

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

GABRIELA AMAYA CRUZ; CHRISTIAN
PALLIDINE; and ÁNGEL JAE TORRES BUCCI,

Plaintiffs,

v.

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
DONALD FORBES, OFFICER A. MISSIAL,
OFFICER AMANDA BROWN, CHARGE NURSE
ANITA KOMNINAKIS, OFFICER YOLANDA
BARRETT, OFFICER HALL, NURSE JANE DOE 1,
OFFICERS JANE DOE 2-5, SUPERVISORS JEAN
DOE 6-7, OFFICER JOHN DOE 8, OFFICER JANE
DOE 9, OFFICER JOHN DOE 10, OFFICER JANE
DOE 11, OFFICER JOHN DOE 12, OFFICERS JANE
DOE 13-15, OFFICER JOHN DOE 16, NURSE JANE
DOE 17, OFFICER JOHN DOE 18, in their individual
capacity.

Defendants.

Civil Action File No.

**JURY TRIAL
DEMANDED**

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 Donald Forbes, Officer A. Missial, Officer Amanda Brown, Charge Nurse Anita Komninakis, Officer Yolanda Barrett, Officer Hall, Nurse Jane Doe 1, Officers Jane Doe 2-5, Supervisors Jean Doe 6-7, Officer John Doe 8, Officer Jane Doe 9, Officer John Doe 10, Officer Jane Doe 11, Officer John Doe 12, Officers Jane Doe 13-15, Officer John Doe 16, Nurse Jane Doe 17, and Officer John Doe 18. This action is filed under 42 U.S.C. § 1983 and U.S. Const. Amend IV; U.S. Const. Amend XIV; and Title II of the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq.

INTRODUCTION

1. Plaintiffs Gabriela Amaya Cruz, Christian Pallidine, and Ángel Jae Torres Bucci are transgender people who were participating in political events during the summer of 2020 when arrested on minor charges that were later dropped. They were held in custody overnight at Turner Guilford Knight Correctional Center (“TGK”) in Miami-Dade County. Gabriela and Ángel are transgender women and Christian is a transgender man. While at TGK, Defendants abused and harassed Plaintiffs based on their sex, disability, and transgender status.

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 relevant to this Complaint responsible for MDCR policies and procedures. *See* Fla. Stat. § 951.23(4). Director Junior is a policy maker for the County, and responsible for Department Standard Operative Procedures (“DSOPs” or “DSOP”), including DSOP 18-017, “Transgender Inmates,” and DSOP 11-022, “Frisk and Strip Search Procedures.” He is sued in his official and personal capacity.

12. The County and Director Junior will be referred to collectively as “County Defendants.”

Supervisory Defendants

13. Upon information and belief, Captain J. Barber, Sergeant Tammy Rozier, Corporal Robinson (Badge 7665), Shift Commander M. Barrow (Badge 1511), Supervisor Jean Doe 6, and Supervisor Jean Doe 7 were all employed by MDCR as supervisory correctional staff at all relevant times. They are sued in their personal capacity.

14. Captain Barber refused Gabriela's request to be referred to using the pronouns "she" and "her" during her detention at TGK.

15. Corporal Robinson and Shift Commander Barrow authorized the strip search of Ángel during their detention at TGK.

16. Upon information and belief, Doe 6 is in the employ of the County and approved the strip search conducted on Christian during his detention at TGK.

17. Upon information and belief, Doe 7 is in the employ of the County and approved Christian's placement in a solitary cell during his detention at TGK on May 31 and June 1, 2020.

18. Captain Barber, Sergeant Rozier, Corporal Robinson, Shift Commander Barrow, Doe 6, and Doe 7 will be referred to collectively as "Supervisory Defendants." Plaintiffs believe they will be able to ascertain the identity of the Doe Defendants with reasonable discovery.

Staff Defendants

19. Upon information and belief, Officer Thomas Miller Jr., Officer Donald Forbes, Officer A. Missial, Officer Hall, Officer Amanda Brown, Nurse Komninakis, Officer Yolanda Barrett, Does 1-5, and Does 8-18, were all employed by MDCR as correctional or medical staff at all relevant times, and were

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. Nurse Jane Doe 17 is a nurse or other healthcare practitioner in the employ of the County who entered Ángel's cell at the same time and place and attempted to remove their piercings over their objections.

32. Officer John Doe 18 is a correctional officer at TGK who misgendered Ángel and prevented women from speaking to them, while permitting men to speak to them.

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. This Court has personal jurisdiction over Defendants because, upon information and belief, they are all domiciled in Florida.

STATEMENT OF FACTS

A. Transgender people and gender dysphoria

39. Gender identity is a deep-seated understanding everyone possesses about their own sex (or gender). Gender identity is innate and cannot be voluntarily changed. Although a person's gender identity is typically fixed at an early age, a person's understanding of their gender identity may evolve over time. Gender identity is a key part of sex.

40. An individual's assigned sex at birth is generally determined solely based on the appearance of external genitalia when they are born. For most people, this assignment corresponds to their gender identity, as well as various other sex-related characteristics (such as reproductive anatomy and, after puberty, hormone levels and secondary sex characteristics). People whose assigned sex at birth corresponds to their gender identity are called cisgender.

41. Transgender people are those people with a gender identity that differs from their assigned sex at birth.

42. Intersex people are those people born with chromosomal, gonadal, genital, or hormonal traits not considered typical for male or female. While some

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.

46. Scientific consensus recognizes that attempts to change an individual's gender identity to bring it into alignment with the sex they were assigned at birth are ineffective and harmful.

47. Gender dysphoria has a physical cause, including genetic and hormonal factors affecting the in utero development of the central nervous system, resulting in a person being born with external sex characteristics and hormones that are inconsistent with the person's gender identity. Gender dysphoria is a serious condition that, if untreated, can lead to severe psychological harm and suffering, including anxiety, depression, thoughts of suicide, suicide attempts, and other mental health issues. Gender dysphoria impairs major life activities of thought, mood, reproduction, and social functioning.

48. Gender dysphoria is highly treatable. The accepted and necessary treatment for gender dysphoria is gender affirmation. Depending on the individual's needs, gender affirmation may involve social affirmation (e.g., changing one's name and pronouns), legal affirmation (e.g., changing gender markers on one's government-issued documents), medical affirmation (e.g., pubertal suppression or gender-affirming hormones), or surgical affirmation (e.g., vaginoplasty, facial feminization surgery, hysterectomy, breast augmentation, masculine chest reconstruction). Delays, denials, or interruptions in needed treatment for gender dysphoria can have grave health consequences.

49. Social affirmation involves bringing a person's gender expression and social sex role into alignment with their gender identity. It may include wearing different clothing, changing voice pitch and intonation, using a new name and pronouns, participating in different sex-specific activities and spaces (such as restrooms, dormitories, and other areas designated for a particular sex), and interacting with peers and one's social environment in a manner that better matches the person's gender identity and alleviates the symptoms of gender dysphoria.

50. For many transgender people, access to wigs, tucking undergarments, binders, and gender-congruent clothing is a critical part of treatment. Tucking undergarments, sometimes called gaffs, permit flattening of the genital area for transfeminine people. Binders permit flattening of the chest area for transmasculine people.

51. Many people with gender dysphoria also need one or more forms of pharmacological, surgical, or other medical treatment to bring their physical sex characteristics into greater alignment with their gender identity and to alleviate their symptoms. Not every transgender person needs the same specific types of pharmacological or surgical treatment; like treatment for many other medical conditions, treatment for gender dysphoria is individualized. Also, barriers persist to medically-necessary gender affirmation care for many transgender people.

52. Misgendering is the act of describing or addressing a person inconsistently with their gender identity. A person may misgender another by using the wrong pronouns to address them, or by referring to them using a former name that the person ceased to use because it was inconsistent with their gender identity (called a *deadname*). Misgendering significantly injures the mental health of transgender people, exacerbating symptoms of gender dysphoria and increasing risk of self-harm and suicide. For those transgender people who are otherwise perceived consistently with their affirmed sex, public misgendering also reveals them to be transgender, which puts them at substantial risk of violence, discrimination, and harassment.

53. Transgender people experience exceptionally high rates of sexual and other violence, both in the general public and in jails and other carceral settings. In a large national survey of transgender people who are not incarcerated, nearly half (47%) had experienced sexual assault in their lifetime, 10% had been sexually assaulted in the last year, and 9% had been physically assaulted in the last year.¹

54. The implementing regulations of the Prison Rape Elimination Act (“PREA”) identify transgender people as likely to be vulnerable to sexual assault in detention. *See e.g.* 28 C.F.R. § 115.41(d)(7). In 2015, the U.S. Department of

¹ 2015 *U.S. Trans Survey*, National Center for Transgender Equality (2015), <https://www.ustranssurvey.org/reports>.

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% of transgender respondents in Florida who had interacted with a law enforcement officer in the past year experienced some form of mistreatment from the officer.³

55. Ángel and Gabriela were arrested while attending a vigil to honor the lives of Black transgender women who had been murdered. In 2020, four transgender people of color were killed in Florida alone, two of them in Miami.⁴ This violence continues today—another Black transgender woman was shot to death in Miami Gardens, Florida in October 2021,⁵ and a Latina transgender woman was killed in Tampa in November 2021.⁶

² *PREA Data Collection Activities, 2015*, U.S. Dept. of Justice, Bureau of Justice Statistics (June 2015), <https://bjs.ojp.gov/content/pub/pdf/pdca15.pdf>

³ *2015 U.S. Trans Survey: Florida State Report*, National Center for Transgender Equality (2015), [https://transequality.org/sites/default/files/docs/usts/USTSFLStateReport\(1017\).pdf](https://transequality.org/sites/default/files/docs/usts/USTSFLStateReport(1017).pdf).

⁴ *Violence Against the Transgender and Gender Non-Conforming Community in 2020*, Human Rights Campaign (2020), <https://www.hrc.org/resources/violence-against-the-trans-and-gender-non-conforming-community-in-2020>.

⁵ Trudy Ring, *Black Trans Woman Royal Poetical Starz Killed in Florida*. Advocate (Oct. 15, 2021), <https://www.advocate.com/crime/2021/10/15/black-trans-woman-royal-poetical-starz-killed-florida>.

⁶ James Factora, *A 25-Year-Old Latinx Trans Woman Was Reported Murdered in Florida*, them. (Nov. 15, 2021), <https://www.them.us/story/jenny-de-leon-25-year-old-latinx-trans-woman-murdered-in-florida>.

B. The Defendants' Discriminatory and Abusive Treatment of Plaintiffs

1. Plaintiff Christian Pallidine

56. Christian Pallidine is a man who resided in Miami, Florida, until recently. He has since relocated to Amsterdam, Netherlands, for graduate school.

57. Christian is transgender. He was assigned female at birth, and he knows himself to be a man. Like many transgender people, Christian experiences gender dysphoria.

58. Christian attended a Black Lives Matter protest in downtown Miami on May 31, 2020. As he left the protest, he was arrested, charged with a misdemeanor curfew violation, and taken to TGK.

59. At the time of his arrest, his driver's license listed him as male and listed his current name, Christian Pallidine. Strangers usually perceive Christian to be a man.

60. On first arriving at TGK, Christian had what began as a seemingly routine medical screening. He disclosed that he had suffered a blow to the head during his arrest, but received no evaluation or treatment while at TGK for what was subsequently diagnosed as a concussion.

61. He also disclosed that he is transgender. At that point, he was separated from the other men for a second examination.

62. The second screening took place in an area with multiple arrestees and nurses with very little space between them. Other staff members and people in custody could see and hear Christian and the person questioning him. A nurse asked him questions about his mental health and his views about being housed with men. Christian realized that the nurse thought he was a transgender woman (that is, someone assigned male at birth who identifies as a woman). When Christian corrected the nurse, the nurse expressed confusion and fetched a colleague, Nurse Jane Doe 1 (Doe 1), to join the interview.

63. Doe 1 asked Christian multiple intrusive questions about his genitals and plans for future medical care, including whether he planned to “get a penis.”

64. Doe 1 ordered Christian to take a pregnancy test. Doe 1 directed him to provide a urine sample in a single-occupancy restroom maintaining a door with a transparent upper half, allowing everyone within line of sight to observe whether a person urinating inside is sitting or standing. After Christian finished using the restroom, Doe 1 told a group of officers, including Officer Thomas Miller Jr. and Officer Jane Doe 2, that Christian was transgender. Officer Miller commented, “I knew it!”

65. Officer Miller then instructed Christian to sit alone in front of the restroom, adjacent to the area where most arrestees were seated with men on one side and women on another. While there, Officer Miller and Doe 2 came up to

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 genitals. Upon information and belief, Supervisor Jean Doe 6 approved or ordered this strip search.

67. Upon information and belief, cisgender people arrested that night with comparable charges were not strip searched.

68. Suspicionless strip searches of those arrested for nonviolent misdemeanors and violations are prohibited under Florida law and policy, with certain exceptions not relevant here. Fla. Stat. 901.211(2); Fla. Model Jail Standards § 4.3(a) (Jan. 1, 2015). Christian was charged only with a curfew violation.

69. No one asked Christian whether men or women should conduct the strip search.

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, charged with misdemeanor obstruction of traffic, and taken to TGK.

80. Gabriela is generally accurately perceived as a woman, in part because of her typically feminine physical appearance, hair, and clothing, and in part because she is known in her community as a woman. However, at the time of her arrest, Gabriela had a driver's license that misidentified her as male and that bore her typically masculine given first name (her deadname).

81. When Gabriela first arrived at TGK, officers seated her among the other women in the central area. But then an officer, John Doe 8, who had the information from her ID, ordered her to sit with the men. She complied. Another officer ordered her to sit with women. She complied. This cycle repeated multiple times, with Officer John Doe 8 and Officer Jane Doe 9 ordering her to sit with men after other officers moved her to sit with women. Doe 8 became threatening, saying: "I'm not going to tell you again, you need to be sitting with the men." This all took place in plain view and within hearing of the other arrestees as well as other staff.

82. During this period, several officers, John Doe 8, Jane Doe 9, John Doe 10, and Jane Doe 11, called out her deadname, said "that's a guy," and otherwise

misgendered her. They made these comments within hearing of other officers and arrestees. They also looked at her while whispering and laughing.

83. The changes to her seating and the commentary from Does 8, 9, 10, and 11 revealed Gabriela's transgender status to those around her, putting her at risk.

84. Officer Donald Forbes and Officer John Doe 12 then took Gabriela to a different area. One of those two officers pointed to Gabriela's hair and asked, "Does that come off?" Gabriela said yes, but pleaded with the officers to let her keep it on, explaining how important her wig was for her as a transgender person. Many transgender people wear wigs as a means of alleviating gender dysphoria. Either Officer Forbes or Doe 12 said, in substance, "You can take it off and put it in a bag or we can take it off and put it in the garbage." Gabriela complied and took the wig off. The officers took the wig away, and Gabriela only received it back when she was released from custody.

85. Officer Forbes and Doe 12 also took away Gabriela's bra when they required her to change her clothing, and did not allow her to wear any bra while in custody. Upon information and belief, women who are not transgender were permitted to wear bras.

86. Officer Forbes and Doe 12 asked Gabriela if she was a "prostitute." They took her mugshot. Then, one of them announced that he was going to search

Gabriela. She asked to be searched by a female officer. The officers referred to her genital anatomy in crude language and said, in substance: “We are going to treat you like a man in here, and you can’t tell us otherwise.” Gabriela responded that she should be treated as a woman. One of the officers glared at her, and she felt afraid he might hit her. He continued to berate her. This took place within hearing of other officers and arrestees.

87. At this point, an unknown female officer (not a Defendant) asked what was going on. Officer Forbes said, in substance, “He’s saying that he’s a woman, but he has a dick.” The unknown officer said she would take care of Gabriela, and did the search.

88. This officer gave Gabriela a form and told her to write a statement about her gender. *See* attached as Exhibit A, Miami-Dade Corrections and Rehabilitation Department Subject/Victim Statement (hereafter, the “Form”). Gabriela did so, explaining that: she is a trans woman, should be referred to with she/her pronouns, placed with women, and treated as a woman. The unknown officer placed her in an area with both men and women, which is where most women appeared to be placed.

89. Officer Jane Doe 13 took Gabriela’s fingerprints. In this process, Doe 13 tried to force Gabriela’s fingers—which cannot straighten due to ectrodactyly—into impossible positions. Gabriela’s disability of ectrodactyly is visible and

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 roughly twenty to twenty-five officers Gabriela interacted with during her detention at TKG, almost every one misgendered her. Even Captain J. Barber, who signed the form where Gabriela explained how she should be referred to, misgendered her on the form itself, describing her as "a transgender male who identify himself as a women [sic]." *See* Exhibit A. Officers continued to ask her inappropriate questions throughout the night and morning, including questions like "Did you get the surgery?" and "Are you a prostitute?"

91. When Gabriela was about to be released, Officer A. Missial returned Gabriela's clothes to her and laughed when looking at them. Officer Missial said, in substance, "This is what you're wearing?" Officer Missial told Gabriela that she would not allow her to leave wearing her own clothing so that she (the officer) wouldn't be "embarrassed," "because you're not a woman," and instead gave her men's clothes (shorts and a T-shirt). Officer Missial ordered Gabriela to change into the men's clothes.

92. Gabriela then put on her own clothes, putting the shorts and T-shirt on over those. Gabriela was allowed to wear her wig, but was told she had to have her hair tied back.

93. Upon exiting TGK, Gabriela immediately took off the men's shorts and T-shirt and began to cry.

94. The obstructing traffic charge against Gabriela was later dropped.

95. Gabriela has suffered past and ongoing injury, including emotional, physical, and dignitary injury, as a result of Defendants' actions. Among other things, she has experienced anxiety, trouble sleeping, hypervigilance, fear of police, more frequent headaches and nail biting, reluctance to participate in political activities, and swelling and pain in her hands (particularly the one on which she has had surgery).

3. Plaintiff Ángel Jae Torres Bucci

96. Ángel Jae Torres Bucci is a transgender woman who lived in Miami, Florida in 2020, and has since moved to Brooklyn, New York. Like many transgender people, Ángel experiences gender dysphoria.

97. Ángel was assigned male at birth, but has known from an early age that they are not male. At the time of the events giving rise to this action, they understood themselves as a woman and used the pronouns *she* and *her*. They now

consider a more complete description of their gender to be nonbinary transgender woman, and they use the pronouns *they* and *them*.

98. Ángel joined a Black Trans Lives Matter vigil and march on July 19, 2020. Ángel was arrested, charged with obstructing traffic, and taken to TGK.

99. Ángel's driver's license listed them as female and listed their name as Jae Bucci at the time of their arrest. Strangers typically perceive Ángel to be a woman.

100. Officers took a photograph of Ángel upon their arrival at TGK. Afterward, Officer Amanda Brown removed Ángel's mask and looked very closely at their face. Officer Brown questioned why their voice was "deep."

101. Officer Brown took Ángel to a changing area for women and asked them to change clothes. Ángel asked if they could please keep on their undergarments, since they were special tucking undergarments they needed as a transgender woman. Tucking involves using a special garment, often called a gaff, or surgical tape to flatten the space between the legs, and is often used by transfeminine people to reduce gender dysphoria. Upon hearing this request, Officer Brown said, in substance, "I knew it! I could tell by your voice, that's what I was looking for." Officer Brown did not allow Ángel to keep their gaff.

102. Officer Brown asked Ángel to fill out a statement that stated they were a transgender woman. Ángel initially refused. Officer Brown then told them

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).* According to Officer Brown, when Ángel objected to being forced to strip, Officer Brown explained that it was “due to her being transgender and having male genitals” and that Officer Brown had to “adher[e] to protocol involving transgender inmates of Miami-Dade Corrections and Rehabilitation Department,” after which they “completed the identification of male genitals.” *Id.*

105. Sergeant Rozier ordered Officer Brown, Nurse Komninakis, and Does 14 and 15 to force Ángel to strip and to look at their genitalia, exclusively “to

determine [their] gender” because Officer Brown had told Sgt. Rozier that Ángel was “a Transgender inmate” and they had “strong features of that of a female.” *See* Exhibit C, Memorandum from Sgt. Tammy Rozier to Cpt. Tara Hinnant-Johnson (Sept. 14, 2020).

106. Corporal Robinson and Shift Commander M. Barrow also approved this strip search, even though the form describing it specifically stated that Ángel was “strip searched in the presence of Nurse Komninakis, identifying the gender” because Ángel “identifies as a female” and “has male genitalia.” *See* Exhibit D, Incident Report (July 27, 2020).

107. Nurse Komninakis documented the same reason for the strip search: “Patient ID self as transgender. Patient noted with male gender part (penis) still present, verified upon strip.” *See* Exhibit E, CHS Incident Addendum (July 20, 2020).

108. Officer Brown, Nurse Komninakis, and Does 14 and 15 forced Ángel to strip completely so they could view their genitalia.

109. Upon information and belief, cisgender protestors who were arrested with Ángel did not get strip searched.

110. As explained above, suspicionless searches of those arrested for nonviolent misdemeanors are prohibited under Florida law and policy, with certain exceptions not relevant here. Fla. Stat. 901.211(2); Fla. Model Jail Standards §

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 change, as noted in her memorandum noting that after their "gender was determined" through the forced stripping, they were "processed accordingly." *See* Exhibit A. Ángel also asked to be referred to as *she* and *her*, but Officer Brown and others nonetheless began referring to them as *he* and *him*.

112. Officer Brown also instructed Ángel to take their hair off their head. Ángel explained that they could not do so because they were not wearing a wig. Office Brown then tried to pull their hair off their head, hurting them.

113. After the strip search and attempted removal of piercings, Ángel was seated with the other women. They got up to try to make a phone call, and then sought to return to the women's area. Officer Hall directed them to join the men

instead. They objected, explaining it would be unsafe and inappropriate for them to be seated with men.

114. Officer Hall summoned a supervisor, who, upon information and belief, was Sgt. Rozier. Sgt. Rozier told Ángel that they had to join the men. Sgt. Rozier said that Ángel had “a dick” and because Ángel had not “cut it off,” they were “still a man.” Ángel, who is a survivor of physical and sexual violence from cisgender men, then explained to Sgt. Rozier that because they would not be safe with men, they should be seated with the women. Sgt. Rozier responded, in substance, “You know you’re not a woman,” and told them that they would be a threat to other women.

115. When Ángel continued to refuse to be placed with men, Sgt. Rozier had Ángel placed in a solitary cell against their will. The solitary cell had a sink, toilet, bench, and small window. A person using the toilet would have been visible through the window. Ángel could not see or speak with anyone else, but they could hear someone screaming. In the solitary cell, Ángel had flashbacks and a panic attack and began to self-harm.

116. Officer John Doe 16 and Nurse Jane Doe 17 entered their cell and again attempted—unsuccessfully—to remove their piercings, causing pain and bleeding.

117. Hours later, an officer moved Ángel to an area where they were seated on their own with neither the men nor the women. When women arrestees tried to talk to Ángel, Officer John Doe 18 told them to stop. When men arrestees tried to talk to them, Doe 18 did not object. Some of the men arrestees looked at Ángel, grabbed their crotches, and laughed. Doe 18 also misgendered Ángel within earshot of other arrestees and officers.

118. Before releasing Ángel, Officer Barrett asked them if they intended to leave wearing what they were arrested in and said, in substance, “We don’t condone cross dressing.” Everyone in the immediate area heard and some started laughing at Ángel. Officer Barrett forbid Ángel from wearing their own clothing and made them wear men’s shorts and a thin, plain white T-shirt without a bra.

119. Officer Barrett then placed Ángel alone in a holding area with two men, who looked at Ángel’s breasts, visible through the thin t-shirt, and asked if Ángel was supposed to be in there.

120. Ángel was released on July 20, 2020. The misdemeanor obstruction of traffic charge against Ángel was later dropped.

121. Ángel has suffered past and ongoing injury, including emotional, physical, financial, and dignitary injury, as a result of Defendants’ actions. Among other things, this injury has manifested in self-harm, loss of appetite, disordered

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 “at no time will a sworn staff frisk or strip search an inmate to determine the inmate’s sex,” and that staff should “consider” an arrestee’s “gender identity and preference” in determining who conducts searches. Nothing on the face of the policies indicates which provisions should be followed when they conflict.

126. Upon information and belief, County Defendants routinely apply these policies to undertake strip searches of people they perceive to be transgender because of their sex, disability, and transgender status. Indeed, Officer Brown, Sgt. Rozier, and Shift Commander Barrow all confirmed required adherence the County Defendants’ transgender strip search policy upon discovering Ángel is transgender, as did internal affairs investigator Captain Hinnant-Johnson when she concluded no misconduct had occurred. As noted, Officer Brown’s memorandum to Captain Hinnant-Johnson explained the strip search was performed to “adher[e] to protocol involving transgender inmates of Miami-Dade Corrections and Rehabilitation Department[.]” *See* Exhibit B.

127. Doe 1 and Doe 2’s interactions with one another and with Christian further confirm adherence to the County Defendants’ transgender strip search policy. Both Doe 1 and Doe 2 informed Christian he had to be strip searched to “see where to put” him. And when Doe 1 attempted to conduct a second strip search, Doe 2 told Doe 1, “We’ve already done it.”

128. County Defendants deliberately disregard and fail to enforce those portions of the policies that purport to prohibit such searches.

129. Upon information and belief, County Defendants do not routinely strip search misdemeanor arrestees whom they do not perceive to be transgender to determine their gender.

130. Florida law prohibits strip searches of people arrested for traffic, regulatory, or misdemeanor offenses absent probable cause to believe a person is hiding a weapon, drugs, or stolen goods. Fla. Stat. § 901.211(2). Upon information and belief, County Defendants have created a custom of disregarding and violating that law with regard to people arrested for traffic, regulatory, or misdemeanor offenses whom they perceive to be transgender.

131. The Transgender Policy states transgender people who are newly arrested should initially be placed in a single cell, and then should be placed in administrative confinement if they refuse a “physical examination.” The Transgender Policy also states that transgender people can be placed “in general population or administrative confinement.” The Search Policy states that those who are “hermaphrodite, intersexed, or transgendered” should be “placed in administrative confinement pending administrative review by the Facility Supervisor.”

132. It is both the written policy and unwritten custom of County Defendants to place transgender people in administrative confinement (solitary cells) because of their sex, disability, and transgender status.

133. The 2017 Transgender Policy states transgender people should be “classified and housed based on housing availability, safety/security needs, and their gender identity.” The 2012 Transgender Policy stated, “Inmates with male genitals shall be assigned to male housing. Inmates with female genitals shall be assigned to female housing.”

134. Officer Brown, Officer Hall, Sgt. Rozier, and Does 1 to 5, applied and explained the 2012 policy--not the 2017 policy--to Ángel and Christian. If a sympathetic officer had not intervened, Gabriela could have been treated the same way: forced to undergo a strip search and placed in a solitary cell or with men because she is transgender. Not long after Ángel and Gabriela were held in custody, MDCR spokesperson Juan Diasgranados confirmed to the Miami Herald that current MDCR policy was actually the 2012 policy, not the 2017 policy: “Inmates with male genitals shall be assigned to male housing. Inmates with female genitals shall be assigned to female housing.”⁷ Upon information and

⁷ Haley Lerner, *Two transgender women arrested at rights rally call treatment at Miami jail ‘dehumanizing’*, Miami Herald (Aug. 14, 2020), <https://www.miamiherald.com/news/article244822332.html>.

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-consensually reveal someone to be transgender or would

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 process, language or philosophy, even as the national PREA program has greatly evolved;”¹³ that County Defendants failed to provide adequate oversight and time to become educated regarding PREA compliance;¹⁴ and that County Defendants and Supervisory Defendants “appear[ed] to recognize the need to enhance their oversight to gain increased staff support, understanding, and compliance.”¹⁵

144. Peck’s report also revealed interviews with County Defendants’ employees demonstrated numerous staff lacked the ability “to define or describe the search procedure differences for transgender inmates.”¹⁶ Peck also expressed great concern regarding the lack of information persons received upon arriving at TGK and that several individuals “had not been asked questions regarding gender identity and orientation.”¹⁷ Additionally, the report noted both persons detained at TGK and staff had overheard “line staff actually state that they would not report fellow officer” PREA violations.¹⁸

¹² Peck Report at 36.

¹³ *Id.*

¹⁴ *Id.* at 38, 48

¹⁵ *Id.* at 36–37.

¹⁶ *Id.* at 41.

¹⁷ *Id.* at 53.

¹⁸ *Id.* at 38.

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. As a direct and proximate result of the constitutional violation described above, Christian Pallidine has suffered injury and damages, including mental pain and suffering and emotional distress.

CLAIM II

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

Plaintiff Ángel Jae Torres Bucci against County Defendants Miami-Dade County and Daniel Junior, and Defendants Rozier, Barrow, Robinson, Brown, Komninakis, and Does 15 and 16

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

157. 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, Exhibit H Search Policy. These policies are unreasonable and do not serve a valid penological interest.

158. Previously named Supervisory Defendants Rozier and Barrow ordered or approved of the unlawful strip search of Ángel.

159. Defendants Brown, Komninakis, and Does 14 and 15 carried out the unlawful strip search of Ángel.

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

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
U.S. Const. Amend. XIV, § 1**

163. The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, enforceable pursuant to 42 U.S.C. § 1983, prohibits County Defendants, Supervisory Defendants, and Staff Defendants from discriminating against individuals on the basis of sex.

164. Discrimination on the basis of transgender status, assigned sex, and sex stereotype is sex discrimination under the Equal Protection Clause and unconstitutional unless it survives heightened scrutiny.

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.

171. Office A. Missial intentionally treated Gabriela differently and worse than women who are not transgender by forcing her to change into men's clothing prior to release.

172. Captain J. Barber intentionally treated Gabriela differently and worse than those who are not transgender by misgendering her and authorizing Staff Defendants to misgender her.

173. Does 8 and 9 intentionally treated Gabriela differently and worse than those who are not transgender 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.

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

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.

178. Upon information and belief, Supervisory Defendant Doe 6 intentionally treated Christian differently and worse than those who are not transgender by ordering or approving Christian's strip search, and may have authorized changing his records to inaccurately list him as female.

179. Upon information and belief, Supervisory Defendant Doe 7 intentionally treated Christian differently and worse than those who are not transgender by ordering or approving his placement in a solitary cell, and may also have authorized changing his records to inaccurately list him as female

180. Staff Defendants Does 2-5 intentionally treated Christian differently and worse than those who are not transgender by ordering him to strip, spread his legs, and bend over against his will.

181. Staff Defendant Doe 1 intentionally treated Christian differently and worse than those who are not transgender by gratuitously revealing Christian to be transgender to others without a need to know, asking Christian unnecessary and

harassing questions about his gender and genitalia, and unlawfully ordering him to strip in front of her and another person.

182. Staff Defendant Officer Miller intentionally treated Christian differently and worse than those who are not transgender by altering his Christian's records to list him as female, needlessly revealing him to be transgender to others, placing him separately from both men and women, preventing other arrestees from speaking with him, and harassing him.

CLAIM V

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

Plaintiff Ángel Jae Torres Bucci against County Defendants Miami-Dade County and Daniel Junior, Supervisory Defendants Tammy Rozier, Shift Commander M. Barrow, and Corporal Robinson, and Staff Defendants Amanda Brown, Anita Komninakis, Officer Hall, Yolanda Barrett, and Does 14, 15, and 18

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

184. 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, force transgender arrestees to change

into clothes that reinforce stereotypes for their assigned sex on discharge, place transgender women in dangerous housing with men, and expose transgender people to persistent misgendering and harassment.

185. Supervisory Defendant Tammy Rozier intentionally treated Ángel differently and worse than people who are not transgender by ordering Ángel to be strip searched, approving the changing of all records to list Ángel as male, threatening Ángel with a dangerous and inappropriate with men because they are transgender, causing Ángel to be placed in a solitary cell, and harassing Ángel.

186. Supervisory Defendants Barrow and Robinson intentionally treated Ángel differently and worse than people who are not transgender by approving the strip search of Ángel.

187. Officer Barrett intentionally treated Ángel differently and worse than women who are not transgender by forcing them to change into men's clothing prior to release.

188. Staff Defendants Brown, Komminakis, and Does 14-15 intentionally treated Ángel differently and worse than those who are not transgender by forcing Ángel to strip and viewing their naked body against their will.

189. Staff Defendant Brown also intentionally treated Ángel differently and worse than those who are not transgender in numerous other ways, including by removing their mask to examine their face for alignment with sex stereotypes,

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
U.S. Const. Amend. XIV
42 U.S.C. § 1983

192. The Due Process Clause of the Fourteenth Amendment to the United States Constitution, enforceable pursuant to 42 U.S.C. § 1983, guarantees the right of pre-trial detainees to be free from conditions that amount to punishment, including conditions imposed for the purpose of punishment rather than incident to a legitimate government purpose. An official's deliberate indifference to a serious medical need or substantial risk of serious harm violates the Due Process clause.

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 unreasonable; were not rationally related to a legitimate government purpose; disregarded substantial risk of serious harm and serious medical needs, and were intended to humiliate, hurt, and punish.

194. 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.

CLAIM VI

Deprivation of Due Process 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 8-13

195. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 148 and 192 through 194 as though fully set forth herein.

196. County Defendants intentionally created and enforced written policies and unwritten policies or customs that disregard the health needs of people with gender dysphoria and people with ectrodactyly, 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. 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. Officer Forbes and Doe 12 engaged in objectively serious harassment, acted with deliberate indifference to a substantial risk of serious harm, and acted with deliberate indifference to Gabriela's serious medical need of gender dysphoria by deliberately misgendering her, mocking her, threatening her, seizing her wig, seizing her bra, and gratuitously disclosing her transgender status to others in the vicinity.

202. Doe 13 used excessive force and acted with deliberate indifference to Gabriela's serious medical need of ectrodactyly by repeatedly and intentionally attempting to force Gabriela's fingers into impossible positions during fingerprinting despite her obvious disability, expressions of pain, and explanation of her disability.

Claim VII

Deprivation of Due Process

U.S. Const. Amend. XIV

42 U.S.C. § 1983

**Christian Pallidine against County, Daniel Junior, Officer Thomas Miller Jr.,
Does 1-6**

203. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 148 and 192 through 194 as though fully set forth herein.

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 purposes of viewing their genitalia and not for any legitimate purpose, and expose transgender people to persistent 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.

205. Upon information and belief, Supervisory Defendant Doe 6 engaged in objectively serious harassment and violated Christian's privacy by ordering or approving Christian's strip search.

206. Staff Defendants Does 2-5 engaged in objectively serious harassment and violated Christian's privacy by ordering him to strip, spread his legs, and bend over and viewing his naked body against his will and for no legitimate penological purpose.

207. Staff Defendant Doe 1 engaged in objectively serious harassment, violated Christian's privacy, acted with deliberate indifference to his serious

medical need of a concussion, and acted with deliberate indifference to a substantial risk of serious harm by gratuitously revealing Christian to be transgender to others without a need to know, asking Christian unnecessary and harassing questions about his gender and genitalia, providing no treatment for his concussion, and unlawfully ordering him to strip in front of her and another person.

208. Staff Defendant Officer Miller engaged in objectively serious harassment, violated Christian's privacy, and acted with deliberate indifference to a substantial risk of serious harm and to Christian's serious medical need of gender dysphoria by needlessly revealing him to be transgender to others, placing him separately from both men and women, misgendering him, preventing other arrestees from speaking with him, and mocking him.

Claim VII

Deprivation of Due Process

U.S. Const. Amend. XIV

42 U.S.C. § 1983

**Plaintiff Ángel Jae Torres Bucci against County Defendants Miami-Dade County and Daniel Junior, Supervisory Defendants Tammy Rozier, Shift Commander M. Barrow, and Corporal Robinson, and Staff Defendants Amanda Brown, Anita Komninakis, Officer Hall, Yolanda Barrett, and Does
14 to 18**

209. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 148 and 192 through 194 as though fully set forth herein.

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.

211. Supervisory Defendant Tammy Rozier engaged in objectively serious harassment, violated Ángel's privacy, and acted with deliberate indifference to a substantial risk of serious harm and to Ángel's serious medical needs of gender dysphoria and their trauma-related mental health condition by ordering Ángel to be strip searched, approving the changing of all records to list Ángel as male, threatening Ángel with a dangerous and inappropriate placement with men, causing Ángel to be placed in a solitary cell, and mocking and berating Ángel. Sgt. Rozier knew of the substantial risk that Ángel would experience physical or sexual violence if placed with men as a transgender woman with typically feminine characteristics in a detention setting who had experienced violence from men in the past.

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, Komminakis, Doe 16, and Doe 17 engaged in objectively serious harassment, objectively unreasonable use of force and acted with deliberate indifference to a serious medical need when they intentionally and repeatedly attempted to remove Ángel's hair from their head and piercings from their body, despite Ángel's explanation that they were not wearing a wig and their piercings could not be removed, their request for a consultation with a doctor, and their obvious pain and bleeding. Officer Brown also acted with deliberate indifference to the serious medical need of gender dysphoria by summarily refusing to permit Ángel to retain their gaff.

Common Allegations for Claims IX-XI
Deprivation of Right to Privacy
U.S. Const. Amend. XIV
42 U.S.C. § 1983

219. The Due Process Clause of the Fourteenth Amendment to the United States Constitution, enforceable pursuant to 42 U.S.C. § 1983, guarantees a right of personal privacy against intrusion by a state. U.S. Const. Amend. XIV, § 1.

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, including the right to protection against invasion of constitutionally protected zones of privacy.

224. Defendants had no legitimate interest in disclosing Plaintiffs' transgender status, genitals, or gender dysphoria, and in any event Plaintiffs'

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

Claim IX

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

Gabriela Amaya Cruz against County Defendants, Defendants Barber, Missial, Forbes, Doe 8 to 12.

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

226. Captain Barber both needlessly and intentionally disclosed private information about Gabriela's transgender status and gender dysphoria to other County employees and arrestees, and encouraged similar behavior from officers.

227. Officers Missial, Forbes, and Doe 8 to 12 intentionally and needlessly disclosed private information about Gabriela's transgender status and gender dysphoria to other County employees and arrestees.

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 and intentionally disclosed private information about Ángel's transgender status and gender dysphoria to other County employees and arrestees, and encouraged similar behavior from officers.

233. Officers Brown, Hall, Rozier, Barrett, and Doe 18 intentionally and needlessly disclosed private information about Ángel's transgender status and gender dysphoria to other County employees and arrestees.

**Common Allegations for Claims XII-XIV
Violation of Title II of the Americans With Disabilities Act
42 U.S.C. § 12101 *et seq.***

234. Title II of the Americans with Disabilities Act prohibits public entities from discriminating against disabled individuals on the basis of disability. 42 U.S.C. § 12132.

235. Plaintiffs are individuals with gender dysphoria who are qualified individuals with disabilities under the ADA. Their gender dysphoria substantially impairs the major life activities of reproduction and social functioning.

236. When Defendants learned that Plaintiffs are transgender, Plaintiffs' disability of gender dysphoria also became apparent, particularly since each had obvious characteristics typical of those who have had treatment for gender dysphoria.

237. Plaintiffs state this cause of action against the County and against Defendant Junior in his official capacity.

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 as though fully set forth herein.

245. Officials of the County and Director Junior intentionally treated Gabriela differently and worse than others because of her disability of gender dysphoria. Specifically, Officer A. Missial forced her to change into men's clothing prior to release; Captain J. Barber misgendered her and authorized others to misgender her; Does 8 and 9 deliberately misgendered her, ordered her to sit with men, threatened her when she followed orders of other officers to sit with women, and gratuitously disclosed her gender dysphoria to others in the vicinity with no need to know; Does 10 and 11 deliberately misgendered her and gratuitously disclosed her gender dysphoria to others in the vicinity; and Officer Forbes and Doe 12 deliberately misgendered her, mocked her, threatened her, did not allow her to wear a bra, and gratuitously disclosed her gender dysphoria to others in the vicinity. The County and Director Junior created policies and customs permitting or requiring these forms of disparate treatment, and were aware of the

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

and Director Junior knew that creating policies, practices, and procedures 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.

249. Gabriela also has ectrodactyly, which impairs the major life activity of doing manual tasks. She is a qualified individual with a disability under the ADA in this regard as well.

250. An official of the County and Direct Junior, Doe 13, intentionally treated Gabriela differently because of her ectrodactyly, by hurting her and using more force than she used on other arrestees during fingerprinting.

251. The County and Director Junior also established policies, practices, and procedures, with a disparate impact on people with ectrodactyly, such as the procedure of manipulating the arrestees' fingers in a particular way in the process of obtaining fingerprints.

252. Gabriela's disability is visible and obvious. Gabriela also explained to Doe 13 that she had a disability and that she needed Doe 13 to be gentler and have patience during fingerprinting. Nonetheless, Doe 13 persisted in using force to try to get Gabriela's fingers into impossible positions, despite Gabriela's expressions of pain.

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 re-alleges and incorporates by reference paragraphs 1 through 148 and 234 to 243 as though fully set forth herein.

255. Officials of the County and Director Junior intentionally treated Christian differently and worse than others because of his disability of gender dysphoria. Specifically, Doe 6 ordered or approving Christian's strip search, Doe 7 ordered or approved his placement in a solitary cell; Does 2-5 strip searched him; Doe 1 gratuitously revealed Christian to be transgender to others without a need to know, asked Christian unnecessary and harassing questions about his gender and genitalia, and unlawfully ordered him to strip in front of her and another person;

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 and Director Junior created policies and customs permitting or requiring these forms of disparate treatment, and were aware of the risk of violations of the ADA but took no action—or only inadequate action—to stop them.

256. The County and Director Junior also created policies and customs that have a disparate impact on people with gender dysphoria, such as those that subject transgender people to strip searches, isolate transgender people in solitary cells, and expose transgender people to persistent misgendering and harassment.

CLAIM XIV

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

Ángel Jae Torres Bucci against the County and Daniel Junior in his official capacity

257. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 148 and 234 to 243 as though fully set forth herein.

258. Officials of the County and Director Junior intentionally treated Ángel differently and worse than others because of their disability of gender dysphoria. Specifically, Sgt. Rozier ordered Ángel to be strip searched, approved changing

records to list Ángel as male, threatened Ángel with a dangerous and inappropriate housing placement with men because they are transgender, caused Ángel to be placed in a solitary cell, and harassed Ángel; Commander Barrow and Corporal Robinson approved the strip search of Ángel; Officer Barrett forced them to change into men's clothing prior to release; Officer Brown, Nurse Komninakis, and Does 14-15 forced Ángel to strip and viewed their naked body against their will; Officer Brown removed their mask to examine their face for alignment with sex stereotypes, altered their records to list them as male, deliberately misgendered them, needlessly revealed them to be transgender to others, and tried to pull the hair off their head; Officer Hall ordered them to sit with men; Doe 18 needlessly revealed them to be transgender to others, deliberately misgendered them, placed them separate from men and women, placed them with men, prevented women from talking to them, and took no action when men harassed them. The County and Director Junior created policies and customs permitting or requiring these forms of disparate treatment, and were aware of the risk of violations of the ADA but took no action—or only inadequate action—to stop them.

259. The County and Director Junior also created policies and customs that have a disparate impact on people with gender dysphoria, such as those that subject arrestees to strip searches because they are transgender, isolate transgender people in solitary cells, force transgender women to change into men's clothing, treat

transgender women as if they are men for purposes of housing and clothing, and expose transgender people to persistent misgendering and harassment.

260. Officials of the County and Director Junior unlawfully denied Ángel's requests for reasonable modifications to policies, practices, and procedures. Ángel requested accommodations for gender dysphoria including: to keep their gaff, be placed with women, referred to with the pronouns *she* and *her*, and to be allowed to wear their own clothes when discharged. Nonetheless, Officer Brown seized their gaff; Sgt. Rozier and Officer Hall insisted they sit with men and placed them in a solitary cell; Doe 18, Officer Brown, and Sgt. Rozier misgendered them; and Officer Barrett forced them to change into men's clothing. These officials failed to consider or provide reasonable modifications to their policies, practices, and procedures.

261. 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 and Director Junior knew that creating policies, practices, and procedures 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.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter judgment in their favor and against Defendants on all claims, as follows:

A. Enter a declaratory judgement that Defendants violated Plaintiffs' rights under the Equal Protection Clause of the Fourteenth Amendment, the Fourth Amendment, the Due Process Clause of the Fourteenth Amendment, and the Americans with Disabilities Act;

B. Award Plaintiffs nominal, compensatory, and punitive damages in an amount to be determined at trial;

C. Pre- and post-judgment interest;

D. An award of Plaintiffs' costs, expenses, and reasonable attorneys' fees incurred in this action pursuant to 42 U.S.C. § 1988 and any other applicable laws; and

E. Other relief as this Court deems just and appropriate.

* * *

Dated: January 31, 2022

Respectfully submitted,

/s/ Scott D. McCoy
On behalf of Attorneys for Plaintiffs

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* Application for admission *pro hac vice* forthcoming