
TGNCNB WORKING GROUP

REPORT & RECOMMENDATIONS

OCTOBER 2022

 Trans Equity Consulting.



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Trans Equity Consulting (Trans Equity) was thrilled to have the opportunity to work with the Manhattan District Attorney's Office (DANY) on creating approaches and protocols aimed at better serving trans and gender-diverse individuals. Understanding the critical role DANY plays in public safety, Trans Equity was eager to engage in a process that, if successful, would result in a more welcoming, transparent, and respectful environment for trans and gender-diverse victims, survivors, witnesses, community-based advocates, and employees of DANY.

In December of 2021, the leadership of the Human Trafficking Unit at DANY invited Trans Equity to lead a collaborative effort between current DANY staff and LGBTQIA+ community stakeholders. This became the TGNCNB working group, and under the guidance of Trans Equity, evaluated existing protocols, considered DANY's public engagement efforts, and reviewed the standard forms and filings of the office with a focus on its work involving transgender, gender-nonconforming and nonbinary (TGNCNB) people and issues affecting them. We are grateful for the time and effort participants invested towards this undertaking. The group's insight was crucial in helping us identify instances of explicit and implicit bias where trans identities were not being supported by DANY's work. While the work sought to encompass and impact the whole of DANY, our inquiry placed special emphasis on evaluating the set of interactions that a hotline caller, victim, and/or witness would encounter when engaging with the office. Furthermore, we proposed specific strategies for these interactions that would center respect for all gender identities.

Over the course of eight months, we held six online meetings. Our approach consisted of presenting an existing DANY protocol and then prompting working group members to consider the context and offer both a critique and helpful strategies to improve the work. This engagement encouraged the collaborative development of the recommendations outlined in this document.

DELIVERED TOOLS

Terminology Guide

A guide that explains 31 terms and concepts related to sexual orientation and gender identity. The guide is aimed to both educate and establish a basic framework that ensures best practices and protocols.

Criminal Legal System Point of Contact Map

A visualization of the interactions a person could reasonably expect to have when visiting the DANY's office for an interview with an Assistant District Attorney (ADA) or when calling a DANY hotline for assistance. The mapping exercise highlighted some of the barriers/concerns in accessing services as a gender-diverse individual and provided the opportunity to offer remedies and improved approaches to directly addressing those concerns.

Victim Resources Website Review

Trans Equity provided a comprehensive review of DANY's Victim Resource webpage. The analysis considered user interface, language, and the accessibility and quality of communication regarding DANY's commitment to better serve the many gender-diverse communities of Manhattan. The review included suggested ways to clarify and amplify the office's commitment to protect LGBTQIA+ communities.

Training for DANY Investigators

We conducted a one-hour training session for investigators at DANY. These investigators work closely with Assistant District Attorneys and function with the full power of law enforcement (making arrests, executing search warrants, etc.). The session included an overview of terminology pertinent to gender diversity, guidance on pronoun usage, as well as a historic review of police interactions with LGBTQIA+ communities and a discussion of the current realities faced by TGNCNB people as they intersect with the criminal legal system¹. The session also addressed how that history and TGNCNB people's current experience with DANY and law enforcement informs the perception of DANY in communities.

Training for Legal Staff and Community Engagement Staff

We conducted two one hour and thirty minutes trainings for legal staff at DANY. Like the training for DANY investigators, this training focused on basic concepts regarding gender and gender expression, the importance of using proper terminology, recognizing and correcting microaggressions. It also provided an opportunity for staff to practice better communication, discuss how to respond when mistakes are made, and address questions that may feel intimidating or sensitive to ask TGNCNB people outside of the training.

¹ Where this document refers to the **criminal legal system**, rather than using the common term **criminal justice system**, it does so to acknowledge activists and communities that have been calling attention to injustices historically sanctioned by the institutions involved and working, sometimes from within, to make these more equitable.

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To foster a climate and culture of active respect for TGNCNB identities at DANY.

The work towards this goal includes:

- Assisting DANY staff in developing a better and more unified understanding of gender-related concepts.
- Revising current protocols and developing new approaches that promote respect for all identities with a particular emphasis on historically underserved and disenfranchised communities.
- Introducing and installing tools and pathways to information that can help DANY continue to adapt to, and address, the ever-evolving nature of language and societal concepts regarding gender identity.

RECOMMENDATIONS

The thorough analysis of DANY's internal dynamics, current protocols, and public perception derived the following set of recommendations, grouped in four categories: Protocols, Trainings, Tools, and Updates.

PROTOCOLS**Create an intake form for callers and walk-ins**

Envisioning and hoping to enable a more equitable treatment of TGNCNB people at DANY, we invested a significant portion of time considering and evaluating the potential first points of contact for any victim/witness/advocate/etc. Revising the initial intake procedure for anyone who calls or walks into DANY would help minimize instances of microaggressions later in the process. We recommend developing a unified intake form that gathers appropriate and sufficient information to properly guide DANY staff interactions in assisting each individual.

We suggest further consulting with TGNCNB community for the development of the intake form(s) and propose the following list of information as a starting point:

Name

Legal Name (if different from above)

Pronouns

Honorifics

Reason for Contacting Office

Relevant Notes Regarding the Nature of the Call/Inquiry

Special consideration should be given to inquiring about an individual's chosen or preferred name and once given, that name should be identified as the name to use unless legal requirements dictate. The form should also indicate how the person prefers to be addressed with titles (e.g., Mr., Ms., Mx., etc.) and pronouns throughout the process.

Centralize all hotlines

Currently, DANY's website lists eight hotline numbers to address various community concerns:

Child Abuse & Domestic Abuse: 212-335-4308

Elder Abuse: 212-335-9007

Financial Crimes: 212-335-8900

Frauds Targeting Immigrants: 212-335-3600

Hate Crimes: 212-335-3100

Human Trafficking: 212-335-3400

Identity Theft: 212-335-9600

Sex Crimes: 212-335-9373

While the varied set of hotlines may in some instances provide callers with a sense of specificity and urgency for their concern, these hotlines are often unstaffed with an automated instruction to leave a message. Furthermore, the different hotlines may also create confusion when a caller's concern overlaps with more than one listed category, leaving a person uncertain whether they have chosen the correct unit to deal with their situation or the caller does not identify their issue with any of the listed categories (e.g., tenant abuse, police abuse, etc.). We believe a single hotline, staffed each day during business hours (with an answering machine only employed nights and weekends) is a more effective approach. A single line is easy to publicize and easier for the public to remember. Having a trained staffer take intake calls allows DANY to better gather information and direct people to appropriate services, and provides a more accountable system.

Publicize the hotline(s)

To ensure that as many New Yorkers as possible know how to report information to DANY, we suggest further consulting and input from community stakeholders to develop an effective publicity campaign. The campaign should not only promote the hotline(s), but should also reframe DANY as a resource for victims, and not just the state's office for prosecuting crimes. We recommend highlighting the support DANY provides to undocumented New Yorkers, sex workers, and other communities who too often feel targeted by law enforcement. Promoting services provides an opportunity to shift the narrative regarding DANY's approach to historically criminalized communities.

Publicizing efforts could also extend into information regarding DANY priorities and policies, as well as walk-in centers' open hours and locations.

Develop system for in-person visitors

Highly regulated and/or surveilled places like schools, hospitals, and airports can feel like a minefield for TGNCNB people. Reducing the number of physical inspections, gender-segregated processes, and public questioning can dramatically reduce the amount of trauma faced by gender-expansive individuals especially as they engage in a criminal justice process which, in and of itself, can be stressful. With an appreciation and understanding for security needs especially for government buildings, we recommend developing differentiated security protocols for any victims/witnesses who may be understandably concerned or traumatized by invasive security screenings. Sex crime victims, visitors with children, and transgender visitors may benefit from a private screening area. In addition, we would recommend that each bureau/unit have a daily assigned greeter who would meet visitors as they entered a building and would assist visitors as they navigate security protocols, explaining steps, and taking care to protect privacy.

We would further recommend that when DANY staff arrange visits for victims/witnesses, they should share information on the security protocols and what people can reasonably expect when they enter the building. Once TGNCNB visitors clear security, there should also be visible signage directing people to all-gender bathroom facilities. DANY should also consider posting information regarding their expectations for a respectful environment for all and clear steps individuals can take if they experience a problem while at DANY facilities.

Bathrooms Accessibility Measures

Being able to use bathrooms without the threat of violence or harassment is a human right, not a privilege. Gender-segregated bathrooms can represent an obstacle for people within a few different demographics, including, but not limited to, people with disabilities and parents of children of varied genders. For TGNCNB people, and particularly individuals whose outward presentation may expose their gender variance, using gender-specific public bathrooms is an experience that may range from uncomfortable to traumatic and even dangerous. Furthermore in accordance with Local Law No. 3 (2002); N.Y.C. Admin. Code § 8-102, it is illegal in New York City to discriminate against an individual on the basis of gender identity or expression, including denying access to bathrooms.

We recommend that DANY continue to work with TGNCNB people, stakeholders and consultants to assess the current structural limitations and develop steps towards making all-gender bathrooms accessible within all DANY premises. Recognizing the intricacy of this endeavor as it intersects with hard infrastructure and tenancy regulations, we recommend that provisional signage be installed to guide staff and visitors towards currently available single-user restrooms, as well as signage to indicate these to be all-gender restroom

TRAININGS

Statistically, most people do not have a personal relationship with a person of trans experience and, therefore, are limited in their understanding of the reality of trans lives, as well as the nuanced intersections that a TGNCNB individual navigates daily. Most people's knowledge of gender identity is guided and influenced by the media, political groups, and hearsay. This biased reporting coupled with a lack of actual connection to TGNCNB communities can have devastating effects for everyone. Even TGNCNB individuals must work to unlearn these hateful mistruths in order to come to a place of self-acceptance. Thoughtful training sessions, led by people of trans experience create a culture of active inclusivity. These training sessions should include basic terminology, a discussion regarding gender and sexual orientation, opportunities to ask questions and if possible, some situation-specific role play. In a supportive and non-judgmental training, DANY staffers will have an opportunity to learn from the experiences of trans people, be given culturally sensitive guidelines, and improve their communication skills.

Legal staff trainings

Assistant district attorneys work directly and recurrently with witnesses and victims, and the relational dynamic that may emerge from such interactions impacts to varying degrees the outcome of an investigation and/or prosecution. It is imperative that ADAs feel equipped to engage people of all gender identities and expressions without replicating some of the oppressive social dynamics and microaggressions that TGNCNB people disproportionately face day to day.

We propose that the scope of training not only include Trans Literacy 101 (terminology, concepts, etc.), but also include discussions regarding the prevalence and level of violence experienced by trans people, current proposed legislation impacting the trans community, and the disproportionate criminalization of trans people, especially trans people of color and trans youth.

DANY advocacy for police trainings

Police are very often the first point of contact that victims, witnesses, and defendants have with the criminal legal system. In a 2015 survey of over 27,000 adults in the United States who identify as trans, 57% reported feeling uncomfortable with asking the police for assistance. Furthermore, of those who did report interacting with police as an identified person of trans experience, 58% reported experiencing some form of mistreatment. Given the vital role police play in the criminal legal system, and given TGNCNB communities' documented concerns and experiences, it is critical that law enforcement agencies like DANY and the New York Police Department (NYPD) partner together on training initiatives to address the historical inequities and the current mistrust and mistreatment.

We propose a set of training sessions on Trans Literacy 101 for the NYPD in an effort to familiarize themselves with terminology, concepts, current legislation, and statistics (prevalence of violence, rates of incarceration, etc.), which speak to the realities faced by TGNCNB people. Better initial responses by first responders will have a critical impact on the trans communities and on their willingness to engage with the criminal legal system. Although DANY has no direct authority over the NYPD and its training priorities, it is in the best interest of justice to advocate for more training and the development of best practices.

TOOLS

The following recommendations focus on the development of new tools for both current and future DANY staff looking to educate themselves about evolving best practices, current community news, trends and theories involving or of concern to TGNCNB people.

Develop a support service referral system

In furtherance of DANY's goal to foster a supportive engagement of crime victims, we recommend that a system of referrals be developed and integrated into the management of cases. While we understand the current referral system provides assistance around housing, mental health resources, education resources, and crime victim compensation, this enhanced system would provide more referrals to TGNCNB-intersecting community-based organizations (e.g., youth supports, elder supports, health providers, etc.)

This tool should ultimately streamline and broaden the scope of support that DANY is able to offer victims and witnesses through a personalized approach that reflects the intersecting needs and identities of individuals.

Create a library of resources

In order to extend the impact of this work into DANY's future, and keeping in mind the ever-evolving nature of identity, language, social etiquettes, and legislation, we suggest the development of a living library of trans-related content that should support staff on their personal investment to continue to educate themselves, inform forthcoming interactions, or address specific questions.

We recommend a collaboration with the technology team at DANY to design this library of resources as an internal digital tool that can be systematically updated and easily navigated. Further along it would be important to promote the existence of this resource amongst incoming staff.

UPDATES

Moving away from the development of new tools and protocols, the following recommendations address existing items which should be revised and updated.

Data sheet update

The data sheet presents an opportunity to correct wrong or not fully accurate information taken by NYPD police officers at the time of an arrest. Standardizing the data sheet to reflect gender identities and preferred pronouns prevents the potential for misgendering and eliminates the need for repetitive questioning and other microaggressions experienced by TGNCNB people. Such a change would reflect DANY's commitment to better serve TGNCNB communities and in a small, but impactful way, would begin to address the work of NYPD in relation to their response to persons of trans experience. In consultation with TGNCNB individuals, the data sheet should be expanded.

Complaint Form 61 update by DANY recommendation

As the first official written record of an alleged crime, the NYPD's "61" is a crucial place to express an institutional position of consideration and inclusivity of TGNCNB people. Incorporating a space for preferred pronouns and chosen name, would more accurately reflect the reported circumstance, send a message of respect, and begin to positively shift the narrative regarding police interaction with the trans community.

We understand that a "61" complaint form is generated by NYPD, and therefore not subject to DANY's control; however, a change to DANY's own data sheet might influence NYPD's collection of information. Aligning paperwork between NYPD and DANY to reflect a more respectful and accurate accounting, would support better engagement from victims and witnesses and would send a powerful message regarding law enforcement's commitment to the TGNCNB communities.

Update website

Our review of DANY's "victim resources" page revealed that currently the site does not properly utilize gender-neutral descriptors throughout and includes pertinent information for victims or witnesses seeking to make a report (or learn about the process). However we found room for improvement on the consistency and presentation of this information.

Currently, the "victim resources" page is divided into nine subpages, each of which informs on a different type of crime such as Domestic Abuse, Financial Crimes, Hate Crimes, etc. Information in each of these pages is then organized under the tabs: Questions, Report an Incident, and Resources. However some of the information that should be under the Questions tab may be found under Resources, or some of the resources relevant to child, elder, and domestic abuse may only be offered in the domestic abuse subpage. Additionally we encountered ambiguity regarding what reporting procedures may look like and what other supportive services are available through the process.

We recommend a comprehensive revision and reorganization of the "victim resources" content, with a focus on consistency while keeping in mind our initial recommendation to centralize hotlines.

The following are more specific recommendations to be considered when embarking on the revision of the DANY website:

- The website translation function (found in the top left corner of the page) offers an impressive set of 15 languages, which sends a strong message of inclusion to NYC's characteristically diverse immigrant population. However, recognizing that within each of these demographics there are TGNCNB people who may or may not feel supported depending on the terminology used within each of these languages. We recommend that any future translation efforts utilize the language justice work that queer communities have been doing throughout the world to see themselves equitably represented in their respective language. For example: The Spanish translation of the website should be done using lenguaje inclusivo,

which refers to an increasingly popular use of Spanish that offers the possibility of gender neutrality and challenges the default masculine gendering of gender-mixed groups.

- Currently the website relies solely on written text to communicate with its users. We recommend the implementation of audiovisual and other interactive aids to make the website accessible to people with disabilities, those who may not feel as comfortable reading through paragraphs due to their physical abilities, language proficiency, or personal preference. These aids would be particularly useful in clearly illustrating the protocols that may unfold when filing a report, the spaces that one may have to navigate, and the resources that may be available to further support victims. This would support those considering filing a report in making a more informed decision as well as further align the website with DANY's commitment to accurately and broadly inform the public of their rights and the resources available to them. Completing this revision would also provide an opportunity to ensure DANY's compliance with Local Law 30 of 2017 (LL30) as well as the Web Content Accessibility Guidelines (WCAG).
- Could the DANY website offer an avenue for reporting a crime online? Victims and witnesses that enter the website to learn about the process and implications of reporting a crime may find themselves ready to do so while browsing the page. Furthermore we should not assume that phone calls and walk-ins are accessible or safe options for everyone. We recommend that any future website update integrates a system for either filing a report, getting the process to do so started, or possibly scheduling callbacks from DANY support.
- At the top of each subpage we find the linked text "*We protect undocumented New Yorkers - Our Office is a safe place for undocumented immigrants to report crime.*" We see this reappearing link as an invitation to those who may fear further criminalization and persecution if they come forth reporting a crime inflicted onto them. However undocumented New Yorkers are not the only demographic facing these fears. We recommend broadening this message to incentivize all people to report criminal activity, regardless of their own interactions with law enforcement or carceral systems. This messaging is particularly important to people in criminalized sectors like sex workers and consumers of illicit drugs.

We also found that while this "safe place for undocumented New Yorkers" sentiment is expressed a few times throughout the page, there is no explicit statement expressing that they will not be deported or prosecuted. For those who may fear reporting a crime or approaching law enforcement due to their immigration status, line of work, or any part of their identity, it is important to know explicitly how they will be treated and what legal implications they may face in the process, in order to make an informed decision. Currently the link "*We protect undocumented New Yorkers - Our Office is a safe place for undocumented immigrants to report crime*" leads to an error page.

At Trans Equity Consulting we were honored to collaborate with the TGNCNB Working Group, and we are deeply proud to present this report and its accompanying recommendations. The report is a true reflection of the arduous analytical work and emotional labor put forth by all parties. We also recognize this report is not the end of the work but provides a roadmap for the future ahead. We remain committed to supporting the efforts of the Manhattan District Attorney's Office as they seek to improve their response to our community. As a nationally recognized and respected law enforcement agency, their commitment to better serve TGNCNB individuals and communities has the potential to effect change for their jurisdiction and beyond. We encourage them to continue to be bold standard bearers for true justice.

We would like to offer a special thanks to former Manhattan District Attorney Cyrus R. Vance, Jr., and current Manhattan District Attorney Alvin Bragg. Their support for this venture and their active interest in creating a more inclusive approach to TGNCNB individuals is to be admired.

Finally, we are grateful to members of the TGNCNB Working Group who gave generously of their time and counsel.

CECILIA GENTILI (SHE/HER)

Originally from Argentina, Cecilia came to the United States for a safer life as a transgender woman and lived undocumented in the country for 10 years. During this time Ms. Gentili made her living through sex work, which came with drug use. This, in turn, led to time in jail and immigration detention during which she sought recovery services and became sober, giving her the strength to fight for and win asylum. Cecilia's first role within community outreach was as an intern at The LGBT Center in New York City, running support groups for trans femme people. From 2012 to 2016 she was brought into Apicha Community Health Center to develop the transgender health services where she expanded the program from 27 patients in 2012 to over 500 in 2016. Seeing so many clients affected by institutional discrimination and widespread lack of access, Cecilia decided to move from direct services into policy work at GMHC from 2016 to 2019. There she became the Managing Director of Policy and was one of the hardest fighters for the passage of GENDA (Gender NonDiscrimination Act).

Cecilia started working independently with Trans Equity Consulting in 2019, and has already collaborated extensively with organizations including the AIDS Institute, the Department of Health and Mental Hygiene, Ali Forney Center, NASTAD and Cicatelli Associates Inc. Her focus is on promoting TGNC equity throughout organizations, but she also brings expertise in strategic planning, training trainers, transitioning leadership structures, and fundraising. Her reputation with all these organizations is reflective of the deep personal commitment she brings to the work, and her unique insight which enables a deeper connection with queer and trans communities.

EDUA RESTREPO CASTANO (SHE/HER)

After receiving a Bachelor of Fine Arts from Tufts University (Boston) she went on to work in education programs with an arts and STEM emphasis, initially as a photography instructor in New York public schools and subsequently at the Whitney Museum where she assumed a position of both pedagogic and administrative responsibilities as Assistant to Teen Programs. While working here she supported four different youth programs and led Youth Insights Introductions, a program that offers free after school and summer break engagement to ELL (English Language Learner) high school students of immigrant experience that express an interest in the arts.

In 2019 edua relocated back to her homeland of Circasia, Colombia where LGBTIQ+ rights have been historically overstepped, to advocate alongside trans and gender dissident communities of region. As of early 2020 she became a member of the LGBTIQ+ city advisory council working with Circasia's city mayor office, to both hold the local administration accountable and develop projects of positive impact for the community. At the start of 2022, edua relocated to Los Angeles, California where she maintains a personal artistic and cultural organizing practice; while also working at Trans Equity Consulting and Trans Strategy Center on advocacy, consulting, and capacity building for agencies and organizations of local and global impact.

**THANK YOU FOR
WORKING WITH US!**

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