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## MEDIA RELEASE

# Wisconsin Federal Court Says Transgender People Must Be Allowed Medical Treatment In Prison

FOR IMMEDIATE RELEASE: April 1, 2010

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MILWAUKEE, WI The U.S. District Court for the Eastern District of Wisconsin Wednesday struck down a law that barred transgender people from receiving medical care while they are incarcerated. The American Civil Liberties Union and Lambda Legal challenged the law in January 2006 on behalf of transgender prisoners, some of whom had been receiving hormones in Wisconsin prisons for years prior to the passage of the law.

This decision recognizes that many transgender prisoners require individualized medical treatment. While the court's ruling does not require any particular treatment, it does mean that doctors are the ones who make these medical decisions, said John Knight, a senior staff attorney with the ACLU's LGBT Project. The court's decision is just common sense.

Overriding concerns raised by of the Department of Corrections medical personnel, the Wisconsin legislature passed a law, effective in January 2006, that prohibited prison doctors from deciding the best course of treatment for transgender people by barring them from prescribing any type of hormone therapy or sex reassignment surgery for transgender people in state custody.

The court understood that medical treatment is critical for transgender people and that medical decisions should be made by doctors not legislators, said Dru Levasseur, Lambda Legal's Transgender Rights attorney. The state cannot decide to withhold treatment from people because they disapprove of their gender identity or medical needs it's unconstitutional.

The lawsuit charged that it is a violation of the Constitution's guarantee of equal protection as well as the guarantee against cruel and unusual punishment to bar

transgender inmates from access to individualized medical care. The legal groups based their challenge on federal case law that establishes that health care providers must determine proper treatment for all prison inmates.

The court ruled that the statute's ban on medical care constitutes deliberate indifference to the plaintiff's serious medical needs in violation of the Eighth Amendment inasmuch as enforcement of the statute results in the denial of hormone therapy without regard for the individual medical needs of inmates and the medical judgment of their health care providers.

According to the ACLU and Lambda Legal, Wisconsin is the only state in the country to have enacted a law denying transgender people access to medical care while in state custody. The legal team includes John Knight, a senior staff attorney with the ACLU LGBT Project; Larry Dupuis, Legal Director of the ACLU of Wisconsin; Cole Thaler and Levasseur, former and current Transgender Rights Project attorneys at Lambda Legal and cooperating attorney Erik Guenther of Hurley, Burish & Stanton, S.C.

A copy of the court's order and additional information about the case is available at [www.aclu.org/caseprofiles](http://www.aclu.org/caseprofiles) or [www.lambdalegal.org](http://www.lambdalegal.org)

The ACLU of Wisconsin has approximately 9,000 members who support its efforts to defend the civil liberties and civil rights of all Wisconsin residents. For more on the work of the ACLU of Wisconsin, visit our [webpage](#). You can also get news and opinion on civil liberties in Wisconsin on our [Cap City Liberty blog](#). Find us on [Facebook and Twitter at ACLUMadison and ACLUofWisconsin](#).