

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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*Codification  
District of  
Columbia  
Official Code*

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To amend the Department of Health Functions Clarification Act of 2001 to require the Department of Health to conduct environmental inspections of the Central Detention Facility at least 3 times a year and to issue the inspection report to the Council within 30 days of each inspection; to amend the National Capital Revitalization and Self-Government Improvement Act of 1997 to require the Corrections Information Council to conduct inspections of the Central Detention Facility; to amend An Act To create a Department of Corrections in the District of Columbia to require the Department of Corrections to provide access to members of the Corrections Information Council, or their staff, designees, or agents, to conduct inspections of the conditions at the Central Detention Facility and unmonitored interviews of inmates, to require the Department of Corrections to provide the Council on a quarterly basis all internal reports relating to environmental conditions in the Central Detention Facility, to require the Department of Corrections to initiate and maintain weekend visiting hours at the Central Detention Facility, to require the Department of Corrections to develop and implement a classification system and corresponding housing plan for inmates at the Central Detention Facility, to require the Department of Corrections to return personal property to an inmate upon the inmate's release from the Central Detention Facility, and to prohibit the Department of Corrections from releasing prisoners from the Central Detention Facility between the hours of 10 pm. and 7 a.m.; to establish an inmate population cap at the Central Detention Facility that is determined by an independent consultant hired by the Mayor, to require the Central Detention Facility to meet the American Correctional Association standards for accreditation within 4 years of the effective date of this act, to provide conditions and standards for any new housing or facilities purchased, leased, constructed, or converted by the Department of Corrections for use as a prison, and to require that the Department of Corrections use not less than \$1.43 million of its appropriated funds in Fiscal Year 2004 to procure additional bed space for prisoners who otherwise would be housed within the Central Detention Facility of the D.C. Jail.

**ENROLLED ORIGINAL**

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Jail Improvement Amendment Act of 2003".

Sec. 2. Section 4902 of the Department of Health Functions Clarification Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731), is amended by adding a new subsection (a-1) to read as follows:

Amend  
§ 7-731

“(a-1)(1) The Department of Health shall conduct a minimum of 3 inspections per year of the environmental conditions at the Central Detention Facility. For the purposes of this subsection, the term “environmental conditions” shall include temperature control, ventilation, and sanitation.

“(2) The Department of Health shall submit the report of each inspection conducted pursuant to paragraph (1) of this subsection to the Council and the Mayor within 30 days of the inspection.”.

Sec. 3. Section 11201(g)(4) of the National Capital Revitalization and Self-Government Improvement Act of 1997, approved August 5, 1997 (111 Stat. 736; D.C. Official Code § 24-101(h)(4)), is amended by adding a new subparagraph (B-i) to read as follows:

Amend  
§ 24-101

“(B-i) Conduct comprehensive inspections of the District of Columbia’s Central Detention Facility in accordance with section 2(b)(1) of An Act To create a Department of Corrections in the District of Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.02(b)(1)), and submit a report of each inspection to the Mayor, the Council, and the Director of the District of Columbia’s Department of Corrections;”.

Sec. 4. Section 2 of An Act To create a Department of Corrections in the District of Columbia, approved June 27, 1946 (60 Stat. 320; D.C. Official Code § 24-211.02), is amended as follows:

Amend  
§ 24-211.02

(a) Designate the existing language as subsection (a).

(b) A new subsection (b) is added to read as follows:

“(b) The Department of Corrections shall:

“(1) Provide access to the Central Detention Facility, upon request and appointment, to members of the Corrections Information Council, or their staff, agents, or designees, for the purposes of conducting:

“(A) Inspections of all areas accessible to inmates; and

“(B) Unmonitored interviews of inmates in areas open to inspection under subparagraph (A) of this paragraph;

“(2) Provide to the Council on a quarterly basis all internal reports relating to living conditions in the Central Detention Facility, including inmate grievances, the Crystal report, the monthly report on the Priority One environmental problems and the time to repair, the monthly report of the Environmental Safety Office, the monthly report on temperature control and ventilation, and the monthly report on the jail population that includes the number

of people waiting transfer to the federal Bureau of Prisons and the average number of days that inmates waited for transfer;

“(3) Initiate and maintain regular afternoon and evening visiting hours at the Central Detention Facility for a minimum of 5 days a week, including Saturdays and Sundays;

“(4) Develop and implement a classification system and corresponding housing plan for inmates at the Central Detention Facility;

“(5) Return to an inmate, upon the inmate’s release from the Central Detention Facility, any personal identification documents collected from the inmate, including driver’s licenses, birth certificates, and Social Security cards; and

“(6) Not release inmates from the Central Detention Facility between the hours of 10 p.m. and 7 a.m.”.

Sec. 5. Central Detention Facility requirements.

(a) The number of inmates housed at any one time in the Central Detention Facility shall not exceed the number of persons established by an independent consultant pursuant to subsection (c) of this section.

(b) Within 90 days of the effective date of this act, the Mayor shall develop and submit to the Council for a 30-day period of review, excluding days of Council recess, a plan for establishing the maximum number of inmates that can be housed at any one time within the Central Detention Facility. The plan shall consist of a contract with an independent consultant, who, upon approval of the plan by the Council, will determine the maximum number of inmates that can be housed at any one time within the Central Detention Facility based upon physical capacity, programming, classification system, and housing plan of the Central Detention Facility. If the Council does not approve or disapprove the plan, by resolution, within the 30-day period, the plan shall be deemed disapproved.

(c) The Mayor shall establish, by rule, the maximum number of inmates to be housed at any one time in the Central Detention Facility. The maximum number shall be determined by an independent consultant contracted with by the Mayor pursuant to the plan approved under subsection (b) of this section.

(d) One year following implementation of the population ceiling pursuant to subsection (a) of this section, the Mayor shall evaluate the results of the Central Detention Facility classification system, housing plan, and population ceiling, and shall propose modifications, if necessary. A copy of the evaluation shall be forwarded to the Council.

(e)(1) The Department of Corrections shall obtain accreditation by the American Correctional Association for the Central Detention Facility within 4 years of the effective date of this act, and shall meet all American Correctional Association requirements for re-certification of the facility.

(2) Within 210 days of the effective date of this act, the Mayor shall forward to the Council an implementation plan by which the Department shall achieve accreditation for the Central Detention Facility by the American Correctional Association.

Sec. 6. New housing or facilities for use as prisons; rated design capacity.

(a) After the effective date of this act, all new housing or facilities purchased, leased, constructed, or converted by the Department for use as a prison, except as provided in subsection (b) of this section, shall have only single occupancy rooms or cells and shall comply with all applicable federal and District of Columbia laws.

(b) Multiple occupancy or dormitory-style housing or facilities may be used in minimum security conditions only; provided, that the housing or facilities meet all applicable American Correctional Association standards related to multiple occupancy housing.

(c) After the effective date of this act, rated design capacity shall not include trailers, modular units, or bed space not designed for prison housing.

(d) In Fiscal Year 2004, the Department shall use not less than \$1.43 million of its appropriated funds to procure, in accordance with the requirements of this section, additional bed space for prisoners who otherwise would be housed within the Central Detention Facility of the D.C. Jail.

(e) For the purposes of this section, the term “rated design capacity” means the actual bed space in a prison facility as certified by the Department of Corrections utilizing the most recent standards established by the American Correctional Association and consistent with applicable federal and District of Columbia laws.

Sec. 7. Repealer.

The Prison Overcrowding Emergency Powers Act of 1987, effective November 14, 1987 (D.C. Law 7-43; D.C. Official Code § 24-201.41 *et seq.*), is repealed.

Repeal  
§§ 24-201.41 -  
24-201.45

Sec. 8. Applicability

Section 5(a) shall apply 210 days after the effective date of this act.

Sec. 9. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 10. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 60-day period of Congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia