



Court Orders Release Of Documents In Double-Bunking Case

Massachusetts Department of Corrections must reveal how it classifies maximum-security inmates for double cells

FOR IMMEDIATE RELEASE

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BOSTON -- A Superior Court judge today ordered the release of documents in the possession of the Massachusetts Department of Correction (DOC) relating to the new policy of double-bunking inmates at the Souza-Baranowski Correctional Facility. The ACLU had filed a lawsuit on behalf of Massachusetts Correctional Legal Services, which originally requested the documents after receiving reports of tension, fear, and violence among inmates doubled up in small cells previously used for one person.

The suit demanded documentation of the classification system that the DOC uses to decide who gets put into double cells and with whom. Inmates have reported that some pairing decisions appear to be arbitrary and have in some instances resulted in violence, and that, in turn, 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 who are currently at Souza-Baranowski waiting for medium-security beds to open up elsewhere. They are subject to being double-bunked in a maximum security environment for months while they wait.

"There is a legitimate public interest in the method by which the DOC selects maximum-security inmates for double-bunking and categorizes those inmates for housing purposes; the maintenance of a secure penal institution and the safety of the inmate transfer and classification process underscores the point," ruled Justice Linda E. Giles. The DOC had argued that release of the documents would compromise the security of the prison and give inmates who saw the classification questionnaire an unfair advantage, but Judge Giles, who viewed the contested documents in chambers, found that their release would not "compromise security or promote manipulation."

"The public has a right to know what goes on inside the walls of the prisons in our community. Today's ruling recognizes that the state has a high hurdle to overcome when attempting to shield its policies from public scrutiny," said Laura Rótolo, a staff attorney at the ACLU of Massachusetts.

"Without being able to see the policies in place at Souza-Baranowski, we cannot adequately respond to the prisoners for whom we advocate. Today's ruling is important for many reasons, including the transparency needed in the closed world of prisons. As Justice Brandeis once stated, 'sunlight is the best disinfectant.'" said Leslie Walker, Executive Director of MCLS.

The documents are not yet available to the public, pending conclusion of the legal proceedings.

NEWS RELEASE

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.

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