



SUPPORT INT. 625-2024 TO PROTECT THE SAFETY AND DIGNITY OF TGNCNBI NEW YORKERS IN CUSTODY

The Problem

Disproportionate incarceration: Transgender people are disproportionately incarcerated because of higher rates of poverty, homelessness, and profiling by law enforcement. Black transgender women are incarcerated at 10 times the rate of the general population.

Heightened harm: Incarcerated transgender people face extremely high risk of sexual violence while incarcerated.

Unsafe housing practices: Under DOC custody, the majority of TGNCNBI individuals who request gender-aligned housing have their requests denied. DOC frequently transfers TGNCNBI people out of gender-aligned housing without explanation and meaningful appeals process. DOC routinely places transgender women in men's intake upon arrival, even when later approving transfer to women's facility, exposing them to heightened risks of violence and sexual assault at intake.

The Solution: Int. 625

Intro. 625 creates clear, enforceable standards to ensure safer housing for TGNCNBI people in New York City custody:

Honor Housing Requests	Requires DOC to grant gender-aligned housing requests unless clear and convincing evidence of danger exists, which must be documented (§ 9-168(e), (g)).
Guarantee Due Process	Provides appeals and procedural safeguards if DOC denies gender-affirming housing (§ 9-168(g)(11)–(18)).
Right Facility from Day One	Reforms procedures from pre-arrainment through court proceedings to stop routine placement in gender misaligned facilities (§ 9-168(b)–(c)).
Ban Discriminatory Denials	Prohibits rejecting gender-aligned housing requests based on transphobic reasons (§ 9-168(e)).

Why This Matters:

TGNCNBI people are targeted: They are disproportionately policed, incarcerated, and harmed in custody. **Align NYC with its values:** Intro. 625 brings DOC policies into alignment with the City's own stated commitments to equity, dignity, and LGBTQ+ rights.

Sources

In a national survey, 21% of transgender women reported having been incarcerated in a jail facility, compared to 2.7% of the general population. See *National Center for Transgender Equality & National Gay and Lesbian Task Force, Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* 163 (2011), https://www.thetaskforce.org/app/uploads/2019/07/ntds_full.pdf.

Black transgender women are incarcerated at 10 times the rate of the general population. See Dilara Yarbrough, *The Carceral Production of Transgender Poverty: How Racialized Gender Policing Deprives Transgender Women of Housing and Safety, Punish. & Soc.* (2023) (discussing how systemic policing of gender identity compounds marginalization and criminalization).

75% of surveyed TGNCNBI incarcerated people experienced sexual assault in New York State and City facilities. *It's Still War in Here* 5 (2021), Sylvia Rivera Law Project, <https://takeroottjustice.org/wp-content/uploads/2021/06/Its-Still-War-In-Here-1.pdf>.

Based on Department of Correction's own data on the number of gender-aligned housing requests, the majority of TGNCNBI individuals who request gender-aligned housing have their requests denied. See New York City Department of Correction, *TGNBI Individuals in Custody Report*, <https://www.nyc.gov/site/doc/about/tgnbi-reports.page>

A FOIL request revealed that, between January and July 2024, DOC involuntarily transferred six transgender women from women's housing to men's housing as a form of discipline. See Testimony of the Legal Aid Society's LGBTQ+ Law & Policy Unit Before the N.Y.C. Council Comm. on Crim. Just., on Int. 625, at 6 (Sept. 27, 2024).