

103 CMR 900 Series

County Correctional Facilities

Table of Contents

103 CMR 900	General Provisions
103 CMR 901	Application of Standards
103 CMR 902	Definitions
103 CMR 903	Administration of Standards
103 CMR 904	Enforcement Procedures
103 CMR 905 – 906	Reserved
103 CMR 907	Planning Procedures for New Construction & Renovation
103 CMR 908 – 909	Reserved
103 CMR 910	Administration & Management
103 CMR 911	Budget & Fiscal Management
103 CMR 912 – 913	Reserved
103 CMR 914	Personnel
103 CMR 915	Training & Staff Development
103 CMR 916	Management Info System
103 CMR 917	Research
103 CMR 918	Inmate Records
103 CMR 919	Reserved
103 CMR 920	Physical Plant
103 CMR 921 – 923	Reserved
103 CMR 924	Security Control
103 CMR 925	Reserved
103 CMR 926	<u>Special Management Restrictive Housing Inmates</u>
103 CMR 927	Reserved
103 CMR 928	Food Services
103 CMR 929 – 931	Reserved
103 CMR 932	Medical Services
103 CMR 933	Reserved
103 CMR 934	Legal Rights
103 CMR 935	Reserved
103 CMR 936	Inmate Service & Programs
103 CMR 937 – 939	Reserved
103 CMR 940	Admission, Orientation, Property Control & Release <u>& Victim Notification</u>
103 CMR 941	Reserved
103 CMR 942	Classification
103 CMR 943	Inmate Rules & Discipline
103 CMR 944	Inmate Work Programs
103 CMR 945 – 947	Reserved
103 CMR 948	Mail & Communication
103 CMR 949	Reserved

103 CMR 900 Series
County Correctional Facilities
Table of Contents
Page 2

103 CMR 950	Visiting
103 CMR 951	Reserved
103 CMR 952	Release Preparation & Temporary Release
103 CMR 953 – 972	Reserved
103 CMR 973	Safety & Emergency Standards
103 CMR 974	Sanitation & Hygiene
103 CMR 975 – 978	Reserved
103 CMR 979	Volunteers and Citizens Involvement

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103 CMR 900.00: COUNTY CORRECTIONAL FACILITIES -- GENERAL PROVISIONS

Section

- 900.01: General Purpose
- 900.02: Cancellation
- 900.03: Statutory Authority
- 900.04: Severability
- 900.05: Other State Requirements
- 900.06: Other Local Requirements
- 900.07: Non-Discriminatory Treatment
- 900.08: Applicability
- 900.09: Access to Policy
- 900.10: Responsible Staff
- 900.11: Annual Review

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~~ race, color, age, gender, ethnicity, sexual orientation, gender identity, religion, creed, ancestry, national origin, disability, veteran status (including Vietnam Era Veterans), genetic information or background.

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 all 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 ~~F~~facility ~~A~~administrator shall implement and monitor 103 CMR 900.00 through 979.00 at his/her/ their 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~~reviewing party or parties shall conduct the review, in cooperation with the Massachusetts Sheriffs' Association (MSA), and shall develop a memorandum to the Commissioner, with a copy to the Central Policy file, indicating any revisions, additions, ~~or~~ deletions, and recommend actions, for the Commissioner's written approval. ~~An~~ Massachusetts Sheriffs' Association (MSA) ~~The MSA's~~ 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.

103 CMR 901.00: COUNTY CORRECTIONAL FACILITIES -- APPLICATION OF STANDARDS

Section

- 901.01: Types of Facilities
- 901.02: Inspection
- 901.03: Standard Categories
- 901.04: Waivers
- 901.05: Waiver in the Event of Overcrowding Emergency
- 901.06: Emergency Suspension of Standards

901.01: Types of Facilities

103 CMR 900.00 through 979.00 shall apply to any correctional facility subject to the control of a sheriff. 103 CMR 900.00 through 979.00 shall not apply to police station houses or lock-ups which provide brief, pre-arraignment custody.

901.02: Inspection

The Commissioner or designee shall visit and inspect each county correctional facility to determine compliance with 103 CMR 900.00 through 979.00 at least once every six (6) months. ~~The results of the inspection shall be documented in a draft audit report, which shall be sent from the Commissioner to the Sheriff. The draft report shall be followed by the final audit report. The standards found in 103 CMR 900 County Correctional Facilities – General Provisions are divided into four (4) cycles. Each cycle consists of an initial audit to assess facility operations, and to gauge compliance with the applicable standards. The results of the audit shall be documented in a draft audit report, which shall be sent from the Commissioner to the Sheriff. A follow up audit is conducted six (6) months after the initial audit to assess corrective action taken on each noted non-compliance from the draft audit report. The results of the follow up audit shall be documented in a final audit report, which shall be sent from the Commissioner to the Sheriff.~~

901.03: Standard Categories

Each standard has a weight of either "required" or "recommended". Required standards, noted by the term "Required" in text, are directly related to conditions or situations of life, health, and safety of any sentenced individual or pre-trial detainee housed in a county correctional facility, employees, or the public. There are ~~thirty four (34)~~ thirty five (35) required standards and, without exception, efforts shall be made to meet and maintain these standards. The remaining standards are recommended, and the facility should strive to comply. Every effort shall be made to maintain compliance at the level designated by the standards.

901.04: Waivers

(1) Any Sheriff or facility administrator of a county correctional facility in existence on the effective date of 103 CMR 900.00 through 979.00 may apply in writing to the Commissioner for a waiver of one (1) or more standards of 103 CMR 900.00 through 979.00, where existing facilities prevent compliance, and when the following conditions exist:

- (a) non-compliance with the standard does not adversely affect the life, health and safety of staff, ~~or inmates,~~ or the public, and does not adversely affect or the constitutional operation of the facility; and,
- (b) overall facility programming compensates for conditions resulting in non-compliance with the standard.

(2) The application for waiver shall cite each standard requested to be waived, state the reasons why compliance cannot be achieved, and describe steps to be taken to achieve as nearly as possible through alternative means the purpose of each standard requested to be waived.

(3) Upon receipt of a written application for waiver, the Commissioner shall ~~by written decision~~, expeditiously grant or deny said application. The Commissioner shall grant an application for waiver only where it is found that compliance cannot be achieved and that feasible steps have been designed to achieve as nearly as possible the purpose of the standard through alternative means ~~the purpose of the standard~~.

(4) Granted waivers shall be reviewed at least annually by the Commissioner or designee to determine if conditions and circumstances ~~are still existing~~ still exist to justify the waiver.

901.05: Waiver in the Event of Overcrowding Emergency

Any Sheriff of any existing, new, or proposed county correctional facility in which increases in inmate population may prevent compliance with one (1) or more sections of 103 CMR 900.00 through 979.00 may apply in writing to the Commissioner for a waiver of such regulations.

(1) The application for such a waiver shall conform ~~with~~ to the requirements set forth in 103 CMR 901.04(2).

(2) The granting or denial of such a waiver shall be governed by the procedures set forth in 103 CMR 901.04(3). The duration of such a waiver shall be at the discretion of the Commissioner.

901.06: Emergency Suspension of Standards

The Sheriff or ~~F~~ F facility ~~A~~ A administrator shall have the power to suspend any of 103 CMR 900.00 through 979.00 in the event of an emergency for the duration of said emergency; provided that:

(1) Only such sections as are directly affected by the emergency may be suspended;

(2) The suspension shall continue no longer than is required by the emergency;

(3) The Sheriff or ~~F~~ F facility ~~a~~ A administrator shall immediately notify the Commissioner of the suspension of any regulations; and,

(4) The Sheriff or ~~F~~ F facility ~~A~~ A administrator shall within a reasonable period of time, send to the Commissioner or designee ~~by~~ written notification of the suspension of any regulations setting forth the reasons for the suspension. In no event shall such a suspension continue more than five (5) days without a review by the Commissioner, who shall specify a time limitation.

REGULATORY AUTHORITY

103 CMR 901.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

103 CMR 902.00: COUNTY CORRECTIONAL FACILITIES--DEFINITIONS

~~Section~~

~~902.01: Definitions~~

902.01: Definitions

As used throughout the 103 CMR 900 through 979.00, unless the context otherwise requires, the following words shall have the following meanings.

Additions—: A constructed addition that increases the rated capacity of a correctional facility in operation on ~~the effective date of 103 CMR 900.00 through 979.00, or after January 1, 1992.~~

~~Administrative Segregation—: A form of segregation from the general population, administered by a classification committee or other authorized group or authority, when the continued presence of the inmate in general population would pose a serious threat to life, property, self, staff or other inmates, or to the security or orderly running of the facility.~~

Appeal—: A mechanism for inmates to request a review of a decision to a higher authority.

Audio/Visual Electronic Surveillance—: Electronic equipment that allows s an individual to listen or view an activity utilizing closed circuit television or audio listening equipment.

Authority Having Jurisdiction (AHJ)—: An agency, a or a representative of any agency, that has authority to regulate or inspect a specific functional activity or an operation of a county correctional facility. The authority having jurisdiction may be, for instance, -a state or local fire authority, a state or local health authority, the Massachusetts Department of Labor, state or local building and utility inspectors, or other statutory authorities.

Awaiting Action Status—: The confinement of an inmate ~~in to~~ an individual cell, ~~which may be either~~ in the inmate's designated housing unit or in a ~~special management~~ Restrictive Housing Unit, until an investigation is completed, or a hearing is held, relative to a disciplinary, administrative, or classification matter, including, but not limited to, -protective custody issues. Such confinement shall not be punitive and should only be used when necessary to ensure the safety of the inmate, staff, or other inmates, or the security of the correctional facility.

Building Code—: State Code regulating all buildings and structures in the Commonwealth as established in 780 CMR: Massachusetts State Building Code. The Code is administered by inspectors of the Department of Public Safety or local building inspectors according to jurisdictional authority.

Caustic Material—: A substance capable of destroying or eating away matter by chemical reaction (e.g.: lye, caustic soda, sulfuric acid).

Certification/Certified—: A process by which an individual ~~has is~~ specifically trained to administer a specific task or activity based on established criteria (e.g.: CPR certification, K-9 dog certification, training certification, certified clergy).

Chief Custody Officer—: The highest ranking security officer on a specific shift.

Citizen Initiated Petition—: A special certification, ~~under~~ pursuant to M.G.L. c. 6, § 172 (c), which allows “persons with an articulated fear of physical harm” from a specific offender to receive notice of that offender’s release.

Classification—: A system by which the security and program needs of each individual for whom confinement was ordered is determined. These needs are regularly assessed and monitored.

Combustible Material—: A substance with a flash point at or above 100°F, and classified as a class II or III substance by National Fire Protection Association (“NFPA”) (e.g.: diesel fuel, motor oil, cleaning solvents, paints, mineral oil, sunray conditioner).

Commissioner—: The Commissioner of the Department of Correction.

Community Release—: An inmate’s release into the community in order to participate in release programs such as work release, or educational/vocational release, ~~or the furlough program~~ in accordance with the Massachusetts General Laws and/or applicable regulations contained in 103 CMR 900.000 through 979.00.

Community Release Facility—: A county correctional facility that provides housing and programming for participants of Work Release, Pre-Release, or Alcohol Treatment Programs.

Confidentiality of Records (Inmate, Medical, Personnel)—: Information concerning an individual staff member or inmate (e.g.: medical, criminal, legal, application, pay status (not confidential unless employee was the victim of an adjudicated crime or a victim of domestic violence, sexual assault or rape, and has asked for an exemption), classification), that must be secured in a proper fire-proof cabinet with limited access in order to protect from theft, loss, tampering and destruction. Policy should specify ~~both~~ those persons authorized to use records and the purpose for such use.

Continuous Access—: Inmate access to a specified area at all times without staff assistance.

Contraband—: Any item(s) not approved for retention by an inmate at a county correctional facility.

Corrective Action Plan: The Sheriff’s response to the final audit report which should include a plan of action for each standard that was found to be in non-compliance. The response must detail who is responsible, what action will be taken, and include a target date for completion of the identified tasks

Correspondence—: Any form of written communication ~~mailed~~ sent to or from an individual committed to a county correctional facility.

County Correctional Facility—: Any building, enclosure, space or structure, that is owned, operated, administered or subject, to the control of a county of the Commonwealth, and is used for the custody, control, and rehabilitation, of committed offenders and ~~of~~ such other persons as may be placed in custody therein in accordance with law.

Criminal Offender Record Information (CORI)—: Records or data in any communicable form, compiled by a criminal justice agency, which concerns an identifiable individual and relates to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceeding, sentencing, incarceration, rehabilitation, or release (~~not to include~~ excluding evaluative information, intelligence or investigative information or statistical reports where individuals are not identified).

Decibels (db)—: Unit of measure ~~requirements~~ to determine sound levels.

Department/Division Head—: A staff person in a management/supervisory position who is responsible for overseeing a specific function/operation within a facility (e.g.: security, food services, classification).

Designated Holding Area—: Area(s) designated by a Sheriff/~~F~~facility ~~A~~administrator to provide a safe and secure place(s) to evacuate inmates during an emergency.

Designee/Designated Staff—: A staff person named by a higher authority to be responsible for the performance of a specific task or to oversee a specific function.

Direct Inmate Contact—: ~~Staff members who, by virtue of their job description, have routine~~ contact with inmates ~~such as through housing, programming, or services.~~

Disabled Person—: Any individual ~~with a disability or~~ who has a physical or mental impairment which substantially limits one (1) or more “major life activities.”; has a record of such ~~an~~ impairment, ~~or~~ is regarded as having such ~~an~~ impairment. Major life activities include: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. A qualified individual with a disability meets the essential eligibility requirements for the receipt of services or participation in programs offered by a public entity; and/or is able to perform the essential functions of the job with or without reasonable accommodations.

Disciplinary Detention—: The separation and confinement from the general population of an inmate found guilty of committing a rule violation by a disciplinary officer/committee. ~~are confined for a~~ short periods of time, not to exceed ten (10) days per infraction or thirty (30) days per incident, to their cells within their assigned housing unit or to a special housing unit. ~~Such placement may result in the loss of all privileges for the duration of the sanction.~~ (See 103 CMR 926.00 and 943.00 for details.)

Disciplinary Restrictive Housing—: ~~A placement in restrictive housing in a county correctional facility for disciplinary purposes after a finding has been made that the inmate has committed a breach of discipline.~~

Draft Audit Report—: The first of two (2) written reports to be completed by the auditors after conducting a county audit. The report may include, in addition to matters of non-compliance, comments on administrative or operational revisions which may enhance a policy, procedure or practice already found to be in compliance. The draft report, which shall be watermarked, is disseminated to the Sheriff of the audited facility by the Commissioner.

Education Release—: Any program approved by the parent agency pursuant to M.G.L. c. 127, § 48, that is designed to provide academic training, vocational training or counseling outside the confines of ~~the a~~ facility.

Electronic Consent—: ~~For any 900 CMR standard which requires an inmate’s written signature/consent, an electronic signature shall be acceptable provided the facility orientation manual outline the procedure which ensures the inmates electronic signature was given knowingly and voluntarily.~~

Eligible Inmate—: Inmates ~~that who~~ meet established criteria (e.g., length of stay, time prior to release, determination of need and suitability) required to participate in a specific program (e.g., ~~E~~education, ~~Furlough~~, ~~w~~Work ~~r~~Release).

Emergency—: Any significant disruption of normal facility procedure, policy or activity caused by riot, escape, fire, natural disaster, employee action, threat of disruption, or other serious incident.

Emergency Escorted Trip—: An approved temporary release authorized by the Sheriff/designee from any county correctional facility for the purposes of attending a funeral of a relative or to visit a

critically ill relative. ~~Such as~~ Efforts to facilitate an emergency escort trip shall be conducted by staff members who have care and custody responsibilities of inmates and the transportation requirements shall be consistent with the level of inmate security.

Emergency Health Care—: Care for an acute illness or unexpected health care need that cannot be deferred until the next scheduled sick call. Such care shall be provided by the medical director, medical doctor, trained health care staff, health-trained staff, local ambulance service, or hospital emergency room.

Exigent Circumstances—: Circumstances that create an unacceptable risk to the safety of any person.

Facility Administrator—: Any official, regardless of title (e.g., ~~S~~heriff, ~~S~~uperintendent, ~~D~~eputy ~~S~~uperintendent, ~~D~~irector) who has the ultimate responsibility for the day-to-day operations of ~~the a~~ facility.

Final Audit Report: The second of two (2) written reports to be completed by the auditors after conducting a county facility audit. The audit report is disseminated to the Sheriff of the audited facility by the Commissioner.

Fire Alarm/Automatic Detection System—: A system primarily intended to provide ~~the an~~ indication and warning of abnormal conditions (fire/smoke) and the summoning of appropriate aid.

Fire Retardant Furnishings—: Furnishings in a facility of a material that is resistant to flame or consists of a coating that is flame retardant as approved by the authority having jurisdiction. (527 CMR 21.00; Decorations, Curtains, Draperies, Blinds and Other Window Treatments; 527 CMR 29.00: Upholstered Furniture, Molded Seating and Re-Upholstered Furniture; 105 CMR 451.00: Minimum Health and Sanitation Standards and Inspection Procedures for Correctional Facilities.).

Flammable Material—: A substance with a flash point below 100°F (37.8°C), and/or a Class I liquid as defined by NFPA (e.g., ~~gasoline~~, lacquer, contact cement, ethyl alcohol).

Foot Candle—: A unit ~~of of measure for measuring~~ the intensity of illumination equal to the. ~~The~~ amount of light thrown on a surface one (1) foot away from the light source.

Gender Non-Conforming: The extent to which a person's identity, role, or expression differs from cultural norms gender stereotypes prescribed for people of a particular biological sex. Only some gender non-conforming individuals will experience gender dysphoria at some point in their lives.

Grievance—: A written complaint by an inmate concerning such matters as an incident, a condition of confinement, or application of a facility policy, rule or regulation for which redress is sought. (Classification and disciplinary decisions are not subject to grievance as there are existing appeal mechanisms. Medical decisions shall not be subject to a county facility's grievance process, but shall have a separate grievance process).

Handicapped Person—: See Disabled Person.

Health Authority—: A physician or qualified health administrator who is responsible for the provision of health care services at a facility or satellite of the agency.

Health Care—: The sum of all action taken, including preventive, diagnostic and therapeutic treatment, to provide for the physical and mental well-being of a population. Health care includes medical and dental services, mental health services, nursing, personal hygiene, dietary services and environmental conditions.

Health Care Personnel—: Individuals whose primary duties are to provide health services to inmates in keeping with their respective levels of health care training and experience. Such personnel shall be licensed, registered, or certified as appropriate to their qualification to practice.

Health Trained Employee/Personnel—: Correctional officers or other facility personnel who are trained by health care personnel or other qualified staff to carry out specific duties with regard to the administration of health care (e.g., CPR, First Aid/First Responder), and who are appropriately supervised to carry out certain specific duties with regard to the administration of health care.

Housekeeping/Maintenance Plan—: A written plan which outlines specific tasks to be performed, in order to maintain a safe and sanitary environment throughout the facility.

Indigency—: Upon request for a waiver of fees or costs, an inmate may be declared indigent if, at the time of the request, the inmate has in all his/her their accounts to which he she/they haves access, a total amount less than or equal to \$10 plus the cost or fees sought to be waived, and at no time for the sixty (60) days immediately preceding said request ~~had~~ has the inmate's accounts contained more than the \$10 plus the cost or fees sought to be waived. However, the Sheriff/~~F~~facility ~~a~~Administrator may designate an inmate as indigent as deemed appropriate.

Industries Program—: An activity managed by facility personnel that uses inmate labor to produce goods or services for sale. These goods or services supplied by the facility to the Commonwealth, other counties, cities, and towns, shall conform as nearly as may be possible to the wholesale market rates for similar goods manufactured outside the facility.

Informed Consent—: The agreement by ~~the a~~ patient to a medical treatment, examination, or procedure after the patient receives the material facts regarding the nature, consequences, risks and alternatives concerning the proposed treatment, examination and or procedures.

Inspection—: A systematic examination of a facility operation to ensure compliance with statutory regulations, ~~policy~~ policies and procedures, life safety codes, or professional standards.

Juvenile—: Any inmate, detainee, or resident, in the custody of the Department of Correction or Sheriff's Department who has not reached the age of 18.

K-9 —: ~~A dog trained and certified by a certified trainer, accompanied by a trained handler, for use in activities such as, but not limited to, K-9 patrol activities, inmate movement, apprehensions, crowd control, detection of drugs, explosives, and other contraband.~~

K-9 Handler: A person trained and certified to handle a Patrol, Contraband Detection or Dual trained K-9 canine.

K-9 (Contraband Detection): A unit which includes a K-9 ~~canine~~ trained and certified in search and detection of contraband, accompanied by a trained handler.

K-9 (Patrol): A unit which includes a K-9 ~~canine~~ trained and certified in apprehension, accompanied by a trained handler.

K-9 (Dual): A unit which includes a K-9 ~~canine~~ trained and certified for use in apprehension and search and detection of contraband, accompanied by a trained handler.

K-9 as used in this CMR, does not include K-9 as used for programming and/or therapy purposes.

Massachusetts Sheriffs' Association— (MSA): Organization of fourteen (14) Sheriffs for the counties of the Commonwealth.

Multiple Occupancy Rooms. ~~:-~~ A room in a county correctional facility that houses no fewer than two (2) and no more than sixty-four (64) inmates who have been screened ~~for suitability to and approved for~~ group living.

Multipurpose Room~~:-~~ A room in a county correctional facility that may be used for inmate activities such as religious services, educational programs, or other inmate services.

Natural Lighting~~:-~~ Lighting available either by cell or room windows to exterior, or from a natural source within twenty (20) feet of the room or cell.

New Facility~~:-~~ A facility which is constructed, or for which plans are approved, after January 1, 1992.

National Fire Protection Association (NFPA). A nonprofit organization ~~whose with a~~ mission ~~is to~~ reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training, and education. ~~The~~ NFPA publishes the "Life Safety Code".

Nudity~~:-~~ A pictorial depiction where genitalia, buttocks or ~~female~~ breasts of individuals identifying as female are exposed. Publications containing nudity illustrative of medical, educational or anthropological content may be excluded from 103 CMR 902.01: Nudity.

Offender~~:-~~ An individual convicted or adjudicated of a criminal offense.

Parent Agency~~:-~~ The administrative department within the Sheriff's Department to whom the ~~Facility Administrator~~ Facility Administrator reports.

Permanent ~~Written~~ Log~~:-~~ A permanent recording where the daily activities, post assignment, routine and emergency situations, unusual occurrences, visitors to area, and inmate information, are ~~recorded~~ documented by the responsible staff person ~~responsible~~.

Placement Review~~:-~~ —A multidisciplinary examination to determine whether —restrictive housing continues to be necessary to reasonably manage risks of harm, notwithstanding any previous finding of a disciplinary breach, exigent circumstances or other circumstances supporting a placement in restrictive housing. When a placement review is conducted pursuant to clause (iv) or (v) of subsection (a) of M.G.L c. 127, §39B, the examiners performing a placement review shall include, but not be limited to, one (1) member of the security staff, one (1) member of the programming staff and one (1) member of the mental health staff.

Prison Rape Elimination Act (PREA)~~:-~~ Federal legislation (Public Law No. 108-79), enacted in 2003 to provide for the analysis of the incidence and effects of prison rape in federal, state and local institutions, and to provide information, resources, recommendations and funding to protect individuals from prison rape.

Policy~~:-~~ A policy is a course of action adopted and pursued by ~~the an~~ agency that guides and determines present and future decisions and actions. Policies indicate the general course or direction of an organization within which the activities of the personnel and units must operate. They are statements or guiding principles that should be followed in directing activities toward the attainment of objectives.

Pre-institutional Assessment Information~~:-~~ Information concerning an inmate committed to a county correctional facility ~~to include~~ including, but not be limited to, local and state police reports, FBI reports, probation reports, court proceedings, previous commitment documents, medical, mental health and family history.

Procedure—: The detailed and sequential set of actions that must be executed to ensure that a policy or regulation is fully implemented. It is the method of performing an operation, or a manner of proceeding on a course of action. It differs from a policy or a regulation in that it directs action in a particular situation to perform specific tasks within the guidelines of the policy or regulation.

Protective Custody—: A form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety.

Qualified Addiction Specialist—: ~~A licensed physician who specializes in the practice of psychiatry or addiction medicine, a licensed psychologist, a licensed independent social worker, a licensed mental health counselor, a licensed psychiatric clinical nurse specialist, a licensed alcohol and drug counselor I, as defined in section 1 of chapter 111J of the General Laws, or any other professional considered qualified by the County to evaluate whether an individual is a drug dependent person.~~

Qualified Employee—: A county correctional facility staff member who has received training in, and is familiar with, the specific regulatory requirements of a jurisdiction or of a county correctional facility operation (e.g., fire safety, environmental health, or training). At a minimum, on-the-job training, from the facility specialist or other authority having jurisdiction, regarding applicable regulations is expected, including use of checklists and methods of documentation.

Qualified Fire Safety Officer/Environmental Health Officer (Safety/Sanitation Specialist)—: A county correctional facility staff person or persons trained in the application of jurisdictional codes and regulations. The training of the individual may be provided by the applicable jurisdictional agency or other training agency (e.g., ~~Department of~~ Correction Training Academy or ~~Sheriff's~~ Academy). The individual may receive assistance from the applicable jurisdictional agency in interpretation ~~of~~ and methods of documentation ~~of for~~ specific requirements.

Qualified Food Service Personnel—: A county correctional facility staff person trained in food service supervision and management, who has the resources, authority, and responsibility to provide for the facility's complete food service.

Qualified Health Care Personnel—: Physicians, dentists and other professional technical workers who, by state law, engage in activities that support, complement, or supplement the functions of ~~the~~ physicians or dentists and who are licensed, registered or certified as appropriate ~~to their quas~~ requiredifications to practice.

Qualified Mental Health Professional—: ~~A treatment provider who is a psychiatrist, psychologist, psychiatric social worker, psychiatric nurse, and others, who, by virtue of education, credentials and experience, are permitted by law to evaluate and care for the mental health needs of patients.~~

Reaction Plan—: Written plans that specify the procedures to be followed in any type of disorder situation ~~to include~~ including designating who should implement ~~what~~ specific functions, what personnel should be involved, when and which authorities should be notified, how the problem should be contained, and what should be done after the incident is quelled.

Relative: Relative shall mean the committed offender's father, mother, child, brother, sister, spouse and, if a grandparent, uncle, aunt or foster parent ~~who~~ acted as the parent in rearing such committed offender, it shall also mean such grandparent, uncle, aunt or foster parent.

Renovated Facility—: A facility that has had significant structural or design change in the physical plant after the effective date of 103 CMR 900.00.

Research—: Research shall include, but not be limited to, studies involving the use of interviewers, questionnaires, participant observation and review of case records.

Restrictive Housing: A housing placement where an inmate is confined to a cell for more than 22 hours per day, ~~is provided, however, that observation for mental health evaluation shall not be considered restrictive housing.~~

Room Confinement: —A disciplinary sanction imposed as a result of an informal process. Such room confinement may last up to, but not exceed, one ~~(1), seventy-two (72)~~ hour period. It differs from disciplinary detention in that a hearing is not required prior to imposition and it is served in the inmate's housing unit, and the inmate shall retain at least one ~~(1)~~ of the privileges usually suspended, ~~(e.g., television, radio or telephone access, in-cell program activities, reading materials, visitation).~~ The imposition of room confinement does not, by itself, require the reclassification of the inmate as a ~~special management~~ Restrictive Housing inmate for the period of the sanction, although the provisions of 103 CMR 926.04 shall apply.

Safety Equipment:— Equipment designed to be used for safety purposes, including, but not limited to, this includes emergency fire equipment ~~(, i.e.e.g.,~~ portable extinguishers, water supply, alarm systems, sprinkler systems, self-contained breathing apparatuses, gas masks, fans, first aid kits, stretchers and emergency alarms).

Sally Port: —An enclosure situated in the perimeter wall or fence of ~~the an~~ institution containing gates or doors at both ends, only one of which opens at a time. This method of entry and exit ensures there shall be no breach in the perimeter security of the facility. The sally port may handle either pedestrian or vehicular traffic.

Security Devices:— Locks, gates, doors, bars, fences, screens, ceilings, floors, walls, and barriers used to confine and control detained persons. Also included are electronic monitoring equipment, security alarm systems, security light units, auxiliary power supplies, and other equipment used to maintain facility security.

~~Segregation: The confinement of an inmate to an individual cell that is separated from general population. There are three (3) forms of segregation: administrative, disciplinary detention and protective custody.~~

Separate and Distinct Exits:— Two means of egress shall be provided in all living areas and places of assembly ~~and and shall~~ be arranged to minimize the possibility that both may be impassable by the same fire or emergency condition. Exits shall be remote enough from each other and ~~so~~ arranged and constructed so as to minimize any possibility that more than one ~~(1)~~ may be blocked off by any one ~~(1)~~ fire or other emergency condition.

Serious Mental Illness: A current or recent diagnosis by a qualified mental health professional of one (1) or more of the following disorders described in the (5th) fifth edition of the Diagnostic and Statistical Manual of Mental Disorders: (i) schizophrenia and other psychotic disorders; (ii) major depressive disorders; (iii) all types of bipolar disorders; (iv) a neurodevelopmental disorder, dementia or other cognitive disorder; (v) any disorder commonly characterized by breaks with reality or perceptions of reality; (vi) all types of anxiety disorders; (vii) trauma and stressor related disorders; or (viii) severe personality disorders; or a finding by a qualified mental health professional that the inmate is at serious risk of substantially deteriorating mentally or emotionally while confined in restrictive housing, or already has so deteriorated while confined in restrictive housing, such that diversion or removal is deemed to be clinically appropriate by a qualified mental health professional.

Sexually Explicit - A pictorial depiction of actual or simulated sexual acts including sexual intercourse, anal or oral sex, or masturbation, or material which promotes itself based upon such depictions on a routine or regular basis or in individual one-time issues.

Shall:— The word "shall" is used throughout 103 CMR 900.00 through 979.00. However, since the standards contained herein are designated as either "required" or "recommended", the word "shall"

when used in required standards indicates an obligation to act; and the word "shall" when used in recommended standards indicates an intention to act.

~~Special Management Unit—A separate housing area from general population within institutions in which inmates may be confined for reasons of administrative segregation, protective custody, or disciplinary detention.~~

~~Temporary Release—~~ In accordance with statute, a period of time during which an inmate is allowed to leave the program or county correctional facility and go into the community supervised or unsupervised for various purposes consistent with public interest (e.g., ~~furlough~~, work release, educational release, ~~etc.~~).

~~Toxic Material—~~ A substance or material in any form or quantity that poses an unreasonable risk to the health and safety of staff or inmates as defined by federal, state or local regulations.

~~Unencumbered Space—~~ Usable space that is not encumbered by furnishings or fixtures. At least one (1) dimension of the unencumbered space is no less than seven (7) feet. Unencumbered space is determined by multiplying the length and width of the cell-room and subtracting from that figure the total number of square feet encumbered by bed(s), plumbing fixtures, desk(s), and other fixed equipment. ~~—~~Measurements shall be made with equipment and furnishings in their normal use position.

~~Training—~~ An organized, planned, and evaluated activity designed to achieve specific learning objectives and enhance job performance of personnel. Training may occur on site, at an academy or training center, at an institution of higher learning, through contract services, at professional meetings, or through closely supervised on-the-job training. It includes a formal agenda and instruction by a teacher, manager or official, physical training, or other instructional programs that include a trainer/trainee relationship. Training programs usually include requirements for completion, attendance, recording and a system for recognition of completion. Meetings of professional associations are considered training where there is clear recognition of completion.

~~Vehicle Trap—~~ See sally port.

~~Volunteer—~~ Any person from the community who is over eighteen years of age and on a voluntary basis, works with inmates or staff, individually or in groups, in a ~~volunteer~~ program.

~~Waiver—~~ A request to be temporarily excused from compliance with a standard due to limited resources, ~~or~~ physical plant or staffing deficiencies. Such request must be documented with supporting information.

~~Work Release—~~ A formal arrangement sanctioned by M.G.L. c. 127, §§ 48, 49, 49A, and 86F whereby an inmate is permitted to maintain approved and regular employment in the community.

~~Work Days—~~ Monday through Friday, excluding holidays and weekends.

~~Written Plan—~~ A detailed and sequential set of tasks ~~that which~~ shall be executed to obtain ~~at~~ the desired results or objective. It is the method of performing an operation or a manner of proceeding on a course of action (e.g., ~~a~~—housekeeping plan, preventive maintenance plan, emergency medical care plan).

REGULATORY AUTHORITY

103 CMR 902.00: M.G.L. c. 124, § (1) (c), (d) and (q); c. 127, §§ 1A and 1B.

NON-TEXT PAGE

DRAFT

103 CMR 903.00: COUNTY CORRECTIONAL FACILITIES -- ADMINISTRATION OF STANDARDS

Section

- 903.01: Duties of Commissioner
- 903.02: Delegation of Powers
- 903.03: Standards Administrator
- 903.04: Standards Auditor
- 903.05: Conduct of Standards Auditors

903.01: Duties of Commissioner

The Commissioner ~~shall~~:

- (1) Provide consultation services for the design and construction of county correctional facilities, studies and surveys of programs and administration, and any other technical assistance deemed proper and necessary;
- (2) Assist in developing and administering programs of grants-in-aid or subsidies for any county correctional facility;
- (3) Visit and inspect ~~each~~ county correctional facility at least once each six (6) months and as often as deemed necessary;
- (4) Advise appropriate agencies and officials of any deficiencies in any county correctional facility, and make recommendations for the improvement of such facilities;
- (5) Submit written reports of such inspections to appropriate agencies and officials;
- (6) Review, comment upon, and approve or disapprove plans for the construction and major modifications or renovations of county correctional facilities;
- (7) Develop, revise, or alter in cooperation with the Sheriffs, standards for the construction, maintenance, and operation of county correctional facilities;
- (8) Ensure compliance with 103 CMR 900.00 through 979.00; and,
- (9) Perform such other duties as may be necessary to carry out his/her/their statutory responsibilities and the policies of the Department of Correction.

903.02: Delegation of Powers

The Commissioner may employ such personnel as deemed necessary to carry out the powers, functions and duties as set forth in 103 CMR 900.00 through 979.00, and may delegate any of such powers, functions, and duties.

903.03: Standards Administrator

The Commissioner may designate a person or persons within the Department to act as county correctional standards administrator to carry out the duties and responsibilities of the Commissioner pursuant to 103 CMR 900.00 through 979.00.

903.04: Standards Auditor

The Commissioner may designate a person or persons within the Department of Correction to act as county correctional standards auditor, who shall be admitted to visit and inspect any county

correctional facility as required for the purposes of 103 CMR 900.00 through 979.00. Additionally, an employee(s) of a Sheriff's office(s) may act as a county correctional standards auditor with the approval of the Commissioner.

903.05: Conduct of Standards Auditors

- (1) In conducting standards audits of county correctional facilities, standards auditors shall:
 - (a) evaluate each facility's policies, procedures, and practices in accordance with 103 CMR 900.00 through 979.00. Each evaluated regulation shall be ~~determined-classified~~ into one (1) of three (3) categories: Compliance, Non-Compliance, or Valid Waiver Obtained; and
 - (b) clearly apply with equity and reliability the specific language of each standard in context and subject matter.
- (2) Standards auditors may comment on administrative or operational revisions which may further improve a policy, procedure or practice already found to be in compliance.

REGULATORY AUTHORITY

103 CMR 903.00: M.G.L. c. 124, § (1)~~(c)~~, (d) and (q); c. 127, §§ 1A and 1B.

103 CMR 904.00: COUNTY CORRECTIONAL FACILITIES -- ENFORCEMENT PROCEDURES

Section

- 904.01: Notice of Non-Compliance
- 904.02: Response to Notice of Non-Compliance
- 904.03: Request for Hearing
- 904.04: Compliance Hearing - Order of Proceedings
- 904.05: Compliance Hearing - Evidence
- 904.06: Compliance Hearing - Conduct
- 904.07: Compliance Hearing - Transcript and Record
- 904.08: Compliance Hearing - Oral Argument, Brief, Proposed Findings of Fact
- 904.09: Compliance Hearing - Finding and Report
- 904.10: Compliance Order
- 904.11: Request for Extension of Time
- 904.12: Judicial Enforcement

904.01: Notice of Non-Compliance

- (1) If, in the opinion of the Commissioner, any county correctional facility does not comply with 103 CMR 900.00 through 979.00, the Commissioner shall give notice in writing of the alleged non-compliance to the Sheriff.
- (2) The notice of non-compliance shall be delivered by emailing or mailing said notice, postage prepaid, to the Sheriff.
- (3) The notice of non-compliance shall specify the section, or sections, of 103 CMR 900.00 through 979.00 with which the county correctional facility has allegedly failed to comply.

904.02: Response to Notice of Non-~~e~~Compliance

Within sixty 60 days of receipt of the notice of non-compliance, the Sheriff/~~F~~facility ~~a~~Administrator shall file with the Commissioner by email or mail, a response admitting or denying each allegation of non-compliance contained therein. For each allegation of non-compliance denied, the response shall set forth an explanation of how the county correctional facility in question meets the relevant requirements of 103 CMR 900.00 through 979.00. For each allegation of non-compliance admitted, the response shall set forth a plan to remedy such non-compliance within a reasonable time.

904.03: Request for Hearing

- (1) The Sheriff/~~F~~facility ~~A~~Administrator served with a notice of non-compliance in accordance with 103 CMR 904.01 shall have a right to a hearing before the Commissioner or ~~their~~his designee regarding the contents of such notice. The request for a hearing shall be filed within thirty (30) days after receipt of the notice of non-compliance, and may be included in the response to such notice required by 103 CMR 904.02.
- (2) The Commissioner may schedule a hearing regarding a notice of non-compliance at which time the Sheriff/~~F~~facility ~~A~~Administrator may present evidence regarding the contents of the notice of non-compliance. The Commissioner may include a notice of scheduling of a hearing in the notice of non-compliance, and shall serve a notice of such hearing to the Sheriff either within ten (10) working days of service of the notice of non-compliance, or within ten (10) working days following receipt of the response required by 103 CMR 904.02.
- (3) The hearing shall be scheduled on a date not more than thirty (30) days following a request thereof or notice thereof in accordance with 103 CMR 904.01 and 904.02.

- (4) Hearings may be continued by stipulation or for good cause, in the Commissioner's discretion.

904.04: Compliance Hearing - Order of Proceedings

- (1) The compliance hearing shall be conducted by a hearing officer designated by the Commissioner. The hearing officer shall govern all aspects of the hearing.
- (2) The Sheriff/~~F~~Facility ~~A~~administrator shall first make a presentation regarding each item contained in the notice of non-compliance that is the predicate for the hearing. Such presentation shall include, but shall not be limited to, evidence of:
 - (a) compliance with 103 CMR 900.00 through 979.00;
 - (b) circumstances giving rise to any instance of non-compliance with 103 CMR 900.00 through 979.00;
 - (c) explanation of any failure or inability to comply with ~~r~~103 CMR 900.00 through 979.00;
and,
 - (d) explanation of plans to remedy any instances of non-compliance.
- (3) The Commissioner may designate a Department of Correction employee, someone other than the hearing officer, to make a presentation regarding each item contained in the notice of non-compliance that is the predicate for the hearing. Said employee may present any evidence relevant to the contents of the notice of non-compliance and response thereto, including but not necessarily limited to, evidence of:
 - (a) compliance with 103 CMR 900.00 through 979.00;
 - (b) circumstances giving rise to any instance of non-compliance with 103 CMR 900.00 through 979.00;
 - (c) explanation of any failure or inability to comply with 103 CMR 900.00 through 979.00;
 - (d) commentary upon and explanation of any plans to remedy any instances of non-compliance;
and,
 - (e) recommended disposition.
- (4) The hearing officer may thereafter, in his/her/~~their~~ discretion, hear testimony or take other relevant evidence from any person; provided, that such person has filed a notice of intervention at or prior to the hearing, in which is set forth identification of the proposed intervenor, a statement of the issues on which he/she/~~they~~ ~~wishes~~ to be heard, and a summary of the evidence to be presented on each issue. Where necessary, the hearing officer may continue the hearing to a subsequent date to permit reception of third party evidence.

904.05: Compliance Hearing - Evidence

- (1) The hearing officer shall not be bound by the rules of evidence observed by courts. The hearing officer may admit and give probative effect only to evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs.
- (2) The hearing officer may take administrative notice of matters which could be judicially noticed by courts, and of technical or general facts within the specialized knowledge of the Department of Correction.

904.06: Compliance Hearing - Conduct

All parties, counsel, witnesses and other persons present at a hearing shall conduct themselves in a manner consistent with the standards of decorum commonly observed in the courts of the Commonwealth. The hearing officer may take whatever appropriate actions are necessary to conduct a hearing where such standards are not observed by any person.

904.07: Compliance Hearing - Transcript and Record

Testimony offered at a compliance hearing shall be transcribed by tape recorder or stenographer. The record shall consist of the transcript, notice of non-compliance, response, stipulations, exhibits in evidence, and any other docketed documents.

904.08: Compliance Hearing - Oral Argument, Brief, Proposed Findings of Fact

- (1) The hearing officer may, in his/her/their discretion, allow a reasonable time to the parties for oral argument.
- (2) Briefs or proposed findings of fact may be filed by parties or by an interested person before or during the course of a hearing, or within such time thereafter as the hearing officer may designate.

904.09: Compliance Hearing - Finding and Report

Following the close of the compliance hearing, the hearing officer shall within thirty (30) days issue a finding and report in writing, which shall determine, as to each instance of alleged non-compliance in controversy:

- (1) whether the county correctional facility is in compliance with 103 CMR 900.00 through 979.00;
- (2) if non-compliance is found, whether the plan of remedy, if any, offered by the Sheriff/facility administrator is adequate to secure compliance within a reasonable time;
- (3) what other steps, if any, need to be taken to secure compliance; and,
- (4) what period of time shall reasonably be allowed for remedying any instance of non-compliance.

The finding and report of the hearing officer shall contain all findings of fact and conclusions of law necessary to support its determinations and shall, upon completion, be delivered to the Commissioner.

904.10: Compliance Order

- (1) The Commissioner shall make the final decision in any compliance proceeding.
- (2) In cases where a compliance hearing has not been held, the Commissioner may, after review of the notice of non-compliance, the response thereto, and all other relevant materials, issue a written compliance order. The compliance order shall contain determinations of:
 - (a) instances of non-compliance;
 - (b) what steps need to be taken to secure compliance; and,
 - (c) what period of time shall be allowed for remedying all instances of non-compliance.

The compliance order shall also contain all findings of fact and conclusions of law necessary to support its determinations. A copy of the compliance order shall be served upon the Sheriff/facility administrator, and if applicable, each other party to the proceedings and/or each attorney of record for a party.

- (3) In cases where a compliance hearing has been held, the Commissioner shall, after review of the findings and report of the hearing officer and all other relevant materials, issue a written compliance order. The compliance order shall contain determinations of:

- (a) instances of non-compliance;
- (b) what steps need to be taken to secure compliance; and,
- (c) what period of time shall be allowed for remedying all instances of non-compliance.

The compliance order shall also contain all findings of fact and conclusions of law necessary to support its determinations. A copy of the compliance order shall be served upon the Sheriff/~~F~~facility ~~a~~A~~Administrator~~, and, if applicable, each other party to the proceedings and/or each attorney of record for a party.

904.11: Request for Extension of Time

The Sheriff/~~F~~facility ~~A~~a~~administrator~~ of a county correctional facility which is the subject of a compliance order may apply in writing to the Commissioner for an extension of the time specified in the compliance order for remedying all instances of non-compliance, provided, that the application for extension is be filed prior to the expiration of the time period specified in the compliance order or any previous extension thereof. The Commissioner may, in ~~their~~his discretion, grant such extensions of time for good cause shown.

904.12: Judicial Enforcement

If the time for remedying all instances of non-compliance specified in a compliance order, including all proper extensions thereof, has expired, and if, in the opinion of the Commissioner, the facility has not been brought into compliance with 103 CMR 900.00 through 979.00, the Commissioner may, with the approval of the Attorney General, petition the Superior Court in equity in the county in which such facility is located, for an order to close the facility or for other appropriate relief. If the Commissioner does decide to petition the Court, following the approval of the Attorney General, he/she/~~they~~ shall notify the Sheriff/~~F~~facility ~~a~~A~~Administrator~~ five ~~(5)~~ days prior to said petitioning.

REGULATORY AUTHORITY

103 CMR 904.00: M.G.L. c 12, § 3; c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

(103 CMR 905.00 AND 906.00: RESERVED)

DRAFT

NON-TEXT PAGE

DRAFT

103 CMR 907.00: COUNTY CORRECTIONAL FACILITIES -- PLANNING PROCEDURE FOR NEW CONSTRUCTION AND RENOVATION

Section

- 907.01: Letter of Intent
- 907.02: Program Statement
- 907.03: Submission of Plans and Specifications
- 907.04: Final Review and Approval
- 907.05: Technical Assistance
- 907.06: Grants-in-Aid, Subsidies

907.01: Letter of Intent

Whenever the Sheriff/~~p~~Parent ~~a~~Agency of any county has, by resolution or other formal action, indicated an intent to build, remodel or repair any county correctional facility, and the estimated aggregate cost of such work totals \$200,000 or more, a letter of intent shall be filed with the Commissioner within thirty (30) days. The letter of intent shall specify the county correctional facility- involved, the intended building, a description of the remodeling or repair, a copy of the architect's plans or drawings, and the estimated cost thereof.

907.02: Program Statement

(1) New Facilities. As soon as practicable, after the filing of the letter of intent, the Sheriff/~~F~~facility ~~A~~administrator and the architect shall develop a facility program statement as part of the preliminary planning phase for construction of a new facility. The program statement shall include, but not be limited to, a description of the following:

- (a) type of facility needed;
- (b) maximum rated capacity of facility based on project needs;
- (c) types of inmates to be housed;
- (d) inmate movement within the facility and entry and exit from security areas;
- (e) description of living units;
- (f) food preparation and serving;
- (g) intake and booking area;
- (h) visiting attorney interview area;
- (i) medical and psychological examination area;
- (j) activities area for exercise and rehabilitation programs;
- (k) cleaning and laundering area-; and,

(l) —any other physical plant requirements required by the 103 CMR 900 Series and/or by any other regulating authority.

(2) Renovations. Where renovation, repair or remodeling is contemplated, the program statement may omit description of any of 103 CMR 907.02(1)(a) through (~~kl~~) unaffected by the contemplated work.

907.03: Submission of Plans and Specifications

After the initial planning phase, each subsequent set of plans and specifications, including the final working plans and specifications, shall be submitted in duplicate to the Commissioner.

907.04: Final Review and Approval

The Commissioner shall review, comment upon, and approve or disapprove, all plans for the renovation, remodeling, or repair, of existing facilities where it is anticipated that such work will cost \$200,000 or more, and for the construction of new facilities.

907.05: Technical Assistance

The Commissioner shall provide consultation services for the design and construction of facilities, studies and surveys of program and administration, and other technical assistance throughout the planning and construction or renovation of county correctional facilities.

907.06: Grants-in-Aid, Subsidies

The Commissioner shall develop and administer, in cooperation with the County Commissioners, if applicable —and Sheriff/Facility Administrators, programs of grants-in-aid or subsidies for construction or renovation of county correctional facilities, whenever the Commissioner deems it feasible.

REGULATORY AUTHORITY

103 CMR 907.000: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

(103 CMR 908.00 AND 909.00: RESERVED)

DRAFT

NON-TEXT PAGE

DRAFT

103 CMR 910.00: COUNTY CORRECTIONAL FACILITIES -- ADMINISTRATION AND MANAGEMENT

Section

- 910.01: Mission Statement: Philosophy & Goals
- 910.02: Goals and Objectives
- 910.03: Organizational Structures
- 910.04: Policy and Procedures Manual
- 910.05: Quarterly Reports ~~to Parent Agency~~
- 910.06: Requests for Information and Media Access
- 910.07: Internal Communication
- 910.08: Code of Ethics

910.01: Mission Statement: Philosophy and Goals

~~The Each~~ Sheriff/~~F~~facility ~~A~~administrator shall develop a written document ~~delineating-detailing~~ the mission of ~~the county correctional facility~~~~ies~~. This document shall include the philosophy and goals of the facility~~ies~~ and shall be reviewed annually and updated as necessary. This document shall be made available to staff.

910.02: Goals and Objectives

The Sheriff/~~F~~facility ~~A~~administrator shall develop written policy~~ies~~ and procedure~~s~~ that formulate goals and measurable objectives. Such goals and measurable objectives shall be reviewed annually by the Sheriff/~~F~~facility ~~a~~Aadministrator.

910.03: Organizational Structure

The Sheriff/~~F~~facility ~~a~~administrator shall develop a written description and organizational chart that reflects the current structure of authority, responsibility, and accountability within ~~the~~ county correctional facility~~ies~~. Such written descriptions and organizational charts shall be reviewed at least annually and updated as needed by the Sheriff/Facility Administrator.

910.04: Policy and Procedures Manual

- (1) Policies, procedures and plans for operating and maintaining the county correctional facility~~ies~~ shall be specified in a manual.
- (2) The policies, procedures, and plans for operating and maintaining the facility~~ies~~ shall be accessible and available to all employees and a system developed for policy dissemination to staff.
- (3) The manual shall be reviewed at least annually and updated as needed.
- (4) The manual shall include, but not be limited to, written policies and procedures in the general topic areas of:
 - (a) management and administration;
 - (b) business and fiscal management;
 - (c) personnel, labor relations and training;
 - (d) security management;
 - (e) safety and emergency management;
 - (f) facility maintenance, sanitation, and hygiene;
 - (g) facilities planning and capital management;
 - (h) inmate programs, services and classification;
 - (i) inmate rights;
 - (j) rules and discipline;

- (k) medical and health care;
- (l) food services.

910.05: Quarterly Reports ~~to Parent Agency~~(Required)

(1) When the county correctional facility is physically separate from the parent agency, the facility administrator shall submit quarterly reports to the parent agency which include, but are not limited to, ~~information on major developments, population data, staff and inmate morale, major problems, and plans for resolving them.~~

(2) A quarterly report on aggregate data for each jail and house of correction must be assembled and delivered to the Secretary of Public Safety and Security, the House and Senate Chairs of the Joint Committee on the Judiciary, the House and Senate Chairs of the Joint Committee on Public Safety and Homeland Security and the Clerks of the House of Representatives and the Senate.

910.06: Requests for Information and Media Access

(1) Written policies and procedures shall be instituted which ensure ~~provide~~ that requests from federal, state, and local legislative and executive bodies for information concerning programs and specific cases are responded to promptly and fully by facility staff or the parent agency in accordance with policy and procedure and provisions relevant to rights of privacy.

(2) Written policies and procedures shall be instituted which grant representatives of the media access to the facility for purposes of reporting items of public interest, consistent with the preservation of inmate privacy and the maintenance of order and security in the facility. The procedures are to include, but not be limited to, the following:

(a) A media representative shall obtain a written and signed waiver of privacy rights from each inmate whom ~~they~~he intends to film, tape, interview or otherwise record. The waiver must be given voluntarily and competently and on a form which clearly states that the inmate has the right to refuse to be filmed, recorded, or interviewed. The signed waiver form shall be submitted to the ~~F~~facility Aadministrator for review and maintained in the inmate case record.

(b) ~~F~~films, photographs and video/audio recordings to be publicly shown or aired shall be edited to delete any identifiable representations of inmates who have not signed privacy waiver forms.

(c) ~~M~~media representatives shall be informed that the use of a film or tape without the consent of identifiable inmates may lead to liability in tort and/or forfeiture of the privilege to enter the facility, and may constitute a violation of the Criminal Offender Record Information (CORI) statute, M.G.L. c. 6, §§ 167 through 178.

910.07: Internal Communication

Written policies and procedures shall provide for a system of communication within the county correctional facility and shall include, but not be limited to, the following;

(1) Monthly meetings between the ~~F~~facility Aadministrator and all department/division heads, or ~~monthly~~ meetings between the Administrator and all facility personnel;

(2) Monthly meetings between department/division heads and their staff; and,

(3) A system of two-way communication between all levels of staff and inmates.

910.08: Code of Ethics

The county correctional facility's policy manual shall include a code of ethics conforming to governmental statutes and regulations relating to conflict of interest, campaigning, lobbying and political practices. It shall include, but not be limited to, the following provisions:

- (a) conflict of interest;
- (b) gifts from inmates, whether made directly or indirectly; and,
- (c) gifts from contractors.

REGULATORY AUTHORITY

103 CMR 910.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B, M.G.L. c. 268A

DRAFT

103 CMR 911.00: COUNTY CORRECTIONAL FACILITIES -- BUDGET AND FISCAL MANAGEMENT

Section

- 911.01: Responsibilities of Administration
- 911.02: Accounting System
- 911.03: Fiscal Controls
- 911.04: Inventory Control
- 911.05: Financial Audit
- 911.06: Inmate Purchases/~~Commissary~~anteen
- ~~911.07: Industries Program~~
- 911.078: Inmate Funds

911.01: Responsibilities of Administration

The Sheriff/~~F~~Facility ~~a~~Administrator shall prepare, submit, and justify, a budget that provides the necessary resources for county correctional facility operations and programming. Facility staff shall participate in the preparation of the written budget request.

911.02: Accounting System

There shall be an accounting system, consistent with M.G.L. c. 127, §§ 8 and 9, designed to show the current status of appropriations and expenditures, and which ~~records~~ documents essential financial information.

911.03: Fiscal Controls

Written policy and procedure shall specify the methods used for the collection, safeguarding, and disbursement of monies that comply with accepted accounting procedures established by the parent agency or other authority having jurisdiction. Procedures shall include, but not be limited to:

- (1) ~~I~~nternal controls;
- (2) ~~P~~etty cash procedures;
- (3) ~~B~~onding of appropriate staff;
- (4) ~~S~~ignature control on checks;
- (5) ~~H~~andling of inmate funds, including accrual of interest;
- (6) ~~E~~mployee expense reimbursement;
- (7) ~~R~~equisition and purchase of supplies and equipment;
- (8) ~~I~~ssuance or use of vouchers.

911.04: Inventory Control

- (1) Written policyies and procedures shall govern inventory control of property stores and other assets.
- (2) Inventories shall be conducted at least annually or at times stipulated by applicable statutes or the appropriate regulations of the parent agency or other authority having jurisdiction.

911.05: Financial Audit

Written policy~~y~~ies, procedure~~s~~ and practice~~s~~ shall provide for an independent financial audit of the facility to be conducted once every ~~two~~ three (~~23~~) years.

911.06: Inmate Purchases/Commissary~~anteen~~

- (1) Written policy~~y~~ies and procedure~~s~~ shall allow for inmate purchases of approved items not furnished by the facility.
- (2) If an inmate commissary ~~or canteen~~ is established, there shall be procedures for strict control of its operation, the use of accepted accounting procedures, and an independent audit conducted in accordance with applicable statutes and the appropriate regulations of the parent agency or other authority having jurisdiction.

~~911.07: Industries Program~~

~~If an industries program exists at the facility, in accordance with M.G.L. c. 127, § 51, the number of inmates employed, the kind and quantity of goods manufactured, the amount of goods sold and monies received shall be conducted in accordance with applicable statutes and the appropriate regulations established by the parent agency or other authority having jurisdiction.~~

911.087: Inmate Funds

Written policy~~y~~ies and procedure~~s~~ regarding inmate funds shall be established and include the following:

- (1) Upon receipt of an outstanding victim and witness assessment from a court, the Sheriff/~~F~~facility ~~A~~administrator shall transmit to the court any part or all of the monies earned or received by the inmate and held by the county correctional facility, except monies derived from interest earned upon such deposits.
- (2) Any monies derived from interest earned upon the deposit of such monies and revenue generated by the sale or purchase of goods or services to persons in county correctional facilities may be expended for the general welfare of all the inmates ~~in~~at the discretion of the Sheriff/~~F~~facility ~~A~~administrator.
- (3) When transactions between inmates are permitted, staff approval shall be necessary for such transactions.

REGULATORY AUTHORITY

103 CMR 911.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B, ~~§48(A)~~.

(103 CMR 912.00 AND 913.00: RESERVED)

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103 CMR 914.00: COUNTY CORRECTIONAL FACILITIES -- PERSONNEL

Section

- 914.01: Personnel Manual
- 914.02: Selection and Hiring
- 914.03: Personnel Actions
- 914.04: Compensation and Benefits
- 914.05: Minimum Staff Requirements
- 914.06: Employee Personnel Record

914.01: Personnel Manual

(1) Each county correctional facility shall provide a personnel manual which includes, but is not limited to, policy~~y~~ies and procedure~~s~~s for the following areas:

- (a) ~~O~~rganizational structure;
- (b) ~~R~~ecruitment and selection;
- (c) ~~E~~qual employment opportunity provisions;
- (d) ~~R~~easonable accommodation ~~to the known impairments of an for~~ employees or applicant~~s~~s ~~having who have~~ a disability;
- (e) ~~J~~ob qualifications, descriptions and responsibilities;
- (f) ~~J~~ob classification plan;
- (g) ~~W~~age and benefit plan;
- (h) ~~H~~olidays, leaves and work hours;
- (i) ~~P~~ersonnel records;
- (j) ~~P~~erformance evaluations;
- (k) ~~P~~romotions, retirements, resignations, layoffs and terminations;
- (l) ~~E~~mployee-management relations;
- (m) ~~P~~hysical fitness;
- (n) ~~E~~mployee discipline;
- (o) ~~G~~rievances and appeals;
- (p) ~~I~~nsurance and professional liability provisions;
- (q) ~~C~~ode of ethics to include statement regarding conflict of interest;
- (r) ~~D~~rug-free workplace
- (s) ~~S~~exual harassment prohibition;
- (t) ~~S~~exual misconduct; and
- (~~u~~) ~~D~~omestic violence.

(2) A copy of the personnel manual shall be accessible to each employee and its contents shall be explained at employee orientation.

914.02: Selection and Hiring

(1) Written policy~~y~~ies and procedure~~s~~s shall specify that the selection, retention, and promotion of all personnel ~~is are based on on the basis of~~ merit and specified qualifications, ~~including to include the~~ following:

- (a) ~~To be eligible~~eligibility for appointment as a correction officer or other security employee, a person shall be at least 19 years old, have a high school diploma or its equivalent, and be physically fit; and,
- (b) ~~E~~ligibility requirements for professional, treatment, administrative and other positions shall be established by the Sheriff/~~F~~facility ~~a~~Administrator in accordance with the duties and

responsibilities of ~~the each~~ position ~~and including with~~ any legal requirements for certification, licensing or training.

- (2) Written policies and procedures shall encourage promotion from within the organization.
- (3) Written policies and procedures shall specify that equal employment opportunity exists for all positions. There shall be no discrimination in hiring on the grounds of race, color, religion, national origin, handicap, creed, ~~or sex,~~ gender, ethnicity, sexual orientation, gender identity, ancestry, disability, veteran status (including Vietnam Era Veterans), genetic information or background.
- (4) In accordance with state and federal statutes, ~~the each~~ county correctional facility shall conduct a criminal record check on all new employees to ascertain whether there are criminal convictions which may have a specific relationship to job performance.
- (5) Written policies and procedures shall provide that all employees who have daily direct contact with inmates receive a physical examination prior to job assignment. All other employees shall receive a medical screening prior to job assignment. Provisions shall exist for re-examination when necessary.

914.03: Personnel Actions

- (1) Written policies and procedures shall specify that permanent employees are appointed initially for a probationary term of not less than six (6) months but not more than one (1) year.
- (2) Written policies and procedures shall require that a written performance evaluation of all employees is completed at the end of the probationary period and at least annually thereafter, and shall be based on defined criteria related to job performance. The evaluation shall bear a direct relationship to the skills, knowledge areas, aptitudes and personal characteristics defined in the job analysis and the duties and responsibilities listed in the job description. The employee shall have the opportunity to review and discuss the evaluation with the individual who completes the form. This evaluation shall be signed by both parties indicating a review has been completed. If the employee disagrees with the evaluation, he/she/they shall have the right to express his/her/their opinions in writing without concern of reprisal. This statement shall be included with the evaluation in the personnel file.
- (3) Written policies and procedures shall specify that selection, assignment, or transfer of an employee is based on facility need and the ability of the employee to perform the job.

914.04: Compensation and Benefits

- (1) ~~A w~~Written compensation and benefit plans and a written job classification plans shall exist within the Personnel Manual. Employees shall have access to information on compensation and benefits and receive this information during new employee orientation.
- (2) Written policy and procedure shall provide for an employee assistance program approved by the Sheriff.

914.05: Minimum Staff Requirements

- (1) The Sheriff/~~F~~Facility ~~A~~administrator shall systematically determine the workload requirements for all categories of personnel and review them on an ongoing basis in order to ensure inmate access to staff, availability of support services and adequate security supervision of the inmates, staff, and

the facility. A Security Staff Post Analysis, to include the calculation of a shift relief factor, shall be conducted, reviewed annually and updated as necessary.

(2) Written policy, procedure and practice shall require that ~~when both males and females are incarcerated in~~ the county correctional facility have at least one (1) male and one (1) female staff member ~~is~~ on duty / or on call at all times.

(3) Written policy and procedure shall provide for provisional appointments or reserve security staff to ensure the availability of trained personnel for short-term, full-time or part-time work in special or emergency situations.

914.06: Employee Personnel Record

(1) The Sheriff/~~F~~facility ~~A~~administrator shall maintain a current, accurate, and confidential personnel record for each employee.

(2) Written policy and procedure shall specify the confidentiality of the personnel record and restrict the record's availability to the employee who is the subject of the record, to administrators and supervisors directly responsible for the employee, and to other personnel who need the information for the performance of their duties, in accordance with the Fair Information Practices Act, M.G.L. c. 66A and 501 CMR 3.00: *Privacy and Confidentiality*.

(3) Written policy and procedure shall make provision for employees to challenge all information in their personnel file and establish a process for correction or removal of inaccuracies.

REGULATORY AUTHORITY

103 CMR 914.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

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103 CMR 915.00: COUNTY CORRECTIONAL FACILITIES -- TRAINING AND STAFF DEVELOPMENT
Section

- 915.01: Training and Staff Development Guidelines
- 915.02: Emergency Plans Training (Required)
- 915.03: Orientation and Training Requirements
- 915.04: Training Records and Documentation
- 915.05: Staff Development
- 915.06: Appendix: Summary of Orientation and Minimum Training Hours

915.01: Training and Staff Development Guidelines

The Sheriff/~~F~~facility ~~A~~administrator shall develop guidelines for training and staff development ~~including which shall include~~, but not limited to, the following areas:

- (1) Written policies and procedures shall require training programs for all employees, which are specifically planned, coordinated, and supervised, by a qualified employee at the supervisory level. If the facility has more than one hundred (100) employees, one (1) full-time person or full-time equivalent position shall be provided to coordinate and supervise a training program. The individual coordinating and supervising the program shall be certified at a Trainer II level or equivalent;
- (2) Written policies and procedures shall require, as a part of orientation, that every employee read and understand the county correctional facility's policies and procedures applicable to the employee's position, and that every employee receive an overview of the operation of each of the facility's units, as well as the mission and goals of the county correctional facility;
- (3) Written policies and procedures shall provide that the training curriculum and plan is developed, evaluated and updated based on an annual needs assessment that identifies current job-related training needs;
- (4) Each county correctional facility with more than one hundred (100) employees, shall establish an Advisory Training Committee (ATC) composed of the facility training officer and representative staff. The ATC shall assist in the development of training plans, identify needs, assess and implement training plans, and evaluate and review training programs as required. This committee shall meet quarterly and report in writing to the Sheriff/~~F~~facility ~~A~~administrator;
- (5) The use of available resources of other public or private agencies, private industry, colleges, and libraries, to complement the county correctional facility's training and staff development program.

915.02: Emergency Plans Training (Required)

The Sheriff/~~F~~facility ~~A~~administrator shall ensure that all county correctional facility personnel are trained in the implementation of written emergency plans, ~~to include~~ including:

- (1) Requiring all new employees to be familiar with the written emergency plans prior to any ~~permanent~~ work assignment;
- (2) Requiring a review of all plans as an element of the in-service training program; and,
- (3) Ensuring that Staff Work ~~stoppage and riot/disturbance~~ plans are communicated only to appropriate supervisory or other personnel directly involved in the implementation of those plans.

915.03: Orientation and Training Requirements

(1) Written policies and procedures shall provide that all new correctional officer personnel receive 160 hours of orientation and training during their first year of employment; forty (40) of these hours shall be completed prior to an officer being independently assigned to a particular post. At a minimum, this training shall cover the following areas:

- (a) Security and search procedures;
- (b) Use of force regulations and tactics including de-escalation techniques;
- (c) Supervision of inmates;
- (d) Report writing;
- (e) Inmate and staff rules and regulations;
- (f) Rights and responsibilities of inmates;
- (g) Emergency procedures;
- (h) Interpersonal relations;
- (i) Social/cultural life styles of the inmate population;
- (j) Communication skills;
- (k) First aid and CPR;
- (l) Key control;
- (m) Firearms training;
- (n) PREA;
- (o) ADA;
- (p) Suicide prevention; and
- ~~(p)(q)~~ Conflict of interest.

All correction officers shall ~~be given an additional~~ receive forty (40) hours of training each year thereafter, including, at a minimum, the following: use of force regulations and tactics, emergency procedures, conflict of interest, and suicide prevention. At least every two (2) years, correction officers shall receive PREA training.

(2) Written policies and procedures shall provide that the county correctional facility's administrative and managerial staff receive at least forty (40) hours of orientation if they are new to the facility and at least twenty-four (24) hours of management training each year thereafter, which shall include, but not be limited to, the following areas:

- (a) General management and related subjects;
- (b) Decision-making processes;
- (c) Labor law;
- (d) Employee-management relations;
- (e) The interaction of elements of the criminal justice system; and,
- ~~(f)~~ Relationships with other service agencies;
- (g) Suicide prevention;
- (h) Americans with Disabilities Act/ADA;
- (i) Sexual Harassment Prevention
- (j) Domestic Violence/ Sexual Assault and Stalking Awareness
- (k) Workplace Violence Prevention; and
- (j) Conflict of interest.

As part of orientation, and at least every two (2) years thereafter, administrative and managerial staff shall receive PREA training.

(3) Written policies and procedures shall provide that all new support employees who have direct inmate contact receive eighty (80) hours of orientation and training during their first year of employment. ~~Of these hours, Forty (40) of these hours~~ shall be completed prior to being independently assigned to a particular job. Support employees shall receive an additional forty (40)

hours of training during each subsequent year of employment. At a minimum, this training shall cover the following areas:

- (a) ~~___s~~Security procedures and regulations;
- (b) ~~___#~~Rights and responsibilities of inmates;
- (c) ~~___e~~Emergency procedures;
- (d) ~~___I~~nterpersonal relations;
- (e) ~~___C~~ommunication skills;
- (f) ~~___F~~irst aid and CPR;
- (g) ~~PREA; --~~Conflict of interest
- (h) ~~___~~ADA; and
- (i) ~~___s~~uicide prevention.

As part of orientation, and at least every two (2) years thereafter, clerical/support employees who have direct contact with inmates shall receive PREA training.

(4) Written policies and procedures shall provide that all new clerical/support employees who have minimal inmate contact; receive forty (40) hours of orientation and training during their first year of employment; twenty-four (24) of these hours shall be completed prior to being independently assigned to a particular job and shall include, at a minimum, training regarding conflict of interest, suicide prevention, and PREA. All clerical/support employees shall be given an additional sixteen (16) hours of training during each subsequent year of employment.

At least every two (2) years, clerical /support employees with minimal inmate contact shall receive PREA training.

(5) When a county correctional facility maintains an emergency response unit, written policies and procedures shall provide that all assigned personnel have appropriate experience and receive forty (40) hours of relevant training prior to assignment, and at least sixteen (16) of the forty (40) hours of annual training be specifically related to emergency unit assignments.

(6) All personnel authorized to use firearms shall receive appropriate firearm training. This training shall cover the use, safety, care, and constraints in the use of firearms. All authorized personnel shall be required to demonstrate competency on, at least a minimum, an annual basis.

(7) All personnel authorized to use chemical agents shall be thoroughly trained in its~~their~~ use and the treatment of individuals exposed to the chemical agent from a qualified instructor at least every two (2) years.

(8) All security personnel shall be trained in approved methods of defensive tactics and the use of force to control inmates.

(9) All part-time staff, consultants, ~~and~~ contractual personnel shall receive formal orientation appropriate to their assignments, and shall agree, in writing, to abide by all facility policies and procedures, particularly those relating to security, ~~and~~ the confidentiality of information, suicide prevention, PREA, and ADA.

(10) In accordance with PREA standards, all vendors shall receive and acknowledge training in of required PREA topics.

915.04: Training Records and Documentation

The Sheriff/~~F~~facility ~~A~~administrator shall require that designated staff who are responsible for training maintain the following records:

103 CMR: DEPARTMENT OF CORRECTION

(1) Training records of all staff; ~~and~~.

(2) Submission of quarterly written status reports to the Sheriff/~~Facility~~ ~~Administrator~~ on all training ~~activities~~.

915.05: Staff Development

The Sheriff/~~Facility Administrator~~ Facility Administrator shall encourage employees to continue their education, and within available budgetary resources and subject to provisions of collective bargaining agreements, may provide reimbursement or administrative leave to employees attending approved professional meetings, seminars and similar work-related activities.

915.06: Appendix: Summary of Orientation and Minimum Training Hours

Hours in accordance with 103 CMR 915.03				
TITLE	POSITION	Prior	First Year	Each Year on the Job Thereafter
CORRECTIONAL OFFICERS:	All staff assigned to full-time custodial and/or security posts.	40	120	40
ADMINISTRATIVE/ MANAGEMENT PERSONNEL: (Additional Training)	Facility Administrators, Business Managers, Personnel Directors, or other Supervisors.	--	40	24
SUPPORT: (Regular or Daily Contact)	Food Service, Industry Work Supervisors, Farm Work Supervisors, Maintenance Work Supervisors, Social Service, Case Management	40	40	40
CLERICAL/SUPPORT: (Minimum Inmate Contact)	Secretaries, Clerks, Typist, PBX Operators, Computer & Warehouse Personnel, Accountants, Personnel Staff.	24	16	16
EMERGENCY UNIT STAFF:	Members of emergency or confrontation units.	*40	--	**16

PART-TIME
EMPLOYEES & VOLUNTEERS: Appropriate to Assignments

* May be part of 120 hours of on-the-job training required in first year as a correctional officer.

** May be part of 40 hours of required annual training.

REGULATORY AUTHORITY

103 CMR 915.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

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103 CMR 916.00: COUNTY CORRECTIONAL FACILITIES -- MANAGEMENT INFORMATION SYSTEM

Section

916.01: Information System Guidelines

916.02: Monthly Report of Admissions and Releases

916.03: List of Inmates

916.01: Information System Guidelines

The Sheriff/Facility Administrator shall provide guidelines for an organized information system which is part of overall research and decision making. Such guidelines shall include the following:

- (1) Written policy and procedure governing:
 - (a) ~~D~~ata collection;
 - (b) ~~A~~ccess to data;
 - (c) ~~R~~etrieval of data;
 - (d) ~~R~~eview of data;
 - (e) ~~U~~se of data and relativity to both inmate and management (operational) needs;
 - (f) ~~S~~torage of data;
 - (g) ~~S~~ecurity of information;
 - (h) ~~V~~erification of data; and
 - (i) ~~A~~adherence to Criminal Offender Record Information Statute (CORI) (M.G.L. c. 6, §§ 167 through 172), and in accordance with relevant requirements imposed by regulations of the Department of Criminal Justice Information Services (DCJIS) (803 CMR 2.00: *General Information*).
- (2) Written policies and procedures providing for an inmate population accounting system which shall include records on the following:
 - (a) ~~I~~inmate admissions;
 - (b) ~~M~~ovement of inmates; and,
 - (c) ~~R~~elease of inmates.
- (3) The Sheriff/Facility Administrator shall encourage collaboration with criminal justice and service agencies in information gathering, exchange and standardization.

916.02: Monthly Report of Admissions and Releases

~~The Sheriff/facility administrator shall make a monthly report to the Commissioner of all admissions and releases on a form designated by the Commissioner. The Sheriff/Facility Administrator shall maintain a monthly report for the Department of Correction of all admissions and releases. The information is to be maintained in a written or electronic file. This report shall be made available at all times for the Department of Correction, and sent to the Department of Correction upon request.~~

916.03: List of Inmates

The Sheriff/Facility Administrator of each county correctional facility shall cause to be maintained, consistent with M.G.L. c. 127, § 5, a calendar of all ~~inmates prisoners~~ committed, in which shall be recorded the names of all ~~inmates prisoners~~, their places of abode, the time, cause and authority of each commitment, and, if they have been committed upon a sentence on conviction of crime, a description of their persons. The calendar of inmates shall further record the time and

authority for the release of every ~~inmate~~prisoner released and the time and manner of the escape of any ~~inmate~~prisoner who escapes.

REGULATORY AUTHORITY

103 CMR 916.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

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NON-TEXT PAGE

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103 CMR 917.00: COUNTY CORRECTIONAL FACILITIES -- RESEARCH

Section

- 917.01: General (Required)
- 917.02: Application to Conduct Research
- 917.03: Conduct of Research

917.01: General (Required)

The Sheriff/Facility Administrator shall develop ~~guidelines written policies and procedures~~ governing the conduct of research. Research shall include, but not be limited to, studies involving the use of interviews, questionnaires, and reviews of case records. It may not include any study which will expose research subjects to the possibility of physical, psychological or other harm as a consequence of their participation in the study. ~~Biomedical research and experimentation using inmate subjects is specifically prohibited under 103 CMR 932.19: Medical Experimentation and Research (Required). Biomedical (medical, pharmaceutical, or cosmetic) research and experimentation using inmate subjects is specifically prohibited. However, the individual treatment of an inmate shall not be precluded based on their need for a specific medical procedure which is not generally available.~~

917.02: Application to Conduct Research

- (1) The Sheriff/Facility Administrator shall in conformity with the parent agency's policy review and approve all facility research projects prior to implementation.
- (2) The Sheriff/Facility Administrator shall require, at a minimum, that the following information be provided in any application to conduct research in the facility:
 - (a) ~~T~~he name, address, and telephone number of the principal researcher and of all research staff;
 - (b) ~~A~~n endorsement by a recognized research organization, such as a university, private foundation, consulting firm or public agency certifying that the research is for valid scientific, educational, or other public purposes;
 - (c) ~~A~~a summary of the goals of the study;
 - (d) ~~A~~a description of the research design including procedures for data collection, procedures which will be followed to protect inmate privacy, details of any compensation to be paid to inmates; and
 - (e) ~~W~~hen a study requires access to criminal offender record information (CORI), the researcher shall apply for access to the Department of Criminal Justice Information Services (DCJIS) and shall provide the Sheriff/Facility Administrator with a copy of the DCJIS' letter of approval before being allowed to begin the research. (Refer to M.G.L. c. 6, § 173.)

917.03: Conduct of Research

- (1) Written ~~policies~~ and ~~procedures~~ shall govern the conduct of research to comply with state and federal guidelines for the use and dissemination of research findings and with accepted professional and scientific ethics. Research involving criminal offender record information (CORI) shall be conducted in accordance with regulations promulgated by DCJIS.
- (2) All inmates shall be informed that any participation in the research is purely voluntary and shall not affect the terms or length of their confinement.
- (3) The researcher shall provide a clear and comprehensible explanation of the study to all potential participants.
- (4) The name or other information which might lead to identification of a particular subject may not

be used in any report of research results.

REGULATORY AUTHORITY

103 CMR 917.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

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103 CMR 918.00: COUNTY CORRECTIONAL FACILITIES -- INMATE RECORDS

Section

- 918.01: Case Record Management
- 918.02: Access to Records
- 918.03: Format and Contents of Inmate Case Records
- 918.04: Booking and Intake Information
- 918.05: *Mittimus* File
- 918.06: Release of Information

918.01: Case Record Management

- (1) Written policies and procedures shall be developed governing case record management for inmate records which shall include, but not be limited to, the following:
 - (a) The establishment of inmate case records;
 - (b) The utilization of inmate case records;
 - (c) The content of inmate case records;
 - (d) The security and safety of all inmate case records;
 - (e) Privacy and security of legally privileged or confidential information in inmate case records; and
 - (f) A schedule for the preservation, retirement or destruction of inactive inmate case records.
- (2) All inmate case records shall be handled strictly in accordance with the relevant requirements imposed by the regulations of the Department of Criminal Justice Information Services (DCJIS) (M.G.L. c. 6, §§ 167 through 178; 803 CMR 2.00: *Criminal Offender Record Information (CORI)*).

918.02: Access to Records

Written policies and procedures shall identify those persons, or groups of persons, within the county correctional facility, and other authorized persons, who shall have direct access to inmate case records.

918.03: Format and Contents of Inmate Case Records

- (1) Written policies and procedures shall provide that the county correctional facility shall maintain an individual facility case record on all inmates committed, assigned or incarcerated in the facility.
- (2) The format of inmate case records shall be determined by the Sheriff/Facility Administrator, and the contents shall include, as applicable and appropriate, the following information:
 - (a) Legal Data - the information to be included shall be related to the intake record, all data related to courts, administrative chronology, sentence and identification;
 - (b) Classification Data - including all information on the classification and progress of the inmate;
 - (c) Facility Programming Data - material related to the facility adjustment and program Participation, but not limited to, including disciplinary reports, disciplinary chronology, facility work assignments, and grievances; etc.
 - (d) Community Programming Data - materials related to participation on furloughs, hospital programs, and community work crews;
 - (e) Parole Data - any appropriate information on parole consideration, pre-parole reports, violation reports, or progress reports.

918.04: Booking and Intake Information

- (1) Written policies and procedures shall provide that intake booking information is recorded for every person admitted to the facility and includes the following data:

- (a) ~~P~~photograph;
- (b) ~~B~~booking number;
- (c) ~~N~~ame and aliases of person;
- (d) ~~C~~urrent address (or last known address);
- (e) ~~D~~ate, duration of confinement;
- (f) ~~C~~opy of the court order or other legal basis for commitment and sentence or bail status;
- (g) ~~N~~ame, title and signature of delivering officer(s) and receiving officer(s);
- (h) ~~S~~pecific charge(s), with statutory authorization;
- (i) ~~sex~~Gender;
- (j) ~~A~~age;
- (k) ~~D~~ate of birth;
- (l) ~~P~~lace of birth;
- (m) ~~R~~ace/~~Ethnicity~~Ethnicity;
- (n) ~~F~~ingerprints;
- (o) ~~P~~resent or last place of employment;
- (p) ~~H~~health status, including any current medical or mental health needs;
- (q) ~~E~~mergency contact (name, relation, address and phone numbers);
- (r) ~~D~~river's license and social security number(s);
- (s) ~~N~~otation of cash and all property;
- (t) ~~G~~eneral description, including height, weight, physical build, hair and eye color, and complexion; and
- (u) ~~A~~dditional information concerning special custody requirements, service needs or other identifying information such as birthmark or tattoos.

(2) In the case of an inmate held solely in pre-arraignment custody, the intake record may omit 103 CMR 918.04(1)(a), (f), and (n), and shall indicate pre-arraignment status. In the case of an inmate held in pre-trial custody, the intake record may omit 103 CMR 918.04(1)(n).

(3) The photograph and other identifying matter contained in the intake record of sentenced inmates shall be transmitted forthwith to the Colonel of the State Police.

(4) The complete intake record shall be maintained in the inmate's individual case record and a copy shall accompany the inmate upon transfer to another facility. ~~The transferring county correctional facility shall provide, in writing, known medical and mental health information about the inmate to the receiving facility. The content of this written form shall include, but not be limited to, the following:~~

- ~~(a) Mental health history/concerns;~~
- ~~(b) History of suicide attempts;~~
- ~~(c) Acute medical concerns;~~
- ~~(d) Name(s) and dosage(s) of current medications;~~
- ~~(e) Substance abuse history; and~~
- ~~(f) Allergies/dietary restrictions.~~

~~In circumstances where an emergency transfer is required, such records may be forwarded within 24 hours of transfer.~~

918.05: Mittimus File

The county correctional facility shall maintain a file of attested copies of all warrants, *mittimuses*, processes and other official papers by which an inmate is committed or released. Each such document shall be properly secured, preserved and protected with respect to privacy rights.

918.06: Release of Information

Prior to the release of inmate information, other than that required or permitted by law, the

inmate shall sign a "Release of Information Consent Form" (which complies with 803 CMR 2.00: *Criminal Offender Record Information (CORI)*). A copy of this form shall be maintained in the inmate's record.

REGULATORY AUTHORITY

103 CMR 918.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

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(103 CMR 919.00: RESERVED)

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103 CMR 920.00: COUNTY CORRECTIONAL FACILITIES -- PHYSICAL PLANT

Section

- 920.01: General Statement
- 920.02: Building Code Regulations (Required)
- 920.03: Fire Safety Code Regulations (Required)
- 920.04: Facility Perimeter
- 920.05: Intake/Booking and Release Area
- 920.06: Control Center
- 920.07: Cell Design and General Housing Area Requirements
- 920.08: Multiple Occupancy Areas
- 920.09: ~~Special Management~~ Restrictive Housing/ Isolation Cells
- 920.10: Light, Circulation, Temperature, Noise Requirements
- 920.11: Dayrooms, Activity and Exercise Areas
- 920.12: Educational/Vocational and Library Areas
- 920.13: Visiting Area
- 920.14: Kitchen and Dining Areas
- 920.15: Storage and Closet Areas
- 920.16: Administrative and Staff Space
- 920.17: Provisions for ~~Handicapped Disabled Persons~~ Inmates With Disabilities
- 920.18: Mechanical Equipment Space
- 920.19: Inmate Commissary
- 920.20: Laundry Equipment
- 920.21: Preventive Maintenance Provisions

920.01: General Statement

The standards set forth in 103 CMR 920.02 through 103 CMR 920.23, with the exception of the required 103 CMR 920.02, ~~Building Code Regulations~~, and 103 CMR 920.03, ~~Fire Safety Code Standards Regulations, which are required~~, are recommended standards. While they are recognized as being those which county correctional facilities should strive to meet, unforeseen circumstances may impact a facility's level of compliance. Therefore, the provisions for waivers, waiver in the event of overcrowding emergency, and emergency suspension of regulations contained in 103 CMR 901.04, 901.05, and 901.06 respectively, are particularly applicable to the standards regarding physical plant, except 103 CMR 920.02, Building Code Regulations, and 103 CMR 920.03, ~~Fire Safety Code Regulations~~, and shall be applied in such a manner so as to enable the county correctional system to carry out its paramount function of protecting the safety of the public while providing for safe and secure custody of persons committed to the system.

920.02: Building Code Regulations (Required)

Each county correctional facility shall maintain updated documentation that the physical plant is in conformance with state and local building codes as required by statute and to the extent that such compliance is not inconsistent with essential security requirements.

920.03: Fire Safety Code Regulations (Required)

- (1) Each county correctional facility shall obtain and maintain documentation by an authority having jurisdiction that the interior finishing material in inmate living areas, exit areas, and places of public assembly, are in accordance with recognized national fire safety codes. This requirement shall apply only to renovated and new facilities.
- (2) Each county correctional facility shall provide exits that are properly positioned, clear, and distinctly and permanently marked in order to ensure the timely evacuation of inmates and staff in the

event of fire or other emergency. All housing areas and places of assembly for fifty (50) or more persons shall have two (2) exits.

920.04: Facility Perimeter

- (1) The county correctional facility perimeter shall be controlled by appropriate means to provide that inmates remain within the perimeter and to prevent access by the general public without proper authorization. 103 CMR 920.04 shall not be applicable to community release facilities.
- (2) The county correctional facility shall have pedestrian sally ports between inmate areas and areas providing access to the public including a secure holding area for persons awaiting entrance within the secure perimeter of the facility. In a new facility, such holding areas shall have remote control doors and locks. 103 CMR 920.04 shall not be applicable to community release facilities.
- (3) The county correctional facility shall have a vehicle sally port, including a secure holding area for vehicles awaiting entrance within the secure perimeter of the facility. In a new facility, such holding areas shall have remote control doors or gates and locks. 103 CMR 920.04 shall not be applicable to community release facilities.
- (4) If the county correctional facility has watchtowers, they shall be placed so that an unobstructed view of the grounds and perimeter is permitted, and shall have the equipment necessary for effective operation of their function.

920.05: Intake/Booking and Release Area

Each county correctional facility shall have an intake/booking and release area that is located inside the security perimeter, but outside inmate living quarters. This area shall provide for the following components:

- (1) Booking area;
- (2) Access to drinking water;
- (3) Shower facilities;
- (4) Secure storage for inmates' personal property;
- (5) Telephone facilities;
- (6) Private interview space(s);
- (7) Temporary holding areas with sufficient seating; and,
- (8) Operable toilets and wash basins with hot and cold running water.

103 CMR 920.05 (1) through (8) shall not apply to community release facilities.

920.06: Control Center

The county correctional facility shall have a control center which shall:

- (1) Be centrally located, with good visibility and controlled limited access;
- (2) Have adequate space and equipment to monitor and control all day-to-day facility operations;

- (3) Have a communications system operated from the control center and connected to the inmate living areas;
- (4) Be linked to a facility emergency alarm system or to portable two-way radio units equipped with duress alarm linked to the control center; and,
- (5) Have the ability to monitor audio or visual electronic surveillance equipment. Electronic monitoring or surveillance devices shall only be deployed to supplement custodial personnel.

920.07: Cell Design and General Housing Area

(1) Only one (1) inmate should occupy each cell designed for single occupancy, except in the event of an overcrowding emergency (*See* 103 CMR 901.05). Single occupancy cells/rooms are provided, when indicated, for the following:

- Maximum and close custody;
- Inmates with severe medical disabilities;
- Inmates suffering from serious mental illness;
- Sexual predators;
- Inmates likely to be exploited or victimized by others;
- Inmates who have other special needs for single-occupancy housing.

All general housing cells or sleeping areas designed for single occupancy shall contain thirty-five (35) square feet of unencumbered space.

(2) Under normal operations, when confinement exceeds ten (10) hours per day (excluding a normal eight-hour sleep period), there is at least seventy (70) square feet total floor space per occupant.

(3) In general population housing, each inmate shall have access to, at a minimum, the following facilities and conditions:

- (a) Sanitation facilities, including access to:
 - 1. A toilet above floor level that is available for use without staff assistance twenty-four (24) hours a day;
 - 2. A washbasin with hot and cold running water;
- (b) a bed at above floor level, a writing surface and proximate area to sit, storage for personal items, and a place to suspend clothes.
- (c) Natural light.

(4) When both males and females are housed in the same building, the county correctional facility shall provide separate sleeping quarters and sanitation facilities, which shall be separated visually and acoustically.

(5) The county correctional facility shall be designed and constructed so that inmates can be separated according to 103 CMR 942.00, and to the facility's classification plan. This requirement applies only to additions and new facilities.

103 CMR 920.07 shall not apply to community release facilities.

920.08: Multiple Occupancy Areas

- (1) When used for minimum or medium security inmates, multiple occupancy rooms house no less than two (2), and no more than sixty-four (64) inmates, each who are screened prior to admission for suitability to group living.
- (2) The rooms provide twenty-five (25) square feet of unencumbered space per occupant. ~~"Unencumbered space" is usable space that is not encumbered by furnishings or fixtures. With A~~ at least one (1) dimension of the unencumbered space is no less than seven (7) feet.
- (3) When confinement exceeds ten (10) hours per day (excluding a normal eight (8) hour sleep period) there is at least thirty-five (35) square feet of total floor space per occupant.
- (4) The rooms shall provide the following:
 - (a) ~~A~~ ability for continuing observation by staff;
 - (b) ~~A~~ access to toilets and wash basins with hot and cold running water, a minimum of one (1) operable toilet for every eight (8) females, one (1) operable toilet for every twelve (12) males (1/3rd of required toilets may be urinals), and one (1) operable wash basin for every twelve (12) occupants;
 - (c) ~~A~~ access to one (1) operable shower with hot and cold running water for every twelve (12) occupants in community release facilities, showers shall be available at a ratio of one (1) for every eight (8) occupants;
 - (d) ~~N~~ natural light;
 - (e) ~~B~~ beds above floor level; and,
 - (f) ~~a~~ A storage container for each occupant.
- (5) Planning the use of multiple occupancy areas for inmate housing in new/additional medium facilities shall ensure that the areas are programmed for lower or minimum security areas within the facility only, and that inmates are screened for group living prior to assignment. Planning the use of such areas in new/additional maximum facilities is precluded.

920.09: ~~Restrictive Housing Special Management/Isolation~~ Cells

- (1) The county correctional facility shall provide ~~special management~~ Restrictive Housing rooms with living conditions that approximate those of the general inmate population. ~~Special management~~ Restrictive Housing housing units shall provide the following:
 - (a) ~~single occupancy R~~ rooms or cells with a floor area of at least seventy (70) square feet where confinement exceeds ten (10) hours per day (excluding a normal eight (8) hour sleep period). ~~At least thirty-five (35) square feet of the total space shall be unencumbered. - T~~ this requirement applies only to renovations and new facilities;
 - (b) ~~a~~ A bed at above floor level, desk or writing surface and proximate area to sit; and,
 - (c) ~~C~~ continuous access to the following:
 - (1) ~~above-floor~~ toilet facilities;
 - (2) ~~hot and cold~~ running water; and,
 - (3) ~~natural~~ light
- (2) ~~Special management~~ Restrictive Housing rooms shall have doors which provide staff with the ability to observe within the room and inmates ~~with who shall have~~ the ability to communicate with staff outside the room.

103 CMR 920.1409 shall not apply to community release facilities.

920.10: Light, Circulation, Temperature, Noise Requirements

At least every three (3) years, ~~an independent,~~ a qualified source shall document that all living areas have:

- (1) Lighting of at least twenty (20) foot candles at desk level and in the personal grooming areas;
- (2) Circulation of at least ten (10) cubic feet of outside or re-circulated filtered air per minute;
- (3) Temperatures appropriate to summer and winter comfort zones; and,
- (4) Noise levels that do not exceed seventy (70) decibels in daytime or 45 decibels at night. in daytime or 45 decibels at night. Noise level readings shall be documented in the daytime and at night.

920.11: Dayrooms, Activity and Exercise Areas

- (1) The county correctional facility shall provide a separate day room/leisure time space for each cell block or general population housing unit. In new county correctional facilities, a day room shall contain at least thirty-five (35)35-square feet of floor space per inmate, for the maximum number of inmates who use the day room at any one time.
- (2) The county correctional facility shall provide space outside the cell or room for inmate exercise.
- (3) The county correctional facility shall provide at least one (1) multipurpose room available for inmate activities such as religious services or educational programs.
- (4) All activity areas shall have toilets and wash basins which are reasonably accessible to persons using the area.
- (5) The county correctional facility shall provide a separate indoor space for vigorous exercise in inclement weather; this space shall be no less than sixty (60) by one-hundred (100) feet with a ceiling height of no less than twenty-two (22) feet. This requirement applies only to renovations and new facilities.

920.12: Educational/Vocational and Library Areas

- (1) In county correctional facilities offering academic and vocational training programs, all areas shall be consistent with 103 CMR 936.02.
- (2) The county facility shall maintain an area to provide for a general inmate library.

920.13: Visiting Area

For inmates who do not represent a substantial security risk, the facility shall provide a visiting room or area which permits informal opportunities for communication.

920.14: Kitchen and Dining Area

- (1) Each county correctional facility shall provide a food preparation area and appropriate equipment based on population size, type of food preparation and method of service.
- (2) Each county correctional facility shall provide a dining area equipped for cafeteria style or other group dining service.

920.15: Storage and Closet Areas

Each county correctional facility shall provide secure storage space for the following items:

- (1) Clothing, bedding and facility supplies;
- (2) Inmates' personal property and clothing;
- (3) Chemical agents, restraining devices and related security equipment, ~~which is~~ located in an area which is readily accessible to authorized persons only;
- (4) Equipment and tools necessary for the maintenance and housekeeping of the building and grounds.

920.16: Administrative and Staff Space

The county correctional facility shall provide space for administrative, professional and clerical staff, including conference rooms, storage rooms for records, public lobby and toilet facilities.

920.17: Provisions for ~~Handicapped Disabled Persons~~ Inmates with Disabilities

- (1) The Sheriff/~~F~~facility ~~A~~administrator shall provide that all parts of the county correctional facility which are accessible to the public are accessible to and usable by ~~handicapped inmates~~ individuals with disabilities. ~~persons.~~
- (2) Each county correctional facility shall provide that ~~handicapped inmates with disabilities~~ person(s) are housed in a manner which provides for their safety and security, including the following provisions:
 - (a) ~~C~~cells or housing units used by ~~inmates with handicapped disabilities~~ led person(s) ~~inmates~~ are designed for their use, and provide the maximum possible integration with the general population; and,
 - (b) ~~A~~appropriate facility programs and activities are accessible to ~~handicapped person(s)~~ inmates with disabilities confined in the facility.

This requirement shall apply only to renovations, additions, and new facilities.

920.18: Mechanical Equipment Space

The county correctional facility shall provide separate and adequate space for all mechanical equipment needed for heating, ventilation, water supply, waste removal and other activities for operating the institution. This requirement applies only to additions and new facilities.

920.19: Inmate Commissary

Space shall be provided for an inmate commissary ~~or canteen~~, or provisions shall be made for a mobile commissary service and shall be in accordance with 105 CMR 590.00: State Sanitary Code, Chapter X: Minimum Sanitation Standards for Food Establishments.

920.20: Laundry Equipment

Each county correctional facility not contracting with an outside agency for laundry services shall have sufficient space and equipment for the cleaning of personal clothing and facility clothing and linens.

920.21: Preventive Maintenance Provisions

~~The~~ Each county correctional facility shall develop and implement a written plan for the preventive maintenance of the physical plant with provisions for emergency repairs or replacement of equipment.

REGULATORY AUTHORITY

103 CMR 920.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

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(103 CMR 921.00 THROUGH 923.00: RESERVED)

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103 CMR 924.00: COUNTY CORRECTIONAL FACILITIES -- SECURITY & CONTROL

Section

- 924.01: Physical Security Measures
- 924.02: Security and Control Management
- 924.03: Post Orders
- 924.04: Disorder Management (Required)
- 924.05: Inmate Movement
- 924.06: Searches (Required)
- 924.07: Firearms, Ammunition, Electronic Devices and Chemical Agents (Required)
- 924.08: Disorder Control and Communication Equipment
- 924.09: Use of Force (Required)
- 924.10: Use of K-9 Canines
- 924.11: Medical Attention (Required)
- 924.12: Use of Restraint Equipment
- 924.13: Control of Tools, and Culinary and Medical Equipment
- 924.14: Control of Keys
- 924.15: Inmate Transportation
- 924.16: Reporting and Inspections
- 924.17: Transportation and Security of Pregnant Inmates

924.01: Physical Security Measures

In order to maintain physical security at the county correctional facility, written policies and procedures shall require:

- (1) A control center to be manned twenty-four (24) hours per day ~~and in order to~~ monitor and control all day-to-day facility operations, including the facility's security, life safety, and communications systems.
- (2) All security perimeter entrances, control center doors, cell block doors, and all doors opening into an unsecured corridor, are kept locked, except when used for admission or exit of employees, inmates, or visitors, and in emergencies. This requirement shall not apply to community release facilities.
- (3) A plan of perimeter security, which includes perimeter patrols and watchtowers, if applicable. This requirement shall not apply to community release facilities.
- (4) A system for screening persons entering the facility, including, but not limited to, ~~surveillance cameras, and~~ metal detectors, ~~and or other similar equipment~~ detection tools and devices, to prevent the introduction of weapons, drugs or other contraband. This requirement shall not apply to community release facilities.
- (5) A system for inspecting and logging in and out all vehicles entering the secure perimeter. This requirement shall not apply to community release facilities.
- (6) An annual assessment of security equipment needs ~~assessment to include, including,~~ but not be limited to, firearms, ammunition, disorder control and restraint equipment, chemical agents, and communications equipment.

924.02: Security and Control Management

Written policies and procedures shall:

- (1) Ensure that no inmate or group of inmates is given control or authority over other inmates;

- (2) Provide security and control requirements, ~~which~~ including, but not limited to:
- (a) Requiring that no staff member enters a high security cell block without the availability of immediate assistance from another staff member;
 - (b) Requiring that trained personnel provide around-the-clock supervision of all inmates;
 - (c) Requiring that personal contact and interaction is facilitated between staff and inmates;
 - (d) Requiring that all high security and special management inmates are observed by appropriate security staff at least every thirty (30) minutes, but on an irregular schedule;
 - (e) Requiring that more frequent observation is required for those inmates who are violent, seriously ~~mentally disordered~~, or who demonstrate unusual or bizarre behavior; and,
 - (f) Requiring that suicidal inmates are under continuous observation (meaning one-on-one observation) by correctional officers, medical staff, or other appropriate persons as determined by the Sheriff/~~F~~facility ~~a~~AAdministrator; and
- (3) Require that correctional officer posts shall be located in or immediately adjacent to inmate living areas to permit officers to hear and respond promptly to emergency situations.

924.03: Post Orders

- (1) The county correctional facility shall provide written orders for every custodial post. These post orders are to be available to staff, reviewed annually and updated if necessary.
- (2) Written policies and procedures shall require that all personnel read, sign and date the appropriate post orders at timeframes stipulated by the Sheriff/~~F~~facility ~~a~~AAdministrator, but at least annually and when revisions occur.

924.04: Disorder Management (Required)

- (1) The county correctional facility shall develop and implement reaction plans to include written policies and procedures addressing, at a minimum, the following types of disorder situations:
- (a) ~~I~~nmate disorders, including:
 - 1. escapes,
 - 2. work stoppage,
 - 3. hunger strikes,
 - 4. property destruction, and,
 - 5. riot;
 - (b) ~~D~~isorders between two (2) or more inmate factions;
 - (c) ~~I~~ntrusion of outside individuals or groups intent on disruption of normal operation or facility security;
 - (d) ~~B~~bomb threats;
 - (e) ~~H~~ostage incidents;
 - (f) ~~S~~taff job action;
 - (g) ~~E~~nvironmental disorders which include, but are not limited to:
 - 1. loss of utilities,
 - 2. toxic chemical contamination,
 - 3. inclement weather conditions that disrupt normal operations or restrict availability of staff;
 - (h) ~~F~~ires; and,
 - (i) ~~S~~pace requirements for overcrowding situations, especially such as due to a mass arrest, or a large scale transfer from another facility.
- (2) All plans are to include procedures, routes and designated holding areas for evacuation of the county correctional facility as necessary and a system of notification of appropriate staff and outside agencies.

924.05: Inmate Movement

Written policies and procedures shall provide:

- (1) A system for staff to regulate inmate movement; and
- (2) A system to physically count inmates, which includes strict accountability for inmates on work and _____ education release, furlough, and other approved temporary absences.

924.06: Searches (Required)

—Written policies and procedures shall govern searches of the county correctional facility and inmates in order to detect and prevent the introduction of contraband, recover missing or stolen property, and to prevent escapes and other disturbances. The search policy, but not the procedure, shall be made available to the inmates and the public, and shall be reviewed annually and updated as necessary. The search policy shall include, but not be limited to, written policies and procedures on the following:

- (1) Visual inspection of the facility, ~~including to include~~ housing units, shops, program and activity areas, vehicles and deliveries, which are to be thorough and documented;
- (2) Personal (pat) searches of inmates, ensuring that cross-gender pat searches of inmates shall be conducted ~~in~~ relative privacy, with as much dignity as possible.
- (3) ~~Provided the circumstances warrant and following applicable legal restrictions, strip searches of inmates ensuring that said searches shall be conducted in relative privacy with as much dignity as possible by security personnel and conducted by staff of the same sex as the inmate, except for gender non-conforming or intersex inmates, or inmates diagnosed with gender dysphoria, where the inmates request otherwise. Cross-gender pat searches of inmates shall be conducted in relative privacy with as much dignity as possible.~~ Strip searches shall be conducted by one (1) security personnel, and a second security personnel within ear shot, except in an emergency as determined by the Sheriff/Facility Administrator or designee. Said searches may be employed in, but not limited to, the following situations:
 - (a) ~~E~~Entrance or exit into secure areas;
 - (b) ~~T~~ransportation to and from court/medical trips/visits;
 - (c) ~~A~~lleged disciplinary infraction;
 - (d) ~~I~~nmate believed to be in possession of contraband;
 - (e) ~~A~~fter escape or attempted escape;
 - (f) ~~P~~lacement into ~~isolation or segregation~~ restrictive housing;
 - (g) ~~p~~Prior to and following visits; and,
 - (h) ~~R~~eturn from temporary release (furlough, work release, etc.).

~~If a strip search is video recorded (e.g., during a use of force, etc.), the strip search shall only be video recorded by a member of the same sex as the inmate being strip searched, except for gender non-conforming or intersex inmates, or inmates diagnosed with gender dysphoria, who have requested otherwise.~~

- (4) Intrusive body cavity searches, ensuring that said searches, manual or instrumental, shall not be conducted unless all of the following have occurred:
 - (a) Probable cause has been determined by staff through reasonable belief that the inmate is carrying contraband or other prohibited material;
 - (b) Authorization has been given by the Sheriff/Facility Administrator; and
 - (c) Search warrant has been obtained.

~~Note: (d) The body cavity search shall be done by trained and qualified health care personnel or correctional personnel thoroughly trained by health care personnel and shall be conducted in private.~~

~~(5) Searches of visitors to the facility. (See 103 CMR 950.04);~~

~~(5) Specific guidelines for searches of inmates who are gender non-conforming or intersex or inmates diagnosed with gender dysphoria. (See 103 CMR 934.01)~~

(6) Procedures detailing the seizure and disposal of all discovered contraband items, ensuring that ~~staff~~ document the circumstances;

(7) Specific guidelines for search and preservation of evidence when a crime is suspected and prosecution is possible.

924.07: Firearms, Ammunition, ~~Electronic Control Devices~~ and Chemical Agents (Required)

—Written ~~policy-policies~~ and procedures shall govern the use and storage of firearms, ammunition, and chemical agents, and shall include, but not be limited to, the following:

(1) The types of firearms, ammunition ~~(to include including specialty impact munitions /distraction devices), electronic control devices~~ and chemical agents authorized for use by the Sheriff/~~F~~facility ~~A~~administrator or designee. Only those items authorized for use may be issued/carried and only with prior authorization by the Sheriff/~~F~~facility administrator or designee.

(2)
—(a) Firearms may be used only as a last resort (when all other means have failed or would be ineffective) and only ~~in the following situation~~ to prevent an act which is likely to create an imminent risk of death or serious bodily injury to an employee or another person; and,

—(b) ~~F~~firearms may be used only with the prior authorization of the Sheriff/~~F~~facility ~~A~~administrator or designee unless an emergency exists requiring the immediate use of a firearm to prevent death or serious bodily injury.

(3) Firearms, ammunition ~~(to include including specialty impact munitions /distraction devices), electronic control devices~~, and chemical agents shall be subject to stringent safety regulations and monthly inspections and inventories.

(4) Each shall be stored in a secure but readily accessible depository outside of inmate housing and activity areas. There shall be an area for safe loading and unloading of firearms located outside the secure inner perimeter of the facility.

(5) Only employees authorized by the Sheriff/~~F~~facility ~~a~~Administrator ~~and~~ who have been properly trained and/or requalified during the past twelve (12) months ~~are shall be~~ issued firearms and ammunition ~~(to include including specialty impact munitions /distraction devices and electronic control devices)~~;

(6) Chemical agents shall be issued only to employees authorized by the Sheriff/~~F~~facility ~~A~~Administrator ~~and~~ who have received documented training within the past twenty-four (24) months in the use of chemical agents and in the treatment of individuals exposed to the chemical agents.

(7) Employees supervising inmates outside the facility perimeter shall follow proper procedure for security of weapons;

(8) Employees on duty at the facility shall only use firearms issued by the facility or authorized by the Sheriff/ and only when directed or authorized by the Sheriff/ facility administrator or designee. If the Sheriff/~~F~~facility ~~A~~administrator allows for an employee working at the facility to store a county-owned weapon at home, such authorization shall be documented in writing. Such home storage shall only be authorized if the employee working at the facility maintains a valid firearms license in the state where he/she/they resides.

(9) Logs ~~are shall be~~ maintained on routine and emergency distribution of all firearms, ammunition ~~(to include including specialty impact munitions /distraction devices) electronic control devices~~, or chemical agents; and,

(10) If a firearm or chemical agent is discharged in any instance, excluding training, the employee discharging the firearm or chemical agent ~~must-shall~~ submit a full written report in accordance with Sheriff's Department policy ~~and~~ no later than the conclusion of duty, unless prevented by extraordinary circumstances such as injury.

924.08: Disorder Control and Communication Equipment

—Written ~~policyies~~ and ~~procedures~~ shall govern the storage and use of all disorder control and communication equipment and shall include, but not be limited to the following:

- (1) The types of disorder control and communication equipment authorized for use by the Sheriff/~~F~~Facility ~~A~~administrator or designee;
- (2) At least quarterly inventory and inspection of all such devices for damaged ~~devices and~~ ~~—~~worn or inoperable devices with replacement as required;
- (3) Proper storage in a secure locker or area readily accessible yet located outside inmate housing or activity areas;
- (4) Annual equipment needs assessment;
- (5) Recording both routine and emergency issuance;
- (6) Use of disorder control equipment by authorized and qualified staff who are instructed in use of force; and,
- (7) Reporting of the use of disorder control equipment, especially in the use of force, ~~must-to~~ be completed in accordance with Sheriff's Department policy.

924.09: Use of Force (Required)

- (1) Written ~~policy-policies~~ and ~~procedures~~ shall govern the use of reasonable force in the following instances:
 - (a) ~~T~~to prevent the commission of a felony, including an escape;
 - (b) ~~T~~to prevent an act which could result in death or serious bodily injury;
 - (c) ~~T~~to defend against physical assaults;
 - (d) ~~T~~to prevent serious damage to property;
 - (e) ~~T~~to prevent or quell a riot or take-over of all or part of the facility by an inmate(s);
 - (f) ~~T~~to move an inmate who has refused a proper order by an employee;
 - (g) ~~T~~to apprehend an escaped inmate;
 - (h) ~~T~~to effect the search of an inmate who has refused ~~an proper~~ order by an employee to submit to said search;
—and,
 - (i) ~~T~~to preserve the overall order and security of the facility or safety of any employee, inmate or visitor.
- (2) In no event shall physical force be justified as punishment and no employee shall use or permit the use of excessive force.
- (3) The use of firearms, chemical agents, electronic control devices, disorder control equipment, restraint equipment (when used other than as a normal precautions during inmate movement, ~~or~~ transportation, or a direct order given by staff and in which an inmate complies), and K-9 (when used against persons) shall constitute a use of force and shall be governed in accordance with:

- (a) ~~F~~irearms - 103 CMR 924.07;
- (b) ~~C~~hemical ~~A~~gents, Electronic Control Devices - 103 CMR 924.07;
- (c) ~~D~~isorder ~~C~~ontrol ~~E~~quipment - 103 CMR 924.08;
- (d) ~~R~~estraint ~~E~~quipment - 103 CMR 924.12; and,
- (e) ~~e~~anine K-9 - 103 CMR 924.10.

(4) Written policies and procedures shall provide the reporting requirements for the use of force, and shall include, but not be limited to, the following:

- (a) ~~the~~ Reporting of any use of force to the Sheriff/~~F~~acility administrator;
- (b) ~~the submission of~~ Submitting a written report by the employee prior to the end of the tour of duty unless prevented by extraordinary circumstances such as injury, ~~to include~~ including:
 - 1. ~~A~~an accounting of events leading up to the use of force;
 - 2. ~~A~~pprecise description of incident and reason for employing force;
 - 3. ~~A~~description of type of force used;
 - 4. ~~A~~description of observed injuries and treatment given;
 - 5. ~~A~~a list of participants and witnesses;
- (c) ~~a~~ Reporting to the parent agency of the incident; and,
- (d) Immediately notifying the Sheriff/~~facility administrator~~, parent agency, and if appropriate, the District Attorney whenever death occurs in a use-of-force incident. ~~shall be immediately notified.~~

924.10: Use of ~~K-9~~Canines

~~—~~The county correctional facility, if applicable, shall provide written policies and procedures and training governing the use of ~~K-9seanines~~, which shall include, but not be limited to, the following:

- (1) Ensuring the certification of ~~K-9s eanines~~dogs and K-9 handlers;
- (2) Ensuring that any use ~~within the facility~~, whether by a Contraband Detection K-9 / Patrol K-9 / Dual K-9, is only under the direct control of the K-9 handlers and with prior authorization of the Sheriff/~~F~~acility Administrator or designee of a rank no lower than a shift commander.
- (3) Ensuring that Contraband Detection K-9 / Patrol K-9 / Dual K-9 should be used only in the following circumstances:
 - i. To search for fleeing escapees;
 - ii. For crowd control and use of force only if necessary as part of a critical incident and / or major disturbance;
 - iii. Search and detection of contraband.
 - iv. To monitor outdoor inmate movement between physical buildings within a facility's perimeter when a determination is made by the Sheriff that the physical layout of the facility requires such. In such instances, the K-9 team shall be positioned in such a manner as to maintain visual observation, yet at a sufficient distance to ensure that routine movement is not interfered with or disrupted.

~~(43)~~ Ensuring that any individual injured by a ~~eanine~~-K-9 shall be seen by medical personnel as soon as possible;

~~(54)~~ Requiring that a ~~full-complete~~ written report for the use of a ~~eanine~~-K-9 ~~beis submitted~~ by the K-9 handler to the Sheriff/~~F~~acility ~~a~~Administrator in accordance with the Sheriff's ~~Department-Office~~ policy; and,

~~(65) The Ensuring that the~~ maintenance and care of ~~K-9canines~~ owned by the facility ~~shall be~~ in accordance with applicable rules of law and regulations; ~~and,~~

~~(76) Prohibiting the use of K-9canines~~ in cell extractions.

924.11: Medical Attention (Required)

—Written policies and procedures shall provide that all persons injured in an incident receive medical attention, which shall include, but not be limited to, the following:

(1) Any person injured as a result of the use of force shall be given medical attention as soon as possible and such care or treatment shall be documented; and,

(2) All inmate refusals of medical treatment shall be made to, and documented by, medical staff.

924.12: Use of Restraint Equipment

Written policy and procedure shall govern:

(1) The reporting requirements, storage, quarterly inventories and inspection, and authorization/approvals for the use of restraint equipment, which shall include, but not be limited to:

(a) ~~Proper~~ storage in a secure, but readily accessible, locker or an area located outside inmate housing or activity areas;

(b) ~~Use~~ by only authorized and qualified staff instructed in proper use and the use of force;

(c) ~~The prohibition of applying~~ restraint equipment ~~shall not be applied~~ for longer than necessary;

(d) ~~The prohibition of applying~~ restraint equipment ~~shall never be applied~~ as punishment; and,

(e) ~~Only the use of restraint equipment that is~~ authorized by the Sheriff/~~F~~facility ~~a~~Administrator shall be used.

~~(e)(f) The use of restraint equipment upon pregnant or post-partum inmates shall comply with MGL, c. 127, §118.~~

(2) The use of four/five point restraint equipment or a restraint chair, including to include:

(a) ~~p~~Use only with prior approval from the ~~facility administrator~~ or designee;

~~(b) Use only with~~ medical and/or mental health assessment by the health authority or designee. ~~In~~ circumstances where prior approval and medical and/or mental health assessment are impractical due to the inmate's behavior or being an immediate threat to ~~himself/himself~~, staff or others approval and assessment may occur subsequent to the inmate being placed in restraints;

~~(c) (ii) staff shall directly and continuously observe inmates who are restrained prior to a medical assessment; and,~~

~~(d)(b) (iii) subsequent visual observation shall be made at least every fifteen 15 minutes.~~

~~(e)(c) The use of four/five point restraint equipment or a restraint chair upon pregnant or post-partum inmates shall comply with MGL, c. 127, §118.~~

(3) Constant visual observation by staff of restrained inmates;

(4) After the initial medical assessment, the restrained inmate shall be assessed by medical staff every two (2) hours, absent any extraordinary circumstances;

(5) If an inmate is restrained for greater than eight (8) hours, a mental health assessment must be conducted and documented. In addition, the Sheriff/~~F~~facility ~~a~~Administrator must be contacted and notified of the circumstances, and this shall be documented by staff.

~~(e)-(6)~~ Staff utilizing four/five point restraints or a restraint chair shall submit a report prior to the end of the tour of duty unless prevented by extraordinary circumstances.

924.13: Control of Tools, and Culinary and Medical Equipment

—Written policyies and procedures shall govern the use and control of tools, and culinary and medical equipment, and shall include, but not be limited to, the following:

- (1) Storage in a secure location which provides a means of accountability and instant identification;
- (2) ~~Procedure to record disbursement and return of equipment; The issuance of tools, or culinary and/or medical equipment shall~~to be noted by the exchange of a chit or by a written or electronic record;
- ~~(3) Procedure governing the controlled use of all tools and culinary equipment;~~
- ~~(34)~~ The ~~r~~eturn of items to appropriate locations upon completion of use, but definitely prior to end of a tour of duty; and,
- ~~(45)~~ The ~~i~~mmEDIATE reporting of any lost tools, or culinary and/or medical equipment, to the appropriate supervisor, and the reporting of damaged tools, or culinary and/or medical equipment, to the appropriate supervisor prior to the end of a tour of duty.

924.14: Control of Keys

—Written policyies and procedures shall govern the control and use of keys, electronic or otherwise, and shall include, but not be limited to, ~~requirements that~~the following requirements:

- (1) County correctional facility keys shall be inventoried and stored in areas that are not accessible to inmates;
- (2) A physical count and inspection of all keys subject to being issued, except for those issued on a twenty-four (24) hour basis, shall be conducted daily;
- (3) Lost or damaged keys shall be reported immediately;
- (4) The issuance of keys shall be noted by the exchange of a chit or by a written or electronic record; and
- (5) Keys which are issued on a twenty-four (24) hour basis shall be approved in writing by the Sheriff/Facility aAdministrator or designee.

924.15: Inmate Transportation

Written policyies and procedures shall govern inmate transportation and shall include, but not be limited to, ensuring the following:

- (1) A plan of transportation;
- (2) The use and security of county correctional facility vehicles;
- (3) That all vehicles ~~shall are~~be well maintained, inspected, and contain two-way radio communication and, where appropriate, safety screen; and,
- (4) That use of personal vehicles for official purposes ~~shall be~~is prohibited, except when authorized by the Sheriff/Facility aAdministrator or designee and when provision for insurance coverage has been outlined.

924.16: Reporting and Inspections

Written policies and procedures shall:

- (1) Require the facility to maintain a written or electronic record which shall include, but not be limited to, the following:
 - (a) Personnel on duty;
 - (b) Inmate count;
 - (c) Admissions and releases of inmates;
 - (d) Shift activities;
 - (e) Entry and exit of all visitors to the county correctional facility or a unit within the facility M.D., attorneys, government officials, etc.); and,
 - (f) Unusual occurrences.
- (2) Require custodial staff to maintain written or electronic logs in each living unit and prepare a shift record daily recording, at a minimum of: post assignments, routine and emergency situations, and unusual occurrences;
- (3) Govern the prompt reporting of all incidents that result in physical harm to, or threaten the safety of, any person in the county correctional facility, or that threaten the security of the facility; and
- (4) Govern the inspection of the county correctional facility's physical plant and reporting of any deficiencies, and shall include, but not be limited to, the following:
 - (a) The Sheriff/Facility Administrator or designee, chief custodial officer and department/division head shall visit all living and activity units within the county correctional facility at least weekly, and initiate corrective action as needed; and
 - (b) Line supervisors and line staff (custodial and program) shall inspect their respective units daily, and report findings to their supervisor.

924.17 Transportation and Security of Pregnant Inmates

In order to maintain appropriate treatment of pregnant and post-partum inmates at the county correctional facility, written policy and procedure shall require and, absent such written policy and procedure, 103 CMR 924.17 requires:

(1) Transportation To/From Medical and /or Court Visits.

When transporting pregnant inmates to and from visits to medical providers and court proceedings, a vehicle with seatbelts shall be utilized, and restraints, if any, shall be used as follows:

- (a) During the second or third trimester, only handcuffs in the front shall be applied.
- (b) An inmate who is in any stage of labor, as determined by a medical professional, shall not be placed in restraints.
- (c) During post-delivery recuperation, as determined by the attending physician, only handcuffs in the front shall be applied, except where a correction officer makes a determination, approved by a superintendent, that extraordinary circumstances necessitate greater restraint. The least restrictive restraint necessary to address those extraordinary circumstances shall be used. The type of restraint used and approval process shall be documented.

(2) In-hospital Security for Pregnant Inmates.

- (a) During the second or third trimester, only handcuffs in the front shall be applied.

- (b) An inmate who is in any stage of labor, as determined by a medical professional, shall not be placed in restraints. One correction officer may remain in the hospital room during delivery or physical examination; however, the correction officer shall, if possible, be female and be situated in a locale respective of the inmate's privacy.
 - (c) During post-delivery recuperation, as determined by the attending physician, no restraint shall occur unless a correction officer makes a determination, approved by a superintendent, that extraordinary circumstances necessitate restraint, and a medical professional determines that such restraints are not medically contraindicated. The least restrictive restraint necessary to address those extraordinary circumstances shall be used. The type of restraint used and approval process shall be documented.
 - (d) If the attending physician or nurse treating the pregnant inmate requests that the restraints be removed for a medical reason, the correction officer shall immediately remove all restraints, followed by an immediate verbal notification to a superintendent that is additionally documented in writing.
 - (e) Nothing in this section shall prohibit use of hospital restraints requested by a treating physician for the medical safety of a patient.
- (3) Use of Leg Irons and Waist Chains
- (a) Neither leg irons nor waist chains shall be used on an inmate who is pregnant or in post-partum recuperation, as determined by the treating physician.
- (4) Extraordinary Circumstances.

For the purposes of 103 CMR 924.17, extraordinary circumstances exist where a correction officer makes an individualized determination, with prior approval by a superintendent if practicable, that the inmate presents an immediate, serious threat of hurting herself or others, or that the inmate presents an immediate and credible risk of escape that cannot be reasonably contained through other methods. Absent prior approval, immediate verbal notification of the application of restraints shall be made to a superintendent. If an inmate is restrained, the restraints shall be the least restrictive available and the most reasonable under the circumstances, but in no case shall include leg or waist restraints. Any determination of extraordinary circumstances must be documented in writing in advance of the application of any restraint or, if not practicable, by the conclusion of the correction officer's shift. The written documentation shall include the reasons the officer determined extraordinary circumstances existed; the kind of restraints used; and the reasons those restraints were considered the least restrictive available and the most reasonable under the circumstances.

REGULATORY AUTHORITY

103 CMR 924.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

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(103 CMR 925.00: RESERVED)

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103 CMR 926.00: COUNTY CORRECTIONAL FACILITIES –~~RESTRICTIVE HOUSING-MANAGEMENT~~
INMATES

Section

926.01: Requirements

926.02: Management and Inspection of Restrictive ~~Housing~~~~Special-Management~~ Units ~~(Required)~~926.03: Placement ~~and Review~~ of Inmates in ~~Restrictive Housing~~~~Segregation~~ ~~(Required)~~~~926.04: Review of Inmates in Restrictive Housing (Required)~~926.0~~5~~~~4~~: Programs and Services for Inmates in ~~Segregation~~~~Restrictive Housing~~ ~~(Required)~~~~926.06: Alternatives to Restrictive Housing (Required)~~

926.01: Requirements

(1) Written policies and procedures shall provide for the special management of inmates ~~classified as placed on restrictive housing administrative segregation, protective custody, or disciplinary detention~~ status. ~~An inmate~~ requiring ~~such restrictive housing~~~~special management~~ may be confined in a separate housing unit from the general population or may be confined to their room within a general population housing unit. Regardless of where he/she/~~they are~~~~is~~ housed, each ~~special management~~~~restrictive housing~~ inmate is entitled to receive the privileges and reviews discussed in 103 CMR 926.01 through 926.0~~5~~~~4~~.

(2) Written policies and procedures shall govern the supervision of inmates within ~~restrictive housing~~~~special management~~ units, and shall provide requirements for the following:

- (a) ~~The~~ management of ~~restrictive housing~~ inmates, ~~including~~ ~~to include~~ inspections and reporting;
- (b) ~~The~~ placement, review, and release process for ~~inmates in restrictive housing special management inmates~~; and,
- (c) ~~The~~ programs and services offered to inmates in ~~restrictive housing special management~~ units.

103 CMR 926.01 is not applicable to community release facilities.

926.02: Management and Inspection of ~~Restrictive Housing~~ ~~Special-Management~~ Units ~~(Required)~~

~~(1) (1)~~ Written policies and procedures shall govern the selection criteria, supervision and assignment of staff who work with ~~special management inmates~~ ~~inmates in restrictive housing~~ on a regular and daily basis. These ~~policies and procedures~~ shall include procedures to supervise and evaluate the on-the-job performance of all staff members who work with such inmates.

~~(2) Written policies and procedures shall require that correction officers, supervisors and managers assigned to a restrictive housing unit shall complete a structured On-The-Job Training (OJT). At a minimum, the OJT shall include an orientation covering the unit structure/operations and post orders with specialized training in interpersonal communication, emergency response, medical emergency response, de-escalation techniques, use of force, and restraints.~~

~~(1) Written policies and procedures shall governrequire that correction officers, supervisors and managers assigned to a restrictive housing unit shall complete a structured On The Job Training (OJT). At a minimum, the OJT shall include an orientation covering the unit structure/operations and post orders with specialized training in interpersonal communication, emergency response, medical emergency response, use of force, and restraints.~~

~~(32)~~ Written policies and procedures shall require that ~~special management~~~~restrictive housing~~ inmates receive, at a minimum, the following staff visits:

- (a) ~~daily~~~~Daily visits~~ from the chief custody officer or shift supervisor;
- (b) ~~Visitswhen requested~~ from the program staff ~~upon request~~; and,

(c) ~~D~~aily visits from qualified health care personnel unless medical attention is needed more frequently.

(d) Rounds shall be made by a qualified mental health professional in every restrictive housing unit at a minimum of two (2) times per week. The qualified mental health professional may conduct an out-of-cell meeting with an inmate who, the clinician believes, requires a confidential meeting. Inmates shall be evaluated by a qualified mental health professional in accordance with clinical standards adopted by the Department of Correction to determine whether, in the qualified mental health professional's clinical judgment, the inmate has a serious mental illness, or whether restrictive housing is otherwise clinically contraindicated.

(43) ~~Written policies and procedures shall ensure that the presence of a health care provider in segregation restrictive housing units is announced and recorded.~~

(54) ~~Written policies and procedures shall require that staff members in the Special Management Units restrictive housing units maintain a permanent written log and shall record, at a minimum, the following information:~~

- (a) ~~A~~admission information of inmates in ~~the~~ units, including name, number, date, time, status, special medical/mental health problems or needs, and other relevant information;
- (b) ~~A~~ll visits by officials who inspect the units or provide services to inmates;
- (c) ~~A~~ll incidents and any unusual behavior or occurrences;
- (d) ~~S~~hift activities; and,
- (e) ~~R~~eleases of inmates.

(65) ~~Written policies and procedures shall govern the removal of an item or activity from an inmate in the a restrictive housing unit where provision of such item or activity is inconsistent with the security of the unit. Such policies or procedures shall require that:~~

- (a) ~~N~~o item or activity shall be withheld longer than is necessary to ensure the inmate's safety and the well-being of the staff and other inmates;
- (b) ~~A~~n inmate shall not be deprived of an item or activity for the purpose of punishment, except in accordance with 103 CMR 943.00; and,
- (c) ~~I~~f circumstances warrant the removal of all of an inmate's personal items, approval for this action shall be obtained in advance from the Facility Administrator or designee, or by medical staff, unless there is imminent danger that an inmate may induce ~~self injury~~self-injury.

(76) ~~Written policies and procedures shall require that, whenever an inmate in the special management restrictive housing unit is not allowed privilege(s), other than what is usually authorized, and where allowance of such privileges is inconsistent with the security of the unit, the supervising staff shall complete a report of the action the disallowance of the privilege(s) and forward it to the Facility Administrator or designee. The written report shall include, but not be limited to, the following:~~

- (a) ~~The i~~nmate's name and number;
- (b) ~~T~~he privilege(s) ~~not allowed that were restricted;~~
- (c) ~~The d~~ate and time of incident ~~and/or the disallowance of the privilege(s) removal;~~ and,
- (d) ~~T~~he reasons for the ~~privilege(s) action~~ disallowance.

926.03: Placement ~~and Review~~ of Inmates in ~~Restrictive Housing Segregation~~ (Required)

~~(1) This action shall be reviewed within three (3) working days by the classification, disciplinary, or other appropriate authority depending on the type of segregation ordered.~~

(1) Written policies and procedures shall provide that, prior to placement in restrictive housing, regardless of the reason, an inmate shall be screened by a qualified mental health professional to determine if the inmate has a serious mental illness, as defined by M.G.L. c.127, § 1, or if the inmate's placement in

restrictive housing is otherwise contraindicated based on clinical standards adopted by the Department of Correction and based upon the qualified mental health professional's clinical judgment.

(2) Written policies and procedures shall provide that, prior to or immediately upon placement in restrictive housing, the inmate shall be screened by medical staff. Such policies and procedures shall provide that the screening by medical staff include a determination of whether there are any medical contraindications to restrictive housing, including the existence of a permanent physical disability that precludes placement in restrictive housing, in which case the inmate shall not be placed in restrictive housing.

(3) ~~When necessary to protect an inmate or others,~~ Written policies and procedures shall allow the Sheriff/~~Facility~~ ~~a~~Administrator, or designee, ~~may to~~ place an inmate in a ~~special management unit.~~ restrictive housing unit if the inmate's retention in general population poses an unacceptable risk:

- (a) To the safety of others;
- (b) Of damage or destruction of property; and,
- ~~(a)~~(c) To the operation of the correctional facility.

(4) Written policies and procedures shall specify that an inmate may be placed in disciplinary detention ~~For~~ a rule violation only after a hearing pursuant to 103 CMR 943.09(2).

(5) ~~(3)~~ Written policies and procedures shall provide that if an inmate be placed in segregation for the purpose of protective custody only when there is documentation that protective custody is warranted and no reasonable alternatives are available, an inmate needs to be separated from general population to protect the inmate from harm by others, the inmate shall not be placed in restrictive housing, but shall be placed in a housing unit that provides approximately the same conditions, privileges, amenities and opportunities as in general population, provided, however, that the inmate may be placed in restrictive housing for no more than seventy two (72) hours while suitable housing is located. An inmate shall not be held in restrictive housing to protect the inmate from harm by others for more than seventy-two (72) hours unless the Sheriff or Facility Administrator certifies in writing with a copy provided to the inmate:

- (a) The reason why the inmate may not be safely held in general population;
- (b) That there is no available placement in a unit comparable to general population;
- (c) That efforts are being undertaken to find appropriate housing and the status of those efforts;
- and,
- (d) The anticipated time frame for resolution.

(4) ~~Written policy and procedure provide that the status of inmates in administrative segregation and protective custody are reviewed by the appropriate committee every seven days for the first two months and at least every 30 days thereafter.~~

(6) Written policies and procedures shall provide that an inmate shall not be held in restrictive housing if the inmate has a serious mental illness, as defined by M.G.L c.127 § 1, or a finding has been made by a qualified mental health professional that restrictive housing is clinically contraindicated. If the inmate with serious mental illness is placed or currently housed in restrictive housing, the Sheriff or Facility Administrator must, within seventy-two (72) hours of a finding of serious mental illness or contraindication, certify in writing and a copy provided to the inmate:

- (a) The reason why the inmate may not be safely held in general population.
- (b) That there is no available placement in a secure treatment unit;
- (c) That efforts are being undertaken to find appropriate housing and the status of the efforts; and,
- (d) The anticipated time frame for resolution.

(7) Written policies and procedures shall specify that a pregnant inmate shall not be placed in restrictive housing.

(8) Written policies and procedures shall specify that a postpartum inmate shall not be subject to restrictive housing absent an individualized documented determination that the inmate poses a serious risk of harm to herself or others.

(9) Written policies and procedures shall specify that an inmate with an anticipated release date (release from custody of Sheriff) of less than one hundred and twenty (120) days is not housed -in restrictive housing unless:

- (a) The placement in restrictive housing is limited to no more than five (5) days or;
- (b) The inmate poses a substantial and immediate threat.

(10) Written policies and procedures shall specify that the fact that an inmate is lesbian, gay, bisexual, transgender, queer, gender non-conforming or intersex shall not be grounds for placement in restrictive housing.

(5) Facility Administrator or protective custody status.

926.04: Review of Inmates in Restrictive Housing (Required)

(1) Written policies and procedures shall specify that an inmate who is placed in restrictive housing for disciplinary detention receive a placement review no later than six (6) months after placement and every ninety (90) days thereafter, unless the inmate has a serious mental illness, in which case the procedures set forth in 103 CMR 926.04 (2) shall be followed.

(2) Written policies and procedures shall require that the status of inmates placed in restrictive housing to protect the inmate from harm by others, and those inmates found to be seriously mentally ill or clinically contraindicated, receive placement reviews, as defined by M.G.L. c.127 § 1, every seventy-two (72) hours. After a placement review has been conducted, an inmate can only be held if it is determined that the inmate poses an unacceptable risk:

- (a) To the safety of others;
- (b) Of damage or destruction of property;
- (c) The operation of the correctional facility;
- (d) Or if the Sheriff or Facility Administrator re-certifies, in writing, the findings required by 103 CMR 926.03 (5) (6). In the case of inmates held in restrictive housing for personal safety needs, a certification by the Sheriff or Facility Administrator shall be completed after each placement review.

(3) Written policies and procedures shall specify that an inmate who is placed in restrictive housing awaiting adjudication of an alleged disciplinary breach receive placement reviews at least every fifteen (15) days, unless the inmate has a serious mental illness, in which case the procedures set forth in 103 CMR 926.04 (2) shall be followed.

(4) Written policies and procedures shall specify that an inmate held in restrictive housing for any reason other than a reason set forth in 103 CMR 926.04 (1)-(3) shall receive placement reviews at least every ninety (90) days.

(5) If an inmate's placement in restrictive housing may reasonably be expected to last more than sixty (60) days, written policies and procedures shall dictate that the inmate shall:

- (a) Have twenty-four (24) hours' notice of each placement reviews, as defined by M.G.L. c.127, § 1, according to the schedule set forth in 103 CMR 926.04 (1)-(4);
- (b) Have an opportunity to participate in each placement reviews in person or in writing, except that for a placement review scheduled to occur approximately ninety (90) days after initial

placement and every ninety (90) days thereafter, the inmate shall have the opportunity to participate in person;

(c) Upon review, if no placement change is ordered, be provided with a written statement as to the evidence relied on and the reasons for the placement decision-;

(d) Not more than fifteen (15) days after the initial placement, and upon placement review, if no placement change is ordered, be advised as to behavior standards and program participation goals that will increase the inmate's chances of a less restrictive placement upon next placement review.

926.054: Programs and Services for Inmates in Restrictive Housing Units Segregation (Required)

(1) Written policies and procedures shall require that inmates in Special Management-restrictive housing units are provided, at a minimum, the following:

- (a) —An opportunity to shave and shower at least three (3) times per week;
- (b) —bBarbering and hair care services on the same basis as general population inmates;
- (c) —The issuance—and exchange of clothing, bedding, linens and towels, at least weekly or the laundering of the same at least weekly;
- (d) —pPrescribed medication, which shall be maintained and logged appropriately; and,
- (e) access to basic personal items for use in their cells, unless there is imminent danger that an inmate or other inmate(s) may destroy an item or induce self injury.
- (e) —The same access and privileges to retain property in an inmate's cell as inmates in the general population at the same facility, except where inconsistent with the security of the unit;
- (f) ——Periodic mental and psychiatric examinations under the supervision of the Department of Mental Health;
- (g) Medical and psychiatric treatment as clinically indicated under the supervision of the Department of Mental Health; and
- (h) ——The same access to disability accommodations as inmates in general population, except where inconsistent with the security of the unit.

(2) Written policies and procedures shall require that inmates in special management-status restrictive housing units receive the same meals as those served to the general population, or a meal representative of the food served on the main serving line. If an inmate utilizes food or serving utensils in a way that may be hazardous to him/themself or others, alternative meal service may be required. Alternative meal service shall be on an individual basis, be based upon health or safety considerations only, meet basic nutritional requirements, and occur with the written approval of the Sheriff/Facility aAdministrator or designee and responsible health authority. The substitution shall not exceed seven (7) days.

(3) Written policies and procedures shall provide that inmates in segregation-restrictive housing units receive the following communication opportunities:

- (a) —Tthe same provisions for the writing and receipt of letters-correspondence available to the general inmate population unless clinically contraindicated;
- (b) for inmates in disciplinary detention, limited telephone, and visiting privileges to calls related specifically to access to judicial process and family emergencies as determined by the Sheriff/facility administratorFacility Administrator or designee; and,
- (be) —administrative segregation and protective custody iInmates in restrictive housing units shall have the same provisions for visiting and telephones as available to the general population, unless substantial reason exists for withholding such privileges as determined by the Sheriff/Facility aadministrator or designee. Substantial reason shall include a threat to life, property, self, staff or other inmates, or to the security and order of the facility.

(4) Written policies and procedures shall provide that all inmates within special management restrictive housing units shall have reasonable access to legal material and reading material.

(5) Written policies and procedures shall provide that all inmates within ~~special management~~ restrictive housing units receive a minimum of one (1) hour a day, five (5) days a week, of exercise outside their cells, unless security or safety considerations dictate otherwise. The use of showers and the making of telephone calls shall not be included in the one (1) hour allotted for exercise. When weather permits, this shall include outdoor exercise. To maximize out-of-cell activities, the Facility Administrator or designee at each facility shall assess whether, and to what extent, out-of-cell activities over and above five (5) hours per week of out-of-cell recreation time (i.e., one (1) hour per day, five (5) days a week) per inmate are consistent with the safety and security of all staff and inmates in that restrictive housing. Such additional out-of-cell activities may include, but not be limited to, additional recreation periods, longer recreational periods, or programming. In assessing whether additional out-of-cell activities or programs can safely be offered, the Facility Administrator or designee shall consider any factors deemed pertinent to such assessment, including but not limited to, the number of inmates in the restrictive housing unit, the number of available correction officers, the number of available program staff, the availability of physical space in the unit, the nature of the threat posed by particular inmates, and/or the climate of the restrictive housing unit.

(6) Written policies and procedures shall provide that, consistent with the safety and security of the county correctional facility, inmates in ~~administrative segregation~~ Restrictive Housing and protective custody units shall have access to, at a minimum, the following facility programs and services:

- (a) Education programs;
- (b) ~~—C~~ommissary ~~or canteen services; purchases that are the same as inmates in general population at the same facility except where inconsistent with the security of the unit;~~
- (c) Library services;
- (d) Social services or caseworker;
- (e) Counseling;
- (f) ~~R~~eligious guidance; and,
- (g) ~~—R~~ecreational programs.
- (h) ~~Radio or television, the choice of which will be in the sheriff's sole discretion, if confinement exceeds thirty (30) days.~~

(7) Written policies and procedures shall provide that any inmate who is held in restrictive housing for a period of more than sixty (60) days shall, to the maximum extent possible consistent with the safety and security of the unit, have access to the following programming and shall receive good time for participation at the same rates as the general population:

- (a) Vocational,
- (b) Educational; and,
- (c) Rehabilitative programs

(8) Written policies and procedures shall provide that any inmate who has fewer than one hundred and eighty (180) days until the inmate's mandatory release date or parole release date, and is held in restrictive housing, shall be offered reentry programming that shall include, but not limited to, the following:

- (a) Substantial re-socialization programming in a group setting;
- (b) Regular mental health counseling to assist with the transition;
- (c) Housing assistance;
- (d) Assistance obtaining state and federal benefits;
- (e) Employment readiness training;
- (f) Programming designed to help rebuild interpersonal relationships; and,
- (g) All other reentry planning services offered to inmates in general population-

926.06 Alternatives to Restrictive Housing (Required)

(1) Written policies and procedures shall ensure that county facilities establish alternatives to restrictive housing units for inmates diagnosed with a serious mental illness.

(2) Written policies and procedures shall establish a process to make referrals to the alternative housing unit(s) which are reviewed for appropriateness by the onsite mental health staff.

REGULATORY AUTHORITY

103 CMR 926.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B; M.G.L. c. 127, §1, 39, 39A, 39B, 39C, 39E.

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103 CMR 928.00: COUNTY CORRECTIONAL FACILITIES -- FOOD SERVICES

Section

- 928.01: Food Service Regulations (Required)
- 928.02: Food Service Administration
- 928.03: Health Protection ~~f~~For Inmates and Staff (Required)
- 928.04: Nutritional Requirements (Required)
- 928.05: Medical Diets (Required)
- 928.06: Religious Diets
- 928.07: Menu Planning
- 928.08: Food Preparation
- 928.09: Serving of Food
- 928.10: Food Storage
- 928.11: Food Service Areas and Equipment
- 928.12: Inspections

928.01: Food Service Regulations (Required)

- (1) Written policies and procedures shall require that all food service facilities, personnel, and equipment, comply with safety standards and regulations contained in 105 CMR 590-~~00000~~, State Sanitary Code Article X - Minimum Sanitation Standards for Food Establishments and 105 CMR 451-~~00000~~, Minimum Health and Sanitation Regulations of the Department of Public Health.
- (2) Written policies and procedures shall require that when the facility's food services are provided by an outside agency or individual, the facility shall obtain annual written verification that said provider complies with the Department of Public Health Regulations regarding food service.

928.02: Food Service Administration

- The Sheriff/~~F~~facility ~~A~~administrator shall designate a staff member experienced in food service management to be responsible for food service management and operations.
- 103 CMR 928.02 does not apply to community release facilities or to facilities that have contracted with outside vendors.

928.03: Health Protection For Inmates and Staff (Required)

- Written policies and procedures shall provide for adequate health protection for all inmates and staff in the facility and inmates and other persons working in food service. Such health protection shall include:
 - (1) Prior to job assignment, all food service workers receive a medical examination, to ensure freedom from diarrhea, skin infections, acute respiratory infections, or any diseases or other illnesses transmissible through food, water, or utensils. Every food service worker shall have a medical examination prior to returning to work after a substantial illness; and
 - (2) All food service workers shall maintain a high degree of personal cleanliness, wear clean outer garments while working, and wash their hands upon reporting to duty and after using the toilet facilities.

928.04: Nutritional Requirements (Required)

Documentation shall be provided that the county correctional facility's system of dietary allowance is reviewed at least annually by a registered dietician, or physician, to ensure compliance with nationally recommended food allowances.

928.05: Medical Diets (Required)

—Written policies and procedures shall govern medical and dental diets prescribed by appropriate medical and/or dental personnel. There shall be provisions for such diets to be reviewed and rewritten when necessary.

(1) A diet shall be available to pregnant inmates containing the nutrients required to maintain a healthy pregnancy. The diet shall include prenatal vitamins and supplements.

(2) This diet shall be reviewed and approved by a licensed dietitian / nutritionist on an annual basis.

928.06: Religious Diets

—Written policies and procedures shall provide for religious diets for those inmates whose religious beliefs require the adherence to religious dietary laws which must be pre-approved by a certified clergy of appropriate religious belief.

928.07: Menu Planning

(1) All menus, including special diets, shall be planned, dated, and available for review at least one (1) week in advance; notations are made of any substitutions in the meals actually served, and shall be of equal nutritional value.

(2) The facility shall provide for menu evaluations which are conducted quarterly by facility food service supervisory staff who shall verify adherence to the nationally recommended basic daily servings.

928.08: Food Preparation

(1) All food preparation shall be under the supervision of qualified food service personnel following a prepared menu in which the following are considered: flavor, texture, temperature, appearance, and palatability.

(2) All food products that are grown or produced on the grounds of the county correctional facility shall be inspected and approved by qualified food service personnel for all small garden operations, and an appropriate governmental agency for larger agricultural or dairy operations. The distribution of the above products to the kitchen shall be in a timely fashion, in order to guarantee freshness and condition for optimum food service.

(3) All food, milk and other dairy products purchased, stored, and prepared shall conform with the standards outlined in the Department of Public Health Regulation, 105 CMR 590. ~~00.000.~~

928.09: Serving of Food

—Written policies and procedures shall govern the serving of food, ~~to include~~including, but not be limited to, the following:

(1) Meals shall be served under the direct supervision of staff to provide conditions that minimize regimentation and avoid favoritism and improper handling of food and waste;

(2) All meals shall normally be served in a group dining setting and only be served in cells when necessitated by safety and security;

(3) At least three (3) meals shall be provided at regular meal times during a ~~twenty-four~~ (24) hour period with no more than ~~fourteen~~ (14) hours between the evening meal and breakfast. Two (2) of the three (3)

meals shall be hot meals, with variations allowed on weekends or holidays or during hot summer weather, provided that the basic nutritional goals are met;

(4) Accurate counts and records shall be maintained on all meals served; and,

(5) Written policies shall preclude the use of food as a disciplinary measure.

928.10: Food Storage

Suitable storage facilities which are sanitary and well maintained shall be available, so that:

~~(1) Shelf goods can be stored at room temperature of 45° to 80°F;~~

~~(2) Refrigerated foods are maintained at 45°F or below; and,~~

~~(3) Freezer temperature foods are at 0°F or below.~~

(1) Temperatures for the storage of shelved goods, refrigerated foods, and frozen foods shall be maintained in accordance with 105 CMR 590 and the Federal 2013 Food Code.

~~(4)~~ Written policies and procedures shall be provided to stipulate-designate what foods may be stored in inmates' rooms-living quarters and that the storage of perishables in the rooms-living quarters is prohibited.

928.11: Food Service Areas and Equipment

(1) The county correctional facility shall ensure that all equipment, utensils, and surfaces for food preparation are smooth, easily ~~cleanable-cleaned, and~~ durable, and kept in such repair as to be readily maintained in a clean and sanitary condition.

(2) The county correctional facility shall provide a written plan for the maintenance of the food services area and equipment.

(3) The county correctional facility shall conform to the manual washing procedures or the proper operation of dishwashing machines as outlined in the regulations found in Department of Public Health Regulations, 105 CMR 590.00.

(4) The county correctional facility shall ensure that all garbage and rubbish in the kitchen is disposed of with sufficient frequency, at least daily, in accordance with 105 CMR 590.00.

(5) Toilet and wash basin facilities shall be available to food service personnel, inmates, and staff in the vicinity of the food preparation area. Each such facility shall contain a proper sign regarding hand washing before returning to work.

(6) The county correctional facility shall ensure that:

(a) ~~P~~poisonous and toxic materials used to maintain the ~~F~~Food ~~S~~service ~~D~~department are properly identified and used only in a proper manner and under such conditions that shall not contaminate food or constitute a hazard to employees and inmates;

(b) ~~P~~poisonous and toxic materials used to maintain the ~~F~~Food ~~S~~service ~~D~~department are stored in locked cabinets outside the food service area which are used for no other purpose; and,

(c) ~~C~~leaning compounds are not to be stored in the same cabinet or area as insecticides or ~~rodenticides~~.

928.12: Inspections

Written policies and procedures shall require documentation of the following inspections:

- (1) Daily inspection of the food storage facility by food service personnel, ensuring proper refrigerator and freezer temperatures, water temperatures, and sanitary conditions;
- (2) Weekly inspections of all food service areas, including dining and food preparation areas and equipment by qualified departmental staff;
- (3) Comprehensive and thorough monthly inspection by a safety/sanitation specialist;
- (4) ~~Bi-~~Annual inspection of the food service department by the Department of Public Health, ~~; and that~~
- (5) ~~If~~ any deficiencies were noted and corrected, documentation of such corrective action shall be available.

REGULATORY AUTHORITY

103 CMR 928.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B, 105 CMR 451.00; 105 CMR 590.00.

NON-TEXT PAGE

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(103 CMR 929.00 THROUGH 931.00: RESERVED)

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103 CMR 932.00: COUNTY CORRECTIONAL FACILITIES -- HEALTH CARE SERVICES

Section

- 932.01: Health Policy and Authority
- 932.02: Space and Health Supplies
- 932.03: Health Care Personnel
- 932.04: Health Care Treatment (Required)
- 932.05: Health Care Training (Required)
- 932.06: Admission Medical Screening (Required)
- 932.07: Health Appraisal/Physical Examination (Required)
- 932.08: Unimpeded Access to Health Care (Required)
- 932.09: Sick Call
- 932.10: General Health Care Services
- 932.11: Emergency Health Care (Required)
- 932.12: Dental Care Services
- 932.13: Mental Health Services
- 932.14: Inmate Transfers
- 932.15: Proper Management of Pharmaceuticals (Required)
- 932.16: Distributing Medications
- 932.17: Guidelines for Serious Illness, Injury, ~~o~~Or Death
- 932.18: Medical Records
- 932.19: ~~Medical Experimentation and Research (Required)~~Medical Parole (Required)

932.01: Health Policy and Authority

- (1) Written ~~policy~~ies and ~~procedures~~s shall provide for the delivery of health care services, including medical, dental, and mental health services, under the control of a designated health authority. The health authority may be a physician, health administrator, or health agency, whose responsibility is ~~pursuant to~~pursuant to ~~governed by~~ a written agreement, contract, or job description. When the authority is other than a physician, the final medical judgment shall rest solely on a physician licensed by the Commonwealth.
- (2) If a health care specialist is required, such arrangements shall be made in advance of any need, whenever possible.
- (3) The county correctional facility shall require that the health authority meet with the Sheriff/~~F~~Afacility administrator or designee at least quarterly and submit the following:
 - (a) ~~Q~~uarterly reports on the health care delivery system and health environment; and,
 - (b) ~~A~~annual statistical summaries.
- (4) The county correctional facility shall maintain a manual of health care policies and procedures specifically developed for the facility and approved by the health authority.

932.02: Space and Health Supplies

~~—~~The county correctional facility shall provide adequate space, equipment, supplies, and materials, for health care delivery by the facility as determined by the health authority and in accordance with 105 CMR 205.00, *Minimum Standards Governing Medical Records and the Conduct of Physical Examinations in Correctional Facilities*, and shall include:

- (1) ~~—~~First-aid kits in designated areas of the facility based on need;
- (2) ~~—~~Space and equipment for medical staff to conduct health examinations in a room which is used solely ~~—~~for the purpose of providing health care and provides a means of privacy;

(3) When seriously ill, mentally ~~disordered~~distressed, injured, or non-ambulatory inmates are held in the facility, ~~there is~~ at least one (1) single-occupancy cell or room shall be available for them which provides continuing staff observation; and,

(4) Adequate equipment and space for the storage of active and inactive medical records, including safety from fire and water damage and from unauthorized use.

932.03: Health Care Personnel

(1) The county correctional facility shall provide qualified health care personnel by ensuring the following:

- (a) ~~T~~hat the Commonwealth's and federal licensure, certification or registration requirements, and restrictions, apply to personnel who provide health care services to inmates and that such credentials are verified and on file; and,
- (b) ~~That~~ the duties and responsibilities of health care personnel are governed by written job descriptions approved by the health authority and the Sheriff/~~F~~facility ~~a~~Administrator~~administrator~~.

(2) The county correctional facility shall provide that the health authority systematically determines health care personnel requirements in order to provide inmate access to health care staff and services.

(3) In county correctional facilities without full-time, qualified health personnel, a health trained employee shall coordinate the health care delivery in the facility under the joint supervision of the responsible health authority and Sheriff or ~~F~~facility Aadministrator.

932.04: Health Care Treatment (Required)

Written policies and procedures shall provide for health care treatment, and shall include, but not be limited to, the following:

(1) Treatment by health care personnel other than a physician, dentist, psychologist or independent provider shall be performed pursuant to written standing or direct orders of such person authorized by law to give such orders;

(2) Nurse practitioners and physician assistants shall provide services under the clinical supervision of a licensed physician;

(3) If students or interns are used to supplement health care personnel, ~~that~~ their work shall be performed under direct staff supervision;

(4) Inmates shall not be used for the following duties:

- (a) ~~P~~performing direct patient care services;
- (b) ~~S~~scheduling health care appointments;
- (c) ~~D~~determining access of other inmates to health care services;
- (d) ~~H~~handling or having access to: surgical instruments, dental instruments, syringes, medications, health records; and,
- (e) ~~O~~operating equipment for which they are not trained.

(5) Medical, dental and mental health matters, including clinical judgments, shall be the sole province of the responsible physician, dentist, qualified psychologist, or psychiatrist. Security regulations applicable to county correctional facility personnel shall apply to health personnel.

932.05: Health Care Training (Required)

(1) Written policies and procedures shall provide for the training of other personnel to respond to health-related situations. This shall include the establishment of a training program by the responsible health authority in cooperation with the Facility Administrator, which includes instruction in the following areas:

- (a) The ability to respond to health-related situations within four (4) minutes;
- (b) Recognition of signs and symptoms, and knowledge of action(s) required in potential emergency health care;
- (c) Administration of first aid and cardiopulmonary resuscitation (CPR) (to be documented by a copy of the current certification placed in the individual training records);
- (d) Methods of obtaining assistance;
- (e) Recognition of signs and symptoms of mental illness, ~~retardation~~ developmental disability, emotional disturbance and chemical dependency; and,
- (f) Procedures for inmate transfers to appropriate medical facilities or health care providers.

(2) Each county correctional facility shall develop a written suicide prevention and intervention program that shall be reviewed and approved by qualified medical or mental health personnel. The facility shall require that all staff with responsibility for inmate supervision be trained in the implementation of this program.

(3) At facilities housing female inmates, at least one (1) member of the facility's medical staff shall be trained in pregnancy related care, to include knowledge of prenatal nutrition, high-risk pregnancy, addiction and substance abuse during pregnancy, and childbirth education.

932.06: Admission Medical Screening (Required)

(1) Written policies and procedures shall provide for an admission medical screening to be performed by health trained personnel or qualified health care personnel for each inmate upon arrival at the county correctional facility. The findings of the screening shall be recorded on a printed form approved by the health authority.

(2) The screening procedure shall include, but not be limited to, the following:

(a) Inquiry into:

- 1. ~~Current~~ illness and health problems, including acute medical concerns, mental health history, dental problems, communicable diseases and other infectious diseases;
- 2. Name and dosage of medications taken and special health requirements;
- 3. ~~Use of~~ alcohol and substance abuse history ~~other drugs~~ which includes types of drugs used, mode of use, date or time of last use, and a history of problems which may have occurred after ceasing use (e.g., convulsions);
- 4. ~~Past~~ and present treatment or hospitalization for mental disturbance or history of suicide attempts; and,
- 5. ~~Other~~ health problems, including allergies/dietary restrictions, designated by a responsible physician.

—(b) Observations of:

- 1. ~~Behavior~~, which indicates state of consciousness, mental status, appearance, conduct, tremor, and sweating;
- 2. Body deformities, ease of movement; and,
- 3. Condition of skin, including trauma markings, rashes, bruises, lesions, jaundice, infestations, or needle marks or other indications of drug use.

—(c) Disposition of inmate to:

- 1. General population;

2. ~~G~~eneral population and prompt referral to appropriate health care service; and,
3. ~~R~~eferral to appropriate health care service on an emergency basis.

(3) Upon admission to the facility, each female inmate shall be screened and assessed for pregnancy by a licensed health care professional. The inmate shall be notified of any medical tests administered in connection with such screening to determine pregnancy prior to being administered the medical test(s). The notice to the inmate concerning these tests shall be documented on the screening form.

932.07: Health Appraisal/Physical Examination (Required)

—Written policies and procedures shall govern health appraisals and physical examinations for inmates which include the following requirements for new admissions:

(1) —(1)—Pursuant to M.G.L. c. 127, § 16, each inmate committed to the facility for thirty (30) days or more shall receive a thorough physical examination. Said examination shall take place no later than seven days after admission. This time frame may be extended to within fourteen (14) days of admission for cases in which the admission screening was completed by a physician, physician's assistant, or registered nurse;

(2) Pursuant to M.G.L. c 127 § 16, each inmate committed to the facility for thirty (30) days or more shall receive an examination for substance use disorder by a qualified addiction specialist as defined by M.G.L. c. 111E, § 1.

(32) If a newly admitted inmate is accompanied by a medical record containing documentation of a record of a complete physical examination within the last ninety (90) days, a complete new physical examination is not necessary, except as determined by the designated health authority. However, qualified medical staff shall:

- (a) ~~R~~eview the inmate's medical record;
- (b) ~~E~~xamine the inmate for any signs of trauma or disease which may have ~~been incurred~~ occurred since the last examination;
- (c) ~~C~~onduct any tests or examinations which are medically indicated; and,
- (d) ~~R~~eview findings and any required follow-up services with the inmate.

(34) Health examinations shall include the following:

- (a) ~~A~~ review of the earlier receiving screening;
- (b) ~~C~~ollection of additional data to complete the medical, dental, psychiatric and immunization histories;
- (c) ~~A~~administering of laboratory or diagnostic tests to detect communicable diseases and tuberculosis, - as well as any other diagnostic testing required by 105 CMR 205.200;
- (d) ~~R~~ecording of height, weight, pulse, blood pressure, temperature, and respiration;
- (e) ~~A~~administering of other tests and examinations as appropriate;
- (f) ~~C~~ompletion of a physical examination with comments about mental health and dental status;
- (g) ~~R~~eview of the results of the medical examination, tests, and identification of problems by a physician or by any other qualified health care personnel;
- (h) ~~I~~nitiation of treatment when appropriate; and,
- (i) ~~R~~ecommendations concerning housing, job assignment, or program participation, when appropriate.

932.08: Unimpeded Access to Health Care (Required)

—Written policies and procedures shall provide for unimpeded access to health care and shall include the following:

- (1) A system for processing health care complaints;
- (2) Procedures for access, which shall be communicated orally and in writing to inmates upon admission;

____ and,

- (3) The daily processing and acting upon inmates' health complaints by health-trained correctional personnel, ~~and shall be~~ followed by appropriate triage and treatment by qualified health personnel.

932.09: Sick Call

(1) Written policyyies and procedures shall provide for continuous response to health care requests and that sick call, conducted by a physician or other qualified health personnel, is available to each inmate as follows:

- (a) In county correctional facilities with less than two hundred (-200) inmates, sick call shall be held a minimum of three (3) days per week; and,
- (b) In county correctional facilities with over -two hundred (200) inmates, sick call shall be held a minimum of five (5) days per week.

(2) If an inmate's custody status precludes attendance at sick call, arrangements shall be made to provide sick call services in the place of the inmate's detention.

932.10: General Health Care Services

(1) ~~The-Each~~ county correctional facility shall have a written agreement with an adequately equipped medical facility which meets the legal requirements for a licensed general hospital and will permit admission of inmates in an emergency or upon recommendation of the facility health authority or Sheriff/Ffacility ~~a~~AAdministrator.

(2) Written policyyies and procedures shall provide, at a minimum, the following special medical programs:

- (a) Cehronic care - medical services rendered to a patient over a long period of time;
- (b) Ceonvalescent care - medical services rendered to a patient to assist in the recovery from illness or injury;
- (c) For county correctional facilities housing female inmates, proper medical services appropriate to the special needs of the female population. These services shall include periodic monitoring and evaluation during pregnancy. The facility shall ensure that all pregnant inmates receive the opportunity for a minimum of one (1) hour of ambulatory movement each day. Pregnant inmates shall receive nondirective counseling, written material on pregnancy options, prenatal nutrition, maintaining a healthy pregnancy, and any facility procedures regarding the care of pregnant inmates. Prior to release, the facility's medical staff shall provide pregnant inmates with counseling and discharge planning, to ensure continuity of pregnancy-related care, including uninterrupted substance abuse treatment.
- (d) Mmedical preventive maintenance including health education and medical services provided to take advance measures against disease, such as inoculation and immunizations;
- (e) Mmanagement and care of inmates with communicable or infectious disease, including provisions for isolation if medically indicated;
- (f) Detoxification from alcohol and other drugs under medical supervision;
- (g) Aas determined by ~~the-a~~ responsible physician, the provision of a medical prosthesis or elective surgery, when the health of the inmate would otherwise be adversely affected; and,
- (h) The use of restraints for medical and psychiatric purposes, in conformance with M.G.L. c. 123, § 21.

 The above policy and procedure shall be updated as new information becomes available.

(3) Written policyyies and procedures shall be developed regarding informed consent that provides for the following:

- (a) ~~That~~ all examinations, treatments and procedures affected by informed consent standards in the ~~community~~, shall be observed for inmate care;
 - (b) ~~T~~ hat health care is rendered against an inmate's will only in accordance with law; and,
 - (c) ~~In~~ the case of minors, the informed consent of parent, guardian, or legal custodian applies when ~~required~~ by law.
- (4) If a medical co-payment program is used, written policy and procedure shall be developed and shall address the following:
- (a) ~~A~~ a co-payment fee may be required of all inmates for self-initiated sick call visits pursuant to ~~M.G.L. c 127, § 16A and c. 124, § 1 (c), and 1(s);~~
 - (b) ~~e~~ Each county correctional facility participating in an inmate co-payment plan shall develop written procedures pertaining to the collection of fees, including the eligibility criteria of the co-payment plan.
- (5) Written policy and procedure shall be developed to provide a means to ascertain whether an inmate has insurance, and if so, to ensure appropriate billing for any services provided, pursuant to M.G.L. c. 124, § 1 (t).

932.11: Emergency Health Care (Required)

~~Written policies~~ and ~~procedures~~ shall provide twenty-four (24) hour emergency medical and dental care ~~ability services~~ as outlined in a written plan. This written plan shall include, but not be limited to, the following:

- (1) ~~On~~ site emergency first aid by health trained staff or health care personnel;
- (2) ~~Emergency~~ evacuation of the inmate from within the facility;
- (3) ~~Use~~ of an emergency medical vehicle;
- (4) ~~Use~~ of one (1) or more designated hospital emergency rooms or other appropriate health facilities;
- (5) ~~Emergency on-call physician and dental services when the emergency health facility is not located in a nearby community; and,~~
- (6) ~~Security~~ procedures that provide for immediate transfer of inmates when appropriate.

932.12: Dental Care Services

~~Written policies~~ and ~~procedures~~ shall require the provision of dental care, under the direction and supervision of a dentist licensed in the Commonwealth, to all inmates incarcerated for thirty (30) days or more as follows:

- (1) ~~Dental treatment, not limited to extractions, when the health of the inmate would otherwise be adversely affected; and,~~
- (2) ~~Dental screening and examination as required.~~

932.13: Mental Health Services

(1) Written ~~policies~~ and ~~procedures~~ shall require post admission screening and referral for care of mentally ill or ~~retarded developmentally disabled~~ inmates whose adaptation to the correctional environment is significantly impaired. This procedure shall provide for referring inmates ~~who are severely disturbed and/or mentally developmentally-retarded disabled~~ for placement in either appropriate non-correctional facilities or in specially designated units for handling the individual.

(2) Written policies shall require consultation between the Sheriff/Facility Administrator and the responsible physician or their designees prior to the following actions being taken regarding inmates who are diagnosed as having a psychiatric illness:

- (a) Housing assignment;
- (b) Program assignments;
- (c) Disciplinary measures; and,
- (d) Transfers in and out of the facility.

(3) In facilities housing pregnant inmates, written policies and procedures shall require the following:

- (a) A mental health clinician shall conduct a postpartum evaluation of the inmate within two (2) business days of the inmate's return to the facility from the hospital and follow up evaluations shall be performed as clinically indicated thereafter.
- (b) A postpartum inmate shall not be subject to isolation absent an individualized, documented determination that the inmate poses a serious risk of harm to herself or others.

932.14: Inmate Transfers

(1) Written policies and procedures shall require inmates in need of health care beyond facility resources, as determined by the responsible physician, to be transferred under appropriate security provisions to a facility where such care is available.

(2) Written policies and procedures shall provide for health care personnel to evaluate either the inmate or their records prior to transfer to another facility or other substantial travel to assess suitability and special needs for travel. When travel is approved, health care personnel shall provide to the appropriate staff, the following:

- (a) Medication needs and specific written instructions for administration of such medication; and,
- (b) Other special medical requirements for observation and management during travel.

(3) Upon an inmate's transfer to another facility, the transferring county correctional facility shall provide, in writing, known medical and mental health information about the inmate to the receiving facility. The content of this written form shall include, but not be limited to, the following:

- (a) Mental health history/concerns;
- (b) History of suicide attempts;
- (c) Acute medical concerns;
- (d) Name(s) and dosage(s) of current medications;
- (e) Substance abuse history; and
- (f) Allergies/dietary restrictions.

932.15: Proper Management of Pharmaceuticals (Required)

Written policies and procedures shall provide for the proper management of pharmaceuticals, in accordance with the rules and regulations of the Board of Registration in Pharmacy, the Department of Public Health and the United States Drug Enforcement Agency, and shall address the following:

(1) A formulary specifically developed for the county correctional facility;

(2) Prescription practices which require that:

- (a) Psychotropic medications are prescribed only when clinically indicated as one (1) facet of a program of therapy;

- (b) ~~s~~Stop orders" time periods are required for all medications; and,
 - (c) ~~T~~he prescribing provider re-evaluates a prescription prior to its renewal.
- (3) Procedures for medication receipt, storage, dispensing and distribution;
 - (4) Maximum security storage and perpetual inventory of all controlled substances, syringes and needles;
 - (5) Dispensing of medication by properly licensed personnel in conformance with current federal and state laws;
 - (6) Distribution of medication by persons properly trained; and,
 - (7) Accountability for distributing medications in a timely manner, according to physician orders.

932.16: Distributing Medications

Persons distributing medications:

- (1) Shall do so under the supervision of the responsible physician;
- (2) Shall have received training appropriate to their assignments; and
- (3) Shall be accountable for the following:
 - (a) ~~D~~istributing medications according to orders;
 - (b) ~~R~~ecording the distribution of medications in a manner and on a form approved by the responsible physician; and,
 - (c) ~~R~~eporting refusals of medication according to a procedure approved by the responsible physician.

932.17: Guidelines for Serious Illness, Injury, or Death

- (1) Written policies ~~y~~ies and procedures ~~s~~ shall govern the process for notification in cases of serious illness or injury, which shall specify the following:
 - (a) ~~T~~he process by which those individuals so designated by the inmate are notified in case of serious illness or injury; and,
 - (b) ~~P~~rocedures for obtaining permission for notification from the inmate prior to need, when possible.
- (2) Written policies ~~y~~ies and procedures ~~s~~ shall establish guidelines in the event of death of an inmate or employee of the facility ~~to include which shall include~~, but not be limited to the following:
 - (a) ~~I~~nternal notification, ~~including to include~~ medical and administrative staff;
 - (b) ~~P~~rocedures when discovering a body;
 - (c) ~~D~~isposition of the body;
 - (d) ~~N~~otification of next of kin;
 - (e) ~~N~~otification of M.G.L. c. 258B CORI certified individuals as soon as practicable;
 - (f) ~~I~~nvestigation of causes of death;
 - (g) ~~R~~eporting and ~~documentation documenting~~ procedures; and,
 - (h) ~~P~~rocedures ~~s~~ for review of incident by appropriate designated staff with a final written report submitted to all appropriate parties.

932.18: Medical Records

(1) The county correctional facility shall develop a complete system for maintaining medical, dental, and mental health records of inmates. This shall include the maintenance of a separate medical record for each inmate committed or detained for more than forty-eight (48) hours. All records shall be maintained in accordance with 105 CMR 205.00, Minimum Standards Governing Medical Records and the Conduct of Physical Examinations in Correctional Facilities.

(2) The medical record file shall contain, but not be limited to, the following items:

- (a) ~~T~~he completed admission screening form;
- (b) ~~H~~health appraisal data collection forms;
- (c) ~~P~~rescribed medications and their administration;
- (d) ~~L~~aboratory, x-ray, and diagnostic studies;
- (e) ~~S~~ignature and title on each document;
- (f) ~~C~~onsent and refusal forms;
- (g) ~~R~~elease of information forms;
- (h) ~~P~~lace, date and time of health encounters;
- (i) ~~D~~ischarge summary of hospitalizations;
- (j) ~~H~~health service reports (e.g., dental, psychiatric and other consultations); and,
- (k) ~~A~~ll findings, diagnoses, treatments, dispositions. (M.G.L. c. 127, § 17).

(3) ~~—~~The county correctional facility shall ensure that the method of recording entries in the medical record, and the form and format of the record, are approved by the health authority.

(4) ~~—~~Written policy~~ies~~ and procedure~~s~~ shall govern the confidentiality of the medical record and require that, at a minimum:

- (a) ~~T~~he active health record is maintained separately from the confinement record;
- (b) ~~A~~ccess to the health record is controlled by the health authority, and that only those persons who need access to the record in order to provide medical services to the inmate or fulfill statutory obligations, and those persons specifically authorized by the inmate to see the record, shall have access to the information in them; and
- (c) ~~T~~he health authority shall share with the Sheriff/~~F~~facility ~~a~~Administrator information regarding an ~~—~~inmate's medical management, security, and ability to participate in programs; and,
- (d) Human immunodeficiency virus (HIV) test information shall be released only with the inmate's ~~—~~written consent, or as otherwise provided under Massachusetts General Laws.

(5) ~~—~~The county correctional facility shall provide for the inspection of a medical record by the subject inmate, by ~~their~~his attorney, or by any other person upon written authorization from the inmate. In accordance with 105 CMR 205.505, the inmate's signature on the written authorization shall be witnessed by a county correctional facility staff person.

(6) ~~—~~Written policy and procedure shall govern the transfer of health records and information, and shall ~~—~~include the following requirements:

- (a) ~~a~~~~A~~ copy of the medical record or a summary sheet shall be forwarded with the inmate upon transfer to another correctional or health care facility. Any portion of the record ~~—~~which is not reasonably completed at the time of transfer ~~—~~shall be completed, and a copy delivered to such facility, within seventy-two (72) hours of the transfer; and,
- (b) ~~M~~medical record information shall also be transmitted to specific and designated physicians or ~~—~~medical facilities in the community upon the written authorization of the inmate.

(7) ~~—~~The facility shall provide for the maintenance of inactive medical records, in accordance with ~~—~~jurisdictional authority.

~~932.19: Medical Experimentation and Research (Required)~~

~~Written policy shall prohibit the use of an inmate(s) for medical, pharmaceutical, or cosmetic experiments. 103 CMR 932.19 shall not preclude individual treatment of an inmate based on his need for a specific medical procedure which is not generally available.~~

932.19 Medical Parole (Required)

The county correctional facility shall provide written policies and procedures which provide for medical parole in accordance with 501 CMR 17.00: Medical Parole, and M.G.L c. 127, §119A.

REGULATORY AUTHORITY

103 CMR 932.00: M.G.L. c. 123, §21; M.G.L. c. 124, § (1), (c), (d) and (q), (s), (t); c. 127, §§ 1A and 1B-; c. 127, §17; c. 127, §116; c. 127, §118; c. 127, §119A; 105 CMR 205.00.

(103 CMR 933.00: RESERVED)

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103 CMR 934.00: COUNTY CORRECTIONAL FACILITIES -- LEGAL RIGHTS

Section

934.01: Inmate Rights (Required)

934.02: Grievance Procedures (Required)

934.03: Reasonable Accommodations of Special Needs

934.01: Inmate Rights (Required)

—Each county correctional facility shall ensure that inmate rights are being protected by providing, at a minimum, the following:

(1) Written policies and procedures ensuring that inmates shall have access to the courts and to address inmate communications ~~to~~ with governmental authorities. Inmates seeking judicial or administrative redress shall not be subjected to reprisals or penalties as a consequence.

(2) Written policies and procedures shall ensure and facilitate that inmates have access to attorneys and their authorized representatives.

(3) Written policies and procedures shall provide the following:

(a) That program access, work assignments, and administrative decisions, are made without regard to inmates' race, national origin, religion, ~~creed, gender, gender identity, sex (gender), sexual orientation, or handicap,~~ color, age, gender identity, ancestry, disability, genetics, veteran or military status, or any other legally protected status; and

(b) Equal opportunity to access various programs and work assignments, and involvement in decisions concerning classification status.

(4) Written policies and procedures shall provide for a program designed to assist inmates in the preparation and filing of legal papers. Such a program shall meet the minimum requirements for legal assistance programs required by applicable Federal and State law. The program shall consist of one of the following:

(a) a law collection containing legal materials meeting the minimum requirements of such a collection as required by applicable Federal and State laws, and the required equipment and supplies to prepare legal papers; or,

(b) a lawyer assistance program which shall furnish inmates with sufficient opportunity to meet with and be counseled by attorneys, to the extent required by the demonstrated legal needs of the particular inmate.

(5) Written policies, procedures, and practices provide that foreign nationals have access to the diplomatic representative of their country of citizenship.

(6) —The Sheriff/Facility Administrator shall comply with all applicable Department of Justice (DOJ) PREA standards as evidenced by a current, successful audit conducted by a certified DOJ PREA auditor.

(7) —Written policies, procedures and practices provide that an inmate who has a gender identity that differs from the inmate's gender assigned at birth, with or without a diagnosis of gender dysphoria or any other physical or mental health diagnosis, shall be:

(a) Addressed in a manner consistent with the inmate's gender identity;

(b) Provided access to commissary items, clothing, programming, educational materials, and personal property that is consistent with the inmate's gender identity;

(c) Searched by an officer of the same gender identity if the search requires the inmate to remove all clothing or includes a visual inspection of the anal cavity or genitals; provided however, that the officer's gender identity shall be consistent with the inmate's request; and provided further that such a search shall not be conducted for the sole purpose of determining genital status.

(d) Housed in a correctional facility with inmates with the same gender identity; provided the placement shall be consistent with the inmate's request, unless the Sheriff or designee certifies in writing that the particular placement would not ensure the inmate's health or safety or that the placement would present management or security problems.

934.02: Grievance Procedures

—Written policies and procedures ~~which~~ shall ~~provide for the~~ establishment an inmate grievance procedure, which shall provide all inmates access to an administrative remedy for redress of legitimate complaints in a confidential manner. The inmate grievance process shall include, but not be limited to:

- (1) Procedures establishing informal measures for resolving inmate complaints;
- (2) Procedures establishing a process ~~whereby which~~ inmates who have not resolved their complaint informally may formally process their complaint;
- (3) A requirement that staff date a receipt of a formal written grievance;
- (4) Procedures ensuring that formal grievances ~~shall be~~ investigated and resolved within fifteen (15) working days of receipt. However, grievances of an emergency nature, ~~e.g., such as~~ those that may subject the inmate to a substantial risk of personal injury or other damages, shall be prioritized as necessary;
- (5) A requirement that a written explanation shall be provided to the inmate regarding the denial or approval of the grievance. Ensure that approvals clearly state what corrective action shall be taken and denials shall inform the inmate of the right to appeal to the Sheriff/~~F~~facility ~~A~~administrator or designee;
- (6) Procedures ensuring that, upon receipt of an inmate appeal, the appellate authority shall date the receipt;
- (7) A requirement that the appeal shall be resolved within thirty (30) working days of receipt;
- (8) Procedures ensuring that the appellate authority provides the inmate with a written explanation regarding the denial or approval of the appeal, and if approved, the corrective action to be taken shall be specified.
- (9) Procedures ensuring that no disciplinary action shall be taken against an inmate as a result of communication of a complaint unless the complaint is knowingly false or misleading or the inmate's conduct otherwise gives rise to a disciplinary infraction.

The Sheriff/ ~~F~~facility ~~A~~administrator may waive the above time limits under extenuating circumstances not to exceed an additional thirty (30) working days.

934.03 Reasonable Accommodation of Special Needs

Written policy and procedure shall provide a process to address inmate requests for special accommodations which may fall under the Americans with Disabilities Act (ADA) or other provisions of state and federal law.

REGULATORY AUTHORITY

103 CMR 934.00: M.G.L. c. 124, § (1), (c)(d) and (q); c. 127, §§ 1A, 1B, 32A and 38E.

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(103 CMR 935.00: RESERVED)

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103 CMR 936.00: COUNTY CORRECTIONAL FACILITIES -- INMATE SERVICES AND PROGRAMS

Section

- 936.01: General Provisions
- 936.02: Academic and Vocational Education
- 936.03: Social Services
- 936.04: Library Services
- 936.05: Recreational and Leisure Activities
- 936.06: Religious Services

936.01: General Provisions

(1) Written policies and procedures shall provide that inmate programs and services be available and include, but not be limited to, the following:

- (a) Social services;
- (b) Religious services;
- (c) Recreation and leisure time activities;
- (d) Library services; and,
- (e) Educational/vocational services and counseling.

(2) Written policies and procedures shall govern inmate services and programs, and shall include the following provisions:

- (a) Eligibility criteria for programs;
- (b) Identification and use of available community resources;
- (c) Provision that inmates have the option to refuse to participate in facility programs, except work assignments, adult basic education and other programs required by statute;
- (d) Refusals to participate in required programs shall be documented in writing and shall not prejudice an inmate for future participation; and,
- (e) When incarcerated within the same facility, males and females shall have equal opportunities for participation in programs and services.

936.02: Academic and Vocational Education

(1) Written policies and procedures shall provide for an education program available to all eligible inmates that includes, but is not limited to, the following components:

- (a) Basic literacy training;
- (b) Preparation for the ~~general education development test; high school equivalency~~; and,
- (c) Instruction in the English language for those inmates for whom English is not the native language.

(2) Written policies and procedures shall provide, where possible, inmate access to vocational training programs; relevant to skills demanded in the local job market.

This requirement shall not be applicable to jail facilities.

(3) The county correctional facility shall ensure that all academic and vocational education personnel meet certification requirements as stipulated by the Commonwealth's Department of Elementary and Secondary Education (M.G.L. ch. 69, §1H) or are working toward said certification.

- (4) The county correctional facility's ~~E~~educational ~~P~~program shall allow for flexible scheduling that permits inmates to enter and to proceed at their own learning pace.
- (5) The county correctional facility shall provide academic and vocational counseling so that inmates are placed in the phase of the educational/vocational programs most suited to their needs and abilities.
- (6) The county correctional facility shall ensure that each educational program is supported by specialized equipment, including classrooms, administrative space, ~~chalkboards,~~ and necessary teaching supplies and equipment.
- (7) The county correctional facility shall ensure that a record is kept of each inmate's participation in any educational/vocational programs.
- (8) The county correctional facility shall provide for formal recognition of inmates for specific educational accomplishments.
- (9) The Sheriff/~~F~~facility ~~A~~administrator shall submit the individual's educational record to the parole board, pursuant to M.G.L. c. 127, § 135, for use in considering the individual's eligibility for parole.

936.03: Social Services

- (1) Written policies and procedures shall provide for a social service program that provides a range of resources appropriate to the needs of inmates, including individual counseling, community services, and crisis intervention services. The program may include family counseling, family planning, and parental education.
- (2) Written policies and procedures shall provide that the county correctional facility staff identify, at least annually, the needs of the inmate population to ensure that the necessary programs and services are available.
- (3) Written policies and procedures shall provide counseling and program services for inmates with drug and alcohol addiction problems.
- (4) The county correctional facility's social services program shall be administered and supervised by appropriately trained personnel with a minimum of a bachelor's degree in social or behavioral sciences or a related field.
- (5) Written policies and procedures shall require that each inmate receive an orientation to the county correctional facility by a member of the social services staff within one (1) calendar week of admission.
- (6) Written policies and procedures shall require that a counselor or caseworker be assigned to every sentenced inmate.
- (7) Pre-trial detainees may have a counselor or caseworker assigned upon request, or when deemed appropriate by the ~~F~~facility ~~A~~administrator or designee. Crisis intervention shall be available to all individuals held in the county correctional facility.

936.04: Library Services

- (1) The county correctional facility shall provide library services to all inmates. These services, when possible, shall include an inter-library loan program.
- (2) The county correctional facility shall provide for a staff member or trained volunteer to coordinate and supervise library services.

936.05: Recreational and Leisure Activities

~~Written policies~~ and procedures shall provide opportunities for inmates to participate in recreational and leisure time activities outside the cell on a daily basis. This shall include access to recreational equipment, and at least one (1) hour daily of physical exercise outside the cell, and outdoors when weather permits.

936.06: Religious Services

(1) Written ~~policies~~ and procedures shall grant inmates the right to their religious beliefs, subject only to the limitations necessary to maintain institutional order and security.

(2) The Sheriff/~~F~~facility ~~a~~Administrator shall provide the opportunity for inmates to participate in religious services and counseling on a voluntary basis.

REGULATORY AUTHORITY

103 CMR 936.00: M.G.L. c. 69, §1H; M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

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(103 CMR 937.00 THROUGH 939.00: RESERVED)

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103 CMR 940.00: COUNTY CORRECTIONAL FACILITIES -- ADMISSION, ORIENTATION, PROPERTY CONTROL, ~~AND~~ RELEASE AND VICTIM NOTIFICATION

Section

940.01: Admission and Orientation

940.02: Property Control

940.03: Release of Inmates (Required)940.04: Victim Notification (Required)940.01: Admission and Orientation

(1) Written policies and procedures shall govern the admission and orientation of new inmates. Written policies and procedures shall require a system to identify all nonperishable commissary items purchased accrued throughout the inmate's incarceration.

(2) Written procedures for admitting new inmates to a county correctional facility shall address, at a minimum, the following:

- (a) ~~V~~erification of court commitment papers or other legal documents, and a check for outstanding warrants;
- (b) ~~C~~omplete search of the individual and their possessions;
- (c) ~~D~~isposition of clothing and personal possessions;
- (d) ~~M~~edical and mental health screening and health appraisal as required in 103 CMR 932.06;
- (e) ~~T~~elephone calls by inmates;
- (f) ~~S~~howers and hair care if necessary;
- (g) ~~I~~ssue of clean clothing;
- (h) ~~P~~hotographing or fingerprinting of inmates, including notation of identifying marks or unusual characteristics;
- (i) ~~I~~nterview for obtaining identifying data;
- (j) ~~S~~creening interview by counselor or other trained interviewer;
- (k) ~~O~~rientation;
- (l) ~~I~~ssue of personal hygiene items;
- (m) ~~C~~lassification for assignment to a housing unit; and,
- (n) ~~A~~ssignment to a housing unit.

(3) Inmates shall be separated from the general population during the admissions process.

(4) Written policies and procedures shall ensure that all newly admitted inmates receive written or oral orientation information in a language in which the inmate is fluent, ~~to include~~ including, but not be limited to: Rules and Regulations, Disciplinary Regulations, Health Services, Mail, Visiting, and Program Services. Completion of orientation shall be documented by a statement that is signed and dated by the inmate and staff person presenting the orientation, no later than thirty (30) calendar days from the date of admittance into the facility.

940.02: Property Control

(1) Written policies and procedures shall specify the personal property inmates ~~can~~ are allowed to retain in their possession, and shall include a process by which the county correctional facility can create a list (on an as needed basis) of nonperishable commissary items purchased by an inmate.

(2) Written policies and procedures shall require a written, itemized inventory of all personal property of newly admitted inmates and secure storage of inmate property, including money and other valuables. The inmate shall be given a receipt for all property held until release.

(3) The Facility Administrator at each county correctional facility shall appoint a property officer who shall maintain inventories and records of all inmate personal property, excluding perishable food items purchased through the inmate commissary/anteen system. This includes all property items accrued throughout the inmate's incarceration.

(4) The county correctional facility shall maintain a secure property storage area(s) for the storage of inmate personal clothing and personal property.

(5) Whenever an inmate is transferred to another correctional facility, all personal property approved for retention at the receiving facility shall be transferred with them/him, or as soon as practicable thereafter. The property officer shall note on the inmate's inventory the date and the person to whom each item of property is released.

(6) Written procedures s shall specify the manner of disposal of inmate property which is being held on a temporary basis (property not allowed, property of discharged, paroled, deceased, etc.).

940.03: Release of Inmates (Required)

~~(4)~~ Written procedures s for releasing inmates shall include, but not be limited to, the following:

- (a) Verification of identity;
- (b) Verification of release papers;
- (c) Completion of release arrangements, including the person or agency to which the inmate is to be released;
- (d) Return of all personal property, including ~~to include~~ an inmate's signature verifying receipt of property;
- (e) Verification that no unauthorized facility property leaves the county correctional facility with the inmate;
- (f) Completion of any pending action, such as grievances or claims for damages or lost possessions;
- (g) ~~-V~~erification that there are no outstanding warrants or pending cases involving the inmate, and a procedure to notify proper authorities, i.e., such as the sState Ffire Mmarshal (M.G.L. c. 127, § 162A) and Ceolonel of the Sstate Ppolice (M.G.L. c. 22C, § 37); and
- (h) ~~—A system of notification to persons certified under the citizens initiated petition process in accordance with 103 CMR 940.04. Ceonsistent with M.G.L., c. 258B and M.G.L., c. 6, § 172 e, and 803 CMR 9.00, Victim Notification Registry, there is a system for providing fourteen (14) day advance notification by telephone and mail to the CORI certified individuals prior to the scheduled release of the CORI subject (named inmate). If applicable, the notice shall identify the name and location of any agency having jurisdiction (e.g., probation, or a “from and after” sentence) of the inmate upon release; immediate telephone and written notification shall be made upon receipt of information of an escape, court ordered release, or any other unscheduled release from custody. Follow up notification to the victim(s) occurs when escapees are returned to custody. CORI certification notification actions shall be documented and entered into the Criminal History Systems Board DCJIS confidential database (Victim Automation System).~~
- (i) ~~—Ensure that, upon release, an inmate is provided with a CORI information booklet as established by M.G.L. c.6A, § 18 ¾.~~

940.04: Victim Notification (Required)

Written policies and procedure shall ensure that appropriate and timely notifications are made, consistent with M.G.L. c. 258B, M.G.L. c. 6, § 172 and 803 CMR 9.00, Victim Notification Registry, in the following instances:

- (a) Temporary, provisional, and final release from custody to include name and location of any agency having jurisdiction of an offender upon release from custody;

- (b) Parole, pardon, or commutation eligibility and hearing and decision;
- (c) Move from a secure to a less secure facility; and,
- (d) Parole discharge or termination from supervision.
- (e) Inmate death
- (f) Parole rescission or revocation;
- (g) Is transferred to a county facility from another county facility;
- (h) Is transferred to a state facility from a county facility;
- (i) Is transferred to an out of state facility, including federal facilities;
- (j) Escapes from custody or absconds from supervision;
- (k) Receives a court-ordered release from custody; or
- (l) Receives an emergency temporary release under escort.

REGULATORY AUTHORITY

103 CMR 940.00: M.G.L. c. 6A, §18 ¾; c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

(103 CMR 941.00: RESERVED)

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103 CMR 942.00: COUNTY CORRECTIONAL FACILITIES -- CLASSIFICATION

Section

- 942.01: Classification Plan
- 942.02: Criteria Used
- 942.03: Minimum Requirements in Classification (Required)
- 942.04: Procedure for Classification
- 942.05: Appeal of Classification Decision
- 942.06: Staff Responsibilities

942.01: Classification Plan

(1) The county correctional facility shall develop and implement a written plan for inmate classification. The plan shall provide written policies and procedures for inmate classification in terms of custody required, housing assignment, and participation in correctional programs.

(2) The plan shall include, but not be limited to, the following:

- (a) Criteria used to determine assignment;
- (b) Minimum requirements in classification;
- (c) Procedures for classification;
- (d) Appeal process for classification decisions; and,
- (e) Staff responsibilities.

942.02: Criteria Used

—The Classification Plan shall include written policies and procedures of specific criteria used to determine the inmate's classification assignments. These criteria shall include, but not be limited to:

- (1) Age;
- (2) Sex;
- (3) Tendency for violent, disruptive behavior;
- (4) Sentence and any pending court actions;
- (5) Type of crime;
- (6) Prior incarceration at facility;
- (7) Prior criminal history, if any;
- (8) Educational level;
- (9) Need for protective custody; and,
- (10) Employment history and skills.

942.03: Minimum Requirements in Classification (Required)

The Classification Plan shall include written policies and procedures that require:

- (1) Female inmates shall be housed separately from and out of sight of male inmates.

- (2) Juveniles tried and adjudicated as adults shall be managed separately from adult inmates.
- (3) Awaiting trial inmates shall be housed according to statute.
- (4) Inmates assessed as having special needs (~~person with a serious mental~~ ~~illness, substance abuse condition, or a physical or mental disability, drug addicts, handicapped/disabled, emotionally disturbed,~~ ~~chronically ill~~) shall be managed, and where necessary, housed separately.
- (5) Inmates who, because of their criminal record, the nature of the charges pending against them, their behavior within the facility, or other reliable and relevant information, are determined to be a threat to persons, property, or the security of the institution, or in need of protection from other inmates, shall be housed separately from inmates in the general population in a living area operated in accordance with suitable security procedures.
- (6) Inmates shall not be ~~segregated/separated for~~by reasons of ~~race, religion, political beliefs, or national origin~~ color, age, gender, gender identity, sexual orientation, ancestry, national origin, disability, genetics, veteran or military status.
- (7) Inmates shall be classified in appropriate levels of security which shall include, but not be limited to, the following:
- (a) Maximum Security: A security level in which both the design/construction, as well as inmate ~~c~~Classification, reflect the need to provide maximum external and internal control and supervision of inmates, primarily through the use of high security perimeters and extensive use of internal physical barriers and check points. 103 CMR 942.03(7)(a) is applicable to all jail only facilities.
 - (b) Medium Security: A security level in which both the design/construction, as well as inmate ~~c~~Classification, reflect the goal of restoring to the inmates some degree of responsibility and control of their own behavior and actions, while still ensuring the safety of the staff and other inmates. Design/construction is generally characterized by high security perimeters and limited use of internal physical barriers.
 - (c) Minimum Security: A security level in which both the design/construction, as well as inmate ~~c~~Classification, reflect the goal of returning to the inmate a greater sense of personal responsibility and autonomy while still providing for supervision and monitoring of behavior and activity. Design/construction is generally characterized by limiting security to exterior building walls.
 - (d) Pre-Release Security: A security level in which both design/construction, as well as inmate ~~Classification~~classification, reflect the goal of restoring to the inmate the maximum of responsibility and control of their own behavior and actions prior to release. Design/construction is generally characterized by providing monitoring abilities to the building exterior walls.
- (8) A system to provide advance notification to persons certified under the citizens initiated petition process in accordance with 103 CMR 940.04.

942.04: Procedure for Classification

- (1) The Classification Plan shall include written policies and procedures directing initial classification procedures, ~~including to include~~, at a minimum, the following:
- (a) Obtaining as much information about the inmate upon admission as soon as possible, including ~~solicited~~ pre-institutional assessment information, to become familiar with the inmate's history and for designing an individual classification plan;
 - (b) Maintaining complete and accurate case record information as required on each inmate for use ~~during~~ during classification hearings, decisions, and reviews; and,

- (c) Assignment of a counselor/social worker to each newly admitted inmate within seventy-two (72) hours to ensure that appropriate intake and admission procedures have been completed and to assist the inmate with initial classification activities.
- (2) The Classification Plan shall provide for a classification hearing for all sentenced inmates held beyond thirty (30) days which includes, at a minimum, the following:
- (a) ~~I~~nmates shall be given forty-eight (48) hours~~notice~~hours' notice prior to any classification hearing. Such notice may be waived by the inmate in writing;
 - (b) ~~The i~~nitial classification hearing shall consist of, at a minimum, the following:
 1. ~~N~~otice of hearing;
 2. ~~C~~ease presentation by case counselor;
 3. ~~I~~nmate presentation;
 4. ~~R~~ecommendation of a Classification Board; and,
 5. ~~W~~ritten summary of classification decision.
 - (c) ~~A~~ll inmates scheduled for a hearing should appear at the hearing unless precluded for security or other substantial reasons, and such absence shall be documented;
 - (d) ~~C~~lassification recommendations concerning housing placement and program participation are based on eligibility, suitability and other relevant information. Recommendations shall include a date upon which the case shall be reviewed again; and,
 - (e) ~~T~~he classification recommendation shall be reviewed by the Sheriff/~~F~~acility ~~A~~administrator, or designee, and a decision of security level, housing assignment, and program participation shall be made, within ten (10) days after receipt of the Board's recommendation.
- (3) The Classification Plan shall include written policies and procedures to provide for regular review of each sentenced inmate's classification status which shall include, but not be limited to, the following:
- (a) ~~W~~ritten review at least every ~~60~~ ninety (90) days, to monitor adherence to classification plan;
 - (b) ~~A~~ procedure specifying conditions under which inmates may initiate reviews of their classification status; and,
 - (c) ~~P~~rocedures and criteria for changing the status of an inmate. Any change in status shall be subject to a review by the full Classification Board within twenty (20) days of such a change.
- (4) The Classification Plan shall include written policies and procedures for notifying the inmate of the classification decision and shall include the following:
- (a) ~~A~~ll inmates shall be notified verbally of the Classification Board's recommendations;
 - (b) ~~a~~ formal notification within ten (10) working days, which includes the classification decision, the signature of the board chairperson or designee, signature of Sheriff/~~F~~acility ~~A~~administrator or designee, and the date of the next review;
 - (c) ~~U~~pon receipt, the inmate shall sign the notification which verifies receipt and knowledge of the decision; and,
 - (d) ~~T~~he specific reasons for reclassification may be withheld from the inmate if knowledge of this information by the inmate would present a threat to the safety of an individual or the security or order of the facility.

942.05: Appeal of Classification Decision

—The Classification Plan shall provide written policies and procedures for an appeal process to the Sheriff/~~F~~acility ~~A~~administrator, or designee, which shall include:

- (1) A procedure for inmates to appeal to the ~~F~~facility ~~a~~A administrator, or designee, within five (5) working days of receipt of the decision; and,
- (2) A written response to the inmate's appeal within ten (10) working days of receipt of the appeal.

942.06: Staff Responsibilities

—The Classification Plan shall include written ~~policy~~policies and procedures governing staff responsibilities and shall include, but not be limited to, the following:

- (1) The appointment of a classification director, or a designated staff member, who is responsible for administering the Classification Plan;
- (2) The ~~F~~facility ~~a~~A administrator shall designate appropriate, relevant, and trained staff from various areas of the county correctional facility to serve as members of the Classification Board. The Board shall consist of a minimum of three (3) members, one (1) of which is to be a county correctional security staff;
- (3) All staff with a need to know shall receive orientation to the current Classification Plan, and staff responsible for implementation of the plan shall be trained in the plan; and,
- (4) Staff assistance shall be available to inmates throughout the classification process.

REGULATORY AUTHORITY

103 CMR 942.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

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103 CMR 943.00: COUNTY CORRECTIONAL FACILITIES -- INMATE RULES AND DISCIPLINE

Section

- 943.01: Inmate Disciplinary Plan
- 943.02: Disciplinary Personnel
- 943.03: Placement in Detention in Awaiting Action Status (Required)
- 943.04: Informal Disciplinary Procedures
- 943.05: Formal Disciplinary Procedures
- 943.06: Procedures for Disciplinary Hearings
- 943.07: Appeal Process
- 943.08: Sanctions (Required)
- 943.09: Limitations of Disciplinary Action

943.01: Inmate Disciplinary Plan

(1) The county correctional facility shall develop and implement a written plan for inmate discipline. The plan shall include, but not be limited to, the following elements:

- (a) ~~R~~rules ~~of regarding~~ inmate conduct and penalties for violations;
- (b) ~~The process for the placement of an inmate in~~ detention ~~in on~~ awaiting action status;
- (c) ~~I~~informal and formal disciplinary procedures;
- (d) ~~d~~disciplinary hearing procedures;
- (e) ~~A list of acceptable s~~sanctions; and,
- (f) ~~The~~ appeal process.

(2) The inmate discipline plan shall establish a code of offenses ~~to that~~ specify acts prohibited within the county correctional facility and penalties/sanctions that may be imposed for various degrees of violations. To ensure that all inmates have knowledge of the rules, the rules shall be posted in a conspicuous place, given to each inmate during orientation, and shall ~~also~~ be translated into those languages spoken by a significant number of inmates.

(3) The county correctional facility shall provide training for all staff who interact with inmates so that they are thoroughly familiar with the code of offenses, the sanctions available, the rationale for the rules, and the procedures to be followed.

(4) The county correctional facility shall review the written inmate discipline plan and rules of inmate conduct on an annual basis and update them, if necessary, to ensure that they are consistent with constitutional and legal principles.

943.02: Disciplinary Personnel

—The Sheriff/~~F~~facility ~~a~~Administrator shall appoint ~~one a~~ staff member(s) as disciplinary officer(s) to supervise and coordinate the procedures required by 103 CMR 943.00 and the county correctional facility's written inmate discipline plan. The Sheriff/~~F~~facility ~~a~~Administrator shall appoint staff members to act as disciplinary hearing officers. These appointments may be for a definite or indefinite term and a special officer may be appointed for any disciplinary matter.

943.03: Placement in Detention ~~on~~ Awaiting Action Status (Required)

(1) The inmate discipline plan shall include procedures ~~which may for~~ authorizing the placement of an inmate in detention ~~on~~ awaiting action status, ~~for~~ the safety of the inmate or the security of the facility, pending the following:

- (a) ~~a~~ hearing on a disciplinary offense;
- (b) ~~a~~ investigation of a possible offense; or

- (c) ~~a~~A transfer or a reclassification of the inmate to a higher custody status.

The reasons for such detention shall be documented in writing.

(2) The Sheriff/~~F~~facility ~~a~~A administrator or designee shall review the detention ~~in on~~ awaiting action status within seventy-two (72) hours to ensure it is for the safety of the inmate or the security of the facility and ~~not for punitive reasons, and that no inmate remains in such status longer than necessary every fifteen (15) days thereafter.~~

(3) Inmates held on awaiting action status in restrictive housing conditions shall receive placement reviews and, as applicable, Sheriff's certifications, as set forth in 103 CMR 926.03 (6) and 103 CMR 926.04.

943.04: Informal Disciplinary Procedures

—The inmate discipline plan shall include written policies and procedures that provides for and governs the informal handling of disciplinary offenses. Such informal procedures shall not apply to offenses for which the sanction imposed may exceed one (1) seventy-two (72) hour period in room confinement or disciplinary detention and may include the loss of statutory good time.

Such informal procedures shall include, but not be limited to, the following:

(1) Upon becoming aware of the rule violation(s), the staff member may confront the inmate with the option of proceeding informally or formally. If the inmate chooses to proceed informally, the staff member may impose a sanction involving the loss of privileges and/or a period of cell/room confinement up to but not exceeding one (1) seventy-two (72) hour period once approved by a supervisor.

(2) The incident and informal resolution shall be documented in a report submitted by the staff person to the ~~S~~shift ~~S~~supervisor or other designated staff on the day it occurs. Such report shall include the name of the inmate involved, the housing unit, the rule infraction and sanction, including starting and ending times, and shall be signed by the inmate and the reporting staff member. A copy of the report shall be placed in the inmate's case files.

(3) The Sheriff/~~F~~facility ~~a~~A administrator shall appoint a staff member(s) to review such reports and informal resolutions on a regular and continuing basis to ensure ~~their~~ appropriateness and effectiveness in promoting inmate discipline and the good order and safety of the facility.

943.05: Formal Disciplinary Procedures

—The inmate disciplinary plan shall include written policies and procedures that provides for and governs the formal handling of disciplinary offenses. Such formal procedures shall include, but not be limited to, the following requirements:

(1) When a staff member has reason to believe that a disciplinary offense has been committed by an inmate which, due to its nature, repetitiveness, possible sanction, ~~or~~ the inmate's refusal of an informal procedure, or for other valid reasons, requires formal resolution, the staff member shall prepare a disciplinary report and forward it to the designated supervisor(s) before completion of the tour of duty.

(2) Disciplinary reports prepared by staff members shall include, at a minimum, the following information:

- (a) ~~T~~he specific rule(s) violated;
- (b) ~~a~~A formal statement of the charge(s);
- (c) ~~A~~n explanation of the event, including who was involved, what transpired, and the time and

—location of occurrence;

- (d) ~~Any~~ unusual inmate behavior;
- (e) ~~s~~Staff, or other, witness(es);
- (f) ~~D~~isposition of any physical evidence;
- (g) ~~A~~ny immediate action taken, including the use of force; and,
- (h) ~~R~~eporting staff member's signature, and date and time report is made.

(3) An appropriate investigation of the alleged rule violation(s) shall begin within twenty-four (24) hours, excluding weekends and holidays, after the disciplinary report is received by a designated supervisor, and shall be completed without unreasonable delay unless there are exceptional circumstances for delaying the investigation.

(4) Upon completion of an investigation indicating that further disciplinary action is warranted, a copy of the disciplinary report shall be given to the disciplinary officer/committee, and a written statement of the charge(s), including a description of the incident and the specific rule(s) violated, shall be given to the inmate. The inmate shall receive such written statement at least twenty-four (24) hours prior to the disciplinary hearing.

(5) A disciplinary hearing shall be scheduled as soon as practicable, but not later than seven (7) days, excluding weekends and holidays, after the disciplinary report is filed with the disciplinary officer/committee, unless the hearing is prevented by exceptional circumstances, unavoidable delays, or reasonable postponements. The reasons for any delays shall be documented, and a copy provided to the inmate.

(6) The inmate shall receive written notice of the time of the hearing at least twenty-four (24) hours in advance, but may consent, in writing, to a hearing within less than 24 hours.

943.06: Procedures for Disciplinary Hearings

—The inmate disciplinary plan shall include written policies and procedures governing disciplinary hearings which shall include, but not be limited to, the following requirements:

(1) Disciplinary hearings shall be conducted by an impartial hearing officer appointed by the Sheriff/~~F~~acility ~~a~~Administrator.

(2) Disciplinary hearing proceedings shall provide that:

(a) ~~I~~nmates charged with rule violations are present at the hearing, unless ~~they-the inmate~~ waives the right to be present in writing or ~~through-the inmate cannot be present due to~~ behavior that poses a safety and security risk. ~~Any-the~~ waiver, or the absence of an inmate from a hearing due to behavior, shall be-is documented;

(b) ~~I~~nmates may be excluded during the testimony of any inmate or other informant whose testimony must be given in confidence for safety and security reasons. ~~However,-and~~ the reasons for the inmate's exclusion ~~are-shall be~~ documented;

(c) ~~T~~he charged inmate is given an opportunity to make a statement, ~~-and~~ present documentary evidence, and ~~to~~ request as a witness any person who has relevant and not unduly cumulative information. ~~S;~~ such requests may be denied when the appearance of the witness may jeopardize the life or safety of persons or the security or order of the facility. The r;- reasons for such denial shall be stated in writing;

(d) ~~I~~f an inmate is illiterate or non-~~e~~English speaking, or when the issues presented are complex, the inmate shall be afforded the assistance of a staff member designated by the Sheriff/~~F~~acility ~~A~~Administrator or designee; and

(e) ~~P~~ostponement or continuance of the hearing may be granted for a reasonable period upon good cause, which shall be documented.

(3) ~~The hearing officer shall, B~~before reading ~~the any~~ charge regarding a disciplinary offense which has been or may be referred to the district attorney for prosecution, the hearing officer shall advise the inmate that anything ~~which is~~ stated during the hearing may be used against ~~themhim~~ in any subsequent criminal proceedings.

(4) The hearing officer's decision shall be based solely upon information obtained in the hearing process, including staff reports, statements of the inmate charged, and evidence derived from witnesses, documents, and video recordings.

(5) A written record shall be made of the disciplinary hearing decision, the disposition and sanctions, and the reasons for the action(s) imposed. The decision shall be reached and a copy of the hearing decision shall be given to the inmate within forty-eight (48) hours of the conclusion of the hearing, unless, for good cause, an extension is required. Grounds for any extension shall be documented, and a copy shall be provided to the inmate. No extension shall exceed ten (10) days, excluding weekends and holidays.

(6) A review shall be conducted and documented of all disciplinary hearings and dispositions by the Sheriff/~~F~~facility ~~a~~Administrator or designee.

(7) Disciplinary reports concerning an alleged rule violation of which an inmate is found not guilty shall be removed from the inmate's files.

943.07: Appeal Process

(1) The inmate discipline plan shall provide policyies and procedures allowing inmates to appeal decisions of the hearing officer to the Sheriff/~~F~~facility ~~a~~Administrator or designee.

(a) ~~I~~nmates shall have up to seven (7) business days from receipt of the decision to submit an appeal in writing, unless an extension is approved in writing by the Sheriff/Ffacility ~~a~~Administrator or designee; and,

(b) ~~T~~he appeal shall be decided within five (5) business days of its receipt, and the inmate shall be notified of the results within twenty-four (24) hours of the decision, unless, for good cause, an extension is required. Grounds for any extension shall be documented, and a copy shall be provided to the inmate. No extension shall exceed ten (10) days, excluding weekends and holidays.

943.08: Sanctions (Required)

(1) The county correctional facility shall have written policyies and procedures providing that, ~~in instances in which~~when an inmate is alleged to have committed a crime, the case is referred to appropriate law enforcement officials for possible prosecution.

(2) The county correctional facility shall ensure that sanctions imposed for rule violations are reasonably related to the severity of the offense. Acceptable forms of discipline shall include, but not be limited to, the following:

- (a) ~~A~~reprimand;
- (b) ~~L~~oss of privileges for a specified period of time;
- (c) ~~R~~emoval from work detail;
- (d) ~~E~~xtra work duty for a specified period of time;
- (e) ~~F~~orfeiture of good time credit earned in accordance with M.G.L. c. 127, § 129 C;
- (f) ~~D~~isciplinary detention for a specified period of time; and
- (g) ~~a~~ A combination of the above.

(3) ~~If an inmate is to be confined in disciplinary detention for more than three days, the Facility Administrator shall be informed thereof and the reason(s) therefor. The Sheriff/Facility Administrator shall be informed if an inmate is to be confined in disciplinary detention for more than three (3) days and the~~

reasons for the confinement. If an inmate confined in disciplinary detention has a serious mental illness, the requirements set forth in 103 CMR 926.03(6) and 103 CMR 926.04 (2) shall be followed.

(4) For inmates in restrictive housing, removal of visitation, commissary, or property, cannot exceed ten (10) days for each offense.

943.09: Limitations of Disciplinary Action

- (1) ~~—~~Corporal punishment shall be prohibited.
- (2) ~~—~~No inmate shall be placed in disciplinary detention prior to compliance with the procedures set forth in 103 CMR 943.04, 943.05, and 943.06.
- (3) The maximum period of disciplinary detention that may be imposed is ten (10) days for one offense and ~~thirty (30)~~ days for all violations arising out of one (1) incident.
- (4) ~~Continuous—~~Confinement in disciplinary detention ~~for more than 30 days requires~~ must follow the review ~~and approval of the Sheriff/facility administrator.~~

REGULATORY AUTHORITY

103 CMR 943.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B, 105 CMR 451.00; 105 CMR 590.00.

103 CMR 944.00: COUNTY CORRECTIONAL FACILITIES -- INMATE WORK PROGRAMS

Section

944.01: General Provisions

944.02: Industries Programs

944.03: Inmate Work Crews944.043: Compliance with Regulations (Required)944.054: Incentives and Compensation944.01: General Provisions

The county correctional facility shall develop and implement a written inmate work assignment plan that provides for inmate employment, subject to the number of work opportunities available and the security of the facility.

(1) Written policyyies and procedures shall include the following provisions:

- (a) ~~P~~pre-trial and unsentenced detainees shall not be required to work, except to do personal housekeeping;
- (b) ~~A~~any inmate may volunteer for work assignments;
- (c) ~~A~~a variety of work assignments affording inmates an opportunity to learn job skills and develop good work habits and attitudes shall be offered;
- (d) ~~W~~work shall be offered in facility maintenance and operations;
- (e) ~~W~~where statute permits, work assignments shall be offered in public works projects and nonprofit and community service projects; and,
- (f) ~~E~~mployment for inmates with a disability for handicapped inmates is available.

(2) Policyyies and procedures shall prohibit discrimination in inmate work assignments based upon on sex, sexual orientation, race, religion, national origin, or disability or handicap, color, age, gender, gender identity, ancestry, disability, genetics, veteran or military status.

(3) ~~P~~olicy Policies and procedures shall provide that the inmate's work day approximates the work day in the community.

944.02: Industries Programs

—If an industries program exists in a county correctional facility, the Sheriff/~~F~~Facility ~~A~~Administrator shall provide the following:

- (1) Policyyies and procedures that authorize the establishment of an industries program, delineating the areas of authority, responsibility and accountability for such industries program.
- (2) Policyyies and procedures for the county correctional facility's industries program shall include, but not be limited to, the following:
 - (a) ~~S~~ecurity and program determinations necessary for any individual to be eligible for industries work shall be made by the classification committee, consistent with security and available resources;
 - (b) ~~T~~he number of inmates assigned to industries operations shall meet the realistic workload needs of each industries operating unit;
 - (c) ~~a~~A cost accounting system in operation for each operating unit shall be designed and maintained in accordance with generally accepted accounting principles; and,
 - (d) ~~each~~Each industries operating unit shall have a written quality control procedure that provides for raw material, in-process, and final product inspection.

(3) —If an industries program exists at the facility, in accordance with M.G.L. c. 127, § 51, the number of inmates employed, the kind and quantity of goods manufactured, the amount of goods sold and monies received shall be conducted in accordance with applicable statutes and the appropriate regulations established by the parent agency or other authority having jurisdiction.

944.03 Inmate Work Crews

If the county correctional facility operates inmate work crews in the community, the Sheriff /Facility Administrator shall provide the following:

(1) Written policies and procedures that outlines a process for local municipalities within the county to request a community work crew. These requests must be approved in writing by the Sheriff/-Facility Administrator. Community work crews can be requested to perform unskilled labor and basic services including care of public lands or buildings and grounds. Community work crews cannot be requested for the following:

- (a) Any kind of work for private persons;
- (b) Any work that requires special licensing and/or certifications (e.g., asbestos removal, lead paint removal , etc.); and,
- (c) The following shall be considered when approving or denying a request for an inmate work crew:
 - (1) Nature of project;
 - (2) Community need;
 - (3) Distance from the institution;
 - (4) Availability of staff supervision;
 - (5) Physical resources and equipment (e.g., vehicles, radios, tools);
 - (6) Staff availability.

(2) Written policies and procedures shall outline a process for evaluating suitability and approving inmates for work on community work crews to include:

- (a) Ensuring no inmate who is serving a sentence, as outlined in M.G.L. c.127, §-49C , is assigned to a community work crew.
- (b) Provisions for reasonable periods of confinement to particular correctional facilities before an inmate may be permitted to participate in a community work crew.
- (c) Security and program determinations necessary for any individual to be eligible for community work crews shall be made by the classification committee and by a member of the professional staff of the institution or agency at which the individual is to provide services.

(3) Written policies and procedures shall outline guidelines for security practices on community work crews to include:

- (a) An inmate participating in a community work crew remains in the Sheriff's Department custody and is subject to all its rules and regulations while in the community.
- (b) A system of accounting for and documenting inmate counts while in the community.
- (c) That one (1) ~~Departmental~~ staff member shall be assigned for every ten (10) inmates assigned to the crew.
- (d) Search procedures for inmates departing and returning to the facility.
- (e) Specific guidelines detailing for staff how to address the following issues that may arise on a community work crew:
 - (1) Escape;
 - (2) Inmate injury;
 - (3) Work stoppage;
 - (4) Weather emergency;
 - (5) Motor vehicle accident/breakdown;
 - (6) Altercation involving inmates; and,

(7) Emergency lavatory stops

944.043: Compliance with Regulations (Required)

- (1) The Sheriff/~~F~~facility ~~A~~administrator shall ensure that all county correctional facility work, industrial, vocational and educational programs comply with required federal, state, or local work, health and safety standards, applicable to correctional facilities.
- (2) The county correctional facility shall ensure compliance with these standards by conducting weekly inspections of facility work programs by qualified facility staff, monthly inspections by a safety officer and through at least annual inspections by the authority having jurisdiction. Documentation of such inspections shall be recorded and maintained.

944.054: Incentives and Compensation

- (1) The written inmate work plan shall provide for any incentives and/or compensation approved by the Sheriff or designee for inmates in work programs, which may include, but not be limited to, the following:
 - (a) ~~S~~special housing;
 - (b) ~~E~~xtra privileges; and,
 - (c) ~~G~~ood time credits, as statute permits.

REGULATORY AUTHORITY

103 CMR 944.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

(103 CMR 945.00 THROUGH 947.00 RESERVED)

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103 CMR 948.00: COUNTY CORRECTIONAL FACILITIES -- MAIL AND COMMUNICATION

Section

- 948.01: Correspondence Plan
- 948.02: Amount of Mail
- 948.03: Collection and Distribution
- 948.04: Postage Free Mail
- 948.05: Privileged Correspondence
- 948.06: Inspection of Privileged Correspondence
- 948.07: Inspection of Non-Privileged Correspondence and Packages
- 948.08: Reading of Non-Privileged Correspondence
- 948.09: Disapproval of Non-Privileged Correspondence
- 948.10: Telephone Privileges

948.01: Correspondence Plan

—Written policies and procedures that govern inmate correspondence and communication shall be available to all staff and inmates.

948.02: Amount of Mail

—There shall be no limitation to the volume of lawful mail which an inmate may send or receive, nor on the length, language, content or source of mail, except in accordance with 103 CMR 948.09.

948.03: Collection and Distribution

—Written policies and procedures shall govern the collection and distribution of mail and shall contain, at a minimum, the following:

- (1) All approved outgoing mail shall be collected sealed from the inmate or from locked mail boxes by an employee at least once every day, except Sundays and postal holidays.
- (2) Approved incoming mail shall be distributed directly to the receiving inmate by an employee in accordance with an established schedule at least once every day, except Sundays and postal holidays.
- (3) Approved outgoing mail shall be delivered to the Post Office and approved incoming mail shall be delivered to the inmates within twenty-four (24) hours of collection or pick up.
- (4) A procedure for forwarding mail which cannot be delivered (transfers, escapees, etc.) shall be established.

948.04: Postage Free Mail

Written policies and procedures shall specify that indigent inmates be permitted:

- (1) An unlimited number of postage-free letters each week for privileged confidential correspondence, excluding attorneys; and,
- (2) Three (3) postage-free letters each week for general correspondence.
- (3) The Sheriff or designees may develop procedures to allow indigent inmates to mail postage-free letters each week to their attorneys of record on any pending criminal matter.

948.05: Privileged Correspondence

Written policies and procedures shall provide that inmates are permitted to send sealed mail to and receive sealed mail from the following:

- (1) Any officer of a court of the United States or of the Commonwealth of Massachusetts (judge, attorney, clerk);
- (2) The President or Vice President of the United States or the Governor of the Commonwealth of Massachusetts;
- (3) Any member of the Congress of the United States;
- (4) Any member of the Legislature of the Commonwealth of Massachusetts;
- (5) The Attorney General of the United States or the Attorney General of the Commonwealth of Massachusetts;
- (6) The Director or any agent of the Federal Bureau of Investigation;
- (7) ~~the Commissioner of the Massachusetts Department of Public Safety or~~ The Secretary of the Massachusetts Executive Office of Public Safety and Security;
- (8) ~~The County Commissioners or~~ Sheriff of the county in which the inmate is confined;
- (9) The Commissioner of the Massachusetts Department of Correction, and if applicable, the Superintendent of the State correctional institution in which the inmate was confined;
- (10) Any member of the Massachusetts Parole Board or probation officer; ~~and~~
- ~~(11) any member of the Governor's Advisory Committee on Corrections; and,~~
- (12) any District Attorney of the United States.

948.06: Inspection of Privileged Correspondence

Written policies and procedures shall provide, but not be limited to, the following:

- (1) Outgoing privileged mail may not be opened for inspection or any other purpose or otherwise impeded in its transmission if it meets the following requirements:
 - (a) It is addressed to a person listed in 103 CMR 948.05; and,
 - (b) It includes the inmate's name and return facility address on the outside of the envelope.
- (2) Incoming privileged mail may not be opened except in the presence of the addressed inmate and then only for the sole purpose of ascertaining that its contents are free from contraband.

948.07: Inspection of Non-Privileged Correspondence and Packages

Written policies and procedures shall provide, at a minimum, the following:

- (1) Incoming non-privileged correspondence and packages may be inspected:
 - (a) To receive and record the receipt of any funds enclosed for the inmate;
 - (b) To verify and record the receipt of permitted personal property; and,
 - (c) To prevent the transmission of contraband to the inmate.
- (2) Incoming non-privileged correspondence, including photographs, may be photocopied if there is reasonable belief that such action is necessary to maintain the order and security of the county correctional

facility. If incoming non-privileged correspondence is photocopied, recipient inmates shall receive a photocopied duplicate of authorized, non-privileged mail addressed to them. This includes the envelope.

(32) The opening and inspection of outgoing non-privileged mail shall only be done upon the authorization of the Sheriff/~~F~~facility ~~A~~administrator when there is reasonable belief that such action is necessary to maintain the order and security of the county correctional facility. Any such inspection of mail ~~should~~shall be documented.

948.08: Reading of Non-Privileged Correspondence

—Written policies~~y~~ies and procedures~~s~~ shall provide that the Sheriff/~~F~~facility ~~A~~administrator may authorize the reading of non-privileged mail when in ~~their~~his opinion, such action is necessary to maintain security or order in the county correctional facility or protect the physical safety of an individual. Such reading of mail shall be properly ~~recorded~~documented.

948.09: Disapproval of Non-Privileged Correspondence

—Written policies~~y~~ies and procedures~~s~~ shall govern the disapproval of inmate correspondence and contain, at a minimum, the following:

(1) Non-privileged correspondence shall be disapproved only to prevent interference with facility goals of security, safety, order or rehabilitation. Disapproval shall not be based upon an employee's personal views of the merit of such correspondence.

(2) The Sheriff/~~F~~facility ~~A~~administrator, or designee, may disapprove for mailing or receipt by an inmate non-privileged correspondence, the contents of which fall as a whole or in significant part, into any of the following categories:

- (a) ~~I~~nformation or materials which could clearly and reasonably be expected to encourage the use of
~~—~~physical violence or group disruption of facility operations;
- (b) ~~T~~hreats of blackmail or extortion;
- (c) ~~P~~plans for sending contraband in or out of the facility;
- (d) ~~P~~plans to escape;
- (e) ~~P~~plans for activities in violations~~s~~ of Sheriff's Office or facility regulations, orders, or policies;
- (f) ~~C~~riminal activity or plans for criminal activity;
- (g) ~~C~~eoded messages which are not reasonably decipherable by the reader;
- (h) ~~D~~descriptions of the making of any weapon, explosive, poison, or destructive device;~~and;~~
- (i) ~~S~~sexually explicit material or material which features nudity which by its nature or content poses a threat to the security, good order, or discipline of the institution; and,
- (j) ~~A~~any publications~~s~~ that may interfere with the treatment and rehabilitation process at that institution.

(3) If any non-privileged correspondence is disapproved for mailing or receipt, a written notice stating one or more of the reasons set forth in 103 CMR 948.09 (2) (a) through (j) shall be sent to the inmate (outgoing mail) or to the originator and the inmate (incoming mail). The notice shall inform the inmate or the originator of the right to appeal the decision in writing to the Sheriff/~~F~~facility ~~A~~administrator.

948.10: Telephone Privileges

Written policies~~y~~ies and procedures~~s~~ shall govern inmate access to a ~~public~~-telephone designated for inmate use and shall provide for the following:

- (1) Reasonable access to ~~public~~-telephones designated for inmate use including:

- (a) ~~S~~pecific hours of telephone availability;
- (b) ~~L~~ength of calls;
- (c) ~~A~~ny limitations on phone calls; and
- (d) ~~R~~esponsibility of payment for call.

(2) Procedures for receiving emergency phone calls for inmates, notification of such calls, and response to such calls.

(3) The Sheriff/~~F~~acility ~~a~~Administrator shall ensure that a procedure is developed to notify the inmates of the monitoring of inmate telephones. ~~This procedure~~ A notice shall be posted next to all inmate telephones indicating that all calls may be monitored and recorded, and a recorded announcement shall be made over the telephone that states that the call may be recorded, prior to a telephone call being made.

REGULATORY AUTHORITY

103 CMR 948.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

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(103 CMR 949.00: RESERVED)

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103 CMR 950.00: COUNTY CORRECTIONAL FACILITIES -- VISITING

Section

- 950.01: Visiting Plan
- 950.02: Visiting Rules and Regulations
- 950.03: ~~Identification and Sign-In~~ Visitor Approval process
- 950.04: Searches of Visitors
- 950.05: Exclusion of Visitors
- 950.06: Special Visits
- 950.07: Visiting Records

950.01: Visiting Plan

(1) The Sheriff/~~F~~facility ~~a~~A administrator shall develop a written visiting plan designed to facilitate visits between inmates and their family and friends, to accommodate visits between inmates and their attorneys, and to maximize the hours during which visits are permitted; provided, that nothing contained in 103 CMR 950.00 shall be construed to impair the discretion of the Sheriff/~~F~~facility ~~a~~A administrator to control access to ~~their~~his institution under the provisions of M.G.L. c. 127, § 36. The Visiting Plan shall include, but not be limited to, the following:

- (a) ~~F~~facility's visiting periods, including some time in the evening ~~and~~/or weekends;
- (b) ~~F~~facility's rules and regulations for visiting;
- (c) ~~identification and sign-in process for~~ Procedures for approving -all visitors;
- (d) ~~P~~rocedures for searching all visitors;
- (e) ~~written~~ Written policyies ~~or and~~ procedures for excluding visitors;
- (f) ~~P~~rovisions for special visits; and
- (g) ~~P~~rocedures for keeping records of all visitors to every facility.

(2) The Visiting Plan shall be available to staff, inmates, and visitors upon request.

950.02: Visiting Rules and Regulations

(1) Consistent with MG.L. c. 127, §36C, the visiting plan shall not prohibit, eliminate or unreasonably limit in-person visitation of inmates or coerce, compel or otherwise pressure an inmate to forego or limit in-person visitation. The visiting plan shall contain written rules and regulations which shall include, but not be limited to, the following:

- (a) ~~A~~any limitation as to who may or may not visit an inmate, to include those who need permission (i.e., youths, ex-offenders), or any exclusions (visitors who, in the opinion of the Sheriff/~~F~~facility ~~A~~administrator, would be injurious to the best interests of the facility);
- (b) ~~A~~any limitation on the number of weekly visits allowed per inmate, any limitation in duration of single visits, or limitation on number of visitors per inmate at any one time;
- (c) ~~a~~A statement of rules and regulations for the conduct of any visitor, a statement regarding physical contact with inmates, and a statement of expected dress code;
- (d) ~~P~~rocedures for submitting approved parcels and funds, and a list of articles allowed into or disallowed ~~into from~~ the facility;
- (e) ~~A~~a statement warning visitors that it is a felony for any person to deliver any article to an inmate without permission of the Sheriff/~~F~~facility ~~a~~A administrator, or to procure an article to be delivered, to possess it with intent to deliver it or to deposit or conceal it with intent that an inmate shall obtain it; and
- (f) ~~a~~A procedure for a visitor to disclose any article, other than clothing, that he/she/they may be carrying, to include personal effects, medication, any form of weapon, etc., and a means to check or properly secure such items prior to visit.

(2) The written rules containing the information required by 103 CMR 950.02(1)(a) through (f) shall be posted in the reception area, available through printed brochures if requested by visitors, and translated into Spanish or other languages understood by a significant number of visitors.

950.03: Identification and Sign-In Visitor Approval Process

—The written Visiting Plan shall contain a means ~~to of identify and register~~ approving all visitors who seek to enter the county correctional facility and shall include, but not be limited to, the following:

(1) A visitor shall be required to produce a current photographic identification such as a ~~Massachusetts~~ driver's license or a passport. (Exceptions may be made by the Sheriff/~~F~~facility ~~a~~AAdministrator or ~~their~~his designee).

(2) As a condition of entry, every visitor except the officials listed in 103 CMR 950.03(2)(b) is required by statute to make and subscribe a statement under penalties of perjury stating true name and residence, whether or not ~~s/he~~ he/she/they ~~have~~s been convicted of a felony and, if visiting an inmate, ~~their~~his relationship. Each institution shall provide either a sign-in sheet or "Request to Visit Inmate" form for the purpose of 103 CMR 950.00.

(a) ~~If~~ the visitor answers that ~~s/he~~ he/she/they ~~have~~s been convicted of a felony, the visitor may be required, as a condition of entry, to provide a statement of the crime(s) for which ~~s/he~~ he/she/they ~~were~~as convicted and the sentence served; and,

(b) ~~T~~he following persons generally may not be asked to provide the statement generally required by 103 CMR 950.03(2): the Governor, a member of the Governor's Council, a member of the General Court, a Justice of the Supreme Judicial, Appeals, Superior or District Court, the Attorney General, a District Attorney, the Commissioner, a Deputy or Associate Assistant Deputy Commissioner of Correction, Sheriff, ~~County Commissioners~~, a member of the Parole Board, a Parole or Probation Officer, or others as designated by the Sheriff/~~facility administrator~~Facility Administrator. Any such officer shall be required to sign ~~their~~his name, business address and the office which brings ~~them~~him within the exemption from the normal sign-in requirement.

(3) Each visitor shall be asked by the admitting officer before entrance into the facility if ~~they~~he ~~have~~s a weapon. All weapons shall be given to the officer prior to entry to the facility.

(4) Nothing in this section shall prohibit the Sheriff/Facility Administrator from implementing additional policies and procedures for approving visitors seeking to enter a county correctional facility.

950.04: Searches of Visitors

—The Visiting Plan shall contain policyies and procedures for conducting searches of visitors, and shall include, but not be limited to, the following:

(1) A large sign posted in the lobby or other entrance warning that, "ALL VISITORS ARE SUBJECT TO BEING SEARCHED", and containing the same wording in Spanish, "TODAS LAS VISITAS ESTAN SUJETAS A REVISION", or a language which is understood by a significant number of visitors;

(2) A search procedure effective in preventing the smuggling of articles into the ~~visiting area of the~~ facility; ~~to which may include, but is not limited to, requiring that~~ visitors to successfully pass through a metal detector or scanner, ~~or a~~ pat down searches of visitors, ~~and that a thorough search of~~ any articles ~~they~~ visitors are carrying, and searches of visitors (excluding attorneys) conducted by a K-9 handler utilizing a Passive K-9 may be thoroughly searched; ~~In~~ community release facilities, the search procedure shall have a system to control contraband.

(3) If the search procedure is to include a more extensive search than mentioned above (up to and including a strip search), the following requirements shall be included:

- (a) ~~A~~authorization from the Sheriff/~~F~~facility ~~A~~administrator or designee for such search;
- (b) ~~T~~he visitor shall be informed that he/~~she/they~~ may leave the facility rather than submit to such a search. If he/~~she/they~~ agrees to said search, a record of consent shall be documented noting date, time, individual being searched and individuals conducting search; and,
- (c) ~~T~~he officer(s) conducting ~~a~~a more extensive search shall file with the Sheriff/Facility Administrator prior to the end of their tour of duty a written report concerning the search, which shall include, but not be limited to, the reasons for requesting the more extensive search. ~~with the Sheriff prior to the end of his tour of duty.~~ The report shall also contain the name of the visitor, the names of the searching officers and of the official who approved the search, the extent of the search, and what, if anything, was found.

(4) No search of a visitor's body cavities (anal or genital) shall be conducted by correctional staff. If a search less intrusive than a body cavity search (of anal or genital body cavities) is insufficient to eliminate suspicions that the visitor is smuggling contraband, the visitor shall be denied admission;

(5) Any person refusing to submit to any aspect of the search procedure shall be denied entrance to the facility. Where the refusal occurs under circumstances indicating that the most likely motive for refusal is to prevent discovery of concealed articles, where a suspicious pattern of refusals is apparent, or where a visitor engages in offensive or assaultive behavior during the search process, visiting privileges may be suspended or terminated;

(6) Personal (Pat) searches that involve removal of more than just external clothing and accessories shall be conducted by a correctional employee of the same sex as the visitor, or, upon the visitor's request, the sex with which the visitor identifies, conducted in private, and documented with a written report. Searches are to be conducted in a professional and courteous manner; and,

(7) Papers and documents carried in or out by any judge, attorney, law student, paralegal, the governor, any legislator or member of the parole board may be inspected for concealed articles but may not be read.

950.05: Exclusion of Visitors

The visiting plan shall contain policies and procedures regarding the exclusion of visitors which shall include~~including~~, but not be limited to, the following:

(1) Any visitor, even one who has obtained prior permission to visit, may be denied entrance to the county correctional facility or told to terminate a visit and leave the premises;

(2) A visitor who is denied entrance or asked to leave shall be told the reason for such action, except when it is deemed that to specify the reason might jeopardize security interests or the safety of any person or the facility;

(3) The officer(s) responsible for denying entrance or terminating a visit shall file a written report with the Sheriff/~~F~~facility ~~a~~AAdministrator, in accordance with Sheriff's Department policy. This report shall include the name of the visitor and the inmate visited, the time for the denial or termination, and the reasons for the action;

(4) When the Sheriff/~~F~~facility ~~A~~Facility Administrator denies, suspends, or places restrictions on visiting privileges, the visitor shall be notified in writing of the reasons for such action, unless specification of the reason would jeopardize security interests or the safety of the individuals or the facility. The visitor may request a review of such action by writing the Sheriff/~~F~~facility ~~A~~AAdministrator. The Sheriff/~~F~~facility ~~A~~AAdministrator shall respond to all such requests in writing within sixty (60) days of receipt of the request informing the visitor of the reasons for upholding, eliminating or modifying the original action;

(5) A statement that visiting privileges may be suspended for a specific time and procedures for reapplication of visiting privileges;

(6) Nothing in 103 CMR 950.00 shall in any way impair the Sheriff's/Facility Administrator's or a designee's authority, pursuant to M.G.L. c. 127, § 36 to exclude a visitor whenever, in his/her/their opinion, admitting that person to visit the facility would be detrimental injurious to the best interests of the facility or the administration of the county correctional facility; and,

(7) Before any attorney or any of the officials listed in 103 CMR 950.03(2)(b) is-are excluded, the Sheriff/Facility AAdministrator or other officer in charge shall be consulted. The attorney or official may immediately appeal any exclusion to the Sheriff.

950.06: Special Visits

—The visiting plan shall contain provisions for special visits which shall include, but not be limited to, the following:

(1) Provisions that are flexible enough to permit the Sheriff/Facility AAdministrator or designee to make exceptions to the rules in unusual circumstances, such as when a visitor has traveled a long distance to see an inmate, or when an inmate is ill or hospitalized; and,

(2) Provisions for special visits with attorneys and members of the clergy.

950.07: Visiting Records

—The visiting plan shall include provisions for the recording documentation of all visits and shall include, but not be limited to, the following:

(1) A card or electronic record for each inmate on which shall be recorded the name of every person who visits that inmate and the dates on which those visits occur. This card or printout of the record shall, upon the request of the receiving facility, be forwarded whenever the inmate is transferred;

(2) A written chronological file: visitor sign-in sheets and/or the "Request to Visit" forms; and,

(3) A written log of all other visitors to the facility stating name, agency, and reason for the visit. Notations may be maintained in the facility log.

REGULATORY AUTHORITY

103 CMR 950.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

(103 CMR 951.00: RESERVED)

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103 CMR 952.00: COUNTY CORRECTIONAL FACILITIES -- RELEASE PREPARATION AND TEMPORARY RELEASE

Section

952.01: Community Release Programs

952.02: Work/Educational Release Program

952.03: ~~Furloughs~~ Temporary Release952.01: Community Release Programs

—The county correctional facility shall provide a program of release preparation which may include temporary release programs for all eligible inmates to prepare them for parole or discharge from the facility. The program shall contain the following:

(1) Written ~~policy~~ies and ~~procedures~~s shall provide for escorted and unescorted leaves into the community for eligible inmates~~;~~.

(2) Any temporary release programs established in accordance with statute, containing the following elements:

- (a) ~~Written~~Written operational procedures;
- (b) ~~Established~~Established eligibility and suitability criteria;
- (c) ~~Careful~~Careful screening and selection procedures with consideration given to the residential or workplace address of a certified petitioner to the Victim Notification Registry prior to any temporary release decisions;
- (d) ~~Written~~Written rules of inmate conduct and a community release agreement signed by the inmate,
agreeing to abide by the written rules of conduct;
- (e) ~~a~~A system of supervision;
- (f) ~~a~~A complete record-keeping system;
- (g) ~~a~~A system for evaluation of program effectiveness;
- (h) ~~Efforts~~efforts to obtain community cooperation and support; and,
- (i) ~~If applicable, a~~if applicable, a system to provide 14 days advance notice by telephone and mail to persons certified under the citizens initiated petition process in accordance with 103 CMR 940.04.

 This requirement is not applicable in jail facilities.

952.02: Work/Educational Release Programs

—Written ~~policy~~ies and ~~procedures~~s shall govern inmate participation in programs which are established in accordance with the provisions of M.G.L. c. 127, §§ 86F and 86G.

(1) In accordance with the requirements of M.G.L. c. 127, §§ 86F and 86G:

- (a) ~~An~~An inmate on work release and ~~their~~his employer shall agree that all inmate earnings (after taxes and other deductions) shall be delivered directly to the Sheriff/~~F~~facility ~~a~~Administrator or designee. At no time shall any inmate personally receive any monies, checks or the like from ~~their~~his employer;
- (b) the Sheriff/~~F~~facility ~~A~~Administrator shall deduct from the inmate's earnings delivered to ~~them~~him the following:
 - 1. ~~a~~An amount for the reimbursement to the county for food, lodging and clothing provided to the inmate;
 - 2. ~~The~~The actual and necessary food, travel and other expenses for the inmate while on work ~~release~~release;

3. ~~_____The~~ amount for support for the inmate's spouse and children as ordered by any court or the ~~_____~~ Department of Revenue Child Support Enforcement Division;
4. ~~_____s~~ums voluntarily agreed to for family allotments and for personal necessities while confined; ~~and,~~
5. ~~_____e~~Court-ordered fines and fees to include victim witness fees.

Any balance remaining shall be credited to the inmate's account and shall be paid upon final release.

(2) Inmates participating in work or educational release programs shall be separated from inmates in the general population.

952.03: ~~Furloughs~~ Temporary Release

—Written policies and procedures shall specify a system for reviewing applications for ~~furlough temporary release~~ for eligible inmates pursuant to M.G.L. c. 127, § 90A. In accordance with those provisions:

- (1) An inmate shall be limited to ~~fourteen (14) days temporary release~~ ~~furlough~~ in any one ~~(1)~~ calendar year and not more than seven ~~(7) days furlough temporary release~~ at any one time;
 - (2) ~~Temporary release~~ ~~Furloughs~~ or emergency escorted trips may be granted for any of the following purposes:
 - (a) ~~To~~ attend a funeral of a relative;
 - (b) ~~To~~ visit a critically ill relative;
 - (c) ~~To~~ obtain medical, psychiatric, psychological or other social services when adequate services are not available at the facility and cannot be obtained by temporary placement in a hospital as provided in M.G.L. c. 127, §§ 117A and 118;
 - (d) ~~To~~ contact prospective employers;
 - (e) ~~To~~ secure a suitable residence for use upon release, parole or discharge;
 - (f) ~~For~~ any other reason consistent with the reintegration of a committed offender into the community.
 - (3) The Sheriff/~~F~~facility ~~a~~Administrator may require that an inmate on ~~furlough temporary release~~ be escorted by an employee of the county correctional facility;
 - (4) An inmate may not leave the Commonwealth on ~~temporary release~~ ~~furlough~~; and,
 - (5) The county correctional facility shall ~~make notifications inform local law enforcement or the victim, if a citizen initiated petition is on file of any furlough. to persons certified under the citizens initiated petition process in accordance with 103 CMR 940.04.~~
- ~~Temporary release~~ ~~Furlough~~ procedures are not applicable to jail facilities. However, emergency escorted trips are applicable to both jail and houses of correction.

REGULATORY AUTHORITY

103 CMR 952.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A, 1B, 86F, 86G, 90A, 117A and 118.

(103 CMR 953.00 THROUGH 972.00: RESERVED)

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103 CMR 973.00: COUNTY CORRECTIONAL FACILITIES -- SAFETY AND EMERGENCY STANDARDS

Section

- 973.01: Compliance with Life Safety Codes (Required)
- 973.02: Emergency Evacuation Plans (Required)
- 973.03: Fire Prevention Regulations (Required)
- 973.04: Fire Safety Officer (Required)
- 973.05: Fire Alarm System (Required)
- 973.06: Fire Retardant Furnishings and Materials (Required)
- 973.07: Prompt Release Procedures (Required)
- 973.08: Fire Prevention Training (Required)
- 973.09: Emergency Power
- 973.10: Control, Use, and Storage of Dangerous Materials (Required)

973.01: Compliance With Life Safety Codes (Required)

—There shall be documentation ~~at~~ each county correctional facility ~~by~~ the public safety authority having jurisdiction ~~that~~ structural safety and fire safety of the facility complies with applicable codes as required by statute and to the extent not inconsistent with essential security requirements. The authority having jurisdiction shall approve any variances, exceptions, or equivalencies that do not constitute a serious life safety threat to the occupants of the county correctional facility. There shall be plans of action for addressing deficiencies within a reasonable time period.

973.02: Emergency Evacuation Plans (Required)

- (1) Each county correctional facility shall have a written evacuation plan prepared in the event of fire or major emergency. This plan shall be approved by the public safety authority having jurisdiction.
- (2) The plan shall be reviewed annually and updated as needed.
- (3) The plan shall be disseminated to local and state public safety departments in the geographic area.
- (4) The plan shall include, but not be limited to, the following:
 - (a) ~~L~~ocation of building/room floor plans;
 - (b) ~~U~~se of exit signs and directional arrows;
 - (c) ~~P~~ublicly posted evacuation diagrams;
 - (d) ~~A~~t least quarterly drills in all locations; and,
 - (e) ~~S~~taff drills even when evacuation of extremely dangerous inmates may not be possible.
 - (f) aA process to include an evacuation plan for inmates who may have medical restrictions including but not limited to deaf and hearing impaired, blind and visually impaired and those with physical disabilities.

973.03: Fire Prevention Regulations (Required)

—Written policies and procedures shall specify the county correctional facility's fire prevention regulations and practices and shall include, but not be limited to:

- (1) Provision for an adequate fire protection service;
- (2) A system of fire inspections to include testing of fire safety equipment and systems at least quarterly unless a different periodic frequency is approved by the authority having jurisdiction;

- (3) An annual fire inspection by the authority having jurisdiction; and,
- (4) Availability of fire hoses or extinguishers at appropriate locations throughout the facility, as directed by applicable regulations from the Department of ~~Public Safety~~Fire Services and the State Board of Building Regulations and Standards, or as approved by the authority having jurisdiction.

973.04: Fire Safety Officer (Required)

- (1) Written policies and procedures shall specify the appointment of a qualified fire safety officer to perform comprehensive monthly fire safety inspections.
- (2) There shall be a fire safety inspection of each area of the county correctional facility at least weekly by a qualified employee.

973.05: Fire Alarm System (Required)

- (1) Each county correctional facility shall have a fire alarm and automatic detection system capable of alerting personnel at the control center to the presence of fire or smoke in the facility.
- (2) The system shall also include a direct and reliable means of communication with the local Fire Department.
- (3) The system, or a plan for addressing deficiencies within a reasonable time period, shall be approved by the authority having jurisdiction.

973.06: Fire Retardant Furnishings and Materials (Required)

- The selection and purchasing of fire retardant furnishings and materials shall include, but not be limited to:
- (1) For the selection and purchase of facility furnishings, specifications ~~will~~shall include the fire safety and flame spread performance requirements of the materials selected as approved by the ~~AHJ~~authority having jurisdiction; and,
 - (2) Each county correctional facility shall develop regulations to limit possessions so as not create any fire hazards.

973.07: Prompt Release Procedures (Required)

- Written policies and procedures shall specify the means for immediate release of inmates from locked areas in case of emergency, and provide for a secondary means of immediate release.

973.08: Fire Prevention Training (Required)

- Each county correctional facility shall conduct in-service training for all personnel in fire prevention, detection, use of emergency fire equipment, and evacuation procedures, and shall seek the assistance of local fire authorities, or other qualified persons in this effort.

973.09: Emergency Power

- (1) Each county correctional facility shall have an emergency power source capable of providing power to maintain essential lights, power and communications.
- (2) Power generators shall be tested quarterly or in accordance with the manufacturer's guidelines.

(3) All new county correctional facilities shall have an emergency power source capable of providing 100% power for the normal operation of the facility.

973.10: Control, Use, and Storage of Dangerous Materials (Required)

—Written policies and procedures shall govern the control, use, and storage of all flammable, toxic, and caustic materials, in accordance with all applicable laws and regulations. The procedures shall include, but not be limited to, the following:

(1) Any flammable or combustible work materials shall be used only under staff supervision and shall be locked in a secure fire resistant storage area as approved by the authority having jurisdiction;

(2) Precautions shall be taken in the use and secure storage of all toxic and caustic substances~~;~~ and any substance that may, through chemical reaction, cause harm to an individual. Use of such substances shall occur only under careful staff supervision; and,

(3) Each county correctional facility shall provide noncombustible receptacles for combustible refuse at appropriate locations throughout the facility's living quarters. Special containers shall be provided for flammable liquids and for rags used with flammable liquids. All receptacles and containers shall be emptied and cleaned daily.

REGULATORY AUTHORITY

103 CMR 973.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

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103 CMR 974.00: COUNTY CORRECTIONAL FACILITIES -- SANITATION AND HYGIENE

Section

- 974.01: General
- 974.02: Environmental Health Officer (Required)
- 974.03: Interior Cleanliness
- 974.04: Inspection Plans (Required)
- 974.05: Outside Grounds
- 974.06: Insect and Rodent Control (Required)
- 974.07: Liquid and Solid Waste Control (Required)
- 974.08: Personal Hygiene
- 974.09: Clothing
- 974.10: Linens and Bedding
- 974.11: Water Supply (Required)
- 974.12: Tobacco Use Prohibited

974.01: General

—Each facility shall comply with applicable regulations of the Massachusetts Department of Public Health, as required by statute, regarding maintenance and sanitation in county correctional facilities.

974.02: Environmental Health Officer (Required)

—In accordance with Department of Public Health regulations, each Sheriff/~~F~~facility ~~a~~A~~d~~ministrator shall appoint a qualified environmental health officer to ensure that 103 CMR 900.00 and the regulations of the Department of Public Health (105 CMR) are adhered to and properly monitored.

974.03: Interior Cleanliness

—A written housekeeping plan for all areas of the facility's physical plant shall provide for daily housekeeping and regular maintenance, by assigning duties and responsibilities to staff and inmates.

974.04: Inspection Plans (Required)

—Written policies and procedures shall govern facility inspection plans and shall include, but not be limited to, the following:

- (1) At least weekly sanitation inspections of all institutional areas by a designated qualified employee;
- (2) A comprehensive and thorough monthly inspection of the facility by an environmental health officer;
- (3) At least semi-annual inspections by the Department of Public Health;
- (4) Semi-annual inspections by the Department of Correction Standards Compliance Unit;
- (5) All inspections shall be documented and all inspection reports shall be maintained by the Sheriff/~~F~~facility ~~a~~A~~d~~ministrator or designee; and,
- (6) Deficiencies noted in any of the above reports shall be responded to with appropriate plans of action and in accordance with any specified guidelines.

974.05: Outside Grounds

—Each county correctional facility shall develop a written plan ensuring that the outside grounds shall be maintained in a neat and orderly condition, in good repair and fit the uses intended.

974.06: Insect and Rodent Control (Required)

—Written policies and procedures shall govern the control of vermin and pests. When they exist, such pests shall be exterminated in a manner which is not hazardous to the health of inmates or employees by a person with appropriate licensing.

974.07: Liquid and Solid Waste Control (Required)

—Written policies and procedures shall govern the storage and disposal of all liquid and solid wastes in a manner designed to prevent transmission of disease, creation of nuisance, and the breeding of insects.

974.08: Personal Hygiene

—Each county correctional facility shall provide the means for inmates to adhere to acceptable personal hygiene practices, including:

- (1) Availability of articles needed for personal hygiene, including, but not limited to, soap, toothpaste or tooth powder, toothbrush, and articles for feminine hygiene;
- (2) Availability of sufficient showers or bathtubs as required by State or local codes;
- (3) Water temperature for showering or bathing shall be thermostatically controlled (~~minimum 110°F, maximum 130°F~~) in accordance with 105 CMR 451.00; and,
- (4) Written policies and procedures shall provide for the availability of hair care services. The Sheriff/Facility Administrator may charge a reasonable fee not to exceed \$10.00 for any haircut provided.

974.09: Clothing

Written policies and procedures shall provide for the following:

- (1) The issuance of clean, suitable and presentable clothing to new inmates, as necessary;
- (2) The issuance of all clothing shall be recorded-documented to provide accountability for its use;
- (3) As necessary, the issuance of special clothing and protective clothing and equipment (specialized work assignments); and,
- (4) The availability of at least weekly laundering or clothing exchange.

974.10: Linens and Bedding

—Written policies and procedures shall provide for the following:

- (1) A standard issue of bedding and linens including:
 - (a) ~~a~~ suitable, clean, flame retardant mattress, to include a mattress with an integrated pillow;
 - (b) ~~A)—a suitable, clean, flame retardant pillow (unless a mattress with an integrated pillow was issued);~~
 - (c) ~~Two~~ (2) clean sheets, a clean pillowcase (if a separate pillow is issued), and flame retardant pillow;
 - (d) ~~Two~~ (2) clean bath-size towels and one (1) ~~a~~ washcloth; and,

(ed) ~~_____~~§Sufficient clean blankets to provide comfort under existing temperature conditions- by
M.G.L. c.6A, § 183 / 434.

(2) Availability of weekly laundering or exchange of all linens.

974.11: Water Supply (Required)

—Each county correctional facility shall provide documentation of certification that the water supply meets all applicable laws and/or regulations of the governing jurisdiction.

974.12: Tobacco Use Prohibited

—Pursuant to M.G.L. c. 270, § 22, smoking is prohibited in the state house or in a public building or in a vehicle or vessel, owned, leased, or otherwise operated by the Commonwealth of Massachusetts or in a political subdivision thereof, or in a space occupied by a state agency or department of the Commonwealth which is located in another building, including a private office in a building or space mentioned in this sentence.

REGULATORY AUTHORITY

103 CMR 974.00: M.G.L. c. 124, § (1), (c), (d) , (q) and (r); c. 127, §§ 1A and 1B.

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(103 CMR 975.00 THROUGH 978.00: RESERVED)

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103 CMR 979.00: COUNTY CORRECTIONAL FACILITIES -- VOLUNTEERS AND CITIZEN INVOLVEMENT

Section

979.01: General

979.02: Authority and Responsibilities

979.03: Screening, Selection, and Orientation

979.01: General

—In order to foster reintegration of offenders into the community, and augment existing programs, the facility shall establish written policy~~y~~ies and procedure~~s~~s for volunteer programs. 103 CMR 979.00 shall not be applicable to jail facilities.

979.02: Authority and Responsibilities

The volunteer plan shall include written policy~~y~~ies and procedure~~s~~s governing the following:

- (1) The lines of authority, responsibility, and accountability for the program;
- (2) Goals and objectives of the program;
- (3) Types of services generally offered. Volunteers may perform professional services only when certified or licensed to do so. Documentation of credentials shall be provided;
- (4) Assignment of a staff member to coordinate volunteer activities;
- (5) Approval of all volunteers or volunteer organizations prior to entry into the county correctional facility by the Sheriff/~~F~~facility ~~a~~AAdministrator or designee; and,
- (6) Procedures to curtail, postpone, or discontinue the services of a volunteer or volunteer organization.

979.03: Screening, Selection and Orientation

The written volunteer plan shall include written policy~~y~~ies and procedure~~s~~s specifying:

- (1) Methods for application, screening and selection of volunteers;
- (2) Recruitment of volunteers from all cultural and socioeconomic segments of the community;
- (3) Provisions for an orientation/training program in English and Spanish prior to any assignments, to include:
 - (a) Lines of authority within the facility, its history, policies, emergency procedures and any other relevant regulations;
 - (b) The role for volunteer programs and the specific duties of each volunteer; ~~and,~~
 - (c) The type of inmate population, their needs, attitudes and lifestyles;
 - (d) PREA; and
 - (e) Suicide prevention.
- (4) Provisions for volunteers to agree in writing to abide by all county correctional facility policies and regulations, particularly those relating to security and confidentiality; and,
- (5) Provisions for identification of volunteers while they are in the county correctional facility.

REGULATORY AUTHORITY

103 CMR 979.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

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