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Judiciary Committee  
101 Taylor House Office Building  
Annapolis, Maryland 21401

Thursday, March 6, 2025

HB1423 – Commission to Review and Assess Racial Disparities in the State Criminal Justice System- Establishment

**Position: FAVORABLE**

Chair Clippinger, Vice Chair Barlett, and Esteemed Members of the Judiciary Committee:

My name is Phillip Westry. I am the Executive Director of FreeState Justice, a nonprofit organization that addresses systemic inequities and provides legal services to Maryland's LGBTQ+ community. I am here to testify in strong support of HB1423, which aims to study and make recommendations on the disparate treatment of non-White individuals in the State's criminal justice system.

LGBTQ+ individuals, particularly those who are Black, Indigenous, and people of color (BIPOC), face heightened rates of criminalization, policing, and incarceration. Research has shown that systemic racial disparities exist in the criminal legal system. These disparities disproportionately impact LGBTQ+ individuals of color, who are more likely to experience discrimination, violence, and unjust legal outcomes. According to research from the Movement Advancement Project and the Center for American Progress, LGBTQ+ individuals of color face the following disparities:

- **Discrimination in court and court proceedings.** Evidence shows that LGBTQ+ people of color face unique challenges accessing counsel, obtaining pre-trial release, and getting a fair sentence.
- **Unfair and inhumane treatment in confinement facilities.** When LGBTQ+ people of color are placed in confinement facilities to await trial or as part of a sentence, they are highly vulnerable to harassment, discrimination, and inhumane treatment.
- **Lack of support in preparing for re-entry.** Obtaining skills, staying connected with family, and coordinating re-entry planning services are all crucial elements of a successful life after conviction and

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confinement. Yet, LGBTQ+ people of color are disadvantaged in all of these areas.

For LGBTQ+ people, criminal justice involvement often starts at a young age. LGBTQ youth are overrepresented in the juvenile justice system, with researchers estimating that 20% of youth in the juvenile justice system are LGBTQ+ compared to the 4-6% of youth in the general population, according to the Journal of Gender, Social Policy, and the Law.

Studying racial disparities in the state criminal legal system is critical to understanding and addressing these inequities. By gathering and analyzing data on arrest rates, sentencing trends, incarceration demographics, and other key factors, the state can develop targeted policy solutions to promote fairness, accountability, and justice.

This study represents an essential step toward creating a fair and equitable legal system that serves all communities with dignity and justice. We urge this committee to provide a favorable report.

Sincerely,

Phillip Westry, Esq.  
Executive Director  
FreeState Justice

Citations:

Movement Advancement Project and Center for American Progress. August 2016. *Unjust: How the Broken Criminal Justice System Fails LGBT People of Color*. <https://www.lgbtmap.org/policy-and-issue-analysis/criminal-justice-poc>

The Overrepresentation of Lesbian, Gay, Bisexual, Questioning, Gender Nonconforming and Transgender Youth Within the Child Welfare to Juvenile Justice Crossover Population. <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1679&context=jgspl>