

Civil Action File No.

**JURY TRIAL
DEMANDED**

Defendants.

COMPLAINT

We, Gabriela Amaya Cruz, Christian Pallidine, and Ángel Jae Torres Bucci, plaintiffs, in the above styled cause, sue defendants Miami-Dade County, Daniel

Junior, in his official capacity as Director of Miami-Dade County Department of Corrections and Rehabilitation and his individual capacity; Captain J. Barber, Sergeant Tammy Rozier; Corporal Robinson; Shift Commander M. Barrow; Officer Thomas Miller Jr., Officer

2. Defendants singled out Christian and Ángel for unlawful strip searches. They seized Gabriela's wig, to the detriment of her health and dignity, and were so convinced that Ángel wore a wig that they tried to rip the hair from their head. They isolated Christian and Ángel by placing them in solitary cells. They pulled Ángel's mask off at the height of the COVID-19 pandemic to look for signs that they were transgender, and denied Christian treatment for a concussion. They forced Gabriela and Ángel to change into men's clothing before their release from custody. They also repeatedly misgendered and mocked Plaintiffs, and needlessly revealed each of them to be transgender to dozens of other staff members and arrestees. Defendants did each of these things because Plaintiffs are transgender and have gender dysphoria, and because of their sex.

3. Defendants also physically injured Gabriela during fingerprinting due to her disability of ectrodactyly, and denied Plaintiffs reasonable accommodations they needed due to gender dysphoria and, for Gabriela, ectrodactyly.

4. Despite knowing that transgender people face exceptionally high rates of violence and harassment both in general and while in custody, Miami-Dade County and Director Daniel Junior adopted discriminatory policies and customs that harmed and endangered Plaintiffs.

5. Until Defendants change their practices, Plaintiffs and other transgender people and people with disabilities risk similar mistreatment in the future.

6. Through this action, Plaintiffs seek declaratory relief, damages, and attorneys' fees.

PARTIES

A. Plaintiffs

7. Plaintiff Christian Pallidine is a student who resides in Amsterdam, Netherlands, and resided in Miami on the dates of the incidents related in this Complaint. He is a transgender man with gender dysphoria. He was in the custody of Defendants at TGK from May 31, 2020 to June 1, 2020.

8. Plaintiff Gabriela Amaya Cruz is a barista who resides in Miami, Florida, and who also resided in Miami on the dates of the incidents related in this Complaint. She is a transgender woman with gender dysphoria and ectrodactyly. She was in the custody of Defendants at TGK from July 19, 2020 to July 20, 2020.

9. Plaintiff Ángel Jae Torres Bucci is a makeup artist who resides in Brooklyn, New York, and resided in Miami on the dates of the incidents related in this Complaint. They are a transgender woman with gender dysphoria. They were in the custody of Defendants at TGK from July 19, 2020 to July 20, 2020.

B. Defendants

County Defendants

10. Defendant Miami-Dade County (the “County”) is a county organized under the laws of the State of Florida. Miami-Dade County Department of Corrections and Rehabilitation (“MDCR”) is an administrative department of the County.

11. Defendant Daniel Junior is the director of MDCR, and was at all times

personally involved in the violations of Plaintiffs' rights. They are sued in their personal capacity.

20. Thomas Miller Jr., Donald Forbes, Amanda Brown, and Yolanda Barrett are correctional officers employed by the County.

21. Nurse Anita Komninakis is a nurse employed by the County.

22. Nurse Jane Doe 1 is a nurse or other healthcare practitioner employed by the County who interviewed Christian during his detention at TGK and who later that same night ordered him to strip for an examination.

23. Officer Jane Doe 2 is a correctional officer employed by the County who conducted a strip search of Christian and gave him orders during the strip search during his detention at TGK.

24. Officers Jane Does 3, 4, and 5 are also correctional officers employed by the County. Each of them also participated in strip searching Christian during his detention at TGK.

25. Officers John Doe 8, Jane Doe 9, John Doe 10, and Jane Doe 11 are officers in the employ of the County who were stationed in the central intake area of TGK during Gabriela's detention. Doe 8 and 9 directed her where to sit, and Does 8-11 all publicly misgendered her and revealed her to be transgender to others.

26. Officer John Doe 12 is a correctional officer in the employ of the County who assisted Officer Forbes in taking Gabriela's mugshot.

27. Officer Jane Doe 13 is a correctional officer in the employ of the County who took Gabriela's fingerprints during her detention at TGK.

28. Officer A. Missial is a correctional officer who ordered Gabriela to change into men's clothing for discharge.

29. Officers Jane Does 14 and 15 are correctional officers in the employ of the County who helped strip search Ángel during their detention at TGK.

30. Officer Hall is an officer who ordered Ángel to go to the men's area and sit among men.

31. Officer John Doe 16 is a correctional officer in the employ of the County who entered Ángel's solitary cell during their detention at TGK and attempted to remove their piercings over their objections

33. Officer Miller, Officer Forbes, Officer Missial, Officer Brown, Nurse Komminakis, Officer Hall, Officer Barrett, Does 1-5, and Does 8-18 will be referred to collectively as “Staff Defendants.” Plaintiffs believe they will be able to ascertain the identity of the Doe Defendants with reasonable discovery.

JURISDICTION AND VENUE

34. This action arises under 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of rights secured by the United States Constitution and the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* (“ADA”).

35. This Court has jurisdiction over the subject matter and parties pursuant to 28 U.S.C. § 1331, because the matters in controversy arise under the Constitution and laws of the United States; and pursuant to 28 U.S.C. § 1343(a)(3) and (4) because the action is brought to redress deprivations, under color of state law, of rights, privileges, and immunities secured by the Constitution and to secure damages and equitable relief under an Act of Congress, specifically 42 U.S.C. § 1983, which provides a cause of action for the protection of civil rights.

36. Declaratory relief is authorized by Rules 57 and 65 of the Federal Rules of Civil Procedure, and by 28 U.S.C. §§ 2201 and 2202.

37. Venue is proper in this Court under 28 U.S.C. § 1391(b)(1) and (2) because Defendants reside within the State of Florida, and because a substantial part of the events that gave rise to Plaintiffs’ claims took place within this District.

38.

people are both intersex and transgender, most intersex people are not transgender, and most transgender people are not intersex.

43. Transgender women are women who were assigned a male sex at birth, and who identify as and are women. Transgender men are men who were assigned a female sex at birth, and who identify as and are men.

44. Nonbinary people are people who do not identify exclusively as men or women. Some transgender people identify as both transgender and nonbinary. Transfeminine can be used to describe women who are transgender as well as nonbinary people with a feminine gender expression. Transmasculine can be used to describe men who are transgender as well as nonbinary people with a masculine gender expression.

45. For transgender people, the incongruence between gender identity and assigned sex at birth can result in gender dysphoria, a medical condition. Gender dysphoria is defined in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition as the "clinically significant distress or impairment in social, occupational, or other important areas of functioning" resulting from this incongruence, and also defined similarly in the World Health Organization's International Classification of Diseases.

Justice Bureau of Justice Statistics found that 34% of transgender people held in jails had been sexually assaulted one or more times while in custody during the previous 12 months.² Facility staff and other detainees were equally likely to be the perpetrators. A California study showed that transgender women housed in men's prisons were 13 times more likely to experience sexual assault than people in men's prisons overall, with 59% reporting sexual assault while incarcerated. 65%

Christian and asked him mocking questions about his gender. Doe 2 asked him if he was a hermaphrodite, which is a pejorative term for an intersex person. Officer Miller also referred to Christian as an “it” around this time. Other staff members and arrestees could hear these comments and questions.

66. Doe 2 then told Christian that the officers had to “see where to put you.” She ordered him to enter a small room. Three other female officers, Officers Jane Doe 3, 4, and 5, joined them. Doe 2 ordered him to turn around, take off all of his clothing from the waist down, including underwear, spread his legs, and bend over. Does 2, 3, 4, and 5, all had a full view of his genitals6(n)8.2(d b)8.3(wSal0510 Td ()Tj

70. After the strip search, Doe 1 took Christian to a curtained area where one other person (upon information and belief a doctor) was present. Doe 1 ordered Christian to undress completely for the doctor to examine him. Christian asked what would happen if he refused, and Doe 1 told him that was not an option. At this point, Christian asked to speak to a lawyer. Doe 1 left the curtained area. Doe 2 told Doe 1, in substance, “We’ve already done it.” It was Christian’s understanding that Doe 2 was referring to the strip search he had already endured.

71. Christian was then moved to a waiting area, and then taken back to the central space to sit in an area in between where the men and the women were sitting. During this time, another transgender man who had been seated with women tried to sit next to Christian and talk to him. Officer Miller ordered this other man to return to the women’s side.

72. Without explanation, officers then handcuffed Christian, told him to line up with the women, and took Christian to another part of the facility with women arrestees. But rather than placing him with other arrestees (of any gender), the officers placed him alone in a solitary cell. The cell could barely fit a cot and a toilet. Christian was cut off from contact with other people. He was offered no explanation for why he was placed there or how long he would stay. He experienced an emotional breakdown during his time in the cell. Upon information and belief, Jean Doe 7, a supervisor, approved this placement.

73. Someone changed Christian's intake paperwork, which initially listed him as male, to list him as female. Upon information and belief, Officer Miller made the change, and Doe 6 or Doe 7 permitted or ordered this change.

74. Christian was released from custody the morning of June 1, 2020. The curfew violation charge against him was later dropped.

75. Christian has suffered past and ongoing injury, including emotional, financial, and dignitary injury, as a result of Defendants' actions. Among other things, he has experienced lost sleep, nightmares, irritability, fear of leaving his home, missed work, headaches, and difficulty concentrating.

2. Plaintiff Gabriela Amaya Cruz

76. Gabriela Amaya Cruz is a woman who resides in Miami, Florida.

77. Gabriela has a disability called ectrodactyly. Ectrodactyly is sometimes called split hand/foot malformation, and involves the absence of certain fingers and toes as well as the absence of certain bones before the fingers. Gabriela has fewer than five fingers, and her fingers cannot straighten completely. Due to a past surgery, one of her hands is particularly sensitive and easily hurt. Ectrodactyly impairs her ability to perform manual tasks.

78. Gabriela is transgender. She was assigned male at birth. She knows herself to be a woman. Like many transgender people, she experiences gender dysphoria.

79. Gabriela joined a Black Trans Lives Matter vigil and march on July 19, 2020. Gabriela was arrested,

Gabriela. She asked to be searched by a female officer. The officers referred to her genital anatomy in crude language and said,

obvious. Gabriela also told Doe 13 that she had a disability and needed the officer to be gentler, and expressed that the officer was hurting her. Nonetheless, the officer used more force than needed to take fingerprints, still trying to make her fingers take impossible positions. The officer's actions led to pain and swelling in Gabriela's hands that lasted for days.

90. Of the ofm Td (90y <</MCID 6 >>BDo(ug(fm Td w 3.43y2eDi9iTd () 3.6(r)3.6

consider a more complete description of their gender to be nonbinary transgender woman, and they

that if they did not sign, they would place them with men. As a result, Ángel wrote that their license states female and they wanted to be handled by a woman.

103. Officer Brown instructed Ángel to remove their piercings. Ángel explained that some of the piercings could only be removed by a professional, and asked for a doctor. Officer Brown and Nurse Komninakis tried (unsuccessfully) to remove the piercings themselves, tugging on some of the piercings until they bled. *See Exhibit E.*

104. Officer Brown did not initially plan to strip search Ángel because they were “charged with a misdemeanor,” but after she learned Ángel was transgender, she “immediately summoned Sgt. T. Rozier to assist with the process in the strip search room, along with the assistance of CHS staff to determine the[ir] gender.” *See Exhibit B, Memorandum from Officer A. Brown to Captain Tara Hinnant-Johnson (Sept. 14, 2020).*

determine [their] gender”

4.3(a) (Jan. 1, 2015). Although Ángel was charged only with misdemeanor obstruction of traffic, Officer Brown and Sgt. Rozier falsely stated in the strip search authorization log that Ángel was strip searched due to a felony arrest. *See* Exhibit F, MDCR Strip Search Authorization Log.

111. Officer Brown told Ángel that the officers would redo all of Ángel's intake processing to list them as male and not as female. She made these statements loudly, where others could hear. Ángel objected, pointing out that their license indicated their sex as female. Officer Brown nonetheless changed MDCR records and paperwork to list Ángel as male. Security Supervisor Sergeant Tammy Rozier was aware and approved of this.

instead. They

eating, suicidal thinking, worsened gender dysphoria, withdrawal from social and political activities, increased meltdowns and panic attacks, and lost income.

C. MDCR Policies and Practices

122. Director Junior has adopted a “Transgender Inmates” policy (the “Transgender Policy”) for MDCR. *See* Exhibit G. The policy was adopted in 2012, and an amending memorandum was issued in 2017. Director Junior also issued a “Frisk and Strip Search Procedures” policy (the “Search Policy”) adopted in 2012, *See* Exhibit H. Upon information and belief, both of these policies were adopted by Director Junior.

123. The Transgender Policy calls for escorting a prisoner for “physical examination” by medical staff if “for any reason a determination regarding whether an inmate is transgender cannot be made.” The Transgender Policy does not set forth any criteria defining when such a determination “cannot” be made.

124. The Search Policy states that when someone’s “gender identity is unknown,” medical staff should “examine[]” the person to determine the person’s gender. The Search Policy does not set forth any criteria defining when someone’s gender identity is “unknown.” The Search Policy also requires searches to be performed by officers of the same gender based on the arrestee’s “external genitalia.”

125. Contradicting the above provisions, the Transgender Policy states that

132.

belief, County Defendants deliberately and consistently disregard the 2017 policy and adhere to and apply the 2012 policy.

135. PREA requires placement of transgender people in male or female housing based on “whether a placement would ensure the inmate’s health and safety, and whether the placement would present management or security problems,” giving “serious consideration” to the person’s “own views” about what placement would be safest. 28 C.F.R. § 115.42. Upon information and belief, Defendants deliberately and consistently disregard the health and safety needs of transgender people in placement decisions, and dismiss transgender people’s own views about safer placement decisions.

136. The Eleventh Circuit found a non-transgender woman had stated a claim for deliberate indifference when she was mistreated at TGK and another MDCR facility, including being placed with men, based on a perception that she was a transgender woman. *De Veloz v. Miami-Dade Cnty.*, 756 Fed. App’x 869 (11th Cir. 2018).

137. The Transgender Policy requires that officers record the “birth names” of transgender people whose names have changed, but not the birth names of other people whose names have changed. It also requires staff to refer to transgender people by last name or by no name at all, without regard to whether doing so would needlessly and non-

otherwise conflict with health or safety needs. Furthermore, both the Transgender Policy and the Search Policy policies employ derogatory language, such as “hermaphrodite,” one of the terms used against Christian.

138. The Transgender Policy states officers should avoid demeaning language for transgender people and should preserve confidentiality. Upon information and belief, Supervisory Defendants have failed to train and supervise staff regarding this policy. Upon information and belief, Defendants routinely reveal detained persons’ transgender status to numerous other arrestees and to staff members who have no need to know that information, and routinely harass and misgender transgender people.

139. Upon information and belief, Defendants routinely seize items necessary for the health and dignity of people with gender dysphoria, such as wigs and gaffs, force transgender women to wear men’s clothing on discharge, and flatly deny transgender individuals’ requests for reasonable accommodation.

140. County Defendants and Supervisory Defendants knew of a pattern of constitutional violations and mistreatment of transgender people in custody.

141. County Defendants are currently subject to a consent decree, settlement and monitoring agreement regarding system-wide failures to comply with PREA and address serious medical needs.⁸

142. In 2016, Deaf people and Disability Rights Florida brought a lawsuit alleging system-wide ADA violations and failures to accommodate people with disabilities in MDCR custody.⁹ County Defendants entered into a settlement agreement requiring accommodations to be provided.¹⁰

143. Independent audits of County Defendants' adherence to PREA following the consent decree's entry revealed County Defendants provided inadequate training regarding PREA, including the treatment and intake procedures for transgender, lesbian, gay, and bisexual people in County Defendants' custody.¹¹ For example, PREA Auditor William Peck concluded that most

⁸ Consent Agreement, *United States v. Miami-Dade Cnty.*, No. 1:13-cv-21570-WJZ 1-5 (S.D. Fla. May 1, 2013), https://www.justice.gov/sites/default/files/crt/legacy/2013/06/05/miami-dade_agreement_5-1-13.pdf.

⁹ Complaint, *Martos v. Miami Dade Dep't Corr. Rehabilitation*, No. 1:16-cv-21501 (Apr. 28, 2016).

¹⁰ Disability Rights Florida, *Disability Independence Group and Disability Rights Florida Resolve Lawsuit against Miami-Dade Department of Corrections and Rehabilitation to Provide Services to Deaf Inmates* (Oct. 19, 2016), https://disabilityrightsflorida.org/newsroom/story/dig_and_drf_resolve_lawsuit_against_miami-dade_doc; Civil Docket for Case #: 1:16-cv-21501-JEM, *Martos v. Miami Dade Dep't Corr. Rehabilitation* (Sept. 30, 2018).

¹¹ See, e.g., PREA Report of Auditor William Peck ("Peck Report"), at 36–38, 41–42, 48, 53 (Feb. 19, 2018), <https://www.miamidade.gov/corrections/library/2017-08-29-prea-audit-report.pdf>; 2019); PREA Report of Auditor Michael Radon ("Radon Report"), at 77, 83, 98, 100 (Feb. 23, 2018), <https://www.miamidade.gov/corrections/library/2017-08-29-prea-audit-report.pdf>.

correctional staff believed their other duties were more important than PREA compliance;¹² that “numerous policies date to 2012 and [had] not been updated in

145. PREA Auditor Michael Radon’s report similarly revealed “numerous inconsistencies” in the knowledge of the County Defendants’ staff regarding PREA Compliance that were “indicative of superficial implementation of PREA standards.”¹⁹ Moreover, Radon’s report identified County Defendants’ need to take corrective action to ensure staff received adequate “training procedures” and “additional training offerings regarding PREA” and “Cross Gender and Transgender Pat Searches,”²⁰ and to develop adequate training, documentation, and internal oversight that would provide for intake screenings that addressed people’s “perceived sexual identit[ies].”²¹ The report also noted corrective action was needed to ensure appropriate housing and placement of vulnerable persons, because “an incomplete screening instrument cannot be utilized in making informed housing, bed, or work assignments in keeping inmates at high risk from being victimized.”²²

146. Finally, Radon’s Report highlighted a contemporaneous example of County Defendants’ inadequate policies to correct the existing pattern of constitutional violations and mistreatment LGBTQ+-identifying persons.²³ Specifically, the report noted documentation and interviews with one LGBTQ+

¹⁹ Radon Report at 77.

²⁰ *Id.* at 83.

²¹ *Id.* at 98.

²² *Id.* at 100.

²³ *Id.* at 77.

person that revealed MDCR staff were unresponsive to that person's reports of other detainees' and staff's sexual harassment, ultimately leading to that person's sexual assault.²⁴

CAUSES OF ACTION

Common Allegations for Claims I and II Right to be Free from Unreasonable Search and Seizure U.S. Const. Amend IV

147. The Fourth Amendment to the United States Constitution, enforceable pursuant to 42 U.S.C. § 1983, guarantees the right for persons "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend. IV.

148. Discriminatory and arbitrary strip searches not justified by a valid security interest do not meet the standards of reasonableness for strip searches under the Fourth Amendment.

CLAIM I

Deprivation of Right to be Free from Unreasonable Search and Seizure U.S. Const. Amend. IV

Plaintiff Christian Pallidine against County Defendants Miami-Dade County and Daniel Junior, and Does 2, 3, 4, 5, and 6

149. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 148 as though fully set forth herein.

²⁴ *Id.*

150. County Defendants maintain both written and unwritten policies of singling out transgender people for strip searches to examine their genitalia. *See* Exhibit G Transgender policy. These policies are unreasonable and do not serve a valid penological interest.

151. Supervisory Defendant Doe 6 ordered or approved the unlawful strip search of Christian.

152. Defendants Does 2, 3, 4, and 5 carried out the unlawful strip search of Christian.

153. Defendants acted under color of state law for purposes of 42 U.S.C. § 1983 and acted intentionally in depriving Christian of his right to be free from unreasonable search and seizure.

154. County Defendants and Supervisory Defendants knew of a pattern of unlawful strip searches of transgender people, yet chose to take no action to stop it. County Defendants and Supervisory Defendants also failed to adequately train and supervise their employees regarding their written policies for the treatment of transgender arrestees., despite having actual or constructive notice, based on the Radon report, Peck report, and other sources, that the training gap resulted in violations of the constitutional rights of transgender people.

155.

161. County Defendants and Supervisory Defendants knew of a pattern of unlawful strip searches of transgender people, yet chose to take no action to stop it. County Defendants and Supervisory Defendants also failed to adequately train and supervise their employees regarding their written policies for the treatment of transgender arrestees, despite having actual or constructive notice, based on the Radon report, Peck report, and other sources, that the training gap resulted in violations of the constitutional rights of transgender people.

162. As a direct and proximate result of the constitutional violation described above, Ángel Jae Torres Bucci has suffered injury and damages, including mental pain and suffering and emotional distress.

**Common Allegations for Claims III, IV, and V,
Equal Protection Clause**

165. Discrimination against individuals on the basis of transgender status is also independently subject to heightened scrutiny, because transgender people are a discrete and insular minority with little political power and a long history of being discriminated against based on an inherent characteristic that does not impede them from contributing to society.

166. Defendants' policies and actions against Plaintiffs are not closely and substantially related to an important government interest. Nor are they even rationally related to a legitimate government interest.

167. Defendants acted under color of state law for purposes of 42 U.S.C. § 1983 and acted intentionally in depriving Plaintiffs of their right to equal protection of the laws.

168. As a direct and proximate result of the constitutional violation, Gabriela, Ángel and Christian suffered injury and damages.

CLAIM III
Deprivation of Equal Protection
U.S. Const. Amend. XIV
42 U.S.C. § 1983

Gabriela Amaya Cruz against the County, Director Daniel Junior, Captain J. Barber, Office A. Missial, Officer Donald Forbes, and Does 8-12

169. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 148 and 161 through 166 as though fully set forth herein.

170. County Defendants intentionally created and enforced written policies and unwritten policies or customs subjecting transgender people to different and worse treatment because of their sex and transgender status, including policies and customs that force transgender arrestees to change into clothes that reinforce stereotypes for their assigned sex on discharge, subject transgender women to searches by men, place transgender women in dangerous housing with men, and expose transgender people to persistent misgendering and harassment. County Defendants and Supervisory Defendants also failed to adequately train and supervise their employees regarding their written policies for the treatment of transgender arrestees., despite having actual or constructive notice, based on the Radon report, Peck report, and other sources, that the training gap resulted in violations of the constitutional rights of transgender people.

with men, threatening her when she followed orders of other officers to sit with women, and gratuitously disclosing her transgender status to others in the vicinity.

174. Does 10 and 11 treated Gabriela differently and worse than those who are not transgender by deliberately misgendering her and gratuitously disclosing her transgender status to others in the vicinity with no need to know.

175. Officer Forbes and Doe 12 treated Gabriela differently and worse than those who are not transgender by deliberately misgendering her, mocking her, threatening her, preventing her from wearing a bra, and gratuitously disclosing her transgender status to others in the vicinity.

CLAIM IV Deprivation of Equal Protection
U.S. Const. Amend. XIV
42 U.S.C. § 1983

**Christian Pallidine against County, Daniel Junior, Officer Thomas Miller Jr.,
Does 1-8**

176. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 153 and 161 through 166 as though fully set forth herein.

177. County Defendants intentionally created and enforced written policies and unwritten policies or customs subjecting transgender people to different and worse treatment because of their sex and transgender status, including policies and customs that subject arrestees to strip searches because they are transgender, isolate transgender people in solitary cells, and expose transgender people to

into clothes that rei

altering their records to list them as male, deliberately misgendering them, needlessly revealing them to be transgender to others, and trying to pull the hair off their head.

190. Staff Defendant Hall intentionally treated Ángel differently and worse than those who are not transgender by ordering them to sit with men.

191. Staff Defendant Doe 18 intentionally treated Ángel differently and worse than those who are not transgender by needlessly revealing them to be transgender to others, deliberately misgendering them, placing them separate from men and women, and preventing women from talking to them, but taking no action when men harassed them.

**Common Allegations for Claims VI-VIII
Deprivation of Due Process**

Objectively serious harassment, as well as use of force beyond what is objectively reasonable, also violate the Due Process Clause.

193. Defendants' actions were both subjectively and objectively

misgendering, privacy violations, and harassment. County Defendants and Supervisory Defendants also failed to adequately train and supervise their employees regarding their written policies for the treatment of transgender arrestees and arrestees with disabilities, despite having actual or constructive notice, based on the Radon report, Peck report, and other sources, that the training gap resulted in violations of the constitutional rights of transgender people.

197. Officer A. Missial engaged in objectively serious harassment by mocking Gabriela and forcing her to change into men's clothing prior to release. Officer Missial had no legitimate penological purpose for these actions, and intended to humiliate Gabriela.

198. Captain J. Barber engaged in objectively serious harassment by misgendering Gabriela and authorizing Staff Defendants to misgender her.

199. Does 8 and 9 engaged in objectively serious harassment and acted with deliberate indifference to a substantial risk of serious harm to Gabriela by deliberately misgendering her, ordering her to sit with men, threatening her when she followed orders of other officers to sit with women, and gratuitously disclosing her transgender status to others in the vicinity.

200. Does 10 and 11 engaged in objectively serious harassment, violated Gabriela's privacy, and acted with deliberate indifference to a substantial risk of

serious harm by deliberately misgendering her and gratuitously disclosing her transgender status to others in the vicinity.

201.

204. County Defendants intentionally created and enforced written policies and unwritten policies or customs that disregard the health needs of people with gender dysphoria, subject transgender people to gratuitous strip search simply for

210. County Defendants intentionally created and enforced written policies and unwritten policies or customs that disregard the health needs of people with gender dysphoria, subject transgender people to gratuitous strip search simply for purposes of viewing their genitalia and not for any legitimate purpose, force transgender arrestees to change into clothes that reinforce stereotypes for their assigned sex on discharge for no legitimate penological interest, and expose transgender people to persistent misgendering, privacy violations, and harassment.

212. Supervisory Defendants Barrow and Robinson engaged in objectively serious harassment and violated Ángel's privacy by intentionally approving the strip search of Ángel.

213. Staff Defendants Brown, Komminakis, and Does 14-15 engaged in objectively serious harassment and violated Ángel's privacy by intentionally forcing Ángel to strip and searching their naked body against their will.

214. Staff Defendant Brown also engaged in objectively serious harassment, violated Ángel's privacy, and acted with deliberate indifference to Ángel's serious medical need of gender dysphoria by intentionally altering their records to list them as male, deliberately misgendering them, needlessly revealing them to be transgender to others, and trying to pull the hair off their head.

215. Staff Defendant Hall acted with deliberate indifference to a substantial risk of serious harm to Ángel by intentionally ordering them to sit with men.

216. Staff Defendant Doe 18 engaged in objectively serious harassment, violated Ángel's privacy, acted with deliberate indifference to a substantial risk of serious harm and to Ángel's serious medical need of gender dysphoria by intentionally and needlessly revealing them to be transgender to others, misgendering them, placing them separate from men and women, and preventing women from talking to them, but taking no action when men harassed them.

217. Officer Barrett engaged in objectively serious harassment and deliberately disregarded Ángel's serious medical need of gender dysphoria by forcing them to change into men's clothing prior to release. Officer Barrett had no legitimate penological purpose for these actions, and intended to humiliate Ángel.

218. Defendants Brown, Komninakis, Doe 16, and Doeel

220. The constitutionally protected right to privacy includes the protection from unnecessary disclosure of medical and sensitive personal information like transgender status and gender dysphoria.

221. Defendants publicized Plaintiffs' confidential information of transgender status, genitals, and gender dysphoria, endangering them with gratuitous disclosures.

222. County Defendants created and enforced a custom of routine gratuitous disclosures of arrestees' transgender identity and gender dysphoria to other arrestees and staff members without any need to know. County Defendants and Supervisory Defendants also failed to adequately train and supervise their employees regarding the treatment of transgender arrestees and arrestees with disabilities, despite having actual or constructive notice, based on the Radon report, Peck report, and other sources, that the training gap resulted in violations of the constitutional rights of transgender people.

223. Defendants acted under color of state law for purposes of 42 U.S.C. § 1983 and acted intentionally in depriving Plaintiffs of their right to due process,

interest in protection of their personal information outweighed any state interest in its disclosure.

Claim IX

Claim X

**Deprivation of Right to Privacy
U.S. Const. Amend. XIV
42 U.S.C. § 1983**

**Christian Pallidine against County Defendants, Doe 7, Officer Miller, and Doe
1 and 2**

228. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 148 and 219 to 224 as though fully set forth herein.

229. Doe 7 both needlessly and intentionally disclosed private information about Christian's transgender status and gender dysphoria to other County employees and arrestees, and encouraged similar behavior from officers.

230. Officers Miller, Doe 1, and Doe 2 intentionally and needlessly disclosed private information about Christian's transgender status and gender dysphoria to other County employees and arrestees.

CLAIM XI

**Deprivation of Right to Privacy
U.S. Const. Amend. XIV
42 U.S.C. § 1983**

**Ángel Jae Torres Bucci against County Defendants, and Defendants Brown,
Hall, Rozier, Barrett, and Doe 18**

231. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 148 and 217 to 222 as though fully set forth herein.

232. Sgt. Rozier both needlessly

238. Discrimination against Plaintiffs was by reason of their disability. Discrimination under Title II of the ADA includes disparate treatment and the failure to make reasonable modifications to policies, practices and procedures.

239. Defendants' refusal to make reasonable modifications to MDCR policies, practices, and procedures for Plaintiffs, and their intentional discrimination against Plaintiffs based on their disability, violates Title II of the ADA.

240. The County and Daniel Junior knew that violations of the ADA were substantially likely and failed to act on that likelihood.

241. Officials with authority to address the discrimination and institute corrective measures had actual knowledge of the discrimination and failed to respond adequately.

242. The County is a public entity under the ADA. Daniel Junior, acting in his official capacity as Director of MDCR, is a public entity under the ADA.

243. Defendants acted under color of state law for purposes of 42 U.S.C. § 1983.

CLAIM XII

**Violation of Title II of the Americans With Disabilities Act
42 U.S.C. § 12101 *et seq.***

**Gabriela Amaya Cruz against the County and Daniel Junior in his official
capacity**

244. Plaintiff re-alleges and incorporates by reference paragraphs 1 through
148 and 234 to 243

risk of violations of the ADA but took no action—or only inadequate action—to stop them.

246. The County and Director Junior also established policies and customs with a disparate impact on people with gender dysphoria, such as the policy of seizing wigs; classifying transgender women as men for purposes of searches, clothing, and placement; and forcing transgender women to change into men's clothing.

247. Officials of the County and Director Junior unlawfully denied Gabriela's requests for reasonable modifications to policies, practices, and procedures. Gabriela requested accommodations for gender dysphoria including: to be searched by a woman, referred to correctly with the pronouns *she* and *her*, allowed to keep her wig, and allowed to wear her own clothes when discharged. Nonetheless, Officer Forbes and Doe 12 seized her wig and insisted she would be searched by a man, Officer Missial forced her to change into men's clothing, and Captain Barber, Officer Forbes, and Does 8-12 all referred to Gabriela as *he* and *him*. These officials failed to consider or provide reasonable modifications to their policies, practices, and procedures.

248. The County and Director Junior cannot show that modifying these practices, policies, and procedures would fundamentally alter the nature of the activity of processing, detaining, and releasing arrestees. Furthermore, the County

253. The County and Director Junior cannot show that modifying these practices, policies, and procedures would fundamentally alter the nature of the activity of fingerprinting arrestees. Furthermore, upon information and belief, the County and Director Junior knew that creating policies, practices, and procedures for fingerprinting with no mechanism for responding to requests for reasonable accommodations would result in violations of the ADA, yet failed to take adequate action to prevent those violations.

CLAIM XIII
Violation of Title II of the Americans With Disabilities Act
42 U.S.C. § 12101 *et seq.*

Christian Pallidine against the County and Daniel Junior in his official capacity

254. Plaintiff 2.1(c)3.5(t)8.h2.1(c)3g JuVioivSiry andalaa(r)3.7(e)2(td)4.5 1 T(na)12y 2

Officer Miller altered Christian's records to list him as female, needlessly revealed him to be transgender to others, placed him separately from both men and women, prevented other arrestees from speaking with him, and harassed him. The County

records to list Ángel as male, threatened Ángel

Scott D. McCoy (Fla Bar No. 1004965)
SOUTHERN POVERTY LAW
CENTER
P.O. Box 370037
Miami, FL 33137
Telephone: 786-810-5673
Facsimile: 786-237-2949
E-mail: Scott.McCoy@splcenter.org

Aaron Fleisher*
Jennifer Vail*
SOUTHERN POVERTY LAW
CENTER
1101 17th St., N.W.
Washington, DC 20036
Telephone: 202-536-9719
Facsimile: 202-971-9205
Aaron.Fleisher@splcenter.org
Jennifer.Vail@splcenter.org

Gabriel Arkles*
Shayna Medley*
TRANSGENDER LEGAL DEFENSE
AND EDUCATION FUND, INC.

520 8th Ave, Ste004 Tc ,[(52)841a8 336.6 Tm [(E hc-3 W1 -1.145 TD [(C)-3.7(EN)-8.5(T30