



PC-DC-003-018

*pleading*  
*copy*

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

INMATES OF OCCOQUAN, et al., )  
 )  
 )  
 Plaintiffs, )  
 v. )  
 )  
 MARION S. BARRY, JR., et al., )  
 )  
 )  
 Defendants. )  
 )

---

Civil Action No.  
86-2128 (JLG)

**FILED**

**JAN 20 1998**

POPULATION CONSENT ORDER

HELEN MAYER-WHITTINGTON, CLERK  
U.S. DISTRICT COURT

As required by 18 U.S.C. § 3626(a)(3), this three-judge Court was convened, upon the request of the parties, by the District Judge in this case pursuant to the procedures set forth in 28 U.S.C. § 2284.

Based upon the Plaintiffs' Motion for the Appointment of a Receiver and Imposition of Fines Regarding Personal Safety, Defendants' Opposition thereto, the findings of the Special Officer contained in her September 29, 1997 Report on Defendants' Compliance with the Orders Related to Personal Safety, which were adopted by the District Judge, the exhibits appended thereto, which were admitted into evidence by the District Judge, and the record herein, the parties stipulate and the Court finds as follows:

The District Court has previously entered orders in this case that have failed to remedy the deprivation of plaintiffs'

(N)

constitutional rights that are remedied with this Order. Defendants have had a reasonable amount of time to comply with the previous court orders entered in this case. Thus, the prerequisites for convening a three-judge court, as set forth in 18 U.S.C. § 3626(a)(3)(A), have been satisfied.

It has been demonstrated by clear and convincing evidence that crowding is a primary cause of the high level of violence described in the Special Officer's Report and that the violence constitutes a violation of the plaintiffs' federal constitutional rights. It has also been demonstrated by clear and convincing evidence that no relief other than that set forth herein will remedy this violation. Thus, the factual predicate for imposition of a prisoner release order, as set forth in 18 U.S.C. § 3626(a)(3)(E), has been established.

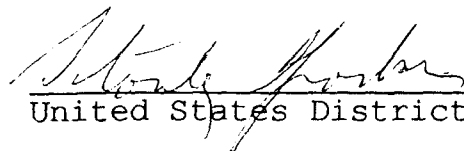
Furthermore, the relief set forth herein is narrowly drawn, extends no further than necessary to correct the constitutional violation, and is the least intrusive means necessary to correct the violation. Thus, the requirements of 18 U.S.C. § 3626(a)(1) for imposition of relief in a civil action regarding prison conditions are satisfied.


Accordingly, it is hereby ordered that Defendants shall maintain the population at the Occoquan Facility at or below

1400 inmates and shall further reduce the population to 1200 inmates or below by March 31, 1998. This population ceiling can be exceeded only if the Director of the D.C. Department of Corrections files with the Court a written declaration that (1) there has been an unusual and significant increase in the number of inmates committed to the D.C. Department of Corrections; (2) the Department is unable to safely house these additional inmates in other institutions; and (3) these inmates can be safely housed at Occoquan during the proposed time period. If defendants seek to exceed the ceiling for a period of greater than 14 days, they shall file a motion with the Court within the 14-day-period seeking the Court's approval to temporarily exceed the limit for a specified additional period. Such approval shall be granted by the Court only if the defendants demonstrate that the above three factors are satisfied. In no event shall the facility house more than 1673 inmates.

This Order shall remain in force until such time as the Occoquan Facility ceases to be used by defendants to house inmates.

  
United States District Judge

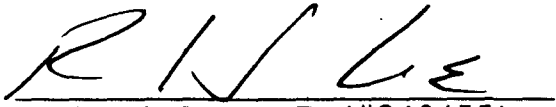
  
United States District Judge

  
United States Circuit Judge

Dated: January 20, 1998


Consented to by:

JOHN M. FERREN  
Corporation Counsel, D.C.  
WILLIAM J. EARLE  
Acting Deputy Corporation Counsel, D.C.  
Special Litigation Division

  
RICHARD S. LOVE (#340455)  
Acting Assistant Deputy  
Corporation Counsel  
Special Litigation Division  
441 Fourth Street, NW  
6th Floor South  
Washington, DC 20001  
(202) 727-6295

Attorney for Defendants

Dated: November 20, 1997

  
AYESHA N. KHAN (#426836)  
ACLU National Prison Project  
1875 Connecticut Ave., NW  
Suite 410  
Washington, DC 20009  
(202) 234-4830

Attorney for Plaintiffs