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**\*\*\*FOR IMMEDIATE RELEASE\*\*\***

***Legal Aid and Paul Hastings File Civil Rights Lawsuit Against DOCCS  
Officials Over Abuses Suffered by Transgender Man While in Custody  
at Bedford Hills Correctional Facility***

***Plaintiff Coerced into Nonconsensual Invasive Examination by Prison  
Staff in Violation of the Prison Rape Elimination Act and His  
Constitutional Rights***

(NEW YORK, NY) - The Legal Aid Society and Paul Hastings LLP filed a [lawsuit](#) in the United States District Court for the Southern District of New York [against](#) staff employed by the New York State Department of Corrections and Community Supervision (DOCCS) [over the abuse suffered by their client](#), John Smith, at Bedford Hills Correctional Facility, a prison for women located in Westchester, New York.

While going through intake at Bedford Hills, John Smith, who is a transgender man, was ordered by DOCCS staff to submit to a genital examination for the purposes of determining his genital status, a practice specifically prohibited by the Prison Rape Elimination Act (PREA). When Mr. Smith refused to submit to the examination, he was placed in solitary confinement for more than a week - a punishment intended to force him to comply.

After relenting to the demands of DOCCS staff and agreeing to a visual examination in order to escape the deplorable and traumatic conditions of solitary confinement, Mr. Smith was assaulted and nonconsensually penetrated in the course of the examination, in clear violation of Mr. Smith's constitutional rights.

The lawsuit describes the details of these events and outlines the civil rights abuses perpetrated by DOCCS staff that amount to violations of Mr. Smith's rights under the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution.

“The horrific mistreatment suffered by our client at Bedford Hills Correctional Facility is unconscionable, and, sadly, is an example of the all too common abuses that transgender people face in the carceral system,” said **Erin Beth Harrist, director of the LGBTQ+ Law & Policy Unit at The Legal Aid Society**. “Furthermore, DOCCS officials’ complete disregard for established laws and rules, and use of solitary confinement to force Mr. Smith to commit to an unnecessary, prohibited, and degrading search, speaks volumes about the transphobia that persists in New York State prisons and jails. We look forward to holding the DOCCS officials accountable in court for their deplorable actions.”

“We hope that, through our partnership with The Legal Aid Society, this lawsuit will deliver justice to our client for the suffering caused by the unconstitutional actions of DOCCS employees,” said **Dan Fliman, a partner in Paul Hastings’ Financial Restructuring Group**. “Paul Hastings is pleased to be able to contribute to this important case, as part of its pro bono efforts, and to help drive forward real change for members of the LGBTQ+ community.”

### **Events at Bedford Hills**

Mr. Smith arrived at Bedford Hills in early 2020. During the intake process, Mr. Smith repeatedly disclosed to medical staff, the PREA compliance officers, and other officers the facts surrounding his gender identity (including a history of gender affirming operations and hormone therapy). He also disclosed his history of sexual abuse, post-traumatic stress disorder (“PTSD”), and depression to medical staff and the PREA compliance officers.

After being strip searched by corrections staff and visually examined separately by a doctor, Mr. Smith was brought back into the examination room. The doctor explained to Mr. Smith that the Superintendent required an additional examination to see what his genitalia looked like despite Mr. Smith having already voluntarily submitted to multiple viewings of his genitalia during the strip search and physical examination and there being no legitimate reason for conducting further examination. While the doctor examined Mr. Smith by looking inside his pants, the nurse attempted to pull down Mr. Smith’s pants against Mr. Smith’s wishes.

Feeling violated, Mr. Smith refused to submit to further examination and signed a document noting his refusal on the grounds of PTSD. The order requiring an examination of Mr. Smith’s genitalia was due to his being transgender and was made in contravention of PREA, which prohibits physical examinations solely to determine the genital status of transgender individuals. DOCCS policies also explicitly permit people to refuse medical treatment, including genital examinations.

In response to his refusal to undergo further genital evaluation, Mr. Smith was taken to “Medical Lock” - facilities at Bedford Hills that are equivalent to solitary confinement in which people are confined to their cells for 23 hours per day and isolated from other incarcerated people. There, Mr. Smith was told that he would only be allowed out of Medical Lock if he agreed to the genital examination.

Mr. Smith was confined in deplorable conditions in Medical Lock for more than a week, where he was kept in a poorly ventilated and extremely hot cell where he took his meals. He was only provided drinking water during mealtimes, leading to lightheadedness and dehydration. As a result, Mr. Smith became overheated, sick and weak during his time in solitary.

Throughout this period, various DOCCS officers demanded that Mr. Smith undergo the genital examination if he wanted to leave Medical Lock. After more than a week – including one day where he was taken to the medical unit in a wheelchair because of dizziness, fatigue, and nausea – he acquiesced to the examination with the express agreement that the examination would be solely visual, while also asserting his rights as defined under PREA to be free from such illegitimate demands.

However, when he asserted his right to be free from a genital examination, he was told that DOCCS can, and does, disregard these federal regulations without fear of repercussion. Notwithstanding that Mr. Smith only agreed

to a visual examination, the doctor touched Mr. Smith's genitals and penetrated him with a gynecological tool without Mr. Smith's consent.

Mr. Smith has suffered tremendously because of this assault. The examination triggered his PTSD resulting from the repeated sexual abuse he had previously experienced, leading to, among other problems, difficulty sleeping, trouble eating, and significant weight loss. It also exacerbated his gender dysphoria, causing increased anxiety, a distorted body image, and an aversion to physical touch which hinders his ability to develop intimate relationships.

Mr. Smith now increasingly isolates himself from friends and family. He also avoids being in public because he experiences hypervigilance for transphobia and as a result feels unsafe and in constant fear of discrimination and for his safety, which has worsened feelings of anxiety and depression. Mr. Smith's anxiety and fear has also negatively affected his ability to secure employment.

The assault and abuse suffered by Mr. Smith while in the custody of DOCCS violated his constitutional rights, including:

- his right to be free from an invasive and penetrative assault on the most private area of his body;
- his right to be free from cruel and unusual punishment, including sexual assault;
- his right to deny unwanted and unnecessary medical examinations and procedures;
- his right to equal protection under the law.

Mr. Smith seeks compensatory and punitive damages for the harms he suffered as a result of the unlawful and discriminatory actions taken by DOCCS staff at Bedford Hills.

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*The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For 145 years, we have protected defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. [www.legalaidnyc.org](http://www.legalaidnyc.org)*