

Three Transgender Protesters Sue Miami-Dade County for Violating Civil Rights in Custody

Corrections Staff Broke Federal and State Law with Abuse, Plaintiffs Tell Federal Court



(MIAMI, FL - JANUARY 31, 2022) Today, three transgender people, Gabriela Amaya Cruz, Christian Pallidine, and Ángel Jae Torres-Bucci, filed suit in federal court against Miami-Dade County for abuse they suffered while in county custody after being arrested at protests for Black lives in 2020.

The three plaintiffs are represented by attorneys from Transgender Legal Defense and Education Fund (TLDEF), the Harvard Law School LGBTQ+ Advocacy Clinic, and the Southern Poverty Law Center (SPLC). They have filed suit in the United States District Court for the Southern District of Florida to ensure that Miami-Dade County's policies regarding the health, safety, and dignity of transgender people in custody are brought to meet the standards required by the Constitution and state and federal law.

According to the complaint filed today, because Amaya Cruz, Pallidine, and Torres-Bucci are transgender, officials at Turner Guilford Knight Correctional Center ("TGK") subjected them to a litany of abuses.

Correctional staff undertook illegal strip searches, called them degrading and humiliating names such as "it" and "hermaphrodite," addressed and referenced them using the wrong gender pronouns, threatened their safety, manhandled and physically hurt them, forced them to remove personal accessories that aligned with their gender, isolated them in solitary cells, denied them medical treatment, and required them to wear clothing associated with the wrong gender in order to be freed from jail.

Amaya Cruz and Torres-Bucci are transgender women who were arrested protesting violence against Black trans women; Pallidine is a transgender man who was arrested after protesting after Derek Chauvin murdered George Floyd. All criminal charges against them were later dropped.

"Here, trans people were protesting violence against Black people, including Black trans people, when police and jail staff targeted them for anti-trans and ableist violence," said Gabriel Arkles, Senior Counsel at TLDEF. "None of them should have been in jail at all. But once there, those charged with enforcing the law should have followed the law themselves and treated our clients decently."

This mistreatment violated the Constitution's promise of equality before the law, the complaint says, by singling people out for different and worse treatment because they are transgender.

"I am still haunted by what happened to me at TGK," said Pallidine. "I was strip searched by four officers. The only reason they did this to me is because I'm transgender. It's important to me that what happened to me never happens to anyone else."

Counsel for the plaintiffs argue that the county broke numerous other federal and state laws protecting them from discrimination and harm, including among others the Americans with Disabilities Act, the Prison Rape Elimination Act, and Florida statutes on strip searches.

"I felt really uncomfortable, embarrassed, dehumanized and fully erased," Ms. Amaya Cruz said. "It took me so long to be comfortable with my identity and I worked so hard to build this level of confidence and radiance and power toward myself that when I was in there, I felt like all of my hard work and all of my fight was not important... like it didn't matter."

The complaint seeks damages for the three plaintiffs for injury suffered in custody and a declaration that the County's actions violated the law.

"Transgender people deserve dignity and respect, especially in settings where they are at increased risk such as local jails," Scott McCoy, Interim Deputy Legal Director at Southern Policy Law Center said. "Unfortunately, Miami-Dade County failed our clients miserably."

Torres-Bucci shared how their horrible experience in custody drove their commitment to driving change.

"I was misgendered and abused by the staff and officers, forced to undergo a humiliating and illegal strip search, and placed in solitary confinement," they said. "The officers tried to rip my own hair off of my head because they thought it was a wig. We need to make changes to the Miami-Dade Correctional system to end brutality against transgender people, once and for all."

Plaintiffs and their counsel have recommended changes to jail policies and practices including:

- Housing transgender people in custody where they say will be safest for them and ending discriminatory placements in solitary cells.
- Allowing transgender people in custody to dress according to their identity, and not discriminating based on dress.
- Training staff to understand the limited range of instances where a strip search is allowed by law, and ending the illegal practice of strip-searching people because they are trans.
- Giving transgender people in custody access to proper medical care and needed medications.
- Protecting the confidentiality of people in custody's gender and other medical history.
- Referring to transgender people in custody by the correct names and pronouns and not disclosing that they are transgender to anyone without a need to know.
- Absolutely forbidding the use of degrading names and requiring that people in custody be treated with respect by all corrections staff.
- Creating meaningful consequences for staff and administrators that fail to meet that standard.

"No one knows what keeps trans and non-binary people safer than trans and non-binary community members," said Anya Marino, Clinical Instructor at Harvard Law School. "The County needs to update its practices not only to align with federal and state law, but with what the community is saying it needs to ensure members' safety and dignity."

The lawsuit comes after nearly a year of attempts to resolve the plaintiffs' claims outside of litigation, which were not successful.

Readers looking to show support for the plaintiffs can sign a petition at bit.ly/bucci-petition.

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