

Government of the District of Columbia

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Women Prisoners/DC v. DC



PC-DC-011-032



IN REPLY REFER TO:

June 5, 1998

Lisa Stevenson, Esquire
Covington and Burling
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P.O. Box 7566
Washington, D.C. 20044

FILED

JUN 22 1998

re: Women Prisoners v. D.C., CA 93-2052 **ANNEX** MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Dear Lisa,

I am writing this letter in response to your correspondence dated May 1, 1998. In reviewing your concerns about the investigation of incidents of sexual misconduct, it appears that most of the problems cited arose from outdated investigation packets. We have made significant improvements in our procedures as well as the quality and consistency of investigations of sexual misconduct.

On behalf of the D.C. Department of Corrections' facilities in Lorton and the Jail, we submit the following. The CCA has forwarded a response to the issues involving the CTF, and that correspondence is enclosed with attachments.

1. Sexual Misconduct Coordinators: Department Order 3350.2B was amended to appoint a staff member to serve as the sexual misconduct coordinator. Gloria Nelson is the coordinator for Lorton and the Jail; Tony Perry is the coordinator at the CTF. The coordinators are the neutral parties who review all complaints regarding sexual misconduct and interview the complainants to determine if the behavior complained of constitutes sexual misconduct to be referred for investigation.

The coordinators are the administrative liaison for law enforcement agencies in cases of sexual acts or contact. The coordinators contact law enforcement at least monthly to check on the status of on-going investigations. They also arrange interviews or other investigative procedures to accommodate law enforcement investigators.

The coordinators notify the respondent and appropriate department officials of complaints referred for investigation or when a complaint does not constitute sexual misconduct.

The coordinators appoint investigators or refer cases to contract investigators. They provide technical assistance and guidance to the investigators. For example, the coordinator reviews their investigation plans which are prepared at the commencement of a case and comments or amends where appropriate. The plan remains fluid for revision as new circumstances develop.

The coordinators manage the confidential sexual misconduct hotlines. They also oversee and monitor all training required under the court order. They participate in and often conduct training, including training of inmates, staff and investigators.

The coordinators maintain the central filing systems. Ms. Nelson is the custodian of investigation packets for incident in Lorton and the Jail, and Ms. Perry maintains the packets for the CTF. A copy is maintained of the complaints and related documents including the cease and desist order to the accused, investigation report, notice of findings to the victim and accused, correspondence, appeals and appeal findings, correspondence from attorneys, employee disciplinary action and remedial action.

2. Investigators: In February, 1998, approximately 28 individuals were appointed to be sexual misconduct investigators in the DCDC and CTF and were trained on investigative techniques. The training was conducted by United States Investigations Services, Inc. This has resulted in a more comprehensive and technical investigation and report consistent with standards and protocol in that field.

The investigators are a cross section of employees and includes correctional officers, sergeants, lieutenants, a captain, correctional treatment specialists, a legal instrument examiner, an assistant warden, a health services executive assistant, a guidance counselor, a facilities manager, a social worker and acting principals. The investigators are ethnically diverse and include males and females.

The investigators were selected on the following basis:

- knowledge of the legal aspect of sexual misconduct against inmates and the rights of all involved;
- experience in the resolution of general inmate or employee complaints;
- Familiarity with the organizational structure, policy and practices of the department and facilities;
- demonstrated credibility with inmates, employees and managers;
- demonstrated ability and experience in presenting concise summaries of facts and sound conclusions and recommendations;

-The investigators are trained facilitators, with whom others feel comfortable find it easy to confide.

-The investigators have not been investigated, found for cause or disciplined for sexual misconduct or sexual harassment.

The implementation of these initiatives has greatly improved the quality of reports. The investigators have been trained in preparing investigative plans that are reviewed by the sexual misconduct coordinator. They have been trained by USIS to interview all witnesses and run down all leads in a case.

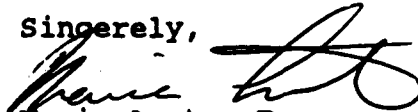
Your concern that investigators make operational recommendations or cite staffing problems that you believe are not implemented has been resolved. Because the reports are confidential, appropriate management were unlikely to see the recommendations posed by the investigator in the report. Moreover, many of the recommendations were simply invalid. Often, the investigators would make recommendations outside their area of expertise. For example, a social worker would recommend a change in security staffing in a manner that would actually breach appropriate security practices. In order to address the problem, we have removed the recommendations section from the report and ask them to submit any ideas in a separate memo to the appropriate deputy director without revealing the identities of the individuals involved in the incident.

Enclosed you will find a copy of the IGP Minutes for the Central Detention Facility (a/k/a D.C. Jail or CDF).

Also enclosed you will find the CCA's response to your concerns in a memo directed to me from the new Warden and the attachments to which her memo refers. The new warden, Mary Buell, has made significant progress in the short time she is here and I have been very impressed with her committment to women prisoners.

Please feel free to contact me if you have any questions or comments.

Singerely,



Maria Amato, Esq.
Chief, Civil Rights and
Government Services Section