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LOCAL

Transgender inmate files suit against Marion prison for physical and sexual abuse

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MARION — A transgender woman has filed a civil rights case against Marion prison officials and staff, alleging they failed to protect her from physical and sexual abuse while in prison.

The civil rights complaint was filed in U.S. District Court in Toledo last month by attorneys for a former Marion Correctional Institution inmate who has been living as a woman for 26 years, according to the complaint.

In the complaint, she alleges that staff and officials at Marion Correctional Institution were "deliberately indifferent" to the risks posed to her safety as a black, transgender inmate, resulting in two violent attacks in 2018 and 2019 that the woman and her attorneys say were "foreseeable and preventable."

She was sent to Marion Correctional Institution, a minimum- and medium-security men's prison that houses roughly 2,500 prisoners, in October 2018 after a Cuyahoga County judge sentenced her to 11 months in prison for grand theft and possessing criminal tools, both the lowest-level felony, for shoplifting designer purses from Nordstrom in a Cleveland suburb, according to the complaint and court records.

Under state law, convictions for low-level, non-violent felonies normally result in probation or local jail time, but the judge found an exception in the woman's case, as she was previously convicted of a violent felony, according to court records.

The lawsuit says the woman faced discrimination and bias from other prisoners and staff. At one point, she was moved into a cell with a white prisoner with alleged ties to white supremacists, according to the complaint.

The complaint says the cellmate made comments that made the woman afraid for her safety, which she reported to staff. It goes on to allege the cellmate physically and sexually assaulted

her once in December 2018 and again in January 2019.

Ohio Department of Rehabilitation and Corrections does not comment on pending litigation, but spokesperson JoEllen Smith said the agency takes any allegation of sexual assault seriously and pointed to policies Ohio prisons are required to follow related to sexual assault.

ODRC policy requires that all new employees receive instruction related to the prevention, detection, response, and investigation of sexual misconduct and that prisons provide training on sexual misconduct annually.

Under ODRC policy, inmates are to be screened for their risk of being sexually abusive or being sexually abused by others. There are also policies relating specifically to LGBT inmates that require staff to consider how a transgender or intersex inmate's health and safety could be impacted by their housing assignment.

A 2018 audit of Marion Correctional Institution's compliance with the Prison Rape Elimination Act found that the prison met all standards.

The lawsuit names several jail officials and staff, including Warden Lyneal Wainwright, two unit managers and several unknown policymakers and correctional officers as defendants, as well as the cellmate accused of assault.