



June 17, 2024

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

Legal Aid and Paul Hastings LLP Secure \$275,000 Settlement for Transgender Man Who Suffered Abuses While in Custody at Bedford Hills Correctional Facility

Plaintiff Was 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 [announced](#) a [\\$275,000 settlement](#) for their client in [litigation](#) filed against staff employed by the New York State Department of Corrections and Community Supervision (DOCCS) over the abuse he suffered while incarcerated at Bedford Hills Correctional Facility, a prison for women located in Westchester, New York. To protect his privacy, the court authorized the client to file his lawsuit under the pseudonym John Smith.

While going through intake at Bedford Hills, Mr. Smith, who is a transgender man, was ordered by DOCCS staff to submit to a genital examination for the purpose 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, the Superintendent ordered that he be placed in solitary confinement for more than a week - a punishment intended to force him to comply with the examination.

After relenting to the demands of DOCCS staff and agreeing to a visual examination in order to escape the deplorable 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 and protections under the Fourth, Eighth, and Fourteenth Amendments to the United States Constitution.

“While this settlement will never completely right what I suffered while incarcerated, it will allow me to move forward with my life, and I’m hopeful that it also puts DOCCS on notice that this behavior will never be tolerated,” said **John Smith**. “I want to thank my legal team at The Legal Aid Society and Paul Hastings for fighting for me and working so hard to hold DOCCS accountable.”

“No New Yorker should endure what Mr. Smith experienced in the custody of DOCCS, but his story is tragically emblematic of the plights facing many incarcerated transgender people throughout the state,” said **Erin Beth Harrist, Director of the LGBTQ+ Unit at The Legal Aid Society**. “However, with this settlement, we hope that it affords Mr. Smith both some long-awaited justice and much needed closure, and should DOCCS or its employees engage in such a way again, we will hold them responsible for violating the rights of our clients.”

Daniel Fliman, of Paul Hastings LLP, stated: “This settlement is the culmination of over two years of zealous advocacy by Paul Hastings and the Legal Aid Society, and bravery by our client in choosing to tell his story and to fight for the redress that he deserves. In addition to providing our client with compensation for his suffering, we are hopeful that this settlement will cause some much-needed change by the Department and its employees in the treatment of transgender individuals.”

Summary of Claims Described in the Complaint

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. 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 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 Superintendent’s order requiring an examination of Mr. Smith’s genitalia was due to his being transgender and was made in contravention of PREA and DOCCS’s own policies, which prohibits physical examinations solely to determine the genital status of transgender individuals. DOCCS policies also explicitly permit incarcerated individuals to refuse medical treatment, including genital examinations.

In response to his refusal to undergo a further genital evaluation, Mr. Smith was placed in keeplock, a form of 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 keeplock if he agreed to the genital examination.

Mr. Smith was confined in deplorable conditions in keeplock 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 keeplock. 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, under protest, with the express agreement that the examination would be solely visual. 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, 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. It has also caused Mr. Smith to increasingly isolate himself. He often 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.

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; and
- his right to equal protection under the law.

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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. <http://www.legalaidnyc.org/>
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