**National Association of Women Judges (NAWJ) Women in Prison Committee (WIP)**

**Visit to**

**BOP’s Metropolitan Detention Center (MDC), Brooklyn, New York,**

**March 20, 2015**

Since December 2013, when the federal women’s prison at Danbury closed for renovation**,** BOP has “temporarily” placed women prisoners, who were previously assigned, and would have been assigned to the women’s prison in Danbury, Connecticut (Danbury), at MDCin Brooklyn, New York. The MDC consists of two buildings, eight and nine stories high. The women are held in a housing unit on an upper floor.

On March 20, 2015, Judge Cheryl J. Gonzales, Chair of the New York Chapter of NAWJ’s WIP, Judge Robin S. Garson, and NAWJ WIP Co-Chairs, Judge Brenda P. Murray and Judge Betty J. Williams, visited MDC. Judge Marcy L. Kahn was unable to attend because jury deliberations carried over from the day before.

We arrived at 3:00 p.m. and spent approximately forty-five minutes with Warden Kimberly Ask-Carlson and her staff:

Kenneth Bork, Staff Attorney,

Michael Dellamarco, Executive Assistant,

Kimo Elvaheb, Food Service Administrator,

Dr. Michelle Gantt, Education Supervisor,

DeWayne Hendrix, Associate Warden,

Dr. Stephen Maynard, Recreation Supervisor,

Patricia Rodman, Associate Warden,

Wanda Velez, Unit Manager, and Alix McLearen, BOP’s Administrator, Female Offenders Branch

MDC’s stated purpose is to provide women with quality service and it strives to continue to establish programs and activities for incarcerated women in areas such as health, education, parenting, employment, mental health, substance abuse, and trauma treatment. We were each given a five-page handout listing a number of Staff Led Programs (18), Education/Recreation Community Partnerships (6), Volunteer Based Programs (7), Leisure Time Activities (18), Employment Opportunities (6), Available Equipment (5), Special Events (10), Pre-trial Classes and Programs (5), Adult Continuing Education (ACE) Classes (29), Visitation, Special Housing Programs/Services (4), and Initiatives (3).

At the time of our visit, MDC held 117 women who should have been at Danbury, including two women serving life sentences, and 57 women held pre-trial. We were escorted to an upper floor and the two large, barrack style rooms where the women spend all their time. We were advised that the Danbury women (tan pants and tops) and the pre-trial women (chocolate brown tops and pants) had been confined separately, but recently the two groups were combined so that the two rooms held approximately the same number of women. There are computers on the hallway wall and we were told the women can email at almost any time to pre-approved email addresses.

In each of the two large rooms, there are several sections of rows of metal bunk beds facing each other with walking space between the rows. Each row appeared to be about six or so bunk beds deep. In the middle of each room, out a couple of feet from the bunk beds, are some permanently affixed picnic style tables and chairs where the women eat all their meals. Beyond that, on the opposite wall, is a single row of showers and toilets behind a partial wall. The women cannot move between the two rooms. We visited both rooms, and, with the Warden and staff present, were allowed to speak with the women. Some women did not move from their beds, but many came over and sat on or at the tables and wanted to speak with us. Most of the women were placid individuals who seemed to accept their fate. Almost every single woman, even those with families nearby, wants to be in a location where they can go outside and get fresh air and experience sunshine, wind, and rain.

Some of us talked with two women at length. One, a 53 year old woman serving two life sentences on drug-related charges, described compliments she has received regarding her behavior during her period of incarceration and her efforts to get relief for her situation. Her conviction occurred in 1994 and she has served 21 years. Sister Megan Rice (Sister Rice), an 84-year old Roman Catholic nun thought the visit was a farce. She said the place had been spruced up for our visit and that the conditions are inhumane. Her complaints were a mixture of criticisms of the criminal justice system and specifics. Sister Rice wondered whether there are any studies of the physical impact of depriving human beings of fresh air and sunshine for prolonged periods. She said there is a small, narrow window up high in one wall that she goes to if the sun is shining, just to see and experience it for a bit. Sister Rice deplores the demeaning way some of the officers speak to the women. She stated that the showers only produced scalding hot water for months, but two plumbers arrived to fix the problem a few days before our visit. No other woman complained about hot water. In Sister Rice’s view, the authorities and staff lack creativity in dealing with issues.

In an email on January 29, 2015, BOP Director Samuels indicated that “outdoor recreation is provided.” In fact, there is no outside space. There is a room that has three pieces of exercise equipment and approximately ten feet up near the ceiling on one wall there is about 18 inches of open space, and near the floor at the bottom of the same wall there is an approximately 6 inch open space.

A gynecologist visits once a week. Emergencies are treated at local hospitals. There are two pregnant inmates. One soon to deliver is Canadian. As a non-citizen, she is ineligible for MINT or the Washington State program because she is considered a flight risk. We were assured that neither woman will be shackled during childbirth.

The MDC website indicates that MDC has visiting hours seven days a week. But this time is apportioned among the various units. We believe Warden Ask-Carlson indicated that the MDC women are allowed visitors on Thursday evenings and maybe during a time period on one weekend day. We saw the visiting room and there were some books for children in the waiting area.

After spending about an hour talking with the women, we reconvened with the Warden Ask-Carlson and her staff and were allowed to ask questions.

**Findings**

**1.       BOP needs to establish a firm deadline for reopening Danbury and, in the interim, remedy the conditions that exist at MDC that clearly fall below the ABA Standards on Treatment of Prisoners and the UN Standard Minimum Rules for the Treatment of Prisoners.**

ABA Standards on Treatment of Prisoners specify that:

The physical plant of a correctional facility should:

· (iii) include appropriate housing, laundry, health care, food service, visitation, recreation, education, and program space;

· (v) not deprive prisoners or staff of natural light, of light sufficient to permit reading throughout prisoners’ housing areas, or of reasonable darkness during the sleeping hours; [and]

· (vii) allow unrestricted access for prisoners to potable drinking water and to adequate, clean, reasonably private, and functioning toilets and washbasins[.][[1]](#footnote-1)

UN Standard Minimum Rules for the Treatment of Prisoners specify that:

Accommodation

11. In all places where prisoners are required to live or work,

( a ) The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation[.]

Exercise and sport

21. (1) Every prisoner who is not employed in outdoor work shall have at least one hour of suitable exercise in the open air daily if the weather permits.[[2]](#footnote-2)

**2.      Visiting hours should be expanded to encourage family visits.**

**3.      The staff appeared to be dedicated professionals, but there is only so much they can do with the physical plant.  Warden Ask-Carlson and her staff are trying to make something good happen with planned programs emphasizing family reunification.  Many of the Special Events listed in the brochure are for March and April 2015.**

**4.      Reasonable responses were given to the women’s complaints about food and medical care.**

**5.      MDC will check on the possibility of allowing the women to use the roof to be able to spend some time outside.**

**6.      Warden Ask-Carlson will not allow officers to treat women in a demeaning manner.  She will hold a general meeting and explain to the women that pre-trial and the Danbury women are receiving the same treatment.**

**7.      I think it is fair to say that the women appreciated our visit.**

**Thanks to Judge Gonzales for arranging the visit.**

**Report submitted by: Judge Cheryl J. Gonzales, Civil Court, Housing Part, New York, New York; Judge Brenda P. Murray, Federal Administrative Law Judge; and Judge Betty Williams, Supreme Court of the State of New York.**

1. ABA Standards on Treatment of Prisoners, Standard 23-3.1(a) (3d ed. 2011), *available at* www.americanbar.org/publications/criminal\_justice\_section\_archive/crimjust\_standards\_treatmentprisoners.html. [↑](#footnote-ref-1)
2. UN Standard Minimum Rules for the Treatment of Prisoners, adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, *available at* www.ohchr.org/EN/ProfessionalInterest/ Pages/TreatmentOfPrisoners.aspx. [↑](#footnote-ref-2)