



D.C. Residents Who Are Convicted of a Crime Face Isolation: A Close-Up with Philip Fornaci

Philip Fornaci, who directed the D.C. Prisoners' Project at the Washington Lawyers' Committee for Civil Rights for 10 years, has been actively involved in issues related to D.C.'s prisons and jails for 25 years. His work has included litigation on behalf of D.C. prisoners around conditions of confinement, advocacy, and testimony before

Congress. He recently took the time to brief IAHR on serious and timely issues related to conditions of confinement for D. C. prisoners.

The D.C. "Revitalization" Act Assaults Family and Community Ties

In 1997, President Clinton signed the D.C. Revitalization Act. The District of Columbia government was nearly bankrupt, and the federal government moved in to take over the financial burden of incarcerating people convicted of felonies in D.C. All these people are now sent to facilities run by the U.S. Bureau of Prisons (BOP), far from family and friends. The nearest such prison is in Cumberland, MD, but most are sent to California, Pennsylvania, North Carolina, Florida, or Kentucky. Why do we care? Mr. Fornaci explains:

- These people become "invisible." No D.C. agency has the mission or ability to keep tabs on what happens to them – "and some have terrible things happen to them." As Mr. Fornaci says, "lack of transparency means darkness."
- People are isolated from their families, many of whom do not have the financial resources to travel to see family members. As a result, the family ties that are so important in reducing recidivism may weaken. There is no opportunity for reconciliation, and the psychological boost that helps people "keep it together" while incarcerated is lacking. Many have no visitors at all. Yet, research (for example, a [2011 study by the Minnesota Department of Corrections](#)) shows that having visitors reduces the likelihood of recidivism.
- When people are released, reentry planning is poor at best because people working far from D.C. are unfamiliar with housing or the local economy. There is no D.C. agency that is regularly informed and prepared to facilitate re-entry.

While the law also attempted to give a giant boost to private prisons by requiring that half of these people be sent to privately owned prisons within the BOP, this provision was never enforced. However, the Rivers Correctional Institute, the second largest private prison in the country, was built to house D.C. prisoners and immigrants. It is located in North Carolina.

Until 2011, juveniles convicted as adults were included in this population and sent to North Dakota, on the few federal facilities for juveniles. Following a concerted advocacy effort, the Bureau of Prisons agreed to house juveniles in the D.C. correctional facility, where some of them are subjected to solitary confinement. When they are no longer juveniles, they can still be sent away.

CSCOSA: An Agency without Accountability

The so-called D.C. Revitalization Act also created the Court Services and Offender Supervision Agency (COSOSA), which is responsible for pretrial, parole, and supervised release supervision for D.C. offenders. This critical agency, which is supposed to help people reintegrated in their community, has

literally no line of report to any D.C. agency. The U.S. Parole Commission makes parole decisions based on CSOSA recommendations.

With CSOSA, critical policy decisions are out of D.C.'s control. The majority of parole revocations are for marijuana use, which many would see as a minor infraction that should not result in return to prison. Yet D. C. has no opportunity to voice a concern.

Solitary Confinement is Common in Both D.C. Jail and BOP

The Bureau of Prisons, Mr. Fornaci tells us, uses solitary confinement freely, often as a response to very minor violations of rules. At the Lewisburg, Pennsylvania prison, where some D.C. prisoners have been sent, people have been placed in solitary confinement for as long as 15 years. Mr. Fornaci gets calls frequently from worried family members, but BOP is "one of the most unresponsive federal agencies" and there is usually little that can be done.

In D. C. jails, similarly, people are often placed in solitary confinement for extended periods (2 years is common, 6 years is the limit), often for slight cause. Mr. Fornaci litigated a case in which a person was placed in solitary confinement for having gotten a plastic cup from the wrong place. Confinement is sometimes not solitary, and a tiny space may be shared this with one other person who is also locked up 23 hours per day. At the Central Treatment Facility, where juveniles as well as adults are held – and where, in reality, there is limited access to treatment – solitary confinement for extended periods is also common.

An Opportunity for Change: CCA's Contract is Up for Renewal in 2017

In June of 2015, the Washington Lawyers' Committee for Civil Rights and Urban Affairs release a report focused on [conditions of confinement in the District of Columbia](#). The report found them "appalling," highlighting significant problems with the physical condition of the D.C. jails, lack of concern for inmate safety and suicide prevention, inadequate facilities and programming for youth, lack of transparency, and many other issues. Mr. Fornaci noted that a "political opening" exists at the moment because the 20-year contract of the Corrections Corporation of America (CCA) will expire in 2017. CCA is well connected politically and, as a private entity, has an interest in filling as many local beds in correctional facilities is possible. Project renewal provides a much-needed opportunity to talk about conditions, and the more light that can be shed on the contract and the deficiencies of CCA, the better. D. C. residents in particular will want to review the report and follow up with Council members.