

**LEGAL HANDBOOK**

**FOR TRANS &  
GENDER NON-  
CONFIRMING  
FOLKS IN NYC  
JAILS**

**CREATED BY**

Prison Library Support Network  
Sarah Ball  
Brooklyn Ghost Collective  
Mik Kinkead  
F2L Network  
Grace Detravarah  
Ending Prisons at NYU Law



**This handbook was made for people who have yet to be sentenced for a pending criminal charge also known as pre-sentence.**

**If you have been sentenced, or if you are awaiting a parole violation hearing:** this might not be the best information for you. But you are still welcome to read it.

**If you are pre-sentence:** the best person to answer your questions about your case is your criminal defense attorney. Each case is different, and each person is different. You can't compare your case today to a case from ten years ago or to a case from another county. Defense attorneys can be hard to work with but remember they work for you. It is worth it to try and figure out the best way to work together. We talk about this in chapter 6.



The handbook is dedicated to **Mother LaTravious Collins**, a Black and Trans activist who refused to wait for anyone's permission to fight back.

This project would not have been possible without LaTravious or the Brooklyn Ghost Project - the Black and Trans led community organization she founded. This handbook is just one tiny piece of the epic legacy LaTravious leaves behind. We hope it is a testament to the countless ways she fought tirelessly for the communities she loved.



# Contents

**1**

**Navigating legal  
Information**

**2**

**What to expect  
during a  
criminal case**

**3**

**Getting your  
property back**

**4**

**Access to  
trans\* specific  
care**

**5**

**Bail: How it  
works in NYC**

**6**

**Working with a  
public defender**

**7**

**Resources for  
surviving**

**8**

**Credits**



# NAVIGATING LEGAL INFORMATION

Legal information can be very complex and hard to navigate. There are many guides out there trying to help people learn the law. Two good guides specific to people in jail or prison are The Jailhouse Lawyer's Manual (JLM) and The Jailhouse Lawyer's Handbook (JLH). These are enormous books, so you will need to either find a copy in the law library or you will need to write to an organization asking them to send you a chapter to review (see next page). If you want to learn more about the law and legal research then you should request either Chapter 2 of JLM or Chapter 7 of JLH. These go into much more detail than we have space for here.

## Using the Law Library

**While you are held in jail you have the right to access the law library.** Every NYC jail facility has a law library except the hospital wards. If you are in any kind of confined segregation or separation you may not be allowed to access the law library directly, but you can request specific texts or printouts from the library. The same applies to the hospital wards.

In general, you may use the law library for two hours every day Tuesday through Saturday. You may ask for additional time to use the library, and people with pressing deadlines will be prioritized. The law library has copies of some important resources like the New York City Board of Correction Minimum Standards and the New York State Commission on Correction Minimum Standards.

The law library also has copies of Connections (a guide for currently and formerly incarcerated people in New York) and The Center for Community Problem Solving Reentry Guide. Often the law library is also where you can find a notary. They should have common blank legal forms, a photocopy machine, paper, and typewriters.

People are called to the law library by housing area during approved “lockout” periods. You can sign up the day before by adding your name to the call-out list. The schedule can usually be found in the law library itself.

## REQUESTING JAILHOUSE LAWYER'S MANUAL

### **Columbia Human Rights Law Review**

Attn: Jailhouse Lawyer's Manual  
435 West 116th Street  
New York, NY 10027

This manual is written in both English and Spanish.

You can receive up to three free chapters of the manual. Be sure to specify if you'd like chapters in English or Spanish along with the chapter name and number when making your request. The table of contents with chapter names and numbers is located at the end of this guide.



# Glossary of Terms

## For the New York Criminal Court

**Accusatory Instrument** – A written accusation filed with the court charging the defendant with one or more offenses.

**Adjournment** – A postponement of a criminal case.

**Arraignment** – The court proceeding during which a person is informed of the charges against them.

**Bail and bail bonds** – Bail refers to "cash bail" or a "bail bond". Cash bail means a sum of money, set by the court, posted by the defendant or any other person, upon the condition that the money will be forfeited to the state if the defendant does not comply with the directions of the court requiring their attendance at the criminal proceeding.

Bail bond is a form of bail and when this term is used in the Criminal Court it almost always refers to a bail bond issued by a recognized insurance company. It is a guarantee to the court by the insurance company that while the defendant is at liberty as a result of the posting of the bail bond, they will appear in court in the criminal action whenever their attendance is required. If the defendant fails to appear as required, the insurance company will pay to the Court the specified sum of money designated by the court which set the bail.

**Bench warrant** – A court order issued for a defendant's arrest if they fail to appear for a court proceeding other than an arraignment.

**Certificate of Disposition** – An official court document that indicates the current status of a case or its final disposition.

**Certificate of Good Conduct** – A certificate issued by the State Board of Parole to eligible persons who have two or more felony convictions and any number of misdemeanor convictions. A Certificate of Good Conduct removes barriers to occupational licensing and the right to seek public office imposed by state or municipal law, and is proof of rehabilitation an employer is required by law to consider when an individual applies for a job.

**Certificate of Relief from Civil Disabilities** – A Certificate of relief from Civil Disabilities may be granted by the Court to a defendant who has been sentenced to a revocable sentence (probation, conditional discharge, etc.) or a sentence other than one executed by commitment to a state correctional facility. The Certificate relieves the eligible offender of any forfeiture or disability or removes any bar to their employment automatically imposed by law because of their conviction such as with state or municipal government. An application for a certificate can be obtained at the clerk's office of the court where the sentence was given. For more information see Article 23 of the Correction Law.

**Crime Victim Assistance Fee** – A \$5.00 fee imposed upon conviction of a felony, misdemeanor, or violation.

**Desk Appearance Ticket (DAT)** – A written notice given by a police officer to a person arrested, requiring them to appear in court at a later date for arraignment.

**Discovery** – A legal process by which lawyers are entitled to find out information from their adversary in a pending case.

**District Attorney also known as the Assistant District Attorney or the People or the Prosecutor** – Confusingly, these are all the same organization. The District Attorney is an elected position within each borough and each county. The District Attorney makes decisions about where they want to focus and how they want to run their office. The attorneys they hire, Assistant District Attorneys (or ADAs),

are the attorneys who appear in court and are pressing the charges against you. Incorrectly, they are often called “the people” as in “the People vs. Jones Smith.” This is supposed to show that they represent the interests of the public, which is often not accurate.

**Docket number** - A nine character court reference number which identifies a criminal court case. The first two digits indicate the year in which the case was filed. The third character is a letter which identifies the county in which to case was filed\*.

The final six digits identify the specific case.

\* N = New York (Manhattan); K = Kings (Brooklyn);  
Q = Queens; X = Bronx; R = Richmond (Staten Island);  
C = Midtown Community Court

**Exhibits** - Physical evidence introduced at a hearing or trial.

**Felony** - The word refers to criminalized activity that has been deemed to be serious. All felonies can be punished by more than one year in prison, which means spending some time in the custody of New York State Department of Corrections and Community Supervision (DOCCS).

For the purpose of sentence, felonies are divided into five categories or classes: A, B, C, D and E felonies. Class A felonies are divided into two sub-categories: A-I and A-II felonies. Class A felonies carry the longest jail sentences and class E felonies carry the shortest jail sentences for felony cases. Jail sentences for misdemeanor and violations or infractions are even shorter.

**Grand Jury** - A group of citizens who decide whether the prosecutor has enough evidence to pursue felony (and perhaps also misdemeanor) charges against a person.

**Hearing** - A court proceeding where testimony is given, exhibits are reviewed, and/or legal arguments are made to help a judge decide an issue in a case.

**Indictment** - A document that contains the felony (and perhaps also misdemeanor) charges that were voted by the grand jury.

**Indigent** - A person found by the court to be unable to afford to hire a lawyer or otherwise meet the expense of defending a criminal matter. If the defendant is determined to be indigent, a defense counsel is appointed by the court.

**Jurisdiction** - The power to hear and determine a case.

**Mandatory Surcharge** - A fee that is imposed upon a defendant when they have been convicted of an offense. It is separate and distinct from any fine which the court may have imposed.

**Misdemeanor** - A specific type of offense for which a person may be sentenced to more than 15 days but not more than one year in jail.

**Motion** - A request made, by one of the parties to a criminal action, seeking some sort of relief.

**Notarize** - To attest or acknowledge.

**Not Guilty** - Importantly, "not guilty" does not mean innocent. It means that you did not commit the specific action the ADA accuses you of doing in the specific way they charge you and with all of your constitutional rights observed. For example, you may have been carrying an illegal handgun, but if officers used an illegal search to retrieve that handgun then you are still not guilty of the charges against you because your rights were not preserved.

**Order of protection** - A court order setting forth conditions of behavior which must be complied with by one of the parties in a criminal action. Usually the complainant requests the order and the defendant must abide by the conditions set forth therein.

# 2 Basic Steps in a Criminal Case:

The first encounter most people have with the New York Court System on their criminal case will be at their arraignments. If you are reading this, then most likely you have already been through arraignments.

Arraignments is when you first appear before a Judge and the charges against you are read into the record. At this point you can plea guilty or not guilty. It is best to discuss this with your defense attorney first because a guilty plea can carry implications for housing, employment, immigration status, and more

The defense attorney you meet at arraignments is, most likely, not the attorney who will take on your case. This attorney is most interested in helping ensure you don't stay in jail while your case progresses. Arraignments is the first time that **bail** will be discussed, so the attorney will want to know every argument they can make to help keep you out of jail. They will try to collect information from you about ties to the community, volunteering, child or elder care, work, etc to show that you should be released because you will turn up to the next court date on your own. This attorney – generally – is not working on the truth of the charge, they are working on getting you out of the holding cell. If your request to be **Released on Your Own Recognizance or Released on Bail** is denied, you can re-apply for bail via your attorney throughout the process.

If you plead guilty then the Judge will determine the sentencing. This may happen at arraignments or it may happen at a later date.

If the charges against you are complex. Your attorney may want to compile **mitigating arguments** to show why an alternative sentence or lesser sentence should apply.

If you plead not guilty then a few things can happen. If your charge is what is called a **felony** then you must go before a **grand jury**. If your charge is a misdemeanor then you would either be **released** and told to come to the next court date or you will be sent to the NYC jails to wait for your next court date.

A Grand Jury is the name for a proceeding where jurors (other citizens, not necessarily lawyers or judges) decide whether or not you should be formally charged. They do not decide if you are guilty or not. They are only deciding if there is enough evidence to go forward. At the grand jury the **prosecutor** presents all the evidence they have gathered against you. The grand jury may determine there is enough evidence for an **indictment**, may determine there is **not enough evidence for an indictment**, or may **instruct the court to reduce the charges or move the case to family court**.

Most of a criminal case is waiting. What is called “pre-trial” is everything that happens after arraignments and before sentencing – which is most of the process.

For more on how a jury works see the **New York State Unified Court System Grand Juror’s Handbook**. You can get a copy by writing to **the Legal Aid Society** using the contact information at the end of this handbook.

**Pre-Trial** is the time when both parties are exchanging evidence and other information called **discovery**. Discovery can be many things. It can be interviews with witnesses, photographs, blueprints, recordings, documents created upon arrest, and even more. This can be gathered through doing a **deposition** (an in person interview with a witness where attorneys are present), an **interrogatory** (a written list of document demands), or through other means. This is also the time that your attorney should send social workers and investigators to meet with you to try and learn as much about you, what happened on that day, and if there is anything they could use as **mitigating arguments**.

Anything that “mitigates” is something that reduces. For example, it would be a mitigating argument that you may have fallen asleep while driving, but you were only driving because your employer wouldn’t give you time off and you were working more than 12 hour shifts.

For most cases, the mitigating arguments focus on why you should serve the shortest sentence possible or why you should be allowed to do your sentence from an **Alternative to Incarceration Program**. These arguments could include your obligations towards your family, your work history, any specific medical treatment you need, your history as a survivor of abuse, your volunteer work or religious work in the community, etc. All of these can add up to why the ADA and Judge should be lenient. Social workers, investigators, and your attorney will often be in charge of writing these statements so it is important that you are as open to them as you are comfortable about who you are.

During this pre-trial process you may reach a plea bargain with the ADA. Usually this means that you are willing to plead guilty to a charge in exchange for the ADA promising a particular sentence. Make sure you have talked to your defense attorney about how a plea will affect your immigration status, housing (especially programs like NYCHA!), employment, child care and more. Consider all of this very carefully.

If you and the ADA can’t reach an agreement, then your case will go to trial. Most of us are used to the idea that our criminal legal process hinges upon a trial. It’s the central part of shows like “Law and Order.” Yet most people never go to a trial. There are a few reasons of this. The biggest reason is a combination of factors: how slowly our criminal legal system moves, the fact that the majority of people are held in jail pending sentencing – so people want to come home. They want to get out of the jails and return home to their families, work, and lives. So many people plea in order to return home, and they do not go forward with a trial.

You have the right to be in the courtroom and witness the entire procedure, with a few very rare exceptions. Sometimes when children or certain vulnerable people testify you are not allowed to be in the courtroom. Constitutionally you have the right to a fair trial. However the use of the word “fair” here is legal, not the common usage. In the legal usage it means that you have both procedural and substantive due process. Procedural due process means you have the right to be heard (you have the right to, via your attorney, present your case, call your witnesses, ask questions and more).

Substantive due process is even more vague. It means that you have rights that are implicit in the concept of ordered liberty.

Your criminal court case ends upon **sentencing**. Sometimes, as with a plea bargain, sentencing is already known and it is just an administrative process to finalize your case. Other times, if there has been a trial, then sentencing is the decision as what punishment should be imposed after you are found guilty. For example, you may have been found guilty of burglary in the 3rd degree by a jury. But then the sentencing judge decides what the punishment should be within the guidelines.

Of course, upon sentencing **you always have the right to appeal**. That is best described in another booklet but if you are interested in appealing then you should speak to your defense attorney.



# 3 Getting Your Property Back from the NYPD

Your small property will eventually be taken from the Precinct to the Property Clerk Office in the borough in which you were arrested. This does not include impounded cars or larger items.

Larger items are warehoused in Queens. The District Attorney might also be holding on to some property as evidence in your case. In that instance you will need to get a DA release which you can get from your defense attorney. Be sure to ask about this early on!

Call ahead to confirm both open hours and if you have all of the paperwork you need to pick up your property.

## **BRONX PROPERTY CLERK**

215 East 161st Street,  
Room C27  
(Sub-basement of Bronx  
County Criminal Court)  
(718) 590-2806

## **MANHATTAN PROPERTY CLERK**

1 Police Plaza,  
Room S-20  
(646) 610-5906

## **QUEENS PROPERTY CLERK**

47-07 Pearson Place  
(718) 433-2678

## **BROOKLYN PROPERTY CLERK**

11 Front Street  
(718) 624-5364  
or (718) 624-6330

## **STATEN ISLAND PROPERTY CLERK**

1 Edgewater Plaza,  
Room 521  
(718) 876-8413

## **OVERSIZED PROPERTY WAREHOUSE**

47-15 Pearson Place  
(718) 361-1021

# Picking up property from the Manhattan Property Clerk:

1 Police Plaza is off the 4/5/J Brooklyn Bridge stop behind the summons' court and City Hall. To go inside you first enter the "visitor's entrance" which is a tiny building before 1 Police Plaza. You will need to go through a strict metal detector. Glasses, belts, watches all come off. They will ask for photo ID and where you are going – say "property pick up."

You then enter your name and have your photo taken at a kiosk and walk across a courtyard to 1 Police Plaza. Enter the far left-hand doors. Go to the gate on the far left side. Wait to be let in by the officer at the round desk. Show them the receipt from the kiosk, a photo ID, and say you are going to property pick-up. They will make you a bright orange sticker ID which you need to wear.

Leave the desk and go through the connecting gate to the main entrance (you can also ask for help here). There is a stairwell going down, go down and then follow the bright orange signs for "property." Property is on the left-hand side when you get to the basement. Enter the Property room and enter the line.

If a family member or loved one is picking up property for you then they must have an original signed release form from you and notarized by a third party. They must have 2 forms of ID. Their website has a list of acceptable IDs. For example, a credit card and a State issued photo ID would work. Sign the form firmly so that it can be easily identified that it is an original. Whoever is picking up the property will sign stating they received the property and the officer will give you a receipt.

In general, all money will be at 1 Police Plaza. Money will be returned in the forms of checks made out to you. You can take it to a check cashing location that day or their bank the next day. Checks are issued by the NYC Police Dep't from Chase Bank and are valid for 90 days.

# 4

# Access to Trans\* Specific Care

## Hormones within NYC Jails

A person might need hormone replacement therapy (HRT) for many reasons. This section specifically is about what to do if you are a **transgender person** looking for HRT. If you are cisgender or intersex this section may be interesting, but it probably does not address your specific needs.

In the NYC jails you want to look at Medical Document **24B Transgender Care**. We have not attached a copy because it may get updated and it is best for you to get the most recently updated version!

In order to access trans-specific healthcare, you must have a diagnosis of Gender Dysphoria (GD) or have been receiving trans-specific healthcare prior to coming to jail. If you don't already have a diagnosis or weren't receiving trans-specific healthcare, then your first step is to get the diagnosis. If you already have a diagnosis or were receiving HRT on the outside, then skip to #2.

### 1) Getting a Diagnosis

The process of getting this diagnosis can be difficult. It can also bring up lots of emotions. For some people, a diagnosis feels like recognition of a truth they have known for a long time. For other people, it can feel pathologizing – meaning that it feels like their identity is being linked to something purely medical and not a core part of who they are.

Either way, it is important to remember that getting a GD diagnosis is a requirement that almost all insurance companies insist on.

It is not a statement about you. It does not define you. It is not the end of who you are. You are more than a diagnosis. But this diagnosis is needed in order to access certain rights.

You should alert healthcare staff at your facility that you would like to have a diagnosis for GD. You can say this however you want: "I am a woman and want access to hormones", "I would like to see a gender specialist for transition-related care" – whatever feels appropriate for you and your truth.

Most general practitioners can, after asking you questions and listening to your concerns, diagnose you with GD. Some may not feel they have the knowledge for that. In those instances, they should flag that the Site Medical Director should arrange for an in-person evaluation to happen within the facility.

## **2) Being Prescribed Hormones**

If you already have a diagnosis and were receiving HRT from a medical professional then you should be all set. Your care should continue uninterrupted. The name of the drugs that you take for your hormone therapy may change, but the purpose and dosages of the drugs should remain the same. For example, many people are taken off estrogen shots and take estrogen through a pill form instead. As long as the dosages are similar, this is allowed under the law. Any actual changes to the dosages should only happen after a medical review by someone who specializes in hormones. If your dosage in the community was more than your dosage currently in the jail then that means your community provider needs to verify your dosage with the jail. Sign HIPPA forms or whatever else might be necessary to get these two entities to talk to each other so you can be at your proper dosage.

If your HRT was not from a medical professional (i.e. you borrowed from a friend, bought them online, etc) you still might be able to continue your care uninterrupted.

Let the CHS staff know that you were using hormones and need to continue. They should (but do not have to) continue your care at the same dosage while they seek to provide you with a diagnosis, do necessary lab work, and get you set up for ongoing care.

### **3) Ongoing Checkups**

Whether you are in the community or in the jails regular check-ups are an important part of staying healthy. It is recommended that you have regular laboratory blood readings every 3 months for your first year on HRT, and then as often as your doctor recommends. This should continue while incarcerated.

### **4) Surgeries**

There is almost nothing in writing about access to surgeries. But you do have the right to request and pursue gender affirming surgeries while in the NYC jails! All requests must be coordinated with the Site Medical Director. If this is important to you, do reach out to an attorney.

If you are considering accessing surgeries to affirm your gender while you are incarcerated, it is important to remember that almost all gender-affirming surgeries are very intensive and require long recovery periods and specific attention to aftercare. Jails and prisons are often difficult places for any kind of surgical recovery. If you believe you are going home in under a year then you may want to wait until you are in the community and have more control. If you believe you are going to be spending time in an upstate NYS DOCCS prison then definitely talk to an attorney.

It is important to know that having a gender-affirming surgery will not automatically secure your move to appropriate housing. Approval of a surgery should trigger an additional review of your housing by the PREA Coordinator, but this will not mean that you are moved.



# Bail in New York City

## What is Bail?

Bail refers to the amount of money that the court charges people so that they can be released from jail. After you are arrested, you will be brought before a judge in the criminal court of the borough you were arrested in. There a judge will determine if bail should be set in your case. Bail is only supposed to be set when the judge determines that the person charged with a crime is a 'flight risk' and may not return to court. Bail money will be returned when the case is completed and all conditions set by the court complied with. A person can forfeit their bail if they do not appear in court or comply with the conditions of release. The judge may also issue a bench warrant for your arrest.

There are 9 different types of bail and the judge is required by law to offer each defendant at least 2 ways of posting bail. The most common types of bail are cash and insurance company bonds which are secured through a bail agent also known as a bail bondsman. Other types of bail are unsecured bonds and partially secured bonds although these are less common. Cash bail can be paid to the court, at any correctional facility, and online by going to the New York City Department Corrections Inmate Lookup Service website. Cash bail can be paid in cash, cashier's check, money order, debit or credit card. There is an additional 8% processing fee for bail by debit or credit card. If a defendant pleads guilty or is found guilty a 3% fee will be deducted before the funds are returned.

## Motion for Bail Reduction

If the bail amount that has been set is too high for you to pay it, you can request for it to be lowered. This is called a Motion for Bail Reduction. This request must be made through your legal counsel. The lawyer will need to prove to the court that the bail amount set is excessively high, that you are not a flight risk, and that you are not likely to reoffend.

Some evidence to support your request for bail reduction could be the amount of money you make, expenses related to your physical or mental health, the amount of dependents of which you are the provider, and any other mitigating factors that would prevent you from paying the bail amount. Your ability to pay is not the only thing that the Judge is looking at. You may also want to discuss your ties to the community, employment, medical appointments, any past history of court compliance, and other information related to why you are not a flight risk or at risk of reoffending.

## What is a Secured Surety Bond?

A secured surety bond (aka a bail bond) can be used to pay any amount of bail. Whenever a friend or relative bails someone out, they are using a secured surety bond. A bail agent or bondsman makes a legal commitment to the court to pay the bond on your behalf if the person whose behalf the bond is for does not return to court. The bondsman is insured through an insurance agency called a surety company. The United States is the only country in the world that has a private for-profit bondsman system

## What is a Bail Bondsman?

A bail bondsman fronts the bail money on behalf of a defendant for a non-refundable fee. The bail bondsman is a private for-profit entity. This fee is legally not allowed to be more than 10% for a bond of 3,000 or less. For a bond of more than 3,000, the bail bondsman can charge 10% for the first 3,000, 8% for any amount between 3,000 & 10,000, and 6% for anything greater than 10,000. For instance, if you are attempting to secure a bond for 20,000 then the maximum amount charged would be \$1460. The calculations are based on the following formula: 10% of the first \$3,000; 8% of the next \$7,000; 6% of the amount above \$10,000. A bail bondsman is legally not allowed to charge you more than this and there should be no other additional fees for things like court-mandated checks ins or other court requirements.

## What is the Bail Elimination Act?

The Bail Elimination Act of 2019 is a New York State law that was enacted on January 1, 2020, and followed up with some changes on April 1, 2020. This law was designed to address the discriminatory practice of pretrial detention and cash bail.

The original bail law allowed cash bail for most offenses but was amended to exclude certain sex trafficking offenses, promoting an obscene sexual performance by a child, burglary, certain types of assault including vehicular assault, and any charge relating to a death of a person. These changes also allow for a Judge to set a cash bail to people who would not have been eligible for cash bail before. Such as people who are on probation or post-release supervision even if the crime that is committed is similar to a previous crime.

# What is a Bail Fund?

A bail fund is an organization that collects money with the purpose of paying bail on behalf of people who cannot afford **the bail set in their case**. Here are a few Bail Funds that are local to NYC:

## Emergency Release Fund

Emergency Release provides interest-free loans to qualified individuals which can be used to post bail or as a deposit for partially-secured bonds (PSB). Please answer (or have someone answer) the questions in their online pre-application form to determine eligibility. Once eligible, you will be provided with the full application. <https://www.emergencyrelease.org>.

## The Liberty Fund

The Liberty Fund is New York City's first city-wide charitable bail fund. No one should be incarcerated because they cannot post bail. If you or a family member have been arrested in New York City, please speak with your attorney or a public defender about contacting The Liberty Fund on your behalf. <https://www.libertyfund.org>.

## Envision Freedom Fund

If you or a loved one are in immigration detention AND you have been granted a bond that you cannot afford, you are eligible for assistance.

Ask a loved one to fill out the online application at: <https://envisionfreedom.org/get-support>

*Note: Envision Freedom Fund does **not** assist with bonds in the criminal justice system; only immigration detention.*

# 6

# Working with a Public Defender

## What is a Public Defender?

You have the right to an attorney and if you cannot afford to hire a private attorney, the court will appoint a public defender for you. This means the city has to make arrangements to provide such lawyers, through the public defender's office that serves your borough. There is also a system for supplying lawyers when the public defender's office has too many cases or a conflict of interest. In this situation, the court will typically appoint a private lawyer, called an 18b attorney. The 18b attorney is required to serve you the way any public defender would, but there may be differences in the way they communicate with you.

An important difference between public defenders and hired private attorneys is the number of clients they handle. Public defenders have large caseloads, usually larger than that of private criminal defense attorneys. Also, public defenders' offices have relatively limited budgets for hiring investigators and expert witnesses. Most public defenders don't have sufficient time to give their clients a lot of personal attention, which is why communicating with your attorney effectively is so important. If you've been assigned a public defender, let them know you want to work with them to fight the case by contributing the time and effort that may be needed.

## Communicating with your Lawyer

Most people feel stressed and afraid when they've just been arrested, spent the night in jail, are facing criminal charges, and are stuck with a lawyer they didn't get to choose.

It's common to find the lawyer to be not what you want or need in your initial interactions with them. The system is designed in a way where public defenders must assess each new case very quickly. In your first interaction with your lawyer, focus on good communication and what you'd like to accomplish together. If you are able to, take notes on the situation and how you think they are doing well or where they are failing to meet your expectations.

It's useful to know that the lawyer may not have all the necessary information about the case right away. It will take some time for them to gather the relevant documents, to get information from the judge or DA, and to communicate those things with you. It will be necessary to have patience, but don't be afraid to ask about the timeline, letting your lawyer know that you'd like them to share new information as they receive it. It's normal to feel either overwhelmed or numb throughout the process so let the lawyers know when you need them to slow down and explain things more carefully or when you need certain information urgently.

## **Court culture & expectations**

If you're a criminal defendant, the courtroom can be hostile ground. Unfortunately, people in the courtroom will make assumptions about you based on your clothing, your demeanor, and your communication, including your lawyer. If you are coming to court from home, instead of jail, it can help to dress conservatively.

There are a couple of organizations that provide free business clothes if you don't have the funds to buy something new. Check out [www.careergear.org](http://www.careergear.org).  
[newyork.dressforsuccess.org](http://newyork.dressforsuccess.org).

The courtroom is a place where everyone is speaking about the defendant, but the defendant cannot speak freely.

This can be a frustrating and disheartening experience. You can speak to and through your lawyer, and it's important to ask them to pause and explain the proceedings whenever you need to better understand what is happening.

Court hearings and meetings with lawyers are stressful, so sometimes people take the edge off their anxiety by self-medicating, but it's important to not attend meetings after taking drugs or alcohol because it could be used against you.

## **Choosing an advocate**

If you are the defendant and feel like you have the time and energy to be the one who consistently talks with your lawyer, make sure to voice this to them. If you are fighting your case while incarcerated, it may be difficult to stay in touch with them. If you are not incarcerated while the case is going on, it may still be emotionally exhausting to keep track of what's happening. If you have someone who is willing and able to help you advocate for yourself, talk to them about what you want and ask them how much they are capable of doing. It's always best to choose one point person to help you communicate with your lawyer. It's easiest for your lawyer to speak to one person only, so they're not repeating information to different people at different times, and possibly missing something crucial. Choose a family member or friend who is able to make and take phone calls at different times in the day. It's ideal to choose someone who is organized, patient, and who truly cares about your case.

## **How to participate in your own defense**

Sometimes lawyers explain how you can work on the case with them. If your lawyer hasn't already asked for the following information, ask them whether they'd like you to take on any of the following tasks:

- Set up an appointment to sit down with your lawyer and go over the police report page by page, looking for contradictions and lies.
- Create a list of potential witnesses (eye witnesses and character witnesses). Supply complete addresses, phone numbers, and background information about each individual, with good notes about what the witness can say on your behalf.
- Make a timeline of what happened, with dates and times of day, as appropriate.
- Draw diagrams of the scene of the incident, with actual measurements, if possible.
- If drug or alcohol treatment would be useful to you, research local programs and interview with the ones that seem best. A letter of acceptance from a treatment center may be of great value in getting a good plea bargain. The Connections guidebook uses an icon to denote which programs can be official alternatives-to-incarceration placements.
- If you anticipate pleading guilty, especially to misdemeanor charges, there are specific community organizations where you could do court-appointed community service. Get in contact with them and ask for a letter saying that they'd appreciate your help with a particular project or task. Check the Connections book for resources.
- Get letters from community members advocating for you by attesting to your character and if you went to school or college, your accomplishments at those places. It would also be a good idea, if you have or have had any co-workers, to ask them if they can write about your character at work.

**NOTE:** It's important to never discuss the details of your case with anyone but your lawyer or trusted people supporting you in some significant manner.

Delivering new or revised documents to the attorney at least once a week if you can is a good way to keep them focused on your case. It's preferable to have your notes for the lawyer typed up instead of hand-written. Court procedures can be overwhelming.

One of the ways it's possible to make the process a little easier is to keep the paperwork related to your case organized. If you are someone who finds lists to be helpful, it's a good idea to keep a list (like an index) of your papers so you can easily access them. If you come across any paperwork that you think your lawyer doesn't have, make sure to provide a copy of it to them.

*All of the above suggestions apply even if you have a private attorney.*

## How to have a productive meeting with your lawyer

Ask questions and take notes when you're meeting with the lawyer and, at the end, go back over the key points with them. This is also useful feedback for lawyers, because it tells them whether they're communicating clearly with you. If your lawyer doesn't think the questions are relevant, find out what they feel you should be concentrating on.

The following are questions that may be relevant during your initial meetings with a criminal defense attorney:

- What are the charges against me at this point? Is the prosecutor likely to change the charges?
- What's the maximum sentence I'm facing (the worst-case scenario)? What would be the average sentence for someone who went to trial and were convicted on these charges?

- Has the prosecutor offered a plea bargain? If there hasn't been an offer yet, what sort of plea bargain do think you I'm likely to get?
- At a maximum, if I want to be very involved in my case, what are the best ways for me to contact you and how often do you prefer to be contacted?
- Who is my judge and what can we expect from them? Are we going to have this judge for the whole case, or will we switch judges at some point? In some court systems, you have the same judge from your very first appearance all the way through. In other court systems, you have separate judges for different stages of the case (an arraignment judge, a motions judge, a trial judge, etc.) It may also be possible to "challenge" the judge, that is, get a different judge for your particular case.
- Are there co-defendants in my case? If so, who are they?
- Which elements of each charge do you think would be hard for the prosecutor to prove and why?
- Besides attacking the elements of the charges, what are some of the other defenses available to me?
- What items of potential evidence are you asking the prosecution to give us, as part of the "discovery process?"
- What kinds of potential evidence does the defense need to locate? How can my friends and I help with the investigation?
- Whom are you thinking of calling as witnesses? I may be able to remember witnesses to the incident who would be helpful. And I may be able to find character witnesses for myself. How can I best help?

- What kinds of exhibits will we need in court? Photos, maps, diagrams? Is there anything my friends and I can do to help?
- What motions have you made so far? What motions are you planning to make? Has the prosecutor made any motions? Has the judge ruled on any of the motions?
- Have any dates been set for filing or arguing [more] motions? How do I get copies of written motions in my case? Which motions do you think will be granted?
- If I want to look at some of the potential evidence in my case, such as police reports, when would be a good time?
- At a minimum, when do I have to be in town and in court?

## MORE HELPFUL INFO

**Discovery Law:** In 2020, New York State replaced its discovery law with a new statute that requires evidence sharing between the prosecution and defense on an accelerated timeline. Three months later, the statute was amended, relaxing the timeline and limiting disclosure of certain witnesses' identifying information.

Even under the less stringent guidelines, the reform may shrink case processing times by facilitating the defendant's ability to prepare a defense, and potentially removing incentive to accept an unfavorable plea deal.

More information is available at [www.courtinnovation.org/publications/discovery-NYS](http://www.courtinnovation.org/publications/discovery-NYS).

# Locating Someone in Custody

## **FEDERAL BUREAU OF PRISONS (BOP)**

Telephone: 202.307.3198 [www.bop.gov/locations](http://www.bop.gov/locations)

Call or visit the website for a comprehensive listing of federal detention centers throughout the United States, along with information about an incarcerated person.

## **U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)**

Telephone: 888.351.4024

<https://locator.ice.gov/odls/#/index>

Call or visit the website for information about people held in ICE custody. Call Mon–Fri 8AM – 8PM Eastern Time (excluding holidays). Language assistance is available.

## **NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION (DOCCS)**

Telephone: 518.457.5000 [www.doccs.ny.gov](http://www.doccs.ny.gov)

Call or visit the website for a list of NYS prisons, their addresses and phone numbers, information to locate someone who is in prison, and research documents.

## **NYC CENTRAL BOOKING**

Telephone: 311

Call for information to locate someone who has been arrested. Provides information about people who were arrested in the last 24–48 hours and who have not yet seen a judge.

## **NYC DEPARTMENT OF CORRECTION (DOC)**

Telephone: 311 [www.nyc.gov/doc](http://www.nyc.gov/doc)

Call or visit the website for information about people in jail held by the NYC DOC. The website provides a list of the city's jails, information on how and when a person can be visited, how and where to pay bail, and how to place money in someone's account.

## **WEBCRIMS (NYS COURTS)**

[https://iapps.courts.state.ny.us/webcrim\\_attorney/AttorneyWelcome](https://iapps.courts.state.ny.us/webcrim_attorney/AttorneyWelcome)

Use the Case Identifier to get more information about a person's case, their lawyer, and their upcoming court dates.

# Organizing for Your Defense

## Systems Support & Court Support

Systems support is a term that encompasses different types of community-based tactics that have the goal of minimizing your sentence and/or keeping you out of state custody. Court support focuses specifically on what happens in the courtroom. These are non-legal ways that ordinary people (including your friends and loved ones) can advocate for your freedom alongside you.

You may have been practicing court or system support already without realizing it. For instance, bringing a family member or friend along with you to a court hearing is an example of court support. Bringing a family member or friend to a meeting with a lawyer is an example of systems support. These support tactics show your lawyer, the Judge, and the prosecutor that you are not alone, that you have ties to a community, and this can positively affect your case. Below is a description of three important tactics: **Packing the Court** (court support), **Letters of Support** (court & systems support), and **Press & Journalism** (systems support)

## Pack(ing) the court

If possible, never go to the courthouse alone. Having someone with you shows your lawyer you have someone in your corner aka community ties. This person can also report back to the people in your life, your supporters, social worker, community group, etc. in the chance that you are taken into custody at a court date. 'Packing the court' can be useful for a few different reasons.

- It demonstrates to the Judge that there is community support for you
- It can back up an ask that charges be dropped or an ask for lenient sentencing

- It can raise awareness about the specific issues in your case and it gives people in the larger community the opportunity to support you
- If there is media reporting on your case it can be strategic in shaping the messaging around your case

## **Determining what to ask for**

This is a strategic decision that you, the person facing charges, must make. It's helpful to consider the evidence a prosecutor has against you. Maybe they have footage of you doing the alleged crime and the footage clearly shows that it was you. In that situation, you may be asking for lenient sentencing. That doesn't mean that we agree with the criminal statute you are being charged with. Arguing against a law may very well be what you want to do but it may not be the most strategic thing to do if the end goal is a reduced sentence.

**In our experience packing the court is more useful pre-conviction.** While the Judge is not supposed to be influenced by the public when interpreting the law, they often are and there are points at which they can consider your community ties and the effect that prosecuting you may have the larger community.

## **How to organize a pack the court for yourself:**

You may be thinking I don't have enough people to organize my own **pack the court**. But you almost always have more community support than you think.

## **Ask for community support**

Think about what issues are at play in your case. For instance, what you are being charged with may have to do with self defense, sex work, being profiled for being Black, Indigenous, Latinx, queer and/or trans. Think about what larger societal issues are at play in your case. You may be surprised that there is community

support for you even if you are technically guilty of whatever crime you are being accused of.

## **Use Social Media**

Twitter, Facebook, Instagram, and other social media sites are a good way to connect with others locally who could support your case. Don't forget to use hashtags to find out about similar efforts going on in your networks.

## **Be Discreet and Protect Yourself**

It is crucial that the lawyer, the Judge, and the court system be unaware that the targeted person is driving the outside advocacy around their case. This information, if known, can be used by the prosecutor against the targeted person. See if the people who support you are willing to form a collective that can publish information about your case without publishing material under your name. Alternatively, they could create a Facebook page or other social media profile where information and updates about your case can be posted. This does not need to be done by someone with prior experience. Remember hashtags are your friends and a way for you to link your case to communities organizing around similar issues.

## **Materialize Your Support**

You want it to be clear to everyone in the courtroom that your supporters came together and are there to support you. This support can be visualized by using fabric for arm bands, making buttons or stickers.

## **Fill Your Lawyer In**

Make sure you tell your lawyer that a Pack the Court is being organized for you. This way your lawyer can mention to the court that the people in the courtroom are present for you. This is crucial. Remember your lawyer may discourage you from doing this but that doesn't mean you shouldn't. This is a highly strategic

decision and you may run the risk of upsetting a particular judge. That said, this is a decision that only you can make after weighing all the aspects of your case.

## **Don't Stress About Numbers**

If you have 100 people there, great, if there are only 5 people there, great. Any amount of people shows community ties.

## **Use Letters Too (more below)**

If the pack the court is accompanied with letters from organizations in support of you, even better. See more in the next section.

## **Letters of Support**

Character letters can be effective during sentencing in some criminal cases because they help the judge get to know you in ways other than just the facts of the case. In cases in which character witnesses are not allowed or limited, character letters could be the only way for a judge to learn more about your character before sentencing.

### **Who should write them?**

A family member, friend, employer, or other well known person can write these letters to the judge to help mitigate sentencing. Consider asking for letters from those who can offer examples that align with what you hope the court will focus on: things like the way you've shown up for loved ones or positive steps you've taken to achieve important goals.

### **What should letters say?**

A letter of support should address the points about your character that you want to emphasize to the Judge. Letters should be addressed to the judge, but mailed to your lawyer attorney who can file them with the judge. They can contain a variety of components but almost always include:

- the author's full name
- their relationship to you
- the period of time they've known you
- the author's knowledge about your character
- positive attributes of your character

## Tips for writing letters of support

**Start with an introduction:** Who is writing? The letter writer should introduce themselves to the court. Explain how they know (and how long they have known) you.

**Letters should make clear the person writing understands your case:** The letter writer should let the Judge know they understand the case against you and whether or not you've already been charged.

**Letters should offer specific examples:** For example, someone could write "I've known Mary for two years. She's a very kind person." However, for these letters, its better to write, "I've known Mary Jones for two years. She is the neighbor of my disabled son and helps him in so many ways. She's generous with her time. I can honestly say that Mary is one of the kindest people I've ever known."If appropriate, those writing letters should detail how they will be part of your support system following sentencing.

**Letters should be concise:** Even though a lot is on the line, one page is sufficient.The judge may discard long, rambling character letters.

## What to avoid

Using forms or formulaic language - Be sure those writing use their own words. Form letters or templates can hurt your case in the eyes of the judge and the court may contact writers to verify that they wrote the words in their letter.

Don't advise on specific criminal penalties or punishments. Judges have egos and get salty about being told how to deal with a case. If they think someone is telling them how to sentence they may

retaliate. Ask that those writing letters for you avoid discussing specific criminal penalties that they believe would be appropriate for the crime. Instead, they can focus on how a potential sentence could impact the people who depend on you: a child might be without a parent, a loved one could be without a caregiver, a neighbor without a dependable neighbor. One or more of these letters might be useful in a media campaign which we will discuss next.

## Press & Journalism

### Start by Weighing The Risks

The decision to involve any media in your case should never be taken lightly because there could be serious consequences. For instance, you don't want to give the prosecutor any information that could be used as evidence in your case. Even details that you might feel are harmless to discuss (names, locations, clothing, what you did before or after the alleged crime, etc.) could be used against you. They can also serve as a point of entry into your life by detectives.

### Identify the “Facts” of Your Case

Identify what issues are in your case, what information you are willing to share, and whether or not you will speak for yourself or have a representative (friend, family member, or community group). Think about systemic factors that play a role in your case (transphobia, homophobia, racism, anti-sex work, etc.). This will come in handy when writing out a description of your case.

### Write Out a Description

It is best to have a short and concise description of what happened that led to you being charged. When choosing what to include, consider how the details you include could affect your charges and sentencing negatively. Your description should focus on the issues that are at play within your case, who will suffer by your incarceration (self, family, friends, larger community),

and/or what message prosecuting you sends to people who may be in the same position that you are.

## **Reaching Out to Reporters**

Once you have identified what issues are in your case, what information you are willing to share, and whether or not you will speak for yourself or have a representative (friend, family member, or community group) you can start looking for reporters to report on your case. Here are the steps you or someone supporting you can take:

- Do a google news search using issues that are at play in your case.
- Make a list of reporters who are demonstrated allies to the communities that you belong to.

Draft an email that you can send to multiple reporters stating who you are, what is being done to you, and any other information that you think would be useful. This email should be short and end with an ask; would you be willing to discuss this case further?

News articles coupled with a court support strategy will make it even harder to ignore what you have prepared in your defense.

## **Ask Trusted Loved Ones To Represent You**

If it is possible for you to have someone else as the person of contact this is best. Having another person leading the media strategy you've come up with gives space for those advocating on your behalf to speak out. It is also useful to name your support as a group. For instance, this is the Fight for [Insert Name] Collective or other names like that. Even if there are only a couple of people actively organizing on your behalf, using a name can create the feeling that there is even more support. It demonstrates that you are connected to a community that is showing up for you.

## **Integrate Media with Support Letters**

If you have prepared letters of support you may want to ask the writers if they are comfortable with their letter being shared with the media. These letters bring to the public the advocacy that is happening in the courtroom and can work to build up support for your case. Remember the judge is not supposed to be swayed by the media but we know in practice that they often are. If you have a sympathetic lawyer you may even ask to see if your lawyer would be willing to speak with the media.

## **Court Reporters & Courtroom Journalists**

The decision of whether or not to involve the media may not be one you have to make if the media is already following your case. If this is true for you it is important that you understand who is reporting on your case. You can do this by finding the reporter's name and doing a google search. This should bring up other articles written by that reporter.

It is likely that you will find several or even dozens of articles from this reporter focusing on criminal cases in your specific area. If this is the case that could mean the reporter is what we call a courtroom reporter and they are not typically sympathetic to people being targeted by the criminal justice system.

Courtroom journalists often work together with the criminal justice system to criminalize members of our community. They wait around courthouses looking for the next sensational story and they rarely use language that gives people their full humanity.

These reporters may be useful to your own ends but they should not be prioritized. For instance, you may send them basic information about your case in a prepared statement with the hope that they will add what you have said to their reporting.

# RESOURCES FOR SURVIVING RIKERS

These organizations were chosen by Grace De Trevarah at The Osborne Association based on her experience and expertise. You can contact them for resources and support.

## **Sylvia Rivera Law Project**

Legal Representation  
147 West 24th Street - 5th Floor  
New York, NY 10011  
Contact: Kimberly McKenzie  
Phone: 212.337.8550  
<https://srlp.org>

## **Princess Janae Place**

2526 Wallace Avenue  
Bronx, NY 10467  
Contact: Bryan Ellicott  
Phone: 718.684.1688

## **SAGE – Elder LGBT Center**

Sage Center Bronx at Crotona Pride House  
1784 Prospect Avenue  
Bronx, NY 10457  
Phone: 929.458.2150

## **ACLU – LGBT Division**

125 Broad Street – 19th Floor  
New York City, NY 10004  
Contact: Chase Strangio – Staff Attorney  
Email: [cstrangio@aclu.org](mailto:cstrangio@aclu.org)

## **G.L.I.T.S**

(Gays and Lesbians Living in a Transgender Society)  
Ceyenne Doroshow – Founder & Executive Director  
Email: [cookinginheels49@gmail.com](mailto:cookinginheels49@gmail.com)  
<https://www.glitsinc.org>

## **Bridges4Life (Sex Worker Agency)**

Tahtianna Fermin – Executive Director

Email: tahti360@gmail.com

Phone: 914.817.6238

## **The Osborne Association**

Wellness & Prevention & Reentry Services:

Grace De Trevarah (LGBT Peer)

Email: gdetrevarah@osborneny.org

Phone: 929.239.5902

### Youth Services:

Diana Archer – Brooklyn Office

Email: darcher@osborneny.org

Phone: 718.637.6582

### Mentoring Young Adults:

Theodore Haywood

Email: thaywood@osborneny.org

### Elder Services:

Laura Roan

Email: lroan@osborneny.org

Phone: 845.345.9845

## **Pride Centers in New York**

### **New York City – LGBT Center**

207 West 13th Street NYC, NY 10011

Phone: 212.620.7310

### **Destination Tomorrow – Bronx LGBT Center**

452 East 149th Street – 3rd Floor

Bronx, NY 1011

Phone: 646.723.3325

Sage River: Coordinator of Programs

Email: sage@destinationtomorrow.org

### **Fierce NYC!**

#### **(Youth & Young Adult LGBTQIA Liberation)**

2427 Morris Avenue Bronx, NY 10468

Mustafa Sullivan: Executive Director

Email: Mustafa@fierceny.org

### **Trans Latina Network**

137 West 19th Street - 2nd Floor  
New York, NY 10011

Cristina Herrera: Founder/Executive Director  
Email: [cristina@translatinanetwork.org](mailto:cristina@translatinanetwork.org)  
Phone: 646.882.2000

### **Community Kinship Life**

459 East 149th Street Bronx, NY 10455  
Kim Watson-Benjamin: Executive Director  
Phone: 347.866.9002  
Email: [kim@ccklife.org](mailto:kim@ccklife.org)

**Brooklyn Ghost Project** - At Brooklyn Pride Center  
1360 Fulton Street (enter on New York Ave or Herkimer St)  
Brooklyn, NY 11216

Ejira Moore: Founding Member/Executive Director  
Email: [info@brooklynghostproject.org](mailto:info@brooklynghostproject.org)  
Phone: 347.889.7719

### **Exodus Transitional Community**

2271 3rd Avenue New York City 10035  
Phone: 917.492.0990  
Kandra Clark: Associate V.P.  
Email: [Kclark@etcny.org](mailto:Kclark@etcny.org)

## **Resources for Advocacy and Support**

### **Anti-Violence Project (NY)**

116 Nassau Street, 3rd Floor  
New York, NY 10038  
Phone: 212-714-1141 (English, Spanish)

### **Disability Rights New York**

25 Chapel Street - Suite 1005  
Brooklyn, NY 11201  
Phone: 800.993.8982 (English, Spanish)  
Email: [Email@DRNY.org](mailto:Email@DRNY.org)

## **Legal Aid Society Prisoners' Rights Project**

199 Water Street – 7th Floor

New York, NY 10038

Phone: 212.577.3300 (English, Spanish)

## **Mental Health Project at the Urban Justice Center**

40 Rector Street, 9th Floor

New York, NY 10006

Phone: 646.602.5600 (English, Spanish)

## **Good Numbers to Know**

### **Board of Correction (BOC):**

The BOC is the oversight agency to the NYC jails. They are in charge of ensuring that the minimum standards (which you can find how access in the Legal Resources section of this guide) of care are being met. You may contact the BOC by phone or mail.

### **Board of Correction**

2 Lafayette – Room 1221

New York, NY 10007

Phone: 212.669.7900

### **Council Members**

The City Councilmember for District 22 covers Rikers Island. **As of 2022 District 22 is Tiffany Cabán**

30–83 31st St.

Astoria, NY 11102

Phone: 718.274.4500

Email: [District22@council.nyc.gov](mailto:District22@council.nyc.gov)

City Councilmember for District 17 covers VCBC or “the boat.” **As of 2022 District 17 is Rafael Salamanca Jr.**

1070 Southern Boulevard

Bronx, NY 10459

Phone: 718.402.6130

Email: [salamanca@council.nyc.gov](mailto:salamanca@council.nyc.gov)

## More Legal Resources

ALL LINKS ARE CASE SENSITIVE. Please type all website addresses exactly as written.

### **From the Sylvia Rivera Law Project:**

*These links are an automatic download for each resource as a PDF. They will not take you to a website.*

Name Change Guide for Trans People in NYS Prisons

[https://bit.ly/SRLP\\_NameChange](https://bit.ly/SRLP_NameChange)

Court Support for TGNCNBI people in the NYC jails

[https://bit.ly/SRLP\\_CourtSupport](https://bit.ly/SRLP_CourtSupport)

[A Guide to Visiting Incarcerated Community Members](https://bit.ly/SRLP_Visiting)

[https://bit.ly/SRLP\\_Visiting](https://bit.ly/SRLP_Visiting)

[Self-Care While Incarcerated](https://bit.ly/SRLP_SelfCare)

[https://bit.ly/SRLP\\_SelfCare](https://bit.ly/SRLP_SelfCare)

How to Support an Incarcerated Loved One

[https://bit.ly/SLRP\\_Support](https://bit.ly/SLRP_Support)

### **Housing Rights for Formerly Incarcerated LGBTQAI and Non-Binary People in NYC/NYS from CUP:**

[https://bit.ly/CUP\\_YrTruthYrRights](https://bit.ly/CUP_YrTruthYrRights)

### **The Jailhouse Lawyer's Manual:**

<http://jlm.law.columbia.edu/order-the-jlm/>

### **The NYC Board of Correction Minimum Standards:**

<https://on.nyc.gov/3PT40AR>

### **The NYS Commission on Correction Minimum Standards:**

[https://bit.ly/NYS\\_MinimumStandards](https://bit.ly/NYS_MinimumStandards)

**Connections:** <https://on.nypl.org/3vfYGO>

*Link is an automatic download for guide as a PDF. Will not take you to a website.*



# Jailhouse Lawyers Manual

## TABLE OF CONTENTS

### **Section I: Introduction to the JLM and How to Use It**

Chapter 1: How to Use the JLM

### **Section II: Learning Your Rights**

Chapter 2: Introduction to Legal Research

Chapter 3: Your Right to Learn the Law and Go to Court

### **Section III: How to File a Lawsuit and Learn About Your Case**

Chapter 4: How to Find a Lawyer

Chapter 5: Choosing a Court and a Lawsuit

Chapter 6: An Introduction to Legal Documents

Chapter 7: Freedom of Information

Chapter 8: Obtaining Information to Prepare Your Case:  
The Process of Discovery

### **Section IV: How to Attack Your Conviction or Sentence**

Chapter 9: Appealing Your Conviction or Sentence

Chapter 10: Applying for Re-Sentencing for Drug Offenses

Chapter 11: Using Post-Conviction DNA testing to Attack  
Your Conviction or Sentence

Chapter 12: Appealing Your Conviction Based on  
Ineffective Assistance of Counsel

Chapter 13: Federal Habeas Corpus

### **Section V: How to Attack the Conditions of Your Imprisonment**

Chapter 14: The Prison Litigation Reform Act

Chapter 15: Inmate Grievance Procedures

Chapter 16: Using 42 U.S.C. § 1983 to Obtain Relief from  
Violations of Federal Law

Chapter 17: The State's Duty to Protect You and Your  
Property: Tort Actions

Chapter 18: Your Rights At Prison Disciplinary Proceedings  
Chapter 19: Your Right to Communicate with the Outside World

## **Section V: How to Attack the Conditions of Your Imprisonment**

Chapter 14: The Prison Litigation Reform Act  
Chapter 15: Inmate Grievance Procedures  
Chapter 16: Using 42 U.S.C. § 1983 to Obtain Relief from Violations of Federal Law  
Chapter 17: The State's Duty to Protect You and Your Property: Tort Actions  
Chapter 18: Your Rights At Prison Disciplinary Proceedings  
Chapter 19: Your Right to Communicate with the Outside World

## **Section VI: How to Attack Your Conviction, Sentence, or Prison Conditions at the State Level**

Chapter 20: Using Article 440 of the New York Criminal Procedure Law to Attack Your Unfair Conviction or Illegal Sentence  
Chapter 21: State Habeas Corpus: Florida, New York, and Michigan  
Chapter 22: How to Challenge Administrative Decisions Using Article 78 of the New York Civil Practice Law and Rules

## **Section VII: General Health and Safety Rights in Prison**

Chapter 23: Your Right to Adequate Medical Care  
Chapter 24: Your Right to be Free from Assault by Prison Guards and Other Incarcerated People  
Chapter 25: Your Right to be Free from Illegal Body Searches  
Chapter 26: Infectious Diseases: AIDS, Hepatitis, Tuberculosis, and MRSA in Prison

## **Section VIII: Issue-Specific Rights**

Chapter 27: Religious Freedom in Prison

Chapter 28: Rights of Incarcerated People with Disabilities

Chapter 29: Special Issues for Incarcerated People with Mental Illness

Chapter 30: Special Information for Lesbian, Gay, Bisexual, Transgender, and/or Queer Incarcerated People

Chapter 31: Security Classification and Gang Validation

Chapter 32: Parole

Chapter 33: Rights of Incarcerated Parents

Chapter 34: The Rights of Pretrial Detainees

Chapter 35: Getting Out Early: Conditional and Early Release

Chapter 36: Special Considerations for Sex Offenders

Chapter 37: Rights Upon Release

Chapter 38: Rights of Youth in Prison

Chapter 39: Temporary Release Programs

Chapter 40: Plea Bargaining

Chapter 41: Special Issues of Incarcerated Women

## **Section IX: Appendices**

Appendix I: Addresses of Federal Courts & New York State Prisons and Their Respective Federal Judicial Districts

Appendix II: New York State: Filing Instructions & Addresses of New York State Courts

Appendix III: Addresses of New York District Attorneys

Appendix IV: Directory of Legal and Social Services for Incarcerated People

Appendix V: Definitions of Words Used in the JLM

Appendix VI: Definitions of Latin Words Used in the JLM



# CONTRIBUTORS

**Mother LaTravious Collins** was a published poet, songwriter, and playwright who founded the Brooklyn Ghost Project to fight for the T.G.N.C. community in Brooklyn. Armed with the plight of experience, LaTravious set out to provide safe healing spaces where community members can openly express themselves without judgment.

**Ending the Prison Industrial Complex (EPIC)** is a student-run organization at NYU Law engaged in programming that works with and for justice-impacted communities. We aim to interrogate the racist underpinnings of the criminal legal system and better ourselves as legal advocates, and are honored to work in collaboration with organizers towards abolition.

**The Prison Library Support Network** is an information-based collective founded in 2016 to support incarcerated people by organizing networks for sharing resources and building capacity for the movement for prison abolition in libraries, archives, and other knowledge-based institutions.

**Mitchyll Mora** is the founder and coordinator of the F2L NETWORK, a community-led effort to end the criminalization of Black, Indigenous and people of color who are queer, trans and/or Two-Spirit in New York State. Learn more at [www.f2lnetwork.org](http://www.f2lnetwork.org).

**Sarah Ball** is a NYC public librarian working inside jails and prisons, providing access to books and information for criminalized and incarcerated people and their families, with a priority on patron privacy and autonomy. Sarah works for the New York Public Library.

**Mik Kinkead** (he/him) is a white transgender man who has worked as a staff attorney at Prisoners' Legal Services of New York and as the Director of Prisoner Justice at the Sylvia Rivera Law Project. He currently works as a staff attorney for the LGBTQ+ Law & Policy Unit at the Legal Aid Society and serves on the Taskforce on Issues faced by TGNCNBI People in Custody convened by the New York City Council. Mik is an abolitionist and a quilter.

**Grace DeTrevarah** is the L.G.B.T. Liaison & Senior Reentry Peer & Health Facilitator at The Osborne Association. A social justice organization which provides services for people, families and communities affected by the criminal justice system. Grace is also a Transgender female who also has a history of incarceration. In 2017 Osborne created the L.G.B.T. component for all the services they provide. Grace has become a recognized regional and nationally known advocate for individuals returning to community post: incarceration.

**Jill** is the Data and Project Coordinator at Queens Public Library and the Project Manager for the Digital Connect reentry program. She is interested in outreach, the public library as a community space, and conversations surrounding non-monogamy and queerness.



Printed in 2023  
Designed by PLSN