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**TESTIMONY OF DOUGLAS R. SPARKS**

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**for Committee of the Judiciary Oversight Hearing on the  
District of Columbia Department of Corrections**

**March 1, 2004**

I am here today on behalf of the family of Givon Pendleton, a pre-trial detainee who was brutally murdered in the DC Jail in December 2002. With me is Pearl Beale, Givon's mother. Ms. Beale and I attended both City Council hearings related to the District of Columbia Jail Improvement Act of 2003 last spring. Additionally, I testified at the March 18, 2003 hearing in support of the proposed legislation.

I also serve on the Board of Directors of the DC Prisoners Legal Services Project, but I am not here today in that capacity. Rather, the purpose of my testimony is to give a voice to murder victims such as Givon Pendleton, who cannot be here, and to the grieving mothers, fathers, brothers, sisters, and often, the children of these men. For over 20 years, I have represented untold numbers of prisoners in the custody of the DOC who have been killed, crippled, stabbed, maimed, burned, and blinded at the hands of inmates from whom the correctional authorities have failed to protect them. Some of these murder victims include Joseph Daniels, Andre Gale, Donnell McDowell, Brett Hawkins, Samuel Young, and Elliott Sherrod. There are many more.

In preparing my testimony, I reviewed thousands of pages of documents related to the DOC. I also reviewed written and videotaped testimony given at several DC City Council oversight hearings.

Initially, I considered asking everyone here, including representatives from DOC, to watch last year's testimony and re-read the written submissions contained in the public record from the hearings on the Jail Improvement Act. This would be a good starting point because little has changed. Today,

pretrial detainees at the DC Jail still live in fear and are treated just as cruelly and inhumanely as they were at this time last year. Today, the DC Jail still would be unable to pass an accreditation inspection by the American Correctional Association.

Yet I fully expect that the DOC testimony you will hear later this morning will amount to little more than yet another denial that anything is wrong at the Jail. The facts show otherwise. The DOC's systemic and deliberate indifference to protecting its pretrial detainees is longstanding and well documented. Today I will highlight still more evidence of this indifference and offer specific examples of the human suffering caused by the District's policies.

**I. WHAT DO WE KNOW TODAY THAT THE PUBLIC DID NOT KNOW ONE YEAR AGO?**

In every major stabbing and shooting receiving publicity since December 2002, no correctional officer saw or heard it. And each of these incidents occurred when a prison guard had abandoned his or her post in the housing unit, after superiors sent no relief guard to replace them.

- 12/11/02 Givon Pendleton Murder (Guard at culinary)
- 12/13/02 Bradley Autman Stabbing (Guard at Infirmary)
- 12/14/02 Mikal Gaither Murder (Guard at lunch?)
- 12/20/03 Shooting of four inmates in the maximum security cellblock unit (Guard at lunch)

Many warnings to correctional administrators preceded these tragedies, yet they were ignored:

- **1995 DC Jail Comparison of Staffing Recommendations**

This study warned that the District must staff all units at 2-3-3 and provide chow relief for all double-celled units to ensure that there is never a reduction of coverage.

- **1996 - Report on the Department of Corrections (District**

of Columbia Department of Corrections Study) by the National Institute of Corrections. Dr. James Austin reported, in part, that:

The majority of housing units have the following major deficiencies:

- (i) substantial overcrowding (p.37)
- (ii) limited staff to provide security supervision and response capability (p.37)
- (iii) inadequate sight lines (p.37)
- (iv) inappropriate assignment of inmates relative to their custody levels (p.37)
- (v) circulation and movement control systems did not allow for constant supervision of inmates when they were outside of their assigned cells (p.37)
- (vi) staffing in open areas is insufficient to provide appropriate observation of inmates (p.38)
- (vii) because of the design of the facility, in which many areas are not visible to the officers, closed circuit televisions are a necessity for adequate supervision and security. (p.67)

• **April 13, 2001** - The chair of the Correctional Officer's Union wrote to Odie Washington, Director of the DC Department of Corrections, that the administration's plan to:

"increase the inmate population at the DC Jail...while simultaneously eliminating security posts and decreasing the work force...will present a major risk to the safety of...inmates confined at that facility."

• **September 29, 2001** - The District of Columbia

**Department of Correction Staffing and Overtime Assessment**, prepared by Security Response Technologies, Inc., warned that the District must:

"implement the proposed critical minimum staffing complement as the CDF's base roster of mandatory posts." (p.2)

- **November 9, 2001** - The chair of the Correctional Officer's Union wrote to Mayor Williams concerning:

"an urgent safety and security matter at the DC Jail.... The Department of Corrections is in the process of implementing a very irresponsible plan that . . . compromises the safety of both staff and inmate populations."

- **November 14, 2001** - Correctional Officer Irving Robinson, who was assigned to the DC Jail, and was on duty at the time of the recent shootings, wrote that:

"the overcrowded conditions at the DC jail pose an immediate threat to staff and inmates."

- **November 16, 2001** - The chair of the Correctional Officer's Union swore in an affidavit that:

"again the Department has deceived the employees of the Department of Corrections and their representatives in a matter which clearly places the health and safety of employees and the public at risk...based upon my experience as a correctional officer, I am of the opinion that these overcrowding conditions will only get worse and lead to serious injury or death...."

- **March 25, 2002** - Director Odie Washington submitted

an affidavit that stated:

"Cellblocks that are double-celled will be staffed with 3 officers on the day and evening shifts and 2 officers on the midnight shift ... [in accordance with the "Critical Staffing Complement" for the DC Jail]."

- **May 21, 2002** - Karen Schneider, the Special Officer appointed by the Federal Court, reported the following security deficiency:

"DOC Director Washington, in a March 25, 2002 Declaration, filed with the Court, represented that all posts on the "Critical Staffing Complement" would be filled at all times. However, according to shift rosters, cellblocks with an inmate population of 100 inmates or greater were not consistently staffed with three (3) officers. (p.5-6)"

- **June 4, 2002** - Special Officer Schneider again reported this security deficiency:

"According to the shift rosters and the cellblock logs, there have been numerous instances when cellblocks containing greater than 100 inmates have not been assigned three (3) officers.... I feel strongly that the Department of Corrections should adhere to its representations made in the Declaration filed with the Court. (p.5)"

- **November 13, 2002** - The new chair of the Correctional Officer's Union repeated the warnings of her predecessors in testimony at an Oversight Hearing of this committee:

"staffing shortages have created reoccurring breaches in public safety and embarrassing

incidents within the Department of Corrections.... Essential equipment and staffing have been sacrificed...placing lives at risk and immediate action must be taken."

- **November 26, 2002** - The District of Columbia City Council Judiciary Committee chairperson, Kathy Patterson, and Ward 6 Councilmember Sharon Ambrose, wrote to Mayor Williams, stating in part, as follows:

"We are very concerned that the conditions appear to be worsening...at the DC Jail due to overcrowding.... In sum, we fear for the physical safety of inmates, staff and the public at large."

These warnings were not heeded, and during four days in December 2002, two young men were viciously stabbed to death and a third survived a stab wound to the neck, similar to the wound Mr. Gaither died from a few days later. There was no sight or sound supervision to deter any of these attacks. Although the DOC and the Mayor incredibly continued to assert that the jail was well run and safe, the City Council swiftly took action and introduced emergency legislation in a desperate effort to force the DOC to make changes.

What were some highlights of the hearings that followed?

- **January 31, 2003** - Eugene Miller, a Corrections Expert testified about the dangerous security breaches resulting from:

"[C]orrectional officer staffing within the housing units. Typically, there are three correctional officers assigned to the housing unit. One officer is assigned to the enclosed, secure officer post (the "bubble") and the other two officers circulate around the unit, providing actual inmate supervision. The officer assigned to the "bubble" must stay there to: open doors; provide visual backup to

the other officers; maintain logs, and communicate with other parts of the jail. The problem is that, when these officers take their meal break, the facility does not provide a relief officer to fill in for them . . . [T]he end result is that instead of two officers being on the floor supervising inmates, for approximately 1 ½ hours each shift, there is only one officer . . . [D]uring the day and evening shifts, when the inmates are out in common areas, such staff shortages could have very negative consequences. This problem has existed at the DC jail for a number of years. Increasing the number of people confined at the jail by roughly 50% greatly exacerbates the ramifications of this serious staffing shortage . . . .

After warning that corrective action must be taken, Mr. Miller added:

"Of course, another alternative is to do absolutely nothing. But, inaction would run the decided risk of possible serious problems at the facility with all the liability that attaches thereto."

• **March 18, 2003** - I testified before this committee that:

"At least 95% of [assaults] occur when there is no sight or sound supervision of the residents. I remember listening at your first hearing in January to the testimony of Eugene Miller, who was right on the mark echoing one of the big problems is that the officers that are assigned to the cellblock, when they go for their lunch break, they don't have a relief officer take their place. So when you have three officers assigned to the cell block, what that means in reality is

that is that you have two there, one is in the bubble and other is walking around on one of these tiers. There is no way in the world they can supervise these residents with that number of staff."

During October, November & December 2003, most assaults at the jail continued to be unwitnessed and undeterred by staff. The majority occurred when housing unit posts were left unstaffed. This is no coincidence. The prisoners know when the officers leave the unit unprotected, and that's when they attack. And then there is the December 20, 2003 shooting, which occurred, once again, when the third correctional officer was at lunch.

I suspect that there still are no stationary metal detectors at entrances to housing units or at entrances from the outside recreation yard to intercept contraband. Nor are there effective shakedowns at the jail. A few of the more shocking examples of DOC's failure to control lethal contraband are as follows:

- The knife used to kill Givon Pendleton was not recovered, even though the cellblock was locked down.
- The knife used to stab Bradley Autman was not recovered, even though the cellblock was locked down.
- The knife used to stab Mikal Gaither was found, **after the stabbing**, but only because an inmate had seen the murderer discard it.
- A gun and ammunition were smuggled into the Maximum Security cellblock (SW3).
- Huge numbers of deadly weapons have been found in the cellblock where the shooting occurred, and in other parts of the jail, in the 2 ½ months since the shootings.

The following questions come to mind, and unless resolved, may have disastrous consequences in the months to come. Where are the Pendleton and Autman weapons today? How



did the gun get into the jail? And what reason is there to believe that the inmates, guards, and public will be safe tomorrow?

This leads me back to the DOC's past claims that the jail is safe, that it keeps the critical minimum of officers in the housing units at all times and that overcrowding does not lead to violence. In one year (including 2 months of lockdown), DC jail had 2 murders and a multiple shooting. The facts speak for themselves.

I have not even addressed other degrading conditions at the jail because my chief concern is security at the jail. But you may be interested to hear what one inmate said in a letter I received the other day. He was there when the shooting occurred.

Simply put, the DOC is in denial. Just as a drug addict or alcoholic cannot begin to recover until they admit that they have a problem, so too will nothing of substance change until correctional authorities admit that the jail is overcrowded, dangerous, understaffed, and that detainees and their families suffer every day that these conditions are tolerated. DOC is in denial and an intervention must be staged, or it will never recover.

Thank you.

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