

Trans Maryland
1800 E Northern Parkway #66332
Baltimore MD 21239



House Bill # 0297 Office of the Attorney General - Correctional Ombudsman Unit
House Judiciary Committee
March 7, 2024
Position: Support

Chair Clippinger, Vice Chair Bartlett, and the esteemed House Judiciary Committee members, my name is Lee Blinder (they/them), 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 name and gender marker change program, offering peer-to-peer guidance and financial assistance to Marylanders seeking a name and gender marker change. We also run the state's largest peer to peer connection space, and as part of our outreach, we talk to thousands of transgender Marylanders, including those currently and formerly incarcerated. I also served on Governor Moore and Lt. Governor Miller's transition team. In addition, I also serve as the chair of the Maryland Commission on LGBTQIA+ Affairs, and my testimony reflects my position of support for HB 297 in my capacity with Trans Maryland.

Trans Maryland wishes the record to reflect our strong support for HB 297. Incarcerated transgender, nonbinary, and intersex persons are particularly vulnerable members of our society. We wish to ensure the ability for a fair and impartial office to receive and investigate complaints against the Department of Public Safety and Correctional Services (DPSCS) in regards to incarcerated transgender persons' safety and well-being, and this legislation is a crucial step towards that goal.

Why is this important? 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.

A temporary restraining order (TRO) was recently granted by United States District Court Judge Matthew J. Maddox against DPSCS in regards to plaintiff Chloe Grey's mistreatment while she was incarcerated with DPSCS. Quoting from a press release on December 5th, 2023, "Brown Goldstein & Levy first filed *Chelsea Gilliam, et al., v. Maryland Department of Public Safety and Correctional Services, et al.* on April 18, 2023, on behalf of Chelsea Gilliam, a transgender woman who was held at two men's correctional facilities, where she suffered sexual assault,

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denial of hormone treatment, and on-going harassment because of her transgender status. Later, Kennedy Holland and Chloe Grey joined the suit.”

It is clear the issues our incarcerated transgender community members are experiencing are numerous, and we need to create an independent office to ensure safety. Creation of this role can 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 the Maryland Department of Corrections. This will have a positive ripple effect, and DCSPS will have not only a moral and ethical, but also a legal responsibility to rectify miscarriages of justice 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 6 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 ensure a much needed recourse towards justice for these community members.

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 # 0297.**

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