

**CONTACT: GLORIA ALLRED**  
**(323) 653-6530**  
Email: [gallred@amglaw.com](mailto:gallred@amglaw.com)

## **Statement of Gloria Allred**

Today, we are very happy to announce a victory in the case of Christina Cardenas against the California Correctional Institution (C.C.I.), the California Department of Corrections & Rehabilitation (C.D.C.R.) and Adventist Health Tehachapi.

We filed this lawsuit 4 years ago because of what Christina was forced to suffer when she arrived on September 6, 2019, at the C.C.I. facility for a previously scheduled family visit with her husband, Carlos Eugene Cardenas, who was an inmate there.

As a result of what Christina was forced to endure, we filed a lawsuit in Kern County Superior Court alleging that the following incidents took place:

Christina arrived at the C.C.I. 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 search warrant issued at approximately 8:38 a.m. on September 6, 2019.

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 C.C.I. 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 C.C.I. 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 C.C.I. 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 C.C.I. 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 C.C.I. 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 C.C.I. 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.

We sought damages for her and a change in policy for spouses who are visiting their marital partners and we achieved a policy that was even wider and better, because it covers all visitors.

Today we are thrilled to announce that due to Christina's courage and persistence in pursuing this case that we were able to settle it with a global settlement on the eve of trial for \$5.6 million dollars. Of this amount, C.D.C.R. paid a total of \$3.6 million dollars with the remaining defendants paying a total of \$2.0 million dollars.

The settlement also included non-monetary relief, which was very important to Christina, because she wanted to protect other spouses who wish to visit their husbands in the future without being subjected to searches which violate their civil rights.

The non-monetary relief consists of an agreement<sup>1</sup> by the C.D.C.R. to distribute a policy memorandum to all employees which is more protective of the

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**Non-monetary relief**

rights of visitors undergoing unclothed body cavity searches at a C.D.C.R. institution in the future.

This settlement would never have been obtained without the hard work and exceptional litigation skills of our co-counsel, John Carpenter and Carlos Hernandez.

From day one of this case, John and Carlos demonstrated a passion to win justice for Christina. For all of us, it was a righteous cause.

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Footnote 1

7. CDCR shall distribute a Policy Memorandum to all CDCR employees within 60 days upon the execution of this Settlement Agreement, setting forth the following:

a. As to any search warrant authorizing an unclothed body cavity search of a visitor at a CDCR institution, the department agrees to issue a memorandum to require the lead officer in charge of executing the warrant to report to CDCR, at the conclusion of the search, the following:

1. That the warrant was read and understood by the visitor in a language understood by the visitor as to the type of the search( es) authorized, including that any and all specific preconditions required to conduct further intrusive bodily searches were read and understood by the visitor;

11. That the visitor subjected to the search was provided with a copy of the search warrant;

111. That, for each stage of a search warrant, prior to the execution of each stage, the search warrant's scope was read and understood by all law enforcement officers and any and all individuals assisting in that stage of the warrant, including that any and all specific preconditions required to conduct further intrusive bodily searches were read and understood;

iv. That the scope of the search warrant was not exceeded in its execution.

b. The parties agree the above memorandum expresses the department's current policy regarding the execution of search warrants authorizing an unclothed body cavity search of a visitor at a CDCR institution and that the department may, in its sole discretion, modify, update, repeal, or replace its policy.

It was an honor to work with them and Christina to assist in achieving this historic result.

Gloria Allred  
Attorney at Law  
Representing Christina Cardenas  
with co-counsel John Carpenter and Carlos Hernandez  
September 9, 2024