

103 CMR: DEPARTMENT OF CORRECTION

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

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924.01: Physical Security Measures

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

- (1) A control center to be manned 24 hours per day and 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 surveillance and metal detector or other similar equipment, to prevent the introduction of weapons 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 security equipment needs assessment to include, but not be limited to, firearms, ammunition, disorder control and restraint equipment, chemical agents, and communications equipment.

924.02: Security and Control Management

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Written policy and procedure 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 include:
  - (a) that no staff member enters a high security cell block without the availability of immediate assistance from another staff member;
  - (b) that trained personnel provide around-the-clock supervision of all inmates;
  - (c) that personal contact and interaction is facilitated between staff and inmates;
  - (d) that all high security and special management inmates are observed by appropriate security staff at least every 30 minutes, but on an irregular schedule;

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- (e) that more frequent observation is required for those inmates who are violent, mentally disordered, or who demonstrate unusual or bizarre behavior; and,
- (f) 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/facility administrator; 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 policy and procedure shall require that all personnel read, sign and date the appropriate post orders at timeframes stipulated by the Sheriff/facility administrator, 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 policy and procedures addressing, at a minimum, the following types of disorder situations:

- (a) inmate disorders, including:
  - 1. escapes;
  - 2. work stoppage;
  - 3. hunger strikes;
  - 4. property destruction; and
  - 5. riot.
- (b) disorders between two or more inmate factions;
- (c) intrusion of outside individuals or groups intent on disruption of normal operation or facility security;
- (d) bomb threats;
- (e) hostage incidents;
- (f) staff job action;
- (g) environmental 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) fires; and,
- (i) space requirements for overcrowding situation, especially 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

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Written policy and procedure 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

Written policy 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 policy and procedures on the following:

(1) Visual inspection of the facility 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. 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 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) entrance or exit into secure area,
- (b) transportation to and from court/medical trips/visits,
- (c) alleged disciplinary infraction,
- (d) inmate believed to be in possession of contraband,
- (e) after escape or attempted escape,
- (f) placement into isolation or segregation,
- (g) prior to and following visits, and,
- (h) return from temporary release (furlough, work release, *etc.*).

(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: The body cavity search shall be done by 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);

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

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

924.07: Firearms, Ammunition, and Chemical Agents (Required)

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Written policy and procedure 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, and chemical agents authorized for use by the Sheriff/facility administrator or designee. Only those items authorized for use may be issued/carried and only with prior authorization by the Sheriff/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

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- (b) Firearms may be used only with the prior authorization of the Sheriff/facility administrator or designee unless an emergency exists requiring the immediate use of a firearm to prevent death or serious bodily injury.
- (3) Firearms, ammunition 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/facility administrator and who have been properly trained and/or requalified during the past 12 months are issued firearms and ammunition;
- (6) Chemical agents shall be issued only to employees authorized by the Sheriff/facility administrator and who have received documented training within the past 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 follow proper procedure for security of weapons;
- (8) Employees on duty at the facility 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/facility 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 resides.
- (9) Logs are maintained on routine and emergency distribution of all firearms, ammunition, 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 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 policy and procedure 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/facility administrator or designee;
- (2) At least quarterly inventory and inspection of all such devices for damaged, 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;

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- (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 be completed in accordance with Sheriff's Department policy.

924.09: Use of Force (Required)

- (1) Written policy and procedure shall govern the use of reasonable force in the following instances:
  - (a) to prevent the commission of a felony, including an escape;
  - (b) to prevent an act which could result in death or serious bodily injury;
  - (c) to defend against physical assaults;
  - (d) to prevent serious damage to property;
  - (e) to prevent or quell a riot or take over of all or part of the facility by an inmate(s);
  - (f) to move an inmate who has refused a proper order by an employee;
  - (g) to apprehend an escaped inmate;
  - (h) to effect the search of an inmate who has refused a proper order by an employee to submit to said search; and,
  - (i) 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, disorder control equipment, restraint equipment (when used other than as a normal precautions during inmate movement or transportation), and K-9 (when used against persons) shall constitute a use of force and shall be governed in accordance with:
  - (a) firearms - 103 CMR 924.07;
  - (b) chemical agents - 103 CMR 924.07;
  - (c) disorder control equipment - 103 CMR 924.08;
  - (d) restraint equipment 103 CMR 924.12; and
  - (e) canine - 103 CMR 924.10.
  
- (4) Written policy and procedure 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/facility administrator;
  - (b) the submission of a report by the employee prior to the end of the tour of duty unless prevented by extraordinary circumstances such as injury, to include:
    1. an accounting of events leading up to the use of force;
    2. precise description of incident and reason for employing force;
    3. description of type of force used;
    4. description of observed injuries and treatment given;
    5. a list of participants and witnesses;
  - (c) a reporting to the parent agency of the incident; and,
  - (d) whenever death occurs in a use-of-force incident, the Sheriff/facility administrator, parent agency, and if appropriate, the District Attorney, shall be immediately notified.

924.10: Use of Canines

The county correctional facility, if applicable, shall provide written policy and procedure governing the use of canines, which shall include, but not be limited to, the following:

- (1) Ensuring the certification of dogs and handlers;
  
- (2) Ensuring that use within the facility only under direct control of handlers and with prior

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authorization of the Sheriff/facility administrator or designee;

(3) Ensuring that any individual injured by a canine shall be seen by medical personnel as soon as possible;

(4) Requiring that a full written report for the use of a canine by the handler to the Sheriff/facility administrator in accordance with Sheriff's Department policy; and

(5) The maintenance and care of canines owned by the facility shall be in accordance with applicable rules of law and regulations; and

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- (6) Prohibiting the use of canines in cell extractions.

924.11: Medical Attention (Required)

Written policy and procedure 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;
  - (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) restraint equipment shall not be applied for longer than necessary;
  - (d) restraint equipment shall never be applied as punishment; and,
  - (e) only equipment authorized by the Sheriff/facility administrator shall be used.
- (2) The use of four/five point restraint equipment or a restraint chair to include:
  - (a) prior approval from the facility administrator or designee;
  - (b) medical and/or mental health assessment by the health authority or designee:
    1. 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, staff or others, approval and assessment may occur subsequent to the inmate being placed in restraints;
    2. staff shall directly and continuously observe inmates who are restrained prior to a medical assessment; and
    3. subsequent visual observation shall be made at least every 15 minutes.
  - (c) 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 policy and procedure 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;

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- (3) Procedure governing the controlled use of all tools and culinary equipment;
- (4) Return of items to appropriate locations upon completion of use, but definitely prior to end of a tour of duty; and
- (5) Immediate reporting of any lost tools, culinary or medical equipment to the appropriate supervisor, and reporting of damaged tools, culinary or medical equipment to the appropriate supervisor prior to the end of a tour of duty.

924.14: Control of Keys

Written policy and procedure shall govern the control and use of keys and shall include, but not be limited to requirements that:

- (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 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 24 hour basis shall be approved in writing by the Sheriff/facility administrator or designee.

924.15: Inmate Transportation

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

- (1) Plan of transportation;
- (2) The use and security of county correctional facility vehicles;
- (3) That all vehicles shall 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 prohibited, except when authorized by the Sheriff/facility administrator or designee and when provision for insurance coverage has been outlined.

924.16: Reporting and Inspections

Written policy and procedure 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: post assignments, routine and emergency situations,

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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

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(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 103 CMR 924.17(2) 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. 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

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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. This 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.