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Statement of Gloria Allred

We are here today to announce the filing of a lawsuit on behalf of Christina Cardenas against, among others, the California Correctional Institution (CCI), California Department of Corrections and Rehabilitation, Adventist Health Tehachapi Valley, because of the outrageous unlawful and unconstitutional violation of Christina's rights on September 6, 2019 after she arrived for a previously scheduled family visit with her husband, Carlos Eugene Cardenas, who was an inmate at CCI.

Following are the factual and legal allegations which were made in our lawsuit which we filed in Kern County Superior Court this morning.

Christina arrived at the CCI facility at approximately 8:30 a.m. to appear for a scheduled family visit with husband Carlos Eugene Cardenas. The scheduled family visit was to be the first in approximately one year, as the previously scheduled visit for four weeks prior to the incident giving rise to this action had been cancelled without any notice. As with the day of the subject incident, she had traveled between 232 and 239 miles, requiring approximately four hours of travel time.

On September 6, 2019, Christina presented to the visiting office of CCI. An officer escorted her to the back right hand side of the visiting office, sat her down, and placed her belongings on the adjacent table.

Christina was then interrogated regarding whether she had "brought anything with her" and whether she "brought any drugs in." Christina truthfully denied it.

An officer then informed Christina that a search warrant had been issued and that an officer would be coming to the office to discuss. She asked whether

she would be strip searched, which the officer confirmed. This began the emotional damages suffered by Christina, as she had previously been victim to an unwarranted, degrading, and traumatizing search by the State of California on the day of her marriage to her husband.

Christina was then presented with a legally invalid search warrant issued at approximately 8:38 a.m. on September 6, 2019. We believe that no Statement of Probable Cause was served on her in conjunction with the search warrant, which violated her constitutional rights.

While the validity and manner in which the search warrant was executed is in question, the warrant did limit the scope of potential search in the absence of Christina's consent, and Christina did not consent to an invasive search of her body. It was explicit in the warrant that a body cavity search could only be conducted after an X-Ray confirmation of the presence of a foreign object likely to be contraband in the body cavity of Christina.

An officer informed Christina that, pursuant to the warrant, she would be strip searched, in addition to officers searching all of her belongings and her vehicle. She was visibly distressed by the subject of the search, as well as her detainment in the isolated room with unknown officers crowding the single exit. One unknown officer screamed at her, "Oh wipe away your tears! You know what you and your husband have been doing!" Despite this effort of intimidation, completed in their individual and official capacities, under the color of state law, and/or in the course and scope of the unknown officer's employment, Christina responded through tears, "Don't tell me to wipe away my tears, I am innocent, and what you are saying to me is inappropriate."

Shortly thereafter, Christina was left in the small room with three officers. She was then unlawfully examined by the officers, first by opening her mouth and sticking out her tongue, then by showing her ears and turning her head upside down to shake out her hair. No contraband was found during the search.

Christina was then unlawfully instructed to take her clothing off piece by piece and hand them to the officers for inspection. This process began with her top, sports bra, then bra, which left her completely exposed on her top half.

Christina attempted to keep her breasts covered as she was asked to remove her pants for inspection. Finally, she was asked to remove her undergarments, which left Christina's breasts and genitalia completely exposed. No contraband was found on Christina's person at this time either. Christina was then unlawfully instructed to squat over a mirror placed on the ground and cough. When Christina's efforts proved there was nothing placed in her cavity, the officers unlawfully instructed her to squat wider apart and to spread her genitalia with physical intervention. Upon a negative finding of contraband, Christina was instructed to dress and sit back down to await further instruction.

She was then asked, "Why do you visit, Christina? You don't have to visit. It's a choice, and this is part of visiting." We believe the unknown officer's statement was a form of intimidation used to dismiss Christina's right to visit her lawful husband during the course of his incarceration.

After being subjected to the strip search, Christina asked the officer if she could use the restroom, as she had not been able to since arriving to the CCI facility after a nearly four hour drive. This request was denied.

Another officer then arrived, pulled her out of the detainment room, and placed her in handcuffs.

Christina was then transported to Adventist Health's Emergency Department with three CCI officers and arrived at approximately 9:45 a.m. Christina was subjected to the equivalent of a "perp walk," as she was driven to the back of the hospital, removed from the back of the law enforcement vehicle, and walked while handcuffed to the Adventist Health entrance with numerous individuals in observation. This conduct, perpetrated by three CCI officers was a form of harassment and intimidation which subjected Christina to, without limitation, emotional distress, pain, suffering, inconvenience, mental anguish, embarrassment, humiliation, and damage to her reputation.

An Adventist Health Doctor then unlawfully forced Christina to complete a pregnancy test. Prior to completing the unwanted pregnancy test, Christina requested water. This request was denied allegedly due to a possibility of emergency surgery.

She was denied reasonable access to bathroom facilities. She was given neither the privacy of a normal restroom nor the comfort of a normal toilet. Rather, Christina was forced to urinate in a makeshift toilet consisting of a chair and exposed urinal pan. This was done in the presence of an Adventist Health nurse and a female officer. Christina then had to answer personal questions regarding her medical history, including personal women's health history and mental health, in front of the officer, in complete violation of her rights to privacy and HIPAA protections.

She was unlawfully restrained in handcuffs for hours. As she waited to be unlawfully violated by defendants, she was subjected to further questioning and ridicule by the present officers. She was continually denied water and food, while officers snacked and chatted in supervision.

Christina was then escorted in a wheelchair by an officer to present for illegal X-Ray imaging. She was imaged both standing and laying down. The X-Ray study conclusively proved that Christina had no foreign substance in her body.

After the X-Ray and in violation of the express terms of the illegal search warrant, Christina was subjected to an unwanted CT-Scan. While Christina received the CT-Scan, approximately two Adventist Health hospital staff and the three present officers observed. She was handcuffed during the duration of the CT-Scan. As she had metal buttons on the waist of her pants, she was illegally instructed to lower her pants while handcuffed in the presence of Adventist Health and CCI employees. She struggled to lower her pants while crying and bound in handcuffs.

She was then brought back to the hospital room. Despite prior statements of officers and hospital staff regarding potential emergency surgery, she was finally given some water and acetaminophen. At this time, Christina was incredibly dehydrated and hungry.

After both the illegal drug test, illegal X-Ray study and the illegal CT study conclusively proved that there was no foreign substance in Christina's body, the doctor proceeded to sexually assault and forcefully penetrate Christina's anus and

vagina. The express terms of the illegal search warrant prohibited a cavity search in the absence of X-Ray confirmation of illegal contraband. The unwanted and forceful penetration of Christina's vagina and anus was perpetrated by a male doctor, even after Christina stated that she was not okay with a male probing her body and that a male probing of her body would be very retraumatizing to her. Notwithstanding Christina's objections and protests, the male doctor continued and an officer remained in the room during the unwanted and forceful penetration of Christina's vagina and anus.

Christina was illegally forced to remove her pants, which she attempted to do despite being handcuffed, crying, and hyperventilating. Christina was sobbing uncontrollably and in a clear and visibly distressed state as she was forced to sit on a table and spread her legs.

The doctor then began to violate and penetrate Christina's vaginal area, using grabbing motions with fingers. The doctor then violated and penetrated Mrs. Cardenas' anal cavity, performing the same grabbing motions with his fingers.

The doctor's violation and penetration of Christina's body was unwanted, illegal, and violative of the express written language of the illegal warrant. The violation and penetration of Christina's body was done under threat and intimidation by the defendants. The defendants' unwanted violation of Christina's vaginal and anal cavity constituted, without limitation, sexual battery, unwanted sexual conduct, and unwanted and forceful penetration of Christina's vagina and rectum.

Christina was visibly shaken, ill, sobbing, and otherwise emotionally disturbed as a result of the bodily violations performed by the doctor. Still bound by handcuffs, she lay on her side crying.

Christina was then illegally forced into a law enforcement vehicle. Crying and still bound by handcuffs, she was driven back to the CCI facility. Although she was told that she was no longer being detained, Defendants refused to take off the handcuffs that restrained Christina's body.

No contraband existed or was ever found in Mrs. Cardenas' belongings, vehicle, or person. Nevertheless, Mrs. Cardenas was denied scheduled visitation with her husband, unlawfully detained for hours, denied basic necessities of life, taken to a secondary facility for search, subjected to a humiliating "perp walk" in front of medical professionals and passersby, and ultimately forced into extensive radiology and traumatizing penetrations of her vaginal and anal cavities. She then was forced to pay for the state sanctioned torture.

When Christina returned to the CCI facility, an officer returned her belongings. Christina asked the officer if she could return tomorrow for a normal visit with her husband. The officer left the room to inquire and another officer returned to the room and rudely questioned Christina as to what she "wanted." Christina repeated her question regarding a normal visit. The officer informed her that her visit was cancelled.

As a result of what Christina was forced to suffer, we have filed a lawsuit this morning in Kern County Superior Court alleging: sexual battery, battery, gender violence, sexual harassment, violations of the California Unruh Civil Rights Act, violations of the California Bane Act, violations of the California Ralph Act, negligence, negligent hiring and retention, negligent supervision, intentional infliction of emotional distress, negligent infliction of emotional distress, false imprisonment, invasion of privacy and intrusion into private affairs.

We are seeking damages according to proof at trial. In addition, we are seeking an injunction to stop the practice of body cavity searches of women seeking scheduled family visits with their spouses. We are very proud of the courage demonstrated by our client, Christina Cardenas. She decided to take this action, not only to vindicate her rights, but also to protect the rights and dignity of other wives who are seeking family visits with their husbands.

Gloria Allred
Attorney at Law
Representing Christina Cardenas
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