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United States District Court, District of Columbia.

LEONARD CAMPBELL, et al., Plaintiffs,
v.
ANDERSON McGRUDER, et al., Defendants.
INMATES OF D.C. JAIL, et al., Plaintiffs,
v.
DELBERT C. JACKSON, et al., Defendants.

No. 1462–71. | March 11, 1987.

**Opinion**

**ORDER**

BRYANT, Senior District Judge.

***1** Upon consideration of plaintiffs' Motion for Contempt, defendants' response, and the evidence and testimony presented to this court on February 17, 1987, and all the evidence, reports and records in this case, it is hereby

ORDERED that:

1. Marion Barry, in his official capacity as Mayor of the District of Columbia, and Hallem Williams, in his official capacity as Director of the Department of Corrections, are in civil contempt for failure to comply with this court's Orders of July 13 and August 22, 1985, and the Stipulation of the Parties to Reduce the Population at the D.C. Jail ('Stipulation'), signed August 22, 1985. These defendants have violated paragraphs 5 (regarding the increase in Halfway House capacity), 8 (regarding classification), and 11 (regarding the reduction of minimum sentences) of the Stipulation. Defendants have admitted in a Supplemental Report filed with this court on November 14, 1986, to failure to report to the court vacancies in the staffing required by paragraph 12 of the Stipulation (relating to improvement of mental health services) and have admitted to substantial non-compliance with paragraph 4 of the Stipulation (relating to making a parole determination of parole eligible residents 10 days prior to their parole eligibility dates).

2. In consequence thereof, the above-named defendants are fined $50,000 to be paid in 60 days from the issuance of this Order, but if the defendants and their officers, agents, servants, employees and attorneys achieve and maintain compliance with the court's Orders, produce adequate documentation to verify their compliance, and implement the following procedures and perform the following actions designed to ensure their compliance, they will be purged of the contempt finding and will not have to pay the $50,000 fine imposed herein:

**I. Halfway Houses**
On May 1, 1987, and July 1, 1987, defendants will file Special Reports to the court, and serve these reports on plaintiffs' counsel, detailing defendants' efforts to increase Halfway House capacity to 736, as is mandated by the Stipulation. These Special Reports are to be reviewed, certified and signed by either the Mayor or Deputy Mayor for City Administration of the District of Columbia. These Special Reports may, at the defendants' discretion, be filed under seal.

**II. Parole**
On April 1, 1987, and the first of each month thereafter, defendants will file sworn certifications by the Chairperson of the Board of Parole, the Administrator of the Jail, and the Director of the Department of Corrections, that procedures are in effect, fully implemented and monitored, to ensure that no resident of the District of Columbia Jail who is sentenced at least 45 days in advance of his parole eligibility ('p.e.') date is denied a parole determination at least 10 days in advance of his p.e. date. Residents will not be denied a parole determination at least 10 days before their parole eligibility date because a progress report or presentence investigative report is not at the Parole Board 45 days in advance of their p.e. dates or because the resident was transferred from one facility to another within the Department of Corrections system at the time of their hearing.
***2** This court recognizes that some residents at the Jail cannot be heard 10 days in advance of their p.e. dates because, after receiving credit for time that they have already served at the Jail, their p.e. dates are already within 10 days of their sentencing dates. Defendants will file sworn certificates by the Chairperson of the Board of Parole that these residents have had a parole determination by the Board within 45 days of their sentencing date.

Defendants are ordered on three occasions to be selected by plaintiffs' counsel to provide to plaintiffs' counsel full access to all records, data and information, on 24 hours notice by telephone, to confirm that the procedures are operating to ensure compliance with paragraph four of the Stipulation.

Defendants will move expeditiously to automate the data essential to the parole process.

**III. Classification**

Defendants shall design, plan and implement an internal and institutional classification program, focusing on the pretrial detention population, the sentenced misdemeanor population and every other category of the sentenced prisoner population at the District of Columbia Jail that is not subject to the system-wide classification program now being devised by the Department. The design and plan shall be submitted to the court for approval by April 15, 1987. Implementation for the purposes of this Order shall be defined as actual assignment and placement of detainees and sentenced prisoners in housing facilities appropriate to their security and programmatic needs.

**IV. Reductions in Minimum Sentences**

Within 30 days of this Order defendants must have the Chief Classification and Parole ('C&P') Officer at each of the institutions in the Department of Corrections certify under oath that the procedures outlined in the November 13, 1986 memorandum from Benny O. Hodges, Acting Assistant Director, to all the Administrators of the institutions within the Department of Corrections, have been implemented. Specifically, 'Minimum Sentence Reduction Applications' need to be placed in areas easily accessible to the residents; that is, in C&P offices, law libraries, dorm rooms, etc. As the forms are completed by the residents, conferences between the C&P officers and the residents should then be arranged.

If the conference reveals that the resident is a good candidate for a reduction in minimum sentence, then the C&P officer will move expeditiously to take all steps necessary to recommend the resident for a minimum sentence reduction. If the conference reveals that the resident is not, at that time, a good candidate, then the C&P officer should document and describe to the resident the steps the resident needs to take before he will be considered for a minimum sentence reduction. A future conference date should also be established by the C&P officer at that time. A monthly log similar to the one attached to the November 13, 1986 memorandum should be kept by each C&P officer, and be available for inspection by plaintiffs' counsel.

***3** 4. Defendants shall continue to file bi-weekly compliance reports with the court. These compliance reports will describe in detail defendants' progress toward compliance with this Order and with this court's Order issued August 22, 1985.

5. Upon finding that paragraph 8 of the Stipulation has not produced an effective system-wide classification program for the Department of Corrections, it is hereby ordered that further relief is granted to the plaintiffs and it is hereby further ordered that the defendants implement their system-wide classification program by September 15, 1987. The definition of implementation for the purposes of this Order is noted above in paragraph 2(III).

6. If defendants have failed to conform to one or more of the Orders expressed above, in the prescribed time period, a $50,000 fine will be automatically imposed.

7. Defendants shall pay plaintiffs' counsel the costs associated with the prosecution of this contempt proceeding, including reasonable attorney's fees.