

103 CMR: DEPARTMENT OF CORRECTION

103 CMR 900.00: COUNTY CORRECTIONAL FACILITIES -- GENERAL PROVISIONS

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900.01: General Purpose

103 CMR 900.00 through 979.00 establish standards for the care and custody of all persons committed to any county correctional facility and provisions for enforcement of such standards.

900.02: Cancellation

103 CMR 900.00 through 979.00 cancel all previous CMR rules and regulations, policy statements, bulletins, directives, orders and notices regarding standards for the care and custody of all persons committed/housed in any county correctional facility which are inconsistent with 103 CMR 900.00 through 979.00.

900.03: Statutory Authority

103 CMR 900.00 through 979.00 are issued pursuant to M.G.L. c. 124, §§ 1(d) and (q) and c. 127, §§ 1A and 1B, and are not intended to confer any procedural or substantive rights not otherwise granted by state or federal law, nor any private cause of action.

900.04: Severability

If any article, section, subsection, sentence, clause, or phrase of 103 CMR 900.00 through 979.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner or otherwise inoperative, such decisions shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 103 CMR 900.00 through 979.00.

900.05: Other State Requirements

All new and existing county correctional facilities shall conform to state and local fire, health, safety and building codes as required by statute, as long as compliance would not interfere with the facility maintaining the security and confinement of the detainees and/or sentenced inmates.

900.06: Other Local Requirements

Nothing contained in 103 CMR 900.00 through 979.00 shall prohibit the Sheriff/county officials operating county correctional facilities from adopting standards and requirements governing their own employees and facilities, provided such standards and requirements are not inconsistent with 103 CMR 900.00 through 979.00 or other applicable law.

900.07: Non-discriminatory Treatment

No person confined at any county correctional facility shall be denied the equal protection of the law nor shall be subject to discriminatory treatment on the basis of race, religion, creed, sex, sexual orientation, handicap or national origin.

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900.08: Applicability

103 CMR 900.00 through 979.00 apply to all county correctional facilities and employees.

900.09: Access to Policy

103 CMR 900.00 through 979.00 shall be maintained at each county correctional facility and shall be accessible to all employees. When appropriate and applicable, 103 CMR 900.00 through 979.00 are to be accessible to inmates.

900.10: Responsible Staff

(1) The Sheriff shall implement and monitor 103 CMR 900.00 through 979.00 throughout each county correctional system.

(2) Each Sheriff or facility administrator shall implement and monitor 103 CMR 900.00 through 979.00 at his/her facility.

900.11: Annual Review

103 CMR 900.00 through 979.00 shall be reviewed at least annually from the effective date by the Commissioner or designee. The party or parties shall conduct the review, in cooperation with the Massachusetts Sheriffs' Association, and shall develop a memorandum to the Commissioner with a copy to the Central Policy file indicating revisions, additions or deletions, and recommend actions for the Commissioner's written approval. A Massachusetts Sheriffs' Association (MSA) position statement on any matter included in the review shall, upon request of the MSA, be included with the memorandum to the Commissioner.

REGULATORY AUTHORITY

103 CMR 900.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.