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D.C. Jail Conditions Unchanged Despite Law

Williams Administration Criticized on Compliance

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Mayor Anthony A. Williams and the Department of Corrections have failed to comply with a 14-month-old law negotiated with the D.C. Council to improve conditions and operations at the District's main jail after the stabbing deaths of two detainees and other inmate violence.

Most notably, Williams (D) has not established a jail population cap to ease crowding. The law requires him to adopt a cap based on the number provided by an outside consultant. The consultant recommended a ceiling of 2,164 a year ago, but since then, the jail's average monthly population has exceeded that figure by about 100 and one month reached 2,379, records show.

The Corrections Department also failed to submit required quarterly reports to the council on such matters as jail environmental problems and inmate grievances. The agency submitted such reports for the first quarter of 2005 but none last year.

The department has not provided Williams with a plan for achieving national accreditation for the jail, although according to the law, the mayor was supposed to forward such a plan to the council by the end of last summer. And while the statute requires the D.C. Department of Health to conduct environmental inspections of the jail at least three times a year, only one has taken place since the law went into effect Jan. 30, 2004.

Corrections watchdogs and council members said that the Williams administration's lack of compliance is irresponsible and that letters of complaint they sent to the mayor have gone unanswered.

"The response to the law, which was passed with a sense of urgency, has been abysmal," said Philip Fornaci, executive director of the D.C. Prisoners' Legal Services Project. "The main thrust of the bill was to reduce overcrowding at the jail, but the mayor has refused to comply."

The deputy mayor for public safety and justice, Edward D. Reiskin, acknowledged that the executive branch has been remiss in meeting the requirements of the statute.

"We have been a little bit delinquent following up on this law," said Reiskin, who has been deputy mayor since January. "The law is

clear that we need to use the [consultant's] number. . . . There is not a good excuse for taking 14 months to do it. I'm not going to defend it."

But Reiskin said the jail cap is difficult to address because the courts ultimately control the flow of inmates. About two-thirds of the people held at the facility are pretrial defendants.

Furthermore, he said, the jail has to accommodate inmates awaiting transfer to federal prisons. Reiskin said the District has been working with the Federal Bureau of Prisons to reduce the time between defendants' sentencing and their transfer. The jail receives payments of about \$83 a day for each of those inmates.

Reiskin said that if the administration is unable to bring the jail's population into compliance with the law by the end of this year, the District will explore such options as "better use of halfway houses, opening new ones and reopening old ones."

The jail was subject to a court-ordered population cap of 1,674 inmates until June 2002, when a federal judge lifted the 17-year-old limit. In December 2002, after the jail population rose significantly, three stabbings over a four-day stretch left two detainees dead and another inmate wounded.

After the stabbings, council member Kathy Patterson (D-Ward 3), then chairman of the Judiciary Committee, moved to establish a new population cap out of concern that crowding was responsible for the increase in violence. The council and mayor then negotiated the current law. And the Corrections Department, in consultation with the council, selected Pulitzer/Bogard & Associates to conduct the study.

Soon after the firm released its report, however, Patterson wrote to Williams that the study's principal author, David Bogard, had told her he did not know that the number recommended by his company would become the legal limit on the jail's capacity.

"We did not understand that our operational capacity recommendation would be legally binding," Bogard said in a recent interview. "And, in fact, our report expressly recommended that it not be viewed as a legal cap until the D.C. government took certain steps to address the need for additional bed space or justice system modifications that might impact the numbers of people held at the jail."

The study concluded that the jail has a capacity of 2,061 inmates. It recommended an

operating capacity of 1,958 to 2,164 to take into account swings in inmate classification that affect the number of available beds.

Corrections Department documents, however, list the jail's capacity as 2,498. That figure appears in daily jail population reports and in a recent announcement advertising the corrections director's job, which Odie Washington vacated in February.

S. Elwood York Jr., who worked for the corrections agency from 1997 to 2004 before serving briefly as a deputy administrator with the Youth Services Administration, is serving as interim director while a national search is carried out.

Fornaci, the head of the prisoners legal services group, and Douglas R. Sparks, an attorney for the family of one of the inmates killed in December 2002, said they are considering filing a lawsuit against the District if it continues to fail to operate the jail in compliance with the statute.

Patterson said in an interview that there have been some improvements in the jail's physical conditions and in how fast federal inmates are transferred out. But overall, she said: "I believe the Williams administration disagrees with the policy that is now the law. In effect, they have said that they know better than the law."

Council member Phil Mendelson (D-At Large), who became chairman of the Judiciary Committee in January, has held two hearings this year on the Corrections Department and said he will hold a third before the summer recess if the agency makes no more progress.

Washington, the former director, said the department maintained all the data last year for the quarterly reports it was supposed to submit and that not providing those documents to the council "was simply an oversight."

As for the accreditation plan for the jail, Washington said it was part of his contract with the administration to implement policies and procedures for achieving the rating and that he had been passing on information to the council.

Robert B. Vowels, an interim senior deputy director at the city's Health Department, said his agency did not conduct the number of required inspections of the jail last year because it has been developing new guidelines for such surveys. Vowels estimated that the next environmental inspection at the jail will take place within 60 days.