

Written Testimony of Daniel A. Rosen, Former D.C. Jail Resident

COUNCILMEMBER CHARLES ALLEN, CHAIRPERSON COMMITTEE ON THE
JUDICIARY & PUBLIC SAFETY

PUBLIC OVERSIGHT ROUNDTABLE

Conditions of Confinement at the D.C. Jail

Wednesday, November 10, 2021 - 12:30 p.m. – 4:30 p.m.

Chairman Allen, Council Members:

I offer my public testimony today as a former resident at the DC Jail – I spent a total of about a year there, during the 2015-2017 timeframe. Though my testimony refers to conditions at the jail several years ago, it also demonstrates what you know – that the current conditions at the Jail are nothing new. Nor are they solely attributable to the challenges associated with Covid. I was in prison in Virginia during Covid, and just released two weeks ago – so I do understand the challenges that the pandemic brought for Corrections officials.

The Jail's problems, especially those at the Central Detention Facility (CDF), have existed for many years. I'm gratified to see the City Council and the US Marshals – and hopefully the Department of Justice – focus some scrutiny on conditions of confinement at the Jail, even if it's only as a result of the events on January 6th. Maybe some good can come from that terrible chapter now that a different demographic with more political clout is suffering – the way regular District residents do every day and have for a very long time.

In my experience, the findings that the Marshals detailed in their November 1st letter to Director Booth are accurate – and they're a serious understatement. I spent time in several different cellblocks in the jail, and also lived in the Correctional Treatment Facility (CTF) for several months. Within the CDF, I lived in a regular general population medium-security unit, the special housing or segregation unit, and the GED program cellblock. Under the best of conditions, the CDF is dysfunctional, falling apart, crowded, filthy, dangerous, and stressful. Competition for scarce shared resources – phones, showers, tables, televisions – combined with the stress of looming court cases leads to conflict among residents and with guards. And half the residents don't need to be there – they only are because they couldn't afford bail, or are in on probation violations or for mental health reasons, or they have

petty drug or other minor charges. Releasing them or placing them somewhere more appropriate would have no discernable impact on public safety. Councilmember Bonds – if I had the magic wand you referenced, that's what I'd do – release those who don't belong there. The second thing I'd do with that wand is give residents a camera and a

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way to send photos to the City Council, loved ones, the press, and justice reform advocates. If residents had cameras in their hands 24/7 the way free citizens do, I think we'd have a very different system right now.

I won't belabor the run-of-the-mill abuses, though, since that's not what this hearing is for. While many of them are true, I know there's often little public sympathy for carping about bad food, limited recreation time, uncomfortable temperatures, or crowded conditions. That's not what I'm here to talk about.

Right now – today – there are residents in the Central Detention Facility who need serious medical attention for crisis-level health issues – and they aren't getting it. “Fill out a sick call request,” they'll be told. In fact, “put it on a request form” is the standard response from officers and Jail staff to any complaint, even ones that qualify as legitimate emergencies. I have personally witnessed numerous residents suffering mental or physical health crises who got zero help – unless you count being tossed in a so-called “safe cell” or moved to segregation. Residents often wait days or even weeks for medical attention – and that was well before Covid. I've found that residents as a population tend to be sicker than the general public, and a high percentage have serious, chronic health problems like diabetes, heart disease, obesity, cancer, and asthma. Living in the Jail certainly isn't helping, and the substandard medical care is doing them a real disservice. The city and its taxpayers are subsidizing the Jail's failure to meet basic standards of care and will bear the long-term costs, eventually. Council members certainly wouldn't tolerate their own family members being subjected to this type of medical neglect.

The Jail was short-staffed five years ago, and I believe it's much worse now, as it is in most jails and prisons. COs are routinely “drafted” for involuntary overtime shifts, and since security always comes first, other resident needs like school, programs, visits, law library time, and recreation regularly get cancelled when staffing is inadequate. Which is quite often. I kept track one month when I was a GED tutor of how often class was cancelled, and it was right around 40% of the time. Those cancellations contribute ultimately to recidivism, when residents fail to get the rehabilitative help that many need and want.

Daily counts routinely had to be redone due to errors; it wasn't uncommon for officers to take a couple hours to clear the count. All other activities were held up until that happened, multiple times a day. As to the Marshals' other findings: meals were often delayed for hours, due to miscounts and recounts. I vividly recall one night when dinner was served just after midnight, by which time residents were justifiably upset. As the Marshals also found, meals were regularly served cold, congealed, or otherwise inedible. Councilmember Henderson: I understand why the Deputy Mayor hasn't wanted to try the food – now and then it's actually edible, and that's about the best I can say about it.

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Toilets and sinks were often backed up or inoperable, and maintenance or repair was infrequent. If the toilet in your cell was broken, the best you could often hope for was a CO letting you use an unoccupied cell. Punitive measures like water cutoffs were normal in segregated or special housing units. Why? Because even when pipes don't fail, residents plug up toilets to get attention from staff when they ask for help and are repeatedly ignored – sometimes there's no other way to get a CO or case manager's help. People clog toilets and smear feces on walls when they feel desperate, ignored, and forgotten.

Marijuana and “K-2” are openly smoked in cells at the jail, and I watched as CO's making rounds on the tiers studiously ignored the unmistakable odor of both. Chairman Allen: when you say you smelled burning toilet paper, what you likely happened upon was residents smoking K2 or spice, in addition to marijuana. Lighting a match is too easy with a staple, a battery, and some toilet paper. Councilman White: the type of sewage backup or flooding you mentioned is a regular feature of life in the facility. If the Council wants more details, just talk to current residents at greater length, or ones like me who don't have to worry about retribution.

It may serve the DC DOC's purposes to feign surprise or treat these reports like the ones the Public Defender Service reported as isolated incidents, with promises to become more vigilant and do better next time. But none of it is news to anyone who's spent time in the DC Jail. They're everyday features of life at CDF. Now, it's not news to the Council or this audience either, in the wake of the Marshals' inspection, and for that I'm glad. These abuses have been the norm for too many years, and it's about time that residents were treated more humanely, and officials were held accountable. I hope that's the end result of the questions you're asking, and that these inquiries don't stop once the January 6th defendants are all gone and the Marshals move their federal detainees to Pennsylvania. The Jail may never be pleasant, but it ought to be a humane place, and one that doesn't habitually violate people's human rights. In case anyone's forgotten, the people there are considered innocent in the eyes of the law. Their inhumane treatment is inconsistent with, and a terrible commentary on, our city's values.

One brief additional note: when the Deputy Mayor stated his office's aspirational goal that the Jail be a “safe environment for residents to rehabilitate themselves” – I had to wonder what alternative universe the Mayor's office exists in. The CDF is just about the 180-degree opposite of that – it's an unsafe warehouse for the poor, the homeless, school dropouts, almost entirely people of color – many of whom don't belong there in the first place. Most won't get help or rehabilitation at all, aside from a few lucky ones. We should stop kidding ourselves that they are.

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