

Transgender Woman Reaches Landmark Settlement with Broome County Following Lawsuit over Discrimination, Abuse and Denial of Medical Care

Settlement establishes one of the strongest policies in the country protecting the rights of transgender, gender nonconforming, nonbinary and intersex people in custody



BROOME COUNTY – Today, Makyyla Holland (she/her/hers), a 25-year-old Black transgender woman, reached a landmark settlement with Broome County following violence, denial of medical care, and discrimination inflicted on her at the Broome County Jail because she is transgender. Broome County has agreed to a wide-sweeping policy that affirms the rights of transgender people with respect to housing placement, access to medical care, searches, and freedom from harassment and discrimination. The settlement follows Ms. Holland's 2022 [lawsuit](#) against Broome County filed with the Transgender Legal Defense & Education Fund (TLDEF), the New York Civil Liberties Union (NYCLU) and pro bono counsel Paul, Weiss, Rifkind, Wharton & Garrison LLP.

"No one should ever have to go through what I went through at the Broome County Jail and I am so grateful that with this new policy hopefully no one else ever will; this is a great outcome," **Ms. Holland** said. "This policy and policies like it can impact a lot of my community, and I will continue to fight to ensure that no other trans person in New York or anywhere has to endure what I did."

During her time in Broome County custody in 2021, the Broome County sheriff's office and its staff discriminated against Ms. Holland on the basis of her sex, transgender status and disability; beat her; subjected her to illegal strip searches; housed her with men and in isolation; and denied her access to prescribed medications, including antidepressants and hormone treatments, triggering severe withdrawal symptoms.

Watch Makyyla Holland tell her own story [here](#).

Under the settlement, the county commits itself to preventing discrimination and violence against transgender, intersex, lesbian, gay, and bisexual people in its custody by changing its policies to comply with federal and state laws. Specifically, the county will:

- House people consistent with their gender identity or within the unit consistent with the sex designation the person in custody believes is safest for them, with limited exceptions.
- Conduct searches consistent with the person in custody's own view of what gender officer would be safest to perform the search, with limited exceptions.
- Ensure that staff at the jail respect a person's gender identity in all other contexts, including name and pronoun use.
- Ensure access to clothing and toiletry items consistent with a person's gender identity, and facilitate access to gender-affirming items such as binders, wigs, and gaffs.
- Ensure access to medical care free from discrimination on the basis of sex, gender identity, gender expression, or sexual orientation, including access to medical care for treatment of gender dysphoria.
- Compensate Ms. Holland for harms she suffered, in the amount of \$160,000.

“No one should be subjected to violence, illegally strip searched, denied necessary medical care, or forced into unsafe housing conditions while in jail, and we are pleased that Broome County has agreed to implement policies that will better protect transgender people’s safety while in custody,” said **Shayna Medley, Senior Litigation Staff Attorney at the Transgender Legal Defense & Education Fund**. “At a time when trans people are increasingly under attack across the country, it is even more important for states and local governments to affirmatively protect trans people in custody. From this policy in Broome County to similar policies we’ve achieved in other settlements in recent years, TLDEF remains committed to fighting for the rights of transgender people interacting with the carceral system.”

For transgender, gender nonconforming, nonbinary and intersex (TGNCNBI) people, incarceration disproportionately results in abuse, violence, and discrimination. This is especially true for Black people, Indigenous people and other people of color. Transgender people in custody are sexually assaulted at a rate [ten times](#) that of the general population. In a 2021 [survey](#) of transgender and nonbinary people incarcerated in New York State, 95 percent of respondents said correctional staff used derogatory names to refer to them.

New Yorkers like Ms. Holland will continue to suffer discrimination and abuse in jails and prisons across the state until there is broad action from lawmakers. The [Gender Identity Respect, Dignity, and Safety Act](#) would increase safety for TGNCNBI people by requiring that prisons and jails provide housing placements consistent with one’s gender identity, unless they request otherwise. The bill would hold jail and prison staff accountable for respecting a person’s gender identity in all contexts, including name and pronoun use and require access to clothing, grooming and toiletry items.

“The mistreatment and abuse of transgender women in jails and prisons is widespread across New York State. Today’s settlement establishes a new policy standard to prevent future incidents of abuse and discrimination in our state and around the country,” said **Bobby Hodgson, Director of LGBTQ Rights Litigation at the New York Civil Liberties Union**. “Thanks to Ms. Holland’s courage and persistence, jails and prisons are on notice that they have an obligation to treat transgender people with dignity. In the face of nationwide attacks targeting transgender communities, we will continue fighting for the safety, health and well-being of transgender people across New York State.”

Momentum is growing in New York and across the country to protect the rights of TGNCNBI individuals in custody. In August 2020, the NYCLU and TLDEF reached [a landmark settlement](#) with Steuben County, New York adopting similar policies that was negotiated with the involvement of the New York State Sheriffs’ Association and has served as a model for jails across New York state and the country. In 2022, the ACLU of Illinois negotiated a [settlement](#) with the Bureau of Prisons securing housing in a women’s facility and transgender health care for Cristina Nichole Iglesias, a transgender woman. And this year, Gender Justice secured a [settlement](#) that included access to transgender health care and being moved to a women’s prison for a transgender woman who sued the Minnesota Department of Corrections over her treatment while in prison.

In addition to Hodgson and Medley, the legal team for Ms. Holland includes NYCLU staff attorney Gabriella Larios; TLDEF litigation director Gabriel Arkles, Equal Justice Work Fellow Seran Gee, and paralegal Jack Einstein; and Paul, Weiss litigation partners Loretta Lynch and Audra Soloway, pro bono attorney Jeremy Benjamin, and associates Will Taylor, Danielle Marryshow, Bethany Robinson, and Ridan Cunningham.

Read more about the case [here](#).

Media Contact

Jonathan Adams, Director of Communications

Phone: [646-845-4205](tel:646-845-4205)

Email: communications@transgenderlegal.org

Content last updated on Nov 15, 2023 - PDF generated from: <https://transgenderlegal.org/stay-informed/transgender-woman-reaches-landmark-settlement-with-broome-county-following-lawsuit-over-discrimination-abuse-and-denial-of-medical-care/> on May 18, 2024.

Please consider making a donation at <https://transgenderlegaldefense.networkforgood.com> to support our work.

Copyright © 2023 Transgender Legal Defense & Education Fund, Inc. | Tel: 646.862.9396 Fax: 646.993.1684