

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Corrections



**The DC Department of Correction's Response
to the
CIC Inspection Report FY 17**

In response to the CIC Inspection Report FY 2017 dated January 30, 2018, the D.C. Department of Corrections (DC DOC) has reviewed the reported information and submits the following corrections and clarifications. Unfortunately, the report and its contents were not shared or vetted in advance of publication with the Department of Corrections. Therefore, the Department issues this response to address the inaccuracies and incorrect information and respond to unreliable speculation and unverified commentary that the Department has identified in the report.

Observation Summary

<u>CIC Report</u>	<u>DOC's Response</u>
<p>"The programming units at the CTF, including RSAT, the GED Unit, and Reentry Units, provide education and skills that help with successful reentry, but they are all at the CTF. Work Readiness has moved from the CDF to the CTF as well. However, there are over twice as many people housed at the CDF than at the CTF." p. 3</p>	<p>Education and special education instruction by DCPS is offered to all eligible inmates at both facilities. DCPS is required to provide instruction and related services.</p> <p>In addition the GED Unit is located at CDF. DOC also provides college credit courses at CDF, and offers Master Class events to residents at CDF. The Master Class events provide career connections for learners through reintegration efforts coordinated with community based organizations, higher education partners, DC partner agencies, and area employers.</p> <p>The residents at CDF will also write for the DOC inmate-generated newspaper, and when DOC implements the Career and Technical Education (CTE) and Cognitive Intervention courses, DOC will offer those at CDF as well.</p>
<p>Describing the Intake Unit, the Report states "Inmates describe deplorable conditions, and the staff describe it as "the most dangerous unit" at the jail." p. 3</p>	<p>This statement is unsubstantiated by factual support. In FY17 the Intake unit, which is one of 18 units, experienced only 6% of the incidents that took place in the facility.</p>

Introduction

<u>CIC Report</u>	<u>DOC's Response</u>
<p>“The CTF complex houses female and juvenile D.C. inmates, as well as male inmates who have specialized confinement needs.” p.6</p>	<p>The CTF houses juveniles and females as well as general population male low to medium security inmates. While some of the CTF male inmates are part of specialized program units, the facility also includes general population housing units as well. Moreover, the CIC viewed specialized units at CDF without acknowledging the population in the specialized units there. Specialized units within CDF include the Special Management, GED, Mental Health and Mental Health Stepdown Units.</p>
<p>“At the time of this publication, the CIC does not have staff to inmate ratios at the CTF, but it will modify the report with this information once it is received.” p.6</p>	<p>DC DOC relies on a staffing plan rather than staff to inmate ratio.</p>

Intake Release Center

DOC's IRC is the Inmate Reception Center, not the Intake Release Center.

<u>CIC Report</u>	<u>DOC's Response</u>
"CDF staff explained that there are 171 spaces to store property". p. 9	DOC has 710 spaces available to store inmate property.
"If inmates have any money with them when they are admitted into custody, it will go into his or her inmate account (to be used for commissary)." p.9	In regard to inmate accounts, inmates can use the money that is with them when they are admitted into custody for commissary, telephone use and mailing out letters.
"After relinquishing their own clothing and property, individuals are given the DOC inmate uniform, which, for men, consists of two orange jumpsuits, two white t-shirts, two pairs of under shorts, and two pairs of socks. Between October and March, inmates are also supposed to receive a thermal undershirt. According to the Inmate Handbook, women receive one jumpsuit. Clothing is supposed to be washed by DOC laundry services once a week. Inmates are also able to use commissary funds to purchase additional underclothes, but are limited to seven pairs of each type of undergarment." p. 9	Male and female inmates receive a total of 5 undergarments. Inmates receive (2) at the IRC, and then after being in our custody for (5) days, inmates receive an additional (3). An inmate with less than \$5.00 in his/her personal finance account for 14 days is considered an Indigent Inmate, and is eligible to receive a hygiene bag once every 14 days to ensure they have the items they need for personal cleanliness.
"Inmates who complete their sentences in DOC custody will go through an exit process at the IRC before being released into the community," p. 10	All inmates being released to the community or BOP will go through the exit process at the IRC.
"From the IRC, inmates are sent to the appropriate intake housing unit, where they are to receive "a custody score, a risk screening, and a PREA assessment." p. 10	While a criminogenic risk screening is completed at intake to assist with housing placement, the PREA assessment is completed within 30 days of intake. A custody score or a classification is established by using a certified classification tool that meets national industry standards.
"A five-dollar SmarTrip card is given, along with a release packet, an identification card (that expires after 60 days), library card, and information about housing, food, and employment." p. 10	Upon release, an identification card is given to inmates, which is good for 60 days. Inmates are also provided with documentation they can take to the DMV to receive a non-driver's license ID that expires after six (6) months from the date of issue.
"A limited supply of medication is given if the individual was receiving medication while in custody." p. 10	According to PP 6000.1I, at discharge inmates receive up to seven (7) days' of medication and a prescription for 30 days of medication. Inmates diagnosed with HIV receive 30 days of medication and a 30 day prescription for medication.

Intake Unit

CDF Intake Unit-

<u>CIC Report</u>	<u>DOC's Response</u>
<p>“During the CDF tour, staff also explained that “separations” are an additional factor that can slow down the designation process.” p. 11</p>	<p>Separation does not slow down the classification /designation process.</p>
<p>“Staff explained that transgender inmates are often designated for involuntary protective custody – which means that they are housed on a status unit – and are then evaluated by a medical health professional, mental health clinician, and assessed by the Transgender Housing Committee, which determines which unit the inmate should and will be housed on.” p. 12</p>	<p>Transgender inmates are not housed on a status unit. They are treated as protective custody inmates during the intake process to ensure the privacy of the inmate and housed single-cell in the intake housing unit consistent with their gender.</p> <p>According to Per PP 4020.3, upon determination of gender by inmate verification or medical exam, the inmate shall be treated as a protective custody inmate for the duration of the intake process. This will ensure that the inmate is escorted by staff to the appropriate unit to complete the intake process in a manner consistent with that custody’s requirements, including private strip search procedures.</p> <p>After completion of the initial intake process, inmates identified as transgender or intersex are given the opportunity to request and receive protective custody and be housed in the intake housing unit consistent with the gender identified at intake.</p> <p>In accordance with PS 4090.3, Classification (Program Review), all transgender and intersex inmates are classified and assigned housing based on their safety/security needs, housing availability, gender identity and genitalia. Intake staff assess the transgender and intersex inmates for potential vulnerability in the general population and refer them to the Transgender Housing Committee.</p> <p>The Transgender Housing Committee housing assessment shall address whether the inmate will be housed in the general population or in a protective custody unit of the gender consistent with their gender identity or genitalia. If the Warden’s opinion differs from the recommendation of the Transgender Housing Committee, the Warden shall justify the assignment in writing to the Director for final determination. Transgender and intersex inmates have the same right to appeal housing assignments as all inmates consistent with PS 4090.3, Classification (Program Review).</p>

Inmate Comments-

CIC Report	DOC's Response
<p>“While on the unit, the man reported that there was no out-of-cell time on the weekend, but on the weekdays inmates had one hour out-of-cell.” p. 13</p>	<p>All inmates, including those in restrictive housing, have a minimum of two (2) hours out of cell time for activities for a minimum of five (5) days per week, and up to seven (7) days per week.</p>
<p>“Staff simply say that they have run out of copies or that they do not have copies, and do not tell inmates that the grievance can be written on a blank sheet of paper.” p. 13</p>	<p>All case managers have an ample supply of the grievance forms, and have access to print more out if depleted. Inmates often ask correctional staff for grievance forms, and they are guided to ask the case manager on the unit.</p>
<p>“Another inmate reported that in August 2017, two individuals committed suicide- by hanging- on the Intake Unit. In reference to one of the suicides, the inmate who the CIC spoke to said that staff were aware that the man had mental health issues because he had tried to hang himself when he was previously incarcerated in the CDF.” p.13</p>	<p>This statement is incorrect in that no suicides occurred in August, 2017. Also, inmates do not have access to other inmate's mental health records or information and previous incarcerations in the DOC.</p>

General Population Housing Units

<u>CIC Report</u>	<u>DOC's Response</u>
<p>“Women housed on E4B included those who were pretrial, sentenced for misdemeanors, sentenced for felonies, and sentenced felons waiting for transfer to a BOP facility.” p. 14</p>	<p>This information is incorrect and for safety and security reasons DOC does not publish and requests that the CIC not publish information identifying specific housing units in the facilities. .</p>

Inmate Comments-

<u>CIC Report</u>	<u>DOC's Response</u>
<p>“In addition to the lack of programing, inmates are told that they are not eligible for programming until they are sentenced.” p. 14</p>	<p>All pretrial and sentenced inmates are eligible for programs and services for which they meet the criteria. Programs available to inmates that are pretrial or unsentenced include, but are not limited to:</p> <ul style="list-style-type: none"> •DCPS Public and Special Education •GED •ServSafe •Inside/Out •Substance Use Disorder Group •Creative writing •UDC Hospitality Program •Criminon <p>In addition, the Department of Corrections accords good time credits to misdemeanor sentences for program participation earned by pretrial inmates for participation before sentencing which provides incentives to pretrial inmates for positive programming.</p>

Restrictive Housing

Status Classifications-

<u>CIC Report</u>	<u>DOC's Response</u>
<p>“DOC staff explained that there are about 20 subcategories of Administrative Restrictive Housing. Some examples of reasons for administrative restrictive housing are court ordered segregation, separations, 21 inmates who are not U.S. citizens, and inmates with high profile cases.” p.16</p>	<p>Citizenship is not a criteria used in classification, and is not asked as part of the intake process. The only time place of birth is requested at intake is solely for identifiers such as name and date of birth.</p>
<p>“Special Handling refers to inmates deemed to pose an ongoing danger to staff, other inmates, or the public, and who cannot be safely managed in general population.” p. 17 (table)</p>	<p>Per PP 5500.2, Special Handling is “A designation assigned to an inmate who requires heightened security measures due to a documented history of high profile cases, escapes, attempted escapes, by documented assaultive and/or disruptive behavior, or by court order.”</p>

CTF Special Management Unit-

<u>CIC Report</u>	<u>DOC's Response</u>
<p>“Review occurs after the first seven days on the unit, then the 14th day on the unit, and then the 30th day. Staff reported that sanctions can be no more than 30 days, but can occur consecutively.” p.17</p>	<p>Per the modification to Restrictive Housing practices, the maximum sanction is no more than thirty (30) days for all violations arising out of one incident.</p> <p>Per PP 5500.2, “the status of inmates in Administrative Restrictive Housing and protective custody is reviewed every seven (7) days for the first 60-days [now 30-days] and at least every fourteen (14) days thereafter in accordance with PM 5300.1. A social worker shall serve on the Housing Board for this review.”</p>

CDF Special Management Unit-

<u>CIC Report</u>	<u>DOC's Response</u>
<p>When asked what the longest time was that any inmate had been housed on the CDF Special Management Unit, staff answered that there was a foreign national who had been on the unit with an Administrative Restrictive Housing classification for three years." p. 18</p>	<p>Depending on separations, court orders, and security threats an inmate may be housed for extended time on the Special Management Unit. The Housing Board is comprised of case management, social work, and security correctional staff and they make a housing recommendation.</p>

Unit Characteristics:

<u>CIC Report</u>	<u>DOC's Response</u>
<p>Case managers are on the unit every day. In the first 60 days on the unit, inmates meet with their case manager once a week. After the first 60 days, inmates meet with their case manager once every two weeks." p. 19</p>	<p>The information provided speaks only to housing reviews. At any time inmates may see their case managers while he or she is on the unit, or make a request to speak with the case manager.</p>
<p>"Chapel services come to the unit once every week." p. 20</p>	<p>Religious Chapel Services are offered once a week on CDF SMU Unit S-1; Also, religious volunteers from Episcopal, Catholic, Sunni and Baptist provide religious services throughout the week.</p>

Medical Services

CTF Medical Services

<u>CIC Report</u>	<u>DOC's Response</u>
<p>“However, staff reported that the normal time inmates must wait to be treated by medical staff is 7-14 days.” p. 24</p>	<p>All inmates receive a medical and mental health screening upon intake into DOC followed by a, full medical assessment within 7-14 days of intake or sooner if an inmate has acute or chronic conditions at the time of intake. In addition, all inmates have access to daily sick call which provides for either same day service provision or care usually within 24-48 hours of request based on acuity of need. In addition, urgent care is available 24/7 and provided immediately in the Urgent Care Unit as well emergency room transport for inmates who require hospital level care.</p>
<p>“At the CTF, female inmates who are in the first and second trimesters of pregnancy can be handcuffed. Staff reported that no restraints are used for female inmates who are in their third trimester of pregnancy. Women do not generally give birth at the CTF, but are instead sent to Howard University Hospital. After an inmate gives birth, she is allowed to breast pump at the jail and a member of her family can come to the CTF to pick up the milk. Staff reported that the Neighborhood Legal Services Program³⁴ assists with identifying the inmate's family member who will be able to come to the hospital and take the newborn child into their custody.” p. 25</p>	<p>Please add: The inmate designates whether her family is notified of the birth. The inmate designates who can pick up the mother's milk she expresses. CFSA may become involved if the inmate is unable to identify who will be guardian of the baby.</p>
<p>“CTF staff reported that when an inmate is released from DOC custody, if he or she has a chronic condition (such as HIV), the individual will be provided with 30 days' worth of medication.” p. 25</p>	<p>All inmates are provided release planning for continuity of care upon release as soon as they enter the Department by Unity Healthcare. When inmates are released, they are given medication sufficient for up to seven days, a 30 day prescription and referred for follow up in the community with their physicians or other community resources. Inmates specifically on HIV meds are given 30 days of medication as well as prescriptions.</p>

CDF Health Services: Medical Health Unit-

CIC Report	DOC's Response
<p>“The DC Office of the Chief Medical Examiner (OCME) investigated a total of 395 deaths due to use of opioids from January 1, 2014 through November 30, 2016, 83 deaths in CY 2014, 114 in CY 2015 and 198 deaths to date in CY 2016 respectively.”³⁷ In 2017, 72% of documented overdoses involved fentanyl or a fentanyl analog.” p. 26</p>	<p>These numbers reflect the deaths throughout the city as a whole, not the DOC as the report seems to suggest.</p>
<p>“At the CDF and CTF, methadone or Suboxone treatments are available for certain inmates.” p. 27</p>	<p>DOC has an average of 0.3 percent of inmates on Medication-assisted Treatment (MAT). Based on community prescribing, more inmates in the jail have been on Methadone compared to Suboxone, or buprenorphine. Inmates identified as being on MAT upon intake in the Inmate Reception Center (IRC) have their doses verified by our healthcare provider, Unity, and quickly receive a dose in the IRC as needed.</p> <p>Inmates on Methadone undergo a slow weaning off the medication in DOC, whereas inmates on Suboxone have their doses maintained over a longer period of time. Pregnant inmates on MAT are maintained on the doses they took in the community. Inmates are safely weaned off of MAT to prepare them for transfers to facilities that do not allow or provide MAT services.</p>

Inmate Comments-

<u>CIC Report</u>	<u>DOC's Response</u>
<p>“Despite another jail indicating in writing that he was in need of a wheelchair, an inmate was repeatedly denied a wheelchair while in DOC custody because medical staff there did not affirm that he needed one.” p. 30</p>	<p>All medical adaptive equipment are provided per clinical indication and medical verification and authorization. Issues related to medical supplies are reviewed by the clinicians to assure that inmates receive the items they need, including, wheelchairs, glasses, crutches, CPAP machines, and others. Clinical verification and authorization are required for the safety, security and order of the facility to preclude able bodied inmates from being housed with disabled inmates who become vulnerable to the able bodied inmates in a secure environment.</p>

CTF Education Programs

<u>CIC Report</u>	<u>DOC's Response</u>
<p>“Every inmate who participates in a course work takes a Northpointe COMPAS Risk & Need Assessment System test, which is intended to identify and measure recidivism risk factors and inform post-release planning.” p. 36</p>	<p>The CASAS is administered to inmates to identify inmate education level for placement in education programming.</p> <p>The COMPAS should not be referenced in this section relating to education. The COMPAS risk assessment tool is administered to all inmates to identify an inmate’s criminogenic needs and his or her risk of re-offending. The COMPAS needs assessment is administered to inmates that will be in DOC custody for at least 60 days.</p>

CDF GED Unit (SE-2)

Current Class and Instruction-

<u>CIC Report</u>	<u>DOC's Response</u>
<p>“When asked about the existence and efficiency of record transfers between BOP and the DOC, the GED instructor indicated that she has been able to obtain education records through GED services, but has not done so by contacting the BOP. She calls the GED service to learn if particular inmates have passed the GED, and has not needed a signed release to do so.” p. 37</p>	<p>GED testing records and information are obtained directly from GED Testing Services by BOP and DOC and DOC does not require records transfers from BOP or vice versa. DOC does not need to contact the BOP or OSSE, only the GED testing services.</p>

Juvenile Unit

<u>CIC Report</u>	<u>DOC's Response</u>
<p>“During the June 2017 CTF visit the CIC inspected the Juvenile Unit, which houses male, youth inmates ages 15-17, who have been criminally charged as adults.” p. 42</p>	<p>Please note the young inmates who have been criminally charged as adults housed in DOC are 16-17 years of age.</p>

Tier System-

<u>CIC Report</u>	<u>DOC's Response</u>
<p>“Juveniles on the Gold Tier are allowed to have an additional contact visit every month.” p. 42</p>	<p>All juveniles are allowed one monthly contact visit, and gold tier juveniles are allowed an additional contact visit. Juveniles have video visitation after 5:00 p.m. Wednesday through Sunday.</p>

Education-

<u>CIC Report</u>	<u>DOC's Response</u>
<p>“At the CTF, juvenile inmates have school on weekdays and, as CTF staff reported, have seven classes per day.” p. 43</p>	<p>Juveniles have up to seven classes per day.</p>

Federal Bureau of Prisons Unit

<u>CIC Report</u>	<u>DOC's Response</u>
<p>“The BOP has an inter-governmental agreement (IGA) with the DOC for use of up to 200 beds for incarcerated DC persons in BOP custody for short terms (under 9 months).” p. 44</p>	<p>The agreement was modified in 2016, removing the cap of 200 BOP inmates.</p>

Secure Residential Treatment Program

<u>CIC Report</u>	<u>DOC's Response</u>
<p>“The DOES Work Readiness Program was slated to move from the CDF to Unit D2A in the CTF during the summer of 2017.” p. 45</p>	<p>The DOES unit expanded and moved to the CTF in October 2017.</p>

Re-Entry Unit

<u>CIC Report</u>	<u>DOC's Response</u>
<p>“CTF staff described a pilot program called Family Reunification Day. The program is available for female and male inmates who are on the re-entry units and their families.” p. 46</p>	<p>Family Reunification is not a pilot program. In May 2017, Director Booth established the Family Unification day program, with the intent of having the event quarterly.</p>

Residential Substance Abuse Treatment Program

<u>CIC Report</u>	<u>DOC's Response</u>
<p>“The Residential Substance Abuse Treatment Program (RSAT) was created to be “a therapeutic community substance use treatment program for Department of Corrections (DOC) participants housed at the Correctional Treatment Facility.” p. 49</p>	<p>The Residential Substance Abuse Treatment Program (RSAT) was created to be “a therapeutic residential substance use treatment program for Department of Corrections (DOC)”.</p> <p>RSAT’s mission is to provide comprehensive diversified treatment interventions and support service linkages, upon release, to participants with substance use disorders, for the purpose of developing and enhancing the effective coping skills necessary to the recovery process and becoming productive members of their communities. The program approach promotes individuals helping themselves and others as opposed to a service model.</p> <p>Opportunities within the RSAT treatment program are offered with a clear understanding that the participants take responsibility for choosing between destructive or constructive mediums. Continued participation is based on the individual’s willingness and ability to learn to make constructive choices.</p>

Inmate Grievance Procedure

DOC has updated its Inmate Grievance Procedure (IGP) and informs inmates of the new process during Intake, where case managers provide the inmates with an Inmate Handbook supplement that describes the new IGP process. In addition, the IGP process is posted on the walls throughout the facility and within each housing unit (please see attachment). The new IGP process is being incorporated in an updated Inmate Handbook.

The IGP process provides that when an inmate has a request or complaint, the inmate is to contact a staff member for assistance. If this does not resolve the issue, the inmate may fill out an grievance form to file an Informal Resolution with their case manager. The case manager will respond within five (5) business days. If the inmate does not accept the resolution, the inmate can submit the informal grievance with the IGP Coordinator who will conduct an investigation and respond to the grievance within 15 business days. If the inmate does not accept the IGP Coordinator's response, he or she has five (5) business days to submit the original grievance to the Warden who has 15 business days to respond.

If an inmate would like to appeal the response by the Warden, he or she has five (5) business days to submit the original grievance along with appeal form 1 to be sent to the Deputy Director who has 21 business days to respond to the grievance. To appeal the Deputy Director's response, an inmate has five (5) business days to submit appeal form 2 to be sent to the Director, who has 21 business days to respond to the grievance. The Director's response is final

Kitchen and Food

<u>CIC Report</u>	<u>DOC's Response</u>
<p>“The staff person reported that at the CTF two inmates were currently being served kosher meals, and at the CDF four inmates.” p. 55</p>	<p>The number of kosher meals being served at both facilities is: CTF thirty- one (31) CDF twenty-five (25). The numbers vary depending on the number of observant inmates requesting the kosher diet in the facilities.</p>
<p>“In addition to Aramark staff, inmates who have already been sentenced are able to work detail in the kitchen and earn \$28 per month.” p.55</p>	<p>Any inmate who is eligible may work in the kitchen detail regardless of whether the inmate has been sentenced or not. (Please see attachment)</p>
<p>“Before working detail in the kitchen, inmates must complete a 50-hour ServSafe training.” p. 55</p>	<p>Inmates do not need ServSafe training to work on kitchen detail. DOC has a program that DOC offers the ServSafe training as a vocational program, which certifies individuals who have completed the 50-hours ServSafe program for future employability. This is separate from the individuals who volunteer to work as part of the kitchen detail.</p>
<p>“One staff person reported that, “99.9% of the time there is hot dinner, hot lunch, and hot breakfast.” p. 55</p>	<p>DOC does not serve hot lunch.</p>

Libraries

CTF DCPL Library

<u>CIC Report</u>	<u>DOC's Response</u>
"Copies of legal documents are free, but all other copies of documents cost ¢15 per sheet of paper." p. 58	DC Public Library does not provide any copies for inmates. All request for copies go through the law library, and all copies from the law library are free of charge.