

TLDEF Secures Landmark Settlement to Protect Transgender Inmates

Settlement establishes one of the most robust policies in the country to protect transgender inmates.



(BATH, NY - August 3, 2020) Today, the Transgender Legal Defense & Education Fund (TLDEF), the New York Civil Liberties Union, and the law firm BakerHostetler announced a settlement agreement with Steuben County, New York that establishes one of the strongest jail or prison policies in the country protecting the rights of transgender, gender nonconforming, nonbinary, and intersex people in custody. [The policy](#) addresses housing placement, safety, access to medical care, name and pronouns use, search procedures, and grooming standards. It was negotiated with the involvement of the New York State Sheriffs' Association and can serve as a model for jails across New York state and the country.

The agreement comes as a result of a 2019 lawsuit filed on behalf of Jena Faith, a transgender woman and military veteran, who spent four weeks in the Steuben County Jail awaiting trial. While she was originally housed in the women's facility, she was transferred to the men's facility without warning, despite the fact that she is a woman, solely because she is transgender. Ms. Faith has been recognized as a woman in all aspects of her life for many years, from her daily interactions with friends and family to the gender marker on her New York- and U.S.-issued IDs. While in the men's facility, she was subjected to sexual harassment, abuse, and denial of her prescribed medication.

"I feel so relieved that the county is acknowledging the harm it caused me and taking steps to ensure this does not happen to anyone else," **said Jena Faith**. "No one should ever be subjected to the cruelty and harassment I endured. Everyone housed in detention facilities deserves to be treated with dignity and respect, including transgender people. I hope my case will help others, not only in Steuben County, but also across New York and beyond."

Under the settlement, the county commits itself to upholding the dignity and respect of transgender people by changing its jail policies to comply with federal and state laws. Specifically, the county will:

- Presumptively house people consistent with their gender identity.
- Ensure that staff at the jail respect a person's self-identified gender identity in all other contexts, including name and pronoun use, and searches.
- Ensure access to clothing, toiletry items, and grooming standards consistent with a person's gender identity.
- Ensure access to medical care consistent with a person's gender identity.
- Compensate Ms. Faith for harms she suffered, in the amount of \$60,000

Nationally, transgender people are [nearly ten times](#) more likely to be sexually assaulted than the general prison population, with 40 percent of transgender people in state and federal prisons across the country reporting a sexual assault in the previous year according to the National Center for Transgender Equality. Beyond detention, transgender people, particularly transgender women of color, face widespread discrimination in employment, housing, education and health care that not only funnel them into jails and prisons but also make them particularly vulnerable to violence and negative health consequences.

"This settlement makes clear that law enforcement have a legal and a moral obligation to ensure the safety, health, and well-being of the transgender individuals in their care," said **TLDEF Executive Director Andy Marra**. "Because of Jena's courageous decision to challenge her mistreatment, jails and prisons here in New York and across the country now have a new policy standard to prevent future incidents of abuse and discrimination."

"Across the state, transgender people are routinely and illegally held in facilities that are not consistent with their gender identity," **said Bobby Hodgson, staff attorney at the New York Civil Liberties Union.** "This agreement establishes one of the strongest jail or prison anti-discrimination policies in the country and creates a solid framework that officials across the state should look to as they adjust their own policies to comply with the law."

About TLDEF

TLDEF is committed to ending discrimination based upon gender identity and expression and to achieving equality for transgender people through public education, test-case litigation, direct legal services, and public policy efforts. Please support TLDEF today to help us transform the legal landscape for transgender and non-binary people nationwide. To learn more about how you can support TLDEF's work, visit tldef.org.

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