

103 CMR: DEPARTMENT OF CORRECTION

103 CMR 926.00: COUNTY CORRECTIONAL FACILITIES -- SPECIAL MANAGEMENT INMATES

Section

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926.01: Requirements

(1) Written policy and procedure shall provide for the special management of inmates classified as administrative segregation, protective custody, or disciplinary detention status. Inmates requiring such 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 is housed each special management inmate is entitled to receive the privileges and reviews discussed in 103 CMR 926.01 through 926.04.

(2) Written policy and procedure shall govern the supervision of inmates within special management units, and shall provide requirements for the following:

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

103 CMR 926.01 is not applicable to community release facilities.

926.02: Management and Inspection of Special Management Units

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

(2) Written policy and procedure shall require that special management inmates receive, at a minimum, the following staff visits:

- (a) daily from the chief custody officer or shift supervisor;
- (b) when requested from the program staff; and
- (c) daily from qualified health care personnel unless medical attention is needed more frequently.

(3) Written policy and procedure shall ensure that the presence of a health care provider in segregation is announced and recorded.

(4) Written policy and procedure shall require that staff members in the Special Management Units maintain a permanent written log and shall record, at a minimum, the following information:

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

(5) Written policy and procedure shall govern the removal of an item or activity from an inmate in the unit. Such policy or procedure shall require that:

- (a) no item or activity be withheld longer than is necessary to ensure the inmate's safety and the well-being of the staff and other inmates;
- (b) an 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) if 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 will induce self injury.

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(6) Written policy and procedure shall require that whenever an inmate in the special management unit is not allowed privilege(s) other than what is usually authorized, the supervising staff shall complete a report of the action and forward it to the facility administrator or designee. The written report shall include, but not be limited to, the following:

- (a) inmate's name and number;
- (b) the privilege(s) not allowed;
- (c) date and time of incident or removal; and,
- (d) the reasons for the action.

926.03: Placement and Review of Inmates in Segregation

When necessary to protect an inmate or others, the Sheriff/facility administrator, or designee, may place an inmate in a special management unit.

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

(2) Written policy and procedure 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).

(3) Written policy and procedure shall provide that 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.

(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.

(5) If special management status for administrative segregation or protective custody continues beyond 30 days, written policy and procedure shall provide that an inmate be seen by a qualified mental health care person for assessment, with a written report of the findings forwarded to the Facility Administrator. If such status continues, a psychological assessment shall be provided every three months thereafter.

(6) Written policy and procedure shall specify the review process utilized by the appropriate committee to release an inmate from administrative segregation or protective custody status.

926.04: Programs and Services for Inmates in Segregation

(1) Written policy and procedure shall require that inmates in Special Management Units are provided, at a minimum, the following:

- (a) opportunity to shave and shower at least three times per week;
- (b) barbering and hair care services on the same basis as general population inmates;
- (c) issue and exchange of clothing, bedding, linens and towels at least weekly or the laundering of the same at least weekly;
- (d) prescribed 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.

(2) Written policy and procedure shall require that inmates in special management status 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 himself 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 administrator or designee and responsible health authority. The substitution shall not exceed seven days.

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(3) Written policy and procedure shall provide that inmates in segregation receive the following communication opportunities:

- (a) the same provisions for the writing and receipt of letters available to the general inmate population;
- (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 administrator or designee; and,
- (c) administrative segregation and protective custody inmates 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 administrator 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 policy and procedure shall provide that all inmates within special management units shall have reasonable access to legal material and reading material.

(5) Written policy and procedure shall provide that all inmates within special management units receive a minimum of one hour a day, five days a week, of exercise outside their cells, unless security or safety considerations dictate otherwise. When weather permits, this shall include outdoor exercise.

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

- (a) education programs;
- (b) commissary or canteen services;
- (c) library services;
- (d) social services or caseworker;
- (e) counseling;
- (f) religious guidance; and,
- (g) recreational programs.

REGULATORY AUTHORITY

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

NON-TEXT PAGE