March 2019

To: Director Quincy Booth, DC Department of Corrections

From: Rev. Donald Isaac, Director, Corrections Information Council (CIC)

RE: CIC Visits to DOC Facilities February 25th and 26, 2019

We appreciate the opportunity to visit CTF and CDF on February 25th and 26th, 2019. In particular we would like to thank Warden Johnson and his executive team, especially Deputy Warden Landerkin and Deputy Warden Jones, for facilitating our visit and answering our team’s questions. We are also grateful to all the escort officers and unit staff who assisted us during this visit.

As you are aware, this trip was motivated by concerns regarding inmates’ access to outdoor recreation in light of recent complaints from individuals and community organizations. Below are some observations and recommendations based on the February visits.

1. **Outdoor Recreation at CTF**

Executive staff at CTF explained that most units get off-unit recreation for one hour each day, Monday – Friday, but that off-unit recreation may be outdoors in the yard, or inside in the facility gym. Executive staff at CTF indicated to the CIC that historically outdoor recreation had been suspended from November until February as a matter of course, but that currently the Deputy Warden makes a daily determination as to whether off-unit recreation will be outdoor or indoor. The decision is based primarily on the weather and staffing.

 The CIC surveyed CTF residents, primarily those on E-block and C-block,[[1]](#footnote-1) regarding their experiences with outdoor recreation at this facility. Sixty-five percent of those surveyed (48/75) indicated that they had requested outdoor recreation from staff and been denied.

Sixteen individuals reported receiving no reason for the denial of outdoor recreation. After that, the most common reasons individuals reported hearing for the denial of outdoor recreation were the grass needed to be cut (10), there was not enough staff (9), and the weather was bad (5). Two individuals reported being told “when you come out of your cell, that is recreation,” and another resident reported being told, “You get outside rec inside the unit; you will never go out as long as you are here.”

1. Physical Plant Limitations

The outdoor yard at CTF is split into three sections, allowing for multiple units to have outdoor recreation while being physically separated. The sections are separated by chain-link fence and bordered by the brick perimeter wall of the facility. Each section consists of a paved portion roughly the size of a single basketball court, as well as a grassy section. On the day of the CIC’s visit, there were large ruts in parts of the grassy area, which staff explained were from a tractor that had gotten stuck in the mud sometime the previous fall.

Executive staff indicated that the grassy area frequently limits the availability of outdoor recreation at CTF because it is not well-drained, and so the ground remains muddy for several days after it rains. Many residents only have one pair of shoes, typically the canvas slip-on shoes provided by the facility, which are not well-suited to walking in wet grass and/or mud. The facility does provide coats in cold weather, but not hats or gloves.

Executive staff also indicated that it has been difficult to cut the grass when the weather has been particularly wet, and that last summer weather delays resulted in the grass growing particularly tall, which then presented further difficulties cutting it. This led to a significant period during which residents of CTF did not have access to outdoor recreation.

***Recommendation:*** The DOC should pave the grassy portions of the CTF yard. While this will unfortunately reduce the residents’ access to nature, absent an improved drainage system it appears to be the best way to ensure this space is meaningfully available for recreation.

1. Difference in Amenities

Executive staff noted that the indoor gym has weight equipment and other activities that are not available in the outside yard. As a result, residents often express a preference for the indoor gym rather than the outside space. The CIC did not visit the CTF gym, but the outside yard appeared to have no amenities other than a basketball court in each section. In contrast, the CDF yard had several tables as well as sports and exercise equipment.

***Recommendation:*** The DOC should provide additional amenities in the CTF yard, such as picnic tables and exercise equipment.

1. Staffing

Executive staff explained to the CIC that staffing challenges also limit the availability of outdoor recreation. Running outdoor recreation at CTF requires eight staff members, including some along the outside perimeter wall, while running indoor recreation requires only three staff members. Executive staff explained that staff shortages are frequently caused by call-outs which require the movement of staff from posts at either CTF or CDF to accompany residents to the hospital or pick up individuals from halfway houses or other facilities. The average number of staff on call-outs during a shift is in the mid-teens, but ranges from five to thirty officers per day. CTF staff members are also sometimes moved to fill shortages on the CDF side.

The CIC also learned from the Director’s testimony at the DOC Oversight Hearing that the DOC has not yet filled approximately 40 new full-time positions added to reduce the number of overtime hours needed.

***Recommendation:*** The DOC should ensure that both facilities are sufficiently staffed to provide outdoor recreation every weekday according to the schedule, regardless of other needs. Staffing shortages should limit outdoor recreation only in truly exigent circumstances, not as a matter of practice.

1. Disability Access

The CIC received conflicting reports from staff regarding whether residents with physical disabilities are able to access outdoor recreation. One staff member indicated that if residents cannot physically walk up and down several flights of stairs to the outdoor yard at CTF, they are not able to have outdoor recreation at all. Another staff member recalled that individuals with walkers and wheelchairs could access a separate outside patio area via elevator and paved ramps.

***Recommendation:*** The CIC, being mindful of physical plant limitations, recommends that DOC make outdoor recreation accessible to as many residents as possible, including those with mobility challenges. As the DOC is doubtless aware, the Americans with Disabilities Act requires that facilities provide accommodations to facilitate disabled prisoners' equal use of facilities and participation programs unless doing so would cause an undue burden.

1. Grievances

The majority (78%) of residents of CTF who completed the CIC’s survey reported that they normally had access to grievance forms. However, 42 percent said that the grievance system does not work and 14 percent said that they fear staff retaliation for filing grievances. Respondents mentioned that they rarely receive responses to grievances, or that they “go nowhere.”

Six individuals reported that they had filed grievances regarding lack of access to outdoor recreation in the last year. However, during testimony before the DC Council the DOC reported receiving only one grievance regarding lack of outdoor recreation.[[2]](#footnote-2)

***Recommendation:*** The DOC should ensure that all inmate grievances are accurately tracked and responded to in a timely manner.

1. **Outdoor Recreation at CDF**

Executive staff explained that outdoor recreation at CDF takes place in a paved yard in the center of the facility. There is no indoor gym at CDF. Residents are offered movies on days when they are not provided outdoor recreation. Recreation is not always offered on days when special programs are held.

The CIC visited the outdoor space at CDF, and noted a basketball court and two soccer goals, two picnic tables and a ping-pong table, as well as pull-up bars and other exercise equipment. Music was being played through speakers. Staff informed the CIC that 300 people can fit in the outdoor space, though it appeared they would not be able to move much if that many people were out at once. Staff explained that only one unit goes out for recreation at a time, so there are rarely more than 50 people in the space at once, but it can accommodate more in emergency situations.

The CIC also visited the smaller recreation yard at CDF, which consists primarily of four large chain-link cages, which serve as recreation spaces for individuals who are in administrative segregation or have separation orders that require individual recreation. The cages are roughly 6’ x 15’ and approximately 8’ tall. Staff informed the CIC that the small recreation yard has not been in operation since last summer due to an issue with a sewage line backup. Staff anticipated that the cages would be available for use in spring 2019.

Fifty-five percent of the individuals who completed the CIC’s survey said that they had requested outdoor recreation from staff and been denied. More than half the respondents to this question reported that they had asked numerous times.

The most common reason individuals reported hearing for the denial of outdoor recreation was that there were not enough staff (9), followed by no reason given (7), bad weather (5), it wasn’t the staff member’s decision (5) and outdoor recreation wasn’t being offered (4). One individual reported being told that “leaving your cell is outdoor rec” and two others reported being told to stay out of jail if they wanted outdoor recreation.

Several individuals on NW2 and NE2 who spoke with the CIC but did not fill out surveys, said that they do not go outside as often as they would like, but that they do go outside occasionally, and they believe outdoor recreation is fair. Individuals on NE3 (the detail block) and SE2 (the GED block) stated that they have no problem getting outdoor recreation. Several individuals on SW2 mentioned that they preferred watching movies indoors and were not upset by the lack of outdoor recreation. Some individuals on SW3 indicated that they did not want to go outside because it was too cold, and reminded them too much of home.

CDF staff provided the daily recreation schedule for CDF, as well as recreation logs for the month of February 2019. Analysis of these logs indicates that units frequently go out for recreation at different times than those indicated on the schedule, but that most units had outdoor recreation on most days in February when the weather was not rainy and/or cold.

***Recommendation:*** Continue to offer outdoor recreation to inmates on all units for one hour Monday through Friday, consistent with the established and posted schedule.

1. Inclement Weather

The logs provided by CDF staff indicated that many individuals took advantage of outdoor recreation on days it was offered, even when the weather was cold.

When the weather was recorded on the recreation log, it suggested inconsistencies in how inclement weather is determined for purposes of outdoor recreation. For example, residents were offered outside recreation when it was 34°F outside, but kept inside when the temperature was as high as 45°F, with no indication of rain or high winds.

***Recommendation:*** Develop guidelines for what constitutes inclement weather so that inmates are better able to predict when off-unit recreation will be outdoors and adjust their expectations accordingly.

1. Staffing shortages

As noted in the prior section on staffing shortages at CTF, CDF is also impacted by the need for staff to go out to hospital call outs. The CIC did not learn how many additional staff members are needed to run outdoor recreation versus indoor movies, though it seems logical that perimeter wall staff is not needed at CDF since the recreation yard does not border a perimeter wall. The reason most commonly reported by residents for denial of outdoor recreation at CDF was a shortage of staff.

***Recommendation:*** As noted above, the DOC should ensure that both facilities are sufficiently staffed to provide outdoor recreation every weekday according to the schedule, regardless of other needs. Staffing shortages should limit outdoor recreation only in truly exigent circumstances, not as a matter of practice.

1. Grievances

Only 53 percent of the CDF residents who completed CIC’s survey said that they typically have access to grievance forms. Forty percent of respondents said they do not use the grievance process because it does not work, while another ten percent noted that they fear staff retaliation if they were to use the grievance system. Thirteen individuals at CDF reported that they had filed a grievance regarding lack of access to outdoor recreation in the past year. Individuals commented that grievances get lost, are never resolved, “don’t do anything” or “are useless.”

***Recommendation:*** As noted above with respect to CTF, the DOC should ensure that all inmate grievances are accurately tracked and responded to in a timely manner.

Again, thank you for making the CIC’s February visits with incarcerated individuals at CTF and CDF possible. We hope that the information we gathered will be helpful to the facility and the Department of Corrections in its endeavor to ensure the health and well-being of the residents at CTF and CDF. If you have any questions of the CIC regarding the information and recommendations above, please contact us at the number below, or via email (donald.isaac@dc.gov and chrisiant.bracken@dc.gov).

Sincerely,

Rev. Donald Isaac, Sr.

Director, CIC

Methodology

The CIC visited CTF on February 25, 2019, and CDF on February 26, 2019. At both facilities the CIC met with executive staff to discuss the process and challenges surrounding access to outdoor recreation. The CIC then visited housing units and offered individuals the opportunity to complete a brief survey regarding their recent experiences with outdoor recreation. At CTF, the CIC visited all units on C and E blocks, and units D2A and D2B. At CDF, the CIC visited housing units NE3, NO3, NW2, NW1, SO3, SW3, and SE2. The CIC attempted to visit SE3, but was unable to due to inmate behavior. The CIC did not visit NO2 and SO1 (restrictive housing units), or SO2 (intake unit). Additional information was collected through informal conversations with individuals on each unit during the on-site visit.

On many units, particularly at CDF, individuals indicated that they did not want to complete a survey because they did not have any concerns about outdoor recreation. Other individuals at both facilities declined to complete a survey without specifying whether they had concerns about recreation. Individuals at both facilities shared concerns other than outdoor recreation with the CIC during the on-site visit.

The CIC visited the outdoor recreation spaces at both CTF and CDF. The CIC did not visit the indoor gym at CTF.

After the on-site visit, the surveys were compiled using SurveyMonkey, a business intelligence tool, with unique identifiers used instead of individual names to protect confidentiality. Charts and other analysis do not include non-responses, and the total number of respondents for a particular question is noted on each chart. Extended responses from the surveys were compiled with comments from informal conversations with inmates at the facilities, and were used to inform analysis and provide context.

1. Due to time constraints, the CIC visited all units on E-block and C-block, and units D2A and D2B, but did not go to the other units on D-block during this visit. [↑](#footnote-ref-1)
2. Director Booth testified before Councilmember Allen during the DC Council’s Performance Oversight Hearing for the Committee on the Judiciary and Public Safety on March 1, 2019. Video available online at <http://dccouncil.us/event/performance-oversight-hearing-committee-on-the-judiciary-public-safety-7/> (3:05:30 in the recording). [↑](#footnote-ref-2)