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The Honorable Chair William C. Smith, Jr.
Senate Judicial Proceedings Committee
2 East
Miller Senate Office Building Annapolis,
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March 5, 2024

Testimony of FreeState Justice

IN SUPPORT OF SB1085: Corrections – Segregated Housing - Limitations

To the Honorable Chair William C. Smith Jr., Vice Chair Jeff Waldstreicher, and esteemed members of the Judicial Proceedings Committee:

FreeState Justice is Maryland's civil rights advocacy organization for lesbian, gay, bisexual, transgender, and queer (LGBTQIA+) Marylanders. We also provide pro bono legal services each year to hundreds of LGBTQIA+ Marylanders who could not otherwise afford an attorney and we advocate more broadly on behalf of the LGBTQIA+ community.

We write today in support of Senate Bill 1085, which would set reasonable limitations on the use of restrictive housing in Maryland while requiring training for hearing officers and personnel involved with the supervision and care of individuals placed in restrictive housing.

A history of abuse, and profiling toward LGBTQIA+ people by law enforcement, along with high poverty rates, homelessness, and discrimination in education and employment, has contributed to increased contacts with the criminal justice system, leading to higher levels of incarceration. When finding themselves incarcerated, jails and prisons are traumatizing, dangerous places. Being LGBTQIA+, means humiliation and abuse both physical and sexual by other prisoners, correctional officers and staff. Many LGBTQIA+ people are placed in solitary confinement just because of who they are many times against their will. This protective custody remains in widespread use in many jails and prisons, even when evidence shows the considerable health risk to prisoners, and

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.

likelihood it undermines correctional security. The organization Black & Pink released a groundbreaking report in 2015¹ examining the experiences of incarcerated LGBTQ people. 85 percent of respondents reported that they had spent some time in solitary confinement. Of those, almost 50 percent had spent two years or more in isolation. Reporting found that transgender women and cisgender gay men were put into solitary confinement against their will at the highest rates.

Corrections systems have increasingly relied on solitary confinement as a prison management tool to the detriment of the isolated individuals. But solitary confinement jeopardizes our public safety, is fundamentally inhumane and wastes taxpayer dollars. We must insist on humane and more cost-effective methods of punishment and prison management. Senate Bill 1085's additional training and monthly reporting requirements which include recording gender demographic information coupled with the overall time limitations and out of cell movements while on restrictive housing are the types of protections needed for incarcerated individuals especially members of the LGBTQIA+ community.

For these reasons, FreeState Justice urges a favorable report on Senate Bill 1085.

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¹ Coming Out of Concrete Closets A Report on Black and Pink's National LGBTQ Prisoner Survey- <https://www.blackandpink.org/wp-content/uploads/Coming-Out-of-Concrete-Closets.-Black-and-Pink.-October-21-2015..pdf>