

103 CMR: DEPARTMENT OF CORRECTION

103 CMR 902.00: COUNTY CORRECTIONAL FACILITIES--DEFINITIONS

Section

902.01: Definitions

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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.

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.

Audit Report. The second of two 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.

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

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

Authority Having Jurisdiction (AHJ). An agency 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 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 an individual cell, which may be in the inmate's designated housing unit or in a special management unit, until an investigation is completed or hearing is held relative to a disciplinary, administrative, or classification matter, including 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. 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 by chemical reaction (*e.g.*: lye, caustic soda, sulfuric acid).

Certification/Certified. A process by which an individual has 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 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.

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Combustible Material. A substance with a flash point at or above 100°F 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 correction.

Community Release. An inmate's release into the community in order to participate in work release, 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 979.000.

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.

Correspondence. Any form of written communication mailed 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, 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 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/facility 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.

Disabled Person. Any individual with a disability or who has a physical or mental impairment which substantially limits one 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; or is able to perform the essential functions of the job with or without reasonable accommodations.

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Disciplinary Detention. The separation from the general population of an inmate found guilty of committing a rule violation by a disciplinary officer/committee, are confined for short periods of time, not to exceed ten days per infraction or 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.)

Draft Audit Report. The first of two 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 facility.

Eligible Inmate. Inmates that meet established criteria (length of stay, time prior to release, determination of need and suitability) required to participate in a specific program (*e.g.*: Education, Furlough, Work 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 efforts shall be conducted by staff members who have care and custody responsibilities 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.

Facility Administrator. Any official, regardless of title (*e.g.*: Sheriff, superintendent, deputy superintendent, director) who has the ultimate responsibility for the day-to-day operations of the facility.

Fire Alarm/Automatic Detection System. A system primarily intended to provide the 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), a Class I liquid as defined by NFPA (*e.g.*: gasoline, lacquer, contact cement, ethyl alcohol).

Foot Candle. A unit of measuring the intensity of illumination. The amount of light thrown on a surface one foot away from the light source.

Grievance. A written complaint by an inmate concerning 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 grievance).

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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, preventive, diagnostic and therapeutic, 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 (*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 accounts to which he has 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 60 days immediately preceding said request had the inmate's accounts contained more than the \$10 plus the cost or fees sought to be waived. However, the Sheriff/facility 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 patient to a treatment, examination, or procedure after the patient receives the material facts regarding the nature, consequences, risks and alternatives concerning the proposed treatment, examination and procedures.

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

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.

Massachusetts Sheriffs' Association. Organization of 14 Sheriffs for the counties of the Commonwealth.

Multiple Occupancy Rooms. A room in a county correctional facility that houses no fewer than two and no more than 64 inmates who have been screened for suitability to 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 source within 20 feet of the room or cell.

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

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National Fire Protection Association (NFPA). A nonprofit organization whose 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 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 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 by the staff person responsible.

Policy. A policy is a course of action adopted and pursued by the 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, 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 Employee. A facility staff member who has received training in and is familiar with the specific regulatory requirements of a jurisdiction or 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 specific requirements.

Qualified Food Service Personnel. A 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 qualifications to practice.

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Reaction Plan. Written plans that specify the procedures to be followed in any type of disorder situation to include designating who should implement what, 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.

Room Confinement. A disciplinary sanction imposed as a result of an informal process. Such room confinement may last up to, but not exceed, one 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 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 inmate for the period of the sanction, although the provisions of 103 CMR 926.04 shall apply.

Safety Equipment. Equipment, this includes emergency fire equipment, *i.e.*, 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 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 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 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 as to minimize any possibility that more than one may be blocked off by any one fire or other emergency condition.

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.

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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).

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 dimension of the unencumbered space is no less than seven 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 18 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, 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 shall be executed to obtain 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.*: 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