

**District of Columbia  
Corrections Information Council**



**USP Lewisburg Inspection Report**



**October 20, 2022**

## District of Columbia Corrections Information Council

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### *About the District of Columbia Corrections Information Council*

The District of Columbia Corrections Information Council (CIC) is an independent oversight body mandated by the United States Congress and the Council of the District of Columbia to inspect, monitor, and report on the conditions of confinement in correctional facilities where inmates from the District of Columbia are incarcerated. This includes facilities operated by the Federal Bureau of Prisons (BOP), the District of Columbia Department of Corrections (DOC), and private contractors.

The CIC reports its observations and recommendations to the District of Columbia Representative in the United States Congress, the Mayor of the District of Columbia, the Council of the District of Columbia, the District of Columbia Deputy Mayor for Public Safety and Justice, the Director of the BOP, the Director of the DOC, and the community.

Although the CIC does not handle individual complaints or provide legal representation or advice, individuals are encouraged to contact the CIC. Reports, concerns, and general information from incarcerated DC residents and the public are very important to the CIC, and they greatly inform our inspection schedule, recommendations, and reports. However, unless expressly permitted by the individuals or required by law, names and identifying information of inmates, corrections staff not in leadership, and members of the public will be kept anonymous and confidential.

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### **Introduction**

In November 2021, the United States Marshals Service (USMS) moved approximately 200 DC individuals from the DC Central Detention Facility to USP Lewisburg.<sup>1</sup> The CIC requested a site visit of USP Lewisburg to speak with the recently transferred individuals and report on their conditions of confinement. Ultimately, the CIC was denied access to the majority of individuals transferred by the US Marshals service but was able to conduct a site visit on February 23, 2022 and speak to eleven DC Code Offenders who were at the facility. The CIC was not permitted to tour the unit where federal pre-trial detainees from DC were held.<sup>2</sup>

The CIC toured portions of the facility, excluding the Special Housing Unit, per the CIC's MOU with the BOP. The CIC team interviewed eleven individuals, including eight individuals housed in Reintegration Units and three individuals in administrative holdover status, including one individual who was part of the transfer from DC jail last November.

After returning from the facility, the CIC reached out to the DC Department of Corrections (DOC) to request a list of individuals transferred to USP Lewisburg. The DOC provided two lists of transferred individuals, and the CIC confirmed that 57 are still at USP Lewisburg. The CIC has mailed surveys to this group requesting feedback on their current experiences at USP Lewisburg.

### **Facility Background**

The operating mission of USP Lewisburg has changed dramatically since the CIC's last visit. The facility's previous mission, the Secure Management Unit, moved to AUSP Thomson in 2019. Per staff, USP Lewisburg is now the second largest holdover institution in the Bureau.<sup>3</sup> According to staff, two thousand individuals pass through USP Lewisburg each month. The BOP sends individuals between facilities by bus and/or plane. In April 2021, USP Lewisburg opened a Reintegration Unit for individuals who fear for their safety in a general population unit or require protective custody. The facility also has a debrief unit for individuals in the BOP who are transitioning out of affiliation with a gang.

In November 2021, the facility opened a unit for the pre-trial detainees transferred from DC jail by the US Marshal Services. According to the DC Department of Corrections (DOC), 134

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<sup>1</sup> Gathright, Jenny. "Two Hundred People Have Been Transferred Out Of The D.C. Jail Amid Concerns About Conditions," WAMU, 6 Dec 2021. <https://www.npr.org/local/305/2021/12/06/1061758595/200-people-have-been-transferred-from-the-d-c-jail-amid-concerns-about-conditions>

<sup>2</sup> For a full description of the CIC's efforts to obtain access to the individuals transferred from DC jail to USP Lewisburg in November 2021, see Appendix A: Methodology.

<sup>3</sup> "Holdover" is a term used to describe inmates in transit between facilities.

individuals were transferred to USP Lewisburg on November 9 and 10, 2021. During the CIC's visit on February 23, 2022, staff reported 117 individuals in the pre-trial unit.<sup>4</sup>

According to facility staff, the pre-trial unit was set up to include five computers equipped with e-discovery functions and five video teleconference units to allow residents to attend court hearings virtually. Per staff, individuals on the unit have access to recreation and the same commissary list as general population inmates. Staff indicated that they are using online booking software called Skedda for attorneys to request video visits with their pre-trial clients on the unit, and reportedly attorneys can meet with clients for "as long as they need."

### **Key Findings**

- The CIC noted concerns with the physical structure of the facility, including steam heating pipes that residents reported were hot to the touch, and several housing units and programming areas that are not accessible without climbing stairs.
- Residents reported consistent access to basic needs, including hygiene, communication, recreation, commissary, and grievance forms.
- Individuals reported that they were not able to have unmonitored phone calls with their attorneys.
- Three out of eleven individuals reported that staff threatened them with physical violence.
- Residents reported inconsistent experiences with medical staff and wait times for care.

### **Recommendations**

- Ensure all steam pipes are properly insulated and that regular maintenance and safety checks are performed per the BOP Facilities Operations Manual.
- Where possible, avoid housing individuals in cells with steam pipes.
- Consider modernizing the HVAC system at USP Lewisburg to allow for more consistent control of temperatures within the range recommended in the BOP Facilities Operations Manual.
- Designate a space where individuals can place occasional unmonitored phone calls to their attorneys in compliance with Program Statement 5264.08.
- Ensure that staff are aware that they may not use threats or intimidation toward inmates.
- Ensure that DC law is available on law library computers.

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<sup>4</sup> Of the 134 individuals on the lists provided by DCCIC, 77 had been released or had transferred to other BOP facilities prior to the CIC's visit. Fifty-seven individuals on the transfer list were still listed as located at USP Lewisburg. The CIC is continuing to try to identify the remaining approximately 60 individuals who were on the pre-trial unit at USP Lewisburg in February 2022 but not listed on the roster of transferred individuals provided by the DC DOC.

## **Physical Plant**

USP Lewisburg was built in 1932. The weight room and laundry are located downstairs from the main level, and the indoor gym, education area, and library are located up several flights of stairs. Facility staff indicated that the only access to these areas is via stairs. Unit E-Z, the housing unit the CIC toured, was located on three levels, all connected by a narrow stairwell.

When asked how individuals with mobility issues accessed these areas, facility staff seemed surprised, and one indicated it had never been a problem. Executive staff clarified that the facility is not ADA compliant and that individuals who need mobility aids are not designated to USP Lewisburg. For individuals with short-term mobility issues, such as following an injury or surgery, the staff indicated that they bring programming to the resident on a ground floor space.

Some areas of the facility, including the weight room, had large steam pipes on the ceiling, which required taller individuals to duck to pass under. One resident reported similar steam pipes in the older buildings of the facility, including in cells, and said that you “can cook noodles on the pipes.” Another resident recalled asking staff to open the slots in cell doors because they are “extremely hot from exposed pipes.” The CIC team experienced several very hot areas of the facility, despite open windows in the hallways and an outside temperature of 50 degrees. According to residents, the facility does not have air conditioning. According to a 2018 news article, there are only seven BOP facilities without air conditioning.<sup>5</sup>

In 2020, the Lewisburg Prison Project and the Pennsylvania Institutional Law Project raised a concern about extensive bird droppings in the windows at USP Lewisburg, which caused the residents and staff to inhale potentially harmful dust. During this visit, CIC staff noted bird droppings and dead insects in the window screens of the library and hallways.

**Recommendation:** Ensure all steam pipes are properly insulated and that regular maintenance and safety checks are performed per the BOP Facilities Operations Manual.

**Recommendation:** Where possible, avoid housing individuals in cells with steam pipes.

**Recommendation:** Consider modernizing the HVAC system at USP Lewisburg to allow for more consistent control of temperatures within the range recommended in the BOP Facilities Operations Manual.

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<sup>5</sup> Clarke, Matt, and Christopher Zoukis, “Litigation Heats Up Over Extreme Temperatures in Prisons, Jails” Prison Legal News, June 29, 2018. Available at <https://www.prisonlegalnews.org/news/2018/jun/29/litigation-heats-over-extreme-temperatures-prisons-jails/>

**BOP Response:** *USP Lewisburg was constructed in 1932 and the steam pipes located in the cells provide adequate heat to maintain the cell temperatures required by American Correctional Association (ACA). Insulating the pipes would reduce the temperature and create a cell temperature that would fall below ACA standards and the Facilities Operational Manual 4200.12. A request for a HVAC system upgrade has been requested but is dependent upon national funding. USP Lewisburg has housing units with first floor programming areas that are accessible to Psychology, Health Services, Recreation Commissary, and leisure areas. In addition, USP Lewisburg also has ADA handicap accessible cells.*

### **Attorney Calls**

Individuals housed in units other than the pre-trial unit reported that they are required to make legal calls in their case manager's office with staff present. Facility staff stated that the only phones that do not automatically record calls are in staff offices, and that staff need to use that space to work and cannot step out of the office for the duration of the legal call. Staff indicated that attorneys are notified that the calls will not be confidential.

The Admission and Orientation packet for USP Lewisburg requires that inmates demonstrate to their Unit Team the need for an unmonitored call with an attorney, such as an imminent court deadline. However, the BOP policy on inmate telephone calls specifies that the Bureau provides each inmate "the opportunity to place an occasional unmonitored call to his or her attorney," and requires a demonstration of need only for "frequent confidential inmate-attorney calls."<sup>6</sup>

**Recommendation:** Designate a space where individuals can place occasional unmonitored phone calls to their attorneys in compliance with Program Statement 5264.08.

**BOP Response:** *USP Lewisburg offers all inmates the opportunity to have unmonitored Video Teleconferences (VTC's) with their attorneys. Once a request for a VTC has been submitted, the attorney is advised to schedule the VTC via Skedda by logging on*

*to <https://lewlegalvisit.skedda.com/booking>. Once the VTC is scheduled, the standard call will last one (1) hour. However, if an attorney requests additional time, the assistance of an interpreter, or would like to request an additional attorney participate on the VTC, then they are able to communicate this information in the notes section of the booking request.*

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<sup>6</sup> Bureau of Prisons Program Statement 5264.08, "Inmate Telephone Regulations," available at:

[https://www.bop.gov/policy/progstat/5264\\_008.pdf](https://www.bop.gov/policy/progstat/5264_008.pdf)

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## **Medical**

USP Lewisburg is a Care Level 2 facility, meaning it is intended to serve individuals who are stable outpatients, including those with chronic conditions requiring periodic care. Facility medical staff indicated approximately 65% of the current population has a chronic condition.

There is a nurse or paramedic in the facility from 6am-10pm and a provider on-call after hours. The closest hospital is one mile down the road, and there is a trauma center 30 minutes away. There are currently four vacancies out of 31 staffed positions in the medical department at USP Lewisburg, including a dentist and a dental assistant. Medical staff includes two pharmacists and a pharmacy technician, an infectious disease nurse, an HIV specialist, as well as mid-level medical providers and medical assistants.

According to staff, individuals on holdover status receive an intake screening for infections and current medical needs. They are given a sheet with their medications and medical conditions to take with them to their next facility.

The facility processes approximately 1,200 prescriptions per month because of the high population turnover. Pill line occurs twice a day. Individuals in general population can submit sick call slips during pill line. Medical providers bring medication to units on lockdown twice a day, and individuals on those units can submit sick call slips to the providers at that time.

USP Lewisburg provides Hepatitis C treatment and can keep individuals on medical hold at the facility, so they are able to complete the full treatment without interruption by transfer.

Residents who spoke with the CIC reported inconsistent medical treatment and long waits for care. Four out of nine respondents said that medical staff respond to sick call requests within 48 hours, while five respondents said they do not respond within 48 hours. One individual said that serious injuries can be seen the same day, and that staff will send individuals for outside medical care if they feel it is needed, but that staff “think Ibuprofen is the answer for everything.” Another individual said he had been waiting over a month for glasses and a dental follow-up, and that, “Overall, it seems like the staff doesn’t know what they are doing.”

Two individuals with mental health diagnoses said that they were not receiving their prescribed medication since arriving at USP Lewisburg. One individual reported that his medication had been changed to something less effective at controlling his symptoms, which resulted in him taking an overdose of medication to compensate - and lead to him requiring acute psychiatric care.

***BOP Response:*** A review of this matter, including wait times for access to care, was assessed and was determined to be within community standards. A recent audit conducted by the American Association of Allied Health Center revealed no findings that would indicate clinical care areas of weakness to include wait times for care. The institution's Healthcare



*Governing Body meets on a quarterly basis to routinely review areas of improvement for medical and dental care, as required by national policy.*

### **Programming**

Facility staff reported that most programming is still held by unit due to Covid precautions. Most individuals can move to recreation, education, and other areas only with the individuals housed in the same unit.

### **Reintegration Housing Unit (RU)**

USP Lewisburg has three Reintegration Housing Units (RU). According to the BOP, the RU was designed as a voluntary psychology program for individuals who refused to return to general population, often due to protective custody concerns. These individuals often spent long periods in restrictive housing prior to moving to the RU.

In 2020, the RU was reclassified as an involuntary housing assignment to move more individuals from long-term restrictive housing to a general population setting. Because of this shift from a psychology program to a housing unit, the RU at each facility looks a little different. At USP Lewisburg, RU programming is voluntary and specific to the needs of each inmate, rather than a structured program with levels and required program elements.

Staff at USP Lewisburg explained that psychology programming on the unit runs from 7am to 2pm each day, and after that, individuals can go to recreation, library, or education programs elsewhere on the compound. The RU has a peer mentorship program, as well as group therapy and First Step Act programming. Residents run programs such as AA and NA. The physical unit the CIC visited had three treatment rooms, a fitness room, and a “chill-out” room with a projector and sound machine that individuals can use to calm themselves if they get agitated.

Eight of the individuals with whom the CIC spoke were housed in RUs, and three mentioned participating in programs such as anger management, victim impact, and the Men of Influence program. None of them had specific feedback on the RU programming.

### **Education**

The Education department at USP Lewisburg offers academic and vocational programming. Staff reported that there were 64 individuals enrolled in GED or pre-GED classes at the time of the CIC’s visit. Staff indicated that testing was re-opening after Covid-related limitations. Staff noted that DC pre-trial residents were not allowed to officially enroll in GED classes while at USP Lewisburg, but that one individual was doing self-study towards a GED.

Staff indicated that two groups of five people had just completed ServSafe food handling training, and that another group of ten individuals had just completed a resume writing class. Adult Continuing Education (ACE) classes are offered by residents and follow a BOP curriculum.

Staff said that there is currently a real estate investing class led by residents. One individual mentioned participating in ACE classes on current events and government.

Facility staff said that vocational programming includes a personal trainer program, peer specialist program, and HVAC, electrician, and plumbing programs. Staff indicated that there are currently 14 individuals enrolled in the 2000-hour peer specialist program.<sup>7</sup> Staff said that apprenticeships are available for individuals on HVAC or plumbing work details. Staff also noted that there is currently an individual at the camp interested in plumbing and several individuals interested in commercial housekeeping. One individual who spoke with the CIC said that he was unable to log vocational hours as an electrician because there was no apprenticeship available.

### **Recreation**

At the time of the CIC's visit, the recreation department was working on restarting various programs as pandemic restrictions lifted. Residents could go to the weight room with their unit, and staff indicated several resident-run programs, including cardio classes and structured weight programs. The facility also offers a 12–14-week personal trainer program resulting in a nationally-recognized certification. Staff reported that they planned to start a new class for the program during mid-March with 10-12 participants.

Staff indicated that crochet and drawing materials were provided to individuals to use on their unit during Covid. The ceramics program had mostly been on the unit during Covid, but staff said they anticipated re-opening the hobbycraft area within a few weeks. In this program, individuals can purchase ceramic shapes from commissary, paint or glaze them in the hobbycraft area, fire them in the kiln, and send them to family or friends.

Staff also indicated they are starting to run small basketball and soccer leagues a few nights a week with teams by unit. Staff said that residents can sign up for various wellness courses, including talking to your doctor about aging and living with chronic conditions. Staff indicated that programs are dependent on interest and input from the residents.

None of the individuals who spoke with the CIC had feedback on recreation programs.

### **Staff Interactions**

Individuals on the reintegration units reported mostly positive experiences with their unit team. Seven out of eight respondents said that unit team staff is usually responsive to their needs, respectful, professional, capable, knowledgeable, and responsive to emergency situations. Individuals on the holdover units said that staff is rarely responsive, respectful, knowledgeable, or responsive to emergency situations.

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<sup>7</sup> A peer support specialist is a person with lived experience who has been trained to support those who struggle with mental health, psychological trauma, or substance use.

Three individuals reported receiving verbal threats by correctional officers at USP Lewisburg. One individual said that a few times officers have threatened to hit him, and another individual reported a staff member saying he “could make me disappear.”

**Recommendation:** Ensure that staff are aware that they may not use threats or intimidation toward inmates.

***BOP Response:*** The CIC visited USP Lewisburg on February 23-24, 2022. Executive staff at USP Lewisburg requested CIC staff advise institution officials of any safety concerns, if reported to them, as the CIC has duty to report any abuse or misconduct made known to them. However, CIC staff did not report any abuse or staff misconduct regarding any inmate during their visit to Executive Staff. The Bureau of Prisons was made aware of these allegations, upon receipt of this report, which was forwarded electronically on May 17, 2022. In accordance with Program Statement 3420.11, Standards of Employee Conduct, the Bureau of Prisons takes allegations of staff misconduct seriously and makes every attempt to hold staff to the highest standards. All allegations of staff misconduct are reviewed, and if necessary, referred to the appropriate department for investigation.

#### **Other Feedback**

Residents who spoke with the CIC all reported access to basic needs, including showers, clean clothing and linens, haircuts, and cleaning supplies for their cells. They reported access to book carts, writing materials, grievance forms, and legal materials in the law library (though one individual noted that DC law is not available on the law library computer). All respondents reported access to phone calls, visitation twice a week, postal mail, as well as outdoor recreation on most days. All respondents reported access to commissary, although two individuals mentioned that it is expensive and often out of stock. Respondents who also worked at Lewisburg mentioned drastic pay cuts at the beginning of the year with no explanation. A respondent reported “going from making \$150 to \$46 [a month].”

**Recommendation:** Ensure that DC law is available on law library computers.

***BOP Response:*** A review of the leisure and law library computers reveal all applicable legal resources are readily available to all inmates.

### **Appendix A: Methodology**

On December 6, 2021, the CIC notified the BOP of its request to inspect USP Lewisburg due to the transfer of approximately 200 individuals from DC Central Detention Facility (DC jail) to USP Lewisburg in mid-November 2021. The BOP approved the request for a visit on January 23-24, 2022.

On December 23, 2021, the BOP provided a roster of current DC Code offenders at USP Lewisburg. The list included approximately 15 individuals. The CIC learned that most of the individuals transferred from DC jail to USP Lewisburg were pre-trial federally charged individuals rather than individuals sentenced under the DC Code. According to the CIC's Memorandum of Understanding with the BOP, the BOP will only provide information about DC Code Offenders, not all DC residents in BOP custody.

Given the unique circumstances of this transfer, the CIC asked the BOP to provide information on all individuals transferred from DC jail to USP Lewisburg, and to allow the CIC the opportunity to interview any of this group. The BOP declined to provide information on any pre-trial federally charged individuals moved from DC jail to USP Lewisburg and declined to allow the CIC to view the areas where they were held or interview them.

The CIC also asked the US Marshals Service to provide a listing of transferred individuals and to permit the CIC to speak with them about the transfer and their current conditions of confinement. The US Marshals Service declined this request.

In accordance with the MOU, the BOP provided the CIC with advance documents regarding USP Lewisburg, including inmate population and demographics, facility staffing, significant incidents, administrative remedy filings, and disciplinary records. The CIC also reviewed an education report, the Admissions and Orientation Handbook, and the most recent Prison Rape Elimination Act (PREA) report.

The CIC conducted an onsite inspection of USP Lewisburg on February 23, 2022. The CIC toured a reintegration housing unit, as well as areas for recreation, health services, religious services, education, and dining. The CIC was informed that the individuals transferred from DC jail with federal charges were housed on one unit and the CIC was not permitted to tour that housing unit, but facility staff provided some information about the operation of the unit.

After the tour, facility staff connected the CIC with individuals who had expressed interest in speaking. The CIC met with individuals in non-contact booths to complete a brief survey and hear feedback regarding their experiences at USP Lewisburg. The CIC spoke with eleven individuals, including three housed in holdover units and eight housed in reintegration units.

After the site visit, the surveys were compiled using SurveyMonkey, a business intelligence tool that uses unique identifiers instead of individual names to protect confidentiality. Extended

responses from the surveys were compiled with comments from other forms of communications with DC inmates at the facility and were used to inform analysis and provide context in applicable sections.

Based on the advance materials provided and the site visit, including interviews with eleven DC residents at USP Thomson and their responses to survey questions, the report provides observations, raises five concerns and makes six recommendations.

The CIC provided the BOP with a draft version of the report for review of information and an opportunity to respond to follow-up questions and any other information in this report. The BOP responses are included in the final version of this report.

### **Appendix B: Timeline of Relevant Events**

*October 18, 2021:* The US Marshal Service (USMS) conducts and unannounced inspection of DC Central Detention Facility (CDF) and Correctional Treatment Facility (CTF).

*November 2, 2021:* The Marshal Service releases a summary of their visit findings, including an intention to move DC individuals in USMS custody at DC CDF to USP Lewisburg.

*November 9-10, 2021:* 134 individuals in the custody of the US Marshal Service move from DC CDF to USP Lewisburg.

*November 11, 2021:* The DOC signs a Memorandum of Understanding with the USMS to fix identified issues at CDF.

*December 3, 2021:* Per news reports, 200 individuals from CDF have been transferred to USP Lewisburg.

*December 6, 2021:* CIC Director Isaac contacts the BOP and requests a current census of DC individuals at USP Lewisburg, a description of their phone access, process for posting inmate funds, and to schedule a facility inspection with waiver of the 30-day notification period required by the MOU between the CIC and the BOP.

*December 7, 2021:* CIC Director Isaac receives a brief response from the BOP on the conditions of confinement for DC individuals in USMS custody at USP Lewisburg, including information on the separate units, and video teleconferencing setups for legal visits with attorneys.

*Early December 2021:* DC Deputy Mayor of Public Safety Chris Geldart retains a subject matter expert from CNA, a nonprofit research and analysis organization.

*December 15-20, 2021:* The BOP proposes the CIC visit USP Lewisburg the week of January 24, 2022 to accommodate holiday schedules and information gathering. The CIC submits a formal request, and the visit is confirmed.

*Mid-December 2021:* CIC staff meets with CNA to discuss the CIC scope and plan for the work. CIC requests to be a part of the inspection team at DCF. CNA denies request and states that they already identified American Jail Association (AJA) as the subject matter expert.

*December 23, 2021:* The BOP provides a roster of the current DC Code offenders at USP Lewisburg. The BOP declines to provide information on any pre-trial federally charged individuals in USMS custody moved from DCF to USP Lewisburg.

*January 3, 2022:* The BOP provides advance materials to the CIC.

*January 4, 2022:* The CIC reaches out to the US Marshal Service to request their permission to meet with all individuals moved from DCF to USP Lewisburg, including those who are awaiting trial on federal charges and those serving DC Code sentences.

*January 6, 2022:* The BOP informs the CIC that there is an outbreak of Covid-19 at USP Lewisburg, and the visit must be postponed until late February 2022.

*January 2022:* CAN conducts two visits at DCF.

*January 21, 2022:* The CIC confirms the rescheduled visit will occur on February 23-24, 2022.

*February 9-10, 2022:* The CIC reaches out to the USMS for a response regarding the request to meet with all individuals at USP Lewisburg who were moved from DCF. The USMS responds denying the CIC access to any pre-trial detainees and declining to provide a roster of these individuals.

*February 2022:* CIC meets with CAN to discuss preliminary findings based on the CNA review of CDF and CTF. Findings include no cruel and unusual conditions, no serious threats to safety, concerns with leadership, communications and staff morale, major concerns related to contraband.

*February 23, 2022:* The CIC sends a team to USP Lewisburg to tour the facility, speak with staff and interview the few residents from DC who are not being held pending federal charges.

*March 4, 2022:* CIC sends follow-up questions to BOP.

*March 9, 2022:* CIC Director Isaac reaches out to DC DOC Deputy Director Patten and requests a list of individuals transferred from DCF to USP Lewisburg by the USMS. Deputy Director Patten provides two lists of transfers. CIC identifies discrepancies in the numbers of individuals listed as transferred to USP Lewisburg, and the number of individuals BOP reported were held in the pre-trial unit at USP Lewisburg.

*March 18, 2022:* CIC mails surveys asking about conditions of confinement to 57 individuals in the pre-trial unit at USP Lewisburg.

*March 30, 2022:* BOP provides responses to CIC follow-up questions regarding USP Lewisburg.

