



LEGISLATIVE TESTIMONY

Bill: **HB297/ SB134 Office of the Attorney General - Correctional Ombudsman**

Organization: PFLAG Salisbury Inc., PO Box 5107, Salisbury Maryland 21802

Submitted by: Nicole Hollywood, Board Member

Position: **FAVORABLE**

SALISBURY PFLAG SUPPORTS THE CREATION OF THE OFFICE OF THE ATTORNEY GENERAL - CORRECTIONAL OMBUDSMAN

Greetings. My name is Nicole Hollywood. I am a professor in the University System of Maryland, a member of the Maryland Commission for LGBTQIA+ Affairs, a board member of PFLAG Salisbury, a resident of the Eastern Shore, and a parent. I am submitting this testimony in FAVOR of the creation of the office of the attorney general - correctional ombudsman on behalf of PFLAG Salisbury, the Salisbury, Maryland Chapter of PFLAG National.

Transgender, nonbinary, and intersex inmates are disproportionately represented in the criminal justice system, with nearly one out of six (16 percent) trans people of all ethnicities are incarcerated during their lifetimes—a rate that skyrockets to nearly one in two (47 percent) among Black trans people. Transgender and gender non-conforming inmates are often victims of gender-based and sexual violence, with the Bureau of Justice Statistics at the Department of Justice reporting that 40 percent of incarcerated transgender people have been sexually assaulted—a statistic that is more than ten times the general prison population rate. Further, the National Center for Trans Equality reports that transgender people are five times as likely to be sexually assaulted by prison staff.

Incarcerated members of the transgender community also often face difficulties accessing gender-affirming care which the DOJ explained in a 2021 Statement of Interest in *Diamond v. Ward* violates the U.S. Constitution and the Eighth Amendment's prohibition on cruel and unusual punishment when they refuse trans women placements at female facilities when needed for safety, or deny trans people gender dysphoria care beyond hormone therapy without conducting individualized assessments of their needs

This bill would require the creation of establishing the Correctional Ombudsman Unit in the Office of the Attorney General; requiring the Unit to conduct investigations, reviews, and assessments of administrative acts taken by the Department of Public Safety and Correctional Services or in relation to individuals confined by the Department; requiring the Unit to refer certain matters for criminal charges or disciplinary proceedings; providing for the confidentiality of certain communications with the Ombudsman; establishing the Correctional Ombudsman Advisory Board; prohibiting certain reprisals against employees of the Department who provide certain information to the Unit; requiring the Unit to conduct certain activities; and generally relating to the Correctional Ombudsman Unit.

This bill is a step in the right directions towards ensuring that all Marylanders who are incarcerated as well as individuals working in the Department of Public Safety are treated fairly and equitably. Because of this, PFLAG Salisbury Inc. supports **HB297/ SB134** and recommends a FAVORABLE report in committee.