



## **ACLU Files Suit Demanding Documents About Double-Bunking at Maximum Security Prison**

Doubling up at prison in Shirley, Mass., is reportedly leading to violence

FOR IMMEDIATE RELEASE

April 27, 2009

**CONTACT:**

Laura Rótolo, Staff Attorney, 617-482-3170 x311, [lrotolo@aclum.org](mailto:lrotolo@aclum.org)

Christopher Ott, Communications Manager, 617-482-3170 x322, [cott@aclum.org](mailto:cott@aclum.org)

BOSTON -- A new plan to move as many as 450 additional prisoners to the Souza Baranowski Correctional Center in Shirley, Massachusetts, is causing tension, fear, and violence among prisoners doubled up in small cells originally used for one person, according to a lawsuit filed today by the American Civil Liberties Union of Massachusetts, on behalf of Massachusetts Correctional Legal Services (MCLS).

As a result of double-bunking at this maximum security prison, prisoners report that they are afraid of being placed in a cell with a known enemy or someone else who might attack them. Of special concern are several hundred prisoners who are classified as medium-security but are currently at Souza Baranowski waiting for medium-security beds to open up elsewhere, and who are subject to being double-bunked in a maximum security environment for months while they wait.

The suit demands that the Massachusetts Department of Correction (DOC) release documentation of the classification system it uses to decide who gets put into double cells and with whom. Prisoners report that some pairing decisions appear to be arbitrary and have in some instances resulted in violence, with a few prisoners seriously injured.

MCLS had earlier presented its concerns to the DOC and in an effort to ease fears and advocate for accountability and transparency, made a request under the public records laws of Massachusetts in November 2008 for the documentation. While DOC replied that it is using an "evidence-based tool" to make these decisions, it has refused to make the documents public, despite the fact that documents of similar past plans are publicly available.

This is not the first time that DOC Commissioner Harold Clarke has faced scrutiny about double-bunking. As head of the Nebraska State Penitentiary, he began double-bunking prisoners without first determining the compatibility of cell mates. He was sued, and a federal court found that Clarke was "personally responsible" for violating the constitutional rights of the prisoners under his care.

"Double-bunking at a maximum security prison is an extremely complicated and potentially dangerous situation that affects everyone. Prisoners, prison staff and the public have a right to know whether there

are adequate systems in place to prevent violence. Not being forthcoming about the process is only adding to the fears and tension," said MCLS Executive Director Leslie Walker.

"No prison sentence should carry the risk of violent injury caused by overcrowding and the mixing of medium and maximum-security prison populations," said ACLU of Massachusetts executive director Carol Rose. "Today's lawsuit seeks to shine a light on what is happening inside the Souza Baranowski facility, for which we are all responsible."

Attorneys Scott Lewis and Christine M. Griffin of the law firm Anderson & Kreiger represent MCLS in this lawsuit, together with ACLU of Massachusetts Legal Director John Reinstein and Staff Attorney Laura Rótolo.

-end-

**For more information, go to:**

[www.aclum.org](http://www.aclum.org)