

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 policy and procedure ensuring that inmates shall have access to the courts and to address communications to governmental authorities. Inmates seeking judicial or administrative redress shall not be subjected to reprisals or penalties as a consequence.
- (2) Written policy and procedure shall ensure and facilitate that inmates have access to attorneys and their authorized representatives.
- (3) Written policy and procedure shall provide the following:
 - (a) that program access, work assignments and administrative decisions are made without regard to inmates' race, national origin, religion, creed, sex, sexual orientation, or handicap; and
 - (b) equal opportunity to access various programs and work assignments, and involvement in decisions concerning classification status.
- (4) Written policy and procedure 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 policy, procedure and practice provide that foreign nationals have access to the diplomatic representative of their county of citizenship.

934.02: Grievance Procedures (Required)

Written policy and procedure which shall provide for the establishment of an inmate grievance procedure, which will provide all inmates access to an administrative remedy for redress of legitimate complaints. 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 where 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 15 working days of receipt. However, grievances of an emergency nature, *e.g.*, those that may subject the inmate to a substantial risk of personal injury or other damages, shall be prioritized as necessary.

934.02: continued

(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/facility 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 30 working days of receipt.

(8) Procedures ensuring that the appellate authority provide 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/facility administrator may waive the time limits under extenuating circumstances not to exceed an additional 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 and 38E.