

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

MAKYyla HOLLAND,

Plaintiff,

v.

BROOME COUNTY; DAVID E. HARDER, in his individual and official capacity as Broome County Sheriff; MARK SMOLINSKY, in his individual and official capacity as Broome County Jail Chief Administrator; and ISHTIAQ HOSSAIN, MAHMOOD AHMED, PARRIS GEORGE, ADAM VALLS, and CORRECTIONS OFFICERS DOE 1–11, all in their individual capacities.

Defendants.

COMPLAINT

Civil Action No.: 9:22-CV-297 (DNH/CFH)

JURY TRIAL DEMANED

INTRODUCTION

1. Plaintiff Makyyla Holland is a Black transgender woman who was incarcerated in the Broome County Correctional Facility, also known as the Broome County Jail (“BCJ”), in 2021. While she was in BCJ custody, Defendants abused and discriminated against Ms. Holland on the basis of sex, transgender status, and disability, all in violation of Ms. Holland’s rights under the U.S. Constitution, the New York State Constitution, and federal and state civil rights laws.

2. Defendants’ unlawful conduct was repeated and severe. Among other things, Defendants beat Ms. Holland; placed her in a men’s housing unit despite her objections and her requests to be housed with women; isolated her in segregation; delayed and denied her access to healthcare; routinely harassed and misgendered her; and ignored her repeated pleas for help and

for protection from the threats and sexual victimization to which they had exposed her. All of this caused her painful and long-lasting harm.

3. Defendants' unlawful conduct was a direct result of BCJ's pervasive policies, practices, and customs of discrimination against transgender people and people with disabilities.

4. Until Defendants change their policies, practices, and customs, Ms. Holland and other transgender people and people with disabilities will experience similar mistreatment in the future.

5. Through this action, Ms. Holland seeks declaratory relief, injunctive relief, damages, and attorneys' fees.

JURISDICTION AND VENUE

6. The Court has jurisdiction under 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a).

7. This Court also has supplemental jurisdiction over claims asserted against Defendants under New York State law pursuant to 28 U.S.C. § 1367. Ms. Holland's Notice of Claim against Broome County (the "County") was filed with the Broome County Clerk's Office and the Broome County Attorney on September 9, 2021. The County has not requested that Ms. Holland participate in a N.Y. Gen. Mun. Law 50-h hearing.

8. Venue lies in the Northern District of New York under 28 U.S.C. § 1391(b)(2) because the relevant events occurred in Broome County.

PARTIES

A. Plaintiff

9. Plaintiff Makyyla Holland is a twenty-three-year-old training nurse's assistant who resides in Binghamton, New York, and who also resided in Binghamton, New York on the dates of the incidents related to this Complaint. She is a transgender woman with gender

dysphoria, anxiety, and depression. She was in Defendants' custody at BCJ from approximately January 22, 2021, to February 5, 2021, and June 1, 2021, to July 2, 2021.

B. Defendants

10. Defendant Broome County is a county organized under the laws of the State of New York, and a public entity covered by the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12132 and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C § 794 ("Section 504"), with a principal place of business at Edwin L. Crawford County Office Building, 3rd Floor, 60 Hawley Street, Binghamton, NY 13902.

11. Defendant David. E. Harder is the Broome County Sheriff and was at all times relevant to this Complaint responsible for the care of persons in County custody and, on information and belief, was personally involved in creating, authorizing, and implementing BCJ policies and procedures. On information and belief, Defendant Harder is a resident of the Northern District of New York whose primary place of business is 155 Lt. Vanwinkle Dr., Binghamton, NY 13905.

12. Defendant Mark Smolinsky is the BCJ Chief Jail Administrator and was at all times relevant to this Complaint responsible for the management and operations of BCJ and, on information and belief, was personally involved in creating, authorizing, and carrying out BCJ's policies and procedures. On information and belief, Defendant Smolinsky is a resident of the Northern District of New York whose primary place of business is 155 Lt. Vanwinkle Dr., Binghamton, NY 13905.

13. Defendants Harder and Smolinsky are herein collectively referred to as the "Supervisory Defendants" and are sued in their individual and official capacities.

14. The County and the Sheriff both receive federal funding. According to its most recent annual financial statement, the County received \$15.7 million in federal revenues in 2020. According to his most recent annual report, the Sheriff received \$150,505 in “Federal and state grant funds” in 2020.

15. Defendant Adam Valls is a correctional officer employed at BCJ and was the BCJ Grievance Coordinator at all times relevant to this Complaint. On information and belief, Defendant Valls is a resident of the Northern District of New York.

16. Defendant Parris George is a correctional officer employed at BCJ at all times relevant to this Complaint. On information and belief, Defendant George is a resident of the Northern District of New York.

17. Defendant Does 1–11 were each employed at BCJ as correctional staff at all times relevant to this Complaint, and were personally involved in the violations of Ms. Holland’s rights. On information and belief, Defendant Does 1–11 are each residents of the Northern District of New York.

18. Defendant Does 1–6 and 11 (the “Intake Officers”) are BCJ correctional officers who participated in or were present for and did not intervene in the assault on and forcible strip search of Ms. Holland when BCJ took her into custody in January 2021, and who ordered Ms. Holland to take off her nails and wig upon intake. Does 1–5 are men; Doe 6 is a woman and also, upon information and belief, a supervisor or higher-ranking officer; and Doe 11 is a man and also, upon information and belief, a supervisor or higher-ranking officer.

19. Defendant Does 7–10, are BCJ correctional officers who, along with Doe 11, caused Ms. Holland to be housed with men and in segregation and to shower with men, and

denied her requests to receive women's commissary items. Does 7–9 are men; Doe 10 is a woman and also, upon information and belief, a supervisor or higher-ranking officer.

20. Defendants Mahmood Ahmed and Ishtiaq Hossain are medical doctors employed at BCJ at all times relevant to this Complaint who refused Ms. Holland's requests for medically necessary medication and treatment. Dr. Hossain also insulted and mocked Ms. Holland for her gender dysphoria. On information and belief, Defendants Ahmed and Hossain are each residents of the Northern District of New York.

21. Defendants Valls, George, Ahmed, Hossain, and Does 1–11 are sued in their individual capacities.

FACTUAL ALLEGATIONS

A. Ms. Holland

22. Ms. Holland was born in Queens, New York, and has lived in Binghamton for approximately two years. She is a training nurse's assistant at a nursing home in Binghamton, New York.

23. Ms. Holland is transgender. This means that while she was assigned the sex of "male" at birth, she is a woman. Like many transgender people, Ms. Holland experiences gender dysphoria and has been prescribed hormone replacement therapy ("HRT") to treat this condition.

24. Ms. Holland has known her gender is female since she was young. When she was a child, as early as the age of five, she remembers preferring to spend time with other girls, avoiding traditionally masculine activities, trying on her mom's clothes, and being bullied by other children in school for her feminine voice and appearance. Because of the bullying and harassment she faced, as well as untreated gender dysphoria and trauma from an assault, she struggled in school and dropped out.

25. Around the age of seventeen, Ms. Holland told her mother she was transgender and was going to live her life as a transgender woman. After beginning HRT to treat her gender dysphoria and moving to Binghamton, she was able to enroll in GED classes. She hopes to finish her degree this year.

B. Gender Dysphoria

26. Transgender people are people with a gender identity that differs from their assigned sex at birth. Being transgender bears no relation to one's ability to contribute to society.

27. Gender identity is a deep-seated understanding everyone possesses about their own gender. Gender identity is innate, cannot be voluntarily changed, and is typically fixed at an early age. Gender identity is a key part of an individual's sex.

28. 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 cisgender.

29. For transgender people, the incongruence between gender identity and sex assigned at birth can result in gender dysphoria, a well-known 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.¹

¹ Gender dysphoria is defined similarly in the World Health Organization's International Classification of Diseases.

30. 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.

31. Gender dysphoria is the result of genetic and hormonal factors affecting the in-utero development of the central nervous system, resulting in a person having physical sex characteristics that are inconsistent with the person's gender identity.

32. 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.

C. Treatment for Gender Dysphoria

33. The World Professional Association for Transgender Health ("WPATH"), an interdisciplinary professional and educational organization devoted to transgender health, has established internationally accepted Standards of Care ("SOC") for the treatment of people with gender dysphoria. Major medical and mental health organizations, including the American Medical Association, the Endocrine Society, the American Psychiatric Association, and the American Psychological Association, have endorsed the SOC as the authoritative standards of care.

34. Gender dysphoria is highly treatable. The treatment for gender dysphoria, as recommended by WPATH, is to assist the person in undergoing a gender transition that will alleviate the distress caused by gender dysphoria and allow the person to live in alignment with their gender identity. 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. Depending on the individual's needs, gender

affirmation may involve a combination of three main components—social affirmation, pharmacological affirmation, and surgical affirmation.

- a. Social affirmation involves bringing a person’s gender expression and social sex role into alignment with their gender identity, including but not limited to, wearing different clothing, using a new name and pronouns, and interacting with people and participating in events in a manner that better matches the person’s gender identity and alleviates the symptoms of gender dysphoria.
- b. Pharmacological affirmation, or HRT, entails the prescription of medications that change the hormonal balance in their bodies to be consistent with the person’s gender identity. For example, a transgender woman would be prescribed medications that reduce testosterone and replace those hormones with estrogen, which will feminize that person’s sex characteristics.
- c. Surgical affirmation is surgical treatment to alleviate dysphoria caused by having incongruent primary and secondary sex characteristics.

35. For many transgender people, access to wigs, tucking undergarments, and gender-congruent clothing is a critical part of treatment through social affirmation. Tucking undergarments permit flattening of the genitals for transfeminine people.

36. The dangers of abruptly discontinuing the treatment of gender dysphoria are well known. Delays, denials, or interruptions in needed treatment for gender dysphoria can have grave health consequences.

37. WPATH specifically addresses incarceration, stating that “people who enter an institution on an appropriate regimen of hormone therapy should be continued on the same, or

similar, therapies.”² The National Commission on Correctional Health Care similarly notes that “transgender patients who received hormone therapy. . . prior to incarceration should have that therapy continued without interruption Hormone therapy should not be discontinued precipitously as this will likely cause depression and anxiety.”³

38. Misgendering is the act of describing or addressing a person inconsistently with their gender identity. A person can 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 (sometimes called a “deadname”), among other ways.

39. Misgendering significantly injures the mental health of transgender people, exacerbating symptoms of gender dysphoria and increasing risk of self-harm and suicide. Public misgendering may also reveal a person’s transgender status, which puts them at substantial risk of violence, discrimination, and harassment.

D. Ms. Holland’s History of Gender Dysphoria and Mental Health Treatment

40. Ms. Holland was diagnosed with gender dysphoria and began HRT approximately five years ago.

41. At the time BCJ first took her into custody in January 2021, Ms. Holland was taking a twice-daily testosterone blocker (50 mg of Spironolactone twice daily, totaling 100 mg daily) and a weekly estrogen injection (10 mg of Estradiol), prescribed by her healthcare provider in November 2020. In February 2021, her provider increased her testosterone blocker to

² WPATH, *Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People* 68 (7th ed. (2011)), https://www.wpath.org/media/cms/Documents/SOC%20v7/SOC%20V7_English.pdf.

³ Nat’l Comm’n on Corr. Health Care, *Transgender, Transsexual, and Gender Nonconforming Health Care in Correctional Settings* (2015) (capitalization altered), <https://www.ncchc.org/transgender-transsexual-and-gender-nonconforming-health-care>.

150 mg of Spironolactone (50 mg three times daily) and in May 2021 increased her estrogen dose to a 20 mg weekly injection.

42. HRT ameliorated many of Ms. Holland's symptoms of gender dysphoria. Before starting HRT, her gender dysphoria felt like a constant weight and burden. HRT allowed Ms. Holland to feel confident living life as her true self and empowered her to go back to school and find a fulfilling job. She still suffers from some symptoms of gender dysphoria and is seeking surgical treatment to further improve her condition.

43. When untreated or inadequately treated, Ms. Holland's gender dysphoria is severe and has substantially limited several major life activities, including caring for herself, eating, sleeping, learning, concentrating, thinking, communicating, interacting with others, and reproducing. It has also substantially limited the operation of major bodily functions, including neurological function and reproductive function.

44. Ms. Holland also has anxiety and depressive disorder. She was first diagnosed with these conditions and prescribed anti-depressants to treat these conditions approximately six years ago. At the time she first entered BCJ custody in January 2021, she was taking 10 mg Lexapro daily, prescribed by her healthcare provider beginning in November 2020. In February 2021, her provider increased her dosage to 20 mg daily.

45. Ms. Holland's anxiety and depressive disorder have limited several major life activities, including caring for herself, eating, sleeping, learning, concentrating, thinking, communicating, and interacting with others. They have also substantially limited the operation of major bodily functions, including neurological function.

46. Starting Lexapro has dramatically improved Ms. Holland's mental health, and has made her feel, for the first time, like life was fulfilling and complete.

E. Transgender People in Society and in Incarceration

47. Transgender people face stigma and discrimination across all areas of life, from employment, to housing, to healthcare and public accommodations. One-fourth of respondents in a New York state survey of transgender people reported mistreatment at work based on gender identity, 35% of respondents reported mistreatment at places of public accommodations, and 21% of respondents reported experiencing homelessness at some point in their lives.⁴

48. Nationwide, transgender people lack political power and have been unable to translate public support into laws to protect themselves from discrimination. On average, public support for explicit protections in statewide employment nondiscrimination laws must reach 81% before such laws can be passed, reflecting a “democratic deficit” when it comes to transgender people.⁵ In recent years, a barrage of anti-transgender legislation has been introduced and passed in states around the country.

49. Transgender people experience exceptionally high rates of sexual and other forms of violence. 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.⁶

50. Transgender people, and particularly Black transgender women, face bias and profiling from law enforcement officers, and high rates of arrest and incarceration.⁷ Nationally,

⁴ Nat’l Ctr. for Transgender Equal., *2015 U.S. Transgender Survey: New York State Report* (2017), [https://transequality.org/sites/default/files/USTS%20NY%20State%20Report%20\(1017\).pdf](https://transequality.org/sites/default/files/USTS%20NY%20State%20Report%20(1017).pdf).

⁵ Andrew R. Flores et al., *Transgender inclusion in state non-discrimination policies: The democratic deficit and political powerlessness*, *Research and Politics* 1, 1 (2015), <https://journals.sagepub.com/doi/pdf/10.1177/2053168015612246>.

⁶ Nat’l Ctr. for Transgender Equal., *2015 U.S. Trans Survey* (2015), <https://www.ustranssurvey.org/reports>.

⁷ See, e.g., Amnesty Int’l, USA, *Stonewalled: Police Abuse and Misconduct Against Lesbian, Gay, Bisexual, and Transgender People in the U.S.* (2005),

16% of transgender people, 21% of transgender women, and 47% of Black transgender people have been incarcerated in their lifetime.⁸ A report based on a 2015 survey of transgender people found that 61% of respondents in New York State who interacted with law enforcement officers who thought or knew they were transgender experienced mistreatment from those officers. Mistreatment included being verbally harassed, repeatedly referred to as the wrong gender, physically assaulted, or sexually assaulted, including being forced by officers to engage in sexual activity to avoid arrest. Fifty-eight percent of respondents in New York State said they would feel uncomfortable asking the police for help if they needed it.⁹

51. 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 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.¹⁰ Facility staff and other people in jail were equally likely to be the perpetrators.

<https://www.amnesty.org/en/documents/AMR51/122/2005/en/> (noting low-income transgender people of color experience some of “the most egregious police brutality reported”); Make the Rd. N.Y., *Transgressive Policing: Police Abuse of LGBTQ Communities of Color in Jackson Heights* 15 (2012), <https://maketheroadny.org/transgressive-policing-full-report-police-abuse-of-lgbtq-communities-of-color-in-jackson-heights-queens/> (finding 61% of transgender respondents had been harassed by police); Ctr. for Const. Rts., *Stop and Frisk: The Human Impact* (2012), <https://ccrjustice.org/sites/default/files/attach/2015/08/the-human-impact-report.pdf> (noting transgender women were a “huge target” for police discrimination).

⁸ Nat’l Ctr. for Transgender Equal., *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* at 163 (2011),

https://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf.

⁹ Nat’l Ctr. for Transgender Equal., *2015 U.S. Transgender Survey: New York State Report* (2017),

[https://transequality.org/sites/default/files/USTS%20NY%20State%20Report%20\(1017\).pdf](https://transequality.org/sites/default/files/USTS%20NY%20State%20Report%20(1017).pdf).

¹⁰ U.S. Dep’t of Just., Bureau of Just. Stat., *PREA Data Collection Activities, 2015* (June 2015), <https://bjs.ojp.gov/content/pub/pdf/pdca15.pdf>.

52. About one-third (30%) of respondents in the U.S. Trans Survey who were incarcerated were physically or sexually assaulted by facility staff or another incarcerated person.¹¹ Transgender people of color experience higher rates of harassment from correctional officers or staff than white peers.¹² Additionally, “Black respondents reported the highest incidence of sexual assault in prison (34%) by other [incarcerated individuals] or by staff.”¹³

53. It is widely recognized that transgender women housed inconsistently with their gender identity in prisons and jails are at heightened risk of physical and sexual violence. In a 2021 survey of transgender and non-binary people incarcerated in New York State, where all respondents who identified as women were held in men’s facilities, nine out of ten respondents reported that they were the victims of physical assaults while incarcerated, including 80% who were physically assaulted by a corrections officer.¹⁴ Transgender women in men’s facilities are also victimized by male corrections staff: 75% of respondents experienced at least one instance of sexual violence by a corrections officer.¹⁵ That same survey, organized by the Sylvia Rivera Law Project, found that “[m]any survivors use official channels to make reports of sexual violence, but few have positive outcomes, and many face subsequent retaliation for seeking recourse.”¹⁶ A California study also showed that transgender women housed in men’s prisons

¹¹ *Id.* at 190.

¹² Nat’l Ctr. for Transgender Equal., *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* 166 (2011), https://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf.

¹³ *Id.* at 167.

¹⁴ Sylvia Rivera L. Project & Takeroot Just., *It’s Still War in Here: A Statewide Report on the Trans, Gender Non-Conforming, Intersex Experience in New York Prisons and the Fight for Trans Liberation, Self-Determination, And Freedom* 25 (2021), <https://takerootjustice.org/wp-content/uploads/2021/06/Its-Still-War-In-Here-1.pdf>.

¹⁵ *Id.* at 27.

¹⁶ Sylvia Rivera L. Project & Takeroot Just., *supra* at 25.

were 13 times more likely to experience sexual assault than people in men’s prisons overall, with 59% reporting having been sexually assaulted while incarcerated.¹⁷

54. Verbal violence against transgender people incarcerated in New York State is also widespread. Ninety-five percent of respondents reported being verbally harassed and called derogatory names by corrections staff, and more than three-quarters of respondents reported that corrections staff did not use the correct name or pronouns.¹⁸

55. In its resolution on the appropriate placement of transgender people in custody, the American Medical Association (AMA) stated it “supports the ability of transgender [people] to be placed in facilities, if they so choose, that are reflective of their affirmed gender status, regardless of the [person’s] genitalia, chromosomal make-up, hormonal treatment, or non-, pre-, or post-operative status.”¹⁹ The AMA further stated that carceral “facilities housing transgender [people] shall not be a form of administrative segregation or solitary confinement.”²⁰

56. The WPATH Standards of Care similarly state that “[h]ousing and shower/bathroom facilities for transsexual, transgender, and gender-nonconforming people living in institutions should take into account their gender identity and role, physical status, dignity, and personal safety.”²¹ They warn that housing a person based on the appearance of external genitalia alone “may place the individual at risk for victimization.”²²

¹⁷ Nat’l Ctr. for Transgender Equal., *LGBTQ People Behind Bars: A Guide to Understanding the Issues Facing Transgender Prisoners and Their Legal Rights* 13 (2018), <https://transequality.org/sites/default/files/docs/resources/TransgenderPeopleBehindBars.pdf>.

¹⁸ Sylvia Rivera L. Project & Takeroot Just., *supra* at 25.

¹⁹ Am. Med. Ass’n., *Appropriate Placement of Transgender Prisoners H-430. 982* (June 2018), <https://policysearch.ama-assn.org/policyfinder/detail/transgender?uri=%2FAMADoc%2FHOD.xml-H-430.982.xml>.

²⁰ *Id.*

²¹ WPATH, *supra* at 68.

²² *Id.*

57. PREA regulations dictate that housing assignment for transgender people in male or female facilities must “consider on a case-by-case basis whether a placement would ensure the [incarcerated person’s] health and safety, and whether the placement would present management or security problems,” giving “serious consideration” to the transgender person’s “own views with respect to his or her own safety.” 28 C.F.R. § 115.42. They further require transgender people to be permitted to shower separately.²³

F. Defendants’ Mistreatment of Ms. Holland

1. January – February 2021 Detention

58. Ms. Holland was arrested on or around January 22, 2021.

59. When Ms. Holland was brought to BCJ on or around January 22, 2021, she informed the Intake Officers that she is a transgender woman, that her name is Makyyla, and that she should be housed with women and treated as a woman in all respects. She also informed the Intake Officers that she suffered from trauma from a sexual assault by a man when she was young and feared being housed with men.

60. The Intake Officers, all but one of whom were male, nevertheless ordered Ms. Holland to go into a separate room and strip in front of them. Ms. Holland explained that she is a woman and was afraid of stripping in a separate room in front of a group of men. When she did not immediately comply with the order to strip, the Intake Officers handcuffed her. After they did so, Does 1–2 picked her up, threw her onto the floor, and Does 1–5 physically attacked her, repeatedly punching and kicking her. She started crying and calling for help, saying “I’m sorry, I’m sorry, I’ll take my clothes off.” Does 1–5 ignored her cries and continued punching

²³ *Id.*

and kicking her as Doe 6 and Doe 11 observed and decided not to intervene. Eventually, Doe 6 told the others, “that’s enough.”

61. As a result of this beating, Ms. Holland was left with bruises, cuts, a painful lump on her head, and a broken tooth. Her head injury caused severe migraines and even made it painful to lie on a pillow to sleep.

62. After the Intake Officers had assaulted her, they stripped her and viewed her unclothed body. Doe 6 said, “Now you’ll see this is not your house. You’re going to do as we say.” Doe 6 also ordered Ms. Holland to take her acrylic nails off. Doe 11 was also present for these events and did not intervene. Ms. Holland complied, although removing her nails was incredibly painful. Acrylic nails are bonded to one’s natural nails, and typically should only be removed by a professional with appropriate solvent and tools to avoid possible permanent damage to the nail bed. On information and belief, cisgender women being booked into BCJ are not ordered to take off their acrylic nails, as Ms. Holland observed several cisgender women with acrylic nails during visits to the jail library.

63. After forcibly strip searching and assaulting her, Defendants assigned Ms. Holland to a men’s unit during her entire period of incarceration, despite the fact that she had informed them that this was inappropriate, unsafe, and retraumatizing, and that she feared for her safety in a men’s unit.

64. For much of her detention, she was housed in a segregated “medical” unit within the men’s housing unit. While in the medical unit, Ms. Holland was placed in an isolated cell by herself, with glass walls on all sides. She was visible to men in the jail at all times, including when using the toilet.

65. BCJ staff, including Defendant Does, told Ms. Holland there was “nowhere else to put her” because she was transgender. She was also told BCJ would not house her with women because of her genitals. BCJ medical records for Ms. Holland state that “gender dysphoria” is a reason Ms. Holland was held in medical segregation.

66. While in medical segregation, Ms. Holland was denied access to a shower and was denied the ability to leave her cell during periods when the men she was detained with were allowed out. BCJ officers, including Defendant Does, explained to her that she would stand out because she was transgender and that this would be a liability.

67. Ms. Holland was later moved into the general population with adult men. While there, she repeatedly told three corrections officers staffed in her housing unit, Does 7–9, that she ought to be housed with women, but she was not moved. She then requested to be moved out of general population for her safety, and she was placed into protective segregation, still within the men’s unit.

68. In housing Ms. Holland with men, Defendants gratuitously revealed Ms. Holland’s transgender status widely within the jail. Ms. Holland is typically perceived accurately as a woman, because her physical appearance is typically feminine and because she consistently identifies and presents herself as a woman. Thus, anyone who saw her in a men’s jail would know that she is transgender.

69. While in BCJ custody, Ms. Holland was relentlessly harassed by Defendant Parris George because she is transgender. Defendant George, a corrections officer, told Ms. Holland she wasn’t female because of “what was between [her] legs”; he called her pejorative names including “tranny,” “transformer,” and “faggot”; he told her “you don’t have a vagina, you can’t be with the women because you have a dick”; and he said, referring to the women incarcerated at

BCJ, “you will get one of those women pregnant.” He repeated these derogatory comments to her nearly every day she was in BCJ custody.

70. Every officer Ms. Holland came into contact with referred to her using the wrong pronouns (“he” and “him”) and her deadname, despite her constant requests to officers to address her by the name she actually uses and her proper pronouns.

71. As a result of Defendants’ improper decision to house her in a men’s facility, Ms. Holland was forced to shower in full view of male staff and men in custody. In doing so, Defendants exposed Ms. Holland to further and foreseeable risk of physical, sexual, and emotional harm. Some of the men in the jail exposed themselves to her and masturbated, particularly when she was taking a shower. Ms. Holland experiences trauma from a previous sexual assault, which she had communicated to Defendant Does, and being forced to shower with men who were exposing themselves and masturbating was thus particularly traumatic for her, and caused her to have flashbacks, nightmares, and experience extreme emotional distress.

72. Ms. Holland repeatedly asked Does 7–9 if she could shower privately, and they refused. She told them that every time she showered, men in the jail would come out to watch her and stare at her breasts, expose themselves, and make lewd comments. She also disclosed her past assault and how it made having to shower in front of men particularly painful and frightening. Does 7–9 ignored her concerns and denied her repeated requests for a private shower.

73. Ms. Holland also made repeated requests to Does 7–11 for access to the undergarments, hygiene products, and commissary items that BCJ routinely affords to women. These included bras, women’s underwear, the same deodorant that BCJ provides to women in its

custody, and cosmetic products. She also requested tucking underwear. Does 7–11 denied her these items for the entirety of her detention.

74. During the January to February 2021 period of incarceration, Ms. Holland was provided medication as indicated in her HRT prescription—100 mg daily of testosterone blocker tablets and 10 mg weekly of estrogen via injection—and she was provided 10 mg daily of anti-depressants.

75. During the January to February 2021 period of incarceration, Ms. Holland was only provided with ibuprofen for her injuries related to the assault by the Intake Officers. She submitted a written grievance about the pain in the back of her head and persistent migraines and never received additional treatment or evaluation, other than ibuprofen from the nurse she met with after the assault. She told a nurse about her broken tooth but was never seen by a dentist or offered any treatment.

1. June – July 2021 Detention

76. On June 1, 2021, Ms. Holland was arrested.

77. On or around June 1, 2021, Ms. Holland again entered BCJ custody. She again informed the Intake Officers that she is a transgender woman and that she should be housed with women and treated as a woman in all respects.

78. Despite Ms. Holland again informing the Intake Officers that she is a woman, the Intake Officers strip searched her. Ms. Holland was afraid and embarrassed of being strip searched by several men, but due to her fears of being beaten again, she removed her own clothes. The Intake Officers also forced Ms. Holland to remove her wig, which was incredibly painful because her wig had been glued down to her head and because she was forced to rip it off without the proper solvent. The Intake Officers also again forced her to remove her acrylic nails,

which was incredibly painful because they were bonded to her natural nails and she was forced to rip them off without the proper solvent or assistance of a professional.

79. Again, despite her request and being informed that she is a woman, Defendants placed Ms. Holland exclusively in men's housing units until her release on or around July 2, 2021. Again, Defendants placed her in a medical segregation cell within the men's unit for several days. She was then housed with men in general population for the remainder of her incarceration. In housing Ms. Holland with men, Defendants again gratuitously publicly revealed Ms. Holland's transgender status.

80. Again, despite her request, Defendants forced Ms. Holland to shower naked in front of men in the jail and, as a result, she experienced repeated harassment from men in the jail and from BCJ staff. Men in the jail repeatedly watched her shower, made sexual gestures, touched their genitals, and asked her to show them her breasts and thighs while she was showering.

81. Again, Defendant George verbally harassed Ms. Holland for being transgender. On a near daily basis, Defendant George made remarks about Ms. Holland's genitals, told her she was not a woman because of what was between her legs, and said she would be treated as a man as long as she was at BCJ. At one point, after repeated misgendering and harassment by Defendant George, Ms. Holland told Defendant George not to speak to her if he wouldn't respect her gender identity and use the correct pronouns when referring to her. In response, Defendant George said, "you're a fucking man," and threw her towels on the floor. Another time, Defendant George threatened Ms. Holland and said, "if you say the wrong thing to me, I'm going to slam your neck." Ms. Holland understood this statement as Defendant George threatening her life and was constantly in fear that he would act on this threat.

82. Ms. Holland reported Defendant George numerous times to Grievance Coordinator C.O. Adam Valls, who told her that her grievance would make its way to the Sheriff. After several days, Ms. Holland asked Defendant Valls again about the outcome of her grievance, who simply said they would get back to her eventually. Ms. Holland never received a response.

83. Does 7–11 again denied Ms. Holland’s repeated requests for access to gender-affirming undergarments, hygiene products, and other commissary items made available to other women at the jail. Ms. Holland submitted multiple grievance slips about these denials and never received a response. Only in the last few days of her incarceration, Ms. Holland encountered an understanding corrections officer (not named as a defendant herein) who helped her obtain bras, women’s underwear, and women’s deodorant. Upon information and belief, this person provided Ms. Holland these items furtively, against BCJ policy and practice.

84. Every corrections officer Ms. Holland came in contact with, except for the one understanding person listed in the previous paragraph, misgendered her by using the wrong name and pronouns for her, despite her repeated corrections and requests.

85. From the first day of Ms. Holland’s June 2021 detention, Defendants were aware that she had prescriptions for HRT—specifically, daily testosterone blockers via pill and weekly estrogen injections—and for daily anti-depressants. Defendants were also aware that they had previously provided these medications during Ms. Holland’s January to February 2021 period of incarceration.

86. But, on this occasion, Defendants Hossain and Ahmed denied Ms. Holland her HRT prescriptions for four weeks. BCJ never provided her with testosterone blockers

(spironolactone), and only provided her with one estrogen injection after 28 days, mere days before her release.

87. Defendants Hossain and Ahmed also denied Ms. Holland her anti-depressant prescription for the entirety of her June-July detention.

88. Defendants Hossain and Ahmed denied Ms. Holland treatment for her broken tooth, which remained broken since the assault by the Intake Officers in January and which became worse after eating dry food at BCJ in June, causing her already weakened tooth to further break. Despite informing nurses about her broken tooth, Defendants Hossain and Ahmed never scheduled an appointment for her to see a dentist. Over a year later, she is scheduled to have the tooth removed at the end of April 2022.

89. Ms. Holland met with several nurses throughout her June-July incarceration and each time informed them that she had been diagnosed with gender dysphoria and prescribed medically necessary HRT, as well as Lexapro for her depression and anxiety, and asked them why she was not receiving her prescriptions. In response to her inquiry about HRT, a nurse communicated that “the county isn’t going to pay for that,” and that she had been told by her superiors that Ms. Holland was not going to receive her HRT because the county did not want to pay for gender affirming care. In discussing the doctors’ decision to deny her medications, one of the nurses told Ms. Holland, “honey, you know you have a lawsuit, right?”

90. When Ms. Holland met with Defendant Hossain, he ignored Ms. Holland’s request for medical treatment, insulted and mocked her for her gender dysphoria, and said, “how do you know you have gender dysphoria?” despite her diagnosis and prescription.

91. Ms. Holland suffered and continues to suffer injury, including emotional, physical, and dignitary injury, as a result of Defendants’ actions. Among other things:

- a. Defendants' denial of HRT for 28 days caused Ms. Holland to suffer hot flashes, facial hair growth, reduction in breast size, and breast pain. She was also forced to postpone a planned gender-affirming surgery, as her surgeon required her to be taking her HRT regimen consistently for at least five continuous months immediately prior to the procedure. This caused her to endure under-treated gender dysphoria for additional time.
- b. Both the delay of HRT and denial of anti-depressants caused Ms. Holland to experience extreme withdrawal symptoms, mental anguish, depression, and suicidal ideation.
- c. Ms. Holland has experienced and continues to experience anxiety, depression, trouble sleeping, weight gain, hair loss, flashbacks, panic attacks, intrusive thoughts, short-term memory loss, migraines, and a fear of the dark, the sound of keys rattling, and showering. Since her release from BCJ, her doctors have had to double the dosage of her anti-depressant.
- d. Ms. Holland encounters law enforcement officers in her daily life. Because of her past experiences and her awareness of high rates of arrest for Black transgender women (as described above), she reasonably fears future arrest and mistreatment at BCJ.

G. BCJ and County Policy, Practice, Custom, and Usage

92. Defendant County and Supervisory Defendants have a policy, practice, custom, and usage of misgendering and harassing transgender people in BCJ custody; housing transgender women in unsafe placements with men, improperly revealing their transgender status to staff and to people incarcerated in the jail; placing transgender women in isolated

confinement, still within men's housing units; denying transgender people gender-affirming clothing and toiletry products; and denying proper medical care to transgender people and people with psychiatric disabilities in BCJ custody.

93. On information and belief, Supervisory Defendants adopted, approved, implemented, and/or continued the above policies, practices, customs, and usages.

94. On information and belief, multiple transgender women other than Plaintiff who have been held in custody at the BCJ have experienced the same policies, practices, customs, and usages challenged here.

95. One of those people is a Black transgender woman who was in BCJ custody for periods in 2011, 2016, and 2018. During each of these periods of incarceration, she was housed in a men's unit and widely revealed to be a transgender woman; she was harassed and misgendered by BCJ staff and other incarcerated people based on her gender identity and sexual orientation; and she was denied necessary medication.

96. The woman described in Paragraph 95 was aware of at least three other transgender women that were also in BCJ custody in 2018. All of them were housed in a men's unit; all of them were denied access to gender-affirming undergarments and hygiene products; all of them were routinely misgendered; all of them were subjected to harassment based on their gender identity; and at least one of them was denied her prescribed HRT. BCJ knew of their transgender status when it subjected them to this mistreatment—indeed, when these transgender women used BCJ's intra-jail mail system to send and receive notes (or "kites") to other people in custody, BCJ staff would publicize information about who was in communication with "a tranny."

97. A transgender woman who has since been transferred to the custody of New York State’s Department of Corrections and Community Supervision (“DOCCS”) experienced similar treatment during a period of incarceration in BCJ in approximately 2018. She was also housed in a men’s unit, denied HRT, denied access to access to gender-affirming undergarments and hygiene products, routinely misgendered, and subjected to harassment based on her gender identity.

98. Another transgender woman who has since been transferred to custody in another state reported experiencing similar treatment during a period of incarceration in BCJ around the same time. She was also housed in a men’s unit, denied HRT, physically assaulted, denied access to access to gender-affirming undergarments and hygiene products, routinely misgendered, and subjected to harassment based on her gender identity.

99. On information and belief, there is currently at least one transgender woman in BCJ custody also being subjected to many of the same policies and practices described in this Complaint. She has been housed in a men’s unit, denied HRT, denied access to access to gender-affirming undergarments and hygiene products, routinely misgendered, and subjected to harassment based on her gender identity.

100. Steuben County, New York, was sued in 2019 for similar practices to those alleged in this Complaint, including unsafely housing a transgender woman in a men’s housing unit, denying gender-affirming medical care, and failing to prevent persistent misgendering and harassment.²⁴ Steuben County reached a settlement agreeing to presumptively house transgender people according to their gender identity, ensure access to gender-congruent clothing and toiletry

²⁴ Amended Complaint & Demand for Jury Trial, *Faith v. Steuben County*, Index No. E2019-1208CV, NYSCEF Doc. No. 4 (Aug. 22, 2019), available at https://www.nyclu.org/sites/default/files/field_documents/2019-8-22_amended_complaint_and_demand_for_jury_trial_00072672xb2d9a.pdf.

items, ensure staff respect a person’s identity in all contexts, and ensure access to gender-affirming medical care.²⁵ The Steuben County Sheriff released a public statement that the policy was a result of “the collaborative work of the Steuben County Sheriff’s Office, the New York State Sheriff’s Association, New York State Jail Administrators and the NYCLU. . . in order to ensure citizens’ rights are met.”

101. Defendant Broome County Sheriff Harder is a member of the New York State Sheriffs’ Association.

102. Upon information and belief, the policies, practices, customs, and usages of the County and Supervisory Defendants—both written and unwritten—deliberately and consistently disregard these policy recommendations approved by the New York State Sheriff’s Association and New York State Jail Administrators to ensure respect for people’s rights in New York State jails.

103. Beyond the specific issue of Defendants’ treatment of transgender women in its custody, the County and Supervisory Defendants have a policy, practice, custom, and usage of denying adequate medical care; assigning people in its custody to improper housing; and using excessive force.

104. The County and Supervisory Defendants have a long history of gross deficiencies in their provision of medically-necessary care to incarcerated people, and have long known about those deficiencies and failed to correct them. These failings contributed directly to the harms Ms. Holland experienced related to her medical care.

²⁵ Settlement Agreement and Release of All Claims, *Faith v. Steuben County*, Index No. E2019-1208CV, NYSCEF Doc. No. 10 (Aug. 5, 2020), available at https://www.nyclu.org/sites/default/files/field_documents/2020-07-22_faith_final_settlement_agreement_redacted.pdf.

105. The New York State Office of the Attorney General and the New York State Commission on Corrections have, over at least the last decade, repeatedly recommended that BCJ terminate its contracts with Correctional Medical Care, Inc. (“CMC”), the private company with which Broome County at all relevant times contracted to oversee medical care at BCJ, due to inadequate care, widespread failures to provide necessary services, and even multiple deaths. The County and the Supervisory Defendants had been aware of these investigations and recommendations for years, had been aware of the injuries, illnesses, and deaths suffered by individuals in their custody, and for years, including all times relevant to this Complaint, did not terminate contracts with CMC nor require CMC to change its grossly deficient practices.

106. Since 2011, between nine and eleven incarcerated people have died at BCJ, allegedly after suffering from inadequate medical care.²⁶ In 2020, Broome County paid a \$170,000 settlement to the family of Salladin Barton, who died in custody after being left unconscious for an unreasonable period of time before BJC officers called for medical help.²⁷ A mandatory state report following Alvin Rios’s death confirmed he was left lying down and shaking, “in an emergent, life-threatening status without appropriate medical attention.”²⁸ BCJ has also been accused of mistreating cisgender women and pregnant people, several of whom have reported being denied medications and other medical care.²⁹ Furthermore, in 2017, BCJ

²⁶ Anthony Borrelli, *Broome County jail deaths put spotlight on inmate medical care* Pressconnects, Mar. 3, 2020, available at <https://www.pressconnects.com/story/news/local/2020/03/03/broome-county-jail-inmates-dead-after-lack-medical-health-care-ny-new-york/4857588002/>.

²⁷ *Id.*

²⁸ William Martin, *When Jail Becomes a Death Sentence*, Jacobin, Feb. 27, 2017, available at <https://www.jacobinmag.com/2017/02/jail-deaths-broome-county-alvin-rios-salladin-barton-upstate-new-york-prisons/>.

²⁹ See Phoebe Taylor-Vuolo, *Activists allege mistreatment of women, pregnant people in Broome County*, WSKG, Jan. 28, 2022, available at <https://wskg.org/broome-county-jail-allegations/> (“Local activists have criticized the previous provider, CBH Medical, which they say has neglected [incarcerated people’s] needs and provided poor care.”).

was sued for its mistreatment of an incarcerated juvenile, leading to the creation of new Commission of Corrections regulations pertaining to the number of hours someone in administrative segregation must be allowed outside of their cell.³⁰

107. BCJ was also recently sued for mistreatment of individuals similar to the experiences of Ms. Holland. In 2021, Taej'on Vega sued BCJ, alleging, like Ms. Holland, that he was denied medications, including psychiatric medications, and also beaten by corrections officers. *Vega v. Broome Cnty.*, No. 21-cv-00788 (N.D.N.Y.).³¹

108. Also last year, five Broome County correctional officers abused and beat a high school scholarship recipient for alleged “insubordination.”³²

109. Supervisory Defendants were at all times relevant to this Complaint aware of the long history of serious harm caused to transgender women and other vulnerable people in County custody through the policies, customs, usages, and practices that they adopted, approved, implemented, and/or continued. They acted with deliberate disregard to the health and safety of Ms. Holland in subjecting her to the challenged policies, practices, usages, and customs.

³⁰ N.Y. State Comm'n of Corr., *The Worst Offenders Report: The Most Problematic Local Correctional Facilities of New York State* (Feb. 2018), available at <https://scoc.ny.gov/pdfdocs/Problematic-Jails-Report-2-2018.pdf>.

³¹ “After entering Mr. Vega’s cell Defendant Fowler threw Mr. Vega down on the bed and then held him there by his chest while Defendant Hrebin hit him with closed fist several times on the side of his body and lower back. Defendant Hrebin also struck Mr. Vega with an open hand several times in the face. Defendant Fowler also struck Mr. Vega in the head and body as he held him down.” Complaint with Jury Demand, *Vega v. Broome Cnty.*, No. 21-cv-00788 (N.D.N.Y. July 10, 2021), ECF No. 1 at 4.

³² *U.E. High School Student Beaten by Guards at Broome County Jail*, 100 Black Men of Broome Cty. Mar. 19, 2021, available at <https://100bmobc.medium.com/u-e-high-school-student-beaten-by-guards-at-broome-county-jail-52619d2f0d28>.

CAUSES OF ACTION

First Claim for Relief
42. U.S.C. § 1983 – Fourth and Fourteenth Amendments
Unreasonable Search and Seizure
Against Does 1–6 and 11, Supervisory Defendants, and the County

110. Plaintiff realleges and incorporates all prior paragraphs of this Complaint as if fully set forth herein.

111. Defendants' unlawful conduct alleged above violated Ms. Holland's rights under the Fourth and Fourteenth Amendments of the U.S. Constitution, including, but not limited to: the strip search against Ms. Holland by Defendants Does 1–5, and the approval of and failure to intervene in the strip search by Defendant Does 6 and 11.

112. Supervisory Defendants' and Defendant County's policy, practice, custom, and usage of, among other things, subjecting transgender people to cross-gender strip searches, violated Ms. Holland's rights under the Fourth and Fourteenth Amendments of the U.S. Constitution.

113. Each of those policies, customs, and usages, among other unlawful actions by Defendants, was a moving force behind the violation of Ms. Holland's Fourteenth Amendment rights and proximately caused Ms. Holland's injuries.

114. In addition or in the alternative, Defendant County is liable for the unlawful actions of its municipal policymakers, including Supervisory Defendants, in creating, approving, and/or allowing to continue its unlawful policies, customs, usages, and practices.

Second Claim for Relief
42. U.S.C. § 1983 – Fourteenth Amendment
Due Process
Against All Defendants

115. Plaintiff realleges and incorporates all prior paragraphs of this Complaint as if fully set forth herein.

116. Defendants' unlawful conduct alleged above violated Ms. Holland's right to due process under the Fourteenth Amendment to the U.S. Constitution, including, but not limited to: the actions of Does 1–11 and Defendant Officers Valls and George in housing Ms. Holland with men and gratuitously revealing her transgender status to staff and men in custody, placing her in segregation, requiring her to shower with men, misgendering her, and failing to respond adequately to her requests for protection against harassment, threats, and sexual victimization; Defendant Does 1–5 beating Ms. Holland, and the approval and failure to intervene in that beating by Defendant Does 6 and 11; Defendant George's abuse of Ms. Holland; and Defendants Hossain and Ahmed's decision not to provide Ms. Holland adequate medical care.

117. Supervisory Defendants' and Defendant County's policy, practice, custom, and usage of, among other things, housing transgender women with men and gratuitously revealing their transgender status to staff and men in custody, placing transgender people in segregation, providing transgender people with inadequate medical care, and using excessive force against people in their custody, additionally violated Ms. Holland's right to due process under the Fourteenth Amendment of the U.S. Constitution.

118. Each of those policies, customs, and usages, among other unlawful actions by Defendants, was a moving force behind the violation of Ms. Holland's Fourteenth Amendment rights and proximately caused Ms. Holland's injuries.

119. In addition or in the alternative, Defendant County is liable for the unlawful actions of its municipal policymakers, including Supervisory Defendants, in creating, approving, and/or allowing to continue its unlawful policies, customs, usages, and practices.

Third Claim for Relief
42. U.S.C. § 1983 – Fourteenth Amendment
Equal Protection
Against Defendant George, Does 1–11, Supervisory Defendants, and the County

120. Plaintiff realleges and incorporates all prior paragraphs of this Complaint as if fully set forth herein.

121. Defendants’ unlawful conduct alleged above violated Ms. Holland’s right to equal protection under the Fourteenth Amendment to the U.S. Constitution, including, but not limited to: Defendant Does 1–6 and 11 treating Ms. Holland differentially based on her transgender status and sex when they conducted a cross-gender strip search, housed her inappropriately and unsafely with men, and forced her to remove her acrylic nails; Defendant Does 7–11 treating Ms. Holland differentially based on her transgender status and sex when they denied her access to personal items and commissary items provided to others, housed her inappropriately and unsafely with men, forced her to shower in full view of men who were sexually abusive to her, misgendered her, and placed her in segregation; Defendant Officer George’s singling out of Ms. Holland for abuse because she is transgender; and Defendants Hossain and Ahmed’s choice not to provide Ms. Holland adequate gender-affirming medical care.

122. Supervisory Defendants’ and Defendant County’s policy, practice, custom, and usage of, among other things, treating transgender women differently from other women by housing them with men and forcing them to shower with men, placing transgender people in segregation, and providing transgender people with inadequate gender-affirming healthcare, violated Ms. Holland’s right to equal protection under the Fourteenth Amendment of the U.S. Constitution.

123. Each of those policies, customs, and usages, among other unlawful actions by Defendants, was a moving force behind the violation of Ms. Holland's Fourteenth Amendment rights and proximately caused Ms. Holland's injuries.

124. In addition or in the alternative, Defendant County is liable for the unlawful actions of its municipal policymakers, including the Supervisory Defendants, in creating, approving, and/or allowing to continue its unlawful policies, customs, usages, and practices.

Fourth Claim for Relief
42. U.S.C. § 12132 – Americans with Disabilities Act
Against the County and Supervisory Defendants

125. Plaintiff realleges and incorporates all prior paragraphs of this Complaint as if fully set forth herein.

126. Defendants' unlawful conduct alleged above discriminated against Ms. Holland in violation of the Americans with Disabilities Act, including, but not limited to: Supervisory Defendants' and the County's differential treatment of people with gender dysphoria by requiring that they be housed and forced to shower with people of a different gender, misgendering them, refusing to provide them with access to personal and commissary items provided to other people of their gender, placing them in segregation because they have gender dysphoria, and providing them with inadequate healthcare; as well as Supervisory Defendants' and the County's failure to accommodate Ms. Holland's reasonable requests for housing placement, privacy, personal and commissary items, and adequate healthcare.

Fifth Claim for Relief
29. U.S.C. § 794 – Rehabilitation Act
Against the County and Supervisory Defendants

127. Plaintiff realleges and incorporates all prior paragraphs of this Complaint as if fully set forth herein.

128. Defendants' unlawful conduct alleged above discriminated against Ms. Holland in violation of the Rehabilitation Act, including, but not limited to: Supervisory Defendants' and the County's differential treatment of people with gender dysphoria by requiring that they be housed and forced to shower with people of a different gender, misgendering them, refusing to provide them with access to personal and commissary items provided to other people of their gender, placing them in segregation because they have gender dysphoria, and providing them with inadequate healthcare; as well as Supervisory Defendants' and the County's failure to accommodate Ms. Holland's reasonable requests for housing placement, privacy, personal and commissary items, and adequate healthcare.

Sixth Claim for Relief
New York State Constitution – Unreasonable Search and Seizure
Against Does 1–6 and 11, Supervisory Defendants, and the County

129. Plaintiff realleges and incorporates all prior paragraphs of this Complaint as if fully set forth herein.

130. Defendants' unlawful conduct alleged above violated Ms. Holland's rights under Article 1, section 12 of the New York Constitution, including, but not limited to: the strip search of Ms. Holland by Defendant Does 1–5, and the approval of and failure to intervene in the strip search by Defendant Does 6 and 11 despite having the opportunity to do so.

131. Supervisory Defendants' and Defendant County's policy, practice, custom, and usage of, among other things, subjecting transgender people to cross-gender strip searches violated Ms. Holland's rights under Article 1, section 12 of the New York Constitution.

Seventh Claim for Relief
New York State Constitution – Due Process
Against All Defendants

132. Plaintiff realleges and incorporates all prior paragraphs of this Complaint as if fully set forth herein.

133. Defendants' unlawful conduct alleged above violated Ms. Holland's right to due process under Article 1, sections 1 and 6 of the New York Constitution, including, but not limited to: the actions of Defendant Does 1–11 and Defendant Officers Valls and George in housing Ms. Holland with men and gratuitously revealing her transgender status to staff and men in custody, placing her in segregation, requiring her to shower with men, misgendering her, and failing to respond adequately to her requests for protection against harassment, threats, and sexual victimization; Defendant Does 1–5 beating Ms. Holland, and the approval and failure to intervene in that beating by Defendant Does 6 and 11; Defendant George's abuse of Ms. Holland; and Defendants Hossain and Ahmed's decision not to provide Ms. Holland adequate medical care.

134. Supervisory Defendants' and Defendant County's policy, practice, custom, and usage of, among other things, housing transgender women with men and gratuitously revealing their transgender status to staff and men in custody, placing transgender people in segregation, providing transgender people with inadequate medical care, and using excessive force against people in their custody, additionally violated Ms. Holland's right to due process under Article 1, sections 1 and 6 of the New York Constitution.

Eighth Claim for Relief
New York State Constitution – Equal Protection
Against Defendants George, Does 1–11, Supervisory Defendants, and the County

135. Plaintiff realleges and incorporates all prior paragraphs of this Complaint as if fully set forth herein.

136. Defendants' unlawful conduct alleged above violated Ms. Holland's right to equal protection under Article 1, section 11 of the New York Constitution, including, but not limited to: Defendant Does 1–6 and 11 treating Ms. Holland differentially based on her transgender status and sex when they conducted a cross-gender strip search, housed her inappropriately and

unsafely with men, and forced her to remove her acrylic nails; Defendant Does 7–11 treating Ms. Holland differentially based on her transgender status and sex when they denied her access to personal items and commissary items provided to others, housed her inappropriately and unsafely with men, forced her to shower in full view of men who were sexually abusive to her, misgendered her, and placed her in segregation; Defendant Officer George’s singling out of Ms. Holland for abuse because she is transgender; and Defendants Hossain and Ahmed’s choice not to provide Ms. Holland adequate gender-affirming medical care.

137. Supervisory Defendants’ and Defendant County’s policy, practice, custom and usage of, among other things, treating transgender women differently from other women by housing them with men and forcing them to shower with men, placing transgender people in segregation, and providing transgender people with inadequate gender-affirming healthcare, violated Ms. Holland’s right to equal protection under Article 1, section 11 of the New York Constitution.

Ninth Claim for Relief
New York State Human Rights Law, Executive Law § 296
Against All Defendants

138. Plaintiff realleges and incorporates all prior paragraphs of this Complaint as if fully set forth herein.

139. Defendants’ unlawful conduct alleged above discriminated against Ms. Holland in violation of New York Executive Law section 296, including, but not limited to, treating Ms. Holland differentially by housing her and forcing her to shower with men, misgendering her, refusing to provide her with access to personal and commissary items provided to other women, placing her in segregation because she is a transgender woman with gender dysphoria, and providing her with inadequate healthcare.

Tenth Claim for Relief
New York State Civil Rights Law § 40-c
Against All Defendants

140. Plaintiff realleges and incorporates all prior paragraphs of this Complaint as if fully set forth herein.

141. Defendants' unlawful conduct alleged above discriminated against Ms. Holland in violation of New York Civil Rights Law section 40-c, including, but not limited to, treating Ms. Holland differentially by housing her and forcing her to shower with men, misgendering her, refusing to provide her with access to personal and commissary items provided to other women, placing her in segregation because she is a transgender woman with gender dysphoria, and providing her with inadequate healthcare.

142. Plaintiffs have complied with the requirements of New York State Civil Rights Law section 40-d by serving notice on the state Attorney General.

Eleventh Claim for Relief
New York State Civil Right Law § 79-n
Against All Individual Defendants

143. Plaintiff realleges and incorporates all prior paragraphs of this Complaint as if fully set forth herein.

144. Defendants' unlawful conduct alleged above constitutes bias-related violence or intimidation against Ms. Holland in violation of New York Civil Rights Law section 79-n, including, but not limited to, treating Ms. Holland differentially by targeting her for harm because she is a transgender woman with gender dysphoria, housing her and forcing her to shower with men, misgendering her, refusing to provide her with access to personal and commissary items provided to other women, placing her in segregation because she is a transgender woman with gender dysphoria, and providing her with inadequate healthcare due to their belief or perception regarding her gender identity.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff requests that this Court grant her the following relief:

- A. A declaration that Defendants' actions described in this Complaint—and that their policies, usages, customs, and practices—are unconstitutional and unlawful;
- B. Judgment in favor of Plaintiff against all Defendants for compensatory and punitive damages in an amount to be determined by a properly charged jury;
- C. Injunctive relief against Defendants, enjoining them not to discriminate against Plaintiff or any transgender person on the basis of transgender status, sex, or disability; and ordering development and implementation of the following policies at the Broome County Jail and such other policies as necessary to remedy Defendants' constitutional violations:
 - a. requiring the use of correct names, pronouns, and honorifics;
 - b. prohibiting the denial of a request for housing placement consistent with an incarcerated person's gender identity;
 - c. requiring medical care for transgender individuals consistent with the standard of care, including, but not limited to, hormone therapy;
 - d. requiring the protection of transgender individuals against discrimination, abuse, harassment, and safety threats;
 - e. prohibiting sex-based differential treatment with regard to clothing, hygiene, and other personal items;
 - f. requiring the training of staff; and
 - g. providing for discipline of staff who fail to follow these policies.

- D. A monetary award for attorneys' fees and the costs of this action, pursuant to 42 U.S.C. § 1988, 42 U.S.C. § 12205 and any other applicable law;
- E. Award Plaintiff statutory penalties against all Defendants, for each and every violation of New York State Civil Rights Law § 40-c, pursuant to Civil Rights Law § 40-d; and
- F. Any other relief that this Court finds to be just, proper and equitable.

Dated: March 29, 2022
New York, New York

TRANSGENDER LEGAL DEFENSE &
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