  
8 their, in their, in their person or in their bag.  
9 No, we need to do more when it comes to protecting LL  
10 people, and we need to actually defund the police,  
11 specifically vice, and give money back to communities  
12 and organizations that do the work and provide  
13 services to TGNC and nonbinary communities, like  
14 Princess Janae Place. Princess Janae Place was not  
15 funded in the 2020 budget. Ah, we could have been if  
16 we had taken more money from the NYPD to continue the  
17 work that's done in the community. And we need so  
18 much more support from the New York City Council and  
19 state legislator, legislature. These kinds of  
20 outdated laws have a devastating impact on those  
21 affected by targeting their basic qualities of life,  
22 their jobs, housing, and citizenship status. This is  
23 why we need to pass it, get repeal, the section of  
24 the bill, and we need to expunge the records of those  
25

1 who have been persecuted by the effects of the piece  
2 of legislation. Thank you so much for your time.

3  
4 MODERATOR: Thank you. Next we will hear  
5 from Ms. Bowen.

6 SERGEANT AT ARMS: Your time starts now.

7 ANDREA BOWEN: My name is Andrea Bowen.

8 My pronouns are she, her, and hers, and I'm a  
9 consultant for the Sex Workers Project at the Urban  
10 Justice Center. Um, the Sex Workers Project at the  
11 Urban Justice Center provides client-centered legal  
12 services to individuals who engage in sex work,  
13 regardless of whether they do so by choice,  
14 circumstance, or coercion. I'm also a transgender  
15 women and I'm testifying in solidarity with black,  
16 Latinx, and all transgender people of color who have  
17 been subject to state violence due to PL240.37.

18 Thank you, Chair Rosenthal, council members, and  
19 staff supporting the Committee on Women and Gender  
20 Equity for holding this hearing, and thank you to  
21 Council Member Rivera and cosponsoring colleagues for  
22 introducing Resolutions, ah, 923 and 1444. As  
23 regards resolutions 923 and 1444, we want to first  
24 state our support and deep admiration for the  
25 coalition working on repeal of the walking while

1 trans ban. Um, beyond that, echoing their, their  
2 point that they've made, the racial disparities  
3 inherent in this law's enforcement and its targeting  
4 of intersectional, intersecting marginalized  
5 identities, especially black and Latinx transgender  
6 people, are a profound injustice. These demographic  
7 outcomes make our own clients' Sex Workers Project at  
8 great risk of targeting the [inaudible] communities  
9 and women of transgender experience, making up an  
10 enormous proportion of our clients. Your support of  
11 repealing PL240.37 is integral. The state must pass,  
12 ah, Senate Bill 2253, Assembly 654, and it's  
13 unacceptable that it hasn't yet become law. As we  
14 know, majorities of the Assembly and Senate supported  
15 these and all pressure must be put on Senate and  
16 Assembly leadership to pass and the governor to sign.  
17 We also support Resolution 1444 and in line with how  
18 everyone has been discussing this resolution in the  
19 hearing we back fellow community members and  
20 recommending a change to the language. In the bill  
21 text convictions should be changed to violations.  
22 Many people have unsealed violations under the  
23 current loitering statutes and council should push  
24 for and the legislature and governor should follow  
25

1  
2 suit violations of the loitering statute be sealed  
3 with the law applying retroactively. Um, I also want  
4 to voice support for what people said regarding the  
5 need to defund vice. Vice within the larger NYPD  
6 budget is, as of my last check of NYC open data a few  
7 minutes ago is over 18 million dollars. This funding  
8 is the cause of violence to our communities. It's  
9 morality-based policing, which has no place in our  
10 vision of justice. This funding should be used to  
11 better protect people's human rights, including a  
12 right to livelihood, housing, health, bodily  
13 autonomy, and other vital resources. The  
14 possibilities of divesting from vice and investing in  
15 services that will really heal our community are  
16 astounding and must be carried forward by the mayor  
17 and City Council as soon as humanly possible. Thank  
18 you so much for your attention to these issues,  
19 holding these hearings, and constantly being in  
20 conversation with marginalized communities to address  
21 long-standing and ongoing injustice.

22 MODERATOR: Thank you. Last on this  
23 panel, we will hear from Ms. Modzeleski.

24 SERGEANT AT ARMS: Time starts now.  
25

1  
2 JILLIAN MODZELESKI: Good afternoon,  
3 everyone. My name is Jillian Modzeleski and I'm a  
4 senior trial attorney with Brooklyn Defender  
5 Services, their Women's Defense Project. This  
6 specialized project serves women who have a history  
7 of violence, exploitation, and abuse that has  
8 directly or indirectly led to their investment in the  
9 criminal legal justice system. I also practice in  
10 the human trafficking intervention court, where I  
11 represent sex workers and victims of trafficking who  
12 have come in contact with the criminal legal system.  
13 I'd like to thank the human, I'd like to thank the  
14 New York City Council Committee on Women and Gender  
15 Equity and in particular Chair Helen Rosenthal for  
16 the opportunity to testify today. BDS supports both  
17 Resolution 923 and Resolution 1444 regarding  
18 loitering for the purpose of prostitution. New York  
19 penal law 240.37, which criminalizes loitering for  
20 the purpose of prostitution, which is commonly  
21 referred to as the walking while trans ban, or the  
22 stop and frisk for women, ah, is biased enforcement.  
23 This statute serves only to give law enforcement the  
24 discretion to profile, arrest, and charge those who  
25 officers deem likely to commit prostitution in the

1 future or those whom they want to harass.  
2 Enforcement of the law, if not the law itself, is  
3 patently sexist, racist, and transphobic. Repealing  
4 the New York penal law 240.37 is a racial justice  
5 issue and a gender justice issue. But it's also a  
6 New York City issue. In 2019 75% of arrests for  
7 loitering for the purpose of prostitution came from  
8 Queens and Brooklyn alone. We commend the council  
9 for introducing Resolutions 923 and 1444, which call  
10 on the state legislature to pass legislation to  
11 repeal New York penal law 240.37 and allow sealing of  
12 all 240.37 violations. Passing these resolutions  
13 would show Senate and Assembly leadership that the  
14 city is committed to ending the gender bias stop and  
15 frisk. Thank you.

17 MODERATOR: Thank you for your testimony.

18 We will now turn to Chair Rosenthal for questions.

19 CHAIRPERSON ROSENTHAL: Oh, gosh, I just  
20 want to thank everyone who testified. Um, you know,  
21 very, very much, um, Bryan, I always want to give you  
22 a special shout-out for the amazing work you've done  
23 and leadership that you've shown and patience that  
24 you've had with me. Um, but if we could, ah, open up  
25 the mic for Audacia Ray again and I'd like to ask all

1 the panelists, um, if, if you have thoughts on this.  
2 Um, I, um, I, I guess my question is primarily for  
3 Jillian as a lawyer. Um, what legal recourse and  
4 resources are available to individuals who have been  
5 affected by walking while trans, um, and also is  
6 there anything people can do now, ah, to deal with  
7 convictions under the statute? Um, I'm just gonna  
8 keep going with questions for half a second because I  
9 really want anyone to feel free to jump in. What  
10 could the city do to improve outcomes? Um, how about  
11 in terms of connecting people to resources? Um, how  
12 about, ah, um, ah, I'm a little confused. So if, if  
13 folks could please advise about that. Um, oh, I'm  
14 sorry, and also efforts to connect those who  
15 experienced harassment, um, or discrimination under  
16 the statute. Thank you.

18 JILLIAN MODZELESKI: Sure. I, I think,  
19 I'll start by saying I think that there's a  
20 misunderstanding that has been perpetuated by the  
21 trafficking courts that, um, in order for women who  
22 are, um, victims of trafficking to get services they  
23 have to be arrested. Um, that is not the case. They  
24 can be connected to services in their community, um,  
25 on their own, um, through medical professionals,

1  
2 counseling services, a lot of the organizations that  
3 are here today giving testimony. Um, they can go to  
4 those organizations. So I think that, um, there is a  
5 definitely a misperception that the courts are the  
6 only way that people can get, ah, support and  
7 services. Um, and just echoing what everyone has  
8 said here, defunding the police and putting the money  
9 into those organizations that, um, might be able to  
10 provide them with, um, the more visibility to those  
11 in the community who need, um, that support. Um, so  
12 I, I would just echo that, the defunding of the  
13 police. Ah, with respect to what's, um, any,  
14 anything that people can do post conviction, um,  
15 there is a...

16 CHAIRPERSON ROSENTHAL: Can I interrupt  
17 just for one quick...

18 JILLIAN MODZELESKI: Sure.

19 CHAIRPERSON ROSENTHAL: ...second, 'cause  
20 I'm gonna follow up on what you just said. Um, you  
21 know, one frustration I always have with this  
22 administration is around messaging and communication.  
23 And it's such a simple step. And you gave a  
24 beautiful example. People should know you don't have  
25 to end up in court to access these services, and

1 there are a lot of services available in the city.  
2 Not to say there aren't wait lists and they're  
3 overwhelmed, ah, for sure and we should be putting  
4 more money into it. But, but another thing, if just  
5 one thing comes out from this hearing that the  
6 services are available and I just really appreciate  
7 the way you said it. You don't have to land in court  
8 before getting these services. Um, and of course all  
9 the community groups that are testifying here today  
10 and the advocates, Make the Road, you know,  
11 exceptional, exceptional groups. Sorry to interrupt.  
12 You just made a great point.

14 JILLIAN MODZELESKI: Um, I think the  
15 second question you asked was what, um, what people  
16 who have convictions can do. Um, there is a, a  
17 motion that people with criminal convictions can make  
18 to a court, um, to a judge to vacate prior  
19 convictions that, um, are directly related to their  
20 trafficking. Um, there is currently legislation, I  
21 believe, in front of the State Senate and Jared or,  
22 or Melissa or anybody else on this call could  
23 probably speak better to it. But it would expand the  
24 ability for people with convictions related to their  
25 trafficking to, ah, vacate those convictions. Um, at

1 this point in time they do have to make a motion to,  
2 ah, a judge. Um, the prosecution has the ability to  
3 oppose that motion, um, and then a judge ultimately  
4 has the decision, makes the decision on whether or  
5 not those convictions can be vacated. So that is,  
6 um, that's something that they have the ability to  
7 do. Unfortunately, those motions, um, don't  
8 necessarily help clients that are, um, non-citizens  
9 because those convictions stay on your record for  
10 purposes of immigration and the damage is already  
11 done. So, um, so, yeah, it's, it's, it's problematic  
12 for our, our clients who are non-citizens.

14 CHAIRPERSON ROSENTHAL: Thank you, and I  
15 see a few people have flipped their video, ah,  
16 videos, so if others [inaudible].

17 BRYAN ELLICOTT: So as a nonprofit, ah,  
18 organization what I want to say to echo what Jillian  
19 has said is that, you know, if we just defunded vice  
20 at the NYPD and gave that money to small up-and-  
21 coming nonprofits like Princess Janae Place we could  
22 assist in helping people who have been directly  
23 impacted by this piece of the penal code with  
24 funding, like finding housing, helping finding jobs  
25 once their records are sealed. That money just has

1  
2 to come out of places that have done harm and into  
3 the communities that are there to do the work. Um,  
4 and, you know, like I said, Princess Janae Place  
5 didn't get any city funding this year. We could have  
6 if we had actually defunded the police in a way that  
7 was what we thought was going to happen, which didn't  
8 happen. So I think it's just looking at ways to  
9 uplift community is how we, we, we fix this going  
10 forward.

11 CHAIRPERSON ROSENTHAL: Thank you. And  
12 if any of the other panelists who have spoken today,  
13 ah, I see some others. If you want to, um, speak to  
14 this and you can't unmute yourself just hit the raise  
15 hand, um, button and, and we'll find a way to unmute  
16 you. But if anyone else wants to answer, please.  
17 Andy?

18 ANDREA BOWEN: Yeah, just look at,  
19 thinking about all this, um, I was just back and  
20 forth with my colleagues at Sex Workers Project and  
21 just thinking about all this from a human rights  
22 perspective. Um, we don't adequately characterize  
23 things like supportive housing and health resources  
24 and etcetera as rights. Um, I always emphasize that  
25 they're resources, also to have to go into that,

1  
2 obviously, um, but, yeah, I mean, the 18, the greater  
3 than 18 million dollars, um, and I just emailed over,  
4 ah, the open data stuff that I found [laughs], um,  
5 it's just astounding. I mean, like I think a  
6 supportive housing unit rehab is something like  
7 \$150,000. I know capital and expense are, are  
8 different budgets, but like just comparing like what  
9 the city prioritizes, um, especially in light of this  
10 hearing, especially in light of COVID, and all of the  
11 obvious injustices happening to people on the street.  
12 Um, it is, ah, it's, it's really glaring. Um, so,  
13 anyway, um, generally just urging that we, we  
14 [inaudible] as many of your, the colleagues and  
15 counsels can possibly, you know, note, 18 million is  
16 a lot of dollars.

17 CHAIRPERSON ROSENTHAL: Thank you. Um, I  
18 see, ah, someone's hand is raised.

19 TS CANDI: Yes, um, TS Candi, um,  
20 executive director from Black Trans Nation. Um, I  
21 would like to say first off thank you to everyone  
22 that came and spoke and spoke their narrative, spoke  
23 their truth, and, um, the trauma and having to  
24 revisit all the trauma and the, the, we need to learn  
25 how, how can we invest in organizations what,

1 especially black trans organizations, um, all of us,  
2 not only just [inaudible] but all of the  
3 organizations that's out here doing the work, how can  
4 we protect our mental health? How can we invest in  
5 making sure that not only, you know, we have housing,  
6 sustainable housing, long-term housing, um,  
7 employment, financial, financial, ah, assistance,  
8 educational, GED programs, um, back-to-work programs,  
9 just how can we, how can we, I mean, how can we not  
10 live, you know, not live like we are criminals? Like  
11 how can we learn how to live and, and, and invest in,  
12 in, in all of us and to be able to be, to be able to  
13 be, you know, leaders and City Council members and,  
14 um, how can we train each other and have a, you know,  
15 a, a, a TGNC task force, policy task force, where we  
16 can sit here and where we can implement the laws and,  
17 and, and have our say-so and, and, and policies and  
18 things of that nature when things are being bringing  
19 into law so that you all know not to write, write,  
20 not to write us out. How can we have a space that we  
21 as a black transgender women we can be a chair? To  
22 navigate our experiences in life? I yield back my  
23 time.  
24

1  
2           CHAIRPERSON ROSENTHAL: Yeah, no, you're  
3 spot on right, and I'm so glad you brought it up,  
4 and, um, um, I'm, I'm with you, a hundred percent.  
5 Actually, um, after Layleen, ah, was murdered we set  
6 up a task force to look at the, the practices of DOC  
7 and understand what we can do to, um, stop this from  
8 happening in our city jails. And one thing we did in  
9 writing law to create the task force was write it in  
10 such a way so that TGNC, nonbinary population was,  
11 were the majority in the number of members of the  
12 task force. And we really wanted, um, lived  
13 experience and advocacy driving the findings. And  
14 you are just so spot on right to bring it up. We  
15 have to do this over and over again. People just  
16 don't really understand. Um, so thank you for that.  
17 I see two other hands raised.

18           MODERATOR: Ah, Chair Rosenthal, ah, we  
19 still have two more panelists, ah, on the last panel,  
20 and they are the ones with their hands raised.  
21 Perhaps...

22           CHAIRPERSON ROSENTHAL: OK.

23           MODERATOR: Though if there are any other  
24 council member questions for the, for this panel?  
25

1                   CHAIRPERSON ROSENTHAL: I just want to  
2  
3 let them, Bryan Ellicott, of who I think, ah, had  
4 something that he wanted to say. We have to unmute  
5 him.

6                   BRYAN ELLICOTT: I just really wanted to  
7 briefly say that I have been sitting on the TGNC,  
8 nonbinary, and intersex task force for the Department  
9 of Corrections, um, and the report should be coming  
10 out soon, fingers crossed. COVID kind of got in the  
11 way. Um, but it's been a really trying experience  
12 over the past year, um, to get DOC to understand that  
13 unfortunately when it comes to people in law  
14 enforcement sometimes things have to be written out  
15 in long form. Just making an example about one  
16 person doesn't make the same connection as a person  
17 in my body or in somebody else's body, and literally  
18 we've been having to sit there, go sentence by  
19 sentence, and say, like give examples of how this is  
20 not OK for trans women, for trans men, for nonbinary  
21 people. And it's been a very trying and mentally  
22 taxing experience, especially during COVID, to, um,  
23 to do that.

24                   CHAIRPERSON ROSENTHAL: And you know, um,  
25 I so appreciate your being on the task force, I

1 actually didn't realize that and I appreciate your  
2 mentioning that the report will come out soon and  
3 when it does so we will be having another hearing,  
4 ah, to review the findings of the report. So thank  
5 you for that PSA. I, I turn it back to you, Chloe.  
6 Thank you.  
7

8 MODERATOR: Thank you, Chair Rosenthal.  
9 Ah, seeing no council member questions we will turn  
10 to the next public panel of testimony, which will  
11 include Melissa Sontag Broudo, legal director from  
12 Decriminalize Sex Work, and Marica Plotter. Ah, Ms.  
13 Broudo, you may begin when the sergeant gives you the  
14 cue.

15 SERGEANT AT ARMS: Time begins now.

16 MELISSA SONTAG BROUDO: Hi, thank you so  
17 much. I want to echo everything that, you know, the,  
18 the appreciation to the council members and to this  
19 committee, Women and Gender Equity, and to all my  
20 fellow advocates for the credible work and the  
21 testimony today. I'll be very brief, ah, because,  
22 you know, so much has been covered. But, um, I just  
23 wanted to pull together a couple of the threads that  
24 had been mentioned and so beautifully by TS Candi, by  
25 Jared, by Jillian, right, about this, this issue of,

1  
2 um, how and why, you know, people are, are, end up in  
3 positions where they are vulnerable to exploitation  
4 and violence and what we can do, um, to support those  
5 individuals, right, and what the council can do, what  
6 our, what our state officials can do, and just  
7 something that, that TS Candi, that you said, that we  
8 don't choose the streets, and I think, um, that that  
9 was really so on point, um, and, and I, to echo that  
10 and, and to highlight something that, um, that has  
11 come up but hasn't, hasn't quite been fleshed out is  
12 the issue of human trafficking and how so many  
13 survivors of human trafficking are impacted by the  
14 loitering for the purpose of engaging in prostitution  
15 bill. Um, I am the legal director of, of  
16 Decriminalize Sex Work, and the codirector of the  
17 [inaudible] Institute here in New York. Before that  
18 I was, ah, senior staff attorney at the Sex Workers  
19 Project, right, where Andy now is, ah, for, for  
20 around nine years and I represented individuals who  
21 were arrested for penal law 240.37, penal law 230,  
22 and over and over, right, there is this consistent  
23 them going, going back again to, to what Candi had  
24 said is, is that people generally don't choose the  
25 streets, right, that there, there are reasons that

1  
2 people are engaging, um, or, or even not engaging in  
3 prostitution, right, people are profiled, ah, for  
4 engaging in prostitution who are in particular  
5 neighborhoods that are heavily policed. And, you  
6 know, it, it is so important to note that the people  
7 that are going to be arrested for penal law 240.37  
8 are people that are either at heightened risk of  
9 trafficking, right, people that are not choosing to  
10 be involved in prostitution or that not choosing to  
11 be, um, working outdoors, outside, right, which is  
12 inherently more dangerous, ah, and places people more  
13 vulnerable positions, especially in terms of police  
14 violence, ah, client violence, etcetera, and also  
15 people that are profiled, right, and people who are,  
16 ah, trans women of color and people in low-income  
17 communities that are heavily policed. So just, you  
18 know, tying together that threatened that this law  
19 targets people that are the most vulnerable for a  
20 variety of reasons, including human trafficking,  
21 right?

22 SERGEANT AT ARMS: Time expired.

23 MELISSA SONTAG BROUDO: Thank you so  
24 much.

2 CHAIRPERSON ROSENTHAL: You have so much  
3 experience. Was there something else you wanted to  
4 add?

5 MELISSA SONTAG BROUDO: I think that's,  
6 just that piece, and, and, and to, I guess, to go  
7 back to how we can help support people is it's really  
8 difficult because it's going back to why are people  
9 in vulnerable positions in the first place, right?  
10 Um, and, and these measures are wonderful, but we're  
11 not addressing sort of the root, the root problems.  
12 Um, but I, I thank everybody for, for being open to  
13 seeing how we can. Thank you.

14 MODERATOR: Thank you. Next we will hear  
15 from Marica Plotter.

16 SERGEANT AT ARMS: Time begins now.

17 MODERATOR: Ah, it appears that Marica  
18 Plotter is no longer with us in Zoom. If I have  
19 inadvertently missed anyone who wishes to testify,  
20 please use the raise hand function in Zoom now.  
21 Seeing no one, I will turn it back to Council Member  
22 Rosenthal, ah, Chair Rosenthal, for questions.

23 CHAIRPERSON ROSENTHAL: No questions. I  
24 think, ah, it's time to close out this hearing and I  
25 just, you know, want to extend my gratitude to

1 everyone for your patience, for staying this long,  
2 but, um, for everyone who testified, ah, for bringing  
3 your truths to this hearing, your honesty, your, you  
4 are the ones who are making the difference, and  
5 you're the ones who are going to make this change in  
6 law so that everyone can have, ah, normal experience  
7 walking outside without being targeted. Um, thank  
8 you so much for your time. I, I also really want to  
9 double down on gratitude to everyone who made this  
10 hearing possible, the staff, ah, the sergeants in  
11 arms. Ah, Chloe, great moderation job. It's a lot  
12 of work, I know that. Um, thank you, Council Member  
13 Ayala for staying on to the end and, um, hope  
14 everyone stays safe and, and takes really good care,  
15 um, this was a really, this was really tough. So  
16 thank you, thank you, for sharing your truths. Bye,  
17 everyone. Oh, [gavel] the hearing is now closed.

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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 December 27, 2020