

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

\_\_\_\_\_  
S.W.,

Plaintiff,

-against-

CITY OF NEW YORK, COMMISSIONER LYNN  
MAGINLEY-LIDDIE, L MEDICI f/k/a ELIZABETH  
MUNSKY, OFFICER MURRELL, and JOHN DOES 1-4

Defendants.  
\_\_\_\_\_

INDEX NO: \_\_\_\_\_

**COMPLAINT AND  
DEMAND FOR JURY  
TRIAL**

**PRELIMINARY STATEMENT**

1. S.W. (“Ms. W”) is a transgender woman who was brutally raped and assaulted by two incarcerated men while she was in the custody of the New York City Department of Correction (DOC) in August 2024. The rape, assault, and the subsequent physical and mental trauma she has endured all occurred because of DOC’s unlawful practice of relying solely on an administrative form known as the securing order to determine whether detained individuals are sent to men’s or women’s facilities. Because the “M” box was improperly checked on Ms. W’s securing order, she was sent to men’s intake and then housed in an unsupervised men’s dormitory, despite the extraordinary and well-documented risk of sexual assault that transgender women face in men’s jails. As a result of DOC wrongly placing Ms. W in a men’s dormitory, she has been irreparably harmed, and her life has been forever changed.

2. DOC has refused to change its unlawful practice of relying on the securing order to determine whether detained individuals are sent to men’s or women’s intake facilities, even though

DOC is fully aware that the securing order frequently misidentifies the gender of transgender women. Court staff mark the “M” or “F” box on the securing order based on information from the New York Police Department (NYPD) or court paperwork, which is often inaccurate for transgender people. This results in transgender women, such as Ms. W, being unlawfully placed into men’s intake facilities. DOC acknowledges that solely relying on the securing order for intake placement leads to transgender women being wrongly housed, but refuses to change the practice even though it has the obligation and authority to implement a less harmful method for determining intake placement.

3. The unlawful and harmful reliance on the securing order for intake placement was highlighted by a task force created by the New York City Council in the 2022 First Report of the Task Force on Issues Faced by Transgender, Gender Non-Conforming, Non-Binary, and Intersex (TGNCNBI) People in Custody. The Task Force was responsible for advising DOC on improving its practices due to its historical mistreatment of TGNCNBI people in its custody. In written response to the 2022 Task Force Report, DOC explicitly agreed that transgender women should be placed into women’s intake immediately upon entering DOC custody. Nevertheless, DOC has made no effort to change its unlawful practice of relying on the securing order for intake placement.

4. As a direct result of DOC’s unlawful practices, Ms. W was sent to the Eric M. Taylor Center (EMTC), a men’s jail, on August 8, 2024, even though: (1) she was correctly identified as female on the caption of the notices filed by the Bronx District Attorney and in the relevant section of her rap sheet; (2) the Bronx Criminal Court referred to her using female pronouns and honorifics during her arraignment that day; and (3) the court officer clearly wrote on her securing order the words “Transgender Identifies as Female,” highlighted it, and starred it. When Ms. W realized she was being taken to the men’s jail, she feared for her safety and started

crying and continued to cry during much of her intake process. She even begged and pleaded with the staff and officers at EMTC that she is a woman and unsafe in a men's jail. Yet, her concerns were disregarded completely. Although Ms. W is and clearly presents and lives her life as a woman, she was nevertheless housed in an unsupervised men's dormitory with dozens of men.

5. Foreseeably, as a result of being housed in a men's dormitory, Ms. W was held down and brutally raped and assaulted by two incarcerated men. The men covered her mouth to prevent her from being able to call for help. One raped her anally and both raped her orally. During the assault, the men stabbed her in the left leg and arm with a sharp object and struck her, causing multiple injuries including bruising, abrasions, and a deep stab wound. The men threatened to kill her if she reported them and told her she would see them again, with one of the assailants putting his hands around her throat and choking her. In violation of DOC policy, there were no officers on duty in the dormitory at the time of the rape and assault.

6. Ms. W has suffered tremendously because of the brutal rape, assault, and other indignities she endured while in DOC custody. She has severe physical injuries as a result of the rape and assault. Among other harms, she has permanent scarring on her left leg and left arm from stab wounds. She suffers from aches in her left leg around the stab wound to this day, feels sharp pain if she touches the wounded area, and sometimes struggles to walk on it.

7. Further, Ms. W has suffered serious mental and emotional harms because of the brutal rape, assault, and other indignities she endured while in DOC custody. Ms. W frequently thinks about the traumatic rape and assault. She has experienced increased anxiety and depression. She has crying spells, flashbacks, and trouble falling asleep. In addition, she experiences intense anxiety and panic-symptoms, such as trouble breathing and her heart beating very fast causing her to feel like she is going to have a heart attack. Since the assault, she struggles to be physically or

sexually intimate with other people. She rarely leaves her house and rarely sees her family and friends beyond those she feels closest to. Simply put, her physical, mental, and emotional injuries have left her emotionally broken down and make it hard for her to go about her daily life.

8. For these and the following reasons, Ms. W seeks declaratory relief, injunctive relief, and damages in an amount to be determined at trial.

### **PARTIES**

9. Plaintiff S.W. (“Ms. W”) is a twenty-five-year-old Black transgender woman who resides in Bronx County, New York. She was held in the custody of the New York City Department of Correction (“DOC”) from August 8 to August 10, 2024, and again from August 11 to August 18, 2024. She was physically attacked and brutally raped by two incarcerated men when she was housed by DOC in a men’s dormitory.

10. Defendant City of New York is a municipal corporation that operates several detention jails through DOC, including all jails pertinent to this lawsuit. DOC, through its senior officials, promulgated Directive 4498R-A, which describes the process for the placement of transgender people during intake.

11. Defendant Lynelle Maginley-Liddie (“Maginley-Liddie”) is DOC Commissioner and held this position at all times relevant to this Complaint. As Commissioner, she is the chief executive officer of DOC. She is responsible, in accordance with the legal mandates governing DOC, for the management and control of all DOC jails, including the development and adoption of policy, as well as the supervision and training of all uniformed staff, including line and supervisory security staff.

12. Defendant L Medici (“L Medici”) was the Executive Director of LGBTQ+ Affairs for DOC at all times relevant to this Complaint. They were responsible for developing and implementing DOC directives relating to the treatment of LGBTQ+ people in DOC custody.

13. Officer Murrell (“Officer Murrell”) is a correction officer for DOC with shield number 17447. Officer Murrell completed the Arraignment and Classification Screening Form on August 8, 2024, indicating that Ms. W should not be considered for special or protective housing despite specifically noting on the form that she is a transgender female.

14. Defendant John Doe No. 1 (“Officer Doe No. 1”) is a supervisory officer for DOC who was working at EMTC on August 8, 2024. Officer Doe No. 1 ignored Ms. W’s requests for safe housing, including her repeated pleas for transfer to a women’s jail. Ms. W believes Officer Doe No. 1 is a tall Black man. Ms. W thinks she will be able to identify Officer Doe No. 1 with reasonable discovery and intends to name them as a defendant.

15. Defendant John Doe No. 2 (“Officer Doe No. 2”) is a correction officer for DOC who was working at EMTC from August 8 to August 9, 2024, and was assigned to post A in the dormitory to which Ms. W was assigned and failed to supervise their post. According to DOC practice, two officers should have been on duty to supervise the dormitory where Ms. W was housed. Ms. W thinks she will be able to identify Officer Doe No. 2 with reasonable discovery and intends to name them as a defendant.

16. Defendant John Doe No. 3 (“Officer Doe No. 3”) is a correction officer for DOC who was working at EMTC from August 8 to August 9, 2024, and was assigned to post B in the dormitory to which Ms. W was assigned and failed to supervise their post. According to DOC practice, two officers should have been on duty to supervise the dormitory where Ms. W was housed. Ms. W thinks she will be able to identify Officer Doe No. 3 with reasonable discovery and intends to name them as a defendant.

17. Defendant John Doe No. 4 (“Officer Doe No. 4”) is a male correction officer for DOC who was working in intake at EMTC on August 8, 2024. He conducted the strip-search of

Ms. W. Ms. W believes Officer Doe No. 4 is a Black man. Ms. W thinks she will be able to identify Officer Doe No. 4 with reasonable discovery and intends to name them as defendant.

**JURISDICTION AND VENUE**

- 18. All of the facts herein occurred in New York State.
- 19. Plaintiff resides in Bronx County, New York (“Bronx County”).
- 20. At all times relevant to Plaintiff’s claims, Defendants worked primarily in Bronx County, where the Rikers Island Jail Complex (“Rikers Jail Complex”) is located.
- 21. A substantial part of the events and omissions giving rise to the Plaintiff’s claims occurred in Bronx County, where the Rikers Island Jail Complex is located.
- 22. Venue is proper in Bronx County pursuant to CPLR § 503(a).

**STATEMENT OF FACTS**

**I. DOC’s Practice Of Relying On The Securing Order To Determine Where People Are Sent For Intake Is Unlawful**

**A. DOC Directive 4498R-A**

- 23. DOC Directive 4498R-A (“DOC Directive”), effective since October 22, 2019, governs how lesbian, gay, bisexual, transgender, intersex, gender non-binary, and gender non-conforming people are housed while in DOC custody.
- 24. According to the DOC Directive, “[i]nmates with securing orders that indicate male shall start their custody at a male housing facility” and “[i]nmates with securing orders that indicate female or transgender female shall start custody at a female housing facility.”
- 25. Therefore, by its own terms, the DOC Directive explicitly recognizes that transgender women can and should begin intake at a female housing facility.

**B. The Securing Order**

- 26. The securing order is a form generated by the New York State Office of Court

Administration that commits a person to DOC custody once signed by the criminal court judge. The securing order includes information such as the defendant's name, their age, the case number, the NYSID number, and the major arraignment charge. At all times relevant to this Complaint, the securing order also contained two boxes to indicate a person's sex: one for "M" (Male) and one for "F" (Female). The form does not include a section to indicate if someone is a transgender woman.

27. Despite the explicit terms of the DOC Directive described above, DOC only will house transgender women in a women's jail for intake if the "F" box is checked off. In an October 2021 letter to the New York Office of Court Administration, Defendant L Medici wrote: "[w]hen the 'Male' box is checked on a person's securing order, they will be brought to one of the male facilities for intake, and when the 'Female' box is checked on a person's securing order, they will be brought to the female jail for intake. Notations, such as 'transgender,' on the other areas of the securing order will not be considered when determining a client's intake placement by the Department."

**C. DOC Is Aware That Its Practice Results In Transgender Women Being Unsafely Housed But Still Refuses To Change Its Reliance On The Securing Order**

28. DOC is well aware that, unlike cisgender women, many transgender women will have the "M" box checked on their securing order because they do not have identification that accurately reflects their gender or because, even if they do have accurate identification, records exist that still reflect their sex assigned at birth.

29. A June 2021 report by the Williams Institute at UCLA School of Law found in a nationwide survey on the lived experiences of transgender people that 55% of respondents did not

have accurate identification, including half of the respondents from New York State.<sup>1</sup> Even after a person has updated their identification, the previous gender marker often remains in government records, such as arrest records and rap sheets.

30. On August 15, 2022, a task force created by the New York City Council to advise DOC on the appropriate treatment of TGNCNBI people in its custody, published its First Report of the Task Force on Issues Faced by TGNCNBI People in Custody (“2022 Task Force Report”).<sup>2</sup> The 2022 Task Force Report highlighted the dangerousness of DOC’s intake practice for transgender individuals because the sex marker on the securing order often misidentifies their gender identity. In advocating for policy change, the Task Force described tragic examples of transgender women being sent to men’s facilities due to the securing order and subsequently being assaulted.

31. The 2022 Task Force Report emphasized in bold letters: “[c]ourt officers rely on the ... marker listed on the criminal complaint and NYPD paperwork to fill out the securing order. The ... marker on the securing order will be marked incorrectly for TGNCNBI people if the documents it relies on are marked incorrectly for TGNCNBI people.”

32. In addition to Ms. W and the assault victims described by the 2022 Task Force Report, other transgender women in DOC custody have been sent through men’s intake facilities where they have been assaulted prior to being moved to Rose M. Singer Center (“RMSC”), a women’s jail.

33. DOC is also aware that transgender women face an extraordinary risk of sexual

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<sup>1</sup> Jody L. Herman & Kathryn K. O’Neil, *Gender Marker Changes on State ID Documents: State-Level Policy Impacts*, UCLA School of Law Williams Institute (Jun. 2021), available at <https://williamsinstitute.law.ucla.edu/publications/gender-marker-policies/> (last accessed May. 19, 2025).

<sup>2</sup> New York City Task Force on Issues Faced by TGNCNBI People in Custody, *First Report*, (Aug. 15, 2022), available at <https://www.nyc.gov/assets/boc/downloads/pdf/Jail-Regulations/FINAL-REPORT-of-the-TASK-FORCE-081522.pdf> (last accessed May. 19, 2025).

assault in men's jails. Transgender people are ten times more likely to experience sexual assault in carceral facilities than cisgender people.<sup>3</sup>

34. It is well known that transgender individuals, and Black transgender women specifically, face widespread violence and that such violence is increasing in both New York State and nationally.<sup>4</sup>

35. DOC explicitly has acknowledged that transgender women are not safe in men's intake facilities. In their 2021 letter to the New York State Office of Court Administration, Defendant L Medici wrote that transgender women face a "tremendously high risk of physical and sexual assault" in men's intake facilities.

36. For this reason, DOC agrees that transgender people in its custody should proceed through intake at RMSC. In its November 14, 2022, Response to the 2022 Task Force Report, DOC wrote that it "agree[d] that, to the fullest extent practicable, TGNCNBI individuals should not be processed for intake at male facilities or spend significant time in a custodial setting that is mis-aligned with their gender identity."

37. Nevertheless, DOC falsely and repeatedly has claimed that it is required to rely on the securing order to determine whether detained individuals entering DOC custody are sent to men's or women's intake facilities.

38. There is no state or city law or regulation requiring DOC to rely on the securing order to determine whether people entering DOC custody are sent to men's or women's intake

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<sup>3</sup> See *Project for Transgender Incarcerated Survivors*, American University Center for Human Rights And Humanitarian Law (2025), available at <https://www.american.edu/wcl/impact/initiatives-programs/center/pastprojects/project-for-transgender-incarcerated-survivors.cfm> (last accessed May 16, 2025).

<sup>4</sup> See *United States: Transgender People at Risk of Violence*, Human Rights Watch (Nov. 18, 2021), available at <https://www.hrw.org/news/2021/11/18/united-states-transgender-people-risk-violence> (last accessed May 16, 2025); see also *Criminal Justice Statistics: Hate Crime Incidents by Bias Type and Region*, New York State Division of Criminal Justice Services (Nov. 2023), available at <https://www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm> (last accessed May 16, 2025).

facilities. In the unlikely event that DOC identifies such a state or city law or regulation – which it has not done to date, despite repeated requests from the Task Force and other advocates – any such law or regulation would be unlawful for the same reasons DOC’s practice of relying on the securing order is unlawful.

39. Despite acknowledging that its current practice is harmful and inconsistent with its written policy, and despite having the ability to change its practices for intake placement, DOC continues to rely on the securing order for intake placement.

## **II. Ms. W Is Brutally Raped And Assaulted After Being Unlawfully Sent To The Men’s Intake Facility**

### **A. Ms. W Is A Woman And Presents As And Lives Her Life As A Woman**

40. Ms. W is a woman. She has known she is a woman since she was a young child, although her sex assigned at birth is male. She is perceived by others as a woman in her daily life.

41. “Sex assigned at birth” refers to the sex designation – usually made by a doctor or a medical professional – on one’s birth certificate. For many people, one’s internal sense of gender – or their “gender identity” – matches their sex assigned at birth; these people are “cisgender.” By contrast, a transgender person is an individual whose gender identity is different from their sex assigned at birth.

42. Ms. W has lived openly as a woman since 2017. She expresses her womanhood through wearing feminine clothing and accessories, and hairstyles typically associated with female people. She has long hair that reaches her shoulders and a slim frame weighing around 140 pounds. When she was sent to men’s intake on August 8, 2024, she wore a wig with shoulder-length hair.

43. Ms. W has been taking spironolactone and estrogen hormones since 2021, which make her appear more feminine. Specifically, these hormones have made her skin softer, grown her breast tissue, reduced her muscle mass and body hair, and redistributed her body fat into a

more typical female pattern.

44. Ms. W finds it extremely distressing when she is misgendered and treated as a man. The mental health and well-being of transgender people is harmed when they are not treated consistently with their gender identity, including when they are misgendered, deadnamed, or forced to use sex-segregated facilities or spaces based on their sex assigned at birth.

**B. DOC Was Aware From Ms. W's Prior Incarceration That She Is A Transgender Woman**

45. Ms. W was first incarcerated at the Rikers Jail Complex on May 29, 2023. Because the "M" box on her securing order was checked off, consistent with DOC practice, she was brought to EMTC, a men's jail, for intake. She was subsequently approved for transfer to a women's facility.

46. While she was still at EMTC during her 2023 incarceration, Ms. W made two reports regarding serious safety concerns to 311, the twenty-four-hour hotline for reporting issues or seeking assistance from New York City government agencies. She reported: "I am transgender. They have placed me in the wrong facility with me[n]. When I use the bathroom men are coming in."

47. Therefore, even as early as June 2023, DOC was aware that Ms. W is a transgender woman.

**C. DOC Was Aware That Ms. W Is A Transgender Woman And Nevertheless Placed Her Into Men's Intake In August 2024**

48. DOC knew from the moment Ms. W entered DOC custody on August 8, 2024, that she is a transgender woman.

49. On August 8, 2024, Ms. W was arraigned in Bronx Criminal Court. During her arraignment, the court referred to her using female pronouns and honorifics. She was correctly identified as female on the caption of the notices filed by the Bronx District Attorney and in the

relevant section of her rap sheet.

50. Nevertheless, the securing order signed by the court had the “M” box checked off.

51. On the bottom of the second page of the securing order, the court officer wrote “\*Transgender Identifies as Female\*” and highlighted the words with a yellow highlighter.

52. The securing order placed Ms. W in DOC custody following the arraignment.

53. Ms. W was placed in a van for transportation from the Bronx courthouse to Rikers Island, New York City. Rikers Island has several jails, including EMTC, which serve as the main residence and sleeping place of pre-trial detainees in New York City while their criminal matters are pending. DOC provides services, facilities, and accommodations to detained individuals on Rikers Island.

54. Ms. W was the only incarcerated person in the van, which is a common DOC practice for the transfer of transgender people.

55. Since Ms. W was familiar with EMTC from her incarceration on May 29, 2023, she realized on August 8, 2024, that the van was approaching EMTC.

56. Upon this realization, she started crying, begging, and pleading with the correction officers that she is a woman and should not be going to a men’s jail. The officers in the van ignored her pleas.

#### **D. Ms. W Was Subjected To An Unlawful Strip Search By A Male Officer**

57. Ms. W was then escorted to the EMTC intake area, where she was taken to a separate room and instructed by Officer Doe No. 4 to remove all her clothes for a strip search. Still crying, she told Officer Doe No. 4 that she is a woman and pleaded to be searched by a woman. He told her she was going to be treated like “other men” since she was in a men’s jail. Officer Doe No. 4, a man, conducted the strip search.

58. DOC Directive 4498R-A states: “Absent exigent circumstances, all strip and pat

searches of transgender . . . inmates are to be performed by officers of the gender requested and documented in writing on the ‘Special Consideration Housing Form’ . . . or, if not possible, by an officer of the same perceived gender identity as the inmate. Cross-gender inmate pat/frisk searches of female inmates by male employees are prohibited, except in exigent circumstances.”

59. The Directive also provides that any cross-gender strip search that does take place must be documented using the Random Search Form.

60. Officer Doe No. 4’s cross-gender strip search of Ms. W violated DOC policy. Ms. W’s inmate file did not contain any documentation suggesting or supporting exigent circumstances existed for a cross-gender strip search.

**E. Ms. W’s Repeated Pleas Concerning Her Safety Were Ignored And Disregarded Completely**

61. In EMTC, Ms. W was placed in an intake cell with six or seven men, including a Black man who made derogatory remarks about her being transgender. She continued to cry out for help from the officers in the intake area office, but they ignored her pleas.

62. During the intake process, Defendant Officer Murrell, Shield No. 17447, completed Ms. W’s arraignment and classification risk screening form. Officer Murrell checked off “transgender female” in the gender section of the form. Despite knowing that Ms. W is a woman held in a men’s jail, Officer Murrell checked the “no” box on the form in answer to the question: “Do you know of any other reason this inmate should be considered for special housing?” He also noted on the form she did not need protective custody.

63. At some point when she was in the intake cell, an officer asked her to fill out the Special Considerations Housing Form. This form is used by DOC when detainees wish to request housing in the Special Considerations Unit at RMSC, a unit for transgender and other vulnerable people, or to be transferred from a men’s jail to the general population at RMSC.

64. On the Special Considerations Housing Form, Ms. W wrote that she wished to be housed with women because she feared for her safety.

65. At one point, she spoke to Officer Doe No. 1, a tall Black man, who was wearing a white uniform. She told him she was not safe in a men's jail and should be moved to a women's jail. He told her she must go through an application process to request a transfer to the women's jail. But he never took any steps to ensure Ms. W's safety at EMTC.

66. Eventually, an officer took her out of the intake cell so she could be provided a mattress. Ms. W asked the officer where she was going and he replied that she was going where the new admissions sleep.

67. The officer brought Ms. W to a dormitory with many beds and approximately thirty to forty incarcerated men. At the time she arrived, there was one officer in the booth at the front of the dormitory.

68. The men's dormitory serves as intake housing for people in DOC custody, pending classification and screening to assess for their risks both of vulnerability to attack and for their risks of predatory behavior.

69. When Ms. W entered the men's dormitory, incarcerated men made derogatory comments about her appearance and the fact that she is transgender.

70. Ms. W was afraid of being in the men's dormitory and wanted to hide. Therefore, she chose a bed in the second row from the officers' booth and tried to cover herself with the DOC-provided blanket. She eventually fell asleep.

**F. Ms. W Was Brutally Raped And Assaulted By Two Incarcerated Men In The Men's Dormitory**

71. Ms. W woke up to a hand pressed onto her face and the blanket being ripped off her body. Two men, including the Black man who had previously made derogatory comments to

her in the intake cell, were trying to take her pants down.

72. The men covered her mouth so she was unable to call for help.

73. Despite Ms. W's attempts to stop them, the men held her down, cutting her in the left leg and arm with a sharp object, and striking her in various areas. This caused multiple injuries, including bruising, abrasions, and a deep stab wound.

74. One man penetrated her anally with his penis without a condom.

75. Both men then took turns raping her orally until she began to gag and vomit.

76. The men threatened to kill her if she reported the attack and told her that she would see them again. She was threatened while one of men was choking her with his hands around her throat. She couldn't breathe and feared for her life.

77. After the men left, Ms. W looked for an officer, but in violation of DOC policy there were no officers supervising the dormitory. She did not see either Officer Doe No. 2 or Officer Doe No. 3, the officers assigned to that dormitory, either walking around the dormitory or in the booth at the front of the dormitory.

78. She tried to tie up the bleeding wounds on her left leg with her underwear.

79. At some point after the assault, Ms. W requested medical help. The treating doctor noted that she had an "open wound."

80. Although the doctor asked her about what happened, she did not reveal that she had been raped or the true cause of the wounds on her left arm and leg, because she feared the two men and their threats of retaliation.

#### **G. Ms. W Was Unlawfully Transferred To Other Men's Jails On More Than One Occasion**

81. Ms. W was sent back to the same men's dormitory after seeing the doctor. Fearing being in the same dormitory as her attackers, she desperately begged and pleaded to be moved

from the men's dormitory.

82. At some point, Ms. W completed a voluntary statement form explaining that she feared for her safety, she was threatened by incarcerated men, and she needed protective custody.

83. Captain Gwen Smart requested approval for protective custody for Ms. W. Captain Smart referenced the fact that Judge Gonzalez-Taylor from Bronx Criminal Court instructed that "transgender female" be written on the securing order. Captain Smart determined that Ms. W had a "legitimate fear" for her safety in a men's jail.

84. DOC approved Ms. W for protective custody on the afternoon of August 9, 2024.

85. That same day, Ms. W was transferred to West Facility, another men's jail, and placed in a cell alone.

86. Ms. W left the custody of DOC in the early morning hours on August 10, 2024.

87. Ms. W re-entered the custody of DOC on August 11, 2024 in relation to two pending criminal matters in Queens, New York. Again, the securing orders placing her back into custody of DOC had "M" boxes checked off.

88. Because the "M" box was checked on her securing orders, Ms. W was again sent to EMTC for intake.

89. On August 12, 2024, DOC approved Ms. W's request to be transferred to the Special Considerations Unit (SCU) at RMSC, the women's jail. The SCU is a unit for transgender and other vulnerable people at RMSC.

90. Although she was approved for transfer to RMSC on August 12, 2024, Ms. W was sent to West Facility, another men's facility. DOC finally sent Ms. W to RMSC days later on August 16, 2024.

**III. Ms. W Has Suffered Severe Physical, Mental, And Psychological Injuries From The Brutal Rape, Assault, And Other Indignities She Endured While In DOC Custody**

91. As a result of Defendants' unlawful treatment, Ms. W has suffered severe physical, mental, and psychological scars that may never heal and have made it hard for her to go about her daily life.

92. Ms. W has endured tremendous physical pain because of the brutal rape and assault she suffered while in DOC custody. She has severe and permanent physical injuries as a result of the rape and assault. Among other harms, she has permanent scarring on her left leg and left arm from the stab wounds from being cut with a sharp object by her assailants. She still suffers from aches on her left leg around the stab wound to this day. She avoids touching the wounded area due to the sharp pain caused by such touch and sometimes struggles to walk on it. She now tends to wear pants that cover her legs because she does not like seeing the scarring.

93. Ms. W experiences continued and severe mental, psychological, and emotional distress because of the brutal rape, assault, and other indignities she endured while in DOC custody. These injuries have left her emotionally broken down and she experiences increased anxiety and depression. She has crying spells, flashbacks from the rape, and trouble falling asleep. Ms. W thinks about the traumatic rape and assault frequently. She has suffered from crying spells when thinking about the rape and assault and how DOC misgendered her and placed her in a men's facility. Ms. W finds herself constantly trying to distract herself from thinking about the rape and assault.

94. In addition, Ms. W experiences intense anxiety and panic-symptoms, such as trouble breathing, chest pain, and her heart beating very fast causing her to feel like she is going to have a heart attack. She attempts to manage her anxiety through meditation and other distractions. Since the assault, she struggles to be physically or sexually intimate with other people

and feels distressed when she sees depictions of sexual abuse or assault in media. Further, she gets nervous around groups of men. She has a loss of enjoyment of life due to fear of leaving her home, rarely seeing her family and friends beyond a few people. Ms. W's life has truly been changed forever because of the rape and assault she endured while she was in the custody of DOC.

**FIRST CLAIM FOR RELIEF**  
**New York State Human Rights Law**  
**(Defendants City of New York, Commissioner Lynn Maginley-Liddie, L Medici, Officer Murrell, and John Doe Nos. 1 and 4)**

95. Defendants' actions and omissions violate the New York State Human Rights Law (NYSHRL), Executive Law § 296(5).

96. The City of New York, through DOC, provides housing accommodations under NYSHRL Executive Law § 292(10), as a jail is a building or structure that is used as a residence or sleeping place of one or more human beings.

97. Defendant Officer Murrell and Officer Doe Nos. 1 and 4 discriminated against Plaintiff based on her sex and gender identity by refusing or failing to make efforts to transfer her immediately to the women's jail or to protect her in the men's jail.

98. The City of New York's practice of relying solely on the sex marker on the securing order to determine whether detained individuals are sent to men's or women's intake facilities, as developed and implemented by the Defendant Commissioner Maginley-Liddie and Defendant L Medici, constitutes an unlawful discriminatory practice because it results in transgender women, including Ms. W, being housed in men's facilities for intake.

**SECOND CLAIM FOR RELIEF**  
**New York City Human Rights Law – Discrimination in Housing Accommodations**  
**(Defendants City of New York, Commissioner Lynn Maginley-Liddie, L Medici, Officer Murrell, and John Doe Nos. 1 and 4)**

99. Defendants' actions and omissions violate the New York City Administrative Code § 8-107(5).

100. The City of New York, through DOC, provides housing accommodations under New York City Administrative Code § 8-102, as a jail is a building or structure that is used as a residence or sleeping place of one or more human beings.

101. Defendant Officer Murrell and Officer Doe Nos. 1 and 4 discriminated against Plaintiff based on her sex and gender identity by refusing or failing to make efforts to transfer her immediately to the women’s jail or to protect her in the men’s jail.

102. The City of New York’s practice of relying solely on the sex marker on the securing order to determine whether detained individuals are sent to men’s or women’s intake facilities, as developed and implemented by the Defendant Commissioner Maginley-Liddie and Defendant L Medici, constitutes an unlawful discriminatory practice pursuant to New York City Administrative Code § 8-502 because it results in transgender women, including Ms. W, being housed in men’s facilities for intake.

**THIRD CLAIM FOR RELIEF**

**New York City Human Rights Law – Discrimination in Public Accommodations  
(Defendants City of New York, Commissioner Lynn Maginley-Liddie, L Medici, Officer  
Murrell, and John Doe Nos. 1 and 4)**

103. Defendants’ actions and omissions violate the New York City Administrative Code § 8-107(4).

104. The City of New York provides public accommodations under New York City Administrative Code § 8-102, specifically jail facilities, through DOC, as DOC provides goods, services, facilities, and accommodations to incarcerated people.

105. Defendant Officer Murrell and Officer Doe Nos. 1 and 4 discriminated against Plaintiff based on her sex and gender identity by refusing or failing to make efforts to transfer her immediately to the women’s jail or to protect her in the men’s jail.

106. The City of New York’s practice of relying solely on the sex marker on the securing

order to determine whether detained individuals are sent to men’s or women’s intake facilities, as developed and implemented by the Defendant Commissioner Maginley-Liddie and Defendant L Medici, constitutes an unlawful discriminatory practice pursuant to New York City Administrative Code § 8-502 because it results in transgender women, including Ms. W, being housed in men’s facilities for intake.

**FOURTH CLAIM FOR RELIEF**  
**New York State Civil Rights Law**  
**(Defendants City of New York, Commissioner Lynn Maginley-Liddie, L Medici, Officer Murrell, and John Doe Nos. 1 and 4)**

107. Defendants’ actions and omissions violate the New York Civil Rights Law § 40-c.

108. Defendant Officer Murrell and Officer Doe Nos. 1 and 4 discriminated against Plaintiff based on her sex and gender identity by refusing or failing to make efforts to transfer her immediately to the women’s jail or to protect her in the men’s jail.

109. The City of New York’s practice of relying solely on the sex marker on the securing order to determine whether detained individuals are sent to men’s or women’s intake facilities, as developed and implemented by the Defendant Commissioner Maginley-Liddie and Defendant L Medici, constitutes an unlawful discriminatory practice pursuant to New York State Civil Rights Law because it results in transgender women, including Ms. W, being housed in men’s facilities for intake.

**FIFTH CLAIM FOR RELIEF**  
**New York State Constitution – Equal Protection**  
**(Defendants City of New York, Commissioner Lynn Maginley-Liddie, L Medici, Officer Murrell, and John Doe Nos. 1 and 4)**

110. Defendants’ actions and omissions violate the Equal Protection guarantees of the New York State Constitution (“Constitution”) set forth in Article I, § 11.

111. Defendant Officer Murrell and Officer Doe Nos. 1 and 4 violated Plaintiff’s right to equal protection guaranteed by Article I, § 11 of the Constitution by treating her differently from

other women by sending her to and keeping her in a men's jail for intake without any or sufficient justification.

112. Defendant Officer Doe No. 4 violated Plaintiff's right to equal protection guaranteed by Article I, § 11 of the Constitution by treating her differently from other women by subjecting her to a strip search without any or sufficient justification.

113. Defendant City of New York and Defendant Commissioner Maginley-Liddie are responsible for the actions of their employees performed during the course of their employment.

114. Defendant City of New York, Defendant Commissioner Maginley-Liddie, and Defendant L Medici violated Plaintiff's right to equal protection guaranteed by Article I, § 11 of the Constitution by adopting a practice of solely relying on the securing order to determine whether detained individuals are sent to men's or women's intake facilities. This practice purposefully discriminates on the basis on sex and gender identity because it disproportionately impacts transgender people, who are significantly more likely to have their sex and gender identity incorrectly identified on the securing orders.

115. This practice, adopted and sanctioned by Defendant City of New York, Defendant Commissioner Maginley-Liddie, and Defendant L Medici, intentionally discriminates against transgender women, as these Defendants are aware of the harm the practice causes but nevertheless refuse to change it despite having authority to do so.

116. DOC's practice of relying solely on whether the "M" or "F" box is checked on the securing order, without any consideration of the gender identity of the detained individual and their safety needs while in DOC custody, is not rationally or substantially related to any government interest because DOC's own policy, on its face, provides that transgender women should go immediately to women's intake.

**SIXTH CLAIM FOR RELIEF**

**Negligence**

**(Defendants City of New York, Commissioner Lynn Maginley-Liddie, Officer Murrell, and John Doe Nos. 1-4)**

117. Defendant Officers Murrell and Officer Doe Nos. 1-4 were aware that Ms. W is a transgender woman, yet they failed to take action to move her to a women’s facility or to protect her while she was in a men’s facility.

118. Defendant Officers Murrell and Officer Doe Nos. 1 and 4’s actions were negligent because it was reasonably foreseeable that a transgender woman sent to a men’s intake facility would be subject to assault and rape.

119. Defendant Officer Doe Nos. 2 and 3 were negligent in their actions because it was reasonably foreseeable that a transgender woman sent to a dormitory with men would be subject to assault and rape, yet they failed to supervise the dormitory where Plaintiff was housed.

120. Defendants City of New York and Commissioner Maginley-Liddie, as the employers of Defendant Officer Murrell and Officer Doe Nos. 1-4, are liable for their negligent actions.

**Service and Notice of Claim Requirements**

121. Plaintiff has complied with the requirements of New York State Civil Rights Law § 40-d by serving notice on the New York State Attorney General on May 22, 2025.

122. Plaintiff has complied with all notice of claim requirements by serving a Notice of Claim on the City of New York on November 4, 2024, which claim Defendants have failed to adjust or pay.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

- A. Declare that Defendants' actions and omissions violated the statutes listed above and the Equal Protection Clause of the New York State Constitution;
- B. Issue an order pursuant to New York City Administrative Code § 8-502 enjoining Defendants, their agents, employees, and successors from sending S.W. to a men's jail for intake and;
  - a. Requiring Defendants to modify their policies, practices, and procedures to ensure that transgender women are sent to the Rose M. Singer Center for intake processing;
  - b. Requiring Defendants to train all management, agents, and employees on their duties and obligations under the New York State and New York City Human Rights Laws to ensure that transgender women are sent to the Rose M. Singer Center for intake processing;
- C. Award Plaintiff nominal and compensatory damages against all Defendants based on the claims listed above, in an amount to be determined at trial;
- D. Award Plaintiff punitive damages against all individual Defendants based on the claims listed above, in an amount to be determined at trial;
- E. Award Plaintiff statutory penalties against all Defendants pursuant to New York Civil Rights Law § 40-d for each and every violation of New York State Civil Rights Law § 40-c;
- F. Award Plaintiff reasonable costs of this action and attorneys' fees; and
- G. Grant such other relief as the Court deems just and proper.

**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all issues of fact and damages stated herein.

Dated: May 22, 2025  
New York, New York

Respectfully submitted,

**THE LEGAL AID SOCIETY**

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