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March 10, 2009

Jason A. Terry
DC Trans Coalition
3112 Park Place, NW
Washington, DC 20010

Dear Mr. Terry,

Thank you for your letter dated February 25, 2009, in which you update us on your efforts to ensure D.C. Department of Corrections ("DOC") compliance with the D.C. Human Rights Act ("act"). With your letter, you've included a letter from Attorney General Nickels advising you of DOC's new policy, implemented on February 20, regarding transgender detainees at DOC facilities.

I agree that this is an important first step in securing full compliance with the letter and spirit of the gender identity and expression provisions of the act, but I am concerned about what I do **not** see in the DOC's policy. I continue to have several questions as we move forward.

Specifically, I have concerns as to how this policy is now being implemented at the DOC. Training, enforcement and accountability are critical components to positively impacting the way transgender people are treated while in custody. The policy currently is silent on the following items:

- Respecting gender identity and expression. What safeguards are in place to ensure that the names and pronouns used will be appropriate to the gender identity and expression of the inmate and that inmates will not be penalized for their gender expression, as mandated by the act?
- Training and enforcement. What type of training has DOC staff and management received on the treatment of transgender detainees? What mechanisms are in place to ensure that the policy is enforced?

- The Transgender Committee. Who will be the transgender community representative or acknowledged expert, and how will they be selected? How will this body's decisions be evaluated, and how will its decisions be documented and available for review?
- Implementation, accountability and evaluation. How will implementation of this new policy be enforced in the short term? Will the DOC reevaluate its policy after a period of implementation, and provide the findings of that process to the Council?

A copy of this letter will be delivered to Attorney General Nickles, who may be able to help us clarify some of my concerns. In the interim, please provide my Legislative Director, Steven Hernández, with any recommendations you may have to clarify our law and strengthen this policy, as we consider these issues at the Council.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Graham". The signature is fluid and cursive, with a large initial "J" and "G".

JG/sh

Cc: Peter J. Nickles, Attorney General for the District of Columbia
Devon Brown, Director D.C. Department of Corrections
Deborah M. Golden, Esq., D.C. Prisoners' Project, Washington Lawyers'
Committee for Civil Rights and Urban Affairs