

**Statement on behalf of the
American Civil Liberties Union of the District of Columbia
before the D.C. Council Committee on the Judiciary and Public Safety
Performance Oversight Hearing on the Department of Corrections
and Corrections Information Council
by
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Good morning, Chair Pinto and members of the Committee. My name is Melissa Wasser, and I am a Senior Policy Counsel at the American Civil Liberties Union of the District of Columbia (ACLU-D.C.). I present the following testimony on behalf of our over 14,000 members and supporters in all 8 wards.

ACLU-D.C. works to protect and advance civil liberties and civil rights for people who live, work in, and visit D.C. Among ACLU-D.C.'s top priorities are ensuring that D.C.'s leaders are advocating for sensible, evidence-based reforms of criminal justice policies. This testimony will focus on the actions we urge the D.C. Council to take to provide oversight of the Department of Corrections (DOC) and to address the systemic injustices perpetuated by the District's decades-long carceral approach to public safety.

These actions include (1) addressing the serious and life-threatening conditions at the D.C. jail and (2) ensuring that the new public-private partnership being pursued to fund the new D.C. jail includes strong public accountability measures, including the creation of a Community Advisory Board.

I. The Council must address conditions at the D.C. jail, including inhumane living conditions.

As we engage in yet another performance oversight season, the same issues that ACLU-D.C. and other groups have highlighted in previous oversight hearings¹ or

¹ ACLU of the District of Columbia, "ACLU-DC Testifies at Performance Oversight Hearing on the Department of Corrections and Corrections Information Council," March 1, 2023, <https://www.acludc.org/en/legislation/aclu-dc-testifies-performance-oversight-hearing-department->

lawsuits² remain: residents inside the D.C. jail facilities are still being subjected to inhumane living conditions, even *five years after* the U.S. Marshals found “systemic failures” at the jail back in 2021³ and as the Corrections Information Council (CIC) found multiple issues during last year’s inspections.⁴ Residents are still being subjected to unsanitary living conditions with toilets and sinks overflowing, sewage backing up in the showers, recurring mold in the jail cells, and people being left in their cells up to 26 hours in a row.⁵ In one cell at Central Cell Block, the fire department had to be called to pry open a door to a cell because a person was inside and staff could not open the door.⁶ In an emergency, this is potentially a life-threatening situation for residents.

While it is appreciated that DOC is taking steps to mitigate some of the reported issues within the jail,⁷ more must be done to address these conditions within D.C. jail facilities. Proactive steps must be taken to address the unsanitary conditions within the cells: residents reported pests in their sinks and showers; female residents were running out of sanitary napkins and tampons; and residents receive

[corrections-and-corrections](https://www.acludc.org/legislation/budget-oversight-hearing-department-corrections-and-corrections-information-council/). See also ACLU of the District of Columbia, “Budget Oversight Hearing on the Department of Corrections and Corrections Information Council,” April 8, 2024, <https://www.acludc.org/legislation/budget-oversight-hearing-department-corrections-and-corrections-information-council/>.

² ACLU-D.C., *Banks v. Booth – Challenging Life-Threatening Lack of COVID-19 Precautions at the D.C. Jail*, <https://www.acludc.org/en/cases/banks-v-booth-challenging-life-threatening-lack-covid-19-precautions-dc-jail>.

³ U.S. Marshals Service, Statement by the U.S. Marshals Service Re: Recent Inspection of DC Jail Facilities, Nov. 2, 2021, <https://www.usmarshals.gov/news/press-release/statement-us-marshals-service>. See also Katie Mettler and Emily Davies, “People in jail sued over covid safety. The oversight didn’t last.” The Washington Post (Aug. 29, 2022, 2:25 PM), <https://www.washingtonpost.com/dc-md-va/2022/08/29/coronavirus-jail-conditions-lawsuits/>.

⁴ District of Columbia Corrections Information Council, “Department of Corrections Central Detention Facility, Correctional Treatment Facility, and Central Cell Block Report on Findings and Recommendations,” (November 17, 2025), https://cic.dc.gov/sites/default/files/dc/sites/cic/page_content/attachments/DOC%20CDF%20CTF%20CCB%20FY25Q4.pdf. See also District of Columbia Corrections Information Council, “Women at District of Columbia Department of Corrections’ Correctional Treatment Facility Report on Findings and Recommendations,” (November 17, 2025), https://cic.dc.gov/sites/default/files/dc/sites/cic/page_content/attachments/DOC%20CTF%20Women%202025.pdf.

⁵ *Id.*

⁶ District of Columbia Corrections Information Council, “Department of Corrections Central Detention Facility, Correctional Treatment Facility, and Central Cell Block Report on Findings and Recommendations,” (November 17, 2025), https://cic.dc.gov/sites/default/files/dc/sites/cic/page_content/attachments/DOC%20CDF%20CTF%20CCB%20FY25Q4.pdf.

⁷ Council of the District of Columbia Committee on Judiciary and Public Safety, “DOC Responses to Q001 – Q064 – Part 1 of DOC Responses,” pp. 45-70, <https://lims.dccouncil.gov/Hearings/hearings/2090>.

one roll of toilet paper per cell. We urge DOC to respond in real time to these issues residents are reporting rather than waiting until it becomes a larger problem throughout the facilities.

Residents at the D.C. jail should also not be given a potential death sentence just for being held there. There were six deaths in the jail referenced by Chair Pinto in her opening oversight hearing remarks.⁸ While this rate is lower compared to years past,⁹ there is nothing to suggest that DOC is analyzing the factors contributing to deaths at the jail or identifying any changes to reduce these deaths from occurring. As Chair Pinto mentioned in her opening statement, one death at the jail is too many.¹⁰

Residents have also complained about conditions in the Mental Health Unit (CDF South 3). Specifically, residents in the Mental Health Unit have reported receiving only one hour of out-of-cell time every few days and being subjected to conditions that amount to solitary confinement. The residents in that unit, most of whom have serious mental illnesses that qualify as disabilities under the Americans with Disabilities Act and the Rehabilitation Act, also do not receive meaningful access to mental health counseling or adequate access to programming that is offered to individuals in other parts of the jail. As the report from the D.C. Auditor and the Council for Court Excellence (CCE), titled “Urgent Need for New D.C. Jail” noted, “37% of funded mental health staff positions [in the jail] were vacant at the end of the audit period.”¹¹ The neglect individuals in this unit face has been documented:

⁸ There were four deaths in calendar year 2025. See D.C. Department of Corrections, “2025 Deaths in Custody Report” (updated Jan. 21, 2026), <https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/DC%20DOC%202025%20Report%20-%20Deaths%20in%20Custody%2001.21.26%20%281%29.pdf>. There were two deaths at the beginning of Fiscal Year 2025. See D.C. Department of Corrections, “2024 Deaths in Custody Report” (updated June 3, 2025), <https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/DC%20DOC%202024%20Report%20-%20Deaths%20in%20Custody%2006.03.2025.pdf>.

⁹ Kathleen Patterson, “Urgent Need for New D.C. Jail,” Office of the District of Columbia Auditor, May 28, 2025, https://cdn.prod.website-files.com/659c0df344c9c8325dd821ca/6837197775af1c53f8f34cf0_JailUpdate_Web_v5.pdf.

¹⁰ See D.C. Department of Corrections, “2026 Deaths in Custody Report” (updated Jan. 21, 2026), <https://doc.dc.gov/sites/default/files/dc/sites/doc/publication/attachments/DC%20DOC%202026%20Report%20-%20Deaths%20in%20Custody%2001.21.26.pdf>.

¹¹ Kathleen Patterson, “Urgent Need for New D.C. Jail,” Office of the District of Columbia Auditor (May 28, 2025), p. 73, https://cdn.prod.website-files.com/659c0df344c9c8325dd821ca/6837197775af1c53f8f34cf0_JailUpdate_Web_v5.pdf.

“[a]n attorney . . . reported that residents in the mental health unit have been left to lie in their own feces or urine for extended periods.”¹²

Moreover, “[a] former D.C. correctional officer called CDF’s Acute Care Mental Health Unit (South 3) ‘the most horrible unit,’ citing residents being treated in inhumane ways. Officers and former officers reported that to interact with people who are mentally ill, officers need training and tolerance. They said that officers will state that residents on the mental health units do not have anything wrong with them and treat them punitively instead of therapeutically; as a result, residents do not get the proper services they need.”¹³ The Council should fully inquire and provide robust oversight of all existing health and safety issues at the jail, including questioning Director Faust about the number of deaths in custody and the ongoing issues in the Mental Health Unit at the jail.

II. The Council should ensure that the new public-private partnership being pursued to fund the new D.C. jail includes strong public accountability measures, including the creation of a Community Advisory Board.

The need to replace the D.C. jail cannot be overstated. The joint report mentioned above from the D.C. Auditor and CCE outlines the need for immediate action to address the problems at the 50-year-old facility.¹⁴ We advise the Council to review the report and its findings in full.

The mayor’s plan to remove a new D.C. jail from last year’s capital budget and instead seek private funding raises a broad range of concerns. Among these concerns are the fact that seeking private funding and removing appropriation authority from the capital project related to expenditure of public dollars is likely to delay a process that has already been ongoing for years; this is especially concerning when considering the findings of the referenced report that implicate the habitability of the jail. One could argue a new jail has been pushed to the side to accommodate a new RFK Stadium, yet no new details have emerged about a timeline or funding prospects for replacing a 50-year-old facility with longstanding habitability concerns.

¹² *Id.* at 28.

¹³ *Id.* at 75.

¹⁴ *Id.*

Another concern is that there are almost no publicly available details on what a proposed public-private partnership funding scheme would look like.¹⁵ It is unclear who would control the design and location of the new jail and whether that location, design process, and timeline would be keeping in line with DOC's determined highest operational needs or with the feedback they've received through opportunities that were to-date created for engagement with the community on this project. The District and its residents should be in control of decisions about location, design, and construction sequencing. There must also be further clarity about accountable entities and government representatives during this project, particularly as any project or delay in such a project will impact continued facility management and programming.

Without the District including community input into the planning of a new jail, we are echoing the recommendation of CCE to create a Community Advisory Board (CAB). Creating this board is a best practice of the National Institute of Corrections in jail planning and would ensure that the community would receive meaningful opportunities to provide input into the design, construction, and oversight of the new jail.¹⁶ Creating a CAB will bring more transparency and accountability to this extremely secretive process and will welcome the community to actively shape the planning and future of the new jail.

Should the DOC not commit to the creation of a CAB in this process, the Council should require that a CAB be created through legislation and fully funded to ensure that the new jail is "rooted in community trust and reflects the needs, values, and lived experiences of the District's most impacted communities."¹⁷ The District and DOC must be accountable and able to ensure that the entire process protects the health and safety of those incarcerated and will create a system that will well-prepare them for release and successful reintegration into D.C. communities.

¹⁵ Alex Koma, "Could a private company help build a new D.C. jail? Local leaders see pros and cons," WAMU 88.5 (June 4, 2025), <https://wamu.org/story/25/06/04/could-a-private-company-help-build-a-new-d-c-jail-local-leaders-see-pros-and-cons/>.

¹⁶ National Institute of Corrections, "Jail Planning and Expansion: Local Officials and Their Roles," U.S. Department of Justice, January 2010, <https://www.nijc.org/pdfs/DOJTribalCorrections/PONIConferenceMaterials/JailPlanningandExpansionLocalOfficialsandTheirRoles.pdf>.

¹⁷ District Task Force on Jails & Justice Task Force Statement (August 22, 2025), https://cdn.prod.website-files.com/659c0df344c9c8325dd821ca/68a7850d56db5f4b22b2bcf1_Task%20Force%20Community%20Advisory%20Board%20Statement.pdf.

III. Conclusion

Providing a safe jail is a core government function, and it must protect 8th Amendment rights against cruel and unusual punishment. The Council and the public needs detailed information on any plan for a new D.C. jail before it can consider the budget allocations. We appreciate the Council's ongoing oversight of DOC, which is especially necessary as we move toward having a new jail built in the District of Columbia. The ACLU-D.C. is ready to work with you and alongside community partners to address this emergency, push for added public accountability during this process, and fight for the rights of everyone held at the jail to be treated humanely.