

November 10, 2021

Testimony for Public Hearing Roundtable on Conditions of Confinement

Hello Councilmembers, my name is Caitlin Holbrook and I am a policy advocate and research associate with DC Justice Lab and a resident of Ward 6. The conditions in the D.C. jail constitute torture. In 1979, the Supreme Court made clear that it is a violation of a person's fundamental right to due process if pretrial conditions amount to punishment.¹ Yet, people in D.C.'s jails have limited out-of-cell time, family visitations, access to attorneys, personal items, nutritious and edible food.

I am just one person who is part of a very long legacy of people ignored while trying to confront the assault on human rights that are typical in our local jail. In the past 10 months, I have spoken to the Council about the conditions in the jail five times. I am grateful to the Council for holding a roundtable on conditions of confinement. However, I must acknowledge that it took one white man, who no doubt deserves medical treatment, but it took one white man's voice for people to listen to what hundreds of Black D.C. residents have spoken about for 45 years, on a system that disproportionately targets Black D.C. residents. I would also like to mention that moving 400 people unfairly targets and harm residents of the District and sever ties to their attorneys, their families, and the community, adding to the harm that the District already causes them daily and making it harder for them to earn their way home.²

Nevertheless, I hope the Council takes the opportunity to make real change, and end torture in the D.C. jail.

Solitary Confinement & Safe Cells:

First and foremost, the Council **must end** solitary confinement at the D.C. jail. Prolonged "restrictive housing" or isolation is already defined as torture by the United Nations.³ The DOC used solitary confinement three times the national average before the pandemic, and during the pandemic, sustained the longest and most isolating lockdown in the nation for both jails and

¹ *Bell v. Wolfish*, 441 U.S. 520, 99 S. Ct. 1861 (1979).

² See D.C. Code § 23-1322(e)(3)(A).

³ https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf

prisons.⁴ Within a week of being placed in isolation, 33% of people become psychotic and/or suicidal.⁵ People in the DOC were isolated for over 500 days or over 72 weeks.



Just as we previously testified, the U.S Marshal's Service found " large amounts of standing human sewage...in...multiple occupied cells. "6 In many units where people are isolated, particularly in the safe cells running water is shut off or prohibited.⁷ Attorneys have reported that officers will deny people in safe cells showers until they do something, such as covering themselves in feces. The cells, which in the DOC policy are supposed to be cleaned by staff between people, often, are covered in feces and require the new person placed in the cell to clean it. The D.C. Council must:

- a. Ban the use of solitary confinement under any name including:
 - i. Administrative segregation
 - ii. Restrictive housing
 - iii. Protective Custody
 - iv. Safe Cells
 - v. Disciplinary Segregation
- b. ban the use of safe cells for any reason and instead require that anyone experiencing a mental health crisis be transported to a medical facility.
- c. provide therapeutic and non-isolating alternatives to voluntary protective custody
- d. Codify meaningful oversight of the Department of Corrections

Food in the D.C. jail

Consistent with the testimony I provided months ago, the U.S. Marshal's found that "food delivery and storage was inconsistent with industry standards. Hot meals were observed served

⁴ <https://www.theroot.com/from-hellhole-to-hotspot-accounts-inside-the-d-c-jail-1845896192>
<https://www.washingtonpost.com/dc-md-va/2021/04/19/dc-jail-lockdown-covid/>

⁵ Haney C., [Mental Health Issues in Long-Term Solitary and "Supermax" Confinement](#), 49 Crime & Delinquency 134 (2003)

⁶

https://www.washingtonpost.com/context/u-s-marshals-service-nov-1-memo-to-d-c-dept-of-corrections-re-d-c-jail-inspection/1ecd5c89-1655-4e86-9ccc-28f432af78c5/?itid=lk_interstitial_manual_9

⁷

<https://washingtoncitypaper.com/article/516737/attorneys-continue-to-hear-reports-of-the-horrific-conditions-in-dc-jails-safe-cells/>

cold or congealed.”⁸ The food in the jail is deeply concerning. Many report being served food that is inedible, moldy, rotten, served on dirty trays, or not cooked. A recent testimony that I provided for the Council two weeks ago was that the DOC served eggs completely uncooked. I spoke to this issue in June, requesting that the Council reallocate funds from DOC security and control to procurement of food. I also spoke to how horrific the food is at the jail. However, no legislation action was taken, none of our suggested changes to the budget occurred, and no oversight hearings were held. In other contexts, such as public schools, we recognize that food affects mental health and the ability to function in the District. Yet, when it comes to people in jail this is not the case.

Once again, I appreciate the opportunity to speak again in front of the Council on the conditions of confinement in the jail. I am happy to answer any questions.

Written Testimony

Physical Constraints

Black box handcuffs

Stomach and leg restraints

Visitation and Community Contracts

Transportation to USP Lewisburg

(Timely) Access to Counsel

cannot be part of an individual's punishment for whatever crime they may be accused of or convicted for. These are basic human rights, items that are necessary for an individual's mental and physical well being and stability. The DOC weaponizes these as an institution with little to no oversight.

There is no way to negotiate a good policy for solitary confinement, it is torture and can no longer take place in the District of Columbia.

The price per meal at the DOC makes it impossible for the DOC to serve nutritious or edible meals. The cost is under \$2.00 per meal, per person.⁹

The Council has done great work in bettering food in the D.C. Public Schools. The District measures food insufficiency and insecurity in the District.

To end the weaponization of food, **the D.C. Council must:**

- a. Increase funding and price per meal, (and ultimately end the contract with Aramark)
- b. Hold transparent oversight of kitchen by Department of Health (look at DOC [report](#) in 2019 by the DOH)
- c. Food served at the proper temperature
- d. Work with DOC to provide nutrition education to people inside the jail

Arguably, we would not need as much money for security if people were well nourished and treated with dignity.

⁹ <https://ims.dccouncil.us/Legislation/CA24-0247>