

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS DIVISION**

TAY TAY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 19-00501-NJR
	)	
JOHN BALDWIN, et al.,	)	
	)	
Defendants.	)	

**CASE MANAGEMENT PLAN AND RESPONSE TO COURT'S ORDER**

Defendants, CHARLES CAMPBELL, JEFFERY DENNISON, JOE GARRETT, KRISTIN HAMMERSLEY, LARRY HICKS, ROB JEFFREYS, JERID PICKFORD, JAMIN SORIA, GREGORY STUCK and LU WALKER, for their Case Management Plan and Response to the Court's Order [Doc. 132, Doc. 133] state as follows:

**I. INTRODUCTION:**

Plaintiff Tay Tay, a transgender woman, is currently incarcerated at Danville Correctional Center [Danville]. In an undated letter, Plaintiff informed Danville Internal Affairs that another transgender inmate was moving into Plaintiff's living unit, and Plaintiff stated that she did not want to be around her. [Exhibit A]. Plaintiff was subsequently moved when that inmate was placed in her living unit. [Exhibit B]. After the move, Plaintiff retained her job as a Porter [Exhibit C], but lost her position as a mentor. This was initially due to the new placement, however due to the exigency of the Covid-19 response, no changes have been made to her status since mid-March.

As discussed by the Court, Plaintiff alleges that she was denied entry into the Divine Hope Reformed Bible Seminary Certificate of Christian Studies program because she was a transgender woman. [Doc. 132]. That allegation was the subject of a Prison Rape Elimination Act (PREA)

claim Plaintiff made on January 23, 2020. [Exhibit D]. During the course of the investigation of Plaintiff's allegation, the individual in charge of the Seminary reported that Plaintiff was denied entry because she had not completed the application correctly, and had poor writing skills. *Id.* Plaintiff's application is attached here as Exhibit E.

The Divine Hope Reformed Bible Seminary is an institution that provides Biblical and theological instruction to inmates incarcerated in Illinois and Indiana.<sup>1</sup> According to Chaplain Christopher Easton, Volunteer Coordinator at Danville, no one at Danville denied Plaintiff admission to the Certificate in Christian Studies program or ultimately decided whether Plaintiff was qualified to attend.

On November 19, 2019, Plaintiff told her Mental Health Professional that she wanted to transfer to either "Joliet," Big Muddy River Correctional Center, or Logan Correctional Center (Logan), and on January 15, 2020 reported that she wanted to transfer to either "Joliet" or Logan. Mental health notes thereafter document that she told her MHP that she wanted a transfer to Logan only. On May 6, 2020, Plaintiff sent a letter to the Warden at Danville, citing Doc. 132, and requesting a transfer to Logan "ASAP." [Exhibit F].

## **II. CASE MANAGEMENT PLAN:**

In response to the Court's Order at Doc. 132, the following steps will be taken regarding the Plaintiff:

1. Schedule a meeting with Danville medical and mental health staff (Medical director, therapist, and lead social worker), Assistant Warden of Programs, Dr. Conway (Agency Deputy Medical Director), Dr. Reister (Southern Regional Psychologist Administrator), Dr Luke Fairless (Central Regional Administrator) and Dr. William Puga (Chief of Psychiatry) to review Plaintiff's

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<sup>1</sup> <https://divinehope.net/our-mission/>

current security concerns, medical and mental status and concerns, including her requests for hormone therapy, and her request to transfer to Logan.

Criteria that will be considered when making a recommendation regarding transferring her from one gender-specific facility to Logan, an opposite gender facility, in addition to her physical stature and sexual potency, include the following: a review of the nature of any PREA complaints and grievances she has lodged, her criminal history, and her medical, psychiatric and disciplinary records, her security level, her current gender expression, her medical and mental health needs/information, her vulnerability to sexual victimization, and the likelihood of perpetrating abuse. Facility-specific factors regarding Logan including the inmate population, consideration of the safety and security needs of other offenders, facility staffing patterns, and physical layout (e.g. types of showers available) of the facility will also be considered.

Timeframe: Within two (2) weeks.

2. At the meeting discussed in ¶1, discuss sending Plaintiff for an Endocrinology consult to resolve issues related to the safe administration of feminizing hormones due to Plaintiff's personal and family medical history, and agree to follow the reasonable and medically necessary recommendations of the consultant.

Timeframe: Within two (2) weeks.

3. Obtain a consultation with an Endocrinologist with expertise in the medical management of transgender patients.

Timeframe: Within two (2) weeks, however the timing of the appointment itself will depend on the consultant's availability, and the limitations of the Covid-19 restrictions on inmate movement.

4. Conduct a telemedicine conference with Plaintiff, Dr. Puga, and Dr. Reister to discuss her

request for transfer to Logan, factors discussed in ¶1, as well as the recommendations of the Endocrinologist and what effect, if any, hormones are expected to have on Plaintiff's physical appearance or mental state and whether they are expected to affect her differently at a male or female institution. It will be stressed that Plaintiff's commitment to both social and medical transitioning, her participation in all recommended psychiatric and mental health treatment and counseling, and her agreement to follow the reasonable and medically necessary recommendations of the Endocrinologist will be considered when making a determination regarding a transfer to Logan.

Timeframe: Within two (2) weeks after Endocrinology consultation.

5. Schedule a meeting with the full Transgender Care Review Committee to discuss Plaintiff's case, including her safety and security concerns at Danville, her PREA complaints, and her current housing assignment.

The Committee will also discuss items listed in ¶¶1-4, above, and determine, based upon an individualized assessment of Plaintiff's readiness, and in compliance with PREA standards, whether transfer to Logan is safe and appropriate for Plaintiff as well as the other inmates housed at Logan.

Timeframe: Within two (2) weeks after meeting with the Plaintiff.

### **III. ADDITIONAL IDOC RESPONSE:**

#### **A. Development of a voluntary housing unit for transgender prisoners:**

The Department has considered the development of a voluntary housing unit for transgender prisoners, and specifically the development of such a housing unit at Logan. The Department has determined that placement of prisoners in such a unit would violate PREA standard 115.42 (g) or (f) unless the housing unit was established in connection with a consent

decree, legal settlement or legal judgment for the purpose of protecting such inmates.<sup>2</sup> The IDOC's position is aligned with that of the Department of Justice's final rule that a dedicated facility, unit, or wing for transgender prisoners would only be established as set forth in 115.42(f).<sup>3</sup>

#### **B. Transgender Care Review Committee:**

The Transgender Care Review Committee (TCRC) is undergoing a period of reorganization. The Department has retained Dr. Erica Anderson, a Psychologist and expert in the psychological aspects of gender and gender identity formation, and with expertise in evaluating patients with psychological disorders and separating those conditions from gender issues, as a consultant.

Based upon Dr. Anderson's recommendations, the current draft plan is to replace the TCRC with two separate committees. The first committee would handle administrative issues such as security, housing, and commissary items available to transgender inmates, will be co-led by Chief of Operations and Chief of Psychiatry. The second committee will focus solely on transgender health issues such as medical and mental health treatment, hormone therapy, and surgery. The transgender health committee will be led by the Agency Deputy Medical Director, and will include additional medical and mental health professionals to ensure the delivery of appropriate care.

#### **C. Training:**

Two levels of training have been developed by Dr. Reister: one for Mental Health Professionals, and one for all other Department staff. It is now required that all Department staff, vendors, and contractors are required to complete a pre-recorded training entitled "Rehabilitation, Safety Management and Care for Transgender People in Correctional Settings" during day two of Institutional Cycle Training or Parole Agent Cycle training. Any Department staff, vendor, and

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<sup>2</sup> <https://www.prearesourcecenter.org/node/5345>

<sup>3</sup> <https://www.ojp.gov/sites/g/files/xyckuh186/files/media/document/PEA-Final-Rule.pdf>

contractor who is not required to complete day two of Cycle Training is required to review printed training materials and complete a “Review and Sign” sheet to document the training.

To date, 4,693 Department employees have received training on transgender people in correctional settings during Cycle Training, and 138 have received the training by the review and sign process, since November 2018.

**D. Staff Discipline:**

This Court directed Defendants to advise the Court as to what discipline, if any, was imposed as a result of the Facebook posts introduced during the preliminary injunction hearing in this matter. Discipline for the Facebook posts entered into evidence as Exhibit 25 at the hearing on Plaintiff’s Motion for Preliminary Injunction has not been specifically tracked. Investigation is ongoing, and the undersigned will notify the Court if additional information is received to respond directly to this inquiry.

Still, 16 correctional staff members from different IDOC facilities have received discipline as a result of inappropriate posts made on social media. These posts were not only gender-specific, they included inappropriate comments based on race and religion. The Department has only tracked individuals who received a suspension of five (5) days or more, or who grieved their disciplined.

As a result of inappropriate posts made on social media by Departmental employees, the Department instituted a new Administrative Directive (AD) titled Personal Use of Social Media [Exhibit G], which states in part:

Employees shall not post, display or transmit \*\*\* [a]ny content that could be viewed as: vulgar; obscene; threatening; intimidating; harassing; as a violation of the Department’s policies on discrimination or harassment; or that is otherwise disparaging to a person or group based on race, religion, sexual orientation or any other protected class under federal or State law. Such content shall include, but not be limited to: (1) Use of ethnic slurs, profanity, personal

insults, any material that is harassing, defamatory, fraudulent or discriminatory, or other content or communications that would not be acceptable under Department Rules, Administrative Directive, or State or federal law; and (2) Use or display of sexually explicit images, cartoons, jokes, messages or other material that would be considered in violation of Department Rules, Administrative Directives and State laws regarding sexual harassment.

All employees are expected to comply with the new policy.

WHEREFORE, for the above and foregoing reasons, Defendants respectfully request this Honorable Court accept this Case Management Plan and Response to the Court's Order of May 1, 2020. [Doc. 132, Doc. 133].

Respectfully submitted,

CHARLES CAMPBELL, JEFFERY DENNISON,  
JOE GARRETT, KRISTIN HAMMERSLEY,  
LARRY HICKS, ROB JEFFREYS, JERID  
PICKFORD, JAMIN SORIA, GREGORY STUCK  
and LU WALKER,

Defendants,

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BY: s/ Carla G. Tolbert  
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Assistant Attorney General

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JOHN BALDWIN, et al.,	)	
	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on May 22, 2020, the foregoing document, Case Management Plan and Response to Court's Order [Doc. 132, Doc. 133], was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Alan Mills	<a href="mailto:alan@uplcchicago.org">alan@uplcchicago.org</a>
Elizabeth Mazur	<a href="mailto:liz@uplcchicago.org">liz@uplcchicago.org</a>
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Vanessa del Valle	<a href="mailto:vanessa.delvalle@law.northwestern.edu">vanessa.delvalle@law.northwestern.edu</a>

and I hereby certify that on the same date, I caused a copy of the document to be mailed by United States Postal Service to the following non-registered participant:

None

By: Carla G. Tolbert  
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