

103 CMR 478: LIBRARY SERVICES

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478.01: Purpose

The purpose of 103 CMR 478 is to establish Department policy regarding library services. The objective of 103 CMR 478 is to provide a guide for the planning, implementation and evaluation of library services in all state correctional institutions.

478.02: Statutory Authorization

103 CMR 478 is issued pursuant to M.G.L. c. 124, § 1(c),(q)., and is consistent with M.G.L. c. 78, § 19E.

478.03: Cancellation

103 CMR 478 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules or regulations regarding Library Services.

478.04: Applicability

103 CMR 478 is applicable to all employees and inmates at all correctional institutions within the Department of Correction.

478.05: Access to Regulation

103 CMR 478 shall be maintained within the Central Policy File of the Department and will be accessible to all Department employees. A copy of 103 CMR 478 shall also be maintained in each Superintendent's Central Policy File and in each inmate library.

478.06: Definitions

Access - use of general and law library services on a scheduled basis.

Assistant Deputy Commissioner of Reentry - the senior staff person whose duties include, but are not limited to, the management of classification, programs, education, reentry and reintegration.

Audio-visual Equipment - any equipment needed to facilitate the use of non-print library material, such as films, filmstrips, slides, recordings, videos, CDs, CD players, etc.

Board of Library Commissioners - the state agency responsible for the establishment and development of library media centers in state institutions.

Circulation - the activity of a library in lending books and other materials to borrowers and keeping records of the loans.

Collection - the total accumulation of all library materials provided by the library for its users, also called resources or holdings. It may consist of books, periodicals, pamphlets, records or tapes, filmstrips, slides, pictures, games, etc.

Commissioner - the Commissioner of Correction.

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.

Inter-library Loan - a cooperative arrangement among

libraries by which one library may borrow material from another.

Library Materials - the total bibliographic holdings or resources of the library consisting of books, periodicals, pamphlets, records, tapes, filmstrips, slides, pictures, games, etc.

Library Services - the total services rendered by the library to its users, including provision of information, reference, bibliographic aid, lending materials, reading guidance, etc.

Media - printed and audiovisual forms of communication and any necessary equipment required to make them usable.

Original Legal Documents - original documents to be filed with the Courts in support of criminal litigation challenging the inmate's sentence, directly or collaterally, or in support of civil litigation challenging the conditions of his/her confinement.

Network - a cooperative organization formed to provide services to members.

Superintendent - the Chief Administrative Officer of a state correctional institution.

Technical Services - all activities concerned with obtaining, organizing and processing library materials for use.

478.07: Staff

(1) Institution Librarian - A full time staff member holding a Master's Degree in Library Science and a Certification as a Professional Librarian. Institution Librarians shall be selected in accordance with 103 DOC 201: Selection and Hiring. Institution Librarians shall be made available to train, coordinate, and supervise services in libraries that do not have a full time Institution Librarian assigned.

(2) Library Aide - A staff member with either prior library experience or professional library experience

assigned by the Superintendent to coordinate library services under the supervision of the Director of Treatment and the institution librarian.

(3) Institution librarians shall meet regularly to form and maintain a network for the purpose of communication, resource sharing, continuing education and training, and the development of cooperative projects and/or grant proposals. Librarians shall maintain communications and establish liaisons with their counterparts in similar institutions and in all types of libraries outside the institution.

(4) Specifications for library personnel shall be completed pursuant to 103 DOC 205: Position Classification to the extent feasible, in consultation with the Consultant for Services to Institutions from the Massachusetts Board of Library Commissioners.

(5) Institutions may use inmates as library clerks, subject to the approval of the Superintendent and the Institution Librarian. Each institution shall develop procedures for the selection of inmate library clerks. This procedure shall include an application process through which each inmate is screened for eligibility as a library clerk. All inmate applicants must demonstrate basic literacy skills. Inmates must complete the approved training course prior to selection as a law library clerk.

The Institution Librarian shall be responsible for training inmates as general and law library clerks. Each institution shall develop procedures to ensure that general and law library clerks are trained to perform routine library duties as circulation and technical services assistants. No inmate will be hired as a law library clerk without passing a qualifying exam. Each institution shall develop procedures for the delivery of the approved training course to train potential law library clerks.

478.08: Budget

Each Institution Librarian or library aide shall make annual budget recommendations to the Superintendent and the Director of Treatment.

478.09: Facilities and Equipment

It is recommended that the correctional library be functional in design and inviting in appearance. The types of equipment and machinery will vary depending upon the services and programs of the institution and its library. All libraries should have typewriters, copying equipment, and audio-visual equipment.

478.10: General Library Services

(1) Purpose - The library is an information center for the institution. Library services support, broaden and strengthen the institution's program. The library provides a variety of services, materials and programs comparable to a public library.

(2) The library should encompass a variety of services, materials, and programs. These should include but not be limited to:

- (a) planned and continuous acquisition of materials;
- (b) logical organization of materials for convenient use;
- (c) circulation of materials to maximize use and satisfy informational, educational and recreational needs of users;
- (d) reference and information services;
- (e) reader's advisory services;
- (f) promotional activities to publicize the library's resources;
- (g) audio-visual programs;
- (h) motivational programs to attract users, encourage activities and participation in a variety of projects; and
- (i) materials that meet the needs of inmates who are visually impaired (e.g., large print books)

(3) The library should have cooperative inter-library loan affiliations with various segments of the library community to supplement its own print and non-print resources.

(4) In institutions without a full time Institution Librarian, the Director of Treatment and an

institutional staff member assigned by the Superintendent shall be responsible for library services and shall determine the best method for providing those services.

(5) The library shall have copies of all unrestricted Department and institution policies available for the staff and inmates.

478.11: Legal Services

(1) General - The constitutional right of access to the courts requires that, when requested, inmates receive assistance in preparing and filing legal papers. This assistance may include access to law library facilities, instruction in the use of legal materials and reference assistance. However, such assistance shall not include legal advice or direction of legal research on the part of library personnel.

(2) Law Collection - Every inmate shall have access to legal materials. As suggested by federal and state court rulings and national standards, legal materials should include, at a minimum: state and federal constitutions, state statutes, state decisions, procedural rules and decisions and related commentaries, federal case law, court rules, practice treatises, citators, and legal periodicals.

- (a) The Institution Librarian shall ensure that the law collection is maintained and updated.
- (b) Legal materials shall not be circulated.
- (c) The Institution Librarian shall make reasonable efforts to secure materials not in an institution's collection but available through established inter-library loan procedures.

(3) Access - Library access shall be scheduled and coordinated by the Librarian and shall be provided to all inmates within the institution. The law collection may be made available to inmates online. An inmate of any state correctional institution without an adequate law collection may request transportation to an institution with a law collection for the purpose of

conducting legal research. This request shall be made in writing to the Superintendent or a designee. The Superintendent may provide access to legal assistance in lieu of the law collection as deemed appropriate.

(4) Photocopies

(a) Photocopying services shall be for the purpose of duplicating original legal documents. The Superintendent shall designate the staff members responsible for photocopying legal documents.

(b) All approved photocopy requests shall be compiled within reasonable amounts at no charge. In order to provide photocopying services to all inmates, the Superintendent may establish guidelines and limits, subject to the review of the Commissioner or a designee.

(c) No photocopy request shall be processed unless a Legal Photocopying Request Form, available at all institution libraries, is completed and attached to the original legal document to be copied.

(5) Supplies

(a) The institution shall make reasonable efforts to assist inmates in the preparation and processing of their original legal documents. Reasonable amounts of items such as paper, pencils, envelopes and typewriters shall be provided to all inmates who request them and should be available free of charge. The Superintendent may establish guidelines and limits for such services

(b) Records shall be kept of access, photocopy use and supplies dispersed, including to whom supplies were dispersed.

478.12: Operating Procedures

(1) Library Services staff, with the approval of the Superintendent, shall post a schedule of library hours and activities.

(2) Written procedures regarding daily operating procedures shall be established by the librarian with the approval of the Superintendent.

(3) An inventory of equipment and materials shall be conducted annually by the librarian.

(4) Each Superintendent, in cooperation with the Librarian, should establish procedures to ensure the security of the library and the library collection.

478.13: Collection Development

Library materials should be selected to meet the educational, informational, legal, cultural and recreational needs of its users. These materials should be relevant to the needs and interests of the population, reflect different reading levels, languages, special interest and ethnicity of inmates.

To ensure that materials meet these needs, each library should have a written statement of policy which defines the principles, purposes and criteria to be considered in the selection and maintenance of library materials. This statement should apply to gifts and donations as well as to purchased items. In addition, inmates may make suggestions for acquisitions to the librarian.

478.14: Responsible Staff

(1) The Institution Librarians and Directors of Treatment, under the direction of the Assistant Deputy Commissioner of Reentry, are responsible for coordinating all programs and services for libraries within the Department of Correction. The Division of Inmate Training and Education is responsible for monitoring and reviewing 103 CMR 478: Library Services.

(2)The Superintendent of each institution, in conjunction with the Library Services staff, is responsible for implementing 103 CMR 478: Library Services, and for developing procedures pursuant to its application.



478.15: Annual Review

103 CMR 478 shall be reviewed at least annually by the Commissioner or his/her 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 which shall be included for the Commissioner's written approval and shall become effective pursuant to applicable law.

478.16: Severability

If any article, section, subsection, sentence, clause or phrase of 103 CMR 478 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 article, section, subsection, sentence, clause or phrase of 103 CMR 478.

REGULATORY AUTHORITY

103 CMR 478: M.G.L. c. 124, § 1(c), (q).