IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LEONARD CAMPBELL, et al., :

Plaintiffs, :

v. : Civil Action No. 1462-71

ANDERSON McGRUDER, et al., :

Defendants. :

ORDER

This matter has been pending before the Court on remand following the decision of the United States Court of Appeals in Campbell v. McGruder, 580 F.2d 521 (D.C. Cir. 1978). Numerous hearings have been held and evidence taken concerning the conditions of confinement at the Central Detention Facility, the City's name for the building which replaced the old D.C. Jail during the pendency of this litigation. While the Court has heard testimony concerning several aspects of the conditions of confinement at the Detention Facility, including medical care, recreation, and visiting procedures, more recently the testimony has focussed on the rising population and the substantial overcrowding which has resulted. Testimony on this subject was taken during hearings on April 16 and May 8, 1981, January 18, 1982 and March 5, 1982. This testimony has been supplemented by written submissions from the defendants to the Court.

On Friday, March 5, 1982, at a status call set by the Court, counsel for the defendants advised the Court and opposing counsel that the defendants planned to initiate double-celling of inmates at the Detention Facility by Monday, March 8, in approximately 280 cells. This would be accomplished by tearing out the single bed and book shelf built in to the wall of each cell, and installing a movable bunk bed.

(N)

Although the Department of Corrections contended that double-celling was necessary for security reasons, the testimony reflected that its officials had not sought the involvement of other agencies, and that indeed available options within their own control had not yet been explored, and that the reasons advanced to justify double-celling were inconsistent and unconvincing. Thus, testimony from Department officials revealed the following:

(1) Renovation of the RCA facility at Occoquan is expected to make 100-200 spaces available for current Detention Facility residents in April 1982.

(2) There are approximately 60 spaces presently available at the Minimum Security Facility.

(3) The Detention population is increased on weekends by approximately 60 persons (known as "weekenders") who are serving sentences of imprisonment on weekends only. Although these weekenders voluntarily present themselves each Friday night and require minimal supervision, no efforts have been made to house these weekenders elsewhere, or to seek judicial deferral of the service of their sentences until additional space is available.

Were the defendants to proceed with this plan, they would improperly and needlessly deprive this Court of one option for relief sought by plaintiffs, and needlessly burden the plaintiff class. The clear testimony of defendants' own witnesses reflects that this extreme measure is not required or reasonably justifiable, and that much less stringent measures exist which afford reasonable prospects of reducing the population and eliminating the need for double-celling.

The Court is mindful of the concept that it should defer to the judgment of correctional officials about matters relating to security. However such deference is not deserved when judgment has not been exercised, or if it has been exercised at all, it was exercised without regard to obvious alternatives.

It is hereby ORDERED that defendants are prohibited until further order of this Court from confining two persons in any cell at the Central Detention Facility, and it is

FURTHER ORDERED that the defendants are to report to this Court on or before April 9, 1982 on their efforts to reduce overcrowding at that Facility.

UNITED STATES DISTRICT JUDGE

Date: March 8, 1982