

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DEANNA LETRAY,

Plaintiff,

-vs-

FIRST AMENDED
COMPLAINT
20-cv-1194

JEFFERSON COUNTY; CITY OF WATERTOWN;
COLLEEN O'NEILL, Jefferson County Sheriff;
KRISTOPHER M. SPENCER; JOEL DETTMER;
CHARLES DONOGHUE, City of Watertown Police Chief;
GEORGE CUMMINGS; SAMUEL WHITE; VIRGINIA KELLY;
and JOHN DOES 1-4,

Defendants.

PRELIMINARY STATEMENT

1. In this civil rights suit, DeAnna LeTray challenges the degrading and humiliating sexual abuse and discrimination she suffered at the hands of the Defendants. Ms. LeTray is a fifty-four-year-old woman whom Watertown police officers arrested after learning that she is transgender. Over the course of her arrest and short detention, the Defendant police and corrections officers mis-gendered her, mocked her gender identity, subjected her to excessive force, unnecessarily forced her to strip naked, and then sexually assaulted her.

2. The Defendants' deficient policies and practices regarding the treatment of transgender people led directly to the discrimination Ms. LeTray suffered. In addition, every person arrested by the Watertown Police Department and held at the Jefferson County Jail prior to their arraignment is subjected to a highly intrusive and demeaning strip and visual body cavity search.

Pursuant to Jefferson County's policies, and their agreement with the City of Watertown, Ms. LeTray was subjected to such a search. Here, Ms. LeTray's "search" went beyond merely visual when the officer conducting the search fondled Ms. LeTray's genitals and repeatedly penetrated her rectum with his fingers.

3. Ms. LeTray brings this suit to challenge the mistreatment, discrimination, and abuse she suffered at the hands of the Defendants. As a result of the unlawful abuse she faced, Ms. LeTray seeks damages for the Defendants' violations of the United States Constitution, the New York State Constitution, and New York State Law, as well as injunctive relief.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343(a)(3), and 1367(a).

5. Venue is proper in the Northern District of New York, pursuant to 28 U.S.C. §1391(b)(1) and (b)(2), as all relevant events giving rise to the claims in this action occurred in this district.

PARTIES

6. DeAnna LeTray is a fifty-four-year-old resident of Watertown, New York.

7. Defendant Jefferson County is a county organized under the laws of the State of New York. The Jefferson County Sheriff's Office operates the Jefferson County Jail ("the Jail") and is an agency of Jefferson County.

8. Defendant City of Watertown is a municipal corporation within the State of New York. The Watertown Police Department is an agency of the City of Watertown.

9. Defendant Colleen O'Neill is the Sheriff of Jefferson County and head of the Jefferson County Sheriff's Office. Sheriff O'Neill is an elected official and has final policy-making

authority for all policies that govern the Corrections and Custody units of the Sheriff's Office. Sheriff O'Neill has supervisory authority over all Sheriff's Office staff, was Sheriff at all times relevant to the complaint, and is personally involved in creating, authorizing, enforcing, and maintaining the unconstitutional policies and customs challenged by the Plaintiff. She is sued in her individual and official capacities.

10. Defendant Kristopher M. Spencer was the jail administrator and an employee of the Jefferson County Sheriff's Office at all times relevant to the complaint. He was personally involved in creating, authorizing, enforcing, and maintaining the unconstitutional policies and customs challenged by the Plaintiff. Defendant Spencer retired from the Sheriff's Office in 2020 and is sued in his individual and official capacities.

11. Defendant Joel Dettmer is or was a corrections officer employed by the Jefferson County Sheriff's Office. He is being sued in his individual and official capacities.

12. Defendants John Does 1-4 are or were employees of the Jefferson County Sheriff's Office whose identities are not known to the Plaintiff, but who were working at the Jefferson County Jail on September 28, 2017, and observed the search and abuse of Plaintiff alleged *infra*. They are all sued in their individual and official capacities.

13. Defendant Charles Donoghue is the Police Chief of Watertown. As the Chief of Police, Charles Donoghue has final policymaking authority with respect to the Watertown Police Department. He was personally involved in creating, authorizing, enforcing, and maintaining the unconstitutional policies and customs challenged by the Plaintiff. He is sued in his individual and official capacities.

14. Defendant Samuel White is or was a police officer employed by the Watertown Police Department. He is sued in his individual and official capacities.

15. Defendant George Cummings is or was a police officer employed by the Watertown Police Department. He is sued in his individual and official capacities.

16. Defendant Virginia Kelly is or was a police officer employed by the Watertown Police Department. She is sued in her individual and official capacities.

FACTS

DeAnna LeTray

17. DeAnna LeTray is a woman who is transgender. Like other women, she lives in society as a woman and is socially recognized as a woman. Ms. LeTray has understood herself to be female since she was a young child, and she has lived publicly as a woman since approximately 2010.

18. Ms. LeTray has been diagnosed with gender dysphoria, a treatable impairment involving significant distress related to incongruence between gender identity and assigned sex at birth.

19. Essential to Ms. LeTray's treatment for her gender dysphoria is the ability to express her female gender identity through wearing female clothing and undergarments, using female pronouns, having and being referred to by a feminine name, having female hair, and using female breast prosthetics. Ms. LeTray has also been receiving hormone treatments for several years.

20. Ms. LeTray began going by the name DeAnna in 2010.¹

¹ The Plaintiff does not include her former name in the text of this Complaint because she does not wish to be referred to by that name, and because as a traditionally masculine name it is not consistent with her gender identity. The Defendants are aware of what that name is, and it appears throughout the paperwork associated with her arrest.

Night of the Arrest

21. On the night of September 28, 2017, Ms. LeTray had a phone conversation with her ex-wife, Faith Campanaro, about their finances. The home Ms. LeTray and Ms. Campanaro jointly owned was facing foreclosure because they were unable to afford both the mortgage payments on their home and the rent on Ms. Campanaro's apartment.

22. Ms. Campanaro's landlord was also the fiancé of Ms. LeTray and Ms. Campanaro's daughter. His home was located directly next to Ms. Campanaro's apartment.

23. Ms. LeTray went to the home of Ms. Campanaro's landlord to discuss lowering the rent.

24. Upon arriving at the landlord's home, a verbal domestic dispute ensued. The landlord made several derogatory comments about Ms. LeTray and the way she was dressed. He called her "pathetic" and "ridiculous." He then grabbed a shotgun. He pointed the shotgun at Ms. LeTray's head and told her he would "blow her head off." During the dispute Ms. LeTray accidentally broke a glass pane of a window.

25. Ms. LeTray then began walking away from the house, but the landlord followed. She yelled for help as she hurried away. She eventually heard sirens and someone yell "Stop! Police, put the gun down!" A short time after that she saw a police officer approaching her from behind so she stopped and got on her knees on the sidewalk.

26. Officer Cummings, of the Watertown Police Department, approached Ms. LeTray and asked her name. She provided both her name and her former legal name. She explained to Officer Cummings she is a transgender woman. He called her a liar and told her she is "a guy" and "a man dressed like a woman." He then asked her, "how long have you dressed like that?" Officer White also asked her questions about her sexuality and genitalia.

27. After some questioning by the police officers, Officer Cummings asked Ms. LeTray how she planned on returning home. She understood this to mean that the police would be allowing her to go home. She responded that she would walk. Officer Cummings then told her “we can’t let you walk the streets looking and dressed like that.” A short time later he informed Ms. LeTray she would be going to the police station.

28. Upon information and belief, Officer Cummings made the decision to arrest Ms. LeTray instead of allowing her to return home because of her transgender status, specifically because he did not want her to “walk the streets looking and dressed like that”—i.e., looking like a transgender woman.

29. Ms. LeTray was arrested for Criminal Mischief in the Fourth Degree, which is a misdemeanor level criminal offense. In searching Ms. LeTray’s purse following her arrest, the police found a small amount of a controlled substance that Ms. LeTray identified as “MDMA” or “molly.” As a result of the small amount of MDMA found in her purse, Ms. LeTray was also charged with Criminal Possession of a Controlled Substance in the Seventh Degree, which is also a misdemeanor level criminal offense. All of Ms. LeTray’s charges were later reduced to violations.

30. Ms. LeTray was then pat searched, placed in a police car and transported to the City of Watertown police station. During her transport she asked Officer Cummings why she was being arrested and he told her “you have serious mental problems. You are a guy dressed like a woman.”

Police Station

31. A short time after her arrival at the police station the police asked to take Ms. LeTray’s booking photo. Officer Kelly, a police officer who was familiar with Ms. LeTray and knew that

she is a transgender woman, pointed to Ms. LeTray's hair and stated, "That is not your real hair. You have to take it off." Officer White and Officer Cummings also told Ms. LeTray she had to remove her hair.

32. On information and belief, Watertown police officers, including Officers Kelly, White, and Cummings, do not require all cisgender women to remove hairpieces (including hair weaves, extensions, or wigs) prior to taking a booking photo. They targeted Ms. LeTray with this requirement because of her transgender status—because, as Officers Cummings stated, they considered her "a man dressed as a woman."

33. Ms. LeTray did not wish to remove her hair—an essential component of her gender presentation—but she indicated that she would comply. She informed the officers she was willing to remove her hair if she could also take her makeup off. She had been crying and her makeup was running down her face. Officer Kelly informed her that she could not take her makeup off. Ms. LeTray found the prospect of being photographed without her hair but with her makeup to be especially embarrassing and humiliating. To avoid the embarrassment and humiliation, Ms. LeTray refused to get her booking photo taken. In response, the officers charged her with Obstruction of Governmental Administration in the Second Degree, which is a misdemeanor. Ms. LeTray's booking photo was eventually taken the next morning prior to her arraignment, after she was given an opportunity to take her makeup off.

34. After the discussion regarding her booking photo, Ms. LeTray was escorted to a holding cell. On the way to the cell Ms. LeTray picked up her hairclip from a table to put back in her hair, which was falling in her face. Officer Cummings yelled at Ms. LeTray and demanded to know what was in her hand. She told him it was just her hairclip. Officer Cummings then slammed Ms. LeTray to the ground, ripped her hair off of her head, and threw her hair in the

trash. At the time, Ms. LeTray's hair was connected to her natural hair via hairclips, and when her hair was forcibly taken off of her head, some of her natural hair was ripped out of her scalp.

35. Officers White and Cummings then placed Ms. LeTray in a "hog-tie" restraint by binding her ankles to her wrists with leather restraints and carried her to Officer Cummings' patrol car. Officer Cummings told her, "we are going to show you that you are a man." The officers also told her, "you are going to go to the Jail and get strip searched" and "you're going to love that." Officer Cummings then drove Ms. LeTray to the Jail where he knew she would be subjected to a visual cavity search pursuant to the Jail's policies.

36. Ms. LeTray was terrified about what was going to happen to her. She was screaming and crying for her mother.

37. Throughout the arrest, the time at the police station, and in their subsequent police reports, Officer Cummings and Officer White deliberately referred to Ms. LeTray by her former name, called Ms. LeTray a "man" several times and a "a man dressed like a woman," and used masculine pronouns when referring to her despite her stated desire to be addressed as DeAnna and with female pronouns.

38. Upon information and belief, the Watertown Police Department continues to possess records related to Ms. LeTray's arrest identifying her as a "man" or "male" and otherwise mis-gendering her.

39. Upon information and belief, the Watertown Police Department has made available to the public the booking photo showing Ms. LeTray with her hairpiece removed.

Jefferson County Jail

40. Upon her arrival at the Jail, several corrections officers came out to the car, removed her restraints, and escorted her to the booking area.

41. Joel Dettmer was the Jefferson County Sheriff's Office corrections officer assigned to booking the night Ms. LeTray was brought in. Pursuant to the Jail's policies, upon arriving at the Jail Ms. LeTray was pat searched and forced to undergo a strip search and visual body cavity search procedure. C.O. Dettmer started by asking Ms. LeTray's name and gender. Ms. LeTray informed him of her former name and informed him she is a transgender female and her name is now DeAnna LeTray. Using her former name and masculine pronouns, C.O. Dettmer ordered her to remove her pants, top, underwear, and shoes.

42. Once Ms. LeTray was completely naked except for her prosthetic breasts, C.O. Dettmer instructed her to put her hands against the wall, spread her legs and back up. C.O. Dettmer then ordered her to move her genitalia several different times and to bend over, which exposed her rectum.

43. John Does 1-4 and Officer Cummings were watching Ms. LeTray be strip searched by C.O. Dettmer.

44. C.O. Dettmer informed Ms. LeTray he would perform a cavity search on her. He then put on latex gloves and dipped his fingers in lubricant. Ms. LeTray asked if there was a more private room to conduct the search and he told her there was not. She then asked if a female officer could conduct the search, because she identifies as female and would feel more comfortable with a female officer. He gestured towards Ms. LeTray's genitals and asked "if you are a woman then what is that?" She responded by referring to her genitalia with a term stereotypically associated with women's genitalia. He then asked her what she calls her rectum, and she responded with another term stereotypically associated with women's genitalia. C.O. Dettmer told Ms. LeTray that she could not have a female officer conduct the search, and that he would do the search because "you are a man."

45. On information and belief, it is official Jail policy that cisgender women are searched by corrections officers who are women, and that transgender women who do not have “female genitalia” are searched by corrections officers who are men. Defendants Sheriff O’Neill and Jail Administrator Spencer are jointly personally responsible for creating, authorizing, enforcing, and maintaining this policy, and they were personally aware that this policy would result in transgender women like Ms. LeTray being subjected to a discriminatory search procedure.

46. C.O. Dettmer then stuck his finger into Ms. LeTray’s rectum several times. He then lifted up Ms. LeTray’s scrotum and penis numerous times.

47. Throughout the abusive incident, C.O. Dettmer, Officer Cummings and the others present used male pronouns when referring to Ms. LeTray and used her masculine name despite her stated desire to be called DeAnna. They also made derogatory comments and sexually harassed Ms. LeTray for being a transgender woman.

48. The entire search was done in the area traditionally reserved for “pat-downs” and in plain view of Officer Cummings and John Does 1-4.

49. None of the police reports or Jail booking documents indicate that Ms. LeTray was observed exhibiting behavior that would indicate she was trying to hide drugs or any other prohibited item on or in her person.

50. After the “search,” Ms. LeTray was brought to one of the booking cells for pre-arraignment arrestees who are brought in by the Watertown Police Department. She was in the cell alone. Once she was in the cell she broke down and started crying hysterically. She called out for her mother repeatedly and even considered taking her own life.

51. In the morning Ms. LeTray was brought to Watertown City Court and arraigned. Her bail was set at \$500. She was released after posting the \$500 bail. At no time was Ms. LeTray admitted to the general population of the Jail or housed with other detainees.

52. Upon information and belief, the Jail continues to possess the booking photo and other records related to Ms. LeTray's time in custody identifying her as a "man" or "male" and otherwise mis-gendering her.

53. Ms. LeTray suffers from severe anxiety, depression, post-traumatic stress, and panic attacks as a result of the abuse she suffered at the hands of the Defendants. Ever since the incident, Ms. LeTray has been attending therapy weekly. She remains afraid of the police and corrections officers.

54. Ms. LeTray attempted to seek relief for the abuses she suffered at the hands of the Defendants by filing a complaint on September 27, 2018, with the New York State Division of Human Rights pursuant to the New York State Human Rights Law.² The Division denied that it had jurisdiction over the complaint based solely on its determination that the Human Rights Law did not apply to police departments and jails. She appealed that jurisdictional determination, but the state courts affirmed the Division's determination.³

55. On September 28, 2020, Ms. LeTray filed a complaint *pro se* in this Court, in which she identified the names of the individual Watertown Police Department officer Defendants and also described the then-unidentified Jail corrections officers involved in the transactions and

² Ms. LeTray had also served a notice of claim upon Defendants Jefferson County and the City of Watertown within ninety days of the date of the incident describing her allegations, which claim the Defendants failed to adjust or pay.

³ See *Matter of DeAnna LeTray v. N. Y. State Div. of Human Rights*, 2020 NY Slip Op 73292, 35 N.Y.3d 915 (2020).

occurrences giving rise to the complaint.⁴ Prior to filing the complaint, Ms. LeTray repeatedly and diligently attempted to ascertain the identities of all the police officers and corrections officers. The complaint was dismissed without prejudice on December 18, 2020, granting Ms. LeTray leave to replead in compliance with the Court's order and report and recommendation.⁵

The Defendants' Unconstitutional Strip Search and Visual Body Cavity Search Policies

56. The Jefferson County Jail is a correctional facility located in Watertown, New York. It has the capacity to hold approximately one hundred and fifty people in its general population cells. It also contains a "booking" area with seven cells. One corrections officer and one "roving" corrections officer usually staff the booking area.

57. Three of the seven cells in the booking area are contracted out to the City of Watertown ("City") for the exclusive use of their pre-arraignment arrestees. These cells are separate from and not a part of the general population areas of the Jail. Pursuant to the agreement between the City and the Jail, the cells hold only one pre-arraignment arrestee at a time.

58. Pursuant to the contract entered into between the City and Jefferson County, every pre-arraignment arrestee who is held in the Jail is subjected to a strip search and visual body cavity search regardless of age, the presence or absence of an individualized suspicion the person may be secreting contraband, charge, or personal circumstances.

59. All strip searches and visual body cavity searches are supposed to be performed in a small room with a shower area and a plastic chair.

⁴ *LeTray v. Watertown Police*, No. 5:20-cv-01194-GLS-TWD (N.D.N.Y. Sept. 28, 2020), ECF 1.

⁵ *LeTray v. Watertown Police*, No. 5:20-cv-01194-GLS-TWD, 2020 WL 7481584 (N.D.N.Y. Nov. 25, 2020), ECF 5; *LeTray v. Watertown Police*, No. 5:20-cv-01194-GLS-TWD (N.D.N.Y. Dec. 18, 2020), ECF 7.

60. Pursuant to the Jail's policies, arrestees are instructed to remove all their clothes including underwear. As the person stands there naked, the corrections officer searches their clothing. The officer then instructs the person to open their mouth and lift their tongue while the officer inspects their gum line. If the arrestee has a penis and scrotum, the officer instructs them to lift both for inspection during the search. If the arrestee has a vagina, the officer instructs them to crouch down and cough; the arrestee is then instructed to spread their labia while the officer inspects the vagina. Finally, the officer instructs the arrestee to bend over so the officer can see the arrestee's rectum.

61. Pre-arraignment arrestees brought in by the Watertown Police Department are then escorted to one of the three pre-designated City booking cells where they are housed alone until their arraignments. City of Watertown police officers transport their arrestees to arraignment.

62. Upon information and belief, Defendants Sheriff O'Neill and Jail Administrator Spencer are jointly personally responsible for creating, authorizing, enforcing, and maintaining the strip and visual body cavity search policy and procedures described above, and they were personally aware that this policy would result in Ms. LeTray being subjected to an unlawful strip and visual body cavity search. Defendant Chief Donoghue is personally responsible for creating, authorizing, enforcing, and maintaining the Watertown Police Department's policy of subjecting all arrestees it brings to the Jail to such unlawful searches.

63. Upon information and belief, the Jail maintains a policy prohibiting manual body cavity searches absent a court order, and if a court order is obtained, the manual body cavity search must be conducted by medical personnel.

The Defendants' Policies and Practices that Place Transgender People at Risk

64. As a transgender woman, Ms. LeTray faces a disproportionately high risk of discrimination, harassment, and abuse by police and correctional facility staff because of her transgender status. Transgender people in police custody, prisons, and jails face physical and sexual assault at much higher rates than people who are not transgender.⁶

65. The Prison Rape Elimination Act (“PREA”), 34 U.S.C. § 30301 *et seq.*, a federal statute that, along with its implementing regulations, creates standards and protocols to prevent the sexual assault and victimization of people held in federal, state, and local custodial settings, identifies transgender people as a group that is at “risk of victimization and abusiveness,” *see* 28 C.F.R. § 115.41.

66. At all times relevant to this action, the Defendants have been aware of the requirements of PREA, aware of the need for policies and procedures to address the safety of transgender people, and on notice regarding regulations that name transgender people as a specifically vulnerable group. At all times relevant to this action, the Defendants were aware that transgender people—particularly transgender women—face a heightened risk of harassment, discrimination, and sexual abuse in custodial settings.

67. Instead of implementing mechanisms to protect people in their custody from such harassment and abuse, the Defendants adopted customs and practices that are so deficient that the Defendants acted, and are acting, in a deliberately indifferent manner to the substantial risk of serious harm to transgender people and people with gender dysphoria, including Ms. LeTray.

68. Upon information and belief, it is the official policy of the Jail to require that the gender of corrections officers who search an arrestee align with the “genitalia” of the arrestee—i.e.,

⁶ *See, e.g.*, National Center for Transgender Equality, *LGBTQ People Behind Bars* (October 2018) (collecting sources), <https://transequality.org/sites/default/files/docs/resources/TransgenderPeopleBehindBars.pdf>.

while cisgender women are entitled to be searched by a woman corrections officer, transgender women who do not have “female genitalia” are denied that protection and are searched by a man.

69. Upon information and belief, beyond the policy described in the paragraph above, neither the Watertown Police Department nor the Jail has any policy on the proper procedures for interacting with, booking, and searching a person who is transgender. The Defendants’ staff members have not received training on such proper procedures.

70. With respect to the Watertown Police Department, Chief Donoghue personally created, authorized, enforced, and maintained the department’s deficient policies and practices and was personally aware that they would result in discrimination against and abuse of transgender women like Ms. LeTray.

71. With respect to the Jail, Sheriff O’Neill and Jail Administrator Spencer personally jointly created, authorized, enforced, and maintained the Jail’s deficient policies and practices and were personally aware that they would result in discrimination against and abuse of transgender women like Ms. LeTray.

CLAIMS FOR RELIEF

First Cause of Action

Unreasonable Strip Search and Visual Body Cavity Search in Violation of the Fourth
Amendment
(Against Defendants City of Watertown, Jefferson County, O’Neill, Spencer, Donoghue, and
Dettmer)

72. By their actions as described in this complaint, these Defendants acted under color of state law to deprive the Plaintiff of her right to be free from an unreasonable search as guaranteed by the Fourth Amendment of the United States Constitution, as enforced by 42 U.S.C. § 1983. These violations include, but are not limited to, the actions summarized in the following paragraphs.

73. Defendant Dettmer conducted an unreasonable strip and visual body cavity search on Plaintiff LeTray.

74. Defendant Jefferson County caused the violation of Ms. LeTray's rights because it had an official policy and custom of subjecting all pre-arraignment arrestees to unreasonable strip and visual body cavity searches.

75. Defendants O'Neill and Spencer were personally involved in the violation of Ms. LeTray's constitutional rights because, among other things, they personally created, authorized, enforced, and maintained the policies mandating such unreasonable strip and visual body cavity searches.

76. Defendant City of Watertown caused the violation of Ms. LeTray's rights because it has an official policy or custom of transferring pre-arraignment arrestees to the Jefferson County Jail with the knowledge and expectation that arrestees will be subject to an unreasonable strip and visual body cavity search. Defendant Donoghue personally created, authorized, enforced, and maintained the agreement pursuant to which Ms. LeTray's unreasonable visual body cavity search occurred.

77. As a result of the Defendants' unlawful conduct, Ms. LeTray suffered the injuries described throughout this complaint.

Second Cause of Action

Sexual Assault-Fourth and Fourteenth Amendment (Against Defendant Dettmer)

78. By his actions as described in this complaint, Defendant Dettmer acted under color of state law to deprive the Plaintiff of her right to be free from sexual assault as guaranteed by the Fourth and Fourteenth Amendments of the United States Constitution, as enforced by 42 U.S.C.

§ 1983. These violations include, but are not limited to, the actions summarized in the following paragraphs.

79. Defendant Dettmer sexually assaulted Ms. LeTray. He did so maliciously, with the purpose of humiliating and degrading Ms. LeTray, and not for any legitimate penological purpose.

80. As a result of Defendant Dettmer's unlawful conduct, Ms. LeTray suffered the injuries described throughout this complaint.

Third Cause of Action

Unreasonable Manual Body Cavity Search-Fourth Amendment (Against Defendant Dettmer)

81. By his actions as described in this complaint, Defendant Dettmer acted under color of state law to deprive the Plaintiff of her right to be free from an unreasonable manual body cavity search as guaranteed by the Fourth Amendment of the United States Constitution, as enforced by 42 U.S.C. § 1983. These violations include, but are not limited to, the actions summarized in the following paragraphs.

82. To the extent his actions can be characterized as a manual body cavity search, Defendant Dettmer conducted an unreasonable manual body cavity search of Ms. LeTray in violation of Defendants' own policies.

83. As a result of Defendant Dettmer's unlawful conduct, Ms. LeTray suffered the injuries described throughout this complaint.

Fourth Cause of Action

Failure to Intervene-Fourteenth Amendment (Against Defendant Cummings and John Does 1-4)

84. By their actions as described in this complaint, these Defendants acted under color of state law to deprive the Plaintiff of her rights as guaranteed by the Fourth Amendment of the United States Constitution, as enforced by 42 U.S.C. § 1983. These violations include, but are not limited to, the actions summarized in the following paragraphs.

85. Defendants Cummings and John Does 1-4 knew that Defendant Dettmer was going to violate, and was in fact violating, the constitutional rights of Ms. LeTray.

86. Defendants Cummings and John Does 1-4 had a reasonable opportunity to intervene to prevent these violations, a duty to do so, and they failed to take reasonable steps to intervene.

87. As a result of the Defendants' unlawful conduct, Ms. LeTray suffered the injuries described throughout this complaint.

Fifth Cause of Action

Unreasonable and Excessive Use of Force-Fourth Amendment (Against Defendants Cummings, White, and Dettmer)

88. By their actions as described in this complaint, these Defendants acted under color of state law to deprive the Plaintiff of her right to be free from an unreasonable an excessive use of force as guaranteed by the Fourth Amendment of the United States Constitution, as enforced by 42 U.S.C. § 1983. These violations include, but are not limited to, the actions summarized in the following paragraphs.

89. Defendants Cummings and White used excessive and unreasonable force against Ms. LeTray during their interactions with her in the manner described in this complaint.

90. Defendant Dettmer used excessive and unreasonable force against Ms. LeTray during his interactions with her in the manner described in this complaint.

91. As a result of the Defendants' unlawful conduct, Ms. LeTray suffered the injuries described throughout this complaint.

Sixth Cause of Action

Denial of Equal Protection-Fourteenth Amendment
(Against all Defendants)

92. By their actions as described in this complaint, the Defendants acted under color of state law to deprive the Plaintiff of her right to Equal Protection as guaranteed by the Fourteenth Amendment of the United States Constitution, as enforced by 42 U.S.C. § 1983. These violations include, but are not limited to, the actions summarized in the following paragraphs.

93. As described above, the individual officer Defendants subjected Ms. LeTray to unconstitutional discrimination based on her sex and based on her transgender status.

94. As described above, the official policies, practices, customs, and trainings of the City of Watertown and Jefferson County caused these violations of Ms. LeTray's rights.

95. Defendants O'Neill, Spencer, and Donoghue were personally involved in the violation of Ms. LeTray's constitutional rights because, among other things, they personally created, authorized, enforced, and maintained the policies, customs, and practices that caused those violations.

96. As a result of the Defendants' unlawful conduct, Ms. LeTray suffered the injuries described throughout this complaint.

Seventh Cause of Action

Denial of Equal Protection in Violation of the New York State Constitution, including but not limited to Art. 1 § 11
(Against all Defendants)

97. By their actions as described in this complaint, the Defendants deprived the Plaintiff of her right to Equal Protection as guaranteed by New York State Constitution. These violations include, but are not limited to, the actions summarized in the following paragraphs.

98. As described above, the individual officer Defendants subjected Ms. LeTray to unconstitutional discrimination based on her sex and based on her transgender status.

99. As described above, the official policies, practices, customs, and trainings of the City of Watertown and Jefferson County caused these violations of Ms. LeTray's rights.

100. Defendants O'Neill, Spencer, and Donoghue were personally involved in the violation of Ms. LeTray's constitutional rights because, among other things, they personally created, authorized, enforced, and maintained the policies, customs, and practices that caused those violations.

101. As a result of the Defendants' unlawful conduct, Ms. LeTray suffered the injuries described throughout this complaint.

Eighth Cause of Action

Discrimination in Violation of New York State Civil Rights Law Section 40-c (Against all Defendants)

102. By their actions as described in this complaint, the Defendants violated New York State Civil Rights Law Section 40-c. These violations include, but are not limited to, the actions summarized in the following paragraphs.

103. As described above, the individual officer Defendants subjected Ms. LeTray to discrimination based on her sex, her transgender status, and her disability.

104. As described above, the official policies, practices, customs, and trainings of the City of Watertown and Jefferson County caused this discrimination against Ms. LeTray.

105. Defendants O'Neill, Spencer, and Donoghue were personally involved in causing this discrimination against Ms. LeTray because, among other things, they personally created, authorized, enforced, and maintained the policies, customs, and practices that resulted in the unlawful discrimination.

106. As a result of the Defendants' unlawful conduct, Ms. LeTray suffered the injuries described throughout this complaint.

107. The Plaintiff has complied with the requirements of New York State Civil Rights Law § 40-d by serving notice on the State Attorney General.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays this Court to:

- (1) Award compensatory damages in an amount to be determined at trial;
- (2) Award punitive damages against the non-municipal Defendants in an amount to be determined at trial;
- (3) Issue injunctive relief ordering the Defendants to:
 - A. Identify all records in their possession relating to Ms. LeTray's arrest and custody;
 - B. Correct those records to properly identify Ms. LeTray as a woman, not a man; and
 - C. Delete the booking photo depicting Ms. LeTray without her hairpiece from its records, destroy any hard copies of the photo, and cease providing public access to the photo;
- (4) Award Plaintiff's costs, including reasonable attorneys' fees under 42 U.S.C. § 1988; and other relevant provisions of law; and
- (5) Grant any other and further relief as the Court may deem necessary and proper.

Dated: February 8, 2021
New York, New York

Respectfully submitted,

/s/ Joshua Cotter
**LEGAL SERVICES OF
CENTRAL NEW YORK, INC.**
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