

National Association of Women Judges (NAWJ) Women in Prison Committee (WIP)
Second Visit to
BOP's Metropolitan Detention Center (MDC), Brooklyn, New York,
June 3, 2016

The federal women's prison at Danbury, Connecticut, closed in December 2013. BOP "temporarily" re-located the Danbury women to the Metropolitan Detention Center (MDC) located in 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.

Judge Cheryl J. Gonzales, Chair of the New York Chapter of the NAWJ's WIP, Judge Robin S. Garson, and NAWJ WIP Co-Chairs, Judge Brenda P. Murray and Judge Betty J. Williams, visited MDC on March 20, 2015, and again on June 3, 2016.

We arrived at 3:00 p.m. and departed at 4:45 pm. We spent approximately forty-five minutes with Warden H. Quay, who has held this position since December 2015, and who was formerly the warden at Danbury from 2012 to 2015, numerous MDC staffers, and Alix McLearen, BOP's Administrator, Female Offenders Branch, and Hugh Hurwitz, Deputy Assistant Director, Information, Policy, & Public Affairs. The remainder of the time was spent visiting the women.

Alix McLearen informed us that since our 2015 visit, she and Dr. Michelle Gantt, the MDC's Education Supervisor, formed a Task Force that developed a training film for staff dealing with incarcerated women.

MDC holds 111 women who have been sentenced, and should be housed at Danbury. Twenty-four women are part of the original group transferred from Danbury to MDC, and the others are women who were sentenced after the Danbury closing in December 2013, and who would have been incarcerated at Danbury. There are about 50 additional women in pre-trial status. According to Warden Quay, only three women are more distant from home at MDC than they would be at Danbury. However, one judge was told that women were transferred to MDC from facilities that were closer to home, and one woman represented that as a consequence she had not seen her two children or her 84-year-old mother in a year. Some women questioned whether a transfer back to Danbury will occur because they heard "a head count had to be maintained at MDC." A couple of women questioned why they could not re-locate to Hazleton, WV, which would be closer to home.

MDC appears to have one or more pregnant inmates, but we did not get an exact number.

The facility has a total of 1,800 residents. We were told that some male prisoners have been at MDC for three years because of court appearances, and 300 males are there permanently, similar to trustee status, to service the building. It appeared that those males are allowed to move outside the building.

Danbury: BOP stated that Danbury will re-open in October 2016; BOP has not decided whether Danbury will have a Residential Drug Treatment Program (RDTP) a highly recommended program previously offered at Danbury. The Judges expressed concern and dismay: (1) when

advised by BOP staff that the RDTP and other programs that were previously offered to the Danbury women may not be available, as well as job opportunities; and (2) BOP staff was unable to confirm whether or not programs would be in place for the reopening in October 2016.

BOP is considering the Judges request for a visit to the Danbury facility.

Food: Women complained that food is sometimes spoiled and moldy. In 2015, we were advised that food is delivered cooked, and reheated.

Information from the women: The women we talked with were almost universally less hopeful for change about the conditions of confinement at MDC. Unlike 2015, when there seemed to be some energy in the group, the impression was that these women had all but given up hope that things would get better. The lethargy was almost palpable.

Several women emphasized that the fresh air and sunshine they need, are non-existent. One woman said the air was bad and that granules fell from the ceiling so that she is constantly cleaning off her bed which is a top bunk. Several women said the place had been fixed up for our visit to look better than it did regularly. A couple of women said the air conditioning had been off the previous weekend. One woman said a microwave, which they did not have before, was brought to the unit the day before our visit, and the women thought it was done because of our visit.

None of the women expressed any interest or knowledge about the programs that the MDC Brooklyn brochure, "Female Program Overview," said were being offered. Most of the women said they had never heard of them.

The brochure lists seven employment opportunities, yet one woman said she had begged for any type of employment and had received nothing.

Medical: Warden Quay admitted medical service is a problem and did not defend it. BOP claims it cannot find physicians willing to work in a New York prison. There are two contract doctors and two doctors on staff for women. Just like last time, the women complained about not being able to see doctors. Specifically, several women complained about the lack of gynecology care, and that after initial provision of health care there was minimal follow-up. In 2015, a gynecologist visited once a week.

Physical plant: The physical plant is the same as we viewed in 2015. 161 women are held in two separate large rooms. Each room has rows of bunk beds on one side of the room, toilets and showers on the other side of the room, and fixed tables in the middle. There are no windows so there is no fresh air or sunlight. The women are in the room 24/7, with no opportunity for outside exercise.

There is a separate room available for exercise. It contains a couple of stationary bikes and maybe one other piece of equipment. One outside wall has an open area near the top of the wall that allows light and air to enter. We were told in 2015 that the wall was sealed because men in the adjacent building could see the women. It turns out the wall is not cinder block but metal sheets painted the color of the other walls. We asked why the steel sheets could not be removed to allow

the women a view, maybe some sun, and fresh air. The room could be opened at times when the men, presumably using comparable space in the opposite building, were not present. We were told that it would mean the room would not be available to the women all day.

Programs to treat trauma and drugs: The brochure we received lists 12 staff led programs, one of which is a non-residential drug abuse program. There was mention of new programs: psychology, drug abuse, and trauma, but we did not get a lot of specifics about them.

Advance Core Chief Psychologist, Dr. Siegel (recently created new position), advised the group that a 14 question Psychology Services Inmate Questionnaire (PSIQ), is completed when the women and men enter the system followed by a “screened interview.” The PSIQ and interview determine the treatment plan for the women. Dr. Siegel described a new trauma 12-week program, Seeking Safety. The program is offered three times a year to twelve to fourteen women. According to Mr. Siegel, 70% of the women do not complete the program. One woman acknowledged not completing the program while speaking with the Judges.

Summary

We concluded that in March 2015, conditions for women at MDC since December 2013 were unconscionable and they remain so in June 2016. The absence of fresh, clean air, the complete absence of sunlight, and the absence of ANY outdoor time and activities are immediate issues which BOP has failed to address in any meaningful fashion. As noted in our prior report, these conditions violate the ABA Standards on Treatment of Prisoners and the UN Standard Minimum Rules for the Treatment of Prisoners.¹ The few activities arranged for families do not address these major deficiencies. MDC Brooklyn is a temporary detention facility and is an inappropriate facility to house women or any person long term.

Judge Robin S. Garson, Judge Cheryl J. Gonzales, Judge Brenda P. Murray, and Judge Betty J. Williams

NAWJ, Women in Prison Committee

June 2016

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. 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.