

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

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March 9, 2023

The Honorable Muriel Bowser
Mayor of the District of Columbia
1350 Pennsylvania Ave. NW #406
Washington, D.C. 20004

Dear Mayor Bowser:

The Committee on Oversight and Accountability is investigating the District of Columbia Department of Corrections (DC DOC), the District of Columbia Central Detention Facility, and the District of Columbia Central Treatment Facility (the latter two, collectively, DC Jail Facilities). The DC Jail Facilities' reported mistreatment of pre-trial detainees connected to the events at the Capitol on January 6, 2021, raise the Committee's and Members' concerns that DC DOC is violating detainees' constitutional and human rights. Eyewitness accounts of conditions at the DC Jail Facilities—particularly regarding the treatment of January 6 detainees—paint a picture of despair, hopelessness, and a severe abuse of justice.¹ No prisoner in the United States should be treated in this fashion. Therefore, the Committee requests certain documents and information regarding DC DOC and the DC Jail Facilities and requests you direct DC DOC to arrange for a congressional delegation to visit and review the DC Jail Facilities and conduct interviews with detainees and DC DOC employees.

The Committee is investigating reports that detainees have been subjected to inhumane treatment while incarcerated at the DC Jail Facilities. Representative Marjorie Taylor Greene of the Committee visited the DC Jail Facilities in November 2021, despite repeated attempts by DC DOC to not allow that visit. Rep. Greene detailed her findings in a report released December 2021.² During Rep. Greene's tour of the DC Jail Facilities, detainees showed her evidence of abuse and neglect they had suffered under DC DOC employees' watch. One inmate reported being beaten by other detainees and not being provided care. One detainee has written that he had had to use the same contact lenses for at least six months. Another showed evidence of having a fractured bone that was left untreated. Another reported being served food with chemicals or other substances in it. Reports of detainees not being provided haircuts and being

¹ See, e.g., Jaclyn Diaz, *Jan. 6 detainees say a D.C. jail is so awful that they'd like a transfer to Guantanamo*, NPR (Oct. 7, 2022).

² Cong. Report, *Unusually Cruel: An Eyewitness Report from Inside the DC Jail*, Office of Rep. Marjorie Taylor Greene (GA-14), Dec. 2021, available at <https://greene.house.gov/sites/evo-subsites/greene.house.gov/files/evo-media-document/unusually%20cruel%20an%20eyewitness%20report%20from%20the%20dc%20jail.pdf>.

forced to live with clogged toilets³ have been confirmed by Rep. Greene's eyewitness account. One detainee with severe and documented food allergies described how he had not been provided alternative food options to accommodate his condition and faced the choice between not eating or place himself in severe pain from the food provided by the DC Jail Facilities.

The Committee also plans to confirm the accuracy of reports of disparate treatment January 6 detainees have received while incarcerated in the DC Jail Facilities. During Rep. Greene's visit to the DC Jail Facilities, non-January 6 detainees were permitted a lifestyle in the DC Jail Facilities very different from those incarcerated for January 6-related matters. Rep. Greene witnessed non-January 6 detainees receiving instruction from law school students about how to handle their pending matters in court. The January 6 detainees did not receive access to that seminar but, instead, told Rep. Greene they had been denied access to counsel or given the choice of either taking a shower, speaking with their families, or speaking with counsel. If the allegations made to Rep. Greene are true, these represent serious abuses by DC DOC of these detainees' constitutional rights.

The Committee is concerned by reports that January 6 detainees are facing a unique form of mistreatment due to their politics and beliefs, representing potential several human rights abuses. During her visit, Rep. Greene listened as January 6 detainees said they had been denied access to a Bible or denied access to Communion based on their vaccination status. Additionally, Rep. Greene witnessed non-January 6 detainees participating in the Justice Policy Institute's DC's Young Men Emerging Unit, in which, "[u]nlike a traditional correctional unit, the walls are bright, vibrant, and decorated" and "the residents [have] retrofitted cells into workforce development opportunities, including a barber shop."⁴ Rep. Greene did not see any January 6-detainee being allowed to participate in this program, and its facilities stand in stark contrast to the rest of the DC Jail Facilities, where, as reported by the *Washington Post*, prisoners have been locked down for 23-hours per day and "many of the men [] ha[ve] grown long hair, beards and fingernails."⁵ For detainees not in programs such as the "Young Men Emerging Unit,"

water "had been shut off for days" as punishment, creating an "overpowering" stench from "standing human sewage" in the toilets of many cells[]. "Hot meals" were "served cold and congealed"; some inmates had "observable injuries" for which no documentation was available; and "evidence of drug use was pervasive," including the "widespread" odor of marijuana.⁶

³ Spencer S. Hsu, Emily Davies & Paul Duggan, *D.C. jail ordered U.S. marshals to leave after surprise inspections, judge says*, WASH. POST (Nov. 3, 2021).

⁴ DC's Young Men Emerging Unit: A Story of Reform and Lessons Learned from the Front Lines, Justice Policy Institute (Sep. 2020), available at https://justicepolicy.org/wp-content/uploads/2021/06/Young_Men_Emerging_Unit_2020.pdf.

⁵ Peter Jamison, *D.C. officials ignore growing pressure to end 23-hour coronavirus lockdown at jail*, WASH. POST (Apr. 23, 2021).

⁶ *Supra*, fn. 3 (quoting the U.S. Marshals Service).

The Committee is not alone in its concern about an unfair treatment of detainees. On October 13, 2021, a U.S. District Court found that DC DOC Director Quincy Booth and Warden Wanda Patten violated a detainee’s civil rights.⁷ The Judge in that case wrote:

I find that the civil rights of the defendant have been abused. I don’t know if it’s because he’s a January 6th defendant or not, but I find this matter should be referred to the attorney general of the United States for a civil rights investigation into whether the D.C. Department of Corrections is violating the civil rights of January 6th defendants...in this and maybe other cases.⁸

As a result, the matter was referred to the U.S. Department of Justice (DOJ) for a civil rights investigation.⁹ Days after the referral, the U.S. Marshals Service conducted an unannounced inspection and review of DC Jail Facilities.¹⁰ From October 18 to October 23, 2021, an eight-person team inspected the facility and interviewed more than 300 detainees.¹¹ The team found “egregious” conditions at the DC Jail Facilities.¹² However, on October 24, 2021, DC DOC employees ordered the marshals to leave the DC Jail Facilities.¹³ One marshal said he “ha[d] never seen a jail bar marshals from entering.”¹⁴ The Acting U.S. Marshal summarized the preliminary review as finding “evidence of ‘systemic’ mistreatment of detainees” and forwarded the results to the DOJ Civil Rights Division.¹⁵ In response, DOJ announced they would transfer 400 detainees from the DC Jail Facilities.¹⁶ However, to the Committee’s knowledge, none of the January 6-detainees were part of the group removed from the DC Jail Facilities.

On April 19, 2021, Committee Republicans wrote you a letter identifying various violations of detainees’ civil rights at the DC Jail Facilities, including reports of detainees’ inability to obtain essential services, denial of sanitary living conditions, and subjection to prolonged time in solitary confinement.¹⁷ Committee Republicans did not receive a response, though a federal court later confirmed Committee Republicans’ concerns.¹⁸ Since the 2021 letter, the District—and its handling of crime and those accused of committing crimes—has

⁷ Spencer S. Hsu, *Judge calls for Justice Dept. civil rights probe into D.C. jail’s treatment of Jan. 6 detainees*, WASH. POST (Oct. 13, 2021).

⁸ *Id.*

⁹ *Id.*

¹⁰ Statement by the U.S. Marshals Service, Re: Recent Inspection of DC Jail Facilities (Nov. 2, 2021).

¹¹ *Id.*

¹² *Supra*, fn. 3.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Spencer S. Hsu & Paul Duggan, *Unacceptable conditions at D.C. jail lead to plan to transfer about 400 inmates, officials say*, WASH. POST (Nov. 2, 2021).

¹⁶ *Id.*

¹⁷ Letter from Hon. James Comer, Ranking Member, H. Comm. on Oversight and Reform to Hon. Muriel Bowser, Mayor of the District of Columbia (April 19, 2021).

¹⁸ *Supra*, fn. 3.

reached new lows. Under your mayorship, District homicides are up 40 percent over last year,¹⁹ which itself set recent records for crime.²⁰ In the face of this disaster, the D.C. Council has responded by passing dangerous legislation so liberal and soft on crime that even President Biden has agreed with Republicans that Congress must intervene.²¹

To assist the Committee in its investigation into DC DOC's treatment of detainees, please provide the following documents and information to the Committee no later than March 23, 2023:

1. All documents and communications regarding January 6 detainees' waiver of speedy trial;
2. All documents and communications regarding January 6 detainees' complaints regarding their cell conditions, sanitary conditions, access to food, access to legal counsel, access to materials relevant to their legal defense, and access to religious material and/or rites;
3. All documents and communications regarding the DC Jail Facilities' COVID-19 policies since January 7, 2021; and
4. All documents and communications regarding the U.S. Marshals Service's inspection in October 2021, including but not limited to the November 2021 agreement with the U.S. Marshals Service.

Additionally, we request that you make arrangements with the Committee to allow full access to the DC Jail Facilities (including the ability to speak with detainees) to Members of Congress and staff no later than March 23, 2023.

To make arrangements to deliver documents or to ask any related follow-up questions, please contact Committee on Oversight and Accountability staff at (202) 225-5074. An attachment to this letter provides additional instructions for responding to the Committee's request.²²

The Committee on Oversight and Accountability is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Additionally, House Rule X states that the Committee on Oversight and Accountability has jurisdiction over the District of Columbia, which is subject to congressional oversight under Article I, Section 8 of the U.S. Constitution.

¹⁹ Peter Hermann, *After violent weekend, D.C. homicides up 40 percent over last year*, WASH. POST (Feb. 27, 2023).

²⁰ See, e.g., Victoria Dugger, *DC reaches 100th homicide mark faster than any year since 2003*, WUSA9 (Jun. 24, 2022).

²¹ Burgess Everett, Marianne Levine, Sarah Ferris & Nancy Vu, *Biden won't veto GOP effort to repeal D.C. crime law*, POLITICO (Mar. 2, 2023).

²² See Attachment A.

The Honorable Muriel Bowser

March 9, 2023

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Thank you for your prompt attention to this important investigation.

Sincerely,



Marjorie Taylor Greene

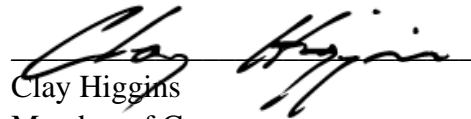
Member of Congress



James Comer

Chairman

Committee on Oversight and Accountability



Clay Higgins

Member of Congress

cc: The Honorable Jamie Raskin, Ranking Member
Committee on Oversight and Accountability