

FOR IMMEDIATE RELEASE

FreeState Legal Wins Groundbreaking Victory on Protections for Transgender People in Prison
Maryland prisons will now have to ensure real protections against harassment and violence.

Baltimore, MD, September 24, 2015 – FreeState Legal, a civil legal aid organization that provides free legal services to low-income lesbian, gay, bisexual, transgender, and queer (LGBTQ) Marylanders, announces a groundbreaking victory in a case involving harassment and mistreatment of a transgender person who is an inmate in a Maryland prison facility.

The decision in *Brown v. Patuxent Institution*, a prison grievance challenging Maryland's failure to comply with national standards for the protection of inmates from sexual abuse in prisons, finds that actions taken by corrections officers against FreeState Legal's client, Sandy Brown, are a violation of the national standards established under the federal Prison Rape Elimination Act of 2003, and requires the State of Maryland to establish clear policies and mandatory training for corrections officers regarding the treatment of transgender inmates.

"They put me in solitary confinement just because I am transgender. I spent 24 hours a day in solitary and was only allowed one hour of recreation during the entire 66 days I was there," stated Ms. Brown, the plaintiff in the case. "They didn't see me for the human being I am. They treated me like a circus act. They gawked, pointed, made fun of me and tried to break my spirit," she added.

"Imagine if every time you took a shower someone pulled back the curtain to stare at you. What if they called other people over to watch and humiliate you? How would it feel if someone told you that you should kill yourself and they made you feel like an animal or less than human? That is what this case is about," said Rebecca Earlbeck, Staff Attorney at FreeState Legal, who represented Ms. Brown along with Jer Welter, Deputy Director and Managing Attorney of FreeState Legal.

"Ms. Brown, a transgender woman, was held in solitary confinement for 66 days just because she is transgender, and while she was there prison guards ridiculed her, encouraged her to commit suicide, and even pulled the shower curtain back so a group of corrections officers could look at her naked body as she showered," said Earlbeck. "She was so humiliated and afraid, she actually considered committing suicide."

In the decision, a Maryland administrative law judge concluded that this misconduct violated national standards for the protection of transgender inmates, and that Ms. Brown should receive compensation for the degradation and humiliation she endured. The Secretary of Maryland's Department of Public Safety & Correctional Services formally adopted the judge's determinations that Maryland must adopt new, comprehensive policies for the protection of transgender inmates in prison housing assignments, searches, and interactions between guards and transgender prisoners; and must institute mandatory training on these policies for all correctional officers.

The [national standards](#) that were violated in Ms. Brown's case were established by the U.S. Department of Justice in 2012, pursuant to the Prison Rape Elimination Act ("PREA"), to prevent people who are incarcerated from being harassed and abused. According to [a 2011 survey](#), nearly 40% of transgender people in prison report being harassed due to their gender identity by prison staff. Because transgender people are particularly vulnerable to abuse in prison, the national standards contain provisions that specifically address how prisons should determine where to house transgender inmates, how searches of transgender inmates should be conducted, and how guards should interact with transgender people who are incarcerated. Unfortunately, the standards do not include an enforcement mechanism and are often ignored.

"As far as we know, this is the first case in the country in which a transgender person been able to obtain individual relief, including monetary compensation, for violations of the national PREA standards," Earlbeck stated. "We believe this case creates a framework for enforcing the national standards that transgender people who are incarcerated in other states and their advocates can follow to help to ensure that others do not have to endure the pain and trauma Ms. Brown experienced," she added.

Earlbeck also pointed out the importance of having legal representation in cases like this. "If Ms. Brown had not been brave enough to file a complaint against her abusers, and if she did not have access to the services of a civil legal aid organization like FreeState Legal, she could very possibly still be experiencing daily abuse and trauma at the hands of her prison guards."

"To the other transgender and intersex women behind bars, don't give up. There is hope out there for us," Ms. Brown emphasized.

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FreeState Legal is a civil legal aid organization that provides free legal services to low-income lesbian, gay, bisexual, transgender, and queer (LGBTQ) people in Maryland (www.freestatelegal.org).