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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

FOUNDATION AGAINST
INTOLERANCE & RACISM, INC. dba
FAIR FOR ALL, INC., and FAITH
BOOHER-SMITH,

Plaintiffs,

v.

WASHINGTON DEPARTMENT OF
CORRECTIONS, and TIM LANG, in his
official capacity as Secretary of the
Department of Corrections,

Defendants.

NO.

COMPLAINT FOR COMPENSATORY
DAMAGES AND INJUNCTIVE
RELIEF

[JURY DEMAND]

I. INTRODUCTION

1. Washington Department of Corrections (“WDOC”) maintains a policy of housing male inmates who claim to identify as females with female inmates within the State’s single prison for females. Under this policy, male convicts who self-identify as women are permitted to request a transfer to the prison meant exclusively for females, where they are permitted to share cells, bedrooms, bathrooms, and showers with an all-female population. Although Washington maintains multiple all-male correctional facilities, it no longer maintains a single female-only prison: only females are deprived of the right to serve their sentences in a single-sex sex-segregated facility.

2. The housing of these male inmates with females—including as bunkmates in the same cell—has led to multiple instances of violence and sexual abuse against the female

1 inmates, persistent harassment, and the routine intimidation of female inmates in violation of
2 their fundamental constitutional rights to serve their sentences in safety and without further
3 punishment.

4 3. Plaintiff Faith Booher-Smith, (“Booher-Smith” or the “Plaintiff”) who is a
5 member of Foundation Against Intolerance & Racism, Inc. dba Fair for All (“FAIR”, and
6 additional FAIR members located at WCCW have been injured as a result of WDOC’s
7 transgender housing policy, DOC 490.700 (*Transgender, Intersex, and/or Non-Binary*
8 *Individuals*, (the “Transgender Inmate Policy”), and related policies and practices. Those
9 FAIR members have been physically assaulted, threatened, intimidated, or sexually harassed
10 by male inmates housed with them in the prison designated for females.

11 4. On August 7, 2025, Booher-Smith was violently attacked by a male inmate
12 named Christopher Williams (“Williams”) at the Washington Corrections Center for Women
13 (“WCCW”). For apparently no reason known to Ms. Booher-Smith, Williams approached her
14 silently from behind and struck her on the side of her face with his fist, then grabbed her hair
15 and threw her to the ground before kicking her repeatedly with such force that she sustained
16 visible injuries, including, facial bruising, a laceration in her mouth, and swelling to her jaw
17 and eye.

18 5. Williams is a six-foot-four, “biologically intact” male and convicted *child sex*
19 *offender* who was transferred to WCCW after self-identifying as a woman.

20 6. WDOC has long been aware of the threat Williams and other male inmates
21 pose to females at WCCW. William’s violent, predatory behavior towards other female
22 inmates led another woman, former inmate Mozzy Clark, to file two lawsuits against WDOC
23 in December 2024. *See Clark v. State of Washington, Dept. of Corrections, et al.*, No. 3:24-cv-
24 06058 (W.D. Wash.); *see also Clark v. State of Washington, et al.*, No. 24-2-13273-8 (W.D.
25 Wash.)

26 7. As Ms. Clark has alleged, Williams sexually assaulted her for months during

1 the time she was forced to share a cell with him. *Clark*, No. 3:24-cv-06058 (W.D. Wash.)
 2 ,Dkt. 1, Compl. ¶ 1. Williams masturbated in front of her, groped her while she slept, and
 3 repeatedly threatened her with rape. *Id.* ¶¶ 37–38, 44. During these episodes, prison staff
 4 ignored concerns for her safety and even discouraged her from filing official complaints,
 5 cautioning her about potential retaliation. *See Clark v. State of Washington, Dept. of*
 6 *Corrections, et al.*, No. 3:24-cv-06058, Document No. 31.

7 8. WDOC knows well through a series of prior such incidents that violent
 8 physical and sexual assaults and harassment are a foreseeable consequence of housing male
 9 inmates with females. In the case of Williams, WDOC made the decision to house him at
 10 WCCW despite the recommendation of Eric Jackson, Superintendent of Monroe Correctional
 11 Complex, a male-only prison in which Williams was previously incarcerated, who advised
 12 WDOC against housing Williams at WCCW due to his “serious infraction history and the
 13 most recent conviction where Williams assaulted and inflicted serious life-threatening injuries
 14 to a female victim.”

15 9. Similarly, in another lawsuit filed in 2023, *Lotusflower v. Headley*, WDOC was
 16 placed on notice of the violence committed by a male inmate at WCCW *See Nonnie*
 17 *Marcella Lotusflower v. Charlotte Headley, et al.* No. 3:2023-cv-0558 (W.D. Wash.), Dkt.
 18 5.

19 10. In that case, a male inmate named Nathan Goninan—who was convicted for
 20 the murder of a 17-year-old girl—violently assaulted another female inmate,¹ after which he
 21 was placed in restrictive housing at WCCW. Slatz, *supra* note 1. Before this incident, he had
 22

23 ¹ According to the news outlet *Reduxx*, which reported on the assault on December 30, 2024, WDOC
 24 camera footage showed Goninan punching a female inmate in the face. *See Anna Slatz, Exclusive:*
 25 *Trans-Identified Male Inmate Launches Human Rights Lawsuit Against Washington Women’s Prison*
 26 *After Being Accused of Sexually and Physically Assaulting Female Inmates*, REDUXX (Dec. 30, 2024),
<https://reduxx.info/exclusive-trans-identified-male-inmate-launches-human-rights-lawsuit-against-washington-womens-prison-after-being-accused-of-sexually-and-physically-assaulting-female-inmates/>.

1 been repeatedly infracted for threatening staff, destroying property, and possessing a weapon.
2 *See Nonnie Marcella Lotusflower v. Charlotte Headley, et al.* No. 3:2023-cv-0558 (W.D.
3 Wash.).

4 11. There, senior WDOC official Deborah Wofford, Deputy Assistant Secretary of
5 the Women’s Division, acknowledged that Lotusflower was an “unmitigated threat to the
6 safety of other incarcerated individuals,” had made serious threats of bodily harm toward
7 staff, and exhibited “overtly threatening and aggressive behavior” that was “not typical” of
8 individuals incarcerated at WCCW. Slatz, *supra* note 1.

9 12. Despite these repeated acts of violence against female inmates, WDOC
10 continues to house male inmates at WCCW out of a confoundingly religious adherence to the
11 Transgender Inmate Policy. The result is an environment of threats, violence, and chaos in a
12 State-maintained penitentiary established to house and rehabilitate *female* prisoners.

13 13. Plaintiff Booher-Smith and the other female members of FAIR who are
14 incarcerated at WCCW live in constant fear of the physically stronger and larger incarcerated
15 men the Transgender Inmate Policy forces them to live among. Their complaints about this
16 unsafe environment have been mocked, ignored, and even retaliated against by prison
17 officials, and WDOC has taken no meaningful action to address these concerns and ensure
18 their safety.

19 14. Plaintiff Booher-Smith and FAIR therefore bring this action to protect her and
20 FAIR’s members from ongoing unconstitutional conditions and to seek declaratory and
21 injunctive relief against Defendants’ continued housing of male inmates at WCCW. Plaintiff
22 Booher-Smith separately seeks compensatory damages for the physical and emotional injuries
23 she personally suffered.

24 II. JURISDICTION AND VENUE

25 15. This Court has original subject matter jurisdiction over this case pursuant to 28
26 U.S.C. §§ 1331, 1343, as Plaintiffs allege that Defendants violated 42 U.S.C. § 1983 by

1 depriving them, under color of state law, of rights, privileges, and immunities secured by the
2 Eighth and Fourteenth Amendments, , all of which claims raise federal questions and seek
3 redress for deprivations of rights protected by federal law.

4 16. Venue is proper in this judicial district under 28 U.S.C. § 1391(b), as a
5 substantial part of the events and omissions giving rise to the claims alleged herein occurred
6 and are occurring in this district.

7 17. This Court has the authority to award the requested injunctive relief and
8 damages under 28 U.S.C. § 1343(a); declaratory relief under 28 U.S.C. § 2201, and the
9 injunctive and other relief requested under 28 U.S.C. § 2202, and the authority to award
10 reasonable attorney’s fees and costs under 42 U.S.C. § 1988, and/or any other applicable
11 source of law.

12 III. PARTIES

13 18. Plaintiff Faith Booher-Smith is and has been at all times relevant herein a
14 prisoner in the Washington Corrections Center for Women (“WCCW”) located in Gig Harbor,
15 Washington. She is twenty-eight years old. Booher-Smith is also, and was at the time this
16 action was commenced, a member of Plaintiff FAIR.

17 19. Plaintiff FAIR is a nonprofit organization established under the laws of New
18 York to defend the principle of equal protection and equal rights for all. FAIR engages in legal
19 advocacy and grassroots organization to protect equal protection, free expression, and other
20 fundamental civil liberties. FAIR has members, including Plaintiff Booher-Smith, who have
21 been injured or face an ongoing risk of injury as a result of Defendants’ challenged conduct.

22 20. FAIR brings this action on behalf of its members for declaratory and injunctive
23 relief. FAIR has associational standing because at least one of its members, Plaintiff Booher-
24 Smith, would otherwise have standing to sue in her own right, the interests FAIR seeks to
25 protect in this action are germane to FAIR’s organizational purpose, and neither the claims
26 asserted nor the prospective relief FAIR seeks requires the participation of each affected

1 member.

2 21. The Defendant, the Washington State Department of Corrections, is an agency
3 of the State of Washington and is subject to the waiver of sovereign immunity reflected in
4 RCW 4.92.090. The Department is headquartered in Tumwater, Washington, and manages
5 prisons and other detention facilities across the state of Washington, including WCCW. The
6 Department is responsible for the safety and security of all people in custody.

7 22. Defendant Tim Lang is the Secretary of the Department of Corrections and is
8 responsible for the operation of all adult state correctional institutions. *See* RCW 72.09.050.
9 In that capacity, he is required to exercise all powers and perform all duties prescribed by law
10 with respect to the administration of Washington’s prisons, including adopting, implementing,
11 and enforcing policies and procedures that ensure people in DOC custody are provided with
12 necessary care and safe conditions. He has the authority to delegate authority and direct
13 activities of subordinate officers and other DOC employees. At all times relevant to this
14 action, Defendant Lang was acting under color of state law and is being sued in his official
15 capacity.

16 **IV. GENERAL FACTUAL ALLEGATIONS**

17 23. The WCCW is a prison operated by the Washington State Department of
18 Corrections established for female prisoners.

19 24. According to the Washington State government website, WCCW is a
20 minimum, medium, and close-custody security level prison.²

21 25. Washington law assigns convicts to correctional institutions on the basis of
22 sex. Revised Code of Washington § 72.02.250 states that “all female persons convicted in the
23 superior courts of a felony and sentenced to a term of confinement, shall be committed to the
24 Washington correctional institution for women.” The statute does not provide a mechanism

25 ² Department of Corrections, Washington State: Washington Corrections Center for Women. Date
26 accessed: April 14, 2026. Available at: <https://doc.wa.gov/about-doc/locations/prison-facilities/washington-corrections-center-women-wccw>.

1 for men to be committed to WCCW. No statute does.

2 26. In any event, DOC adopted the Transgender Inmate Policy, which permits
3 inmates to request “gender-affirming³ housing,” among other accommodations. It states:

4 At any time, an individual may voluntarily submit DOC 02-420
5 Preferences Request to their case manager designating their
6 preferred name, pronoun(s), gender, to conduct
7 searches/urinalysis, and gender identity, and to **request gender-
affirming state-issued garments and/or placement in gender-
affirming housing.**

8 DOC Policy 490.700 § VI (2023)(emphasis added).

9 27. Under the Policy, when an inmate requests transfer to a “gender-affirming
10 facility,” they must fill out the *Gender-Affirming Housing Request* section of Form DOC 02-
11 420. The Associate Superintendent or Correctional Program Manager then reviews that
12 request for “risk factors” and forwards the materials to the Psychology Department for review.
13 The facility’s multidisciplinary team (“MDT”) makes a recommendation using Form DOC
14 02-384, and the final housing decision is made by the Deputy Secretary of Prisons. (*See* DOC
15 Policy 490.700 §§ B–E (2023)).

16 28. The form to be filled out by the requesting inmate, Form DOC 02-420, asks the
17 following questions of the inmate:

- 18 I am requesting placement at:
- 19 I believe this is a better housing placement for me because:
- 20 I will benefit from placement at my requested facility by:
- 21 My concerns about placement at my requested facility are:
- 22 My history will indicate potential risk to the population at my
23 requested facility because:
- 24 I will reduce this potential risk by:
- 25 Any other factors that the Multi-Disciplinary Team (MDT)
26 should consider:

29. DOC 02-420 asks *the requesting inmate* whether his placement in a prison for

25 ³ “Gender-affirming,” as used in WDOC policy and in this Complaint, refers to medical interventions
26 and accommodations intended to modify or override an individual’s biological sex characteristics in
order to align with an asserted gender identity (also referred to herein as “sex-rejecting” or “elective
cosmetic” procedures and interventions).

1 females would pose a “potential risk” to the female population there. But at the same time,
2 WDOC has no form or procedure to elicit the same information from the female inmates who
3 would have to share prison housing with the requesting male. Additionally, there is no similar
4 policy or form for female inmates to request to be housed only with other females.

5 30. WDOC also does not ask the requesting inmate whether he is taking cross-sex
6 hormones or has undergone (or intends to undergo) sex-trait modification surgeries, for how
7 long—if at all—the male has identified as a female, or even what the requesting male’s sexual
8 orientation is, as a prerequisite to considering a transfer to the prison for female inmates. Men
9 with fully male testosterone levels and intact male genitalia therefore are eligible and may be
10 permitted to reside in prison spaces designated exclusively for biological women, including
11 bathrooms, shower facilities, and bedrooms.

12 31. In fact, nothing in the Policy even prohibits a male who is sexually attracted to
13 females—let alone a male convicted of raping females— from ultimately sharing an
14 unsupervised cell with a female inmate, so long as he claims to “identify” as a woman.

15 32. This is indeed what has happened and continues to happen at WCCW. Male
16 inmates known to Plaintiffs who are attracted to females and who make no effort to conform
17 to a female “gender identity” are permitted to be housed at WCCW, share a cell with female
18 inmates, enter the bathrooms and other intimate spaces designated for females, and even have
19 sexual relations with female inmates.

20 33. In effect, a heterosexual male inmate may obtain transfer to a facility meant for
21 females by self-identifying as a woman by simply checking a box on a form without any
22 investigation by WDOC or diligence into the genuineness of that inmate’s claimed gender
23 identity. Because there is no objective metric to evaluate a person’s self-declared “gender
24 identity,” WDOC staff must grant transfer requests based purely on the inmate’s stated
25 responses, however ingenuine.

26 34. In other words, WDOC’s commitment to following its Transgender Inmate

1 Policy is so unwavering and strict that it has transferred and will likely continue to transfer
2 male inmates to WCCW without regard to the realities and risks of placing male inmates in a
3 female-only penitentiary. This is how and why Plaintiffs, female inmates at WCCW, have
4 become powerless victims of WDOC’s Transgender Inmate Policy.

5 35. WDOC minimizes legitimate safety concerns posed by introducing males into
6 a female-only prison by claiming that fears of trans-identifying male violence in those
7 facilities are based on a “myth,” stating: “A common myth perpetuated about people who are
8 transgender is that they will commit crimes of assault against vulnerable populations. This is
9 not the case.”⁴ As the incidents detailed in this complaint readily demonstrate, that assertion is
10 a blatant lie.

11 36. Female-only prisons were established in the first place precisely because
12 females were vulnerable when forced to co-habit with incarcerated males.

13 37. When a male inmate self-proclaims an identity as a woman, he does not
14 miraculously shed his male physical characteristics. He remains, on average, taller, larger, and
15 stronger than female inmates.⁵ Therefore, in the prison setting, where inmates cannot escape
16 state-imposed conditions, females are forced to live every waking moment at a dangerous
17 disadvantage.

18 38. Not only are males typically stronger, larger, and faster than females of similar
19 age, but WCCW was designed to house offenders whose physical and behavioral profiles
20 reflect the lower security needs of a female population.

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22 ⁴ Department of Corrections, Washington State. April 13, 2023. *News Spotlight: DOC Transgender*
23 *Housing Policy*, <https://doc.wa.gov/news/2023/news-spotlight-doc-transgender-housing-policy>.

24 ⁵ In September 2023, the American College of Sports Medicine published an expert consensus in the
25 sports medicine community on the physiological advantages of male athletes over females due to
26 physical strength and size. Suzanne K. Hunter et al., *The Biological Basis of Sex Differences in Athletic*
Performance: Consensus Statement for the American College of Sports Medicine, 55 *Med. & Sci. Sports*
& Exerc. 2328 (2023), <https://pubmed.ncbi.nlm.nih.gov/37772882/>.

1 39. WCCW was designed to maintain order and safety for a female inmate
2 population, which generally requires less restrictive physical security than prisons for males.
3 Its facilities are modeled accordingly: more relaxed and accessible housing units; female
4 guards and officers; and facilities structured for lower risk individuals, including areas such as
5 children’s playrooms for visiting family in a shared recreation space that any inmate can enter,
6 unrestrained.

7 40. Introducing male inmates into a facility meant only for females also is
8 particularly challenging and destabilizing for the corrections officers responsible for
9 maintaining order and safety for staff and inmates. Officers at female prisons—many of
10 whom are female, themselves—are typically trained for a lower-risk population. With male
11 inmates in the mix, they must suddenly manage inmates whose physical capacities demand
12 greater control measures, which can exceed the capabilities of on duty corrections officers.

13 41. When Plaintiff Booher-Smith was assaulted, for example, the only guard
14 present in the room, a female, was dwarfed by the six-foot-five Williams. The female
15 corrections officer froze, screaming in fear for her safety, while Booher-Smith was struck
16 repeatedly.

17 42. Females in prison, compared with males, also tend to be disproportionately
18 impacted by domestic violence, and to have suffered, and be vulnerable to, emotional and
19 sexual abuse.

20 43. One survey conducted by the Bureau of Justice Statistics found that 57.2
21 percent of females in state prison (39.9% in federal prison) reported they had been abused at
22 least once before their current admission to prison, while the comparative figure for males
23 was 18.7% (9.5% in federal prison). Caroline Harlow, *Prior Abuse Reported by Inmates and*
24 *Probationers* (U.S. Dep’t of Justice, Bureau of Justice Statistics 1999) .

25 44. Trans-identifying males, in particular, also introduce a heightened level of risk
26 to the female inmate population. Data obtained through a FOIA request to the Federal Bureau

1 of Prisons (BOP) shows that between May 2024 and January 2025 approximately 51% of
2 male, transgender-identifying inmates were incarcerated for sex offenses.⁶ This percentage is
3 nearly *four times higher* than the rate of sex-offenses within the general male population.
4 Housing such males with statistically higher rates of sexual violence records in a prison for
5 females creates a known and an unacceptable risk of bodily harm to female inmates. The risk
6 of severe harm is magnified when considering that the female population, which is already
7 vulnerable to sexual abuse, also faces the severe and unique risks of pregnancy.

8 45. In California, which implemented a “gender-affirming” housing policy nearly
9 identical to WDOC’s, the California Department of Corrections and Rehabilitation reported
10 that 33.8% of transgender-identifying male inmates seeking transfer to female-only facilities
11 were registered sex offenders.⁷ And Canada’s 2022 *Correctional Service Research Report:
12 Examination of Gender Diverse Offenders* found that out of 99 “gender diverse” inmates
13 surveyed, one-third had a history of sex offenses (which reflects U.S. data), 81.8 percent of
14 those crimes were committed by trans-identifying males,⁸ *and most of those victims were
15 females* (54.5%) (compared to just 6% male-only victims (remaining population including
16 both sexes)).

17 46. There is evidence that male prisoners who identify as women are more likely
18

19 ⁶ Keep Prisons Single Sex, News: Federal BOP Transgender Inmate Report (Jan. 2025),
20 <https://usa.kpssinfo.org/federal-bop-transgender-inmate-report-january-2025/>.

21 ⁷ California Department of Corrections and Rehabilitation, Division of Correctional Policy Research
22 and Internal Oversight, Office of Research. February 9, 2022. *Number of Offenders Who Identify as
23 Transgender...Seeking Transfer to Female Facilities and Percentage Who are Registered Sex Offenders
24 or Convicted of a Sex Offense.* (accessible at: [https://usa.kpssinfo.org/wp-
content/uploads/2022/02/CDCR-Response-on-Data-of-Offenders-Seeking-Transfer-to-Female-
Facilities.pdf](https://usa.kpssinfo.org/wp-content/uploads/2022/02/CDCR-Response-on-Data-of-Offenders-Seeking-Transfer-to-Female-Facilities.pdf)).

25 ⁸ MacDonald, Shanna, et al. *Examination of Gender Diverse Offenders. Correctional Service of Canada.*
26 2022. (accessible at: [https://publications.gc.ca/collections/collection_2022/scc-csc/PS83-3-442-
eng.pdf](https://publications.gc.ca/collections/collection_2022/scc-csc/PS83-3-442-eng.pdf)).

1 to be sexually predatory than male prisoners overall. Out of the 125 male prisoners who
2 identify as women counted in the United Kingdom in 2017, 60 had been convicted of sexual
3 offenses, including 27 convicted of rape (BBC News, 2018).⁹ In the overall prison population,
4 by comparison, 19% of males had been convicted of sexual crimes (which is approximately
5 the same in the United States, according to the Department of Justice's Bureau of Statistics).

6 47. WDOCS's Transgender Inmate Policy exposes female inmates to a population
7 statistically more likely of having committed a sexual offense, and only females can become
8 pregnant as a result of these offenses. The Transgender Inmate Policy exposes biological
9 women to a documented, disproportionate and unjustified risk of harm, which a female-only
10 prison has historically existed to prevent.

11 48. Two female inmates at a prison designated for females in New Jersey became
12 pregnant after reportedly having sex with a transgender-identifying male inmate (who was
13 convicted for stabbing his father twenty-seven times).¹⁰ Transgender-identifying male inmates
14 frequently have sex with female inmates at WCCW, too, and WCCW is aware of this. Bryan
15 Kim, who was convicted for the murder of his parents, was found having sex with his female
16 cellmate in 2024.¹¹ And Mozzy Clarke was sexually assaulted by Christopher Williams, the
17 same male that attacked Booher-Smith. *See Mozzy Clark v. State of Washington, Department*
18 *of Corrections, et al.*, 3:24-cv-06058, Dkt. 1. .

19 49. Since 2024, FAIR volunteers have been in contact with female inmates at
20 WCCW regarding reports of sexual assault and emotional distress arising from WDOC's
21

22 ⁹ BBC News, *How Many Transgender Prisoners Are There?*, *BBC News* (Aug. 13, 2018),
<https://www.bbc.com/news/uk-42221629>.

23 ¹⁰ Dana Kennedy, *Trans Prisoner Who Impregnated Two Female Inmates Is 'Psychopath': Foster Mom*,
24 *New York Post* (Aug. 5, 2022), <https://nypost.com/2022/08/05/trans-prisoner-who-impregnated-two-women-is-psychopath/>.

25 ¹¹ *Trans-Identifying Male in Women's Prison Reportedly Discovered Having Sex with Female Inmate*,
26 *N.Y. POST* (Mar. 23, 2024), <https://nypost.com/2024/03/23/us-news/trans-identifying-male-in-womens-prison-reportedly-discovered-having-sex-with-female-inmate/>.

1 Transgender Inmate Policy. FAIR then launched an advocacy campaign aimed at addressing
2 the issue of housing male inmates in facilities meant exclusively for females.

3 50. FAIR informed WDOC of a “pattern of discrimination against female inmates
4 due to DOC policies and practices” that “depriv[e] female prisoners of equal protection under
5 the Constitution[,] constituting cruel and unusual punishment under the 8th Amendment.”

6 Specifically, FAIR wrote:

7 Due to biological and sociological differences, females are vulnerable to
8 physical and emotional harm in ways males are not. For example, females are
9 generally smaller and have less upper and lower body strength than males.
10 Additionally, only females can become pregnant. Incarcerated females are also
11 at least six times more likely than males to have been sexually abused by males
before entering the prison system. These differences mean that any policy
allowing prisoners to select housing based on gender identity, rather than
biological sex, inherently results in discriminatory treatment of females.

12 For example, a female inmate reported being forced to share a cell with a male
13 prisoner who identifies as transgender. The male prisoner was allowed to select
14 housing based on gender identity, resulting in being housed with female
15 prisoners. This scenario, driven by DOC policy, eliminates the possibility of a
16 female-only facility, thereby depriving female inmates of the benefit of selecting
17 housing with only other females. The presence of a larger, stronger male who
18 can impregnate her heightens the female inmate’s trauma, especially if she has
a history of being raped or otherwise sexually or physically assaulted. Most
importantly, the female prisoner in this scenario is literally at risk of being
impregnated by another prisoner, a risk that does not exist in a female-only
facility

19 51. FAIR continued to relay its concerns to Washington state officials, including
20 Defendant Tim Lang, informing of dozens of Resolution Requests filed by female inmates
21 reporting their suffering caused by the Transgender Inmate Policy. No meaningful action was
22 taken to amend the Policy.

23
24 52. In addition to being aware of the general danger WDOC was exposing female
25 inmates to as a result of the Transgender Inmate Policy, WDOC was also aware of the dangers
26 certain males requesting transfer to the prison for females posed to female inmates, yet

1 allowed their transfer to WCCW anyway, in order to accommodate their “gender identity.”

2 53. For example, while reviewing Christopher Williams’ transfer request, Eric
3 Jackson, Superintendent of Monroe Correctional Complex (the male prison Williams was
4 requesting transfer out of) recommended against transferring him to the prison for females
5 due to the fact that Williams was convicted of inflicting life-threatening injuries “*to a female*
6 *victim.*” The Superintendent’s recommendation was not heeded, however, and Williams was
7 allowed to reside at WCCW, where he subsequently sexually assaulted Mozzy Clarke, and
8 beat Plaintiff Booher-Smith.

9 **A. Booher-Smith’s Assault**

10 54. On August 7, 2025, Williams (approximately 6’5”) approached Booher-Smith
11 and tried to sit at her table in the cafeteria. For weeks, Booher-Smith had noticed Williams
12 stalking her through the unit and watching her, which made her feel threatened and anxious.

13 55. When Williams attempted to seat himself at Booher-Smith’s table, she told him
14 she was uncomfortable in his presence, and stood up to leave.

15 56. Booher-Smith left to heat her food. While microwaving her meal, her back was
16 turned to the room. As she waited by the microwave, she felt a sudden, sharp impact on the
17 side of her face. Before she could react, she was struck again in the face.

18 57. Booher-Smith turned and saw that her attacker was Williams. She understood
19 that because of Williams’s size and strength as a man, she had no realistic ability to defend
20 herself. She was knocked to the ground as Williams seized her hair and kicked her repeatedly
21 while other inmates screamed for help.

22 58. The only officer in the room, Officer Solomon (whose first name is unknown),
23 screamed and froze, but did not intervene. Back up security was unable to intervene as well
24 because it took time for the security team to be buzzed in through a security portal to the
25 cafeteria.

26 59. Officer Solomon, an elderly female guard, later apologized to Booher-Smith,

1 admitting she “feared for her own safety” during the incident.

2 60. By the time that WCCW staff were able to respond, the assault was already
3 over, and Booher-Smith, bleeding from the face and mouth, had suffered lasting injuries.

4 61. Booher-Smith was immediately taken to the medical unit at WCCW and given
5 acetaminophen to treat her pain. The Primary Encounter Report notes bruising on the scalp
6 and redness on the eye and face from where she was struck by Williams.

7 62. Three (3) days later, on August 11, 2025, Booher-Smith was treated for post-
8 assault acute pain in her jaw. The Emergency Response Record records that, three days after
9 the assault, Booher-Smith’s lower jaw remained swollen from her injuries.

10 63. Since the attack in August, Booher-Smith has continued to suffer from
11 heightened anxiety. She now participates in trauma therapy to manage the lasting emotional
12 impact of the assault and of WCCW’s failure to protect her.

13 64. On August 12, 2025, Booher-Smith submitted a Resolution Request regarding
14 WDOC’s Transgender Inmate Policy. A Resolution Request is an inmate’s only tool to make a
15 formal, recorded complaint or request regarding WDOC conditions. She wrote: “I was
16 attacked from behind by a born male being savagely hit and [] thrown to the ground being
17 kicked and punched with no chance to defend myself. I am traumatized not only by the
18 incident but by staff’s lack of response....I don’t feel safe. I’m having nightmares and anxiety
19 attacks.”

20 65. On August 27, 2025, the Resolution Specialist administratively withdrew
21 Booher-Smith’s request, stating: “Your concern is being looked into outside the Resolution
22 office...When a concern is being investigated/reviewed by a different entity than the
23 Resolution dept we will close out the resolution so as not to interfere.”

24 66. Receiving no update from the “outside” investigation, Booher-Smith submitted
25 another Resolution Request on September 23, 2025, again requesting that WDOC stop putting
26 females at risk through its application of the Transgender Inmate Policy. “I am afraid, anxious,

1 continually on guard.... What about my safety and security?”

2 67. On September 29, 2025, WDOC simply responded that her concerns were
3 forwarded for consideration at the next regular WDOC policy review.

4 68. Despite clear notice of the assault and the threat posed by housing male
5 inmates among females, WCCW still has made no apparent policy changes to protect Booher-
6 Smith or other female inmates. There was no increase in security or supervision in her unit, no
7 assurance that male inmates would be restricted from the living areas meant only for females,
8 and no special effort made to protect Booher-Smith or other inmates from similar attacks.
9 Booher-Smith remains uncertain whether staff would intervene if she were attacked by a male
10 inmate again.

11 69. Nothing has changed in the wake of the violent assault on Booher-Smith. No
12 additional security measures have been implemented at WCCW to segregate male inmates
13 from female inmates, boost security, or otherwise ensure that violent attacks like the one
14 perpetrated on Booher-Smith do not recur. Nor has a single, meaningful change been made to
15 WDOC’s Transgender Inmate Policy. Presumably, WDOC is more concerned with its
16 religious adherence to the Policy than it is with protecting its female inmates like Booher-
17 Smith. As a result, Booher-Smith remains at risk of another violent attack in an environment
18 that appears to condone male-on-female violence in a prison meant for females.

19 70. Indeed, on information and belief, WDOC currently houses at least five male
20 inmates at WCCW under the challenged policy and related practices. Plaintiff Booher-Smith
21 personally knows of at least three such male inmates who are housed in her immediate living
22 environment at WCCW: one in the same pod as Booher-Smith and two in the same unit.
23 Because these male inmates share a pod or unit with her, Booher-Smith is required to occupy
24 the same physical spaces with them during ordinary daily activities, including while walking
25 to chow, standing in line for food, and sitting in the chow hall.

26 71. These repeated, unavoidable encounters cause Booher-Smith substantial fear

1 and anxiety, particularly because the violent assault she previously suffered at WCCW was
2 sudden, random, and unprovoked. She fears that she may be forced to sit beside one of these
3 male inmates at chow and that another spontaneous assault could occur.

4 72. At least one of the male inmates recently directed a hostile and intimidating
5 remark at Booher-Smith, after it became known in the unit that Booher-Smith had been
6 objecting to the housing of male inmates with female inmates at WCCW.

7 73. Accordingly, Booher-Smith's injury is not limited to the past assault by
8 Williams. She remains subject to ongoing exposure to the challenged policy and to continuing
9 fear, anxiety, and risk of further harm as a result of Defendants' decision to house male
10 inmates in her immediate living environment.

11 **B. Additional FAIR Member Injuries**

12 74. As discussed above, Plaintiff Booher-Smith is, and was at the time this action
13 commenced, a member of FAIR.

14 75. FAIR also has additional female members incarcerated at WCCW who have
15 suffered, or face an ongoing risk of suffering, similar injuries from Defendants' challenged
16 conduct. Those members are not named individually in this Complaint in order to protect
17 them from retaliation and unnecessary disclosure of sensitive personal, medical, and
18 psychological information.

19 76. One member is an elderly, wheelchair-bound female with serious orthopedic
20 impairments. In or about May 2023, a male inmate assaulted her while transporting her to a
21 medication appointment after demanding that she give him some of her medication. When she
22 refused, he grabbed and twisted her arm and wrist and threatened further harm. She required
23 hospital treatment following the assault and continues to suffer pain and functional
24 impairment.

25 77. Another member is a survivor of sexual assault who suffers from post-
26 traumatic stress disorder. In or about September 2024, a male inmate repeatedly stalked,

1 intimidated, and verbally threatened her throughout WCCW, including at a medical clinic,
2 aggravating her PTSD and causing severe emotional distress.

3 **C. Females Denied State-Funded Medical Services Afforded to Trans-Identifying**
4 **Males**

5 104. In addition to exposing females to documented, obvious danger, in violation of
6 the Eighth Amendment, WDOC also discriminates against females by providing preferential
7 treatment for males.

8 105. WDOC provides sex-rejecting procedures and services to trans-identifying
9 male inmates, including surgeries and procedures such as breast implants and reconstruction
10 and vaginoplasty. In addition, WDOC provides “gender-affirming” clothing and property to
11 trans-identifying males in prison in a timely manner, and develops and implements policies to
12 ensure that trans-identifying males may shower and change clothing separately and out of
13 view from other individuals. *See Disability Rights Washington v. Washington, Dept. of*
14 *Corrections, et al.*, No. 2:23-cv-1553, U.S. District Court for the Western District of
15 Washington. Dkt. 3-1, 9.

16 106. These services are not provided to females. A female inmate cannot simply
17 request privacy from males in shower areas or choose “gender affirming housing,” i.e.,
18 housing with only other females. If a female inmate has breast cancer removal surgery, the
19 state will not provide “gender affirming” breast reconstruction surgery afterward. Yet a male
20 who identifies as a woman can receive that procedure on the taxpayer’s dime so long as he
21 claims to be transgender.

22 107. Trans-identifying male inmates also enjoy streamlined access to new cosmetics
23 such as make-up, clothes, bras, and underwear that female inmates must request repeatedly
24 and are often denied (and have to pay for themselves). A female inmate’s desire to “affirm her
25 gender” in prison is not given the same treatment as trans-identifying males under WDOC
26 policy. Indeed, WDOC goes out of its way to accommodate the males.

1 108. WDOC policy ignores and deemphasizes the needs of female inmates in the
2 very environment the State created to account for their particular needs. The result is
3 demoralizing, humiliating, neglectful, and harmful.

4 **V. CAUSES OF ACTION**

5 **COUNT I**

6 **42 U.S.C. § 1983 – Violation of Cruel and Unusual Punishment Clause of the Eighth**
7 **Amendment**
8 **(All Plaintiffs Against All Defendants)**

9 109. Plaintiffs repeat and incorporate by reference each of the preceding
10 paragraphs and allegations as if fully set forth herein.

11 110. At the time of the relevant events, Plaintiffs had an established right under the
12 Eighth Amendment of the United States Constitution to protection from cruel and unusual
13 punishments, which is made applicable to the states through the Fourteenth Amendment.
14 *Estelle v. Gamble*, 429 U.S. 97, 101 (1976).

15 111. Prison officials violate the Eighth Amendment when they act with deliberate
16 indifference to an inmate’s health or safety. Deliberate indifference occurs when an “official
17 knows of and disregards an excessive risk to inmate health or safety.” *Farmer v. Brennan*,
18 511 U.S. 825, 837-38 (1994).

19 112. Further, where a prison authority ignores a condition of confinement that is
20 “sure or very likely to cause serious illness and needless suffering,” a court can find an Eighth
21 Amendment violation. *Helling v. McKinney*, 509 U.S. 25, 33 (1993).

22 113. Defendants have engaged and continue to engage in conduct, as set forth
23 above, that place male inmates in the Washington Corrections Center for Women, while
24 simultaneously ignoring, disregarding, and dismissing complaints of sexual harassment,
25 assault, intimidation, and violence that have ensued as a foreseeable result of their failure to
26 segregate incarcerated people on the basis of sex. As a result, Plaintiff Booher-Smith has
suffered physical and emotional injury, and Booher-Smith and FAIR’s members are subjected

1 to an ongoing and substantial risk of serious harm in violation of the Eighth Amendment.

2 114. The Transgender Inmate Policy devised, implemented, and maintained by
3 Defendants reflects deliberate indifference to the safety of Plaintiff Booher-Smith and FAIR's
4 members.

5 115. As a further direct and proximate result of these unconstitutional actions and
6 practices, Plaintiff Booher-Smith has suffered physical injury, severe emotional distress,
7 anxiety, humiliation, and fear. And FAIR's members continue to face intimidation, fear, and
8 ongoing exposure to unconstitutional conditions of confinement.

9 116. Defendants knew, from prior litigation, incident reports, Resolution Requests,
10 their own MDT deliberations, direct complaints by FAIR, and Booher-Smith's own assault
11 and follow-up complaints, that housing male inmates at WCCW created a substantial risk of
12 serious harm to female inmates. Despite that notice, Defendants maintained the challenged
13 policy and failed to implement basic protective measures or materially alter the policy after
14 violent assaults and continuing threats.

15 117. Plaintiff Booher-Smith is entitled to compensatory damages for the injuries she
16 personally suffered.

17 118. FAIR seeks declaratory and prospective injunctive relief on behalf of its
18 members, including Booher-Smith.

19 119. Plaintiffs have no adequate remedy at law and do and will suffer serious and
20 irreparable harm to their constitutional rights unless Defendants are enjoined from enforcing
21 the Transgender Inmate Policy.

22 120. Pursuant to 42 U.S.C. §§ 1983, 1988, Plaintiffs are entitled to declaratory
23 relief, and temporary, preliminary, and permanent injunctive relief, invalidating and
24 restraining enforcement of the Transgender Inmate Policy, and their reasonable legal fees and
25 costs.

26 **COUNT II**

1 shifting the corresponding risks and burdens onto female inmates at WCCW.

2 127. Male inmates in male facilities face no comparable threat from transferred
3 female inmates, and Plaintiffs are unaware of any female inmates being transferred under the
4 Policy, regardless.

5 128. WDOC also allocates benefits unequally. Male inmates transferred into
6 WCCW receive immediate access to sex-rejecting treatments, accommodations, and
7 specialized facilities. Female inmates, meanwhile, endure untreated reproductive injuries,
8 delays and denials in emergency and other medically-necessary care, and are required to
9 purchase basic feminine hygiene products out of pocket.

10 129. On information and belief, female inmates at WCCW routinely experience
11 delays in emergency medical treatment, denials of medically necessary surgical procedures—
12 including but not limited to mastectomies, lumpectomies, and hysterectomies—and delays in
13 critical diagnostic testing such as cancer screenings and medical imaging. These delays and
14 denials occur even where treating providers have identified the procedures as medically
15 indicated.

16 130. Additionally, on information and belief, WDOC provides hormone therapy to
17 trans-identifying male inmates as part of sex-rejecting treatment, while female inmates who
18 require hormone replacement therapy for medically indicated conditions—including post-
19 menopausal symptoms—are denied or experience substantial barriers to obtaining such
20 treatment.

21 131. By contrast, WDOC has adopted formalized policies, procedures, and
22 institutional commitments governing the provision of sex-rejecting elective cosmetic surgery
23 and interventions to trans-identifying inmates, including structured review processes and
24 dedicated resources designed to facilitate access to such care, including surgical interventions.
25 *See generally Disability Rights Washington*, No. 2:23-cv-1553, U.S. District Court for the
26 Western District of Washington. Document Dkt. 3-1.

1 132. These processes ensure timely and prioritized consideration of sex-rejecting
2 intervention requests in a manner not afforded to female inmates seeking treatment for serious
3 medical conditions.

4 133. Additionally, on information and belief, WDOC routinely categorizes
5 medically necessary care for female inmates as “elective” or “non-urgent,” resulting in delay
6 or denial of treatment. At the same time, sex-rejecting procedures for trans-identifying male
7 inmates are approved and prioritized under standards that are no more urgent—and in many
8 cases less urgent or entirely unnecessary—than the care denied to female inmates.

9 134. More than that, on information and belief ,while WDOC provides female
10 inmates with only basic hygiene products, such as standard tampons and sanitary pads, female
11 inmates must pay out of pocket for products of adequate quality or differing absorbency
12 levels. By contrast, WDOC provides trans-identifying male inmates with a wide range of
13 additional personal items and accommodations—including specialized undergarments,
14 cosmetics, grooming devices, and body-modifying accessories—at state expense and without
15 comparable out-of-pocket requirements.

16 135. On information and belief, WDOC further authorizes and provides access to
17 medications and treatments for trans-identifying male inmates that address cosmetic or non-
18 urgent concerns, while female inmates are denied or experience substantial delays in
19 obtaining treatment for medically necessary conditions, including dental care and other
20 essential services.

21 136. Additionally, on information and belief, WDOC provides additional
22 institutional support and incentives to trans-identifying male inmates, including enhanced
23 mental health services and prioritized access to treatment pathways. Comparable resources
24 and prioritization are not afforded to female inmates seeking care for serious medical
25 conditions.

26 137. The Policy’s design and implementation reveal a deliberate choice to shift risk

1 and institutional burdens onto females in order to confer advantages on trans-identifying male
2 inmates. This is an intentional sex-based preference that the Equal Protection Clause does not
3 permit.

4 138. Plaintiff Booher-Smith has suffered physical harm, emotional distress,
5 intimidation, fear, and unequal treatment as a result of Defendants' sex-based policy choices.
6 FAIR's members likewise continue to face an ongoing risk of unequal treatment and
7 associated harm.

8 139. FAIR seeks declaratory and prospective injunctive relief on behalf of its
9 members, including Booher-Smith. Plaintiff Booher-Smith separately seeks compensatory
10 damages for the injuries she personally suffered as a result of Defendants' sex-based unequal
11 treatment.

12 140. Plaintiffs have no adequate remedy at law and have already and will continue
13 to suffer serious and irreparable harm to their constitutional rights unless Defendants are
14 enjoined from enforcing the Transgender Inmate Policy.

15 141. Pursuant to 42 U.S.C. §§ 1983, 1988, Plaintiffs are entitled to declaratory
16 relief, and temporary, preliminary, and permanent injunctive relief, invalidating and
17 restraining enforcement of the Transgender Inmate Policy, and their reasonable legal fees and
18 costs.

19 PRAYER FOR RELIEF

20 142. WHEREFORE, Plaintiffs hereby pray that the Court grant the following relief:
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- 1 a. Declare, pursuant to 28 U.S.C. §§ 2201–2202, that Defendants’ adoption,
2 implementation, enforcement, and maintenance of DOC Policy 490.700 and
3 related policies and practices, insofar as they authorize or result in the
4 housing of male inmates at WCCW with female inmates, violate the Eighth
5 and Fourteenth Amendments to the United States Constitution;
- 6 b. Enjoin Defendant Tim Lang, in his official capacity, and his officers,
7 agents, employees, successors, and all persons acting in concert or
8 participation with him, from enforcing or applying DOC Policy 490.700
9 and related policies and practices in a manner that permits male inmates to
10 be housed at WCCW or otherwise requires female inmates at WCCW to
11 share cells, sleeping quarters, bathrooms, showers, or other comparable
12 intimate living spaces with male inmates;
- 13 c. Award Plaintiff Faith Booher-Smith compensatory damages, in an amount
14 to be determined at trial, for the physical injuries, pain and suffering,
15 emotional distress, fear, anxiety, humiliation, trauma, and other injuries she
16 personally suffered as a result of Defendants’ unconstitutional conduct,
17 against any Defendant as to whom such damages are legally available;
- 18 d. Award Plaintiff Faith Booher-Smith nominal damages in the alternative, or
19 in addition where otherwise appropriate, for the violation of her
20 constitutional rights;
- 21 e. Award Plaintiffs their reasonable attorneys’ fees, litigation expenses, and
22 costs as authorized by law;
- 23 f. Retain jurisdiction to enforce and, if necessary, clarify or implement the
24 declaratory and injunctive relief entered in this action; and
- 25 g. Grant such other and further relief as the Court deems just, equitable, and
26 proper.

JURY DEMAND

Plaintiffs hereby demand trial by Jury on all claims so triable.

DATED this April 27, 2026

By: 

Mark C. Lamb, WSBA No. 30134
CARNEY BADLEY SPELLMAN, P.S.
701 Fifth Avenue, Suite 3600
Seattle, WA 98104
Phone: (206) 622-8020
Facsimile: (206) 467-8215
mlamb@carneylaw.com
Counsel for Plaintiffs

By: *s/ Ashley D. Burman*

Ashley D. Burman, WSBA No. 58754
CARNEY BADLEY SPELLMAN, P.S.
701 Fifth Avenue, Suite 3600
Seattle, WA 98104
Phone: (206) 622-8020
Facsimile: (206) 467-8215
burman@carneylaw.com
Counsel for Plaintiffs

By: *s/ Garrett Greene*

Garrett Greene, (*pro hac vice forthcoming*)
AMERICA FIRST POLICY INSTITUTE
2401 S. University Drive
Fort Worth, TX 76109
Tel.: (703) 637-3690
ggreene@americafirstpolicy.com
Counsel for Plaintiffs

By: *s/ Leigh Ann O'Neill*

Leigh Ann O'Neill (*pro hac vice forthcoming*)
AMERICA FIRST POLICY INSTITUTE
2401 S. University Drive
Fort Worth, TX 76109
Tel.: (703) 637-3690
LOneill@americafirstpolicy.com

Counsel for Plaintiffs

By: : s/ Andrew Zimmitti
Andrew Zimmitti (*pro hac vice forthcoming*)
AMERICA FIRST POLICY INSTITUTE
1455 Pennsylvania Ave., N.W., Suite 225
Washington, D.C. 20004
Tel.: (703) 637-3690
azimmitti@americafirstpolicy.com
Counsel for Plaintiffs

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