

Trans Rights Advocacy Coalition – Public Comments

Uploaded by: Alice Wilkerson

Position: FAV



House Bill 426
Correctional Facilities - Transgender, Nonbinary, and Intersex Inmates
Transgender Respect, Agency, and Dignity Act
February 21, 2023
Support

Dear Chair Clippinger, Vice Chair Moon, and members of the Judiciary Committee,

The Trans Rights Advocacy Coalition is proud to present the public comments of Maryland residents who strongly support the Transgender Respect, Agency, and Dignity Act. From Baltimore City and Frederick County, to Howard County and Harford County, these Marylanders know that we must continue to be a leader when it comes to protecting trans people. Trans people face a staggering amount of discrimination and violence while incarcerated, both from other inmates and DPSCS staff. At a time when trans people are under attack across the country, we must ensure that Maryland is taking steps to protect those behind bars by giving them the dignity and agency they deserve.

Public Comments:

I am a Lutheran Pastor who is nonbinary, and ministers to many transgender folks. When two of my congregants were arrested last year, they were treated with the utmost lack of respect in the prison system. They were not safe, did not have access to hormones, and were disrespected by the guards. Trans people deserve to be honored and respected when they are incarcerated.
Emily Scott, Baltimore City

As a career public defender I have represented hundreds of people confined in a range of correctional institutions. They are not safe environments for so many vulnerable people, but particularly trans inmates. It is critical that you do whatever you can to protect them.
Joanna Silver, Montgomery County

Gender expansive individuals deserve safe, gender affirming environments to more adeptly rehabilitate during the incarceration period and subsequently return to society as contributing members.

Nicky Agyevi-Armah, Frederick County

I am transgender. I did not realize the truth about myself until I was 65 but rather spent most of my life in deep denial. I did not want to be transgender. When I could no longer deny being transgender, I realized that accepting myself meant accepting all those whose lives are different. I realized that I had to step away from the privilege that I had as being seen as a white male to being someone with less privilege. I realized that privilege is a sin given by society. To be treated with respect is not something that can be given based on any difference. It was a realization that respecting the other was required to be authentically myself. I am unlikely to be affected by the TRAD Act, but many of my transgender siblings, especially those of color, may be. This act just requires that we do no more harm to those who are incarcerated than the criminal law requires. It simply protects those who are transgender and caught up in the criminal justice system. It allows them to be respected for who they are. It allows us to be human in concern for other humans.

Anita Brown, Prince George's County

Peoples' need, and right, to be treated with dignity, respect, and safety don't go away when they enter the criminal justice system. Trans Americans face increased risk of assault, suicide, and discrimination in day to day life, and these inequalities do not go away if and when they enter the criminal justice system. Incarcerated trans people need a safe, inclusive, affirming environment, and this legislation helps make that possible. We do a disservice to everyone's rights when we only protect the rights of those that are sympathetic to the public eye. People in prison are still people, have rights, and deserve to be treated with dignity and respect, and that goes for trans people as well.

Mike English, Montgomery County

All human beings deserve to be treated with respect and dignity under all circumstances!

Carol Stern, Montgomery County

Being trans shouldn't be a death sentence, and yet for many people, it is. Whatever a person has been convicted of, they have a right to safety and to have their gender respected. The TRAD Act is making sure that prisoners are not left behind in civil rights.

Helen Heinrich, Montgomery County

Transgender people deserve safety and dignity while incarcerated. No more Black trans people should be injured or die while in Central Booking or anywhere in Maryland.

Rachel Smith, Baltimore County

Trans, intersex, and non-binary people are still people. They should be treated with the same level of respect and dignity.

Emmett Heck, Anne Arundel County

Trans inmates are worthy of dignity and respect because we are all humans. Safety and agency should be provided to everyone.

Elizabeth Byler, Baltimore City

It's time to start treating all trans people as human beings and prison shouldn't be an even greater compromise to someone's safety than it already is. Protect all trans people.

Erika Franz, Anne Arundel County

As a healthcare provider, I'm well aware that records keeping and intake processes often do not support people's ability to self identify as trans or non-binary. Establishing these systems and then treating individuals in a safe and respectful way consistent with their identity is essential to protecting people's rights. The rights of incarcerated individuals must be protected by law to ensure consistent and safe procedures.

Elizabeth Bellinger, Baltimore City

Committing a crime doesn't negate gender identity.

Cassandra Cox, Washington County

Every human being deserves to be safe. It is cruel and inhumane to treat Trans people in a way that violates their safety and dignity. Trans people deserve respect and to be treated fairly.

Sara Lloyd, Talbot County

It is about human dignity and safety. As a state, we abolished the death penalty. Now we need to treat everyone with dignity and respect even to those that may not show it themselves. That is the sign of a true civilization.

Jamie Remolde, Howard County

All people, including those accused of or convicted of a crime, deserve basic dignity and respect. This means that transgender inmates should be housed in facilities that match their identities, and they should not be discriminated against or be afraid of violence being inflicted on them.

Please pass this law.

Rylie, Howard County

As if incarceration weren't punishment enough, trans folks suffer from discrimination and outright abuse at the hands of correctional officers and other inmates at higher rates than their cis counterparts (not to mention the added cruelty of racism and other forms of discrimination on top of transphobia). I support the TRAD Act for the purpose of reducing the amount of harm that trans people experience within the carceral system.

Alex Lane, Prince George's County

Transgender individuals are far more at risk of sexual assault and discrimination when incarcerated with people of their matching birth sex. This act would ensure the safety of transgender inmates which is the responsibility of the government.

Bryan Bolesta, Howard County

I support the TRAD act because trans and nonbinary people deserve the same humanity and respect as everyone else. The penal system in MD and the larger United States is harsh and discriminatory as it is. The least that can be done is ensure that people are not placed into even worse conditions because their gender identity is not respected. I am proud that MD continues to pave the way for trans rights and I hope that TRAD can set a standard that other states can follow.

Sophie Chang, Montgomery County

People deserve respect - even when incarcerated. The instances of rape when a person is locked up in the wrong facility for them are alarming. Give people the respect they deserve.

Kay Schuyler, Baltimore County

Trans Americans face danger and discrimination in their everyday lives just because of who they are. I've seen it happen to those close to me, and even that pales in comparison to what many others deal with. This risk and hate doesn't go away if and when they enter the criminal justice system either. Just like we need to assert and protect their rights in the "outside world" we need to ensure that trans prisoners have their safety, identity, and dignity respected just like anyone else.

Mike, Montgomery County

I am a lifelong resident of Maryland, at almost 32 years old. I am transgender, specifically Agender. While I believe the entire incarceration system needs an overhaul and a change, and that every prisoner deserves dignity and their humanity acknowledged for the better of society, trans people are especially vulnerable to mal-treatment by the prison system. Maryland has been a safe state and has been ahead of the curve for non-imprisoned trans people, and that protection and dignity should extend to our incarcerated siblings as well.

Battison Easter, Harford County

As a society, we must be better than allowing institutional, systemic discrimination of transgender and other LGBTQ inmates. Passing this bill would take an important step toward needed protections for all people in the state's correctional system.

Carl Graziano, Howard County

HB 426_Maryland Coalition of Families_HB 426.pdf

Uploaded by: Ann Geddes

Position: FAV



HB 426 – Correctional Facilities – Transgender, Nonbinary, and Intersex Inmates (Transgender Respect, Agency and Dignity Act)

Committee: Judiciary

Date: February 21, 2023

POSITION: Support

The Maryland Coalition of Families: Maryland Coalition of Families (MCF) helps families who care for a loved one with behavioral health needs. Using personal experience, our staff provide one-to-one peer support and navigation services to family members with a child, youth or adult with a mental health, substance use or gambling challenge.

MCF strongly supports HB 426.

HB 426 would allow LGBTQ individuals to request transfer to gender appropriate facilities based on their housing preferences and safety concerns. It permits, however, for these requests to be denied based on a preexisting history of violence that would present security concerns.

In addition, it prohibits discrimination from an employee of a correctional facility against inmates of a wide arrange of protected classes, including gender identity.

The bill is needed since transgender individuals are many times more likely to be victims of violence when incarcerated than the general population, not only by other prisoners, but also by staff. Moreover, they are often placed in solitary confinement for their safety, but this is against their will.

Transgender inmates should have the say about where they want to be placed, unless they have a history of violence and pose security concerns. **As the mother of a transgender child (who is now 34, and has lived as a trans-man since the age of 19), I would desperately hope that should he be incarcerated, he could make the decision about where he would feel the safest. I have no idea where he would select to be placed, I only know that as a trans-man he would be at high risk of victimization, so he should have say.**

HB 426 will make Maryland prisons and jails safer by eliminating one of the most consistent causes of harm inside facilities.

For these reasons we urge a favorable report on HB 426.

Contact: Ann Geddes
Director of Public Policy
The Maryland Coalition of Families
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Brige Dumais TRAD Testimony FAV (002).pdf

Uploaded by: Brige Dumais

Position: FAV



Testimony on HB426
Transgender Respect, Agency, and Dignity Act
Position: **Favorable**

To Chair Clippinger and Members of the House Judiciary Committee,

My name is Brige Dumais (pronouns: they/them), and I am the Political Coordinator with 1199SEIU United Healthcare Workers East. We are the largest healthcare workers union in the United States with over 10,000 members in Maryland/DC. Our represents members who work at LGBTQ community health centers, and members who are LGBTQ themselves. We urge a **favorable** report on HB426: Transgender Respect, Agency, and Dignity Act because it will protect transgender, nonbinary, and intersex inmates who face a staggering amount of discrimination and violence while incarcerated.

What the bill does:

- Allows LGBTQ individuals to request transfer to gender appropriate facilities based on their housing preferences & overall safety concerns.
- Prohibits discrimination from an employee of a correctional facility against inmates on the basis of certain protected classes, including but not limited to ethnicity, disability, pregnancy status, age, sexual orientation, or gender identity.

Why the bill is needed:

LGBTQ inmates are more likely to be victims of violence than the general population, and LGBTQ individuals are more likely to be placed in solitary confinement due to being victims of violence. Studies have shown that solitary confinement has long term, adverse impacts on inmate's mental health.

When enacted, this legislation can help improve the mental health of transgender inmates, and help maintain physical health by reducing violence against transgender inmates. 1199SEIU holds a fundamental believe that everyone – no matter their gender or whether or not they are incarcerated – deserves to live a healthy and safe life, free from discrimination. Please vote yes on this bill.

In Unity,

Brige Dumais, they/them
brigette.dumais@1199.org

HB0426 Transgender Respect, Agency, and Dignity Ac

Uploaded by: Cecilia Plante

Position: FAV



TESTIMONY FOR HB0426

Correctional Facilities - Transgender, Nonbinary, and Intersex Inmates (Transgender Respect, Agency, and Dignity Act)

Bill Sponsor: Delegate Lopez

Committee: Judiciary

Organization Submitting: Maryland Legislative Coalition

Person Submitting: Cecilia Plante, co-chair

Position: FAVORABLE

I am submitting this testimony in favor of HB0426 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state with well over 30,000 members.

There are so many people in our jails, many of them for relatively minor crimes, that we have to re-think the whole process of incarceration. For persons who identify as transgender, or non-binary, or inter-sex, as well as for persons who identify with a religion that is non-Christian, or do not speak English very well, and many other personal traits that set them apart from the general population, any time in a correctional facility, no matter how short, can be very fraught.

This bill will allow for an inmate to state their personal orientation privately, in non-threatening circumstances. It will also allow them to be housed in a manner that respects their personal orientation and prohibit discriminatory treatment in the programs, services or activities they are entitled to.

We can no longer think of prisons as places for criminals who are beyond redemption. They are places that too many of our youth spend time in, and can have their lives shattered even more by the treatment they receive from correctional officers. New standards must be set to mitigate these problems.

We support this bill and recommend a **FAVORABLE** report in committee.

Copy of HB 426 Transgender Respect, Agency, and Di

Uploaded by: Christine Feldmann

Position: FAV



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February 17, 2023

Testimony in Support of House Bill 426 — Correctional Facilities – Transgender, Nonbinary, and Intersex Inmates (Transgender Respect, Agency, and Dignity Act)

The Board of Directors of Annapolis Pride enthusiastically supports House Bill 426.

This bill is important because it provides respect and agency for transgender, nonbinary and intersex individuals who are housed in correctional facilities and helps protect their health and safety. By requiring the Commissioner to add gender identity to the data collected about inmates and allowing inmates to specify their own gender identity, the inherent dignity of the affected people is acknowledged and preserved. Moreover, the bill's provisions for requiring a written policy of non-discrimination in correctional facilities and the prohibition of discriminatory actions by corrections employees are essential steps in ensuring the rights and respect of gender diverse individuals are preserved while they are engaged in the correctional system.

People who identify as LGBTQ+ are over-represented in the prison population and are at high risk for sexual abuse and harassment while incarcerated. People who are transgender, nonbinary, or intersex who are not allowed to self-identify can be particularly vulnerable if they are not housed according to their gender identity. The mental health of these individuals is also more fragile if they are not addressed by their proper names, genders, honorifics, etc. This bill, therefore, codifies protections for these individuals.

The provisions of this bill which require written policies and documentation will assist the legislature in its oversight capacity of Maryland corrections and ensure that the rights and dignity of all inmates are supported.

For these reasons, Annapolis Pride respectfully requests a favorable report on House Bill 426.

Annapolis Pride's **mission** is to advocate for, empower, and celebrate our LGBTQ+ community in Anne Arundel County to live fully and authentically. Our **vision** is a safe, equitable, and anti-racist community where people of all identities thrive.

PJC testimony HB 426 favorable.pdf

Uploaded by: Debra Gardner

Position: FAV



Debra Gardner, Legal Director
Public Justice Center
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HB 426 The Transgender Respect, Agency, and Dignity Act
Hearing before the House Judiciary Committee, February 21, 2023
Position: Favorable

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization that seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. Among its projects is a longstanding commitment to achieving constitutionally adequate health care at the Baltimore City Detention Center, which is under the control of the Department of Public Safety and Correctional Services. Because of this commitment, and because HB 426 is a matter of fundamental human rights and universal human dignity, the PJC supports HB 426.

As counsel for the class of detainees in the city jail in the case of *Duvall v. Hogan*, I have encountered human beings that have suffered all of the dangers and indignities referenced in the bill and in the studies cited by other proponents of the bill: Transgender men and women and nonbinary individuals who have been stigmatized, shamed, harassed, misgendered, denied safe housing, denied gender-affirming health care, sexually humiliated, sexually assaulted, and beaten due to their gender identity.

DPSCS continues to maintain an illegal policy in its Medical Evaluation Manual regarding housing assignments that the bill will prohibit, i.e., to house all individuals who have not completed gender reassignment surgery according to their anatomy at birth. This policy violates the federal Prison Rape Elimination Act and the Americans with Disabilities Act. It is inconsistent with the Federal Bureau of Prisons' policy and the National Commission on Correctional Health Care's standards. It is even inconsistent with DPSCS's own Executive Directives on Identification, Treatment and Correctional Management of an Inmate Diagnosed with Gender Dysphoria and on Assessment for Risk of Sexual Victimization and Abusiveness.

All of these laws and policies require multi-factor, individualized determinations based on, among other things, safety, including the individual's own assessment of their safety and their housing preference. By maintaining this restrictive rule in the face of applicable law and sound policy, DPSCS flouts its legal obligations and endangers lives.

The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.

Though the time an individual spends in the jail may be shorter than for those serving time in Maryland's prisons, the dangers they face are no less real and life-threatening. In 2021, a transgender woman died while housed with men in the jail. Her family could not obtain information about her death, and she was consistently misgendered by DPSCS representatives and medical personnel and referred to by a name she no longer used.

During an August 2022 tour of the jail, we encountered two transgender women who were suffering direct and substantial ongoing harm from the state's backward approach. They had both been forced over their objections to live in the men's general population despite having taken female hormones and lived as women in the community for years. One remained there despite having been previously assaulted by her cellmate, suffering injuries.

The other was housed in the Inpatient Mental Health Unit, not because she required any such care or treatment, but solely for her protection because she had been threatened by male detainees in general population. The depravity of this "solution" must be fully understood. The unit is reserved for individuals who present an immediate danger to themselves or others. They are subject to continuous visual observation and not allowed to wear any clothes (on the theory that they may attempt to use them to harm themselves). Thus, this transgender woman was made to take a space that someone else may have needed to save their life, and through bureaucratic rigidity, was subjected to unnecessary suicide observation. She was living naked and continuously subject to the prying eyes of guards and medical personnel for no even theoretically legitimate reason. In addition to violating the PREA's prohibition on the use of involuntary segregated housing, this "protection" is torture. And it must not be tolerated.

For the foregoing reasons, the PJC supports HB 426. Should you have any questions, please contact Debra Gardner, Legal Director, at 410-625-9409, ext. 228 or gardnerd@publicjustice.org.

2023 HB 426 (TRAD) OPD Support.docx.pdf

Uploaded by: Elise Desiderio

Position: FAV



NATASHA DARTIGUE
PUBLIC DEFENDER

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DEPUTY PUBLIC DEFENDER

MELISSA ROTHSTEIN
CHIEF OF EXTERNAL AFFAIRS

ELIZABETH HILLIARD
ACTING DIRECTOR OF GOVERNMENT RELATIONS

POSITION ON PROPOSED LEGISLATION

BILL: HB 0426 - Correctional Facilities - Transgender, Nonbinary, and Intersex Inmates (Transgender Respect, Agency, and Dignity Act)

FROM: Maryland Office of the Public Defender

POSITION: Favorable

DATE: 02/17/2023

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 426.

The 2015 US Transgender Survey (USTS), which was the largest survey ever dedicated to the experiences of transgender people, found that 2% of respondents had been incarcerated in the past year.¹ In comparison, the incarceration rate for the total American population is 0.7%.²

In addition, 30% of respondents to the USTS who were incarcerated report being physically or sexually assaulted while incarcerated. These rates of physical and sexual assault are 5 to 10 times higher than those reported by cisgender individuals.³ In short, transgender people are more likely to be incarcerated, and once incarcerated experience higher rates of violence than their cisgender peers.

Currently, Maryland law does not provide specific protections for transgender, gender-expansive, or intersex (TGI+) people who are incarcerated. DPSCS policy requires that people be housed based purely on a physical exam. In particular, the policy states: “Incomplete surgical gender reassignment require that the patient be classified according to his or her birth

¹ S.E. James, J. L. Herman, S. Rankin, M. Keisling, L. Mottet, & M. Anafi, *The Report of the 2015 U.S. Transgender Survey* (2016), National Center for Transgender Equality, <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.

² Peter Wagner and Wanda Bertram, *What percent of the US is incarcerated?* (January 16, 2020), Prison Policy Initiative, <https://www.prisonpolicy.org/blog/2020/01/16/percent-incarcerated/>.

³ See *supra* note 1.

sex for purposes of prison housing, regardless of how long they may have lived their life as a member of the opposite gender.”⁴

The existing policy is expressly damaging to TGI+ people. First, it places them at a higher risk of violence by housing them based on anatomy alone. In addition, it detracts from their mental and emotional health by denying the validity of their experiences and lived gender. This housing policy can have clear and drastic effects on a person’s physical health as well.

HB 426 codifies an anti-discrimination policy in Md Code, Corr. Svcs. § 9-618. The Maryland Office of the Public Defender supports any effort that would increase protections for all persons who are incarcerated regardless of their race, ethnicity, religion, national origin, age, sex, gender identity, sexual orientation, disability, pregnancy status, or political beliefs. Thus, we support this addition.

HB 426 also further codifies efforts to protect TGI+ people incarcerated in Maryland institutions. First, it would require correctional officials to develop nondiscrimination policies for incarcerated persons based on specified classes, and would require correctional staff to abide by those policies. In addition, the bill would require correctional staff to ask for a person’s gender identity and pronouns upon intake, allow for the person to update that information later, and require correctional staff, contractors, and volunteers to respect the given information. Finally, the bill allows TGI+ incarcerated people to select the housing and search protocols they prefer, and requires that a facility that denies those preferences provide a specific reason, in writing, with time for the person to raise an objection. It also prevents a facility from denying those preferences for discriminatory reasons, including the person’s anatomy

The Maryland Office of the Public Defender recognizes that TGI+ people are vulnerable to a greatly increased risk of violence while incarcerated. A person should not be subject to unnecessary or extraneous risks or violence while in the custody of the State. Given everything we know, failing to protect TGI+ people from the worst abuses of the prison system represents

⁴ Dep’t of Pub. Safety & Corr. Svcs., Clinical Services & Inmate Health Evaluation Manual, <http://itcd.dpscs.state.md.us/pia/ShowFile.aspx?fileID=702>; Jessica Anderson, *Better protections for LGBTQ detainees sought after transgender teen says she was discriminated against at Baltimore jail* (October 29, 2021), THE BALTIMORE SUN, <https://www.baltimoresun.com/maryland/baltimore-city/bs-md-ci-trans-de-20211028-jxo3djt2mzajfkorn3uwntwwry-story.html>.

not only shocking indifference, but an active and harmful choice.

We believe that this bill will help to reduce violence against TGI+ people who are incarcerated in Maryland's institutions. HB 426 creates policies that work to ensure the equitable treatment of all persons who are incarcerated, and urges DPSCS to treat TGI+ people with the dignity they deserve, and contains measures designed to proactively protect their health and safety.

For these reasons, the Maryland Office of the Public Defender urges this Committee to issue a favorable report on HB 426.

Submitted by: Maryland Office of the Public Defender, Government Relations Division.

Authored by: Elise Desiderio, Assistant Public Defender II, elise.desiderio@maryland.gov

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Uploaded by: Ericka McDonald

Position: FAV



TESTIMONY TO THE HOUSE JUDICIARY COMMITTEE

HB 426 - Transgender Respect, Agency, and Dignity Act

Position: Support

By: Nancy Soreng

Date: February 21, 2023

The League of Women Voters is a nonpartisan organization that works to influence public policy through education and advocacy. The League's mission is to empower voters and defend democracy, which depends on equitable treatment and protections under law for all Americans, including LGBTQ people.¹

Despite protections mandated by the federal Prison Rape Elimination Act, incarcerated transgender people are significantly more likely to be victims of violence and sexual assault. Studies show that between 40-50% of transgender inmates have reported being sexually assaulted in prison—ten times the general prison population rate.^{2 3} Legislation and policies to protect incarcerated trans people have been enacted by states and jurisdictions in California, New York, Connecticut, Massachusetts, Washington DC, and Illinois.

This mistreatment often occurs when transgender inmates are not housed and searched based on their gender identity, or when they are held in solitary confinement, denied gender-affirming care, and harassed by prison staff. Current legal protections for transgender people in Maryland's prisons and jails are inadequate. In Maryland, there were at least seven reported instances of mistreatment of transgender inmates in 2021, including the death of Kim Wirtz and brutal attack of Amber Carter.^{4 5}

The Transgender Respect, Agency, and Dignity Act addresses documented practices by the Department of Public Safety and Correctional Services that subject transgender inmates to discrimination and mistreatment. The Act includes measures that ensure that transgender inmates are treated with respect, agency, and dignity, including prohibiting

¹ <https://www.lww.org/league-urges-us-senate-pass-equality-act>

² https://www.lambdalegal.org/blog/20201125_transgender-people-prisons-jails

³ <https://srjp.org/files/warinhere.pdf>

⁴ <https://www.baltimoresun.com/news/crime/bs-md-ci-cr-jail-death-20210316-mqt5ri5li5eufhqwy3so7mye7a-story.html>

⁵ <https://www.cbsnews.com/baltimore/news/transgender-inmate-sues-maryland-alleges-officer-placed-her-in-chokhold-dropped-her-on-face-at-central-booking/>



discrimination and harassment, requiring facilities to have written nondiscrimination policies, gender-sensitive intake and search policies, and housing based on the inmates preference when possible.

The League's Criminal Justice Position states that "all correctional systems provide **humane, dignified, non-discriminatory treatment of incarcerated people** and personnel, including appropriate healthcare and access to community-based rehabilitation programs." The Transgender Respect, Agency, and Dignity Act protects the health and safety of this vulnerable community.

The League of Women Voters, Maryland, representing 1500+ concerned citizens throughout Maryland, strongly urges a favorable report on HB 426.

2023-02-21 HB 426 (Support in Concept).pdf

Uploaded by: Hannibal Kemerer

Position: FAV

ANTHONY G. BROWN
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February 21, 2023

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Hannibal G. Williams II Kemerer
Office of the Attorney General

RE: HB0426 – Correctional Facilities – Transgender, Nonbinary, and Intersex
Inmates (Transgender Respect, Agency, and Dignity Act) (Support in
Concept)

The Office of Attorney General supports the intent behind House Bill 426. This legislation prohibits correctional facility employees from discriminating against inmates “with regard to programs, services or activities, including harassing or retaliating against the inmate, on the basis of the inmate’s race, ethnicity, religion, national origin, age, sex, gender identity, sexual orientation, disability, pregnancy status, or political beliefs.” Section 9-618(a). There is no question that transgender, nonbinary, and intersex inmates form a population that should be treated with respect, given equal access to programs and services, and should not be harassed.

We also recognize that the Department of Public Safety and Correctional Services may, at times, not be able to provide gender-appropriate housing and would urge caution about overly prescribing housing assignments in law.

For the foregoing reasons, we support House Bill 426’s emphasis on treating transgender, nonbinary, and intersex inmates with respect, agency and dignity.

cc: Committee Members

This bill letter is a statement of the Office of Attorney General’s policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us

MVLS HTPP TESTIMONY - HB 426 Transgender Respect E

Uploaded by: Heather Heiman

Position: FAV

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MARYLAND HOUSE JUDICIARY COMMITTEE
TESTIMONY OF MARYLAND VOLUNTEER LAWYERS SERVICE
IN SUPPORT OF HB 426: CRIMINAL LAW – CORRECTIONAL FACILITIES –
TRANSGENDER, NONBINARY, AND INTERSEX INMATES
(TRANSGENDER RESPECT, AGENCY, AND DIGNITY ACT)

February 21, 2023

Chair Clippinger and distinguished members of the Committee, thank you for the opportunity to testify in support of House Bill 426.

My name is Heather Heiman, and I am the Project Manager for the Human Trafficking Prevention Project at Maryland Volunteer Lawyers Service (MVLS). MVLS is the oldest and largest pro bono civil legal service provider to low-income Marylanders. Since MVLS' founding in 1981, our statewide panel of over 1,700 volunteers has provided free legal services to over 100,000 Marylanders in various civil legal matters. In FY22, MVLS volunteers and staff lawyers provided legal services to 7,652 people across the State.

In fiscal year 2017, MVLS started the Human Trafficking Prevention Project (HTPP), a co-grant project through the Governor's Office of Crime, Control, and Prevention with the University of Baltimore School of Law Human Trafficking Prevention Project Legal Clinic. The HTPP at MVLS is a pro bono project that provides post-conviction relief such as expungement, shielding, and vacatur, as well as assistance with consumer, housing, and family law matters to those who meet the legal definition of a victim of human trafficking, and others who are at high risk for exploitation. Since its inception, the HTPP at MVLS has served over 200 clients who were survivors of human trafficking or at high risk for exploitation. For the reasons explained below, MVLS respectfully requests that the Committee returns a favorable report on HB 426.

The vast majority of the HTPP's transgender and gender-nonconforming clients have reported experiencing systemic and personal discrimination that prevented them from securing or retaining mainstream employment and safe housing. Many have had to turn to the underground economy, including trading sex, to meet their survival needs, putting them at increased risk of both being arrested and incarcerated by law enforcement AND exploitation by potential traffickers. Most critically, transgender and gender-nonconforming clients who were arrested and detained in correctional facilities in Maryland have shared with HTPP staff experiences involving persistent discrimination, blatant mistreatment, and outright violence while in detention.

Ms. D*, a transgender woman receiving legal help through MVLS, experienced and witnessed unconscionably disparate treatment while being detained in both Baltimore City Central Booking and other county-level jails in Maryland. Ms. D was placed in facilities with male inmates where she endured continuous harassment and threats, despite alerting correctional facility staff to her fears of being attacked due to her female gender identity. Ms. D has been mis-gendered by correctional officers, and she continuously had to advocate for fair and respectful treatment of herself and others while in detention. Ms. D also had to fight against groups of other inmates who were threatening violence, including sexual assault, against her and other transgender or gender-nonconforming detainees. Correctional officers would often not intervene in these situations.

On at least one occasion, Ms. D was forced to first speak to a psychologist upon arrival at a correctional facility, and she felt pressure to “say I was psychotic because I was transgender.” Ms. D was also placed in special facilities for inmates with disabilities or in isolation, which she experienced as further instances of discrimination by the correctional system.

Ms. D also witnessed correctional officers displaying blatant disregard for transgender and gender-nonconforming detainees’ safety, including instances where officers unlocked and opened doors to let other inmates access and assault transgender individuals. She also saw officers neglecting to respond to transgender detainee’s requests for medical care and assistance, and she has coped with tragedy of learning that friends from the transgender community died in Maryland prisons, often followed by little or no information from authorities regarding the cause of death. When discussing the discrimination and abuse that she and other transgender detainees experienced, Ms. D noted that “the current system juggles with transgender people’s lives – we should not have to go through what we go through outside jail, just to lose our lives in jail.”

Although significant reforms are needed to address the systemic oppression that transgender and gender-nonconforming people face, HB 426 takes a first step to addressing harms ongoing in correctional facilities by codifying nondiscrimination policies relating to transgender and gender non-conforming inmates and mandating that correctional facilities update their intake and housing policies to meet the unique needs of this population.

For these reasons, MVLS supports House Bill 426. We respectfully urge a favorable report.

**Name withheld to protect client’s privacy and safety.*

Testimony Written.pdf

Uploaded by: Jacob Ferruzzi

Position: FAV

My name is Jake Ferruzzi. I am a resident of District 20. I am submitting this testimony in support of HB426, the Transgender Respect, Agency, and Dignity Act. This legislation would protect transgender, nonbinary, and intersex inmates who face a staggering amount of discrimination and violence while incarcerated.

This bill would allow LGBTQ+ individuals to request transfer to gender appropriate facilities and would prohibit discrimination from correctional facility employees on the basis of protected classes, including sexual orientation and gender identity.

LGBTQ+ individuals are especially vulnerable in correctional facilities. 40% of transgender women have reported being sexually assaulted in prison. 50% of trans people have been sexually assaulted in prison. LGB people are 10 times more likely to be sexually victimized by another incarcerated person, and 2.6 times more likely to be sexually victimized by staff.

Due to the violence they experience, LGBTQ+ incarcerated individuals are 85% more likely to be placed in solitary confinement, and 50% have been placed there against their will.

Incarcerated individuals are often forgotten by society, and their rights are never treated as a priority. No one deserves to experience sexual violence or discrimination. Voting against this bill only allows this injustice and the dehumanization of LGBTQ+ incarcerated individuals to continue.

I respectfully urge this committee to return a favorable report on HB426.

Respect Agency & Dignity Act Testimony.pdf

Uploaded by: Jamie Grace Alexandeer

Position: FAV



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The Honorable Chair Luke Clippinger
House of Delegates Judiciary Committee
Room 101
House Office Building
Annapolis, Maryland 21401
February 21, 2023

**Testimony of FreeState Justice
IN SUPPORT OF HB 426 - Correctional Facilities - Transgender, Nonbinary, and Intersex
Inmates (Transgender Respect, Agency, and Dignity Act)**

To the Honorable Chair Luke Clippinger and esteemed members of the Judiciary Committee:

FreeState Justice is Maryland's lesbian, gay, bisexual, transgender, and queer (LGBTQ) civil rights advocacy organization. Each year, we provide free legal services to dozens, if not hundreds, of LGBTQ+ Marylanders who could not otherwise be able to afford an attorney, as well as advocate more broadly on behalf of the LGBTQ+ community.

I want to thank the **23 delegates who have cosponsored this bill** with Delegate Lopez. We are stronger not just because we are in coalition with these legislators but also because we are in coalition with the Trans Rights Advocacy Coalition responsible for the Trans Health Equity Act. **Most importantly, we represent the safety of our incarcerated transgender community.**

This bill will change DPSCS policy to the benefit of at risk incarcerated LGBT community members who face staggering rates of both physical & sexual violence on the basis of their identity as you'll hear from our panel. The bills nondiscrimination policy would cover not just gender identity & sexual orientation but also ethnicity, age & pregnancy status; **all identities not currently protected by DPSCS nondiscrimination policy.** Under current intake procedure, individuals are already supposed to be asked (under PREA) about their LGBT identity & other prescreening that would determine their risk within housing assessment. Expansions to this intake procedure would allow trans incarcerated people to identify how they would like to be referred to (preferred name & pronouns) in a documented setting. This would create better data for how many members of our community are currently incarcerated, **as it stand these data are woefully underreported & unrecorded.**

*FreeState Justice, Inc. (formerly FreeState Legal Project, Inc., merging with Equality Maryland)
is a social justice organization that works through direct legal services, legislative and policy advocacy, and community engagement to enable Marylanders across the spectrum of lesbian, gay, bisexual, transgender, and queer identities to be free to live authentically, with safety and dignity, in all communities throughout our state.*

Finally, this bill would allow transgender people (only) an additional avenue to **request** housing transfer to the conditions that match their gender identity & their perception of safety. These **requests could not be denied on the basis of sex or sexual orientation as they are currently.** However, the department would retain its ability to deny these requests for other substantive reasons including (Section H1) “Clear and convincing evidence of specific & articulable management or security concerns, including a present risk that the inmate will commit abuse based on the inmate’s previous behavior.” This assessment of predisposition to violence is done upon intake as another function of PREA.

Our community requires additional protection, this is acknowledged by federal law through the Prison Rape Elimination Act which I have mentioned in my explanation of the bill. PREA standards represents the start, not the end, of efforts to curb prison rape and sexual abuse. We take PREA one step further to allow transgender people not just to be placed into a housing assignment with their birth sex that is marginally safer than the general population but to request transfer across currently sex-segregated prisons into a safer housing assignment with their lived gender. We believe that **gendered housing that functions strictly off of assigned sex, with no exception, will always be additionally harmful to trans, queer & gender variant people.**

Currently, correctional facilities’ policies regarding our community vary greatly from facility to facility. Some prisons have a designated wing, like the medical wing, where our community is housed separately from the general population. Most facilities house transgender people within the general population of their assigned sex, though in a cell assignment with someone who they believe is at a lesser risk of becoming their attacker (**this is the federally legislated minimum under PREA**). Disturbingly, some facilities who don’t know what to do with their transgender inmates house them in involuntary administrative segregation or solitary confinement to avoid protecting them from the general population. A survey of 1,118 LGBTQ incarcerated people found that **85% of participants were held in solitary confinement** at least once during their sentence (Lyndon et al., 2015). Transgender individuals have frequently been placed into solitary confinement or other inhumane conditions due to being victims of violence (Sosin, 2020).

No facilities in Maryland currently house a transgender person outside of their sex. This is regardless of any gender affirming surgeries a person may have had at the time of incarceration.

This legislation is a solution to problems that already exist. I can tell you with certainty that no one would transition & willingly expose themselves to the discrimination we face in order to receive ‘special treatment’ because there is no special treatment. Indeed, such **bad actors are prevented from doing so by this bill.**

Internalize that being transgender in prison is not safe. Being in prison at all is not easy. It is my sincere hope that with the passage of this legislation, we would alleviate a small amount of these problems & make our community safer.

Jamie Grace Alexander

Policy Coordinator, FreeState Justice

HPP Testimony (Trans Respect Dignity & Agency Act

Uploaded by: Jessica Emerson

Position: FAV

Testimony of the Human Trafficking Prevention Project

BILL NO: House Bill 426
TITLE: Correctional Facilities – Transgender, Nonbinary, and Intersex Inmates (Transgender Respect, Agency, and Dignity Act)
COMMITTEE: Judiciary
HEARING DATE: February 21, 2023
POSITION: SUPPORT

House Bill 426 would prohibit an employee of a correctional facility from discriminating against inmates on the basis of being a member of a protected class including, but not limited to, the inmate’s race, ethnicity, disability, pregnancy status, age, sexual orientation, or gender identity, and mandate that the managing official of the facility to develop a written nondiscrimination policy implementing this. It would also require the Department of Corrections and Rehabilitation to, in a private setting, ask each individual entering the department’s custody to specify their gender identity and pronouns, and prohibit staff, contractors, and volunteers from failing to consistently use this information when referring to the inmate. Finally, the bill would require the department to only conduct a search of an inmate according to the search policy for their gender identity or the gender designation of the facility where they are housed, to house inmates in the correctional facility that corresponds with their gender identity, and mandate reassessment of an inmate’s housing assignment if new concerns arise with regard to their health and safety. The Human Trafficking Prevention Project supports this bill because it centers the humanity and dignity of transgender and gender non-confirming inmates, many of whom have had to trade sex for survival.

The discrimination and isolation transgender and gender non-conforming people so often face commonly translates into circumstances that put these individuals at heightened risk of arrest, including financial instability, homelessness, and drug addiction.¹ Forced to fend for themselves in a society that routinely denies them access to safe housing and mainstream employment, many transgender people are left with few options other than trading sex to meet their survival needs, which again increases their risk of arrest and incarceration.² Once incarcerated, transgender sex workers are subject to the stigma of both being transgender and having traded sex, and accordingly, experience disproportionate amounts of discrimination and violence at the hands of other inmates, as well as prison officers and staff. A study on the experiences of transgender people in the sex trade³ found that 52.6% of incarcerated transgender sex workers reported harassment by corrections staff, while 26.9% reported being physically assaulted by other inmates. 10.7% reported sexual assault by a prison guard.⁴

While no single piece of legislation can undo the injustice and systemic oppression that transgender and gender non-conforming people face, particularly those who face incarceration, HB 426 seeks to address certain of these harms by codifying nondiscrimination policies relating to transgender and gender non-conforming inmates and mandating that correctional facilities update their intake and housing policies to meet the unique needs of this population. Respect for people’s basic humanity and dignity should not be optional, regardless of their incarceration status. Therefore, the Human Trafficking Prevention Project supports House Bill 426 and respectfully urges a favorable report.

The Human Trafficking Prevention Project, which is a partnership between the University of Baltimore School of Law and the Maryland Volunteer Lawyers Service, provides pro bono legal services to criminalized survivors of human trafficking and those populations put at highest risk of exploitation.

¹ See generally Janet M. Grant, Lisa A. Mottet, & Justin Tanis, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* (2011) https://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf.

² National Center for Transgender Equality, *Meaningful Work: Transgender Experiences in the Sex Trade* (2015), https://transequality.org/sites/default/files/Meaningful%20Work-Full%20Report_FINAL_3.pdf (citing that 79.1% of transgender sex workers reported interaction with the police compared to 51.6% of non-sex worker respondents).

³ *Id.*

⁴ *Id.*

Support HB 426 - Trans Maryland.pdf

Uploaded by: Lee Blinder

Position: FAV

Trans Maryland
1800 E Northern Parkway #66332
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**House Bill # 0426 Correctional Facilities - Transgender, Nonbinary, and Intersex Inmates
Transgender Respect, Agency, and Dignity Act**

House Judiciary Committee

February 21, 2023

Position: Support

Chair Clippinger, Vice Chair Moon, and the esteemed House Judiciary 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. 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 HB 426 in my capacity with both entities.

Trans Maryland wishes the record to reflect our strong support for HB 426. 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 taken seriously by 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

For more information, contact Lee Blinder, Executive Director of Trans Maryland at lee@transmaryland.org

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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 House Bill # 0426.**

For more information, contact Lee Blinder, Executive Director of Trans Maryland at lee@transmaryland.org

hb426- incarcerated, transgender, etc. JUD 2-21-20

Uploaded by: Lee Hudson

Position: FAV



Delaware-Maryland Synod
Evangelical Lutheran Church in America
God's work. Our hands.

Testimony Prepared for the
Judiciary Committee
on
House Bill 426
Position: **Favorable**

Mr. Chairman and members of the Committee, thank you for this opportunity to testify about the safety of individuals in the custody of the State of Maryland. I am Lee Hudson, assistant to the bishop for public policy in the Delaware-Maryland Synod, Evangelical Lutheran Church in America. We are a faith community located within every jurisdiction of our State.

Our assessment of the human, civil, and community effects of incarceration-as-criminal-punishment are shaped by both the experience with imprisonment in the long faith tradition (*see, e.g.,* Is. 61:1c and Lk. 4:18b, II Cor. 11:23b and Matt. 25:36b) *and* our ministry projects inside prison walls. One of those projects is here in Maryland, the Community of St. Dysmas, an authorized worshipping congregation served by an ordained ELCA pastor. That community has been present on the inside of Maryland's correctional system since 1985.

The safety and humane treatment of incarcerated people is the responsibility of the State. When we researched and discussed criminal justice in the United States, one topic we identified for our concern was diminishing 'punishments within the punishment,' one of which is violence among the incarcerated. One kind of violence we specifically call out is sexual violence ("Criminal Justice," ELCA, 2013, pg. 26).

For that reason, we support **House Bill 426**, because it tasks the Department of Corrections, and those responsible for the administration and conduct of its facilities, to develop and practice standards and procedures for protecting these wards of the State, based on gender identity. Our prison pastor reports that her ministry does encounter such individuals and that their safety can be an issue within their imprisoned living conditions.

It is our hope, and witness to this Committee, that Maryland not allow its prison system to tangentially become a gender and identity punishment, too. So, we ask your favorable report.

Lee Hudson

WrittenTestimony_HB426.pdf

Uploaded by: Leigh Goodmark

Position: FAV

House Bill 426
Correctional Facilities - Transgender, Nonbinary, and Intersex Inmates
Transgender Respect, Agency, and Dignity Act
February 16, 2023
Support

The Gender Violence Clinic at the University of Maryland Francis King Carey School of Law represents criminalized survivors of violence – people who have been victims of gender-based violence (intimate partner violence, rape, sexual assault, human trafficking, and violence related to gender identity and/or sexual orientation) and whose incarceration (current or former) is related in some way to that violence. The clinic’s clients include transwomen who have experienced housing instability, discrimination, and sexual and physical violence in the Maryland prison system based on their gender identity.

The Gender Violence Clinic is submitting this testimony in support of HB 426, the Transgender Respect, Agency, and Dignity Act. This legislation would protect incarcerated transgender, nonbinary, and intersex people who face a staggering amount of discrimination and violence while incarcerated. Incarceration for transwomen in men’s prisons is particularly dangerous; one study found that 59% of the transwomen housed in men’s facilities had been sexually assaulted.¹ Moreover, issues with housing for transgender, nonbinary, and intersex people regularly lead to them being placed in segregation for prolonged periods of time despite having committed no offense within the prison. Such extended use of segregation has been deemed torture by the United Nations. And when transgender, nonbinary, and intersex people are placed in segregation as a result of housing issues, they can lose access to needed medical care.

This bill would make Maryland prisons and jails safer and more orderly by allowing eligible LGBTQ+ individuals to request a transfer to a gender appropriate facility based on their housing preferences and safety concerns. Additionally, absent statutory guidance, prison staff will continue to make housing decisions that lead to violence, administrative chaos, and wasted resources.

We respectfully urge this committee to return a favorable report on HB426.

¹ Valerie Jenness, Cheryl L. Maxson, Kristy N. Matsuda, and Jennifer Macy Sumner. Violence in California Correctional Facilities: An Empirical Examination of Sexual Assault (2007).

HB 426 Sponsor Testimony.pdf

Uploaded by: Lesley Lopez

Position: FAV



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

February 21, 2023

Testimony in SUPPORT of HB 426 - Transgender Respect, Agency, and Dignity Act

Summary: HB 426 creates a consistent intake process across Maryland's correctional facilities for transgender, nonbinary, and intersex individuals so that everyone in state custody is housed appropriately in a facility that matches their gender identity, working to protect everyone in the facility from violence.

The bill also requires correctional facilities to implement a written anti-discrimination policy that clarifies that an inmate may not be discriminated against on the basis of race, ethnicity, religion, national origin, age, sex, gender identity, sexual orientation, disability, pregnancy status, or political beliefs.

Overview: Maryland has no consistent intake process for transgender, nonbinary, and intersex people who are incarcerated. This means that where a gender diverse individual is housed when in custody depends on which facility they happen to be sent to.

This is not only a logistical nightmare, but also a safety risk for the people incarcerated. The LGBTQIA+ population is at a much higher risk of being a victim of violence if they are incarcerated than the general population.

- [40% of trans women](#) have reported being sexually assaulted in prison—10 times the general prison population rate
- [85% of LGBTQ people](#) report spending time in solitary confinement while incarcerated

This violence can come not only from fellow inmates, but also from correctional officers. In one particularly egregious example in Baltimore City, a transgender inmate was [placed in a chokehold by correctional officers](#) and then dropped on her face.

HB 426 provides one intake process for use across all of Maryland's state correctional facilities to reduce this risk of violence and ensure that everyone incarcerated in Maryland is treated the same way.

Under the bill, inmates will be asked during the intake process in a private setting to specify their gender identity. The inmate would then be housed in a correctional facility for men or women depending on whether the inmate would prefer to be housed in a facility that matches their gender identity or the sex they were assigned at birth.

The bill has several key changes from the bill that was heard last year. Specifically, the bill adds:

- A definition of “gender identity” that is consistent throughout Maryland statute and clarifies that the identity be “consistent and uniform” or be based on other evidence that is “sincerely held”;
- A clause that clarifies that housing requests can be denied where there are safety or management concerns;
- Clarification that there is no ability to request housing that does not match a person’s gender identity; and
- A clause that prevents prison officials from placing someone in solitary confinement solely due to their housing transfer request.

HB 426 also specifies that correctional facility employees may not discriminate against inmates on the basis of race, ethnicity, religion, national origin, age, sex, gender identity, sexual orientation, disability, pregnancy status, or political beliefs and requires this non-discrimination policy to be written and implemented by the managing official of the correctional facility.

This will ensure that every employee in Maryland’s correctional facilities has a clear understanding of what is expected of them while also protecting inmates’ rights.

Conclusion: The rights and dignity of transgender, nonbinary, and intersex individuals should not vary based on which correctional facility they are assigned to.

By providing a consistent intake process and a clear written non-discrimination policy in each of Maryland’s correctional facilities, HB 426 makes clear that all gender diverse individuals in Maryland should not be subject to violence or discrimination based solely on who they are.

Thank you and I ask for a favorable report on HB 426.

Lily Pastor House Bill 426.pdf

Uploaded by: Lily Pastor

Position: FAV

House Bill 426
Correctional Facilities - Transgender, Nonbinary, and Intersex Inmates
Transgender Respect, Agency, and Dignity Act
February 17, 2023
Support

Dear Chair Clippinger, Vice Chair Moon, and members of the Judiciary Committee,

My name is Lily Amara Pastor; I am a nursing student at Anne Arundel Community College, a resident of District 40, and a 36-year-old transgender woman. This testimony is in support of House Bill 426, the Trans Respect, Agency, and Dignity Act, which would greatly improve conditions for incarcerated transgender Marylanders. Studies on treatment in jails and prisons have overwhelmingly showed that transgender persons are at a far higher risk than the general population for physical violence and sexual violence, harrasment and discrimination, denial of medical care, and extended placement in solitary confinement. HB426 can alleviate these harms and protect some of Maryland's most vulnerable populations.

Under current Maryland law and practice, incarcerated transgender Marylanders are often placed in facilities that match their assigned gender at birth, as opposed to their presented gender, making them a target for mistreatment and violence. However, the 2003 federal Prison Rape Elimination Act established that the safety of incarcerated individuals must be taken into account when placing those individuals. HB426 seeks to build on the mandates and recommendations of the Prison Rape Elimination Act and the large body of research since and ensure the safety of incarcerated transgender Marylanders. Incarcerated transgender persons are ten times more likely to be sexually assaulted while incarcerated as compared to the general population.

HB426 also protects the right of transgender Marylanders to access necessary, scientifically-supported healthcare. Gender-affirming care has a thorough basis in research and is supported by myriad medical associations, including the American Medical Association, the American Psychiatric Association, and the American Academy of Pediatrics. It improves our lives and drastically increases our ability to function within society. While incarcerated, 44% of transgender persons report being denied access to gender-affirming care. This has a deleterious effect on their mental health and increases their chance of being targeted for harassment, as they will have a much more difficult time presenting in their chosen gender.

Decades of research have concluded that transgender persons, especially transgender women, are at great risk if incarcerated in facilities that do not match their gender. Looking at statistics, it becomes clear that it is inaccurate that transgender women are a threat to other women who they are incarcerated with. For these reasons, I respectfully ask that the Judiciary Committee return a favorable report on HB426 and help ensure the safety of Maryland's vulnerable populations.

Thank you,
Lily Amara Pastor

Testimony For TRAD.pdf

Uploaded by: Luisa Wayman

Position: FAV

Discrimination of transgender people in prisons and placing transgender people into prisons not corresponding to their gender identity causes real harm to real people. Trans men and women in Maryland have suffered terribly from mistreatment in our correctional facilities. I will collect and share the stories of some of those people here.

In 2015, 19 year old trans woman Deiarra Venable was held in custody for four days on charges of fourth degree burglary which were later dropped. When being processed into a men's jail, she was stripped naked and kept in a transparent glass cell for 45 minutes, while the police and corrections officers leered at her, ridiculed her, and made inappropriate lewd remarks towards her. Her bra was confiscated and she was forced wear a sheer thermal shirt, through which her breasts were visible. She was even forced to go to her court hearing in that shirt. While in custody, she was repeatedly sexually harassed and demeaned by corrections staff, other inmates, and even the bail commissioner.

In 2017, 28 year old trans woman Portia Simms was placed into a male prison awaiting sentencing. There, corrections officer Olukenle Oyenkami entered her cell and raped her. Simms is still in a male prison, where, without the Trans Respect Agency and Dignity Act, she will likely remain for the next 12 years, at daily risk of further sexual violence. Oyenkami was sentenced to 90 days, of which he served 45.

In 2019, trans woman Amber Canter, held in a male prison and notable for her advocacy on behalf of the rights of incarcerated trans people, was placed in an illegal chokehold and dropped to the hard floor. She suffered skull fractures and internal bleeding behind her right eye, among other injuries.

In 2021, 43 year old trans woman Kim Wirtz was found dead alone in her cell in a male prison. No cause for her death was ever given. The case remains, and will likely stay, unsolved.

None of these women were sentenced to sexual humiliation, rape, grievous injury or death – one was not sentenced at all. To claim to have a fair and equitable justice system, we must know that the sentence which is handed down by the court is the sentence which is served. That is not the situation for transgender prisoners in Maryland today. I urge the Committee to pass the Transgender Respect Agency and Dignity Act to correct this situation.

HB0426 Transgender Respect, Agency, and Dignity Ac

Uploaded by: Margo Quinlan

Position: FAV

House Bill 426 Correctional Facilities - Transgender, Nonbinary, and Intersex Inmates (Transgender Respect, Agency, and Dignity Act)
House Judiciary Committee
February 21, 2023
Position: Support

The Mental Health Association of Maryland is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health, mental illness and substance use. We work to advance a system of care that is readily and equitably accessible to children and families, which promotes mental wellbeing and resiliency, and that is family driven and youth guided.

MHAMD is in strong support of House Bill 426, the Transgender Respect, Agency and Dignity Act, which would protect the physical and mental wellbeing of LGBTQ Marylanders when incarcerated. HB 426 would allow LGBTQ individuals to request transfer to gender appropriate facilities based on their housing preferences & overall safety concerns. This bill also prohibits discrimination from an employee of a correctional facility against inmates on the basis of certain protected classes, including but not limited to ethnicity, disability, pregnancy status, age, sexual orientation, or gender identity.

Transgender Marylanders are at particular risk of psychological distress and associated impairment, primarily from elevated exposure to stigma-related minority stress¹ and from the stress associated with a lack of gender affirmation² (the accurate recognition and validation of one's gender identity). Minority stress is unique, socially based, and chronic, and may make trans and non-binary people more vulnerable to development of behavioral health concerns such as anxiety, depression, or substance use.³ Minority stress is inextricably linked to the

¹ Reisner SL, Poteat T, Keatley J, et al. (2016). *Global health burden and needs of transgender populations: a review*. Lancet 2016; 388:412–43. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7035595/>

² Dhejne C, Van Vlerken R, Heylens G, et al. (2016). *Mental health and gender dysphoria: a review of the literature*. International Review of Psychiatry 2016; 28:44–57. <https://pubmed.ncbi.nlm.nih.gov/26835611/>

³ Institute of Medicine. (2011). *The health of lesbian, gay, bisexual, and transgender people: Building a foundation for better understanding*. Washington, DC: The National Academies Press. <https://www.ncbi.nlm.nih.gov/books/NBK64806/>

For more information contact:

Margo Quinlan, Director of Youth & Older Adult Policy: 410-236-5488 / mquinlan@mhamd.org

heightened discrimination transgender people face in housing⁴, employment⁵, education⁶, and policing⁷.

HB 426 is a critical tool in addressing the challenges that our marginalized communities face when incarcerated. LGBTQ inmates are more likely to be victims of violence than the general population – 40% of trans women have reported being sexually assaulted in prison, and 50% of transgender inmates experience sexual assault while incarcerated, a rate 10 times the general prison population.⁸ Additionally, LGBTQ individuals are more likely to be placed in solitary confinement due to being victims of violence - 85% of LGBTQ inmates report being held in solitary confinement, and 50% were placed in solitary confinement for their protection but against their will.⁹ This mistreatment of LGBTQ people in Maryland’s jails and prisons leads to significant negative mental health outcomes.

This bill will make Maryland prisons and jails more orderly and safer by eliminating one of the most consistent causes of harm and psychological distress inside facilities. **We recognize the need to protect transgender residents from suffering even greater harms when incarcerated and, as such, urge a favorable report on HB 426.**

⁴ Romero, A., et al. *LGBT People and Housing Affordability, Discrimination, And Homelessness* (2020). <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Housing-Apr-2020.pdf>

⁵ Center for Constitutional Rights. *No Pride in Prejudice: LGBTQIA+ People’s Experiences with Employment Discrimination*. (2019). <https://ccrjustice.org/no-pride-prejudice-lgbtqia-people-s-experiences-employment-discrimination>

⁶ GLSEN. *The 2019 National School Climate Survey*. (2019). https://www.glsen.org/sites/default/files/2020-10/NSCS19-Full-Report_2.pdf

⁷ Mallory, C., Hasenbush, A., Sears, B. *Discrimination and Harassment by Law Enforcement Officers in the LGBT Community*. (2015). <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Discrimination-by-Law-Enforcement-Mar-2015.pdf>

⁸ Lambda Legal. *Abuse and Neglect of Transgender People in Prisons and Jails: A Lawyer’s Perspective*. (2020). https://www.lambdalegal.org/blog/20201125_transgender-people-prisons-jails

⁹ Ibid.

MEnglish HB 426 Favorable.pdf

Uploaded by: Michael English

Position: FAV

HB 426 Transgender Agency, Respect, and Dignity Act

Position: SUPPORT

Hello,

My name is Michael English, and I'm writing to strongly support HB 426, the Transgender Agency, Respect, and Dignity Act, and urge the committee to issue a favorable report.

Peoples' need, and right, to be treated with dignity, respect, and safety don't go away when they enter the criminal justice system, and trans Americans already face increased discrimination, risk of violence, harassment, and just general discrimination even in the best of scenarios. All incarcerated people are still people, and incarcerated trans people need protections to make sure they are treated with the respect, due care, and fairness as other people in the criminal justice system.

This bill would go a long way towards ensuring such treatment by prohibiting anti-trans discrimination, demanding the development of related policies, establishing guidelines to protect and respect gender identity, and establishing monitoring processes and mandatory reports on the treatment of said incarcerated people.

I urge the Committee to issue a Favorable with Amendments report on HB 426.

Thank you,

Mike English
8005 13th Street
Unit 304
Silver Spring, MD
20910

HB 426 - WLCMD - FAV.pdf

Uploaded by: Michelle Siri

Position: FAV

BILL NO.: House Bill 426
TITLE: Correctional Facilities – Transgender, Nonbinary, and Intersex Inmates
(Transgender Respect, Agency, and Dignity Act)
COMMITTEE: Judiciary
DATE: February 21, 2023
POSITION: **SUPPORT**

House Bill 426 would require correctional facilities to institute policies stating that an inmate may not be discriminated against with regards to programs, services, or activities based on the inmate's race, ethnicity, religion, national origin, age, sex, gender identity, sexual orientation, disability, pregnancy status, or political beliefs. Facilities would then also be required to inquire as to an inmate's gender identity and proper pronouns. Finally, all facilities must then ensure that inmates are addressed using their proper identifiers and are searched and housed according to their gender identity, not sex-at-birth.

Nearly one in six transgender Americans—and one in two black transgender people—has been to prison. For those incarcerated transgender individuals, discriminatory policies and sexual assault are constant and real threats. Because transgender incarcerated people in Maryland are still housed according to the sex assigned at birth, instead of by gender identity, they are more vulnerable to harassment or attack by staff or fellow incarcerated people. Per Lambda Legal, a recent study found that transgender people were 13 times more likely to be sexually assaulted than non-transgender people in prison¹. Segregating transgender people as an entire group within the correctional system—especially without their consent—can stigmatize them, cut them off from work opportunities, privileges and resources, and actually encourage violence by staff. Thus, it is clear that a policy is required to ensure they are properly housed, recognized, and treated with respect and dignity.

As conditions for transgender people behind bars remain discriminatory and dangerous, many jurisdictions, including Cook County, IL, Cumberland, ME, Denver, CO and Washington, DC—have had success with policies that classify people by gender identity rather than sex assigned at birth. Furthermore, this policy has successfully been in place in facilities within the United Kingdom since 2011. It is time that Maryland joins those areas in providing dignity and respect, as well as safer conditions, to transgender inmates. The WLC recognizes that gender justice cannot occur without trans justice; we are all fighting for bodily autonomy, economic security, and the ability to be free from violence and discrimination. As such, the WLC urges a favorable report on HB 426.

The Women's Law Center of Maryland is a private, non-profit, legal services organization that serves as a leading voice for justice and fairness for women. It advocates for the rights of women through legal assistance to individuals and strategic initiatives to achieve systemic change, working to ensure physical safety, economic security, and bodily autonomy for women in Maryland.

¹ Transgendered Incarcerated People In Crisis, Lamda Legal, <https://www.lambdalegal.org/know-your-rights/article/trans-incarcerated-people>

ACLUMD_Spaccasi_HB426_FAV.pdf

Uploaded by: Olivia Spaccasi

Position: FAV



Testimony for the House Judiciary Committee

February 21, 2023

HB 426 - Correctional Facilities - Transgender, Nonbinary, and Intersex Inmates (Transgender Respect, Agency, and Dignity Act)

FAVORABLE

OLIVIA SPACCASI
PUBLIC POLICY PROGRAM
ASSOCIATE

AMERICAN CIVIL
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OFFICERS AND DIRECTORS
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PRESIDENT

DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The American Civil Liberties Union of Maryland urges a favorable report on HB 426 which, among other provisions, would ensure that incarcerated people are housed and searched in accordance with their gender identity, establish mechanisms for transparency regarding the treatment of transgender, intersex, and nonbinary prisoners, and would limit the use of restrictive housing for those who identify in the aforementioned ways.

In Maryland, transgender people are routinely housed based on their sex at birth, rather than their gender identity. This puts transgender people at great risk for physical violence and harassment by other incarcerated people. The dangers that transgender people, particularly transgender women, face, in correctional facilities cannot be understated. A study of California state prisons found that sexual assault is 13 times more prevalent among incarcerated transgender people, with 59% reporting being sexually assaulted while in a California correctional facility.¹ According to a 2015 survey, almost a quarter of incarcerated transgender people reported being physically assaulted by other people in custody or staff.²

When transgender people experience violence inside, rather than being transferred to a safer facility that matches their gender identity, they are often transferred to restrictive housing. The use of solitary confinement in these situations, especially when the individual themselves present no security or management risk, is both dehumanizing and contrary to spirit of rehabilitation and reentry. Among other impacts, the use of restrictive

¹ Jenness, V., Maxson, C. L., Matsuda, K. N., & Summer, J. M. (2007, June). : Violence in California Correctional Facilities: an empirical examination of sexual assault: Retrieved February 17, 2023, from <https://cpb-us>

[e2.wpmucdn.com/sites.uci.edu/dist/0/1149/files/2013/06/BulletinVol2Issue2.pdf](https://cpb-us-e2.wpmucdn.com/sites.uci.edu/dist/0/1149/files/2013/06/BulletinVol2Issue2.pdf)

² James, S., Herman, J. L., Rankin, S., Keisling, M., Mottet, L., & Anafi, M. (2016, December). The Report of the The 2015 U.S. Transgender Survey. Retrieved February 17, 2023, from <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>

housing is linked to increase risk of anxiety, depression, and psychosis.³ Additionally, this practice isolates people from the normal social interactions that are necessary for successful mental rehabilitation and the adoption of pro-social outlooks and behaviors.⁴

Violence and threats of violence are not limited to interactions with other incarcerated people, but also extend to interactions with guards. A transgender woman, Sandy Brown, was sent to the state prison at Patuxent for a psychological screening. While there, Brown said she was placed in solitary confinement and kept there for 66 days. During that time, she was routinely harassed and ridiculed by prison staff. HB 426 seeks to remedy these pervasive issues by explicitly banning discrimination based on gender and mandating the use of correct pronouns and honorifics.

Regardless of gender identity, under the Eighth Amendment, the prison officials have a duty to ensure the safety of people under their supervision. Current standards not only do not ensure the safety of transgender, nonbinary, and intersex people, they open these vulnerable people up to even more abuse. Given the provisions in the bill that allow officials to deny requests in certain cases where there are articulable safety or management concerns, abuse of this new policy is highly unlikely.

The ACLU of Maryland respectfully urges a favorable report on HB 426.

³ James, K., & Vanko, E. (2021, April). The Impacts of Solitary Confinement: Evidence Brief . VERA. Retrieved February 17, 2023, from <https://www.vera.org/downloads/publications/the-impacts-of-solitary-confinement.pdf>

⁴ Corcoran, M. M. (n.d.). EFFECTS OF SOLITARY CONFINEMENT ON THE WELL BEING OF PRISON INMATES. Applied Psychology OPUS. Retrieved February 17, 2023, from https://wp.nyu.edu/steinhardt-appsych_opus/effects-of-solitary-confinement-on-the-well-being-of-prison-inmates/

HB426_FAV_Transgender Respect, Agency, and Dignity

Uploaded by: Owen O'Keefe

Position: FAV



February 21, 2023

The Honorable Luke Clippinger
Chair, Judiciary Committee
Room 101, House Office Building
Annapolis, Maryland 21401

House Bill 426 - Correctional Facilities - Transgender, Nonbinary, and Intersex Inmates (Transgender Respect, Agency, and Dignity Act) - FAVORABLE

Dear Chair Clippinger and Judiciary Committee members,

Baltimore Harm Reduction Coalition (BHRC) is an advocacy organization that mobilizes community members for the health, dignity, and safety of people targeted by the war on drugs and anti-sex worker policies. As a certified Overdose Response Program, naloxone distributor, and syringe service program we have provided essential health care services to historically criminalized populations across the state for years. For this reason and more we support HB426, the Trans Respect, Agency, and Dignity Act.

HB426 will allow transgender, non-binary, and intersex individuals who are incarcerated to request transfers to gender appropriate facilities based on their housing preferences and overall safety concerns. Additionally, this bill will prohibit discrimination from an employee of a correctional facility against inmates on the basis of certain protected classes, such as ethnicity, disability, pregnancy status, age, sexual orientation, or gender identity.

Transgender and gender non-conforming people experience both disproportionately high rates of substance use and criminal legal system involvement when compared to cisgender populations. Nearly one in six transgender Americans (16%) have been incarcerated, and almost half of all Black transgender people (47%).¹ Based on a study by the California Department of Corrections and Rehabilitation, 50% of these transgender inmates may experience sexual assault while they are incarcerated, and 59% of transgender women within prisons. This is 13 times the rate of sexual assault in the general prison population.² Due to being victims of violence, 85% of LGBTQ inmates report being held in solitary confinement.³ Failing to protect transgender, non-binary, and intersex people is not a reason to punish them with solitary confinement. Maryland must do more to combat the unique dangers faced by transgender people inside the carceral system.

¹ Injustice at Every Turn: A Report of the National Transgender Discrimination Survey, at 163. (2011)

² Jenness et al., Violence in California Correctional Facilities: an empirical examination of sexual assault (2007)

³ The Sentencing Project. Incarcerated LGBTQ+ Adults and Youth. (2022)

Passing this legislation will help ensure the safety, well being and livelihood of transgender, non binary and or intersex people while incarcerated. **For these reasons, we urge the House Judiciary Committee to give HB426 a favorable report.**

For more information about Baltimore Harm Reduction Coalition or our position, please contact our Director of Mobilization, Rajani Gudlavalleti at rajani@baltimoreharmreduction.org

2023 PPM HB 426 House Side FAV.pdf

Uploaded by: Robyn Elliott

Position: FAV

Planned Parenthood of Maryland

Committee: House Judiciary Committee

Bill Number: House Bill 426

Title: Correctional Facilities - Transgender, Nonbinary, and Intersex Inmates
(Transgender Respect, Agency, and Dignity Act)

Hearing: February 21, 2023

Position: Support

Planned Parenthood of Maryland strongly supports *House Bill 426 - Correctional Facilities - Transgender, Nonbinary, and Intersex Inmates (Transgender Respect, Agency, and Dignity Act)*.

PPM provides health care to transgender Marylanders and fully supports the rights of the LGBTQIA+ community. This bill will serve to mitigate many deficiencies with current policies and help transgender, nonbinary, and intersex incarcerated individuals to live in a safe, gender-affirming environment. Individuals who are incarcerated and transgender are routinely housed according to their sex assigned at birth with no regard for their gender identity or what would be safest for them. They are then subjected to violence by other inmates and at-risk of being placed in solitary confinement. This bill will protect the health and safety of incarcerated individuals by requiring housing placements that aligns with gender identity.

We ask for a favorable vote on this legislation. If we can provide any additional information, please contact Robyn Elliott at relliott@policypartners.net.

HB 426_Disability Rights Maryland_Fav.pdf

Uploaded by: Sam Williamson

Position: FAV

SUPPORT – HB 426

Correctional Facilities – Transgender, Nonbinary, and Intersex Inmates
Transgender Respect, Agency, and Dignity Act
Judiciary Committee
February 21, 2023

Chair Clippinger and Members of the Committee,

Thank you for the opportunity to provide written testimony in support of House Bill 426, on behalf of Disability Rights Maryland (DRM). DRM is a legal nonprofit and Maryland’s federally designated Protection & Advocacy agency. DRM is dedicated to advancing the civil rights of people with disabilities.

This bill provides important protections that will help reduce incidents of violence in Maryland prisons. When transgender people are incarcerated, they “are subjected to constant violence by both prison staff and other prisoners.”¹ DRM has received reports of these abuses. In our role as a monitoring agency, we have learned of transgender women being placed in cells with individuals who are known to be violent towards transgender women. When the transgender women refuse such violent housing, they are punished and placed into administrative segregation. They are allowed out of their cells for one hour per day; they lose access to programming, classes and jobs; and they may lose accumulated good conduct credits.

The conditions in our carceral institutions result in “high levels of stress, fear, social isolation, infectious disease, and violence exposure, all of which can increase disability risks.”² Maryland prison conditions punish incarcerated individuals, especially transgender women, by damaging their health and wellbeing. HB 426 will reduce some of these unjustifiable impacts.

California’s Transgender Respect, Agency, and Dignity Act

Maryland’s bill was originally based on a California bill of the same name. The California law has been an important step forward in protecting incarcerated transgender persons, and it has not led to disarray or an increase in violence in California prisons. California has approximately 1,671 incarcerated transgender, nonbinary, and intersex individuals. In the two years since the California bill was implemented, there have only been 353 housing transfer requests, and only 13% have been approved (47 approvals).³

¹ *Coming Out of Concrete Closets: A Report on Black & Pink’s National LGBTQ Prisoner Survey*, Jason Lydon, *et.al.* at 3 (2015), <https://www.issuelab.org/resources/23129/23129.pdf>.

² *The Links Between Disability, Incarceration, and Social Exclusion*, Laurin Bixby *et al.*, (Oct. 2022), <https://www.healthaffairs.org/doi/10.1377/hlthaff.2022.00495>.

³ *Senate Bill 132 FAQs*, California Department of Corrections and Rehabilitation, <https://www.cdcr.ca.gov/prea/sb-132-faqs/>.

A group known for its anti-transgender “mis- and disinformation”⁴ sued to challenge the California law. The purported support for this lawsuit includes “false allegations and rumors,” in the words of an incarcerated woman who was misconstrued as a victim of sexual assault. In a declaration sworn under penalty of perjury, the woman stated that a transgender individual took care of her when she was sick, and afterwards, false rumors spread about a sexual assault. Due to the unfounded rumors, the transgender person is “being held indefinitely in isolation,” despite the woman’s repeated assertions that she was not harmed.⁵

In contrast to those rumors, the violence faced by incarcerated transgender women is real. According to another filing in the lawsuit, one transgender woman has faced more than 30 incidents of sexual violence while incarcerated. Another transgender woman was attacked by multiple individuals, who broke bones in her jaw and neck. A different attack cost that same transgender woman 8 teeth.⁶

There is a pending motion to dismiss the California lawsuit.⁷

Improvements to Maryland’s Bill

Given some of the rhetoric surrounding the California bill, some Maryland legislators expressed concern about potential risks to non-transgender women.

This year’s bill has made several key changes to respond to those concerns:

1. The bill now includes a definition of “gender identity,” consistent with the definition used throughout Maryland’s Code. The definition requires that gender identity be “consistent and uniform” or have “other evidence that the gender identity is sincerely held as part of the person's core identity.” This definition makes it even less likely that a non-transgender person would risk the violence imposed on who are perceived as transgender in order to access a housing transfer.
2. The bill no longer states that an incarcerated person shall be housed according to open-ended “preference.” Now, housing is only permitted in accordance with either gender identity or sex assigned at birth. In other words, the person must have a sincerely held transgender identity in order to request housing that does not align with sex assigned at birth.
3. The bill tightens up language permitting the prison to deny transfer requests. The bill now explicitly states that requests may be denied based on a “risk that the inmate may commit abuse.”

⁴ *Far-Right Groups Flood State Legislatures with Anti-Trans Bills Targeting Children*, Southern Poverty Law Center (April 26, 2021), <https://www.splcenter.org/hatewatch/2021/04/26/far-right-groups-flood-state-legislatures-anti-trans-bills-targeting-children>.

⁵ Declaration of Asia Davis, Docket No. 43-3, Case No. 1:21-cv-01657-JLT-HBT, *Chandler v. California Department of Corrections and Rehabilitation*, https://www.lambdalegal.org/sites/default/files/legal-docs/downloads/2022-07-05_dkt_043-3_exhibit_b.pdf.

⁶ Motion to Intervene, Docket No. 19-1, Case No. 1:21-cv-01657-JLT-HBT, *Chandler v. California Department of Corrections and Rehabilitation*, <https://www.lambdalegal.org/sites/default/files/legal-docs/downloads/19-1.pdf>.

⁷ *Chandler v. California Department of Corrections and Rehabilitation*, Lambda Legal, <https://www.lambdalegal.org/in-court/cases/chandler-v-california-department-of-corrections-and-rehabilitation>.

These changes strike the appropriate balance to ensure additional safety for all incarcerated Marylanders.

DRM urges the Committee to issue a favorable report on HB 426. Thank you for your consideration. Please contact Sam Williamson at 410-727-6352 or SamW@DisabilityRightsMd.org with any questions.

SC HB426 Support (1).pdf

Uploaded by: Sophia Connell

Position: FAV

House Bill 426
Correctional Facilities - Transgender, Nonbinary, and Intersex Inmates
Transgender Respect, Agency, and Dignity Act
February 17, 2023
Support

Dear Chair Clippinger, Vice Chair Moon, and members of the Judiciary Committee,

My name is Sophia Connell, and I am a software Engineer with the National Federation of the Blind residing in District 40. As a transgender Marylander, I support House Bill 426, the Trans Respect, Agency, and Dignity Act, as it would greatly improve protections for a vulnerable population. Transgender persons that are incarcerated are ten times more likely to experience sexual violence than the general population; often at the hands of guards and other prison employees.

While we are a small portion of the population, often due to discrimination we are more likely to end up incarcerated. Given how many trans inmates report being sexually harassed by correctional facility staff, which is around 52%, and over ten percent reported being sexually assaulted by guards, I feel it is best to offer vulnerable inmates greater protections. A plethora of lawsuits have stemmed from sexual violence in prisons and jails. Multiple states and the federal government have had to pay out money in settlements and litigation due to the rampant sexual abuse of prisoners over the past decade, and I do not feel that a good use of state money is to have to pay settlements due to the open contempt for trans people our correctional facilities are allowed to show.

That contempt has even been deadly, as was the case in 2021 with Kim Writz, who was found dead in a male holding area of Baltimore Central Booking, despite her request to be housed in more gender appropriate housing. Even when the violence is not deadly, studies have shown that the trauma one endures deteriorates mental health. This often leads to further housing and financial instability, which can lead to a person being incarcerated multiple times, further wasting the state's resources and trapping Marylanders in a cycle of dysfunction.

Preventing these tragedies is the correct thing to do from an ethical standpoint, and it is also a solid financial decision. HB426 will prevent litigation against our state, and prevent Maryland from having to incarcerate more vulnerable people, reducing their ability to function as productive residents and contribute to our great state. For these reasons, I ask that the Judiciary Committee return a favorable report on HB426, the Trans Respect, Agency, and Dignity Act.

Thank you,
Sophia Connell

230217-HB0426-Transgender-etc-inmates-dignity-act.

Uploaded by: Christine Hunt

Position: UNF

Christine Hunt and Jay Crouthers
1014 Dockser Drive
Crownsville, MD 21032

February 17, 2023

Maryland General Assembly
Members of the Judiciary Committee
Annapolis, MD

RE: HB0426-Correctional Facilities-Transgender, Nonbinary, and Intersex Inmates (Transgender Respect, Agency, and Dignity Act)

Dear Delegates,

We oppose HB 426 and respectfully request that you vote against it.

After reviewing the fiscal notes of HB 453, submitted in 2022, we believe that HB 426 is not necessary due to the current law policies already in place.

Biological men should be housed with biological men and the same for women.

There are already anti-discrimination provisions in current laws in the State.

Perhaps having a separate section of existing prison facilities designated for LGBTQ persons would be a solution to whatever problems they experience in a facility of their biological sex.

Sincerely,

Christine Hunt and Jay Crouthers

HB426_DPDS_LOI.pdf

Uploaded by: Catherine Kahl

Position: INFO



Department of Public Safety and Correctional Services

Office of Government & Legislative Affairs

45 Calvert Street, Suite 7A, Annapolis, MD 21401
(443) 240-8696 • www.dpscs.maryland.gov

BILL: HOUSE BILL 426

STATE OF MARYLAND

POSITION: LETTER OF INFORMATION

WES MOORE
GOVERNOR

ARUNA MILLER
LT. GOVERNOR

CAROLYN J. SCRUGGS
SECRETARY

CHRISTINA LENTZ
ACTING
DEPUTY SECRETARY
ADMINISTRATION

ANNIE D. HARVEY
ACTING
DEPUTY SECRETARY
OPERATIONS

VACANT
ASSISTANT SECRETARY

JENNIFER A. BESKID
DIRECTOR

EXPLANATION: This bill adds a reporting requirement to require data on the gender identity of incarcerated individuals, and the number of requests for housing transfers. HB 426 also adds several sections to the Correctional Services Article that prohibit employees from discriminating against incarcerated individuals regarding programming and services as well as the incarcerated individual's demographics, requires the managing official of a correctional facility to implement a written policy prohibiting discrimination of incarcerated individuals regarding programming and services or the incarcerated individual's demographics, requires privacy for conducting certain aspects of intake and classification, requires staff and contractors at correctional facilities to use gender pronouns or honorifics in verbal and written communications, and specifies housing and search practices.

COMMENTS:

The Department operates the Division of Correction (DOC), the Division of Pretrial Detention and Services (DPDS), and the Division of Parole and Probation (DPP).

- DOC operates 13 State correctional facilities housing offenders sentenced to periods of incarceration for 18 months and longer.
- DPDS operates the Baltimore City Pretrial Complex which houses pretrial detainees and incarcerated individuals sentenced to incarceration for periods of 18 months and less.
- DPP supervises parolees, probationers and those on mandatory release from correctional facilities.

Reporting

- The DOC would be able to provide data on the gender identity of an incarcerated individual, however, it should be noted that it is up to the incarcerated individual to disclose their identity.

- The reporting requirements with regards to housing, specifically to the gender identity add a burden to officers who will be required to track data that is more detailed and involved than what our system tracks, and detracts from their current custody duties. For example, housing requests under § 9-620 (F) allow an incarcerated individual to request a change to placement ANY TIME the individual raises concerns for their health or safety.

Discrimination

- The Department's policy on Standards of Conduct states "An employee shall be fair, firm, and impartial in relationships with inmates and offenders. The employee shall maintain a humane, objective and professional interest in the welfare of inmates and clients in order to contribute to the success of the programs of the Department."
- Additionally, the Standards of Conduct policy specifies, "An employee found to have engaged in discrimination on the basis of race, color, religion, national origin, political affiliation, handicap, age or sex (including sexual harassment) will be subject to disciplinary action up to and including termination depending on the degree of the infraction."
- **The additional language proposed in HB 426 including ethnicity, gender identity, or sexual orientation can be included in policy without legislation.**

Gender Identity

- The Department has been proactive in its efforts to reduce victimization of the incarcerated population and under the Assessment for Risk of Sexual Victimization and Abusiveness policy, a screening instrument is utilized as part of the intake and facility transfer process and at other times deemed appropriate to assess each inmate's risk for being sexually abused or being sexually abusive toward other inmates.
- The bill proposes that housing decisions shall consider the incarcerated individual's perception of safety. Incarcerated individuals are provided the opportunity to participate in the classification case management process including presenting opinions, preferences, and requests for appropriate classification assignments in accordance with the Department's policy on Inmate Rights.
- For the safety and security of ALL incarcerated individuals, there is a classification process the Department adheres to for the purpose of ensuring the individual is housed properly and does not pose a safety risk to the individual, to other individuals, or to the facility as a whole.

An incarcerated individual's classification is reviewed at minimum every 12 months.

- All incarcerated individuals must be kept safe from victimization, harassment and assault. Allowing an individual to choose housing based solely on their preference as an LGBTQ+ individual removes from the Department the ability to ensure the safety and security of ALL individuals.
- HB 426 would require an incarcerated individual to be searched according to the search policy for the individual's gender. This already exists in policy for individuals who identify as transgender. After meeting with the designated medical/mental health provider, a search exemption card is issued and the individual is able to determine the gender of an officer who is required to perform a search.
- HB 426 would require all staff, contractors, and volunteers at a correctional facility to address an incarcerated individual in a manner consistent with the inmate's gender identity. This preference for how an incarcerated individual wishes to be addressed could be covered in training and appropriate signage could be displayed; however, the Department could not enforce this mandate for every single individual entering a facility - especially contractors or volunteers.
 - For example an emergency contractor that comes in at 6:00 p.m. on a Saturday for a water emergency could come into contact with a transgender individual in a male facility and refer to the individual as "sir" given that an escort officer would not be providing the preferred pronoun for every incarcerated individual with whom the contractor crosses paths.
 - This would result in a significant increase in the number of Administrative Remedy Procedure (ARP) complaints, ARP appeals to the Commissioner, Inmate Grievance Office (IGO) complaints and civil rights complaints filed in the United States District Court for the District of Maryland.
- HB 426 seeks to establish LGBTQ+ individuals in the Department's facilities as a protected class that is exclusive of other protected classes such as those with intellectual or developmental disabilities. The Department is responsible for ensuring the security, health, and safety of EVERY individual in its custody. Existing policies and procedures are in place to ensure that all incarcerated individuals are treated fairly and with respect.
- HB 426 would prohibit the Department from placing an LGBTQ+ individual in restrictive housing. This implies that an LGBTQ+ individual

is not capable of violently assaulting another, attempting to escape, or threatening the security and/or operations of the correctional facilities - the reasons for which an incarcerated individual is placed in restrictive housing.

CONCLUSION: For these reasons, the Department of Public Safety and Correctional Services respectfully urges the Committee to consider this information as it deliberates on House Bill 426.

2022 Annual Report - Maryland Commission on LGBTQ

Uploaded by: Jeremy Browning

Position: INFO



Maryland Commission on LGBTQ Affairs



2022 Annual Report

Maryland Commission on LGBTQ Affairs
Governor's Office of Community Initiatives
100 Community Place
Crownsville, MD 21032



LARRY HOGAN
GOVERNOR

STATE OF MARYLAND
OFFICE OF THE GOVERNOR

Maryland State House
100 State Circle
Annapolis, MD 21401

Dear Marylanders,

I am pleased to share with you the 2022 Maryland Commission on LGBTQ Affairs Annual Report.

Created by the Maryland General Assembly in 2021 and now part of the Governor's Office of Community Initiatives, the Maryland Commission on LGBTQ Affairs has been hard at work over the past year selecting leadership and establishing bylaws and subcommittees. These critical first steps will help enable the commission's core work in assessing the challenges that Maryland's LGBTQ+ communities face and delivering the voices of LGBTQ Marylanders to leadership in state government.

I would like to recognize the leadership of Chair Joe Toolan, Vice Chair Joseph M. Clapsaddle, and Administrative Director Jeremy Browning who, supported by their fellow commissioners, led the commission during a productive first year.

On behalf of the State of Maryland, I want to sincerely thank the Maryland Commission on LGBTQ Affairs for their diligent work to improve the quality of life among our nearly half million LGBTQ+ Maryland residents, and I look forward to seeing the commission's continued progress in the years to come.

Sincerely,

A handwritten signature in blue ink, appearing to read "Larry Hogan".

Larry Hogan
Governor

Message from the Executive Director of the Governor's Office of Community Initiatives

Dear Friends:

It is with pleasure that I present the first annual report for the Maryland Commission on LGBTQ Affairs.

The Maryland Commission on LGBTQ Affairs is the newest commission under the Governor's Office of Community Initiatives, which connects Marylanders to economic, volunteer, and human service opportunities through government, business, and nonprofit partners. Through more than 700 community-based engagements every year, we connect citizens across the state to the executive branch of Maryland's government, raising their voices and expanding opportunities to help more directly address their needs.

Created by the 2021 Maryland General Assembly, the commission has hit the ground running, beginning the critical work of advocating for solutions to help address challenges facing Maryland's LGBTQIA+ community. Commissioners are to be commended for their hard work and sense of service—their dedication brought the commission to fruition this year and will undoubtedly propel its work going forward.

I would also like to offer my sincere thanks and congratulations to chair Joe Toolan, vice chair Joseph M. Clapsaddle, and administrative director Jeremy Browning for a productive and successful first year. With continued perseverance and excellence in leadership, I look forward to seeing the commission continue to meet its goals and directives in service of making a better state for all Marylanders.

Sincerely,



Steven J. McAdams
Executive Director
Governor's Office of Community Initiatives

Message from the Chair of the Maryland Commission on LGBTQ Affairs

Dear Community Members and Friends,

I am pleased to present the inaugural Maryland Commission on LGBTQ Affairs Annual Report. Over the past year, our commission has made important and historic strides to assess and address the challenges facing Maryland's LGBTQIA+ communities. We know this year has brought challenges for many members of our community, but we are optimistic about the road ahead and we are grateful for the many partnerships that we continue to forge in support of our work across the entire state.

I first want to thank the Governor Hogan administration, and Executive Director of the Governor's Office of Community Initiatives Steven J. McAdams for all their support as we built the commission from the ground up in our first year.

I would also like to thank commission vice chair Joseph Clapsaddle and our administrative director, Jeremy Browning, for their leadership and contribution to our growth.

Finally, I would like to recognize Delegate Lili Qi, whose work helped establish this commission and who endeavors daily to raise the voices of LGBTQIA+ Marylanders.

Our commission brings together members from across the state who have many different identities and backgrounds, representing our vibrant and diverse community. We are thankful for their passionate perspective, insight, and contribution to our work. As we continue to grow, learn, and educate one another, we remain steadfast in our commitment to raising the voices of LGBTQIA+ Marylanders as we work to build a stronger, safer, more inclusive state for all.

It is an honor and privilege to serve as chair of the Maryland Commission on LGBTQ Affairs. On behalf of the commission, we look forward to continuing to serve Maryland's LGBTQIA+ community for many years to come.

Sincerely,



Joseph Toolan (he/him)
Chair
Maryland Commission on LGBTQ Affairs

Message from the Administrative Director of the Maryland Commission on LGBTQ Affairs

Dear Fellow Marylanders:

It is my great honor and privilege to serve as the Administrative Director of the Maryland Commission on LGBTQ Affairs and I am pleased to present this first annual report.

The Maryland Commission on LGBTQ Affairs was created by the 2021 Maryland General Assembly to provide a coordinated approach for addressing the distinct needs of our lesbian, gay, bisexual, transgender, queer, questioning, intersex, agender, aromantic, asexual (LGBTQIA+) community members throughout Maryland.

We are working towards our goal of supporting a more inclusive and equitable state by raising awareness about LGBTQIA+ issues, developing policy recommendations and offering technical assistance to Maryland agencies as they become increasingly aware of policies impacting our community.

The Maryland Commission on LGBTQ Affairs is the only state agency dedicated solely to building awareness and advocating for our LGBTQIA+ community. During my first year guiding the commission, I have sought to create a strong foundation by building relationships with state agencies, nonprofits, policy makers, community partners and leaders to ensure that the commission can be impactful and effective.

I would like to thank Governor Hogan and Steve McAdams, executive director of the Governor's Office of Community Initiatives, for setting up and supporting the commission. I would also like to offer special thanks to chair Joe Toolan and vice chair Joseph M. Clapsaddle for their dedication and service in this first year. As a result of their efforts and the hard work of our commissioners, we have been able to make progress towards creating a more inclusive and equitable state.

Sincerely,



Jeremy Browning (he/him)
Administrative Director
Maryland Commission on LGBTQ Affairs

Section 1

About the Maryland Commission on LGBTQ Affairs

About the Maryland Commission on LGBTQ Affairs

The Maryland Commission on LGBTQ Affairs is within the Governor's Office of Community Initiatives and was created during the 2021 Maryland General Assembly to:

- Assess challenges facing our LGBTQ community
- Collect data across state agencies on:
 - Implementation of LGBTQ-inclusive policies
 - Complaints alleging discrimination based on sexual orientation or gender identity
- Study and establish best practices for inclusion of LGBTQ individuals and communities
- Offer testimony on issues concerning LGBTQ persons before legislative and administrative bodies
- Act as a clearinghouse for activities to avoid duplication of efforts
- Create surveys and appoint advisory committees

More information about the commission may be found at <https://goci.maryland.gov/lgbtq/>.

Please note, the commission has recommended updates to the legislation to change the name to the Maryland Commission on LGBTQIA+ Affairs.

Commission Meetings

The Maryland Commission on LGBTQ Affairs is required to meet at least four times a year and is subject to the Maryland Open Meetings Act. View upcoming meetings and previously recorded meetings by visiting: <https://goci.maryland.gov/lgbtq/meetings/>

2022 Meetings

- January 3, 2022
- February 8, 2022
- March 14, 2022
- May 2, 2022
- July 11, 2022
- September 19, 2022
- November 7, 2022

The Maryland Commission on LGBTQ Affairs strives to make our meetings as accessible as possible. The commission now provides ASL interpreters and CART live captioning at our meetings. If you need accommodations or assistance, please contact the administrative director at jeremy.browning@maryland.gov.

Timeline: Maryland Commission on LGBTQ Affairs

- **April 12, 2021** - The 2021 Maryland General Assembly passed House Bill 130 sponsored by Delegate Lily Qi that created the Maryland Commission on LGBTQ Affairs in the Governor's Office of Community Initiatives (GOCI).
- **Summer/Fall 2021** - Following the passage of Bill HB 130 the Hogan administration sought to appoint the 15 members of the commission through the advice and consent of the senate.
- **January 3, 2022** - The commission held its first public meeting with 11/15 commissioners seated and present.
- **February 8, 2022** - The commission held a special meeting to elect officers for the calendar year 2022. Joe Toolan was elected as chair and Joseph M. Clapsaddle was elected as vice chair.
- **March 2022** - The remaining four commission seats were filled.
- **June 4, 2022** - The commission participated in the Annapolis Pride Parade and attended Baltimore Trans Pride hosted by Baltimore Safe Haven.
- **July 27, 2022** - Candidates were recommended by the commission and Jeremy Browning was appointed to serve as administrative director of the commission by Governor Hogan.
- **October 2022** - Commissioners and the administrative director attended several events around the state to celebrate LGBTQIA+ History Month.
- **November 7, 2022** - The commission approved by-laws and established policy priorities for the 2023 legislative session.

2022 Maryland Commission on LGBTQ Affairs Commissioners

The 15-member Maryland Commission on LGBTQ Affairs reflects the gender, racial, ethnic and geographic diversity of Maryland. Members are required to know the issues facing the LGBTQ community and advocate for solutions to problems facing the community.

***2022 Commissioners:**

- Joseph L. Toolan, chair (he/him)
- Joseph M. Clapsaddle, vice chair (he/him)
- Sarcia Adkins (she/her)
- Nicholas Augustine (he/him)
- Lee Blinder (they/them)
- Joan B. Bryan (she/her)
- Amit Dhir, NP-C, MBA (he/him)
- Kurt B. Doan, Ed.D (he/him)
- Deborah Dunn, PAC, MBA (she/her)
- Anthony E. Fox (he/him)
- Jabari Lyles (he/they)
- Stephen J. Martin (he/him)
- Margo Quinlan (she/they)
- Mark Ridderhoff, LCSW-C (he/him)
- Rowan Willis-Powell (she/they)

**Commissioners and Officers as of 12/31/2022*

Section 2

Legislative Mandates and Progress

Legislative Mandates and Progress

➤ **Assessing Challenges and Facing Our LGBTQIA+ Community in Maryland**

While progress has been made towards achieving equality and equity across Maryland and the United States, significant work remains. Our LGBTQIA+ community still faces challenges in almost every aspect of daily life from housing, employment, healthcare, and education, while living with increased risks of discrimination, harassment, and violence.

Below are key findings from some of the largest studies that assess challenges faced by our LGBTQIA+ community across the U.S. and within the State of Maryland. The highlighted findings below are merely a snapshot and readers are encouraged to read the full reports referenced to fully understand the challenges facing our LGBTQIA+ community members. Please note, there are many other studies not included in this report that reflect similar challenges facing our LGBTQIA+ communities.

[The Report of the 2015 U.S. Transgender Survey](#) (James et al., 2016, 4-7)

The National Center for Transgender Equality (NCTE) is the nation's leading source of social justice policy advocacy organization devoted to ending discrimination and violence against transgender people. NCTE conducted the 2015 U.S. Transgender Survey (USTS) with 27,715 respondents from across the country. Please note, NCTE repeated the USTS again in fall of 2022 and results will be published in 2023.

“The findings reveal disturbing patterns of mistreatment and discrimination and startling disparities between transgender people in the survey and the U.S. population when it comes to the most basic elements of life, such as finding a job, having a place to live, accessing medical care, and enjoying the support of family and community. Survey respondents also experienced harassment and violence at alarmingly high rates.”

Key Findings:

- **Pervasive mistreatment, harassment, and violence in every aspect of life:** In the year prior to completing the survey, 46% of respondents were verbally harassed and 9% were physically attacked because of being transgender.
- **Severe economic hardship and instability:** There were large disparities between transgender people in the survey and the U.S. population. Nearly one-third (29%) of respondents were living in poverty, compared to 12% in the U.S. population.
- **Harmful effects on physical and mental health:** 39% of respondents experienced serious psychological distress in the month prior to completing the survey, compared with only 5% of the U.S. population.

- **The compounding impact of other forms of discrimination:** Transgender people of color experience deeper and broader patterns of discrimination than white respondents and the U.S. population.
- **Increased visibility and growing acceptance:** Despite the undeniable hardships faced by transgender people, respondents' experiences also show some of the positive impacts of growing visibility and acceptance of transgender people in the United States.

[The 2021 National School Climate Survey: The Experiences of LGBTQ+ Youth in Our Nation's Schools](#) (Clark et al., 2022, xvi-xviii)

Since 1990, GLSEN has worked to ensure that LGBTQ+ students are able to learn and grow in a school environment free from bullying and harassment. Every two years GLSEN conducts the National School Climate Survey to understand the experiences of LGBTQ+ students.

“Schools nationwide are hostile environments for a distressing number of LGBTQ+ students, the overwhelming majority of whom routinely hear anti-LGBTQ+ language and experience victimization and discrimination at school. As a result, many LGBTQ+ students avoid school activities or miss school entirely.”

Key Findings:

- **School Safety:** 81.8% of LGBTQ+ students in our survey reported feeling unsafe in school because of at least one of their actual or perceived personal characteristics.
- **Anti-LGBTQ+ Remarks at School:** Nearly all LGBTQ+ students (97.0%) heard “gay” used in a negative way (e.g., “that’s so gay”) at school; 68.0% heard these remarks frequently or often, and 93.7% reported that they felt distressed because of this language.
- **Harassment and Assault at School:** 76.1% experienced in-person verbal harassment (e.g., called names or threatened) specifically based on sexual orientation, gender expression, and gender at some point in the past year—60.7% of LGBTQ+ students were verbally harassed based on their sexual orientation, 57.4% based on gender expression, and 51.3% based on gender.
- **Student Reporting of Harassment and Assault Incidents:** 61.5% of LGBTQ+ students who were harassed or assaulted in school did not report the incident to school staff, most commonly (69.6% of students experiencing harassment or assault) because they did not think school staff would do anything about the harassment even if they did report it.
- **Discriminatory School Policies and Practices:** Most LGBTQ+ students (58.9%) had experienced LGBTQ+-related discriminatory policies or practices at school. Some of the most common discriminatory policies and practices experienced by LGBTQ+ students were those that targeted students’ gender, potentially limiting their ability to make gender-affirming choices and negatively impacting their school experience.

[2022 National Survey on LGBTQ Youth Mental Health Maryland](#) (The Trevor Project, 2022, 1-7)

The Trevor Project has a mission to end suicide among LGBTQ young people and conducts annual surveys that provide critical insights into suicide risk faced by LGBTQ young people. The 2022 National Survey on LGBTQ Youth Mental Health is the first to be segmented by all 50 states.

Key Findings:

- **Suicide Risk:** 43% of LGBTQ youth in Maryland seriously considered suicide in the past year, including 49% of transgender and nonbinary youth. 14% of LGBTQ youth in Maryland attempted Suicide in the past year, including 17% of transgender and nonbinary youth.
- **Anxiety & Depression:** 68% of LGBTQ youth in Maryland reported experiencing symptoms of anxiety, including 73% of transgender and nonbinary youth. 53% of LGBTQ Youth in Maryland reported experiencing symptoms of depression, including 60% of transgender and nonbinary youth.
- **Access to care:** 52% of LGBTQ youth in Maryland who wanted mental health care in the past year were not able to get it.

[Department of Homeland Security added the LGBTQI+ community to groups under threat of potential attacks](#)

On November 30, 2022 the Department of Homeland Security added the LGBTQI+ community to their list of groups that could be targets of potential violence.

“The United States remains in a heightened threat environment. Lone offenders and small groups motivated by a range of ideological beliefs and/or personal grievances continue to pose a persistent and lethal threat to the Homeland. Domestic actors and foreign terrorist organizations continue to maintain a visible presence online in attempts to motivate supporters to conduct attacks in the Homeland. Threat actors have recently mobilized to violence, citing factors such as reactions to current events and adherence to violent extremist ideologies. In the coming months, threat actors could exploit several upcoming events to justify or commit acts of violence, including certifications related to the midterm elections, the holiday season and associated large gatherings, the marking of two years since the breach of the U.S. Capitol on January 6, 2021, and potential sociopolitical developments connected to ideological beliefs or personal hostility. Targets of potential violence include public gatherings, faith-based institutions, the LGBTQI+ community, schools, racial and religious minorities, government facilities and personnel, U.S. critical infrastructure, the media, and perceived ideological opponents.”
(Department of Homeland Security, 2022)

➤ **Collecting Data Across State Agencies**

The Maryland Commission on LGBTQ Affairs is mandated to collect data across state agencies on the implementation of LGBTQ-inclusive policies and complaints alleging discrimination based on sexual orientation or gender identity. Initial findings show that many state agencies do not currently collect this type of data and if they do it is not readily available to the commission or the public.

It is important to note that the commission is still in the process of establishing connections with our state agencies and more time is needed to fully understand the data that is collected and available. In this report, the commission will publish the data that has been collected and we encourage all state agencies to connect with the Maryland Commission on LGBTQ Affairs to discuss available data and data collection. Contact administrative director Jeremy Browning at jeremy.browning@maryland.gov.

State Equal Employment Opportunity Complaints

The Maryland Department of Budget and Management [Annual Statewide Equal Employment Opportunity Report - Fiscal Year 2021](#) includes State Equal Employment Opportunity Complaints by agency, basis, issue, and disposition. Basis categories include gender identity, and sexual orientation.

(Maryland Department of Budget and Finance, EEO Office, 2022, 1-97)

The report shows that a total of four (4) complaints were received on the basis of gender identity:

- Three (3) to the Department of Public Safety & Correctional Services
- One (1) to the Maryland Department of Health

The report shows that a total of eight (8) complaints were received on the basis of sexual orientation:

- One (1) to Department of Human Services
- One (1) to Department of Juvenile Services
- Three (3) to the Department of Public Safety & Correctional Services
- Three (3) to the Maryland Department of Health

See full table on next page.

(Maryland Department of Budget and Finance, EEO Office, 2022, 60)

STATEWIDE DISCRIMINATION COMPLAINTS BY AGENCY, BASIS, ISSUE AND DISPOSITION — FISCAL YEAR 2021

Agency	Agency Employees	Internal		Basis*													Issue*					Disposition*									
		External	Internal	Other	ADA	Age	Ancestry	Color	Creed	Disability	Marital Status	National Origin	Race	Religious Affiliation	Sex/Gender	Gender Identity	Sexual Orientation	Harassment	Sexual Harassment	Retaliation	Other	Probable Cause	No Cause	Administrative Closure	Mediation/Resolved	Settled/Pending	Open/Pending	Withdrawn			
Baltimore City Sheriff's Department	109	1	0																												
Dept of Budget & Management	262	0	3									3									2	1									
Dept of Commerce	163	0	1									1																			
Dept of General Services	590	2	2																												
Dept of Human Services	5,413	16	13	4	1	2	4					3	1	6	1	7	2	4													
Dept of Information Technology	163	1	0																												
Dept of Juvenile Services	1,899	6	24	15	1	1	6	1	2	4	2	7	1	9	4	1	22	2	20	1											
Dept of Natural Resources	1224	1	0																												
Dept of Public Safety & Correctional Services	8156	25	59	25	8	6	4	4	4	11	1	15	3	35	9	17	54	2													
MD Dept of Health	8,495	35	23	10	4	3	3	1	11	1	8	1	3	2	9	42															
MD Dept of Labor	1,399	2	1																												
MD Dept of the Environment	764	3	1																												
MD Dept of Transportation	9,679	28	45	17	10	3						2	10	14							11	8	1	37	7	22	11				
MD Dept of Veterans Affairs	109	1	0																												
MD Environmental Services	856	1	1									1																			
MD Lottery Gaming & Control Agency	295	2	1	1																											
MD State Dept of Education	1,217	4	8	2	4	3	4	3	4	6	1																				
MD State Police	2,230	6	11	6	3	2	1					5	2																		
Military Department	213	1	11	8								3	3	2																	
Morgan State University	1,574	7	17		3							3	4	1	9																
Office of the Attorney General	662	1	4																												
Office of the Public Defender	824	3	2	2																											
St. Mary's College	330	1	0																												
State Board of Elections	220	0	1																												
State Dept of Assessment and Taxation	506	3	2	2																											
Uninsured Employer's Fund	7	1	1	1																											
TOTAL	47,359	151	231	93	0	30	0	22	0	25	5	16	64	6	68	4	8	83	29	42	216	19	96	91	2	20	4				

*In order to avoid duplication, Basis, Issues, and Dispositions are only counted on Internal complaints. Please note: Some complaints have multiple basis. An employee may file a complaint alleging that more than one protected class has been violated; therefore, the total number of internal complaints may differ from the total number for basis and dispositions.

- (1) "Internal" complaints are those filed at the agency level, with a State agency's Fair Practices Officer or Equal Employment Opportunity Officer.
- (2) "External" complaints are those filed with the Maryland Commission on Civil Rights, Department of Justice, Courts, and/or Equal Employment Opportunity Commission.
- (3) "Other" Complaints include employment related complaints, not discriminatory in basis.

State of Maryland 2021 Hate Bias Report

The Maryland Department of State Police publishes the Hate Bias Report annually each fall for the previous calendar year. The 2021 Hate Bias Report includes all reported and verified incidents which includes reports of bias motivations based on sexual orientation and gender identity.

Below are some findings and figures from the report that include bias motivations based on sexual orientation and gender identity. Readers are encouraged to read the full report referenced.

(Maryland Department of State Police, 2022, 1-63)

Bias Motivation

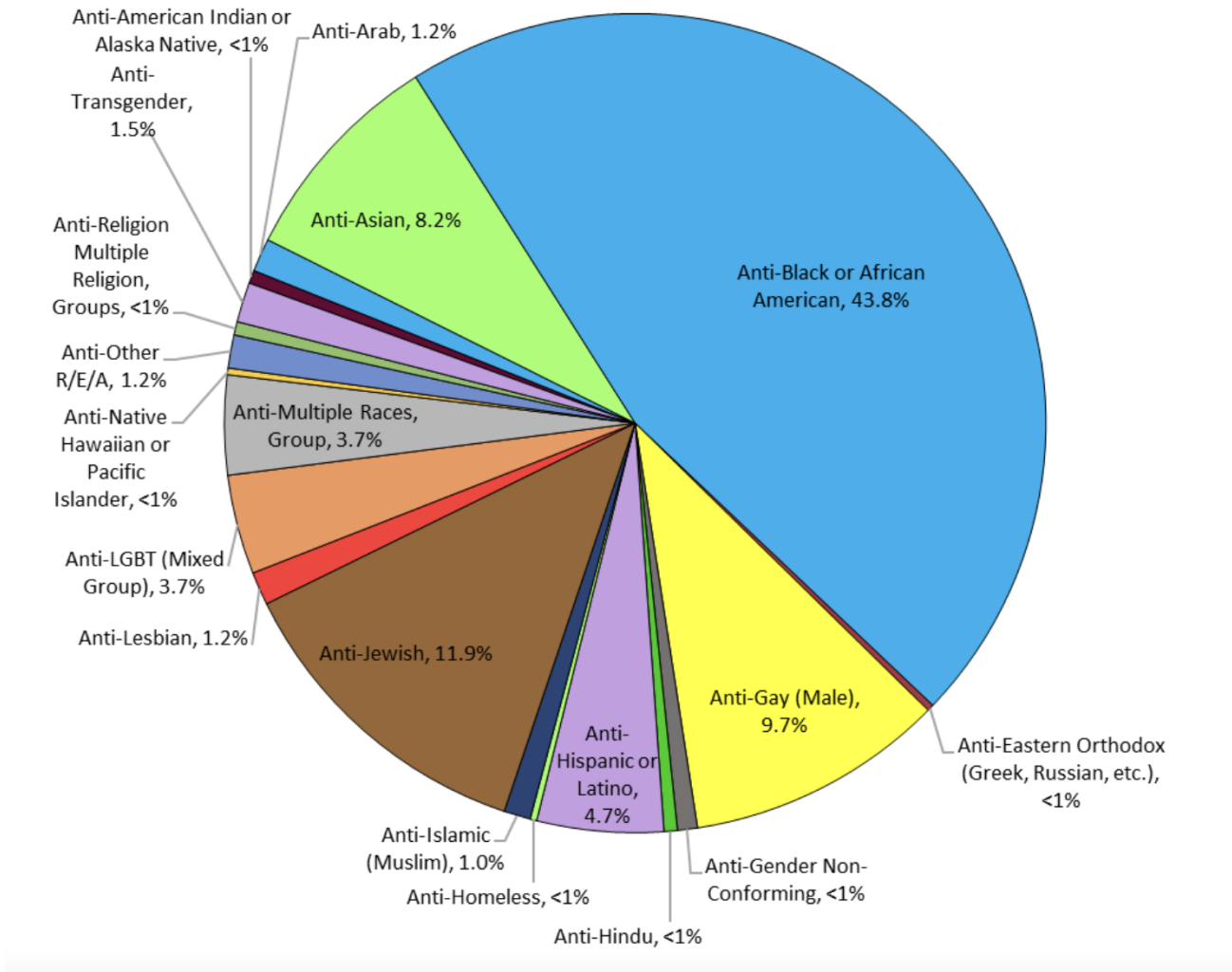
In 2021, R/E/A made up 68.7% of all bias motivations for reported incidents. Between 2019 - 2021, R/E/A comprised the majority of all hate bias motivations followed by Religion and Sexual Orientation.

Category	Verified			All Reports		
	2019	2020	2021	2019	2020	2021
R/E/A	58	85	75	262	293	276
Religion	19	12	9	84	63	57
Sexual Orientation	10	15	15	50	36	59
Disability	0	0	0	1	0	0
Gender	0	0	0	2	2	0
Gender Identity	3	2	3	9	5	9
Homelessness	0	1	1	0	1	1
Total	90	115	103	408	400	402

Figure 6: Three-year comparison of verified incidents by bias motivation compared to all incidents by bias motivation is shown here. Incidents can have more than one bias motivation. This accounts for differences between bias motivation numbers and the total number of incidents reported.

(Maryland Department of State Police, 2022, 7)

Figure 7: Total hate bias motivations for all reports as a percentage in 2021 is shown here.



(Maryland Department of State Police, 2022, 7)

➤ **Study and establish best practices for inclusion of LGBTQIA+ individuals and communities**

The commission has formed committees to review and make recommendations on best practices for state agencies. The commission looks forward to supporting state agencies and providing recommendations and technical assistance on policies concerning LGBTQIA+ persons.

➤ **Offer testimony on issues concerning LGBTQIA+ persons before legislative and administrative bodies**

The commission voted unanimously at their November 7, 2022 meeting to establish the following policy priorities during the 2023 legislative session:

- Trans Health Equity Act
- Transgender Respect, Agency, and Dignity Act
- The Birth Certificate Modernization Act

The commission looks forward to offering testimony on these and other important issues during the 2023 legislative session.

➤ **Act as a clearinghouse for activities to avoid duplication of efforts**

In 2022 the commission began building the foundation to act as a clearing house for LGBTQIA+ efforts in the state by connecting with state agencies, nonprofit organizations, community groups and leaders. Future plans include a community calendar and resource directory to be housed on the commission webpage: <https://goci.maryland.gov/lgbtq/>

➤ **Create surveys and appoint advisory committees**

The commission established two advisory committees, Youth & Education Committee and a Health Committee. The advisory committees will begin gathering data and information to better understand the needs of our LGBTQIA+ communities around the state.

The commission also created a Strategic Planning Committee to lead an intentional strategic planning process to engage all levels of our LGBTQIA+ community to inform and guide the commission's work and priorities over the next 3-5 years. The commission looks forward to hosting community listening sessions, town hall meetings, focus groups, and conducting surveys to reach as many stakeholders as possible.

Section 3

Events & Outreach

Events & Outreach

Commissioners and staff had the opportunity to participate and attend several events throughout the calendar year 2022.

June 4, 2022 - Baltimore Trans Pride, Baltimore, MD

Members of the Commission attended Baltimore Trans Pride, hosted by Baltimore Safe Haven, a trans-led drop-in wellness center that provides transitional housing and resources for LGBTQIA+ community members. Learn more at baltimoresafehaven.org.

Baltimore Safe Haven founder and executive director, Iya Dammons. Photo credit: EK Outlaw Black Lens Photos and Media Copyright © 2022 All Rights Reserved.



June 4, 2022 - Annapolis Pride Parade, Annapolis, MD



The Commission participated in the Annapolis Pride Parade to honor Delegate Lily Qi, the sponsor of the bill that created the Maryland Commission on LGBTQ Affairs and celebrate Pride Month. The event was hosted by Annapolis Pride, learn more at annapolispride.org.

Delegate Lily Qi in the Annapolis Pride Parade, accompanied by vice chair Joseph Clapsaddle (passenger) and commissioner Mark Ridderhoff (driver). Photo credit: Chair Joe Toolan.

June 26, 2022 - Pride in the Plaza, Silver Spring, MD

Montgomery County hosted their second annual Pride in the Plaza Festival at Veterans Plaza in Downtown Silver Spring with exhibitors and entertainment. The event was organized with Councilmember Evan Glass, Montgomery County's first openly LGBTQIA+ councilmember.

Commissioner Lee Blinder exhibiting with [Trans Maryland](#) at Pride in the Plaza. Photo credit: Trans Maryland.



August 20, 2022 - Maryland Commission on Civil Rights Dinner, Hanover, MD

The awards dinner was held at Maryland Live and attended by chair Joe Toolan, vice chair Joseph Clapsaddle, and administrative director Jeremy Browning. The dinner was hosted by the Maryland Commission on Civil Rights, which ensures opportunity for all through the enforcement of Maryland's laws against discrimination in employment, housing, public accommodations, and state contracts. Learn more at mccr.maryland.gov.



October 8, 2022 - Laurel Pride, Laurel, MD

The inaugural Laurel Pride celebration was held at Granville Gude Park and organized by the City of Laurel, Laurel Pride Day Committee. Learn more at the cityoflaurel.org.

Performer Shawna Alexander introduces Craig A. Moe, Mayor of the City of Laurel, to make welcoming remarks.

October 8, 2022 - Upper Chesapeake Bay Pride Festival, Havre De Grace, MD

The Upper Chesapeake Bay Pride celebration was held at Concord Point Lighthouse Keeper's House and hosted by Upper Chesapeake Bay Pride and featured local vendors, performances, and speakers. Learn more at ucbpride.com.



From left to right: Vice chair Joseph Clapsaddle, chair Joe Toolan, UCB Pride board member Sue Knause, administrative director presenting governor's citation, and UCB Pride board member and commissioner Kurt Doan. Photo credit: UCB Pride.



Commissioner Lee Blinder exhibiting with Trans Maryland. Photo credit: Trans Maryland.

October 9, 2022 - Southern Maryland Pride in Lexington, MD

Southern Maryland Pride was held at Lexington Manor Passive Park and hosted by Pride SoMD (Southern Maryland). The event featured live performances, speakers, and local vendors. Learn more at pridesomd.com.

Chair Joe Toolan gives the keynote address.



October 9, 2022 - Howard County Pride, Columbia, MD

The second Howard County Pride Festival was hosted by HoCo Pride and held at Merriweather Post Pavilion featuring vendors, speakers, and performances from local artists. Learn more at howardcountypride.org

Attendees enjoy a performance at Merriweather Post Pavilion.



October 15 - FreeState Justice Jazz Brunch, Baltimore, MD

A fundraiser for FreeState Justice held at Guilford Hall Brewery in Baltimore, MD. Learn more at freestate-justice.org.



Freestate Justice staff from left to right: Em Espey, Shayne Miller-Westfield, Tina Jones, Philip Westry, Luaren Pruitt, Mackenzie Dadswell, Jamie Grace Alexander. Photo credit: FreeState Justice.

December 6, 2022 - Maryland Correctional Institution Facility Tours of MCI-W and MCI-J, Jessup, MD

Hosted by the Maryland Department of Public Safety and Correctional Services (DPSCS) and attended by GOCI staff and several Commissioners.

December 9, 2022 - Maryland LGBT+ Champions Awards Dinner, Linthicum Heights, MD

The event honored a number of Champions including commissioner Jabari Lyles as Emerging Leader of the Year.



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Thank you for reading our 2022 Annual Report

January 1, 2022 - December 31, 2023

Published on January 17, 2023



Maryland Commission on LGBTQ Affairs

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