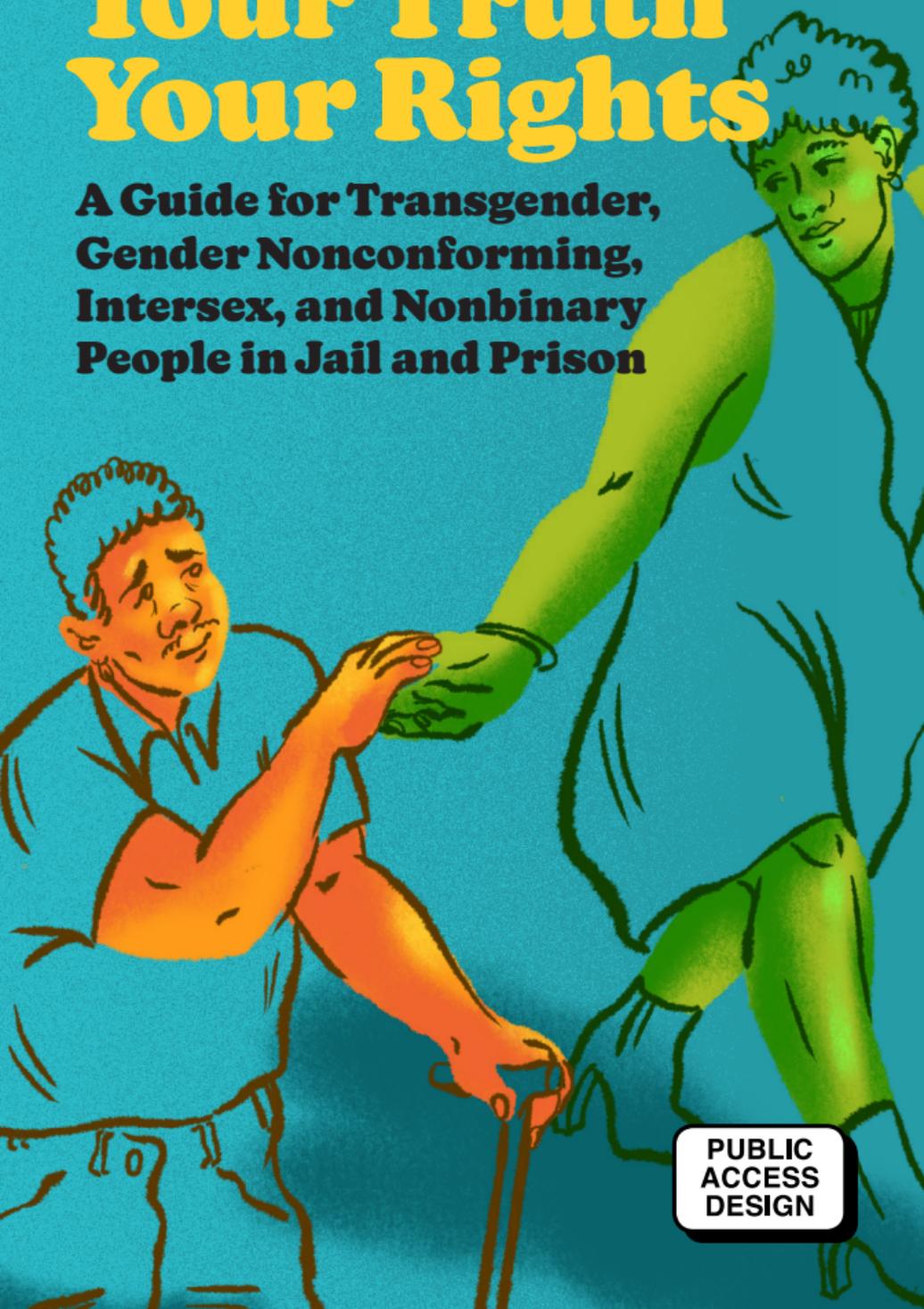


Your Truth Your Rights

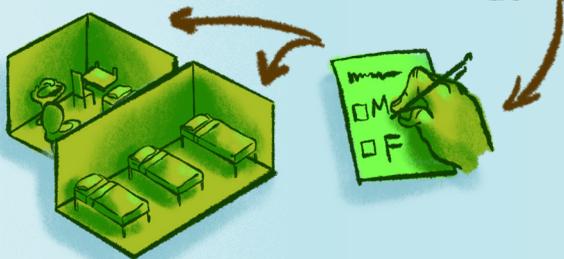
**A Guide for Transgender,
Gender Nonconforming,
Intersex, and Nonbinary
People in Jail and Prison**



**PUBLIC
ACCESS
DESIGN**

If You Get Arrested

At arrest, the New York Police Department (NYPD) will note your gender identity. You shouldn't have to show proof of your gender identity to be treated with respect, **the police are supposed to listen to what you tell them.**



Police may use the gender from your government ID for some arrest paperwork. That can **put you at risk** by impacting whether you end up in safe and gender-appropriate housing in jail.

The Securing Order

A.K.A. THE BLUE CARD

① The **Securing Order** is the official court paperwork that Department of Correction (DOC) officers use to decide which intake facility people go to.

② The gender on the **Securing Order** is usually the same one as what's on the NYPD paperwork.

③ If it's wrong, you can end up in the wrong intake facility and at risk. **It's harder to move after intake, even if you're in a place that's not the safest for you.**

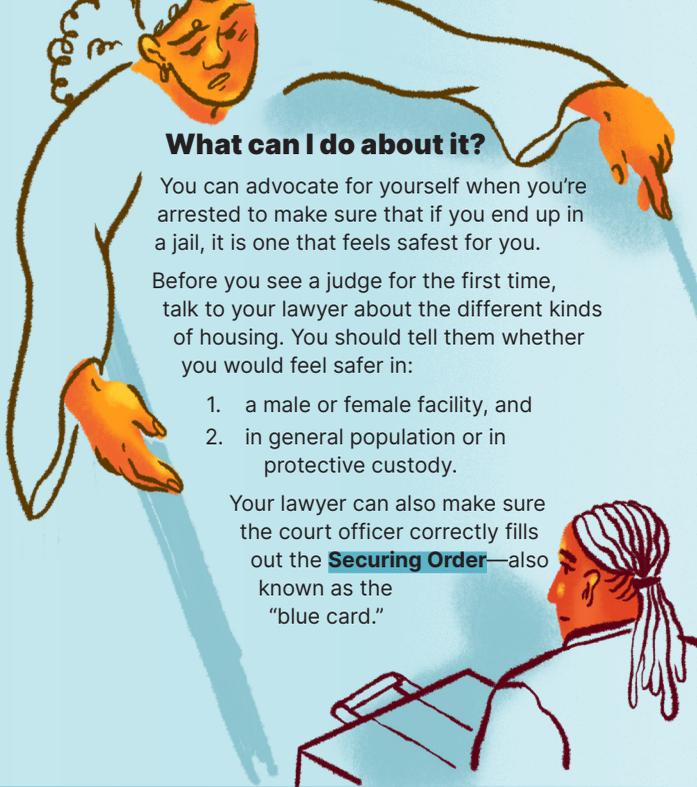
What can I do about it?

You can advocate for yourself when you're arrested to make sure that if you end up in a jail, it is one that feels safest for you.

Before you see a judge for the first time, talk to your lawyer about the different kinds of housing. You should tell them whether you would feel safer in:

1. a male or female facility, and
2. in general population or in protective custody.

Your lawyer can also make sure the court officer correctly fills out the **Securing Order**—also known as the “blue card.”



Your Rights in NYC Jails and NYS Prisons

Identify yourself as trans to staff as soon as you feel safe doing so, including at intake in jail or reception in prison. Doing this can increase your chance of harassment, but it also gives you strength and the chance to be treated as you should be.

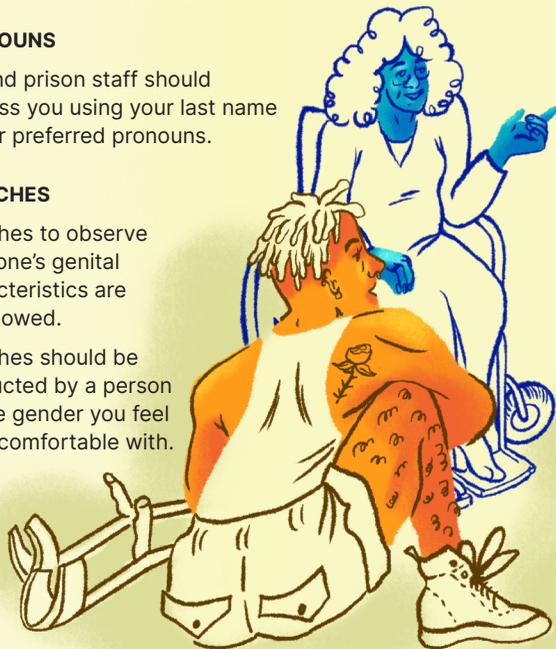
PRONOUNS

Jail and prison staff should address you using your last name and/or preferred pronouns.

SEARCHES

Searches to observe someone's genital characteristics are not allowed.

Searches should be conducted by a person whose gender you feel more comfortable with.



MEDICAL TREATMENT

You should have access to medically necessary and appropriate treatment, such as hormones or gender confirmation surgeries.

This applies even if you were taking street hormones or want to take them for the first time. Talk to the medical staff at your jail or prison.

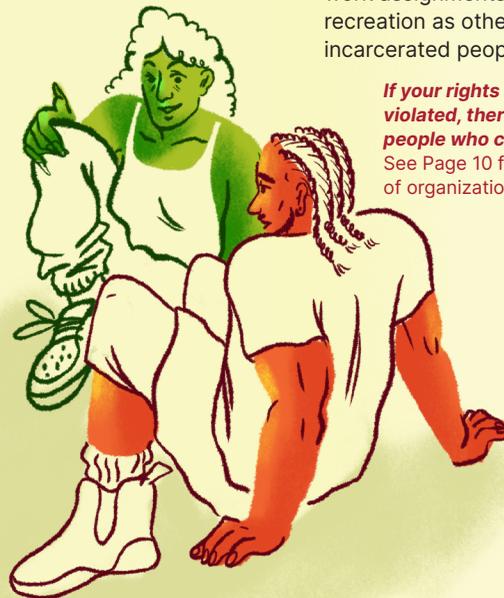
CLOTHING

Regardless of which facility you're in, you should have access to equivalent toiletries and clothing (including underwear) that suit your gender identity.

PROGRAMMING

You should have access to the same programming, services, work assignments, and recreation as other incarcerated people.

If your rights are violated, there are people who can help.
See Page 10 for a list of organizations.



Getting Safe Housing

You have the right to safe housing in both NYC jails and NYS prisons. You have **the right to be housed consistently with your gender identity** unless jail/prison officials believe it would create a safety concern for you or others.

What gets considered

Jail and prison officials will consider a lot of things when deciding where to place you.

YOUR GENDER

- Your gender identity and how long you've lived in that identity
- If you take hormones or are transitioning
- If you've changed your name
- If you're involved in the TGNCINB community

YOUR HOUSING HISTORY

If you've been housed or programmed with people in your gender identity (particularly in a jail or prison) with no issue before, that's strong evidence you can continue to be housed like that.



NYC jails have housing specifically for TGNCINB people! They're currently called the **Special Consideration Units (SCUs)**. If you are going to jail, you should be considered for an SCU. **You can request the SCU application at intake or anytime after.**

YOUR SAFETY CONCERNS

- Why you might feel vulnerable, particularly to sexual abuse, if you were housed with people of a different gender identity
- What gender you present as, and whether you feel at risk because of how people perceive you
- If you've experienced sexual abuse or harassment before, particularly in custody.

YOUR CRIMINAL AND DISCIPLINARY RECORD

If you have a record, you should explain it so you can turn it into a strength. Like if you have a record because you were protecting yourself, or if you've taken any anti-violence or anger management programs.



Housing decisions in jail

Being housed consistently with your gender identity is **more likely in jail than in prison**.

Jail officials should make their decision on your housing within 3 days and in writing. If they deny your request, you can **appeal the jail's decision** by submitting a **"reconsideration form."**

If you know you're going to prison...

TALK TO YOUR LAWYER

Sometimes they can delay your court dates or your sentencing to keep you safer longer.

WRITE A LETTER

Writing a letter while you're still in jail can increase your chances of being housed safely. Describe your gender identity and why you believe you would be safer in gender-aligned housing or with other TGNCINB people.

Send the letter to:

Associate Commissioner for PREA Compliance
Sexual Abuse Prevention & Education Office
NYS Department of Corrections & Community Supervision
The Harriman State Campus
1220 Washington Avenue
Albany, NY 12226

When you get to prison

Staff will interview you before they assign you housing. They'll ask you about your gender identity and any safety concerns. This is a chance to correct your gender marker in the Department of Corrections and Community Supervision (DOCCS) computer system and your ID card.

IF YOU DON'T FEEL SAFE IN YOUR HOUSING

You can ask to go to a prison that aligns with your gender identity at any time. You can ask more than once.

Tell your counselor/ORC or the DOCCS Associate Commissioner:
"I want to be housed in _____.
I want to make that request to the Central Office Transgender Placement Review Committee."

IF YOUR REQUEST ISN'T GRANTED

You can ask your counselor/ORC for housing in protective custody or for a transfer to a trans-friendly prison.

Protective custody has its pros and cons. It can feel safer, but it also means you'll have less time outside your cell.



What to share with prison officials

*Your gender identity is
your truth!*



The prison housing process may make you feel like you need to prove yourself on many levels, but you should feel grounded in your gender identity no matter what officials say.

Explain why you would feel safer in housing that aligns with your gender identity and/or in housing with other TGNCINB folks. **Be as truthful as possible.**

Talk about:

- Any factors they consider that apply to you (see Pages 5–6)
- Why it matters to you

You can share this information with prison officials **any time you don't feel safe in your housing**, including when you write a letter from jail, during your interview when you get to prison, or during your quarterly meeting with your counselor/ORC.

If your rights are violated

REACH OUT TO THESE ORGANIZATIONS

The Legal Aid Society

Prisoners' Rights Project
LGBTQ+ Law and Policy Initiative
199 Water St
New York, NY 10038
212-577-3530
917-716-8277

The Bronx Defenders

LGBTQ Defense Project
360 E 161 St
Bronx, NY 10451
718-838-7878

Sylvia Rivera Law Project

147 W 24 St, 5 Floor
New York, NY 10011
212-337-8550

ASK YOUR DEFENSE OR APPEALS ATTORNEY FOR HELP

They can contact the Director of LGBT Initiatives (for jails), or the Associate Commissioner for PREA (for prisons).

REPORT SEXUAL ABUSE OR HARRASSMENT TO PREA STAFF OR OTHER STAFF

This should lead to an investigation and may help protect you from more abuse.

FILE A GRIEVANCE AND APPEAL IT TO THE HIGHEST LEVEL OF REVIEW YOU CAN

This can be very helpful in court if you plan on filing a lawsuit later on.

IF YOU'RE IN JAIL, YOU CAN ALSO CONTACT

DOC Director of LGBTQ+ Initiatives

Call 1010# on the unit phone or fill out the "LGBTQ+ Services form" on a tablet.

NYC Board of Correction

2 Lafayette St, 12 Floor
Room 1221
New York, NY 10007
212-669-7900

NYC Commission on Human Rights

Attn: Infoline
22 Reade St
New York, NY 10007
212-416-0197

This project was produced through **Public Access Design**, a program of the Center for Urban Pedagogy (CUP). Public Access Design projects use design to make complex urban issues accessible to the people most affected by them. publicaccessdesign.org

CUP Clair Beltran and
Sucharitha Yelimeli

**The Bronx Defenders' LGBTQ
Defense Project** Deborah Lolai

**The Legal Aid Society's
Prisoners' Rights Project**
Dori Lewis

Designers Chloe Chang and
D Wang Shi Zhao



**The Center for Urban Pedagogy
(CUP)** is a nonprofit that uses
the power of design and art
to increase meaningful civic
engagement. welcometocup.org

**The Bronx
Defenders** Redefining
public
defense

**The Bronx Defenders' LGBTQ
Defense Project** provides LGBTQI-
identifying clients with direct
legal representation. Additionally,
they advocate for improvements
within the systems their LGBTQI
clients navigate every day through
training and policymaking.
[bronxdefenders.org/programs/
lgbtq-defense-project/](http://bronxdefenders.org/programs/lgbtq-defense-project/)

*This guide is for informational use only and
is not a source of legal advice. If you need
legal advice, talk to a qualified lawyer.*

**THE
LEGAL AID
SOCIETY**

**The Legal Aid Society's
Prisoners' Rights Project (PRP)**
litigates conditions in City jails
and State prisons, including staff
brutality, sexual violence and
the need for gender appropriate
housing. [legalaidnyc.org/
programs-projects-units/the-
prisoners-rights-project/](http://legalaidnyc.org/programs-projects-units/the-prisoners-rights-project/)

Chloe Chang uses a collaborative
design process to make
information more accessible
and outcomes more equitable.
chloechang.design

D Wang Shi Zhao is a Han Chinese
designer & illustrator who is
grateful to their fellow Black and
PoC trans siblings for existing.
dwangzhao.com

BIG THANKS to Osha Brown,
Stefan Outlaw, Miz Qitti Pugh,
Saadiya Rothschild, Katie Wong,
and everyone else who gave
feedback.

Support for this project was
provided by The Shelley & Donald
Rubin Foundation and public
funds from the New York City
Department of Cultural Affairs in
partnership with the City Council
and Council Members Brad Lander
and Antonio Reynoso.

 **SHELLEY & DONALD RUBIN FOUNDATION**

 **NYC Cultural
Affairs**

© the Center for Urban Pedagogy,
2020