

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CORRECTIONS**



**DC Department of Corrections’ Response to the Corrections Information Council’s
Thematic Report Regarding IRAA Inmates in DOC Custody**

The D.C. Department of Corrections (DCDOC) responds to the Corrections Information Council (CIC) Thematic Report regarding inmates currently housed at the D.C. Department of Corrections on writ from the Federal Bureau of Prisons pursuant to petitions they have filed under the District of Columbia Incarceration Reduction Amendment Act (IRAA).^{1/}

The CIC Report draws on anecdotal information relayed by unidentified IRAA inmates in interviews regarding their feelings of “safety and vulnerability” at the Central Detention Facility (DC Jail) to conclude that “the impression received by the CIC” from these feelings is that the DC Jail creates an “unnecessarily stressful process” for IRAA inmates to “stay out of trouble” while their IRAA petitions are pending in court. The CIC recommends that the DCDOC house all IRAA candidates at DCDOC Correctional Treatment Facility (CTF) on the rationale that the court considers the disciplinary history of this population, pressuring inmates not to engage in disciplinary infractions during their stay on writ at the DCDOC, making them vulnerable to the behavior and mindset of pretrial detainees.

The report does not take into account that, like the DC Jail, the CTF population is also comprised of pretrial detainees and short term sentenced misdemeanants and felons and that inmates persistently, consistently and pervasively seek transfer to the CTF due to their visitation and other pleasing lower security amenities. However, there are many safety and security considerations that go into the determination of appropriate housing of two thousand inmates in the limited space of two vertical buildings in the center of an urban area that must be respected and followed.

All inmates are not eligible for the CTF as it is a low to medium custody facility and maximum custody inmates are precluded from housing there by accreditation standards and the standard of care in maintaining safety, security and order. Moreover, inmates may not be eligible for CTF due to the presence of separations at the facility, and because separations are not divulged to

¹ D.C. Official Code § 24-403.03, Modification of an imposed term of imprisonment for violations of law committed before 18 years of age.

inmates or their attorneys, their report that they do not have separations is not reliable. Out of twenty-four (24) IRAA inmates currently in DCDOC custody, nine (9) are at CTF. Out of the fifteen (15) IRAA inmates currently housed the DC Jail, nine (9) are maximum custody inmates and not eligible to go to CTF by virtue of that classification.

While the report speculates a potentially violent atmosphere for the IRAA inmates, the facts reflect a safe environment. None of the twenty four (24) IRAA inmates currently in custody have been assaulted or received disciplinary infractions during their stay, reflecting that the IRAA inmates are not subjected to disproportionate or heightened danger, violence or victimization.

While the CIC supports their thesis by noting that court's look at program participation and disciplinary history while incarcerated, the court's review is not myopic or restricted to the immediate time period at the DC Jail but rather looks at the inmate's history of incarceration which must be, as statutorily prescribed, at least twenty years, not the few weeks or months an IRAA inmate spends at the DCDOC. Moreover, an IRAA inmate's extended presence in the DCDOC is not necessary to the legal process and their stay, if uncomfortable, can be shortened.

The similarities between the DC Jail and the CTF far outweigh the differences. Both facilities house minimum and medium custody inmates and pretrial detainees, sentenced misdemeanants and sentenced felons. Both facilities are accredited by the American Correctional Association (ACA) and the National Conference on Correctional Health Care (NCCHC) and certified compliant under the Prison Rape Elimination Act, or PREA.

Inmates at the DC Jail access work details, services and programs including Mentoring, Life Skills, Anger Management, GED, Mentoring/Spiritual Counseling, Creative Writing, Tutoring, Group/Individual Therapy, Culinary Arts/Vocational, Financial Literacy, Therapeutic Art, Parenting/Empowerment, Substance Use Prevention, Reentry/Housing Program for Ex-Offenders and Yoga/ Meditation. Inmates at the DC Jail receive religious accommodations and services, recreation, out of cell activity, television, library cart reading materials, commissary, social visitation, 24/7 legal visitation, telephone services (social and legal calls), mail services (regular and legal), case management services, law library services, grooming services, and inmates may grieve any concerns or complaints through the Inmate Grievance Procedures (medical and regular). Moreover, inmates who feel at risk are informed in the Inmate Handbook that they may request protective custody if they have safety or security concerns and may request a housing hearing to be considered for another housing assignment.

Based on the foregoing, although the DCDOC cannot accommodate the recommendation that the Department house all IRAA inmates at the CTF or establish an IRAA unit there, the Department has and will continue to consider the housing of IRAA inmates in the best location suited for their individualized security and programmatic needs and requirements on a case by case basis. The Department is certainly amenable to housing IRAA inmates eligible and appropriate to be

housed at CTF there and will evaluate individuals accordingly. The CIC request to coordinate a quarterly education session for all IRAA individuals in order to provide updates, answer any questions, and connect individuals with resources specific to their needs can be accommodated as long as they the sessions are held in the inmates' assigned facilities and housing units in a manner that maintains the safety, security and order of the facility. The DCDOC also looks forward to working closely with the CIC in continuing to provide IRAA candidates conditions of confinement, programs and services to aid in their smooth transition back to society.

February 8, 2019