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## Inmates Awarded \$248,000 For Abuse

Conditions Called 'Dehumanizing'

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Justice took its time coming to Bernard Brown and the men who suffered with him during those weeks in a filthy cellblock at the D.C. jail.

Almost a decade passed between the time the men were beaten, robbed and deprived of showers, working toilets and eating utensils and the day last month when a jury awarded them \$248,000 for the abuse they suffered.

Brown and Vonsauli Smith had finished their prison sentences and rejoined society. The cuts and bruises they and the others were left with after guards beat them had long since faded to soft brown scars. But Brown says he never will forget the viciousness of the days he spent on South One cellblock, a place described in an unrelated court proceeding as "the most deplorable, unjustifiably restrictive, dehumanizing" prison accommodations one expert had ever seen.

U.S. District Judge Royce C. Lamberth ruled late last year -- after repeated procedural and administrative delays in the case -- that the D.C. government had treated Brown, Smith and three others inhumanely and with excessive force. Ordinarily, that issue would have been decided by a jury. But the city never responded to the plaintiffs' requests for information or mounted a defense -- a somewhat unusual legal circumstance that allowed the inmates' lawyers to present the facts of their case as uncontested and to seek a ruling by Lamberth called a summary judgment.

The facts of the case were read to a jury Jan. 31 so damages could be decided. No witnesses were called to testify, because what happened was not in dispute. Although the lawsuit initially named several correctional officers and officials as defendants along with the city, those individuals were later dismissed from the case, which often happens in civil litigation.

On Feb. 1, the jurors reached a verdict: Smith was awarded \$85,000; Timothy Williams, \$80,000; Eugene Scott, \$37,000; Brown, \$33,000; and Shannon Battle, \$13,000.

"I wanted to kind of, like, have a voice sent out there" through the lawsuit, said Brown, 34, who was released from prison in September after serving 10 years on drug and gun charges, the only plaintiff contacted who agreed to an interview. "I just kept in my mind that justice would prevail."

He described the several weeks he spent on South One as "horrific. It was horrible." He said he still flashes back sometimes to a guard slamming him face down to the floor, kicking him in the ribs, punching him in the head and spraying him with yellow foam from a fire extinguisher.

One day, according to court records, Brown and others were dragged from their cells to the dining area after being beaten. No reason for the beatings was given. Some of the inmates were naked, and others

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were coughing or had swollen eyes. When Brown was returned to his cell, his manila folder of photographs was missing, along with his toiletries, underwear, socks and tennis shoes. The photos included several of his mother's open casket at her funeral, as well as pictures of cousins and other relatives.

The pictures were "what kept me focused," he said recently, trying to explain the impact of having them taken from him. "It just gives you the ability to say, 'I know what I have to do to get out of here and get back home.' "

Brown was placed on South One in late March 1996. Those plaintiffs who arrived when the unit was first opened, in February, had it even worse, court records show. At first, there was no heat, running water or electricity. Prisoners shivered atop filthy mattresses, relieved themselves into overflowing toilets or feces-smeared cardboard milk cartons and used broken plastic foam trays or their bare, unwashed hands to eat their meals.

An investigation at that time revealed that the unit had been set up as a way of retaliating against the inmate population for a recent altercation between three prisoners and two guards.

Eighteen of the inmates joined in the lawsuit against the city that was filed in 1999, shortly before the statute of limitations expired. They were represented by attorneys Daniel M. Schember and Samuel Shapiro, both of whom were experienced in litigating allegations of prison abuse.

Two years ago, 13 of the inmates settled their claims against the city for an undisclosed amount, Shapiro said. The remaining five held out for their day in court.

Attorneys for the city declined to explain their legal strategy, saying that they had not yet decided whether to appeal and that the case therefore is continuing. A spokeswoman for the D.C. Department of Corrections said the agency had no comment.

But advocates for jail reform in the city said problems at South One persist. In September, inmates allegedly were stripped, deprived of sink and toilet water, handcuffed and beaten, dragged from their cells and kicked by large groups of guards in riot gear, and sprayed with high-pressure water hoses and pepper spray.

The U.S. attorney's office has launched an investigation in conjunction with the civil rights division of the U.S. Justice Department, and a new group of inmates, represented by attorney Douglas R. Sparks, is preparing to file suit.

The jail remains severely overcrowded, and the District has been fined repeatedly for failing to reduce the inmate population. Advocates say the lack of space and high ratio of guards to prisoners has increased tension, making mistreatment more likely.

"Nothing's been resolved," said Philip Fornaci, executive director of the D.C. Prisoners' Legal Services Project. "There's been very little change in the way staff handles situations."

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