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Transgender prisoner files lawsuit against Indiana DOC after being prevented access to surgery

ACLU Indiana

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EVANSVILLE, Ind. — The Indiana office of the American Civil Liberties Union, on behalf of a transgender prisoner, has filed a lawsuit in federal court against the commissioner of the Indiana Department of Correction regarding the department's enforcement of a recent Indiana code on sexual reassignment surgery.

According to a complaint, filed Monday in the Evansville division of the United States District Court for the Southern District of Indiana, Autumn Cordellioné, also known as Jonathan Richardson, was diagnosed with gender dysphoria when she was incarcerated at the Branchville Correctional Facility, a male facility, in Perry County.

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While Cordellioné was prescribed and had been taking a female hormone and testosterone blocker, court documents stated she continued to suffer from depression and anxiety. Because of this development, the documents stated gender-affirming surgery became a medical necessity so Cordellioné's gender dysphoria could be "ameliorated."

As of July 1, a new state statute prevented the surgery from occurring. Indiana Code 11-10-3-3.5 said that the Indiana DOC "may not authorize the payment of any money, the use of state resources or the payment of any federal money administered by the state to provide or facilitate sexual reassignment surgery to an offender patient."

"For some persons, including Plaintiff, the surgery is a medical necessity," the complaint reads. "By prohibiting the surgery, regardless of medical need, the statute mandates deliberate indifference to a serious medical need and therefore violates the Eighth Amendment. Additionally, the statute discriminates against Plaintiff and other transgender prisoners in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Accordingly, injunctive and declaratory relief should be granted so that Plaintiff may receive gender-affirming surgery."

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The lawsuit said this particular part of the Indiana code is causing Cordellioné "severe distress that cannot be alleviated," because it prevents her from having medically necessary treatment. Officials said the code is a law that "targets transgender prisoners and makes it impossible for them to receive necessary medical care."

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The lawsuit continued, "Non-transgender Indiana prisoners can receive medically necessary surgeries. This unwarranted and intentional discrimination against Plaintiff and other transgender prisoners, because of their transgender status, violates equal protection."

In the lawsuit, Cordellioné is requesting that a preliminary injunction be issued, preventing the Indiana DOC from enforcing the code. The lawsuit also said that under the injunction, the Indiana DOC would provide Cordellioné with the "preparatory steps prior to the performance of the surgery, and providing the surgery itself."

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"The DOC cannot deny necessary treatment to incarcerated people simply on the basis that they are transgender. To do so is a form of discrimination," Ken Falk, the legal director for the ACLU of Indiana, said in a news release from the ACLU. "Gender-affirming care is life-saving

Transgender prisoner files lawsuit against Indiana DOC after being prevented access to surgery care. If the legislature can deny a form of healthcare arbitrarily, they could just as easily deny other lifesaving treatments to people who are incarcerated.”

In a statement provided to FOX59/CBS4 from the office of Indiana Attorney General Todd Rokita, officials said that Indiana residents do not want their tax dollars going towards these surgeries.

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“The approximate cost of these surgeries ranges from \$10,000 to \$150,000,” the statement read. “This is not necessary medical treatment – it is an atrocity. This should be common sense, which is something the ACLU continuously ignores. We will not back down and will continue to back the rule of law.”

A response from the commissioner of the Indiana DOC has not yet been filed in federal court, according to the court docket.

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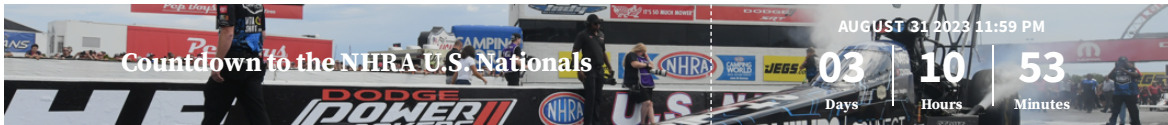
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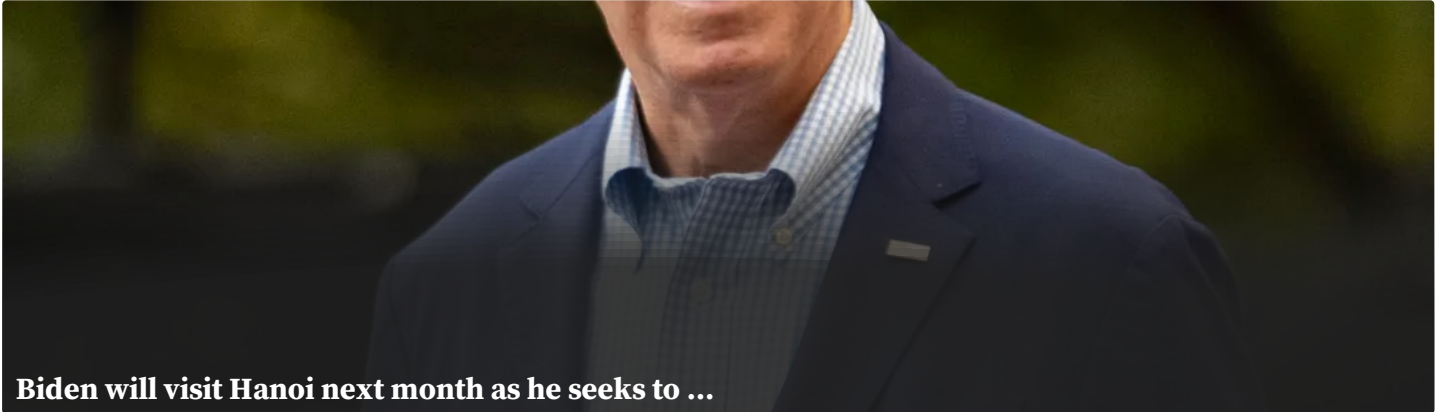
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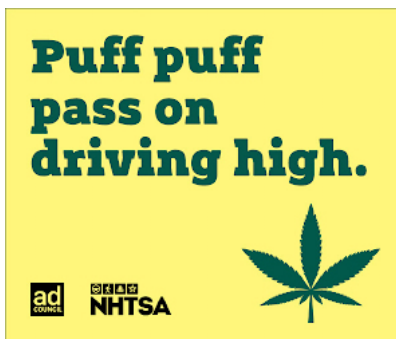


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