

## United States v. District of Columbia

United States District Court for the District of Columbia  
December 19, 1988, Decided; December 20, 1988, Filed  
Civil Action No. 88-2897

**Reporter:** 1988 U.S. Dist. LEXIS 16530

UNITED STATES OF AMERICA, Plaintiff v. DISTRICT OF COLUMBIA, *et al.*, Defendants

### Opinion

[\*1] *ORDER*

This action is before the Court on Defendant's Motion to Cease Designation by the Attorney General of District of Columbia Correctional Facilities a Suitable, Appropriate, and Available, and Plaintiff's Opposition to Defendant's Request for an Expedited Hearing, and Suggestion for Schedule to Resolve Defendant's Motion to Enjoin Designation of D. C. Correctional Facilities.

On November 10, 1988, this Court granted in part the United States' petition for declaratory and injunctive relief and conditionally enjoined the District of Columbia from refusing to accept into the District of Columbia Department of Corrections facilities all newly sentenced adult male prisoners who the Attorney General duly designates to the District of Columbia Department of Corrections pursuant to his authority under D.C. Code § 24-425. The Court subsequently issued an Implementation Order in this case on December 16, 1988, detailing, *inter alia*, proper procedures that the District must follow in reporting prison conditions to the Government and to the Court, and in raising Administrative Procedure Act challenges to the Attorney General's future designation the District of Columbia Department [\*2] of Corrections as the institution of confinement for adult male D.C. Code violators sentenced in the Superior Court.

A hearing was held on the instant motions on December 15, 1988. At the hearing, the Court heard testimony of three District witnesses -- Reverend Albion H. Ferrell, Mr. Walter Ridley, and Mr. Halem William -- who testified as to the current conditions in the District's correctional facilities and the District's recent laudable (but log delayed) effort to alleviate overcrowding. In addition, the Court accepted four exhibits detailing the daily prison populations in D. C. facilities on March 19, 1988 through March 25, 1988; July 30, 1988 through August 5, 1988; September 24, 1988 through September 30, 1988; October 1, 1988 through October 7, 1988; and December 10, 1988 through December 16, 1988.

The Court concludes from the evidence adduced at the hearing that the current conditions in the D. C. Department

of Corrections facilities are less crowded that they were on October 4, 1988, when the initial action in this case commenced, and that the overcrowding will abate further in the next thirty days. The District represents that there will be a net gain of 60 to 110 prisoners [\*3] in the D.C. Department of Corrections facilities over the next thirty days. Specifically, the District estimates that over the next thirty days 100 to 150 new prisoners will enter D. C. facilities, and approximately 40 will be transferred out to other states. The Government, on the other hand, contends that there will be no net increase in prisoners housed in Department of Corrections facilities. The Court accepts the District's representation that within the next thirty days, approximately 130 new beds will be available to house new inmates and that approximately 40 inmates currently housed in D.C. facilities will be transferred to other jurisdictions. The Court thus agrees with the Government that the District does not at present face an unmanageable impeding increase in the number of prisoners entering its correctional system. Indeed, the District's facilities appear to be less crowded now than they were when this Court initially held that the Attorney General had not abused his discretion in designation the D. C. Department of Corrections as an available, suitable, and appropriate institution of confinement for adult male prisoners sentenced in the Superior Court.

Therefore, upon [\*4] consideration of the parties pleadings, oral arguments, and the entire record herein, and in accordance with the bench opinion issued on December 16, 1988, the Court finds that, pursuant to D.C. Code § 24-425, the Attorney General has not abused his discretion in continuing to designate the District of Columbia Department of Corrections as an available, suitable and appropriate facility of confinement for adult male prisoners sentenced by the Superior Court.

Accordingly, it is this 19th day of December, 1988, ORDER that the District's motion is DENIED; and it is FURTHER ORDERED that the Attorney General may continue to designate the District of Columbia Department of Corrections as a facility of confinement for adult male C. D. Code violators sentenced by the Superior Court; and it is

FURTHER ORDERED that the District of Columbia Department of Corrections shall continue to accept into its facilities prisoners so designated by the Attorney General pending further order of this court.