

## Department of Corrections Oversight: Past, Present, & Future

On November 30, 2022, the Committee on the Judiciary & Public Safety held the mark up for the “Corrections Oversight Improvement Omnibus Amendment Act of 2022.” This bill seeks to strengthen the powers, duties, and responsibilities of the Corrections Information Council (CIC) and improve transparency at the D.C. Department of Corrections (DOC). Additionally, the legislation updates existing D.C. Code to use person first language.<sup>1</sup>

This document provides information on CIC, the current oversight authority for DOC. It then compares the CIC as it currently functions to how it would function if the District enacts the “Corrections Oversight Improvement Omnibus Amendment Act of 2022.” Finally, it includes the qualities, functions, and responsibilities that a working group of advocates identified as important for any agency with oversight authority over the DOC.

The working group is comprised of advocates including: a former CIC staff member, American Civil Liberties Union of the District of Columbia, community advocates, Council for Court Excellence, DC Justice Lab, District Task Force on Jails & Justice, Justice Policy Institute, More Than Our Crimes, Public Defender Service for the District of Columbia, The Washington Legal Clinic for the Homeless, University Legal Services, Washington Lawyers’ Committee, Who Speaks for Me?, and more.

### Background and Context for the Bill

The Revitalization Act of 1997 established the CIC, an independent monitoring body tasked with inspecting, monitoring, and reporting on conditions of confinement at DOC facilities, Federal Bureau of Prisons (BOP) facilities housing people convicted of D.C. Code offenses, and private contractors' facilities.<sup>2</sup> Presently, the CIC is comprised of three members: the Mayor appoints two members, with D.C. Council appointing the third. The Mayor designates an Executive Director, who leads the CIC. The Executive Director must have at least three years of relevant experience in criminal justice and will serve a three-year term, with the possibility of reappointment.<sup>3</sup>

Presently, the CIC has the authority to inspect areas in both the Central Detention Facility (CDF or D.C. Jail) and Central Treatment Facility (CTF) that are accessible to residents incarcerated in those facilities. Additionally, the CIC can conduct interviews of incarcerated residents in areas that are open to inspection, as well as interviewing select staff at each facility.

Within 60 days of the end of each fiscal year, the CIC must provide two reports to the Director of the Federal Bureau of Prisons, the Mayor, D.C. Council, and the Director of the Department of Corrections on:

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<sup>1</sup> Person first language refers to a shift in the criminal legal system reform community to emphasize a person’s humanity first and foremost. For example, instead of referring to someone as a “felon” they would be a “person with a felony conviction.” See [People-First Language Matters. So Does the Rest of the Story.](#) for more information.

<sup>2</sup> *About the D.C. Corrections Information Council.* Accessed November 29, 2022. <https://cic.dc.gov/page/about-cic>.

<sup>3</sup> *D.C. Code § 24-101.01.* Accessed November 29, 2022.

[https://cic.dc.gov/sites/default/files/dc/sites/cic/page\\_content/attachments/2%28a%29%28iii%29.%20DC%20Code%2024-101.01%20%282011%29.pdf](https://cic.dc.gov/sites/default/files/dc/sites/cic/page_content/attachments/2%28a%29%28iii%29.%20DC%20Code%2024-101.01%20%282011%29.pdf)

1. The conditions of confinement of people incarcerated in the D.C. Jail and CTF; and
2. The conditions of confinement of people convicted of D.C. Code offenses housed in the Federal Bureau of Prisons facilities.

The onset of the COVID-19 pandemic exacerbated longstanding issues at the D.C. Jail and CTF, culminating in an inspection and report from the U.S. Marshal Service citing “systemic failures” such as poor sanitation and punitive withholding of food and water from incarcerated residents.<sup>4</sup> Questions regarding the effectiveness of the CIC resurfaced, as District leaders grappled to understand how the CIC was not regularly inspecting DOC facilities and highlighting the issues raised by the U.S. Marshals Service in their own reports. In March 2022, the Executive Director of the CIC stated that the CIC had not inspected the CTF in a year and had not inspected the D.C. Jail since May 2021.<sup>5</sup> In September 2022, it was reported that four of the seven deaths at the D.C. Jail had not been publicly disclosed, highlighting a gap in transparency and oversight at the Department of Corrections.<sup>6</sup>

### **Overview of the “Corrections Oversight Improvement Omnibus Amendment Act of 2022”**

The proposed bill makes several key changes to the leadership of the CIC, including allowing the Board to appoint the Chairperson and Executive Director, as opposed to the Mayor and increasing the relevant years of experience for the Executive Director from three years to ten years, and mandating the CIC to meet quarterly (previously “as necessary”).

Additionally, the “Corrections Oversight Improvement Omnibus Amendment Act of 2022” increases the reporting requirements of the CIC. For example, the CIC must publicly to the Mayor, Chairperson of the Council Committee with jurisdiction over the DOC, and Director of DOC, within 30 days of a death, report on each death. The bill also requires that within 24 hours the Department of Corrections put the resident demographic information, as well as the date, time, location, and description of circumstances surrounding the death on their website. Additionally, within 60 days before the end of each fiscal year, the CIC must report on:

- The conditions of confinement of and programming provided to youth convicted of D.C. Code offenses in BOP custody;
- A review of the BOP and DOCs’ implementation of recommendations issued by the CIC within the past five years;
- The conditions of confinement of detained and incarcerated residents housed in DOC facilities;
- Contracting for and the provision of food services in DOC facilities,
- Use of force by DOC personnel;
- Use of safe cells and segregation in DOC facilities;
- Career readiness and educational programming in DOC facilities; and

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<sup>4</sup> Hsu, Spencer, Davies, Emily, and Duggan, Paul. *D.C. jail ordered U.S. marshals to leave after surprised inspections, judge says*. The Washington Post. November 3, 2021. [https://www.washingtonpost.com/local/legal-issues/dc-jail-conditions-inspection/2021/11/03/c75d08ea-3c27-11ec-bfad-8283439871ec\\_story.html](https://www.washingtonpost.com/local/legal-issues/dc-jail-conditions-inspection/2021/11/03/c75d08ea-3c27-11ec-bfad-8283439871ec_story.html)

<sup>5</sup> Davies, Emily. *D.C. jail leader offers few details of plan to improve troubled facility*. The Washington Post. March 3, 2022. <https://www.washingtonpost.com/dc-md-va/2022/03/03/dc-jail-conditions-council-hearing/>

<sup>6</sup> <https://dcist.com/story/22/09/15/seven-deaths-dc-jail-giovanni-love/>

- The prevalence of contraband in DOC facilities and strategies for its reduction.

Finally, the bill makes additional updates including:

- Classifying the CIC as an “independent agency” within the District of Columbia;
- Giving the CIC unrestricted access to all facilities to conduct oversight, including unannounced inspections and unmonitored interviews with residents, staff, contractors, and volunteers;
- Explicitly mentioning the Central Cell Block as an area within the CIC’s oversight jurisdiction;
- Increasing CIC personnel from three to five, with three being Mayoral appointees and the other two D.C. Council appointees;
- Requiring DOC to provide the CIC with quarterly reports relating to living conditions in the D.C. Jail and CTF; and
- Requiring the CIC to review all deaths of people incarcerated at DOCs’ facilities, as well as complaints made to the CIC from incarcerated residents.

The below chart highlights the similarities and differences between the CIC as it is now, what it would be under the “Corrections Oversight Improvement Omnibus Amendment Act of 2022”, and what advocates envision for a new DOC oversight agency.

CIC Now <sup>7</sup>	CIC Under New Bill	What Advocates Want in a New DOC Oversight Agency <sup>8</sup>
The CIC is “an independent monitoring body.”	The CIC is an “independent agency within the District of Columbia Government.”	The new Agency is an “independent agency within the District of Columbia Government.”
“CIC shall be responsible for the inspection of all facilities housing District of Columbia inmates who are under the jurisdiction of either the Bureau of Prisons or the Department of Corrections, and for the monitoring of the conditions and treatment of District of Columbia inmates incarcerated in those facilities.”	The CIC is responsible for “Inspecting all facilities housing detained and incarcerated District residents and individuals convicted of D.C. Code violations who are under the jurisdiction of the Bureau of Prisons, the Department of Corrections, a contractor of either agency, or another state or local prison or jail; and	“The Agency to be responsible for inspection of all corrections facilities under Department of Corrections’ jurisdiction, and to monitor conditions and treatment of incarcerated residents.”

<sup>7</sup> All information in column one, unless otherwise stated, is from CIC’s governing statute, [D.C. Code §24-101](#), or DOC’s governing statute, [D.C. Code § 24-211.02](#).

<sup>8</sup> Advocates refers to the listed members of the working group on page 1 of this document.

	(2) Monitoring the conditions of confinement and treatment of detained and incarcerated District residents and individuals convicted of D.C. Code violations in the facilities listed in paragraph (1) of this subsection.	
Three member Board, no Board criteria specified.	Five member Board, no Board criteria specified.	Seven member Board, including: <ul style="list-style-type: none"> <li>• Director of the Public Defender Services for the District of Columbia;</li> <li>• Attorney General for the District of Columbia;</li> <li>• Two people appointed by the Chairperson of D.C. Council with at least one being a returning citizen;</li> <li>• One appointed by Chairperson of Committee on the Judiciary &amp; Public Safety; and</li> <li>• Two appointed by Mayor one being a returning citizen.</li> </ul>
Mayor appoints Chairperson.	Board appoints Chairperson.	Board appoints Chairperson.
Meets as necessary.	Meets Quarterly.	Meets Quarterly.
No compensation.	No compensation except for travel expenses.	Public members get stipend of \$8,000 and reimbursement for travel expenses.
Does not specify qualities to consider for Board appointees.	Does not specify qualities to consider for Board appointees.	Names explicit qualities to consider before an individual is appointed to the Agency.
The Mayor appoints the Executive Director and reports to the Board.	The Board appoints the Executive Director. The Executive Director reports to the Board.	Executive Director appointed by D.C. Attorney General. The Executive Director reports to the Board.
Executive Director must have three years of relevant experience.	Executive Director must have ten years of relevant experience.	Executive Director must have three years of relevant experience.

Allows for conducting unannounced inspections of all areas accessible to incarcerated people.	Allows for conducting unannounced inspections of all areas accessible to incarcerated people.	Unannounced inspections of all areas accessible to or providing services to incarcerated people.
Does not specify a right to photograph or video and audio record areas of the facility that are accessible to incarcerated people.	Has the right to photograph or video and audio record all areas of the facility that are accessible to incarcerated people.	Has the right to photograph or video and audio record all areas of the facility that are accessible to incarcerated people.
Does not offer specify when access must be granted, but generally highlights the CIC's authority to access the facilities within its jurisdiction.	Does not specify when access must be granted, but generally highlights the CIC's authority to access the facilities within its jurisdiction.	Must have access when an incident is reported or complaint is made to the Agency, Board determines there is cause to believe an incident has or may have occurred, Board determines there is imminent danger of illness, abuse, or neglect of incarcerated person, automatically upon event of death of incarcerated person.
Allows the CIC access to speak with incarcerated people, but does not define access to incarcerated people.	Allows the CIC access to speak with incarcerated people, but does not define access to incarcerated people.	Defines access to incarcerated people to be "opportunity to meet and communicate privately and confidentially with individuals, both formally and informally, by any confidential means, including telephone, mail or in person."
Does not specifically require DOC to give relevant documentation to the CIC to complete an investigation. <sup>9</sup>  Does not give the Attorney General of the District of Columbia subpoena power.	Does not specifically require DOC to give relevant documentation to the CIC to complete an investigation, but does mention cooperating with the CIC and sharing data and information.  Does not give the Attorney General of the District of Columbia subpoena power.	Requirements regarding DOC giving all relevant information, testimony, recorded security footage, or documents necessary for an investigation, within 20 days of a written request.  Attorney General of the District of Columbia can issue a subpoena if they are in violation.

<sup>9</sup> Information regarding DOC's required cooperation with CIC can be found in DOC's governing statute (*D.C. Code § 24-211.02*).

Does not give the CIC the power to issue a subpoena to compel a witness to appear to testify or produce all documents relevant to an investigation.	Does not give the CIC the power to issue a subpoena to compel a witness to appear to testify or produce all documents relevant to an investigation.	Gives the Board the power to issue a subpoena to compel witnesses to appear and testify or to produce all books, records, papers, or documents in any investigation with respect to the functions of the Board under this act.
Does not require the CIC to maintain a website and social media as appropriate, an email address for receiving secure communications, a toll-free telephone number for receiving calls and CMS messages, and a mailing address.  The CIC currently has a website and social media accounts.	Does not require the CIC to maintain a website and social media as appropriate, an email address for receiving secure communications, a toll-free telephone number for receiving calls and CMS messages, and a mailing address.  The CIC currently has a website and social media accounts.	Requires the CIC to maintain a website and social media as appropriate, an email address for receiving secure communications, a toll-free telephone number for receiving calls and CMS messages, and a mailing address.
Does not have any visitation requirements to DOC facilities.	Requires quarterly unannounced visits to each DOC facility, including Central Cell Block.	Onsite investigations into DOC every 120 days and produce a report within 120 days of the initiation of each investigation.
Does not detail when the CIC can initiate an investigation.	Does not detail when the CIC can initiate an investigation.	Provides details on when the Agency can initiate an investigation.
Does not have any notification requirements upon resident death.	Requires DOC to notify CIC of any death within 24 hours.	Requires DOC to notify agency of any death within 24 hours.
Requires the CIC to produce two (2) reports a year on:  1. The conditions of confinement of people incarcerated in the D.C. Jail and CTF; and 2. The conditions of confinement of people convicted of D.C. Code offenses housed	Requires the CIC to produce eight (8) reports a year on:  1. The conditions of confinement of and programming provided to youth convicted of D.C. Code offenses in BOP custody; 2. A review of the BOP and DOC implementation of	One "Periodic Report" per year must include, for the last 12 months:  1. The budget and expenditures; 2. Summary of significant investigations and their outcomes; 3. List describing investigations finalized by Agency;

<p>in the Federal Bureau of Prisons facilities.</p>	<p>recommendations issued by the CIC within the past five years;</p> <ol style="list-style-type: none"> <li>3. The conditions of confinement of detained and incarcerated residents housed in DOC facilities;</li> <li>4. Contracting for and the provision of food services in DOC facilities,</li> <li>5. Use of force by DOC personnel;</li> <li>6. Use of safe cells and segregation in DOC facilities;</li> <li>7. Career readiness and educational programming in DOC facilities; and</li> <li>8. The prevalence of contraband in DOC facilities and strategies for its reduction.</li> </ol> <p>The bill also requires the CIC to report on the physical health care and behavioral health care of incarcerated residents.</p>	<ol style="list-style-type: none"> <li>4. Summary of input and comments received from stakeholders, including incarcerated persons, regarding the Agency's activities;</li> <li>5. DOC's expenditures on food, physical restraints, incarcerated person services, sanitation services, and other expenditures the agency finds appropriate to include.</li> </ol> <p>Must also include Agency's findings on DOC employing best correctional practices, including comments on:</p> <ol style="list-style-type: none"> <li>1. DOC's policies, patterns and practices regarding grievances;</li> <li>2. <b>Compliance with Agency's past recommendations;</b></li> <li>3. <b>Discipline of incarcerated people;</b></li> <li>4. Staffing and resources;</li> <li>5. <b>Involvement in violence against incarcerated person;</b></li> <li>6. Management of disease outbreaks; and</li> <li>7. <b>Responses to unanticipated fatalities.</b></li> </ol>
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**Green** = Fully Implemented Advocate Recommendations

**Yellow** = Partially Implemented Advocate Recommendations

**Red** = Did Not Implement Advocate Recommendations