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**Government of the District of Columbia**



**Department of Corrections**

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Testimony of  
**Devon Brown**  
Director

***Public Hearing on Bill 17-663***  
***“The Correctional Institution Worker Protection***  
***Amendment Act of 2007”***

Committee on Public Safety and the Judiciary  
Phil Mendelson, Chair  
Council of the District of Columbia

May 15, 2008

Room 412  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004  
10 A.M.

Good morning, Chairman Mendelson and members of the Committee on Public Safety and the Judiciary.

I am Devon Brown, Director of the DC Department of Corrections. I appear before you today in strong support of Bill 17-663, *“The Correctional Institution Worker Protection Amendment Act of 2007.”*

As you are aware, the correctional employee is a vital member of the District’s workforce. These criminal justice professionals play a major role in addressing the City’s overall objective of ensuring public safety by maintaining order, safety, and security in its correctional facilities. There are 945 authorized full time employees within the Department of Corrections, of which approximately 76 percent or 700 individuals are correctional officer positions. These men and women routinely face potentially dangerous and volatile circumstances in performing their duties. Although the vast majority of their interactions with the inmate population are uneventful and respectful, there are numerous occasions when the correctional employee finds him or herself in direct, violent, confrontation with offenders, during which staff safety hangs in the balance. Oftentimes these situations involve physical contact where inmates throw bodily waste

on staff. These atrocities constitute deliberate, calculated acts as they require some degree of premeditation by the inmate as opposed to physical assaults which tend to be spontaneous.

Bill 17-663 will duly address the growing concern over inmates placing urine, feces, or other bodily fluids in a container and then hurling it at staff as well as other physical assaults against staff. In the last two years (2006 and 2007), our Office of Internal Affairs presented the United States Attorney's Office with 33 Affidavits in Support of Arrest Warrants for such malicious conduct by inmates. The United States Attorney's Office agreed to prosecute 24 of the cases as Misdemeanor or Simple Assaults. While the rate of conviction has been high, the penalties for these cases have frequently been nullified by plea bargains or guilty findings with no sanctions whatsoever, thus providing no deterrence or negative impact towards future assaultive displays by inmates.

Chairman Mendelson, it is important that inmates, staff, and the public acknowledge, as well as, understand the seriousness and major consequences of such misconduct, particularly in a jail setting. Participating in such acts against public safety officials can have enduring effects that

reach beyond the immediate environment or the affected person. As you well know, bodily fluid, particularly waste material, contain air and fluid born bacteria and viruses including e-coli, MRSA, HIV, and hepatitis, diseases that are pervasive among jail and prison populations. Inmates commonly use body waste to strike staff in the face, including the eyes, nose and mouth, potentially creating illness, injury, emotional trauma, and ultimately loss time from work. Throwing body waste at or on any individual is an egregious, dangerous gesture of disrespect but when it is directed at public safety authorities it shows disdain for societal law and those responsible for its enforcement. The consequences for such violations at the very least must reflect as much. The prospect of adding up to 180 days to an existing sentence and/or imposing a monetary fine would serve as a strong disincentive to the perpetrator. Moreover, by creating the opportunity for the Office of the Attorney General to pursue prosecution of this violation would increase the likelihood that it would result in a disposition with meaningful consequences of deterring value.

Passage of Bill 17-663 is essential to the Department's efforts to further promote a safer environment for visitors, staff and inmates. Endorsement of the proposed legislation would also bring the District of

Columbia in congruence with neighboring jurisdictions in addressing this offense with swift and decisive action as a separate and distinct criminal offense. I respectfully ask that you support our correctional staff by continuing to show understanding and appreciation of the fact that they walk the most difficult and challenging beats in the community.

This concludes my testimony. I would be pleased to respond to any questions that you may have at this time.