

**D.C. Prisoners' Legal  
Services Project, Inc.**

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Inmates D.C. Jail v. Jackson



JC-DC-002-023

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

INMATES OF THE MODULAR FACILITY, )  
RICKY BANNER, RONALD BATES, )  
CLINTON HOWARD, DARREL PARKS, )  
NATHANIEL POINSETTE, RODNEY RAINEY, )  
RICHARD WINSTON, )

Modular Facility )  
Post Office Box 5100 )  
D.C. Department of Corrections )  
Lorton, VA 22079, )

individually and on behalf of )  
all other persons similarly )  
situated, )

Plaintiffs, )

v. )

DISTRICT OF COLUMBIA, )

MARION S. BARRY, JR., Mayor, )  
The District Building )  
1350 Pennsylvania Avenue, N.W. )  
Washington, D.C. 20004 )

WALTER B. RIDLEY, Director, )  
Department of Corrections )  
1923 Vermont Avenue, N.W. )  
Washington, D.C. 20001 )

JOHN LATTIMORE, Administrator, )  
Modular Facility )  
Post Office Box 5100 )  
D.C. Department of Corrections )  
Lorton, VA 22079 )

Defendants. )

Civil Action )  
No. \_\_\_\_\_ )

90-0727

28 MAR 1990

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COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF

I. NATURE OF THE COMPLAINT

1. This is a class action brought by inmates at the Modular Facility of the District of Columbia Department of Corrections located at Lorton, Virginia (the "Modular Facility"). Defendants, the District of Columbia and named officials with responsibility for the District's prisons, have subjected plaintiffs to conditions of extreme overcrowding, and have failed to protect plaintiffs from the actual and threatened physical violence, dangerously unsafe and unsanitary living conditions, inadequate medical care and other conditions which result from and are exacerbated by the overcrowding. Defendants' actions and inactions violate plaintiffs' rights under the United States Constitution and the laws of the District of Columbia.

II. JURISDICTION

2. This is a civil action for declaratory and injunctive relief, arising under the Fifth and Eighth Amendments of the United States Constitution and 42 U.S.C. § 1983. Pendent claims are based on D.C. Code § 24-425, D.C. Code § 24-442, and regulations promulgated thereunder.

3. This case arises under the Constitution of the United States, and under 42 U.S.C. § 1983. This Court has jurisdiction under 28 U.S.C. §§ 1331(a), 1343(3) and 1361. Declaratory relief is sought pursuant to 28 U.S.C. §§ 2201 and 2202.

III. VENUE

4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), (c) and (e).

IV. CLASS ACTION

5. This action is brought by the named plaintiffs on behalf of all inmates who are now or will be incarcerated at the Modular Facility, pursuant to Rule 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure.

6. Members of the class on behalf of whom plaintiffs sue are so numerous that joinder of all members is impractical. The class members currently incarcerated at the Modular Facility number over 900. Over one hundred inmates are transferred to and from the Modular Facility per week.

7. There are common questions of law and fact affecting the right of inmates to be free from actual and threatened inmate violence and pervasive risk of harm. Common issues of fact include the existence and causes of violence throughout the Modular Facility, the existence and causes of dangerously unsanitary and unsafe conditions throughout the Modular Facility, and the existence of inadequate medical care.

8. Plaintiffs' claims are typical of the claims of the class, and plaintiffs fairly and adequately represent and protect the interests of the class.

9. Separate actions maintained by individual members of the class would create a risk of varying adjudications

with respect to individual members of the class which would establish incompatible standards of conduct for the parties opposing the class, and adjudication regarding individual class members would, as a practical matter, be dispositive of or impair the interests of other members not parties to the adjudication.

10. Defendants have acted and/or refused to act on grounds generally applicable to the class plaintiffs represent.

11. Plaintiffs have brought this action for injunctive and declaratory relief on behalf of the class comprising all inmates who are presently incarcerated at the Modular Facility at Lorton or who will be incarcerated at the Modular Facility.

## V. PARTIES

### A. Plaintiffs

12. Plaintiff Winston Richards is a prisoner of the District of Columbia Department of Corrections presently confined in the Modular Facility. His District of Columbia Department of Corrections number ("D.C.D.C. number") is 242-201. He is confined in Cellblock 1.

13. Plaintiff Ronald Bates is a prisoner of the District of Columbia Department of Corrections presently confined in the Modular Facility. His D.C.D.C. number is 204-685. He is confined in Cellblock 2.

14. Plaintiff Nathaniel Poinsette is a prisoner of the District of Columbia Department of Corrections presently confined in the Modular Facility. His D.C.D.C. number is 240-206. He is confined in Cellblock 2.

15. Plaintiff Rodney Rainey is a prisoner of the District of Columbia Department of Corrections presently confined in the Modular Facility. His D.C.D.C. number is 187-515. He is confined in Cellblock 4.

16. Plaintiff Ricky Banner is a prisoner of the District of Columbia Department of Corrections presently confined in the Modular Facility. His D.C.D.C. number is 201-660. He is confined in Dormitory 1 and a former resident of a program annex used for "overflow" housing in Cellblock 4.

17. Plaintiff Clinton Howard is a prisoner of the District of Columbia Department of Corrections presently confined in the Modular Facility. His D.C.D.C. number is 163-495. He is confined in Dormitory 4.

18. Plaintiff Darrel Parks is a prisoner of the District of Columbia Department of Corrections presently confined in the Modular Facility. His D.C.D.C. number is 243-618. He has been confined in both the dormitories and cells in the facility.

#### B. Defendants

19. Defendant District of Columbia is a municipal corporation and is responsible for the supervision and

operation of the District of Columbia Department of Corrections.

20. Defendant Marion S. Barry, Jr. is the Mayor of the District of Columbia and is responsible for the direction and control of the District of Columbia Department of Corrections.

21. Defendant Walter B. Ridley is the Director of the District of Columbia Department of Corrections. He is responsible for the overall operation of the District of Columbia Department of Corrections and each institution within its jurisdiction, including the Modular Facility.

22. Defendant John Lattimore is the Administrator of the Modular Facility and is responsible for its operation.

23. Defendants who are individuals are sued solely in their official capacity. In all of their actions complained of herein, defendants are acting and have acted under color of state law for purposes of 42 U.S.C. § 1983.

#### VI. THE MODULAR FACILITY

24. The Modular Facility is a correctional facility which has been operated by the District of Columbia since September 1986. Located in Lorton, Virginia, constructed within the fenced perimeter of the Central Facility, the Modular Facility was designed to house 400 male inmates. Defendants have incarcerated a large number of inmates in the facility, far in excess of the number that the facility can

humanely accommodate. Currently, over 900 male inmates are housed at the Modular Facility, and the population has exceeded 960 in the weeks prior to the filing of this action. The majority of these inmates are awaiting trial on felony or misdemeanor charges; the remaining inmates are convicted felons and misdemeanants.

25. The principal housing areas at the Modular Facility consist of four dormitories and four cellblocks. The beds used in the dormitories and the cells are double bunk beds throughout the facility.

26. Additional rooms, originally intended to be used for prison programs, have also been filled with extra bunk beds and mattresses in order to squeeze more prisoners into the facility. These rooms are referred to as "annexes." Even with the addition of these makeshift sleeping quarters, some inmates must spend the night on the floor of the gymnasium or other spare rooms when more inmates arrive at the facility than can be accommodated in the existing bunks.

27. Each of the four dormitories at the Modular Facility has two wings which are used for bed space and a day room area which is shared by residents of the two wings. Although each wing is designed to house 26 inmates, the practice of double-bunking has increased the number of inmates to 52 in each wing and causes extreme crowding.

28. In some of the dormitories, in addition to the 104 inmates housed in the two wings, at least 16 additional



inmates are housed on spare beds and mattresses placed in the adjoining "annexes."

29. The four cellblocks at the Modular Facility also hold more than twice the number of inmates for which these housing areas were built. Each cellblock was designed to house 48 prisoners in 48 individual cells, in a two-tiered U-shaped arrangement surrounding a dayroom area. Currently, two prisoners occupy each cell, bringing the number of prisoners in cells in each cellblock to 96.

30. Twenty additional men occupy ten extra double-bunked beds that have been installed in the open central dayroom area of each cellblock, where inmates from the cells also congregate when outside their cells.

31. As in the dormitories, program rooms adjoining several of the cellblocks have been converted to housing for groups of at least 16 inmates in a room.

32. The total number of occupants of a given cellblock, including the extra bunks in the center of the cellblock and in the program rooms, may be as high as 132, living in a space designed to house 48 prisoners.

33. Severe overcrowding is overwhelming all aspects of the correctional system at the Modular Facility and is causing serious and systemic deprivations of the minimum necessities of civilized life. The extreme overcrowding, in combination with other improper actions and failures to act by defendants, has caused, inter alia, (i) very high levels of

violence and a deprivation of personal safety for the inmates; (ii) unsanitary and unhealthy conditions throughout the facility; (iii) a lack of necessary medical, dental and psychological care; and (iv) a grave lack of fire safety protection.

VII. PERVASIVE VIOLENCE AND THREATS TO INMATE SECURITY

34. Plaintiffs have been and continue to be deprived of the basic human necessity of physical safety. Through their actions, defendants subject inmates to conditions of overcrowding and continual stress which result in a worsening cycle of heated arguments, threats, fights, and violent assaults.

35. Defendants have failed to protect inmates' rights not to be subjected to barbaric punishment in the form of inmate-on-inmate violence and the inmates' constant fear for their personal safety. Severe overcrowding of the facility both creates and exacerbates unsafe conditions when combined with other serious omissions, including: defendants' failure to perform classification to separate violent from nonviolent offenders, to separate convicted felons from pretrial misdemeanants or to separate potential aggressors from potential victims of abuse; inadequate locks on cell doors; use of substandard bed frames, chairs and ventilation ducts which are known to be readily and frequently converted into deadly weapons; failure to employ correctional officers in sufficient numbers or with sufficient training to control the

facility; installation of additional bunk beds in the dormitories, cellblocks, and program room annexes in a way that prevents adequate monitoring; refusal to provide basic recreational, exercise or educational activities critically necessary to reduce inmate tension and idleness; and failure to address grossly unsanitary living conditions that further provoke and frustrate the inmates. These matters are set out more fully below.

36. Despite crowded and dangerous conditions, prison officials, overwhelmed with the influx of arriving inmates from the D.C. Jail, make minimal efforts to separate or classify the inmates according to their potential for violence or victimization. Accused misdemeanants are housed in the same areas with accused violent felons, and pre-trial detainees are housed with sentenced inmates. Rival gang members have on occasion been housed in the same housing unit. Young inmates are housed together with older inmates, and antagonisms between the two groups result in frequent fights.

37. Inmates who are likely to be victimized are housed with the general population. Weak or unpopular inmates are frequently threatened and abused and often subjected to being "burned out" -- their mattresses and other belongings set on fire as a sign of dislike. Instead of protecting these weaker inmates in the first place, prison officials wait until trouble breaks out and then simply move victims and aggressors into different parts of the facility, where the same patterns of behavior operate.

38. For inmates who have been threatened or are otherwise vulnerable, protective custody is not available at the Modular Facility. Although protective custody cells are theoretically available, these units do not provide adequate protection, because the cellblock designated for protective custody must be shared during the day with 20 or more extra inmates who are not confined to cells. Even in cellblocks that are not intended for protective custody, the housing of inmates in double-bunked dormitory bunks in the dayroom areas of the cellblocks is a dangerous practice that causes an increase in violence.

39. Inmate security is further threatened by the fact that the cell doors in the cellblocks cannot be effectively locked. Inmates have learned that they can place a comb, pen or other object in the path of the door runner, which prevents the door from locking when shut, despite the sound of a "click" apparently indicating that the door is locked.

40. Thefts are very common at the Modular Facility. In both the cellblocks and the dormitories, inmates have no effective way to protect their personal belongings, short of carrying them everywhere. Fights concerning allegations of theft are commonplace at the Modular Facility. Although each inmate assigned to a dormitory bed is supposed to be provided with a locker for his possessions, not all inmates receive one. The lockers that are provided are not secure -- some

have no locks at all, and are made of flimsy wood, while others have simple locks that can be picked open with a ballpoint pen or with the interchangeable keys to other lockers issued to many other inmates.

41. Personal safety for the inmates is impossible because of the abundance and availability of homemade knives ("shanks") and other weapons at the Modular Facility. These weapons, used in assaults, are manufactured by inmates from readily available materials.

42. The steel bunk beds that have been installed in all parts of the facility except the cells are among the most common sources of weapons. The bunks have many steel appendages which inmates twist or kick off the main frame and sharpen on the concrete floor to produce shanks.

43. In their haste to install more beds, defendants recently moved approximately 40 additional bunk beds into the dormitories and neglected to take the usual precaution of welding the bunk couplers (approximately 18-inch long steel pipes, four of which are used to join the top and bottom bunks together) to the bed frames. The result of this carelessness was to make 160 steel couplers readily available for inmate arsenals.

44. Other sources of weapons include the metal grates on the air vents in each cell and dormitory. The duct

outlets are covered with strips of metal, which are readily torn off and used as shanks.

45. In addition to the materials used for shanks, the Modular Facility contains a variety of movable chairs and lockers, which are easily converted into weapons. Rather than installing benches bolted to the floor and lockers attached to the walls, the prison provides inmates with free-standing metal and wooden chairs in the day rooms, as well as metal and wooden lockers in the dormitories, the latter small enough to be picked up. These objects are either used directly as clubs or pieces are broken off to create other weapons.

46. Because the chairs are poorly designed for prison use, they are frequently broken in fights or through hard use. The shortage of chairs in which to sit in the dayrooms, in combination with the overcrowding, produces another source of inmate-on-inmate antagonism and violence.

47. Searches or "shakedowns" conducted by the correctional officers fail to reduce significantly the quantities of weapons. In the cellblocks, these shakedowns are infrequent, and in the crowded dormitories, the searches are often ineffective. Illegal drugs are widely available within the institution as a result of poor security practices.

48. Correctional officers at the Modular Facility fail to provide adequate security for the inmates and struggle to maintain a semblance of control over the inmate population. The official "complement" of correctional officers is inade-

quate to provide effective security, and many of the officers supposedly comprising the complement are frequently detailed to administrative and clerical tasks, rather than direct monitoring of inmates.

49. In the dormitories, only two or three correctional officers are on duty at a time and are expected to monitor up to 140 inmates in a given dormitory.

50. The dormitories, originally intended to hold 26 single beds in each wing, are now crowded with people, double bunk beds, lockers, and other clutter. Officer surveillance of the dormitories and cellblocks is dangerously compromised by the blockage of the officers' lines of sight. The correctional officers, who are normally stationed in the day room area of a dormitory, cannot see over the double bunks and into the middle and rear sections of the two long and narrow wings where inmates sleep. Tall lockers (approximately six feet high) also obstruct vision in some of the dormitories. Furthermore, neither the program rooms that adjoin several dormitories nor the bathrooms are visible from the usual officers' post.

51. The officers seldom venture into the annexes, wings, and bathrooms of the dormitories. As a result, violent or illicit acts are most likely to occur in these poorly monitored areas, which the inmates cannot avoid entering. Much inmate-on-inmate fighting occurs in the bathrooms, where it is not observed by or reported to the correctional officers.

52. In the cellblocks, two or three correctional officers are assigned to each shift, with responsibility for well over 100 inmates, including inmates bunked in the center of the cellblock and in the annexes. The officers often remain inside an adjoining elevated observation area, separated from the inmates by a glass window.

53. From this observation bubble, officers have no view of the individual cells, including the cell used as a public toilet, nor can they see into the program-room annexes or behind the bunk beds in the cellblock's center. As in the dormitories, dangerous or violent activities tend to occur in places hidden from the officers' view.

54. Even when the officers have been aware of violent incidents among inmates, they have on occasion failed to control the incidents. At current population levels, not only prisoners but also correctional officers fear for their own safety. The officers doubt their ability to control inmates and prevent violence. In such a climate of fear, some officers resort to excessive violence against inmates.

55. In each of the dormitories and the cellblocks, only two telephones are provided for the inmates to place outside telephone calls. Telephone calls are limited to five minutes per call. Disputes and fights regarding telephone usage are, accordingly, virtually constant. In many housing units, however, because of lack of staff, defendants have



yielded the responsibility of controlling the telephones to inmates. This results in favoritism among inmates and additional antagonism and violence regarding telephone usage.

56. At times, the doors separating two dormitories are left open in order to give the inmates who work on the cleaning detail access to the cleaning supply room. This practice creates a risk of well over 200 inmates converging on one area and threatening the safety of correctional officers and inmates.

57. Facilities for the segregation and control of disruptive inmates are grossly deficient. On one occasion, a group of between 20 and 25 inmates banded together and created a serious disturbance in Dormitory 3. In retaliation, the correctional officers locked the entire group together inside a very small punishment cell, known as the "county jail," which is a former washroom from which the toilet and sink have been crudely removed, leaving the pipe stubs and drain flanges exposed. The men were confined in this cell for several hours.

58. Other prisoners are also routinely punished, individually or in groups, by being placed in the "county jail" for several hours. The smell of sewage is strong, but because the toilet has been removed, inmates are without access to a bathroom unless they can persuade an officer to escort them to a bathroom.

59. Compounding the risks to inmates and officers is the high rate of turnover of the correctional staff. New and inexperienced guards known as probationary officers must perform a variety of functions normally reserved for more experienced officers. Although regulations prohibit these new officers from patrolling or acting outside the supervision of a senior officer, conditions often force these trainees into positions of responsibility for which they have not been adequately prepared.

60. Both the shortage of correctional officers and the use of officers with inadequate training directly and significantly reduce inmate security. The number of guards currently stationed in each unit is insufficient to control the volatile and overcrowded inmate population.

61. Opportunities for recreation, education or exercise are almost non-existent at the Modular Facility. At the most, inmates are allowed between thirty and sixty minutes of recreation time, three or four times a week. During those times, an entire housing unit (up to 140 people) is permitted access to half of the facility's gymnasium, which has a basketball court where one game at a time can be played. As a result, many inmates do not bother to attend these recreation sessions. When an entire dormitory is permitted to attend the gymnasium, only a very few inmates are able to exercise. Much recreational equipment has been removed from the gymna-

sium because of a fear that the inmates would injure themselves or others in the crowded conditions.

62. Inmates are permitted very little access to outdoor recreation. Many inmates never set foot outdoors during their incarceration in the Modular Facility. At the most, inmates are allowed outside for recreation a few times each month. These recreation sessions, like those in the gymnasium, involve large numbers of inmates, from a cellblock or dormitory unit, crowded into a small recreation yard.

63. No other facilities for athletic activities are provided at the Modular Facility. Some inmates attempt to perform weight training with buckets filled with water, or do pushups in the limited floor space available. Even if more athletic recreation were available, however, the shortage of showers would deter inmates from taking advantage of what was offered.

64. For most inmates, the alternatives to idleness are playing cards or watching television, which is often inaudible above the noise of other prisoners. Fights over the choice of programs to be viewed on the one television in each unit are common, as are disputes over places close to the television where the sound is audible.

65. Neither technical training nor job skills programs are available for inmates at the Modular Facility. Educational opportunities are limited to an adult basic

education program (there are very few inmates in this program) and Bible study groups.

66. A few inmates have jobs in the kitchen or on the cleaning detail, but not nearly enough jobs are available to provide opportunities to all those who are willing to work.

67. Rather than expending their energy on recreational or productive activities, the inmates remain idle in the greatly overcrowded housing areas. As a result, many inmates release their energy through fighting, arguing, making weapons, carrying out assaults and thefts, using illegal drugs, and abusing and intimidating others in their vicinity.

#### VII. DEPRIVATIONS OF BASIC SANITATION AND HEALTH NEEDS

68. As a result of the overcrowding, toilet and shower facilities are severely overtaxed, causing frequent plumbing and sanitation problems that increase the risk of the spread of communicable diseases and add to the irritation and hostility among prisoners living in very close quarters.

69. Each dormitory wing has two toilets, two urinals, and two showers. These facilities are far from sufficient to service the current population adequately.

70. Heavy use causes toilets to overflow or stop up. Some showers are inoperable and have gone unrepaired for months, creating situations in which as many as 140 men in a dormitory, including those housed in the program-room "annexes," must share two or three working showers.

71. Because of the heavy usage of the facilities and defendants' failure to provide prisoners with sufficient cleaning supplies such as disinfectant, it is impossible to maintain basic cleanliness and hygiene in the bathrooms.

72. Cracked or missing tiles, broken plumbing fixtures, leaks, corrosion and growth of mold and mildew are common in the dormitory bathrooms, and efforts by the prison administration to address these problems are insufficient or nonexistent.

73. Half-inch long black worms, living in a slimy area of chipped floor tile, infested the bathroom of one of the dormitories, until the inmates built a fire with toilet paper and newspaper to exterminate the worms. Although prison officials investigated the incident and promised to fix the floor, the broken tiles remain.

74. Toilet and shower facilities in the cellblocks are clearly inadequate under current conditions. Six showers, several of which may be broken at any one time, must be used by 116 residents in a cellblock and by the additional men housed in the adjoining "annex" rooms.

75. Each cell has a toilet, but this design leaves the 20 or more men bunked in the central day room area of each cellblock without access to a toilet. An unoccupied cell, containing one toilet is made available for general use by these men and by all the other inmates who leave their cells during the day. The toilets in these designated "public"

cells are often stopped up or in foul condition, and inadequate provisions are made for cleaning these cells.

76. Because the existing ventilation system was designed to serve a population less than half the size of the current population, poor ventilation and inadequate air circulation are problems throughout the Modular Facility. The poorly designed ventilation system breaks down frequently, exposing inmates to extremes of heat, cold and humidity. The air is stuffy and stale with cigarette smoke, foul with smells from the bathrooms, humid and rank from the combined odors and exhalations of over 900 men in close quarters. Air ducts are full of dust, and mildew grows abundantly on the walls.

77. The ventilation system, which was inadequate for even the designed capacity of 400 inmates, constitutes a gross health hazard when the facility is packed with over 900 men. As a result of the inadequate ventilation system, respiratory problems and persistent colds are common among inmates. In some areas of the facility, blasts of very hot or very cold air from the air vents cause serious discomfort and compound the health risks, prompting inmates to create additional hazards by stopping up the vents with sheets or other available materials.

78. The overcrowding at the Modular Facility creates noise levels so extreme that in many areas, ordinary conversations can only be heard if the participants shout.

The constant din, exaggerated by the concrete walls and floors and the lack of materials to absorb sound, heightens the tension among inmates. Noise levels remain high well into the late hours of the night, preventing many inmates from sleeping, particularly those who occupy extra beds that have been set up in the cellblocks.

79. Pressure on the kitchen facilities and staff to provide food for more than 900 inmates results in a lack of necessary precautions to ensure safe and sanitary food service operations. Meals are prepared and served almost around the clock because of the frequent movement of inmates in and out of the prison.

80. Food is often undercooked, and eating implements are not always properly cleaned and sterilized. In addition, areas where food is prepared and eaten are infested with cockroaches and rodents. Dead cockroaches are sometimes served in the inmates' food.

81. Inmate clothing, toilet paper, deodorant, soap, and other personal hygiene items are in short supply. Many indigent prisoners are deprived of the supplies necessary to maintain basic bodily hygiene.

82. Many inmates at the Modular Facility have only been issued one suit of clothes by defendants, and some inmates have no sheets for their beds. Often they must use

the bathroom sinks or showers to wash out their clothes at night.

83. Irregular laundry service also forces some prisoners to wash out their own sheets and hang them to dry near the air vents or draped over their beds, adding to the dampness in the air and further blocking the correctional officers' lines of sight.

84. The failure to provide many inmates with a change of clothes or a change of sheets compounds the strain on the inadequate bathroom facilities and leaves prisoners with no alternative to makeshift washing arrangements that pose sanitation and health risks. The shortage of clothing, linens, and hygiene kits also provokes inmates to steal from each other. Accusations of stealing are a frequent source of inmate fights.

#### IX. INADEQUATE MEDICAL, DENTAL AND PSYCHOLOGICAL CARE

85. Shortages of appropriate medical staff and shortages of space in which patients can be examined have the effect of denying care for the serious medical needs of prisoners. Such denial of care results from deliberate indifference on the part of the defendants.

86. Prisoners have opportunities to sign up for sick call only two or three times a week, and some prisoners must sign up repeatedly in order to receive attention for their complaints.



87. When inmates succeed in getting medical attention, the treatment they receive is often inadequate. Few prisoners are treated by a physician, since the medical staff has only one doctor, and that doctor is not present at the Modular Facility more than two or three days a week. The majority of prisoners are seen by one of four staff members (three physician's assistants and one medical technical assistant) and are often given treatment not responsive to their specific illnesses and medical problems.

88. During the night and weekend hours, no medical staff are on duty at the Modular Facility. In emergencies at these times, inmates are supposed to be taken to the infirmary at the Central Facility, but the decision to provide emergency medical assistance is made by correctional officers with no medical training.

89. As a result of the inadequate medical staffing and the lack of emergency care, the urgent medical needs of many prisoners at the Modular Facility are ignored.

90. Prisoners with chronic illnesses such as diabetes are unable to obtain the regular care and monitoring that they require, and on occasion, prisoners known to be suffering from AIDS have been denied proper medical attention.

91. Defendants fail to provide needed information and education about HIV disease (AIDS) to the prisoners and staff at the Modular Facility, and thereby subject the inmates to life-threatening health risks.

92. Although dental care is available through a small on-site clinic at the Modular Facility, prisoners must often wait for long periods to have urgent dental needs addressed by a part-time dentist.

93. The Modular Facility lacks adequate psychological and counselling services. Prisoners with obvious mental health problems are placed in the general population, where they do not receive needed special attention. Other prisoners become increasingly frustrated with the mentally ill inmates' disturbed behavior, until that behavior can no longer be ignored by the correctional officers or until other inmates attack the sick prisoner.

94. Although drug abuse is a readily apparent source of mental instability for many inmates, no drug or alcohol abuse treatment program operates at the facility. Inmates with drug problems remain in the general population, and in fact these inmates often sustain their drug habits through supplies available in prison.

#### X. FIRE HAZARDS

95. Lack of a working fire alarm system, as well as the absence of fire evacuation plans and little, if any, fire instruction for inmates or correctional officers, creates a dangerous risk of loss of life and property in the event of a serious fire at the Modular Facility.

96. The potential for a serious fire is apparent from the frequency with which inmates light mattresses,

sheets, clothing and toilet paper on fire, in order to harass other inmates, or to fuel makeshift cooking arrangements. The clutter of wooden lockers, sheets and clothes hanging from the beds, as well as generally cramped conditions would both allow a fire to spread quickly and make evacuation of inmates difficult.

97. Even without the outbreak of a major fire, smoke and fumes from the frequent burning of plastic-covered mattresses are slow to clear in the poorly ventilated dormitories and cells, which are not evacuated when these fires occur. The building's automatic smoke purging system is broken, and manual operation of the system is not possible. The inadequacies of the smoke purging system threaten the inmates and staff with a major loss of life through smoke inhalation in the event of a major fire.

98. The lingering smoke from the frequent smaller fires exacerbates the respiratory problems experienced by many inmates and prevents correctional officers from maintaining complete control.

#### XI. DEFENDANTS' KNOWLEDGE OF THESE CONTINUING DEPRIVATIONS

99. Defendants are aware of the inhumane conditions described in paragraphs 24 through 98 and nevertheless have failed to remedy the overcrowding, to improve deplorable sanitation, to address causes of violence among inmates, to provide needed medical care and to take precautions against the risk of fire. Such failure and refusal constitute

deliberate indifference to the basic needs of the inmates at the Modular Facility.

FIRST CAUSE OF ACTION

100. Paragraphs 1 through 99 are incorporated herein by reference and realleged.

101. Defendants' failure to provide plaintiffs with a humane environment in which their basic human needs are met and their fundamental right to personal security is protected violates the rights of plaintiffs already convicted and serving sentences to be free from cruel and unusual punishment, under the Eighth Amendment to the United States Constitution, and 42 U.S.C. § 1983.

SECOND CAUSE OF ACTION

102. Paragraphs 1 through 99 are incorporated herein by reference and realleged.

103. Defendants' failure to provide plaintiffs with a humane environment in which their basic human needs are met and their fundamental right to personal security is protected violates the rights of pre-trial detainees to due process of law under the Fifth Amendment to the United States Constitution and to freedom from cruel and unusual punishment under the Eighth Amendment to the United States Constitution, and 42 U.S.C. § 1983.

THIRD CAUSE OF ACTION

104. Paragraphs 1 through 99 are incorporated herein by reference and realleged.

105. Defendants' failure to provide plaintiffs with a humane environment in which their basic human needs are met and their fundamental right to personal security is protected violates their duties under District of Columbia Code, §§ 24-442 and 24-425, which require defendants to provide plaintiffs with safekeeping, care, protection and instruction in a suitable and appropriate institution.

REQUEST FOR RELIEF

WHEREFORE, plaintiffs request this Court to grant the following relief:

a. Declare that the actions and inactions of the defendants described herein have violated and continue to violate the plaintiffs' rights under the Fifth and Eighth Amendments to the United States Constitution, 42 U.S.C. § 1983, and the District of Columbia Code §§ 24-425 and 24-442;


b. Enjoin the defendants from engaging in any action or conduct, or from failing to act in any way, that violates the plaintiffs' above-mentioned rights;

c. Order the defendants to take all actions necessary in order to remedy the violations of the plaintiffs' rights;

d. Award plaintiffs the cost of this suit, and reasonable attorneys' fees; and

e. Award plaintiffs all further relief which this Court deems just and proper.

Respectfully submitted,



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