



WASHINGTON LAWYERS' COMMITTEE
FOR CIVIL RIGHTS AND URBAN AFFAIRS

March 13, 2020

Via Email

Deputy Mayor Kevin Donahue
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Betsy Cavendish, General Counsel
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Re: COVID-19

Dear Deputy Mayor Donahue and Ms. Cavendish:

The District of Columbia Jail and the Correctional Treatment Facility are woefully unprepared to address an outbreak of COVID 19. On March 13, 2020 we contacted you to express concerns that the Department of Corrections (DC DOC) develop a proactive and evidence-based infection control plan. To date, the DOC's responses have been vague and not transparent. We continue to urge the District to be proactive and to publicly announce its plans.

However, no matter how effective the DOC is in implementing public health measures, the Jail and CTF are likely to be centers of an outbreak because of the close confinement of a large number of people, the high volume of intakes and discharges, and the large number of high-risk individuals. For the safety of the prisoners, the staff and for the good of public safety, we urge the City to work urgently with Court and federal partners to dramatically reduce the population in custody. This can be done without a risk to public safety by taking the following measures.

- Assess the entire prison population and identify those prisoners who are in a high-risk category including elderly, immunocompromised, or with a chronic illness. The Superior Court, United States Attorney and Public Defenders should work together to have emergency hearings to determine whether there are release conditions that will allow these women and men to be placed on community supervision.
- On average, more than 300 people are held in the Jail every day for having violated the conditions of release, but have not committed a new offense. This might include missing a supervision meeting, changing an address without permission or testing positive for marijuana use. The majority of these prisoners are awaiting a hearing before the federal U.S. Parole Commission and once they

have that hearing a high percentage will be released on parole. Community supervision while awaiting a hearing is the most sensible choice.

- Hundreds of prisoners are held for very short periods because the prosecutor has requested a "hold" while the case is investigated. The vast majority are released after a few days. The use of holds should be eliminated except under extraordinary circumstances to reduce cycling through the Jail that may introduce COVID 19 or further spread the virus to the community. The fact that these prisoners are released very quickly underscores that there is no public safety purpose in their incarceration.
- There is no capacity at the Jail, no public hospital in the District, and limited isolation beds in private hospitals. Ten or twenty prisoners requiring isolation will overwhelm the existing capacity and stretch staff resources to guard the prisoner off-site. The District should be planning now how to create sufficient negative pressure, medically appropriate rooms for sick prisoners, including a significant number in intensive care settings.
- Identify strategies to stop intakes, like barring bookings at the Jail for infractions or minor offenses. MPD should just issue summonses.

Please advise if we can provide additional information or be of assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jonathan Smith', is written over the printed name and title.

Jonathan Smith
Executive Director