

JURISDICTION AND VENUE

3. This civil rights action is brought pursuant to, inter alia, the Fifth Amendment to the United States Constitution, 42 U.S.C. § 1983, and other state and federal laws for relief from commission of tortious acts. This Court has jurisdiction over this claim pursuant to 28 U.S.C. § 1331.

4. This Court has supplemental jurisdiction over the D.C. tort claims pursuant to 28 U.S.C. 1367.

5. Venue is proper in this Court pursuant to the provisions of 28 U.S.C. § 1391(b)(2) as the acts and/or omissions alleged in this Complaint occurred in the District of Columbia. Moreover, the Defendants are found in, reside, or transact business in the District of Columbia

PARTIES AND RELEVANT PERSONS

6. Plaintiff Gregory Smith is a citizen of the District of Columbia. Mr. Smith was detained at the D.C. Jail by the Department of Corrections from March 18, 2014 until April 10, 2014, despite the Court ordering Mr. Smith's release on March 18, 2014.

7. Defendant District of Columbia is a municipality and the legal entity responsible for the acts and omissions of the individuals employed by the Department of Corrections, including the practices, policies, and procedures relating to detention, intake, screening, transfer, and release of detained persons at the D.C. Jail. The District of Columbia was given notice of the underlying facts and circumstances of this lawsuit pursuant to D.C. Code § 12-309.

8. Defendant Jeanette Myrick is employed by the District of Columbia in the position of Correctional Program Administrator within the Department of Corrections. At all times relevant, Ms. Myrick acted within the scope of her employment with the District of Columbia. Ms. Myrick is responsible for “oversee[ing] the day-to-day operations of the Inmate

Records Office” at the D.C. Jail. Ms. Myrick is also the supervisor required “to make sure that the inmates are released.” Ms. Myrick supervises Legal Instrument Examiners. Legal Instrument Examiners are the D.C. Jail employees responsible for processing release orders received from the D.C. Superior Court. Jack Jones, a Legal Instrument Examiner and subordinate to Ms. Myrick, deprived Mr. Smith of his constitutional right by failing to process the release orders issued by the D.C. Superior Court on March 18, 2016.

a. Ms. Myrick has been employed at the D.C. Jail as the Correctional Program Administrator since approximately 2012. At all times relevant, Ms. Myrick knew, or reasonably should have known, that her subordinates were failing to process prisoner releases in a timely fashion. Notably, Ms. Myrick even maintained a file on her computer of “overdetention reports.” Despite the known problem of overdetentions, Ms. Myrick failed to take any steps to prevent the overdetention of prisoners at the D.C. Jail, including Mr. Smith. In fact, Ms. Myrick admitted that the Department of Correction’s written policy of requiring Legal Instrument Examiners to “obtain and review printouts from...Courtview” when processing a prisoner release was not the actual practice or custom for the Legal Instrument Examiners that she supervised. Indeed, Jack Jones’ failure to review Courtview was the direct and proximate cause of Mr. Smith’s overdetention.

b. Furthermore, in response to Mr. Smith’s overdetention, Ms. Myrick performed no investigation, did not interview any subordinate, and did not discipline any employee. Ms. Myrick did not even prepare an “overdetention report” in connection with Mr. Smith’s detention although it is undisputed that Ms. Myrick is required to do so and that Mr. Smith was overdetained at the D.C. Jail. Ms. Myrick’s failure to take any action in response to the overdetentions, demonstrates that Ms. Myrick established and/or maintained, with deliberate

indifference to the consequences, a policy, practice, or custom which directly caused the overdetention of Mr. Smith. Ms Myrick's reckless disregard and callous indifference to the federally protected rights of others, such as Mr. Smith's rights, warrants punitive damages.

9. At all times relevant, Defendant Jack Jones was an individual employed by the District of Columbia in the position of Legal Instrument Examiner for the Department of Corrections, and acted within the scope of his employment. A Legal Instrument Examiner is responsible for processing prisoner intakes and releases at the D.C. Jail. Mr. Jones is the Legal Instrument Examiner who failed to process the Release Orders issued by the D.C. Superior Court on March 18, 2014. Specifically, Mr. Jones processed the March 18, 2014 Release Order for one of Mr. Smith's cases (2014 CMD 4452), but failed to process the March 18, 2014 Release Order for the second case (2012 CMD 7806). Pursuant to the Department of Correction's policies, a Legal Instrument Examiner "must review each inmate's file to make sure that all releasing documents match the case and identify any other pending cases and/or detainers on file," which requires also "search[ing] Courtview to check for other cases holding the inmate in custody." Mr. Jones failed to process the Release Order for case no. 2012 CMD 7806 despite the fact that the Courtview system states the Release Order was filed and sent to the D.C. Jail on March 18, 2014 at 1:26 PM. In addition, Gregory Smith's institutional file contained a copy of both Release Orders issued on March 18, 2016. Had Jack Jones reviewed Mr. Smith's institutional file, as he was required to do, Mr. Smith would not have been overdetained. Jack Jones' recklessness and callous disregard for the rights of Gregory Smith is the direct and proximate cause of Mr. Smith's overdetention.

FACTS COMMON TO ALL COUNTS

Overview of the D.C. Department of Corrections

10. The District of Columbia Department of Corrections holds prisoners committed by the District of Columbia Superior Court, and other agencies, in the Central Detention Facility (“DC Jail”) and the Correctional Treatment Facility (“CTF”).

11. The records office located at the DC Jail (“Records Office”) is responsible for administering and maintaining the records of all persons housed at the DC Jail. The Records Office is also responsible for ensuring that all persons housed at the DC Jail are released as required by the release date specified in the court orders.

12. The District of Columbia Superior Court has a policy pursuant to which an in-custody defendant or a defendant ordered into custody may not leave the courtroom without either a commitment order or a release order.

13. The Department of Corrections has a policy that an individual cannot be detained at the D.C. Jail unless there is a commitment order received from the D.C. Superior Court.

14. Once a prisoner is ordered released, the Department of Corrections immediately begins an administrative release process that results in the prisoner’s actual release from the Department of Correction’s custody.

15. The Department of Corrections considers “anyone released after 11:59 p.m. on the day they are ordered released” to be classified as “overdetained.”

Plaintiff’s Overdetention

16. On March 15, 2014, Mr. Smith was arrested and charged in the District of Columbia with a misdemeanor for failure to appear in relation to a prior citation.

17. On March 18, 2014, after the Court had lawfully detained Mr. Smith for 3 days pursuant to D.C. Code § 23-1322(b)(1)(D), Judge Juliet McKenna of the D.C. Superior Court ordered Mr. Smith’s release from custody in both cases. Upon information and belief, the

Release Orders were transmitted to the D.C. Jail at 1:28 PM via the Court View computer system. The Release Order are attached hereto as Exhibit 1.

18. Despite the Court's order on March 18, 2014, the D.C. Department of Corrections did not release Mr. Smith until April 10, 2014 after a hearing before the Court where Judge McKenna *again* ordered the D.C. Jail to release Mr. Smith.

19. On repeated occasions, Mr. Smith stated to the corrections officers at the D.C. Department of Corrections that the court ordered him to be released, and he demanded that he be released. The corrections officers wholly ignored Mr. Smith's requests to be released. On such an occasion, corrections officer, John Doe 1, replied, "If you're here, they know you're here and you're supposed to be here."

20. Mr. Smith was not ultimately released until April 10, 2014—the date upon which Judge McKenna learned that Mr. Smith had been held by the Department of Corrections in direct contravention of Judge McKenna's release order of March 18, 2014.

21. At all relevant times during Mr. Smith's twenty-three (23) day overdetention he was placed in a prison cell with a dangerous prisoner who, upon information and belief, had been found guilty of possession of a loaded fire arm and possession of narcotics with an intent to distribute.

22. The underlying misdemeanor charges against Mr. Smith, which allegedly provided Defendants' justification for the initial detention, were dismissed on September 8, 2014.

23. As a direct and proximate result of Mr. Smith's twenty-three (23) day overdetention, Mr. Smith was terminated from his job.

24. As a direct and proximate result of Defendants' conduct, Mr. Smith has suffered significant economic damages and severe emotional harm.

COUNT I

42 U.S.C. § 1983 Claims for Violations of the Fifth Amendment to the United States Constitution (All Defendants)

25. The Plaintiff realleges and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint as if fully set forth herein.

26. Defendants deprived Mr. Smith of his constitutional right to liberty and deprived him of this liberty without due process of law as required by the Fifth Amendment to the United States Constitution by detaining Mr. Smith for twenty-three (23) days after he was ordered to be released by the court.

27. Defendants acted under color of law and acted or purported to act in the performance of official duties under federal, state, county or municipal laws, ordinances, or regulations.

28. Defendants' conduct violated clearly established constitutional rights of which Defendants knew, or of which a reasonable public official should have known.

29. The Department of Corrections has a custom, policy, and practice of overdetecting inmates past their court ordered release date. For example, in 2007 the Department of Corrections admitted that 302 inmates were overdetecting, 143 in 2008, 56 in 2009, 85 in 2010, and 34 in 2011, 8 in 2012, and 11 in 2013. This custom, policy, and practice of overdetecting inmates caused the intentional and unjustified overdetecting of Mr. Smith in violation of his constitutional rights.

30. Similarly, the Department of Corrections had a custom, policy, and practice of:

- (a) incarcerating inmates without any legal authority to do so;
- (b) failing to maintain accurate records of its inmates;
- (c) failing to keep track of inmates within the D.C. Jail;
- (d) failing to process release orders;

- (e) failing to release inmates on the same day of the inmates' court ordered-release;
- (f) misfiling and/or misplacing release orders issued by the courts;
- (g) failing to respond to inmate complaints of overdetention;
- (h) failing to train its employees to process release orders;
- (i) failing to discipline its employees, specifically Legal Instrument Examiners, who made errors in processing release orders; and,
- (j) failing to comply with court orders to release inmates.

These customs, policies, and practices were the direct and proximate cause of the violations of Mr. Smith's constitutional rights.

31. In addition, the District of Columbia knew, or should have known, of the overdetention problem at the DC Jail given the history of overdetentions by the D.C. Jail. The District of Columbia demonstrated a deliberate indifference to the constitutional rights of the inmates at the D.C. Jail and Mr. Smith particularly, by failing to take any steps to remedy the ongoing constitutional violations occurring from the overdetentions. As a result of the District of Columbia's deliberate indifference, Mr. Smith's constitutional rights were violated. Moreover, the District of Columbia demonstrated a deliberate indifference to Mr. Smith's Constitutional rights by failing to investigate Mr. Smith's claims that he was being unlawfully detained.

32. Furthermore, the District of Columbia's policy to not provide training to Legal Instrument Examiners, or supervise the Legal Instrument Examiners, is the direct and proximate cause of the overdetention of Mr. Smith and the resulting violation of his constitutional rights. Indeed prior to Mr. Smith's overdetention, thirty-two (32) prisoners were overdetained as a result of staff error, which notably included the failure to check Courtview in some instances. Despite the known problem of staff error in processing inmate releases, the Legal Instrument Examiners did not (and still do not) receive any formal training on the processing of release orders. Instead,

Legal Instrument Examiners “pretty much do the work and [...] learn further into it by doing the work.” While the Legal Instrument Examiners do have an annual training on things such as first aid, key control, and human resources information, they do not receive any training relating to the performance of their job or the processing of prisoner releases. In light of the known problem of prisoner overdetention at the D.C. Jail, the failure to train and supervise the Legal Instrument Examiners amounts to a deliberate indifference to the fact that the lack of training and supervision would result in prisoner overdetention, and the overdetention of Mr. Smith.

33. For the reasons set forth more fully in ¶ 8 above which is hereby incorporated by reference, Defendant Myrick is individually liable under 42 U.S.C. § 1983. Ms. Myrick was responsible for supervising Jack Jones; she had a duty to instruct Jack Jones to properly process release orders to prevent prisoner overdetections; and that, as a result of Ms. Myrick’s failure to instruct and supervise Jack Jones, Mr. Smith was overdetained.

34. For reasons set forth more fully in ¶ 9 above which is hereby incorporated by reference, Defendant Jones is individually liable under 42 U.S.C. § 1983. Jack Jones had a duty to process prisoner release orders received from the D.C. Superior Court. Mr. Jones’ reckless failure to process the Release Order received by the D.C. Superior Court, which ordered Mr. Smith to be released in case 2012 CMD 7806, resulted in the violation of Mr. Smith’s constitutional rights. Similarly, Jack Jones’ failure to check the Courtview System and review Mr. Smith’s institutional file resulted in the violation of Mr. Smith’s constitutional rights.

35. The actions, omission, policies, patterns, practices and customs of Defendants, complained of herein were intentional, reckless, and show a callous disregard for, or deliberate indifference to Mr. Smith's personal safety, security, freedom, and civil and constitutional rights.

36. These violations are compensable pursuant to 42 U.S.C. § 1983. As a direct and

proximate result of these Defendants' conduct, Mr. Smith has suffered economic damages and significant physical and emotional harm.

COUNT II
Common Law False Imprisonment
(All Defendants)

37. Plaintiff realleges and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint as if fully set forth herein.

38. Defendants unlawfully deprived Mr. Smith of his liberty by placing him in a jail cell where he was restrained against his will. The detention was unlawful where Mr. Smith was detained in direct contravention of a court order mandating him to be released.

39. As a direct and proximate result of Defendants' unlawful detention and false imprisonment, Mr. Smith has suffered and continues to suffer damages in an amount to be proven at trial.

40. WHEREFORE, Plaintiff prays for relief in the form of specific performance judgment awarding compensatory damages, attorney's fees, and any other relief the Court deems proper.

COUNT III
Negligence
(All Defendants)

41. The Plaintiff realleges and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint as if fully set forth herein.

42. Defendants had a duty to release inmates that they had no legal authority to detain. Defendants breached their duty to exercise reasonable care by negligently and recklessly failing to process the Release Order received by the D.C. Superior Court ordering Mr. Smith to be released in the case 2012 CMD 7806. Defendants further breached their duty of reasonable care by negligently acting or omitting to act such that Mr. Smith suffered a wrongful detention which

Defendants knew or should have known would have caused harm to Mr. Smith.

43. Defendants were negligent in performing their duties and failed, neglected and/or refused to properly and fully discharge their responsibilities by, among other things:

- a. Failing to investigate Mr. Smith's claims that he was ordered to be released and the he was unlawfully detained;
- b. Misplacing and/or misfiling Mr. Smith's release order;
- c. Failing to process Mr. Smith's release;
- d. Failing to maintain a system to prevent overdetection of inmates;
- e. Failing to act on a court order;
- f. Failing to properly train and supervise corrections officers to process release orders; and,
- g. Failing to release Mr. Smith on the same day of his court ordered release.

44. As a direct and proximate result of the negligence of Defendant in failing to exercise due care, Plaintiff has suffered and will continue to suffer much physical pain and mental anguish; has incurred medical expenses and will continue to incur medical expenses; and has suffered and will continue to suffer mental and physical pain, and emotional distress.

45. WHEREFORE, Plaintiff prays for relief in the form of a judgment awarding compensatory damages and any other relief the Court deems proper.

COUNT IV
Negligent Supervision and Negligent Training
(Defendant District of Columbia)

46. The Plaintiff realleges and incorporates by reference the allegations contained in the preceding paragraphs of this Complaint as if fully set forth herein.

47. The District of Columbia had a duty to train its employees and to supervise its employees. The District of Columbia breached its duty to exercise reasonable care by acting negligently and recklessly in the following specific respects and without limitation:

- a. Failing to provide formal training to Legal Instrument Examiners, including Jack Jones, on processing prisoner releases;
- b. Failing to supervise Jack Jones in his performance of processing Mr. Smith's prisoner release;
- c. Failing to adopt policies for its employees to ensure that prisoners are released as required by court orders received by the D.C. Superior Court;
- d. Failing to adopt policies to ensure release orders are processed in a timely manner;
- e. Failing to discipline employees for employee errors in processing release orders; and,
- f. Failing to investigate prisoner overdetections at the D.C. Jail.

48. It was foreseeable to the District of Columbia that the failure to train its employees, including Jack Jones, to properly process release orders would result in the overdetection of prisoners, such as Mr. Smith, and cause those prisoners harm. As a direct and proximate result of the District of Columbia's failure to exercise due care, Plaintiff has suffered and will continue to suffer much physical pain and mental anguish; has incurred medical expenses and will continue to incur medical expenses; and has suffered and will continue to suffer mental and physical pain, and emotional distress.

49. WHEREFORE, Plaintiff prays for relief in the form of a judgment awarding compensatory damages and any other relief the Court deems proper

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant, as follows:

- (a) Awarding Plaintiff compensatory damages, including lost wages and future lost wages, mental anguish, and emotional distress damages;
- (b) Awarding Plaintiff punitive damages against Defendants Myrick and Jones for their reckless and callous disregard for rights of Mr. Smith and with no regard for the damage it would cause to Mr. Smith;
- (c) Awarding Plaintiff costs, expenses and attorney's fees pursuant to 42 U.S.C. § 1988 and any other applicable law;

- (d) Awarding equitable relief, including but not limited to, ordering the Department of Corrections to adopt an annual training program on prisoner releases for employees in the Records Office at the D.C. Jail; and,
- (e) Awarding any other relief the Court deems just and proper.

JURY AND TRIAL DEMAND

Plaintiff hereby demands a trial by jury with respect to each claim in this Complaint.

Respectfully submitted,

/s/ Brendan J. Klaproth

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EXHIBIT 1

to

COMPLAINT

GREGORY SMITH v. DISTRICT OF COLUMBIA

RELEASE ORDER



**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION**

**UNITED STATES
vs.**

GREGORY P SMITH

Case No: 2014 CMD 004452

PDID: 661106

DCDC#:

RELEASE ORDER

TO: Superintendent, D.C. Jail

It is HEREBY ORDERED that the defendant be released from custody in this case.

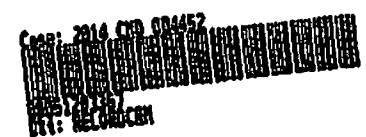
Svetlana Polonchuk, DEPUTY CLERK

**JULIET J MCKENNA
JUDGE**

Date: March 18, 2014

RELEASE

Received by DUSM: JDL **Badge#:** 40256 **Signature:** J **Date:** 3-18-14 **Time:** 1338
Printed Name





**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION**

UNITED STATES
vs.

GREGORY P SMITH

Case No: 2012 CMD 007806

PDID: 661106

DCDC#:

RELEASE ORDER

TO: Superintendent, D.C. Jail

It is HEREBY ORDERED that the defendant be released from custody in this case.

Svetlana Polonchuk, DEPUTY CLERK

JULIET J MCKENNA
JUDGE

Date: March 18, 2014

RELEASE

Received by DUSM: JOM Badge#: 4206 Signature: JOM Date: 03-18-14 Time: 1335
Printed Name

