

Trans Maryland  
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**Senate Bill # 0761 Correctional Facilities - Transgender, Nonbinary, and Intersex Inmates  
Transgender Respect, Agency, and Dignity Act**

Senate Judicial Proceedings Committee

March 15, 2023

**Position: Support**

Chair Smith, Vice Chair Waldstreicher, and the esteemed Senate Judicial Proceedings Committee members, my name is Lee Blinder, and I am testifying on behalf of Trans Maryland. Trans Maryland is a multi-racial, multi-gender community power building organization for Maryland's trans community. Trans Maryland runs the state's largest volume name and gender marker change program, offering peer-to-peer guidance and financial assistance to Marylanders seeking a name and gender marker change. We also run the state's largest peer to peer connection space, and as part of our outreach, we talk to thousands of transgender Marylanders, including those currently and formerly incarcerated. I recently also served on Governor Moore and Lt. Governor Miller's transition team. In addition, I also serve as the policy chair of the Maryland Commission on LGBTQ Affairs, and my testimony reflects my position of support for SB 761 in my capacity with Trans Maryland and the Commission.

Trans Maryland wishes the record to reflect our strong support for SB 761. Incarcerated transgender, nonbinary, and intersex persons are particularly vulnerable members of our society. We want to ensure the gaps in Department of Public Safety and Correctional Services (DPSCS) policies are closed, which will address existing concerns for incarcerated transgender persons' safety and well-being, and this legislation is a crucial step towards that goal. Solitary confinement is being used by DPSCS due to lack of safe housing for transgender, nonbinary, and intersex incarcerated persons, and that practice must cease. We are eager to collaborate with DPSCS to implement best practices moving forward. Our incarcerated transgender community members have shared that they have experienced: lack of access to their gender affirming hormone therapy, lack of access to medical and mental health providers who have undergone specialized trainings (such as WPATH certification) for providing care to transgender patients, requirements for them to undergo mental health evaluation before being permitted to start gender affirming hormone therapy - a practice that is out of compliance with the international standards of care which call for hormone therapy to be provided via informed consent ([WPATH, Standards of Care for the Health of Transgender and Gender Diverse People, Version 8, 2022](#)), being subjected to violence by fellow incarcerated persons or correctional officers due to their transgender status, intentional use by correctional officers and staff of their former legal names after they have completed a legal name change, intentional use of incorrect pronouns by correctional officers and staff, and lack of access to affirming gender appropriate commissary such as makeup.

The issues our incarcerated transgender community members are experiencing are numerous, and we need to update the processes to ensure safety. This will improve the data that DPSCS reports on regarding the safety of incarcerated persons under PREA (the Prison Rape Elimination Act), improves the overall environment in our prison systems for incarcerated people which leads to fewer situations that require lengthy documentation or investigation. When the incarcerated transgender population is referred to in an affirming manner by corrections officers and staff through use of their correct names and pronouns, that shows that gender identity is

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taken seriously by the Maryland Department of Corrections. This will have a positive ripple effect, and DCSPS will have not only a moral and ethical, but also a legal responsibility to implement the anti-discrimination protections listed in the bill department wide. The first Black governor of Maryland, Governor Moore promised in his State of the State speech to leave no one behind. Leaving no one behind **includes** incarcerated transgender, nonbinary, and intersex incarcerated persons.

Trans Maryland has consulted with the leading legal organizations and legal entities representing incarcerated transgender persons, we have received direct communications from incarcerated transgender persons for the last 5 years, and all have shared with us that no transgender person is currently housed according to their affirmed gender in any DPSCS facility in Maryland. We are aware of at least 24 transgender people housed between 2 DPSCS facilities in Maryland (one referred to as a women's facility by DPSCS, and one referred to as a men's facility by DPSCS), and we would assume other locations have similar or more numbers of incarcerated transgender persons. Because of this we can assume that there is a discriminatory factor contributing to the housing of transgender incarcerated persons, and passing this crucial legislation would remedy this.

The respect agency and dignity of our incarcerated transgender, nonbinary, and intersex populations is paramount, and passing this legislation will ensure a pathway to rectify outdated practices and procedures and ensure that Maryland's prison facilities under DPSCS are continuing to grow and evolve in their treatment of incarcerated transgender, nonbinary, and intersex populations.

For all of these reasons, **we urge a favorable report on Senate Bill # 0761.**