

103 CMR 403.00: INMATE PROPERTY

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403.01: Purpose

The purpose of 103 CMR 403.00 is to establish Department of Correction (Department or DOC) regulations and procedures governing the receipt, transfer, storage, maintenance, release and disposal of the property of inmates confined in state correctional institutions. 103 CMR 403.00 is not intended to confer any procedural or substantive rights or any private cause of action not otherwise granted by state or federal law.

#### 403.02: Cancellation

103 CMR 403.00 cancels all previous Department or institution policy statements, bulletins, directives, orders, notices, rules, regulations, or standard operating procedures, regarding inmate property to the extent that they are inconsistent with 103 CMR 403.00.

#### 403.03: Applicability

103 CMR 403.00 is applicable to all inmates, whether sentenced or awaiting trial, probation/parole detainees, or civilly committed individuals housed in state correctional institutions except individuals committed to the Bridgewater State Hospital.

#### 403.04: Access to Regulation

103 CMR 403.00 shall be maintained within the Department Policy Manual, in each Superintendent's Central Policy File, and in each inmate library.

#### 403.05: Definitions

Contraband. Any item(s) not approved for inmate retention at an institution.

Ditty Bag. For the purposes of 103 CMR 403.00, a bag which contains Department of Correction approved items and sent along in the same vehicle as the inmate when he or she is being transported.

Inmate Management System (IMS). The Department of Correction's automated information system that provides processing, storage and retrieval of inmate-related information needed by Department personnel and other authorized users within the criminal justice system.

Inmate Property Permission Slip. The form used by inmates to request permission to obtain items of property not sold by the institution's canteen vendor but authorized for inmate retention at the inmate's respective institution and security level.

Inventory. The record maintained by the Department in IMS of any and all property belonging to each inmate.

Living Quarters. The room, cell, dormitory or other area of any institution where an inmate is housed.

Property. Items which include the following:

- (a) any and all items documented as belonging to, owned by, or otherwise approved for inmate retention in his or her living quarters;
- (b) items not authorized for inmate retention but temporarily stored by the

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- institution as contraband;
- (c) items approved for and held in long term storage;
- (d) legal property in storage which may be exchanged periodically;
- (e) items temporarily in the possession of a third party outside the institution/Department for repair; and/or
- (f) items held as evidence by the Department or other law enforcement agency.

Property Committee. A group of Department employees, designated by the Commissioner, who review recommendations for inmate property in accordance with 103 CMR 403.00 for approval by the Commissioner.

Property Officer. The staff person responsible for the inventory, recording, storage, control, inspection, purchase and/or sale of inmate property at his or her respective institution

Property Storage Area. A designated area of an institution where inmate property is stored.

Publication. Any book, booklet, pamphlet, magazine, periodical, newsletter, newspaper, or similar document, including stationery and greetings cards, including a copy or printout of same, published by any individual organization, company, or corporation, which is distributed or made available through any means or media for a commercial purpose. Publication includes any portion extracted, photocopied, or clipped from such items, provided, however, that an inmate may receive a maximum of five pages per day, except Sundays and postal holidays, of a portion extracted, photocopied, or clipped from such items as an attachment to personal correspondence as long as the material is not otherwise prohibited by 103 CMR 481.00: *Inmate Mail*.

Security Levels. A degree of security afforded by the architectural and staffing attributes of the correctional institution and housing units within that correctional institution. Security levels are related to custody levels, and the traditional security levels are maximum, medium, minimum, and pre-release/contracted residential placement, as defined in 103 DOC 101: *Correctional Institution/Security Levels*, available at each inmate library and at <http://www.mass.gov/eopss/law-enforce-and-cj/prisons/doc-policies/policy-list>.

State Issued Property. Property permitted pursuant to 103 DOC 750, *Hygiene Standards* and 103 DOC 755, *Clothing, Linen and Laundry*, both available at each inmate library and at <http://www.mass.gov/eopss/law-enforce-and-cj/prisons/doc-policies/policy-list>, which property is provided to the inmate by the institution.

Transient Inmate. Any inmate whose security classification has yet to be determined or who has not been assigned to a permanent housing location.

#### 403.06: Property Storage Area

Each institution shall maintain a secure inmate property storage area. Only the Superintendent or a designee and the property officer shall have access to this area unless additional personnel are specifically authorized by the Superintendent or a designee.

#### 403.07: Appointment and Duties of the Institution Property Officer

The Superintendent at each institution shall appoint a Property Officer who is responsible for the inventory, recording, storage, control, inspection, purchase and/or sale of all inmate property.

#### 403.08: Inmate Property Inventory and Documentation

(1) The Property Officer at each institution shall maintain a current, accurate, individual property inventory for each inmate housed or assigned to the institution, which shall be maintained in IMS.

(2) The Superintendent or designee shall ensure that the institution conducts a property inventory for each inmate housed or assigned to the institution on an annual basis. The officer conducting the inventory search shall provide the inmate with a copy of the IMS master list detailing the property that was accounted for during the inventory. The inmate shall then acknowledge that the inventory list on IMS accurately reflects his or her property. Refusals to acknowledge shall be documented by the Property Officer.

(3) The use of, format, required content, and/or specific procedures regarding all forms, reports, *etc.*, either paper or electronic, or changes thereto, shall be initially forwarded to the Property Committee for review, then to the Commissioner for approval.

#### 403.09: Approved Property for Inmates Being Transported

Inmates transferring from one institution to another, or to the Department Disciplinary Unit (DDU), shall transfer with a limited amount of property on their person and included within a ditty bag. The property allowed for inclusion in the ditty bag shall be in accordance with the Inmate Property Standard Operating Procedures, which is available at each inmate library and at <http://www.mass.gov/eopss/law-enforce-and-cj/prisons/doc-policies/policy-list>.

#### 403.10: Approved Inmate Property

(1) Inmates shall be allowed to retain a limited amount of property at each Department institution. A master list of items approved for retention by general population inmates in accordance with their security level shall be posted and available in each inmate library. Items contained in this list do not denote required

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issue. The list is for property limitation purposes only. Please refer to 103 DOC 755: *Clothing, Linen and Laundry*, for minimum institutional clothing issue. Unless an inmate is transient, his or her security level is the same as the institution in which the inmate is housed.

(2) Notwithstanding the master list in 103 CMR 403.10(1), the following items are allowed as follows:

(a) Appliances/Accessories. Inmates may obtain televisions, radios, typewriters, fans, non-boiling hot pots, headphones and walkman-style radios *via* institutional canteen purchases in accordance with the designated security level. The utilization of these items may be restricted in certain living quarters by the Superintendent. Fans may also be restricted and/or prohibited by the Superintendent in climate controlled environments. Any fans used by inmates must be a table model only with a plastic stand, and only with a blade size of 12", which blades must be plastic and enclosed in a plastic frame. All other electrical appliances/accessories shall be constructed of clear plastic, to allow for visual inspection of the internal components.

(b) Books/Magazines/Newspapers. All publications must come directly from the publisher, a book club, a bookstore, or from the Prison Book Program. Inmates may possess a maximum of ten books/magazines/newspapers.

(c) Legal Documents. An inmate may possess a maximum of one cubic foot of legal documents containing legal material in his or her assigned living quarters. If a written request is approved by the Superintendent, authorization to store legal material exceeding the one cubic foot limit may be obtained. Any authorized excess documents shall be stored in a pre-determined storage area accessible to the inmate, not in the inmate living quarters. Inmates shall not possess audio-visual media in their cells, such as compact discs or videotapes. Each Superintendent shall develop procedures to ensure that this material is accessible for inmate use.

(d) Personal Letters/Photographs/News Clippings. An inmate may possess one cubic foot of personal letters, photos, and clippings;

(e) Religious Articles. Inmates may retain certain authorized religious articles. A list of approved religious articles shall be posted quarterly in the inmate libraries. If an inmate seeks to retain religious articles which are not on the approved list or authorized for retention pursuant to 103 CMR 403.00, he or she must submit an Inmate Religious Services Request Form to the Institution Director of Treatment, for processing, pursuant to 103 CMR 471.00: *Religious Programs and Services*.

(3) Any transient inmate housed in a Department of Correction institution for 30 consecutive days or longer, who remains disciplinary report free, may be allowed to purchase a walkman-style radio at the discretion of the Superintendent of the institution.

(4) Inmates housed in the DDU may possess items of personal property as deemed

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appropriate by the institutional Superintendent.

(5) Inmates housed in an institutional Special Management Unit (SMU) may possess items of personal property pursuant to 103 CMR 423.09: *Special Management and Awaiting Action*.

403.11: Additional Property Authorized for Retention by Inmates

Additional property items may be approved at any level *via* written approval of the Property Committee and the Commissioner. The authorized property shall be consistent with the security needs of the institution and the available storage space in inmate living quarters.

403.12: Responsibility for Property Retained by Inmates

Inmates are responsible for the safekeeping of all property which they are permitted to retain in their living quarters. In addition, inmates shall:

(1) Maintain all receipts and property inventories provided by the property officer to document proof of ownership upon request of a staff member. If an inmate fails to show proof of ownership, said property shall be considered contraband unless ownership can otherwise be established.

(2) Ensure that no personal or state property is altered in any manner.

(3) Ensure that they do not dispose of any property without the approval of the Property Officer.

(4) Ensure that their clothing is not worn too large or too small, and does not contain hoods, turtlenecks, excessive holes or tears, built-in athletic supporters, quilted or removable liners, leather or suede garments, appliqués, pictures, graphics, logos, insignia, writing or other ornaments, except for institutional/state logos, lettering, or graphics, as supplied and authorized by the institution or Department.

(5) Under no circumstances shall inmates accumulate property to the point where it becomes a fire, sanitation, security or housekeeping hazard. Where excessive property has been accumulated, certain items, even though previously authorized for retention, may be removed from the inmate's living quarters and forwarded to the Property Officer, who shall proceed with the disposal procedure as outlined in 103 CMR 403.15.

(6) Inmates shall be responsible for ensuring that at no time do they have in excess of ten books, magazines or newspapers in total. Whenever property items are not properly maintained by inmates, they may be deemed contraband and disposed of in accordance with 103 CMR 403.15.

### 403.13: Incoming Inmate Property

(1) All items of property entering an institution must be accompanied by a canteen order form or an approved inmate property permission slip. Any items that cannot be purchased via the inmate canteen may enter the institution, but only with the approval of the Superintendent or a designee. Exceptions to this process include books, magazines, and newspapers, as long as the quantity of such items does not exceed those requirements set forth in 103 CMR 403.10.

(2) Property which belongs to an incoming inmate shall be forwarded to the Property Officer for inventory. Items authorized for retention by the inmate shall be readied for delivery to the inmate after inventory. Upon delivery of the approved property to the inmate, the Property Officer shall provide a receipt to the inmate. Property not authorized for retention and deemed contraband shall be temporarily stored in the property storage area until its disposal in accordance with 103 CMR 403.15. Items which could be evidence in disciplinary or criminal proceedings, and are located in an inmate's personal property, shall be confiscated in accordance with the established evidence guidelines and delivered to the Superintendent or designee for safekeeping or delivery to the appropriate law enforcement agency.

(3) If any property ordered by an inmate exceeds the quantity limits allowed by 103 CMR 403.00, said inmate must exchange old property for new property.

(4) Any item which is available for purchase at the institutional inmate canteen or through approved vendors shall not otherwise be authorized to enter *via* an inmate property permission slip.

(a) Inmates who are housed in a pre-release security level may request to purchase authorized items on an approved Program Related Activity (PRA) via the inmate property permission slip. All incoming property items are to be accompanied by the approved permission slip and a purchase receipt. The Property Officer shall inspect and inventory all items so purchased immediately upon the inmate's return to the institution.

(b) Permission slips are to be issued to inmates upon the inmate's request to the Property Officer or designee. The inmate shall be responsible for completing and returning the permission slip to the Property Officer for approval. Upon approval, the inmate shall forward the approved form to the appropriate party. Delivery of property designated by approved permission slips shall be accepted *via* mail delivery only, except as designated in 103 CMR 403.13(4)(a). Incoming parcels must include the approved property slip and contain only the items noted on the slip. If the contents of the parcel do not meet the property slip criteria or contain contraband, the entire package shall be returned to the sender by the Property Officer, who shall notify the inmate in writing of this refusal, stating the reason.

(c) Inmate Property Permission Slips shall be made available to eligible inmates

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no less than on a quarterly basis.

(d) Nothing in 103 CMR 403.13 shall limit the Superintendent of an institution from developing internal procedures and time limits regarding the issuance of Inmate Property Permission Slips.

(5) Canteen clothing orders, appliance orders, or permission slips shall not be approved for inmates who have documented contraband in temporary storage at any institution, unless the Superintendent or a designee authorizes a written exception.

403.14: Inmate Identity Documents

(1) The following documents, if available, shall be held in storage for all offenders:

- (a) Social Security Card;
- (b) Immigration documents, including, but not limited to:
  - 1. Resident Alien Card (green card);
  - 2. Certificate of Naturalization;
  - 3. Certificate of Citizenship.
- (c) State issued ID;
- (d) Driver's License or RMV Photo ID;
- (e) Passport;
- (f) Military ID/Veterans DD214;
- (g) Birth Certificate;
- (h) Marriage Certificate;
- (i) Health Insurance Card;
- (j) Release Portfolio;
- (k) HS/GED/Hi-Set Certificate;
- (l) Trade Licenses;
- (m) Educational Transcripts.

All other identity documents shall be deemed contraband and disposed of in accordance with 103 CMR 403.15.

(2) The inmate identity documents and inmate release portfolio shall be placed in a sealed envelope, *via* Records staff, with the following information documented on the outside of the envelope:

- (a) Date;
- (b) Inmate's name;
- (c) Commitment number;
- (d) An inventory of the items contained within.

(3) The Records staff who receives the documents shall sign his or her name across the seal of the envelope.

(4) The following statement shall be printed and highlighted across the front of the envelope containing the inmate identity documents:



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DO NOT REMOVE FROM THE RECORDS DEPARTMENT UNLESS THE INMATE IS BEING TRANSFERRED OR RELEASED. DOCUMENTS ARE TO BE PLACED INTO INMATE'S RELEASE PORTFOLIO.

(5) Inmate identity documents and the inmate release portfolio shall be stored in the institutional Records Department.

(6) Routine access to inmate identity documents and release portfolio shall be limited to the institutional Records Manager and staff involved in the reentry process. The Superintendent of each correctional institution shall identify all other staff authorized to access inmate identity documents and release and employment portfolios. Such staff shall include, but not be limited to:

- (a) Records staff;
- (b) Community release coordinators;
- (c) Correctional Program Officers directly involved with the transfer or release of inmates;
- (d) Director of Treatment/Reentry Liaisons;
- (e) Designated program staff member.

Any other individual requiring access to an inmate's identity documents or release portfolio may do so only upon the authorization of the Superintendent or a designee.

(7) Identity documents obtained during the course of an inmate's incarceration shall be secured following the same procedure for identity documents obtained during the booking and admission process.

(8) Any inmate identity documents or inmate release portfolio shall be returned to the inmate upon his or her release from custody, in accordance with 103 DOC 404, *Inmate Release Policy*. The inmate identity documents and release portfolio shall be designated on the property screen as released to the inmate at the time of the release by the releasing institution's Property Department.

(9) In the event an inmate is released from custody without receiving his or her identity documents and inmate release portfolio (*e.g.*, direct release from court), the Records Department shall forward the stored document to the Property Department. The inmate shall contact the releasing institution's Property Department to make arrangements for pickup of the identity documents in accordance with 103 CMR 403.18: *Transfer or Release of Inmate Property*. If, after three years, the inmate has not contacted the Department about his or her identity documents, the identity documents shall be disposed of pursuant to 103 CMR 403.15(1)(b)3.

(10) The institutional Records Manager or designee shall conduct periodic auditing of release portfolios and inmate identity documents. The audit shall include a physical inspection of the storage location, release portfolios and identity documents, as well as a review of the area's access log, and IMS Inmate Property and Reentry screens.

#### 403.15: Disposal of Inmate Property

(1) Unless otherwise noted, the process for the disposal of inmate property is as follows:

(a) Within one week of property being deemed contraband, the Property Officer at the institution temporarily storing the contraband shall initially notify the inmate of the item being stored by providing him or her with the IMS Contraband Notification and Disposal form.

(b) With the exception of money orders, certified checks, bank checks, postage stamps, and cash, which are to be disposed of in accordance with 103 CMR 403.16(2), (3) and/or (4), the inmate may elect to dispose of the items by one of the following methods:

1. have the property retrieved by a visitor;
2. have the property mailed out to a specified destination at the inmate's expense;
3. have the property disposed of as seen fit by the institution.

(c) Once the inmate has selected the method of disposal and responds to the Property Officer in writing, arrangements for disposal shall be made. The property shall be properly marked and recorded in IMS noting the date, method of disposal, and address to which the property was sent, if appropriate.

(d) If the inmate does not respond within 30 days of the initial contraband notification, a final 30 day notification for response shall be printed from IMS and sent to the inmate.

(e) If there is no response after the final notification period elapses, then the institution may dispose of the property in accordance with 103 CMR 403.15(1)(b)3.

(2) Except for money orders, certified checks, bank checks, postage stamps, and cash, any property which, after a disciplinary hearing, has been found, by a preponderance of the evidence, and upon specific written findings, to have been illicitly obtained by the inmate, shall be retained for referral to the appropriate law enforcement agency, returned to its rightful owner if known, or disposed of pursuant to 103 CMR 403.15(1)(b)3.

#### 403.16: Seized Inmate Property

Any item of property removed by an officer from an inmate's living quarters shall be held as follows:

(1) Property which could be evidence in disciplinary or criminal proceedings shall, by the end of the seizing officer's tour of duty, be delivered to the Superintendent or his or her designee for safekeeping or be delivered to the appropriate law enforcement agency.

(2) Money orders, certified checks, and bank checks, seized as contraband, which could be evidence in disciplinary or criminal proceedings, shall be confiscated and

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delivered to the appropriate law enforcement agency, or delivered to the Superintendent or his or her designee for safekeeping for a period (not to exceed three years for investigative purposes). If, after a disciplinary hearing, it has been found by a preponderance of the evidence, and upon specific written findings, that the money order(s), certified check(s), or bank check(s), were illicitly obtained by the inmate, the money order(s), certified check(s), or bank check(s), shall be retained for referral to the appropriate law enforcement agency, returned to the sender if known, or disposed of pursuant to 103 CMR 403.15(1)(b)3. Under no circumstances should money orders, certified checks, or bank checks, be destroyed.

(3) All postage stamps seized in conjunction with, but not limited to, disciplinary offenses 103 CMR 430.24: *Code of Offenses* (3-8), (3-14), (3-18), (4-1), and (4-3), shall be deemed contraband and the stamps shall be immediately used for indigent inmate mail purposes upon resolution of any disciplinary proceeding where guilt is established. Under no circumstances should usable, unaltered postage stamps be destroyed.

(4) Except for money that is determined to belong to the inmate, but is in excess of what is allowed, the disposal of which is governed by 103 CMR 405.14: *Disposal of Money Seized as Contraband*, any money found in an inmate's possession shall be confiscated as contraband and shall be retained for referral to the appropriate law enforcement agency, returned to its rightful owner if known, placed in the inmate benefit fund, or otherwise disposed of pursuant to 103 CMR 403.15(1)(b)3. Under no circumstances should cash or coins be destroyed.

(5) All other property which has been removed shall be forwarded to the Property Officer, who shall inventory and store such property until such time as it is disposed of in accordance with 103 CMR 403.15.

(6) Whenever an inmate is discharged or paroled, all items of the inmate's property which have been stored by the institution shall be returned, except for those items properly seized pursuant to 103 CMR 403.15(2) and 403.16. Any such seized property items shall be returned to the inmate upon resolution of any disciplinary and/or criminal proceedings, except where items are contraband or in violation of the rules and regulations of the institution or the Department, pursuant to 103 CMR 403.15(2) and 403.16. The Property Officer shall check each item of property including property retained in the living quarters, against the inventory, noting on the inventory the date the property is released to the inmate.

(7) Whenever an inmate is transferred from one Department institution to another, the sending institution shall ensure that the property transferring with the inmate is not considered contraband for the receiving institution's security level. If property items are considered contraband for the receiving institution, then the sending institution's Property Department shall be responsible for following the procedures set forth in 103 CMR 403.15.

#### 403.17: Long Term Storage of Inmate Property

(1) Where an inmate makes a request in writing and satisfactorily provides a compelling need for long term storage of property items of value, the Superintendent or designee may approve the request. Once a Superintendent or designee approves the long term storage request, he or she shall notify the inmate and the appropriate property department in writing. The notification shall include a detailed list of the items approved for long term storage. For those items requested, but not approved for long term storage, the Superintendent or designee shall notify the inmate and the appropriate Property Department in writing that said property was not approved for long term storage. The Property Department shall then follow the procedures set forth in 103 CMR 403.15.

(2) For those inmates who have not been moved to higher security since April 12, 1991 and are requesting long term storage of contraband items possessed prior to April 12, 1991, the Department of Correction shall approve this request provided the inmate submits proof that every member of his or her immediate family who has visited within the previous 12 months cannot accommodate the storage of the contraband property. These inmates may be allowed to retain memory typewriters or word processors only if they are willing to have the institution send out their machines and have any memory disabled and disk drive sealed at inmate expense.

#### 403.18: Transfer or Release of Inmate Property

(1) Upon notification of transfer of an inmate, the sending institution Property Officer or designee shall prepare a ditty bag for transfer. The contents of the ditty bag shall be recorded in IMS. The Property Officer shall also search and inventory all the inmate's remaining property and transfer all property authorized for retention at the receiving facility security level to the inmate as soon as practicable thereafter. Any and all property which is considered to be contraband at the inmate's receiving facility shall be disposed of by the sending facility in accordance with 103 CMR 403.15. The Property Officer shall release the inmate's inventory to the receiving facility *via* IMS.

(2) All food items in possession of an inmate shall not be transferred between institutions. All such food items shall be considered contraband and disposed of in accordance with 103 CMR 403.15.

(3) At the receiving facility, the inmate shall sign a receipt, generated from IMS, accepting the property returned and such receipt shall be kept with the inmate's property record. In the event that an inmate refuses to sign a receipt, such refusal shall be noted on the inventory by

the Property Officer or designee, but shall not be grounds for withholding the property.

(4) Whenever an inmate is absent from his or her living quarters for an extended period of time (*e.g.*, outside hospital, disciplinary detention), the officer in charge of the area in which the inmate is housed shall securely lock the inmate's living quarters or property in accordance with Standing Operating Procedures.

#### 403.19: Property of Escapees or Deceased Inmates

(1) Upon discovery of the escape or death of an inmate, the officer in charge of the area in which the inmate was housed shall secure the living quarters. All property within the inmate's living quarters shall be forwarded as soon as possible to the Property Officer, who shall list the items on the inmate's inventory in IMS and store them in the property storage area.

(2) Where an escapee is returned to the care and custody of the Department within one year from the date of escape, approved property shall be transferred as soon as practicable to the institution where the inmate is incarcerated. Property not authorized for retention at the institution shall be disposed of in accordance with 103 CMR 403.15. If the inmate is on escape for a period of more than one year, the Department may dispose of the inmate's property in accordance with 103 CMR 403.20.

#### 403.20: Disposal of Unclaimed Inmate Property

Property of deceased inmates shall be released to the proven administrator or executor of the deceased inmate and can be picked up by such person from the institution where the property is stored. Such person shall sign a receipt for the property received. Except for identity documents, as defined in 103 CMR 403.14, any property belonging to a deceased inmate which remains unclaimed after one year, or to an inmate on escape for more than one year, shall be disposed of in accordance with the following procedures:

(1) The Superintendent shall notify the listed next of kin of the former inmate, in writing, that said property shall be disposed of if not claimed within 30 days of the date of the letter.

(2) If no claim is received within the specified time period, a special board, composed of the Superintendent of the institution where the property is being stored, and a representative of the Department designated by the Commissioner, shall ascertain whether the unclaimed property has any sale value.

(3) If the property is determined to have sale value, the special board shall solicit offers for purchase from three reputable dealers in like property and shall sell the property to the highest bidder. The proceeds of any such sale shall be deposited into the inmate's account.

(4) If the property is determined not to have sale value, or if no offer is received in

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response to solicitation for bids as described, the special board may dispose of such property in such a manner as deemed appropriate.

(5) A complete record of disposal for unclaimed property shall be completed and signed by the members of the special board and filed with the former inmate's institutional records.

403.21: Liability for Loss, Damage or Destruction of Inmate Property

Nothing in 103 CMR 403.00 is intended to create any liability on the part of the Commonwealth, the Department, or any of its employees for loss, damage or destruction of property where such liability does not already exist under established law.

403.22: Property Transactions Involving Inmates

No inmate or employee may sell, barter, exchange, lend, borrow or in any other manner transfer any item or personal property to any inmate or employee of the Department except with the written approval of the Superintendent or designee. 103 CMR 403.22 shall not be construed to prohibit transfer or exchange of legal materials, provided that one inmate does not retain another inmate's legal materials in his or her cell.

403.23: Training

The Department shall provide all employees assigned to an institution's Property Department with training in the management of inmate property. This training shall include, but not be limited to, training on the application of 103 CMR 403.00, on IMS screens related to inmate property, and on the Standard Operating Procedures pertaining to 103 CMR 403.00.

403.24: Quarterly Meetings

The Deputy Commissioner of the Prison Division or his or her designee shall ensure that Property Officer meetings are held on a quarterly basis to ensure consistency and compliance with 103 CMR 403.00 and its standard operating procedure.

403.25: Quality Assurance

The Assistant Deputy Commissioners of the Prison Division shall ensure agency wide compliance with 103 CMR 403.00 by directing each Superintendent to conduct quality assurance audits of his or her facility at least on an annual basis.

#### 403.26: Time Limits

Unless otherwise required by law, time limits set forth in 103 CMR 403.00 are directory and may be modified by the Superintendent or the Commissioner under appropriate circumstances.

#### 403.27: Emergencies

Whenever, in the opinion of the Commissioner, Deputy Commissioner, or any Superintendent of a state correctional institution, an emergency exists which requires suspension of all or part of 103 CMR 403.00, he or she may order such suspension, provided that any such suspension ordered by the Superintendent lasting beyond 48 hours is authorized by the Commissioner.

#### 403.28: Staff Responsibilities

The Property Committee shall perform an annual review of 103 CMR 403.00 and review suggestions or recommended changes to the policy from Superintendents. Each Superintendent shall be responsible for implementing and monitoring compliance with 103 CMR 403.00 at his or her institution. The Assistant Deputy Commissioners of the Prison Division shall ensure compliance throughout the Department.

#### 403.29: Annual Review Date

103 CMR 403.00 shall be reviewed at least annually from the effective date by the Commissioner or designee. The party or parties conducting the review shall develop a memorandum to the Commissioner with a copy to the Central Policy File indicating revisions, additions, or deletions that shall be included for the Commissioner's approval and shall become effective pursuant to applicable law.

#### 403.30: Severability Clause

If any article, section, subsection, sentence, clause or phrase of 103 CMR 403.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner or otherwise inoperative, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase of 103 CMR 403.00.

### REGULATORY AUTHORITY

103 CMR 403.00: M.G.L. c. 124, §§ 1(b), (c) and (q); c. 127, §§ 3, 96A and 96B.