

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

RICHARD BARTKUS,  
PALMER GAINES,  
ERNEST BRADSHAW,  
ARTHUR DAVIS,  
MELVIN DANIELS,  
JOSEPH LETEZEIO, JR., on behalf  
of themselves and all others  
similarly situated,

Petitioners

v.

JOHN R. MANSON, Commissioner of  
Corrections, CARL ROBINSON, Warden  
Connecticut Correctional Institu-  
tion at Somers, in their official  
and individual capacities,

Respondents

CIVIL NO. H80-506  
H81-512  
H81-843  
H82-245  
H82-252  
H82-531

FIRST AMENDED COMPLAINT

I. PRELIMINARY STATEMENT

This is a consolidated class action brought by six prisoners confined in the Connecticut Correctional Institution at Somers (hereinafter Somers) on behalf of themselves and some 1,350 present and future inmates, including pretrial detainees and sentenced men. The primary issue before this Court is whether the constitutional rights of the plaintiffs and members of their class are being violated by their incarceration at Somers, a Connecticut state prison which is egregiously overcrowded, unsanitary, lacking in security, and unable to provide adequately the basics of general human living needs. Plaintiffs contend that the totality of the conditions at Somers violates their rights under the Eighth and Fourteenth Amendments to the United States Constitution and seek injunctive and declaratory relief to remedy these violations.

Bartkus v. Commissioner of Correction



PC-CT-003-001

## II. JURISDICTION

1. Jurisdiction arises under 28 U.S.C. §1343(3) and (4).
2. Declaratory judgment and further relief are authorized under 28 U.S.C. §§2201 and 2202 and Rule 57 of the Federal Rules of Civil Procedure.
3. These suits to redress deprivations of constitutional rights under color of state law are authorized pursuant to 42 U.S.C. §1983.

## III. CLASS ACTION ALLEGATIONS

4. Plaintiffs bring this action on behalf of themselves and all others similarly situated as a class action pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure. The class which plaintiffs represent is composed of all present and future inmates confined in the Connecticut Correctional Institution at Somers.

The requirements of Rule 23(b) are met in that:

- a. Plaintiffs' class consists of the present Somers inmate population of over 1,300 men and future inmates, a class so numerous that joinder of all of its members is impracticable.
- b. The violations of constitutional rights alleged by the facts in this complaint are common to all members of the class.
- c. The claims of the plaintiffs are typical of the claims of all class members.
- d. Plaintiffs will fairly and adequately represent the interests of the class.
- e. Defendants Manson and Robinson have acted on grounds generally applicable to the class, thereby making appropriate injunctive and declaratory relief with respect to the class as a whole.

**IV. PARTIES****Plaintiffs**

5. Plaintiff Richard Bartkus has been sentenced upon criminal charges brought within the State of Connecticut and is presently incarcerated at Somers. He began his independent action H80-506, later consolidated into this action, while a pretrial detainee at Somers. At various times since his incarceration, he has been confined in the card room dormitory, G dormitory and J dormitory units at Somers.

6. Plaintiff Palmer Gaines is a sentenced inmate incarcerated at Somers. At various times since his incarceration, he has been confined in the G-2 dormitory and G-1 dormitory units at Somers.

7. Plaintiff Ernest Bradshaw is a sentenced inmate incarcerated at Somers. At various times since his incarceration, he has been confined in many different housing units at Somers.

8. Plaintiff Arthur Davis is a sentenced inmate at Somers. At various times since his incarceration, he has been confined in many different housing units at Somers.

9. Plaintiff Daniels is a sentenced inmate incarcerated at Somers. At various times since his incarceration, he has been confined in the hospital dormitory unit at Somers.

10. Plaintiff Joseph Letezio, Jr. is a sentenced inmate incarcerated at Somers. At various times since his incarceration, he has been confined to the G-1 dormitory unit at Somers.

**Defendants**

11. Defendant John R. Manson is the Commissioner of the Department of Corrections for the State of Connecticut in whose custody the plaintiffs are presently confined. Pursuant to C.G.S.

§18-91, he is responsible for the overall supervision and direction of all institutions, facilities, and activities of the Department of Corrections including Somers. He is sued in his official and individual capacity.

12. Defendant Carl Robinson is the Warden for Somers. Pursuant to C.G.S. §18-92, he is responsible for the daily operation and administration of Somers. He is sued in his official and individual capacity.

#### V. STATEMENT OF FACTS

13. The Connecticut Correctional Institution at Somers is the state's only maximum security correctional facility for adult males and is designed to hold long term sentenced inmates. Though the vast majority of prisoners at Somers are sentenced inmates, pretrial detainees are also held there.

14. The population of prisoners that Somers was designed to hold is approximately 950. However, as of March 24, 1982, the Somers inmate population was 1,365 or an increase of 30% over design capacity.

#### A. Intolerable Physical Facilities

15. Due to increases in the number of inmates, new dormitories to house the swelling population have been created in the "card room" area, the second floor of the hospital medical wards, the old "barber shop," and G block replacing the prior uses of these areas.

16. The "card room" dormitory is a room containing 4132 square feet housing approximately seventy-two men in thirty-six bunkbeds lined up in rows with only about two feet of floor space between the bed rows. It is a room that was originally designed for a swimming pool and its windows are blacked over so that little or no natural light enters. There are only nine showers, four

toilet stalls, four urinals and three sinks available to the card room dormitory inmates.

17. Due to overcrowding at Somers, the second floor of the prison hospital has been converted from medical interview rooms to housing. The smaller rooms contain approximately six men while the dormitories, 9W, 12W, and 11W, are larger.

18. In the 12W hospital dormitory, there are approximately sixteen beds in an area of 585 square feet and only one toilet and one sink available for inmate use. In the 9W hospital dormitory, there are approximately thirty beds in an area of 1368 square feet.

19. In the 11W hospital dormitory, there are approximately thirty-four beds with only one shower, two toilets, and one urinal.

20. The old prison barber shop space, containing 900 square feet has also been converted to a dormitory. There are twelve double bunk beds for twenty-four inmates with only one toilet, one urinal, and one sink.

21. G-1 dorm houses approximately thirty-six men in a space of 1085 square feet with two toilets, and two sinks.

22. G-2 dorm houses approximately fifty-two men in a space of 2550 square feet with three toilets, three urinals, six sinks, and three showers.

23. The conditions in these dorms are not designed to provide adequate living space in that:

a. Each inmate has less than sixty square feet of living space.

b. The noise level is high and interferes with normal human activities.

c. Air circulation and ventilation is inadequate resulting in a dormitory that is hot, smokey, and smells unclean.

- d. The dorms are infested with vermin.
- e. The lighting is inadequate for general living needs.
- f. There is no adequate space for recreation.
- g. There are inadequate shower and bathroom facilities.
- h. There is inadequate fire protection.

24. Inmates housed in the dormitories at Somers are subjected to such effects of the overcrowding including but not limited to the following:

- a. Men are packed into the dormitories in rows of double bunks with no space to move about.
- b. There is no privacy for inmates.
- c. There are no dayrooms from which to escape the crowded conditions.
- d. There is no activity or exercise space in the dormitories.
- e. These overcrowded conditions cause stress, strain, and tension and are detrimental to the inmates' physical and psychological health.
- f. Violence is increased as a result of the crowding in the dormitories and there is a lack of safety and security.
- g. Inmates are confined in these areas for approximately twenty hours daily.

25. In E Block and G Block some members of plaintiffs' class are now being confined with one other inmate in a single cell, of approximately sixty square feet, a practice known as "double celling."

26. Also in E Block, beds and inmate living quarters have been set up in increasing numbers in the hallways to house part of the increased inmate population.

27. These practices result in inadequate living space for the double celled inmates and subject inmates to detrimental effects of overcrowding including but not limited to:

- a. The cell contains only a toilet, a set of bunk beds, minimal furnishings and a narrow walkway and less than sixty square feet of living space per inmate.
- b. There is no exercise or activity space in the cell.
- c. There is no privacy in the cell.
- d. There is inadequate ventilation and lighting in the cell.
- e. Inmates have no free access to dayrooms from which to escape the double cell.
- f. Inmates are confined in the double cell for approximately twenty hours daily.
- g. The crowded conditions are detrimental to the inmates' physical and psychological health as well as physical safety.

**B. Lack of Proper Diagnostic and Classification System**

28. Due to the overcrowding at Somers, there is no adequate inmate classification system. Mentally ill and violent inmates remain mixed in with the general prison population. Because of the overcrowding, these inmates are not removed and placed in appropriate areas.

29. Inmates are confined in segregation away from the general population for lengthier periods of time than required due to overcrowding at Somers.

30. Because of the lack of adequate living space at Somers due to the overcrowding, pretrial detainees are intermingled and housed with the general inmate population.

31. Prisoners with drug, alcohol, and mental health problems are not identified and experience long delays in diagnosis because of the overcrowded conditions.

C. Idleness and Lack of Constructive Activity

(1) Lack of Jobs

32. Due to the overcrowded conditions at Somers, defendants have made few efforts to increase the number of prisoners employed in meaningful ways.

33. Many Somers inmates are given job titles without concomitant responsibilities. For example, many inmates have the job title of Window Washer only to remain locked in their cells all day with no work to do.

34. Due to the overcrowding there are lengthy waiting lists for the limited number of jobs available, and not every inmate who wants a job can have one.

35. Due to the inadequacies of the Somers job program, most prisoners have nothing to do. Except for recreation time of approximately one and one-half hours a day, and meal time of two hours a day, they remain locked in their dormitories, cellblocks, or cells for about twenty and one-half hours each day.

(2) Lack of Educational and Treatment Programs

36. The Somers educational system is overcrowded so that many prisoners do not receive the individual attention needed to maintain or improve their skills, aptitudes, and knowledge.

37. Many inmates cannot even get into educational programs and remain on waiting lists for such programs due to the overcrowding.



38. While the inmate population has increased, there has been no corresponding increase in educational program staff for the inmates.

39. Due to overcrowding, inmate access to the drug, alcohol and mental health treatment programs at Somers has been sharply curtailed. There are long waiting lists for entry into these programs.

40. The number of prison counselors has not increased in proportion to the increase in inmate population so that an inmate now experiences long delays in seeing a counselor and being referred to treatment or other sorts of programs.

### (3) Lack of Recreational Opportunities

41. The limited indoor facilities which include only two gyms, a weightroom, and a room with boxing equipment are inadequate for a prison population of over 1,300 inmates.

42. Prisoners do not go outside for recreation until the summer schedule begins in June, and only in good weather. From September to May, there is no outdoor recreation.

43. Due to the overcrowded conditions at Somers, recreation time has been reduced. Prisoners receive approximately one hour of recreation a day.

44. Due to overcrowding, recreational opportunities are inadequate. Recreational facilities, equipment, programs, and staff are insufficient to accommodate the excess number of inmates over design capacity.

### D. Restrictions on Visiting

45. Due to the overcrowding, visiting time has been reduced and space for visitors is inadequate.

**E. Lack of Adequate Medical Care**

46. Due to overcrowding, medical care has become more difficult to obtain.

47. There are delays in obtaining routine medical care.

48. Medical specialists are not available and there are lengthy delays in obtaining specialized medical care.

49. Medical supplies are not available in adequate quantities.

**F. Inadequate Food**

50. Due to overcrowding, meal portions have been reduced.

51. Foods, especially meats, provided at Somers are now of lesser quality than before the facility was overcrowded.

**G. Inadequate Security and Increase in Violence**

52. As a result of the overcrowding at Somers, tension and violence in the prison have increased, such that plaintiffs' safety is in jeopardy.

53. Although there has been approximately a 30% increase in inmate population over design capacity, there has been no matching increase in the number of guards.

54. The violence is attributable to the inadequate diagnostic and classification system, the lack of constructive activities, the absence of work opportunities, the absence of treatment program participation, the inadequate number of prison counselors, the lack of security staff, the absence of adequate recreational and educational programs and adequate living space for the inmates.

55. As a result of the overcrowding and inadequate security at Somers, inmates and guards have sustained physical injuries.

**VI. FIRST CLAIM FOR RELIEF - Eighth Amendment (Totality of Conditions for Sentenced Inmates)**

56. Paragraphs one through fifty-five are incorporated herein as if reproduced in full.

57. The totality of the overcrowded conditions at Somers, including the limited living space; inadequate, dangerous, and unsanitary housing; poor food; limited medical care, treatment programs, and educational opportunities; the failure to classify and diagnose violent and mentally ill inmates; the inadequate opportunities for recreation and visiting; and the overburdened counselling and inadequate security staff, provided by the defendants subjects plaintiffs and members of their class to cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments to the United States Constitution.

**VII. SECOND CLAIM FOR RELIEF - Fourteenth Amendment (Totality of Conditions for Pretrial Detainees)**

58. Paragraphs one through 57 are incorporated herein as if reproduced in full.

59. The totality of the overcrowded conditions at Somers, including the limited living space; inadequate, dangerous, and unsanitary housing; poor food; limited medical care, treatment programs, and educational opportunities; the failure to classify and diagnose violent and mentally ill inmates; the inadequate opportunities for recreation and visiting; and the overburdened counselling and inadequate security staff, provided by the defendants constitutes a denial of due process of law in violation of the Fourteenth Amendment to the United States Constitution for pretrial detainees incarcerated at Somers.

VIII. THIRD CLAIM FOR RELIEF - Eighth Amendment (Failure to Identify and Separate Prisoners)

60. Paragraphs one through fifty-nine are incorporated herein as if reproduced in full.

61. The defendants' failure to identify and separate prisoners according to the security and custody risk they present violates plaintiffs' and members of their class Eighth and Fourteenth Amendment rights under the United States Constitution.

IX. FOURTH CLAIM FOR RELIEF - Eighth Amendment (Failure to Provide Reasonably Adequate Protection)

62. Paragraphs one through sixty-one are incorporated herein as if reproduced in full.

63. The defendants' failure to provide the plaintiffs and members of their class with reasonably adequate protection from harm violates their Eighth and Fourteenth Amendment rights under the United States Constitution.

X. FIFTH CLAIM FOR RELIEF - Eighth Amendment (Failure to Provide Adequate Health and Mental Health Care)

64. Paragraphs one through sixty-three are incorporated herein as if reproduced in full.

65. The defendants' failure to provide an adequate system of medical and mental health care services delivery violates plaintiffs' and members of their class rights under the Eighth and Fourteenth Amendments to the United States Constitution.

XI. PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray for the following relief by this Court:

1. Assume jurisdiction over this action.
2. Certify, pursuant to Rule 23 of the Federal Rules of Civil Procedure, that this action is a proper class action and that plaintiffs are proper class representatives.
3. Enter a declaratory judgment pursuant to 28 U.S.C. §§2201, 2202 and Rule 57 of the Federal Rules of Civil Procedure, declaring that:
  - a. The totality of the overcrowded conditions at Somers, including the limited living space; inadequate, dangerous, and unsanitary housing; poor food; limited medical care, treatment programs, and educational opportunities; the failure to classify

and diagnose violent and mentally ill inmates; the inadequate opportunities for recreation and visiting; and the overburdened counselling and inadequate security staff, provided by defendants subjects plaintiffs and members of their class to cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments to the United States Constitution.

b. The totality of the overcrowded conditions at Somers, including the limited living space; inadequate, dangerous, and unsanitary housing; poor food; limited medical care, treatment programs, and educational opportunities; the failure to classify and diagnose violent and mentally ill inmates; the inadequate opportunities for recreation and visiting; and the overburdened counselling and inadequate security staff, provided by defendants constitutes a denial of due process of law in violation of the Fourteenth Amendment to the United States Constitution for pretrial detainees incarcerated at Somers.

c. The defendants' failure to identify and separate prisoners according to the security and custody risk they present violates plaintiffs' and members of their class' Eighth and Fourteenth Amendment rights under the United States Constitution.

d. The defendants' failure to provide plaintiffs and members of their class with reasonably adequate protection from harm violates their Eighth and Fourteenth Amendment rights under the United States Constitution.

e. The defendants' failure to provide an adequate system of medical health care services delivery violates plaintiffs' and members of their class' rights under the Eighth and Fourteenth Amendments to the United States Constitution.

4. Enter a preliminary and permanent injunction enjoining the defendants, their agents, employees, and those persons acting in concert with them from confining any future prisoners, sentenced or pretrial in the Connecticut Correctional Institution at Somers, unless and until the conditions are remedied such that all plaintiffs and members of their class receive the benefits of:

- a. Adequate living space in safe and sanitary quarters.
- b. An adequate number of showers, toilets, and urinals.
- c. A reduced level of noise so as not to interfere with normal human activity.
- d. Adequate lighting for general living needs.
- e. An improved ventilation system such that temperatures are properly regulated, smoke and pollutants are removed from the air, and noxious odors are dissipated.
- f. An adequate number of jobs with appropriate concomitant responsibilities.
- g. Adequate educational and treatment program opportunities.
- h. Adequate food in quality and quantity.
- i. Adequate recreational opportunities.
- j. Adequate protection from physical and psychological harm.
- k. Adequate medical and mental health care.
- l. An adequate inmate classification system.
- m. Adequate visiting opportunities.

5. Issue an order preliminarily and permanently enjoining defendants, their agents, employees and those persons acting in concert with them from interfering with plaintiffs' rights

guaranteed by the Eighth and Fourteenth Amendments to the United States Constitution.

6. Order that defendants pay costs and attorneys' fees for this action, as authorized by the Civil Rights Act of 1976, 42 U.S.C. §1988.

7. Grant such other and further relief as the Court deems just and proper.

Respectfully Submitted,

The Plaintiffs

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been mailed postage prepaid to Assistant Attorney General, Stephen O'Neill, 340 Capitol Avenue, Hartford, CT 06106 this 15<sup>th</sup> day of June, 1982.

Martha Stone  
Martha Stone