

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SUNDAY HINTON, on behalf of herself and
others similarly situated,

Plaintiff,

v.

DISTRICT OF COLUMBIA,

Defendant.

Civil Action No. 1:21-cv-1295-JDB

SECOND SUPPLEMENTAL DECLARATION OF COURTNEY PHILLIPS

I, Courtney Phillips, declare as follows:

1. I am over 18 years of age and a resident of the District of Columbia. I make this declaration based on my personal knowledge of the matters described.
2. I am a transgender woman.
3. I have been housed in the D.C. Department of Corrections (DOC) since I was arrested in August of 2020. For the entirety of my time in DOC custody, I have been housed with men. During this entire time in DOC custody, staff have never given me a Transgender Housing Committee (THC) hearing.
4. I am currently housed in a men's unit in the Correctional Treatment Facility (CTF).
5. In July of 2021, I learned from Rachel Cicurel, a lawyer at the Public Defender Service (PDS), that the DOC had a new transgender housing policy. No one from DOC had told me that before.
6. To date, no one from DOC has informed me about DOC's new transgender housing policy or that one exists.

7. After learning about the new transgender housing policy from Rachel in July, I decided to request a THC hearing so I could change housing units. To request a THC hearing, I filled out a form addressed to Ms. Reid. There are different options on the form about the department you want to see, such as “case manager,” “chaplain,” “inmate finance,” “sentence computation,” and “other.” I checked the “other” option and I wrote “THC” next to it.
8. In mid-July, about a week after I learned about the new transgender housing policy, I put my form for the THC hearing in the request box on the housing unit.
9. I have never heard from anyone about this request.
10. I was frustrated that no one responded to my July request to see the THC, so around August 5, 2021, I put in a second request to have a THC hearing. I filled out a paper form and said that I wanted to have a THC hearing and to discuss some issues I was having, including issues with my clothes. Like I did the first time I requested to see the THC, I checked the “other” option on the form and wrote “THC” next to it. At that time, I also put in a separate paper request form to see Ms. Reid, who is on the THC.
11. Around August 9, 2021, I got notice that my second THC request and my request to see Ms. Reid had been sent.
12. Roughly a week later, sometime around August 16, 2021, Ms. Brooks, who is the PREA coordinator, came to see me. Ms. Brooks came to see me unexpectedly with another woman I had never met before. During the visit, I told Ms. Brooks and the other woman about a PREA issue that had occurred. There was a gentleman that was housed with me on my unit at CTF who, on several occasions, had made homophobic slurs and verbal threats at me. He had also made a physical advance toward me as if he were going to strike me, but the correctional officer on duty had intervened and called for assistance. Ms. Brooks stated that the incident

with this man on my unit was a PREA issue that should have come to her. I explained to Ms. Brooks that I knew that attempts of sexual assault were PREA issues, but that I didn't understand what was or was not a PREA issue beyond that.

13. I told Ms. Brooks and the other woman that I wanted to talk about the THC and the new transgender housing policy, but Ms. Brooks told me she couldn't talk to me about that. Ms. Brooks said she could only talk to me about the separate PREA issue I was having.

14. However, at the end of our conversation, Ms. Brooks asked me if I still wanted to see the THC. I told her yes; specifically, I told her I wanted to see the THC and Ms. Reid.

15. I asked Ms. Brooks if I needed to put in a new request or something for a THC hearing, and she said no. Rather, Ms. Brooks said she would email Ms. Reid's supervisor to set up the THC hearing.

16. Since my meeting with Ms. Brooks, I still have not seen the THC or heard anything about having a THC hearing. I also have still not seen or heard from Ms. Reid in response to any of my requests or following my meeting with Ms. Brooks.

17. At the time I made my written and verbal requests for a THC hearing in July and August, I did not know that a request form for a THC was on my tablet. I did not know about the form being on my tablet until about a month after talking to Rachel when I heard a rumor from another resident at CTF that we could view the policy on our tablets.

18. There are two types of tablets at CTF. There is a Global Tel-Link (GTL) tablet (entertainment tablet), and an APDS tablet (educational tablet). I have access to both tablets.

19. I did not receive a notification on either tablet that the transgender housing policy had changed. The GTL tablets do not have any DOC policies on them. However, when I heard from another resident that the new transgender housing policy was on the tablets, I went to the APDS tablet

to try to find it there. There are different icons on the APDS tablets that bring up different things. For example, there are icons for the law library, courses, and entertainment. There is also an icon that says “DOC Policies.” Because I heard the rumor that the new policy was on the tablets, I clicked that icon. Once I clicked into the “DOC Policies” icon, I could see the THC request form, but because no one from DOC told me about the new policy, I never clicked on that icon until I heard the rumor in August from another resident about the new policy being on our tablets. There was no notification about the new transgender housing policy on the APDS tablet. If you weren’t clicking around the tablet, you never would know it was there.

20. By the time I found the THC form on the tablet, I had already requested a THC hearing in writing twice and verbally to Ms. Brooks.

I, Rachel Cicurel, certify that I have read the foregoing to Courtney Phillips and that she affirmed the foregoing is true and correct on August 30, 2021.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 30, 2021.



Rachel Cicurel