

**Commonwealth of Massachusetts  
Department of Correction  
Standard Operating Procedure to  
103 CMR 420, *Classification***

**Procedures for Audio Recording of Hearings for Lifers Who Committed Their Crime  
Before the Age of Twenty One (21)**

**I. Purpose**

This Standard Operating Procedure (SOP) establishes guidelines and procedures for the audio recording of Reclassification Hearings for Lifers Who Committed Their Crime Before the Age of Twenty One (21), where those Hearings are considering minimum custody, consistent with 103 CMR 420, *Classification*.

**II. Procedure**

- A. For purposes of this SOP, a “Lifer Who Committed Their Crime Before the Age of Twenty One (21), herein referred to as “Lifer,”” is an individual who has been sentenced to life for a crime committed before their twenty first (21<sup>st</sup>) birthday.
- B. Any Reclassification Hearing to consider minimum custody on a Lifer shall be recorded at the institution, at the time of the hearing.
- C. The Director of Classification, designated as Chairperson for the hearing, shall ensure that the hearing is recorded.
- D. The recording will commence upon arrival of the Lifer. The Lifer shall be informed of the purpose of the hearing and that it will be recorded. The Chairperson shall ask the Lifer to acknowledge that they understand this by providing verbal affirmation sufficient for recording.
- E. The hearing shall be conducted in accordance with 103 CMR 420, *Classification*.
- F. The recording will be stopped at the time the Lifer is directed to leave the room, pursuant to 103 CMR 420.07 (3)(f), and during staff deliberation. The recording shall resume when the Lifer re-enters the hearing.
- G. Two (2) copies of the hearing recording shall be made by the Director of Classification. The Director of Classification shall provide the first copy of the hearing recording to the institution’s Deputy Superintendent of Reentry. The second copy of the hearing recording is for the Lifer’s use and shall be provided to the Property Department for storage in the Lifer’s property, or inmate law library, in accordance with institution procedures. It is the responsibility of the Lifer to request and coordinate a time to listen to the recording with the Institution Librarian and/or Property Officer.

- H. Notwithstanding 103 CMR 420.07 (3)(h), the appeal timeframe for Lifers Who Committed Their Crime Before the Age of Twenty One (21) Reclassification Hearings considering minimum custody shall be fifteen (15) business days from the receipt of the written recommendation. This extended appeal period and the process of obtaining a copy of the hearing recording shall be explained by the Chairperson during the hearing. Should the Lifer wish to send their copy of the hearing recording to a third party, they shall do so at their own expense and shall make this request to the Director of Classification in writing. Should the Lifer send the recording to a third party, the Department no longer has possession, custody, or control over the copy of the hearing recording, and no further copies shall be made for the Lifer.

### **III. Refusals**

- A. In the event that the Lifer refuses to attend the hearing, and in accordance with 103 CMR 420.07 (3)(e), every reasonable effort shall be made to have the Lifer state their reason(s) for refusal to attend on the recording. If the Lifer declines to state the reason(s) for the refusal to attend on the recording, the hearing will be held in accordance with 103 CMR 420.07(3)(e) and recorded and the Lifer's refusal to attend will be stated on the recording.
- B. In the event that the Lifer indicates that they do not wish to have the hearing recorded, the Lifer shall make this known in writing by signing a waiver before the hearing begins and in the presence of a witness who shall also sign this waiver attesting to the Lifer's refusal.

### **IV. Quality Assurance and Storage**

- A. The Deputy Superintendent of Reentry is responsible for performing the quality assurance process in accordance with 103 CMR 420.07(3)(g), as the Institutional Director of Classification is a member of the classification board for Lifers Who Committed Their Crime Before the Age of Twenty One (21) Reclassification Hearings.
- B. Once the Deputy Superintendent of Reentry has completed the quality assurance review of the classification board recommendation, the Deputy Superintendent shall forward the first copy of the hearing recording via Inter Department Mail to the Classification Division for review and use by the Commissioner's Designee. Once the Commissioner's Designee has made the final placement decision in accordance with 103 CMR 420.07(3)(i), the first copy of the hearing recording and transcript shall be stored at the Classification Division. Audio recordings will be stored for three (3) years from the date of the hearing. The Director of Classification shall store the second copy of the hearing recording until the date of the Lifer's next Lifer Who Committed Their Crime Before the Age of Twenty One (21) Reclassification Hearing