

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

JANE DOE,	)	
	)	
Plaintiff	)	
	)	
v.	)	
	)	Civil Action No. 17-12255-RGS
MASSACHUSETTS DEPARTMENT	)	
OF CORRECTION; THOMAS A.	)	
TURCO III; SEAN MEDEIROS;	)	
JAMES M. O’GARA JR.; and	)	
STEPHANIE COLLINS,	)	
	)	
Defendants.	)	
	)	

Civil Action No. 17-12255-RGS

**AFFIDAVIT OF JANE DOE**

I, Jane Doe, hereby depose and state:

1. I am a 53 year old woman, born in Puerto Rico and raised in New York.
2. From a very young age, I felt great emotional anguish and stress when I was being treated as a boy. At approximately 13 years of age, I began wearing girl clothing and playing with girl toys. I also started using a female version of my name, which my family accepted and used. By the time I was a teenager, a doctor had diagnosed me with Gender Identity Disorder (GID).
3. At approximately 13-14 years of age, I began taking estrogen daily as prescribed by my doctor, and continued to live as a woman. I have continued with hormone therapy since then, and am currently on injection hormones.
4. When I was around 15 or 16 years old, I had a child. The person I had the child with is a transgender man today. We are still in touch and I have a close relationship with my

daughter. In fact, I am now a grandmother! My daughter has always seen me as her mother, and her birth mother as her father.

5. When I was around 17 years old, I applied for a received by NY Welfare ID, which listed me as female.

6. When I later moved to Massachusetts I applied for and received my Massachusetts State ID, which also designates me as female.

7. I was first in Massachusetts Department of Correction (DOC) custody in 2003, and was released in 2005. During this time, I was on hormone treatment because the DOC recognized my GID diagnosis. I was admitted a second time to DOC custody in 2010, and subsequently released in 2012. In 2010, while in DOC custody, my GID diagnosis was again confirmed by Dr. Diener and Dr. Andrade, who both worked with DOC prisoners through their medical contract.

8. After being convicted in October 2016 of a non-violent drug offense, I am again in DOC custody. While I was at MCI-Cedar Junction for admission and classification, I reminded the DOC that I am a woman and have a Gender Dysphoria (GD) diagnosis. Shortly thereafter, I was transferred to MCI-Norfolk, where I am currently housed.

9. Being a woman in a men's prison causes me extreme anxiety and stress and makes me a target for sexual assault and harassment. I have lived in housing environments that were very unsafe for me, am forced to shower in plain view of men, am strip searched by men, and am consistently and systematically denied recognition of my identity as a woman. All this despite living socially and legally as a woman outside prison walls and having a long-standing Gender Dysphoria diagnosis that is recognized by the DOC.

10. I have made multiple attempts to remedy these serious problems. I have spoken many times with my mental health clinician about the trauma I am experiencing. My clinician has also reported various incidents to DOC staff and has communicated with the Gender Dysphoria Committee. I have filed multiple institutional and medical grievances and have raised these issues with Inner Perimeter Security (IPS). I have also written directly to Superintendent Medeiros and attended bi-weekly Staff Access Hour on multiple occasions where I spoke with MCI-Norfolk officials. Additionally, I submitted a Request for Reasonable Accommodation to a DOC administrator asking that my Gender Dysphoria be accommodated by securing access to a separate shower, strip searches by women, and that I be generally recognized as a woman. Finally, I have asked to be classified to MCI-Framingham. These requests were all either ignored or denied.

11. Below I describe in more detail the problems related to my status as a woman in a men's prison that I have been unsuccessful in addressing with the DOC.

### **Housing and Showering**

12. Upon arriving at MCI-Norfolk, I was housed in a dormitory setting, which is an open living space that houses approximately 60 men. I was forced to sleep and shower in full view of dozens of men.

13. Being housed in such a setting made me feel extremely unsafe. I felt emotional stress, depression, anxiety and would frequently cry. I often would stay awake all night out of fear of being sexually assaulted or raped. I complained about my situation and communicated my fears and distress to the mental health director at MCI-Norfolk, but it was not until Prisoners' Legal Services intervened on my behalf that I was moved into a single cell.

14. Although I no longer sleep and reside in a dormitory setting, I continue to be denied access to safe showering. I have been forced to shower in stalls where men can easily

watch me from an upper tier. Male prisoners routinely stand on the tier above the bathroom to see me naked and sexually harass me. They often verbally taunt me with comments about my “boobs” and my female body, and shout out what they would like to do to me sexually. This makes me feel like a sex object and completely dehumanized. I live in constant fear that this harassment could escalate to physical harm or rape. Currently, and at times during my incarceration, I shower in bathrooms open to men with only a transparent shower curtain that does not provide privacy. These transparent curtains have an opaque strip in them intended to cover the genitals of prisoners, but they leave my breasts completely exposed.

15. For a brief period of time, I was housed in a unit with other transgender women. I was initially housed on the second floor of this unit, and purportedly because of this, was denied the opportunity to use the “transgender shower” on the third floor, which provides some privacy due to its fully opaque curtains. It wasn’t until a sympathetic lieutenant intervened that I was moved to a cell on the third tier, which allowed me to access the transgender shower. I was grateful for this move, but anxious knowing that I could be moved again at any time.

16. I was then transferred to a different unit. On this new unit, there were a few weeks during which I was allowed to shower with a fully opaque curtain, but it was then taken down by a sergeant who told me it wasn’t needed because, “we’re all men here.” Since then, I have not had access to a private shower.

17. On multiple occasions, I asked correctional officers on my unit to assist me in securing a private shower, explaining to them that men watch me naked and sexually harass me. Most officers respond by asking me if I still have a penis and dismiss my concerns. This makes me fearful and depressed because these are the same officers who are responsible for my safety, and instead seem to want to punish me for being who I am.

**Strip Searches**

18. I am required to strip naked to be searched whenever I have a visitor, including meetings with my attorneys, leave the facility for outside medical appointments, and during institutional shakedowns. These searches are always conducted by male correctional officers, who force me to lift my breasts for them, and often touch my breasts. Having a male correctional officer handling my breasts and body leaves me feeling extremely vulnerable and is simply terrifying. I feel physically violated every single time and emotionally degraded.

19. At least one particular occasion still causes me great emotional distress today. In the spring of 2017, during an institution-wide lockdown, two male correctional officers came to my cell and told me to strip naked for a search. This made me particularly uncomfortable and scared because not only would the strip search be conducted by multiple male officers, but it would also take place in my cell in plain view of male prisoners. I told these correctional officers that I am a woman and did not want to do the search in this manner. When I told them that I have a GD diagnosis, they called a captain who informed me that if I did not submit to this public strip search, I would be sent to solitary confinement.

20. Because of my mental health issues, I have great difficulty coping with any period of time in solitary confinement, so I was sincerely terrified of this prospect. I began crying and removed my clothes, including my undergarments, while the three male officers watched me in my cell. I was forced to conduct the strip search with the door open, and stand there naked as approximately 10 male prisoners watched. As they watched me, male prisoners yelled things at me about my body and things they would like me to do to them. While the officers conducted a search of my cell and clothing, I was allowed to only partially re-dress with my cell door open

and while onlookers continued to verbally harass me. The three officers present did nothing to prevent this harassment or afford me any privacy.

### **Privacy**

21. I was also forced to expose my breasts to a male correctional officer for an extended period of time during my recent mammogram at Lemuel Shattuck Hospital (LSH). A correctional officer insisted on coming with me into the exam room where my mammogram was conducted.

22. The officer refused to leave the room, even after the mammogram technician raised the issue of privacy twice. The officer stared at me while I undressed and put a hospital gown on. The female technician tried to cover me up for modesty, but because it was a mammogram, I had to let the gown fall below my breasts. I had to put my breast into the mammogram machine while the male correctional officer continued to stare. After the first set of images were taken, the technician left the room to view the results. While she was gone, I was forced to remain half naked with my breast in the mammogram machine. Exposing my breasts and undergoing a mammogram with a man looking on was deeply degrading and utterly humiliating.

### **Discrimination**

23. Upon arriving at MCI-Norfolk, I began experiencing frequent verbal and sexual harassment from both correctional officers and male prisoners who refuse to accept and treat me as a woman. The first incident of such harassment that I can specifically recall took place in November 2016. I was in the dormitories and was having a very hard time because I was not allowed private showers. A sergeant decided to place a sign in the bathroom to allow me to shower alone one day and left Officer Duszak in charge. I came out of the shower in my towel

and saw that men were in the bathroom area despite the sign. I was very distraught and felt unsafe. When I came out, I asked officer Duszak if he had seen the sign and why he allowed the men to come in. He turned to me and said he did not “give a fuck.” This was very upsetting to me so I reported it at that time to my mental health clinician, Elizabeth Samson.

24. I still experience frequent discrimination from correctional officers. Some officers at MCI-Norfolk accept me as a woman, and treat me as such, for example, by using feminine pronouns to refer to me. Other officers make repeated derogatory comments to me and about me to other correctional officers and male prisoners. Examples of such comments include, “chicks with dicks,” “wannabe women,” “fags,” and “homos.”

25. The harassment I am currently experiencing from Officer Duszak, for example, is a persistent problem. His frequent verbal harassment is so bad that I go out of my way to avoid him, even skipping meals to avoid an interaction with him. Although I have named him explicitly in more than one grievance, and verbally expressed my concerns about his treatment of me to MCI-Norfolk officials, his behavior has not changed.

26. I have filed grievances on this distressing verbal harassment by correctional officers and discussed the harassment with my mental health clinician. I eventually stopped filing grievances on abusive officers because the lack of results was discouraging and because I was fearful that continuing to call out specific officers in my grievances would result in retaliation and further harm from those officers.

27. I have asked to be transferred to MCI-Framingham and turned down. I was told that I could not be transferred to the women’s prison because I have not had genital surgery.

28. Even since the filing of this lawsuit in October 2017, I continue to fear for my safety and experience sexual harassment and discrimination based on my status as a transgender

woman. On November 29, 2017, someone hung a shank (knife) over my cell door with a homophobic slur written on an attached piece of paper. In response, I was distraught and crying heavily, so I was put on a mental health watch in the medical unit overnight. Mental health watch is worse than solitary confinement. Upon returning to the unit the following day, I learned that my cell had been trashed by a lieutenant, with food thrown everywhere, and a significant amount of my property had been stolen, especially items I am afforded as a transgender woman diagnosed with gender dysphoria.

29. I had another particularly traumatizing incident on January 11, 2018. I was being taken to the Lemuel Shattuck Hospital for my hormone treatment. Apparently, Sergeant Clemente commented on the way my derriere looks in my pants when I was getting into the transport vehicle. I did not hear him make this comment, but the driver did and disclosed what was said because he found it inappropriate. When I returned to the facility, Sergeant Clemente was there again to process me back in. He told me to take my pants off and that he didn't want me wearing them anymore because of how tight they were around my behind. He also said that women at Framingham can't even walk around like that. I have been wearing these pants, which I bought from Framingham canteen as I am entitled to due to my GD diagnosis, since I arrived at MCI-Norfolk over a year ago. No one has ever commented on my pants or felt they were inappropriate in any way.

30. Sergeant Clemente made me take the pants off in front of him and wear a pair of baggie pants that are not mine and so big that I have to fold the waistband over just so they won't fall off. I felt so degraded because of the way he commented on my body and because he insisted that I remove the pants in front of him. It was clear to me that he was doing this only because he fundamentally disrespects who I am and wanted to use his power to put me down and

literally strip me of my identity. I have reported this incident and it is currently being investigated.

31. The abuse and harassment I have experienced over the past year at MCI-Norfolk, and that I continue to experience, has had a significant negative impact on my mental health. The humiliation, shame, degradation and fear I frequently experience has led to extreme anxiety, depression, nightmares, sleeplessness, and a constant fear of being harassed and physically harmed or raped. I am now on medication to help treat some of these symptoms, and I am finding it more and more difficult to cope with the stress of being a transgender woman incarcerated in a male prison.

