

University of the District of Columbia School of Law

Digital Commons @ UDC Law

Congressional Testimony

Faculty Scholarship

3-1-2023

Statement of the District Task Force on Jails & Justice Before the Committee on the Judiciary and Public Safety of the Council of the District of Columbia Performance Oversight Hearing for the D.C. Department of Corrections March 1, 2023

Katherine S. Broderick

Follow this and additional works at: https://digitalcommons.law.udc.edu/fac_congressional_testimony



Part of the [Criminal Law Commons](#), [Law Enforcement and Corrections Commons](#), and the [State and Local Government Law Commons](#)



**Statement of the District Task Force on Jails & Justice
Before the Committee on the Judiciary and Public Safety of the
Council of the District of Columbia**

**Performance Oversight Hearing for the
D.C. Department of Corrections**

March 1, 2023

Good afternoon, Chairwoman Pinto, and members of the Committee. My name is Shelley Broderick, and I am here today in my capacity as the Chair of the District Task Force on Jails & Justice (Task Force). As you know, the Task Force is an independent advisory body dedicated to redefining the District's approach to incarceration by building city-wide engagement, centering the voices of those with lived experiences, understanding community priorities, and exploring the use and design of secure detention and community-based solutions. Since 2019, the Task Force has worked to build a humane, equitable approach to criminal justice in Washington, D.C. that prioritizes prevention and care, and reimagines accountability through a rehabilitative lens, to create safe and thriving communities. Today I would like to discuss the ongoing concerns about conditions of the D.C. Jail, the forth-coming new correctional annex, and the need to enact the Task Force's decarceration recommendations.

Before I begin I would like to thank Director Faust for graciously joining the District Task Force on Jails and Justice. We are very appreciative of his collaboration and willingness to both share information with the Task Force and hear our feedback.

1) Concerning Conditions:

This past fall marked the 50th anniversary of the D.C. Jail uprising.¹ The 1972 rebellion was prompted by the degrading conditions of the old jail facility and unanswered resident calls for change.² 50 years later, DOC residents continue to raise similar concerns. Despite a highly publicized inspection of the D.C. Department of Corrections (DOC) by the U.S. Marshalls Service (USMS) in October 2021, prior to Director Faust assuming leadership of the DOC, there has been little transparency into the status of the Memorandum of Understanding DOC entered into with the USMS, and the subsequent “corrective action plans” DOC committed to implementing within six months of signing the MOU.³ These “corrective action plans” were aimed at improving the conditions at the D.C. Jail after the USMS reported “egregious conditions.”⁴

Alarming, this past year eight (8) individuals died while in DOC custody. The tragedy of losing these lives is a concerning benchmark of the care individuals have access to while in custody. Additionally, in 2022 DOC continued to struggle with how to keep staff and residents safe during the COVID-19 pandemic, and with unaddressed concerns regarding sanitation, temperatures, and pests at DOC facilities. DOC Staff are simply not able to maintain a safe and humane standard of living for DOC residents in this aging facility. Thus, it is critical that the

¹ Jenny Gathright, ‘A Very Dramatic Moment’: Attorney Recalls 1972 D.C. Jail Uprising On 50th Anniversary, DCIST (Oct. 11, 2022, 10:54 AM), <https://dcist.com/story/22/10/11/dc-jail-uprising-50th-anniversary>.

² *Id.*

³ Government of the District of Columbia, Executive Office of the Mayor, *Mayor Bowser and United States Marshals Service Announce Agreement to Address Concerns at DC Jail* (Nov. 10, 2021), <https://mayor.dc.gov/release/mayor-bowser-and-united-states-marshals-service-announce-agreement-address-concerns-dc-jail>.

⁴ Emily Davies, *D.C. jail leader offers few details of plan to improve troubled facility*, WASH POST (Mar. 3, 2022), <https://www.washingtonpost.com/dc-md-va/2022/03/03/dc-jail-conditions-council-hearing/>.

Mayor, D.C. Council, and DOC continue to move with urgency towards building and opening a new facility that represents the values of our community.

2) New Facility:

In 2021, the Task Force published its [Phase II report](#) in which we crafted specific recommendations for how both the Central Detention Facility (CDF, commonly referred to as the “D.C. Jail”) and Central Treatment Facility (CTF) must be reimagined, redesigned, and rebuilt. We engaged 2,000 D.C. residents and deliberated deeply about what the function of incarceration should be for our community and what approach to crime and safety best fits the District’s values and needs. It became clear that the District should invest in a facility that is safe, secure, and prioritizes the rehabilitation and reentry of individuals who are incarcerated in order to dismantle the inherently racist structure of D.C.’s criminal legal system. The Task Force’s recommendations can, and should, serve as guideposts as D.C. grapples with a decaying facility, safely reduces its incarcerated population, and addresses racial disparities within our criminal legal system.

The Task Force’s three-stage plan for building a new, non-traditional facility provides for aggressive and measurable progress towards shrinking the incarcerated population in the short term. Right now, the District has only committed to Phase I of the Task Force’s three phase plan, by allocating funding for the new correctional annex to the CTF. This progress, combined with a commitment to the remaining phases in the Task Force’s plan, ultimately will result in a safer and more effective facility which will better prepare incarcerated people for successful re-entry into the community and a markedly different and smaller criminal legal system. This new facility will house individuals in an environment that is essentially unrecognizable to the current one at the D.C. Jail, utilizing innovative, promising, and evidence-based practices.

3) Enacting the Task Force's Decarceration Recommendations

In order to build a new, non-traditional facility, the District must meaningfully reduce its incarcerated population. The Task Force made several key recommendations in its Phase II report specifying how the District can, and should, safely reduce its incarcerated population.

Reducing the population at DOC will not only remove people from the deteriorating conditions at the D.C. Jail, it may also help DOC improve the conditions for those still incarcerated. Decreasing the population would reduce the amount of funding spent on food, sanitary needs, and healthcare for individuals, freeing up funding in DOC's budget to improve services and facilities for remaining residents.

Decreasing DOC's population would increase the corrections officer to incarcerated person ratio and could give DOC the flexibility to enact staffing changes or shifting staffing patterns to address the concerns raised by the U.S. Marshals Service in their 2021 inspection report. While the Task Force ultimately recommends building a new, non-traditional facility, we must still prioritize ensuring that our current facility is as clean, safe, habitable, and dignified as possible for those it houses.

The Task Force also recommended amending the requirements to make more DOC residents eligible for work release and increase the number of residents transferred to a halfway house or home confinement. In FY18, DOC spent an average of \$241 a day per person incarcerated,⁵ compared to Fairview, the BOP-contracted halfway house for women, which

⁵ DISTRICT TASK FORCE ON JAILS AND JUSTICE, JAILS & JUSTICE: OUR TRANSFORMATION STARTS TODAY, PHASE II FINDINGS AND IMPLEMENTATION PLAN, 42 (Feb. 2021), <http://www.courtexcellence.org/uploads/publications/TransformationStartsToday.pdf>.

charged about \$100 per day per person.⁶ These changes would also significantly reduce the DOC sentenced population.

Current conditions:

While we plan for a new facility, we cannot lose sight of the responsibility towards those currently incarcerated, particularly given the overwhelming majority, roughly 90%, of people incarcerated at the DOC are Black. As explained in the Task Force’s Phase I report, the District’s criminal justice system disproportionately arrests and incarcerates Black people—particularly Black men. In fact, Black people are increasingly overrepresented at each stage of the system: Black people compose 47% of D.C.’s population but 86% of the people we arrest, 92% of the people we jail, and 95% of the people in prison serving D.C. Code sentences. Thus, Black D.C. residents bear the disproportionate burden of the health and safety concerns at DOC.

Director Faust:

I would like to end my testimony by again extending my thanks to Director Faust. We appreciate the spirit of collaboration with which Director Faust has engaged the Task Force. Director Faust welcomed the Task Force’s feedback on the Statement of Work for the Request for Proposal (RFP) for a contractor during the pre-planning of the new correctional annex. Additionally, the finalized RFP includes the requirement that the contractor meet twice with the Task Force. We look forward to continuing to work together in the next steps of the planning process.

This concludes my testimony. Thank you for your time, and I look forward to answering any questions you may have.

⁶ *Id.* at 59-60.

