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FEDERAL JUDGE IN IDAHO ORDERS TREATMENT FOR TRANSGENDER INMATE

Groundbreaking decision first of its kind

(Boise, Idaho, July 30, 2007) – In a groundbreaking decision, a federal district court judge ruled Friday that the Idaho Department of Corrections must provide female hormone therapy to a transgender inmate while her case proceeds to trial in federal court in Boise, Idaho.

Jennifer Spencer sued the Idaho Department of Corrections for failing to diagnose or treat her gender identity disorder, the current medical diagnosis applied to transsexual people. Gender identity disorder is a conflict between a person's physical sex and the person's psychological identity as male or female.

Despite Spencer's repeated requests for treatment for her condition—75 in total—the department refused. Spencer attempted suicide when she learned that prison doctors would not provide any treatment for her gender identity disorder. Subsequently, she performed her own castration using a disposable razor blade in her prison cell, nearly bleeding to death in the process.

After Spencer removed her own testicles, the department continued to deny treatment for her gender identity disorder. Instead, the department prescribed male hormone therapy, which Spencer refused.

On Friday July 27, Judge Mikel Williams of the Federal District Court for the District of Idaho ruled that, based on extensive expert medical testimony, Spencer is entitled to receive female hormone therapy while her case is being decided. Judge Williams held that "gender identity disorder, left untreated, is a life-threatening mental health condition." Judge Williams found the prison's offer of testosterone was "medically unacceptable" and posed "an excessive risk" to Spencer's health. "In light of Plaintiff's significant mental health issues and the lack of comprehensive and meaningful re-evaluation of Plaintiff after his self-castration," Judge Williams stated, "the 'choice' offered to Plaintiff is really no choice at all."

"We are gratified that the court acknowledged that the State of Idaho's refusal to appropriately treat transgender persons is unacceptable," said James Schurz of Morrison & Foerster, one of the attorneys representing Spencer. "Judge Williams' decision ensures that Jennifer will receive adequate and appropriate medical care."

Ms. Spencer is represented by the National Center for Lesbian Rights, Morrison & Foerster LLP and Sheryl Musgrove.

Spencer, who legally changed her name earlier this year, is serving a 10 year sentence for possession of a stolen car and a failed escape attempt that occurred when she was a teenager. She is now 27 years old.

The National Center for Lesbian Rights is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, public policy advocacy, and public education. www.nclrights.org

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