

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

WOMEN PRISONERS OF THE )  
DISTRICT OF COLUMBIA, et al., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
DISTRICT OF COLUMBIA, )  
DEPT. OF CORRECTIONS, et al., )  
 )  
Defendants. )

Civil Action No. 93-2052  
(JLG)

**FILED**

NOV 9 1993

Clerk, U.S. District Court  
District of Columbia

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ANSWER OF DEFENDANTS DISTRICT OF COLUMBIA, SHARON PRATT KELLY,  
DEPARTMENT OF CORRECTIONS, WALTER RIDLEY, WILLIAM PLAUT,  
GWEN WASHINGTON, JOHN S. HENDERSON, DOUGLAS STEMPSON,  
WILLIAM HALL AND D.C. GENERAL HOSPITAL COMMISSION  
TO PLAINTIFFS' COMPLAINT

First Defense

The Department of Corrections is a division of the municipal corporation, the District of Columbia, and is therefore non sui juris, see, Miller v. Spencer 330 A.2d 251, n.1 (D.C. App., 1974).

D.C. General Hospital Commission is no longer an independent agency, is not a sueable entity and is not a proper party before this Court.

The complaint fails to state a claim upon which relief can be granted.

SECOND DEFENSE

I. NATURE OF THE COMPLAINT

1. The allegations in paragraph one of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

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## II. JURISDICTION

2 and 3. Defendants admit the existence of the Fifth and Eighth Amendments of the Constitution, Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 (1988), 42 U.S.C. § 1983, D.C. Code 24-425 and 24-442, 28 U.S.C. 1331 and 1343 (3) and 28 U.S.C. 2201 and 2202, but deny this Court has jurisdiction over this matter and these parties solely by reason thereof.

## III. VENUE

4. Defendants admit the existence of 28 U.S.C. § 1391 (b) and (c) but deny venue is proper solely by reason thereof.

## IV. CLASS ACTION ALLEGATIONS

5 through 11. The allegations in paragraphs five through 11 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

## V. PARTIES

### A. PLAINTIFFS

12 through 25. The allegations in paragraphs 12 through 25, of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

### B. DEFENDANTS

26. The defendants admit the District of Columbia is a municipal corporation and that the Department of Corrections is a division thereof. The remaining allegations in paragraph 26 of plaintiffs' complaint contain conclusions of law and/or the

pleader to which no response is required. If answer is required, the same are denied.

27. Defendants admit Sharon Pratt Kelly is the Mayor of the District of Columbia. The remaining allegations in paragraph 27 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

28. The allegations in paragraph 28 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

29. Defendants admit Walter B. Ridley is the Director of District of Columbia Department of Corrections. The remaining allegations in paragraph 29 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

30. Defendants admit William M. Plaut is the Associate Director for Institutions for the D.C. Department of Corrections. The remaining allegations in paragraph 30 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

31. Defendants admit Gwen Washington is the Associate Director for Programs for the D.C. Department of Corrections and is the Acting Administrator of the CTF. The remaining allegations in paragraph 31 of plaintiffs' complaint contain

conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

32. Defendants admit John Henderson is the Administrator of the D.C. Jail. The remaining allegations in paragraph 32 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

33. Defendants admit Douglas Stempson is the Administrator of the Annex of the Minimum Security Facility, District of Columbia Department of Corrections. The remaining allegations in paragraph 33 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

34. Defendants admit Dr. William Hall is the Assistant Director for Health Services for the District of Columbia Department of Corrections. The remaining allegations in paragraph 34 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

35. Defendants admit Dr. Eliza Taylor is the Chief Medical Officer at the CTF. The remaining allegations in paragraph 35 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

36. Defendants admit D.C. General Hospital provides prisoners in the D.C. Department of Corrections Facilities with

medical care. The remaining allegations in paragraph 36 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

37. The allegations in paragraph 37 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

#### VI. WOMEN PRISONERS IN THE D.C. CORRECTIONAL SYSTEM

38 through 40. Defendants admit the allegations contained in paragraphs 38 through 40 of plaintiffs' complaint.

41. Defendants deny that women do not receive initial evaluations and diagnosis upon entering the CTF. The defendants admit the remaining allegations contained in paragraph 41 of plaintiffs' complaint.

42. Defendants admit the allegations contained in paragraph 42 of plaintiffs' complaint.

43. The allegations in paragraph 43 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

44. Defendants deny the allegations contained in paragraph 44 of plaintiffs' complaint.

45 and 46. The allegations in paragraphs 45 and 46 of plaintiffs' complaint contain conclusions of law and/or the

pleader to which no response is required. If answer is required, the same are denied.

VII. CONDITIONS OF CONFINEMENT

47. The allegations in paragraph 47 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

A. DEPRIVATION OF OBSTETRICAL AND GYNECOLOGICAL CARE

48 through 58. The allegations in paragraph 48 through 58 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

B. DEPRIVATION OF BASIC SANITATION NEEDS  
CTF

59. The allegations in paragraph 59 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

ANNEX

60 and 61. The allegations in paragraphs 60 and 61 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

C. DEPRIVATION OF BASIC SHELTER NEEDS  
CTF

62. The allegations in paragraph 62 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

ANNEX

63. The allegations in paragraph 63 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

D. FIRE HAZARDS  
CTF

64. The allegations in paragraph 64 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

ANNEX

65. The allegations in paragraph 65 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

E. DEPRIVATION OF BASIC NUTRITIONAL NEEDS  
CTF

66. The defendants deny the allegations in paragraph 66 of plaintiffs' complaint.

ANNEX

67. The defendants deny the allegations in paragraph 67 of plaintiffs' complaint.

F. DEFENDANTS' KNOWLEDGE OF AND DELIBERATE INDIFFERENCE TO THESE CONTINUING VIOLATIONS

68. The allegations in paragraph 68 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

VIII. SEXUAL ABUSE, SEXUAL HARASSMENT AND INVASION OF PERSONAL PRIVACY

69. Defendants deny the allegations contained in paragraph 69 of plaintiffs' complaint.

70. The allegations in paragraph 70 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

71. Defendants admit the D.C. Department of Corrections prohibits all intimate contact between prison employees and prisoners. The remaining allegations in paragraph 71 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

72. through 76. The allegations in paragraphs 72 through 76 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

IV. INFERIOR TREATMENT

77. The allegations in paragraph 77 of plaintiffs' complaint contain conclusions of law and/or the pleader to which



no response is required. If answer is required, the same are denied.

A. EDUCATIONAL PROGRAMS

78, 79 and 80. The allegations in paragraphs 78, 79 and 80 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

1. EDUCATION COURSES

81 through 85. The allegations in paragraphs eighty one through 85 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

2. VOCATIONAL EDUCATION PROGRAMS

86 through 89. The allegations in paragraphs 86 through 89 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

B. WORK OPPORTUNITIES FOR WOMEN PRISONERS

90 through 94. The allegations in paragraphs 90 through 94 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

C. RELIGIOUS PROGRAMS AND PRIVILEGES

95 through 97. The allegations in paragraphs 95 through 97 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

D. RECREATIONAL PROGRAMS AND PRIVILEGES

98 through 100. The allegations in paragraphs 98 through 100 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

E. QUALITY OF LIFE

101. The allegations in paragraph 101 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

1. DINING PRIVILEGES

102. The allegations in paragraph 102 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

2. CANTEEN

103. The allegations in paragraph 103 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

3. CLOTHING

104. The allegations in paragraph 104 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

4. SMOKING

105. The allegations in paragraph 105 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

5. HARM TO PLAINTIFFS

106. The allegations in paragraph 106 of plaintiffs' complaint contain conclusions of law and/or the pleader to which no response is required. If answer is required, the same are denied.

Further answering the complaint, defendants deny all allegations not specifically admitted or otherwise answered and deny all allegations of wrongdoing, negligence, statutory violations or constitutional violations.

THIRD DEFENSE

If the plaintiffs were/are injured and/or damaged as alleged in the complaint, then such injury and/or damage was due to their own contributory negligence and/or assumption of the risk.

FOURTH DEFENSE

If plaintiffs were injured as alleged in the complaint, then such injury is the result of their own intentional and/or wrongful conduct.

FIFTH DEFENSE

The conduct of defendants, at all relevant times, met all applicable standards of care.

SIXTH DEFENSE

The allegations contained in paragraphs 69 to 76 of plaintiffs' complaint insofar as they refer to the D.C. Detention Facility are barred by the the doctrines of res judicata, collateral estoppel and issue preclusion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer to Plaintiffs' Complaint was mailed, postage prepaid, to Peter Nickles, Covington and Burling, 1201 Pennsylvania Ave., N.W. P.O. box 7566, Washington D.C. 20044-7566 and Brenda Smith, National Women's Law Center, 1616 P. Street, N.W. Suite 100, Washington, D.C. 20036 on November 7, 1993.



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