

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

TWELVE JOHN DOES
Central Facility
P.O. Box 25
Lorton, Virginia 22079

TWO JOHN DOES
District of Columbia Detention
Facility
1901 D Street, S.E.
Washington, D.C. 20003

AND ALL OTHERS PRESENTLY INCAR-
CERATED IN OR RECENTLY INCARCERATED
IN BUT TEMPORARILY REMOVED FOR
MEDICAL OR PROTECTIVE REASONS FROM
THE CENTRAL FACILITY OF THE DISTRICT
OF COLUMBIA REFORMATORY AT LORTON,
VIRGINIA

Plaintiffs,

v.

DISTRICT OF COLUMBIA

MARION S. BARRY, JR.
Mayor, District of Columbia
The District Building
Suite 520
14th & E Streets, N.W.
Washington, D.C. 20004

DELBERT C. JACKSON
Director, Department of
Corrections
District of Columbia
614 E Street, N.W.
Washington, D.C. 20001

MARION D. STRICKLAND
Superintendent
Division of Correctional
Services
District of Columbia
P.O. Box 25
Lorton, Virginia 22079

SALANDA V. WHITFIELD
Administrator
Central Facility
P.O. Box 25
Lorton, Virginia 22079

ARTHUR GRAVES
Assistant Administrator
Central Facility
P.O. Box 25
Lorton, Virginia 22079

COMPLAINT

Civil Action No.

Twelve John Does v. D.C.



PC-DC-008-001

DAVID P. DECATUR)
Institutional Major)
Central Facility)
P.O. Box 25)
Lorton, Virginia 22079)
BENJAMIN R. CIVILETTI)
Attorney General)
Office of the Attorney)
General)
Washington, D.C. 20530)
Defendants.)
_____ }

COMPLAINT FOR DECLARATORY AND INJUNCTIVE
RELIEF AND FOR DAMAGES

NATURE OF THE COMPLAINT

1. This is a class action brought by inmates at the Central Facility of the District of Columbia Reformatory located at Lorton, Virginia (hereinafter referred to as the "Central Facility"). This complaint charges the defendants with the failure to take sufficient measures to protect inmates at the Central Facility at Lorton from the pain and suffering of actual and threatened physical violence inflicted by others and with the failure to provide adequate and safe living conditions for the inmates at that facility.

JURISDICTION

2. This is a civil action for declaratory and injunctive relief and for money damages, arising under the Eighth Amendment 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, regulations promulgated thereunder and common law negligence.

3. This case arises under the Constitution of the United States, and the amount in controversy exceeds \$10,000, exclusive of interest and costs. 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.

VENUE

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

CLASS ACTION

5. This action is brought by the named plaintiffs on behalf of all inmates at the Central Facility at Lorton pursuant to Rules 23(a), (b) (1), (b) (2) and (b) (3) 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.

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.

8. Plaintiffs' claims are typical of the claims of the class, and plaintiffs fairly and adequately represent and protect the interest 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. Questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

11. Plaintiffs have brought this action for injunctive and declaratory relief and money damages on behalf of the class comprising all inmates who are presently incarcerated at the Central Facility at Lorton or who recently have been incarcerated at the Central Facility but have been temporarily removed for health or protective reasons.

PARTIES

Plaintiffs

12. Plaintiff John Doe is a 26-year-old citizen of the United States presently confined in the Central Facility at Lorton. He is serving a sentence of 12 to 80 years for second degree murder and robbery.

13. Plaintiff John Doe is a 50-year-old citizen of the United States presently confined in the Central Facility at Lorton. He is serving a sentence of 20 years to life plus 53 years for first degree murder and robbery.

14. Plaintiff John Doe is a 42-year-old citizen of the United States presently confined in the Central Facility at Lorton. He is serving a sentence of 20 years to life for first degree murder.

15. Plaintiff John Doe is a 22-year-old citizen of the United States presently confined in the Central Facility at Lorton. He is serving a sentence of 20 years to life for first degree murder.

16. Plaintiff John Doe is a 49-year-old citizen of the United States presently confined in the Central Facility at Lorton. He is serving a sentence of 4-14 years for armed robbery.

17. Plaintiff John Doe is a 30-year-old citizen of the United States presently confined in the Central Facility at Lorton. He is serving a sentence of 22 to 106 years for armed robbery.

18. Plaintiff John Doe is a 45-year-old citizen of the United States presently confined in the Central Facility at Lorton. He is serving a sentence of 8 to 30 years for armed robbery and aiding and abetting.

19. Plaintiff John Doe is a 27-year-old citizen of the United States presently confined in the Central Facility at Lorton. He is serving a sentence of 5 to 15 years for armed robbery.

20. Plaintiff John Doe is a 40-year-old citizen of the United States presently confined in the Central Facility at Lorton. He is serving a sentence of 10 to 30 years for armed robbery and possession of a pistol.

21. Plaintiff John Doe is a 23-year-old citizen of the United States presently confined in the Central Facility at Lorton. He is serving a sentence of 5 to 15 years for manslaughter and unauthorized use of a vehicle.

22. Plaintiff John Doe is a 29-year-old citizen of the United States presently confined in the Central Facility at Lorton. He is serving a sentence of 15 years to life for second degree murder and armed robbery.

23. Plaintiff John Doe is a 28-year-old citizen of the United States currently confined in the Central Facility at Lorton. He is serving sentences of 20 years to life for murder and 5 to 15 years for robbery.

24. Plaintiff John Doe is a 30-year-old citizen of the United States currently confined in the District of Columbia Detention Facility, as a result of injuries suffered at the Central Facility. He is serving a sentence of 6 to 18 years for armed robbery.

25. Plaintiff John Doe is a 52-year-old citizen of the United States currently assigned to the District of Columbia Detention Facility but confined in the Locked Ward of D.C. General Hospital, as a result of injuries suffered at the Central Facility. He is serving a sentence of 4 to 12 years for grand larceny and false pretenses.

26. In addition to the individual plaintiffs described above, other members of the plaintiff class include all individuals who are presently confined in the Central Facility at Lorton or who were recently incarcerated in but have been temporarily removed from that facility for medical or protective reasons.

Defendants

27. Defendant District of Columbia is a municipal corporation and is responsible for the supervision and operation of the District of Columbia Department of Corrections.

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

29. Defendant Delbert C. Jackson is 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 Central Facility at Lorton.

30. Defendant Marion D. Strickland is Superintendent for Correctional Services of the District of Columbia Department of Corrections. He is responsible for the care and custody of all inmates sentenced to be incarcerated at the Central Facility at Lorton.

31. Defendant Salanda V. Whitfield is the Administrator of and responsible for the operation of the Central Facility at Lorton.

32. Defendant Arthur Graves is the Assistant Administrator of the Central Facility at Lorton and is responsible for the care and custody of plaintiffs incarcerated there.

33. Defendant David P. Decatur is the Institutional Major of the Central Facility at Lorton in charge of security and is responsible for the care and custody of plaintiffs incarcerated there.

34. Defendant Benjamin Civiletti is Attorney General of the United States and has overall jurisdiction over the inmates confined at Lorton and is responsible for the protection and security of plaintiffs incarcerated there.

35. Defendants who are individuals are sued solely in their official capacities.

THE CENTRAL FACILITY

36. Substantive allegations contained in paragraphs 38 through 83 are made on information and belief.

37. The Central Facility is the District of Columbia's medium security facility for sentenced adult male felons. It is the largest of the incarceration facilities the District of Columbia maintains at Lorton, Virginia, with a capacity of approximately 1,162 inmates housed almost exclusively in open dormitories.

38. The Central Facility consists of at least 25 open dormitories. With a few exceptions each dormitory is an unpartitioned room, and has a shower room and vestibule area. Each dormitory is intended to house approximately 40 to 60 people, although dormitories that are intended to house approximately 60 people sometimes house over 100. Certain dormitories have a separate room, the "annex", in which is housed an "overflow" of up to 9 or 10 inmates. The Central Facility also has a recreational building where movies are shown. In addition, it has an infirmary, eating and kitchen facilities, a furniture repair shop, a metal shop, a bathhouse, a bakery, a chapel, a baseball field, a central control building, and an administrative or punitive detention unit (often called "the hole").

CAUSES OF VIOLENCE

39. The virtually unchecked violence at the Central Facility is caused by, among other things, insufficiently qualified administrators and correctional officers, understaffing of correctional officers, inmates' unrestricted

weapons, completely inadequate rehabilitative programs and facilities, completely inadequate recreational programs and facilities, inadequate classification and control of inmates, archaic, poorly constructed and poorly maintained facilities, serious overcrowding, virtually unchecked unsupervised inmate movement, lack of hygienic living conditions, wretched food, lack of a furlough program, lack of a work release program, the prevalence of drugs and intoxicants, the lack of adequate security devices, measures and procedures, and the failure to enforce promulgated policies and procedures. Despite the fact that defendants have been made aware of the chronic and unacceptable nature of these problems for several years, defendants have failed to take sufficient measures to alleviate them.

Inadequate Number, Selection and Training of Correctional Officers

40. The number of correctional officers staffing Central Facility is so inadequate as to create a serious and continuous threat to the safety of both inmates and staff. Officials from both the correctional officers' union and the Department of Corrections have stated for some time that additional correctional officers are needed at Central Facility, but nothing has been done to correct the dangerous understaffing. Staffing frequently falls below the District of Columbia's recognized "critical number" of officers on duty during all shifts and often falls to as few as half that number. Even the "minimum" number of correctional officers is insufficient to provide adequate security.

41. On March 18, 1980, Defendant Decatur wrote a memorandum to Defendant Whitfield stating that the then-present "freeze complement" of 279 correctional officers at the Central Facility fell far short of meeting prescribed security requirements and that "to reduce this figure will only tend to create a situation in which we will haphazardly be performing our assignments." Defendant Decatur concluded, inter alia, that a further reduction would have a severe detrimental effect on personnel morale, that perimeter security could be maintained, but that other areas could not be covered; that the complement would lose many of its most talented officers; that programs would be discontinued, so that increased idle time would lead to escalated levels of assaults; and that visiting hours would have to be curtailed, which would further affect the morale of the residents. Since that time, due in part to a decision not to rehire employees who left voluntarily, the "actual complement" at the Central Facility has fallen as much as forty persons below the "freeze complement." The severity and number of violent incidents have increased due in part to this reduction of personnel. On Saturday, July 26, 1980, there was a further reduction of thirteen correctional officers at the Central Facility, as part of the Central Facility's share in the overall reduction in the number of correctional officers employed by the District of Columbia.

42. In the Central Facility, security in the dormitories consists chiefly of highly infrequent guard patrols. The entrances to certain dormitories are not under

regular observation by correctional officers because of the faulty placement of observation posts and towers and the presence of obstructions. Many assaults take place in the unguarded and unprotected dormitories and in the shower and bathing areas that are obstructed from the officers' view. In addition, and by way of example, assaults frequently occur when large groups of inmates congregate outside the recreational building during and immediately after the movies when it is dark and difficult to identify an assailant. Other assaults occur at night upon sleeping inmates, because individuals or groups of inmates are allowed to move freely from dormitory to dormitory and there are no correctional officers stationed in the dormitories.

43. During a typical day shift, which is from 8:00 a.m. to 4:00 p.m., approximately 40 to 56 correctional officers are on duty at the Facility. These officers must supervise over 1100 inmates. Of the higher complement of 56 officers, approximately 49 are assigned to specific posts such as towers and control centers. There remain seven officers or fewer to patrol the grounds. Correctional officers are therefore unable or unwilling adequately to control the outbreak of violent confrontations in recreational and other common areas where groups of inmates gather.

44. The totally inadequate number of officers creates a high degree of fear and anxiety among the officers themselves. They are largely preoccupied with protecting themselves and therefore are impeded from devoting even the most minimal, if any, attention to protecting inmates from assaults.

45. In July, 1980, twelve employees of the District of Columbia employed in correctional facilities operated by the District of Columbia, including four persons employed in correctional and other positions at the Central Facility, brought Civil Action No. 5789-80, Joseph V. Majewski, et al. v. Marion S. Barry, et al., in the Superior Court for the District of Columbia, alleging, inter alia, that "[u]nderstaffing at correctional institutions has repeatedly surfaced increased tension of inmates, manifested in aggressive and violent behavior directed toward correctional and other support staff." Declaring that they worked in an "already dangerous environment," these plaintiffs alleged that further reductions "will create unsafe and unhealthful working conditions for the staff remaining to operate the facilities of the Department of Corrections." This action has been dismissed on the grounds that these allegations fail to state a cause of action under the federal Occupational Safety and Health Act, the Occupational Safety and Health Act of the District of Columbia, and the common-law duty to provide a safe and healthy workplace.

46. Officers are inadequately selected, trained and supervised. Prison officials have frequently attempted to "cut corners" by employing untrained officers and inexperienced people who are not capable of or qualified to handle potentially violent and dangerous situations. The security problem itself has discouraged qualified people from accepting positions as correctional officers and has caused qualified officers to resign. Low morale and unsafe working conditions have resulted in a high turnover of officers.

Due to inadequate training, qualifications and numbers, staff members of the Central Facility are frequently the objects of assaults by inmates, a situation which exacerbates inmates' fears that the staff cannot protect them.

47. Because of inadequate numbers or training, officers are often unwilling or unable to act promptly to disperse melees that occur in the central, open areas of the Central Facility. This unwillingness or inability increases the level of the injuries that occur in such melees. The officers regularly fail to frisk or adequately to surveil inmates whom they know or have reason to know possess weapons. They are often unwilling or unable to render first-aid assistance to injured inmates.

48. The inmate population is expected to rise to approximately 1300 inmates.

49. Because of inadequate numbers, officers are unable to monitor adequately the activities of visitors in the Central Facility and the permitted group activities of the inmates. At times, permitted and scheduled activities of the inmates are cancelled or curtailed because of the lack of available officers, thereby increasing the levels of frustration that are a major cause of violence.

50. Because of dangerous understaffing, completely inadequate provision of rehabilitative and recreational programs, archaic and unsafe facilities, overcrowding of the inmates and the general level of violence, the morale of correctional officers is very low, thereby further contributing to the lack of security at the Central Facility.

Unrestricted Access to Weapons

51. Inmates in the Central Facility have virtually unrestricted access to weapons. A large percentage of the inmate population is armed. The weapons are both professionally made and homemade and include, inter alia, guns, knives, scissors, razor blades, sharpened tools such as screwdrivers, and lead pipes filled with concrete. Inmates who work in the kitchen sometimes obtain knives from the kitchen and either sell or give them to other inmates. Weapons are often smuggled in by visitors. Weapons are also manufactured, inter alia, in the metal shop and the furniture repair shop located in the Central Facility. Weapons also are smuggled into the prison on persons and in vehicles that enter the complex.

52. The prison authorities have not made sufficient efforts to control the flow of weapons at the Central Facility. Although there are weapons searches ("shakedowns"), prisoners usually have advance notice of them. The shakedowns are infrequent, selective and rarely thorough. There is an inadequate number of metal detectors, friskers, and other screening devices for use in the shakedowns. The serious understaffing means that there are not enough officers free to conduct frequent and thorough shakedowns. The officers can usually be perceived preparing for the search on days when searches are conducted, giving inmates an opportunity to hide contraband. Certain correctional officers have been known to provide weapons to inmates. In addition, weapons are buried or hidden in places outside of the dormitories. These weapons are not searched for in shakedowns and consequently are rarely found.

53. In particular, because of a lack of adequate surveillance, the access of inmates to weapons and utensils or materials suitable for weapons taken from the kitchen and from the vocational shops provides the means for assaults against other inmates. Because of a failure to supervise guards to ensure that they enforce existing policies and procedures, visitors also become a source of weapons.

54. The administration of the Central Facility has itself now become a source of weapons. At the 4 o'clock count of inmates on Tuesday, August 5, 1980, each inmate was issued a steel spoon and fork. The forks have three long prongs and are easily capable of being used as blinding or lethal weapons. No official explanation of this step has been given, although correctional officers have casually mentioned to inmates that they now all have weapons. Inmates generally recognize the usefulness of these utensils for acts of violence and both the apprehension and likelihood of serious assaults have increased.

55. Because of the unrestrained violence allowed by the correctional officers and administration of the Central Facility, many inmates find it necessary to provide their own self-protection, thereby contributing to the demand for weapons and the incidence of violence.

Inadequate Classification System

56. The Central Facility fails adequately to maintain or implement an adequate system for identifying and isolating inmates with violent tendencies and those who have committed violent acts on other inmates. Known assailants

within the Facility are not removed from the general population. Inmates who ask for protection are sent to the same facility administrative detention unit ("the hole") with and may be brought back to the dormitories at the same time as those who are threatening them. In other instances, the threatened and the threatener may both be sent to the Maximum Security Facility at Lorton. No effort is made to protect those, such as homosexuals, who are likely to become the victims of violence, even when requests for protective action are made by the individual.

57. Although one or two dormitories are ostensibly reserved for older inmates, younger inmates who as a group may be more prone to violence or have life styles different from those of the older inmates are frequently assigned to such dormitories, resulting in antagonisms, fights, and serious, even fatal, injuries. No additional efforts are made to group inmates who have little prison experience or who are otherwise at a disadvantage in protecting themselves. No orientation exists to inform new inmates of the rules of the Central Facility. Inmates who are serving sentences for non-violent crimes are not separated from those who are serving sentences for violent crimes.

58. Inmates are not assigned to a dormitory on the basis of space actually available in that dormitory, but are forced to "find a spot" on their own, that is, make room for themselves, their beds and belongings in the overcrowded dormitory. The result often is physical harm to dormitory newcomers at the hands of the residents of the dormitory, who already have inadequate living space. In addition, the

"find a spot" system of assigning dormitories often results in maximum custody and minimum custody classified inmates being forced to be housed in overcrowded, tense conditions within the same dormitory or right next to each other.

59. Inmates needing protection are often unwilling to request it, because they may eventually be sent to the protective custody unit located in the Maximum Security Facility, whose unsafe conditions have been the subject of a court order granting injunctive relief in Civil Action No. 79-1726, Phillips v. District of Columbia (June 23, 1980) (June L. Green, J.). The complete lack of programs and exercise at Maximum, combined with a loss of jobs and participation in programs at the Central Facility, provide further serious disincentives to an inmate's seeking protection.

Lack of Adequate Rehabilitative, Work
and Recreational Programs and Facilities,
and Arbitrary Management of Existing Programs

60. A major cause of violence at the Central Facility is the lack of adequate rehabilitative programs and facilities. A large portion of the inmate population has no access to the academic and vocational rehabilitative programs. Access is restricted to inmates within three years of being released, who form a small portion of the total number of inmates at the Central Facility. Even with this restriction there are long waiting lists for programs. Inmates with short sentences of two to six years are often ineligible for the programs because of the rules restricting access. The result is that a large proportion of the inmate population is left idle with nothing productive to do. Confining a large

number of inmates together in a small area with nothing productive to do creates a breeding ground for violence.

61. Even those rehabilitative programs that exist are negligently and inadequately run. For example, in the auto mechanics course no recent model cars are available to work on, leading to frustration on the part of inmates in the program, who know that they are not being adequately trained for work after their release. There are no programs for training in computer technology, operating heavy construction equipment, office-equipment servicing, or other trades that would be in demand when the inmates are released from Central. Some of the above-mentioned programs were once in existence, but have been eliminated. The existing programs do not keep their participants fully occupied. Such inadequate rehabilitative programs contribute to the frustration and violence prevalent among the inmates.

62. Work programs, such as grounds-keeping, maintenance, janitorial (squad #33), etc., are assigned to too many inmates for the few tasks available, resulting in too much time with nothing productive to do, creating a condition conducive to violence. Work release and furlough programs are lacking. Such programs existed at one time, but were terminated at the direction of Defendant Civiletti's predecessor Attorney General Saxbe. The lack of such programs adds to tension and the frequency of violence by removing incentives for orderly behavior.

63. The lack of adequate recreational programs and facilities also contributes to the level of violence at the Central Facility which is caused by the lack of productive

things to do for a large body of inmates confined for long periods of time in a small space.

64. Counseling and psychological services, which can provide needed outlets for tensions that lead to violence, have been cut back due to the recent reduction in force at the Central Facility.

65. Negligent and arbitrary operation of programs that might provide minimal self-respect for inmates further increases tensions. Custody classifications which determine the degree of restraint on prisoners during escorted trips from the Central Facility are arbitrarily administered, so that undefined and unarticulated "exceptional circumstances" determine that some prisoners will be under physical constraints and others will not. The staff of the Central Facility refuses to issue receipts for monies inmates earn and place on deposit, so that inmates' funds are not infrequently delayed or found to be lost when requested. Access to relatively well-paying jobs is arbitrarily controlled. No reliable method exists for notifying inmates of the arrival of visitors, so that visits are often missed, and telephone privileges are often unreasonably denied. These and other failures and inequalities in the administration of the Central Facility contribute to an atmosphere among inmates and between inmates and prison staff in which violence is a constant threat.

Presence of Contraband

66. Illegal drugs and alcoholic beverages, whether smuggled in by visitors or correctional officers, are commonplace and contribute to violence at the Central Facility. Inmates are able to manufacture alcoholic beverages within

the confines of the Central Facility. Inmates steal or otherwise obtain yeast, fruit juices and other ingredients from the kitchen, mix them together and allow them to ferment. This mixture, known as "shoots," remains undiscovered as it ferments in the dormitories or other locations, and produces a crude, yet potent, form of homemade wine.

67. The presence of large amounts of contraband money within the Central Facility encourages and facilitates the flow of drugs, alcohol, and weapons into and through Central, thereby contributing to the causes of violence set forth above in paragraphs 40-66.

Archaic and Overcrowded Living Facilities

68. The herding of a large number of inmates into overcrowded single-room and outmoded dormitories creates substantially increased tensions and resulting violence. The packing together of beds, lockers, and personal belongings makes the addition of a new resident in a dormitory under the "find a spot" classification system a cause of melees and violence. New residents have been beaten and their beds and possessions hurled out of the dormitory when they attempted to find places on their own.

69. Dormitories have been constructed in such a way that correctional officers cannot easily observe and prevent incidents of violence.

Medical Care for Injured and Assaulted Inmates

70. There is essentially no provision of medical services when and where injuries to inmates occur, whether caused by assaults by other inmates or not. The MTA(s) on

duty are unwilling or not required to leave the infirmary to provide medical services to those injured at the scene of the accident or violence. Often the only help to an injured inmate must come from other inmates, who are not trained or qualified, whether in the form of providing on the spot emergency medical care or of moving the injured inmate to the infirmary with the risk of further harm.

71. No physician is on duty at all times in an institution where violence and the resulting injuries and even death are frequent occurrences.

72. If an injury or medical condition is too serious to be handled by the doctor(s) or MTS(s) on duty, the injured inmate must be taken out of the Central Facility to better medical facilities nearby or in the District. If there is no correctional officer available to provide an escort, the injured inmate may be forced to wait until one is available, and thereby not receive adequate and timely medical treatment. Access to medical treatment is frequently inordinately delayed due to the failure to train and supervise personnel who are responsible for providing such access.

73. Follow-up care at the Central Facility for an inmate who has returned following serious medical treatment is often inadequate or nonexistent. Injuries are thereby often exacerbated.

Poor Physical Conditions

74. Most, if not all, of the buildings at the Central Facility are in a shocking state of disrepair. The wretched state of the electrical wiring, windows, plastering, plumbing, inter alia, especially in the dormitories, is such

as to create a general atmosphere of anger and frustration that results in violence. Showers serving dormitories of 40-60 residents (more, when there is overcrowding) often do not work -- an especial hardship and source of frustration and violence when the weather is hot. The Central Facility is inadequately maintained, so that dirt and filth are prevalent, a situation which poses severe environmental health hazards to inmates.

75. The food served to the inmates lacks variety and is poorly prepared. Unhygienic conditions abound in the kitchen. Flies breed in improperly disposed of food wastes. Poor food is a major and constant source of frustration and anger for the inmates. This anger leads to violence at the Central Facility.

76. The conditions within the Central Facility described in paragraphs 39 through 75, and other conditions have contributed to and caused a tremendous number of assaults upon inmates. Because of these conditions, violence is a way of life in the Central Facility at Lorton. Inmates are constantly exposed to the harm and threat of the violence that exists at Lorton.

ASSAULTS ON INDIVIDUAL PLAINTIFFS

77. In early 1980, Plaintiff John Doe was returning from making a phone call in the phone room of his dormitory. He was told that someone was looking for him at the front door. He went to the door, but saw no one. After he had turned around, he was struck from behind across the mouth with a pipe or other blunt instrument. He required seven stitches in the infirmary. He was placed in administrative

custody (the "hole") for protection. On his return, he found that all of his personal belongings were removed, presumably stolen.

78. On July 13, 1980, at about 10:30 a.m., Plaintiff John Doe was assaulted for the second time that morning, this time with a lead pipe to the side of the forehead in full view of the correctional officers. It is Plaintiff's understanding that the inmate who struck him with a pipe was the same inmate who had hit him with his fist earlier that morning, also in front of a correctional officer. In neither case was the attack prevented by the officers. Moreover, no steps were taken to restrain the attacker after the first attack. Such steps might have prevented the second attack. Plaintiff was forced to treat his wound until he was able to make his way to the infirmary. He is now incarcerated at the New District of Columbia Jail. He fears that he will be assaulted again, and reasonably expects to continue his sentence in the Central Facility.

79. On June 14, 1980, Plaintiff John Doe was robbed at knife-point by two other inmates. After making a complaint, he was informed by corrections officers that his life was threatened. On June 21, 1980, he was placed in administrative detention (the "hole"). His alleged assailants were placed in the same cell-block with him. While there, on June 30, 1980, he suffered a back injury for which he received no medical treatment. Upon his release from the "hole" on July 2, 1980, he collapsed and was sent to the Locked Ward at D.C. General Hospital, where he is now incarcerated. He has no use of his legs at the present time as a result of the back injury and failure to provide medical

treatment. He fears for his life, and reasonably expects to continue his sentence in the Central Facility.

DEFENDANTS' KNOWLEDGE OF INMATE VIOLENCE

80. Defendants are aware or should have been aware of the high level of violence at the Central Facility and its causes for many years. As long ago as December 16, 1974, Defendant Jackson appeared at a meeting of the Fairfax County Board of Supervisors in which he described the Central Facility as a completely open, dormitory-type housing which was "dilapidated, antiquated, monolithic" and "almost unmanageable . . . administratively as well as occupationally." He characterized the Central Facility as a "monstrosity."

81. Inmate violence was responsible at least in part for a lawsuit against the United States brought by the Board of Supervisors of Fairfax County, Virginia in 1975, in which Lorton was found to be a public nuisance. See Board of Supervisors of Fairfax County, Virginia v. United States, 408 F. Supp. 556 (E.D. Va. 1976).

82. The Department of Corrections' own statistics show approximately 372 reported serious assaults in the Central Facility from 1973 through the first quarter of 1980. Only the most serious assaults are reported to the Department of Corrections. There is good reason to believe that this statistic understates the number of serious assaults, since inmates are believed not to report most assaults to anyone because they fear retaliation by other inmates or correctional officers. They also cannot count upon the seriously understaffed correctional officers to provide protection from retaliation. Inmates also fear that reporting assaults would bring unwanted notoriety and embarrassment.

83. There are many complaints presently lodged in various courts based on defendants' failure to deal adequately with the problem of violence at the Central Facility. Many more, no doubt, will be filed in the near future. There have been many findings of liability against all or some of the defendants based on inmates' rights to be free from violence at the Central Facility. These actions against defendants relating to the problem of violence at the Central Facility are growing in number.

WRONGS AND INJURIES

COUNT I

84. Paragraphs 1 through 83 are incorporated herein by reference and realleged.

85. Defendants' failure to provide adequate security and protection to plaintiffs has caused them to be exposed to pain and suffering by the constant risk and likelihood of physical violence and is a violation of plaintiffs' right to be free from cruel and unusual punishment under the Eighth Amendment of the United States Constitution. Each plaintiff has been damaged in an amount in excess of \$10,000, exclusive of interest and costs, and requests compensatory damages according to proof and punitive damages.

COUNT II

86. Paragraphs 1 through 83 are incorporated herein by reference and realleged.

87. Defendants' failure to provide security and protection to plaintiffs has caused them to be exposed to pain and suffering by the constant risk and likelihood of

physical violence, and subjected them to the deprivation of rights, privileges or immunities secured by the Constitution and laws of the United States in violation of 42 U.S.C § 1983. Each plaintiff has been damaged in an amount in excess of \$10,000, exclusive of interest and costs, and requests compensatory damages according to proof and punitive damages.

COUNT III

88. Paragraphs 1 through 83 are incorporated herein by reference and realleged.

89. Defendants' failure to provide security and protection to plaintiffs and consignment of them to an unsuitable, inappropriate and overcrowded institution has caused them to be exposed to pain and suffering by the constant risk and likelihood of physical violence and is a breach of such defendants' duty under District of Columbia Code Sections 24-442 and 24-425 which require those defendants to provide plaintiffs with safekeeping, care, protection and instruction in a suitable and appropriate institution. Each plaintiff has been damaged in an amount in excess of \$10,000, exclusive of interest and costs, and requests compensatory damages according to proof and punitive damages.

COUNT IV

90. Paragraphs 1 through 83 are incorporated herein by reference and realleged.

91. Defendants' failure to provide security and protection to plaintiffs has caused them to be exposed to pain and suffering by the constant risk and likelihood of physical violence, and is a breach of defendants' common-

law duty of care to plaintiffs and constitutes common-law negligence. Each plaintiff has been damaged in an amount in excess of \$10,000, exclusive of interest and costs, and requests compensatory damages according to proof and punitive damages.

CONTINUING INJURIES

92. Defendants' actions or inactions described in counts I through IV are continuing and will not abate unless this Court orders injunctive and mandatory relief, in addition to compensating plaintiffs monetarily for the harm that has been inflicted upon them by defendants. There will be no adequate remedy at law for defendants' continuing injuries.

PRAYER FOR RELIEF

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

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

b. Enjoin defendants from continuing such actions and mandate that defendants take appropriate remedial actions;

c. Award plaintiffs compensatory and punitive damages for each plaintiff on each count, according to proof;

d. Award plaintiffs the cost of this suit, including reasonable attorney's fees; and

e. Award plaintiffs such further relief as the Court may deem just and proper.

PLAINTIFFS DEMAND TRIAL BY JURY.

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