

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LEONARD CAMPBELL, et al., :
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 Plaintiffs, :
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 v. :
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 ANDERSON McGRUDER, et al., :
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 Defendants. :

C.A. No. 1462-71

FILED

DEC 17 1982

JAMES F. DAVEY, Clerk

MEMORANDUM AND ORDER

This case is before the court on remand from the United States Court of Appeals, Campbell v. McGruder, 580 F.2d 521 (D.C. Cir. 1978). It concerns the conditions under which pre-trial detainees are confined by the Department of Corrections of the District of Columbia (the Department).

On March 8, 1982, the court issued an order prohibiting the Department from confining two inmates in any cell at the Central Detention Facility (Central). Central, the successor institution to the old D.C. Jail, is the Department's principal custodial facility for pre-trial detainees. Central is also used to house convicted persons awaiting sentencing, sentenced felons awaiting transfer to other facilities, and sentenced misdemeanants serving their sentences. All cells at Central were designed for single occupancy only.

On October 8, 1982, the court granted defendants' motion to vacate the March 8, 1982 prohibition on double-celling.¹

¹The term "double-celling" refers to the practice of housing two
(Continued)

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However, the court simultaneously placed the following conditions on the use of double-celling at Central:

(1) that additional guards be placed in each cell block in which inmates are double-celled,

(2) that no pre-trial detainee be confined in his cell for more than 12 hours in the company of another inmate, and

(3) that no pre-trial detainee be double-celled for more than 30 days.

As the court explained in its October 8 order, these preconditions to double-celling were imposed under the mandate of Bell v. Wolfish, 441 U.S. 520 (1978), which required that pre-trial detainees not be confined under conditions that "amount to punishment". Id. at 535.

Following the issuance of the October 8 order, plaintiffs moved the court to modify its order to provide for (a) the classification and medical screening of inmates prior to their being double-celled, (b) recordkeeping, and (c) periodic reports to the court by the Department. On November 4, 1982, a hearing was held on plaintiffs' motion to modify, and at this hearing the court closely questioned Department officials concerning the Department's recordkeeping methods and capabilities. In light of the testimony thus elicited, as well as the argument provided by counsel, the court has concluded that the modifications sought by plaintiffs are for the most part consistent with the court's

inmates in a cell designed for single occupancy. Similarly, the term "double-cell" refers to a cell which, though designed for single occupancy, is used to house two inmates.

October 8 order and with the expert judgment of Department officials regarding the proper administration of double-celling.

Accordingly, the court will require the Department to develop and implement a classification procedure and to screen inmates for contagious diseases prior to housing them in double-cells or dormitories.² These requirements are dictated by both common sense and the case law. See Lareau v. Manson, 651 F.2d 96, 111 (2d Cir. 1981). They are also consistent with the Department's present procedures.

The court will further order the Department to maintain, and make available for inspection by counsel for plaintiffs on reasonable notice, records indicating the dates during which each inmate was confined in a double-cell and the hours during which inmates on each cell block containing double-cells were permitted to leave their cells. Unless accurate records are maintained regarding days and hours per day of double-celling, the protections against unconstitutional conditions of pre-trial confinement specified in the October 8 order will not carry practical significance. Moreover, the court has determined that these recordkeeping requirements are well within the Department's administrative capabilities. The court will also order the

²In their motion plaintiffs specified that all medical screening should be performed by a physician, but at the hearing plaintiffs agreed to modify this request. Provided that a set of appropriate procedures is filed with the court, plaintiffs would not object to permitting nurses or other medically trained personnel to perform a preliminary screening during late-night intakes or under emergency conditions. These preliminary screenings would then be promptly followed by an examination by a physician.

Department to maintain careful records regarding allegations of assaults involving inmates. As the court indicated in its October 8 order, the introduction of double-celling will inevitably expose inmates to an increased risk of assault. In permitting double-celling, the court must insist that all reasonable steps be taken to minimize the assault problem. The Department already maintains records concerning alleged assaults and stated that it has no objection to making these records available for inspection by plaintiffs' counsel through the Office of Judicial Affairs of the Department of Corrections.

Finally, the court will order the Department to file with the court, and serve upon counsel for plaintiffs, a plan to eliminate overcrowding at Central. When the Department moved the court to vacate the March 8 prohibition on double-celling, it acknowledged that double-celling could only be justified as an emergency step, and asserted that it was already moving vigorously to deal with its overcrowding crisis. The court-ordered report will simply enable the Department to keep plaintiffs and the court informed of the Department's ongoing efforts in this regard.

With respect to plaintiffs' other proposed modifications,³

³plaintiffs also moved the court (a) to prohibit the double-celling of pretrial detainees until all appropriate convicted inmates had been double-celled, (b) to prohibit the double-celling of pre-trial detainees with convicted residents except with the written consent of the pre-trial detainee, (c) to require that records of hours per day of double-celling be maintained on an individual (rather than a cell block) basis, and (d) to file monthly reports with the court concerning the administration of double-celling.

the court declines at this time to order that they be implemented. The court is keenly aware that prison officials must be given wide-ranging discretion in administering their institutions, and the court will not limit that discretion except as required by the Constitution.

For the reasons discussed above, it is hereby

ORDERED that the court's order of October 8, 1982 is amended by adding the following provisions:

(4) Defendants will promptly establish and file with the court a classification procedure, and each inmate will be evaluated according to this procedure prior to being housed in a double-cell or dormitory. This procedure will include an evaluation of the inmate's prior criminal record, medical history (including any indications of mental illness), prior institutional adjustment, evidence of aggressive or assaultive conduct, and any other factors deemed relevant by the Department of Corrections.

(5) No inmate shall be housed in a double-cell or dormitory until he has received a medical examination, and it has been determined that he is not suffering from any contagious disease or other condition that would create a danger to his health or safety or to the health and safety of others if he were housed in a double-cell or dormitory.

In general, these medical examinations are to be conducted by a physician. However, upon submission to the court of an acceptable set of procedures for handling late-night intakes and emergency situations, defendants may authorize a nurse or other

medically-trained person to perform the medical examination, so long as that preliminary examination is promptly followed by an examination by a physician.

(6) Records will be maintained by defendants, and made available for inspection by counsel for plaintiffs on reasonable notice, reflecting the dates during which each inmate was double-celled and the hours during which inmates on each cell block containing double-cells were permitted to leave their cells.

(7) Records will be maintained by defendants, and made available for inspection by counsel for the plaintiffs on reasonable notice, reflecting any allegations of assaults involving inmates. These records will provide at a minimum the date, time, and location of the assault; the names of other parties involved; and the conclusions reached, or disciplinary actions taken, as a result of any investigation.

(8) On or before February 1, 1983, defendants will file with the court, and serve upon counsel for plaintiffs, a plan to eliminate overcrowding at the Central Detention Facility. This plan shall include a timetable for the specific steps that need to be taken to reach this goal.


UNITED STATES DISTRICT JUD

Date: *December 16, 1982*