

PARDON DOCKET NO. _____

Before the

ILLINOIS PRISONER REVIEW BOARD

July Term 2019

ADVISING THE HONORABLE J.B. PRITZKER, GOVERNOR

In the Matter of

DEON “STRAWBERRY” HAMPTON

(Cook County No. 14 CR 3872)

PETITION FOR EXECUTIVE CLEMENCY

Public hearing requested

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I. INTRODUCTION

Deon “Strawberry” Hampton, a 28-year-old transgender woman, spent most of the last two-and-a-half years improperly housed in men’s prisons where she was subjected to violent sexual, physical, mental, and emotional abuse. She suffered abuse at the hands of the Illinois Department of Corrections (“IDOC”) staff and other prisoners in four different men’s prisons. She repeatedly reported the abuse to IDOC officials and they not only ignored her, but also punished her with false, retaliatory disciplinary tickets that resulted in a prolonged sentence of segregation and an extension of her original release date. Further, IDOC discriminated against Ms. Hampton by prohibiting her to earn good time in the same manner as cis people in custody because she is a trans woman. She filed multiple lawsuits against IDOC seeking emergency relief, and one of those lawsuits resulted in a landmark decision where the court acknowledged the abuse she has endured and affirmed her rights as a transgender woman. However, although Ms. Hampton has already served her time on the crime for which she was convicted, she has to serve an additional nine months because she is a trans woman, and because she survived unspeakable abuse and was retaliated against for standing up for her rights.

Over the course of ten months at Pinckneyville Correctional Center (“Pinckneyville”), IDOC staff sexually and physically assaulted Ms. Hampton, forced her and her cellmate to have sex with each other for the officers’ entertainment, and verbally harassed her daily. When she reported this abuse, the officers retaliated by beating her and threatening to “bury her in segregation.” The officers followed through on this threat by filing false disciplinary charges against her that resulted in a prolonged sentence of segregation. She was also transferred to

Menard Correctional Center (“Menard”), a high security men’s prison, as a result of these false charges.¹

For nearly five months while she was housed at Menard, officers constantly verbally harassed Ms. Hampton and sexually and physically abused her—and had other detainees beat her—both because of her gender identity and in retaliation for complaints she filed against officers at Pinckneyville. While at Menard, Ms. Hampton filed a lawsuit seeking emergency relief against IDOC staff for the abuse she was experiencing.² Rather than defend the lawsuit, IDOC officials agreed to transfer Ms. Hampton from Menard to Lawrence Correctional Center (“Lawrence”), a medium security men’s prison, in January 2018. Ms. Hampton agreed to this settlement because she feared for her life at Menard.

However, the abuse did not stop at Lawrence—staff and other prisoners there continued to physically and sexually assault, threaten, and verbally sexually harass Ms. Hampton. After filing another lawsuit against IDOC officials seeking emergency relief,³ Ms. Hampton was transferred to Dixon Correctional Center (“Dixon”). Yet at Dixon, the verbal harassment continued and officers failed to protect her from sexual assaults by at least two different prisoners. Officers also continued to give her retaliatory disciplinary tickets.

After months of legal battles and continuing abuse, on December 21, 2018, Ms. Hampton was finally transferred to Logan Correctional Center (“Logan”), a women’s prison, where she is

¹ Ms. Hampton has a civil rights case currently pending against IDOC Director John Baldwin and a number of correctional officers for the abuse she suffered at Pinckneyville: *Hampton v. Mayer, et. al.*, No. 17-cv-860 (S.D. Ill.). The complaint is attached as Exhibit 1.

² This lawsuit is *Hampton v. Lashbrook*, No. 17-cv-936 (S.D. Ill.). The complaint is attached as Exhibit 2.

³ This lawsuit, *Hampton v. Baldwin*, No. 18-cv-550 (S.D. Ill.), is currently pending. The complaint is attached as Exhibit 3.

housed today.⁴ Housing Ms. Hampton in accordance with her gender identity is the bare minimum IDOC can do, yet the transfer alone is insufficient to help her recover from the trauma she has endured. Staff at Logan struggle to adequately give her access to necessary mental health care. Logan may be more appropriate than the men's prisons, and the only suitable prison to house Ms. Hampton, but it is still currently ill equipped to manage the needs of a transgender woman—especially someone who lives with recent trauma and a long history of abuse—due to inadequate training.

Ms. Hampton should have been released by now, and is still in custody because of discriminatory policies and retaliatory discipline that robbed her of good time. Ms. Hampton has suffered immensely and should not have to suffer any longer. For these reasons, she requests commutation of her sentence.

II. REASONS FOR GRANTING CLEMENCY

A. MS. HAMPTON WOULD HAVE BEEN RELEASED IN FEBRUARY 2019 HAD IDOC NOT IMPOSED RETALIATORY DISCIPLINE AND ROBBED HER OF HER GOOD TIME.

Ms. Hampton first entered IDOC custody on her current sentence in April 2015 and was transferred to Pinckneyville in October 2016, where she was continuously abused and discriminated against by correctional officers and other staff because of her gender identity. On December 9, 2016, Ms. Hampton was given two false disciplinary tickets for allegedly disobeying a direct order and threatening an officer. As a result of these tickets, for the first time

⁴ Ms. Hampton's motion for a preliminary injunction as well as the Court's order on the motion are attached as Exhibit 4 and Exhibit 5, respectively.

in her prison sentence, Ms. Hampton had one month and 45 days of good conduct credits revoked. *See Ex. 6, 12/9/16 Disciplinary Tickets.*

Also around December 2016, Ms. Hampton became cellmates with another prisoner who identified as a transgender woman. Shortly thereafter, several officers came to their cell said that they “wanted to see a girl show.” They then forced Ms. Hampton and her cellmate to have sex with each other while the officers watch. The officers threatened Ms. Hampton and her cellmate with future beatings, harassment, and more time in segregation if they did not obey their orders and perform sexually. For the next several months, officers would continue to come to Ms. Hampton’s cell and force her and her cellmate to engage in sexual acts for their entertainment.

In particular, on the evening of March 4, 2017, several correctional officers entered Ms. Hampton’s cell and forced her and her cellmate to strip down to their underwear. The officers then took Ms. Hampton and her cellmate to an office and forced them to dance sexually and forced Ms. Hampton to reveal her body while the officers groped her. The officers forced Ms. Hampton and her cellmate to engage in sex acts while they watched. One of the officers then called up another officer, handed the phone to Ms. Hampton, and forced her to say sexual comments to him. Afterwards, the officers threatened Ms. Hampton and her cellmate that if they told anyone what happened, the officers would retaliate with physical violence.

Following the March 4, 2017 incident, Ms. Hampton and her cellmate were pulled from their cell approximately four more times over the next three months and forced to perform sexual acts for the correctional officers. Then, on the evening of May 24, 2017, several correctional officers came by Ms. Hampton’s cell where they made sexually explicit comments and harassed her. Tired of the continuous abuse and harassment, Ms. Hampton and her cellmate threatened to file a complaint through the prison’s Prison Rape Elimination Act (“PREA”) process if the

harassment continued. In response, the officer threatened retaliation again, stating that if they made a PREA report, Ms. Hampton and her cellmate would be “locked up.”

Later that evening, several officers returned to Ms. Hampton’s cell, where they cuffed her and moved her to the shower. The officers proceeded to beat Ms. Hampton. Ms. Hampton cried out for help and begged the officers to stop beating her. The officers responded with slurs and ignored her cries for help. The officers also denied her medical care and ignored her requests to speak with PREA.

The next day on May 25, 2017, Ms. Hampton filed a formal PREA complaint and detailed the physical and sexual assault she had suffered the night before as well as the sexual abuse she had experienced at the hands of officers for months. An internal affairs officer later came to speak with Ms. Hampton. She reported to him about the assault and showed him her injuries. She then told him of the months of sexual abuse and harassment she had received at the hands of officers. The internal affairs officer responded by attempting to convince Ms. Hampton to drop the PREA report. After she refused, the officer threatened her, telling her she would be given “bogus tickets” and “buried in seg.”

Following this PREA complaint, from May 25, 2017, until she was transferred out of Pinckneyville on August 23, 2017, IDOC staff began retaliating against Ms. Hampton for her complaints as she attempted to protect herself and hold abusive staff accountable. Ms. Hampton remained in segregation for all but approximately three days due to various alleged disciplinary infractions. For months, Ms. Hampton was given disciplinary tickets by officers who continued to sexually harass and physically abuse her which kept increasing her segregation time and leading to the revocation of her good conduct credits. *See* Ex. 7, Hampton Disciplinary Card.

Throughout the first week of July, Ms. Hampton was continually abused and harassed. She wrote a grievance about these incidents and reported officers to the mental health staff. On July 8, 2017, an officer refused to give Ms. Hampton her food tray and hit her in the face with the tray. That officer then wrote Ms. Hampton another false retaliatory disciplinary ticket for allegedly threatening him. As a result of this ticket, IDOC revoked two months of Ms. Hampton's good time credits. *See Ex. 8, 7/08/17 Disciplinary Ticket.*

On August 2, 2017, an officer slammed Ms. Hampton's head against the wall and said, "PREA that bitch." He then wrote her a disciplinary ticket for allegedly disobeying an order. This ticket resulted in Ms. Hampton having another month of her good conduct credits revoked, adding time to her imprisonment. *See Ex. 9, 8/2/17 Disciplinary Ticket.*

On August 23, 2017, Ms. Hampton was transferred to Menard, where she was housed until January 10, 2018. The abuse by officers at Menard began immediately, and Ms. Hampton was told that this abuse and harassment was retaliation for the complaints she had filed against the officers at Pinckneyville.

On August 26, 2017, officers approached Ms. Hampton at her cell and began harassing her. Ms. Hampton requested writing materials so she could write a grievance and she was denied. The officers then began to physically assault her—choking, kicking, and punching her. That same day, Ms. Hampton received a retaliatory disciplinary ticket for allegedly making threats and covering up her cell window. Ms. Hampton received an additional three months segregation time. Ms. Hampton made several attempts to write grievances and file PREA complaints but was continually denied the proper forms and was refused assistance.

On October 7, 2017, correctional officers placed Ms. Hampton in a holding cell with a highly aggressive prisoner and then encouraged the prisoner to attack Ms. Hampton. With the

encouragement of officers, this prisoner grabbed Ms. Hampton's hair, bashed her head against the wall, punch her in the stomach, and repeatedly kicked her. When another prisoner stepped in to protect Ms. Hampton, the officers intervened and later all three prisoners received disciplinary tickets that falsely stated the circumstances of the assault.

On October 9, 2017, Ms. Hampton was physically and sexually assaulted by officers who groped her. She was then beaten so badly that her entire face and arm was swollen for days. Ms. Hampton was then issued a false disciplinary ticket for intimidation, threats, and insolence. She attempted to submit grievances for incidents on October 7 and October 9, but the officers refuse to give her the proper forms.

Following these incidents and her repeated attempts to report them, officers' sexual harassment and abuse of Ms. Hampton continued. They forced her to perform sexually in her cell for their entertainment—making her expose her body, touch herself sexually, and move her body in sexually suggestive ways all while they stood outside her cell door and watched.

Ms. Hampton filed a lawsuit against the IDOC and officers at Menard who were abusing her. Pursuant to a settlement agreement reached in the lawsuit, Ms. Hampton was transferred out of Menard to Lawrence on January 10, 2018, where she was immediately placed in segregation.

Ms. Hampton was housed at Lawrence from January 10, 2018, to March 16, 2018, where she continued to be subjected to sexual harassment and threats from both other prisoners and correctional officers. Ms. Hampton was also issued retaliatory tickets by officers when she tried to report these incidents, resulting in an increase in her time in segregation and an extension of her out date.

On January 23, 2018, a prisoner exposed his genitals to Ms. Hampton and masturbated while threatening to rape her. Several correctional officers stood by and did nothing to protect

Ms. Hampton. Ms. Hampton proceeded to file a PREA complaint. After completing an investigation, IDOC substantiated Ms. Hampton's PREA allegations. Nevertheless, several of the officers still blamed Ms. Hampton, telling her if she were not "gay," it would not have happened.

On February 18, 2018, Ms. Hampton was physically assaulted by a correctional officer who yanked her handcuffs and repeatedly slammed her face into the bars of a cage, while kneeling her in the back. Following the assault, the correctional officer issued Ms. Hampton a false, retaliatory disciplinary ticket for allegedly kicking him during the assault. An internal affairs officer investigated the use of force and threatened to extend her out date if she did not give up her complaint regarding this incident; he told her that if she gave up her complaint, he would give her some good time back. Ms. Hampton did not give up her complaint, and she had one more month of her good conduct credits revoked. *See Ex. 10, 2/18/18 Disciplinary Ticket.*

After Ms. Hampton filed another lawsuit seeking emergency relief from the abuse she was experiencing, IDOC transferred her to Dixon on March 16, 2018, and immediately placed her in segregation. At Dixon, Ms. Hampton once again was subject to assaults, harassment, and threats from both other prisoners and correctional officers. Shortly after arriving at Dixon, one prisoner sexually assaulted Ms. Hampton by groping her breasts and exposing himself. Ms. Hampton filed a PREA complaint, which was later found to be substantiated by IDOC, but staff at Dixon nevertheless did nothing to protect her from future abuse. Then for weeks from late May to early June, another prisoner sexually harassed and assaulted her by kissing her and groping her. This prisoner also repeatedly threatened to rape her, stab her, and cause her physical harm. Ms. Hampton filed an additional PREA complaint about this prisoner as well as multiple grievances about the officers who were harassing her. She was told by staff that she

was filing too many PREA complaints and they did not appreciate how she writes complaints and “makes work” for them.

On June 22, 2018, Ms. Hampton made another PREA complaint against officers who were verbally sexually harassing her. Four days later, on June 26, 2018, Ms. Hampton was written up for defending herself against another prisoner that was sexually harassing her and told she was going to segregation. When she asked for an investigation into incident, staff told her they were tired of her constantly filing complaints, and threatened to give her segregation for a year and take away more of her good time credits. When Ms. Hampton begged not to be taken to segregation again and refused to cooperate with officers, the officers maced her in the face repeatedly as she rolled up into a ball on the floor. Ms. Hampton received another disciplinary ticket for allegedly assaulting staff while they maced her and for refusing to cooperate with the officers. As a result, Ms. Hampton had 6 months of good conduct credit revoked. *See* Ex. 11, 6/26/18 Disciplinary Tickets.

The court held a three day evidentiary hearing on Ms. Hampton’s motion for a preliminary injunction on September 12-14, 2018. On November 7, 2018, the Court issued an order granting Ms. Hampton’s preliminary injunction and ordering IDOC to re-consider transferring Ms. Hampton to a women’s facility and to train all correctional staff on transgender issues. After re-considering Ms. Hampton’s placement, IDOC decided to transfer her to a women’s prison. On December 21, 2018, Ms. Hampton was finally transferred to Logan Correctional Center (“Logan”), where she is housed today.

Although Ms. Hampton has finally been properly housed in Logan in accordance with her gender identity, Logan is still ill equipped to adequately meet the needs of a transgender woman with a significant history of mental health issues. Ms. Hampton is no longer suffering the level

of abuse that she previously suffered, but she continues to suffer harm—a harm that she is having to continue to endure long after she was supposed to be released.

B. BECAUSE MS. HAMPTON IS A TRANS WOMAN, IDOC PROHIBITED HER FROM PARTICIPATING IN PROGRAMS THAT WOULD HAVE ALLOWED HER TO ACCUMULATE PROGRAM SENTENCE CREDIT.

Since her incarceration began, IDOC has prohibited Ms. Hampton from engaging in any programming or work opportunities that would have allowed her to earn program sentence credit that could have offset her loss of good time credits. Ms. Hampton was repeatedly told that because she is a trans woman housed in the Men's Divisions, she could not attend classes with men or hold down a job because the IDOC officials feared that her presence would cause disruption and that security staff would not be able to ensure her safety outside the cell block. Thus, as a result of the IDOC's discriminatory policies and procedures, Ms. Hampton was denied the right to earn sentencing credit—a right that is freely provided to cis people in state custody.

Ms. Hampton was originally supposed to be released from prison on February 16, 2019. She was convicted of Class 1 residential burglary, which is a 50% offense, and was sentenced to 10 years on April 28, 2015. She also received 435 days of sentence credit, and therefore she was supposed to serve 1,390 days in prison, making her release date February 16, 2019. However, because Ms. Hampton's good conduct credits have been improperly revoked as a result of retaliatory disciplinary tickets, Ms. Hampton is set to remain imprisoned in Logan until at least November 2019.⁵ Furthermore, Ms. Hampton was housed in segregation for months due to the retaliatory disciplinary tickets, and consequently was not able to earn any good conduct credits while in segregation as she was prevented from working or going to school. Her inability to earn

⁵ Based on the records IDOC has provided to counsel, the total amount of good time credit Ms. Hampton has lost is 11 months and 45 days. However, IDOC staff have informed Ms. Hampton that her current release date is in November 2019.

any good conduct credits also contributed to her imprisonment past her original release date. If Ms. Hampton had not tried to protect herself and hold those accountable for the constant abuse she received while in IDOC custody, she would not have faced the retaliation that has led to the extension of her out date. Ms. Hampton should be granted commutation of her sentence because she has served her time for her original crime and she should not now be forced to serve additional time for being a transgender woman.

III. PERSONAL NARRATIVE

Ms. Hampton was born on February 16, 1991 in Chicago, Illinois. Since the age of five, Ms. Hampton has identified as a female, and her family and community also began treating her as a female at a young age. She is single, has never been married, and has never served in the military. She attended school until the 11th grade. In 2012, she attended a program to earn her GED but her education was interrupted by an arrest. Ms. Hampton has a close relationship with her mother and can stay with her upon release. When she gets released, Ms. Hampton plans on earning her GED, gaining employment, and continuing activist work.

Throughout her plight, Ms. Hampton has become a leader in the struggle for transgender and prisoners' rights in Illinois, and wants to make sure no one else has to go through the trauma she has endured. She has a strong network of community-based, activist groups in Chicago that has supported her throughout her time in IDOC and will continue to provide her support moving forward. Ms. Hampton has survived horrific abuse and is an inspiration to many people locked up and in the free world. She represents a beacon of hope for the transgender community and plans to continue her activist work upon her release.

IV. STATEMENT OF THE OFFENSE

The following information is based on the order of the Appellate Court of Illinois (“Order”)⁶ as well as Ms. Hampton’s recollection of the events. Ms. Hampton maintains her innocence and does not have personal knowledge of the crime.

On February 17, 2014, Ms. Hampton was celebrating her birthday at the Green Dolphin, a nightclub in the Bucktown neighborhood of Chicago. She left the Green Dolphin around 4:30 A.M. and called her mother to let her know she was heading home. She was carrying her purse, her cell phone, and cigarettes. As she was walking towards the red line, she flagged down Chicago police officers to ask for a ride home as she was intoxicated and wanted help. They ignored her request, made a racial slur, and continued on their way.

On the same day at around 4:00 AM, Chicago police responded to a reported residential burglary “in progress” at 2469 North Clybourn Avenue in Chicago. The report did not include a description of any suspects, but mentioned that the suspect may still be inside the residence. Upon parking their police vehicle, the two officers, Officer Barney and Officer Brandau, claim to have witnessed Ms. Hampton standing on the sidewalk by the residence. When they ignored her request for a ride home in order to attend to the reported burglary, Ms. Hampton continued walking southbound on North Clybourn Avenue.

The officers found the front door to the residence closed and undamaged. Upon entering the residence and announcing themselves, the residents emerged from the bedroom. The officers conducted an approximately 20-second search of the apartment, unsure if the suspect was still inside. The resident told the officers that she was in her bedroom with the door shut and heard noises from the living room but did not see the suspect, and that the noises stopped “just before”

⁶ *Illinois v. Hampton*, 2017 IL App (1st) 151624-U, attached as exhibit 12.

the officers arrived. She further informed the officers that she was missing a tan Calvin Klein bag and an iPad. Based on this statement, Officer Barney assumed that he must have just passed the offender outside the apartment.

Officer Barney radioed an assisting officer who was waiting outside, Officer Nieta. Officer Nieta spotted Ms. Hampton as she was walking on North Clybourne Avenue, noticed she was holding a bag, and claimed it was the stolen property. Yet Ms. Hampton was never in the burgled residence and maintains she was only holding her own purse. Regardless, based on Ms. Hampton's proximity to the apartment, Officer Barney told Officer Nieta to stop her. Officer Nieta did not use emergency lights or sirens, and asked Ms. Hampton to "please step over to the car" to which Ms. Hampton complied. Ms. Hampton maintains that she saw Officer Nieta and flagged her down to ask for a ride home, to which Officer Nieta replied okay. Officer Nieta did not need to handcuff, grab, or otherwise restrain Ms. Hampton, who got in the back of the police vehicle voluntarily and fell asleep, thinking she was getting a ride home. Instead, Officer Nieta drove her back to the apartment while Ms. Hampton was sleeping—Ms. Hampton has no recollection of being driven to the apartment. Once at the residence, Officer Nieta brought a bag up to the apartment and the resident reportedly identified the bag and its contents, an iPad and sunglasses, as her property. Ms. Hampton's fingerprints were not on any of the stolen items and she was not wearing gloves, demonstrating that she never touched the stolen items. She thought she was getting a ride home but ended up in custody for a crime she did not commit. Ms. Hampton remembers waking up in an interrogation room where she was not told about the burglary, but rather, was asked for information about a murder. The interrogators told her that if she did not tell them what they wanted to hear, she would be sent away for a long time. Five years later, she is still locked up.

Following a bench trial, the Circuit Court of Cook County, using circumstantial evidence, found Ms. Hampton guilty of residential burglary and theft.⁷ The court merged the theft conviction into the residential burglary conviction and on April 28, 2015, sentenced her to ten years. Ms. Hampton filed a motion for leave to file a late notice of appeal, which was granted, and her appeal followed.

The Appellate Court of Illinois acknowledged that the timeline of events was at times unclear and inconsistent—the resident never saw Ms. Hampton inside the apartment and never left her bedroom to identify who was there; there was no forensic evidence placing Ms. Hampton inside the apartment; and there was no direct evidence that Ms. Hampton was the offender, aside from the stolen items allegedly being in her possession, with no proof. In fact, the only evidence was her proximity to the residence. Regardless, on November 9, 2017, the Appellate Court, viewing all evidence “in the light most favorable to the State with all reasonable inferences in its favor,” was unable to find it “so unreasonable, improbable, or unsatisfactory, as to justify a reasonable doubt of her guilt for residential burglary,” and affirmed the conviction (with modified fines and fees).

As residential burglary is a 50% offense, Ms. Hampton was ultimately sentenced to 5 years (or 1,825 days). The court credited her 435 days of time served and thus, her actual sentence should have been 1,390 days, resulting in a release date of February 16, 2019. As of today, she remains in custody until at least November 2019.

V. CRIMINAL HISTORY

All of the following allegedly occurred in Cook County. Ms. Hampton official arrest record from the Chicago Police Department is attached as exhibit 13.

⁷ No. 14 CR 3872.

On 12/26/2008, as a minor, Ms. Hampton was charged as an adult for disorderly conduct (Case No. 2008130053601). She was at a gay bar, someone approached her, and they got into a fight. The disposition was court supervision.

On 1/14/2009, Ms. Hampton was coming home from her boyfriend's home in a nice neighborhood when the police stopped her and questioned whether she lived in the area. They forced her into a nearby alley where they assaulted and violated her. On 1/20/09 she was charged with criminal trespass and sentenced to community service (Case No. 2009121268701).

On 3/30/2009, Ms. Hampton was charged with burglary and home invasion (Case Nos. 2009CR0545201, 2009CR0545101). She pleaded guilty and sentenced to prison until June 2012. Ms. Hampton does not remember the alleged burglary.

On 6/18/2012, Ms. Hampton went to interview for a job at a factory and her acquaintance accompanied her to the interview. While she was interviewing, the acquaintance got into an altercation in the waiting area and when she emerged, she was pulled in. She was charged with battery and theft on 6/21/2012 (Case No. 2012122577201). Ms. Hampton pleaded guilty and was credited for time served.

On 11/7/2012, Ms. Hampton was charged with theft and was credited for time served (Case No. 2012123006901). Ms. Hampton does not remember the alleged theft.

VI. REQUIRED INFORMATION

1. Name: Deon Hampton
Alias: Strawberry
Social Security Number: [REDACTED]
State Prisoner Number: Y33576
Mailing Address:
Deon "Strawberry" Hampton
c/o Vanessa del Valle
MacArthur Justice Center
Bluhm Legal Clinic

Northwestern Pritzker School of Law
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Chicago, Illinois 60611

2. Ms. Hampton has not previously petitioned for clemency.
3. Offense for which clemency is being sought: Residential Burglary
Case number: 14 CR 3872; 1-15-1624
Date of arrest: February 17, 2014
County: Cook
Conviction as a result of a bench trial.
Sentencing Judge: Timothy Chambers
Date sentenced: April 28, 2015 (affirmed November 9, 2017)
Sentences imposed: 10 years at 50% (1,825 days)
Time served: 435 days
Date of release (per sentencing): February 16, 2019
Current anticipated date of release: November 2019

VII. CONCLUSION

For the foregoing reasons, Deon “Strawberry” Hampton respectfully requests that Governor Pritzker grant her commutation of her sentence in this case to time served.

Respectfully submitted,

DEON “STRAWBERRY” HAMPTON

By: /s/ Vanessa del Valle
One of her attorneys

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VERIFICATION AND CONSENT

I declare under penalty of perjury that all of the assertions made in this petition are complete, truthful, and accurate.

Deon Hampton
Deon "Strawberry" Hampton



Deon Strawberry Hampton

SUBSCRIBED AND SWORN TO BEFORE ME
this 15th day of April, 2019.

Deanna A. Bigger
NOTARY PUBLIC

AFFIDAVIT OF MAILING

I, Vanessa del Valle, attorney for Deon "Strawberry" Hampton, declare under penalty of perjury that, on April 23, 2019, I mailed copies of the above Petition for Executive Clemency to the following persons, by placing the aforesaid copies with FedEx, priority overnight shipping.

The Honorable Timothy J. Chambers
Circuit Court of Cook County, Criminal Division
5600 Old Orchard Rd., Rm. 219
Skokie, Illinois 60077

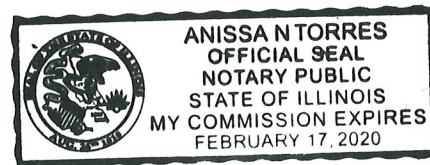
Kimberly M. Foxx
Cook County State's Attorney
69 W. Washington
Chicago, Illinois 60602

Vanessa del Valle

Vanessa del Valle

SUBSCRIBED AND SWORN TO BEFORE ME
this 23 day of April, 2019.

Anissa N. Torres
NOTARY PUBLIC



WITNESS LIST

The witnesses Ms. Hampton plans to call to testify at the public hearing include:

George Richard Brown, M.D., DFAPA
549 Miller Hollow Road
Bluff City, Tennessee 37618-4103

Dan Pacholke
303 Kenyon Street NW 2-F
Olympia, WA 98502

Mrs. Barbara Hampton
1727 East Fairchild Street
Danville, IL 61832-3615

EXHIBITS

- Exhibit 1: First Amended Complaint, *Hampton v. Mayer*, No. 17-cv-860 (S.D. Ill.)
- Exhibit 2: Second Amended Complaint, *Hampton v. Lashbrook*, No. 17-cv-936 (S.D. Ill.)
- Exhibit 3: First Amended Complaint, *Hampton v. Baldwin*, No. 18-cv-550 (S.D. Ill.)
- Exhibit 4: Plaintiff's Renewed Motion and Memorandum in Support of a Preliminary Injunction, *Hampton v. Baldwin*, No. 18-cv-550 (S.D. Ill.)
- Exhibit 5: 11/07/2018 Memorandum and Order
- Exhibit 6: 12/9/16 Disciplinary Tickets
- Exhibit 7: Hampton Disciplinary Card
- Exhibit 8: 7/08/17 Disciplinary Ticket
- Exhibit 9: 8/2/17 Disciplinary Ticket
- Exhibit 10: 2/18/18 Disciplinary Ticket
- Exhibit 11: 6/26/18 Disciplinary Tickets
- Exhibit 12: Decision by the Appellate Court of Illinois (November 9, 2017)
- Exhibit 13: Hampton Chicago Police Department RAP Sheet

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DEON HAMPTON (M15934),)
)
 Plaintiff,)
)
 v.)
)
 ILLINOIS DEPARTMENT OF)
 CORRECTIONS DIRECTOR JOHN)
 BALDWIN, WARDEN KAREN JAIMET,)
 ASSISTANT WARDEN LARUE LOVE,)
 ASSISTANT WARDEN THOMAS,)
 LIEUTENANT WOLF, LIEUTENANT)
 CLINT MAYER, SERGEANT DAVID)
 HOMOYA, OFFICER NICHOLAS PESTKA,)
 OFFICER CORD WILLIAMS, OFFICER)
 DALTON PORTER, OFFICER MICHAEL)
 HELSLEY, OFFICER ELIJAH SPILLER,)
 SERGEANT NICHOLAS SCRO, MAJOR)
 CHAD ADAMS, OFFICER JOSEPH DUDEK,)
 INTERNAL AFFAIRS OFFICER KEITH)
 BENNETT, MAJOR WILLIAM LAWLESS,)
 OFFICER MATTHEW KENNEDY,)
 LIEUTENANT GREG JAMES, OFFICER)
 NICHOLAS KAYS, OFFICER JOHN)
 MERCKS, MAJOR KALE LIVELY,)
 OFFICER DONNA JONES, INTERNAL)
 AFFAIRS OFFICER FRANK MAL SHANE,)
 OFFICER MCKINSTRY, OFFICER)
 BRANDON JUSTICE, INTERNAL AFFAIRS)
 OFFICER BOWLES, OFFICER)
 VANDERKHOV, OFFICER THOMPSON,)
 and INTERNAL AFFAIRS OFFICER)
 BRADLEY,)
)
 Defendants.)

Case No. 3:17-CV-860-MJR-SCW

The Hon. Michael J. Reagan
Magistrate Judge Stephen Williams

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

Plaintiff Deon “Strawberry” Hampton, by her undersigned attorneys, for her complaint against Illinois Department of Corrections Director John Baldwin, Warden Karen Jaimet, Assistant Warden Larue Love, Assistant Warden Thomas, Lieutenant Wolf, Lieutenant Clint Mayer, Sergeant David Homoya, Officer Nicholas Pestka, Officer Cord Williams, Officer Dalton Porter, Officer Michael Helsley, Officer Elijah Spiller, Sergeant Nicholas Scro, Major Chad Adams, Officer Joseph Dudek, Internal Affairs Officer Keith Bennett, Major William Lawless, Officer Matthew Kennedy, Lieutenant Greg James, Officer Nicholas Kays, Officer John Mercks, Major Kale Lively, Officer Donna Jones, Internal Affairs Officer Frank Mal Shane, Officer McKinstry, Officer Brandon Justice, Internal Affairs Officer Bowles, Officer Vanderkhov, Officer Thompson, and Internal Affairs Officer Bradley, alleges as follows:

INTRODUCTION

1. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff’s rights as secured by the First, Eighth, and Fourteenth Amendments to the United States Constitution, and the Illinois Hate Crimes Act.

2. Plaintiff is a 26-year-old transgender woman who has been housed at Menard Correctional Center (“Menard”), a high security men’s prison, since August 23, 2017. She began living as a girl when she was five years old and has continued to live as a young woman throughout her incarceration.

3. Prior to her placement in Menard, Plaintiff was housed at Pinckneyville Correctional Center (“Pinckneyville”) for nearly a year. While there, correctional officers sexually assaulted her on multiple occasions. For months, officers forced Plaintiff to have sex with her cellmate for their entertainment. When she reported this abuse, the officers retaliated by beating her and threatening to “bury her in segregation.” The officers followed through on this

threat by filing false disciplinary charges against her that resulted in a prolonged sentence of segregation. She was also transferred to Menard as a result of these false charges.

4. Since arriving at Menard, officers have subjected Plaintiff to constant sexual and physical abuse. While physically attacking Plaintiff, threatening, and harassing her, correctional officers at Menard have told her that the abuse is retaliation for the complaint she filed at Pinckneyville regarding the officers there who sexually assaulted her.

5. The officers at Menard, like those at Pinckneyville, have attempted to cover up their actions by giving Plaintiff false disciplinary tickets, which keep adding to her segregation time, and threatening her with future beatings if she complains about her treatment. Due to the accumulation of false disciplinary tickets filed against her by officers at both Pinckneyville and Menard, Plaintiff will remain in segregation until May 2018.¹

JURISDICTION AND VENUE

6. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1367.

7. Venue is proper in this district under 28 U.S.C. § 1391(b) because the events giving rise to the claims asserted in this complaint occurred in this judicial district.

PARTIES

8. Plaintiff is, and has been at all relevant times, an Illinois Department of Corrections prisoner. She is currently confined at Menard Correctional Center in Chester, Illinois.

9. Defendant John Baldwin is the Director of the Illinois Department of Corrections (“IDOC”). As such, he was acting under color of law. At all relevant times to the events at issue

¹ Allegations in this complaint focus on the actions of the Pinckneyville officers. Factual allegations related to Plaintiff’s experiences in the Menard Correctional Center are included to demonstrate the harm Plaintiff has suffered as a result of the Pinckneyville officer’s retaliation.

in this case, Defendant Baldwin maintained administrative and supervisory authority over the operations of the all prisons in Illinois, including Pinckneyville Correctional Center. At all relevant times, Defendant Baldwin promulgated rules, regulations, policies, and procedures of the IDOC. Defendant Baldwin is sued in his individual capacity.

10. Defendant Karen Jaimet is the Warden of Pinckneyville Correctional Center. At all times relevant to the events at issue in this case, Defendant Jaimet was employed by the Illinois Department of Corrections. As such, she was acting under color of law. At all times relevant to the events at issue in this case, Defendant Jaimet promulgated rules, regulations, policies, and procedures at Pinckneyville. Defendant Jaimet is responsible for supervising all staff and managing all operations at Pinckneyville. She is sued in her individual capacity.

11. Defendants Assistant Warden Larue Love, Assistant Warden Thomas, Lieutenant Wolf, Lieutenant Clint Mayer, Sergeant David Homoya, Officer Nicholas Pestka, Officer Cord Williams, Officer Dalton Porter, Officer Michael Helsley, Officer Elijah Spiller, Sergeant Nicholas Scro, Major Chad Adams, Officer Joseph Dudek, Internal Affairs Officer Keith Bennett, Major William Lawless, Officer Matthew Kennedy, Lieutenant Greg James, Officer Nicholas Kays, Officer John Mercks, Major Kale Lively, Officer Donna Jones, Internal Affairs Officer Frank Mal Shane, Officer McKinstry, Officer Brandon Justice, Internal Affairs Officer Bowles, Officer Vanderkhov, and Officer Thompson are officers at Pinckneyville Correctional Center. Defendant Internal Affairs Officer Bradley is an investigator for the Illinois Department of Corrections. At all times relevant to the events at issue in this case, these defendants were acting under color of law and within the scope of their employment with the Illinois Department of Corrections. These defendants are sued in their individual capacities.

FACTUAL ALLEGATIONS

Plaintiff is a Transgender Woman

12. Since the young age of five, Plaintiff has identified as a female. Her family and her community also began treating her as a female at a young age.

13. In 2012, Plaintiff was diagnosed with gender dysphoria by an IDOC psychiatrist.

14. Throughout the years, Plaintiff took hormones intermittently to transition her body from male to female. Plaintiff consistently began cross-sex hormone treatment in IDOC custody in July 2016 while housed at Lawrence Correctional Center.

15. From December 2016 to July 2017, Plaintiff's lab levels showed that her testosterone levels were dropping and her estrogen levels were increasing. By March 2017, Plaintiff was no longer in the male range for testosterone levels and she was in the female range for estrogen levels.

16. Plaintiff's most recent lab results from August 2017 show that her testosterone levels are currently at 6/ng/dL. The normal reference range for testosterone levels in males is 300-1080 ng/dL. This means that Plaintiff can no longer obtain an erection and is therefore impotent.

17. Plaintiff is and has always been sexually attracted exclusively to men.

18. Plaintiff first entered IDOC custody on her current sentence in April 2015. Despite being a transgender woman, Plaintiff was placed in a men's prison, Hill Correctional Center, without receiving a formal, in-person review to determine whether she could be appropriately placed in a women's prison.

19. Since entering IDOC custody, Plaintiff has exclusively been housed in male prisons and has experienced endless harassment and abuse by IDOC staff and prisoners because

of her transgender status and because she has been inappropriately housed in a men's prison.

Plaintiff was Sexually and Physically Abused at Pinckneyville

20. In October 2016, Plaintiff was transferred to Pinckneyville. At Pinckneyville, the Defendants discriminated against her and subjected her to a hostile environment because of her gender identity. On a daily basis, the Defendants verbally sexually harassed her. They made sexual comments to her, saying things such as she "sucks good dick" and "your ass is fat, you must be getting a good fucking," and calling her names such as "creamberry," in reference to anal sex. The Defendants also called her derogatory slurs such as "fag," "faggot," "dick sucker," "bitch," "whore," "he/she," "chick with a dick," and more. Plaintiff consistently asked them to stop, but her requests were met with laughter.

21. One day in October 2016, Defendant Lieutenant Wolf walked up to Plaintiff while she was in the gym and asked her if she had a dick. He then proceeded to pull her pants and underwear down and look at her private parts. Plaintiff filed a grievance about this incident.

22. Around December 2016, Plaintiff came to be housed with Denashio Tester, who also identified as a transgender woman. On a daily basis for months, the Defendant Officers verbally harassed Plaintiff and Tester about their gender identity and sexual orientation when they walked by their cell.

23. Shortly after Plaintiff and Tester became cellmates, Defendants Lieutenant Mayer, Sergeant Homoya, Officer Pestka, Officer Williams, Officer Porter, Officer Helsley, Officer Spiller, and Sergeant Scro came to Plaintiff's cell and told Plaintiff and Tester that they "wanted to see a girl show." They forced Plaintiff and Tester to have sex with each other while the officers watched. The Defendant Officers threatened Plaintiff and Tester with future beatings, harassment, and more time in segregation if they did not obey their orders and perform

sexually.

24. For the next several months, these Defendants would come to Plaintiff's and Tester's cell multiple times a week and force Plaintiff and Tester to engage in sexual acts with each other for their entertainment. The Defendants continued to threaten Plaintiff and Tester with future harm, and so Plaintiff and Tester obeyed their orders, fearing for their lives.

25. On March 4, 2017, at around 9:30 pm, Defendants Lieutenant Mayer, Officer Spiller, Sergeant Scro, Major Adams, Officer Williams, Officer Pestka, Officer Dudek, Officer Porter, and Officer Helsley entered Plaintiff's and Tester's cell. These Defendants made Plaintiff put on a thong and her bra and they made Tester put on his boxers. They then took Plaintiff and Tester out of their cell to an office and forced Plaintiff and Tester to dance sexually while they laughed. They made Plaintiff reveal her breasts and anus. They forced Plaintiff and Tester to touch themselves and each other, and they forced Plaintiff and Tester to have sex with each other. The Defendants grabbed Plaintiff's breasts and butt. They called Plaintiff and Tester derogatory names like "dick sucker," "cock sucker," "man eater," "sissy," "fag," "faggot," "horny sluts," and more.

26. Defendant Lieutenant Mayer then got on the phone and called Defendant Major Lawless. Defendant Lieutenant Mayer gave Plaintiff the phone and forced her to sing Happy Birthday to Major Lawless and to say sexual comments to him like "I want you to fuck me," "you want me bouncing on your dick while I cream all over it," and "you want me sucking on your dick," all while Defendant Major Lawless laughed.

27. After the phone call, the Defendants gave Plaintiff and Tester soda and chips and threatened that if they told anyone about what happened, the officers would "beat their asses and make their bodies disappear."

28. Throughout the next several months, these Defendants pulled Plaintiff and Tester out of their cell approximately four more times and forced them to perform sexual acts for the officers' entertainment. Out of fear, Plaintiff did not file a formal complaint regarding what the Defendants were doing to her and Tester.

29. On May 24, 2017, around 5:00 pm, Defendant Officer Kennedy came to Plaintiff's and Tester's cell and asked, "What y'all doing, fucking or something?" Plaintiff and Tester, tired of all the sexual abuse and harassment, responded that they would file a complaint if he continued to talk to them in that manner. Defendant Sergeant Homoya then came by their cell and taunted them, saying, "I wish I could catch y'all fucking," and that he "bets Tester be fucking the shit out of you." He also asked them if they have "ever had a big dick in their mouth?" He also said he could picture Plaintiff sucking his dick on a boat. Then he asked if he could pay them to suck his dick and to see them have sex. He also grabbed his genitals and motioned. Plaintiff and Tester told him that they would file a complaint through the prison's Prison Rape Elimination Act ("PREA") process if he continued to harass them, and Defendant Sergeant Homoya responded: "If you bitches want to call PREA, I'm going to lock you whores up."

30. Later that night at around 9:30 pm, Defendants Sergeant Homoya, Officer Kennedy, Lieutenant Mayer, Officer Spiller, Sergeant Scro, Major Adams, Officer Williams, Officer Pestka, Officer Dudek, Officer Porter, Officer Helsley, Lieutenant James, Officer Kays, Officer Mercks, Major Lively, and Officer Jones went to Plaintiff's and Tester's cell. Plaintiff stated loud enough for others to hear: "I did nothing wrong, I want to talk to I.A. and the Warden." The Defendants removed Tester from the cell in nothing but his shower shoes and briefs.

31. Defendant Major Adams then cuffed Plaintiff behind her back and walked her into the shower. The commotion woke sleeping prisoners in the wing, and drew others to their cell doors. Defendant Major Adams kicked Plaintiff in the upper chest and pushed her head to the wall. Other Defendants then began slamming, punching, stomping, kicking, and kneeling Plaintiff. One Defendant stuck a finger in her anus. Plaintiff cried out for help and yelled, “I didn’t do anything, why are y’all beating me?” Plaintiff begged the Defendants to stop hurting her and the Defendants responded, “Shut up you stupid fag, this is what happens when you call PREA on us.”

32. The Defendants then grabbed Plaintiff by her neck, hair, and arms and dragged her out of the shower and off the wing to a segregation cell. In that cell, the Defendants pinned her down to the bed with their knees in her back. Plaintiff stated to the Defendants, “Why y’all doing this? I can’t breathe.”

33. The Defendants then began forcefully removing her clothes by pulling her pants down to her ankles. They attempted to remove her shirt but it would not come off. Defendant Officer Porter then left and returned with what appeared to be a black and silver pocket knife. They then cut her shirt and IDOC-issued bra off, as well as her pants. Plaintiff feared for her life and pleaded with the Defendants not to kill her. The Defendants stood around laughing at her while she was face down and naked on the bed. Defendants Major Lively and Internal Affairs Bennett stood by and watched the officers beat Plaintiff and cut off her clothes. Defendant IA Bennett said that he did not like fags, and that there were no women there, only men.

34. The Defendants then forcefully removed the cuffs, cutting her wrists. They picked up the ripped clothing and left her in the cold cell without a jumpsuit for several hours. Plaintiff cried for hours after the incident and screamed that she needed to speak with PREA and

a crisis team, but she received no assistance.

35. Defendant Sergeant Homoya prevented Plaintiff from receiving any medical care. He stayed and did overtime that night, and told Nurse Kim Richardson that Plaintiff was fine so that Plaintiff would not be seen by the medical staff.

36. The next day on May 25, Plaintiff filed a formal PREA complaint with mental health staff Ms. Mason—Plaintiff detailed the physical assault she suffered the night before as well as the sexual abuse she experienced for months.

37. Defendants Internal Affairs Officer Frank Mal Shane and Internal Affairs Officer Bowles then came to speak with Plaintiff. At first Plaintiff thought they were investigating her PREA claim, but they ended up focusing solely on Plaintiff's relationship with Tester. Plaintiff attempted to turn the conversation towards her assault the previous night. She told them that she had injuries on her wrists and bruises on her chest, but they failed to take any pictures of her injuries. She also told them about all the sexual abuse she experienced, including the phone sex incident from March. They offered to make a deal with her and allow her and Tester to be placed together if she dropped her PREA report. Plaintiff refused to drop her report, and Defendants Internal Affairs Officers Shane and Bowles said she would be given "bogus tickets" and "buried in seg," and would not be fed or given a shower.

38. From May 24, 2017, until she was transferred out of Pinckneyville on August 23, 2017, Plaintiff remained in segregation for all but approximately three days due to various alleged disciplinary infractions—she was given numerous disciplinary tickets by the Defendant Officers, who continued to sexually harass and physically abuse her, which kept increasing her segregation time. The Defendant Officers gave her bogus disciplinary tickets because she filed grievances detailing the abuse she was experiencing.

39. While in segregation, Plaintiff was denied her transgender support group, which is psychosocial support that she requires. She was denied phone privileges. She was also frequently denied a shower and food under the pretense that she was on a hunger strike. Plaintiff lost over 35 pounds as a result.

40. The Defendants never provided Plaintiff with a new IDOC-issued bra, which she was approved for, after they cut it off during the May 24, 2017 attack.

41. On June 16, 2017, Plaintiff again reported to Internal Affairs and Mental Health the sexual and physical abuse she was experiencing. Three days later, she was given a ticket for allegedly making threats for which she was sentenced to an additional three months in segregation. Additionally, Defendant Officer Spiller told her he would “break her fucking neck” for reporting what he did on March 4.

42. On June 29, 2017, Plaintiff attempted to speak with a crisis team member and mental health. Defendant Officer McKinstry told Plaintiff that she “can’t have shit,” and “to lay his faggot ass down.” When Plaintiff said she was hungry and asked for her lunch tray, Defendant Officer McKinstry said, “Starve bitch.”

43. All the harassment, abuse, and trauma Plaintiff was experiencing at Pinckneyville caused her extreme stress and anxiety. Around July 2017, the mental health staff at Pinckneyville prescribed Plaintiff lithium to help control her depressive symptoms. The mental health staff also labeled Plaintiff Serious Mentally Ill (“SMI”).

44. On July 1, 2017, Defendant Internal Affairs Officer Bennett gave Plaintiff a ticket for allowing another prisoner to use her Securus pin number to contact her mother. In her hearing, Plaintiff stated, “He used my pin number to contact an outside source, due to me being sexually and physically assaulted by an IDOC correctional officer, so I have to do whatever I

could to get help.” Plaintiff was given an additional month of C Grade, to be served consecutive to the prior ticket.

45. On July 4, 2017, Defendant Assistant Warden Love was doing rounds when he stopped and asked a lieutenant and an officer, “Is that fag right there?” Plaintiff was in her cell and said, “Can I talk to you – why would you say what you just said about me?” Defendant Assistant Warden Love responded, “I ain’t comin to that damn cell, so if you wanna talk, talk to me from right here.” Defendant Assistant Warden Love was heard talking about how he does not condone gay peoples’ lifestyle, and using derogatory terms. He also said “this is a men’s joint, nothing here but boys and men, and men wanna be girls.”

46. On July 8, 2017, around 9:30 am, Defendant Officer Justice was passing out trays of food when Plaintiff asked him if she could speak with the mental health staff. Defendant Officer Justice opened the chuck door of her cell, and when she reached for the tray, he smacked her hard in the face and arm with it. Plaintiff screamed for help. Defendant Officer Justice refused to give Plaintiff her food tray and then told everyone on shift that Plaintiff was on hunger strike, even though she was not. He then moved her to a different cell.

47. Later that day Defendant Officer Spiller, Lieutenant Wolf, Officer Williams, Officer Thompson, and Internal Affairs Officer Bennett laughed at Plaintiff when she told them she was not on a hunger strike and asked for food and a shower, called her derogatory names, including a “fag bitch snitch,” and threatened bodily harm. Defendant Officer Spiller told Plaintiff that he wanted “to put her and Tester in a body bag.” Plaintiff wrote a grievance about these incidents and reported the Defendants to the mental health staff, including Stacie Murray. The next day Plaintiff received a disciplinary ticket for allegedly threatening Officer Spiller.

48. On July 19, 2017, Mental Health Counselor Kara Ratajczyk wrote Plaintiff a

ticket for allegedly “l[y]ing about [a] crisis.” Plaintiff had called for a crisis team and began to speak about the tickets, which she believed were retaliatory. Ratajczyk asked Plaintiff if she was suicidal, and when she said no, Ratajczyk wrote her a ticket.

49. On August 2, 2017, Defendant Officer McKinstry slammed Plaintiff’s head against the wall and said, “PREA that bitch.” He then wrote her a disciplinary ticket for disobeying an order.

50. Later in August, after Plaintiff asked for a crisis team, Defendant Officer Vanderkhov slammed Plaintiff’s head against the wall, threw her to the floor, and dragged her to the shower area. While he was abusing Plaintiff, he told her, “This is what you get when you call PREA.” Defendant Officer Vanderkhov then wrote Plaintiff a disciplinary ticket for asking for the crisis team.

51. From May 24, 2017, until she was transferred out of Pinckneyville on August 23, 2017, the Defendant Officers used excessive force against Plaintiff multiple times a week.

52. Defendants Assistant Warden Thomson and Assistant Warden Love participated in verbally sexually harassing Plaintiff. These Defendants also knew that the officers were sexually and physically abusing Plaintiff, and they allowed the abuse to occur. They also attempted to intimidate Plaintiff into not filing complaints.

53. In mid-August, Plaintiff attempted to file an emergency motion with the court. Defendant Lieutenant Wolf took the motion from Plaintiff and told her that he would make sure the motion was mailed to the Court as long as Plaintiff pulled down her pants and showed him her private parts. Upon information and believe, Defendant Lieutenant Wolf never sent Plaintiff’s motion to the court.

54. From May 25, 2017, until August 23, 2017, Plaintiff filed multiple grievances and

PREA complaints regarding the sexual and physical abuse she experienced at Pinckneyville, including the March 4 and May 24 incidents. Defendants Internal Affairs Officers Shane, Bowles, and Bennett constantly threatened Plaintiff after she filed grievances or reported the Defendant Officers' conduct to mental health with more segregation time and future beatings. They also threatened on multiple occasions that they were going to ship her to a prison down south so that she can be raped and killed.

55. Sometime in late July/early August, Internal Affairs Officer Bradley, an investigator from Springfield, spoke to Plaintiff while he was visiting Pinckneyville. He told her that he was going to get rid of the recording of the March 4 phone call and the knife the officers used to cut her clothes on May 24, and make sure that her grievances are not processed. He threatened to bury her in segregation and send her to Menard if she did not drop her complaints.

56. As the Chief Administrative Officer, Defendant Warden Jaimet reviewed the many grievances Plaintiff filed. Director Baldwin also was aware of Plaintiff's grievances. Yet despite knowing about all the sexual and physical abuse Plaintiff was experiencing at Pinckneyville, Defendants Warden Jaimet and Director Baldwin did nothing to stop the abuse.

57. Shortly before Plaintiff was transferred to Menard, Defendant Warden Jaimet came to Plaintiff's cell with a number of other officers and told Plaintiff that the officers were "a family that sticks together," and that she was not going to allow Plaintiff "to bring her people down."

58. On August 24, 2017, Plaintiff received a letter from the Administrative Review Board stating that her grievance dated August 8, 2017, detailing the March 4 and May 24 incidents, was going to be investigated by Internal Affairs at Pinckneyville. Upon information and belief, that investigation never occurred.

Plaintiff Continues to Experience Sexual and Physical Abuse at Menard

59. On August 23, 2017, Plaintiff was transferred to Menard, a high security male prison. Upon information and belief, Plaintiff was transferred to Menard because she had accumulated a number of false disciplinary tickets in retaliation for reporting the abuse she suffered at the hands of the Defendants. Plaintiff was immediately placed in segregation upon arrival.

60. Since arriving at Menard, the correctional officers have constantly verbally harassed and sexually and physically abused her both in retaliation for her complaints, and because of her gender identity. Officers at Menard have made it clear to Plaintiff that they know she filed a PREA complaint about the sexual abuse she experienced at Pinckneyville and that they are going to punish her at Menard for speaking up against fellow IDOC officers. The officers have made various statements to Plaintiff such as “we got a call from our buddies at Pinckneyville,” “we know who you are,” “Pinckneyville told me to put you on my target list,” “we got something up our sleeve for you,” “we will bury you in seg,” “we will make sure you get raped,” and “we will make sure you do not make your out date,” referencing the day she is supposed to be released from IDOC custody.

61. The officers at Menard, like those at Pinckneyville, have attempted to cover up their actions by giving Plaintiff false disciplinary tickets. Due to the accumulation of false disciplinary tickets filed against her by officers at both Pinckneyville and Menard, Plaintiff will remain in segregation until approximately May 2018.

**COUNT I – CRUEL AND UNUSUAL PUNISHMENT
(Eighth Amendment Claim for Damages under 42 U.S.C. § 1983)**

62. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

63. Count I is alleged against Defendants Lieutenant Wolf, Lieutenant Mayer, Sergeant Homoya, Officer Pestka, Officer Williams, Officer Porter, Officer Helsley, Officer Spiller, Sergeant Scro, Major Adams, Officer Dudek, Major Lawless, Officer Kennedy, Lieutenant James, Officer Kays, Officer Mercks, Internal Affairs Officer Bennett, Major Lively, Officer Jones, Officer McKinstry, Officer Justice, Officer Thompson, Officer Vanderkhov, Warden Jaimet, Assistant Warden Thomas, Assistant Warden Love, and Director Baldwin.

64. By subjecting Plaintiff to constant sexual harassment and sexual abuse, including forcing Plaintiff to perform sexually for their entertainment and sexually assaulting Plaintiff, the Defendants inflicted unnecessary and wanton pain on Plaintiff without any legitimate penological purpose, in violation of Plaintiff's Eight Amendment rights.

65. The Defendants' above-described actions and omissions were undertaken with malice and/or reckless disregard for Plaintiff's clearly established constitutional rights.

66. As a direct and proximate result of the Defendants' unconstitutional conduct, Plaintiff suffered damages, including bodily injury, pain, suffering, emotional distress, anguish, and humiliation.

**COUNT II – VIOLATION OF THE EQUAL PROTECTION CLAUSE
(Fourteenth Amendment Claim for Damages under 42 U.S.C § 1983)**

67. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

68. Count II is alleged against all Defendants Lieutenant Wolf, Lieutenant Mayer, Sergeant Homoya, Officer Pestka, Officer Williams, Officer Porter, Officer Helsley, Officer Spiller, Sergeant Scro, Major Adams, Officer Dudek, Major Lawless, Officer Kennedy, Lieutenant James, Officer Kays, Officer Mercks, Internal Affairs Officer Bennett, Major Lively, Officer Jones, Officer McKinstry, Officer Justice, Officer Thompson, Officer Vanderkhov,

Warden Jaimet, Assistant Warden Thomas, Assistant Warden Love, and Director Baldwin.

69. The Defendants continually subjected Plaintiff to verbal sexual harassment due to her gender identity. The verbal harassment is so pervasive and ongoing that it constitutes intentional discrimination on the basis of her gender identity. Plaintiff is subjected to constant insults, threats, intimidation, and humiliation that male prisoners do not endure.

70. As a result of the unjustified and unconstitutional conduct of the individual Defendants, Plaintiff suffered and continues to suffer damages, including but not limited to, actual damages, humiliation, pain, fear, and emotional distress.

COUNT III – EXCESSIVE FORCE
(Eighth Amendment Claim for Damages under 42 U.S.C. § 1983)

71. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

72. Count III is against Defendants Sergeant Homoya, Officer Kennedy, Lieutenant Mayer, Officer Spiller, Sergeant Scro, Major Adams, Officer Williams, Officer Pestka, Officer Dudek, Officer Porter, Officer Helsley, Lieutenant James, Officer Kays, Officer Mercks, Officer Jones, Officer Justice, Officer McKinstry, and Officer Vanderkhov.

73. The actions of the Officer Defendants described above constituted unreasonable and excessive force, without legal cause, in violation of Plaintiff's Eighth Amendment rights.

74. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice and knowing disregard for Plaintiff's clearly established constitutional rights, and not for any legitimate penological purpose.

75. The actions of the Officer Defendants were the direct and proximate cause of the violations of Plaintiff's constitutional rights and of the damages suffered by Plaintiff, including bodily injury, pain, suffering, emotional distress, anguish, and humiliation.

COUNT IV – FAILURE TO INTERVENE
(Eighth Amendment Claim for Damages under 42 U.S.C. § 1983)

76. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

77. Count IV is alleged against Defendants Sergeant Homoya, Officer Kennedy, Lieutenant Mayer, Officer Spiller, Sergeant Scro, Major Adams, Officer Williams, Officer Pestka, Officer Dudek, Officer Porter, Officer Helsley, Lieutenant James, Officer Kays, Officer Mercks, Officer Jones, Major Lively, Internal Affairs Officer Bennett, Assistant Warden Thomas, Assistant Warden Love, Warden Jaimet, and Director Baldwin.

78. During the excessive force events described above, the Defendant Officers stood by without intervening to prevent the violation of Plaintiff's constitutional rights, even though they had the opportunity and duty to do so.

79. Defendants Assistant Warden Thomas, Assistant Warden Love, Warden Jaimet, and Director Baldwin were all aware of the Defendant Officers' use of excessive force against Plaintiff and failed to take any measures to stop the abuse.

80. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice and knowing disregard for Plaintiff's clearly established constitutional rights, and not for any legitimate penological purpose.

81. As a direct and proximate result of the Defendants' failure to intervene, Plaintiff suffered damages, including bodily injury, pain, suffering, emotional distress, anguish, and humiliation.

COUNT V – RETALIATION
(First Amendment Claim for Damages under 42 U.S.C. § 1983)

82. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this

Count.

83. Count V is alleged against all the Defendants.

84. As described in detail above, all the Defendants retaliated against Plaintiff for exercising her constitutional right to report the sexual and physical abuse she experienced, in violation of the First Amendment.

85. The individual Defendants' above-described actions were undertaken with malice and/or reckless disregard for Plaintiff's clearly established constitutional rights.

86. As a direct and proximate result of the individual Defendants' unconstitutional conduct, Plaintiff suffered damages, including bodily injury, pain, suffering, emotional distress, anguish, and humiliation.

**COUNT VI – CONSPIRACY TO DEPRIVE CONSTITUTIONAL RIGHTS
(Conspiracy Claim for Damages under 42 U.S.C. § 1983)**

87. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

88. Count VII is alleged against all the individual Defendants.

89. Each of the Defendants, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means.

90. Each of the Defendants took concrete steps to enter into an agreement to retaliate against Plaintiff for reporting the abuse she experienced at Pinckneyville and thereby deprive Plaintiff of her First Amendment rights.

91. In furtherance of this conspiracy, each of the Defendants committed specific overt acts, as described above in the Complaint, and was an otherwise willful participant in joint activity.

92. Each individual Defendant is liable for the violation of Plaintiff's rights by any other individual Defendant.

93. Each individual Defendant acted maliciously, willfully, wantonly, and/or with reckless disregard for Plaintiff's clearly established constitutional rights.

94. As a direct and proximate result of the Defendants' conspiracy, Plaintiff suffered damages, including bodily injury, pain, suffering, emotional distress, anguish, and humiliation.

**COUNT VII – ILLINOIS HATE CRIMES ACT
(State law claim for Damages)**

95. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

96. Count XI is alleged against all the Defendants.

97. The Illinois Hate Crimes Act states, in relevant part, that “[i]ndependent of any criminal prosecution” victims of hate crimes “may bring a civil action for damages, injunction or other appropriate relief.” 720 ILCS 5/12-7.1(c).

98. A person commits a hate crime when “by reason of the actual or perceived . . . gender [or] sexual orientation . . . regardless of the existence of any other motivating factor or factors,” he or she commits various offenses, including, inter alia, assault, battery, mob action, and disorderly conduct. 720 ILCS 5/12-7.1(a).

99. The individual Defendants committed hate crimes against Plaintiff by physically and sexually assaulting her and by intimidating and harassing her using obscene language due to her gender and sexual orientation.

100. As a result of the Defendants' actions, Plaintiff suffered damages, including bodily injury, pain, suffering, emotional distress, anguish, and humiliation.

COUNT VIII – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

(State law claim for Damages)

101. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

102. Count XII is alleged against all the Defendants.

103. The individual Defendants' conduct described above was extreme and outrageous. The Defendants' actions were rooted in an abuse of power and authority, and were undertaken with the intent to cause, or were in reckless disregard of the probability that their conduct would cause, severe emotional distress to Plaintiff.

104. As a direct and proximate result of the Defendants' actions, Plaintiff suffered and continues to suffer severe emotional distress.

**COUNT IX –CIVIL CONSPIRACY
(State Law Claim for Damages)**

105. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

106. Count XIII is alleged against all the individual Defendants.

107. As described more fully above, the Defendants, acting in concert with other as-yet unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means.

108. In furtherance of the conspiracy, the Defendants committed overt acts and were otherwise willful participants in joint activity including but not limited to the intentional infliction of emotional distress upon Plaintiff.

109. The misconduct described in this Count was undertaken intentionally, with malice, willfulness, and/or reckless disregard to Plaintiff's rights.

110. As a direct and proximate result of the Defendants' conspiracy, Plaintiff suffered

injuries, including severe emotional distress and anguish.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff Deon “Strawberry” Hampton requests that this Court enter judgment in her favor against the Defendants, awarding compensatory damages, costs and attorneys’ fees, and punitive damages against each of the Defendants in their individual capacities, and for such further additional relief as this Court may deem appropriate and just.

JURY DEMAND

Plaintiff demands trial by jury.

Dated: December 22, 2017

Respectfully submitted,

DEON “STRAWBERRY” HAMPTON

By: /s/ Vanessa del Valle
One of her attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that she served the foregoing document upon all persons who have filed appearances in this case via the Court's CM/ECF system on December 22, 2017.

/s/ Vanessa del Valle

EXHIBIT 2

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DEON HAMPTON (M15934),)
)
 Plaintiff,)
)
 v.)
)
 ILLINOIS DEPARTMENT OF)
 CORRECTIONS DIRECTOR JOHN)
 BALDWIN, WARDEN JACQUELINE)
 LASHBROOK, OFFICER MOLLY,)
 SERGEANT T. JONES, OFFICER JOHN)
 MCCALEB, OFFICER GRIFFIN,)
 LIEUTENANT HELD, INTERNAL AFFAIRS)
 OFFICER BRIDGES, OFFICER CHITTY,)
 OFFICER DUDZINSKI, OFFICER)
 COCKRUM, OFFICER DOMSTORFF,)
 OFFICER MILES, OFFICER GRAVES,)
 OFFICER CARON, OFFICER POWELL,)
 OFFICER KENT BROOKMAN, INTERNAL)
 AFFAIRS OFFICER HUEY, and)
 JOHN DOES 1-11,)
)
 Defendants.)

Case No. 3:17-CV-936-DRH

The Hon. David R. Herndon

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT

Plaintiff Deon “Strawberry” Hampton, by her undersigned attorneys, for her complaint against Defendants Illinois Department of Corrections Director John Baldwin, Warden Jacqueline Lashbrook, Officer Molly, Sergeant T. Jones, Officer John McCaleb, Officer Griffin, Lieutenant Held, Internal Affairs Officer Bridges, Officer Chitty, Officer Dudzinski, Officer Cockrum, Officer Domstorff, Officer Miles, Officer Graves, Officer Caron, Officer Powell, Officer Kent Brookman, Internal Affairs Officer Huey, and John Does 1-11, alleges as follows:

INTRODUCTION

1. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff's rights as secured by the First, Eighth, and Fourteenth Amendments to the United States Constitution, Title IX, the Religious Land Use and Institutionalized Persons Act, and the Illinois Hate Crimes Act.

2. Plaintiff is a 26-year-old transgender woman who has been housed at Menard Correctional Center ("Menard"), a high security men's prison, since August 23, 2017. She began living as a girl when she was five years old and has continued to live as a young woman throughout her incarceration. Prior to her placement in Menard, Plaintiff was housed at Pinckneyville Correctional Center ("Pinckneyville") where several correctional officers sexually assaulted her on multiple occasions. When she reported this abuse, the officers retaliated by beating her and threatening to "bury her in segregation." The officers followed through on this threat by filing false disciplinary charges against her that resulted in a sentence of segregation until approximately May 2018. She was also transferred to Menard as a result of these false charges.

3. Officers at Menard have targeted Plaintiff both in retaliation for her complaints, and because of her gender, by subjecting her to constant sexual harassment, including the use of derogatory names, as well as other verbal abuse. Officers have also beat her, and made clear that they will not protect her from attacks by other prisoners. On at least one occasion, officers stood by and allowed another prisoner to beat Plaintiff in a holding cell in the infirmary. On at least four occasions, officers themselves beat Plaintiff, each time inflicting serious injury.

4. While physically attacking Plaintiff, threatening, and harassing her, correctional officers at Menard have told her that the abuse is retaliation for the complaint she filed at

Pinckneyville regarding the officers there who sexually assaulted her. Menard officers have further asserted that if she reports the abuse she is experiencing at Menard, the retaliation will continue.

5. The officers at Menard, like those at Pinckneyville, have attempted to cover up their actions by giving Plaintiff false disciplinary tickets, which keep adding to her segregation time, and threatening her with future beatings if she complains about her treatment.

6. Plaintiff's physical and emotional well-being are in jeopardy at Menard. As a transgender woman with mental health needs, Plaintiff is particularly vulnerable in a high security men's prison. Her vulnerability is exacerbated by the fact that the officers at Menard are purposefully failing in their duty to protect her from harm and in fact are often initiating the abuse because of their hatred and animus towards transgender women.

JURISDICTION AND VENUE

7. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1367.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) because the events giving rise to the claims asserted in this complaint occurred in this judicial district.

PARTIES

9. Plaintiff is, and has been at all relevant times, an Illinois Department of Corrections prisoner. She is currently confined at Menard Correctional Center in Chester, Illinois.

10. Defendant John Baldwin is the Director of the Illinois Department of Corrections ("IDOC"). As such, he was acting under color of law. At all relevant times to the events at issue in this case, Defendant Baldwin maintained administrative and supervisory authority over the operations of the all prisons in Illinois, including Menard Correctional Center. At all relevant

times, Defendant Baldwin promulgated rules, regulations, policies, and procedures of the IDOC. Defendant Baldwin is sued in his official capacity.

11. Defendant Jacqueline Lashbrook is the Warden of Menard Correctional Center. At all times relevant to the events at issue in this case, Defendant Lashbrook was employed by the Illinois Department of Corrections. As such, she was acting under color of law. At all times relevant to the events at issue in this case, Defendant Lashbrook promulgated rules, regulations, policies, and procedures at Menard. Defendant Lashbrook is responsible for supervising all staff and managing all operations at Menard. She is sued in her individual and official capacities.

12. Defendants Officer Molly, Sergeant T. Jones, Officer John McCaleb, Officer Griffin, Lieutenant Held, Internal Affairs Officer Bridges, Officer Chitty, Officer Dudzinski, Officer Cockrum, Officer Domstorff, Officer Miles, Officer Graves, Officer Caron, Officer Powell, Internal Affairs Officer Huey, and John Does 1-11 are officers at Menard Correctional Center. At all times relevant to the events at issue in this case, these defendants were acting under color of law and within the scope of their employment with the Illinois Department of Corrections. These defendants are sued in their individual capacities.

FACTUAL ALLEGATIONS

Plaintiff is a Transgender Woman

13. Since the young age of five, Plaintiff has identified as a female. Her family and her community also began treating her as a female at a young age.

14. In 2012, Plaintiff was diagnosed with gender dysphoria by an IDOC psychiatrist.

15. Throughout the years, Plaintiff took hormones intermittently to transition her body from male to female. Plaintiff consistently began cross-sex hormone treatment in IDOC custody in July 2016 while housed at Lawrence Correctional Center.

16. From December 2016 to July 2017, Plaintiff's lab levels showed that her testosterone levels were dropping and her estrogen levels were increasing. By March 2017, Plaintiff was no longer in the male range for testosterone levels and she was in the female range for estrogen levels.

17. Plaintiff's most recent lab results from July 2017 show that her testosterone levels are currently at 6/ng/dL. The normal reference range for testosterone levels in males is 300-1080 ng/dL. This means that Plaintiff can no longer obtain an erection and is therefore impotent.

18. Plaintiff is and has always been sexually attracted exclusively to men.

19. Plaintiff first entered IDOC custody on her current sentence in April 2015. Despite being a transgender woman, Plaintiff was placed in a men's prison, Hill Correctional Center, without receiving a formal, in-person review to determine whether she could be appropriately placed in a women's prison.

20. Since entering IDOC custody, Plaintiff has exclusively been housed in male prisons and has experienced endless harassment and abuse by IDOC staff and prisoners because of her transgender status and because she has been inappropriately housed in a men's prison.

Pattern and Practice Allegations

21. According to the 2016 Prison Rape Elimination Act ("PREA") reports of IDOC facilities, there were no transgender prisoners in the two female prisons (Logan Correctional Center and Decatur Correctional Center), and 28 transgender women housed throughout the 24 male prisons. According to the report, three transgender women were housed in Menard. 4.4% of the total number of people interviewed by the PREA auditors were transgender.

22. Upon information and belief, there is currently one transgender prisoner in Logan, however, as the PREA reports demonstrate, this is an anomaly—almost all the transgender

inmates are housed in male prisons where they are at risk of being subjected to sexual and physical abuse.

23. According to the National PREA Resource Center, “Being transgender is a known risk factor for being sexually victimized in confinement settings. The [PREA] standard, therefore, requires that facility, housing, and programming assignments be made ‘on a case-by-case basis.’ Any written policy or actual practice that assigns transgender or intersex inmates to gender-specific facilities, housing units, or programs based solely on their external genital anatomy violates the standard. A PREA-compliant policy must require an individualized assessment. A policy must give ‘serious consideration’ to transgender or intersex inmates’ own views with respect to safety. The assessment, therefore, must consider the transgender or intersex inmate’s gender identity – that is, if the inmate self-identifies as either male or female. A policy may also consider an inmate’s security threat level, criminal and disciplinary history, current gender expression, medical and mental health information, vulnerability to sexual victimization, and likelihood of perpetrating abuse. The policy will likely consider facility-specific factors as well, including inmate populations, staffing patterns, and physical layouts. The policy must allow for housing by gender identity when appropriate.” National PREA Resource Center (available at <https://www.prearesourcecenter.org/node/3927>).

24. According to a 2014 report issued by U.S. Department of Justice’s Bureau of Justice Statics, almost 40% of transgender prisoners reported sexual victimization in state and federal prisons—a rate that is ten times higher than for prisoners in general. U.S. Dep’t of Justice, Bureau of Justice Statics, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12, Supplemental Tables: Prevalence of Sexual Victimization Among Transgender Adult Inmates*, December 2014 (available at https://www.bjs.gov/content/pub/pdf/svpjri1112_st.pdf).

25. “Transgender inmates who are assaulted or harassed are often placed in solitary confinement, which, though intended for their protection, is in fact a severe punishment. Isolation takes an enormous psychological toll on inmates, and can put them at increased risk of assault by guards. It deprives them of access to group therapy and educational programs that could improve employment prospects upon release.” *Prisons and Jails Put Transgender Inmates at Risk*, The Editorial Board, The New York Times, Nov. 9, 2015 (available at <https://www.nytimes.com/2015/11/09/opinion/prisons-and-jails-put-transgender-inmates-at-risk.html>).

Plaintiff was Sexually and Physically Abused at Pinckneyville¹

26. In the fall of 2016, Plaintiff was transferred to Pinckneyville. At Pinckneyville, correctional officers and other staff discriminated against her and subjected her to a hostile environment. Some officers rejected her identity as a transgender woman and others would make sexual comments to her. Officers would call her derogatory slurs for gay people, say things like she “sucks good dick” and “your ass is fat, you must be getting a good dicking,” and call her names such as “creamberry,” in reference to anal sex. Plaintiff consistently asked them to stop, but her requests were met with laughter.

27. While at Pinckneyville, Plaintiff came to be housed with Denashio Tester, who also identified as a transgender woman. For months, officers verbally harassed Plaintiff and Tester about their gender identity and sexual orientation when they walked by their cell.

28. On March 4, 2017, at around 9:30 pm, Lieutenant Myers, Officer Spiller, Sergeant Scro, Major Adams, Officer Williams, Officer Petaskaya, Officer Dudek, Officer

¹ The events that occurred at Pinckneyville are the subject of a separate case, *see Hampton v. Meyer et al.*, 17 cv 860 (S.D. Ill), and are recounted here only to explain the retaliation Plaintiff is experiencing at Menard.

Porter, Officer Hensley, and Internal Affairs Officer Bennett, entered Plaintiff's and Tester's cell. These officers made Plaintiff put on a thong and her bra and they made Tester put on his boxers. The officers then took Plaintiff and Tester out of their cell to an office and forced Plaintiff and Tester to dance sexually while they laughed. They made Plaintiff reveal her breasts and anus, and they forced Plaintiff and Tester to touch themselves and each other. The officers grabbed Plaintiff's breasts and butt. They called Plaintiff and Tester derogatory names like "dick sucker," "cock sucking," "man eater," "sissy," "fag," "faggot," and more.

29. Lieutenant Myers then got on the phone and called Lieutenant (now Major) Lawless. He gave Plaintiff the phone and forced her to sing Happy Birthday to Lieutenant Lawless and to say sexual comments to him like "I want you to fuck me," "you want me bouncing on your dick while I cream all over it," and "you want me sucking on your dick."

30. After the phone line went dead, the officers gave Plaintiff and Tester soda and chips and threatened that if they told anyone about what happened, the officers would "beat their asses and make their bodies disappear."

31. Throughout the next three months, these officers pulled Plaintiff and Tester out of their cell approximately four more times and forced them perform sexual acts for the officers' entertainment. Out of fear, Plaintiff stayed quiet and did not tell anyone what the officers were doing to her and Tester.

32. On May 24, 2017, around 5:00 pm, Officer Kennedy came to Plaintiff's and Tester's cell and asked, "What y'all doing, fucking or something?" Plaintiff and Tester, tired of all the sexual abuse and harassment, responded that they would file a complaint if he continued to talk to them in that manner. Sergeant Homoya then came by their cell and said, "I wish I could catch y'all fucking," and that he "bets Tester be fucking the shit out of you." He also

asked them if they have “ever had a big dick in their mouth?” He also said he could picture Plaintiff sucking his dick on a boat. Then he asked if he could pay them to suck his dick and to see them have sex. He also grabbed his genitals and motioned. Plaintiff and Tester told him that they would file a complaint through the prison’s Prison Rape Elimination Act (“PREA”) process if he continued to harass them, and Sergeant Homoya responded: “If you bitches want to call PREA, I’m going to lock you whores up.”

33. Later that night at around 9:30 pm, Sergeant Homoya, Officer Kennedy, Lieutenant Myers, Officer Spiller, Sergeant Scro, Major Adams, Officer Williams, Officer Petaskaya, Officer Dudek, Officer Porter, Officer Hensley, Internal Affairs Officer Bennett, Lieutenant James, Officer Kays, Officer Mercks, Major Lively, and Officer Jones, went to Plaintiff’s and Tester’s cell. Plaintiff stated loud enough for others to hear: “I did nothing wrong, I want to talk to I.A. and the Warden.” The officers removed Tester from the cell in nothing but his shower shoes and briefs.

34. Major Adams then cuffed Plaintiff behind her back and walked her into the shower. The commotion woke sleeping prisoners in the wing, and drew others to their cell doors. Major Adams kicked Plaintiff in the upper chest and pushed her head to the wall. Other officers then began slamming, punching, stomping, kicking, and kneeling Plaintiff. One officer stuck a finger in her anus. Plaintiff cried out for help and yelled, “I didn’t do anything, why are y’all beating me?” Plaintiff begged the officers to stop hurting her and the officers responded, “Shut up you stupid fag, this is what happens when you call PREA on us.”

35. The officers then grabbed Plaintiff by her neck, hair, and arms and dragged her out of the shower and off the wing to a segregation cell. In that cell, the officers pinned her down to the bed with their knees in her back. Plaintiff stated to the officers, “Why y’all doing

this? I can't breathe." Internal Affairs Officer Bennett said that he did not like fags, and that there were no women there, only men.

36. The officers then began forcefully removing her clothes by pulling her pants down to her ankles. They attempted to remove her shirt but it would not come off. Officer Porter then left and returned with what appeared to be a black and silver pocket knife. They then cut her shirt and IDOC-issued bra off, as well as her pants. Plaintiff feared for her life and pleaded with the officers not to kill her. The officers stood around laughing at her while she was face down and naked on the bed.

37. The officers then forcefully removed the cuffs, cutting her wrists. They picked up the ripped clothing and left her in the cold cell without a jumpsuit for several hours. Plaintiff cried for hours after the incident and screamed that she needed to speak with PREA and a crisis team, but she received no assistance.

38. Sergeant Homoya prevented Plaintiff from receiving any medical care. He stayed and did overtime that night, and told Nurse Kim Richardson that Plaintiff was fine so that Plaintiff would not be seen by the medical staff.

39. The next day on May 25, Plaintiff filed a formal PREA complaint with mental health staff Ms. Mason—Plaintiff detailed the physical assault she suffered the night before as well as the sexual abuse she experienced for months.

40. Internal Affairs Officer Frank then came to speak with Plaintiff. At first Plaintiff thought he was investigating her PREA claim, but he ended up focusing solely on Plaintiff's relationship with Tester. Plaintiff attempted to turn the conversation towards her assault the previous night. She told him that she had injuries on her wrists and bruises on her chest, but he failed to take any pictures of her injuries. She also told Internal Affairs Officer Frank about all

the sexual abuse she experienced, including the phone sex incident from March. He offered to make a deal with her and allow her and Tester to be placed together if she dropped her PREA report. Plaintiff refused to drop her report, and he said she would be given “bogus tickets” and “buried in seg,” and would not be fed or given a shower.

41. From May 24 until August 23 (when she was transferred out of Pinckneyville), Plaintiff remained in segregation for all but approximately three days due to various alleged disciplinary infractions—she was given numerous disciplinary tickets by the officers who continued to sexually harass and physically abuse her which kept increasing her segregation time.

42. While in segregation, Plaintiff was denied her transgender support group. She was denied phone privileges. She was also frequently denied a shower and food under the pretense that she was on a hunger strike. Plaintiff lost over 35 pounds as a result. Officers Spiller and Thompson laughed at Plaintiff when she asked for food and a shower, calling her derogatory names and threatening bodily harm. Officer Spiller additionally stated he would “break her fucking neck” for reporting what he did on March 4.

43. The officers never provided Plaintiff with a new IDOC-issued bra, which she was approved for, after they cut it off during the May 24, 2017 attack.

44. On June 16, 2017, Plaintiff again reported on Officer Spiller and the other officers to Internal Affairs and Mental Health. Three days later, she was given a ticket for allegedly making threats for which she was sentenced to an additional three months in segregation.

45. On June 29, 2017, Plaintiff attempted to speak with a crisis team member and mental health. Officer McKinstry told Plaintiff that she “can’t have shit,” and “to lay his faggot ass down.” When Plaintiff said she was hungry and asked for her lunch tray, Officer McKinstry

said, “Starve bitch.”

46. All the harassment, abuse, and trauma Plaintiff was experiencing at Pinckneyville caused her extreme stress and anxiety. Around June 2017, the mental health staff at Pinckneyville prescribed Plaintiff lithium to help control her depressive symptoms. The mental health staff also labeled Plaintiff Serious Mentally Ill (“SMI”).

47. On July 1, 2017, Officer Bennett gave Plaintiff a ticket for allowing another prisoner to use her Securus pin number to contact her mother. In her hearing, Plaintiff stated, “He used my pin number to contact an outside source, due to me being sexually and physically assaulted by an IDOC correctional officer, so I have to do whatever I could to get help.” Plaintiff was given an additional month of C Grade, to be served consecutive to the prior ticket.

48. On July 4, 2017, Warden Love was doing rounds when he stopped and asked a lieutenant and Officer Morton, “Is that fag right there?” Plaintiff was in her cell and said, “Can I talk to you – why would you say what you just said about me?” The Warden responded, “I ain’t comin to that damn cell, so if you wanna talk, talk to me from right here.” The Warden was heard talking about how he does not condone gay peoples’ lifestyle, and using derogatory terms. He also said “this is a men’s joint, nothing here but boys and men, and men wanna be girls.”

49. On July 8, 2017, around 9:30 am, Officer Justice was passing out trays of food when Plaintiff asked him if she could speak with the mental health staff. Officer Justice opened the chuck door of her cell, and when she reached for the tray, he smacked her in the face and arm with it. Plaintiff screamed for help. Officer Justice then told everyone on shift that Plaintiff was on hunger strike, even though she was not. Plaintiff reported the incident to the mental health staff, including Stacy Murray. She was then moved to a different cell, and threatened by I.A. Frank, Lind, and Bowles that if she keeps reporting them, they would give her a bogus ticket

with a long time in segregation.

50. On July 19, 2017, Mental Health Counselor Kara Ratajczyk wrote Plaintiff a ticket for allegedly “l[y]ing about [a] crisis.” Plaintiff had called for a crisis team and began to speak about the tickets, which she believed were retaliatory. Ratajczyk asked Plaintiff if she was suicidal, and when she said no, Ratajczyk wrote her a ticket.

51. From May 24, 2017, to August 8, 2017, Plaintiff filed multiple grievances regarding the sexual and physical abuse she experienced at Pinckneyville, including the March 4 and May 24 incidents. On August 24, 2017, Plaintiff received a letter from the Administrative Review Board stating that her grievance was going to be investigated by Internal Affairs at Pinckneyville. Upon information and belief, that investigation never occurred.

Plaintiff Has Experienced and Continues to Experience Sexual Harassment and Physical Abuse at Menard

52. On August 23, Plaintiff was transferred to Menard, a high security male prison. Upon information and belief, Plaintiff was transferred to Menard because she had accumulated a number of false disciplinary tickets in retaliation for reporting the abuse she suffered at the hands of the Pinckneyville officers. A witness reports that officers at Menard knew Plaintiff was coming and were talking about her and plotting ways to harm her once she arrived.

53. On the bus from Pinckneyville to Menard, Plaintiff was physically assaulted by Defendants Officer Molly and Officers John Does 1-3 without justification. Officer Molly initiated the attack, taking Plaintiff face down to the bus floor, and Officers John Does 1-3 joined in. All these officers repeatedly hit, choked, and kicked Plaintiff. When she begged them to stop, the officers responded, “Shut up bitch. This is what happens when you fuck with our staff.” Plaintiff suffered bruises and her face was visibly swollen after the attack.

54. When she arrived at Menard, she told mental health staff that she was beaten by

the officers on the bus, and the mental health staff told her that she “will get used to it.” She also asked correctional staff to file a PREA complaint, but the officers denied her request and told her to “shut the fuck up.” She was immediately placed in segregation and has remained in segregation since.

55. Plaintiff was placed in a segregation cell with no running water. The cell was filthy with urine and feces smeared all over the walls. She was never provided a real mattress, just a moldy, dirty thin foam pad. She was denied cleaning supplies for about a month and was forced to live and sleep in the filth.

56. Since arriving at Menard, the Defendant Officers have constantly harassed and abused her due to her gender identity. The Defendant Officers call her derogatory names such as “fag,” “faggot,” “dick sucker,” “bitch,” “whore,” “he/she,” “chick with a dick,” and more. The Defendant Officers further threaten her with physical and sexual violence. This harassment occurs on a daily basis and subjects Plaintiff to extreme humiliation, fear, and anxiety. It also communicates to the other prisoners who overhear the harassment and threats that the officers will not protect Plaintiff from abuse at their hands.

57. The Defendant Officers also have made it clear to Plaintiff that they know she filed a PREA complaint about the sexual abuse she experienced at Pinckneyville and that they are going to punish her at Menard for speaking up against fellow IDOC officers. The Defendant Officers have made various statements to Plaintiff such as “we got a call from our buddies at Pinckneyville,” “we know who you are,” “we got something up our sleeve for you,” “we will bury you in seg,” “we will make sure you get raped,” “we will make sure you do not make your out date,” referencing the day she is supposed to be released from IDOC custody.

58. On August 26, Plaintiff asked both Defendants Officer McCaleb and Officer

Griffin for her property, which she still had not received since arriving at Menard, and her ID, and these officers responded by telling her to “shut up whore” and calling her other derogatory names.

59. Later that day, officers flooded her cell to torment her. When she asked for the officers to help her and for writing materials so that she could write a grievance, officers told her “fuck you” and said they would not help her. After Plaintiff asked repeatedly to speak to the lieutenant or a crisis team, Defendants Lieutenant Held, Sergeant Jones, Officer McCaleb, and Officer Griffin came to her cell and started calling her derogatory slurs like “dick sucker,” “whore,” “faggot,” and asked her “do you have a dick?”

60. Defendants Sergeant Jones, Officer McCaleb, and Officer Griffin then proceeded to physically assault Plaintiff without justification while Lieutenant Held watched. Sergeant Jones repeatedly hit Plaintiff in the face while Officers McCaleb and Griffin choked, kicked, and punched her.

61. That same day Defendant Officer McCaleb wrote Plaintiff a disciplinary ticket for allegedly making threats and covering up her cell window. In fact, Plaintiff did not threaten any officers and only hung up her sheets and blanket to dry them because they were all wet due to the flooding in her cell. Officer McCaleb wrote Plaintiff this ticket to retaliate against her and cover up the physical assault. The officers also took away Plaintiff’s sheets and blanket and did not give her new ones for approximately a month; the new sheets she received were unwashed, filthy, and smelled.

62. On August 29, 2017, Plaintiff had the hearing on her disciplinary ticket in front of the Adjustment Committee. She asked if she could provide a written statement and the Adjustment Committee refused to take her written statement or hear anything she had to say.

Defendant Officer Kent Brookman, Chair Person of the Adjustment Committee, told Plaintiff “I know who you are” and that “Pinckneyville told me to put you on my target list.” He told Plaintiff that “he runs this motherfucking joint,” and she is “in his neck of the woods,” and that no one, not even the courts, can help her.

63. To cover up their retaliatory actions, the officers also gave prisoner Robert Temple, a transgender individual who witnessed Plaintiff’s interactions with the officers, a disciplinary ticket on August 26 and told Temple that if she testified against Plaintiff, then they would drop her ticket. On the Adjustment Committee’s final summary report on Plaintiff’s ticket, they noted that Temple gave a statement corroborating the officer’s allegations and found Plaintiff guilty—Plaintiff received an additional three months segregation time.

64. Plaintiff had written down all her grievances related to the sexual harassment and physical abuse on a piece of paper, and after the Adjustment Committee hearing she was able to put the paper in the counselor’s box. However, on September 6, 2017, her grievance was returned to her for not being on the proper grievance form.

65. Plaintiff was not able to write her grievances on a proper grievance form because the officers at Menard refused to provide her with the form, despite her repeated requests.

66. Also after the Adjustment Committee hearing, Plaintiff went to see the Mental Health staff and attempted to make a PREA complaint. Defendant Internal Affairs Officer Bridges arrived and told Plaintiff that he refused to help her.

67. Defendants IA Bridges, Officer Chitty, and other officers then took her to the Internal Affairs office where Officer Chitty sprayed Plaintiff with OC spray all over her face. The officers then locked Plaintiff in the room while she was choking on the OC spray—they all stood outside laughing and stating “PREA this bitch.” The officers then dragged Plaintiff back

to her cell, refusing to wash off the OC spray.

68. Plaintiff received a letter from Defendant Warden Lashbrook on September 15, 2017, stating that her allegations made on August 29, 2017 related to PREA were found to be unsubstantiated due to no physical evidence, no video evidence, and no witnesses to support her allegations. Upon information and belief, no investigation into Plaintiff's allegations of sexual harassment and abuse was ever undertaken.

69. On October 7, 2017, Plaintiff was taken to see the psychiatrist at Menard. After her appointment with the psychiatrist, Defendants Officer Miles and Sergeant Jones placed Plaintiff in a holding cell in the infirmary with a prisoner with a high aggression level named John Wilson. Wilson (whose hands were cuffed in the front, contrary to standard policy) proceeded to beat Plaintiff (whose hands were cuffed in the back) while Defendants Sergeant Jones and Officer Miles and other correctional officers stood by and watched—these officers facilitated and encouraged Wilson to attack Plaintiff. Wilson grabbed Plaintiff's hair and bashed her head against the wall, punched her in the stomach until Plaintiff fell to the floor, and then repeatedly kicked her while she was down.

70. Prisoner Dayaion Graves, who was also in the cell, stepped in to save Plaintiff from Wilson. Defendants Sergeant Jones and Officer Miles then proceeded to spray Plaintiff and Graves with OC spray. Plaintiff was then dragged out of the cell by these Defendant Officers.

71. Plaintiff, Graves, and Wilson all received disciplinary tickets that day for fighting—Plaintiff's disciplinary ticket falsely stated that Wilson and Graves were fighting first and then Plaintiff joined in. Defendant Officer Miles wrote Plaintiff a false disciplinary ticket to cover up the beating he and Sergeant Jones facilitated and encouraged.

72. October 9, 2017, Plaintiff asked officers for medical attention after being bitten by

an insect in her cell and was refused. Defendant Officer Cockrum called her a “fag” and “a dick eating nigger” and refused to call a nurse. Defendants Sergeant Jones, Officer Cockrum, Officer Dudzinski, Officer Chitty, Officer Domstorff, Officer Miles, Officer Graves, Officer Caron, Officer Powell, and Officer John Doe 4 entered her cell and sexually assaulted her—they touched her breasts and her backside, put a finger in her anus, and tickled her feet.

73. These Defendant Officers then dragged her out of her cell by her legs and arms and brought her upstairs, allowing her face to hit the steps. These Defendant Officers then proceeded to beat her while Defendant Lieutenant Held and medical staff watched. They beat Plaintiff so badly that her entire face and arm was swollen for days and she had a knot by her eye. Witnesses report seeing the Defendant Officers drag Plaintiff back to her cell as she was crying and with a swollen face and messed up hair.

74. After the beating, Plaintiff received no medical treatment, nor was she allowed to file a PREA complaint. Instead, to cover up this beating, Defendants Internal Affairs Officer Huey and Officer John Doe 4 forced Plaintiff to sign a medical refusal reform by threatening her with more beatings. Defendant I.A. Huey also refused to take any pictures of Plaintiff’s injuries.

75. Additionally, to cover up the beating, the Defendant Officers issued Plaintiff a disciplinary ticket for intimidation, threats, and insolence. Defendant Sergeant Jones falsely wrote on Plaintiff’s disciplinary ticket that she told the officers “I will spit on all you bitches.” Plaintiff did not say she would spit on the officers or threaten them in any way.

76. Plaintiff has attempted to submit grievances related to the incidents on October 7 and October 9 but the officers refuse to give her grievances forms.

77. The Defendant Officers continue to sexually harass and physically abuse Plaintiff. In addition to the sexual and physical abuse, the officers also harass Plaintiff in other ways such

as refusing to give her food, putting bugs in her food when they do give her a food tray, and throwing away her mail.

78. The Defendant Officers also constantly use male pronouns instead of female pronouns when referring to and talking to Plaintiff. The Defendant Officers' pervasive and continual misgendering of Plaintiff is harmful to Plaintiff's mental health.

79. Plaintiff is in segregation and will remain in segregation until approximately May 2018 due to all the false disciplinary tickets officers have given her in retaliation for her reporting or attempting to report their abuse. Plaintiff's placement in segregation has prevented her from going to a transgender support group at Menard, which is psychosocial support that she requires. Plaintiff's placement in segregation has also prevented her from accessing the educational and religious opportunities available at Menard, both of which she desires to participate in.

80. Since late October 2017, the verbal sexual harassment escalated to sexual assault. Practically every day, officers on the 3pm-11pm shift, Defendant Officers John Does 5-11, come to Plaintiff's cell at various times in the evening and force Plaintiff to move her body in sexually suggestive ways for their entertainment. The Defendant Officers also force Plaintiff to touch herself sexually and stick her finger in her anus while they stand outside her cell door and watch. They force Plaintiff to show them her private parts and make comments such as "show me what you got," "let me see what you're working with," "let me see you play with yourself," "you got a big ass," "let me see you shake it," "stick something in there," "put your fingers in, go deeper," "you have nice titties," and "you have nice areaolas." The Defendant Officers also repeatedly assert the sexual acts they would like to perform with and to her.

81. When Plaintiff pretends like she is asleep so that she does not have to perform for

the officers, the Defendant Officers bang on her cell window and door and order her to perform. The Defendant Officers conveyed to Plaintiff that if she does not obey their orders and perform for them, they will physically hurt her.

82. Plaintiff fears for her life at Menard. She has already faced serious physical and emotional injury since being at Menard and will continue to face a grave risk of serious injury if she remains there.

**COUNT I – VIOLATION OF THE EQUAL PROTECTION CLAUSE
(Fourteenth Amendment Claim for Declaratory and Injunctive Relief under 42 U.S.C § 1983)**

83. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

84. Count I is alleged against Defendant John Baldwin in his official capacity.

85. Despite being a transgender woman, Plaintiff was immediately placed in a men's prison when she entered IDOC custody without any type of formal review on whether placement in a female prison would be appropriate.

86. By refusing to place Plaintiff in a woman's prison, IDOC is discriminating against Plaintiff on the basis of her gender identify in violation of the Equal Protection Clause of the Fourteenth Amendment.

87. Plaintiff seeks injunctive and declaratory relief against Defendant John Baldwin in his official capacity to prevent the continued violation of her constitutional rights.

**COUNT II – VIOLATION OF THE EQUAL PROTECTION CLAUSE
(Fourteenth Amendment Claim for Damages and Declaratory and Injunctive Relief under 42 U.S.C § 1983)**

88. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

89. Count II is alleged against all the individual Defendants as well as Defendants Director Baldwin and Warden Lashbrook in their official capacities.

90. Since arriving at Menard, the individual Defendants have continually subjected Plaintiff to verbal sexual harassment due to her gender identity. The verbal harassment is so pervasive and ongoing that it constitutes intentional discrimination on the basis of her gender identity. Plaintiff is subjected to constant insults, threats, intimidation, and humiliation that male prisoners do not endure.

91. As a result of the unjustified and unconstitutional conduct of the individual Defendants, Plaintiff suffered and continues to suffer damages, including but not limited to, actual damages, humiliation, pain, fear, and emotional distress.

92. Additionally, Plaintiff seeks injunctive and declaratory relief against Defendants Director Baldwin and Warden Lashbrook in their official capacities to prevent the continued violation of her constitutional rights.

**COUNT III – EXCESSIVE FORCE
(Eighth Amendment Claim for Damages and Declaratory and Injunctive Relief under 42
U.S.C. § 1983)**

93. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

94. Count III is against Defendants Officer Molly, Sergeant T. Jones, Officer John McCaleb, Officer Griffin, Officer Chitty, Officer Dudzinski, Officer Cockrum, Officer Domstorff, Officer Miles, Officer Graves, Officer Caron, Officer Powell, and Officer John Does 1-4, as well as Defendants Director Baldwin and Warden Lashbrook in their official capacities.

95. The actions of the individual Officer Defendants described above related to the incidents on August 23, 2017, August 26, 2017, October 7, 2017, and October 9, 2017,

constituted unreasonable and excessive force, without legal cause, in violation of Plaintiff's Eighth Amendment rights.

96. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice and knowing disregard for Plaintiff's clearly established constitutional rights, and not for any legitimate penological purpose.

97. The actions of the individual Officer Defendants were the direct and proximate cause of the violations of Plaintiff's constitutional rights and of the damages suffered by Plaintiff, including bodily injury, pain, suffering, emotional distress, anguish, and humiliation.

98. Additionally, Plaintiff seeks injunctive and declaratory relief against Defendants Director Baldwin and Warden Lashbrook in their official capacities to prevent the continued violation of her constitutional rights.

**COUNT IV – FAILURE TO INTERVENE
(Eighth Amendment Claim for Damages under 42 U.S.C. § 1983)**

99. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

100. Count IV is alleged against Defendants Officer Molly, Sergeant T. Jones, Officer John McCaleb, Officer Griffin, Officer Chitty, Officer Dudzinski, Officer Cockrum, Officer Domstorff, Officer Miles, Officer Graves, Officer Caron, Officer Powell, Lieutenant Held, Internal Affairs Officer Bridges, and Officer John Does 1-4.

101. During the excessive force events described above, the individual Defendant Officers stood by without intervening to prevent the violation of Plaintiff's constitutional rights, even though they had the opportunity and duty to do so.

102. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice and knowing disregard for Plaintiff's clearly established

constitutional rights, and not for any legitimate penological purpose.

103. As a direct and proximate result of the Defendants' failure to intervene, Plaintiff suffered damages, including bodily injury, pain, suffering, emotional distress, anguish, and humiliation.

**COUNT V – FAILURE TO PROTECT
(Eighth Amendment Claim for Damages and Declaratory and Injunctive Relief under 42
U.S.C. § 1983)**

104. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

105. Count V is alleged against Defendants Sergeant Jones and Officer Miles, as well as Defendants Director Baldwin and Warden Lashbrook in their official capacities.

106. By intentionally placing Plaintiff in a holding cell with Wilson, with Wilson's hands cuffed in front and hers cuffed in back, Defendants Sergeant Jones and Officer Miles knew of and disregarded the substantial risk that Plaintiff would be harmed by Wilson, in violation of Plaintiff's Eighth Amendment rights.

107. The Officer Defendants have made it clear to Plaintiff that they will not protect her from other prisoners who wish to harm her due to her gender identity.

108. The Officer Defendants' above-described actions and omissions were undertaken with malice and/or reckless disregard for Plaintiff's clearly established constitutional rights.

109. As a direct and proximate result of the Officer Defendants' unconstitutional conduct, Plaintiff suffered damages, including bodily injury, pain, suffering, emotional distress, anguish, and humiliation.

110. Additionally, Plaintiff seeks injunctive and declaratory relief against Defendants Director Baldwin and Warden Lashbrook in their official capacities to prevent the continued

violation of her constitutional rights.

COUNT VI – CRUEL AND UNUSUAL PUNISHMENT
(Eighth Amendment Claim for Damages and Declaratory and Injunctive Relief under 42 U.S.C. § 1983)

111. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

112. County VI is alleged against Defendant Officers John Does 5-11 as well as Defendants Director Baldwin and Warden Lashbrook in their official capacities.

113. By subjecting Plaintiff to constant sexual harassment and sexual abuse, including forcing Plaintiff to perform sexually for their entertainment, the Defendant Officers John Does 5-11 inflicted unnecessary and wanton pain on Plaintiff without any legitimate penological purpose, in violation of Plaintiff's Eight Amendment rights.

114. The Officer Defendants' above-described actions and omissions were undertaken with malice and/or reckless disregard for Plaintiff's clearly established constitutional rights.

115. As a direct and proximate result of the Officer Defendants' unconstitutional conduct, Plaintiff suffered damages, including bodily injury, pain, suffering, emotional distress, anguish, and humiliation.

116. Additionally, Plaintiff seeks injunctive and declaratory relief against Defendants Director Baldwin and Warden Lashbrook in their official capacities to prevent the continued violation of her constitutional rights.

COUNT VII – RETALIATION
(First Amendment Claim for Damages and Declaratory and Injunctive Relief under 42 U.S.C. § 1983)

117. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

118. Count VII is alleged against all the individual Defendants as well as Defendants Director Baldwin and Warden Lashbrook in their official capacities.

119. As described in detail above, all the individual Defendants have retaliated against Plaintiff for exercising her constitutional right to report the sexual and physical abuse she has experienced and continues to experience, in violation of the First Amendment.

120. The individual Defendants' above-described actions were undertaken with malice and/or reckless disregard for Plaintiff's clearly established constitutional rights.

121. As a direct and proximate result of the individual Defendants' unconstitutional conduct, Plaintiff suffered damages, including bodily injury, pain, suffering, emotional distress, anguish, and humiliation.

122. Additionally, Plaintiff seeks injunctive and declaratory relief against Defendants Director Baldwin and Warden Lashbrook in their official capacities to prevent the continued violation of her constitutional rights.

**COUNT VIII – CONSPIRACY TO DEPRIVE CONSTITUTIONAL RIGHTS
(Conspiracy Claim for Damages under 42 U.S.C. § 1983)**

123. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

124. Count VIII is alleged against all the individual Defendants.

125. Each of the Defendants, acting in concert with other known and unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means.

126. Each of the Defendants took concrete steps to enter into an agreement to retaliate against Plaintiff for reporting the abuse she experienced at Pinckneyville and the abuse she continues to experience at Menard and thereby deprive Plaintiff of her First Amendment rights.

127. Additionally, as part of the conspiracy to retaliate against Plaintiff, certain individual Defendants, as specified above, entered into an agreement to unlawfully use force on Plaintiff and to allow Wilson to attack Plaintiff, for the purpose of violating Plaintiff's Eighth Amendment rights.

128. In furtherance of this conspiracy, each of the Defendants committed specific overt acts, as described above in the Complaint, and was an otherwise willful participant in joint activity.

129. Each individual Defendant is liable for the violation of Plaintiff's rights by any other individual Defendant.

130. Each individual Defendant acted maliciously, willfully, wantonly, and/or with reckless disregard for Plaintiff's clearly established constitutional rights.

131. As a direct and proximate result of the Defendants' conspiracy, Plaintiff suffered damages, including bodily injury, pain, suffering, emotional distress, anguish, and humiliation.

COUNT IX – UNLAWFUL POLICY AND PRATICE
(*Monell* Claim for Declaratory and Injunctive Relief under 42 U.S.C. § 1983)

132. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

133. Count IX is alleged against Defendants Director Baldwin and Warden Lashbrook in their official capacities.

134. The actions of the individual Defendants were undertaken pursuant to policies, practices, and customs of the Illinois Department of Corrections, described above and below, which were ratified by policymakers for the Illinois Department of Corrections with final policymaking authority.

135. At all times material to this complaint, the Illinois Department of Corrections has

interrelated *de facto* policies, practices, and customs related to transgender prisoners which included, inter alia:

- (a) improperly housing transgender women prisoners in male prisons instead of the female prisons;
- (b) failing to properly train IDOC employees on how to care for and interact with transgender prisoners;
- (c) allowing a culture of harassment and abuse of transgender prisoners to exist at IDOC prisons;
- (d) failing to adequately investigate complaints by transgender prisoners related to allegations concerning PREA and other wrongdoing on the part of correctional officers.

136. According to the 2016 PREA reports of IDOC facilities, there were no transgender prisoners in the two female prisons (Logan Correctional Center and Decatur Correctional Center), and 28 transgender women housed throughout the 24 male prisons. According to the report three transgender women were housed in Menard. 4.4% of the total number of people interviewed by the PREA auditors were transgender.

137. Upon information and belief, there is currently one transgender prisoner in Logan, however, as the PREA reports demonstrate, this is an anomaly—almost all the transgender prisoners are housed in male prisons where they are at risk of being subjected to sexual and physical abuse.

138. The interrelated policies, practices, and customs alleged above were well known within the Illinois Department of Corrections. During the relevant time period, Defendants Director Baldwin and Warden Lashbrook had notice of these widespread practices by employees

at the IDOC, and in particular at Menard.

139. The widespread practices were allowed to flourish—and become so well settled as to constitute de facto policy of the IDOC—because governmental policymakers and authority over the same, namely, Defendants Baldwin and Lashbrook, exhibited deliberate indifference to the problem, thereby effectively ratifying it.

140. The interrelated policies, practices, and customs alleged above were the direct and proximate cause of the unconstitutional acts committed by the individual Defendants and the injuries suffered by Plaintiff.

141. Plaintiff seeks injunctive and declaratory relief against Defendants Baldwin and Lashbrook in their official capacities to prevent the continued violation of her constitutional rights and the rights of other transgender women in IDOC custody.

COUNT X – VIOLATION OF TITLE IX
(Claim for Declaratory and Injunctive Relief under Title IX, 20 U.S.C. § 1681(a))

142. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

143. Count X is alleged against Defendants Director Baldwin and Warden Lashbrook in their official capacities.

144. Title IX states that “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

145. Menard receives federal funding and offers both Adult Basic Education and GED programs.

146. The Defendants are depriving Plaintiff of the ability to participate in the educational opportunities offered at Menard by intentionally discriminating against her on the

basis of her gender identity and subjecting her to segregation in retaliation for reporting their abuse.

147. Plaintiff seeks injunctive and declaratory relief against Defendants Director Baldwin and Warden Lashbrook in their official capacities to prevent the continued violation of her rights under Title IX.

**COUNT XI – RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT
(Claim for Declaratory and Injunctive Relief under RLUIPA, 42 U.S.C. § 2000cc et seq.)**

148. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

149. County XI is alleged against Defendants Director Baldwin and Warden Lashbrook in their official capacities.

150. Defendants substantially burdened Plaintiff's exercise of her religion by depriving her of the ability to participate in the religious activities offered at Menard by intentionally discriminating against her on the basis of her gender identity and subjecting her to segregation in retaliation for reporting their abuse. Plaintiff's placement in segregation was not the least restrictive means of advancing any compelling government interest.

151. Plaintiff seeks injunctive and declaratory relief against Defendants Director Baldwin and Warden Lashbrook in their official capacities to prevent the continued violation of her rights under RLUIPA.

**COUNT XII – ILLINOIS HATE CRIMES ACT
(State law claim for Damages and Injunctive Relief)**

152. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

153. Count XII is alleged against all the individual Defendants as well as Defendants

Director Baldwin and Warden Lashbrook in their official capacities.

154. The Illinois Hate Crimes Act states, in relevant part, that “[i]ndependent of any criminal prosecution” victims of hate crimes “may bring a civil action for damages, injunction or other appropriate relief.” 720 ILCS 5/12-7.1(c).

155. A person commits a hate crime when “by reason of the actual or perceived . . . gender [or] sexual orientation . . . regardless of the existence of any other motivating factor or factors,” he or she commits various offenses, including, inter alia, assault, battery, mob action, and disorderly conduct. 720 ILCS 5/12-7.1(a).

156. The individual Defendants committed hate crimes against Plaintiff by physically and sexually assaulting her and by intimidating and harassing her using obscene language due to her gender and sexual orientation.

157. As a result of the Defendants’ actions, Plaintiff suffered damages, including bodily injury, pain, suffering, emotional distress, anguish, and humiliation.

158. Additionally, Plaintiff seeks injunctive and declaratory relief against Defendants Director Baldwin and Warden Lashbrook in their official capacities to prevent the continued violation of her rights under the Illinois Hate Crimes Act.

**COUNT XIII – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(State law claim for Damages)**

159. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

160. Count XIII is alleged against all the individual Defendants.

161. The individual Defendants’ conduct described above was extreme and outrageous. The Defendants’ actions were rooted in an abuse of power and authority, and were undertaken with the intent to cause, or were in reckless disregard of the probability that their conduct would

cause, severe emotional distress to Plaintiff.

162. As a direct and proximate result of the Defendants' actions, Plaintiff suffered and continues to suffer severe emotional distress.

**COUNT XIV –CIVIL CONSPIRACY
(State Law Claim for Damages)**

163. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

164. Count XIV is alleged against all the individual Defendants.

165. As described more fully above, the Defendants, acting in concert with other as-yet unknown co-conspirators, conspired by concerted action to accomplish an unlawful purpose by unlawful means.

166. In furtherance of the conspiracy, the Defendants committed overt acts and were otherwise willful participants in joint activity including but not limited to the intentional infliction of emotional distress upon Plaintiff.

167. The misconduct described in this Count was undertaken intentionally, with malice, willfulness, and/or reckless disregard to Plaintiff's rights.

168. As a direct and proximate result of the Defendants' conspiracy, Plaintiff suffered injuries, including severe emotional distress and anguish.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff Deon "Strawberry" Hampton requests that this Court enter judgment in her favor against the Defendants in the following manner:

1. Adjudge and declare that the policies, practices, and conduct described in this Complaint are in violation of the rights of Plaintiff under the First, Eighth, and Fourteenth

Amendments to the United States Constitution, as well as her rights under Title IX, the Religious Land Use and Institutionalized Persons Act, and the Illinois Hate Crimes Act.

2. Enjoin the Defendants from subjecting Plaintiff to the unlawful policies, practices, and conduct described in this Complaint.

3. Order that Plaintiff be transferred out of Menard Correctional Center to Logan Correctional Center, the female prison, and placed in general population.

4. Order further injunctive relief necessary to address the ongoing violations suffered by Plaintiff.

5. Retain jurisdiction of this case until such time as the Defendants have fully complied with all orders of the Court, and there is reasonable assurance that the Defendants will continue to comply in the future with these orders.

6. Award Plaintiff compensatory and punitive damages.

7. Award Plaintiff reasonable attorneys' fees, costs, and expenses pursuant to 42 U.S.C. § 1988.

8. Award Plaintiff such other and further relief as this Court may deem appropriate and just.

JURY DEMAND

Plaintiff demands trial by jury.

Dated: December 14, 2017

Respectfully submitted,

DEON "STRAWBERRY" HAMPTON

By: /s/ Vanessa del Valle
One of her attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that she served the foregoing document upon all persons who have filed appearances in this case via the Court's CM/ECF system on December 14, 2017.

/s/ Vanessa del Valle

EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DEON HAMPTON (M15934),)
)
 Plaintiff,)
)
 v.)
)
 ILLINOIS DEPARTMENT OF)
 CORRECTIONS DIRECTOR JOHN)
 BALDWIN, WARDEN KEVIN KINK,)
 WARDEN KAREN JAIMET, WARDEN)
 JOHN VARGA, OFFICER BURLEY,)
 LIEUTENANT GIVENS, OFFICER CLARK,)
 OFFICER LANPLEY, OFFICER GEE,)
 INTERNAL AFFAIRS OFFICER)
 MANZANO, INTERNAL AFFAIRS)
 OFFICER BLACKBURN, LIEUTENANT)
 DOERING, SERGEANT KUNDE, and)
 JOHN DOES 1-4,)
)
 Defendants.)

Case No. 18-cv-550

Judge Nancy J. Rosenstengel

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT

Plaintiff Deon “Strawberry” Hampton, by her undersigned attorneys, for her complaint against Illinois Department of Corrections Director John Baldwin, Warden Kevin Kink, Warden Karen Jaimet, Warden John Varga, Officer Burley, Lieutenant Givens, Officer Clark, Officer Lanpley, Officer Gee, Internal Affairs Officer Manzano, Internal Affairs Officer Blackburn, Lieutenant Doering, Sergeant Kunde, and John Does 1-4, alleges as follows:

INTRODUCTION

1. This action is brought pursuant to 42 U.S.C. § 1983 to redress the deprivation under color of law of Plaintiff’s rights as secured by the First, Eighth, and Fourteenth Amendments to the United States Constitution, and the Illinois Hate Crimes Act.

2. Plaintiff is a 27-year-old transgender woman who is currently housed at Dixon Correctional Center (“Dixon”), a medium security men’s prison. Plaintiff began living as a girl when she was five years old and has continued to live as a young woman throughout her incarceration.

3. Throughout her incarceration, Plaintiff has been improperly housed in men’s prisons; as a result, she has been subjected to grave physical, mental, and emotional danger.

4. Plaintiff has endured violent sexual and physical attacks and emotional abuse at the hands of both staff and prisoners at four different men’s prisons in the last year and a half.

5. Plaintiff was at Pinckneyville Correctional Center (“Pinckneyville”) for about ten months before being transferred to Menard Correctional Center (“Menard”) in retaliation for filing complaints against officers at Pinckneyville who sexually assaulted her and forced her to have sex with her cellmate for their entertainment.

6. For nearly five months while she was housed at Menard, officers constantly verbally harassed Plaintiff and sexually and physically abused her—and had other detainees beat her—both because of her gender and in retaliation for complaints she filed against officers at Pinckneyville. While at Menard, Plaintiff filed a lawsuit against IDOC officials over this abuse. Rather than defend the lawsuit, IDOC officials agreed to transfer Plaintiff from Menard to Lawrence Correctional Center (“Lawrence”), a medium security men’s prison, on January 10, 2018. Plaintiff agreed to this settlement because she feared for her life at Menard.

7. However, Plaintiff did not escape sexual harassment and physical abuse at Lawrence. Officers, mental health staff, and other prisoners subjected her to constant sexual harassment, including the use of derogatory names, as well as other verbal abuse and threats to her physical safety. Officers at Lawrence beat her, and made it clear that they would not protect

her from other prisoners who wished to harm her. On one occasion, officers failed to protect Plaintiff from a prisoner on the yard who exposed his genitals to Plaintiff and threatened to rape her.

8. Plaintiff has been designated as Seriously Mentally Ill (“SMI”) by the Illinois Department of Corrections (“IDOC”) mental health staff. Her mental health has rapidly deteriorated as a result of the abuse she has suffered in IDOC custody.

9. Due to the accumulation of false disciplinary tickets filed against her by the very officers who abused her at Pinckneyville, Menard, and Lawrence, Plaintiff spent approximately one year in segregation, where she was denied adequate mental health care. Placement in segregation and the lack of mental health care caused Plaintiff’s mental health to further deteriorate. At Lawrence, Plaintiff attempted suicide in her segregation cell multiple times.

10. While still at Lawrence, Plaintiff filed the instant lawsuit and sought emergency relief from this Court, in the form of a preliminary injunction. After filing the lawsuit, Plaintiff was transferred to Dixon on March 16, 2018, and immediately placed in segregation.

11. At Dixon, Plaintiff began receiving adequate mental health treatment while in segregation. Once she was released from segregation, Plaintiff believed the changed circumstances required that she withdraw her Motion for a Preliminary Injunction without prejudice on June 8, 2018.

12. As soon as Plaintiff withdrew her motion, Dixon staff escalated their verbal harassment and began to consistently call her “fag,” “it,” “he-she,” and more. They made it clear that they would not protect her from other prisoners at Dixon, and that they would do what they could to get her transferred to a different men’s facility. Officers failed to protect Plaintiff from two different prisoners who sexually assaulted her and threatened to rape her.

13. On June 26, 2018, Plaintiff received two false, retaliatory tickets from Dixon officers, placing her back in segregation only one month after getting out. Plaintiff, tired of fighting the system that degrades her and refuses to treat her as a woman, immediately attempted suicide when placed back in segregation.

14. Plaintiff's physical and emotional well-being are in jeopardy at Dixon, and will be in any men's facility. As a transgender woman with mental health needs, Plaintiff is particularly vulnerable in a men's prison. Her vulnerability is exacerbated by the fact that her mental health has deteriorated significantly during her time in segregation while officers at these various men's prisons are purposefully failing in their duty to protect her from harm and in fact are often initiating the abuse because of their hatred and animus towards transgender women. Without court action, IDOC will continue to shuffle Plaintiff from men's facility to men's facility where she will continue to be in grave danger.

JURISDICTION AND VENUE

15. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1367.

16. Venue is proper in this district under 28 U.S.C. § 1391(b) because the events giving rise to the claims asserted in this complaint occurred in this judicial district.

PARTIES

17. Plaintiff is, and has been at all relevant times, an Illinois Department of Corrections prisoner. She is currently confined at Dixon Correctional Center in Dixon, Illinois.

18. Defendant John Baldwin is the Director of the Illinois Department of Corrections ("IDOC"). As such, he was acting under color of law. At all relevant times to the events at issue in this case, Defendant Baldwin maintained administrative and supervisory authority over the operations of all prisons in Illinois, including Lawrence and Dixon. At all relevant times,

Defendant Baldwin promulgated rules, regulations, policies, and procedures of the IDOC.

Defendant Baldwin is sued in his official capacity.

19. Defendant Kevin Kink is the Warden of Lawrence Correctional Center. At all times relevant to the events at issue in this case, Defendant Kink was employed by the Illinois Department of Corrections. As such, he was acting under color of law. At all times relevant to the events at issue in this case, Defendant Kink promulgated rules, regulations, policies, and procedures at Lawrence. Defendant Kink is responsible for supervising all staff and managing all operations at Lawrence. He is sued in his individual capacity.

20. Defendant Karen Jaimet is the Warden of Pinckneyville Correctional Center. At all times relevant to the events at issue in this case, Defendant Jaimet was employed by the Illinois Department of Corrections. As such, she was acting under color of law. At all times relevant to the events at issue in this case, Defendant Jaimet promulgated rules, regulations, policies, and procedures at Pinckneyville. Defendant Jaimet is responsible for supervising all staff and managing all operations at Pinckneyville. She is sued in her individual capacity.

21. Defendant John Varga is the Warden of Dixon Correctional Center. At all times relevant to the events at issue in this case, Defendant Varga was employed by the Illinois Department of Corrections. As such, he was acting under color of law. At all times relevant to the events at issue in this case, Defendant Varga promulgated rules, regulations, policies, and procedures at Dixon. Defendant Varga is responsible for supervising all staff and managing all operations at Dixon. He is sued in his individual and official capacity.

22. Defendants Officer Burley, Lieutenant Givens, Officer Clark, Officer Lanpley, and John Does 1-4 are officers at Lawrence Correctional Center. At all times relevant to the events at issue in this case, these defendants were acting under color of law and within the scope

of their employment with the Illinois Department of Corrections. These defendants are sued in their individual capacities.

23. Defendants Officer Gee, Internal Affairs Officer Manzano, Internal Affairs Officer Blackburn, Lieutenant Doering, and Sergeant Kunde are officers at Dixon Correctional Center. At all times relevant to the events at issue in this case, these defendants were acting under color of law and within the scope of their employment with the Illinois Department of Corrections. These defendants are sued in their individual capacities.

FACTUAL ALLEGATIONS

Plaintiff is a Transgender Woman who has Suffered Persistent, Brutal Abuse in Men's Prisons

24. Since the young age of five, Plaintiff has identified as a female. Her family and her community also began treating her as a female at a young age.

25. In 2012, Plaintiff was diagnosed with gender dysphoria by an IDOC psychiatrist.

26. Throughout the years, Plaintiff took hormones intermittently to transition her body from male to female. Plaintiff consistently began cross-sex hormone treatment in IDOC custody in July 2016 while housed at Lawrence Correctional Center.

27. From December 2016 to July 2017, Plaintiff's lab levels showed that her testosterone levels were dropping and her estrogen levels were increasing. By March 2017, Plaintiff was no longer in the male range for testosterone levels and she was in the female range for estrogen levels.

28. Plaintiff's recent lab results from January 2018 show that her testosterone levels are currently at <3/ng/dL. The normal reference range for testosterone levels in males is 300-1080 ng/dL. This means that Plaintiff can no longer obtain an erection and is therefore chemically castrate and possibly permanently infertile.

29. Plaintiff is and has always been sexually attracted exclusively to men.

30. Plaintiff first entered IDOC custody on her current sentence in April 2015.

Despite being a transgender woman, Plaintiff was placed in a men's prison, Hill Correctional Center, without receiving a formal, in-person review to determine whether she could be appropriately placed in a women's prison.

31. Since entering IDOC custody, Plaintiff has exclusively been housed in men's prisons and has experienced persistent harassment and abuse by IDOC staff and prisoners because of her transgender status and because she has been inappropriately housed in men's prisons.

32. Plaintiff was housed in Pinckneyville from October 2016 to August 23, 2017. While there, correctional officers sexually assaulted her on multiple occasions. For months, officers forced Plaintiff to have sex with her cellmate for their entertainment. When she reported this abuse, the officers retaliated by beating her and threatening to "bury her in segregation." The officers followed through on this threat by filing false disciplinary charges against her that resulted in a prolonged sentence of segregation—she was placed in segregation on May 24, 2017, and remained in segregation until May 25, 2018. She was also transferred to Menard, a high security men's prison, as a result of these false charges.

33. Plaintiff was housed in Menard from August 23, 2017, to January 10, 2018. The abuse began immediately when Menard officers attacked her on the bus ride over to Menard. While at Menard, officers beat her at least three more times. And on at least one occasion, officers stood by and allowed another prisoner to beat Plaintiff in a holding cell in the infirmary. The officers told her that the abuse and harassment was retaliation for the complaint she filed against the officers at Pinckneyville.

34. The officers at Menard also subjected Plaintiff to constant verbal sexual harassment because of her gender identity, and for weeks, forced her to perform sexually in her cell for their entertainment—they forced her to expose her genitalia and breasts, touch herself sexually, stick her finger in her anus, and move her body in sexually suggestive ways all while they stood outside her cell door and watched.

35. The officers at Menard, like those at Pinckneyville, attempted to cover up their actions by giving Plaintiff false disciplinary tickets, which kept adding to her segregation time.

36. While at Menard, Plaintiff filed a lawsuit against the IDOC and officers who were abusing her. Pursuant to a settlement agreement reached in the lawsuit, Plaintiff was transferred out of Menard to Lawrence on January 10, 2018, where she was immediately placed in segregation.

**Plaintiff Has Experienced and Continues to Experience
Sexual and Physical Abuse at Lawrence and Dixon**

37. Plaintiff was housed at Lawrence from January 10, 2018, to March 16, 2018. While there, Plaintiff was subjected to sexual harassment and threats from both other prisoners and correctional officers.

38. Plaintiff was verbally harassed by officers at Lawrence, including the Defendant Officers as well as Lieutenant Buchanan. The officers called her “gay,” “fag,” “thing,” and “it.” Lieutenant Buchanan told her that she “is in a male facility” and is “still a man no matter what you or media say.”

39. On or around January 23, 2018, John Does 1-4 escorted Plaintiff to the yard for her recreation time. While at the yard, another prisoner exposed his genitals to Plaintiff and masturbated, all while threatening to rape her. John Does 1-4 did nothing to protect Plaintiff from this prisoner. Plaintiff was terrified that this prisoner would follow through with this threat

and so she reported his behavior and filed a PREA complaint. When she told officers about the incident, some officers blamed Plaintiff, telling her that if she were not gay, none of this would have happened.

40. Prison officials eventually informed Plaintiff that video captured the prisoner exposing himself to Plaintiff and therefore her PREA complaint was substantiated. However, the prisoner received no punishment for this incident. IDOC officials then placed the assaultive prisoner in a segregation cell close to Plaintiff's. He told Plaintiff that he was only in segregation for having contraband, and that Lieutenant Carry and the Adjustment Committee dropped his disciplinary ticket and did not punish him for what he did to her because the staff at Lawrence does not like her and does not want to protect her. Lieutenant Carry was overheard talking about Plaintiff saying, "if she likes dick, why would she call PREA?"

41. This prisoner continued to threaten Plaintiff with harm while she was at Lawrence. Plaintiff lived in fear every day at Lawrence that this prisoner, or another prisoner, would sexually and/or physically assault her because officers at Lawrence made it clear that they would not punish prisoners for hurting Plaintiff.

42. On or around February 18, 2018, Defendant Officer Burley came to Plaintiff's cell in Lawrence and asked her, "do you want to go to yard, fag?" Plaintiff asked Defendant Officer Burley to stop speaking to her so disrespectfully and told him that she wanted to go to yard.

43. Defendant Officer Burley cuffed Plaintiff and he, along with Defendants Lieutenant Givens, Officer Clark, and Officer Lanpley led Plaintiff and a few other prisoners outside to the yard.

44. Once they were at the yard, Plaintiff asked if she could do her recreation time in

one of the cages so that she could be protected from other prisoners. As she was walking to the cage, Defendant Officer Burley yanked her handcuffs and repeatedly slammed her face into the bars of the cage, while kneeling her in the back.

45. Defendants Lieutenant Givens, Officer Clark, and Officer Lanpley stood by and watched while Defendant Officer Burley assaulted Plaintiff; they did not do anything to stop Defendant Officer Burley.

46. As a result of this assault, Plaintiff suffered many injuries, including a black eye, a swollen face, and skin abrasions. She was treated by medical staff and kept overnight in the medical unit because the medical staff believed it was not safe for her to go back to segregation. Security staff took pictures of Plaintiff's injuries.

47. To cover up his actions, Defendant Officer Burley filed a disciplinary ticket against Plaintiff for allegedly kicking him during the assault. Plaintiff did not kick Defendant Officer Burley.

48. Internal Affairs Officer Molenhour was responsible for investigating this use of force incident. The day after the incident, IA Molenhour asked Plaintiff if she gave herself the black eye and other injuries. He threatened to extend her out date if she did not give up her complaint regarding this incident; he told her that if she gave up her complaint, he would give her some good time back. IA Molenhour had told Plaintiff in the past that he would not investigate any of her PREA complaints and that he would not interview any of her witnesses. Plaintiff received one month additional segregation time and one month "C grade" privilege restriction as a result of this incident.

49. On or around February 21, 2018, after making a PREA complaint regarding the harassment she had been experiencing at Lawrence, Officer Rue wrote Plaintiff a disciplinary

ticket charging Plaintiff with sexual misconduct for allegedly playing with her breasts. Plaintiff did not engage in any type of sexual misconduct.

50. At her hearing on this ticket, Lieutenant Carry denied Plaintiff the opportunity to contest the allegations and found her guilty of the charge. Plaintiff received three additional months in segregation and three months of “C grade” privilege restriction as a result.

51. Plaintiff feared for her life at Lawrence and faced serious physical and emotional injury there.

52. Plaintiff filed a number of grievances—including emergency grievances—regarding the denial of access to mental health services in segregation and the physical and sexual abuse she endured at Lawrence. Plaintiff sent her emergency grievances to Director John Baldwin and to Warden Kevin Kink. On February 26, 2018, Plaintiff received a letter from Director Baldwin’s office, stating that her grievance was improperly filed with the Director. On February 27, 2018, Warden Kink returned her grievances, rejecting them as emergency grievances and stating that she needed to file the grievances using the normal procedures.

53. On March 8, 2018, Plaintiff filed the instant lawsuit and a Motion for a Preliminary Injunction, seeking emergency relief from conditions arising out of her placement in Lawrence, namely physical and sexual violence, unlawful discrimination, denial of mental health care, and unlawful placement in segregation.

54. On March 16, 2018, Plaintiff was transferred to Dixon and immediately placed in segregation.

55. On June 8, 2018, Plaintiff withdrew her Motion for a Preliminary Injunction after beginning to receive adequate mental health treatment at Dixon and being released from segregation.

56. Since arriving at Dixon, and particularly after withdrawing her Motion for Preliminary Injunction, Plaintiff has been subject to assaults, harassment, and threats from both other prisoners and correctional officers. Staff at Dixon have continuously failed to protect her from other prisoners.

57. Shortly after arriving at Dixon, one prisoner began sexually harassing Plaintiff. While Plaintiff and other prisoners were on the yard, this prisoner sexually assaulted Plaintiff by groping her breasts and exposing himself. Despite this, staff at Dixon did not do anything proactive to protect Plaintiff. This prisoner was never disciplined for this incident and told Plaintiff that the reason he received no punishment was because “IA does not like her.”

58. For weeks from late May to early June, another prisoner sexually harassed and assaulted Plaintiff by kissing her and groping her breasts and buttocks. He also repeatedly threatened to rape her, stab her, and cause her physical harm. Upon information and belief, despite Plaintiff filing complaints about his behavior, this prisoner was never disciplined for his actions toward Plaintiff.

59. Plaintiff lives every day in fear that these prisoners and others with sexually and/or physically assault her because Dixon staff have made it clear that they will not protect her.

60. Dixon correctional and medical staff constantly call Plaintiff derogatory names such as “faggot,” “it,” “he-she,” and more. A female officer told Plaintiff: “You’re not a real woman like me . . . I don’t need surgery.” The verbal harassment escalated after Plaintiff withdrew her Motion for a Preliminary Injunction.

61. Plaintiff has filed multiple grievances (including emergency grievances) and PREA complaints about the officers who are verbally sexually harassing her and about the

prisoners who sexually assaulted her and threatened her. In late June, when Plaintiff tried to talk to Assistant Warden Nicholas about filing another PREA complaint, Assistant Warden Nicholas told her she was filing too many PREA complaints and refused to help.

62. Staff have told Plaintiff that they do not appreciate that she writes complaints and “makes work” for them and that they want her transferred out of Dixon. A mental health worker told Plaintiff that Dixon staff was mistreating her and trying to ship her out because of her “lifestyle.”

63. On Friday, June 22, 2018, Plaintiff made another PREA complaint against officers who were verbally sexually harassing her.

64. On Tuesday, June 26, 2018, Officer Gee wrote Plaintiff a false disciplinary ticket for allegedly fighting with another inmate—this is a complete fabrication. Officers allegedly relied on information from “confidential sources” to justify this ticket, but Plaintiff was in her cell with her cellmate at the time of the alleged incident and did not fight anyone.

65. That morning, officers escorted Plaintiff to the Internal Affairs Office where she met with Defendants Officer Gee, IA Officer Manzano, and IA Officer Blackburn. IA Officer Manzano informed Plaintiff that she was being written up for an inmate assault and was going to segregation. When Plaintiff proclaimed her innocence and asked for an investigation, IA Officer Manzano responded that he was tired of her constantly filing complaints and that he was going to do whatever he could “to try to ship [her] out of this joint.” The officers also threatened to give her segregation for a year and take away more of her good-time credits.

66. When Plaintiff begged the officers not to take her back to segregation and refused to cooperate with the officers, Defendants Lieutenant Doering and Sergeant Kunde maced her in the face repeatedly, while Officer Gee, IA Officer Manzano, and IA Officer Blackburn stood by

and watched. While the officers were macing Plaintiff, she rolled up into a ball on the floor and covered her face, struggling to breathe—she suffered a flashback to her prior abuse at Pinckneyville and feared for her life, cried, and begged for help. IA Manzano responded to her cries for help by saying, “no, this is what you get for filing complaints.” Plaintiff received a second false disciplinary ticket for allegedly assaulting staff while they maced her. She received a third disciplinary ticket for refusing to cooperate with the officers.

67. Based on one or all of these tickets, Plaintiff was placed back in segregation on Tuesday, June 26, 2018. Plaintiff does not know how long she will remain in segregation.

Plaintiff’s Mental Health Has Deteriorated in Segregation

68. Plaintiff has spent over one year in segregation. When Plaintiff was first placed in segregation back in May 2017, she was not properly classified as SMI—even though she met IDOC’s criteria for SMI—and therefore no consideration was given to the impact segregation would have on her mental health.

69. On July 14, 2017, an IDOC psychiatrist diagnosed Plaintiff with Bipolar Disorder and prescribed her Lithium. He also labeled her as SMI.

70. While at Pinckneyville in August 2017, Plaintiff was served two disciplinary reports that extended her segregation time. After each incident, mental health staff was consulted and stated that placement in segregation would negatively impact Plaintiff’s mental health. Yet the medical opinions of the mental health professionals were ignored and IDOC security staff continued to leave Plaintiff in segregation.

71. Despite being designated as SMI, Plaintiff’s mental health treatment plan was not updated for months while she was in segregation at Pinckneyville and Menard. Her treatment plan was finally updated in January 2018 when she was moved to Lawrence.

72. Before being placed in segregation, Plaintiff participated in psychosocial support groups to help her deal with issues facing people with Gender Dysphoria, which she requires and are necessary to treat Gender Dysphoria. However, while she was in segregation, Plaintiff was denied these transgender support groups. IDOC staff at Dixon have informed her that she will continue to be denied these transgender support groups for as long as she remains in segregation.

73. Plaintiff did not receive appropriate mental health services while she was in segregation at Pinckneyville, Menard, and Lawrence. Instead of receiving the required and necessary enhanced mental health treatment to ameliorate the distress caused by being in segregation, Plaintiff received less treatment.

74. When Plaintiff first arrived at Lawrence, she attended mental health group counseling. However, during a group session when she expressed her frustration with the constant sexual harassment she experiences as a woman in a men's prison, she was reprimanded by the mental health counselors. After that session, the counselors prohibited her from going to group for approximately one month. When she was finally allowed to go to group again, the counselors continued to reprimand and verbally abuse her. The counselors called her derogatory names and threatened her with harm—including more segregation time if she did not stop filing PREA complaints.

75. Mental Health Counselor Basnett at Lawrence repeatedly called Plaintiff a “fag,” and told Plaintiff that she would “never be a real woman.” Counselor Basnett warned Plaintiff that if she kept filing PREA complaints, she would “burry her in seg.” Counselor Basnett wrote Plaintiff a ticket on February 7, 2018, falsely claiming that Plaintiff threatened her.

76. Medical and security staff at Lawrence and Dixon constantly use male pronouns instead of female pronouns when referring to and talking to Plaintiff. The pervasive and

continual misgendering of Plaintiff is harmful to her mental health.

77. While in segregation at Lawrence, Plaintiff was unable to have any contact with her family, including her mother and siblings. She was not able to call her family members or send mail out to her family. When her mother and brother attempted to visit her on her birthday on February 16, 2018, the facility asserted that Plaintiff's unit was on lock-down, and did not allow the visit to proceed.

78. For the most part while in segregation at Lawrence, Plaintiff was locked alone in her cell for 24 hours a day—she was occasionally let out to shower. She was not allowed to go the yard at Lawrence from February 18, 2018, until she was transferred, despite Department rules requiring that all SMI prisoners in segregation be permitted at least six hours of yard per week.

79. As a result of her isolation, the verbal abuse, and lack of adequate mental health treatment in segregation, Plaintiff's mental health substantially deteriorated. She began experiencing difficulty sleeping and had reoccurring panic attacks. She still suffers from flashbacks to her sexual assault experiences at Pinckneyville, Menard, and Lawrence. She has high anxiety and severe depression.

80. Plaintiff began to experience periods of high blood pressure after her arrival at Lawrence. Her high blood pressure is due to her anxiety arising out of her mistreatment at the men's prisons.

81. Plaintiff also began to experience suicidal ideations as a result of her isolation and untreated mental health needs. In early February 2018, while at Lawrence, Plaintiff attempted suicide on at least four occasions by tying a sheet around her neck. One officer who found her with a sheet around her neck told her to "stop being a cry baby diva." After each suicide attempt

at Lawrence, IDOC staff placed Plaintiff on crisis watch for one day and then returned her to her segregation cell. But she received no counseling or any other mental health interventions.

82. While Plaintiff was naked in the crisis cell at Lawrence, she was subjected to extreme cold temperatures. The officers ignored her complaints about the cold temperatures and kept the air conditioning on. As a result, Plaintiff became ill and developed a high fever, but officers denied her access to medical treatment.

83. Plaintiff repeatedly told the mental health counselors and security staff at Lawrence that she was in emotional distress because of her placement in segregation, but they refuse to provide her any treatment. Mental Health Counselor Gay told Plaintiff to “just tell her lawyer.”

84. Plaintiff saw a psychiatrist in the middle of February 2018, and she told him everything that she had been experiencing and that she was having suicidal ideations. The psychiatrist told her that he would follow up with the mental health staff to determine why she was not receiving adequate care. She did not hear back from the mental health staff or the psychiatrist regarding this issue.

85. Plaintiff was in segregation for approximately one year between May 24, 2017, and May 25, 2018. Plaintiff was then released from segregation at Dixon for approximately one month, and then placed back in segregation on June 26, 2018.

86. On June 26, 2018, after being placed back in segregation at Dixon, Plaintiff attempted suicide by hanging. She twisted a sheet to make a rope, tied one end around her neck, and the other around part of her bed to hang herself. Staff found her unconscious and dragged her out of her cell, placing her under restraint until mental health staff arrived. She was put on crisis watch.

87. While on crisis watch, Plaintiff was housed in a cell with mold and blood on the walls. Upon information and belief, Plaintiff did not see or speak to the mental health counselors that have been working with her since she arrived at Dixon, Jamie Weigand and Kim Hvarre, while she was on crisis watch.

88. On Friday, June 29, 2018, Plaintiff left crisis watch, but immediately thereafter had a panic attack and was found trying to hang herself again. She was put back on crisis watch until on or about July 2, 2018, when she was returned to segregation.

89. In segregation, Plaintiff again will not have access to transgender support group.

90. Plaintiff continues to feel unstable and experience suicidal ideations.

91. The warden at every institution is responsible for approving placements in segregation and has the authority to override any disciplinary sanction. Defendants Warden Jaimet at Pinckneyville, Warden Kink at Lawrence, and Warden Varga at Dixon all approved Plaintiff's placement in segregation at their respective institutions. Despite being aware of Plaintiff's denial of access to adequate mental health services in segregation and her deteriorating mental state in segregation, these Defendants refused to override her retaliatory disciplinary infractions and remove her from segregation.

92. On June 29, 2018, Plaintiff sent an emergency grievance to Warden Varga, Director John Baldwin, and the Administrative Review Board, regarding her improper placement in a men's facility, the harassment and abuse she has endured at Dixon, the retaliatory discipline she has received, and her deteriorating mental state in segregation. On July 16, 2018, Warden Varga responded to Plaintiff's emergency grievance and refused to provide her with any of the relief she requested.

Policy and Practice Allegations

93. The pattern of abuse demonstrates that Plaintiff will endure cruel and unusual at any IDOC men's prison. Plaintiff believes that the only way she will be safe is if she is transferred to a women's prison. Plaintiff has repeatedly requested such transfer. The IDOC's Gender Identity Disorder Committee recently reviewed Plaintiff's placement in a men's prison on April 10, 2018, and concluded that her placement is appropriate.

94. According to the 2016 Prison Rape Elimination Act ("PREA") reports of IDOC facilities, there were no transgender prisoners in the two female prisons (Logan Correctional Center and Decatur Correctional Center), and 28 transgender women housed throughout the 24 male prisons.

95. Upon information and belief, there are still no transgender prisoners in the two female prisons. All transgender prisoners are currently housed in male prisons where they are at risk of being subjected to sexual and physical abuse.

96. According to the National PREA Resource Center, "Being transgender is a known risk factor for being sexually victimized in confinement settings. The [PREA] standard, therefore, requires that facility, housing, and programming assignments be made 'on a case-by-case basis.' Any written policy or actual practice that assigns transgender or intersex inmates to gender-specific facilities, housing units, or programs based solely on their external genital anatomy violates the standard. A PREA-compliant policy must require an individualized assessment. A policy must give 'serious consideration' to transgender or intersex inmates' own views with respect to safety. The assessment, therefore, must consider the transgender or intersex inmate's gender identity – that is, if the inmate self-identifies as either male or female. A policy may also consider an inmate's security threat level, criminal and disciplinary

history, current gender expression, medical and mental health information, vulnerability to sexual victimization, and likelihood of perpetrating abuse. The policy will likely consider facility-specific factors as well, including inmate populations, staffing patterns, and physical layouts. The policy must allow for housing by gender identity when appropriate.” National PREA Resource Center (available at <https://www.prearesourcecenter.org/node/3927>).

97. The IDOC has a de facto policy of housing transgender prisoners according to their genitalia rather than making an individualized assessment as the PREA regulations require.

98. According to a 2014 report issued by U.S. Department of Justice’s Bureau of Justice Statics, almost 40% of transgender prisoners reported sexual victimization in state and federal prisons—a rate that is ten times higher than for prisoners in general. U.S. Dep’t of Justice, Bureau of Justice Statics, *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12, Supplemental Tables: Prevalence of Sexual Victimization Among Transgender Adult Inmates*, December 2014 (available at https://www.bjs.gov/content/pub/pdf/svpjri1112_st.pdf).

99. “Transgender inmates who are assaulted or harassed are often placed in solitary confinement, which, though intended for their protection, is in fact a severe punishment. Isolation takes an enormous psychological toll on inmates, and can put them at increased risk of assault by guards. It deprives them of access to group therapy and educational programs that could improve employment prospects upon release.” *Prisons and Jails Put Transgender Inmates at Risk*, The Editorial Board, The New York Times, Nov. 9, 2015 (available at <https://www.nytimes.com/2015/11/09/opinion/prisons-and-jails-put-transgender-inmates-at-risk.html>).

**COUNT I – VIOLATION OF THE EQUAL PROTECTION CLAUSE
(Fourteenth Amendment Claim for Declaratory and Injunctive Relief under 42 U.S.C §
1983)**

100. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

101. Count I is alleged against Defendant John Baldwin in his official capacity.

102. Despite being a transgender woman, Plaintiff was immediately placed in a men's prison when she entered IDOC custody without any type of formal review on whether placement in a women's prison would be appropriate.

103. The Gender Identity Disorder Committee has recently reviewed Plaintiff's placement and has concluded that she is appropriately placed in a men's prison. IDOC staff has refused to transfer Plaintiff to a women's prison.

104. By refusing to place Plaintiff in a woman's prison, IDOC is discriminating against Plaintiff on the basis of her gender identify in violation of the Equal Protection Clause of the Fourteenth Amendment.

105. Plaintiff seeks injunctive and declaratory relief against Defendant John Baldwin in his official capacity to prevent the continued violation of her constitutional rights.

**COUNT II – VIOLATION OF THE EQUAL PROTECTION CLAUSE
(Fourteenth Amendment Claim for Declaratory and Injunctive Relief under 42 U.S.C §
1983)**

106. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

107. Count II is alleged against Defendants Director Baldwin and Warden Varga in their official capacities.

108. Since arriving at Dixon, staff have continually subjected Plaintiff to verbal sexual

harassment due to her gender identity. The verbal harassment is so pervasive and ongoing that it constitutes intentional discrimination on the basis of her gender identity. Plaintiff is subjected to constant insults, threats, intimidation, and humiliation that male prisoners do not endure.

109. Plaintiff seeks injunctive and declaratory relief against Defendants Director Baldwin and Warden Varga in their official capacities to prevent the continued violation of her constitutional rights.

**COUNT III – FAILURE TO PROTECT
(Eighth Amendment Claim for Damages and Declaratory and Injunctive Relief under 42
U.S.C. § 1983)**

110. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

111. Count III is alleged against Defendants John Does 1-4, Officer Burley, Lieutenant Givens, Officer Clark, Officer Lanpley, Officer Gee, IA Officer Manzano, and IA Officer Blackburn, as well as Defendants Director Baldwin and Warden Varga in their official capacities.

112. Under settled United States Supreme Court authority, and in accordance with the Eighth Amendment, Plaintiff is entitled to be free from a known and substantial risk of serious harm while in the custody of the State.

113. The Defendants have been and continue to be deliberately indifferent to the substantial risk of harm Plaintiff faces from both prison staff and other prisoners as a transgender women in a men's prison.

114. Officers at Lawrence and Dixon are aware that other prisoners wish to harm Plaintiff due to her gender identity, yet they disregard the substantial risk that Plaintiff will be harmed by other prisoners by failing to take any measures to abate the risk, in violation of

Plaintiff's Eighth Amendment rights.

115. John Does 1-4, knowing that Plaintiff was vulnerable to abuse and sexual assault, escorted Plaintiff throughout Lawrence without ensuring her safety and protection from other prisoners. These officers allowed Plaintiff to be subjected to harm by the prisoner on the yard who exposed his genitals to Plaintiff and threatened to rape her. Additionally, prison officials refused to punish that prisoner for causing Plaintiff harm.

116. Through their actions and inactions, the Defendants have made it clear to Plaintiff and to other prisoners that they will not protect Plaintiff from harm.

117. Officers at Lawrence were also aware that some correctional officers wished to harm Plaintiff due to her gender identity, yet they disregarded the substantial risk that Plaintiff would be harmed by officers by failing to take any measures to abate the risk, in violation of Plaintiff's Eighth Amendment rights.

118. Defendant Officer Burley used excessive force against Plaintiff while Defendants Lieutenant Givens, Officer Clark, and Officer Lanpley stood by and watched without intervening.

119. Officers at Dixon, knowing that Plaintiff is vulnerable to abuse and sexual assault, escort Plaintiff throughout Dixon without ensuring her safety and protection from other prisoners. Officers at Dixon failed to protect Plaintiff from two prisoners: one who sexually assaulted Plaintiff on the yard and exposed himself; another who, over the course of weeks, repeatedly sexually assaulted Plaintiff and threatened her with rape and physical harm.

120. Officers at Dixon, including Defendants Officer Gee, IA Officer Manzano, and IA Officer Blackburn, further failed to protect Plaintiff by retaliating against her and threatening her for making complaints, thereby effectively denying and restricting her ability to grieve the harm

she is enduring.

121. The actions of the individual Defendants were the direct and proximate cause of the violations of Plaintiff's constitutional rights and of the damages suffered by Plaintiff, including bodily injury, pain, suffering, emotional distress, anguish, and humiliation.

122. The individual Defendants' above-described actions and omissions were undertaken with malice and/or reckless disregard for Plaintiff's clearly established constitutional rights.

123. Additionally, Plaintiff seeks injunctive and declaratory relief against Defendants Director Baldwin and Warden Varga in their official capacities to prevent the continued violation of her constitutional rights.

**COUNT IV – CRUEL AND UNUSUAL PUNISHMENT
(Eighth Amendment Claim for Damages and Declaratory and Injunctive Relief under 42
U.S.C. § 1983)**

124. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

125. Count IV is alleged against Defendants Warden Varga, Warden Kink, and Warden Jaimet in their individual capacities, as well as Defendants Director Baldwin and Warden Varga in their official capacities.

126. Plaintiff has a right to be free from cruel and unusual punishment under the Eighth Amendment.

127. By housing Plaintiff in segregation, IDOC staff have imposed conditions on Plaintiff that have exacerbated her serious mental health problems, leading to her suicide attempts. Plaintiff's placement in segregation constitutes cruel and unusual punishment.

128. By placing and planning to keep Plaintiff in segregation for approximately one

year, despite her deteriorating mental health, IDOC staff inflicted unnecessary and wanton pain on Plaintiff without any legitimate penological purpose, in violation of Plaintiff's Eighth Amendment rights.

129. By approving Plaintiff's placement in segregation and refusing to release her from segregation, Warden Varga, Warden Kink, and Warden Jaimet knew of and disregarded a substantial risk of serious harm to Plaintiff's physical and mental health.

130. The Defendants' above-described actions and omissions were undertaken with malice and/or reckless disregard for Plaintiff's clearly established constitutional rights.

131. The actions of the Defendants were the direct and proximate cause of the violations of Plaintiff's constitutional rights and of the damages suffered by Plaintiff, including bodily injury, pain, suffering, emotional distress, anguish, and humiliation.

132. Additionally, Plaintiff seeks injunctive and declaratory relief against Defendants Director Baldwin and Warden Varga in their official capacities to prevent the continued violation of her constitutional rights.

COUNT V – EXCESSIVE FORCE
(Eighth Amendment Claim for Damages under 42 U.S.C. § 1983)

133. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

134. Count V is against Defendants Officer Burley, Lieutenant Doering, and Sergeant Kunde.

135. The actions of Defendant Officer Burley described above on February 18, 2018, constituted unreasonable and excessive force, without legal cause, in violation of Plaintiff's Eighth Amendment rights.

136. The actions of Defendants Lieutenant Doering and Sergeant Kunde described

above on June 26, 2018, constituted unreasonable and excessive force, without legal cause, in violation of Plaintiff's Eighth Amendment rights.

137. The misconduct described in this Count was objectively unreasonable and was undertaken intentionally, with malice and knowing disregard for Plaintiff's clearly established constitutional rights, and not for any legitimate penological purpose.

138. The actions of Defendant Officer Burley were the direct and proximate cause of the violations of Plaintiff's constitutional rights and of the damages suffered by Plaintiff, including bodily injury, pain, suffering, emotional distress, anguish, and humiliation.

Count VI – RETALIATION
(First Amendment Claim for Damages and Declaratory and Injunctive Relief under 42 U.S.C. § 1983)

139. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

140. Count VI is alleged against Defendants Officer Gee, IA Officer Manzano, and IA Officer Blackburn, as well as Defendants Director Baldwin and Warden Varga in their official capacities.

141. As described in detail above, the individual Defendants have retaliated against Plaintiff for exercising her constitutional right to report the sexual harassment and abuse she has experienced and continues to experience, in violation of the First Amendment.

142. The individual Defendants' above-described actions were undertaken with malice and/or reckless disregard for Plaintiff's clearly established constitutional rights.

143. As a direct and proximate result of the individual Defendants' unconstitutional conduct, Plaintiff suffered damages, including bodily injury, pain, suffering, emotional distress, anguish, and humiliation.

144. Additionally, Plaintiff seeks injunctive and declaratory relief against Defendants Director Baldwin and Warden Varga in their official capacities to prevent the continued violation of her constitutional rights.

**COUNT VII – AMERICANS WITH DISABILITIES ACT (“ADA”)
(ADA claim for Declaratory and Injunctive Relief)**

145. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

146. Count VII is alleged against Defendants Director Baldwin and Warden Varga in their official capacities.

147. As described more fully in the proceeding paragraphs, Plaintiff is a qualified person with a mental disability under the Americans with Disabilities Act and her disability is known to the Defendants. IDOC staff has designated Plaintiff as SMI and has diagnosed her with Gender Dysphoria and Bipolar Disorder.

148. Defendants violated the ADA by discriminating against Plaintiff on the basis of her Gender Dysphoria disability, as described more fully above.

149. Defendants violated the ADA by failing to provide Plaintiff with reasonable accommodations for her Gender Dysphoria disability. The Defendants have denied Plaintiff the reasonable accommodation of a transfer to a woman’s prison.

150. The Defendants violated the ADA by failing to provide Plaintiff with reasonable accommodations for her mental disability. The conditions in segregation are worsening her mental disability. Thus, the Defendants must accommodate Plaintiff’s mental disability by finding alternate ways to punish Plaintiff that do not involve segregation and that do not adversely affect her mental disability.

151. Plaintiff seeks injunctive and declaratory relief against Defendants Director

Baldwin and Warden Varga in their official capacities to prevent the continued violation of her rights under the ADA.

COUNT VIII – UNLAWFUL POLICY AND PRACTICE
(*Monell* Claim for Declaratory and Injunctive Relief under 42 U.S.C. § 1983)

152. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

153. Count VIII is alleged against Defendants Director Baldwin and Warden Varga in their official capacities.

154. The actions of the individual Defendants were undertaken pursuant to policies, practices, and customs of the Illinois Department of Corrections, described above and below, which were ratified by policymakers for the Illinois Department of Corrections with final policymaking authority.

155. At all times material to this complaint, the Illinois Department of Corrections has interrelated *de facto* policies, practices, and customs related to transgender prisoners which included, inter alia:

- (a) improperly housing transgender women prisoners in male prisons instead of the female prisons;
- (b) failing to properly train IDOC employees on how to care for and interact with transgender prisoners;
- (c) condoning a culture of harassment and abuse of transgender prisoners in IDOC prisons;
- (d) failing to adequately investigate complaints by transgender prisoners related to allegations concerning PREA and other wrongdoing on the part of correctional officers.

156. According to the 2016 PREA reports of IDOC facilities, there were no transgender prisoners in the two female prisons (Logan Correctional Center and Decatur Correctional Center), and 28 transgender women housed throughout the 24 male prisons.

157. Upon information and belief, there are still no transgender prisoners in the two female prisons. All transgender prisoners are currently housed in male prisons where they are at risk of being subjected to sexual and physical abuse.

158. The interrelated policies, practices, and customs alleged above were well known within the Illinois Department of Corrections. During the relevant time period, Defendants Director Baldwin and Warden Varga had notice of these widespread practices by employees at the IDOC, and in particular at Lawrence.

159. The widespread practices were allowed to flourish—and become so well settled as to constitute de facto policy of the IDOC—because governmental policymakers and authority over the same, namely, Defendants Baldwin and Varga, exhibited deliberate indifference to the problem, thereby effectively ratifying it.

160. The interrelated policies, practices, and customs alleged above were the direct and proximate cause of the unconstitutional acts committed by the Defendants and the injuries suffered by Plaintiff.

161. Plaintiff seeks injunctive and declaratory relief against Defendants Baldwin and Varga in their official capacities to prevent the continued violation of her constitutional rights and the rights of other transgender women in IDOC custody.

**COUNT IX – ILLINOIS HATE CRIMES ACT
(State law claim for Damages and Injunctive Relief)**

162. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

163. Count IX is alleged against Defendant Officer Burley, as well as Defendants Director Baldwin and Warden Varga in their official capacities.

164. The Illinois Hate Crimes Act states, in relevant part, that “[i]ndependent of any criminal prosecution” victims of hate crimes “may bring a civil action for damages, injunction or other appropriate relief.” 720 ILCS 5/12-7.1(c).

165. A person commits a hate crime when “by reason of the actual or perceived . . . gender [or] sexual orientation . . . regardless of the existence of any other motivating factor or factors,” he or she commits various offenses, including, inter alia, assault, battery, mob action, and disorderly conduct. 720 ILCS 5/12-7.1(a).

166. Defendant Officer Burley committed a hate crime against Plaintiff by physically assaulting her due to her gender and sexual orientation.

167. As a result of Defendant Officer Burley’s actions, Plaintiff suffered damages, including bodily injury, pain, suffering, emotional distress, anguish, and humiliation.

168. Additionally, Plaintiff seeks injunctive and declaratory relief against Defendants Director Baldwin and Warden Varga in their official capacities to prevent the continued violation of her rights under the Illinois Hate Crimes Act.

**COUNT X – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
(State law claim for Damages)**

169. Plaintiff repeats and realleges the preceding paragraphs as if fully set forth in this Count.

170. Count X is alleged against all the individual Defendants.

171. The individual Defendants’ conduct described above was extreme and outrageous. The Defendants’ actions were rooted in an abuse of power and authority, and were undertaken with the intent to cause, or were in reckless disregard of the probability that their conduct would

cause, severe emotional distress to Plaintiff.

172. As a direct and proximate result of the Defendants' actions, Plaintiff suffered and continues to suffer severe emotional distress.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff Deon "Strawberry" Hampton requests that this Court enter judgment in her favor against the Defendants in the following manner:

1. Adjudge and declare that the policies, practices, and conduct described in this Complaint are in violation of the rights of Plaintiff under the First, Eighth, and Fourteenth Amendments to the United States Constitution, as well as her rights under the Illinois Hate Crimes Act.
2. Enjoin the Defendants from subjecting Plaintiff to the unlawful policies, practices, and conduct described in this Complaint.
3. Order that Plaintiff be transferred out of Dixon Correctional Center to Logan Correctional Center, the female prison, and placed in general population.
4. Order further injunctive relief necessary to address the ongoing violations suffered by Plaintiff.
5. Retain jurisdiction of this case until such time as the Defendants have fully complied with all orders of the Court, and there is reasonable assurance that the Defendants will continue to comply in the future with these orders.
6. Award Plaintiff compensatory and punitive damages.
7. Award Plaintiff reasonable attorneys' fees, costs, and expenses pursuant to 42 U.S.C. § 1988.

8. Award Plaintiff such other and further relief as this Court may deem appropriate and just.

JURY DEMAND

Plaintiff demands trial by jury.

Dated: July 17, 2018

Respectfully submitted,

DEON “STRAWBERRY” HAMPTON

By: /s/ Vanessa del Valle
One of her attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that she served the foregoing document upon all persons who have filed appearances in this case via the Court’s CM/ECF system on July 17, 2018.

/s/ Vanessa del Valle

EXHIBIT 4

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DEON HAMPTON (M15934),)	
)	
Plaintiff,)	
)	Case No. 18-cv-550
v.)	
)	Judge Nancy J. Rosenstengel
ILLINOIS DEPARTMENT OF)	
CORRECTIONS DIRECTOR JOHN)	
BALDWIN, <i>et al.</i> ,)	
)	
Defendants.)	

**PLAINTIFF’S RENEWED MOTION AND MEMORANDUM IN SUPPORT OF
A PRELIMINARY INJUNCTION**

Plaintiff is a transgender woman currently housed in segregation in Dixon Correctional Center, a medium security men’s prison. Plaintiff has identified as a female since the young age of five. In 2012, she was diagnosed with Gender Dysphoria by an IDOC psychiatrist and began receiving cross-sex hormone treatment while in IDOC custody in July 2016—as a result of the treatment, her testosterone level is virtually nil and she is chemically castrated. Despite being a transgender woman, Plaintiff has exclusively been placed in men’s prisons since entering IDOC custody. Prior to being housed in Dixon, Plaintiff was at Lawrence Correctional Center, Menard Correctional Center, and Pinckneyville Correctional Center; she was constantly sexually and physically abused by officers and other prisoners at all these institutions. When she reported this abuse, the officers at these institutions retaliated by filing false disciplinary charges against her that resulted in Plaintiff’s placement in segregation for approximately one year. Although Plaintiff was released from segregation at the end of May, Dixon staff placed her back in segregation one month later based on two false and retaliatory disciplinary tickets; Plaintiff does not know when she will be released from segregation.

Plaintiff was transferred from Lawrence to Dixon on March 16, 2018, after she filed the instant lawsuit and her first Motion for a Preliminary Injunction seeking emergency relief from conditions arising out of her placement in Lawrence, namely unconstitutional physical and sexual violence, unlawful discrimination, denial of mental health care, and unlawful placement in segregation. When the Defendants' initially transferred Plaintiff to Dixon, they began providing her some mental health treatment in segregation. Then, on May 25, 2018, the Defendants released Plaintiff from segregation, housed her in general population, and added group therapy to her mental health treatment plan. Because Plaintiff was no longer experiencing a mental health crisis, she withdrew her Motion for a Preliminary Injunction without prejudice on June 8, 2018.

Immediately upon withdrawing her Motion for Preliminary Injunction, staff at Dixon began treating Plaintiff much worse, placing her in danger and causing the rapid deterioration of her mental health. Dixon staff escalated their verbal harassment based on her gender identity, continuously calling her "faggot," "fag," "it," and "he-she," among other derogatory terms. Dixon staff have made it clear that they will not protect Plaintiff from other prisoners who wish to harm her due to her gender identity. Staff failed to protect Plaintiff from one prisoner who sexually assaulted Plaintiff by groping her breasts and exposing himself. They also failed to protect Plaintiff from another prison who for weeks sexually harassed and assaulted her by kissing her and groping her private parts; this prison also threatened to rape her and cause her physical harm. When Plaintiff has attempted to speak up about the mistreatment she is enduring at the hands of staff and other prisoners, Dixon staff have chastised her for filing too many complaints.

On June 26, 2018, Plaintiff received two false, retaliatory disciplinary tickets after officers repeatedly maced her in the face, resulting in her placement back in segregation. At that point, Plaintiff lost all hope and attempted suicide by hanging that same day. Staff found her unconscious and placed her on crisis watch. When she tried to come off crisis watch, she had a panic attack and was found trying to hang herself again. She was put back on crisis watch until July 2, 2018, when she was returned to segregation. Plaintiff continues to feel unstable and experience suicidal ideations. She fears that in segregation, she will try to hurt herself again, and that in general population, she will be hurt by other prisoners and staff. Plaintiff has already faced serious physical and emotional injury since arriving at Dixon and will continue to face a grave risk of serious injury if she remains there.

For these reasons, and pursuant to Federal Rule of Civil Procedure 65, Plaintiff seeks a preliminary injunction ordering Defendants Director John Baldwin and Warden John Vargas in their official capacities to: 1) transfer Plaintiff to Logan Correctional Center, a women's prison; and 2) remove Plaintiff from segregation.

Preliminary injunctions are granted in extraordinary situations where there is a clear showing of need. *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997); *Cooper v. Salazar*, 196 F.3d 809 (7th Cir. 1999). The need here could not be more obvious or more immediate. Plaintiff's situation satisfies each requirement for a preliminary injunction: (1) she will succeed on the merits because Defendants have so clearly violated (i) her rights under the Equal Protection Clause of the Fourteenth Amendment by discriminating against her on the basis of her gender identity and housing her in a men's prison, and (ii) her rights under the Eighth Amendment by failing to protect her from sexual and physical assault and subjecting her to cruel and unusual punishment; (2) in the absence of intervention by this Court, Plaintiff will suffer irreparable

harm—namely substantial likelihood that she will continue to be subjected to serious threats to her physical safety and emotional well-being, and she will continue to decompensate in segregation; (3) there is no adequate remedy at law—only an injunction will ensure that Plaintiff is transferred to a women’s prison and removed from segregation; and (4) ensuring that Defendants appropriately house Plaintiff in general population of a women’s facility and protect her from harm will further the public interest and will not harm Defendants in any way. *See AM Gen. Corp. v. DaimlerChrysler Corp.*, 311 F.3d 796, 803-804 (7th Cir. 2002). Thus, this Court must act in order to ensure that Plaintiff’s constitutional rights are not continually violated and that she is appropriately housed.¹

I. Plaintiff’s claims that Defendants violated her constitutional rights under the Fourteenth Amendment and Eighth Amendment will likely succeed on the merits.

In order to demonstrate a substantial likelihood of success on the merits, a plaintiff must demonstrate “a plausible claim on the merits.” *Hoosier Energy Rural Elec. Co-op., Inc. v. John Hancock Life Ins. Co.*, 582 F.3d 721, 725 (7th Cir. 2009). Courts should not “improperly equat[e] ‘likelihood of success’ with ‘success.’” *Michigan v. U.S. Army Corps of Eng’rs*, 667 F.3d 765, 782 (7th Cir. 2011) (quoting *University of Texas v. Camenisch*, 451 U.S. 390, 394 (1981)). “[T]he threshold for establishing likelihood of success is low.” *Id.* A plaintiff need “only to present a claim plausible enough that (if the other preliminary injunction factors cut in their favor) the entry of a preliminary injunction would be an appropriate step.” *Id.* at 783. To determine whether a plaintiff’s legal argument has a likelihood of succeeding, courts use

¹ Prior to filing the amended complaint and this motion, undersigned counsel attempted to negotiate a resolution of Plaintiff’s claims with counsel for IDOC and Dixon Correctional Center. Undersigned counsel first initiated contact with counsel for IDOC and Dixon by sending an emergency grievance on Plaintiff’s behalf on June 29, 2018. Since that time, efforts to resolve Plaintiff’s claims have been unsuccessful, thus necessitating the request for emergency relief.

whatever existing test would be employed to decide the merits of the case. *See S./Sw. Ass'n of Realtors v. Evergreen Park, IL*, 109 F.Supp.2d 926, 927 (N.D. Ill. 2000).

In this case, Plaintiff has a high chance of success on the merits of all her claims, but below will focus on the claims particularly relevant to the emergency relief she seeks—her Fourteenth Amendment and Eighth Amendment claims.

A. Plaintiff will prevail on her claim that Defendants violated her rights under the Equal Protection Clause by housing her in a men's facility.

The IDOC houses all non-transgender women in women's prisons, but forces Plaintiff, a transgender woman, to be housed with men, merely because of the sex stereotypes associated with her assigned birth. This is precisely the type of "intentional and arbitrary discrimination" the Equal Protection Clause of the Fourteenth Amendment forbids. *Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034, 1050 (7th Cir. 2017). Transgender people can allege that their right to equal protection has been violated when a government entity treats people who fail to conform "to the sex-based stereotypes associated with their assigned sex at birth, differently." *Id.* at 1051. To state an equal protection claim under Section 1983, Plaintiff must show that the Defendants "acted with a nefarious discriminatory purpose and discriminated against her based on her membership in a definable class." *D.S. v. East Porter Cty. Sch. Corp.*, 799 F.3d 793, 799 (7th Cir. 2015). Claims regarding discrimination on the basis of sex are subject to heightened scrutiny. *Whitaker*, 858 F.3d at 1050. This means that when a sex-based classification is used, the burden rests with the state to show that "the classification serves important governmental objectives and that the discriminatory means employed are substantially related to the achievement of those objects." *Id.* (quoting *U.S. v. Virginia*, 518 U.S. 515, 524 (1996)). Neither the Supreme Court nor the Seventh Circuit have decided whether transgender status is per se entitled to heightened scrutiny. However, the Seventh Circuit in *Whitaker* applied

heightened scrutiny to a transgender boy's equal protection claim against the School District, claiming that the plaintiff had experienced a form of sex-discrimination by being barred from using the boys' bathroom. *Id.* at 1051. In that case, the Seventh Circuit found that the plaintiff demonstrated a likelihood of success on his equal protection claim and upheld the district court's grant of a preliminary injunction enjoining the School District from denying the plaintiff access to the boys' restroom. *Id.* at 1052.

Several courts in other districts have also applied heightened scrutiny to equal protection claims involving transgender individuals. *See, e.g., Doe v. Massachusetts Dep't of Correction, et al.*, No. 17-12255-RGS, 2018 WL 2994403, at *9 (D. Mass. June 14, 2018) ("The trend in recent cases is to apply heightened scrutiny to classifications based on transgender status." (collecting cases)); *Bd. of Educ. of the Highland Local Sch. Dist. v. U.S. Dep't of Edu.*, 208 F. Supp. 3d 850, 873-74 (S.D. Ohio 2016) (applying the Supreme Court's four-factor test to determine whether a new classification requires heightened scrutiny and concluding that transgender individuals are a quasi-suspect class); *Adkins v. City of New York*, 143 F. Supp. 3d 134, 139 (S.D.N.Y. 2015) (finding that transgender people are a quasi-suspect class and applying intermediate scrutiny to defendants' treatment of plaintiff); *Norsworthy v. Beard*, 87 F. Supp. 3d 1104, 1119 (N.D. Cal. 2015) ("the Court concludes that discrimination based on transgender status independently qualifies as a suspect classification under the Equal Protection Clause because transgender persons meet the indicia of a "suspect" or "quasi-suspect classification" identified by the Supreme Court" (citing *Schwenk v. Hartford*, 204 F.3d 1187, 1201 (9th Cir. 2000)); *Mitchell v. Price*, No. 11-cv-260-wmc, 2014 WL 6982280, at *8 (W.D. Wis. Dec. 10, 2014) ("[a]lthough the issue has yet to be settled in this circuit, the parties agree that Mitchell's Fourteenth

Amendment equal protection claims based on her transgender status receive heightened scrutiny” (citing *Glenn v. Brumby*, 663 F.3d 1312 (11th Cir. 2012)).

Further, the Supreme Court has held that heightened scrutiny standard of review, rather than rational basis standard of review applied in certain prison cases, governs a prisoner’s claims of discrimination under the Equal Protection Clause. *See Johnson v. California*, 543 U.S. 499, 510-11 (2005) (finding that strict scrutiny applied to prisoner’s equal protection claim against corrections officials challenging the policy of racially segregating prisoners because the right not to be discriminated against “is not a right that need necessarily be compromised for the sake of proper prisoner administration”).

Adopting the reasoning in the above cited cases, Plaintiff’s equal protection claims should be analyzed under heightened scrutiny. Plaintiff has experienced sex discrimination analogous to the plaintiff in *Whitaker*—IDOC refuses to place Plaintiff in a women’s prison despite her status as a transgender woman simply because she was assigned male at birth. Defendants are well aware of Plaintiff’s status as a transgender woman and well aware that she is on cross-hormone treatment, which she began in IDOC custody. According to Dr. George Brown, a psychiatrist who is an expert in providing transgender health care, “there is no medical justification for continuing to house her in a men’s prison. To the contrary, continued housing in a men’s prison will seriously compromise [Plaintiff’s] mental health and prevent her from receiving adequate treatment for her gender dysphoria (GD).” Ex. 1, Dr. Brown 12/1/17 Decl. ¶ 3. Further, to the extent the Defendants rely on the fact that Plaintiff has not yet had sex reassignment surgery to justify her continued placement in a men’s prison, as Dr. Brown explains, “this position conflicts with all reliable medical literature,” and that given her hormone levels, Plaintiff “is functionally chemically castrated.” *Id.* ¶ 4. Additionally, Dan Pacholke, a

corrections expert with more than thirty-five years of experience in the field of adult corrections, opines that there is nothing in Plaintiff's record "that would indicate that she would be a security threat at a women's correctional facility" and that "[p]lacing [her] at a women's prison is appropriate." Ex. 2, Pacholke Report at 6. Accordingly, the Defendants will likely not be able to establish that Plaintiff's placement in a men's prison is substantially related to an important government interest. *See Massachusetts Dep't of Correction*, 2018 WL 2994403, at *9 (refusing to dismiss transgender woman prisoner's equal protection claim because "[t]he court agrees with Doe that for present purposes the DOC has not met its burden of demonstrating that housing her and other similarly-situated transgender prisoners in facilities that correspond to their birth sex serves an important governmental interest"); *Norsworthy*, 87 F. Supp. 3d at 1120 (finding that transgender woman prisoner adequately stated equal protection claim against prison officials for denying her sex reassignment surgery); *Mitchell*, 2014 WL 6982280, at *11-12 (denying summary judgement on transgender woman prisoner's equal protection claim against officer who transferred her back to a block where she encountered taunts and threats).

B. Plaintiff will prevail on her claim that Defendants violated her rights under the Equal Protection Clause by constantly sexually harassing her.

Defendants have also intentionally discriminated against Plaintiff by subjecting her to constant verbal sexual harassment, insults, threats, and intimidation that male prisoners do not endure due to her transgender status. It is well settled that sexual harassment is a form of gender discrimination proscribed by the Equal Protection Clause. *See, e.g., Locke v. Haessig*, 788 F.3d 662, 667 (7th Cir. 2015) (finding that it was clearly established that "sexual harassment by a state actor under color of state law violated the Equal Protection Clause and was actionable under § 1983"); *Hickman v. Laskodi*, 45 Fed. App'x 451, 455 (6th Cir. 2002) ("This court made clear long before [the date of the incident] that sexual harassment by government official violates the

Equal Protection Clause.”); *Hayut v. State Univ. of N.Y.*, 352 F.3d 733, 743-49 (2d Cir. 2003) (denying summary judgement on student’s claim that professor violated her rights under the Equal Protection Clause by sexually harassing her). To succeed on a sexual harassment claim, Plaintiff must establish that (1) the harassment was intentional and based on sex and (2) the harassment was “sufficiently severe or pervasive.” *Trautvetter v. Quick*, 916 F.2d 1140, 1149 (7th Cir. 1990); *see also Adair v. Hunter*, 236 F. Supp. 3d 1034, 140 (E.D. Tenn. 2017) (While isolated incidents of verbal harassment do not rise to the level of constitutional violations, “where, as here, a plaintiff alleges ongoing harassment, the equal protection clause applies.”).

Plaintiff satisfies both prongs. Since arriving at Dixon and particularly after withdrawing her first Motion for a Preliminary Injunction, the Defendants have constantly harassed her based on her gender identity. On a daily basis, they call her derogatory names such as “fag,” “faggot,” “it,” “he-she,” and more. One female staff member told Plaintiff she is not a real woman. The sexual harassment is so severe and pervasive that it rises to the level of a constitutional violation. *See Owens v. Ragland*, 313 F. Supp. 2d 939, 944-47 (W.D. Wis. 2004) (denying summary judgement on plaintiff’s equal protection claim where city official made sexually explicit comments and proposals to plaintiff); *Joyner v. Snyder*, No. 06-3062, 2007 WL 401269, at *2 (C.D. Ill. Feb. 1, 2007) (finding that prisoner sufficiently stated an equal protection violation where prisoner alleged that he was harassed and discriminated against because of his sexual orientation).

C. Plaintiff will prevail on her claim that Defendants violated her rights under the Eighth Amendment by failing to protect her from sexual and physical abuse.

To succeed on a failure to protect claim, Plaintiff must show that (1) she was “incarcerated under conditions posing substantial risk of serious harm” and (2) “the defendants

acted with ‘deliberate indifference’ to [her] health or safety.” *Santiago v. Walls*, 599 F.3d 749, 756 (7th Cir. 2010) (quoting *Farmer v. Brennan*, 511 U.S. 825, 834 (1994)). The sexual and physical abuse Plaintiff has suffered at Dixon constitute “serious harm.” *See Farmer*, 511 U.S. at 833-34 (treating sexual assault as serious harm); *Brown v. Budz*, 398 F.3d 904, 910-11 (7th Cir. 2005) (finding that a “beating suffered at the hands of a fellow detainee . . . clearly constitutes serious harm”).

To prove deliberate indifference, Plaintiff must establish that Defendants knew she faced a substantial risk of serious harm and disregarded that risk by failing to take reasonable measures to abate it. *See Farmer*, 511 U.S. at 847. Plaintiff must show that Defendants had “actual knowledge of the risk.” *Washington v. LaPorte Cty. Sheriff’s Dep’t*, 306 F.3d 515, 518 (7th Cir. 2002). This “is a question of fact subject to demonstration in the usual ways, including inference from circumstantial evidence.” *Farmer*, 511 U.S. at 842. “If ‘the circumstances suggest that the defendant-official being sued had been exposed to information concerning the risk and thus ‘must have known’ about it, then such evidence could be sufficient to permit a trier of fact to find that the defendant-official had actual knowledge of the risk.’” *Sanville v. McCaughtry*, 266 F.3d 724, 737 (7th Cir. 2001) (quoting *Farmer*, 511 U.S. at 842-43); *see also Washington*, 306 F.3d at 519 (“Under some circumstances, a risk might be so obvious that actual knowledge on the part of prison officials may be inferred.”). Furthermore, Plaintiff “can establish exposure to a significantly serious risk of harm by showing that [s]he belongs to an identifiable group of prisoners who are frequently singled out for violent attack by other inmates.” *Farmer*, 511 U.S. at 843 (quotation omitted).

First, Defendants have knowledge that Plaintiff faces a substantial risk of serious harm from both other prisoners and staff. Defendants know that Plaintiff is a transgender woman and

is therefore particularly vulnerable in a men's facility. See *Perkins v. Martin*, No. 3:14-cv-00191-SMY-PMF, 2016 WL 3670564, at *3 (S.D. Ill. Jul. 11, 2016) (citing *Farmer* and listing "transgender prisoner with feminine characteristics in male prison" as a "situation where the prisoner plaintiff exhibits characteristics that make them more likely to be victimized"); *Doe v. District of Columbia*, 215 F. Supp. 3d 62, 77 (D.D.C. 2016) (finding that a jury could infer that prison officials "knew Doe faced a substantial risk of rape because of her status as a transgender woman."); *Zollicoffer v. Livingston*, 169 F. Supp. 3d 687, 691 (S.D. Texas 2016) (citing 2011 data from the Bureau of Justice Statistics, which "reported that 34.6% of transgender inmates reported being the victim of sexual assault," approximately 9 times the rate of other prisoners, and stating that "[t]he vulnerability of transgender prisoners to sexual abuse is no secret."). Additionally, Defendants know that Plaintiff has already been sexually and physically abused at other men's prisons—they have actual knowledge of the risk of harm by nature of their participation in Plaintiff's prior lawsuit, Plaintiff's grievances and PREA complaints, and prior Internal Affairs investigations.

Second, Defendants disregarded the risk by failing to take reasonable measures to protect Plaintiff from abuse at the hands of other prisoners. The Defendants failed to protect Plaintiff from two prisoners at Dixon: one who sexually assaulted Plaintiff on the yard and exposed himself; another who, over the course of weeks, repeatedly sexually assaulted Plaintiff and threatened her with rape and physical harm. Neither of these prisoners were punished for harming Plaintiff. See *Farmer*, 511 U.S. at 845 ("one does not have to await the consummation of threatened injury to obtain preventive relief" (citation omitted)); *Zollicoffer*, 169 F. Supp. 3d at 696 (finding that "Plaintiff sufficiently alleged facts to show that Defendant knew of, and was deliberately indifferent to, the high risk of sexual assault of gay and transgender inmates at the

TDCJ facilities”); *Hoskins v. Dilday*, No. 16-CR-334-MJR-SCW, 2017 WL 951410, at *6 (S.D.

Ill. Mar. 10, 2017) (finding a strong likelihood that Plaintiff will succeed on the merits of his

Eighth Amendment claim where he alleged that he had been physically attacked by several

defendants while other defendants did nothing to help him and that he had been threatened with

future physical harm); *Mitchell v. Baker*, No. 13-cv-0860-MJR-SCW, 2015 WL 278852, at *5

(S.D. Ill. Jan. 21, 2015) (finding that Plaintiff has a substantial probability of success of the

merits of his Eighth Amendment claim where he alleged that officers victimized him via frequent

threats and physical abuse).

D. Plaintiff will prevail on her claim that Defendants violated her rights under the Eighth Amendment by housing her in conditions that constitute cruel and unusual punishment.

The Eighth Amendment prohibits punishments which “involve the unnecessary and wanton infliction of pain” that are “totally without penological justification.” *Rhodes v.*

Chapman, 452 U.S. 337, 345 (1981). To prevail on an Eighth Amendment claim based on the

conditions of confinement, Plaintiff must show that (1) the conditions were “‘sufficiently

serious’ so that ‘a prison official’s act or omission results in the denial of the minimal civilized

measure of life’s necessities’” and (2) the Defendants acted with deliberate indifference to the

conditions in question. *Townsend v. Fuchs*, 522 F.3d 765, 773 (7th Cir. 2008) (quoting *Farmer*,

511 U.S. at 834). The objective prong the Eighth Amendment claim is “contextual and

responsive to ‘contemporary standards of decency.’” *Hudson v. McMillian*, 503 U.S. 1, 8 (1992)

(citation omitted); *see also Whitley v. Albers*, 475 U.S. 312, 327 (1986) (explaining that the

Eighth Amendment prohibits punishments that are “inconsistent with contemporary standards of

decency” and “repugnant to the conscience of mankind”).

Here, Plaintiff was subjected to segregation for one year, released for one month, and then placed back in segregation. The conditions in segregation are worsening her mental illness and causing her extreme emotional pain and suffering. The pain and suffering have escalated to the point where Plaintiff attempted suicide a total of six times (four times at Lawrence and two times at Dixon).

A number of courts have recognized that segregation can have drastic adverse effects on a prisoner's mental state, even for prisoners without mental illness. *See, e.g., Williams v. Sec'y Pa. Dep't of Corr.*, 848 F.3d 549, 567-68 (3d Cir. 2017) (noting that both "psychological damage" and "[p]hysical harm" can result from solitary confinement, including "high rates of suicide and self-mutilation" as well as "more general physical deterioration"); *Incumaa v. Stirling*, 791 F.3d 517, 534 (4th Cir. 2015) ("Prolonged solitary confinement exacts a heavy psychological toll that often continues to plague an inmate's mind even after he is resocialized."); *Westefer v. Snyder*, 725 F. Supp. 2d 735, 769 (S.D. Ill. 2010) ("Tamms imposes drastic limitations on human contact, so much so as to inflict lasting psychological and emotional harm on inmates confined there for long periods."); *Morris v. Travisono*, 499 F. Supp. 149, 160 (D.R.I. 1980) ("Even if a person is confined to an air conditioned suite at the Waldorf Astoria, denial of meaningful human contact for such an extended period may very well cause severe psychological injury."); *see also Davis v. Ayala*, 135 S. Ct. 2187, 2209 (2015) (Kennedy, J., concurring) ("the penal system has a solitary confinement regime that will bring you to the edge of madness, perhaps to madness itself"); *Glossip v. Gross*, 135 S. Ct. 2726, 2765 (2015) (Breyer, J., dissenting) ("it is well documented that . . . prolonged solitary confinement produces numerous deleterious harms" (citing Craig Haney, *Mental Health Issues in Long-Term Solitary and "Supermax" Confinement*, 49 *Crime & Delinquency* 124, 130 (2003); Stuart Grassian,

Psychiatric Effects of Solitary Confinement, 22 Wash. U. J. L. & Policy 325, 331 (2006))). The overwhelming weight of scientific literature backs these conclusions. Several articles have recognized that “[n]early every scientific inquiry into the effects of solitary confinement over the past 150 years has concluded that subjecting an individual to more than 10 days of involuntary segregation results in a distinct set of emotional, cognitive, social, and physical pathologies.” Kenneth Appelbaum, *American Psychiatry Should Join the Call to Abolish Solitary Confinement*, 43 J. Am. Acad. Psychiatry & L. 406, 410 (2015) (quoting David H. Cloud, et al., *Public Health and Solitary Confinement in the United States*, 105(1) Am. J. Pub. Health 18, 18-26 (2015)).

Courts have further held that the serious damage wrought by segregation is particularly pronounced for prisoners with mental illness. *See, e.g., Scarver v. Litscher*, 434 F.3d 972, 975 (7th Cir. 2006) (conditions of solitary confinement “aggravated the symptoms of [a prisoner’s] mental illness and by doing so inflicted severe physical and especially mental suffering”); *Braggs v. Dunn*, No. 2:14CV601-MHT(WO), 2017 WL 2773833, at *51 (M.D. Ala. June 27, 2017) (finding prison’s segregation practices “placed prisoners with serious mental-health needs at a substantial risk of continued pain and suffering, decompensation, self-injurious behavior, and even death”); *Latson v. Clarke*, No. 1:16CV00039, 2017 WL 1407570, at *3 (W.D. Va. Apr. 20, 2017) (“the impacts of solitary confinement can be similar to those of torture and can include a variety of negative physiological and psychological reactions,” effects that “are amplified in individuals with mental illness.”); *Coleman v. Brown*, 28 F. Supp. 3d 1068, 1095 (E.D. Cal. 2014) (finding that “placement of seriously mentally ill inmates in [segregation] can and does cause serious psychological harm, including decompensation, exacerbation of mental illness, inducement of psychosis, and increased risk of suicide”); *Madrid v. Gomez*, 889 F. Supp. 1146,

1265 (N.D. Cal. 1995) (placing a mentally ill prisoner in solitary confinement “is the mental equivalent of putting an asthmatic in a place with little air to breathe”). Thus Plaintiff has established that conditions she has had to endure in segregation are sufficiently serious to satisfy the objective prong.

Plaintiff also satisfies the subjective prong of this Eighth Amendment claim—she has established that Defendants were and continue to be deliberately indifferent to the harm she is suffering as a result of segregation. On two separate occasions IDOC mental health staff have concluded that placement in segregation would negatively impact Plaintiff’s mental health, yet their opinions were ignored by security staff who continued to prolong her segregation time. Plaintiff has repeatedly told security and medical staff at Dixon that she is in emotional distress because of her placement in segregation, and she has attempted suicide two times at Dixon; she attempted suicide four times at Lawrence. Yet, IDOC continues to house her in segregation. Further, Plaintiff has demonstrated that there is no penological justification for housing her in segregation as her discipline is retaliatory.

II. Plaintiff will suffer irreparable harm in the absence of a preliminary injunction.

A preliminary injunction is necessary to avert three forms of irreparable harm to Plaintiff:

- 1) the ongoing violation of her constitutional rights, which in itself constitutes irreparable harm;
- 2) the continued, serious threats to her physical safety; and 3) the continued, serious threats to her mental health.

First, the Defendant’s continual deprivation of Plaintiff’s Eighth and Fourteenth Amendment rights, as previously described, is an irreparable harm sufficient to warrant a preliminary injunction. *See Preston v. Thompson*, 589 F.2d 300, 303 n.3 (7th Cir. 1978) (“The existence of a continuing constitutional violation constitutes proof of an irreparable harm, and its

remedy certainly would serve the public interest.”) (affirming grant of preliminary injunction in prison conditions case); *Planned Parenthood of Ind. and Ky., Inc. v. Commissioner*, 194 F. Supp. 3d. 818, 835 (S.D. Ind. 2016) (finding that the “presumption of irreparable harm also applies to equal protection violations”).

Second, Plaintiff’s physical safety is at risk. The Defendants have made it clear that they will not protect Plaintiff from other prisoners who wish to harm her. The Defendants already allowed two prisoners to sexually assault and threaten her. *See Hoskins*, 2017 WL 951410, at *6 (finding that prisoner faced irreparable harm if he remained at Menard, where he “faces physical threats and is prevented from receiving needed medications and food trays at times”); *Mitchell*, 2015 WL 278852, at *5 (finding that irreparable harm was “undisputed” where plaintiff alleged that officers at Menard victimized him via frequent threats and physical abuse); *White v. Jindal*, No. 13-15073, 2014 WL 1608697, at *6 (E.D. Mich. 2014) (finding that prisoner would suffer irreparable harm absent a preliminary injunction ordering his transfer to another facility where prisoner claimed that he was beaten by other prisoners and “warned that he would be beaten further if he did not provide ‘protection money’”); *Pocklington v. O’Leary*, No. 86 C 2676, 1986 WL 5748, at *1 (N.D. Ill. May 6, 1986) (granting TRO and ordering warden not to return prisoner to general population status where plaintiff had been raped by other inmates, notified prison officers, and was ignored by them).

Third, Plaintiff’s mental health is at risk. She has been forced to endure constant sexual and physical abuse at various men’s facilities, including Dixon, which has taken a toll on her mental health. The abusive and restrictive conditions under which Plaintiff is housed are causing her to decompensate. According to Dr. Brown, Plaintiff’s “extended placement in segregation” has caused her to suffer “from a number of mental health crises.” Ex. 1, Dr. Brown 12/1/17

Decl. ¶ 14. Dr. Brown opines that Plaintiff “has shown clear signs of psychiatric deterioration, including a significant increase in gender dysphoria, anxiety and depression.” *Id.* Dr. Brown further opines that “her continued placement in segregation is exacerbating her symptoms and putting her at risk of suffering life-long adverse consequences, up to and including death by suicide or by a suicide attempt/gesture that becomes lethal.” Ex. 1, Dr. Brown 3/7/18 Decl. ¶ 2; *see also Jones ‘El v. Berge*, 164 F. Supp. 2d 1096, 1123 (W.D. Wis. 2001) (finding that plaintiffs would suffer irreparable harm absent a preliminary injunction where the conditions at Supermax posed a grave risk of harm to seriously mentally ill inmates). Plaintiff has already attempted suicide multiple times (including two times at Dixon) and there is a serious risk that she will continue to have suicidal ideations.

III. Plaintiff lacks an adequate remedy at law for ongoing violations of constitutional rights and risks to safety.

Money will not make Plaintiff whole or protect her from physical and emotional abuse. Only an order from this Court will accomplish this. *See Flower Cab Co. v. Petite*, 685 F.2d 192, 195 (7th Cir. 1982) (stating that in prison conditions cases, “the quantification of injury is difficult and damages are therefore not an adequate remedy”); *Foster v. Ghosh*, 4 F. Supp. 3d 974, 983 (N.D. Ill. 2013) (granting preliminary injunction to prisoner requiring medical attention; no adequate remedy at law exists because “the consequence of inaction at this stage would be further deteriorated vision in both eyes”); *Pocklington*, 1986 WL 5748, at *1 (where prisoner faces a risk of rape, “[d]amages are plainly not an adequate remedy for the kind of further indignity with which [he] is threatened”).

IV. Plaintiff will suffer greater harm if a preliminary injunction is denied than Defendants will suffer if a preliminary injunction is granted and an injunction is in the public interest.

The balance of harms tips decidedly in Plaintiff's favor. The injunction sought here merely requires that the Defendants do their job: protect Plaintiff from abusive staff and prisoners, and house her appropriately. Plaintiff requests transfer to Logan Correctional Center as the best way to protect her from further harm and removal from segregation. Such an injunction would ensure Plaintiff's health and safety and end her physical and emotional suffering caused by the Defendants. Adhering to this injunction would cause the Defendants minimal harm as "transfers of inmates occur on a daily basis; movement of inmates is normal." *Jones 'EL v. Berge*, 164 F. Supp. 2d 1096, 1123 (W.D. Wis. 2001) (finding that "[t]ransferring five prisoners would not burden the department logistically or financially" and therefore the balance of harms tips in plaintiff's favor); *see also Hoskins*, 2017 WL 951410, at *6 (order transfer of inmate out of Menard to another facility because "the burden placed on Defendants by mandating Plaintiff's transfer is not greater than the risk of irreparable harm to Plaintiff"). Furthermore, without this injunction, Defendants will likely continue to pass Plaintiff from male institution to male institution like a hot potato, exacting greater cost to both them and Plaintiff.

Further, to the extent the Defendants attempt to argue that transferring Plaintiff to a women's prison would pose a harm to the other women prisoners, this position is unfounded. Dr. Brown explains that refusing to house Plaintiff in a women's prison simply because she has not yet had sex reassignment surgery "conflicts with all reliable medical literature," and that given her hormone levels, Plaintiff "is functionally chemically castrated." Ex. 1, Dr. Brown 12/1/17 Decl. ¶ 4. In addition, Mr. Pacholke, explains that there is nothing in Plaintiff's record "that would indicate that she would be a security threat at a women's correctional facility." Ex. 2, Pacholke Report at 6; *see also Hoskins*, 2017 WL 951410, at *6 (rejecting defendants' argument that plaintiff might, in some unspecified way, endanger the public, staff, or other

inmates if he is transferred because “the risk of harm to Plaintiff outweighs that speculative concern”).

Additionally, removing Plaintiff from segregation pending a resolution on the merits of this case would not cause Defendants any significant harm. If the preliminary injunction is granted but Defendants ultimately prevail in the case, they can return Plaintiff to segregation. On the other hand, without provisional relief, Plaintiff will continue to deteriorate mentally and suffer from suicidal ideations.

Moreover, it is in the public interest to ensure that Plaintiff’s constitutional rights are not violated by correctional officers. *See Hoskins*, 2017 WL 951410, at *7 (“In this case the public interest is best served by ensuring that corrections officers obey the law.”); *Jones ‘EL*, 164 F. Supp. 2d at 1125 (“Respect for law, particularly by officials responsible for the administration of the State’s correctional system, is in itself a matter of the highest public interest.”).

V. The Court should waive bond.

Under Federal Rule of Civil Procedure 65(c), district courts have discretion to determine the amount of the bond accompanying a preliminary injunction, and this includes the authority to set a nominal bond. In this case, the Court should waive bond because Plaintiff is indigent, the requested preliminary injunction is in the public interest, and the injunction is necessary to vindicate constitutional rights. *See Pocklington*, 1986 WL 5748, at *2 (“[B]ecause of [a prisoner’s] indigent status, no bond under Rule 65(c) is required.”); *Davis v. Mineta*, 302 F.3d 1104, 1126 (10th Cir. 2002) (“minimal bond amount should be considered” in public interest case); *Complete Angler, L.L.C. v. City of Clearwater*, 607 F.Supp.2d 1326, 1335 (M.D. Fla.

2009) (“Waiving the bond requirement is particularly appropriate where a plaintiff alleges the infringement of a fundamental constitutional right.”).²

CONCLUSION

For the foregoing reasons, the Court should order an evidentiary hearing on the motion for a preliminary injunction at the earliest possible date and/or enter a preliminary injunction enjoining Defendants to: 1) transfer Plaintiff to Logan Correctional Center, a women’s prison; and 2) remove Plaintiff from segregation.

Respectfully submitted,

DEON “STRAWBERRY” HAMPTON

By: /s/ Vanessa del Valle
One of her attorneys

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² In addition to the general preliminary injunction requirements discussed above, the Prison Litigation Reform Act requires a court to make certain additional findings when granting a preliminary injunction “[i]n any civil action with respect to prison conditions.” 18 U.S.C. § 3626(a)(2). Specifically, “[p]reliminary injunctive relief must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm.” *Id.* In this case, the requested provisional remedy—transferring Plaintiff to Logan and removing her from segregation—tracks the very constitutional violations that Plaintiff suffered, and therefore is narrowly tailored to remedy them.

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that she served the foregoing document upon all persons who have filed appearances in this case via the Court's CM/ECF system on July 17, 2018.

/s/ Vanessa del Valle

Supplement to Declaration of Dr. George R. Brown, MD, DFAPA

I, Dr. George R. Brown, MD declare under penalty of perjury the following:

1. On December 1, 2017, at the request of her lawyers, I executed the attached declaration relating to the care and medical condition of Strawberry Hampton. Ms. Hampton is a 27-year-old trans woman who has been housed in male correctional facilities since her admission in 2012. In that declaration, I set forth relevant information about my qualifications and methodology and I concluded that “there is no medical justification for continuing to house her in a men’s prison. To the contrary continued housing in a men’s prison will seriously compromise Ms. Hampton’s mental health and prevent her from receiving adequate treatment for her gender dysphoria.” I reassert each paragraph of that declaration here and supplement that declaration with the paragraphs below.

2. In February 2018, at the request of her attorneys, I reviewed mental health records related to Mr. Hampton’s treatment at the Lawrence Correctional Facility, where she has been housed since January 10, 2018. I also conducted a 30 minute phone interview with Ms. Hampton. Based on my review of the records and my conversation with Ms. Hampton, I conclude that her transfer to the Lawrence Correctional Center has not abated any of Ms. Hampton’s mental health symptoms which include extreme distress, depression, and anxiety, with much of this symptomatology directly related to her inadequately treated gender dysphoria. Ms. Hampton is currently being denied medically necessary services for both her gender dysphoria and her mood disorder and her continued placement in segregation is exacerbating her symptoms and putting her at risk of suffering life-long adverse consequences, up to and including death by suicide or by a suicide attempt/gesture that becomes lethal.

3. According to Ms. Hampton's medical records, on January 30, 2018, Ms. Hampton's estradiol level was 397 and her testosterone was < 3. Her current level is considered "castrate" in that she has virtually no circulating testosterone similar to males who have been surgically castrated. As stated in my December 2017 declaration, when patients' testosterone levels are in the castrate range significant physical changes occur, including genital shrinkage and potentially irreversible infertility. Additionally, these hormone levels are associated with a significant loss of muscle mass and strength.

4. I have access to Ms. Hampton's mental health records up to January 23, 2018. It is my understanding that since that date, Ms. Hampton has engaged in multiple acts of self-harm. Her treatment plan indicates that she will receive, once a month, talk therapy to address what has been diagnosed as bipolar disorder. The treatment plan further indicates that Ms. Hampton is not—and will not-- receive any psychosocial support services to treat her gender dysphoria. It appears that Ms. Hampton has had occasional access to group therapy (she has attended two sessions to date), but has on at least on occasion been removed from group because she used explicit language to describe her experiences in the prison.

5. The records further indicate that Ms. Hampton is receiving 150g of lithium at night. Although she is willing to take this medication as directed, this dosage is so low it is essentially homeopathic. There is no apparent monitoring of the blood levels, which is required with the use of lithium, but it is highly unlikely that there are any significant amounts of this medication in her bloodstream. I am unaware of any clinical benefits of providing a patient with alleged bipolar disorder with lithium at this dosage.

6. Ms. Hampton's medical records from Lawrence demonstrate that the medical and correctional staff at the facility are continuing to mis-gender her by referring to her exclusively

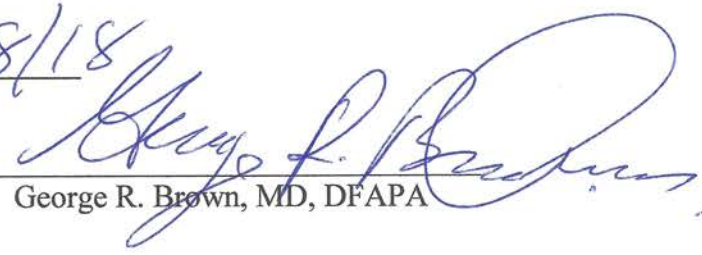
with male pronouns. Her medical records, particularly those completed by her psychiatrist at Lawrence, also use male pronouns when referring to Ms. Hampton. As explained in my December 2018 declaration, this mis-gendering is harmful to her mental health because it humiliates and degrades Ms. Hampton. In Ms. Hampton's case, the use of male pronouns serves to further exacerbate her gender dysphoria, including symptoms of low self-esteem, thoughts of self-harm, anxiety and depression.

7. Ms. Hampton continues to be housed in segregation and the extreme distress, anxiety and depression I documented in December 2017 continues as a result of her housing placement and the lack of adequate mental health care and individualized treatment for gender dysphoria, other than cross-sex hormones.

8. Ms. Hampton continues to be denied medically necessary mental health services for her gender dysphoria and for her mood disorder. A continuation in her current placement will cause her more serious harm and put her at risk of suffering lifelong consequences—including but not limited to acts of self-harm, post-traumatic stress disorder, and the consequences of undertreated gender dysphoria.

The opinions I express above are based on my knowledge and experience and were developed by analyzing the medical records that have been provided to me, and supplemented by two telephone interviews between myself and Ms. Hampton. These opinions are expressed with a reasonable degree of medical certainty. I reserve the right to change or modify my opinions should additional evidence become available. Pursuant to 28 USC 1746, I declare under penalty of perjury that the forgoing is true and correct.

Date: 3/8/18

Signature: 
George R. Brown, MD, DFAPA

Declaration of Dr. George R. Brown, MD, DFAPA

I, Dr. George R. Brown, MD declare under penalty of perjury the following:

1. I am a medical doctor who is Board Certified in Psychiatry. I serve on the faculty of the East Tennessee State University Quillen College of Medicine, where I currently hold the position of Professor of Psychiatry and the Associate Chairman for Veterans Affairs. I also hold a teaching appointment related to my expertise with transgender healthcare and research at the University of North Texas, Texas College of Osteopathic Medicine. I currently have privileges to provide transgender health care and training at one Federal Bureau of Prison facility in the Dallas-Forth Worth area. For three decades, my research has focused principally on the study of transgender health. I have been involved in the clinical evaluation of patients with Gender Dysphoria (GD) for approximately thirty years. Further, since 1990, I have served on the World Professional Association for Transgender Health (WPATH) Committee to Revise the Standards of Care, and I was a coauthor of the current version of the Standards of Care, Version 7 (2011). Attached to this declaration as Exhibit 1 is my CV.

2. At the request of her counsel, I reviewed Deon Hampton's medical records (I will refer to this inmate as Strawberry Hampton, using female pronouns, as this is her preferred name and pronoun set). This review included records from Hill Correctional Center, Lawrence Correctional Center, Pinckneyville Correctional Center, and Menard Correctional Center. (Exhibit 2). I also conducted a one hour and 3 minute phone interview with Ms. Hampton; however, the interview took place under less than ideal conditions. Ms. Hampton reported that there were six correctional officers in close proximity to her and they could overhear everything she said. Despite these limitations, the phone interview confirmed much of what was

documented in the documents I reviewed regarding both her medical condition and her experiences while incarcerated.

SUMMARY OF CONCLUSIONS

3. As further explained below, given Ms. Hampton's conditions, there is no medical justification for continuing to house her in a men's prison. To the contrary, continued housing in a men's prison will seriously compromise Ms. Hampton's mental health and prevent her from receiving adequate treatment for her gender dysphoria (GD). In a men's prison, she has been prevented from accessing even the basic necessities for social transition, a critical part of treatment for GD, whereas in a women's prison, she would have access to the same items as similarly situated female inmates.

4. To the extent that Illinois Department of Correctional officials rely on the fact that Ms. Hampton has not yet had sex reassignment surgery to justify her continued placement in a men's prison, this position conflicts with all reliable medical literature. As explained further below, given her hormone levels, Ms. Hampton is functionally chemically castrated and is not capable of obtaining an erection.

5. I hold the opinions stated above—and throughout this declaration—to a reasonable degree of medical certainty, and I reserve the right to amend those opinions or conclusions should additional information become available.

BACKGROUND AND MEDICAL CONDITIONS

6. Ms. Hampton is a 26-year-old heterosexual transgender woman, assigned male at birth, and who is housed in a men's prison, Menard Correctional Center. Ms. Hampton reports that she began identifying as a female at the age of five and began dressing as a female at the age of eleven. Her family and community treated her as a girl from that point forward, and referred

to her with her preferred female name, Strawberry, and addressing her with female pronouns.

Ms. Hampton intermittently took un-prescribed hormones during her teen years but did not take a dose consistent enough to feminize her body to bring it into closer alignment with her female gender identity. She lived exclusively as a female for years prior to her incarceration, including wearing female clothing and undergarments. As reported to me, she stated “I always identify as a woman.”

7. In 2012, Ms. Hampton was diagnosed with gender dysphoria by an IDOC psychiatrist. Based on her medical records and my interview with her, I have no reason to doubt the accuracy of that diagnosis. Her description of her symptoms, response to medically necessary cross-sex hormonal treatment, and medical record information are all confirmatory of this diagnosis. In 2015, the records show that Ms. Hampton told mental health professionals at Hill Correctional Center that she was not transgender. However, the documents also show that in May 2016, Ms. Hampton clarified to a mental health professional at Lawrence Correctional Center that she does not identify as transgender, as she simply considers herself a female. In my experience, this type of identification as the opposite gender, rather than the label “transgender,” is relatively common amongst individuals who are diagnosed with long-standing gender dysphoria since childhood. Furthermore, Ms. Hampton states she has always identified as a woman, but understands that others may consider her to be transgender.

8. In May 2016, Ms. Hampton expressed to a mental health professional at Lawrence Correctional Center that she was interested in beginning cross-sex hormone treatment (CSH). In July 2016, she began taking Estradiol and Aldactone. After an initial titration period and subsequent dose changes, based on her dosage levels and most recent lab results (March, 2017: Testosterone <3 ng/dL; August, 2017: Testosterone 6 ng/dL), Ms. Hampton has been

receiving appropriate CSH treatment which has reduced her testosterone level to virtually nil. My interview with her also supports the fact that she has the typical psychological and physical changes associated with CSH in birth sex males. Prior to being housed at Menard Correctional Center, she also received psychosocial supports as part of her treatment, as recommended and approved by the Gender Dysphoria Committee on 5/20/16 (specifically, individualized psychotherapy for GD and GD Group psychotherapy). Those medically necessary services have been discontinued as a result of her current housing. I also learned from my interview that Ms. Hampton has had an unexplained interruption in her CSH for the 2 weeks prior to my interview and that these critical medications had not been restarted as of the time of the interview. I have previously documented the potentially serious deleterious effects of abrupt discontinuation of medically necessary CSH on incarcerated persons with GD (*see* Brown, Autocastration and autopenectomy as surgical self-treatment in incarcerated persons with gender identity disorder, International Journal of Transgenderism, 12(1):31-39, 2010. DOI: 10.1080/15532731003688970).

9. Ms. Hampton's most recent lab results from August 2017 indicate that her testosterone levels are currently at 6 ng/dL, and the prior values were similarly near zero in March, 2017. The normal reference range for testosterone levels in birth sex males is 300-1080 ng/dL. Her current level is considered "castrate" in that she has virtually no circulating testosterone, similar to males who have been surgically castrated. Generally, when a patient's total and free testosterone levels are in the castrate range the following physical changes occur: penile shrinkage, significant testicular shrinkage, complete erectile dysfunction, lack of semen production and ejaculation, and potentially irreversible infertility. Consistent with her hormone levels, Ms. Hampton reports that she has experienced all of these changes with her body and

genitals. According to Ms. Hampton, she is unable to obtain an erection or ejaculate and has experienced decreased testicle size as a result of her hormone treatment. Ms. Hampton views these results as very positive and are part of her goals for successful CSH treatment, which is one component of adequate medical care for GD.

10. According to the medical records and my interview, Ms. Hampton is attracted exclusively to men. She reported to the IDOC's Gender Identity Disorder Committee in May 2016, before she even began taking hormones, that she was only able to obtain penile erections from being with men. As reported to me, she stated "I would never have sex with a woman, and I never had sex with a woman in my life."

MS. HAMPTON'S HOUSING SITUATION'S EFFECT ON HER MENTAL HEALTH

11. Currently, Ms. Hampton is housed in a segregation unit in a maximum security prison. I had to verify this placement, as she has not been convicted of a violent crime to my knowledge, and I was not sure why she is being held in the most secure prison in the State of Illinois. She is experiencing extreme distress, anxiety, and depression. In her current facility, she is not able to present herself as female (consistent with her gender identity) as she has for most of her life and for all of her preincarceration adult life. As a result she states "I feel inhuman." She is able to grow her hair longer, but noted that "they cut it with a knife and it's not even shoulder length now." She is not able to grow her nails longer based on IDOC policies for male inmates, by her report. Because of her housing placement, IDOC denies her access to the psychosocial supports that are necessary to treat gender dysphoria disorder, for example access to the Transgender Support Group that she was able to access earlier in her incarceration. The only treatment the IDOC is currently providing to Ms. Hampton is cross-sex hormone treatment. While she was previously issued a sports-type bra by IDOC, this bra was cut off her body during

an incident in a shower involving multiple corrections officers that is still being investigated by IDOC in Springfield. She reports that she has never been issued a new bra, in spite of having breasts and in spite of being approved for a bra previously. She reported to me that she is using an old bra that she got from another inmate.

12. This lack of access to basic medically necessary services for the treatment of GD violates the standard of care for transgender inmates—simply prescribing medication is insufficient, even when it is provided on a consistent basis. Like many other medical conditions, medication alone is insufficient to treat GD. For example, insulin alone does not adequately treat diabetes, and it is necessary to treat this condition with multiple interventions to include special diets, attention to exercise, access to diabetes educators/counselors, and often specialized garments. This analogy applies to the multimodal treatment of GD as well. Ms. Hampton is in substantial distress from her undertreated gender dysphoria, which is compounded by the reported conditions in the segregation unit and the abuse and trauma she has survived while in IDOC custody. Ms. Hampton’s symptoms of anxiety and depression are most likely associated with her primary diagnosis of gender dysphoria, and not free-standing psychiatric conditions.

13. At Menard, Ms. Hampton is persistently mis-gendered by correctional and medical staff. That is, she is repeatedly, persistently, and abusively called by male pronouns in spite of common knowledge by all staff that she is a transgender woman, with breasts and a female gender identity. Ms. Hampton’s medical and disciplinary records primarily use male pronouns when referring to her. This misgendering is harmful to her mental health because it humiliates and degrades Ms. Hampton. In Ms. Hampton’s case, the use of male pronouns serves to further exacerbate her gender dysphoria, including symptoms of low self-esteem, thoughts of self-harm, anxiety and depression.

14. While housed in segregation at Pinckneyville, the records show that she lost 34 pounds between May 24, 2017, and July 10, 2017. She reports to me that this weight loss was not intentional and was not associated with any significant exercise, especially given that she is locked down 24 hours a day and does not feel that she can use the yard for the two blocks of time allotted a week. She is most fearful of the corrections officers and not the other inmates, and she described to me a long list of abuses (physical, sexual, and verbal) that she has reportedly suffered at the hands of the officers. With respect to the other inmates, she reports some occasional verbal abuse, but is quick to note that “I have 28 witnesses for me who have signed affidavits or are willing to testify for me” on her pending 5/17 claim of being assaulted by a number of officers. This demonstrates that even though Pinckneyville and Menard have been keeping her separate from other male inmates, which appears to be of minor significance, she is not thriving in her current housing situation. During her extended placement in segregation, she has suffered from a number of mental health crises. She requested a crisis cell eight times in nine months and she had five crisis evaluations over the course of four weeks. She has shown clear signs of psychiatric deterioration, including a significant increase in gender dysphoria, anxiety and depression. In order to address these psychiatric symptoms, she has been placed on lithium. The rationale for this medication selection eludes me, even after a thorough review of the records. Furthermore, the blood levels of this medication have been so low as to be of no therapeutic value, even if the medication selection were documented to be appropriate. Prior to her placement in segregation, she did not display these types of mental health symptoms and she did not require any sort of psychiatric medication, which suggests that Ms. Hampton does not adapt well to segregation, whether or not it is for her own “protection.”

15. In conclusion, I reiterate that there is no medical justification for Ms. Hampton's continued placement in a men's prison and that a continuation in her current placement will cause her more serious harm and put her at risk of suffering lifelong consequences—including but not limited to acts of self-harm, post-traumatic stress disorder, and the consequences of undertreated gender dysphoria. She is currently not receiving adequate, medically necessary care for her serious medical condition, Gender Dysphoria.

The opinions I express above are based on my knowledge and experience and were developed by analyzing the medical records that have been provided to me. I reserve the right to change or modify my opinions should additional evidence become available. Pursuant to 28 USC 1746, I declare, certify, verify, and state on this day, under penalty of perjury that the forgoing is true and correct.

Date: December 1, 2017

Signature


George R. Brown, MD, DFAPA

CURRICULUM VITAE

GEORGE RICHARD BROWN, MD, DFAPA

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Associate Chairman for Veterans Affairs
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Date of Preparation: October 31, 2017

EDUCATION:

Undergraduate: University of Rochester, Rochester, New York, 1975-1979;
Bachelor of Science with Highest Honors and Distinction in Research, Summa Cum Laude.
Double major, with BS in both biology and geology

Medical School: University of Rochester School of Medicine, Early Acceptance Program
(Rochester Plan), 1979-1983; Doctor of Medicine with Honors; Health Professions Scholarship
Program.

Internship: United States Air Force Medical Center, Wright-Patterson Air Force Base, Ohio,
1983-1984.

Residency: Wright State University - United States Air Force Integrated Residency in Psychiatry,
Dayton, Ohio, 1984-1987.

CREDENTIALS:

FLEX, December, 1983 (Behavioral Sciences, 94%; Psychiatry, 93%).
Full licensure to practice medicine, State of Ohio, December, 1983 to April, 2017; license
#50119; allowed to expire with no intent of practicing in Ohio.
Full licensure to practice medicine, State of Texas, August, 1989 to present; license
#H5847
Full Licensure to practice medicine, Commonwealth of Kentucky, 1993 to 1995,
#30100; allowed to expire with no intent of practicing in Kentucky.
Full licensure to practice medicine, State of Tennessee, 1994-present, license #25192

Psychiatry Resident In-Training Examinations;
1986: 98th percentile - all U.S. residents, psychiatry.
1985: 90th percentile - all U.S. residents, psychiatry.

1984: 98th percentile - all U.S. residents, psychiatry.
1983: 98th percentile - all U.S. residents, psychiatry.
American Board of Psychiatry and Neurology, Part I, April 1988 (92nd percentile); Part II, June 1989; ABPN Certificate #31377.
Electroconvulsive Therapy Administration Certification, 1985-1990.
Courtesy Staff Privileges, Charter Real Hospital, San Antonio, Texas, 1990-1994.
Courtesy Hospital Staff, Bexar County Hospital District, San Antonio, Texas, 1988-1994.
Full Admitting Privileges, Wilford Hall Medical Center, San Antonio, Texas, 1987-1993.
Full Admitting Privileges, James H. Quillen VAMC Hospital, Johnson City, TN, 1994-2016
Basic Life Support Certification, renewed March 2017

PROFESSIONAL EXPERIENCE:

Current Positions:

Professor and Associate Chairman for Veterans Affairs, Department of Psychiatry and Behavioral Sciences, Quillen College of Medicine, East Tennessee State University. 1995-present. Advisory duties to the Chairman, signature authority in absence of the Chair, contributing to administrative, teaching, and research missions of the Department, liaison between the VAMC and ETSU psychiatry administrations.

Research, Teaching, and Resident supervision appointment, James H. Quillen VAMC. February 1, 2016-present. Responsibilities include providing teaching, research services, clinical consultation, and resident supervision/mentoring in the Psychiatry Service.

Clinical Professor of Psychiatry (Adjunct), University of North Texas Health Sciences Center. 2017-present. Clinical privileges at Carswell Federal Correctional Institution in association with UNTHSC appointment. Responsibilities include teaching and consultation with UNTHSC and Federal Bureau of Prisons staff about transgender health issues.

Past Positions:

Staff Psychiatrist, Mental Health Outpatient Clinic, James H. Quillen VAMC. December, 2014-January 31, 2016. Responsibilities included treating veterans with chronic, persistent, mental illnesses in an outpatient setting and providing consultation services to junior staff and residents in psychiatry. Direct supervision of third year psychiatry residents in the Mental Health Clinic.

Transgender Health Care Facility Lead, Mountain Home Health Care System. 2014-January 31, 2016. Responsibilities included providing direct patient care for transgender veterans, providing national training for VHA health care providers learning how to provide transgender health care, direct supervision of other health care providers in teaching evaluation and treatment techniques, leading a multidisciplinary team of health care providers assigned to provide transgender health care in our 70,000 patient health care system.

Program Officer, Health Care Outcomes, Office of Health Equity (10A6), VA Central Office, Washington, D.C. December, 2012, to December, 2014. Responsibilities included researching medical and psychiatric health disparities in vulnerable populations of Veterans treated by the Veterans Health Administration, and assisting top officials in VHA in the development of policies that lead to elimination of health care outcome disparities in these subpopulations. Continued to see patients at Mountain Home VAMC throughout this appointment.

Chief of Psychiatry, James H. Quillen VAMC. November 22, 1995-December 16, 2012. Responsibilities included direct supervision of a staff of 34-42 professional staff, including 24-28 psychiatrists, 2 Clinical Nurse Specialists, and 9-12 psychiatric nurse practitioners. Represented the Department in all meetings requiring the input of the Chief of Service. Attended executive meetings in the Medical Center and University. Contributed to long range planning of services in the Medical Center.

Research Appointment (WOC), VHA Center of Excellence for Suicide Prevention, Canandaigua, New York. 2011-2014. Responsibilities of this position included developing research protocols collaboratively with CoE staff that have national implications related to suicide in VHA.

Director of Psychiatric Research, James H. Quillen VAMC Dept. of Psychiatry. 1994-2012. Responsibilities included creating a research program de novo and leading a research team at the VAMC, teaching resident seminars, didactics, research electives, providing direct patient care for inpatients on research protocols (usually those with severe mental disorders), traveling to conferences to present research findings and providing Grand Rounds to other institutions and medical schools. Major focus of research activities has been working with stigmatized/disenfranchised populations and addressing mental health care aspects and disparities in care.

Staff psychiatrist, Another Chance Recovery Program, Morristown, Tennessee. March 1995-1996. This is an intensive outpatient drug and alcohol treatment program with a heavy emphasis on dual diagnosis patients, outpatient detoxification from chemical dependency, and a blend of the medical and 12-Step approaches to treatment of the chemically dependent patient. One evening clinic per week.

Senior Research Scientist and Director of Psychiatric/Neuropsychiatric HIV Research, Wilford Hall Medical Center, Henry M. Jackson Foundation for the Advancement of Military Medicine, San Antonio, Texas. 1 July 1991 to 1 October 93. Responsibilities included hiring and then directing a team of approximately 15 civilian and military psychiatric researchers conducting HIV-related psychiatric research; Principal Investigator on longitudinal psychiatric natural history study of early HIV infection (males and females), 1989-1993; preparing manuscripts, presenting research findings at national and international meetings; designing and implementing new protocols; interviewing and assisting in the hiring of personnel; managing administrative and personnel issues.

Private practice of adult psychiatry. 1991-November 1993. Part-time practice primarily focusing on sexuality and gender concerns, including endocrine care, and adult psychodynamic psychotherapy.

Consulting Psychiatrist for Quality Assurance and Continuing Quality Improvement Programs:

- 1) Charter Real Partial Hospitalization Program, San Antonio, Texas. 1990 to 12/93. Responsibilities of this part time position included designing and implementing a medical quality assurance program and assisting Utilization Review personnel with implementing efficient resource utilization procedures.
- 2) Colonial Hills Hospital Inpatient Services and Adult Partial Hospitalization Program, San Antonio, Texas. 1992. Responsibilities of this part time position included custom designing a four part program to address QA/CQI concerns on all inpatient units, coordinating the implementation of the program with hospital QA/UR personnel, and quantifying/ databasing physician charting performance to analyze trends.

Staff Psychiatrist, Wilford Hall Medical Center, Lackland Air Force Base, San Antonio, Texas:

1987-1989: Primary responsibility for inpatient ward of 25-33 patients, resident and medical student teaching, and professional presentations. 1040 admissions; average length of stay 13 days.

1989-1991: Outpatient Clinic service, responsible for evaluations and treatment of adult outpatients; supervision of PGY-3 residents in psychiatry and other staff working in the clinic (social workers, psychologists, and mental health technicians). Medical support for comprehensive Smoking Cessation Clinic.

1989-1991: Director of Psychiatric Research, half-time position; developed a research program primarily targeting psychiatric resident involvement with research and related activities, including presentations at regional and national professional meetings. Active in conducting research, reviewing and approving protocols, research design, editing publications submitted from the Department of Psychiatry, and organizing symposia; interviewing and selecting official for research personnel for multicenter collaborative HIV research grant.

ACADEMIC APPOINTMENTS:

Professor of Psychiatry (1998-present), East Tennessee State University, Quillen College of Medicine. VA Academic Faculty appointment.

Clinical Professor of Psychiatry (Adjunct), University of North Texas Health Sciences Center, Fort Worth, Texas (2017-present).

Adjunct Professor of Psychology, University of Tennessee at Knoxville (1997). Served on doctoral dissertation committee as supervisor and mentor for doctoral candidate in clinical psychology.

Associate Professor of Psychiatry (1994-1998), East Tennessee State University, Quillen College of Medicine. Full time geographic faculty appointment. Renewal of previously awarded academic ranking. Activities include serving on numerous committees (see below), teaching residents, providing electives, working collaboratively with staff to conduct new research projects, interviewing residency and faculty candidates.

Clinical Associate Professor of Psychiatry (1992-1994), University of Texas Health Science Center at San Antonio, San Antonio, Texas. 1987 to 1994. Primary responsibility of this position was teaching medical students and residents in individual, group, and lecture settings; provision of psychodynamic psychotherapy supervision. Lectures and seminars include core material on sexual dysfunction, treatment of paraphilias, gender identity disorders, homosexuality, and psychiatric aspects of HIV infection.

Clinical Associate Professor of Psychiatry (1992-1996), Uniformed Services University for the Health Sciences, School of Medicine, Bethesda, Maryland. Primary responsibility of this position was teaching medical students from the University who travel to San Antonio for clinical rotations in psychiatry and serving as a visiting lecturer for USUHS.

Full time faculty, Department of Psychiatry, Wilford Hall Medical Center, Lackland Air Force Base, San Antonio, Texas, 1987 to 1991. Adjunct clinical faculty, Department of Psychiatry, 1991 to 1993. Responsibilities included supervising psychiatric residents involved in research activities, sponsoring Distinguished Visiting Professors in conjunction with the Department, and teaching core didactic lectures and seminars.

Assistant Clinical Instructor, Wright State University School of Medicine, 1983-1987. Primary

responsibility of this position was teaching medical students during clinical rotation in psychiatry.

Chief Resident in Psychiatry, November, 1986 to March, 1987, with administrative, teaching, and research responsibilities.

CONSULTATION EXPERIENCE:

Psychiatric Liaison and Consultant to Oncology Unit, Good Samaritan Hospital, Dayton, Ohio, 1985.

Clinical Supervisor and Psychiatric Consultant to Montgomery County Juvenile Court Diversion Program, Dayton, Ohio, 1986-1987.

Consultation/Liaison Rotation, Keesler AFB, MS, 1986.

Psychiatric Consultant to the United States Air Force Child Abuse Task Force (convened by the Surgeon General of the Air Force), 1989-1991.

Lorain Correctional Institution, psychiatric consultant for inmate mental health evaluations and treatment, July-August 1993.

State of Tennessee Mental Health and Mental Retardation, appointed as consultant to develop Best Practice Guidelines for all State programs for Bipolar Disorder.

Health Ed, The Patient Education Agency: consultant for development of patient education materials for chronic mental illnesses, 2006-2007.

Consultant to Batavia Independent School District in assisting on-the-job gender transition for a transgender high school teacher, 2006.

Consultant to Port Ewan/Kingston BOCES School Program in assisting on-the-job transition for a transgender principal, 2007.

Consultant to the Federal Bureau of Prisons on policies relating to medical management of transgender inmates, 2009, 2014.

Consultant to Department of Defense on policy and medical issues related to transgender service members, 2016-present.

Faculty consultant to Carswell Federal Correctional Institution, Fort Worth, Texas, on transgender health issues, 2017-present.

Research Consultant to Michael Goodman, MD, Principal Investigator, PCORI Grant to study transgender health issues, Emory University, 2014-2016.

Department of Justice, National Institute of Corrections, 2017-present.

Department of Veterans Affairs, LGBT Veterans Program, Washington, DC, 2016-present.

SPECIALIZED TRAINING EXPERIENCES:

School of Aerospace Medicine, Course I, Brooks AFB, San Antonio, Texas, 1981.

Administrative Course for Chief Residents, Tarrytown, New York, June, 1985.

Combat Casualty Care Course, San Antonio, Texas, 1985.

Consultation and Liaison Psychiatry, Keesler AFB, Biloxi, Mississippi, 1986.

Center for the Treatment of Impotence, Case Western Reserve University, Cleveland, Ohio, July, 1986.

Forensic Psychiatry Course and associated clinical work, 6 months, 1986-87; ongoing case work in forensic psychiatry as expert witness and legal consultant, 1987-present.

Gender Identity Clinic, Case Western Reserve University, Cleveland, Ohio, July, 1986.

Paraphilias Clinic, Case Western Reserve University, Cleveland, Ohio, July, 1986.

Chemical Dependency Program, Samaritan Hall, Dayton, Ohio, August, 1986.

Advanced Study of Gender and Sexual Disorders, Institute of Living, Hartford, Connecticut, April, 1987.

Electroconvulsive Therapy Administration Training, Jan-June, 1985; June, 1987.

SCID training seminar, September, 1989.

American Board of Psychiatry and Neurology Examiner, 1991-present.

Administrative psychiatry and leadership training, James H. Quillen VAMC, 1996 to 2012.
Physician Executive Training, American College of Physician Executives, (PIM-I Course, 31 hours; PIM-II Course, 31 hours, PIM-III Course, 31 hours), 1998-1999.
Masters and Johnson workshop on trauma, sexual compulsivity/addiction treatment, 11 hours, December, 2003.
Forensic Workshop on sex offenders, National Council on Sexual Addiction and Compulsivity, October, 2002
Forensic workshops, including PREA implementation, managing hunger strikes, mental health issues in prison, sponsored by National Commission on Correctional Health Care, 2010, 2012.
Forensic workshops, including 3 hours of training on medical and legal aspects of providing health care for transgender inmates, sponsored by National Commission on Correctional Health Care, 2015.

COMMITTEE AND BOARD ACTIVITIES:

Mohonasen Public School Board Member, Schenectady, New York, 1974-1975.
Social Chairman, Wright State University Psychiatry Residency, 1984.
Dayton Representative to the Member-in-Training Committee of the Ohio Psychiatric Association, 1984-1986.
Chairman, Member-in-Training Committee, Ohio Psychiatric Association, 1986-1987.
Chairman, Member-in-Training Committee, Dayton Psychiatric Society, 1985-1987.
Peer Review Committee, Ohio Psychiatric Association, 1986-1988.
Long Range Planning Committee, Ohio Psychiatric Association, 1986-1987.
American Psychiatric Association, Area IV Resident Caucus, Ohio Representative, 1987.
American Psychiatric Association, Committee of Residents of the Council on Medical Education and Career Development, Ohio Representative, 1986-1987.
Ohio Psychiatrist's Political Action Committee, Board of Directors, 1987.
Bexar County Psychiatric Society Committee on AIDS, 1990-1993.
World Professional Association for Transgender Health (WPATH) Committee to Revise the Standards of Care, 1990-present; Cochairman of Standards of Care Revision Committee, 2001-2005.
Psychiatric Consultant to the Board of Directors, Boulton and Park Society, San Antonio, Texas, 1988-1998.
President-elect, Society of Air Force Psychiatrists, 1990-1991.
Board of Directors, Alamo Area Resource Center (AIDS/HIV Service Organization), 1991-1992.
Board of Advisors, American Educational Gender Information Service (Atlanta, Georgia), 1992-1998.
Quality Assurance Committee, Texas Society of Psychiatric Physicians, 1992-1993.
Professional Standards Committee, Texas Society of Psychiatric Physicians, 1992-1993.
Board of Directors, Harry Benjamin International Gender Dysphoria Association (WPAth), 1993-1997; 2001-2007
Ethics Committee, Tennessee Psychiatric Association, 1994-present.
Advisory Committee on Publications and Advertising, Southern Medical Association, 1994-1996.
Councilor to the Executive Committee, Tennessee Psychiatric Association, East Tennessee Region, 1995-2005.
Vice-Chairman, Section on Neurology and Psychiatry, Southern Medical Association, 1995-1996.
President, New Health Foundation, 2001-2003.
Secretary of the Section on Neurology and Psychiatry, Southern Medical Association, 1997-2000.
American Psychiatric Association PKSAP and Medical Education Committees, appointed by Herb Sachs, M.D. and Harold Eist, M.D. (APA Presidents), 1997-2001.
Scientific Affairs Committee, Southern Medical Association, 1997-1999.

Consultant to the Joint Commission on Public Affairs, American Psychiatric Association, appointed by Rod Munoz, M.D. (APA President), 1998-1999.
Scientific Program Committee, Southern Psychiatric Association, 1999-2000.
Resident Award Committee, Southern Psychiatric Association, 1997-2009.
Ethics Committee; HIV Committee; Harry Benjamin International Gender Dysphoria Association, 1999-2005
Board of Directors, New Health Foundation, Chicago, IL, 2000-present.
Tennessee Department of Mental Health and Retardation Adult Committee on Best Practices (responsible for recommending guidelines for treatment of bipolar disorder), 2000-2003.
Associate Counselor for Tennessee, Southern Medical Association, 2000-2008.
Resident Award Committee, Southern Psychiatric Association, 2003-2009.
Board of Directors, James H. Quillen VAMC Research Corporation, 2003-2010.
HBIGDA Biennial Symposium Scientific Meeting Committee, 2006-2007.
Board of Regents, Southern Psychiatric Association, 2006.
Southern Medical Association, Section Secretary for Psychiatry and Neurology, 2004-2008.
Scientific Review Committee, World Professional Association for Transgender Health Symposium, 2007-2009; 2015-present.
Board of Regents, Second Year, Southern Psychiatric Association, 2007.
Chairman, Board of Regents, Southern Psychiatric Association, 2009.
WPATH Board of Directors, 3 terms totaling 13 years, with last term 2014 (mandatory rotation off the board).
Secretary-Treasurer, World Professional Association of Transgender Health, 2007-2009.
DSM-V workgroup on Gender Identity Disorders (WPATH advisory work group to American Psychiatric Association DSM-V GID task force), 2009.
World Health Organization advisory committee for ICD-11 (gender identity disorders), 2011-present.
Department of Veterans Affairs Transgender Directive Communication Plan Education Group, 2011-2012.
VHA Transgender Training Workgroup, Patient Care Services, 2012- present.
Numerous VA Central Office national workgroups and committees, including the workgroup to add birth sex and gender identity data fields to all VA medical records, 2012-present.
Commissioner, Palm Center Commission on Transgender Military Service, Appointed by Joycelyn Elders, MD, 2013 to 2014.

PROFESSIONAL ORGANIZATIONS:

American Psychiatric Association (1983-2015); #044933, Fellow, 1998; Distinguished Fellow, 2003
Association for the Advancement of Psychotherapy (1985-1993)
World Professional Association for Transgender Health (1986-present)
Ohio Psychiatric Association (1983-1987)
Texas Society of Psychiatric Physicians (1988-1994)
Tennessee Psychiatric Association (1994-2015)
American Medical Students Association (1977-1987)
American Medical Association (1983-1988; 2015-present)
Ohio State Medical Association (1983-1987)
Montgomery County Medical Society (1983-1987)
Dayton Psychiatric Society (1983-1987)
Society of United States Air Force Psychiatrists (1983-1991)
Bexar County, Texas, Psychiatric Society (1987-1990)
Southern Medical Association (1994-2010)
Southern Psychiatric Association (1997-2009)
New Health Foundation (advocacy organization for transgendered health care; 1996-present)

American Psychological Association Society for the Psychological Study of Men and Masculinity, Division 51, 1996-2000.

AWARDS AND SPECIAL RECOGNITION:

Valedictorian, Mohonasen High School, Schenectady, New York, 1975.
New York State Regents Scholarship, 1975-1979.
Bausch and Lomb Science Award and Scholarship, 1975-1979.
Phi Beta Kappa, junior year selection, 1977.
Donald Charles Memorial Award for Research in Biology, 1978.
Recognition for Highest Grade Point Average, Department of Biology-Geology, University of Rochester, 1979.
Dean's Letters of Commendation for Academic Achievement, University of Rochester, 1975-1983.
Letter of Commendation for Excellence in Pathology, University of Rochester, 1981.
Alpha Omega Alpha Medical Honor Society, University of Rochester, 1983.
Wright State University Department of Psychiatry selectee for fellowship in the Group for the Advancement of Psychiatry (GAP), 1984.
Wright State University Department of Psychiatry nominee for Laughlin Fellowship of the American College of Psychiatrists, 1985, 1986.
Physician's Recognition Award of the American Medical Association, 1986 to present.
President's Award of the Ohio Psychiatric Association for outstanding service to the organization, 1987.
Chairman's Recognition Award For Scholarship and Research, Wright State University Department of Psychiatry, 1987.
Air Force Training Ribbon, 1980.
Air Force Outstanding Unit Decoration, 1987; first oak leaf cluster additional award, 1990.
Air Force Expert Marksman Ribbon, 1988.
Air Force Achievement Medal for research accomplishments, 1990.
1990 American Academy of Psychosomatic Medicine Dlin Fischer Award for Significant Achievement in Clinical Research; corecipient.
Who's Who Among Human Services Professionals, 1990 to present.
West's Who's Who in Health and Medical Services, 1991 to present.
Marquis Who's Who of Board Certified Medical Specialists, 1992-present.
Bexar County Medical Society Certificate of Appreciation, 1991.
Air Force Meritorious Service Medal for distinguished clinical and research service to the Department of Psychiatry, Wilford Hall Medical Center, 1991.
Air Force National Defense Ribbon, Desert Storm Campaign, 1991.
Mohonasen High School Hall of Fame for Lifetime Achievement, 1992 inductee.
Health Care Professional of the Year Award, Boulton and Park Society, San Antonio, Texas, 1992-93.
Special Citation Award, Society of Behavioral Medicine, with Coyle C, et al., for presentation at 1993 Society of Behavioral Medicine Annual Meeting, 1993.
Institute for Legislative Action, 1995 Honor Role.
Sterling Who's Who of Health Care Professionals, 1995.
Southern Medical Association 1995 Award for Medical Excellence (Best Scientific Oral Presentation in Neurology and Psychiatry), \$1,000 Scholarship prize, 1995.
Janssen Clinical Scholar, 1995.
Mountain Home VAMC Group Special Contribution Award, 1995, 1997.
Marquis Who's Who in the South and Southwest, 1996-1998.
Marquis Who's Who in Medicine and Healthcare, 1997-1998.
Certificate of Appreciation, ETSU Psychiatry Residents, 1997, 1998, 1999.
Fellow, American Psychiatric Association, 1998-2002.
Resident Special Recognition Award, June, 2000.
Distinguished Fellow, American Psychiatric Association, January, 2003

Special Group Contribution Award, VAMC, 2003
Secretary of Defense Certificate of Recognition, Cold War Military Service, 2003
VA Performance Award, 2005
First Annual Irma Bland Award for Excellence in Teaching Residents, presented by the American Psychiatric Association, May, 2005
Special Contribution Award, Mountain Home VAMC, for assisting in obtaining over 2.5 million in new program monies from VA Central Office RFP process, April 26, 2006
Top Psychiatrists of 2006, Consumer Research Council selectee
ETSU Resident Recognition Award for "dedication to the Resident's Journal Club", 2006
Fellow, Southern Psychiatric Association, 2006
ETSU Psychiatry Faculty Mentor of the Year Award, 2007
Cambridge Who's Who, Executive and Professional Registry, 2007
Southern Medical Association, Third Place Award for Scientific Poster Presentation, Dallas, Texas, December 5, 2009
Twenty-five year U.S. Government service award, January 10, 2010
Joint Commission recognition : "Top Performers on Key Quality Measures" (contributor), 2011
Robert W. Carey Quality Performance Excellence Award (contributor), 2011; Department of Veterans Affairs award using Baldrige criteria
James H. Quillen VAMC selected as VA to be featured in the Commonwealth Fund's article on successful efforts to improve patient safety (contributor), 2011
Gender Identity Research and Education Society (GIREs) 2011 award to the 34 members of the Standards of Care Revision Committee for their work on the WPATH Standards of Care, 7th Version.
Robert W. Carey Quality Trophy Award, Mountain Home VAMC. This is the highest level of the Carey Award for those VAMC's seeking performance excellence using the Baldrige Criteria. Awarded by the Secretary of the VA to the leadership team of which I was a Part, 2012.
Recognized by LGBT Health journal in March, 2016 as having first-authored the #1 and #3 most read articles in that journal since its inception.

UNIVERSITY/VA COMMITTEE ACTIVITIES:

Learning Resources Advisory Committee (ETSU), 1995-1996.
Psychiatric Residency Training Committee /Educational Policy Committee (ETSU), 1993-2017.
Peer Review Committee (VAMC), 1995-1996.
Chairman and Founder, Psychiatric Grand Rounds and Visiting Professor Program (ETSU), 1993-1997; 2003-2004.
Clinical Executive Board (VAMC), 1995-2012.
Research and Development Committee, Dean's Appointment (VAMC), 1996-1998.
Chairman, VAMC Research and Development Committee, 1999-2000.
Co-Chairman, Mental Health Council (VAMC), 1995-2009.
Academic Partnership Committee (ETSU), member, 1995-2012.
Facility Master Plan and Space Utilization Committee (VAMC), 1995-2010.
Professional Standards Board (VAMC), 1995-2012.
Safety Committee, Department of Psychiatry, Chairman (VAMC)
ETSU Psychiatry Promotion and Tenure Committee, 1998-present.
Resident Selection Committee, ETSU Psychiatry Program, 1998-2012.
Chairman, VAMC Research and Development Committee, 2001-2002.
Veterans Health Affairs, VISN 9, Budget and Finance Committee, 2002-2004.
Institutional Review Board (ETSU/VAMC), member, 1996-2003; served as acting chair as needed.
Cameron University Department of Psychology, Dissertation Committee Consultant for Beth Ryan, Masters Thesis, 2004-2005 (gender identity disorder research).
VISN 9 Mental Health Leadership Committee.
ETSU/VAMC Subcommittee on Graduate Medical Education, 2008-2012.

Vanderbilt University Department of Nursing, Dissertation Committee member and consultant for Gerald Meredith, 2009-2010.
VA Transgender Directive Education Workgroup; VACO workgroup to advise the Undersecretary, VHA, on how to educate and implement the 2011 and 2013 Directives on providing Healthcare to transgender and intersex Veterans, 2011-present.
Office of Health Equity (VACO), Health Equity Coalition, 2013-2014.
Numerous research committees and advisory panels for health equity research projects being conducted in VA, 2012-2015.
Chairman, Educational Policy Committee (Residency Training Committee), East Tennessee State University Department of Psychiatry, 2015-2016.
Self-Identified Gender Identity Data Field Training Workgroup (National VA work group to change electronic medical records data collection to include self-identified gender identity), 2012-present.
Research Committee, East Tennessee State University Department of Psychiatry, 2015-2017.

FORENSIC PSYCHIATRY ACTIVITIES:

1. Military court proceedings, two occasions as expert witness at trial; U.S. Air Force, U.S. Army, c.1990-1992.
2. Military Physical Evaluation Board Proceedings, expert testimony, 2/8/02.
3. Farmer v. Hawk, United States District Court for the District of Columbia, expert opinion by affidavit on behalf of plaintiff, 1999.
4. Yolanda Burt v. Federal Bureau of Prisons/Moritsugu, United States District Court for the District of Columbia, deposition testimony on behalf of plaintiff, 2000.
5. Kosilek v. Maloney, 221 F.Supp 2d 156,186 (D.Mass. 2002), expert witness by trial testimony on behalf of plaintiff, 2001.
6. Family Court expert witness trial testimony, Missouri, (custody issues for transgendered parent),1993.
7. Thompson v. Idaho Department of Corrections (prison medical care Issues), consultant on behalf of plaintiff, 2002 (citation: Linda Patricia Thompson v. Dave Paskett, et al., Case No. CV00-388-S-BLW).
8. State of Missouri Medical Board, expert opinion by affidavit on behalf of physician, 10/2001.
9. State of Tennessee Medical Board, expert opinion by affidavit on behalf of physician, 5/2002.
10. Military Administrative Hearing, consultant, U.S. Army, December, 2002.
11. Oiler v. Winn-Dixie Louisiana, Inc; USDC, Eastern District of Louisiana, No. 00-3114 "L" (3); consultant on behalf of defendant, 2001-2002.
12. Moore v. State of Minnesota, consultant and expert opinion by deposition testimony on behalf of defendant, Attorney General's Office, State of Minnesota, 2003.
13. Woods v. US Air Force, administrative discharge board, consultant, San Antonio, TX, 2003.
14. Ophelia Azriel De'Lonta vs. Ronald Angelone and Prison Health Services, Inc. (Virginia Department of Corrections) United States District Court, Western District of Virginia, 330 F.3d 630,635 (4th Cir 2003) expert opinion by deposition testimony on behalf of plaintiff, 2003.
15. Malpractice case, Tennessee, consultant for defendant (primary care physician), 2004-2005.
16. Josef v. Ontario Minister of Health, Attorney General of Ontario representing Her Majesty the Queen in Right of Ontario; Ontario Superior Court of Justice; expert opinion by affidavit and consultant on behalf of plaintiff, 2004-2007.
17. Nubel v. New Jersey Board of Nursing, consultant and expert opinion by deposition testimony for defendant, 2004-2005.
18. Malpractice case, Tennessee, consultant for defendant (psychiatrist), 2004-2005 .
19. Malpractice case, Kentucky, consultant for defendants (psychiatrists), 2005-2006.

20. *Kosilek v. Mass. Department of Corrections/ Kathleen Dennehy*, expert witness by trial testimony and consultant on behalf of plaintiff, 2005-2006 (*Kosilek v. Spencer*, 889 F.Supp.2d 190 (D. Mass. Sept. 4, 2012); "Kosilek II."
21. *Gammett v. Idaho Department of Corrections*, expert opinion by affidavit and consultant for plaintiff, 2005-2007 (*Gammett v. Idaho State Bd. of Corrections*, No. CV05-257-S-MHW, 2007 WL 2186896 (D. Idaho July 27, 2007).
22. *Isaak v. Idaho Department of Corrections*, consultant, and expert opinion by deposition testimony on behalf of plaintiff, 2006-2008.
23. *May v. State of Tennessee and multiple codefendants*; consultant on behalf of defendant, Attorney General's Office, State of Tennessee, 2006.
24. *Fields/Sundstrom v. Wisconsin Department of Corrections*, consultant and expert opinion by deposition testimony on behalf of plaintiff, 2007 (*Fields v. Smith*, 653 F.3d 550 (7th Cir. 2011).
25. *Palmer v. State of TN*; malpractice case; consultant and expert opinion by deposition testimony for defendant, Attorney General's Office, State of Tennessee 2007.
26. *Spray v. Temp Agency*, consultant and expert opinion by affidavits on behalf of plaintiff, 2007.
27. *O'Donnabhain v. Internal Revenue Service/Department of the Treasury*, expert witness by trial testimony on behalf of plaintiff, 2007 (*O'Donnabhain v. Commissioner*, 134 T.C. No. 4 (Feb. 2, 2010).
28. *Battista v. Mass. Department of Corrections/Kathleen Dennehy*, consultant and expert opinion by affidavit for plaintiff, 2008-2011.
29. *Plumley v. State of TN*; malpractice case; consultant for defendant, 2009.
30. *Kolestani v. State of Idaho*, capital murder case, consultant and expert opinion by affidavit for public defender's office, 2009.
31. *Smith v. St. Mary's Medical Center*, medical malpractice case, consultant for defendant, 2009-2011, expert witness by jury trial testimony, 2011.
32. *Finch aka Destiny v. Idaho Department of Corrections*, consultant for plaintiff, 2010-2011.
33. *Soneeya v. Clarke*, Civil Action No. 07-12325 (NG), Massachusetts, consultant for plaintiff, 2011. (see also *Soneeya v. Spencer*, 851 F.Supp.2d 228 (D. Mass. 2012)
34. *Hoyle v. Saha*, malpractice case; consultant for defendant, 2011- 2014.
35. *Champouillon v. State of TN*; malpractice case; consultant for defendant, 2012-2014.
36. *Equivel v. State of Oregon*; access to transgender health care for Oregon State employees; consultant to Lambda Legal, 2012.
37. *Kosilek v. MA DOC*, consultant for plaintiff, 2012-2014.
38. *Binney v. South Carolina DOC*, consultant and expert opinion by affidavit for plaintiff, 2013-2015.
39. *De'Lonta v. Harold W. Clarke et al. (Virginia Department of Corrections)*, consultant and expert opinion by affidavit for plaintiff, 2013-2014.
40. *U.S. and Tudor v. Southeastern Oklahoma State University*, expert consultant for plaintiff and the Department of Justice (Title VII discrimination case), by declaration for plaintiff, 2015-present.
41. *Mott v. State of Kansas*, consultant and expert opinion by affidavit for plaintiff (birth certificate change), 2015-2016.
42. *Fuller v. MA Department of Corrections*; expert opinion by affidavit and deposition, for plaintiff, 2015-2016.
43. *Franklin v. Hardy, et al. (Illinois Department of Corrections)*; expert opinion by affidavit, for plaintiff, 2015-2016.
44. *Dunn et al. v. Dunn et al. (Alabama Department of Corrections)*, expert consultant for plaintiff, 2016-2017.
45. *Keohane v. Jones (Florida Department of Corrections)*, Case No.4:16-cv-511-MW-CAS, N. D. Fla, expert opinion by affidavit, deposition, and bench trial testimony for plaintiff, 2016-2017.
46. *Rodgers v. State of Florida*, Case #1998CF274, expert opinion by affidavit for defendant, 2016-present.
47. *U.S. v. State of North Carolina, North Carolina Department of Public Safety, & University of North Carolina (HB2)*; 1:16-CV-00425, expert opinion by affidavits, for plaintiff (DOJ, Civil

- Rights Division, and ACLU), 2016-2017. Case dropped by Attorney General Sessions.
48. Hicklin v. Lombardi, et al., File No. 3587.53, (Missouri Department of Corrections, Corizon), consultant for defendants (Corizon only), expert opinion by videotaped deposition, 2017-present.
 49. U.S. v. John Patrick Price, expert opinion by affidavit for defendant (Federal Public Defender, Western NC), 2017.
 50. Jane Does 1-5 v. Donald J. Trump, James Mattis, et al, case number 17-cv-1597, District of Columbia, expert opinion by declaration for plaintiffs, 2017-present.
 51. Stockman et al. v. Donald J. Trump, James Mattis, et al., case number 17-CV-6516, United States District Court, Central District of California, expert opinion by declaration for plaintiffs, 2017-present.
 52. Karnoski, et al. v. Donald J. Trump, James Mattis, et al., case number 2:17-cv-01297-MJP, Unites States District Court, Western District of Washington, expert opinion by declaration for plaintiffs, 2017-present.
 53. Stone, et al. v. Donald J. Trump, James Mattis, et al., case number 1:17-cv-02459 (MJG), United States District Court, District of Maryland, expert opinion by declaration for plaintiffs, 2017-present.

PUBLICATIONS:

1. Brown G R: Morphologic complexity and its relationship to taxonomic rates of evolution. J Undergrad Res, 3:139-168, 1978.
2. Brown G R: Stadol dependence: another case. JAMA, 254(7):910, 1985.
3. Brown G R: Letter to the Editor. Newsletter of the Ohio Psychiatric Association, 10(1):8, 1986.
4. Brown G R: Resident Rounds. Column for Newsletter of the Ohio Psychiatric Association. 10(2), 10(3), 11(1),11(2), 1986-1987.
5. Brown G R: Anorexia nervosa complicated by Mycobacterium xenopi pulmonary infection. J Nerv Ment Dis, 175(10):629-632, 1987.
6. Brown G R: Mycobacterium xenopi infection complicating anorexia nervosa. Proceedings of the 29th Annual Meeting of American College of Physicians (Air Force Regional Meeting), 22-25 March, 1987.
7. Brown G R: Buspar, a new anxiolytic. Letter to the Editor, Journal of the Ohio State Medical Association, Spring, 1987.
8. Brown G R: Transsexuals in the military: flight into hypermasculinity. Abstract. Proceedings of the 10th International Symposium on Gender Dysphoria (Amsterdam, The Netherlands) 7 June, 1987.
8. Brown G R: Transsexuals in the military: flight into hypermasculinity. Arch Sex Behav, 17(6):527-537, 1988.
10. Brown G R: Therapeutic effect of silence: application to a case of borderline personality disorder. Current Issues in Psychoanalytic Practice, 4(3-4):123-131, 1988.
11. Brown G R: Bioethical issues in the management of gender dysphoria. Jefferson J Psychiatry, 6(1):33-44, 1988.
12. Brown G R, Rundell J R: Psychiatric disorders at all stages of HIV infection. Proceedings of the 1988 Annual Session of the Texas Medical Association (San Antonio, Texas), May, 1988.
13. Brown G R, Rundell J R: Suicidal tendencies in HIV-seropositive women. Am J Psychiatry, 146(4):556-557, 1989.
14. Brown G R, Collier L: Transvestites' women revisited: a nonpatient sample. Arch Sex Behav, 18(1):73-83, 1989.
15. Brown G R, Pace J: Hypoactive sexual desire disorder in HIV-seropositive individuals. JAMA, 261(17):2305, 1989.
16. Brown G R: Prospective study of psychiatric morbidity in HIV-seropositive women. Psychosom Med, 51:246-247, 1989.
17. Brown G R: Current legal status of transsexualism in the military. (Letter) Arch Sex Behav,

- 18(4):371-373, 1989.
18. Rundell J R, Brown G R: Use of home test kits for HIV is bad medicine. JAMA, 262(17):2385-2386, 1989.
 19. Rundell J R, Brown G R, Paolucci S L: Psychiatric diagnosis and attempted suicide in HIV-infected USAF personnel. Abstract. Proceedings of the Fifth International Conference on AIDS (Montreal, Canada), June, 1989.
 20. Brown G R: Current legal status of transsexualism in the military. Abstract. Proceedings of the Eleventh International Symposium on Gender Dysphoria (Cleveland, Ohio), September, 1989.
 21. Brown G R: A review of clinical approaches to gender dysphoria. J Clin Psychiatry, 51(2):57-64, 1990.
 22. Pace J, Brown G R, Rundell J R, et al.: Prevalence of psychiatric disorders in a mandatory screening program for infection with human immunodeficiency virus: A pilot study. Milit Med, 155:76-80, 1990.
 23. Rundell J R, Brown G R: Persistence of psychiatric symptoms in HIV seropositive persons. Am J Psychiatry, 147(5):674-675, 1990.
 24. Praus D, Brown G R, Rundell J R, et al.: Associations between CSF parameters and high degrees of anxiety or depression in USAF personnel infected with HIV. J Nerv Ment Dis, 178(6):392-395, 1990.
 25. Brown G R, Rundell J R: Prospective study of psychiatric morbidity in HIV-seropositive women without AIDS. Gen Hosp Psychiatry, 12:30-35, 1990.
 26. Brown G R: The transvestite husband. Med Aspects Human Sexuality, 24(6):35-42, 1990.
 27. Drexler K, Brown G R, Rundell J R: Psychoactive drug use and AIDS. JAMA, 263(3):371, 1990.
 28. Brown G R, Rundell J R: Psychiatric morbidity in HIV-seropositive women without AIDS. Proceedings of the 143rd Annual Meeting of the American Psychiatric Association, pages 75-76 (New York, New York), May, 1990.
 29. Rundell J R, Ursano R, Brown G R: HIV infection and perception of social support. Proceedings of the 143rd Annual Meeting of the American Psychiatric Association, page 76 (New York, New York), May, 1990.
 30. Rundell J R, Brown G R, McManis S, et al.: Psychiatric predisposition and current psychiatric findings in HIV-infected persons. Proceedings of the Sixth International Conference on AIDS (San Francisco, California), June, 1990.
 31. Drexler K, Rundell J R, Brown G R, et al.: Suicidal thoughts, suicidal behaviors, and suicide risk factors in HIV-seropositives and alcoholic controls. Proceedings of the Sixth International Conference on AIDS (San Francisco, California), June, 1990.
 31. Brown G R: The inpatient database as a technique to prevent junior faculty burnout. Acad Psychiatry, 14(4):224-229, 1990.
 32. Rundell J R, Wise M, Brown G R, et al: Relative frequency of HIV disease as a cause of mood disorder in a general hospital. Proceedings of the 1990 Update on Neurological and Neuropsychological Complications of HIV Infection, page PSY-4 (Monterrey, California), June, 1990.
 33. Rundell J R, Praus D, Brown G R, et al: CSF parameters, immune status, serum viral titers, anxiety, and depression in HIV disease. Proceedings of the 1990 Update on Neurological and Neuropsychological Complications of HIV Infection, page PSY-5 (Monterrey, California), June, 1990.
 34. Brown G R: Clinical approaches to gender dysphoria. Abstract. Psychiatry Digest, 5:9-10, 1990.
 35. Brown G R, Rundell J R, Temoshok L, et al: Psychiatric morbidity in HIV-seropositive women: Results of a three year prospective study. Proceedings of the 37th Annual Meeting of the American Academy of Psychosomatic Medicine, 1990.
 36. Rundell J R, Brown G R, Kyle K, et al: Methods employed by and length of knowledge of HIV-seropositivity of HIV-infected suicide attempters. Proceedings of the 37th Annual Meeting of the American Academy of Psychosomatic Medicine, 1990.
 37. Brown G R: Unzufriedenheit mit dem eigenen Geschlecht: Klinische Behandlungsmöglichkeiten. Abstract for European readership. Psychiatry Digest, 10:3-4,

- 1990.
38. Brown G R, Anderson B W: Credibility of patients in psychiatric research. Amer J Psychiatry, 148(10):1423-1424, 1991.
 39. Brown G R, Anderson B: Psychiatric morbidity in adult inpatients with childhood histories of physical and sexual abuse. Amer J Psychiatry, 148(1):55-61, 1991.
 40. Plotnick E, Brown G R: Use of intravenous haloperidol in nonviolent severely regressed adult psychiatric inpatients. Gen Hosp Psychiatry, 13:385-390, 1991.
 41. Brock I, Brown G R, Jenkins R: Affect and health locus of control in early HIV infection. Proceedings of the 144th Annual Meeting of the American Psychiatric Association, 79, 1991.
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26. Brown G R: Gender Dysphoria and Sexual Dysfunctions. In Berkow R (Ed): The Merck Manual of Medical Information, Home Edition, 21st Edition, Merck Research Labs, Rahway, NJ, on line open access textbook chapter available at: <http://www.merckmanuals.com/home/mental-health-disorders/sexuality/gender-dysphoria-and-transsexualism>, 2017.

BOOK REVIEWS:

Garner D M, Garfinkel P E (eds.): Diagnostic Issues in Anorexia Nervosa and Bulimia Nervosa. Reviewed for Journal of Nervous and Mental Diseases, 177(5):307-308, 1989.

Kanas N: Group Therapy for Schizophrenic Patients. Reviewed for Psychiatric Times, June, 1997.

PROFESSIONAL PUBLICATIONS REVIEWED/EDITED:

Reviewer, Journal of Clinical Psychiatry, 1987 to present
Reviewer, Psychosomatics, 1989 to present
Reviewer, Journal of AIDS, 1990 to 2001
Reviewer, Psychology and Health, 1992
Editorial Board, San Antonio M.D., 1991-1993
Reviewer, International Journal of Psychiatry in Medicine, 1994-2006
Reviewer, CNS Drugs, 1995-2002.
Reviewer, Southern Medical Journal, 1995-2013
Reviewer, AIDS Patient Care, 1996-2003
Editorial Board, International Journal of Transgenderism, 1997-present
Reviewer, Federal Practitioner, 2000-present
Reviewer, Journal of the American Geriatrics Society, 2000-2003
Reviewer, Bipolar Disorders, 2005-2017
Reviewer, Journal of Sexual Medicine, 2009-present
Reviewer, European Psychiatry, 2010-present
Reviewer, International Journal of Sexual Health, 2011-present
Reviewer, American Journal of Public Health, 2011-present
Editorial Board, LGBT Health, 2013-present
Reviewer, Canadian Medical Association Journal, 2013-present
Reviewer, Suicide and Life-Threatening Behavior, 2015-present
Editorial Board, Transgender Health, 2015-present
Reviewer, Journal of Correctional Healthcare, 2017-present
Reviewer, Breast Cancer Research and Treatment, 2017-present

PRESENTATIONS:

Behavioral Medicine Lecture Series, Kettering Medical Center, Kettering, Ohio. Ten parts. January 24-June 25, 1985.
"Sex Reassignment Surgery: Surgical Cure or Well-Meaning Mutilation?", Good Samaritan Hospital, Dayton, Ohio. March 5, 1985.
"The Difficult Patient: Recognition, Understanding, and Management", The Marriott Hotel, Dayton, Ohio. March 6, 1985, (Category I, CME credit).
"Transsexualism: Literature Review and Case Report", Wright State University, Dayton, Ohio. March 19, 1985.
"Pseudoseizures: When is a Jerk not a Fit?", Bergamo Conference Center, Kettering,

- Ohio. April 19, 1985. (Category I, CME credit).
- "Transsexualism: What Sex am I?", University Center, Wright State University, Dayton, Ohio. September 17, 1985.
- "Transsexualism and the Military", Good Samaritan Hospital, Dayton, Ohio. March 18, 1986.
- "Clinical Utility of the House-Tree-Person Test", Diversion Program, Dayton, Ohio. April 9, 1986.
- "The Silent Mitwelt", Bergamo Conference Center, Kettering, Ohio. April 18, 1986. (Category I, CME credit).
- "Clinical Recognition of Alexithymia", Diversion Program, Dayton, Ohio. June 3, 1986.
- "Male-to-Female Transsexualism - Case Study", Case Western Reserve University, Cleveland, Ohio. July 18, 1986.
- "Zoophilia: Literature Review and Case Study", Case Western Reserve University, Cleveland, Ohio. July 31, 1986.
- "Neuropsychiatry of Alexithymia", Good Samaritan Hospital, Dayton, Ohio. October 14, 1986.
- "Penile Auto-Injection: New Treatment for Organic Impotence", Diversion Program, Dayton, Ohio. August 12, 1986.
- "Gender Identity Development in Children and Adolescents", Diversion Program, Dayton, Ohio. August 26, 1986.
- "Paraphilias", Good Samaritan Hospital Seminar, Dayton, Ohio. November 17, 1986.
- "Introduction to Gender Disorders", Good Samaritan Hospital, Dayton, Ohio. December 15, 1986, January 5, 1987.
- "Strategic Psychotherapy, Part I", Wright State University, Department of Psychiatry, Dayton, Ohio. December 23, 1986.
- "Strategic Psychotherapy, Part II", Wright State University, Department of Psychiatry, Dayton, Ohio. December 30, 1986.
- "Transsexualism: Dilemmas in Diagnosis", Good Samaritan Hospital, Dayton, Ohio. January 19, 1987.
- "Transsexualism: Live Interview Presentation", Wright State University, Department of Psychiatry, Dayton, Ohio. January 20, 1987.
- "Anxiety Disorders: New Treatment Approaches", Wright State University, Department of Family Practice, Dayton, Ohio. January 29, 1987.
- "Gender Dysphoria", Wright State University Medical School, Dayton, Ohio. February 10, 1987.
- "Bioethical Issues in Sex Reassignment", Good Samaritan Hospital, Dayton, Ohio. February 2, 1987.
- "Mycobacterium xenopi Pulmonary Infection Complicated by Anorexia Nervosa", presentation at the 29th Annual Meeting of the Society of Air Force Physicians, New Orleans, Louisiana. March 23, 1987.
- "The Transsexual Flight into Hypermasculinity", presentation at the Tenth International Symposium on Gender Dysphoria, Amsterdam, The Netherlands. June 10, 1987.
- "Grand Rounds: Gender Disorders", Institute of Living, Hartford, Connecticut, April 30, 1987.
- "Affective Disorders", three hour lecture series, Wilford Hall Medical Center, San Antonio, Texas, September, 1987.
- "Grand Rounds: Transsexualism", Maine Medical Center, Portland, Maine, November 4, 1987.
- "Opportunistic Infection in Anorexia Nervosa", 34th Annual Meeting of The Academy of Psychosomatic Medicine, Las Vegas, Nevada, November 14, 1987.
- "Grand Rounds: Gender Disorders, An Overview", Wilford Hall Medical Center, San Antonio, Texas, December 17, 1987.
- "Women Who Marry Transvestites", accepted for presentation at XXI Annual Meeting of AASECT, San Francisco, California, April 26, 1988 (no funding available).
- "Psychiatric Manifestations of HIV Infection", Texas Medical Association Annual Session, San Antonio, Texas, May 13, 1988.
- "Introduction to Gender Disorders", University of Texas Health Science Center, San Antonio, Grand Rounds, September 27, 1988.

- "Transsexualism and Gender Disorders", Bexar County Psychiatric Society, San Antonio, Texas, October 18, 1988.
- "Psychiatric Diagnoses in HIV-seropositive Air Force Personnel", Maine Medical Center, Portland, Maine, November 5, 1988.
- "Symposium on HIV-seropositivity and Psychiatry", Program Coordinator, Behavioral Health Sciences Symposium, Sheppard AFB, Wichita Falls, Texas, November 8, 1988.
- "Childhood Gender Disorders", Laurel Ridge Hospital, San Antonio, Texas, January 24, 1989.
- "Prospective Study of Psychiatric Morbidity in HIV-seropositive Women", Annual Meeting of the American Psychosomatic Society, San Francisco, California, March 10, 1989.
- "Psychiatric Findings in HIV-seropositive Air Force Women", Walter Reed Army Institute of Research, Bethesda, Maryland, March 31, 1989.
- "Psychiatric findings in HIV-seropositive persons in a mandatory HIV screening program", (abstract and poster session, with J Rundell, S Paolucci), Fifth International Conference on AIDS, Montreal, Canada, June 5, 1989.
- "Alcohol Use and HIV-seropositivity", (poster presentation, with K Drexler, J Rundell), American Psychiatric Association Annual Meeting, San Francisco, California, May, 1989.
- "Current Legal Status of Transsexualism in the Military Setting", Eleventh International Symposium on Gender Dysphoria, Cleveland, Ohio, September, 1989.
- "Grand Rounds: Transsexualism in the Military", Wilford Hall Medical Center, December 14, 1989 (videotape available on request).
- "Psychosexual and Gender Disorders", 6 session advanced seminar for psychiatric residents, University of Texas Health Science Center, San Antonio, January to February, 1990.
- "Update on HIV Psychiatric Research in the USAF: 1990", Behavioral Health Sciences Symposium, Wichita Falls, Texas, 25 April, 1990.
- "Psychiatric Morbidity in HIV-seropositive Women without AIDS", 143rd Annual Meeting of the American Psychiatric Association, New York, May 14, 1990.
- "HIV Infection and Perception of Social Support", (Rundell, Ursano, Brown), 143rd Annual Meeting of the American Psychiatric Association, New York, May 14, 1990.
- "Relative Frequency of HIV Disease as a Cause of Mood Disorder in a General Hospital", (Rundell, Brown), Neurological and Neuropsychological Complications of HIV Infection Conference, Monterrey, California, June 17, 1990.
- "CSF Parameters, Immune Status, Serum Viral Titers, Anxiety, and Depression in HIV Disease", (Rundell, Praus, Brown), Neurological and Neuropsychological Complications of HIV Infection Conference, Monterrey, California, June 17, 1990.
- "CSF Findings and Request for Psychiatric Examination in HIV-Infected Patients", (Rundell, Brown, et al.), poster presentation, Neurological and Neuropsychological Complications of HIV Infection Conference, Monterrey, California, June 17-19, 1990.
- "Methods Employed by and Length of Knowledge of HIV-Seropositivity of HIV-infected Suicide Attempters", (Rundell, Brown, Kyle, et al.), 37th Annual Meeting of the Academy of Psychosomatic Medicine, Phoenix, Arizona, November 18, 1990.
- "Psychiatric Morbidity in HIV-seropositive Women: Results of a Three Year Prospective Study", (Brown, Rundell, Temoshok, et al.), 37th Annual Meeting of the Academy of Psychosomatic Medicine, Phoenix, Arizona, November 16, 1990.
- "Psychiatric Issues in the Evaluation of Spouses of Cross-dressers," Fairfax Hospital, Falls Church, Virginia, November 30, 1990.
- "Measurement of Negative Affect in HIV-seropositive Individuals," (Jenkins, Carey, Temoshok, Brown, et al.), 12th Annual Meeting of The Society of Behavioral Medicine, Washington, D.C., March 20, 1991.
- "Psychiatric and Neuropsychiatric Morbidity in Early HIV Disease," Grand Rounds presentation with S. McManis, University of Texas Health Science Center, San Antonio, Texas, April 30, 1991.

- "Neuropsychiatric Impairment Early in the Course of HIV Infection," (McManis, Brown, Zachary, et al.), 7th International Conference on AIDS, Florence, Italy, June 17, 1991.
- Nine presentations/new research posters/symposia presented at the 144th Annual Meeting of the American Psychiatric Association, New Orleans, Louisiana, May 11-15, 1991 (see Publications section, #50-58, for titles).
- Two presentations at the 7th International Conference on AIDS, Florence, Italy, June 15-17, 1991 (see Publications section, #59-60, for titles).
- "Methodological Advantages of Comprehensive Multidisciplinary Consultation-Liaison Psychiatry Research: HIV Research as a Model," (Rundell, Temoshok, Brown, et al.), Annual Meeting of the Academy of Psychosomatic Medicine, Atlanta, Georgia, October 17, 1991.
- "HIV Psychiatric Research in the Air Force," Grand Rounds presentation, Mayo Clinic, Rochester, Minnesota, July 9, 1991.
- "Neuropsychiatric Morbidity in early HIV Disease: Implications for Military Occupational Function," (Brown, Rundell, McManis, Kendall), Aerospace Medicine Symposium on Allergic, Immunological, and Infectious Disease Problems in Aerospace Medicine, NATO Advisory Group for Aerospace Research and Development Conference, Rome, Italy, October, 1991; presented by J. Rundell in my absence due to lack of funding.
- Four oral presentations and two poster presentations at the First International Conference on the Biopsychosocial Aspects of HIV Infection, Amsterdam, The Netherlands, 22-25 September, 1991 (see Publications section, #61-66, for titles).
- "Biopsychosocial HIV Research in the U.S. Military," Invited Grand Rounds presentation, University of South Dakota School of Medicine, Sioux Falls, South Dakota, October 25, 1991.
- "Biopsychosocial Issues in Treating HIV-seropositive Women," Fairfax Hospital Evening CME Lecture Series, Falls Church, Virginia, December 11, 1991.
- "Psychiatric Issues in Women with HIV," Fairfax County Health Department, Falls Church, Virginia, December 12, 1991.
- "Suicidality in Men with Early HIV Disease," American Psychosomatic Society 50th Annual Meeting, New York, New York, April 1, 1992.
- USAF HIV "Train-the-Trainer" Course; course organizer, presenter, and comprehensive course assessment (pretest, posttests), San Antonio, Texas, April 7-9, 1992.
- "Clinical Utility and Diagnostic Sensitivity of the Michigan Alcoholism Screening Test in Patients with HIV Disease," (Rundell, Brown), Annual Meeting of the Academy of Psychosomatic Medicine, San Diego, CA, October 31, 1992.
- "Longitudinal Neuropsychological Findings in HIV Positive Males," (Goethe, Richie, Brown, et al), 8th International AIDS Conference, Amsterdam, The Netherlands, July 20, 1992.
- "HIV and Women: Challenge for the 90's," Grand Rounds presentation, Geisinger Medical Center, Danville, PA, August 6, 1992.
- "Psychosocial Dimensions of Depression in Early HIV Disease," (Jenkins R, Rundell J, Brown G, Law W, Temoshok L), Annual Meeting of the American Psychological Association, Washington, D.C., August 15, 1992.
- "Psychiatric Presentations of HIV Disease," AIDS and Mental Health Program sponsored by San Antonio VA and UTHSC-SA, Corpus Christi, TX, September 18, 1992.
- "Major Depression in HIV Disease Before AIDS: Clinical Features and Associated Factors," (Rundell J, Brown G, Jenkins R, Kendall S, Temoshok L), Annual Meeting of the Academy of Psychosomatic Medicine, San Diego, CA, 29 October, 1992.
- "HIV Risk Behavior Surveys in the U.S. Military -- What Have We Learned?," Wilford Hall Medical Center Scientific Group Meeting, San Antonio, TX, 16 November 1992.
- "Biopsychosocial Aspects of Early HIV Disease in Women," Grand Rounds, Michigan State University/St. Lawrence Hospital, Lansing, MI, 18 December 1992.
- "Methodological Issues in Assessing Risk Behaviors in an HIV Sero-positive Military Sample," (Coyle C, Blake S, Brown GR, Ledsky R, Temoshok L), Special

- Citation Poster Presentation, Proceedings of the Fourteenth Annual Meeting of the Society of Behavioral Medicine, San Francisco, CA, March 10, 1993.
- "Gender differences in transmission risk behavior, affect, and social support in HIV-positive individuals," (Nannis E, Temoshok L, Jenkins R, Blake S, Sharp E, Jenkins P, Brown G, Patterson T, Coyle C, Brandt U, Johnson C), Proceedings of the Fourteenth Annual Meeting of The Society of Behavioral Medicine, San Francisco, CA, March 10, 1993.
- "Psychosocial stressors and vulnerability to psychiatric distress in early-stage HIV," (Zachary R, Brown GR, Kendall S, Coyle C, McManis S), Proceedings of the Fourteenth Annual Meeting of The Society of Behavioral Medicine, San Francisco, CA, March 10, 1993.
- "Establishing databased research in an academic department of psychiatry," invited address to the Department of Psychiatry, Jefferson Medical College, College of Physicians, Philadelphia, PA, April 30, 1993.
- Two Workshops, three poster sessions, 1993 Annual Meeting of the American Psychiatric Association, San Francisco, CA, May 22-24, 1993.
- "Treating Depression in Early HIV Disease," Grand Rounds, Oklahoma University School of Medicine, Oklahoma City, OK, December 1, 1993.
- "Diagnosis and Treatment of Transvestism," Tulane University School of Medicine, Department of Psychiatry presentation, December 2, 1993.
- "Psychiatric Disorders in Early HIV Disease," Grand Rounds, Tulane University School of Medicine, New Orleans, LA, December 3, 1993.
- "Diagnosis and Treatment of Gender Identity Disorders," invited presentation at Keesler Air Force Base Medical Center, Biloxi, MS, January 13, 1994.
- "Personality Disorders in HIV-positive Persons: Association with Other Measures of Psychiatric Morbidity," poster presentation, (Richards J, McManis S, Brown G), Annual Meeting of the American Psychiatric Association, Philadelphia, PA, May 23, 1994.
- "Psychiatric Issues in HIV/AIDS," invited presentation, Huntsville Mental Health Community, Huntsville Space and Science Center, Huntsville, AL, November 12, 1994.
- "Diagnosis and Treatment of Gender Identity Disorders," Grand Rounds, Tulane University School of Medicine, New Orleans, LA, April 29, 1994.
- "Management of Depression in Early HIV Disease," Upper East Tennessee Psychiatric Association Meeting, Kingsport, TN, June 2, 1994.
- "Sertindole in the Treatment of Chronic Schizophrenia: a Phase III Controlled Trial," Grand Rounds, East Tennessee State University, Johnson City, TN, September 30, 1994.
- "New Onset of Sexual Dysfunction in HIV-seropositive Women: Results of a Prospective Study," 88th Annual Scientific Assembly of the Southern Medical Association, Orlando, Florida, November 3, 1994.
- "Gender Identity Disorders in the VAMC Setting," Grand Rounds, Atlanta VAMC, December 13, 1994.
- "Managing Depression in Early Stage HIV Disease," Grand Rounds, Salem VAMC, December 22, 1994.
- "Biopsychosocial Aspects of HIV Disease in Men," Invited Speaker, Mississippi Pharmacists Association MidWinter Meeting, Jackson, MS, February 12, 1995.
- "Biopsychosocial Aspects of HIV Disease in Men," Invited Speaker, Mississippi Pharmacists Association MidWinter Meeting, Oxford, MS, February 19, 1995.
- "Biopsychosocial Aspects of HIV Disease in Women," Grand Rounds, East Tennessee State University, Johnson City, TN, March 17, 1995.
- "Managing Insomnia," primary care provider educational meeting, Bristol, TN, May 22, 1995.
- "Diagnosis and Treatment of Gender Identity Disorders: DSM-IV Approach," Grand Rounds, Geisinger Medical Center, Danville, PA, June 15, 1995.
- "Psychosocial Characteristics of 739 Transgendered Men," (Brooks G, Brown GR,

- Askew J), 41st Annual Meeting of the Southeastern Psychological Association, Savannah, GA, March 12, 1995.
- "Personality Characteristics and Sexual Functioning of 188 American Transgendered Men: Comparison of Patients with Nonpatients." 14th Harry Benjamin International Gender Dysphoria Symposium, Irsee/Ulm Germany, September 9, 1995.
- "Sertindole HCl: A Novel Antipsychotic With a Favorable Side Effect Profile." 89th Scientific Assembly of the Southern Medical Association, Kansas City, Missouri, November 17, 1995.
- "Long term Safety of Treatment with Sertindole, a Novel Antipsychotic." (Radford M, Brown GR, Matthew H) poster, 89th Scientific Assembly of the Southern Medical Association, Kansas City, Missouri, November 17, 1995.
- "Diagnosis and Newer Treatments for Schizophrenia." Invited Presentation. Central Appalachia Services, Kingsport, TN, December 7, 1995.
- "Personality and Sexuality in Transvestism." Grand Rounds, University of Texas Health Sciences Center, San Antonio, Texas, December 12, 1995.
- "HIV/AIDS and Sexuality." Grand Rounds, Wilford Hall Medical Center, San Antonio, Texas, December 14, 1995.
- "How Research Can Enhance Your Career." Invited Presentation to Department of Psychiatry, Wilford Hall Medical Center, San Antonio, Texas, December 13, 1995.
- "Conducting Research With Stigmatized Populations." Journal Club Presentation, University of Texas Health Sciences Center, Department of Psychiatry, San Antonio, Texas, December 12, 1995.
- "Sexuality in HIV/AIDS." Grand Rounds, Bowman Gray Medical School, Department of Psychiatry, Wake Forest University, Winston-Salem, North Carolina, January 19, 1996.
- "Gender Identity Disorders." Grand Rounds, Lakeshore Mental Health Institute, Knoxville, Tennessee, February 14, 1996.
- "New Approaches to the Management of Schizophrenia," Helen Ross McNabb Center, Knoxville, Tennessee, February 14, 1996.
- "Diagnosis and Management of Gender Dysphoria," Grand Rounds, University of Alabama at Birmingham, March 5, 1996.
- "Depression and Primary Care," Morristown, TN Primary Care Provider's CE Group, Morristown, TN, June 27, 1996.
- "Personality and Sexuality in Transgendered Men," paper presentation, American Psychological Association, Toronto, Canada, August 13, 1996.
- "Gender Identity Disorders," paper presentation at Southern Psychiatric Association Annual Meeting, Santa Fe, New Mexico, September 25, 1996.
- "Sleep Disorders," Grand Rounds, Salisbury VAMC, Salisbury, North Carolina, August 21, 1996.
- "Depression in Primary Care Settings," Nurse Practitioner-Physician Assistant Association of Northeast Tennessee, Johnson City, Tennessee, September 11, 1996.
- Visiting Professorship, Menninger Clinic and Foundation; included Grand Rounds, case presentation and discussion, meetings with residents and staff; Topeka, KS, October 10-11, 1996.
- "New Approaches to the Treatment of Schizophrenia," Grand Rounds, Lakeshore Mental Health Institute, Knoxville, Tennessee, October 30, 1996.
- "HIV Disease in Women: Sexual Manifestations," symposium presentation at Academy of Psychosomatic Medicine Annual Meeting, San Antonio, Texas, November 14, 1996.
- "HIV and Sexuality," Grand Rounds, Atlanta VAMC/Emory University, Atlanta, Georgia, December 3, 1996.
- "Santa Claus is a Cross-Dresser (and so are his little elves)," invited address for the Upper East Tennessee Psychiatric Association, a component of the Tennessee District Branch of the American Psychiatric Association, Johnson City, TN, December 9, 1996.
- "Depression and Sexuality," Tazewell County Medical Society, Richlands, Virginia,

- March 25, 1997.
- "Identifying and Treating Depression in Primary Care," Annual Meeting of the Nurse Practitioner's and Physician's Assistants of East Tennessee, Johnson City, TN, March 25, 1997.
- "Managing Sexual Side Effects of Antidepressant Treatment," Harlan County Medical Society, Harlan, Kentucky, March 11, 1997.
- "Depression and Intimacy," Chatanooga Psychiatric Society, Chattanooga, TN, April 21, 1997.
- "Depression and Sexuality," Lakeshore Mental Health Institute Grand Rounds, Knoxville, TN, April 9, 1997.
- "Managing Sexual Side Effects of Antidepressants," Southern Highlands Pharmacist's Society, Abingdon, Virginia, April 29, 1997.
- "Transgendered Families," Lakeshore Mental Health Institute Grand Rounds, Knoxville, TN, April 30, 1997.
- "Depression and Intimacy," Buchanan County Medical Society, Grundy, VA, May 8, 1997.
- "Depression, Sexuality, and Treatment," Highlands Psychiatric Society, Abingdon, VA, May 9, 1997.
- "Managing Sexual Side Effects of Antidepressants in Primary Care," Chattanooga Family Practice Association, Chattanooga, TN, May 20, 1997.
- "Double Trouble: Depression and Anxiety in Primary Care," LeFlore County Medical Center, Greenwood Mississippi, May 29, 1997.
- "HIV and Sexuality," ETSU Medicine and Sexuality Symposium, Johnson City, TN, June 13, 1997.
- "Depression and Sexuality," ETSU Medicine and Sexuality Symposium, Johnson City, TN, June 13, 1997.
- "Transgenderism," Grand Rounds, Overlook Mental Health Center, Knoxville, TN, June 25, 1997.
- "Managing Sexual Side Effects of Antidepressants in Primary Care," Wise County Medical Society, Norton, Virginia, July 11, 1997.
- "APA Guideline on the Treatment of Schizophrenia," Smoky Mountain Chapter of the Tennessee Psychiatric Association, Knoxville, TN, July 22, 1997.
- "Nicotine Dependence: Kicking the Habit," August Monthly Meeting of the Tricities Nurse Practitioner-Physician Assistants Association, Johnson City, TN, August 14, 1997.
- "Biopsychosocial Issues in Women with HIV Disease," Monthly Meeting of OB-GYN Society of Tricities, Johnson City, TN, August 26, 1997.
- "Revision of the HBGDA Standards of Care: Opportunities and Controversies," Biannual Meeting of the Harry Benjamin International Gender Dysphoria Association, Vancouver, British Columbia, Canada, September 11, 1997.
- "Anxiety and Depression in Primary Care: Double Trouble," Primary Care Grand Rounds, Fort Campbell, KY, October 1, 1997.
- "Treatment Guidelines for Schizophrenia," Psychiatry Grand Rounds, Lexington VAMC, Lexington, KY, September 17, 1997.
- "Gender Dysphoria in the Military Setting," Grand Rounds, Wilford Hall Medical Center, San Antonio, TX, December 18, 1997.
- "Clinical Issues in Transgendered Families," Grand Rounds, University of Texas Health Sciences Center, San Antonio, December 16, 1997.
- "Depression and Sexuality," Southwest Virginia Counsel of Nurse Practitioners, Abingdon, Virginia, November 1, 1997.
- "Depression and Anxiety Disorders in Primary Care," Annual Meeting of the Nurse Practitioner Physician Assistant Association of Northeast TN, Johnson City, TN, February 23, 1998.
- "Differentiating SSRI's in Clinical Practice," Richmond Psychiatric Society Meeting, Richmond, VA, January 22, 1998.
- "Gender Identity Disorders," Grand Rounds, University of VA, Roanoke, VA, February 19, 1998.

- "Smoking Cessation: Modern Approaches," Monthly Meeting of the East TN Hospital Pharmacists Association, Kingsport, TN, February 24, 1998.
- "Identification and Treatment of Gender Dysphoria Syndromes," Grand Rounds, University of Mississippi, Jackson, MS, February 27, 1998.
- "Gender Dysphoria Syndromes in Primary Care," Nurse Practitioner Physician Assistant Association of Northeast TN, Kingsport, TN, March 19, 1998.
- "Treatment Guidelines for Schizophrenia," Grand Rounds, University of Kentucky, Louisville, KY, April 23, 1998.
- "Gender Identity Disorders," Grand Rounds, University of Alabama at Huntsville, Huntsville, AL, May 21, 1998.
- "Nicotine Reduction Strategies," Grand Rounds, Southwest Virginia Mental Health Institute, Marion, VA, May 27, 1998.
- "Depression and Anxiety Management in Primary Care," East Tennessee State University Dept. of Psychiatry Symposium on "Psychiatry in the Trenches", Johnson City, TN, June 12, 1998.
- "Managing Depression in Primary Care," Grand Rounds, Internal Medicine Department, East Tennessee State University, Johnson City, TN, June 16, 1998.
- "Mood Disorders in Women," Roanoke Psychiatric Society, Roanoke, VA, June 17, 1998.
- "Gender Identity Disorders," Grand Rounds, Loyola University Strich School of Medicine, Chicago, IL, June 18, 1998.
- "Standards of Care for Gender Identity Disorders," Grand Rounds, University of Louisiana, Baton Rouge, LA, July 21, 1998.
- "Depression and Sexuality," Fall Symposium of the Mental Health Association of Knoxville, September 11, 1998.
- "Pharmacotherapy of Agitation in the Elderly," Kentucky Pharmacists' Association, Lexington, Kentucky, September 20, 1998.
- "Women and Mood/Anxiety Disorders," monthly meeting of the Nurse Practitioners-Physician Assistants, Johnson City, TN, October 1, 1998.
- "Killing the Bore: How to Give Effective Medical Presentations That Keep an Audience Awake," Grand Rounds, ETSU Dept. of Psychiatry, Johnson City, TN, October 16, 1998.
- "Pharmacologic Management of Agitation in the Elderly," Detroit Psychiatric Society, Detroit, Michigan, December 22, 1998.
- "Nicotine Dependence: Kicking the "Habit," Wise County Medical Society, Wise, Virginia, January 14, 1999.
- "Mood Disorders in Women," Chatanooga Psychiatric Society, Chattanooga, TN, January 18, 1999.
- "From Menarche to Menopause: Mood and Anxiety Disorders in Women," Greene County Medical Society, Greeneville, TN, February 2, 1999.
- "From Menarche to Menopause: Mood and Anxiety Disorders in Women," Annual Meeting of the TriCities Nurse Practitioner-Physician Assistant Association, Johnson City, TN, February 23, 1999.
- "Comparison of Risperidone and Olanzapine: RIS-112 Study," Upper East TN Psychiatric Society, Johnson City, TN, March 4, 1999.
- "New Directions in Treating Schizophrenia," CME, Inc. sponsored faculty member, Los Angeles, California, March 27, 1999.
- "Pharmacologic Management of Agitation in Dementia," University of Alabama Pharmacotherapeutics Conference, Huntsville, AL, April 24, 1999.
- "Mood and Anxiety Disorders in Women," University of Alabama Pharmacotherapeutics Conference, Huntsville, AL, April 24, 1999.
- "Behavioral Problems in Dementia," Grand Rounds, Alvin York VAMC, Murfreesboro, TN, April 29, 1999.
- "Pharmacological Management of Agitation in Dementia," Grand Rounds, Lakeshore Mental Health Institute, Knoxville, TN, May 7, 1999.
- "Psychiatric Disorders in Women," Women's Health Symposium, University of Alabama,

- Huntsville, AL, May 14, 1999.
- "Loxitane: A New Look at an Old Drug," Lakeshore Mental Health Institute, Knoxville, TN, June 4, 1999.
- "Psychiatric Disorders in Women," University of Tennessee at Knoxville, OB-GYN Grand Rounds, June 4, 1999.
- "Working With Transgendered Clients," workshop presented at A Search for New Understanding of Lesbian, Gay, and Bisexual Issues, East Tennessee State University, Johnson City, TN, September 24, 1999.
- "Optimizing Treatment for Schizophrenia", CME, Inc. Symposium, Cleveland, Ohio, September 25, 1999.
- "Diagnosis and Treatment of Depression in Primary Care," Grand Rounds, James H. Quillen VA Medical Center-ETSU Department of Medicine, Johnson City, TN, September 28, 1999
- "Gender Identity Disorder," Annual Meeting of the Southern Psychiatric Association, Hot Springs, Virginia, September 30, 1999.
- "Management of Insomnia," Annual Meeting of the Tennessee Association of Physicians' Assistants, Gatlinburg, TN, October 12, 1999.
- "Sexual Dysfunction in Primary Care Practice," Behavioral Health in Primary Care Symposium, East Tennessee State University, Johnson City, TN, October 16, 1999.
- "Management of Insomnia: New Directions," monthly meeting of the Upper East Tennessee Psychiatric Association, Bristol, TN, October 19, 1999.
- "Depression and Anxiety in Women Through the Life Cycle," Johnson City Women's Health Center Grand Rounds, Johnson City, TN, October 27, 1999.
- "Selecting Antidepressant Treatment," invited presentation and panel discussion, New Orleans Academy of Internal Medicine, January 10, 2000.
- "Managing Insomnia in Primary Care," Grand Rounds, Holston Valley Medical Center, Kingsport, TN, January 31, 2000.
- "Gender Identity Disorders." Grand Rounds, University of Cincinnati, Cincinnati, OH, January 26, 2000.
- "Selecting Antidepressants in Primary Care," Rural Health Cooperative, Kingsport, TN, February 7, 2000.
- Visiting Professor, Loyola University Medical School, Chicago, IL (two presentations), February 10, 2000.
- "Managing Insomnia in the New Millennium," Annual Meeting of the East TN Nurse Practitioner's and Physicians' Assistants Association, Johnson City, TN, February 22, 2000.
- "Sexual Dysfunction in Primary Care," Annual Meeting of the East TN Nurse Practitioner's and Physicians' Assistants Association, Johnson City, TN, February 22, 2000.
- "Depression and PTSD in Women," Grand Rounds, Department of OB-GYN, University of Tennessee, Knoxville, March 17, 2000.
- "Depression and Anxiety in Primary Care Practice," Grand Rounds, Department of Internal Medicine, University of Tennessee, Knoxville, March 16, 2000.
- "Diabetes, Glucose Regulation, and Schizophrenia," Upper East Tennessee Psychiatric Society, Johnson City, TN, April 13, 2000
- "Sexual Dysfunction in Primary Care Practice," Annual Meeting of the Tennessee Osteopathic Medicine Association, Chatanooga, TN, May 7, 2000.
- "Diabetes, Weight Gain, and Schizophrenia," Grand Rounds, Lakeshore Mental Health Institute, Knoxville, TN, July 20, 2000.
- "Bipolar Disorder: Monotherapy versus Combination Therapy", national CME Category I lecture series sponsored by Medical Education Resources and Curry, Martin, and Schiavelli, to 17 cities between May and November, 2000.
- "Managing Depression and Anxiety Disorders," invited presentation to the Annual Meeting of the Tennessee Academy of Family Practice, Jackson, TN, August 19, 2000.
- "Managing Insomnia," monthly meeting of the Tazwell County Medical Society, Richlands, Virginia, August 23, 2000.
- "Sexual Dysfunction," Grand Rounds, ETSU Department of OB/GYN, Johnson City, TN, September 6, 2000.
- "Depression and Sexuality," Grand Rounds, Holston Valley Hospital, Bristol, TN, September

- 25, 2000.
- "Depression and Anxiety in Primary Care: Case Conference/Grand Rounds," Southern Medical Association Annual Meeting, Orlando, Florida, November 2, 2000.
- "Depression in Primary Care Settings," Hamblen County Medical Society, Morristown, TN, November 21, 2000.
- "Sleep Disorders," Nurse Practitioners-Physicians Assistant Association Monthly Meeting, Johnson City, TN, December 7, 2000.
- "CD-ROM Workshop, Anxiety and Depression", Annual Meeting of the Holston Valley Nurse Practitioners-Physicians Assistants Association, Johnson City, TN, February 26, 2001.
- "The Harry Benjamin Standards of Care in Prison: Benefits for Transsexual Healthcare," International Foundation for Gender Education Annual Symposium, Chicago, IL, March 24, 2001.
- "Why Internists Should Care About Treating Depression," Grand Rounds, Department of Internal Medicine, ETSU, Johnson City, TN, April 3, 2001.
- "Antidepressants: Effective Side Effect Management," Annual Meeting of the Tennessee Osteopathic Medicine Association, Memphis, TN, April 21, 2001.
- "Gender Identity Disorder: Management," invited presentation, Smokey Mountain Chapter of the Tennessee Psychiatric Association, Knoxville, TN, April 24, 2001.
- "Gender Identity Disorder," Grand Rounds, Department of Psychiatry, Memphis VAMC, May 24, 2001.
- "Antipsychotic Efficacy Uncompromised by Side Effects," Grand Rounds, Department of Psychiatry, UT Memphis, May 25, 2001.
- "Sexual Dysfunctions in Primary Care," International Medical Update Symposium, Johnson City, TN, August 2, 2001.
- "Diagnosis and Treatment of Gender Dysphoria," Grand Rounds, Department of Psychology, James H. Quillen VAMC, August 3, 2001.
- "Management of Bipolar Disorder," Grand Rounds, Meharry Medical College, Nashville, TN, August 21, 2001.
- "Medical Treatment of Agitation in Dementia," Fall Symposium of the Mental Health Association of Knoxville, September 13, Knoxville, TN.
- "Monotherapy vs. Combination Therapy in the Management of Mania," Fall Symposium of the Mental Health Association of Knoxville, September 14, Knoxville, TN
- "Optimizing Treatment for Bipolar Disorder," quarterly meeting of the Upper East Tennessee Psychiatric Association, Johnson City, TN, September 20, 2001.
- "Gender Identity Disorders: Diagnosis and Management," Grand Rounds, Institute of Living/Hartford Hospital Departments of Psychiatry and Psychology, Hartford, CT, October 17, 2001.
- "Gender Identity Disorder Complicated by Dissociative Identity Disorder: Report of a Successful Case," XVII Symposium of the Harry Benjamin International Gender Dysphoria Association, Galveston, TX, November 3, 2001.
- "Mood Disorders in Women," monthly meeting of the TriCities Nurse Practitioners Association, Johnson City, TN, December 10, 2001.
- "Substance Use Disorders Complicating Common Psychiatric Disorders," Grand Rounds, Holston Valley Hospital, Bristol, TN, December 18, 2001.
- "Women's Health Issues in Psychiatry," OB-GYN Grand Rounds, East Tennessee State University, Johnson City, TN, May 8, 2002.
- "Matching the Neurotransmitter to the Patient," ½ day CME presentation, World Medical Conferences, Jackson, Mississippi, May 18, 2002.
- "Matching the Neurotransmitter to the Patient," ½ day CME presentation, World Medical Conferences, Albany, New York, June 1, 2002.
- "Killing the Bore: How to Give Effective Medical Presentations That Keep People Awake," Grand Rounds, Dept. of Psychiatry, ETSU, Johnson City, TN, August 9, 2002.
- "Current Issues in Treatment of Dementia," Roanoke Psychiatric Society, Roanoke, VA, June 26, 2002.
- "Comfort Foods: Should We Just Surrender Now?," Northeast Tennessee Nurse Practitioner's Association Annual Meeting, Bristol, TN, September 14, 2002.

- "Gender Identity Disorders: Diagnosis and Management," Psychiatry Grand Rounds, University of Florida, Gainesville, Florida, September 20, 2002.
- "Gender Identity Disorders: Diagnosis and Management," Psychiatry Grand Rounds, Meharry Medical College, Nashville, TN, October 9, 2002.
- "New Issues in the Management of Bipolar Disorder," Grand Rounds, Lakeshore Mental Health Institute, Knoxville, TN, October 5, 2002.
- "Pharmacological Management of Dementia," Psychiatry Grand Rounds, Western State Hospital, Staunton, Virginia, March 19, 2003.
- "Appropriate Use of Antipsychotics in Primary Care Practice," Tricounty Medical Society Meeting, Johnson City, TN, April 3, 2003.
- "Appropriate Use of Antipsychotics in Primary Care Practice," 2003 Primary Care Conference, Johnson City, TN, April 1, 2003.
- "Pharmacological Management of Dementia," Grand Rounds, Gaston Memorial Hospital, Gastonia, NC, May 13, 2003.
- "Brown G R, McBride L, Williford W, Bauer M: Impact of childhood sexual abuse on bipolar disorder. Proceedings of the 5th International Conference on Bipolar Disorders, Pittsburgh, PA, 2003 (poster presented by Dr. Bauer in my absence).
- "Aripiprazole Use in Psychiatry," Grand Rounds, Lakeshore Mental Health Institute, Knoxville, TN, August 22, 2003.
- "Use of Anticonvulsants in Psychotic Disorders," Tennessee Psychiatric Association, Smoky Mountain Chapter Meeting, Knoxville, TN, August 28, 2003.
- "Application of the Harry Benjamin International Gender Dysphoria Association's Standards of Care to the Prison Setting: Recent Victories for Transgender Healthcare in the USA," 18th Biennial Symposium of the HBIAGDA, Gent, Belgium, September 11, 2003.
- "Family and Systems Aggression Towards Therapists Working with Transgendered Clients," 18th Biennial Symposium of the HBIAGDA, Gent, Belgium, September 12, 2003.
- "Impact of Childhood Abuse on Disease Course in Veterans with Bipolar Disorder," 97th Annual Meeting of the Southern Medical Association, Atlanta, Georgia, November 8, 2003.
- "Gender Dysphoria: Diagnosis and Management," Grand Rounds presentation, Marshall Medical School, Huntington, West Virginia, January 9, 2004.
- "Gender Dysphoria: Diagnosis and Management," Grand Rounds presentation, Catawba State Hospital, Roanoke, Virginia, March 17, 2004.
- "Treatment Resistant Schizophrenia," Grand Rounds presentation, Broughton State Hospital, Morganton, North Carolina, March 25, 2004.
- "Antipsychotic Use in Geriatric Populations," Grand Rounds presentation, Tampa VAMC, Tampa, Florida, April 23, 2004.
- "Gender Identity Disorders," Grand Rounds presentation, University of TN College of Medicine, Memphis, TN, May 14, 2004.
- "Overcoming Barriers to Treatment Success in Chronic Mental Illnesses," Grand Rounds, Salisbury VAMC, Salisbury, NC, June 3, 2004.
- "Dissociative Identity Disorder Comorbid with Gender Identity Disorder: Review of the Literature and Long-term Case Presentation," Southern Psychiatric Association, Savannah, Georgia, October 2, 2004.
- "Bipolar Disorder in Primary Care," CME Cat 1 presentation, Knoxville, TN, December 1, 2004.
- "Bipolar Disorder and Impulsive Aggression in Primary Care Settings," CME Cat 1 presentation to Tricities Nurse Practitioner Association, December 16, 2004.
- "Overcoming Barriers to Treatment in Chronic Mental Illnesses," North Carolina Advanced Practice Nurses Association, Greensboro, NC, February 13, 2005.
- "Bipolar Disorder in the Primary Care Setting: What to do?," 9th Annual Update for Nurse Practitioners, Johnson City, TN, March 21, 2005.
- "Current Controversies in the Use of SSRI's," TriCounty Medical Society, Johnson City, TN, May 5, 2005.
- "Transgender client aggression towards therapists," XIX Biennial Symposium of the Harry Benjamin International Gender Dysphoria Association, Bologna, Italy, April 9, 2005.
- "Gender identity disorder comorbid with dissociative identity disorder: review of the literature and 7 year followup case presentation. XIX Biennial Symposium of the Harry Benjamin

- International Gender Dysphoria Association, Bologna, Italy, April 9, 2005.
- "Current Controversies in the Use of SSRI's," CME symposium, Southern Medical Association 9th Annual Scientific Symposium, San Antonio, TX, November 12, 2005.
- "Gender Identity Disorder: Diagnosis and Management," Grand Rounds, University of South Florida, Tampa, Florida, January 6, 2006 (Videotaped version of presentation available at www.TheCJC.com).
- "Gender Identity Disorders," East Tennessee State University Women's Health Program, CME Cat 1 symposium, Johnson City, TN, March 24, 2006.
- "Update on Bipolar Disorder," Millennium Center, CME Cat I program, Johnson City, TN, March 31, 2006.
- "Dealing with Chronic Mental Illness: Barriers to Treatment Success," Southside Virginia Psychiatric Society Quarterly Meeting, Richmond, Virginia, April 3, 2006.
- "Management of Gender Identity Disorders," Intermountain Psychological Association, invited presentation, Johnson City, TN, June 8, 2006.
- "Transgender Health Issues," Emory and Henry Lyceum Series, Emory, Virginia, September 18, 2006.
- "Impact of Childhood Abuse in Veterans with Bipolar Disorder," 65th Annual Scientific Meeting of the Southern Psychiatric Association, Baltimore, Maryland, September 29, 2006.
- "Appropriate Use of Antipsychotics in Primary Care Settings," 100th Annual Meeting of the Southern Medical Association, Charlotte, NC, October 14, 2006.
- "Impact of Childhood Abuse on the Course of Bipolar Disorder," Keynote speaker, Perspectives In Health, Texas Department of State Health Services Annual CME Symposium, Austin, Texas, October 27, 2006.
- "Autocastration as Surgical Self-Treatment in Incarcerated Persons with Gender Identity Disorder," Southern Psychiatric Association Annual Meeting, Memphis, TN, August, 2007.
- "Autocastration as Surgical Self-Treatment in Incarcerated Persons with Gender Identity Disorder," XX Biennial Symposium of the World Professional Association for Transgender Health, Chicago, Illinois, September, 2007.
- "Gender Identity Disorders in the Military and VA," Panel discussion and presentation. XX Biennial Symposium of the World Professional Association for Transgender Health, Chicago, Illinois, September, 2007.
- "Diagnosis and Treatment of Gender Identity Disorders," Mountain Update on Psychiatry, ETSU CME Symposium, October 19, 2007.
- "Voice Parameters That Result in Identification or Misidentification of Biological Gender in Male-to-Female Transgender Veterans," poster presentation at the First Annual Gender Spectrum Health Fair, Sponsored by the Alliance for Gender Awareness, Inc and Rutgers Office of Social Justice Education LGBT Communities Rutgers University College, New Brunswick, NJ, November 8, 2007 (with R King et al, coauthors).
- "Voice Parameters That Result in Identification or Misidentification of Biological Gender in Male-to-Female Transgender Veterans," poster presentation at the XX Biennial Symposium of the World Professional Association for Transgender Health, Chicago, Illinois, September, 2007 (with R King, et al, coauthors).
- "Voice Parameters That Result in Identification or Misidentification of Biological Gender in Male-to-Female Transgender Veterans," poster presentation at the Southern Medical Association Annual Scientific Meeting, Nashville, TN, September, 2008 (presented by E McDuffie on behalf of Brown, King, et al, coauthors).
- "Evaluation and Management of Gender Identity Disorders," Cat I, 1.5 hour CME program, Annual Meeting of the Alaska Psychiatric Association, Alyeska, Alaska, April 18, 2009.
- "Forensic Issues and Case Presentations on GID," Cat I, 1.5 hour CME program, Annual Meeting of the Alaska Psychiatric Association, Alyeska, Alaska, April 18, 2009.
- "70 Veterans with Gender Identity Disturbances: A Descriptive Study," XXI Biennial Symposium of the World Professional Association for Transgender Health, Oslo, Norway, June 18, 2009.
- "70 Veterans with Gender Identity Disturbances: A Descriptive Study", Annual Scientific Meeting of the Southern Medical Association, Dallas , Texas, December 4, 2009.

- “Overview of Autocastration and Surgical Self Treatment in Prisons”, National Commission on Correctional Healthcare Annual Meeting, October 10, 2010, Las Vegas, Nevada (invited two hour CME CAT I program)
- “Autocastration- Overview and Case Series Presentation,” Grand Rounds, East Tennessee State University, Johnson City, TN, April 29, 2011.
- “Providing Healthcare for Transgender and Intersex Veterans,” Live Meeting Series broadcast nationally by VA Talent Management System. Co-Presenters Leonard Pogache, MD, Meri Mallard, RN; CME category I credit for each of 3 programs completed, November 22 (2 programs) and November 30, 2011.
- “PBM Guidelines for Providing Care for Transgender and Intersex Veterans,” copresenter with Lisa Longo, Pharm.D, Live Meeting Series broadcast nationally by VA Talent Management System, May 10 and May 14, 2012.
- “Providing Culturally Competent Care for Transgender Veterans,” invited Keynote address at Houston VAMC for symposium (CEU accredited) on LGBT Veteran healthcare, Houston, TX, August 17, 2012.
- “Update on Version 7 of the WPATH Standards of Care,” invited Keynote address for Mountain Area Health Education Center’s Southeastern Summit on Transgender Healthcare, Category 1 CME accredited, Asheville, NC, August 24, 2012.
- “History of Transgender Healthcare in the Department of Veterans Affairs,” invited Keynote address for Mountain Area Health Education Center’s Southeastern Summit on Transgender Healthcare, Category 1 CME accredited, Asheville, NC, August 25, 2012.
- “Qualitative Analysis of Transgender Inmates’ Correspondence: Implications for health Services in Departments of Correction”, National Commission on Correctional Healthcare Annual Meeting, October 14, 2012, Las Vegas, Nevada (invited one hour CME CAT I program).
- “Cross Sex Hormonal Treatment for Transgender Veterans,” national Live Meeting for Women’s Health Program, Department of Veterans Affairs, July 16, 2013.
- “Transgender Health Care Training for VA Health Care Providers”, 3 hours Category 1 CME accredited , Minneapolis, MN, September 26, 2013.
- “Sex Reassignment Options”, national presentation to VA SCAN-ECHO and regional consultation teams responsible for VA transgender health consultations, July 2, 2013.
- “Access to Care for Gender Dysphoric Inmates: Issues and Cases,” Invited plenary speaker for the 21st Annual Forensic Rights and Treatment Conference, sponsored by Drexel University College of Medicine, Category 1 CME credit (1.5 hours), Harrisburg, PA, December 5, 2013.
- “Forensic Aspects of Transgender Health Care in Prison,” Grand Rounds, East Tennessee State University, Category 1 CME, March 7, 2014.
- “Health Disparities Research: Suicidality in Gender Minorities as a Research Model,” Grand Rounds, East Tennessee State University, Category 1 CME credit, May 20, 2014.
- “Sex reassignment surgeries: female-to-male,” national presentation to VA SCAN-ECHO and regional consultation teams responsible for VA transgender health consultations, Cat I CME, June 24, 2014.
- “Sex reassignment surgeries: male-to-female,” national presentation to VA SCAN-ECHO and regional consultation teams responsible for VA transgender health consultations, Cat I CME, July 8, 2014.; December 2, 9, 16, 23, 2014; February 24, 20-15.
- “Medico-Legal Aspects of Providing Transgender Healthcare for Inmates,” invited 2.5 hour presentation for national training program in LGBT healthcare for the Federal Bureau of Prisons, September 4, 2014.
- “Mental health and medical outcome disparities in 5,135 transgender veterans: a case-control study,” 32nd Annual Conference of the Gay and Lesbian Medical Association, Category 1 CME credit, Baltimore, MD, September 11, 2014.
- “Mental health and medical outcome disparities in 5,135 transgender veterans: a case-control study,” Vanderbilt University Grand Rounds, Department of Psychiatry, Cat 1 CME credit, Nashville, TN, September 26, 2014.
- “Mental health and medical outcome disparities in 5,135 transgender veterans: a case-control study,” Drexel University Grand Rounds, Department of Psychiatry, Cat 1

- CME credit, Philadelphia, PA, October 23, 2014.
- "Pharmacotherapy issues with gender dysphoria," College of Psychiatric and Neuropsychiatric Pharmacists, Annual Meeting, Cat I CME credit, Tampa, FL, April 19, 2015.
- "Lesbian, gay, bisexual, and transgender (LGBT) sociopolitical indicators and mental health diagnoses among transgender Veterans receiving VA care. Blosnich, J.R., Marsiglio, M.C., Gao, S., Gordon, A.J., Shipherd, J.C., Kauth, M., Brown, G.R., Fine, M.J. (2015, July). Department of Veterans Affairs Health Services Research & Development/Quality Enhancement Research Initiative National Conference, Philadelphia, PA, July, 2015.
- "Killing the Bore: How to Give Effective Medical Presentations," East Tennessee State University Department of Psychiatry and Behavioral Sciences Grand Rounds (Cat I CME), May 1, 2015.
- "Sex reassignment surgeries: male-to-female," national presentation to VA SCAN-ECHO and regional consultation teams responsible for VA transgender health consultations, Cat I CME, July 21, July 28, 2015
- "Sex reassignment surgeries: female-to-male," national presentation to VA SCAN-ECHO and regional consultation teams responsible for VA transgender health consultations, Cat I CME, September 15, September 22, 2015.
- "Transgender military service: Moving past ignorance in DoD and VHA," invited Keynote Address, Rush Medical University, Cat I CME credit, Chicago, IL, October 9, 2015.
- "Health correlates of criminal justice involvement in 4,793 transgender veterans. Poster Presentation at the Annual National Conference on Correctional Health Care, Denver, CO, October 18, 2015.
- "Open Transgender Military Service: Health Considerations," presentation to medical leadership of the USMC, Washington, DC, by videolink, January 27, 2016.
- "Sex reassignment surgeries; masculinizing and feminizing," national presentations to VA SCAN-ECHO and regional consultation teams responsible for VA transgender health consultations, Cat I CME, June 7 and 28, 2016.
- "Orange is not the new black—yet," Symposium on prison transgender mental health care and update on recent court cases supporting access to transgender health care in US prisons, 24th Biennial Scientific Symposium of the World Professional Association for Transgender Health, Amsterdam, The Netherlands, Cat I CME (1.5 hours), June 20, 2016.
- "Harry Benjamin Plenary Lecture," invited Keynote address for the 24th Biennial Scientific Symposium of the World Professional Association for Transgender Health, Amsterdam, The Netherlands, Cat 1 CME, June 18, 2016. Available at www.wpath2016.com, timer marker 4:20.
- "Health correlates of criminal justice involvement in 4,793 transgender veterans. Poster Presentation at the 24th Biennial Scientific Symposium of the World Professional Association for Transgender Health, Amsterdam, The Netherlands, Cat I CME, June 18, 2016.
- "Breast cancer in a cohort of 5,135 transgender veterans over time," 24th Biennial Scientific Symposium of the World Professional Association for Transgender Health, Amsterdam, The Netherlands, Cat 1 CME, June 20, 2016.
- "Impact of social determinants of health on medical conditions among transgender Veteran," Blosnich J, Marsiglio M, Dichter M., Gao S., Gordon M, Shipherd J, Kauth M, Brown G, Fine M. VA HSR&D Field-Based Meeting to Engage Diverse Stakeholders and Operational Partners in Advancing Health Equity in the VA Healthcare System. Philadelphia, PA, September, 2016

- "Current and past military context and overview of transgender military service," Caring for Transgender Persons in a Changing Environment, Walter Reed National Military Medical Center and Uniformed Services University of the Health Sciences, Bethesda, MD, Cat I CME, 13 September, 2016.
- "State of the Science: Current VHA research findings, policies, and transgender health care delivery model," Caring for Transgender Persons in a Changing Environment, Walter Reed National Military Medical Center and Uniformed Services University of the Health Sciences, Bethesda, MD, Cat I CME, September 13, 2016.
- "Social determinants of health and their associations with medical conditions among transgender veterans," presented by first author John Blosnich, Ph.D., Field-Based Meeting to Engage Diverse Stakeholders and Operational Partners in Advancing Health Equity in the VA Healthcare System, Philadelphia, PA, September 20, 2016.
- "Update on the Mountain Home Transgender Veteran Research Protocol," Grand Rounds, East Tennessee State University, Johnson City, TN, Cat 1 CME, September 23, 2016.
- "History of transgender people in the military," Southeastern Transgender Health Summit 2016 Overcoming Barriers, Mountain Area Health Education Center, Asheville, NC, Cat 1 CME, September 25, 2016.
- "Update on VA care for transgender veterans and summary of research." Southeastern Transgender Health Summit 2016 Overcoming Barriers, Mountain Area Health Education Center, Asheville, NC, Cat 1 CME, September 25, 2016.
- "Transgender inmates in prison: perspectives from expert witnesses," Symposium Chair and presenter, United States Professional Association for Transgender Health, First Scientific Meeting, Los Angeles, CA, Cat 1 CME (1.5 hours), February 3, 2017.
- "Changes in prescriptions of cross-sex hormones and psychotropic medications for 4,409 transgender veterans receiving services at VHA facilities," United States Professional Association for Transgender Health, First Scientific Meeting, Los Angeles, CA, Cat 1 CME, February 3, 2017.
- "Sex reassignment surgeries; masculinizing and feminizing," national presentations to VA SCAN-ECHO and regional consultation teams responsible for VA transgender health consultations, Cat I CME, 4 hours, February 21, 28; May 9, 16, 2017.
- "Transgender Health Care, Research, and Regulations in the Department of Defense," 4 hour/half day CME Cat I symposium (solo presenter), 2017 USMEPCOM Medical Leadership Training Seminar, San Antonio, TX, May 2, 2017.
- "Transgender Health Care, Research, and Regulations in the Department of Defense," 4 hour CME Cat I symposium (solo presenter), Department of the Army, Fort Knox, KY, July 25, 2017.
- "Transgender Health in the Prison Setting: Medical and Legal Issues," Oklahoma Department of Corrections statewide training workshop, Oklahoma City, OK, August 21, 2017.
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SYMPOSIA ORGANIZED AND/OR MODERATED:

1. Psychosocial Aspects of HIV Disease in the Military, organizer/moderator/ presenter, Wichita Falls, Texas, 25 April, 1990.

2. Full Day Roundtable Symposium on Atypical Antipsychotics, organizer/moderator, Excerpta Medica, Asheville, North Carolina, 22 April, 1995.
3. Mountain Update on Anxiety Disorders, Course Director, East Tennessee State University, Blowing Rock, North Carolina, 28-29 April, 1995.
4. Medicine and Sexuality Course, Course Director, East Tennessee State University and James H. Quillen VAMC, Johnson City, TN, 13 June, 1997.
5. Half Day audiotaped symposium moderater/organizer on Innovative Uses of Atypical Antipsychotics, Excerpta Medica, Blackberry Inn, Townsend, TN, 16 November, 1997.
6. Novel Uses of Atypical Antipsychotics, Symposium Moderator, Marriot Griffin Resort, Janssen Research Foundation, Lexington, KY, 4 December, 1998.
7. Novel Uses of Atypical Antipsychotics, Symposium Moderator, Blackberry Inn, Townsend, TN, 10 April, 1999.
8. Psychiatry and Neurology Poster Session Moderator for Southern Medical Association's 97th Annual Scientific Assembly, Atlanta, Georgia, November 6, 2003.
9. Moderator for East Tennessee State University Department of Psychiatry monthly Journal Club/Critical Evaluation of the Literature series, 2002-2011.

TELEVISED and TAPED MEDIA EVENTS:

WKPT local television interview on sleep disorders, Johnson City, 1995.

TNN (The Nashville Network), filmed winning an international revolver competition and then interviewed on silhouette handgun shooting, Oakridge, TN, 1998.

CME, Inc. audiotaped faculty presentations as advertised in "Psychiatric Times," various cities and topics.

Channel 5, London, England; documentary on psychiatric aspects of firearms, 2004.

"Cruel and Unusual", documentary on transgender health care issues in the prison setting, 2005 release, available from jbaus@aol.com; aired on Women's Entertainment channel on July 2, 2007

ABC 20/20, "Becoming Diane" segment on gender identity disorders, October 12, 2005.

The Carter Jenkins Center, www.thecjc.org, taped CME cat I lecture available on the internet, "Evaluation and Management of Gender Identity Disorder," January 6, 2006.

CNN, Kosilek Trial testimony/interview, June 1, 2006.

CNBC, "The Big Idea with Donny Deutsch," interview, June 6, 2006.

PBS News Hour, Transgender Soldiers Gain Ground as US Military Transitions, May 9, 2016, <http://www.pbs.org/newshour/bb/transgender-soldiers-gain-ground-as-u-s-military-transitions/>

Multiple Psychiatry Grand Rounds completed at ETSU, 2010-present, available at the ETSU CME Office website, www.etsu.edu/CME

RESEARCH PROJECTS AND GRANT SUPPORT:

Principal Investigator, "Phase III Comparison of Two Doses of Risperidone For Acute Exacerbations of Chronic Schizophrenia." Inpatient setting, grant support from Janssen Pharmaceutica, approximately \$50,000. Completed 1996.

Principal Investigator, Sexual Functioning and Personality Characteristics of Transgendered Men in a Nonclinical Setting. Collaboration with Tom Wise, M.D. (Chair, Dept. of Psychiatry, Fairfax Hospital, Falls Church, VA), Peter Fagan, Ph.D. (Johns Hopkins Sexual Behaviors Consultation Unit), and Paul Costa, Ph.D. (NIMH). Completed 1990-1995.

DSM-IV Reliability Field Trials, Site Coordinator, 10 investigators, completed in 1995.

Principal Investigator, Psychosocial Adjustment of Spouses of Transgendered Men; study involving long-term support group work and nationwide questionnaire data collection from 1986 to 1997. Completed. Private non-profit organization grant support received.

Coinvestigator, International Study of 800 Transgender Men: The Boulton and Park Experience. 1988-1992. This was the largest community based survey study of transgender people in the U.S. conducted to date. Completed.

Principal Investigator, "A Double-Blind, Placebo-Controlled, Dose-Response Comparison of the Safety and Efficacy of Three Doses of Sertindole and Three Doses of Haloperidol in Schizophrenic Patients." Phase III trial, inpatient setting. Grant support by Abbott Laboratories, approximately \$60,000 over one year. Completed 1994-1995. Contributed to FDA consideration of Serlect for U.S. marketing, 1996-1997.

Principal Investigator, "An Open Label, Long Term, Safety Study of Sertindole in Schizophrenic Patients." Phase II trial, outpatient setting. Grant support from Abbott Laboratories, approximately \$50,000 over two years. Completed 1996.

Principal Investigator, "Biopsychosocial Natural History Study of HIV Infection in the USAF." RO-1 equivalent grant from Henry M. Jackson Foundation for the Advancement of Military Medicine, approximately \$2,000,000. Completed 1987-1993, including pilot data collection.

Unrestricted Educational Grants, \$19,000, for Mountain Update on Anxiety Disorders CME conference (SKB, Lilly, Mead-Johnson), 1995.

Unrestricted Educational Grants totaling approximately \$30,000 annually in support of the VAMC/ETSU Psychiatry Grand Rounds and Visiting Professor Program, 1994-2000; 2002-2006. Grant funding following CME guidelines and administered through the ETSU Office of Continuing Education.

Principal Investigator, "Double-Blind Crossover Study of Zolpidem and Temazepam in Elderly, Hospitalized Patients." Funded through Psychiatry Research Fund, Mountain Home VAMC, and Chair of Excellence in Geriatrics, ETSU. Approved study, ultimately closed due to lack of appropriate subjects available for recruitment.

Principal Investigator, "A Randomized, Double-Blind Placebo Controlled Study of Risperidone for Treatment of Behavioral Disturbances in Subjects with Dementia." Collaboration with R. Hamdy, Cecile Quillen Chair of Excellence in Geriatrics, approximately \$100,000 at full recruitment, 1995-1997; completed.

Associate Investigator, "Use of Nefazodone in Depressed Women with Premenstrual Amplification of Symptoms: a Pilot Study." Principal Investigator: Merry Miller, M.D. \$5,000 pilot study grant, 1996-1999; completed.

Associate Investigator, "Voice Characteristics Associated with Gender Misidentification: A Pilot Study." Principal Investigator: Robert King, M.A. Unfunded study in data analysis phase, 2001-2005; completed in 2007.

Principal Investigator, Johnson City site, VA Cooperative Study #430, "Reducing the Efficacy-Effectiveness Gap in Bipolar Disorder." Health services research conducted at 12 sites nationwide. Grant for this site's operations total \$435,000 over five years of study, 1997-2003; completed.

Coinvestigator, "Treatment for Erectile Disorder with Viagra in a VA Population: Efficacy and Patient and Partner Satisfaction." Principal Investigator: William Finger, Ph.D. Approximately \$30,000 total grant over two year period, 2000-2001; study concluded.

Principal Investigator, Johnson City site, "A Multicenter, Randomized, Double-Blind, Placebo Controlled Study of Three Fixed Doses of Aripiprazole in the Treatment of Institutionalized Patients with Psychosis Associated with Dementia of the Alzheimer's Type." Phase III clinical trial, sponsored by Bristol-Meyers Squibb, 2000-2001, \$174,000 at full recruitment. Extension phase, 42 weeks, separate grant at maximum of \$232,800. Approved April, 2000; completed.

Coinvestigator, "Effects of zaleplon on postural stability in the elderly." Principal Investigator: Faith Akin, Ph.D. \$1000 grant for subject recruitment expenses, 2000-2001.

Principal Investigator, James H. Quillen VA site, "ZODIAC study; An International, Multicenter Large Simple Trial (LST) To Compare the Cardiovascular Safety of Ziprasidone and Olanzapine." Pfizer Pharmaceuticals, approximately \$20,000 at full recruitment. Approved April, 2002, recruitment completed and closed in 2004. Results published: Strom B, Eng S, Faich G, et al: comparative mortality associated with ziprasidone and olanzapine in real-world use among 18,154 patients with schizophrenia: The ziprasidone Observational Study of Cardiac Outcomes (ZODIAC). Amer J Psychiatry 168(2):193-201, 2011.

Coinvestigator, "Survey of Family and Systems Aggression Against Therapists." Unfunded study, completed between 2002 and 2003; Randi Ettner, Ph.D., Principle Investigator; completed.

Coinvestigator, "Effect of Olanzapine on the Auditory Gating Deficit in Patients with Schizophrenia." Principal Investigator: Barney Miller, Ph.D. Investigator-initiated study funded by Lilly, approximately \$85,000. 2002. Study did not recruit subjects at ETSU and was closed 2003.

Principal Investigator, multicenter study, "The SOURCE Study: Schizophrenia Outcomes, Utilization, Relapse, and Clinical Evaluation." Janssen Research, \$100,000 grant at full recruitment (two year open label followup study of risperidone Consta), 2005-2007; second highest recruitment of 43 centers in multicenter study. Completed. See publications from this study under the Publications section, numbers 128 and 129.

Coauthor on grants to VA Central Office for program enhancements to mental health programs at Mountain Home VAMC; approximately \$2,000,000 received for additional staff and support for residential treatment programs and PTSD clinic expansion, 2006-2007.

Principal Investigator in conjunction with Herbert Meltzer, MD, Vanderbilt University, " High Dose Risperidone Consta for Patients with Schizophrenia with Unsatisfactory Response to Standard Dose Risperidone or Long-Acting Injectable." Phase IV study of outpatients with schizophrenia who are partially responsive to risperidone oral and/or long-acting injectable, using a double-blind methodology to study doses between 50 and 100 mg every two weeks. Site funding of approximately \$100,000. 2008-2010. Approved by ETSU IRB but negotiations

between sponsor and Department of Veterans Affairs were not completed on intellectual property rights. Study not initiated at Mountain Home VAMC.

Principal Investigator (Everett McDuffie, MD, coinvestigator), "Descriptive study of veterans with gender identity disturbances: Characteristics and comorbidities, 1987-2007." Unfunded study that is first to characterize a population of 75 U.S. veterans with gender identity disturbances over a 20 year time frame. Completed 2009.

Principal Investigator: "Analysis of State and Federal Prison Directives Related to Transgender Inmate Medical Care and Placement." Unfunded review of existing prison policies through the end of 2007. Completed 2008.

Principal Investigator: "Qualitative Analysis of Concerns of Transgender Inmates in the United States. Unfunded analysis of 129 letters from self-identified transgender inmates across the US." Completed 2012.

Coinvestigator, "Prevalence and Suicidality in Transgender Veterans"; coinvestigator with collaborators at the VA Center of Excellence for Suicide Prevention. 2011-2013. Completed; publication of results in October, 2013.

Principal Investigator, "Assessing Health Outcomes, Health Care Utilization, and Health Disparities in Transgender Veterans Receiving Care in the Veterans Health Administration." Approved by ETSU IRB 7/1/13; protocol remains open. Six manuscripts published; one in preparation.

Consultant, Patient-Centered Outcomes Research Institute grant on transgender healthcare outcomes (STRONG), Michael Goodman, MD, Principal Investigator, Emory University, 2014-present.

References available upon request.

EXPERT REPORT OF DAN PACHOLKE

DEON "STRAWBERRY" HAMPTON VS. IDOC
December 6, 2017

INTRODUCTION:

I have been retained as an expert in penology by Vanessa del Valle, Clinical Assistant Professor of Law, Roderick and Solange, MacArthur Justice Center, Northwestern School of Law. I was asked to review various documents and determine whether or not the Illinois Department of Corrections complied with generally accepted practices, principles and standards with regard to the management and placement of Deon "Strawberry" Hampton, a transgender woman.

METHODOLOGY

1. Reviewed various documents relevant to Deon "Strawberry" Hampton's placement and management within the Illinois Department of Corrections, including the Declaration of Dr. George Brown.
2. Conducted a review of materials related to the management of transgender women in a correctional setting.

In preparing this report I have also relied upon my more than thirty-five (35) years of experience and related training and education in the field of adult institutional corrections. This experience includes: Correctional Officer (2.5 years); Lieutenant (3 years); Captain (6 years); Superintendent (5 years); Director of Performance Management (4 years); eight years in administration (Deputy Director Prisons, Director Prisons, Deputy Secretary, and Secretary) in the Washington State Department of Corrections (WADOC); and work performed in over 20 states and four jurisdictions outside of the continental United States. I have also been a consultant with the National Institute of

Corrections, New York University and have published a number of articles related to the field. I co-authored a book and field guide on prison safety, Keeping Prisons Safe, and co-designed the WADOC CORE training program and the Correctional Officer Achievement Program. (See Attachment 1: CV)

BACKGROUND:

Deon “Strawberry” Hampton is a 26-year-old transgender woman who has been housed at Menard Correctional Center, a maximum-security adult male correctional facility since August 23, 2017. She has identified as a female since she was 5 years old and has lived as a woman while incarcerated. In 2012, she was diagnosed with gender dysphoria by an Illinois Department of Corrections (IDOC) Psychiatrist and has been on cross-sex hormone treatment in IDOC since July 2016. The IDOC has labeled her as “seriously mentally ill” and she takes medication for her illnesses.

Records indicate that while Ms. Hampton was housed at Pinckneyville Correctional Center, she was sexually assaulted by Correctional Officers on multiple occasions. After she reported this abuse, Officers imposed a number of disciplinary citations on her that resulted in her placement in segregation and transfer to Menard Correctional Center.

PLACEMENT DECISION:

In reviewing the placement decisions of the IDOC related to the placement and housing of a transgender woman, the Prison Rape Elimination Act sets forth the

relevant standards. The relevant portions of the standards include:

Standard 115.42(c)—Placement should ensure the inmates health and safety whether the placement would present management or security problems. This evaluation must be done on a case by case basis.

Standard 115.42(d)—Placement assignment for each transgender inmate shall be reassessed at least twice each year to review any safety threats.

Standard 115.42(e)—Serious consideration should be given to a transgender inmate's own views with respect to her safety.

Standard 115.41—Screenings to determine appropriate placement should consider the following factors:

- (1) Whether the inmate has a mental, physical or developmental disability;
- (2) The age of the inmate;
- (3) The physical build of the inmate;
- (4) Whether the inmate has previously been incarcerated;
- (5) Whether the inmate's criminal history is exclusively non-violent;
- (6) Whether the inmate has prior criminal convictions for sex offenses against an adult or child:
- (7) Whether the inmate is or is perceive to be gay, lesbian, bisexual, transgender, intersex, or gender non-conforming;
- (8) Whether the inmate has previously experienced sexual victimization;
- (9) The inmate's own perception of vulnerability; and
- (10) Whether the inmate is detained solely for civil immigration purposes.

First, Ms. Hampton is an average sized transgender woman who has long identified as female. She has a documented history of sexual abuse and has been previously incarcerated. When she was 17 and in juvenile prison, an officer sexually assaulted her and was convicted for the act. She has prior convictions of burglary and home invasions. For purposes of placement and classification, her criminal record should be characterized as exclusively non-violent. She has been labeled by the IDOC as seriously mentally ill. She has a gender dysphoria diagnosis from an IDOC Psychiatrist and has been under IDOC cross-sex hormone therapy treatment since July 2016. As a result, her level of estrogen is the same as a biological female. She reports that she has never had any sexual interest in women. She also reports multiple instances of sexual victimization in IDOC's men's prisons and that she is currently scared for her life.

Based on an analysis of these factors Ms. Hampton's continued placement in a men's prison, and specifically her placement at Menard Correctional Center, violates all professionally accepted practices. There is no security or penological justification for housing her in a men's prison. Ms. Hampton's placement in Menard is unnecessary for security purposes and increases her risk of victimization and suicide.

According to IDOC's 2016 PREA reports, there are 28 transgender women housed throughout its 24 male correctional facilities and none housed in its female facilities. This leads me to believe that not only has IDOC failed to make a

good faith effort to appropriately classify Ms. Hampton, but that it has failed to meaningfully implement the PREA Standard regarding the classification of transgender people in their system in general.

Placing Ms. Hampton at a women's prison is appropriate and would reduce many of the negative factors of her current placement. It would reduce the risk of her being further victimized, making her physically safer. She would be in an environment where she is less likely to be ridiculed and in which she would be subject to policies and practices that comport with her gender. This would improve her mental health, reducing her risk of suicide. Transgender people have the highest suicide rate in the nation. There is nothing that I have reviewed that would indicate that she would be a security threat at a women's correctional facility.

GRIEVANCES AND RETALIATION:

Professionally accepted practices make clear that prisoners must have access to grievances and must be able to access grievances without retaliation. The PREA standards state that "the agency shall provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmate's or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports." (Standard

115.51). Additionally in the American Correctional Association, Standards for Adult Correctional Institutions 4th Edition, standard 4-4284 on page 77 it states: “A grievance procedure is an administrative means for the expression and resolution of inmate problems. The institution’s grievance mechanism shall include provisions for the following: written responses to all grievances, including the reasons for the decision; response within a prescribed, reasonable time limit, with special provisions for responding to emergencies; supervisory review of grievances; participation by staff and inmates in the procedure’s design and operation; access by all inmates, with guarantees against reprisals; applicability over a broad range of issues; and means for resolving questions of jurisdiction.”


Prisons are by nature coercive. Correctional Officers control almost every aspect of the lives of incarcerated people, so opportunities for retaliation are everywhere and is not uncommon. Retaliatory behavior occurs in facilities throughout the country and is well-documented in litigation and media reports. It can take many forms, including through the disciplinary system. The standard of evidence required for a finding of guilt from an alleged rule violation is low, generally an officer’s word is all it takes. Disciplinary hearings and appeals processes for alleged misconduct are overly reliant on officer testimony and lack the sophistication necessary to identify officer abuse.

In Ms. Hampton’s case, she complained and filed grievances about abuse she suffered, to include sexual abuse, from correctional officers at Pinckneyville

Correctional Center. After reporting these allegations, she received several subsequent misconduct reports in addition to being subject to other retaliatory actions to include lack of access to showers and phones, leading to a spiraling of disciplinary sanctions. This led to her current placement at Menard, a maximum-security facility, with a disciplinary segregation sanction through April of 2018, where she reports the retaliation continues through the withholding of food and other inhumane conditions. There is no indication that IDOC engaged a multi-disciplinary review team to identify other alternatives to punitive segregation. No attempts were made to address Ms. Hampton's alleged behavior through a programmatic or therapeutic response, or with a trauma-informed approach. At no point was her classification reviewed to assess the appropriateness of her placement or the safety and behavioral impacts of keeping her in a men's facility. On the contrary, in at least one disciplinary response, the warden authorized a sanction that overrode a recommendation from IDOC mental health staff. There is no penological justification for imposing segregation on Ms. Hampton—especially given her vulnerabilities and her mental health needs. Throughout my decades working in prisons, I have encountered this fact pattern on more than one occasion. A prisoner files a complaint against an officer, the officer responds by imposing formal or informal disciplinary sanctions against the prisoner and the prisoner suffers serious consequences because of the structure of the prison's disciplinary process. For this reason, and because I cannot identify a legitimate penological justification for the punishment imposed on Ms. Hampton, it is my opinion that the disciplinary sanctions are invalid.

CONCLUSION:

By placing Ms. Hampton in male correctional facilities, IDOC has failed to protect her from abuse and other factors leading to the degradation of her mental and physical health. The federal Prison Rape Elimination Act (PREA) standard requires that facility and housing assignments be made through an individualized assessment rather than solely on external genitalia. This assessment must give 'serious consideration' to the individual's own views regarding their safety and their gender identity.



Dan Pacholke

12/6/17

Date

Attachment 1

DAN PACHOLKE

303 Kenyon Street NW 2-F □ Olympia, WA 98502 □ (360) 701-9508 □ e-mail: d.pacholke@yahoo.com

PROFILE

Served the Washington State Department of Corrections for 33 years, starting as a Correctional Officer and retiring as Secretary. Leader in segregation reform and violence reduction in prisons. Extensive experience in program development and implementation, facility management, and marshaling and allocating resources. Proven ability to make change. Led efforts resulting in a 30% reduction in violence and a 52% reduction in use of segregation in Washington State Prisons. Co-founder of Sustainability in Prisons Project. Champion of humanity, hope and legitimacy in corrections.

EMPLOYMENT HISTORY

New York University, Litmus at Marron Institute of Urban Management

Associate Director 2016-present

Collaborate with researchers and practitioners to develop alternatives to segregation and transform corrections management. Advance stakeholder-led research and innovation by soliciting, supporting, and disseminating the best new strategies to create safer, more rehabilitative corrections environments.

Washington State Department of Corrections

Secretary 2015-2016

Governor appointee providing executive oversight of the agency with a yearly operating budget of 850 million and 8,200 full time employees. Reorganized agency to allow for greater emphasis on effective reentry. Led department through response and recovery from a crisis resulting from the discovery of a sentencing calculation error that had occurred for over 13 years.

Deputy Secretary 2014-2015

Oversight over operations divisions: Offender Change; Correctional Industries; Community Corrections (16 Work Releases and 150 field offices); Prisons (15 facilities); and Health Services. These combined operations had a yearly operating budget of 700 million and 7,166 full time employees. Emphasis on core correctional operations, violence reduction, and performance management leadership to affect positive and sustainable system wide change.

Director, Prisons Division 2011-2014

Oversight over 15 institutions and contract relationships with jails and out of state institutions incarcerating approximately 18,000 offenders. Also responsible for providing emergency response and readiness oversight to all facilities and field offices of all divisions. Advanced multi-faceted violence reduction strategy to include the development and implementation of the "Operation Ceasefire" group violence reduction strategy for application in close custody units in prisons. Expanded Sustainability in Prisons Project programs to all prison facilities. Implemented classroom-setting congregate programming in intensive management units.

Deputy Director, Prisons Division 2008-2011

Administrator over 6 major facility prisons, multi-custody level for adult male offenders with a biennial budget of 290 million. Provided leadership and appointing authority decision making to six facility Superintendents. Through Great Recession implemented staffing reductions, offender movement alterations and cost savings initiatives while maintaining safety and security. Represented the Department in legal issues, labor relations, media, staff discipline hearings, union relations and bargaining. Oversaw statewide operations of Emergency Preparedness and Response, Intelligence & Investigations, Intensive Management Units, Offender Grievance Program, Offender Disciplinary Program, Food Service, Sustainability and Close Custody Operations. Implemented statewide system of security advisory councils and security forums to improve staff safety.

Monroe Correctional Complex

Interim Superintendent 2008

Attachment 1

Led a 2,486-bed, multi-custody facility for adult male offenders.

Stafford Creek Corrections Center

Superintendent 2007-2008

Led a 2,000-bed, multi-custody facility for adult male offenders with a biennial budget of 39 million. Implemented Sustainability in Prisons Project initiatives to include large scale composting to include zero-waste garbage sorting. Initiated first dog training programs for male offenders.

Cedar Creek Corrections Center

Superintendent 2003-2007

Led a 400-bed, minimum-security adult male correctional facility, with a biennial budget of 7.3 million. Directed operational and related program activities to include security and custody programs, medical services, plant maintenance, education, and food service. Co-founded the Sustainability in Prisons Project with Nalini Nadkarni, PhD.

Monroe Correctional Complex

Special Assignment Deputy Superintendent 2002

Formulated new strategic direction in order to enhance operations and security at the Complex, which consists of four separate units and houses approximately 2,300 adult male felons. Managed unit operations and security. Supervised the Intelligence Investigative Unit and Offender Grievance System. Developed and implemented capital construction initiatives at the Special Offender Unit and the Washington Reformatory Unit to enhance security of these Units.

Headquarters

Performance System Administrator 1999-2002

Led the development and implementation shift from staff training department to an organizational performance system. Administered staff performance academies, supervised five regional teams, four Program Managers and provided leadership for policy development to support this department wide program. Administered the Department's Emergency Response Plan, Emergency Operations, Officer Safety Program and Firearms Training Unit.

Headquarters

Emergency Response Manager 1995-1999

Developed and implemented statewide emergency response system. Directed the development of departmental policy, emergency response team academies and response protocols. Managed emergencies and security events. Directed Critical Incident Review Teams in the post incident analysis of critical incidents department wide. Led development of security plans for the management of high-risk operations to include 400 offenders out of state, Y2K, and execution security.

Clallam Bay Corrections Center

Correctional Captain 1989-1995

Responsible for the security management of a maximum, close, and medium custody male facility. Oversaw facility mission changes including: close custody conversion; implementation of blind feeding; facility double bunking; opening of an intensive management unit; opening of first direct supervision unit; and developed the facility's Emergency Response Plan.

Clallam Bay Corrections Center

Correctional Lieutenant 1986 -1989

Washington Corrections Center

Correctional Sergeant 1985-1986

McNeil Island Corrections Center

Correctional Officer 1982-1985

PUBLICATIONS

Attachment 1

Useem, Bert, Dan Pacholke, and Sandy Felkey Mullins. "Case Study–The Making of an Institutional Crisis: The Mass Release of Inmates by a Correctional Agency." *Journal of Contingencies and Crisis Management* (2016) Pacholke, Dan (2016, July 27). Change is relative to where you begin. Vera Institute of Justice. Think Justice Blog. <https://www.vera.org/blog/addressing-the-overuse-of-segregation-in-u-s-prisons-and-jails/change-is-relative-to-where-you-begin>

Pacholke, Dan and Sandy Felkey Mullins. *More Than Emptying Beds: A Systems Approach to Segregation Reform*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, 2016. NCJ 249858.

Pacholke, D. (2014, March). Dan Pacholke: How prisons can help inmates lead meaningful lives [Video file]. Retrieved from https://www.ted.com/talks/dan_pacholke_how_prisons_can_help_inmates_live_meaningful_lives?language=en

Young, C., Dan Pacholke, Devon Schrum, and Philip Young. *Keeping Prisons Safe: Transforming the Corrections Workplace*. 2014.

Aubrey, D., LeRoy, C. J., Nadkarni, N., Pacholke, D. J., & Bush, K. Rearing endangered butterflies in prison: Incarcerated women as collaborating conservation partners. 2012.

AWARDS

Olympia Rotary Club, Environmental Protection Award, 2013
Governor’s Distinguished Managers Award, 2012
Secretary of State, Extra Mile Award, 2007
Governor’s Sustaining Leadership Award, 2003

CONSULTING

Sustainability in Prisons Project, Co-Director
2004-2015

Nebraska Department of Correctional Services
2015
With Bert Useem, PhD, provided system assessment following May 2015 disturbance at Tecumseh State Correctional Institution in which two inmates were killed. Identified underlying causal factors and provided recommendations.

National Institute of Corrections
1998 to 2002
Provided training and consultation services to state, territory and federal correctional systems. Responsible for delivering of training to include: Management of Security, Entry Level Supervision, Emergency Preparedness Assessment, Disturbance Management and Basic Security.

Defensive Technology Corporation
Senior Instructor
1995 to 1998
Provided tactical and specialty munitions training to correctional and law enforcement personnel throughout the U.S.

Security Auditing & Critical Incident Reviews
Lead Auditor
Completed security audits and critical incident fact finding reviews in facilities throughout the Washington State Department of Corrections and two correctional jurisdictions in other states, one of which involved multi-jurisdictional entities.

Attachment 1

EDUCATION:

The Evergreen State College, BA, Olympia, Washington

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DEON HAMPTON,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:18-CV-550-NJR-RJD
)	
JOHN BALDWIN, KEVIN KINK,)	
KAREN JAIMET, JOHN VARGA,)	
OFFICER BURLEY, LIEUTENANT)	
GIVENS, OFFICER CLARK, OFFICER)	
LANPLEY, OFFICER GEE, OFFICER)	
MANZANO, OFFICER BLACKBURN,)	
LIEUTENANT DOERING, SERGEANT)	
KUNDE, and JOHN DOES 1-4,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

ROSENSTENGEL, District Judge:

This matter comes before the Court on the Renewed Motion for Preliminary Injunction filed by Plaintiff Deon Hampton, an inmate in the Illinois Department of Corrections (IDOC) (Doc. 46). Hampton is a 27-year-old, transgender woman housed in Dixon Correctional Center, a men’s prison. Hampton asks the Court to order Defendants John Baldwin, Director of the IDOC, and John Varga, Warden of Dixon, to transfer her to Logan Correctional Center, a female facility, because correctional staff and other inmates at Dixon have physically, verbally, and sexually harassed and assaulted her. She also seeks an order directing Defendants to remove her from segregation because she has been denied appropriate mental health services and her mental health is deteriorating. The Court held a three-day evidentiary hearing in September 2018. For the reasons set forth below, the Court grants the motion in part and denies it in part.

BACKGROUND

Hampton, who was anatomically born a male, has identified as a female since age five and has dressed as a female since she was eleven years old (Doc. 46-1, p. 7). At that point, her family and community treated her as a girl and referred to her by her preferred name: "Strawberry." (*Id.*) Hampton lived exclusively as a female for years prior to her incarceration and is attracted exclusively to men (*Id.*; Doc. 96, pp. 52, 62). In 2012, she was diagnosed by an IDOC psychiatrist with gender dysphoria, a significant mismatch between a person's experienced gender identity and sex assignment at birth (Doc. 98, p. 12). People with gender dysphoria often want to change their body to match their internal gender identity and to be rid of the sexual characteristics associated with their birth sex (*Id.*). Hampton also suffers from bipolar disorder (Doc. 100, p. 24).

In 2015, Hampton told mental health professionals at Hill Correctional Center that she was not transgender (Doc. 46-1, p. 7). In May 2016, however, she clarified to a mental health professional that she simply considers herself female rather than "transgender." (*Id.*) Two months later, while still in IDOC custody, Hampton began hormone treatment to physically transition to female (Doc. 96, p. 5). The hormones have feminized her looks while shrinking her muscles and male anatomy (*Id.*, p. 6). She has breasts and can no longer get an erection (*Id.*, pp. 5). Her strength also has diminished, and she can no longer lift heavy objects (*Id.*, p. 6). By January 30, 2018, Hampton's estradiol level was 397 and her testosterone was less than 3 (Doc. 46-2, p. 2). That level of testosterone is considered "castrate," in that Hampton has virtually no circulating testosterone—similar to males who have been surgically castrated (*Id.*).

At the evidentiary hearing, Hampton presented the expert testimony of Dr. George

Brown, the Associate Chairman for Veterans Affairs and Professor of Psychiatry at East Tennessee State University and a consultant nationally for the United States Department of Veterans Affairs on transgender health care issues (Doc. 98, pp. 5-8). According Dr. Brown, Hampton's high estrogen and low testosterone levels make it "exceedingly unlikely" that she could get an erection, let alone produce semen and be fertile (Doc. 98, pp. 28-31). He explained that chemical castration is most likely irreversible with continued treatment, and that Hampton has been 100 percent compliant with taking her hormones (*Id.*, p. 32). In his opinion, there is "no ambivalence in her transgender identity" and, thus, no indication she would stop taking estrogen (*Id.*, p. 32).

Over the past two years, Hampton has been housed at four IDOC male correctional centers: Pinckneyville, Menard, Lawrence, and Dixon (Doc. 96, p. 6). Hampton describes her experiences at these male prisons as feeling like a sex slave (*Id.*, p. 13). At Pinckneyville, she was called a "fag," "it," "he-she," "thing," "dick sucker," and "dick eater" on a daily basis (*Id.*, pp. 9-10). One officer pulled down her shorts and asked what genitalia she had (*Id.*, p. 10). Other officers forced her to engage in sexual acts with her cellmate for the officers' entertainment (*Id.*, p. 11). On one occasion, she and her cellmate were taken out of their cell, forced to dance, and then told to perform oral sex while the officers watched (*Id.*, p. 12). She also was forced to have phone sex with a lieutenant (*Id.*). After the incident, Hampton and her cellmate were warned to stay quiet, otherwise the officers would "make their bodies disappear" (*Id.*). Hampton did report the incident, but no action was taken to protect her from further abuse (*Id.*, pp. 13-16). Instead, she asserts, she was beaten and not allowed to shower, while the officers wrote allegedly false disciplinary tickets against her (*Id.*, p. 17).

Hampton eventually was transferred to Menard, a maximum-security prison, where

she was called the same derogatory names (*Id.*, p. 19). She again experienced physical assaults and feared for her life and safety (*Id.*, p. 22). She was forced to stick deodorant bottles up her anus, to masturbate, and to dance in her cell (*Id.*, p. 24). She testified she feared that if she told the officers no, they would have tried to kill her (*Id.*). After she filed a grievance about the officers' conduct, no action was taken to protect her (*Id.*, p. 23). Instead, the officers continued to work around her and "gay bash" her (*Id.*).

Hampton filed a lawsuit related to the conduct at Menard, which resulted in a settlement whereby she was transferred to Lawrence Correctional Center (*Id.*). But the situation was no different there. In January 2018, during yard, an inmate at Lawrence exposed his penis, masturbated, and threatened to rape Hampton (*Id.*, p. 25). When Hampton complained to staff, they blew her off because she is attracted to men (*Id.*) At that point, Hampton called the Prison Rape Elimination Act (PREA) hotline (*Id.*, pp. 25-26). After an investigation, Hampton's complaint was deemed substantiated (*Id.*, pp. 26-28; Ex. 9). Yet, Hampton asserts nothing was done to protect her. Instead, the inmate who committed these acts was placed near her in segregation, where he continued to threaten to rape her (*Id.*, pp. 28-29). Hampton made a second PREA call in February 2018, which again was substantiated (*Id.*, p. 29-30; Ex. 9). The inmate then was transferred from Lawrence, a medium to high-medium security prison to Pontiac Correctional Center, a maximum-security prison (Doc. 97, pp. 66-67; Ex. 9).

Hampton also was targeted by the staff at Lawrence. She described sexual misconduct by a lieutenant and an Internal Affairs officer, with whom she was forced to have sex on a regular basis (Doc. 96, p. 30). She claims these individuals threatened to reach her family if she said anything (*Id.*). Staff also called her names and misgendered her by using male

pronouns, which makes her feel angry, disrespected, ashamed, and humiliated (*Id.*, pp. 20, 25). Dr. Brown explained that misgendering transgender people can be degrading, humiliating, invalidating, and mentally devastating (Doc. 98, p. 16). In Hampton's records, Dr. Brown saw hundreds of incidents of misgendering, not just by correctional officers but by clinicians, nurses, and administrators (*Id.*, pp. 16-17).

On March 16, 2018, Hampton was transferred to Dixon and again placed in segregation. The recommendation to transfer Hampton to Dixon came from Dr. Shane Reister, a licensed clinical psychologist who serves as the Southern Regional Psychologist Administrator for the IDOC (Doc. 100, pp. 10, 26). In this position, Dr. Reister oversees the mental health programming at the institutions in the IDOC's southern region (*Id.*, p. 10). Dr. Reister met with Hampton in March 2018 because she is a "particularly challenging" inmate with "very clear bipolar symptoms, as well as some dissociative problems when trauma triggers occur" (*Id.*, pp. 23-24). Dr. Reister found that Hampton's manic symptoms, in addition to her gender-related concerns, made it difficult for her to adapt to her environment (*Id.*, p. 25). Accordingly, Dr. Reister recommended that Hampton be transferred to Dixon, which is a "mental health hub," has a large transgender population, and a "very functional transgender support group." (*Id.*, p. 27).

Since her transfer to Dixon, Hampton claims the name calling by IDOC staff has continued (*Id.*, p. 36). So has the sexual assault. For a week and a half in April 2018, a fellow inmate grabbed her breasts and buttocks and exposed his penis (*Id.*). When Dixon staff refused to do anything despite her complaints, she called the PREA hotline (*Id.*). An investigation ensued, and the allegation was substantiated (*Id.*). The offender appeared before the Adjustment Committee on April 27, 2018, and "was disciplined for his actions."

(Ex. 9.) He was then released from segregation on May 3, 2018 “for time served and the safety of [Hampton] due to the fact of Hampton being in segregation.” (*Id.*)

Another inmate at Dixon grabbed her body, kissed her, and tried to force her to perform oral sex (*Id.*, p. 38). He also threatened physical harm and tried to come in while Hampton was showering (*Id.*, pp. 38-39). Hampton again called the PREA hotline and reported the abuse to Dixon staff, including mental health professionals and the warden (*Id.*, p. 39). Hampton asserts that staff sent the offending inmate to a minimum-security prison and retaliated against her instead of taking any action to protect her (*Id.*, p. 40).

Indeed, Justin Wilks, Assistant Warden of Operations at Dixon, could not testify to anything done to protect Hampton after her PREA allegations were substantiated (Doc. 99, p. 78). He also testified he was unaware of the claimed harassment and verbal discrimination by other inmates and officers, unaware of any measures taken after Hampton filed grievances complaining of harassment by officers, and unaware of any grievances she filed regarding sexual harassment by other offenders (*Id.*, pp. 79-81).

Because of the continued verbal and physical harassment and sexual assault by staff and male offenders, Hampton has filed numerous grievances seeking to be transferred to a female prison. To date, Hampton’s repeated requests to be transferred have been denied internally by the IDOC’s Transgender Care Review Committee (“the Committee”), previously known as the Gender Identity Committee and the Gender Dysphoria Disorder Committee (Doc. 98, p. 41; Doc. 100, p. 60). The Committee, which is made up of mental health providers, psychologists, medical doctors, and representatives from IDOC administration, security, and the transfer coordinator’s office, is responsible for ensuring that the mental health, security, and medical needs of offenders are met, specifically regarding transgender

care (Doc. 100, pp. 14-15). It is also charged with ensuring trans people are housed appropriately within the Department of Corrections (Doc. 99, p. 5).

Dr. Steven Meeks, Agency Medical Director of the IDOC, is the chairperson of the Committee (*Id.*, p. 4). Dr. Meeks admitted he is not an expert on providing care to trans people (Doc. 99, p. 5), and he does not know the specific details of the PREA (*Id.*, p. 7). While he agrees that gender dysphoria is a real diagnosis that requires medical treatment, he also has never recommended that a trans woman be moved from the men's division to the women's division (*Id.*, pp. 5, 9).

Dr. Meeks explained that the Committee issues a full report on a transgender inmate when that individual transfers to a new facility, while periodic updates are done if there are specific requests related to that individual's care (*Id.*, p. 13). On March 17, 2017, the Committee issued an update on Hampton noting that she was housed in segregation, showered separately and in private, and was taking feminizing hormones (Ex. 18). The report further stated that since Hampton had been in segregation she had not had any individual or group therapy specifically for transgender support, but she had been attending the mental health group offered to inmates in segregation. Dr. Meeks admitted that to the extent Hampton was not receiving psychosocial support for her gender dysphoria while in segregation, her treatment violated professionally accepted standards (Doc. 99, pp. 10-11). Nevertheless, the Committee recommended continuing those provisions.

The Committee next issued a report on Hampton on January 26, 2018, after her transfer to Lawrence (*see* Ex. 18). At that time, the Committee recommended Hampton continue showering separately and in private, be permitted to use a sports bra, be referred for general support for living as a transgender in prison, be referred for individual and/or

group treatment issues related to being transgender and other mental health issues, and that all security searches be performed professionally and as least intrusive as possible—“in accordance with facility policy based upon the gender of the facility.” (Ex. 18). Dr. Meeks admitted there is no documentation of any discussion regarding Hampton’s PREA complaints or her disciplinary history, but testified that they discussed her “placement,” meaning a potential transfer to a women’s prison (Doc. 99, pp. 16-18).

The Committee issued another report on April 1, 2018, after Hampton’s transfer to Dixon (Ex. 18). The report does not discuss Hampton’s sense of personal safety or her history of sexual assault, and it leaves several sections blank (*Id.*, p. 21). It also makes no recommendations as to housing or showering (*Id.*, p. 19). Dr. Meeks testified that part of the reason the Committee decided not to transfer Hampton at that time was because she was adjusting well to Dixon and because she needed to be healthy from a mental health perspective before they would consider transferring her (*Id.*, pp. 23-24). While Dr. Meeks previously testified in his deposition that he would not be comfortable moving a prisoner who still has testicles to a female prison, he testified at the evidentiary hearing that “having testicles in and of itself” would not be a reason to keep Hampton out of the women’s division (*Id.*, p. 25). Instead, “it’s a more wholistic decision than that,” which takes into account the inmate’s “mental health status and whether she would function well at the women’s facility.” (*Id.*). Dr. Meeks admitted, however, that the Committee did not consider Hampton’s substantiated PREA complaints, nor did they consider her disciplinary history or personal sense of safety at Dixon (*Id.*, pp. 24, 35). Additionally, no member of the Committee has ever met with Hampton regarding her request to be transferred to a female prison, to discuss whether she feels safe at a men’s prison, or to ask how the hormones she takes affect her body

(Doc. 96, p. 45).

On July 16, 2018, the Committee met specifically to discuss Hampton's potential transfer to a women's prison (*Id.*, p. 30). IDOC Chief Attorney Camille Lindsay was present for this meeting (*Id.*). The Committee did not issue a formal update; instead, Dr. Meeks's assistant distributed a bullet-point list of topics discussed (*Id.*; see Ex. 18). Those issues included whether Hampton is fertile or capable of an erection, her behavioral and mental health, her assault on a staff member and another offender, her aggression level and strength as opposed to the women in Logan Correctional Center, her refusal to take Lithium for her bipolar disorder, and the potential impact on Logan should she be transferred (Ex. 18). The Committee did not recommend transferring Hampton at that time but agreed to review her situation again in November 2018 (Ex. 18).

Dr. Meeks testified that the Committee decided not to transfer Hampton because she had assaulted a staff member and an offender at Dixon, and there was some concern she was not psychologically stable enough to transfer her to Logan (Doc. 99, p. 32). Dr. Meeks did not recall discussing Hampton's own personal sense of safety at Dixon and admitted that not all women at Logan are "mentally stable." (*Id.*, pp. 33, 35-36).

Sandra Funk, the Chief of Operations for IDOC and a member of the Committee, also testified regarding the Committee's July 16, 2018 meeting. Funk stated that from a security perspective, the primary concern when considering whether to transfer a transgender prisoner is sexual potency, *i.e.*, the ability to become erect (*Id.*, p. 47). While Hampton cannot obtain an erection, Funk noted that is only because she is taking medication (*Id.*). She also implied that even if Hampton sexually prefers men, that does not mean she would never try sex with a woman (*Id.*). Funk did agree, however, that whether an inmate is a predator or

vulnerable should be considered when determining placement, and that someone who has been raped in prison and had multiple substantiated PREA complaints would be considered vulnerable (*Id.*, p. 48). Yet, according to Funk, there was no discussion as to Hampton's person safety or her fear of sexual assault while in a men's prison (*Id.*, pp. 55-56). In fact, the Committee did not discuss *any* reasons why it would be in the interest of Hampton's mental health to transfer her to Logan (*Id.*, p. 57). And while IDOC policy does not allow housing decisions to be made solely on a prisoner's sex at birth, currently all prisoners in the IDOC are housed based on their genitalia (*Id.*).

At the hearing, Hampton presented the expert testimony of Dan Pacholke, an independent consultant and former head of corrections for the Washington State Department of Corrections (Doc. 97, p. 5). Pacholke worked with the Washington State Department of Corrections for more than 33 years in a number of positions ranging from correctional officer to warden (Doc. 97, p. 5-6). According to Pacholke, under the PREA, housing decisions should not be made exclusively based on external genital anatomy (Doc. 97, p. 13). Instead, the prison must consider the individual's own sense of security when determining placement (*Id.*). And while the IDOC's policy states that it will consider the offender's perception to ensure appropriate facility placement, it does not provide any objective criteria for being placed in a women's facility (*Id.*, p. 14). Those objective standards should include the inmate's age, physical build, sexual preference, criminal history (including whether the inmate has committed sex crimes or is violent), and the inmate's own perception of vulnerability (Doc. 97, p. 79).

Pacholke was critical of the Committee's updates and reports for lacking detail as to those objective standards, as well as Hampton's history of mental health issues and sexual

assault (Doc. 97, p. 18). Pacholke testified that the Committee should have received and reviewed Hampton's substantiated PREA reports so that they could have considered the abuses occurring to her, the mental health counseling needed, and how to keep her safe (*Id.*, p. 25). Indeed, based on the omissions in several of the reports, Pacholke concluded that the Committee did no meaningful review of Hampton's housing placement (Doc. 97, p. 21).

In addition to seeking a transfer to a women's prison, Hampton also has made repeated requests to be removed from segregation. Hampton asserts she has spent much of the last two years in segregation, which causes her panic attacks, exacerbates her depression, and makes her want to kill herself (Doc. 96, pp. 8-9). Before entering segregation, Hampton participated in psychosocial support groups to help deal with her gender dysphoria. While in segregation, however, Hampton has been denied access to the transgender support group (Doc. 98, p. 9). Instead of group therapy, Hampton participates in weekly, one-hour, individual sessions with Jamie Weigand, a mental health professional, to discuss her transgender issues (Doc. 56-2, p. 4).

Weigand testified in her deposition that at almost every session Hampton has been fixated on her placement in segregation and repeatedly reported feeling depressed (*Id.*, pp. 8, 11-12). Yet, Weigand said she has not personally observed any negative effects or decompensation from Hampton being in segregation (*Id.*, p. 8). She did admit, however, that Hampton's "depression may be increased because of that extended period of time locked in her cell." (*Id.*, p. 12). Hampton has attempted suicide multiple times—at least twice since being transferred to Dixon (Doc. 99, p. 82). Assistant Warden Wilks testified that he believed Hampton was doing well at Dixon, but acknowledged he was unaware Hampton had tried to commit suicide twice (Doc. 99, p. 82). He agreed that someone who has attempted suicide

is not adjusting well (*Id.*, p. 83).

According to Dr. Brown, while she is in segregation, Hampton is not receiving the medical services necessary to support her transition, including the transgender support group, which he considers inadequate care of her gender dysphoria (Doc. 98, p. 9). Dr. Brown testified that continued placement in segregation is exacerbating Hampton's symptoms and placing her at risk of suicide or auto-castration and subsequent death by exsanguination, *i.e.*, bleeding to death (*Id.*, pp. 10-11). Dr. Brown also noted that Hampton has lost 75 pounds in prolonged segregation not due to any efforts to lose weight (*Id.*, p. 42). He explained that weight loss is a nonspecific symptom often associated with depression or decompensation (*Id.*). Based on his interview with Hampton, as well as a review of her medical records, Dr. Brown concluded that there is no medical justification whatsoever for housing her in a men's prison and that her continued placement at Dixon places her at risk both mentally and physically (*Id.*, p. 9).

With regard to the Committee's concern that she is a violent offender, Hampton acknowledges she has received numerous disciplinary tickets throughout her incarceration, but asserts they were issued as a result of defending herself or in retaliation for filing complaints. For example, while housed at Hill Correctional Center, Hampton received a disciplinary ticket related to an incident where a large man ran into her cell and began attacking her while she was on the toilet (Doc. 96, p. 47). Hampton fought back in self-defense but was charged with assaulting the other inmate (*Id.*). On another occasion in July 2017, Hampton received a disciplinary ticket for hugging and kissing her cellmate even though she told Internal Affairs that IDOC staff made them do it (*Id.*, p. 48). As a result, she was sentenced, among other things, with two months of segregation.

According to Pacholke, many of Hampton's tickets were issued for low-level violations that "support [Hampton's] own view of her gender identity" like calling an officer "hey girl," destroying state property by modifying her clothing, and making and wearing thong underwear (Doc. 97, p. 34).

Other tickets were for more serious violations. On February 18, 2018, Hampton received a ticket for kicking an officer multiple times (Doc. 97, p. 35). The officer was taking Hampton to the segregation yard when Hampton began to pull away stating that she wanted to go to her "special cage." (*Id.*) The officer attempted to regain control of Hampton and explain where she was going, but Hampton mule-kicked him in the leg (*Id.*). Pacholke testified that it was significant that Hampton wanted to go to her "special cage," because perhaps all she was trying to say was "This yard is safer for me." (Doc. 97, pp. 35-36). Yet, he acknowledged that striking the officer was inappropriate (*Id.*). He also testified that he would have considered Hampton's substantiated PREA complaint from just a few weeks prior when deciding what discipline to impose.

Hampton received another ticket on June 25, 2018, for possession of a "gaff," which, as explained by Dr. Brown, is a thong used by trans women to compress their genitals against their bodies to create a smoother appearance and keep the genitals from moving around (Doc. 98, p. 18). Dr. Brown stated that it is "unfortunate" that Hampton has been acknowledged as transgender, diagnosed with gender dysphoria, has received hormones for more than two years, and has breasts, but yet is not allowed to have female underwear (*Id.*, p. 19). Then when she modifies her underwear because of her gender dysphoria, the IDOC views it as destruction of government property (*Id.*). He testified it is very common for transgender inmates with gender dysphoria to do whatever is necessary to develop their own underwear

when it is not being provided by the prison (*Id.*). Dr. Brown concluded that Hampton's actions indicate she has inadequately treated gender dysphoria and is attempting to treat herself (*Id.*, p. 23).

On June 26, 2018, Hampton was charged with assault of another offender (*Id.*, p. 41). The Adjustment Committee later found her guilty based on witness statements that she slapped the offender on the face, threw four or five punches at him, then began choking him, telling him to say, "I'm sorry." (*Id.*). After the offender said he was sorry, Hampton let him go (*Id.*, pp. 41-42). The informants stated that Hampton was the aggressor and the other offender did not fight back (*Id.*). Hampton testified at the evidentiary hearing that this incident occurred after the other inmate touched her buttocks and got upset when she said she was not interested in him sexually (Doc. 96, p. 49). He later tried to sweet talk her and reached to grab her buttocks again, but Hampton smacked his hand away (*Id.*). She claimed the other inmate then punched her in the face, and the ticket she received was for defending herself (*Id.*, p. 50).

Hampton received yet another disciplinary ticket on June 26, 2018, for assault and disobeying a direct order for refusing to cuff up (Doc. 97, pp. 43-44). A lieutenant had to pepper spray Hampton to get her to comply with the order to cuff up and move to segregation (*Id.*, p. 44). Hampton then jumped up on a chair and began to throw closed-fist punches at a staff member and the lieutenant (*Id.*, p. 45). She was given four months of segregation for this incident. Pacholke admitted this is a serious misconduct report but opined that it should be viewed in context of her overall experience in the system (*Id.*).

In August 2018, Hampton was disciplined for sexual misconduct and damage or misuse of property when she danced in a sexually provocative way in the yard (Doc. 97, p.

29). Approximately 53 minutes of video surveillance was recorded of the incident, which shows Hampton flirting with other offenders, suggestively dancing, flashing them, kissing and hugging them, and modifying her clothing (*Id.*, p. 31). Pacholke criticized the IDOC for using the video to build a case against Hampton to keep her in segregation rather than intervening and acknowledging that this is inappropriate and unsafe conduct (*Id.*). In Pacholke's opinion, what the video shows is a woman on a male yard (*Id.*, p. 32). Pacholke opined that the IDOC has not considered that Hampton's placement—in a men's prison, in segregation, and in close range to those who have assaulted her—might be driving her behavior and misbehavior (*Id.*, p. 39). In fact, he stated, these violations reinforce his opinion that she should be housed in a women's facility (*Id.*, pp. 32, 46). Pacholke noted that the IDOC has given Hampton hormones and feminizing clothing, including a sports bra, but then does everything in its power to place her anywhere but a female facility, as if Hampton "needs to earn her way into the proper gender placement." (*Id.*)

Dr. Reister disagreed with the idea that transgender inmates must "earn their way" into a certain facility but did agree that Hampton's aggression toward peers and staff is the result of her reacting to people misgendering and mistreating her (Doc. 100, pp. 28, 38). He noted that Hampton turns to self-protection when she feels threatened to gain a sense of control over her environment (*Id.*, p. 49). Dr. Reister, who has created a four-hour training on transgender mental health care for the IDOC mental health staff, suggested that it would be beneficial for correctional officers and other staff to be trained on being trauma informed (*Id.*, p. 52).

DISCUSSION

I. Exhaustion of Administrative Remedies

Before addressing the merits of Hampton's motion for preliminary injunction, the Court must determine whether she has exhausted her administrative remedies with regard to the injunctive relief she seeks.

The Prison Litigation Reform Act ("PLRA") provides that "[n]o action shall be brought with respect to prison conditions under Section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." 42 U.S.C. § 1997e(a). Exhaustion is a precondition to bringing suit, and the Seventh Circuit requires strict adherence to the PLRA's requirements. *Dole v. Chandler*, 438 F.3d 804, 809 (7th Cir. 2006). Failure to exhaust administrative remedies is an affirmative defense; defendants bear the burden of proving a failure to exhaust. *See Jones v. Bock*, 549 U.S. 199, 216 (2007).

Under the PLRA, an inmate must take all steps required by the prison's grievance system to properly exhaust his or her administrative remedies. *Ford v. Johnson*, 362 F.3d 395, 397 (7th Cir. 2004); *Pozo v. McCaughtry*, 286 F.3d 1022, 1023-24 (7th Cir. 2002). The purpose of exhaustion is to give prison officials an opportunity to address the inmate's claims internally, prior to federal litigation. *Kaba v. Stepp*, 458 F.3d 678, 684 (7th Cir. 2006). When officials have been afforded this opportunity, the prisoner has properly exhausted all available remedies. *Id.*

An emergency does not exempt an inmate from exhausting his administrative remedies. *Maxey v. Cross*, No. 14-CV-01263-JPG-SCW, 2015 WL 507213, at *4 (S.D. Ill. Feb. 5, 2015). Instead, Illinois has an emergency grievance procedure for prisoners who claim to be

in urgent need of attention. *Fletcher v. Menard Correctional Center*, 623 F.3d 1171, 1174 (7th Cir. 2010) (citing 20 ILL. ADMIN. CODE. § 504.840). Under that procedure, an emergency grievance is forwarded directly to the warden, who determines whether “there is a substantial risk of imminent personal injury or other serious or irreparable harm” to the inmate. *Id.* (citing § 504.840(a)). If there is such a risk, the grievance is handled on an emergency basis, and the warden is required to tell the inmate what action, if any, will be taken in response to the alleged danger. *Id.* (citing § 504.840(b)).

When prison officials fail to respond to inmate grievances, the Seventh Circuit has held that administrative remedies are “unavailable” to the prisoner. *Lewis v. Washington*, 300 F.3d 829, 833 (7th Cir. 2002). At that point, the inmate is deemed to have exhausted his claims. *See Dole v. Chandler*, 438 F.3d 804, 809 (7th Cir. 2006) (a remedy can be unavailable to a prisoner if the prison does not respond to the grievance or uses misconduct to prevent a prisoner from exhausting his resources); *Walker v. Sheahan*, 526 F.3d 973, 979 (7th Cir. 2000) (an inmate is not required to appeal his grievance if he submits the grievance to the proper authorities but never receives a response).

How long a prisoner must wait to file suit after submitting his or her emergency grievance, however, has not definitively been decided by the Seventh Circuit. In *Fletcher*, the inmate waited only two days after filing his emergency grievance before filing his lawsuit, which the Court of Appeals found to be insufficient under the circumstances of that case. *Fletcher*, 623 F.3d at 1174-75. On the other hand, in *Muhammad v. McAdory*, the Seventh Circuit found that a genuine issue of material fact existed concerning whether prison officials thwarted the plaintiff’s efforts to exhaust his administrative remedies when they did not respond to his emergency grievance 51 days after he filed it. *Muhammad v. McAdory*, 214 F.

App'x 610, 613 (7th Cir. 2007). The undersigned district judge has found that waiting sixteen days after filing an emergency grievance may be sufficient to exhaust, particularly when the inmate is in imminent danger of harm from a cellmate. *Godfrey v. Harrington*, 13-cv-0280-NJR-DGW, 2015 WL 1228829, at *7 (S.D. Ill. Mar. 16, 2015).

In this case, it is undisputed that Hampton filed an emergency grievance dated February 7, 2018, while housed at Lawrence Correctional Center (Doc. 37, p. 3). The emergency grievance stated that Hampton was in danger as a woman placed in a man's prison and that, while in segregation, she had not received the mental health treatment required by IDOC rules, the *Rasho* settlement agreement,¹ the Americans with Disabilities Act, the Rehabilitation Act, and the Eighth Amendment (Doc. 37-1). Hampton requested relief in the form of a transfer to a women's prison and release from segregation, an updated treatment plan, a review of her medication by a psychiatrist, and group and other therapy required to treat her serious mental illnesses (*Id.*).

The grievance contains the notation "E91 RCVD 2/8/28." (*Id.*) The grievance also contains a stamp indicating it was received by the grievance office at Lawrence on February 14, 2018 (*Id.*). There is no response from any prison official on the grievance form. Defendants state that "Plaintiff did not exhaust this grievance" but provide absolutely no argument or evidence in support of that statement.² Defendants reiterate that same conclusory statement in their supplemental memorandum of law in support of their motion for summary judgment on the issue of exhaustion (Doc. 86). They further argue that no grievances have been exhausted relating to Hampton's claims that she has been subject to harassment, beatings,

¹ See *Rasho v. Walker*, 1:07-cv-1298-MMM (C.D. Ill.).

² Defendants also provide no explanation as to why the grievance apparently went to the grievance office rather than to the warden despite being marked as an emergency.

threats, segregation, or a failure to protect by the IDOC, and that no grievances have been exhausted with regard to her rights to equal protection, mental health care, or accommodations under the ADA (*Id.*).

As an initial matter, the Court finds that Hampton's February 7, 2018 grievance more than adequately grieves the denial of appropriate mental health treatment while in segregation (*see* Doc. 37-1). Further, her statement that she is a woman and in danger because she is improperly housed by the IDOC in a male prison is sufficient to grieve her claim that she belongs in a female correctional center. As held by the Seventh Circuit in *Strong v. David*, 297 F.3d 646, 650 (7th Cir. 2002):

Illinois has not established any rule or regulation prescribing the contents of a grievance or the necessary degree of factual particularity When the administrative rulebook is silent, a grievance suffices if it alerts the prison to the nature of the wrong for which redress is sought. As in a notice-pleading system, the grievant need not lay out the facts, articulate legal theories, or demand particular relief. All the grievance need do is object intelligibly to some asserted shortcoming.

There is no requirement that Hampton specifically grieve her right to equal protection or a lack of ADA accommodations. It is enough that Hampton asserted the IDOC's shortcomings in the form of denying her adequate and appropriate mental health treatment and placing her in a men's prison despite being a female.

As for exhaustion of this emergency grievance, Hampton asserts – and Defendants do not dispute – that she never received a response from the warden. The warden's failure to respond to Hampton's allegations that she was in danger and was not receiving essential and required mental health treatment, within 29 days of her filing the grievance, rendered the administrative process unavailable to Hampton, and she is deemed to have exhausted her

administrative remedies.³ See *Fletcher*, 623 F.3d at 1174-75; *Muhammad*, 214 F. App'x at 613.

II. Motion for Preliminary Injunction

A preliminary injunction is an “extraordinary and drastic remedy” for which there must be a “clear showing” that a plaintiff is entitled to relief. *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997). The purpose of an injunction is “to minimize the hardship to the parties pending the ultimate resolution of the lawsuit.” *Faheem-El v. Klinicar*, 841 F.2d 712, 717 (7th Cir. 1988). To be granted an injunction, a plaintiff has the burden of demonstrating a reasonable likelihood of success on the merits, no adequate remedy at law, and irreparable harm absent the injunction. *Planned Parenthood v. Commissioner of Indiana State Dep't Health*, 699 F.3d 962, 972 (7th Cir. 2012).

As to the first element, the Court must determine whether the “plaintiff has any likelihood of success—in other words, a greater than negligible chance of winning.” *AM General Corp. v. DaimlerChrysler Corp.*, 311 F.3d 796, 804 (7th Cir. 2002). As to the second element, the absence of an adequate remedy at law is a precondition to any form of equitable relief. *Roland Mach. Co. v. Dresser Indus., Inc.*, 749 F.2d 380, 386 (7th Cir. 1984). Finally, the requirement of irreparable harm eliminates those cases where, although the ultimate relief sought is equitable, the plaintiff can wait until the end of trial to get that relief. *Id.* Only if the plaintiff will suffer irreparable harm in the interim—that is, before a final judgment—can he or she obtain a preliminary injunction. *Id.*

Once Hampton has met her burden, the Court must weigh the balance of harm to the parties if the injunction is granted or denied and evaluate the effect of an injunction on the

³ This determination is limited solely to Hampton's requests in her motion for preliminary injunction to be transferred to a women's prison and to be released from segregation. Whether Hampton has exhausted her other claims will be addressed separately by Magistrate Judge Reona J. Daly.

public interest. *Korte v. Sebelius*, 735 F.3d 654, 665 (7th Cir. 2013). “This equitable balancing proceeds on a sliding-scale analysis; the greater the likelihood of success of the merits, the less heavily the balance of harms must tip in the moving party’s favor.” *Id.*

The Prison Litigation Reform Act provides that a preliminary injunction must be “narrowly drawn, extend no further than necessary to correct the harm . . . ,” and “be the least intrusive means necessary to correct that harm.” 18 U.S.C. § 3626(a)(2). The Seventh Circuit has described injunctions like the one sought here, requiring an affirmative act by the defendant, as a mandatory preliminary injunction. *Graham v. Med. Mut. of Ohio*, 130 F.3d 293, 295 (7th Cir. 1997). Mandatory injunctions are “cautiously viewed and sparingly issued,” because they require the court to command a defendant to take a particular action. *Id.* (citing *Jordan v. Wolke*, 593 F.2d 772, 774 (7th Cir. 1978)).

A. Success on the Merits

A party moving for preliminary injunctive relief need not demonstrate that she has a likelihood of absolute success on the merits, but rather that her chances are “better than negligible,” which is a “low threshold.” *Whitaker By Whitaker v. Kenosha Unified Sch. Dist. No. 1 Bd. of Educ.*, 858 F.3d 1034, 1046 (7th Cir. 2017). In this case, Hampton argues she has a greater than negligible chance of winning on her claims because Defendants have: (1) violated the Equal Protection Clause by housing her in a men’s prison; (2) violated the Equal Protection Clause by constantly sexually harassing her; (3) violated the Eighth Amendment by failing to protect her from sexual and physical assault; and (4) violated the Eighth Amendment by subjecting her to cruel and unusual punishment.

i. Equal Protection Clause

The Equal Protection Clause of the Fourteenth Amendment directs that “all persons

similarly situated should be treated alike,” thereby protecting against intentional discrimination by way of classifications that reflect “a bare . . . desire to harm a politically unpopular group.” *Whitaker*, 858 F.3d at 1050 (quoting *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985)); *Glenn v. Brumby*, 663 F.3d 1312, 1315 (11th Cir. 2011) (quoting *Cleburne*, 473 U.S. at 446-47). “Generally, state action is presumed to be lawful and will be upheld if the classification drawn by the statute is rationally related to a legitimate state interest.” *Id.* The rational basis test does not apply, however, when discrimination is alleged based on one’s membership in a protected class. *Reget v. City of LaCrosse*, 595 F.3d 691, 695 (7th Cir. 2010). In those situations, heightened scrutiny applies. *See Whitaker*, 858 F.3d at 1050.

Neither the Seventh Circuit nor the Supreme Court has determined whether transgender individuals constitute a protected class. *See id.* at 1051 (“[T]his case does not require us to reach the question of whether transgender status is per se entitled to heightened scrutiny.”). Other district courts outside the Seventh Circuit, however, have recognized transgender individuals as either a suspect or quasi-suspect class entitled to heightened scrutiny. *See, e.g., Bd. of Educ. of the Highland Local Sch. Dist. v. United States Dep’t of Educ.*, 208 F. Supp. 3d 850, 872-74 (S.D. Ohio 2016) (concluding that heightened scrutiny applied to equal protection claim arising from a transgender girl being denied access to the girls’ bathroom because transgender individuals are a quasi-suspect class).

Even where trans people have not been found to constitute a protected class, the Seventh Circuit has held that heightened or intermediate scrutiny applies when the complaint is based on sex discrimination. *See Whitaker*, 858 F.3d at 1050 (a sex-based classification is subject to heightened scrutiny, as sex “frequently bears no relation to the ability to perform or contribute to society”). Under intermediate scrutiny, “classifications by

gender must serve important governmental objectives and must be substantially related to achievement of those objectives” in order to be upheld. *Craig v. Boren*, 429 U.S. 190, 197 (1976). “When a sex-based classification is used, the burden rests with the state to demonstrate that its proffered justification is exceedingly persuasive,” not just a hypothesized or *post hoc* justification created in response to litigation. *Whitaker*, 858 F.3d at 1050.

a. *Discrimination by Housing Hampton in a Male Facility*

Hampton first argues that the IDOC’s policy of housing cisgender women in women’s prisons but forcing transgender women to be housed with men based on their assigned gender at birth, is a classification based on sex that causes her to be treated differently from similarly situated female inmates. Therefore, heightened scrutiny applies, and the State must show the classification serves important, genuine governmental objectives and that the discriminatory means employed (placing transgender females in male prisons) is substantially related to the achievement of those objectives.

Defendants make no express argument that rational basis review applies rather than heightened scrutiny,⁴ although they do argue that an inmate’s placement is not uniformly based on the inmate’s sex at birth (the implication being there is no sex-based classification). While they acknowledge that IDOC inmates are initially housed according to their genitalia, they assert that at least two transgender inmates have been transferred to female institutions after a case-by-case determination by the Transgender Care Review Committee. Furthermore, the Committee in this case considered numerous factors, including security, Hampton’s aggression toward staff and other inmates, her adjustment, her mental health,

⁴ Defendants also make no argument that the category of “similarly situated” individuals should be other transgender inmates or other inmates with gender dysphoria rather than other female inmates. Accordingly, the Court considers that issue conceded.

and her medical health. Defendants note that an offender who is denied transfer by the Committee can be re-reviewed and follow-up meetings can be scheduled on an as-needed basis.

While the Court understands that consideration is later given to an inmate's desire to be transferred to the prison of their gender identity, the fact remains that inmates are, by default, placed in a facility based on their genitalia (*see* Doc. 59-1, p. 21-22). Therefore, a sex-based classification is used, and intermediate scrutiny must be applied. Under intermediate scrutiny, the question becomes: is the IDOC's policy of placing transgender inmates in the prison of their assigned sex at birth substantially related to the achievement of prison security?

The State has presented no evidence that transgender inmates generally pose a greater security threat than cisgender inmates, and anyway, "generalized concerns for prison security are insufficient to meet the 'demanding' burden placed on the State to justify sex-based classifications." *Doe v. Massachusetts Dep't of Corr.*, No. CV 17-12255-RGS, 2018 WL 2994403, at *10 (D. Mass. June 14, 2018) (citing *United States v. Virginia*, 518 U.S. 515, 531 (1996)).

With regard to Hampton specifically, Defendants point to her history of disciplinary problems as evidence that, in this case, placing her in a male prison is essential to maintain prison security. Defendants argue that the Committee met several times to discuss Hampton's placement, but found she had been aggressive and violent toward staff and other offenders.

The Court first notes that the Committee's reports do not reflect *any* discussion of Hampton's aggression toward others until July 16, 2018—after Hampton's motion for

preliminary injunction had been filed—indicating it may be a forbidden *post hoc* justification created in response to litigation. Moreover, as pointed out by Hampton, female inmates can be equally aggressive and violent, perhaps more so than Hampton. Yet, no one would suggest those women should be housed in the men’s division. Furthermore, the Committee considered her assaults on prison staff and other inmates when reviewing her placement, but it never reviewed her disciplinary reports, grievances, or substantiated PREA complaints to have the full picture. And while the Committee considered the safety of female inmates at Logan should Hampton be transferred, it never considered whether Hampton felt safe or secure in a men’s prison. In fact, the Committee never even interviewed Hampton personally.

Based on these facts, the Court is not convinced that the IDOC’s policy of placing transgender inmates in the facility of their assigned sex at birth is substantially related to the achievement of prison security. Furthermore, there is some evidence that the concern about Hampton’s aggressiveness could be a *post hoc* justification created in response to litigation. Accordingly, the Court finds that Hampton has a greater than negligible chance of success on the merits of her equal protection claim with regard to her placement in a male prison.

b. *Sexual Harassment*

Hampton next argues Defendants have violated the Equal Protection Clause by intentionally subjecting her to verbal and physical sexual harassment that male inmates do not endure because she is transgender. In response, Defendants simply argue “there is no proof of discrimination against Hampton by subjecting her to constant verbal sexual harassment, insult, threat, and intimidation that males do not endure.” (Doc. 55, pp. 8-9).

To succeed on her sexual harassment claim under the Equal Protection Clause, Hampton must establish (1) the harassment was intentional and based on sex and (2) the

harassment was “sufficiently severe or pervasive.” *Trautvetter v. Quick*, 916 F.2d 1140, 1149 (7th Cir. 1990); see also *Adair v. Hunter*, 236 F. Supp. 3d 1034, 140 (E.D. Tenn. 2017) (while isolated incidents of verbal harassment do not rise to the level of constitutional violations, “where, as here, a plaintiff alleges ongoing harassment, the equal protection clause applies.”). “[A] plaintiff wishing to sustain an equal protection claim of sexual harassment must show both ‘sexual harassment’ and an ‘intent’ to harass based upon that plaintiff’s membership in a particular class of citizens.” *Id.*

At the evidentiary hearing, Hampton testified to constant, severe harassment, including being called a fag, it, he-she, dick sucker, dick eater, and other derogatory terms based on her status as transgender. Defendants presented no evidence refuting that testimony, except for Correctional Counselor Brandi Hendrix, who disavowed ever using the term “fag” to refer to Hampton (Doc. 99, p. 112). Hampton also testified to multiple situations where IDOC staff forced her to engage in sexual acts with other inmates or with the staff themselves, and she complained of being groped and harassed daily by inmates.

While this Court is not blind to the fact that male inmates also face sexual and verbal harassment from other inmates and staff, Defendants presented no evidence that such abuse rises to the same level Hampton has experienced. They also make no real argument in support of their position. Accordingly, the Court finds Hampton has a likelihood of success on the merits of her equal protection claim with regard to verbal and physical sexual harassment.

ii. Eighth Amendment

Hampton also asserts she will succeed on the merits of her Eighth Amendment failure to protect and deliberate indifference to conditions of confinement claims.

a. *Failure to Protect Against Sexual and Physical Abuse*

Prison officials have a duty under the Eighth Amendment “to protect prisoners from violence at the hands of other prisoners,” *Farmer v. Brennan*, 511 U.S. 825, 833 (1994), and, by extension, correctional officers. “Omissions can violate civil rights, and ‘under certain circumstances a state actor’s failure to intervene renders him or her culpable under § 1983.” *Chavez v. Illinois State Police*, 251 F.3d 612, 952-3 (7th Cir. 2001) (quoting *Yang v. Hardin*, 37 F.3d 282, 285 (7th Cir. 1994)).

To succeed on such a claim, an inmate must first demonstrate she is “incarcerated under conditions posing a substantial risk of serious harm.” *Farmer*, 511 U.S. at 834. Second, the inmate must show prison officials acted with deliberate indifference to that risk, which requires a subjective inquiry into a prison official’s state of mind. *Farmer*, 511 U.S. at 838-39. “[T]he official must both be aware of facts from which the inference could be drawn that a substantial risk or serious harm exists, and he must also draw the inference.” *Id.* at 837.

A prisoner may demonstrate that prison officials were aware of a specific, impending, and substantial threat to her safety “by showing that [s]he complained to prison officials about a specific threat to [her] safety.” *Pope v. Shafer*, 86 F.3d 90, 92 (7th Cir. 1996) (quoting *McGill v. Duckworth*, 944 F.2d 344, 349 (7th Cir. 1991)). The prison official may be held liable only if he knows an inmate faces a substantial risk of serious harm and “disregards that risk by failing to take reasonable measures to abate it.” *Farmer*, 511 U.S. at 847. A plaintiff also “can establish exposure to a significantly serious risk of harm by showing that [s]he belongs to an identifiable group of prisoners who are frequently singled out for violent attack by other inmates.” *Id.* at 843 (quotation omitted).

Hampton argues Defendants know she is transgender, is vulnerable, and faces a

substantial risk of serious harm from other prisoners and staff. They also are aware that she has been sexually and physically abused at other men's prisons by way of her other lawsuits, her grievances and PREA complaints, and prior Internal Affairs investigations. Yet, Defendants disregarded that risk when they failed to protect her from other prisoners who have sexually assaulted her.

In response, Defendants argue they are aware of only one alleged sexual issue with another inmate, and that inmate was separated from Hampton immediately. The only other incident of which they are aware is the incident where Hampton assaulted another inmate, which Hampton testified occurred when that inmate continually hit her on the buttocks and grabbed her breasts.

Again, the Court finds Hampton has more than a negligible chance of success on the merits of this claim. Hampton has filed numerous grievances and several PREA complaints that were ultimately found substantiated. She testified that *nothing* was done after those substantiated PREA complaints to protect her from further verbal and sexual harassment and abuse. When Hampton told Dixon staff about the inmate that was grabbing her for a week and a half, they did nothing. Instead, she had to call the PREA hotline. Defendants presented no evidence to the contrary. Indeed, the Assistant Warden of Operations at Dixon could not testify to *any* actions taken to protect Hampton after her PREA allegations were deemed substantiated (Doc. 99, p. 78). Based on this evidence, the Court finds Hampton has a likelihood of success on her failure to protect claim.

b. *Deliberate Indifference to Conditions of Confinement*

Hampton next argues she will prevail on her Eighth Amendment conditions of confinement claim related to her prolonged stay in segregation. She asserts Defendants

housed her in conditions constituting cruel and unusual punishment when those conditions are worsening her mental illness and causing her extreme emotional pain and suffering – to the point she has attempted suicide multiple times.

In a case involving conditions of confinement in a prison, two elements are required to establish violations of the Eighth Amendment’s cruel and unusual punishment clause. *McNeil v. Lane*, 16 F.3d 123, 124 (7th Cir. 1993). First, the prisoner must show that, objectively, the conditions deny the inmate “the minimal civilized measure of life’s necessities,” creating an excessive risk to the inmate’s health or safety. *Farmer v. Brennan*, 511 U.S. 825, 834 (1994); *Jackson v. Duckworth*, 955 F.2d 21, 22 (7th Cir. 1992). Not all prison conditions trigger Eighth Amendment scrutiny – only deprivations of basic human needs like food, medical care, sanitation, and physical safety. *Rhodes v. Chapman*, 452 U.S. 337, 346 (1981). Second, from a subjective point of view, the inmate must demonstrate that the defendants acted with a sufficiently culpable state of mind, namely, deliberate indifference. *McNeil*, 16 F.3d at 124. Deliberate indifference exists only where an official “knows of and disregards an excessive risk to inmate health or safety.” *Farmer*, 511 U.S. at 837-38. “‘Deliberate indifference’ means recklessness in a criminal, subjective sense: disregarding a risk of danger so substantial that knowledge of the danger can be inferred.” *James v. Milwaukee Cty.*, 956 F.2d 696, 700 (7th Cir. 1992). Negligence, even gross negligence, does not constitute deliberate indifference. *Garvin v. Armstrong*, 236 F.3d 896, 898 (7th Cir. 2001).

Defendants rely on the affidavit of Jamie Weigand, a mental health professional who met with Hampton in segregation for one-hour, weekly, individual sessions to discuss her transgender issues and concerns as well as to devise a treatment plan (Doc. 56-2, p. 4). Ms. Weigand testified she has not personally observed any negative effects or decompensation

from Hampton being in segregation and explained that Hampton is social, upbeat, and smiling when she sees her (*Id.*, p. 8). Hampton also participates in group therapy for long-term segregation inmates once per week, she showers and takes care of her hygiene, she is out of her cell three to four hours per day, and she gets two hours of yard time per day.

Defendants also presented evidence that a mental health professional was consulted each time Hampton received disciplinary violations (Doc. 98, pp. 79-82). Those professionals often concluded that Hampton's behavior was *not* the result of her mental health issues (*Id.*). The mental health professionals also evaluated whether placement in segregation would present a risk of harm to Hampton, and they determined that it would not (*Id.*). Defendants then acted in accordance with the recommendations of the mental health professionals regarding discipline, often imposing less segregation time than recommended or no segregation time at all (*Id.*). Defendants argue they are entitled to rely on the recommendations of mental health professionals, even if there are others who would disagree with those conclusions.

The Court agrees that Defendants are entitled to rely on the recommendations of the mental health professionals who found that placement in segregation would not be a risk to Hampton's mental health. *See Berry v. Peterman*, 604 F.3d 435, 440 (7th Cir. 2010) (nonmedical administrators are entitled to defer to the judgment of jail health professionals). Thus, Hampton has not shown Defendants acted with the requisite deliberate difference.

Furthermore, there is no evidence that Hampton has been deprived of any life's basic necessities, as required to meet the objective prong of the test. She appears to be receiving adequate medical care, has one-on-one sessions with Weigand to address her transgender issues, attends group therapy for long-term segregation inmates several times per week, is

receiving treatment for her bipolar disorder (although she refuses to take her medication), has access to showers and proper hygiene care, and spends two hours a day at yard. The only program Hampton does not have access to is the transgender support group, which is not one of life's necessities, despite its importance to Hampton's mental health.

Accordingly, the Court finds—at this point—that Hampton has not shown a likelihood of success on the merits of this claim. *See Marion v. Columbia Corr. Inst.*, 559 F.3d 693, 697–98 (7th Cir. 2009) (“a liberty interest *may* arise if the length of segregated confinement is substantial and the record reveals that the conditions of confinement are unusually harsh”). Additionally, the Court is mindful of the *Rasho* settlement agreement, of which Hampton is a plaintiff class member, and the recent order granting permanent injunctive relief in that case. *See Rasho v. Walker*, 1:07-cv-1298-MMM (C.D. Ill. Oct. 30, 2018). The Court is optimistic that Hampton's mental health issues in segregation will be addressed by the permanent injunction and the IDOC's proposed actions to address the constitutional deficiencies addressed by the *Rasho* court.

B. Adequate Remedy at Law

Hampton argues she has no adequate remedy at law because money will not make her whole or protect her from the physical and emotional abuse she is currently suffering. Defendants make no argument in opposition. Therefore, the Court considers this element conceded by Defendants.

C. Irreparable Harm

As to the element of irreparable harm, Hampton first argues that the continuing deprivation of her Eighth and Fourteenth Amendment rights constitutes irreparable harm itself. Second, her physical safety is at risk because Defendants have refused to protect her

from other prisoners. And third, her mental health is at risk when she has been forced to endure constant sexual and physical abuse. Hampton notes that she has tried to commit suicide several times already, and there is a serious risk she will continue to have suicidal ideations.

Defendants, on the other hand, assert the evidence shows she is not suffering irreparable harm, her current needs are being met, and she is in a safe environment. They also claim her allegation that Defendants have said they will not protect her are “patently false.” While she is currently in segregation, she is doing well, and she will be moved from segregation when her time is served.

Contrary to Defendants’ argument, the evidence indicates Hampton is *not* in a safe environment. The Court agrees with Hampton that her physical safety is at risk when she continues to be sexually assaulted and prison officials refuse to do anything to protect her. The Court also agrees that Hampton’s mental health is at risk of degrading further. Hampton testified that the verbal harassment and discrimination she endures daily from prison staff causes her to feel depressed, disrespected, and humiliated (Doc. 96, pp. 13, 20). Given these circumstances, the Court finds that Hampton may suffer irreparable harm absent injunctive relief prior to trial.

E. *Balance of Equities*

Hampton met her burden of demonstrating a likelihood of success on the merits of her Equal Protection and failure to protect claims, she has shown she has no adequate remedy at law, and she has demonstrated irreparable harm. Accordingly, the Court must now weigh the balance of harm to the parties if the injunction is granted or denied and also evaluate the effect of an injunction on the public interest. *Korte v. Sebelius*, 735 F.3d 654, 665 (7th Cir. 2013).

The greater the likelihood of success of the merits, the less heavily the balance of harms must tip in Hampton's favor. *See id.*

Hampton argues that requiring Defendants to house her in a women's facility and protect her from harm will further the public interest and will not harm Defendants in any way. She asserts that an injunction would ensure her health and safety and protect her from abusive staff and prisoners, while causing Defendants minimal harm since transfers of inmates occur daily. To the extent Defendants claim that transferring her to a women's prison would pose a risk to the other women prisoners, she claims this position is unfounded given that she is chemically castrated. Moreover, it is in the public interest to ensure that Hampton's constitutional rights are not violated by correctional officers.

In response, Defendants argue that granting a preliminary injunction would endanger the public interest by putting the Court in a position of directing where Hampton (and other transgender inmates) should be housed, therefore interfering with the operations of the IDOC "in a situation where Plaintiff is merely attempting to manipulate the system." They again argue she is safe, in a protected area at Dixon, showers separately, is celled separately, has access to group and individual therapy, mental health counseling, library, yard, and commissary. She is escorted when out of her cell. And while she complains of verbal and sexual abuse, there is no proof of either.

Generally, "federal courts, while most reluctant to interfere with the internal administration of state prisons . . . nevertheless will intervene to remedy unjustified violations of those rights retained by prisoners." *Williams v. Lane*, 851 F.2d 867, 871 (7th Cir. 1988); *Bell v. Wolfish*, 441 U.S. 520, 547 (1979) (courts generally do not interfere with prison administrative matters in the absence of constitutional concerns). Thus, while courts usually

hesitate to interfere with a routine transfer of an inmate from one prison to another, when an inmate's constitutional rights are at issue, a district court can intervene.

Still, the Court is not convinced at this point that ordering the IDOC to transfer Hampton to Logan Correctional Center is in the best interest of the parties or the public. Transferring Hampton to Logan would not cure everything; IDOC staff are just as likely to harass Hampton at Logan, female prisoners could sexually assault Hampton, and other unforeseen problems may arise. For now, the Court reserves ruling on the issue of whether Hampton should be transferred to a women's prison until after the constitutional issues are resolved at trial. *See* 18 U.S.C. § 3626(a)(2) (a preliminary injunction must be "narrowly drawn, extend no further than necessary to correct the harm . . .," and "be the least intrusive means necessary to correct that harm").

In the meantime, however, other action can and should be taken immediately to address the institutional problems that surfaced during the evidentiary hearing – issues that could be addressed by training prison staff on transgender issues. As explained by Dr. Reister, Hampton is particularly reactive to people who misgender her and do not recognize her as a woman. And when she feels threatened, she resorts to aggressive tactics that allow her to gain a sense of control. At the same time, both Assistant Warden Wilks and Correctional Counselor Hendrix testified they consider Hampton to be a man and repeatedly used male pronouns when referring to her (*see generally* Doc. 99). Neither of these employees were at all aware of the concept of misgendering or how it affects a trans individual's mental health (*Id.*, p. 88). And while they have had training on how to physically search transgender offenders, they have had no training on gender dysphoria or "dealing with transgender inmates" (*Id.*, pp. 92, 110-11).

It seems that training IDOC staff on a few basic concepts (as defense counsel called it, “sensitivity training”) would not only improve Hampton’s mental health but also reduce her aggression – and potentially address her issue of constantly being placed in segregation. This would come at little cost to the IDOC, as Dr. Reister has already developed a four-hour training program on transgender mental health for the mental health staff (Doc. 100, p. 11) and other programs are likely available. Dr. Reister indicated they are in the early stages of planning training for other staff as well (*Id.*). Implementing this training and educating staff on how to treat transgender inmates (and all inmates, for that matter) would benefit Hampton while causing little harm to Defendants.

Another action that would cause little harm to Defendants but greatly benefit Hampton is to allow her to attend the transgender support group even when she is in segregation. The Court finds credence in Dr. Reister’s testimony that he recommended Hampton go to Dixon because it is a mental health hub, it is staffed by people who have experience working with manic inmates, it has a large transgender population, and it has an active transgender support group (Doc. 11, p. 27). Unfortunately, Hampton has not had access to the group while she is in segregation. That must change.

Finally, while the Court will not, at this point, order Hampton to be transferred to Logan, it strongly suggests that the Committee fully consider all evidence for and against a transfer when it meets this month, including interviewing Hampton herself. A review of Hampton’s full mental health and disciplinary history⁵ in the context of her substantiated PREA complaints and grievances may lead the Committee itself to conclude that Hampton

⁵ This evaluation should include considering whether Hampton’s conduct leading to her discipline is a result of misgendering and the staff’s general ignorance of transgender issues, such as (1) refusing to provide Hampton with women’s underwear and then disciplining her for modifying her undergarments, and (2) calling her names and then disciplining her for acting out in response to the harassment.

is safest in a women's prison. If not, the Court can revisit the issue after the constitutional issues have been decided at trial.

CONCLUSION

For these reasons, the Court **GRANTS in part** Plaintiff's Motion for Preliminary Injunction and **ORDERS** Defendants to provide an update to the Court within **14 days** as to steps it will take to: (1) train all correctional staff on transgender issues; (2) allow Hampton to attend the transgender support group while she is in segregation; and (3) ensure the Transgender Care Review Committee considers all evidence for and against transferring Hampton to a women's facility. Plaintiff may file a response to Defendants' filing on or before **November 30, 2018**.

The Court **DENIES** the Motion for Preliminary Injunction to the extent Hampton asks the Court to order Defendants to release her from segregation.

IT IS SO ORDERED.

DATED: November 7, 2018



NANCY J. ROSENSTENGEL
United States District Judge

EXHIBIT 6

5A21

Offender Disciplinary Report
P.W.K. C.C.
Facility

Date: 12/9/16

Type of Report:
 Disciplinary Investigative

Offender Name: Hampton, Deon

ID #: M15934

Observation Date: 12/9/16 Approximate Time: 10:00 a.m. Location: RS C wing shower

Offense(s): DR 504: 306 (Contraband/VR Property) 306 (Intimidation or Threats) 303 (Disobeying a Direct Order)

Observation: (NOTE Each offense identified above must be substantiated.) On the above date and approx. time, I/m Hampton was escorted to RS from Commissary after an incident in Commissary. I/m Hampton was placed in the RS C wing shower and given several direct orders to be strip searched, which he refused all orders. I/m Hampton then stated that "I have a razor and was going to cut some mother fuckers up to security staff so come in here, I'm getting my transfer out of here. I/m Hampton after several minutes finally turned the razor into security staff and complied with being strip searched. I/m Hampton was I.D.ed by state I.D. Card. Major Malcolm notified.

Witness(es): Sgt. Swinney, % Tate

Check if Offender Disciplinary Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses.

Reporting Employee (Print Name) H. E. Webb Badge # 12270 Signature H. E. Webb Date 12/9/16 Time 10:30 a.m.

Disciplinary Action:

Shift Review: Temporary Confinement Investigative Status Reasons:

Printed Name and Badge # Shift Supervisor's Signature (For Transition Centers, Chief Administrative Officer) Date

Reviewing Officer's Decision: Confinement reviewed by Reviewing Officer Comment:

Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee
 Minor Infraction, submitted to Program Unit
Print Reviewing Officer's Name and Badge # Reviewing Officer's Signature Date

Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only):
Print Hearing Investigator's Name and Badge # Hearing Investigator's Signature Date

Procedures Applicable to all Hearings on Investigative and Disciplinary Reports

You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports

You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.

Check if offender refused to sign

Serving Employee (Print Name) T. Van Schoyck Offender's Signature 7612 ID# TV Signature Date Served 12-11-16 Time Served 7:15 a.m.

I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.

Offender's Signature ID#

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report Print offender's name ID#

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

Print Name of witness Witness badge or ID# Assigned Cell (if applicable) Title (if applicable)
Witness can testify to:

Print Name of witness Witness badge or ID# Assigned Cell (if applicable) Title (if applicable)
Witness can testify to:

5A21

ILLINOIS DEPARTMENT OF CORRECTIONS

Offender ID: MI Primary Report

Date: 12-9-16

Type of Report: Disciplinary Investigative

Offender Name: DEON HAMPTON ID #: M15934

Observation Date: 12-9-16 Approximate Time: 9:30 AM Location: JUNATE Commissary

Offense(s): DR 504: 206 INTENTIONAL THREATS, 304 INSULTS, 403 DISOBEYING DIRECT ORDER

Observation: (NOTE: Each offense identified above must be substantiated)
On the above date and time this Commissary Manager instructed inmate Hampton M15934 3-077 to stop talking and getting other inmates in the Commissary upset and talking in the Commissary. Hampton refused to stop talking after given three direct orders. This Commissary Manager told Hampton as well as all other inmates to leave the Commissary. Hampton started yelling calling this manager a "Bitch" and stated that he was going to work me up pulling his fist up in the air and refusing to give his ID up to manager. SA Miller found

Witness(es): SA Miller
Check if Offender Disciplinary Continuation Page, DOC 0348, is attached to describe additional facts, observations or witnesses.

J. Szczepanski CSSIT [Signature] 12-9-16 9:50 AM
Reporting Employee (Print Name) Badge # Signature Date Time

Disciplinary Action:
Shift Review: Temporary Confinement Investigative Status Reasons: Nature of offense
Printed Name and Badge #: D. Miller #650 Shift Supervisor's Signature: [Signature] Date: 12/9/16
Reviewing Officer's Decision: Confinement reviewed by Reviewing Officer Comment: Continue Confinement
Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee
Minor Infraction, submitted to Program Unit
Print Reviewing Officer's Name and Badge #: Mason Adams 124 Reviewing Officer's Signature: [Signature] Date: 12-9-16
Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only):
Print Hearing Investigator's Name and Badge #: LT Lynch 11032 Hearing Investigator's Signature: [Signature] Date: 12-10-16

Procedures Applicable to all Hearings on Investigative and Disciplinary Reports
You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports
You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, leaving it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.

Check if offender refused to sign
Offender's Signature: [Signature] ID#: TV
Serving Employee (Print Name): T. Van der Kerkhof Badge #: 2612 Signature: [Signature]
Date Served: 12-11-16 Time Served: 7:35

I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.

Offender's Signature: _____ ID#: _____

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report: _____ Print offender's name: _____ ID#: _____

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

Print Name of witness: _____ Witness badge or ID#: _____ Assigned Cell (if applicable): _____ Title (if applicable): _____
Witness can testify to: _____

Print Name of witness: _____ Witness badge or ID#: _____ Assigned Cell (if applicable): _____ Title (if applicable): _____
Witness can testify to: _____

SA 21
12-9-16
Date:

Type of Report:
 Disciplinary Investigative

Offense: Pinckney
Disciplinary Report
Correctional Center
Facility

ID #: M159341

Offender Name: HAMPTON, DEAN

Observation Date: 12-9-16 Approximate Time: 9:30 a.m. p.m. Location: Female Commissary

Offense(s): DR 504: 304: insubordination 307: unauthorized movement by disobeying Adm. side

Observation: (NOTE: Each offense identified above must be substantiated.) On the above date and approx. time while shopping 50-wing, I/M Hampton M159341 re-entered the commissary in a aggressive manner yelling and screaming at SSI J. Szczepanski calling her a bitch and a slut. This SSI gave a direct order to I/M Hampton M159341 to give her a fist to this TA SSI. I/M Hampton refused 3 direct orders. I/M Hampton called this TA SSI a "mother fucker", "fuck you, you big bastard", and "you're fucking Assnologia fuck yourself". Commissary officer was called to situation, I/M Hampton was called and worked to R.S. ID was only produced when commissary officer ordered ID. ID by ID

Witness(es): SSI Pierson, SSI Szczepanski

Check if Offender Disciplinary Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses

Reporting Employee (Print Name) J. Miller Badge # 3976 Signature [Signature] Date 12/9/16 Time 10:00 a.m. p.m.

Disciplinary Action:

Shift Review: Temporary Confinement Investigative Status Reasons: _____

Printed Name and Badge # _____ Shift Supervisor's Signature _____ Date _____
(For Transition Centers, Chief Administrative Officer)

Reviewing Officer's Decision: Confinement reviewed by Reviewing Officer Comment: _____

Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee
 Minor Infraction, submitted to Program Unit
Print Reviewing Officer's Name and Badge # J. Miller #686 Reviewing Officer's Signature [Signature] Date 12/9/16

Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only):
Print Hearing Investigator's Name and Badge # LT Lynch 11032 Hearing Investigator's Signature [Signature] Date 12-10-16

Procedures Applicable to all Hearings on Investigative and Disciplinary Reports

You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports

You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.

Check if offender refused to sign
Offender's Signature _____ ID# _____
Serving Employee (Print Name) [Signature] Badge # 9517 Signature [Signature]
Date Served 12-11-16 Time Served 7:22 a.m. p.m.

I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.

Offender's Signature _____ ID# _____

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report _____ Print offender's name _____ ID# _____

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

Print Name of witness _____ Witness badge or ID# _____ Assigned Cell (if applicable) _____ Title (if applicable) _____

Witness can testify to: _____

Print Name of witness _____ Witness badge or ID# _____ Assigned Cell (if applicable) _____ Title (if applicable) _____

Witness can testify to: _____

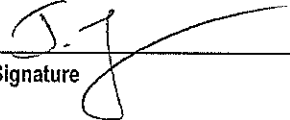
STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS
ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORT

Name: HAMPTON, DEON
Hearing Date/Time: 12/20/2016 07:50 AM
Incident Number: 201603479/1 - PNK

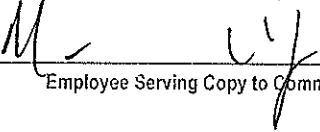
IDOC Number: M15934
Living Unit: PNK-R5-A-21
Status: Final

Race: BLK
Orientation Status: N/A

JACQUELINE LASHBROOK / JAL 12/22/2016
Chief Administrative Officer

 12/22/16
Signature Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.


Employee Serving Copy to Committed Person

12-24-16 9:18
When Served -- Date and Time

EXHIBIT 7

**State of Illinois -- Department of
Corrections Disciplinary Tracking Inmate
Disciplinary Card**

Name: HAMPTON, DEON

IDOC # :Y33576

Transferred In: 2018-12-21

Disciplinary History from 1/1/1998 through 3/7/2019

Living Unit: LOG/15/C /27

Incident Date	Incident/Summ#/Inst.	Ticket Type	Offense Codes, Descriptions	Disciplinary Action
9/25/2010	201003443/1-ROB	Major	301 Fighting Comments: Williams B70350	<u>Guilty</u> 1 Months C Grade/Level 1 Months Segregation Revoke GCC or SGT 1 Months Transfer (Disciplinary)
10/6/2010	201002901/1-DAN	Major	304 Insolence 403 Disobeying A Direct Order Comments: refused to give up cuffs in seg cell	<u>Guilty</u> 3 Months C Grade/Level 3 Months Segregation Revoke GCC or SGT 2 Months Transfer (Disciplinary) 3 Months Commissary Restriction
11/22/2010	201003027/1-STA	Major	301 Fighting	<u>Guilty</u> 1 Months C Grade/Level 1 Months Segregation 1 Months Commissary Restriction
11/27/2010	201003062/1-STA	Major	403 Disobeying A Direct Order 404 Violation Of Rules Comments: wb 2010-95	<u>Guilty</u> 1 Months Commissary Restriction
2/20/2011	201100438/2-PNK	Major	307 Unauthorized Movement Comments: wrong cell	<u>Guilty</u> 1 Months C Grade/Level 1 Months Segregation
3/5/2011	201100541/1-PNK	Major	403 Disobeying A Direct Order Comments: Refused to leave seg shower	<u>Guilty</u> 1 Months C Grade/Level 1 Months Segregation
4/26/2011	201101076/1-PNK	Major	304 Insolence 403 Disobeying A Direct Order	<u>Deleted</u> <u>Guilty</u> 1 Months C Grade/Level 1 Months Segregation
7/14/2011	201101763/1-PNK	Major	310 Abuse Of Privileges 404 Violation Of Rules Comments: Library rules #14	<u>Deleted</u> <u>Guilty</u> 1 Months Commissary Restriction
7/31/2011	201101909/1-PNK	Major	304 Insolence Comments: "stank ass ho; with your raggedy hair" 403 Disobeying A Direct Order	<u>Guilty</u> <u>Guilty</u> 1 Months Commissary Restriction
8/7/2011	201101989/1-PNK	Major	307 Unauthorized Movement 403 Disobeying A Direct Order 404 Violation Of Rules Comments: IOM # 35	<u>Guilty</u> <u>Deleted</u> <u>Guilty</u> 1 Months Commissary Restriction

**State of Illinois -- Department of
Corrections Disciplinary Tracking Inmate
Disciplinary Card**

Name: HAMPTON, DEON

IDOC # :Y33576

Transferred In: 2018-12-21

Disciplinary History from 1/1/1998 through 3/7/2019

Living Unit: LOG/15/C /27

Incident Date	Incident/Summ#/Inst.	Ticket Type	Offense Codes, Descriptions	Disciplinary Action
8/14/2011			301 Fighting <u>Guilty</u>	2 Months C Grade/Level
201102045/1-PNK			Comments: with inmate Johnson S03767 307 Unauthorized Movement <u>Guilty</u>	2 Months Segregation
Major			308 Contraband/Unauthorized Property <u>Deleted</u>	Revoke GCC or SGT 1 Months
			406 Trading Or Trafficking <u>Deleted</u>	
			<u>Adjustment Comments</u>	<u>Adjusted Discipline</u>
			09/06/2011 Director/ARB disapproved the revocatio and reduced the Seg and C-grade to 1 month each.	GCC reduced to Zero C Grade/Level Reduction reduced to 1 Months Segregation reduced to 1 Months
10/25/2011			206 Intimidation Or Threats <u>Not Guilty</u>	1 Months C Grade/Level
201102322/1-STA			304 Insolence <u>Guilty</u>	1 Months Commissary Restriction
Major			403 Disobeying A Direct Order <u>Guilty</u>	
11/3/2011			304 Insolence <u>Guilty</u>	2 Months C Grade/Level
201102789/1-PNK			307 Unauthorized Movement <u>Guilty</u>	2 Months Segregation
Major			308 Contraband/Unauthorized Property <u>Guilty</u>	
			403 Disobeying A Direct Order <u>Guilty</u>	
1/10/2012			307 Unauthorized Movement <u>Guilty</u>	2 Months C Grade/Level
201200089/1-PNK			Comments: 4th since 8/7/11 404 Violation Of Rules <u>Guilty</u>	2 Months Segregation
Major			Comments: # 7 of the I.O.M	Revoke GCC or SGT 1 Months
			<u>Adjustment Comments</u>	<u>Adjusted Discipline</u>
			3/29/12 Director disapproved revocation. cjr	GCC reduced to Zero
1/12/2012			310 Abuse Of Privileges <u>Guilty</u>	1 Months C Grade/Level
201200106/1-PNK			Comments: sent out mail w/another I/M name on it	1 Months Segregation
Major				
5/10/2012			304 Insolence <u>Guilty</u>	1 Months C Grade/Level
201201317/1-PNK			Comments: school 403 Disobeying A Direct Order <u>Guilty</u>	1 Months Segregation
Major				
10/1/2012			202 Damage Or Misuse of Property <u>Guilty</u>	1 Months Commissary Restriction
201202346/1-LAW				
Major				
12/24/2012			307 Unauthorized Movement <u>Guilty</u>	Verbal Reprimand
201203328/1-HIL			403 Disobeying A Direct Order <u>Guilty</u>	
Major				
1/8/2013			304 Insolence <u>Guilty</u>	1 Months Commissary Restriction
201300057/1-HIL			403 Disobeying A Direct Order <u>Guilty</u>	1 Months Gym/Yard Restriction
Major				

**State of Illinois -- Department of
Corrections Disciplinary Tracking Inmate
Disciplinary Card**

Name: HAMPTON, DEON

IDOC # :Y33576

Transferred In: 2018-12-21

Disciplinary History from 1/1/1998 through 3/7/2019

Living Unit: LOG/15/C /27

Incident Date Incident/Summ#/Inst. Ticket Type	Offense Codes, Descriptions		Disciplinary Action
1/17/2013 201300154/1-HIL Minor	303 Giving False Information To An Employee 308 Contraband/Unauthorized Property	<u>Guilty</u> <u>Guilty</u>	3 Months C Grade/Level 3 Months Commissary Restriction 3 Months Gym/Yard Restriction
1/26/2013 201300175/1-HIL Major	301 Fighting Comments: RODRIGUEZ M26945	<u>Guilty</u>	1 Months C Grade/Level 1 Months Segregation
2/19/2013 201300388/1-HIL Major	403 Disobeying A Direct Order 404 Violation Of Rules Comments: BRAIDS IN SEG	<u>Guilty</u> <u>Guilty</u>	15 Days Segregation
3/27/2013 201300703/1-HIL Major	303 Giving False Information To An Employee 307 Unauthorized Movement 310 Abuse Of Privileges	<u>Guilty</u> <u>Guilty</u> <u>Guilty</u>	Verbal Reprimand
8/7/2013 201301859/1-HIL Minor	307 Unauthorized Movement	<u>Guilty</u>	1 Months C Grade/Level 1 Months Commissary Restriction 1 Months Gym/Yard Restriction
8/30/2013 201302089/1-HIL Major	305 Theft 308 Contraband/Unauthorized Property	<u>Guilty</u> <u>Guilty</u>	Restitution of \$ 3.00 Paid to Hill Correctior Center
5/17/2015 201501665/1-HIL Minor	403 Disobeying A Direct Order 404 Violation Of Rules Comments: day room violation	<u>Not Guilty</u> <u>Guilty</u>	14 Days Gym/Yard Restriction
7/14/2015 201502300/1-HIL Minor	308 Contraband/Unauthorized Property	<u>Guilty</u>	7 Days Commissary Restriction
11/1/2015 201503866/1-HIL Major	304 Insolence 307 Unauthorized Movement	<u>Guilty</u> <u>Guilty</u>	1 Months C Grade/Level 1 Months Commissary Restriction 1 Months Gym/Yard Restriction
11/4/2015 201503881/1-HIL Major	307 Unauthorized Movement	<u>Guilty</u>	1 Months C Grade/Level 1 Months Commissary Restriction 1 Months Gym/Yard Restriction
11/9/2015 201503928/1-HIL Minor	404 Violation Of Rules Comments: horse play	<u>Guilty</u>	14 Days Commissary Restriction 14 Days Gym/Yard Restriction
11/17/2015 201504020/1-HIL Minor	304 Insolence 307 Unauthorized Movement	<u>Guilty</u> <u>Guilty</u>	14 Days Commissary Restriction 14 Days Gym/Yard Restriction

**State of Illinois -- Department of
Corrections Disciplinary Tracking Inmate
Disciplinary Card**

Name: **HAMPTON, DEON**

IDOC #: **Y33576**

Transferred In: **2018-12-21**

Disciplinary History from **1/1/1998** through **3/7/2019**

Living Unit: **LOG/15/C /27**

Incident Date	Incident/Summ#/Inst.	Ticket Type	Offense Codes, Descriptions	Disciplinary Action	
12/1/2015			304 Insolence	<u>Guilty</u>	1 Months Commissary Restriction
201504188/1-HIL			403 Disobeying A Direct Order	<u>Guilty</u>	
		Major			
12/20/2015			102 Assaulting Any Person - Inmate	<u>Not Guilty</u>	1 Months C Grade/Level
201504319/1-HIL			Comments: bit inmate during fight		1 Months Segregation
		Major	301 Fighting	<u>Guilty</u>	
			Comments: w/ Gonzalez		
			304 Insolence	<u>Guilty</u>	
1/27/2016			307 Unauthorized Movement	<u>Guilty</u>	1 Months Gym/Yard Restriction
201600267/1-HIL			310 Abuse Of Privileges	<u>Guilty</u>	
		Minor			
1/30/2016			304 Insolence	<u>Guilty</u>	1 Months Commissary Restriction
201600311/1-HIL			403 Disobeying A Direct Order	<u>Guilty</u>	1 Months Gym/Yard Restriction
		Major	404 Violation Of Rules	<u>Guilty</u>	
			Comments: dress code		
2/1/2016			304 Insolence	<u>Guilty</u>	1 Months Gym/Yard Restriction
201600322/1-HIL			403 Disobeying A Direct Order	<u>Guilty</u>	
		Major			
2/16/2016			303 Giving False Information To An Employee	<u>Guilty</u>	14 Days Commissary Restriction
201600550/1-HIL					
		Minor			
2/24/2016			202 Damage Or Misuse of Property	<u>Guilty</u>	1 Months Commissary Restriction
201600613/1-HIL			Reduced to : 404		
		Major	Comments: paper jammed blocking door latch		
3/4/2016			307 Unauthorized Movement	<u>Guilty</u>	1 Months Commissary Restriction
201600745/1-HIL					
		Minor			
3/22/2016			202 Damage Or Misuse of Property	<u>Not Guilty</u>	1 Months C Grade/Level
201600973/1-HIL			Comments: used ID to open cell door		1 Months Commissary Restriction
		Major	406 Trading Or Trafficking	<u>Guilty</u>	1 Months Gym/Yard Restriction
4/2/2016			404 Violation Of Rules	<u>Guilty</u>	Verbal Reprimand
201600994/1-LAW			Comments: rule 9 page 47		
		Minor			
4/10/2016			310 Abuse Of Privileges	<u>Guilty</u>	1 Months C Grade/Level
201601063/1-LAW					
		Minor			
7/10/2016			202 Damage Or Misuse of Property	<u>Not Guilty</u>	1 Months C Grade/Level
201601910/1-LAW			403 Disobeying A Direct Order	<u>Guilty</u>	
		Major			

**State of Illinois -- Department of
Corrections Disciplinary Tracking Inmate
Disciplinary Card**

Name: **HAMPTON, DEON**

IDOC #: **Y33576**

Transferred In: 2018-12-21

Disciplinary History from 1/1/1998 through 3/7/2019

Living Unit: LOG/15/C /27

Incident Date Incident/Summ#/Inst. Ticket Type	Offense Codes, Descriptions		Disciplinary Action
7/10/2016 201601909/1-LAW Major	102 Assaulting Any Person - Inmate Reduced to : 404 Comments: I/M Collins M47738 304 Insolence	<u>Guilty</u>	1 Months C Grade/Level 1 Months Segregation
8/31/2016 201602478/1-LAW Major	304 Insolence 307 Unauthorized Movement	<u>Guilty</u> <u>Guilty</u>	2 Months C Grade/Level
9/27/2016 201602732/1-LAW Major	202 Damage Or Misuse of Property Comments: damaged light switch and electrical cove	<u>Guilty</u>	1 Months C Grade/Level Restitution of \$ 82.00 Paid to State of Illin
11/3/2016 201603070/1-PNK Major	304 Insolence 307 Unauthorized Movement Reduced to : 404 Comments: rule #66 I.O.M. (mass line movement) 403 Disobeying A Direct Order Comments: Refused order to hand over ID card.	<u>Guilty</u> <u>Guilty</u> <u>Guilty</u>	1 Months C Grade/Level 1 Months Segregation
12/9/2016 201603480/1-PNK Major	206 Intimidation Or Threats 308 Contraband/Unauthorized Property 403 Disobeying A Direct Order	<u>Guilty</u> <u>Guilty</u> <u>Guilty</u>	3 Months Segregation Revoke GCC or SGT 3 Months 3 Months Commissary Restriction
<u>Adjustment Comments</u>			<u>Adjusted Discipline</u>
5/2/17 3 month revocation reduced to 45 days by P on 3/22/17. cg			GCC reduced to 45 Days
12/9/2016 201603479/1-PNK Major	206 Intimidation Or Threats 304 Insolence 307 Unauthorized Movement 403 Disobeying A Direct Order	<u>Deleted</u> <u>Guilty</u> <u>Guilty</u> <u>Guilty</u>	1 Months Segregation Revoke GCC or SGT 1 Months 3 Months Commissary Restriction
4/11/2017 201700910/1-PNK Minor	404 Violation Of Rules Comments: Rule #16 I.O.M. (property box insp)	<u>Guilty</u>	1 Months Commissary Restriction
5/24/2017 201701255/1-PNK Major	210 Impairment Of Surveillance 304 Insolence 313 Disobeying a Direct Order	<u>Guilty</u> <u>Guilty</u> <u>Guilty</u>	1 Months C Grade/Level 1 Months Segregation
6/27/2017 201701571/1-PNK Minor	310 Abuse Of Privileges 404 Violation Of Rules Comments: pg 18 and 19 of I.O.M.	<u>Guilty</u> <u>Guilty</u>	1 Months C Grade/Level
7/1/2017 201701616/1-PNK Minor	404 Violation Of Rules Comments: pg 18 and 19 of I.O.M.	<u>Guilty</u>	1 Months C Grade/Level

**State of Illinois -- Department of
Corrections Disciplinary Tracking Inmate
Disciplinary Card**

Name: HAMPTON, DEON

IDOC #: Y33576

Transferred In: 2018-12-21

Disciplinary History from 1/1/1998 through 3/7/2019

Living Unit: LOG/15/C /27

Incident Date	Incident/Summ#/Inst.	Ticket Type	Offense Codes, Descriptions	Disciplinary Action
7/8/2017			202 Damage Or Misuse of Property	<u>Guilty</u> 1 Months C Grade/Level
201701689/1-PNK			206 Intimidation Or Threats	<u>Guilty</u> 1 Months Segregation
Major			215 Disobeying a Direct Order Essential to Safety and	<u>Deleted</u> Revoke GCC or SGT 1 Months 1 Months Commissary Restriction
			<u>Adjustment Comments</u> The recommend 1 month of revocation was denied 9/20/2017.	<u>Adjusted Discipline</u> GCC reduced to Zero
7/8/2017			206 Intimidation Or Threats	<u>Guilty</u> 3 Months C Grade/Level
201701688/1-PNK				3 Months Segregation
Major				Revoke GCC or SGT 3 Months Other : Disciplinary transfer 3 Months Commissary Restriction
			<u>Adjustment Comments</u> Revocation of good conduct credits was reduced from recommended 3 months to 2 months.	<u>Adjusted Discipline</u> GCC reduced to 2 Months
7/11/2017			107 Sexual Misconduct	<u>Guilty</u> 2 Months C Grade/Level
201701727/1-PNK			Comments: W/inmate Tester M50721	2 Months Segregation
Major			303 Giving False Information To An Employee Comments: lied about relationship w/inmate Tester	<u>Guilty</u> 2 Months Commissary Restriction
7/12/2017			303 Giving False Information To An Employee	<u>Guilty</u> 2 Months C Grade/Level
201701733/1-PNK			Comments: Lied about PREA	2 Months Commissary Restriction
Major				
7/19/2017			303 Giving False Information To An Employee	<u>Guilty</u> 1 Months Commissary Restriction
201701803/1-PNK			Comments: lied about crisis	
Major				
8/2/2017			215 Disobeying a Direct Order Essential to Safety and	<u>Guilty</u> 3 Months C Grade/Level
201701931/1-PNK			Comments: refused to cuff up in seg/ double cellin	Revoke GCC or SGT 1 Months
Major				3 Months Commissary Restriction
8/8/2017			601.Solicitation/102b Assault	<u>Guilty</u> 3 Months C Grade/Level
201702002/1-PNK			Comments: telling I/M to throw on staff/not cuff	3 Months Commissary Restriction
Major				6 Months Contact Visits Restriction
8/26/2017			206 Intimidation Or Threats	<u>Guilty</u> 3 Months C Grade/Level
201701244/1-MEN			210 Impairment Of Surveillance	<u>Guilty</u> 3 Months Segregation
Major			313 Disobeying a Direct Order	<u>Guilty</u> 3 Months Commissary Restriction
10/9/2017			206 Intimidation Or Threats	<u>Guilty</u> 1 Months C Grade/Level
201701532/1-MEN			304 Insolence	<u>Guilty</u> 1 Months Segregation
Major				1 Months Commissary Restriction

**State of Illinois -- Department of
Corrections Disciplinary Tracking Inmate
Disciplinary Card**

Name: HAMPTON, DEON

IDOC #: Y33576

Transferred In: 2018-12-21

Disciplinary History from 1/1/1998 through 3/7/2019

Living Unit: LOG/15/C /27

Incident Date	Incident/Summ#/Inst.	Ticket Type	Offense Codes, Descriptions	Disciplinary Action
2/18/2018	201800777/4-LAW	Major	102b Assault Comments: kicked c/o Burley	Guilty 1 Months C Grade/Level 1 Months Segregation Revoke GCC or SGT 1 Months 6 Months Contact Visits Restriction
2/21/2018	201800831/1-LAW	Major	107 Sexual Misconduct Comments: Exposed breast at staff	Guilty 3 Months C Grade/Level 3 Months Segregation
3/14/2018	201801692/1-DIX	Major	202 Damage Or Misuse of Property Comments: pulled phone cord broke it 313 Disobeying a Direct Order Comments: I/M refused D/Os to stop pulling cord	Guilty Restitution of \$ 51.00 Paid to 523 fund Guilty
3/16/2018	201801697/1-DIX	Major	110 Impeding or Interfering with an Investigation Comments: Lied about staff assault and self injury 303 Giving False Information To An Employee Comments: Lied about staff assault and self injury	Guilty 2 Months C Grade/Level Guilty
3/19/2018	201801717/1-DIX	Major	202 Damage Or Misuse of Property Comments: I/M Kicking door repeatedly 215 Disobeying a Direct Order Essential to Safety and Comments: I/M refused D/Os to stop kicking door	Guilty 1 Months C Grade/Level Guilty
3/22/2018	201801780/1-DIX	Major	202 Damage Or Misuse of Property Comments: multiple pieces of torn up bed sheets 308 Contraband/Unauthorized Property Comments: AAA battery, metal screw in seg cell	Deleted 1 Months Commissary Restriction Guilty
6/9/2018	201803284/1-DIX	Minor	304 Insolence Comments: "Hey girl" "Hey beautiful" 313 Disobeying a Direct Order	Guilty 1 Months B Grade/Level Guilty
6/14/2018	201803331/1-DIX	Minor	303 Giving False Information To An Employee Comments: lied about where he was coming from 404 Violation Of Rules Comments: GR# 38, not dressed prop.	Deleted Verbal Reprimand Guilty
6/19/2018	201803451/1-DIX	Major	303 Giving False Information To An Employee Comments: I/M lied about being on phone with PREA 304 Insolence Comments: I/M made coments to staff 310 Abuse Of Privileges Comments: on phone on C-Grade using other I/Ms PIN	Deleted 1 Months C Grade/Level Guilty Not Guilty

**State of Illinois -- Department of
Corrections Disciplinary Tracking Inmate
Disciplinary Card**

Name: HAMPTON, DEON

IDOC # :Y33576

Transferred In: 2018-12-21

Disciplinary History from 1/1/1998 through 3/7/2019

Living Unit: LOG/15/C /27

Incident Date Incident/Summ#/Inst. Ticket Type	Offense Codes, Descriptions		Disciplinary Action
6/23/2018 201803509/1-DIX Major	202 Damage Or Misuse of Property Comments: Altered state clothing 308 Contraband/Unauthorized Property Comments: Altered state clothing	<u>Guilty</u> <u>Guilty</u>	Restitution of \$ 14.00 Paid to Dixon CC 15 Days Commissary Restriction
6/25/2018 201803532/1-DIX Major	202 Damage Or Misuse of Property Comments: I/M altered state clothing 308 Contraband/Unauthorized Property Comments: I/M altered state clothing made thong 313 Disobeying a Direct Order Comments: I/M refused D/Os to change clothes	<u>Deleted</u> <u>Guilty</u> <u>Guilty</u>	1 Months Commissary Restriction
6/26/2018 201803583/1-DIX Major	102a Assault with Injury Comments: I/M struck C/O injuring face 102b Assault Comments: I/M struck both Lt. and C/O in face 206 Intimidation Or Threats Comments: I/M threatened to fight staff 215 Disobeying a Direct Order Essential to Safety and Comments: I/M refused D/Os to cuff up to go to seg	<u>Guilty</u> <u>Guilty</u> <u>Guilty</u> <u>Guilty</u>	6 Months C Grade/Level 3 Months Segregation Revoke GCC or SGT 6 Months Transfer (Disciplinary) 6 Months Contact Visits Restriction
6/26/2018 201803580/1-DIX Major	102c Assault of an Offender Comments: I/M assaulted I/M Robinson B02066	<u>Guilty</u>	1 Months C Grade/Level 1 Months Segregation
7/30/2018 201804299/1-DIX Major	107 Sexual Misconduct Comments: Participated in sexual misconduct 202 Damage Or Misuse of Property Comments: I/M ripped seg pants into shorts	<u>Guilty</u> <u>Guilty</u>	2 Months C Grade/Level 2 Months Segregation Transfer (Disciplinary) 1 Months Segregation Yard Restriction
8/12/2018 201804526/1-DIX Major	206 Intimidation Or Threats Comments: "its about to get really bad for you" 313 Disobeying a Direct Order Comments: refused to give up altered bed sheet	<u>Guilty</u> <u>Guilty</u>	1 Months C Grade/Level
8/28/2018 201804846/1-DIX Major	206 Intimidation Or Threats Comments: I/M made threatening statement to staff 304 Insolence Comments: "Girl don't you fucking talk to me..."	<u>Deleted</u> <u>Guilty</u>	1 Months Commissary Restriction
10/27/2018 201806235/1-DIX Minor	304 Insolence Comments: disrespectful comments to staff	<u>Guilty</u>	1 Months Commissary Restriction

**State of Illinois -- Department of
Corrections Disciplinary Tracking Inmate
Disciplinary Card**

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IDOC # :Y33576

Transferred In: 2018-12-21

Disciplinary History from 1/1/1998 through 3/7/2019

Living Unit: LOG/15/C /27

Incident Date Incident/Summ#/Inst. Ticket Type	Offense Codes, Descriptions		Disciplinary Action
11/30/2018 201806849/1-DIX Major	103 Bribery & Extortion Comments: bribed workers for larger trays/kites 107 Sexual Misconduct Comments: Exposed body/sexual dancing/washing 406 Trading Or Trafficking Comments: I/M received kites from workers	<u>Deleted</u> <u>Guilty</u> <u>Guilty</u>	2 Months C Grade/Level Transfer (Keep Separate From) Other : time served 2 Months Commissary Restriction
12/25/2018 201807604/1-LOG Minor	304 Insolence 313 Disobeying a Direct Order	<u>Guilty</u> <u>Guilty</u>	5 Days C Grade/Level
1/6/2019 201900136/1-LOG Major	102c Assault of an Offender Comments: Forcefully shoved HILLIS Y32169	<u>Guilty</u>	15 Days C Grade/Level 8 Days Segregation Other : time served
1/9/2019 201900203/1-LOG Major	206 Intimidation Or Threats Reduced to : 304 Comments: "i'm gonna flood this cell" "call PREA" 308 Contraband/Unauthorized Property Comments: possessed I/M to I/M letters	<u>Guilty</u> <u>Not Guilty</u>	5 Days C Grade/Level
1/16/2019 201900310/1-LOG Minor	304 Insolence Comments: "u know u want some of this" /fake PREA 313 Disobeying a Direct Order Comments: to return to HU 15	<u>Guilty</u> <u>Guilty</u>	15 Days Recreation Restriction
1/18/2019 201900324/1-LOG Major	304 Insolence 313 Disobeying a Direct Order Comments: REFUSED TO STOP YELLING 404 Violation Of Rules Comments: NOISE LEVEL	<u>Not Guilty</u> <u>Not Guilty</u> <u>Guilty</u>	Verbal Reprimand
1/31/2019 201900533/1-LOG Major	206 Intimidation Or Threats 304 Insolence	<u>Deleted</u> <u>Guilty</u>	Verbal Reprimand

EXHIBIT 8

ILLINOIS DEPARTMENT OF CORRECTIONS
Offender Disciplinary Report

5927

Type of Report:
 Disciplinary Investigative

Date: 7/8/17

Facility: PVR cc

Offender Name: Hampton, Dean

ID #: M15934

Observation Date: 7/8/17 Approximate Time: 9:30 a.m. p.m. Location: R5 A27

Offense(s): DR 504: 700-Intimidation and threats / 702-Damage or misuse of property / 715-Disobeying a direct order essential to safety and security.

Observation: (NOTE: Each offense identified above must be substantiated.)
On the above date and approximate time, while passing trays on R5 A wing this Rb opened the food slot to SA 27. I/m Hampton (M15934) stuck his arm out and stated "fuck you and that tray, im going on a hunger strike and i want a crisis team. Im writing you up, saying you assaulted me so now you have to get investigated you little bitch!" This Rb was passing trays with R5 sec worker I/m Hanner (S15130) and c/o Erwin #9376 and witnessed no further incident. A hunger strike form was started and a DOC 0387 was filled out. Zone LT and shift commander notified. I/m Hampton identified by state ID EOR.

Witness(es): C/O Erwin #9376 I/m Hanner S15130

Check if Offender Disciplinary Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses.

Reporting Employee (Print Name) B. Justice Badge # 11306 Signature [Signature] Date 7/8/17 Time 1000 a.m. p.m.

Disciplinary Action:

Shift Review: Temporary Confinement Investigative Status Reasons: _____

Printed Name and Badge # _____ Shift Supervisor's Signature _____ Date _____
(For Transition Centers, Chief Administrative Officer)

Reviewing Officer's Decision: Confinement reviewed by Reviewing Officer Comment Continue Confinement

Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee
 Minor Infraction, submitted to Program Unit
Major K Lively 558 [Signature] 7-8-17
Print Reviewing Officer's Name and Badge # Reviewing Officer's Signature Date

Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only):
[Signature] 12121 [Signature] 7-10-17
Print Hearing Investigator's Name and Badge # Hearing Investigator's Signature Date

Procedures Applicable to all Hearings on Investigative and Disciplinary Reports

You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports

You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.

Check if offender refused to sign
Offender's Signature [Signature] ID# [ID]
Serving Employee (Print Name) 96 Blacklock Badge # 6343 Signature [Signature]
Date Served 7-10-17 Time Served 7:40 a.m. p.m.

I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.

Offender's Signature _____ ID# _____

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report _____ Print offender's name _____ ID# _____

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

Print Name of witness _____ Witness badge or ID# _____ Assigned Cell (if applicable) _____ Title (if applicable) _____

Witness can testify to: _____

Print Name of witness _____ Witness badge or ID# _____ Assigned Cell (if applicable) _____ Title (if applicable) _____

Witness can testify to: _____

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS
ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORT

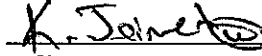
Name: HAMPTON, DEON
Hearing Date/Time: 7/12/2017 07:40 AM
Incident Number: 201701689/1 - PNK

IDOC Number: M15934
Living Unit: PNK-R5-A-27
Status: Final

Race: BLK
Orientation Status: N/A

KAREN JAIMET / LJL 7/25/2017

Chief Administrative Officer

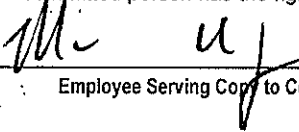


Signature

07/25/17

Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.



Employee Serving Copy to Committed Person

9/1/17 7:38 AM

When Served -- Date and Time

Offender Disciplinary Report

5927

Type of Report:

Disciplinary Investigative

PNK CC
Facility

Date: 7-8-2017

Offender Name: Hampton, Dean

ID #: 115934

Observation Date: 7-8-2017 Approximate Time: 8:10 a.m. p.m. Location: RS A Wing

Offense(s): DR 504: 206- Intimidation Or Threats

Observation: (NOTE: Each offense identified above must be substantiated.) On the above Date and approximate time, while this R/O was opening the chuckhole of RSA27 to place I/M Dean Hampton 115934 in mechanical restraints for med pass on RS A Wing, I/M Hampton attempted to slam the chuck down on this R/O's hand. I/M Hampton then attempted to grab this R/O's arm. This R/O secured RSA27 chuckhole. Zone Lt. Notified. Shift Commander Notified. I/M Hampton identified by state issued I.D. EOR

Witness(es):

Check if Offender Disciplinary Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses.

E. Spiller 9934 [Signature] 7-8-17 8:10 a.m. p.m.
Reporting Employee (Print Name) Badge # Signature Date Time

Disciplinary Action:

Shift Review: Temporary Confinement Investigative Status Reasons: _____

Printed Name and Badge # _____ Shift Supervisor's Signature _____ Date _____
(For Transition Centers, Chief Administrative Officer)

Reviewing Officer's Decision: Confinement reviewed by Reviewing Officer Comment: _____

Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee
 Minor Infraction, submitted to Program Unit
MAJOR W. LAWLESS #12134 MAJOR W. LAWLESS #12134 7-8-17
Print Reviewing Officer's Name and Badge # Reviewing Officer's Signature Date

Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only):
J Keller 12121 [Signature] 7-10-17
Print Hearing Investigator's Name and Badge # Hearing Investigator's Signature Date

Procedures Applicable to all Hearings on Investigative and Disciplinary Reports

You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports

You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.

Check if offender refused to sign

Yo Bloyack 6343 [Signature] [ID#]
Serving Employee (Print Name) Badge # Signature ID#
7-10-17 7:40 a.m. p.m.
Date Served Time Served

I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.

Offender's Signature _____ ID# _____

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report _____ Print offender's name _____ ID# _____

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

Print Name of witness _____ Witness badge or ID# _____ Assigned Cell (if applicable) _____ Title (if applicable) _____

Witness can testify to: _____

Print Name of witness _____ Witness badge or ID# _____ Assigned Cell (if applicable) _____ Title (if applicable) _____

Witness can testify to: _____

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS
ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORT

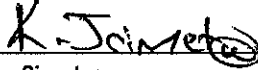
Name: HAMPTON, DEON
Hearing Date/Time: 7/12/2017 07:40 AM
Incident Number: 201701688/1 - PNK

IDOC Number: M15934
Living Unit: PNK-R5-A-27
Status: Final

Race: BLK
Orientation Status: N/A

KAREN JAIMET / LJL 7/25/2017

Chief Administrative Officer

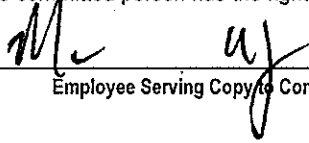


Signature

07/25/17

Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.



Employee Serving Copy to Committed Person

8/1/17 8⁴⁰A

When Served -- Date and Time

EXHIBIT 9

SMI 5421

Offender Disciplinary Report

P.N.K. C.C.

Date: 8/2/17

Type of Report:

Disciplinary Investigative

Offender Name: Hampton, Deon

ID #: M15934

Observation Date: 8/2/17 Approximate Time: 145 a.m. p.m. Location: RS-A-27

Offense(s): DR 504: (315) Disobeying a Direct Order Essential to Safety and Security

Observation: (NOTE: Each offense identified above must be substantiated.) On the above date and approximate time, this R/O was assigned RS-A wing. While doing cell moves, I/M Hampton M15934, was given 3 direct orders to cuff up to receive a call made. I/M refused all direct orders. 201c Lt. and Shift Commander notified. I/M identified by state ID and offender 360. FOR

Witness(es):

Check if Offender Disciplinary Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses.

McKinsley Reporting Employee (Print Name) 1191 Badge # M. [Signature] Signature 8/2/17 Date 200 Time a.m. p.m.

Disciplinary Action:

Shift Review: Temporary Confinement Investigative Status Reasons:

Printed Name and Badge # Shift Supervisor's Signature (For Transition Centers, Chief Administrative Officer) Date

Reviewing Officer's Decision: Confinement reviewed by Reviewing Officer Comment:

Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee

Minor Infraction, submitted to Program Unit

M. [Signature] #692 Print Reviewing Officer's Name and Badge # M. [Signature] Reviewing Officer's Signature 8/2/17 Date

Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only):

[Signature] #1275 Print Hearing Investigator's Name and Badge # [Signature] Hearing Investigator's Signature 8-4-17 Date

Procedures Applicable to all Hearings on Investigative and Disciplinary Reports

You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports

You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.

Check if offender refused to sign

[Signature] Offender's Signature 9376 Badge # [Signature] Signature ID# 8-4-17 Date Served 1125 Time Served a.m. p.m.

I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.

Offender's Signature ID#

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report Print offender's name ID#

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

Print Name of witness Witness badge or ID# Assigned Cell (if applicable) Title (if applicable)

Witness can testify to:

Print Name of witness Witness badge or ID# Assigned Cell (if applicable) Title (if applicable)

Witness can testify to:

EXHIBIT 10

Offender Disciplinary Report

Lawrence CC Facility

3 pages BL 11

Date: 2/18/18

Type of Report: [x] Disciplinary [] Investigative

Offender Name: Dean Hampton

ID #: M15934

Observation Date: 2/18/18 Approximate Time: 1135 Location: Seg Yard

Offense(s): DR 504: 102 B Assault

Observation: (NOTE: Each offense identified above must be substantiated.) On the above date + approx time, this T/O was assigned to Operations C (wing). At that time, this T/O was escorting 'Im Hampton #M15934 to the Seg Yard in mechanical restraints and a D ring behind the back. On the yard 'Im Hampton began to pull away from this T/O, stating that ^{SUB} he was going to "his special cage". This T/O attempted to regain control of 'Im Hampton + explain to him where the Lt. wanted him placed. 'Im Hampton continued to struggle, pull away + turn around on this T/O. ^{SUB} In order to regain control of 'Im Hampton, this T/O placed 'Im Hampton against the yard fence with

Witness(es): C/O Langley, C/O Clark, Lt. Brivens

[x] Check if Offender Disciplinary Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses.

Reporting Employee (Print Name): S Butler Badge #: 7223 Signature: [Signature] Date: 2/18/18 Time: 1245

Disciplinary Action:

Shift Review: [] Temporary Confinement [] Investigative Status Reasons:

Printed Name and Badge # Shift Supervisor's Signature (For Transition Centers, Chief Administrative Officer) Date

Reviewing Officer's Decision: [] Confinement reviewed by Reviewing Officer Comment:

[x] Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee

[] Minor Infraction, submitted to Program Unit

Print Reviewing Officer's Name and Badge # Ms. T. J. Stuch #14 Reviewing Officer's Signature [Signature] Date: 2/18/18

[x] Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only):

Print Hearing Investigator's Name and Badge # Suddarth 13201 Hearing Investigator's Signature [Signature] Date: 2-19-18

Procedures Applicable to all Hearings on Investigative and Disciplinary Reports

You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports

You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.

[] Check if offender refused to sign

Serving Employee (Print Name): E Clay Offender's Signature: [Signature] Badge #: 6074 ID#: [Signature] Date Served: 2-19-18 Time Served: 653

[] I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.

Offender's Signature ID#

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report: 2-18-18 Print offender's name: DEAN HAMPTON ID#: M15934

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

DEVIN MOTTLEY 17551 Witness badge or ID# Assigned Cell: ST96-448P 12 Title (if applicable): MATE

Witness can testify to: can testify to what happened on 2-18-18

DARION E. JONES M51542 Witness badge or ID# Assigned Cell: (if applicable) Title (if applicable):

Witness can testify to: testify to me screaming for help



ILLINOIS DEPARTMENT OF CORRECTIONS
Offender Disciplinary Continuation Page

Lawrence CC

Facility

Disciplinary Report Investigative Report Disciplinary Summary Adjustment Committee Summary

Report/Incident Date: 2/18/18 Incident # (if applicable): _____

Offender Information:

Offender Name: Dean Hampton ID #: M15934

Use the space below to provide any additional information.

the least amount of force needed. As the Hampton was placed against the fence, the Hampton kicked backwards with his left leg in a mule style kick, striking this T/O multiple times in the ^{2nd} left leg. The Zone (7) then escorted the Hampton back to the Housing Unit. This T/O was not injured. The Hampton did not display any signs of injury. The Hampton was identified by state ID.

J. B. [Signature]
17225
2/18/18 1245p

E. Clary 6074 [Signature] 2-19-18 653p

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS

ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORT

Name: HAMPTON, DEON

IDOC Number: M15934

Race: BLK

Hearing Date/Time: 3/20/2018 11:30 AM

Living Unit: DIX-MS-MS-42

Orientation Status: N/A

Incident Number: 201800777/2 - LAW

Status: Final

DISCIPLINARY ACTION (Consecutive to any priors)

RECOMMENDED

1 Months C Grade
1 Months Segregation
Revoke GCC or SGT 1 Months
6 Months Contact Visits Restriction
Basis for Discipline Nature of offense

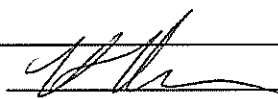
FINAL

1 Months C Grade
1 Months Segregation
Revoke GCC or SGT 1 Months
6 Months Contact Visits Restriction

Signatures

Hearing Committee

REMMERS, MICHAEL D - Chair Person



03/20/18

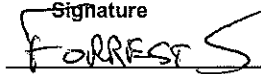
WHI

Signature

Date

Race

FORREST, SAMMY G



03/20/18

BLK

Signature

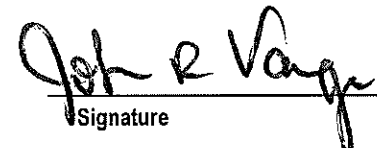
Date

Race

Recommended Action Approved

Final Comments: N/A

JOHN R VARGA / JRV 3/28/2018



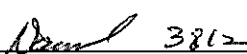
03/28/18

Chief Administrative Officer

Signature

Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.

C/D  3/28/18

Employee Serving Copy to Committed Person

5:00 pm

When Served -- Date and Time

EXHIBIT 11

14B 201803583

Offender Disciplinary Report

Dixon Correctional Center Facility

Date: 6/26/18

Type of Report:

Disciplinary Investigative

Offender Name: HAMPTON, DEON

ID #: M15934

Observation Date: 6/26/18

Approximate Time: 10:50

a.m.
 p.m.

Location: Building 49 Lobby

Offense(s): DR 504: 102a - Assault with Injury, 206 - Intimidation or Threats

Observation: (NOTE: Each offense identified above must be substantiated.) On the above date and approximate time, I Internal Affairs Officer Manzano was conducting an interview with inmate HAMPTON, DEON M15934 pertaining to an assault ticket (102c) he was going to receive on inmate [redacted] At the completion of this interview, it was determined that HAMPTON assaulted [redacted] in Housing Unit 42 on 6/25/2018. I along with Intel Officer Gee escorted inmate HAMPTON from the Internal Affairs Office to the lobby of building 49. Major Provo was contacted for his segregation placement due to the assault that took place. While waiting for Sergeant Kunde to arrive, HAMPTON stated to me and Officer Gee that, "He was filing a lawsuit against the IA Unit and wanted to file a PREA." HAMPTON also stated that, "I am not going to segregation; I am going back to Housing Unit 42, you will have to get the TACT Team because I am refusing to cuff up and I will fight Staff to get transferred." At this point, Sergeant Kunde arrived

Witness(es): C/O Gee #2913, Lt. Doering #7983, Lt. Arneson #7910, Lt. Solberg #8085, Sgt. Kunde #8094

Check if Offender Disciplinary Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses.

C/O Manzano 5641 Reporting Employee (Print Name) Badge # Signature Date 6/26/18 Time 2:00 p.m.

Disciplinary Action: Shift Review: Temporary Confinement Investigative Status Reasons: NATURE OF OFFENSE MAJ. PROVO #531 Printed Name and Badge # Shift Supervisor's Signature (For Transition Centers, Chief Administrative Officer) Date 6/26/18

Reviewing Officer's Decision: Confinement reviewed by Reviewing Officer Comment: None Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee Minor Infraction, submitted to Program Unit Print Reviewing Officer's Name and Badge # Reviewing Officer's Signature Date

Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only): C/O K. Phillips #5643 Hearing Investigator's Signature Date 6-27-18

Procedures Applicable to all Hearings on Investigative and Disciplinary Reports

You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports

You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.

Check if offender refused to sign Received copy Offender's Signature ID#

Serving Employee (Print Name) Badge # Signature

Date Served 6-26-18 Time Served 4:24

I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.

Offender's Signature ID#

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report Print offender's name ID#

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

Print Name of witness Witness badge or ID# Assigned Cell (if applicable) Title (if applicable)

Witness can testify to:

Print Name of witness Witness badge or ID# Assigned Cell (if applicable) Title (if applicable)

Witness can testify to:

Offender Disciplinary Continuation Page

Dixon Correctional Center

Facility

Disciplinary Report Investigative Report Disciplinary Summary Adjustment Committee Summary

Report/Incident Date: June 26, 2018 Incident # (if applicable): _____

Offender Information:
HAMPTON, DEON ID # M12034

and HAMPTON refused to cuff up. Lieutenant Doering and Major Provo were notified that HAMPTON was refusing to cuff up and was making threatening statements to Staff. Lieutenant Doering arrived and gave HAMPTON three direct orders to cuff up or pepper spray would be utilized, all orders were refused by HAMPTON. Lieutenant Doering proceeded to spray one one second burst of pepper spray to the facial area of inmate HAMPTON. HAMPTON covered his face with both hands. I gave HAMPTON several direct orders to place his hands behind his back to be restrained with mechanical restraints. HAMPTON refused and at this time, I placed my left hand on HAMPTON's left wrist in an attempt to place his arm behind his back. HAMPTON began to throw closed fist punches at me and Lieutenant Doering; HAMPTON continued to be combative and jumped up off of the chair striking me with a closed fist on the left facial cheek and mouth area. A code 1 was called and HAMPTON was placed on the ground to be restrained, a second burst of pepper spray was administered by Sgt. Kunde at which time HAMPTON complied with orders and placed his hands behind his back with no further incident. HAMPTON was positively identified by state issued ID.

Offender Disciplinary Report

JB

Date: 6-26-18

Type of Report: Disciplinary Investigative

Offender Name: Hampton, Alan ID #: M15934

Observation Date: 6-26-18 Approximate Time: 10:50 a.m. Location: Bld 49 1st floor lobby

Offense(s): DR 505: 215 Discourtesy a direct order violation to Safety and Security

Observation: (NOTE: Each offense identified above must be substantiated.) 102 B Assault

On the above date and approximate time this Lt reported to building 49 to take Im Hampton M15934 to segregation. This Lt gave Im Hampton a direct order to turn around and cuff up which he refused. When Hampton was given a second direct order to cuff up or OC would be used, he covered his face with his hands and said "I'm ready to fight." After giving a third direct order for Im Hampton to cuff-up, Im Hampton refused and covered his face with his hands. Again this Lt then deployed 1 short burst of OC to Im Hampton's

Witness(es): Co A Manzan #5641, Sgt. Kunde #8094, Lt Solberg #8085, Lt Arnesen #7910

Check if Offender Disciplinary Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses.

Reporting Employee (Print Name) Badge # Signature Date Time

Disciplinary Action: Temporary Confinement Reasons: VIOLATION OF OFFENSE

Printed Name and Badge # Shift Supervisor's Signature (For Transition Centers, Chief Administrative Officer) Date

Reviewing Officer's Decision: Confinement reviewed by Reviewing Officer Comment:

Major infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee

Major infraction, submitted to Program Unit

Print Reviewing Officer's Name and Badge # Reviewing Officer's Signature Date

Hearing Investigator (Adult Correctional Facility Major Reports Only):

Print Hearing Investigator's Name and Badge # Hearing Investigator's Signature Date

Procedures Applicable to All Hearings on Investigative and Disciplinary Reports

You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports

You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.

Check if offender refused to sign Received copy Offender's Signature ID#

Serving Employee (Print Name) Badge # Signature

Date Served Time Served

I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.

Offender's Signature ID#

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report Print offender's name ID#

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

Print Name of witness Witness badge or ID# Assigned Cell (if applicable) Title (if applicable)

Witness can testify to:

Print Name of witness Witness badge or ID# Assigned Cell (if applicable) Title (if applicable)

Witness can testify to:

ILLINOIS DEPARTMENT OF CORRECTIONS
Offender Disciplinary Continuation Page

6

Dixon, IL

Disciplinary Report Investigative Report Disciplinary Summary Adjustment Committee Summary

Report/Incident Date: 6-26-78 Incident # (if applicable): _____

Offender Information
Hampton, Jim

Use the space below to provide any additional information.
face. After the first burst of O.C. proved to be ineffective, this Lt. deployed a second short burst of O.C. to Jim Hampton's face. When the second burst of O.C. appeared to be somewhat effective, this Lt. and Lt. Manzano attempted to apply mechanical restraints to Jim Hampton. Jim Hampton then stood up and began swinging his hands attempting to hit any staff that approached him. Jim Hampton struck this Lt. on the left cheek resulting in some redness and struck Lt. Manzano on the left cheek resulting in some redness and swelling. Jim Hampton was taken to the ground and restrained with no further use of force. Lt. Adams arrived to assist with restraining Jim Hampton. The staff commander was notified.

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS

**ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORT**

Name: HAMPTON, DEON

IDOC Number: M15934

Race: BLK

Hearing Date/Time: 7/3/2018 10:47 AM

Living Unit: DIX-MS-MS-40

Orientation Status: N/A

Incident Number: 201803583/1 - DIX

Status: Final

BASIS FOR DECISION

The committee is satisfied that offender Hampton M15934 is guilty of the listed offenses. This decision was reached based on the factors detailed below.

The DOC0317 disciplinary report from Lt. Doering stating that offender Hampton M15934 refused orders given by Lt. Doering to allow restraints to be applied and be escorted out of the building. Offender Hampton refused all orders instead placed hands over face and refused to comply with additional orders. Doering warned that chemical agents would be used in compliance was not attained, and Hampton still did not comply resulting in OC pepper spray utilization. After staff believed the chemical agents were somewhat effective and Hampton would comply staff attempted to apply the mechanical restraints onto Hampton. At this time Hampton stood up and started wildly swinging his hands attempting to hit any staff in the vicinity. As Lt. Doering approached Hampton in attempt to secure in restraints, offender Hampton struck Lt. Doering on the left side of his face (cheek area) causing injury of redness and swelling to the cheek of Lt. Doering. Around the same time offender Hampton's actions also caused contact with C/O Manzano who was attempting to assist in securing restraints upon Hampton. Manzano was struck in the left cheek area also, resulting in injury of redness and swelling to the area. Responding staff were then able to assist in placing the mechanical restraints on Hampton.

The DOC0317 Offender Disciplinary Report from C/O Manzano which states that offender Hampton M15934 was in Building 49 being interviewed for a prior incident being investigated, and upon interview, investigation was completed and Hampton was informed that offender was receiving an IDR for 102c (Assault of an Offender) and escorted to segregation as a result. Hampton then stated to C/O Gee that there would be a lawsuit filed against the IA unit and that also PREA complaint was being filed. Hampton stated that offender was not going to segregation and that staff would have to get the TACT team because offender was refusing to cuff up and that offender will fight staff in order to get transferred. Report states Sgt. Kunde arrived and Hampton refused orders to cuff up. Lt. Doering and Major Provo were advised. Lt. Doering then arrived and issued additional orders which were refused resulting in chemical agents being used to gain compliance. Hampton was observed covering offender's face with both hands to prevent chemical agents from having the intended effect, and was issued additional orders place hand behind the back for application of mechanical restraints, which were again refused. Officer Manzano states that at that time he placed his left hand on Hampton's left wrist attempting to place the arm behind the back for restraints. Report states at that time Hampton began to throw closed fist punches at Manzano and Lt. Doering, and a combative Hampton jumped up off the chair and struck Manzano in the left side of the face near the cheek/mouth area with a closed fist. Report states that staff in distress call was made and Hampton was placed on the ground with additional chemical agents used, and at that time offender became compliant and was secured.

DOC 0434 Incident Reports from staff present including C/O Manzano, Lt. Solberg, C/O Gee, Lt. Doering, and RN Coyle. The reports corroborate the facts reported in disciplinary reports from Manzano and Doering as well as the injury reported to Lt. Doering, which is detailed in the report from Registered Nurse M. Coyle.

Staff's positive ID of Hampton M15934 using state ID card.

DISCIPLINARY ACTION *(Consecutive to any priors)*

RECOMMENDED

- 6 Months C Grade
- 3 Months Segregation
- Revoke GCC or SGT 6 Months
- Transfer (Disciplinary)
- 6 Months Contact Visits Restriction

FINAL

- 6 Months C Grade
- 3 Months Segregation
- Revoke GCC or SGT 6 Months
- Transfer (Disciplinary)
- 6 Months Contact Visits Restriction

Basis for Discipline: Seriousness of the offense

Signatures

Hearing Committee

REMMERS, MICHAEL D - Chair Person


Signature

07/03/18

Date

WHI

Race

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS
ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORT

Name: HAMPTON, DEON
Hearing Date/Time: 7/3/2018 10:47 AM
Incident Number: 201803583/1 - DIX

IDOC Number: M15934
Living Unit: DIX-MS-MS-40
Status: Final

Race: BLK
Orientation Status: N/A

Signatures

Hearing Committee

GARDNER, FELECIA M


Signature

07/03/18

Date

BLK

Race

Recommended Action Approved

Final Comments: N/A

JOHN R VARGA / JRV 7/17/2018

Chief Administrative Officer


Signature

07/17/18

Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.

 #5643

Employee Serving Copy to Committed Person

7-23-18

When Served -- Date and Time

ILLINOIS DEPARTMENT OF CORRECTIONS
Offender Disciplinary Report
 Dixon CC
 Facility

0XB 201803580

Date: 6/26/2018

Type of Report:
 Disciplinary Investigative

Offender Name: DEON HAMPTON ID #: M15934

Observation Date: 6/26/2018 Approximate Time: 10:30 AM a.m. p.m. Location: HU-42

Offense(s): DR 504: 102C- Assault on an Offender

This IDR is being issued as a result of an investigation that was completed on 6/26/2018 concerning an altercation between [redacted] and HAMPTON, DEON M15934. Confidential sources who shall remain nameless for the safety and security of the institution and who are deemed reliable due to the consistence's of the event as it occurred observed HAMPTON and [redacted] having an argument in the north hall of Housing Unit 42. Confidential sources observed HAMPTON throw an open handed slap at [redacted] striking him on the left side of his face and were then observed throwing 4 or 5 closed fist punches at [redacted] HAMPTON and [redacted] were observed going to the ground where HAMPTON was observed as the aggressor. Confidential sources stated that [redacted] did not fight back. HAMPTON then got behind [redacted] and began to choke [redacted].

Witness(es): _____

Check if Offender Disciplinary Continuation Page, DOC 0318, is attached to describe additional facts, observations or witnesses.

C/O Gee 2913 [Signature] 6/26/18 2:00 a.m. p.m.
 Reporting Employee (Print Name) Badge # Signature Date Time

Disciplinary Action:

Shift Review: Temporary Confinement Investigative Status Reasons: Nature of Offense
MAS-PROVD #591 [Signature] 6/26/18
 Printed Name and Badge # Shift Supervisor's Signature Date
 (For Transition Centers, Chief Administrative Officer)

Reviewing Officer's Decision: Confinement reviewed by Reviewing Officer Comment: [Signature]
 Major Infraction, submitted for Hearing Investigator, if necessary and to Adjustment Committee
 Minor Infraction, submitted to Program Unit

[Signature] [Signature] [Signature]
 Print Reviewing Officer's Name and Badge # Reviewing Officer's Signature Date

Hearing Investigator's Review Required (Adult Correctional Facility Major Reports Only):
C/O B. Hutchison #5043 [Signature] 6-27-18
 Print Hearing Investigator's Name and Badge # Hearing Investigator's Signature Date

Procedures Applicable to all Hearings on Investigative and Disciplinary Reports

You have the right to appear and present a written or oral statement or explanation concerning the charges. You may present relevant physical material such as records or documents.

Procedures Applicable to Hearings Conducted by the Adjustment Committee on Disciplinary Reports

You may ask that witnesses be interviewed and, if necessary and relevant, they may be called to testify during your hearing. You may ask that witnesses be questioned along lines you suggest. You must indicate in advance of the hearing the witnesses you wish to have interviewed and specify what they could testify to by filling out the appropriate space on this form, tearing it off, and returning it to the Adjustment Committee. You may have staff assistance if you are unable to prepare a defense. You may request a reasonable extension of time to prepare for your hearing.

Check if offender refused to sign Received copy
[Signature] 13413 [Signature] [Signature]
 Offender's Signature Badge # Serving Employee (Print Name) Signature

6-26-18 4:24 a.m. p.m.
 Date Served Time Served

I hereby agree to waive 24-hour notice of charges prior to the disciplinary hearing.

Offender's Signature _____ ID# _____

(Detach and Return to the Adjustment Committee or Program Unit Prior to the Hearing)

Date of Disciplinary Report _____ Print offender's name _____ ID# _____

I am requesting that the Adjustment Committee or Program Unit consider calling the following witnesses regarding the Disciplinary Report of the above date:

Print Name of witness _____ Witness badge or ID# _____ Assigned Cell (if applicable) _____ Title (if applicable) _____

Witness can testify to: _____

Print Name of witness _____ Witness badge or ID# _____ Assigned Cell (if applicable) _____ Title (if applicable) _____

Witness can testify to: _____

ILLINOIS DEPARTMENT OF CORRECTIONS
Offender Disciplinary Continuation Page

Dixon Correctional Center
Facility

Disciplinary Report Investigative Report Disciplinary Summary Adjustment Committee Summary

Report/Incident Date: 6-26-18 Incident # (if applicable): _____

Offender Information: Offender Name: HAMPTON, DEON ID #: M15934

Use the space below to provide any additional information.

At this time, HAMPTON was overheard telling ROBINSON to say "I'm sorry" after ██████ said he was sorry HAMPTON let ██████ up. ██████ was observed walking away from the incident. As ██████ walked away HAMPTON hit ██████ from behind again and scratched ██████ on the right side of his face. I, Intel Officer Gee have testified to the committee to the truthfulness of this report containing confidential information. HAMPTON was identified by state issued ID and cell assignment.

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS

ADJUSTMENT COMMITTEE
FINAL SUMMARY REPORT

Name: HAMPTON, DEON

IDOC Number: M15934

Race: BLK

Hearing Date/Time: 7/3/2018 10:41 AM

Living Unit: DIX-MS-MS-40

Orientation Status: N/A

Incident Number: 201803580/1 - DIX

Status: Final

Date	Ticket #	Incident Officer	Location	Time
6/26/2018	201803580/1-DIX	GEE, TAYLOR L	NORTHWEST HOUSING UNIT 42	10:30 AM

Offense	Violation	Final Result
102c	Assault of an Offender <i>Comments: I/M assaulted [REDACTED]</i>	Guilty

Witness Type	Witness ID	Witness Name	Witness Status
No Witness Requested			

RECORD OF PROCEEDINGS

Offender present for the hearing. Report was read. Offender stated that offender was not guilty. Offender stated that the report doesn't even make sense because why would someone let another person beat his ass when all of your friends are just standing around right there watching. Offender stated that offender did not do anything that these so-called witnesses say, and believes that IA (Internal Affairs) is just making things up and not investigating things properly and just taking the word of inmates who work for them as the truth when it is not.

Committee reviewed and considered the DOC0443 Mental Health Disciplinary Review prior to disciplinary action. Reviewing MHP recommended segregation term of zero to six weeks and reported it was their opinion that offender's mental health did not contribute to the behaviors for which this report was issued.

Committee sought and verified confidential sources statements provided to Internal Affairs during the investigation into this incident.

BASIS FOR DECISION

Committee is satisfied that offender Hampton M15934 is guilty of the listed offense of 102C Assault of an Offender. This decision of the committee was reached based on the factors listed below.

The report from Intelligence Officer Gee stating that offender Hampton was the subject of an investigation into an offender assault in the North Hall of HU 42. Multiple confidential sources whose identities are being withheld from the record to ensure the safety and security of the facility but whose description of the events were deemed reliable due to the similarity of their statements to investigators provided statements that offender Hampton M15934 was observed in HU 42 having an argument with [REDACTED]. Sources state that offender Hampton then open handed slapped [REDACTED] striking the left side of his face, then threw 4 or 5 closed fist punches at [REDACTED]. Sources stated that both offenders went to the ground and that Hampton was the aggressor and that [REDACTED] did not fight back. Sources stated that Hampton then got behind [REDACTED] and began to choke him and telling [REDACTED] to say "I'm sorry" and that after [REDACTED] said that he was sorry, Hampton let him up and [REDACTED] walked away as Hampton was observed by sources hitting [REDACTED] from behind and scratching the right side of [REDACTED] face.

Committee's request for confidential source information which was granted and these statements were reviewed and corroborate the information provided within the disciplinary report. These sources remain confidential to ensure the safety and security of the facility. The statements are maintained in confidentiality within the Investigations Unit.

Reporting staff's positive identification of offender Hampton M15934 using state ID card and cell assignment.

DISCIPLINARY ACTION (Consecutive to any priors)

RECOMMENDED

FINAL

1 Months C Grade
1 Months Segregation

1 Months C Grade
1 Months Segregation

Basis for Discipline: Nature of offense

STATE OF ILLINOIS -- DEPARTMENT OF CORRECTIONS

ADJUSTMENT COMMITTEE

FINAL SUMMARY REPORT

Name: HAMPTON, DEON

IDOC Number: M15934

Race: BLK

Hearing Date/Time: 7/3/2018 10:41 AM

Living Unit: DIX-MS-MS-40

Orientation Status: N/A

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Status: Final

Signatures

Hearing Committee

REMMERS, MICHAEL D - Chair Person

07/03/18

WHI

Signature

Date

Race

GARDNER, FELECIA M

07/03/18

BLK

Signature

Date

Race

Recommended Action Approved

Final Comments: N/A

JOHN R VARGA / JRV 7/10/2018

Chief Administrative Officer

07/10/18

Signature

Date

The committed person has the right to appeal an adverse decision through the grievance procedure established by Department Rule 504: Subpart F.

7-12-18 5:00p

Employee Serving Copy to Committed Person

When Served -- Date and Time

EXHIBIT 12

NOTICE

The text of this order may be changed or corrected prior to the time for filing of a Motion for Rehearing at the discretion of the court.

2017 IL App (1st) 151624-U

No. 1-15-1624

Order filed November 9, 2017.

Fifth Division

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff-Appellee,

v.

DEON HAMPTON,

Defendant-Appellant.

) Appeal from the
) Circuit Court of
) Cook County.
)
) No. 14 CR 3872
)
) Honorable
) Timothy J. Chambers and
) Lauren Gottainer Edidin,
) Judges, presiding.

JUSTICE HALL delivered the judgment of the court.
Presiding Justice Reyes and Justice Gordon concurred in the judgment.

ORDER

¶1 *Held:* We affirm defendant's conviction for residential burglary where: (1) the trial court did not err in denying her motion to quash her arrest and suppress evidence because, under the totality of the circumstances, a police officer had reasonable suspicion to stop defendant and investigate whether she had been involved in criminal activity; and (2) there was sufficient evidence to convict her of the offense. We, however, modify defendant's fines and fees order.

¶ 2 Following a bench trial, defendant Deon Hampton was convicted of residential burglary (720 ILCS 5/19-3(a) (West 2014)) and sentenced to 10 years' imprisonment.¹ On appeal, defendant contends that: (1) the trial court erred in denying her pretrial motion to quash her arrest and suppress evidence; (2) the State failed to prove her guilt beyond a reasonable doubt; and (3) her fines and fees order must be amended. We affirm as modified.²

¶ 3 On February 17, 2014, police officers responded to a reported burglary at a first-floor apartment. Prior to entering the apartment, the officers observed defendant on the sidewalk directly outside the residence. Based on information that the suspect might still be inside the apartment, the officers ignored defendant, entered the residence and found the victims hiding in a bedroom, but did not find any suspects inside. The officers learned that property was missing from the apartment, suspected that defendant might have been involved and directed an assisting officer to stop her. Defendant was stopped 200 yards away from the apartment and in possession of the missing property. As a result, the State charged her with residential burglary (720 ILCS 5/19-3(a) (West 2014)) and theft (720 ILCS 5/16-1(a) (West 2014)).

¶ 4 Prior to trial, defendant filed a motion to quash arrest and suppress the evidence, arguing that, when she was stopped by the police, they lacked a legal basis for the seizure. She therefore asserted that the evidence recovered from her must be suppressed.

¶ 5 At the hearing on the motion, Officer Jason Barney testified that, at around 4 a.m. on February 17, 2014, he and his partner, Officer Brandau, were having coffee in a restaurant when they received a radio transmission of "a burglary in progress" at the first-floor apartment of 2469

¹ The parties refer to defendant as female and accordingly, we will, as well.

² Judge Edidin presided over defendant's hearing on her motion to suppress while Judge Chambers presided over her trial.

North Clybourn Avenue in Chicago. The transmission did not contain a description of any suspects. The officers, who were in uniform, acknowledged the transmission and immediately responded. After turning onto North Clybourn Avenue from West Fullerton Avenue, Barney did not observe anyone or any vehicles on the street. The officers arrived at the apartment and parked their marked police vehicle directly in front. At the time the officers arrived, the information that had been relayed to them included the possibility that the offender was still inside the residence.

¶ 6 The officers exited their vehicle, and Barney observed a woman, identified in court as defendant, on the sidewalk directly "[i]n front" of the residence. Barney did not note her appearance or if she had any belongings with her. Defendant asked the officers for a ride to the train station. Because their focus was on entering the residence and aiding the people inside, they essentially ignored her, and she began walking southbound down North Clybourn Avenue.

¶ 7 The officers approached the apartment where Barney observed that the front door was closed and appeared to be undamaged. Barney opened the door, which was unlocked, and entered the residence, but did not immediately observe anyone. He announced that he was a police officer and then observed two individuals, including Shelbi Hardin, come out of a bedroom. Hardin was unsure if the suspect was still inside the apartment, which prompted the officers to search the three-bedroom apartment. The search took "20 seconds," and they did not find anyone. Hardin informed the officers that she was in her bedroom with the door shut and heard noises coming from outside her room, but never actually saw anyone and could not describe the suspect. She told the officers that she stopped hearing the noises "just before" they arrived. Based on this, Barney realized that he "had just passed the offender."

¶ 8 Barney asked Hardin what items were missing, and after she searched the living area of her apartment, she discovered that her tan Calvin Klein bag and iPad were missing. Brandau subsequently radioed an assisting officer to stop defendant, and both he and Barney exited the apartment. Barney observed an assisting officer's vehicle back up and eventually detain defendant south of their location on North Clybourn Avenue. Via radio, Brandau asked the assisting officer if defendant had a tan Calvin Klein bag, which the officer confirmed. Defendant was subsequently brought back to the residence, where Hardin identified the tan bag and iPad as hers, as well as a pair of sunglasses. Barney estimated that, from the time he received the original transmission of a burglary in progress until Hardin had her property returned, six minutes had elapsed.

¶ 9 During Barney's cross-examination, the following colloquy occurred:

"Q. That [burglary-in-progress] call came in at 4:00 a.m., correct?

A. Correct.

Q. You responded to that location at 4:06 p.m. [sic], correct?

A. Correct.

Q. In the two minutes it took you to get to that location, you drove northwest on Clybourn, correct?

A. Correct."

¶ 10 Officer Tanya Neita, the assisting officer, testified that, as she drove northbound on North Clybourn Avenue approaching the residence, she observed a woman, identified in court as defendant, walking on the sidewalk. Neita's vehicle did not have its lights or siren activated, and defendant was the only person Neita observed near that location. After passing defendant, Neita

received a radio transmission to “stop the individual *** walking southbound” on North Clybourn Avenue. Neita backed her vehicle up and exited. Neita, who was in uniform and did not draw her weapon, asked defendant “to please step over to the car.” As they both walked toward one another, Neita observed that defendant had “a bag in her hand.” At the same time, Neita was asked via radio if defendant had a bag in her hand. Neita subsequently had defendant enter her police vehicle, but did not handcuff her, and drove 200 yards to the apartment. Leaving defendant in the vehicle, Neita brought the tan bag to Hardin, who identified it as hers. Inside the bag were an iPad and sunglasses. Neita estimated that, from the time she “collected” defendant until Hardin identified the property, one minute had elapsed.

¶ 11 The trial court denied defendant’s motion to suppress. The court observed that Officers Barney and Neita “were very credible.” It did not find their actions “unreasonable based upon the circumstances,” especially in light of “the timing of everything” and “defendant [being] right outside the [burglarized apartment’s] door.” The court observed that the “intrusion of stopping” defendant was “minimal,” as Neita did not use handcuffs, did not “grab[]” defendant and did not “throw[]” her inside the police vehicle. Lastly, the court noted that, after Barney learned what had been taken from the residence, Neita discovered those items in defendant’s possession.

¶ 12 The case proceeded to trial, where Shelbi Hardin testified that, on February 17, 2014, she and her boyfriend lived on the first floor of 2469 North Clybourn Avenue in Chicago, a two-unit apartment building, with their front door facing North Clybourn Avenue. They slept with their bedroom door shut. At around “4:05 a.m.,” Hardin woke up and noticed through the “crack” between the door and the floor that her living room light was on, something Hardin never would do. After sitting in bed “for a few minutes because [she] really wasn’t quite awake yet,” she

heard footsteps and a drawer open in the living area outside her bedroom. Hardin alerted her boyfriend that someone might be in their apartment and subsequently observed "a shadow," which confirmed her belief. She "immediately" called 911 using her cell phone. While speaking with the operator, she continued to hear noises outside her bedroom.

¶ 13 The police eventually arrived "less than five minutes" after she called 911. She had remained in her bedroom the entire time. When the police arrived, she stopped hearing the noises, but "really thought the person was still in [her] apartment" because she "didn't feel that there was enough time for [the offender] to even leave." She estimated that "less than a minute" had elapsed between the police arriving and the noises stopping, but acknowledged not "know[ing] exactly how much time" had elapsed because she never actually heard the offender shut the apartment's door.

¶ 14 Hardin then discovered that her Calvin Klein handbag was missing, in addition to her iPad and a pair of sunglasses that were inside the bag. "[A]bout five minutes" after the officers arrived, they had retrieved her bag, which still contained her iPad and sunglasses. Hardin did not know defendant, did not recognize her and never gave her permission to enter the apartment or have the bag, iPad or sunglasses.

¶ 15 The parties stipulated that Officers Barney and Neita's testimony from the hearing on the motion to suppress would be considered at defendant's trial. The parties further stipulated that Barney would testify that, after Hardin identified her property, defendant was placed into custody.

¶ 16 The trial court found defendant guilty of residential burglary and theft, observing that the case was "circumstantial" but "a very clear circumstantial case." The court subsequently merged

her theft conviction into her residential burglary conviction. After defendant unsuccessfully moved for a new trial, the court sentenced her to 10 years' imprisonment for residential burglary. The court also imposed \$704 worth of fines and fees. Defendant filed a motion for leave to file a late notice of appeal, which this court granted, and this appeal followed.

¶ 17 Defendant first contends that the trial court erred in denying her motion to suppress. Specifically, defendant argues that, when she was stopped by Officer Neita at Officer Barney's behest, Barney did not have a reasonable suspicion that she had committed a crime. Defendant therefore asserts that she was unlawfully seized in violation of her constitutional rights.

¶ 18 The trial court's ruling on a motion to suppress presents a mixed question of law and fact, and therefore requires a bifurcated standard of review. *People v. Lee*, 214 Ill. 2d 476, 483 (2005). The court's findings of fact, including reasonable inferences from the evidence, are given deference, and we will not disturb the findings of fact unless they are against the manifest weight of the evidence. *Id.*; *People v. Green*, 2014 IL App (3d) 120522, ¶ 48. The ultimate issue, however, of whether the law was applied correctly to the established facts is reviewed *de novo*. *Lee*, 214 Ill. 2d at 484; *People v. Fox*, 2014 IL App (2d) 130320, ¶ 11.

¶ 19 Both the United States and Illinois constitutions protect an individual's right to be free from unreasonable searches and seizures. U.S. Const., amends. IV, XIV; Ill. Const. 1970, art. I, § 6; *People v. Timmsen*, 2016 IL 118181, ¶ 9. "The touchstone of the fourth amendment is 'the reasonableness in all the circumstances of the particular governmental invasion of a citizen's personal security.'" *Timmsen*, 2016 IL 118181, ¶ 9 (quoting *Terry v. Ohio*, 392 U.S. 1, 19 (1968)). Not every encounter between the police and a citizen results in a seizure. *People v. Luedemann*, 222 Ill. 2d 530, 544 (2006). For example, a consensual encounter between the

police and a citizen involves no coercion or detention, and is therefore not a seizure under the fourth amendment. *People v. Gherna*, 203 Ill. 2d 165, 177 (2003). Additionally, not all seizures by the police of a citizen are unreasonable. *Id.* at 176. The police may reasonably seize a citizen pursuant to: (1) a *Terry* stop, which is a brief investigatory detention that must be supported by a reasonable, articulable suspicion of criminal activity; and (2) an arrest, which must be supported by probable cause. *Id.* at 176-77.

¶ 20 Defendant first argues that, at the time Neita directed her to come toward the police vehicle, she was seized. The State does not argue that the encounter between Neita and defendant was a consensual encounter, thereby implicitly agreeing with defendant that she was seized. During argument on the motion to suppress in the trial court, the State likewise did not contest that defendant was seized. As the State has implicitly conceded that defendant was seized, we will accept its concession. See *People v. Williams*, 2016 IL App (1st) 132615, ¶ 39 (finding the defendant was seized when an officer pulled up in a vehicle behind the defendant, who was walking down the street, exited the vehicle, and said to the defendant “ ‘[p]olice, can I talk to you?’ ” and “ ‘to come here to where [he was] at’ ”); but see *People v. Qurash*, 2017 IL App (1st) 143412, ¶¶ 17, 22-27 (finding the defendant was not seized when, from inside a police vehicle, officers asked him to “ ‘come here,’ ” as this was a request, not a command, in light of the officers never physically touching him and never drawing their weapons).

¶ 21 Having concluded that defendant was seized, we next must determine whether that seizure was unreasonable. Defendant argues that it was because Officer Barney did not have a reasonable suspicion to believe that she had committed a crime. She asserts that the only basis

for being stopped was her proximity to the burglarized apartment. The State responds that, based on the totality of the circumstances, defendant was lawfully stopped pursuant to *Terry*.

¶ 22 In a *Terry* stop, a police officer may “conduct a brief, investigatory stop of a citizen when the officer has a reasonable, articulable suspicion of criminal activity.” *Ghera*, 203 Ill. 2d at 177. The purpose of this investigatory detention is so an officer, who reasonably suspects an individual “to be recently or currently engaged in criminal activity,” can “verify or dispel those suspicions.” *People v. Brown*, 2013 IL App (1st) 083158, ¶ 22. To perform a lawful *Terry* stop, “officers must be able to point to specific and articulable facts which, considered with the rational inferences from those facts, make the intrusion reasonable.” *In re Elijah W.*, 2017 IL App (1st) 162648, ¶ 36. The collective knowledge of all of the officers involved in the detention of the defendant may be considered in determining whether reasonable suspicion existed, even if such knowledge was not told to the officer who initiated the detention. *People v. Maxey*, 2011 IL App (1st) 100011, ¶ 54. Reasonable suspicion requires more than a “hunch or unparticularized suspicion.” *In re Elijah W.*, 2017 IL App (1st) 162648, ¶ 36. The decision to perform a *Terry* stop is a practical one based on the totality of the circumstances at the moment the stop is initiated. *Id.* The reasonableness of the detention is judged according to an objective standard (*id.*) and must be determined on a case-by-case basis as reasonableness under *Terry* is a fact-intensive inquiry. *People v. Hubbard*, 341 Ill. App. 3d 911, 917 (2003).

¶ 23 In the present case, Officer Neita’s detention of defendant was proper under *Terry*. The evidence established that Officers Barney and Brandau immediately responded to an apartment at 2469 North Clybourn Avenue based on a radio transmission of a burglary in progress. According to Barney’s testimony, the officers arrived between two and six minutes after

receiving the transmission. After the officers exited their vehicle, they encountered defendant on the sidewalk directly in front of the apartment. Defendant asked the officers, who were dressed in their police uniforms, for a ride to the train station, but they ignored her and proceeded to enter the residence. After searching the residence and finding no suspects, the officers learned that Shelbi Hardin, the victim, had heard noises coming from outside her bedroom, which had possibly stopped just before the officers arrived. Barney realized that defendant might have been the burglar, so Neita was directed to stop defendant. It is undisputed that, at the point Neita encountered defendant, Barney did not have a description of the suspect, had not observed defendant inside the apartment, did not know whether defendant was carrying anything and had not observed defendant violate any laws.

¶ 24 However, given that defendant was first observed by Barney directly in front of the burglarized residence at 4:05 a.m. and Hardin believed she stopped hearing the noises outside her bedroom moments before Barney arrived, under the totality of the circumstances, Barney had a reasonable and articulable suspicion that defendant was involved in the burglary based on her extreme proximity both temporally and geographically to the apartment and the early hours of the morning. See *People v. Waln*, 120 Ill. App. 3d 73, 76-77 (1983) (finding that, after a police officer received a radio call of a burglary in progress in a subdivision, the officer was justified in performing a *Terry* stop of two vehicles leaving the subdivision's sole exit, which was approximately one-quarter to one-half a mile away from the location of the burglary, "especially given the extremely close spatial and temporal proximity to the report of the burglary in progress" even though the radio call did not include a description of any suspects or vehicles to be stopped).

¶ 25 Furthermore, the burglary occurred around 4 a.m., and according to both Barney and Neita, defendant was the only individual they had observed in the immediate vicinity of the residence. See *Brown*, 2013 IL App (1st) 083158, ¶ 25 (finding that officers could conduct a *Terry* stop of the defendant based, in part, on him “leaving the scene of a crime in the middle of the night”); *Hubbard*, 341 Ill. App. 3d at 912, 919-20 (finding that, after officers received a radio dispatch of a shooting, it was “reasonable” for them “to detain, in order to investigate, the only person they had seen coming from the direction of the scene of the crime,” given the seriousness of the reported crime).

¶ 26 Defendant acknowledges that she was found in close proximity to the scene of the burglary in the early hours of the morning, but argues there are several factors to consider in conjunction with an individual’s proximity to a recent crime that are not present in this case. The factors to consider are: “ ‘(1) the particularity of the description of the offender or the vehicle in which [s]he fled; (2) the size of the area in which the offender might be found, as indicated by such facts as the elapsed time since the crime occurred; (3) the number of persons about in that area; (4) the known or probable direction of the offender’s flight; (5) observed activity by the particular person stopped; and (6) knowledge or suspicion that the person or vehicle stopped has been involved in other criminality of the type presently under investigation.’ ” *People v. Mendez*, 371 Ill. App. 3d 773, 776 (2007) (quoting *People v. Brown*, 88 Ill. App. 3d 514, 519-20 (1980)).

¶ 27 Although some of these factors are not present here, we cannot ignore that defendant was observed directly in front of the burglarized residence at 4:05 a.m., moments after Hardin believed the noises outside her bedroom had stopped. In fact, Officer Barney’s arrival at the residence was so contemporaneous in time to the crime being committed that Hardin even

believed the burglar might have still been inside her apartment. Given defendant's extreme temporal and geographic proximity to the burglary, Barney's suspicion that she was involved in criminal activity was therefore based on more than a mere hunch. Because an officer's reasonableness must be judged, in part, "on the basis of [his] responsibility to prevent crime and to catch criminals" (*People v. Stout*, 106 Ill. 2d 77, 86-87 (1985)), it was reasonable for Barney to direct Neita to stop defendant in order to verify or dispel his suspicions that defendant was the offender. Moreover, as the trial court observed, the intrusion by Neita was "minimal," as she never handcuffed defendant, grabbed defendant or searched defendant. Rather, Neita asked defendant to come toward her so that she could determine whether defendant was, in fact, the offender. See *People v. Lippert*, 89 Ill. 2d 171, 183 (1982) (finding the rationale of *Terry* and its progeny is "that a short period of detention" is "only minimally intrusive when compared to the benefit of immediate investigation"). In light of these circumstances, the trial court did not err when it denied defendant's motion to suppress.

¶ 28 Defendant next contends that the State failed to prove beyond a reasonable doubt her guilt for residential burglary where the evidence only showed that she possessed recently stolen property. Defendant asserts that, when the officers initially encountered her, they did not recall her having any belongings and notes that Shelbi Hardin never observed anyone in the apartment and could not describe the offender.

¶ 29 When a defendant challenges her conviction based upon the sufficiency of the evidence presented against her, we must ask whether, after viewing the evidence in the light most favorable to the State, any rational trier of fact could find all the elements of the crime proven beyond a reasonable doubt. *People v. Brown*, 2013 IL 114196, ¶ 48 (citing *Jackson v. Virginia*,

443 U.S. 307, 318-19 (1979)). All reasonable inferences must be allowed in favor of the State. *People v. Lloyd*, 2013 IL 113510, ¶ 42. While we must carefully examine the evidence before us, credibility issues, resolution of conflicting or inconsistent evidence, weighing the evidence and making reasonable inferences from the evidence are all reserved for the trier of fact. *Brown*, 2013 IL 114196, ¶ 48. We will not overturn a conviction unless “the evidence is so unreasonable, improbable, or unsatisfactory as to justify a reasonable doubt of the defendant’s guilt.” *Id.*

¶ 30 To prove that defendant committed residential burglary, the State had to establish that she knowingly and without authority entered the dwelling place of Shelbi Hardin at 2469 North Clybourn Avenue with the intent to commit a theft therein. 720 ILCS 5/19-3(a) (West 2014).

¶ 31 In the present case, the evidence revealed that, when defendant was stopped 200 yards away from the residence minutes after the reported burglary, she had in her exclusive possession, and without explanation, Hardin’s property. However, as Hardin never left her bedroom to determine who was present inside her apartment and there was no forensic evidence linking defendant to being inside the apartment, there was no direct evidence presented at trial that defendant was the offender, except for the stolen property in her possession.

¶ 32 In *People v. Housby*, 84 Ill. 2d 415, 423 (1981), our supreme court found that exclusive and unexplained possession of recently stolen property is not sufficient, standing alone and without corroborating evidence of guilt, to sustain a burglary conviction. Our supreme court observed that “[t]he person in exclusive possession may be the burglar, to be sure, but [s]he might also be a receiver of stolen property, guilty of theft but not burglary, an innocent purchaser without knowledge that the item is stolen, or even an innocent victim of circumstances.” *Id.* The court concluded that the trier of fact could presume guilt based on exclusive and unexplained

possession of recently stolen property only if three requirements were met: (1) “there was a rational connection between [the defendant’s] recent possession of property stolen in the burglary and [her] participation in the burglary;” (2) her “guilt of burglary is more likely than not to flow from [her] recent, unexplained and exclusive possession of burglary proceeds;” and (3) “there was evidence corroborating [the defendant’s] guilt.” *Id.* at 424. Although the test in *Housby* arose from an issue involving a jury instruction and a permissible inference from the evidence (*id.* at 418-20), this court has found the test applicable to a review of the sufficiency of the evidence in bench trials. See *People v. Smith*, 2014 IL App (1st) 123094, ¶¶ 12-14. The same evidence may be used to satisfy all three requirements of the test. *People v. Caban*, 251 Ill. App. 3d 1030, 1033 (1993).

¶ 33 In this case, the first requirement of the *Housby* test has been satisfied, as a rational connection exists between defendant’s possession of Hardin’s property and her participation in the burglary given that, only minutes after the burglary and a mere 200 yards from the residence, defendant was found in possession of the stolen property at 4:05 a.m. See *People v. McGee*, 373 Ill. App. 3d 824, 828, 834 (2007) (finding that, where a defendant was arrested three blocks away from, and within 5 to 10 minutes of, a reported burglary, the geographic and temporal proximity supported a rational connection to satisfy the first requirement of the *Housby* test).

¶ 34 The second requirement of the *Housby* test has been satisfied because Officer Barney initially observed defendant directly in front of the residence moments after Hardin believed she stopped hearing the noises outside her bedroom. Additionally, the burglary took place at 4 a.m. and neither Barney nor Officer Neita observed any vehicles or other people on the street that morning. Furthermore, the time between Barney’s first encounter with defendant in front of the

residence and Neita's detention of her was minimal, as she only was able to travel 200 yards. Lastly, defendant was in possession of all of the property Hardin reported missing. Therefore, defendant's guilt for residential burglary is more likely than not to flow from her recent, unexplained and exclusive possession of the property taken from the apartment.

¶ 35 Lastly, the third requirement of the *Housby* test has been satisfied based on the same evidence that satisfied the second requirement of the test. Although there was no forensic evidence linking defendant to being the offender inside the residence and there was no description of the offender as no one actually observed the person inside the apartment, defendant's presence in front of the burglarized residence possibly seconds after the offender left the residence corroborated her guilt for the offense beyond her mere unexplained and exclusive possession of Hardin's missing property. Consequently, a rational trier of fact could have found defendant guilty of residential burglary.

¶ 36 Nevertheless, in arguing there was insufficient evidence to convict her of residential burglary, defendant attacks the timeline of events, as testified to by Hardin and Officers Barney and Neita. For instance, defendant asserts that Hardin initially said that she believed the noises outside her bedroom stopped moments before the police arrived, but highlights that Hardin also said she did not hear anyone slam or shut her door, could not be certain when the suspect left her apartment and if the suspect had even left the apartment. Furthermore, defendant points out that there was evidence presented that Barney received the radio transmission of the burglary in progress at 4 a.m. and arrived at the apartment at 4:06 a.m., leaving, according to defendant, "a gap of time as large as six minutes during which the intruder could have left the apartment, abandoned the property, and left the area."

¶ 37 We acknowledge that the timeline of events was not clear and consistent at all times, although undoubtedly, the events in question took place within a relatively short period of time. Regardless, when a defendant challenges her conviction based upon the sufficiency of the evidence, the evidence is viewed in the light most favorable to the State with all reasonable inferences in its favor. *Brown*, 2013 IL 114196, ¶ 48; *Lloyd*, 2013 IL 113510, ¶ 42. When viewing the evidence in this case in the light most favorable to the State, the facts establish that Hardin stopped hearing the noises outside her bedroom moments before the police arrived and therefore defendant's presence directly outside the apartment was similarly moments after the offender left.

¶ 38 Defendant also suggests it is possible that, between the time Barney initially observed her and when Neita stopped her, she could have "discovered the proceeds of the burglary somewhere along Clybourn Avenue." This argument may have some credence if the crime was not committed around 4 a.m. and the property discovered in defendant's possession was some, but not all, of the property taken from Hardin. However, the evidence showed that the only property missing from Hardin's apartment was the very property found in defendant's possession.

¶ 39 Based on our review of the evidence, we cannot find it is so unreasonable, improbable, or unsatisfactory as to justify a reasonable doubt of her guilt for residential burglary. See *Brown*, 2013 IL 114196, ¶ 48. Accordingly, we affirm defendant's conviction.

¶ 40 Defendant lastly contends that the trial court improperly imposed a \$5 court systems assessment against her and failed to give her \$5 per day of presentence custody credit toward her state police operations assessment which, she argues, qualified as a fine. Although defendant did not challenge these assessments in the trial court, a reviewing court may modify a fines and fees

order without remanding the matter to the trial court under Illinois Supreme Court Rule 615(b)(1) (*People v. Bryant*, 2016 IL App (1st) 140421, ¶ 22), and “a defendant may request presentence [custody] credit for the first time on appeal.” *People v. Lake*, 2015 IL App (3d) 140031, ¶ 31. We review the propriety of the trial court’s imposition of fines and fees *de novo*. *Bryant*, 2016 IL App (1st) 140421, ¶ 22.

¶ 41 Defendant first argues that the trial court improperly imposed against her a \$5 court system assessment (55 ILCS 5/5-1101(a) (West 2014)). The State apparently misconstrues defendant’s argument, as in responding, it argues that she is not entitled to presentence custody credit toward this assessment.

¶ 42 The \$5 court system assessment applies only to defendants “on a judgment of guilty or a grant of supervision for violation of the Illinois Vehicle Code other than Section 11-501 or violations of similar provisions contained in county or municipal ordinances committed in the county.” 55 ILCS 5/5-1101(a) (West 2014). Here, defendant was convicted of residential burglary and theft of property exceeding \$500, but not exceeding \$10,000, both felonies. See 720 ILCS 5/16-1(a)(1), (b)(4); 19-3(a), (b) (West 2014). Therefore, the trial court improperly imposed this assessment, and we vacate it.

¶ 43 Defendant next argues, and the State correctly concedes, that she is entitled to \$5 per day of presentence custody credit toward a \$15 state police operations assessment (705 ILCS 105/27.3a(1.5) (West 2014)). This assessment is a fine subject to presentence custody credit. See *People v. Millsap*, 2012 IL App (4th) 110668, ¶ 31. Defendant served 435 days in presentence custody and thus has \$2,175 in presentence custody credit available. See 725 ILCS 5/110-14(a) (West 2014) (a defendant incarcerated on a bailable offense who does not supply bail and against

No. 1-15-1624

whom a fine is levied is allowed a credit of \$5 for each day of presentence custody). Accordingly, the \$15 state police operations assessment should be fully offset by presentence custody credit.

¶ 44 For the foregoing reasons, the \$5 court system assessment is vacated and defendant's \$15 state police operations assessment is fully offset by his presentence custody credit. The clerk of the circuit court is directed to modify the fines and fees order accordingly. The judgment of the circuit court of Cook County is affirmed in all other respects.

¶ 45 Affirmed as modified.

EXHIBIT 13



CHICAGO POLICE DEPARTMENT

3510 South Michigan Avenue/Chicago, Illinois
60653
Identification Section



CRIMINAL HISTORY REPORT

CPD-31903C (REV. 7/04)

>>> CONVICTED FELON <<<

HAMPTON, DEON

IR # [REDACTED]
SID # [REDACTED]
FBI # [REDACTED]
IDOC #

Current Arrest Information:

Date of Birth: 16-FEB-1991
Age: 24 years
Place of Birth: ILLINOIS

Drivers License #:

Drivers Lic. State:

Scars, Marks & Tattoos:

Key Historical Identifiers:

<u>Alias or AKA used</u>	<u>Date Used</u>	<u>Dates of Birth Used</u>
HAMPTON, DEON	17-FEB-2014	[REDACTED] 1991
HAMPTON, DEON	18-JUN-2012	[REDACTED] 1991
HAMPTON, DEON L	21-DEC-2008	[REDACTED] 1991
HAMPTON, DEON L	11-SEP-2008	[REDACTED] 1991
HAMPTON, DEON	06-JUL-2008	[REDACTED] 1990

Criminal Justice Summary: Total arrests: 11 (3 Felony, 7 Misdemeanor)

Total convictions: 5

ARREST

Arrest Name: HAMPTON, DEON

Arrest Date: 13-AUG-2014 Holding Facility: CCSPD - 26TH CALIFORNIA

Date of Birth: [REDACTED] 1990

Arrest Address: 2834 W 31ST ST CHICAGO, IL 60623

DCN or CB: 018954357

Residence: 1458 CHICAGO EVANSTON, IL

Officer: SHEPPARD

Officer Badge#: 557

Arresting Agency: CCSPD - 26TH CALIFORNIA

Count Class Type Statute

Arrest Charge Description

Inchoate

[1] A M 720 ILCS 5.0/12-3-A-2

Battery - Make Physical Contact

OFFENSE AS CITED

COURT CHARGES/DISPOSITION

Statute

Charge

Class

Case#

720-5/12-3-A-2

BATTERY - MAKE PHYSICAL CONTA

M

14123091301

Disposition: SENTENCED/COUNTY DEPARTMENT OF CORRECTIONS

Disposition Date: 20-AUG-2014

CPD photo

MALE
BLACK
5'05"
125 lbs
EYES : BRO
HAIR : BLK
HAIR STYLE :
SHORT
COMPLEXION :
MBR



Sentence: JAIL 000 YEARS 00 MONTHS 006 DAYS

Sentence Date: 20-AUG-2014

CONVICTED

ARREST

Arrest Name: HAMPTON, DEON Arrest Date: 17-FEB-2014 Holding Facility: CPD - DISTRICT 002 MALE
 Date of Birth: [REDACTED]-1991 Arrest Address: 2425 N CLYBOURN AVE CHICAGO, IL 60614
 DCN or CB: 018837924 Residence: 6364 S DR MARTIN LUTHER KING JR DR CHICAGO, IL 60637
 Officer: BRANDAU Officer Badge#: 9102 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	1	F	720 ILCS 5.0/19-3-A	Burglary - Residential	OFFENSE AS CITED

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-5/19-3(A)	RESIDENTIAL BURGLARY	F	14CR0387201
<i>Disposition:</i> SENTENCED/ILLINOIS DEPARTMENT OF CORRECTIONS		<i>Disposition Date:</i> 28-APR-2015	
<i>Sentence:</i> DOC 010 YEARS 00 MONTHS 000 DAYS		<i>Sentence Date:</i> 28-APR-2015	
<i>Disposition:</i> ARREST WARRANT - RECALLED AND QUASHED		<i>Disposition Date:</i> 28-APR-2015	
<i>Sentence:</i>		<i>Sentence Date:</i>	

CONVICTED

ARREST

Arrest Name: HAMPTON, DEON L Arrest Date: 31-JAN-2014 Holding Facility: CCSPD - MAYBROOK
 Date of Birth: [REDACTED]-1991 Arrest Address: 700 W LINCOLN STREET PONTIAC, IL 61764
 DCN or CB: 018819187 Residence: 6364 S DR MARTIN LUTHER KING JR DR CHICAGO, IL 60637
 Officer: BRADLEY Officer Badge#: 10273 Arresting Agency: CCSPD - MAYBROOK

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	A	M	720 ILCS 5.0/12-3-A-1	Battery - Cause Bodily Harm	OFFENSE AS CITED

ARREST

Arrest Name: HAMPTON, DEON L Arrest Date: 06-NOV-2012 Holding Facility: CPD - DISTRICT 009
 Date of Birth: [REDACTED]-1991 Arrest Address: 4704 S BISHOP ST CHICAGO, IL 60609
 DCN or CB: 018532607 Residence: 5613 S MORGAN ST CHICAGO, IL 60621
 Officer: POLIDORO Officer Badge#: 12295 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	-		725 ILCS 5.0/110-3	Issuance Of Warrant	OFFENSE AS CITED
[2]	A	M	720 ILCS 5.0/12-2-A	Aggravated Assault/Public Prop	OFFENSE AS CITED
[1]	A	M	720 ILCS 5.0/16-1-A-1-B	Thft Control Know Deprive<\$500	OFFENSE AS CITED

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-5/12-2-A	AGGRAVATED ASSAULT/PUBLIC	M	12123006901
<i>Disposition:</i> STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE		<i>Disposition Date:</i> 15-NOV-2012	
<i>Sentence:</i> JAIL 000 YEARS 00 MONTHS 200 DAYS		<i>Sentence Date:</i> 15-NOV-2012	

Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE

Disposition Date: 15-NOV-2012

Sentence: JAIL 000 YEARS 00 MONTHS 200 DAYS

Sentence Date: 15-NOV-2012

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-5/16-1-A-1-B	THFT CONTROL KNOW DEPRIVE	M	12123006901

Disposition: SENTENCED/COUNTY DEPARTMENT OF CORRECTIONS

Disposition Date: 15-NOV-2012

Sentence: JAIL 000 YEARS 00 MONTHS 200 DAYS

Sentence Date: 15-NOV-2012

CONVICTED

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
725 ILCS 5.0/110-3	ISSUANCE OF WARRANT		

Disposition: ARRESTED ON WARRANT

Disposition Date: 06-NOV-2012

Sentence:

Sentence Date:

ARREST

Arrest Name: HAMPTON, DEON

Arrest Date: 24-JUL-2012 Holding Facility: CPD - DISTRICT 007

Date of Birth: [REDACTED]-1990

Arrest Address: 5613 S RACINE AVE CHICAGO, IL 60636

DCN or CB: 018458418

Residence: 5613 S RACINE AVE CHICAGO, IL 60636

Officer: VAUGHAN

Officer Badge#: 17244 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]			725 ILCS 5.0/110-3	Issuance Of Warrant	OFFENSE AS CITED

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
SEE CB# 18431253	ISSUANCE OF WARRANT		12122577201

Disposition: ARRESTED ON WARRANT

Disposition Date: 24-JUL-2012

Sentence:

Sentence Date:

ARREST

Arrest Name: HAMPTON, DEON

Arrest Date: 18-JUN-2012 Holding Facility: CPD - DISTRICT 009

Date of Birth: [REDACTED] 1991

Arrest Address: 3810 S HALSTED ST CHICAGO, IL 60609

DCN or CB: 018431255

Residence: 5613 S MORGAN ST CHICAGO, IL 60621

Officer: NORRIS

Officer Badge#: 16143 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	A	M	720 ILCS 5.0/12-3-A-1	Battery - Cause Bodily Harm	OFFENSE AS CITED
[1]	B	M	720 ILCS 5.0/21-3-A-2	Criminal Trespass To Land	OFFENSE AS CITED
[1]	A	M	720 ILCS 5.0/16-1-A-1	Theft/Unauthorized Con/\$500	OFFENSE AS CITED

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-5/12-3-A-1	BATTERY - CAUSE BODILY HARM	M	12122577201

Disposition: PLEA/GUILTY - FINDING OF GUILTY

Disposition Date: 02-AUG-2012

Sentence: CONDITIONAL DISCHARGE 1 YEARS

Sentence Date: 02-AUG-2012

CONVICTED

Disposition: BAIL BOND FORFEITURE

Disposition Date: 20-FEB-2014

Sentence:

Sentence Date:

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-5/16-1-A-1	THEFT/UNAUTHORIZED CON/\$5	M	12122577201

Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE

Disposition Date: 02-AUG-2012

Sentence:

Sentence Date:

Disposition: BAIL BOND FORFEITURE

Disposition Date: 20-FEB-2014

Sentence:

Sentence Date:

Disposition: ARREST WARRANT - ORDERED AND ISSUED

Disposition Date: 03-APR-2013

Sentence:

Sentence Date:

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-5/21-3-A-2	CRIMINAL TRESPASS TO LAND	M	12122577201

Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE

Disposition Date: 02-AUG-2012

Sentence:

Sentence Date:

Disposition: BAIL BOND FORFEITURE

Disposition Date: 20-FEB-2014

Sentence:

Sentence Date:

ARREST

Arrest Name: HAMPTON, DEON L

Arrest Date: 10-MAR-2009 Holding Facility: CPD - DISTRICT 009

Date of Birth: [REDACTED]-1991

Arrest Address: 4200 S ASHLAND AVE CHICAGO, IL 60609

DCN or CB: 017509205

Residence: 6820 S LAFAYETTE AVE CHICAGO, IL 60621

Officer: WENDLANDT

Officer Badge#: 13686 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	-		725 ILCS 5.0/110-3	Issuance Of Warrant	OFFENSE AS CITED
[1]	2	F	720 ILCS 5.0/19-1-A	Burglary	OFFENSE AS CITED
[1]	X	F	720 ILCS 5.0/12-11-A-2	Home Invasion - Cause Injury	OFFENSE AS CITED
[1]	A	M	720 ILCS 5.0/19-4-A-1	Crim Trespass To Residence	OFFENSE AS CITED
[3]	B	M	720 ILCS 5.0/21-3-A-2	Criminal Trespass To Land	OFFENSE AS CITED

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720 5/12-11-A-2		M	09112493701

Disposition: SUPERCEDED BY INDICTMENT

Disposition Date: 30-MAR-2009

Sentence:

Sentence Date:

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720 5/19-1-A		M	09112493701

Disposition: SUPERCEDED BY INDICTMENT

Disposition Date: 30-MAR-2009

Sentence:

Sentence Date:

COURT CHARGES/DISPOSITION

Statute

Charge

Class

Case#

720 5/19-4-A-1

M 09112493701

Disposition: SUPERCEDED BY INDICTMENT

Disposition Date: 30-MAR-2009

Sentence:

Sentence Date:

COURT CHARGES/DISPOSITION

Statute

Charge

Class

Case#

720 5/21-3-A-2

M 09112493701

Disposition: SUPERCEDED BY INDICTMENT

Disposition Date: 30-MAR-2009

Sentence:

Sentence Date:

Disposition: SUPERCEDED BY INDICTMENT

Disposition Date: 30-MAR-2009

Sentence:

Sentence Date:

Disposition: SUPERCEDED BY INDICTMENT

Disposition Date: 30-MAR-2009

Sentence:

Sentence Date:

COURT CHARGES/DISPOSITION

Statute

Charge

Class

Case#

720-5/12-11(A)(2)

HOME INVASION/CAUSE INJUR

F

09CR0545101

CONVICTED

Disposition: SENTENCED/ILLINOIS DEPARTMENT OF CORRECTIONS

Disposition Date: 12-AUG-2010

Sentence: DOC 000 YEARS 00 MONTHS 006 DAYS

Sentence Date: 12-AUG-2010

Disposition: NOLLE PROSEQUI

Disposition Date: 12-AUG-2010

Sentence:

Sentence Date:

Disposition: NOLLE PROSEQUI

Disposition Date: 12-AUG-2010

Sentence:

Sentence Date:

Disposition: NOLLE PROSEQUI

Disposition Date: 12-AUG-2010

Sentence:

Sentence Date:

Disposition: ARREST WARRANT - RECALLED AND QUASHED

Disposition Date: 12-AUG-2010

Sentence:

Sentence Date:

COURT CHARGES/DISPOSITION

Statute

Charge

Class

Case#

720-5/18-1(A)

ROBBERY

F

09CR0545101

Disposition: NOLLE PROSEQUI

Disposition Date: 12-AUG-2010

Sentence:

Sentence Date:

COURT CHARGES/DISPOSITION

Statute

Charge

Class

Case#

720-5/19-1(a)

BURGLARY

F

09CR0545201

CONVICTED

Disposition: SENTENCED/ILLINOIS DEPARTMENT OF CORRECTIONS

Disposition Date: 12-AUG-2010

Sentence: DOC 006 YEARS 00 MONTHS 000 DAYS

Sentence Date: 12-AUG-2010

Disposition: ARREST WARRANT - RECALLED AND QUASHED

Disposition Date: 12-AUG-2010

Sentence:

Sentence Date:

COURT CHARGES/DISPOSITION

Statute

Charge

Class

Case#

720-5/19-3(A)

RESIDENTIAL BURGLARY

F

09CR0545101

Disposition: NOLLE PROSEQUI

Disposition Date: 12-AUG-2010

Sentence:

Sentence Date:

Disposition: NOLLE PROSEQUI

Disposition Date: 12-AUG-2010

Sentence:

Sentence Date:

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
725 ILCS 5.0/110-3	ISSUANCE OF WARRANT/SEE CB17446421		08130053601

Disposition: ARRESTED ON WARRANT

Disposition Date: 10-MAR-2009

Sentence:

Sentence Date:

ARREST

Arrest Name: HAMPTON, DEON L

Arrest Date: 14-JAN-2009 Holding Facility: CPD - DISTRICT 018

Date of Birth: [REDACTED] 1991

Arrest Address: 1923 N DAYTON ST CHICAGO, IL 60614

DCN or CB: 017463842

Residence: 6820 S LAFAYETTE AVE CHICAGO, IL 60621

Officer: KRUPA

Officer Badge#: 7764 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]			725 ILCS 5.0/110-10-A-4	Conditions Of Bail Bond	OFFENSE AS CITED
[1]	A	M	720 ILCS 5.0/19-4-A-1	Crim Trespass To Residence	OFFENSE AS CITED
[1]	P		720 ILCS 5.0/16-2	Theft Of Lost/Mislaidd Property	OFFENSE AS CITED

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-5/16-2	THEFT LOST/MIS.PROPERTY	M	09121268701

Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE

Disposition Date: 03-FEB-2009

Sentence: PUBLIC SERVICE 000 YEARS 00 MONTHS 000 DAYS

Sentence Date: 03-FEB-2009

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-5/19-4(A)(1)	CCTR	M	09121268701

Disposition: SENTENCED/COURT SUPERVISION

Disposition Date: 03-FEB-2009

Sentence: SUPERVISION 000 YEARS 06 MONTHS 000 DAYS

Sentence Date: 03-FEB-2009

Disposition: SENTENCED/COMMUNITY SERVICE

Disposition Date: 03-FEB-2009

Sentence: PUBLIC SERVICE 000 YEARS 00 MONTHS 000 DAYS

Sentence Date: 03-FEB-2009

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
725-5/110-10(A)(4)	VIOLATION BAIL BOND	M	09121268701

Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE

Disposition Date: 03-FEB-2009

Sentence: PUBLIC SERVICE 000 YEARS 00 MONTHS 000 DAYS

Sentence Date: 03-FEB-2009

ARREST

Arrest Name: HAMPTON, DEON L

Arrest Date: 21-DEC-2008 Holding Facility: CPD - DISTRICT 007

Date of Birth: [REDACTED] 1991

Arrest Address: 6820 S LAFAYETTE AVE CHICAGO, IL 60621

DCN or CB: 017446421

Residence: 6820 S LAFAYETTE AVE CHICAGO, IL 60621

Officer: SERRANO JR

Officer Badge#: 12766 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	A	M	720 ILCS 5.0/26-1-A-11	Disorderly Conduct - False Report/Public Safety Agency	OFFENSE AS CITED

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-5/26-1-A-11	DISORDERLY CONDUCT - FALS	M	08130053601
<i>Disposition:</i> BAIL BOND FORFEITURE		<i>Disposition Date:</i> 18-FEB-2009	
<i>Sentence:</i>		<i>Sentence Date:</i>	
<i>Disposition:</i> SENTENCED/COURT SUPERVISION		<i>Disposition Date:</i> 13-MAR-2009	
<i>Sentence:</i> SUPERVISION 001 YEARS 00 MONTHS 000 DAYS		<i>Sentence Date:</i> 13-MAR-2009	
<i>Disposition:</i> ARREST WARRANT - ORDERED AND ISSUED		<i>Disposition Date:</i> 18-FEB-2009	
<i>Sentence:</i>		<i>Sentence Date:</i>	

ARREST

Arrest Name: HAMPTON, DEON L Arrest Date: 11-SEP-2008 Holding Facility: CPD - DISTRICT 019 MALE
 Date of Birth: [REDACTED] 1991 Arrest Address: 3233 N SHEFFIELD AVE CHICAGO, IL 60657
 DCN or CB: 017359587 Residence: 6820 S LAFAYETTE AVE CHICAGO, IL 60621
 Officer: FORRESTAL Officer Badge#: 20422 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	3	F	720 ILCS 5.0/12-4-B-1	Agg Battery - Weapon/No Firearm	OFFENSE AS CITED

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
<i>Disposition:</i> DETAINED (ADULT PROCESSED ON JUVENILE WARRANT OR ARREST)		<i>Disposition Date:</i> 12-SEP-2008	
<i>Sentence:</i>		<i>Sentence Date:</i>	

ARREST

Arrest Name: HAMPTON, DEON Arrest Date: 06-JUL-2008 Holding Facility: CPD - DISTRICT 019 MALE
 Date of Birth: [REDACTED] 1990 Arrest Address: 3200 N CLARK ST CHICAGO, IL 60657
 DCN or CB: 017293555 Residence: 255 W 111TH ST CHICAGO, IL 60628
 Officer: SORISTO Officer Badge#: 13703 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[2]	A	M	720 ILCS 5.0/12-3-A-1	Battery - Cause Bodily Harm	OFFENSE AS CITED
[1]	A	M	720 ILCS 5.0/24-1-A-2	Uuw - Weapon - Carry W/ Intent Knife	OFFENSE AS CITED

COURT CHARGES/DISPOSITION

Statute	Charge	Class	Case#
720-5/12-3-A-1	BATTERY - CAUSE BODILY HA	M	08123041601
<i>Disposition:</i> STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE		<i>Disposition Date:</i> 13-AUG-2008	
<i>Sentence:</i>		<i>Sentence Date:</i>	

Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE

Disposition Date: 13-AUG-2008

Sentence:

Sentence Date:

COURT CHARGES/DISPOSITION

<u>Statute</u>	<u>Charge</u>	<u>Class</u>	<u>Case#</u>
720-5/24-1-A-2	UUW - WEAPON - CARRY W/	M	08123041601

Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE

Disposition Date: 13-AUG-2008

Sentence:

Sentence Date:

End of Report

This Chicago Police Department IR rap-sheet should not replace the use of the Illinois State Police statewide criminal history transcript, which may contain additional criminal history data and can be obtained by performing a CQR1 inquiry via your LEADS terminal.

12-APR-2019 10:33

Requested by: 