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CHIEF ATTORNEY

POSITION ON PROPOSED LEGISLATION

BILL: S.B. 761 Transgender Respect, Agency, & Dignity Act

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: March 14, 2023

Esteemed Members of the Judicial Proceedings Committee,

My name is Angel Dawson, I am a graduate social work student from the University of Maryland, working on completing my field internship at the Maryland Office of the Public Defender. I also identify as non-binary and queer. Before pursuing social work, I worked in prison civil rights as a paralegal. In my past work and in my current internship, I have supported and advocated for incarcerated and detained trans people. I will take a moment here to clearly state that **I have never witnessed an incarcerated trans person pretending to be trans. Being incarcerated while trans is extremely dangerous. To pursue this experience for any unauthentic reason would put any person's well being and life at risk.**

In my years of professional experience, I have learned that transgender individuals experience sexual harassment and assault while incarcerated at appallingly high rates inside correctional facilities. This sexual violence occurs, in large part, because of facility placement. For example, **in men's prisons, I have found that trans women are subjected to a culture of sexual violence, often perpetrated and unmitigated by corrections staff, with few options for protection.**

At the Public Defender's Office, I am currently working with a young trans woman who has been placed in protective custody because of her gender identity. This young person has not yet been convicted of a crime and has been waiting for her trial in solitary protective custody for many months because of concern for her safety. As a result of prolonged isolation, her mental health has decompensated severely. **With no other avenue of protection, prolonged isolation in protective custody is often the only option for trans and gender non-conforming detained and incarcerated people.**

In 2015, the United Nations Mandela Rules¹ stated that **“prolonged solitary confinement amounts to psychological torture.”** In 2023, it is entirely unacceptable that trans and gender non-conforming detained and incarcerated people, including those who are pre-trial and have not yet been convicted of a crime, are subjected to psychological torture in exchange for the experience of bodily safety. We must do better than this and S.B. 761 is a step in the right direction.

The Maryland Office of the Public Defender respectfully requests a favorable report from this committee.

Sincerely,

Angel Dawson

Social Work Intern

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<https://www.ohchr.org/en/press-releases/2020/02/united-states-prolonged-solitary-confinement-amounts-psychological-torture>