



May 18, 2021

Dear Senator Deschambault, Representative Warren, and Members of the Joint Standing Committee on Criminal Justice and Public Safety,

I join you today on behalf of the Maine Women's Lobby. For over forty years, the Maine Women's Lobby has advocated for public policy which increases the health, wellness, safety, and economic security of Maine women and girls, with a focus on the most marginalized populations and communities.

We write today **in support of LD 1044, "An Act To Protect the Rights of Certain Incarcerated Individuals."** We thank Representative Warren for sponsoring this bill.

This bill ensures that all people incarcerated in Maine, including transgender people, have the right to be housed and searched consistent with their gender identity. It also ensures that staff and facility representatives use the appropriate pronouns, titles, and names for incarcerated people.

Our work to expand gender equity is rooted in the idea that harmful norms and expectations around gender identity are used to marginalize and sideline our community members, and that the threat or reality of violence and trauma is often used to exercise power related to gender – which is why rates of sexual violence and harassment are much higher among women, LGBTQ+ people, and trans people.

In earlier bills before the Committee this session, we presented testimony about the links between trauma, mental health needs, and incarceration among women in Maine and nationally – links which have fueled higher rates of incarceration than at any point in our state's history. We are incarcerating more women – not fewer – in recent years,¹ and the majority of incarcerated women in Maine have a history of trauma.² These same patterns are true for trans people: **trans women and girls experience sexual violence, harassment, and murder at higher rates than nearly any other demographic, as well as higher rates of homelessness, poverty, unemployment, and suicide. There is also dramatically disproportionate policing and incarceration of trans people.**³

We support safety and dignity for people who experience gender-based violence and discrimination – and this is especially true of trans people, who are so often the targets of this violence and discrimination. One of the best ways to ensure the safety and dignity of incarcerated trans people is to ensure that they are treated in accordance with their gender identity. Forcing trans women to be housed in male facilities significantly increases their likelihood of

¹ Maine Dept. Of Corrections. (n.d.) Retrieved from <https://www.maine.gov/corrections/Evidence-based-Programming-Treatment.htm>

² Maine Dept. Of Corrections. (n.d.) Retrieved from <https://www.maine.gov/corrections/Evidence-based-Programming-Treatment.htm>

³ Prison Policy Initiative. (2021). Visualizing the unequal treatment of LGBTQ people in the criminal justice system. Retrieved from <https://www.prisonpolicy.org/blog/2021/03/02/lgbtq/>



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experiencing sexual violence.⁴ Indeed, this is why the Department of Justice requires that federal carceral settings house people in accordance with their gender identity.⁵

Let us do all we can to reduce the gender-based violence and trauma people in Maine experience, inside and outside of carceral settings. **We hope you will vote 'ought to pass' on LD 1044.**

Sincerely,

Destie Hohman Sprague, Executive Director
Maine Women's Lobby / mainewomen.org

⁴ National Center for Transgender Equality. (n.d.) LGBTQ People Behind Bars: A Guide to Understanding the Issues. Retrieved from: <https://transequality.org/sites/default/files/docs/resources/TransgenderPeopleBehindBars.pdf>

⁵ US Dept. of Justice. (2021). Statement of Interest of the US Government. Retrieved from https://ccrjustice.org/sites/default/files/attach/2021/04/65_4-22-21_DOJ-SOI_w.pdf