

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

WOMEN PRISONERS OF THE DISTRICT OF  
COLUMBIA DEPARTMENT OF CORRECTIONS,  
JANE DOE I, JANE DOE II,  
JANE DOE III, JANE DOE IV,  
JANE DOE V, JANE DOE VI,  
JANE DOE VII, JANE DOE VIII,  
JANE DOE IX, JANE DOE X,  
JANE DOE XI, JANE DOE XII,  
JANE DOE XIII,

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Lorton, VA 22079,

Central Detention Facility  
D.C. Department of Corrections  
1901 D Street, S.E.  
Washington, D.C. 20003,

individually and on behalf of  
all other persons similarly  
situated,

Plaintiffs,

v.

DISTRICT OF COLUMBIA,

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Civil Action No.

JUNE GREEN, J. JLC

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DISTRICT OF COLUMBIA

Women Prisoners/DC v. DC



PC-DC-011-034

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Defendants.

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COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF

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## I. NATURE OF THE COMPLAINT

1. This is a class action for declaratory and injunctive relief brought by women prisoners in the District of Columbia correctional system. Defendants, the District of Columbia and named officials with responsibility for the District's prisons and prison population, have failed to provide Plaintiffs with adequate obstetrical and gynecological care, shelter, and food and have subjected the Plaintiffs to unsafe and unsanitary living conditions. Defendants have failed to protect the women from sexual assaults and coerced sexual conduct by correctional officers and have subjected Plaintiffs to a hostile environment characterized by pervasive sexual favoritism and harassment. Defendants have provided the women prisoners with programs, services, and conditions that are inferior to those provided to male prisoners. Defendants' actions and inactions violate Plaintiffs' rights under the United States Constitution, Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 (1988), and the laws of the District of Columbia.

## II. JURISDICTION

2. This is a civil action for declaratory and injunctive relief, arising under the Fifth and Eighth Amendments of the United States Constitution, Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 (1988), and 42 U.S.C. § 1983. Pendent claims are based on D.C. Code §§ 24-425 and 24-442, and regulations promulgated thereunder.

3. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343(3). Declaratory relief is sought pursuant to 28 U.S.C. §§ 2201 and 2202.

### III. VENUE

4. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b) and (c).

### IV. CLASS ACTION ALLEGATIONS

5. This action is brought by the named Plaintiffs on behalf of all women prisoners who are now or will be hereafter incarcerated in the District of Columbia correctional system. Currently, women prisoners are housed at the D.C. Correctional Treatment Facility ("CTF"), the Lorton Minimum Security Annex ("Annex"), or the D.C. Central Detention Facility ("Jail"). A class action is proper pursuant to Rule 23(a), 23(b)(1), and 23(b)(2) 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. The total number of class members currently incarcerated number approximately 625 -- approximately 290 women at CTF, approximately 150 women at the Annex, and approximately 185 women at the Jail. Women prisoners are transferred to, from, and between these facilities on an ongoing basis.

7. There are common questions of law and fact affecting the right of women prisoners to be free from unconstitutional conditions of confinement; from actual and threatened sexual assaults, coerced sexual conduct, and a hostile environment based on sex; and from inferior programs and services. Common issues of fact include the existence of inadequate obstetrical and gynecological care, sanitation, shelter, fire safety, and food; the existence and causes of sexual assaults, coerced sexual conduct, and a hostile environment based on sex throughout the three facilities; and Defendants' inferior treatment of women with respect to educational programs, work opportunities, religious programs and privileges, recreational programs and privileges, and general quality of life.

8. Plaintiffs' claims are typical of the claims of the class, and Plaintiffs fairly and adequately represent and protect the interests of the class.

9. Separate injunctive and declaratory 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 Defendants, 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 that Plaintiffs represent, thereby making appropriate final injunctive and/or corresponding declaratory relief with respect to the class as a whole.

11. Plaintiffs have brought this action for injunctive and declaratory relief on behalf of the class comprising all women prisoners who are presently incarcerated at CTF, the Annex, or the Jail or who will be incarcerated at CTF, the Annex, the Jail, or elsewhere within the District of Columbia Department of Corrections.

#### V. PARTIES

##### A. Plaintiffs

12. Plaintiffs seek to maintain their confidentiality and have filed this lawsuit under pseudonyms. Plaintiffs' names have been submitted to the Court along with a motion requesting that their names be maintained under seal. A list of their names will be served on Richard S. Love, Esquire, Chief of the Correctional Litigation Unit, Office of the District of Columbia Corporation Counsel, along with a copy of the complaint. A motion for a protective order has also been filed with the Court requesting that Defendants be prohibited from disclosing this information except as necessary for purposes of this litigation.



13. Jane Doe I is a woman prisoner of the District of Columbia Department of Corrections currently awaiting sentencing. She is pregnant and is presently confined at CTF. Defendants have deprived Jane Doe I, who is in the advanced stages of her pregnancy, of adequate prenatal and medical care. Defendants have also deprived Jane Doe I of adequate, heated shelter.

14. Jane Doe II is a woman prisoner of the District of Columbia Department of Corrections presently confined at CTF. Jane Doe II is serving a substantial sentence and has been incarcerated at the Jail, at facilities operated by the Federal Bureau of Prisons ("BOP"), and at CTF. Jane Doe II has chronic medical problems that require ongoing medical care. Defendants have failed to provide Jane Doe II with appropriate gynecological care despite Jane Doe II's repeated requests for such care.

15. Jane Doe III is a woman prisoner of the District of Columbia Department of Corrections presently confined at CTF. Jane Doe III is serving a substantial sentence and has been incarcerated at the Jail, at facilities operated by the BOP, and at CTF. Defendants have placed Jane Doe III in a cell that is open to view by male correctional officers and prisoners and have prohibited her from taking steps to protect her privacy while dressing and undressing. Prior to her incarceration at CTF, Jane Doe III completed two years of college education and had substantial vocational

training. Yet since her transfer to CTF, Defendants have failed to offer Jane Doe III college courses or vocational training and apprenticeships comparable to those offered to similarly situated male prisoners. Defendants have provided Jane Doe III with limited privileges regarding recreation and smoking that are distinctly inferior to those privileges granted to similarly situated men.

16. Jane Doe IV is a woman prisoner of the District of Columbia Department of Corrections presently confined at CTF. Jane Doe IV is serving a substantial sentence and has been incarcerated at the Jail, at facilities operated by the BOP, and at CTF. Correctional staff employed by Defendants have sexually harassed Jane Doe IV and subjected her to inappropriate and unwelcome sexual advances. Jane Doe IV has completed her high school requirements and has significant vocational training. Jane Doe IV is enrolled in a correspondence course, but Defendants have failed to provide her with course books or officer escorts so that she can complete the work for the course. Defendants have also failed to provide Jane Doe IV with vocational training and apprenticeship opportunities equal to those offered to similarly situated male prisoners.

17. Jane Doe V is a woman prisoner of the District of Columbia Department of Corrections presently confined at CTF. Jane Doe V has been incarcerated at the Jail, at facilities operated by the BOP, and at CTF. Correctional

officers employed by the Defendants have sexually harassed Jane Doe V and subjected her to inappropriate and unwelcome sexual advances. Even after Jane Doe V filed a grievance, Defendants failed to address and remedy this conduct. Defendants have also failed to provide Jane Doe V with the same recreational programs and opportunities as those provided to similarly situated male prisoners.

18. Jane Doe VI is a woman prisoner of the District of Columbia Department of Corrections presently confined at CTF. Jane Doe VI is serving a substantial sentence and has been incarcerated at the Jail, at facilities operated by the BOP, and at CTF. Jane Doe VI has completed extensive educational and vocational training, but since her incarceration at CTF, Defendants have denied Jane Doe VI access to educational and apprenticeship opportunities comparable to those provided to similarly situated male prisoners. Defendants have also failed to provide Jane Doe VI with adequately heated and sanitary living facilities.

19. Jane Doe VII is a woman prisoner of the District of Columbia Department of Corrections presently confined at the Annex. Defendants have subjected Jane Doe VII to unsanitary and unsafe living conditions and denied her access to educational and recreational programs on the same basis as provided to similarly situated men.

20. Jane Doe VIII is a woman prisoner of the District of Columbia Department of Corrections presently

confined at the Annex. Jane Doe VIII has been incarcerated at the Jail and the Annex. Jane Doe VIII is eligible for work training, but Defendants have prevented her from seeking or obtaining daytime employment by denying her the same work training opportunities and services as those that are provided to similarly situated men.

21. Jane Doe IX is a woman prisoner of the District of Columbia Department of Corrections presently confined at the Annex. Jane Doe IX has been incarcerated at the Jail, at facilities operated by the BOP, at CTF, and at the Annex. Jane Doe IX is employed in a prison industry where she is subject to unwelcome sexual advances and conduct by correctional officers employed by the Defendants.

22. Jane Doe X is a woman prisoner of the District of Columbia Department of Corrections presently confined at the Annex. Jane Doe X is serving a substantial sentence and has been incarcerated at the Jail, at facilities operated by the BOP, at CTF, and at the Annex. Jane Doe X is a high school graduate and has taken some college courses. Jane Doe X also has substantial vocational experience. Defendants have denied Jane Doe X access to educational programs, work details, prison industry work, and apprenticeship programs that are available to similarly situated male prisoners.

23. Jane Doe XI is a woman prisoner of the District of Columbia Department of Corrections presently confined at the Annex. Jane Doe XI has been incarcerated at the Jail, at

facilities operated by the BOP, and at the Annex. Defendants have denied Jane Doe XI the opportunity to participate in vocational training for the skilled trades even though that opportunity is provided to similarly situated men. Defendants have also denied Jane Doe XI access to recreational programs on the same basis as similarly situated men.

24. Jane Doe XII is a woman prisoner of the District of Columbia Department of Corrections presently confined at the Jail. Defendants have permitted Jane Doe XII to be subjected to unwelcome sexual advances and sexual harassment from correctional personnel and male prisoners.

25. Jane Doe XIII is a woman prisoner of the District of Columbia Department of Corrections presently confined at the Jail. Defendants have permitted Jane Doe XIII to be subjected to sexual harassment from correctional personnel and male prisoners.

#### B. Defendants

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

27. Defendant Sharon Pratt Kelly is the Mayor of the District of Columbia and is responsible for the direction and control of the District of Columbia Department of Corrections.

28. Defendant District of Columbia Department of Corrections is responsible for the safekeeping, care, protection, and instruction of all D.C. prisoners. The Department is charged with providing for the proper treatment, care, rehabilitation, and reformation of the prisoners.

29. Defendant Walter B. Ridley is the 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 CTF, the Annex, and the Jail.

30. Defendant William M. Plaut is the Associate Director for Institutions of the District of Columbia Department of Corrections and is responsible for all security-related aspects of the facilities operated by the Department of Corrections.

31. Defendant Gwen H. Washington is the Associate Director of Programs of the District of Columbia Department of Corrections and is responsible for the management and supervision of the programs and services at the three facilities. Defendant Washington is also the Acting Administrator of CTF and is responsible for its operation.

32. Defendant John S. Henderson is the Administrator of the Jail and is responsible for its operation.

33. Defendant Douglas E. Stempson is the Administrator of the Annex and is responsible for its operation.

34. Defendant William Hall, M.D., is the Assistant Director for Health Services at the District of Columbia Department of Corrections and is responsible for the management and supervision of the Department of Corrections' health care delivery system.

35. Defendant Eliza Taylor, M.D., is the Chief Medical Officer at CTF and is responsible for the medical care of the prisoners housed at CTF.

36. Defendant District of Columbia General Hospital Commission governs the District of Columbia General Hospital and is responsible for developing broad policies for the hospital and for ensuring that proper professional standards are maintained in the care of the sick at the hospital. By written agreement, the D.C. General Hospital is responsible for providing prisoners incarcerated in D.C. Department of Corrections facilities with medical care, including prenatal and obstetrical care.

37. Defendants who are individuals are sued solely in their official capacities. In all of their actions complained of herein, Defendants are acting and have acted under color of state law for purposes of 42 U.S.C. § 1983.

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

38. The population of women prisoners in the District of Columbia has nearly tripled, growing from 220 in 1984 to 625 today. Until 1989, women sentenced by the District of Columbia Superior Court to two years or less were housed at the Jail, while those with longer sentences were routinely sent to the Federal Bureau of Prisons ("BOP") and housed in federal prisons as far away as Pleasanton, California. In early 1992, the BOP sent approximately 120 women back to the D.C. correctional system as part of its plan eventually to return all D.C. women prisoners. At this time, approximately 30 D.C. women still remain incarcerated in the federal prisons.

39. Incarcerated women who serve their sentences within the D.C. correctional system are housed only at CTF, the Annex, or the Jail. By contrast, adult male prisoners who serve their sentences within the D.C. correctional system can be housed in one of eight facilities: the Jail, the Occoquan Facilities, the Lorton Central Facility ("Central"), the Lorton Minimum Security Facility ("Minimum"), the Lorton Medium Security Facility ("Medium"), the Lorton Maximum Security Facility ("Maximum"), the Modular Facility, and CTF (special-needs prisoners). These facilities for men provide varying levels of security from minimum to maximum security.

40. CTF is a new correctional facility that has been operated by the District of Columbia since May 1992. It



was originally conceived and built as an 800-bed facility to diagnose and treat mental health needs and to provide substance abuse treatment and diagnostic services for prisoners in the D.C. correctional system. CTF is a controlled-movement facility that was designed to house prisoners in discrete autonomous units comprised of single cells. Three units at CTF house prisoners: the C Building (reception and diagnostic), the D Building (the Substance Abuse Pilot Program), and the E Building. Each unit is equipped with a satellite kitchen and recreation yard.

41. The E Building was initially intended to house prisoners receiving mental health treatment. However, due to the influx of women prisoners returning from the federal prison system and the existing local population of women prisoners, Defendants appropriated the 256-bed E Building to house women prisoners. CTF currently houses 290 women prisoners whose remaining sentences range from two years to life imprisonment. In addition to the 256 women housed in the E Building, some 32 women are housed in the Substance Abuse Pilot Program at CTF. No women are housed in Reception and Diagnostic, which results in the women not receiving initial evaluations and diagnosis upon entering CTF.

42. The Annex currently houses approximately 150 women prisoners. The Annex was constructed in 1955 and used as the Department of Corrections' Training Academy until 1988, when it was converted to minimum security housing for male

prisoners. One year later, in September of 1989, the Annex was converted to house women prisoners. The Annex consists of two barrack-like structures with bunk beds lined up in a row on either side of a room. The dining facility, gym and outdoor playing field, law library, and prison industries are located off Annex grounds at the men's Minimum and Central Facilities. Women must be escorted to these facilities.

43. In June 1992, approximately 70 women from the Annex were transferred to CTF, while another 70 who were within 6 months of release were left at the Annex. The Department of Corrections planned to close the Annex, but was unable to do so because the large numbers of sentenced women quickly absorbed the space at CTF. For three months from June to August of 1992, 60 women languished at the Annex with only skeletal programs and staff until a decision was made to reopen the facility to full capacity in September of 1992. Currently, the Annex houses women felons and misdemeanants within 24 months of their presumptive release date.

44. The Jail is a correctional facility which has been operated by the District of Columbia since 1976. The Jail was designed to hold a maximum of 1,392 prisoners. The average daily population at the Jail totals approximately 1,680 prisoners and includes approximately 185 women. In general, the Jail houses women awaiting trial or sentencing, women serving sentences of up to one year, and sentenced women awaiting transfer to other facilities.

45. The general conditions and programs at the Jail fall within the orders and decrees of Campbell v. McGruder, No. 1462-71 (D.D.C.). However, that case does not encompass the claims asserted here regarding sexual abuse and sexual harassment.

46. Since their return from the federal BOP facilities to the D.C. correctional system, the women prisoners have been housed under a series of ad hoc arrangements instituted by Defendants. Through these ad hoc housing arrangements, Defendants have failed to provide the basic needs and services -- specified below -- to which the women are entitled. Moreover, defendants have consistently failed to provide the women with programs, services, privileges, and basic living conditions equivalent to those that Defendants provide to similarly situated men.

#### VII. CONDITIONS OF CONFINEMENT

47. Defendants have failed to provide the women prisoners at CTF with adequate obstetrical and gynecological care. Defendants have also failed to provide the women prisoners at CTF and the Annex with adequate sanitation, shelter, fire safety, and nutrition. Because the conditions of confinement at the Jail are subject to the orders and decrees in Campbell v. McGruder, No. 1462-71 (D.D.C.), they are not being challenged in this action.

A. DEPRIVATION OF OBSTETRICAL AND GYNECOLOGICAL CARE

48. Defendants have deprived the women prisoners at CTF of adequate obstetrical and gynecological care. The adequacy of the obstetrical and gynecological care of women at the Annex and the Jail are not being challenged in this action because medical care in those facilities falls within the purview of Inmates of Three Lorton Facilities v. District of Columbia, No. 92-1208 (D.D.C.) and Campbell v. McGruder, No. 1462-71 (D.D.C.), respectively.

49. Defendants have failed to provide women prisoners at CTF with routine gynecological care. Many women prisoners are in a high risk category for gynecological diseases because they suffer from sexually transmitted diseases and Acquired Immune Deficiency Syndrome ("AIDS"). Because gynecological symptoms are usually the first sign of AIDS in women, Defendants' failure to provide adequate gynecological care prevents early identification, treatment, and monitoring of women prisoners infected with AIDS. Such failure to provide routine gynecological care also deprives all women prisoners of a basic health need because so many gynecological diseases can only be effectively treated in their early stages.

50. Defendants sometimes provide Pap smears and gynecological exams, but only after a woman prisoner has repeatedly demanded such care. However, routine rather than random gynecological care is required to reduce the risk and

effects of serious disease. Moreover, Defendants often fail to inform those women who do receive Pap smears of the results of their tests, even when those results indicate abnormalities.

51. Defendants fail to provide pregnant prisoners, who comprise approximately 8-10% of the incarcerated female population in the D.C. correctional system, with adequate pregnancy testing. Defendants provide no pregnancy screening upon intake at the Jail. Moreover, Defendants delay or ignore women's requests for testing after intake. Once tests are finally administered, women prisoners often do not receive the test results for several weeks. The Defendants' delay in testing and notifying the women prisoners hampers their ability to obtain adequate prenatal care. The Defendants' delay also deprives the women of options for terminating their pregnancies.

52. Defendants have failed to provide adequate prenatal care to the women at CTF. After a prisoner's pregnancy is confirmed, she is transferred to CTF for prenatal care. However, this care fails to comport with medical norms which indicate that women should have a high-protein, low-salt diet and that visits to doctors should be made at monthly intervals during the first two trimesters, bimonthly during the seventh and eighth months, and weekly during the ninth month. For women who are experiencing high risk pregnancies, such as women with histories of alcohol and drug abuse,

sexually transmitted diseases, older women, and women expecting more than one baby, visits should be at even more frequent intervals.

53. Women are supposed to be transported to D.C. General Hospital, which is adjacent to CTF, for the majority of their prenatal care and for delivery. The Defendants routinely fail to provide officer escorts for these scheduled prenatal visits. Consequently, pregnant prisoners are not able to see a doctor. On one recent occasion, after initially taking a woman prisoner to the hospital too early for delivery, correctional officers failed to transport a woman prisoner in labor to the hospital or even to the CTF infirmary, and she gave birth in her cell, assisted by another woman prisoner.

54. Defendants' routine failure to transport the women prisoners to the hospital also precludes effective counseling and preparation for the placement of the child. The only counseling and placement services available to the women regarding the placement of the child after birth is offered by the social services department at D.C. General Hospital.

55. As a result of Defendants' failure to provide effective counseling to the women prisoners, many mothers must leave their infants at D.C. General Hospital as abandoned infants or "boarder babies." There are no procedures for visits between the mother and the newborn who is left at D.C.

General Hospital. This separation after birth makes nursing, which can provide important health benefits for both mother and child, impossible.

56. Defendants' failure to provide counseling regarding child care arrangements causes women to make hasty placements with caretakers with whom they are not familiar, including correctional employees. These decisions can result in the women losing custody of these children after their release from prison. Unfortunately, some of these hastily-arranged placements have led to custody battles in which the mother, because of her incarceration, is unlikely to prevail.

57. Defendants fail to provide adequate post-partum care to the women prisoners in the D.C. correctional system. After a normal vaginal birth, women prisoners are returned to prison the day after the delivery, and thereafter prohibited from visiting their baby. After a caesarean birth, women prisoners are returned to a facility after three days. The only follow-up medical care for post-partum women is a six-week check-up at D.C. General Hospital.

58. Defendants failed to provide Plaintiffs with counseling services for post-partum depression or the depression resulting from the mother's separation from her child. They also failed to provide counseling for women whose pregnancies end in miscarriage or stillbirth.

B. DEPRIVATION OF BASIC SANITATION NEEDS

CTF

59. Although CTF is a new facility which recently opened in 1992, Defendants have permitted pervasive unsanitary conditions to develop there. The facility is plagued by roaches and rodents throughout the living quarters and the food preparation areas.

Annex

60. The dormitory barracks and bathrooms at the Annex are filthy and unsanitary. The barracks are infested with cockroaches, rodents, and have even been inhabited by skunks.

61. Defendants' failure to provide women prisoners with cleaning supplies makes it impossible to maintain basic cleanliness and hygiene in the women's living areas. The Defendants expect the women to clean their living quarters with a "disinfectant" that is nothing more than water. Even after the women at the Annex volunteered to paint and otherwise repair their barracks, Defendants refused to supply them with the necessary materials.

C. DEPRIVATION OF BASIC SHELTER NEEDS

CTF

62. Defendants have failed to provide the women prisoners at CTF with adequate shelter. The Defendants have failed to control the temperature in the women's cells and as



a result the women are bitterly cold throughout the year. During both the winter and the summer, the women must frequently sleep in all of their clothes and long underwear in order to stay warm.

Annex

63. Defendants have failed to provide the women prisoners at the Annex with adequate, heated shelter in their barracks. The Defendants have also failed to heat or air condition the trailers where the women are expected to attend classes, have recreation time, and visit family members. The stifling heat in the trailers caused the teacher at the Annex to cancel basic education courses during June through August of 1993.

D. FIRE HAZARDS

CTF

64. The command system at CTF that electronically operates the doors and elevators frequently malfunctions. The elevators at CTF routinely malfunction and stop for long periods of time, leaving prisoners trapped behind, and sometimes between, their doors. On other occasions, the malfunctioning system has prevented medical assistance personnel from reaching prisoners. This creates a dangerous risk of the loss of life and property in the event of a serious fire or other emergency at CTF.

65. The conditions at the Annex are unsafe and pose a threat in the case of fire. The barracks are crowded with rows of double-bunks that block the exits to the room. Moreover, the Annex has inadequate fire safety equipment such as smoke alarms. Routine fire drills are not conducted at the Annex.

E. DEPRIVATION OF BASIC NUTRITIONAL NEEDS

CTF

66. Defendants routinely fail to order enough food for the number of prisoners incarcerated at CTF. Consequently, women often do not get enough food to eat or eat meals that are not nutritionally balanced.

Annex

67. Defendants fail to provide special dietary food to the women at the Annex for medical or religious restrictions. Defendants have told the women prisoners that in order to receive these special dietary meals, they must transfer to the maximum security environment at the Jail.

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

68. Defendants are aware of the constitutionally inadequate conditions described in paragraphs 47 through 67, but nevertheless have failed and refused to provide needed medical care, to improve deplorable sanitation, to provide necessary heat, to ensure fire safety, and to supply necessary

food. Such failure and refusal constitute deliberate indifference to the basic needs of the women prisoners at CTF and the Annex.

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

69. Correctional personnel and male prisoners have routinely subjected women prisoners at CTF, the Annex, and the Jail to a culture which fosters, tolerates, and even encourages the sexual, emotional, and physical degradation and abuse of women.

70. Defendants have failed to protect the women prisoners from the sexual abuse to which the women are subjected in all three facilities. Correctional officers and staff have sexually assaulted women prisoners. One woman prisoner at the Annex was sexually assaulted when she was transported for medical care. A correctional officer dragged her from the truck into a corn field and sexually assaulted her. This woman became pregnant as a result of this assault. Another woman prisoner at the Jail was locked into an office by a correctional officer who forced her to perform oral sex and then forcibly had sex with her. This woman became pregnant as a result of this assault.

71. D.C. Department of Corrections Order No. 3350.1 prohibits all intimate contact between prison employees and prisoners. However, officers and staff have engaged in sexual activity in contravention of this order by coercing the women

prisoners into sexual activity by threatening them or promising them certain "benefits" such as cigarettes, candy, or access to the telephone. For example, one officer at the Jail promised to obtain cigarettes and candy for a woman prisoner. The officer then coerced the woman into having sex with him under threat of reporting her for possessing contraband.

72. Defendants have failed to protect the women prisoners from the pervasive sexual harassment to which the women are subjected in all three facilities. Correctional officers and staff have solicited sexual favors from the women. Defendants' employees have made inappropriate comments about the women's appearance, used offensive sex-based language, and engaged in sex-based, offensive conduct. One woman was sexually harassed by an officer who repeatedly made sex-based comments, including one comment regarding his desire to "stick his rod up in her." The woman filed an administrative grievance regarding this officer, but no action was taken against the officer. Defendants' employees have retaliated against women prisoners who have refused to participate in sexual activity with the employees.

73. Defendants have tolerated similar sexual harassment when it has been perpetrated by the male prisoners towards the women. The work details and prison industries at the Annex and CTF cultivate a hostile environment in which women prisoners are forced to endure unwelcome sexual advances

as a condition of their work. For example, at CTF, male staff employed in the kitchen harass the women who work there on culinary detail and have solicited sexual favors from the women in exchange for cigarettes. Similarly, in the Lorton printing industry, Defendants permit the women prisoners to be harassed and intimidated by their male co-workers to the point where some women have been forced to quit.

74. Defendants have failed to prevent the invasion of the women prisoners' personal privacy. Male officers and staff routinely enter the women's dorms, showers, and restrooms without announcing their arrival. Defendants prohibit the women at CTF from covering the windows to their cells, even very briefly, despite the fact that the windows allow male prisoners in an adjoining wing to view the women as they are dressing or undressing.

75. The Defendants have failed to implement an effective mechanism to identify, investigate, and prevent the widespread sexual, emotional, and physical abuse of women prisoners.

76. Defendants are aware that the women prisoners are subject to sexual abuse, sexual harassment, and invasions of personal privacy, but nevertheless have failed and refused to take any action to remedy the situation. The Defendants' failure and refusal constitute deliberate indifference to the basic needs of the women prisoners at CTF, the Annex, and the Jail.

IX. INFERIOR TREATMENT

77. Defendants have provided the women prisoners at CTF and the Annex with programs, services, and opportunities that are substantially inferior to those provided to similarly situated men in the D.C. correctional system. Such sex-based inferior treatment is found in the women's educational programs, work opportunities, religious programs and privileges, recreational programs and privileges, and general quality of life. Because the programs and services provided to the women at the Jail are subject to the orders and decrees in Campbell v. McGruder, No. 1462-71 (D.D.C.), they are not being challenged in this action.

A. EDUCATIONAL PROGRAMS

78. Defendants are statutorily required pursuant to D.C. Code § 24-442 to provide educational instruction and rehabilitation programs to all prisoners.

79. Defendants have provided the women prisoners at CTF and the Annex with educational programs and opportunities that are inferior to those provided to similarly situated men.

80. The Defendants receive federal financial assistance.

1. Education Courses

81. Defendants have provided the women at CTF with educational programs that are substantially inferior to those educational programs provided to similarly situated men.

Defendants offer the men significant basic education courses. Defendants also offer the men the opportunity to participate in college-level courses either through a correspondence course run by Park College at Medium or through a number of college courses provided on site at the prisons by the University of the District of Columbia ("UDC"). The college classes are offered at no cost to the male prisoners, and UDC also offers each male prisoner his first year of classes free after release. While incarcerated, a male prisoner can earn an associate degree in a variety of different fields, including Computer Science, Legal Assistance, and Business Management, or a bachelor degree in Urban Studies from the university. In 1990, a male prisoner from Lorton was the valedictorian for the graduating college class at UDC.

82. By contrast, Defendants offer the women at CTF only limited basic education and one college "correspondence" course available through Atlantic Union College which is taught by a computer. These programs are of little value to the women at CTF, many of whom have completed high school and some college education while they were incarcerated in the federal prisons prior to their return to the D.C. correctional system. Moreover, the Defendants have frustrated the women's attempt to take advantage of even this limited college-level opportunity by routinely failing to provide either officer escorts to the computer lab or staff to supervise the class. In addition, Defendants require women to apply for financial

aid under the Pell Grant Program to pay for the Atlantic Union class. Defendants thereby cause the women to exhaust their post-release eligibility for future Pell Grants because the amount of financial assistance that any individual may receive through these grants is limited.

83. Defendants have provided the women at the Annex with basic education and college-level programs that are substantially inferior to those educational programs provided to similarly situated men at Minimum. Defendants have regularly provided the men with a variety of basic education courses, as well as the college-level courses offered by UDC. Defendants have also provided the men with computers to aid them in their studies and with staff to counsel them about educational loans and opportunities upon their release.

84. Defendants failed to provide the women at the Annex with any basic education classes at all during the summer of 1992 and the spring and summer of 1993. Defendants purport to allow the women to enroll in the UDC classes at Minimum, but Defendants have routinely denied the women access to those classes by failing to transport them to the classes in which they have enrolled. Defendants provide no educational counseling or computers for the women.

85. Plaintiffs are significantly harmed by the inferior educational opportunities provided by the Defendants. The women are denied the education to which they are statutorily entitled. This lack of education significantly



reduces the options that women have upon release for obtaining further education and better employment. Moreover, participation in an educational program allows prisoners to receive good time credits, D.C. Code § 24-429, D.C. Reg. 604.5, which reduce their time in prison. Participation in educational programs is often a requirement of parole or drug treatment programs run by the prison. Thus, the inability to take educational classes can lengthen the women's terms of incarceration. The lack of programming for women unnecessarily increases their stress and anxiety. The women are further harmed because the lack of education significantly impacts the prisoners' self-esteem, attitude, and adjustment during incarceration.

## 2. Vocational Education Programs

86. Defendants have provided the women at CTF with vocational education programs that are substantially inferior to those provided to similarly situated men. The men can participate in a variety of useful training programs that prepare them for gainful employment, such as barbering, computer technology, building maintenance, auto mechanics, and boiler plant operation. Defendants have provided the women at CTF with limited and stereotypical vocational education training in areas such as sewing, typing, and printing/reproduction.

87. Defendants have provided the women at the Annex with vocational education programs that are substantially

inferior to those provided to similarly situated men at Minimum. Men at Minimum have a variety of vocational education opportunities, while the women at the Annex are limited to two pre-industrial vocational training classes. Men at Minimum are able to earn significant good time credits for their participation in the vocational education programs.

88. Defendants have failed to provide the women at CTF or the Annex with any apprenticeship programs. However, Defendants provide similarly situated men with a variety of apprenticeships, such as plumbing, electrical, dental technology, brick masonry, auto mechanics, carpentry, culinary, and auto body repair. The plumbing and electrical apprenticeships are approved through the D.C. Apprenticeship Council and can lead to certification as a journey level craftsman upon completion. Male prisoners who complete the dental technology apprenticeship are then qualified to take the licensing test in that field.

89. Plaintiffs are significantly harmed by the Defendants' failure to provide adequate and appropriate vocational training programs and apprenticeships. The women do not have the same opportunity that men do to gain marketable employment skills that will lead to higher paying detail jobs while in prison and meaningful employment upon release from prison. Women have an equal, if not a greater, need for vocational programs in order to obtain secure and well-paying employment upon release into the community. Women

entering prison have a much higher unemployment rate than men. Although 62% of all D.C. prisoners are unemployed at the time of their arrest, as many as 85% of women arrestees are unemployed. Furthermore, the lack of vocational education programs deprives the women of the opportunity to earn good time credit that can lessen their prison sentence.

B. WORK OPPORTUNITIES FOR WOMEN PRISONERS

90. Defendants have provided the women prisoners at CTF with work opportunities substantially inferior to those provided to similarly situated men. The men are provided with a greater variety of and higher-paying work details (prison chores). Men are also able to work in a large variety of high-paying prison industries, such as metal fabrication and furniture repair and refinishing. By contrast, Defendants provide only one industry at CTF -- printing -- and it employs only six women. Defendants pay the women who work at the CTF industry substantially lower wages than the men at the Lorton industries.

91. Defendants have provided the women prisoners at the Annex with work opportunities substantially inferior to those provided to similarly situated men at Minimum. The men have a wide variety of higher-paying work details and prison industry jobs. The men also have greater access to work training programs that allow prisoners to work in the community while returning to the prison at night. Defendants

have provided the men with a job counselor to help them locate jobs and a government vehicle to attend job interviews.

92. Defendants have limited the work duties of women at the Annex to stereotypical and low-paying duties such as cleaning, cooking, and clerical work. The Defendants permit the women at the Annex to participate in only two prison industries: the garment shop and the print shop. Defendants also have denied the women adequate opportunity to participate in the work training program. Defendants have failed to inform the women of the program. Defendants routinely fail to classify qualified prisoners for work training, and they do not provide the women with counseling assistance or transportation to job interviews.

93. Defendants discriminate against the women prisoners at the Annex who work in the Lorton industries. For example, men in the Lorton garment factory have a restroom directly off the workroom. The women's restroom is in a different part of the building, and women are only permitted to use the bathrooms at certain times, when they all must go together. In addition, women are forced to eat cold lunches at their sewing machines under unsanitary conditions while the men go to the cafeteria for a hot meal.

94. Plaintiffs are significantly harmed by their exclusion from particular work details, prison industries, and work training programs. The women cannot earn the same amount of money while in prison that male prisoners are able to earn.

The women are unable to learn job skills that will enable them to obtain gainful employment upon release from prison. The prospect of gainful employment is particularly important for incarcerated women, since eighty percent of them are single mothers who are responsible for at least one dependent child upon release from prison.

C. RELIGIOUS PROGRAMS AND PRIVILEGES

95. Defendants have provided the women prisoners at the Annex with religious programs and privileges substantially inferior to those provided to similarly situated men at Minimum. The men have a chaplain and the use of a chapel for religious services of many different faiths. Men may also participate in extracurricular religious activities such as the choir.

96. Defendants do not permit women to attend the religious services at Minimum. Instead, Defendants provide only a few services to the women in an unheated trailer at the Annex using recorded music on a tape player. No Muslim services are available to women. There is no chaplain to assist the women prisoners, even though the Department of Corrections Order No. 4410.1B states that a chaplain will be provided to all prisoners. Because of the lack of a chaplain, the women are informed of family deaths by officers and other prisoners.

97. The inferior access to religious programs and privileges significantly burdens the women prisoners by impairing their sense of community and spiritual well-being. It also deprives them of a much-needed source of support.

D. RECREATIONAL PROGRAMS AND PRIVILEGES

98. Defendants have provided the women prisoners at CTF with recreational programs and privileges substantially inferior to those provided to similarly situated men. The movement of these men is not restricted and they enjoy a daily opportunity for extended outdoor exercise. Because CTF was intended to be a short-term diagnostic and treatment facility, the movement of all prisoners housed at CTF is severely restricted. Opportunities for outdoor recreation and exercise are almost non-existent at CTF. At most, prisoners are allowed thirty to sixty minutes of recreation in the prison yard three or four times a week. This limited opportunity for outdoor recreation may be tolerable for men who are at CTF on a short-term basis for specialized treatment, but is wholly inadequate for women who are incarcerated at CTF for at least two years, and possibly as long as life. Moreover, Defendants discriminate between the men and women at CTF. The men are given daily access to CTF's indoor gym, but the women are limited to evening hours a few times a week or to those times when it is raining outside.

99. Defendants have provided the women prisoners at the Annex with recreational programs and privileges substantially inferior to those provided to similarly situated men at Minimum. Defendants have given the men full access to a track and football field and a gym which they can use for a range of activities including talent shows, dances, and family nights. At most, Defendants permit the women to use the gym and field for two days a week in the evening. At other times, the women are relegated to an unheated trailer dedicated to "recreation" purposes. Defendants require that a recreation specialist supervise the women in all recreational activities, but they frequently fail to provide such a specialist, thereby denying them of even this limited opportunity for exercise. Defendants have also denied the women the opportunity to participate in extracurricular activities such as family days and the drama troupe.

100. The inferior access to recreational opportunities significantly harms the women prisoners by impairing their health and mental and physical well-being. In particular, the women prisoners at CTF suffer psychological and physical harm caused by their lengthy confinement in a high security, restricted-movement facility that was never intended to house long-term prisoners.

E. QUALITY OF LIFE

101. Defendants have provided the women prisoners at CTF and the Annex with a quality of life that is substantially inferior to that provided to similarly situated men.

1. Dining Privileges

102. Defendants have provided the women prisoners at the Annex with dining privileges substantially inferior to those provided to similarly situated men at Minimum. Women prisoners eat in the cafeteria at Minimum in different shifts from the male prisoners. The Defendants have prohibited the women, but not the men, from getting second helpings of food. The Defendants' failure to provide adequate food at mealtimes means that women are forced to spend money at the canteen to supplement their diet with soup, crackers, and cans of tuna. Furthermore, the Defendants arbitrarily limit the women's dining time to fifteen to twenty minutes while allowing the men forty-five minutes to one hour to eat their meals.

2. Canteen

103. Defendants have provided the women prisoners at CTF with canteen privileges substantially inferior to those provided to similarly situated men. The men's facilities all have canteens. CTF does not have a canteen from which prisoners can purchase necessary items such as toiletries, feminine hygiene products, stationery, and snack food. Instead, the women at CTF must order these products from the canteen at the Jail, and these are often "out of stock."



3. Clothing

104. Defendants have provided the women prisoners at the Annex with clothing privileges substantially inferior to those provided to similarly situated men at Minimum. The men are allowed to wear regular street clothes. Defendants strictly regulate the clothing women wear, for example, prohibiting sweatsuits, and shorts above the knee. Moreover, defendants give out disciplinary reports to the women for wearing tight clothing.

4. Smoking

105. Defendants have provided the women prisoners at CTF with smoking privileges substantially inferior to those provided to similarly situated men. CTF is the only designated non-smoking facility in the D.C. correctional system. Smoking is prohibited in all areas, including the outdoor prison yard. This no-smoking policy has caused increased tension and anxiety among women with medium and long-term sentences, many of whom are smokers. Moreover, the ban on smoking has created a booming black market economy where cigarettes are traded for money, sex, canteen items, and other favors. In contrast, the men serving long-term sentences at other facilities have no smoking restrictions whatsoever. These men can smoke outside, in the cafeteria, and even in their cells or dormitories. Even male prisoners in administrative segregation are permitted to smoke in their cell.

5. Harm to the Plaintiffs

106. The inferior quality of life significantly burdens the women prisoners by dehumanizing them, thereby impacting on their self-esteem, attitude, and adjustment during incarceration. Moreover, the Defendants' actions based solely on the prisoners' sex perpetuates social stereotypes of women as second-class citizens.

FIRST CAUSE OF ACTION

Paragraphs 1 through 68 are incorporated herein by reference and realleged.

Defendants' failure to provide Plaintiffs with a humane environment in which their basic human and medical needs are met violates the rights of Plaintiffs already convicted and serving sentences to be free from cruel and unusual punishment, under the Eighth Amendment to the United States Constitution, and 42 U.S.C. § 1983.

SECOND CAUSE OF ACTION

Paragraphs 1 through 46 and 69 through 76 are incorporated herein by reference and realleged.

Defendants' failure to prevent and remedy the sexual abuse and sexual harassment to which Plaintiffs are subjected constitutes cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution and 42 U.S.C. § 1983.

THIRD CAUSE OF ACTION

Paragraphs 1 through 46 and 69 through 76 are incorporated herein by reference and realleged.

Defendants' failure to prevent and remedy the sexual abuse, sexual harassment, and invasions of the personal privacy of the Plaintiffs violates the rights of pre-trial detainees to due process of law under the Fifth Amendment to the United States Constitution and to freedom from cruel and unusual punishment under the Eighth Amendment to the United States Constitution, and 42 U.S.C. § 1983.

FOURTH CAUSE OF ACTION

Paragraphs 1 through 46 and 69 through 76 are incorporated herein by reference and realleged.

Defendants' failure to prevent and remedy the sexual abuse, sexual harassment, and invasions of the personal privacy of the Plaintiffs constitutes an official policy or custom that deprives the Plaintiffs of their constitutional right of bodily privacy and also deprives them of a liberty interest without due process of law in violation of the Fifth Amendment to the United States Constitution, and 42 U.S.C. § 1983.

FIFTH CAUSE OF ACTION

Paragraphs 1 through 46 and 69 through 76 are incorporated herein by reference and realleged.

Defendants' failure to prevent and remedy the sexual harassment of the Plaintiffs violates the rights of the Plaintiffs to equal protection of the laws under the Fifth Amendment to the United States Constitution, and 42 U.S.C. § 1983.

SIXTH CAUSE OF ACTION

Paragraphs 1 through 46 and 77 through 89 are incorporated herein by reference and realleged.

Defendants' inferior treatment of women prisoners in educational programs violates Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 (1988).

SEVENTH CAUSE OF ACTION

Paragraphs 1 through 46 and 77 through 106 are incorporated herein by reference and realleged.

Defendants' inferior treatment of women prisoners in the areas of education, work, religion, recreation, and general quality of life constitutes invidious discrimination resulting from the facial classification of prisoners based on sex, and this inferior treatment is not directly and substantially related to an important and legitimate governmental interest, and violates the rights of Plaintiffs to equal protection of the laws under the Fifth Amendment to the United States Constitution, and 42 U.S.C. § 1983.

EIGHTH CAUSE OF ACTION

Paragraphs 1 through 106 are incorporated herein by reference and realleged.

Defendants' failure to provide Plaintiffs with a humane environment in which their basic human and medical needs are met, and in which appropriate educational, vocational, religious, recreational, and quality of life opportunities are provided, and Defendants' failure to prevent and remedy the sexual abuse, sexual harassment, and invasions of the personal privacy of the Plaintiffs, violates Defendants' duties under the District of Columbia Code §§ 24-442 and 24-425, which require Defendants to provide Plaintiffs with safekeeping, care, protection, and instruction in a suitable and appropriate institution, and to meet their basic medical needs.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs request this Court to grant the following relief:

a. Declare that the actions and inactions of the Defendants described herein have violated and continue to violate the Plaintiffs' rights under the Fifth and Eighth Amendments to the United States Constitution, 42 U.S.C. § 1983, Title IX of the Education Amendments of 1972, 20 U.S.C.

§ 1681 (1988), and the District of Columbia Code §§ 24-442 and 24-425;

b. Enjoin the Defendants from engaging in any action or conduct, or from failing to act in any way, that violates the Plaintiffs' above-mentioned rights;

c. Order the Defendants to take all action necessary to remedy the violations of the Plaintiffs' above-mentioned rights;

d. Award Plaintiffs the cost of this suit, and reasonable attorneys' fees; and

e. Award Plaintiffs all further relief that this Court deems just and proper.

Respectfully submitted,

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