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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.*