

# Prison to double-bunk inmates

## Sentencing changes urged to ease overcrowding in system

By Jonathan Saltzman, Globe Staff | November 16, 2008

MILFORD - The number of inmates in Massachusetts prisons is projected to reach about 12,000 next year for the first time, prompting the head of the prison system to call for sentencing changes that ease overcrowding and to proceed with a controversial plan to double-bunk inmates at a maximum-security facility.

About two weeks short of his one-year anniversary as commissioner of the Department of Correction, Harold W. Clarke said last week that he hopes Governor Deval Patrick reintroduces legislation to reform "mandatory minimum" sentences, which Clarke said have led to a surge in inmates, many with no history of violence.

"We've been really concerned with mandatory sentencing laws," Clarke, 57, said at the department's headquarters here. "We don't want people backed up in prison that are not posing a risk to the community at large."

On Nov. 3, the state's 18 prisons held 11,380 inmates, putting them at 44 percent above capacity, Clarke said. The number is projected to grow by 5 to 7 percent next year, which would put the population at between 11,949 and 12,176.

The prison population declined steadily from 10,990 in 1999 to 9,825 in 2005, but it has surged since then, according to department statistics. The totals include convicted offenders, people awaiting trial, and individuals committed involuntarily - even though they have finished their sentences - because they still pose a danger, such as some sex offenders.

With crime rates remaining relatively stable, Clarke said, the main reason for the surge is mandatory-minimum sentences passed by Massachusetts since the 1980s. Many of the laws were approved as part of a harsh nationwide crackdown on drug offenses, but a growing number of judges, defense lawyers, prison administrators, and advocates for prisoners say they often do more harm than good.

As of Sept. 22, about 1,917 inmates were serving a mandatory minimum sentence for a drug offense, said Diane Wiffin, a prison system spokeswoman. Those inmates are ineligible for parole and are forbidden from participating in work-release programs or halfway houses that could ease overcrowding.

Patrick filed legislation last year that would have let drug offenders serving mandatory minimum sentences participate in work-release programs, but the bill did not win passage. He has refiled it for the new legislative session. The Patrick administration is also scheduled to complete a master plan in December that will discuss construction projects that could relieve overcrowding, said a spokesman for the governor.

In the meantime, Clarke is moving forward with a plan to double-bunk some inmates at a maximum-security prison. As early as year's end, he said, he plans to move 400 inmates from maximum-security MCI-Cedar Junction at Walpole to Souza-Baranowski Correctional Center in Shirley.

Each of the 400 inmates would share a cell with another prisoner at Souza-Baranowski, which has 1,028 inmates. Cedar Junction would become a medium-security prison that takes in new inmates until they are classified, a role currently played by MCI-Concord. And Old Colony Correctional Center, a medium- and minimum-security prison in Bridgewater, would mostly house inmates with diagnoses of mental illness.

The plan to put two inmates in a cell at the 10-year-old Souza-Baranowski has drawn fire from prisoner rights activists and the union that represents correction officers.

Leslie Walker, executive director of Massachusetts Correctional Legal Services, said that double-bunking at Souza-Baranowski - where prisoners spend scant time outside their cells - would probably lead to violence.

"You're taking two prisoners that the department has deemed of maximum-security dangerousness and you're locking them together in a cell for over 20 hours a day," she said. "I think it's a very risky measure that should be taken only in desperation."

Her comments reflect a rare agreement with Steve Kenneway, the president of the Massachusetts Correction Officers Federated Union. He told the Globe last month that putting two inmates in the same cell would provoke fights, stabbings, and killings.

"There are some inmates out there who are going to make a choice whether to accept a roommate or kill their roommate," he said. "That's not an exaggeration."

But Clarke, who headed the prison systems of Nebraska and then Washington State before Patrick appointed him last November, said prisoners already share cells or dorms in the state's 16 medium- and minimum-security prisons. He said many other states double-bunk prisoners, as does the federal Bureau of Prisons. And Souza-Baranowski cells were originally designed to house two inmates, he said.

"We don't have many options - one, releasing offenders, and two, building more capacity - and I'm not sure that either of those are now palatable," he said.

In another matter, Clarke and Walker said in separate interviews that they hoped a federal suit filed last year by the Disability Law Center against the Department of Correction over treatment of mentally ill inmates will be settled soon.

The center, a nonprofit advocacy group that provides legal help for the disabled, alleged in a March 2007 suit that hundreds of seriously mentally ill prisoners were held in cells 23 hours a day in inhumane conditions, leading to self-mutilation, the swallowing of razor blades, and at least seven suicides since November 2004. The group, which has been assisted by Walker's organization, urged the creation of special treatment units similar to those in at least six other states.

Clarke said last week that settlement talks have been under way for a year and that soon "we're hoping to be able to say, 'We don't have to go to court, we can avoid litigation,' which I'm certain will serve all parties best," he said.

*Jonathan Saltzman can be reached at [jsaltzman@globe.com](mailto:jsaltzman@globe.com). ■*