

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

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**UNITED STATES OF AMERICA**

**v.**

**ROBERT GIESWEIN**

**Case No. 1:21-cr-00024-EGS**

**Judge Emmet G. Sullivan**

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**THE DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS’S RESPONSE  
TO THE COURT’S DECEMBER 23, 2021 ORDER**

On December 23, 2021, the Court issued an order directing the United States Marshal Service (USMS) and the District of Columbia Department of Corrections (DOC) to file briefs with the Court addressing:

1. The USMS and DOC’s response to the alleged deficiencies identified in the USMS’s November 1, 2021 letter to DOC since the implementation of the November 10, 2021 Memorandum of Understanding between the USMS and DOC (MOU), with particular focus on corrective action the USMS requested that DOC take at its Correctional Treatment Facility (CTF);
2. The status of the COVID-19 pandemic at CTF, including the number of DOC residents and staffers (if known) who have tested positive for the virus between the date of the Court’s order and this filing; and
3. The status of COVID-19 pandemic conditions at CTF.

*See* Court’s December 23, 2021 Minute Order. DOC submits this filing in response to the Court’s order.

**DOC HAS TAKEN CORRECTIVE ACTION TO ADDRESS THE ALLEGED DEFICIENCIES CITED IN THE USMS'S LETTER AT ITS CORRECTIONAL FACILITIES**

From October 18 to 22, 2021, the USMS investigated DOC's correctional facilities. Then, on November 1, 2021, the USMS forwarded DOC a two-page letter regarding alleged deficiencies that it discovered at DOC's Central Detention Facility (CDF) during its inspection. *See* USMS's November 1, 2021 letter attached as Exhibit 1. However, the letter did not identify any alleged deficiencies at CTF. In fact, per the letter, the USMS found that conditions at CTF "were observed to be largely appropriate and consist with federal prison standards." *See id* at page 2.

In response to the USMS's November 1, 2021 letter, DOC and the USMS entered into an MOU whereby the USMS would assist DOC in developing a plan to remediate all verified deficiencies alleged in its November 1 letter. *See* MOU between DOC and USMS attached as Exhibit 2. After receipt of the USMS's November letter and upon entering into the MOU with the USMS, DOC has worked tirelessly to correct all verified deficiencies at its correctional facilities, including CTF. Most notably, DOC has:

- Increased staff training regarding agency policies, including but not limited to Inmate Rights, Inmate Supervision, Working with Inmates, Implicit Bias, Professional Communication, Respectful Workplace, Use of Fore and Body Worn Cameras;
- Begun auditing the agency's daily cell block inspection sheets with a focus on complaints of mold and plumbing issues;
- Made daily rounds in DOC's housing units to assess the conditions of cells, toilets, sinks, showers, and plumbing on the agency's housing units;
- Developed a new policy addressing how and when water can be shut off on the agency's housing units; and

- Made weekly rounds to all of the agency's housing units to ensure that each housing unit has the necessary items for the agency's residents to clean their cells.

Additionally, as part of DOC's commitment to complying with the MOU, on December 24, 2021, the USMS, the Mayor's Office of Legal Counsel, the Deputy Mayor for Public Safety and Justice, and the District's City Administrator met to discuss DOC's corrective actions to date. At the close of the meeting, the group agreed to meet at a minimum of once per month going forward to discuss the agencies' compliance with the MOU and DOC's efforts to remedy all verified deficiencies.

**AS A RESULT OF RISING NUMBER OF COVID-19 CASES AT DOC, THE  
AGENCY HAS IMPLEMENTED A MODIFIED STAY-IN-PLACE AT ITS  
CORRECTIONAL FACILITIES**

Recently, the District of Columbia has seen a sharp increase in the number of COVID-19 cases.<sup>1</sup> This increase in COVID-19 cases has also been seen at DOC's correctional facilities. Notably, from December 23, 2021, the date of the court's order to present, 28 residents at DOC's CTF tested positive for COVID-19.<sup>2</sup> Also, during the same period 92 DOC employees tested positive for the virus.

In an effort to prevent the spread of COVID-19 throughout its correctional facilities, on December 22, 2021, DOC implemented a modified medical stay-in-place. As part of the modified medical stay-in-place, DOC has restricted group activities at its correctional facilities, suspended non-legal in-person and video visitation, limited resident out of cell time to two hours per day, and

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<sup>1</sup> See the District's COVID-19 reporting data at <https://coronavirus.dc.gov/data>. Per the report, between December 23 to 26, 2021, there were 9200 new cases of COVID-19 in the District.

<sup>2</sup> Despite this increase in COVID-19 positive residents in its custody, DOC, in consultation with both the Centers for Disease Control and Prevention (CDC) and DC Health has and will continue to provide all COVID-19 positive residents in its care with the appropriate medical treatment.

cancelled barbering and cosmetology services for all residents, except for those with upcoming jury trials. Notwithstanding the modified medical stay in place, DOC's resident will still have access to counsel through in-person, virtual visits telephonic means<sup>3</sup>; will be able to review discovery with their attorneys during legal visits or utilizing DOC's electronic discovery review process; and will continue to receive all requisite hygiene and cleaning supplies on a regularly scheduled basis. Also, they will have access to educational services, the ability to communicate with friends and family through agency provided tablets, and have indoor and outdoor (weather permitting) recreation.

### **CONCLUSION**

DOC's mission is to provide a safe, secure, orderly, and humane environment for the confinement of pretrial detainees and sentenced inmates, while affording those in custody meaningful rehabilitative opportunities for successful community reintegration. The agency believes that the corrective actions and policies implemented above show our commitment to complying with our mission and our willingness and ability to improve upon the conditions for those in our custody during these trying times.

Dated: January 5, 2022

Respectfully submitted,

/s/ Eric S. Glover

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<sup>3</sup> In compliance with CDC guidelines, residents housed on isolation and quarantine units at DOC do not have access to in-person or virtual visits with counsel. However, they do have telephonic access to counsel.