

A version of this letter was sent to all Sheriffs in New York State



December 7, 2023

Re: Recent Settlement Regarding the Treatment of Transgender People in Custody

Dear Sheriff,

We write on behalf of the New York Civil Liberties Union (“NYCLU”) and the Transgender Legal Defense and Education Fund (“TLDEF”) to follow up on a letter we sent to your office on October 23, 2023, urging you to adopt strong written policies to avoid unlawful discrimination against transgender people in your custody and to promote safety.¹ We have yet to receive a response from your office and request one by January 19, 2024.

That letter brought your attention to a recent \$160,000 settlement in our lawsuit against the Broome County Jail that also established a policy clarifying the proper treatment of transgender people relating to housing placement, safety, access to medical care, name and pronouns use, search procedures, and grooming standards. Coming on the heels of a \$60,000 settlement in a similar case in Steuben County—resulting in a similar policy change—this policy establishes clear guidelines for how jails can comply with the law, maintain the safety of people in their custody, particularly transgender, gender nonconforming, nonbinary, and intersex people, and avoid costly litigation and settlements arising from inadequate or nonexistent policies. The sheriffs of Broome County and Steuben County have each stated publicly that their new policies provide clarity and necessary guidance to ensure the lawful treatment of transgender people in custody.²

¹ A copy of the letter and model policies is available on the NYCLU’s website. *See Letter to Sheriffs In New York State Regarding the Treatment of Transgender People in Custody*, New York Civil Liberties Union, Oct. 23, 2023, <https://www.nyclu.org/en/publications/letter-sheriffs-new-york-state-regarding-treatment-transgender-people-custody>.

² The Broome County Sheriff was “pleased. . . to amicably reach a resolution that establishes clear LGBTI Guidelines, which were previously nonexistent, to address the rights of LGBTI inmates while maintaining the safety and security of individuals both housed and working at the [Jail]” and views the policy as “another important step forward in pragmatically and safely modernizing policies to meet the needs of those we serve and protect as we work to build a better, safer community for everyone.” *See In settlement with transgender woman, New York jail to implement LGBTQ prison reform*, ABC NEWS, Aug. 25, 2023, <https://abcnews.go.com/US/settlement-transgender-woman-new-york-jail-implement-lgbtq/story?id=102529277>.

Steuben County described its policy as necessary “to ensure that all citizen rights are met” and “to ensure compliance with federal and state regulations.” *See Steuben Sheriff responds*

Four jurisdictions across New York State have already adopted policies modeled after the Broome and Steuben County policies since receiving our letter, and others have indicated they are reviewing their policies to bring them in line with Broome County and Steuben County. Your county has the opportunity to do the same and ensure that no transgender person in its custody will experience unlawful discrimination while incarcerated by adopting a similar policy.

Consistent with the law and these settlements, we urge you to consider implementing (or updating) written policies that clarify the proper treatment of transgender people with respect to housing placement, access to medical care, searches, and freedom from harassment and discrimination. We also ask that you consider how such updated policies could be most meaningfully communicated to all county jail staff as well as people in custody—for example, through bulletins, memoranda, oral messages, and training.

We ask for a response by January 19, 2024, indicating whether your county has any policies regarding the treatment of transgender people in custody, and if not, indicating what steps your county will take to adopt such policies. Please do not hesitate to reach out to us with any questions or concerns at glarios@nyclu.org or 212-607-3354.

Sincerely,



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to transgender lawsuit and settlement, WESTVILLE REGIONAL NEWS, Aug. 7, 2020, <https://wellsvilleregionalnews.blogspot.com/2020/08/steuben-sheriff-responds-to-transgender.html?m=1>.