

New York City Department of Correction
Special Consideration Unit Housing Application Report
December 2022 – May 2023

Pursuant to Local Law 144 of 2019(b), the below chart outlines aggregate data related to applications for housing made by transgender, gender non-binary, and intersex individuals admitted into the Department's custody from December 1st, 2022 to May 31st, 2023.

Individuals who identify as transgender, gender non-binary, or intersex may apply to be housed in the female facility in the Special Considerations Unit (SCU), a dormitory-style housing area designated for the purpose of housing individuals who are at heightened risk of sexual victimization, including but not limited to those who identify as transgender, intersex, or gender non-binary; a general population unit in the female facility; or placement in a male facility. Housing applications are used strictly for the purpose of making housing determinations and not for the purpose of determining an individual's gender identity. Individuals in custody receive access to programming and services that align with their stated gender identity regardless of where they are housed. Final housing determinations are made on a case-by-case basis in a manner that ensures the individual's health and safety and abates any management or security concerns. If an individual who identifies to the Department as transgender, intersex, or gender non-binary does not agree with the initial housing determination made based on their application or is removed from their housing placement for security reasons, they can request reconsideration of their housing placement.

As much as possible, the Department seeks to accommodate an individual's desired housing placement in accordance with their gender identity. However, when considering other factors, denials may occur insofar as the specific housing area requested may not be suitable. For instance, an individual may request placement in SCU, but the general population unit of the female facility may be more appropriate and thus their request would be recorded as denied. Regardless, absent some other concern, such an individual would still be housed in a gender-aligned facility. Therefore, a denial does not necessarily indicate that an individual was not placed in gender-aligned housing.

During this reporting period, the Department approved approximately 58% of applications that were considered. In the previous reporting period, approximately 73% of these applications were approved. In total, 3 more applications were submitted during this reporting period as compared to the previous reporting period. The rate of denials increased between reporting periods, and the number of requests for reconsideration increased.

Total Number of Applications Submitted	Number of Applications Approved	Number of Applications Denied	Total Number Reconsiderations Submitted	Number of Reconsiderations Approved	Number of Reconsiderations Denied
113 ¹	61	44	3	0	3

¹ Five individuals submitted applications but were discharged from DOC custody before a determination could be finalized and three individuals rescinded their application. These individuals are included in the total but not included in subsequent data columns.