

MCI-Shirley A Village of Misery

By

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Prison officials in MCI-Shirley, a medium security correctional facility located in eastern Massachusetts are ill prepared to adequately manage what is fast becoming a crisis of mass incarceration. A failing infrastructure, and gross overcrowding have brought this institution to a critical crossroad.

Shirley's aging prefabricated lock-up was designed, and constructed, in 1991 to contain a general population of just 760 male inmates¹. Today, nearly 1200² prisoner's create a dangerous miasma challenging guards, and straining services and infrastructure.

Recently, for example, one-hundred inmates of the "Charlie-Two cell block were herded into the facility gymnasium - cell doors malfunctioned. Heavy steel sliders would not open or close.³ Plans to move displaced inmates to the nearby Souza-Baranowski maximum security prison were swiftly developed.

Plumbing problems also plague this prison camp. In "B-1" cell block, in May, prisoners were left without hot water. This is a common occurrence throughout the facility. Inmates are routinely made to walk through the sprawling compound to other housing units for showers.

Double-bunking inmates creates its own kind of crisis. Disperate inmates find themselves sharing cells with the mentally ill, and inmates physically sick; many inmates suffer upper-resperatory disease. It's common for prison

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officials to assign healthy prisoners to cell-up with those suffering bronchial and nasal infections; otherwise healthy inmates must share cramped cells with prisoners coughing, and choking back contagious disease.

In my experience, I found myself with such an inmate: Adam. Adam is a forty year old man fresh from Cedar Junction Correctional Facility, this states' reception center. His explosive dry cough, and constantly clearing his throat made sleep impossible. It was like sharing a cell with a loud, angry barking Pit Bull. As Adam's condition worsened, our relationship degraded until he moved out - he was passed to another inmate. It is common for prison officials to simply pass problems along.

These self-approving facilities fail entirely to screen or assign inmates beyond placing bodies in beds. In MCI-Shirley, as in most correction facilities, cells are segregated based on race. Little consideration is given beyond race segregation, gang affiliation, other arbitrary and capricious cell assignment protocol.

Oversight of these sprawling behemoths is lacking. Courts, politicians, and public don't "second-guess"⁴ prison administrators.

During a recent inspection, a once-a-year audit, I witnessed staff shield deplorable conditions using various techniques as simple as touring inspectors during a lockdown - cells were impossible to view, or inmates were difficult to communicate with. In one instance, I watched an inspector look into showers where lights were purposely turned off. Unlit, the inspector was unable to see appalling conditions where prisoners are made to shower.⁵

Prison officials must tolerate this yearly intrusion, however they may look, but most will not be permitted to see or report deplorable conditions.

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The United States has about 2.4 million people behind bars, making it the largest prison population in the world, despite a 40% drop in the U.S. crime rate over the past twenty years.⁶

Institutions like MCI-Shirley were built in haste during a prison expansion in the late 1980's and 90's. This explosion of mass incarceration was due, in part, to a war on drugs, crack-cocaine in particular, and a zero tolerance law enforcement practice called "Broken Windows."⁷

Broken Windows fueled prison expansion. Police departments nationally grew prison populations incarcerating low level property and quality of life crime. Furthermore, mandatory minimum sentencing schemes and a legal paradigm embracing "tough on crime" prosecutions turned correction facilities into hydra-headed behemoths.⁸

Today, overcrowding in facilities like MCI-Shirley has created conditions which may rise to the level of cruel and unusual punishment prohibited by the Eighth Amendment.⁹

Overcrowding is creating a virtual geriatric ward of prisoners. This institution suffers more than most. It is home to a disproportionate number of handicapped inmates because of wheelchair accessible buildings and programs.

Close proximity to a medical center at the nearby Souza-Baranowski, and local hospitals have made MCI-Shirley ideal for ill and infirm inmates. Sadly, the delapidated pre-fab health services unit is quickly crumbling, and there are plans to move critical care inmates to other institutions.

The quest for adequate services here in MCI-Shirley, and many state prisons, is fraught with long lines and tedious waiting.

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A public that feels prisoners are coddled, or that modern Correction Facilities have evolved need only know the misery of living with an ill inmate coughing and sick sleeping at arms length.

Over 150 years ago, Dostoyevsky wrote, "The degree of civilization in a society can be judged by entering its prisons."¹⁰ There is truth to this in our own time.

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Notes
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1. Massachusetts Department of Correction Population Trends 2013; Institution Overview, p.5

MCI-Shirley encompasses two facilities housing both medium and minimum custody level inmates. The majority of inmates on January 1st 2014 were in medium security housing units (1,139) with 202 prisoners housed in minimum security. The two security levels were considered separate institutions until 2002, when they were combined as one, operating under one administration.

2. Ibid.

3. July 2nd 2015. Prison Officials quickly contacted outside contractors who repaired the system thus averting a mass migration to the Souza-Baranowski maximum security facility. Prisoners, meanwhile, were made to remain in MCI-Shirley's gymnasium until the malfunction was repaired.

4. Florence v. Bd. of Chosen Freeholders of County of Burlington, 566 U.S. ____ 132 S.Ct. 1510, 182 L.Ed. 2nd. 566

"Prison officials should be accorded 'wide-ranging' deference in the adoption and execution of policies and practices that in their judgement are needed to preserve internal order and discipline, and to maintain institutional security."

"Courts should ordinarily defer to their expert judgement in such matters."

5. July 1, 2, 2015. Two inspectors arrived escorted by a Captain-of-the-Guard.
6. The Cost of a Nation of Incarceration, CBS News (April 22nd 2012) "The U.S. has about 5 percent of the world's population, but we have 25 percent of the worlds prisoners - we incarcerate a greater percentage of our population than any country on earth."
7. James Q. Wilson & George L. Kelling, Broken Window, Atlantic Monthly, March 1982 at 29. (Positing that crime is directly related to the pride a community shows in its appearance).

Compare: Robert Trojanowicz & Bonnie Bucqueroux, Community Policing a Contemporary Perspective, (1990) and also see: Bryan M. Seiler, Moving From "Broken Windows" to Healthy Neighborhood Policy: Reforming Urban Nuisance Law in Public and Private Sectors, 92 Minn. L. Rev. 883, (2008)

8. Doris Sue Wong, Court Files Last Decree in Charles St. Jail Case, Boston Globe, November 7th 1990, at 57. "Unfortunately, overcrowding has been and will continue to be what Supreme Court Chief Justice Paul J. Liacos has coined a 'hydra-headed demon'."

Notes
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9. New England Journal on Criminal and Civil Confinment 2013,
An observation raised in an article: The Privatization of
Prisons and Prisoner Healthcare: Addressing the Extent of
Prisoner's Right to Healthcare.

The Eighth Amendment to the U.S. Constitution states: "...that excessive bail is not to be required, nor excessive fines imposed or cruel and unusual punishment inflicted." This prohibition is similar to Massachusetts Constitution, Declaration of Rights art. 26, providing: "...no magistrate or court of law, is to demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments."

10. Yale Book of Quotations 210 (F.Shapiro, Ed.2006).