

# Council of the District of Columbia Report

1350 Pennsylvania Avenue, NW Washington, D.C. 20004

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To: All Councilmembers

From: Kathy Patterson, Chairperson, Committee on the Judiciary

Date: May 22, 2003

Subject: Bill 15-31, "District of Columbia Jail Improvement Act of 2003"

The Committee on the Judiciary, to which Bill 15-31, the "District of Columbia Jail Improvement Act of 2003" was referred, reports favorably on the legislation and recommends adoption by the Council of the District of Columbia. The bill was originally named the "District of Columbia Jail Inmate Cap Amendment Act of 2003."

## Statement of Purpose and Effect

The purpose of Bill 15-31 is to improve what are currently unsafe, unhealthy, overcrowded, and inhumane conditions at the District of Columbia Central Detention Facility ("Jail") through inspections, monitoring, and reporting; initiate immediate changes in operating protocols including a classification system and housing plan; institute a population ceiling at the Jail; and the requirement that the facility obtain accreditation by a national professional correctional organization. These specific improvements are designed to result in a safer institution. To fail to pass legislation in this arena would constitute a failure to recognize and act on what is potentially a dangerous situation for inmates, staff and residents of the District of Columbia. In the words of one attorney who has worked for many years inside the Jail and testified at a recent Judiciary Committee hearing, "I support wholeheartedly what you are doing. *It will be a tremendous injustice if it is not done.*"

Severe overcrowding, unsafe facilities, and unsanitary conditions are not new phenomena at the Jail. Such conditions have been present, albeit to more serious or less serious degrees, for more than 30 years. Two lawsuits were filed in 1971 and 1975, *Campbell v. McGruder* and *Inmates of D.C. Jail v. Jackson*, respectively, both of which addressed unconstitutional conditions at the Jail and are the oldest District prison reform cases. These consolidated class action lawsuits challenged the totality of the conditions at the Jail. *Campbell* was filed in 1971 on behalf of a class that consisted of all pretrial detainees confined to the Jail. In 1974, *Inmates* was filed on behalf of a class that consisted of sentenced prisoners in the Jail. Following a trial in 1975, Judge William B. Bryant held that the conditions of confinement in the Jail were so bad that they violated the Eighth Amendment prohibition against cruel and unusual punishment. The

## **Douglas Sparks, Attorney for the Given Pendleton Family**

Mr. Sparks testified in support of Bill 15-31. He began by reading from a letter he received from another inmate, stating “there will be more deaths because of staff apathy... we are treated like animals.” He said his is a unique perspective because, as a lawyer for inmates and their families, “I look in the face of the victims of the violence that occurs in the D.C. Jail. I look at the children that are left behind... the mothers and fathers, the sisters and brothers.” He said he has represented dozens of families who have had family members killed, and more than 1,000 inmates who have been “stabbed, maimed, burned, and blinded” in facilities here and elsewhere. He said categorically that violence worsens when the Jail is more crowded.

Mr. Sparks described how Givon Pendleton was murdered in the Jail’s gym area, out of the site and sound of correctional officers, and described earlier interrogations of guards. “I ask the officers, during my depositions, ‘did you see this assault?’ and they say no. I ask how they found out about it, and they say, ‘an inmate carried this person up to us,’ or ‘he came limping up to us,’ or ‘someone brought it to our attention.’” Mr. Sparks estimated that 95% of the assaults happen where there is no sight or sound supervision of inmates, and said this was improper supervision of inmates. “If you can’t see and you can’t hear, you can’t supervise.” With a population cap, he noted that there would be fewer inmates to supervise. He also agreed with Mr. Miller’s testimony during the January hearing that there were not enough guards on duty during lunch breaks to provide adequate supervision.

Mr. Sparks apologized for sounding “angry and emotional,” adding, “I support wholeheartedly what you are doing. It will be a tremendous injustice if it is not done. Somebody has to do something about it.”

Mr. Sparks then read from Pendleton’s autopsy report, describing multiple stab wounds as follows:

- Stab wound to left lateral chest, perforation of heart and lung
- Stab wound to left side of head
- Stab wound to left posterior neck
- Stab wound to left mid-chest
- Stab wound to right mid-chest
- Stab wound to left abdomen
- Stab wound to left lateral back
- Stab wound to left mid-back
- Stab wound to left arm
- Stab wound to left elbow

Mr. Sparks noted that no one at the Jail heard or saw the attack. He said that the murdered inmate’s mother was in the audience, as she had been during the January 31 hearing. He said he had her permission to read from the autopsy report. Responding to the chair’s questions, he said he had filed a notice of his intention to sue the District over the death. Asked to compare the Jail with other facilities, he responded, “From my experience going to a lot of

prisons around the country...I think the level of violence is extraordinarily high. I'd be willing to bet it's in the worst 5%, from what I see."

Chairperson Patterson stated that after the inmate deaths in December 2002, Mayor Williams toured the Jail and he was favorably impressed by the conditions of the Jail. Sparks responded, "All I can tell you is they're wrong, flat wrong."