

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

JANIAH MONROE,
MARILYN MELENDEZ,
LYDIA HELÉNA VISION,
SORA KUYKENDALL, and
SASHA REED, individually and on
behalf of a class of similarly situated
individuals,

Plaintiffs,

v.

STEVE MEEKS,
MELVIN HINTON, and
ROB JEFFREYS,

Defendants.

Case No. 3:18-CV-00156-NJR

MEMORANDUM AND ORDER

ROSENSTENGEL, Chief Judge:

A status conference was held on January 19, 2023, via videoconference, attended by Co-Monitors Dr. Amanda Harris and julie graham, as well as counsel for the parties. This was a continuation of the Status Conference held on December 15, 2022. The Plaintiffs' Motion for Finding of Contempt (Doc. 455) remains under advisement, and another status hearing has been set for February 21, 2023. (Doc. 521).

The Court recognizes that progress has been made toward Defendants' compliance with the Preliminary Injunctions. Nonetheless, 18 months have now passed since the August 2021 trial in this matter, and the Court expected that more progress would have been made by now. It is encouraging that the parties will be meeting

regularly to work with the Co-Monitors on policy revisions and other matters that must be addressed in order to ensure correction of the unconstitutional treatment of Plaintiff class members and provide for their safety while in custody.¹ **These meetings should continue on a monthly basis, on dates to be determined by counsel and the Co-Monitors.**

The Court encourages the named defendants or other IDOC administrators to participate in the upcoming meetings between counsel and the Co-Monitors, as appropriate.

The Court finds that IDOC's designation of a single staff person to be the "point person" on commissary matters for accountability and communication with Co-Monitor graham and counsel has proven very helpful in moving toward compliance in that area. In order to facilitate similar accountability in the other areas where injunctive relief has been ordered, Defendants are **ORDERED** to designate an individual within their ranks to serve as the responsible point of contact with the Co-Monitors and counsel, with regard to each other category of concern set forth in the Preliminary Injunctions (hormone treatment, gender affirming surgery, CQI program for transgender care, transfers, conditions/placement at Logan and in PRISM, showers, searches, training – for staff and inmates – and the transgender identification policy). Such designations shall be filed with the Court by **February 8, 2023**.

In order to keep these efforts on track and provide measurable benchmarks, the

¹ The parties advised the Court that the next meeting between counsel and the Co-Monitors is scheduled for February 7, 2023.

Court finds it appropriate to adopt the following schedule. (See Docs. 506, 506-1, Joint Proposed Schedule Pursuant to Doc. 494). The parties and Co-Monitors are **ORDERED** to do the following:

1. HORMONE THERAPY:

- a. Defendants shall perform baseline blood work for any class member not in range by **February 28, 2023**.
- b. Class members already on hormone therapy as of December 14, 2022, whose levels remain out of range shall have dosages adjusted and be referred to an endocrinologist by **March 21, 2023**.
- c. Defendants shall conduct baseline blood work for any class member who newly requests hormone therapy by **February 28, 2023**. Hormone therapy shall be started for this group by **March 21, 2023**.
- d. Defendants shall file quarterly updates regarding blood levels of all class members to the Court under seal and to Co-Monitor Harris, beginning with the next scheduled 3-month blood draws.

2. GENDER AFFIRMING SURGERY:

- a. Defendants shall file under seal a list of providers contacted for gender affirming surgery, no later than **February 28, 2023**.
- b. For the class members approved for surgery as of January 4, 2023, Defendants shall schedule a consultation with Dr. Schechter to take place no later than **March 8, 2023**. If Dr. Schechter cannot schedule such consultations by that date, Defendants shall schedule consultations with new/additional providers to take place no later than **April 7, 2023**.
- c. For class members who have requested surgery as of January 4, 2023, but have not yet been approved or denied, by **March 8, 2023**, Defendants shall provide each individual with a written decision either approving or denying surgery along with the bases for denial, including next steps.

3. CQI:

- a. By **February 28, 2023**, Defendants shall certify to the Court that IDOC has a working audit/compliance tool.

- b. By **March 8, 2023**, Defendants shall provide the revised audit/compliance tool to Plaintiffs' counsel and to Co-Monitor Harris for review and comment.

4. **TRANSFERS:**

By **February 1, 2023**, Defendants shall update and file under seal the chart showing transfer requests by class members (Doc. 464) and approval or denial, and shall provide copies of the associated documentation for denials to Plaintiffs' counsel and to the Co-Monitors.

5. **ISOLATION AT LOGAN:**

By **February 1, 2023**, Defendants shall provide documentation to the Co-Monitors, to Plaintiffs' counsel, and file under seal, for each class member housed on D-Wing, explaining why the individual is housed there; and shall provide the daily schedule of D-Wing (times of dayroom access, showers, yard time, and times/locations of meals).

6. **COMMISSARY:**

The parties shall confer together with the Co-Monitors, to reach agreement on the items to be included in a gender-affirming kit for all class members as standard-issue medical care; and shall set compliance deadlines for this kit to be distributed to all class members and to any new transgender person entering IDOC custody. Issues for discussion include what to do if different class members want different items, and whether replenishment of such items for class members will be honored as medical care.

7. **SHOWERS:**

- a. By **February 28, 2023**, Defendants shall file a new certification from each IDOC facility that houses at least one class member that such facility provides a private shower for each class member.
- b. Plaintiffs' counsel shall advise the Court and Co-Monitor graham within **seven days** of their receipt of any reports of noncompliance with the private shower requirement.
- c. The parties and Co-Monitors shall discuss and agree on the procedures and deadlines to transfer any class member from a facility that fails to timely certify the provision of a private shower, to a facility where compliance was certified.

8. SEARCHES:

- a. By **February 28, 2023**, Defendants shall file a certification letter from each IDOC facility housing at least one class member, that such facility will conduct timely searches only by a person of the same gender as the class member or by using a body scanner.
- b. The parties and Co-Monitors shall discuss and agree on the procedures and deadlines to transfer any class member from a facility that fails to timely certify the search provisions above, to a facility where compliance was certified.

9. TRAINING:

- a. By **February 8, 2023**, Defendants shall file, under seal if necessary, a copy of the Moss Group test training used in September 2022.
- b. By **February 8, 2023**, Defendants shall report the status of the training program being developed by the Moss Group for all incarcerated persons at Logan (to be approved by Co-Monitor julie graham) and the date by which such training will be completed. The parties and Co-Monitor graham shall discuss and agree on the date by which the training of incarcerated persons at Logan will be completed.
- c. The parties and both Co-Monitors shall discuss and agree on the date by which additional WPATH training will be completed for all medical and mental health providers serving class members. Defendants shall file certificates of completion by medical/mental health staff no later than **June 30, 2023**.

10. ADDITIONAL MATTERS & REPORTING:

- a. The parties and Co-Monitors shall discuss and set timeframes for Defendants to provide copies to Co-Monitor graham and Plaintiffs' counsel of all class member grievances concerning staff conduct relating to the issues in this case, and for Defendants to provide copies to Co-Monitor graham and Plaintiffs' counsel, and file under seal, of any investigation or disciplinary actions taken against a staff member for violations of AD 03.02.108 (Standards of Conduct) relating to the issues in this case.

- b. Starting January 2023 and on a monthly basis, Defendants shall provide Plaintiffs' counsel with updates to the IDOC transgender databases for medical care and accommodation.
- c. Defendants shall provide to Plaintiffs' counsel any other documents provided to the Co-Monitors, at intervals agreed upon by the parties and Co-Monitors.
- d. Defendants shall continue to consult with Co-Monitor graham on the contents and finalization of the "FAQ" handout for transgender/gender nonconforming individuals in custody.

IT IS SO ORDERED.

DATED: January 24, 2023

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive style. Behind the signature, there is a faint circular seal of the United States District Court for the District of Columbia.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge