

December 13, 2021

Via US Postal Service and Email

Mayor Muriel Bowser
Council Chair Phil Mendelson
Councilmember Anita Bonds
Councilmember Christina Henderson
Councilmember Elissa Silverman
Councilmember Robert White
Councilmember Brianne Nadeau
Councilmember Brook Pinto
Councilmember Mary Cheh
Councilmember Janeese Lewis George
Councilmember Kenyan McDuffie
Councilmember Charles Allen
Councilmember Vincent Gray
Councilmember Trayon White, Sr.
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20005

Re: Action Needed to Fix the Conditions and Culture at D.C.'s Department of Corrections

Dear Mayor Bowser and Members of D.C. Council:

The U.S. Marshals Service's (USMS) [findings](#) about the deplorable conditions and abusive culture at D.C. Jail are not new. Residents' complaints have been ignored for years, despite being well documented.

- 2002: [report](#) first issued by the D.C. Corrections Information Council citing "decrepit" conditions at D.C. Jail;
- 2015: [report](#) on leaking plumbing fixtures, mold growth, and water penetration;
- 2016: [Lester Irby](#) died in custody after complaining of excessive heat;
- 2019: [report](#) finding that the D.C. Department of Health repeatedly cited the DOC for violating industry standards related to environmental conditions, such as water penetration through the walls and unsafe food handling;

- 2020: [letter](#) to DOC outlined pervasive deprivation in the “safe” cells for individuals expressing suicidal thoughts, including lack of water, showers, and out of cell time;
- 2020: [lawsuit](#) filed against the DOC where residents detailed “days-long delays in medical care, the lack of soap...the lack of personal protective equipment for staff and residents.” An [article](#) quoted a resident saying, “I was coughing up blood for two days this week. I have not seen a doctor. I have been telling sick call but they just walk past me;”
- 2021: [investigation](#) conducted by the Office of the Inspector General found that all 453 use of force complaints filed against corrections officers in a single year were mishandled by DOC;
- 2021: [reports](#) that the entire jail population had been on a 23-hour lockdown for 400 days, a nationwide anomaly in handling the COVID-19 pandemic in correctional facilities;
- 2021: [lawsuit](#) filed by employee against DOC, alleging long-standing harassment based on his sexual orientation;
- 2021: [lawsuit](#) filed against DOC for housing transgender residents by default based on their anatomy, rather than their identity or preference;
- 2021: [lawsuit](#) filed against DOC for not providing teachers or classes for incarcerated students with disabilities for a year throughout the pandemic; and
- 2021: federal judge holds DOC leaders in [contempt](#) citing possible civil rights violations.

October’s USMS investigation shows that these inhumane conditions persist today. In November, Mayor Bowser called the situation “[troubling](#)” and [said](#), “We all agree: everyone who is in our jail or under our supervised care should be treated humanely and have safe conditions.” Right now, D.C. has jurisdiction over [half](#) of the DOC’s incarcerated population. But the District has not taken any action to remove people from these conditions or to fix the conditions in the long term.

Despite making up only 47% of D.C.’s population, Black people make up [90% of the people jailed by DOC](#). By ignoring their repeated demands for improved conditions and cultural changes at the DOC, District leaders have ignored Black suffering and forced Black D.C. residents to live in unsanitary, unsafe conditions for decades.

D.C. Jail residents – our neighbors, friends, and loved ones – deserve a clean, safe, and dignified facility. Survivors of crime deserve a facility in which the conditions are conducive to rehabilitation. DOC staff deserve a workplace that does not actively harm

them. Going forward, the District must center impacted people in its decision-making processes. Change is most impactful when those with lived experience are at the center of creating solutions. Since Black people are disproportionately harmed by D.C. Jail and the rest of the District's criminal legal system, the recommendations and feedback of D.C.'s Black individuals, organizations, and coalitions must be at the core of our solutions.

These are our demands to fix the conditions and culture at D.C. Jail in order to ensure the safety, health, and dignity of our incarcerated neighbors:

1. The D.C. Council should pass omnibus decarceration legislation in early 2022, which Mayor Bowser should sign immediately. In February, 2021, the District Task Force on Jails & Justice (Task Force) made specific [recommendations](#) for D.C. to safely reduce its incarcerated population. The Task Force's [calculations](#) provide a comprehensive plan for the District decrease the number of people incarcerated by DOC by up to 443 people per day, on average, by focusing on those who are facing non-violent charges or serving non-violent short sentences, those who have mental health or substance use disorder needs and non-violent offenses, moving young people under 21 to the juvenile system, and expanding the use of citation release. While the Task Force's recommendations specifically focus on people incarcerated for non-violent offenses, the District should also consider how to safely release people convicted of violent offenses. During the pandemic, D.C. [safely reduced](#) its jail population by 31%, but the DOC population is again rising to pre-pandemic levels. Our COVID-19 responsive measures show that decarceration reforms are attainable, safe, and effective.

2. Mayor Bowser and the D.C. Council must ensure oversight, transparency, and accountability in the process of investigating and improving D.C. Jail conditions and culture in the short- and long-term. The [memorandum of understanding](#) (MOU) recently entered into by the DOC and USMS will do little to fix the problems within the facility and only delay their repair. The MOU also [states](#) that "No party shall issue a publicity release or conduct a media interview in connection with the activities that are the subject of this agreement without prior consent by the other party," effectively removing any measure of transparency from the process. The history of mismanagement of the D.C. Jail and the current crisis require the creation of an independent entity with the authority to access the facility, without advance notice, and issue frequent, public reports. This independent oversight entity should be composed of corrections experts, community members, formerly incarcerated people, their families, and advocates. The Mayor must ensure that all leaders, including the Deputy Mayor for Public Safety and Justice, the Director of the Department of Corrections, the Corrections Information Council, and the Department of General Services take effective action now to

repair the D.C. Jail and change staff culture within six months to address the findings of the USMS investigation.

3. Mayor Bowser and the D.C. Council must expedite the funding and creation of a plan to build a new facility so that the D.C. Jail and Central Treatment Facility can be demolished. The Task Force's [Phase II report](#) provides a detailed, comprehensive plan for the District to build a new correctional facility. This new, smaller, secure facility will hold both D.C.'s pre-trial and sentenced populations in a vastly different physical and social environment. This facility will be a safer and healthier place that supports personal growth through innovative, promising, and evidence-based practices. The plan provides for the demolition of the D.C. Jail in 2027 and for the completion of a new facility in 2030. D.C. leaders can shorten the timeline for closing the D.C. Jail and opening the new facility by two years if they start planning and acting now.

4. The D.C. Council and Mayor must continue reinvesting in community-based violence prevention, crisis intervention, and reentry. DOC leadership is not solely responsible for the systemic failings at the DOC. This District has not made the appropriate investments in critical resources, such as mental health and substance use disorder services and housing, and has not held other agencies accountable for failing to adequately serve residents before they end up in the criminal legal system. The District over-invests in policing, while under investing in healthcare, housing, education, addressing trauma, and more. By not adequately funding non-law enforcement solutions to social issues, D.C. residents – most of whom are Black – end up in jail instead of receiving support, services, and treatment in the community. District leaders cannot say they do not know where to invest, how to invest, or when to invest. Organizations and coalitions such as [Black Lives Matter DC](#), [DC Police Reform Commission](#), [Fair Budget Coalition](#), [Black Swan Academy](#), [DC Justice Lab](#), and the [DC Reentry Action Network](#) have solutions for how the District can divest from the criminal legal system and invest in the community. Additionally, the Task Force made extensive [community investment recommendations](#).

We deserve better. As the national spotlight on the D.C. Jail's deplorable conditions continue to grow, and those incarcerated at the jail continue to face inadequate medical care, horrid conditions, and abuse from corrections officers, Mayor Bowser and the D.C. Council must act now. Mayor Bowser and the D.C. Council can no longer deny the gravity of the problem with leadership's approach to violence prevention, law

enforcement, and corrections, the conditions at the D.C. Jail, or the disregard for Black pain throughout the District. We already have the [plans](#). We call upon you to act urgently on these four demands.

Sincerely,

Organizations

Academics Music Resources Corp.	GLAA
ACLU of the District of Columbia	Harriet's Wildest Dreams
Advisory Neighborhood Commissioner, 4B01	Interfaith Action for Human Rights
Amara Legal Center	Justice Policy Institute
Amazing Gospel Souls, Inc.	NAARC
ANC 4B06	Neighbors for Justice
ANC 7F	Norris Law
Black Lives Matter DC	Open City Advocates
Blind Justice Legal Services	Pathways to Housing DC
BreakFree Education	Pennsylvania Avenue Baptist Church
Catholic Priest & Former Staff Chaplain, DC Jail	Plymouth Congregational United Church of Christ
Church of Scientology National Affairs Office	Scrofano Law, PC
Collective Action for Safe Spaces	St. Martin's Church
DC Caucus for Returning Citizens	StoptheDrugWar.org
DC For Sharece Crawford	The Tribal Cure
DC Jail and Prison Advocacy Project	Tzedek DC
DC Justice Lab	UPO
DC Reentry Task Force	W.I.R.E.
Free Minds Book Club & Writing Workshop	Washington Lawyers' Committee for Civil Rights and Urban Affairs
Genesis CDC	Washington Legal Clinic for the Homeless

Individuals (by Ward)

Ward 1

Christopher Naab

Luisa Furstenberg-Beckman

Daniel Rosen

Marian Messing

Dennis A. Corkery

Marjorie Rifkin

Eva Shpak

Mark R Stone

Iliana Eber

Meghan Faulkner

Isabelle Garcia

Myra Woods

Jeffrey Gutman

Rya Griffis

Jennifer A. Fischer

Suzanne Greenfield

Jon C. Cooper

Tammy Seltzer

Julia Keane

Tiana Trutna

Katharine White

Tricia Glaser

Katherine Garbart

Tyrone Hall

Ward 2

Alex Lakatos

Kyra Reumann-Moore

Anthony Vetrano

Mary W. Thuell

Catherine Cone

Michael Goldstein

Ingrid Mahogany

Nashrah Ahmed

Jose Gutierrez

Suzanne DeFelice

Ward 3

Abbe Smith

Lisa Gordon

Alyssa Luz-Ricca

Lisa Greenman

Barbara Kraft

Marie C. Johns

Bethany Rose Clark

Marilyn Brown

Betty Sinowitz

Peter Edelman

Ingrid VanTuinen

Rebecca Barson

Isa Mirza

Richard B. Herzog

Jenna Pekofsky

Sarah Bradach

Jennifer Netburn

Sarah Remes

Jennifer R Grosman

Shelley Broderick

Katharine Landfield

Ward 4

Aliza Wasserman

Margaret F. Hart

Charlie Musoff

Masai McDougall

Colleen McCarthy

Michael J. Bento

Darby Hickey

Michelle E. Olson

David Domenici

Michelle Iken

Eden Berke

Mika Weinstein

Fr. John Mudd

Rebecca Bauer

Heather Doyle

Rebecca Goldfrank

Jenifer Wicks

Robert Molofsky

Jeynaba Diallo

Stephen Leonelli

John M. Copacino

Tamara Vatnick

Jordan Stoner

Thomas R. Healy,
Esquire

Kai Hartsfield

Tianna Gibbs

Katherine M. Kellenbergg

Winnie R. Huston

Liz Bauer

Liz London

Ward 5

Alexandra Bradley

Arnold Hudson Sr.

Deborah Golden

Eduardo Ferrer

Emily Clyne

Emily Tatro

Katie B. Feiock

Kiva Zytneck

Lindsay Ayers

Lyndsay Niles

Rachel Arnold

Rev. Dr. Michelle Searles

Sandra Moore

Thomas Okeefe

Yolanda Hawthorne

Ward 6

Alexandra Smith

Alison Horn

Ariel Shea

Brian Wheeler

Caitlin Holbrook

Jen Jenkins

Jenny Collier

John Becker

Julianne Cozzetto

Kevin Smith

Madeline Gitomer

Margaret Hodson

Martha Byers

Myriam A. Otermin

Noah Nieting

Patricia Ryan

Peter Daly

Pranav Nanda

Sarah Holcomb

Sweta Haldar

Tarek Maassarani

Yu-Ming Liou

Ward 7

Anthony Petty

Commissioner Vince
Van

Lashonia Thompson

Louis Sawyer Jr.

Naiké Savain

Deborah C. Anderson,
Esq.

Elizabeth Hall

Jaunita George

Karla Reid-Witt

Lanet Scott

Patrice A. Wedderburn

Samantha Sluder

Sirraya Gant

Ward 8

Cassandra Hughes

Jean Young

Joy Ann Grune

Keith Jones

Latoya Williams

Melody Moore

Monique Diop

Robin Mckinney

Samuel Kaplan

Shirl Anita Stephens

Terrance Blowe

Tom Donohue

Tracey Joyner

Wendy Glenn

Yaida Ford

Other

Antonia Nagle

Auden J. Perino, Esq.

Avon Hart-Johnson

Casey Anderson

Christine Funk

Christopher
Micklewright

Claire Hoptay

Gary M. Ratner

Hilary Yancey

Kelsey Phipps

Khadija Muhammad

Kirsten Hubschmann

Lawrence Kupers

Lea Howe

Mary McGinnity

Matthew Hertz

Matthew Rogers

Meg H. Broderick

Megan Luckenbaugh

Mayor Bowser and Councilmembers

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Jacqueline R Williams

James Michael McGarry

Janine Bertram

Jenny Rubin

John Hutchins

John Shuchart

Jonathan M. Smith

Katherine Simonetti

Kelechi Enyinna
Agbakwuru

Melinda Salzman

Michael Bruckheim

Mona Asiner

Nathan Poland

Patricia E. Davis

Renée Hutchins

Ronald Harrison Traylor

Vanita "Saleema" Snow