

103 CMR 483.00: VISITING PROCEDURES

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483.01: Purpose

The purpose of 103 CMR 483.00 is to establish rules and regulations governing visitation at state correctional institutions which reflect the importance of maintaining contact with family and the community, as well as the need for security and order in administering a visitation program. The Massachusetts Department of Correction (Department or DOC) staff shall treat visitors with dignity and respect while maintaining proper security. The Department recognizes the importance of ongoing visitation between inmates and their family members, especially children, to help promote successful community reentry of its inmate population. The Department welcomes and encourages families to visit on a regular basis. The Department shall make every effort to ensure that visits are conducted in a safe and respectful atmosphere. 103 CMR 483.00 is not intended to confer any private right of action or any procedural or substantive rights not otherwise granted by state or federal law.

483.02: Cancellation

103 CMR 483.00 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules or regulations regarding visitation to the extent they are inconsistent with 103 CMR 483.00, except that they do not cancel 103 CMR 131.00: *News Media Relations*, 421.00: *Department Segregation Units*,

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485.00: *Volunteers and Volunteer Programs*, 486.00: *Attorney Access at Massachusetts Correctional Institutions*, or 103 CMR 423.00: *Special Management*.

483.03: Applicability

103 CMR 483.00 is applicable to all employees, visitors and inmates at all state correctional institutions. 103 CMR 483.00 applies to all visits, including those by tour groups, and to special events at correctional institutions, in which outsiders are allowed to participate, except where 103 CMR specifically provides otherwise. 103 CMR 483.00 shall not apply to Lemuel Shattuck Hospital or the Bridgewater State Hospital, which shall create and maintain separate and distinct visiting procedures for their respective facility.

483.04: Access to 103 CMR 483.00

The Department shall maintain 103 CMR 483.00 within the Central Policy File and it shall be accessible to all Department employees. Each Superintendent shall maintain a copy of 103 CMR 483.00 in his or her institution's Central Policy File and in each inmate library.

483.05: Definitions

Assistant Deputy Commissioner: A senior level manager who reports to the Deputy Commissioner of the Prison Services Division, and is responsible for ensuring policy compliance and standardization of procedures for institutions under his or her supervision in such areas as staff development, labor management, disorder management, and overall operations.

Child. For the purposes of 103 CMR 483.00 only, any person younger than 18 years old requiring a minor consent form to gain entrance into the institution. All persons meeting this criterion shall fall under all provisions of this policy.

Commissioner. The Commissioner of Correction.

Director of Security. The individual responsible for the overall security within a correctional institution through formulation and enforcement of rules and regulations and by overseeing the performance of security staff.

Dress Code for Inmates on Visit. Clothing worn by the inmate while the inmate is on a visit. Each Superintendent shall describe the dress code for visits in the inmate rules and regulations handbook.

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General Counsel. The executive staff person who reports to the Commissioner, and is the chief legal counsel for the agency.

Holiday. Those legal holidays set forth in M.G.L. c. 4, § 7: January 1st (New Years Day), July 4th (Independence Day), November 11th (Veterans Day), and December 25th (Christmas Day), or the day following when any of said days occurs on Sunday, and the third Monday in January (Martin Luther King Day), the third Monday in February (Presidents' Day), the third Monday in April (Patriot's Day), the last Monday in May (Memorial Day), the first Monday in September (Labor Day), the second Monday in October (Columbus Day), and the fourth Thursday in November (Thanksgiving Day). With respect to Suffolk County only, March 17th (Evacuation Day) and June 17th (Bunker Hill Day), or the day following when said days occur on Sunday.

Immediate Family. Mother, father, spouse, children, grandchildren, brother, sister, grandmother, grandfather, half-siblings, son-in-law, daughter-in-law, sister-in-law, brother-in-law, mother-in-law, father-in-law, mother or father of an inmate's child if documented by a birth certificate and if they currently have physical custody of the child. A step-parent is considered within Immediate Family. Step-children may also be considered immediate family if the inmate and his or her spouse were married prior to the current incarceration.

Passive Drug Detection Canine. A canine that is trained exclusively to detect drugs and to passively indicate the detection (i.e., by sitting or lying down).

Personal Search. A clothed search of an individual limited to the pressing of palms of the hand against the outer surface of an individual's clothing, and examination of all pockets, shoes, caps and hairpieces. It does not include the removal of any of the person's clothing except removable outer garments (*e.g.*, sweaters, blazers, suit jackets, coats and sweatshirts).

Probable Cause. Facts and circumstances which would lead a reasonable and prudent person to believe that:

- (a) A crime has been committed, is being committed, or is about to be committed;
- (b) A particular item or items of physical evidence of that crime presently exists; and
- (c) The item or items are presently in the location to be searched.

Special Visiting Inmate Populations. Inmates who, due to special conditions of custody, may receive visits in locations other than the general visiting room, or in the general visiting room but only at specified times and/or under specified conditions. Such inmates may include, but are not limited to, inmates in maximum security,

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restrictive housing units, secure treatment units, residential treatment units, the Intensive Treatment Unit at MCI-Framingham, and protective custody units.

Superintendent. The Chief Administrative Officer of a state correctional institution.

Visiting Area. That area within an institution which is designated for visits between inmates and visitors.

Visiting Area Officer(s). The officer(s) assigned to the visiting area to maintain security and supervision.

Visitor (Inmate). Any person requesting entrance into a correctional institution's visiting room or other approved visiting area for the sole purpose of conducting a social/family visit with an inmate incarcerated within any state correctional institution.

Visitor (Institutional). Any person requesting entrance into a correctional institution to conduct official business such as, but not limited to the following: contractors, vendors, repairmen, facility tours, media, volunteers, and persons wishing to provide services to inmates or to examine or report on inmate conditions.

483.06: Institution Visiting Rules and Procedures

(1) Each Superintendent shall develop written institution visiting rules and procedures which, although tailored to the particular institution, and/or to specific populations within that institution, are consistent with 103 CMR 483.00. At a minimum, institution rules shall specify the following aspects of visiting at the institution:

- (a) Institution address/phone number, directions to the institution and information about all local transportation;
- (b) Procedures for checking personal effects before entering the visiting area;
- (c) Any security precautions that visitors are required to take (*e.g.*, locking cars, locking up items in lockers);
- (d) A statement that the carrying of guns or other weapons, controlled substances, alcohol, cellphones, electronic devices, or any other article into or out of the institution may result in loss of visiting privileges as well as criminal prosecution. This statement shall appear in the institution's rules and procedures and shall be posted on a sign in English and in Spanish, conspicuously displayed in the institution lobby or other entrance;
- (e) A statement regarding the prohibition of smoking on state property or possession of tobacco and tobacco related products within a correctional institution;
- (f) Designation of an area where inmates have access to counsel and confidential contact with attorneys and/or legal professionals, in accordance with 103 CMR

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486.00: *Attorney Access at Massachusetts Correctional Institutions*; and
(g) Designation of a private and separate area away from the visiting area in order to reasonably accommodate a visitor's request to nurse her infant child. Upon conclusion of breast feeding, an appropriate search shall be conducted in accordance with 103 CMR 483.07(3)(s).

(2) A copy of the institution's visiting rules and procedures shall be made available to any visitor who requests one.

483.07: Department Standards for Institution Rules and Procedures

(1) Each institution shall provide, at a minimum, three visiting periods per week, with at least one period on a weekday evening, and at least one period on the weekend. At least one visiting period shall be provided on any identified holiday. A visiting period is considered a three to four hour block of time.

(2) A maximum of two adults shall be permitted to visit an inmate at the same time during any visiting period. Minimum and Pre-release facilities may allow up to four adults. There shall be no limitations on the number of children. However, the number of children accompanying any parent/guardian must be of a number that can be adequately supervised by the parent/guardian in the institution and a number that can be accommodated by the institution's visiting room (*e.g.*, non-contact visiting area).

(3) Visitors and inmates shall adhere to the following conduct guidelines while in the visiting room:

(a) Excessive familiarity, profanity, offensive behavior, or serious deviation from appropriate standards of behavior in a public place, may result in administrative action, such as verbal warning, termination of a visit, or loss of visiting privileges;

(b) Commonly accepted public displays of affection shall be allowed, which include one closed mouth kiss/hug upon inception and conclusion. Anything that exceeds this standard, shall receive a notice of discretionary caution;

(c) Disruptive behavior of any kind shall not be tolerated;

(d) No straddling chairs. Furniture is not to be rearranged;

(e) No sitting with one person's legs crossed over another person's legs;

(f) Feet shall remain visible at all times;

(g) No lying across or sitting on another's lap.

Exceptions shall be made for children younger than eight years old, who may be allowed to sit on the accompanying parent/guardian's lap;

(h) When sitting, hands shall be in plain sight at all times;

(i) Inmates and visitors shall not be allowed to put their arms around each other when sitting or standing. The only exception shall be once at the inception of the

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- visit (greeting) and once at the conclusion of the visit during departure;
- (j) Inmates and visitors shall follow the orders of the officers assigned to the visiting room and its related areas;
 - (k) No article(s), with the exception of food and beverage items as described in 103 CMR 483.07(3)(n), shall be passed between visitors and inmates;
 - (l) Inmates and visitors are responsible for cleaning up and throwing away trash, left over vending machine items, or wrappers or purchased items during the visit;
 - (m) No cross visiting (visiting an inmate other than the specifically approved inmate) is permitted between inmates and visitors;
 - (n) If available, visitors may purchase a beverage or food item and deliver it to the inmate they are visiting. The visitor and inmate shall not be permitted to share any beverage or food item at any time;
 - (o) At no time shall visitors and/or inmates be allowed to change seats, unless directed to or given permission by a visiting room staff member;
 - (p) Interactions between an inmate and the visitor of another inmate or between visitors are not allowed;
 - (q) Possession or use of tobacco or alcohol products is prohibited;
 - (r) Parents or legal guardians shall be responsible for an accompanying child's actions and behavior at all times. Children shall not be allowed to engage in disruptive behavior or to roam the visiting room or lobby unattended. This type of behavior may be grounds for termination of the visit;
 - (s) Visitors utilizing the restroom facilities or designated nursing areas may be subject to a personal search prior to and upon reentering the visiting room area. Failure to comply shall result in termination of the visit and suspension of visiting privileges upon review by the Superintendent.

(4) Any disruptive action which threatens the security of the institution shall result in termination of the visit upon approval by the Shift Commander. Following such incidents, each visiting area officer(s) shall submit a written report to the Superintendent before completing his or her tour of duty at that post. All details concerning the reason(s) for termination of the visit shall be noted.

(5) All institution visiting rules shall be enforced.

(6) Each Superintendent shall post transportation schedules for all public transportation in a conspicuous location at the entrance or lobby of the institution.

483.08: Visiting Area Officer

The responsibilities of the visiting area officer shall include, but are not limited to:

- (1) Maintaining safety and security;
- (2) Enforcing 103 CMR 483.00 and the institution's procedures on visiting;

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- (3) Maintaining cleanliness and sanitation in the visiting room;
- (4) Appropriately processing and providing all required information to visitors;
- (5) Supervising the inmates and visitors.

483.09: Maximum Security/Special Visiting Inmate Populations

Each Superintendent shall develop institution procedures as required for inmates in maximum security and inmates in a special visiting inmate population under his or her jurisdiction which shall include but not be limited to:

- (1) Designation of an area for visiting;
- (2) Provision for devices, if any, to preclude physical contact, which may be necessary to satisfy security requirements;
- (3) Provisions for special visits with attorneys, law students, paralegals, private investigators, and members of the clergy;
- (4) Special visiting provisions, including advanced scheduling by appointment, where necessary;
- (5) Inmates in maximum security and inmates in a special visiting inmate population shall be afforded three visiting periods per week, with at least one period on a weekday evening, and at least one period on the weekend (unless serving a sanction of loss of visits). At least one visiting period shall be provided on any identified holiday. The Superintendent shall determine the time and duration of visiting periods. Each Superintendent may, upon the approval of the reviewing authority, limit the number of visitors allowed due to the space limitations of the visiting area.

483.10: Visitor Approval Process

Each Superintendent shall develop institution procedures to ensure a systematic approach to the requests and approval process of visitors. It is the Department's policy not to restrict visiting to prescribed classes of persons such as inmates' relatives or friends, or prior acquaintances. Each inmate shall, however, only be allowed a maximum of ten pre-approved adult visitors, as outlined in 103 CMR 483.10(1). Although minors do not require pre-approval, the guidelines outlined in 103 CMR 483.10 (10) must be met prior to the allowance of minor visitation. The pre-approved visitors may consist of a combination of immediate family members and/or friends. This list may be revised upon an inmate's request twice per year. Requests for changes shall be submitted on the Inmate Visitor Listing Form available at each inmate library, and attached as Attachment 3 to 103 CMR 483 Visiting

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Procedures at each facility. Requests for changes shall be submitted to the Director of Security for processing.

NOTE: If an inmate's immediate family exceeds ten and the inmate only has immediate family on his or her list, then exceptions may be made to exceed this number, upon the written approval of the Superintendent.

(1) Authorized Number. An inmate shall be authorized to place up to the following number of approved visitors on the pre-approved visiting list:

Level of Facility	Number Authorized
Maximum	5
Medium	8
Minimum/Pre-release	10

(2) The following restrictions on who may visit do apply:

(a) By statute (M.G.L. c. 127, § 36), no person except the Governor, a Member of the Governor's Council, a Member of the General Court, a Justice of the Supreme Judicial, Superior or District Court, the Attorney General, a District Attorney, the Commissioner, a Deputy Commissioner of Correction, a Member of the Parole Board, or a Parole or Probation Officer may visit a state correctional institution without the permission of the Superintendent or the Commissioner.

(b) By statute (M.G.L. c. 127, § 37) the Superintendent may refuse admission to a person who has permission to visit if, in the Superintendent's opinion, such admission would be injurious to the best interests of the institution.

(c) Generally no one may visit an inmate who is temporarily confined in an outside hospital (other than the Lemuel Shattuck Hospital Correctional Unit, which shall maintain its own visiting procedures). Inmates who are medically determined to be in critical condition or in imminent danger of death may be allowed to have visits if the Superintendent of the parent institution has provided written authorization.

(d) Except for the officials listed in 103 CMR 483.10(1)(a), and except as provided by 103 CMR 486.00: *Attorney Access at Massachusetts Correctional Institutions*, persons wishing to visit a correctional institution to provide services to inmates or to examine or report on inmates or conditions must obtain prior permission to visit. Unless a Department regulation (e.g., 103 CMR 131.00: *News Media Relations*; 485.00: *Volunteers and Volunteer Programs*; 486.00: *Attorney Access at Massachusetts Correctional Institutions*); establishes a particular procedure for obtaining permission, such visitors shall apply to the Superintendent.

(e) Special Visits. Exceptions to the visiting schedule, duration of visits, the

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number of people allowed to visit at one time, and/or other requests, may be considered under special circumstances (*e.g.*, visitors who have traveled over 100 miles one way). Such requests must be submitted in writing to the Superintendent or a designee. Special visit approval shall be documented in writing and a copy shall be sent to the requesting visitor, the inmate, the visitor processing area and outer control. Consideration for a special visit shall be at the Superintendent's discretion. All visitors approved through such requests shall be subject to the preapproval process outlined in 103 CMR 483.10(2)(e) prior to entry into a Department facility. Upon commitment to a Department institution, an inmate shall be allowed to have two visitors and a reasonable number of visiting children pending the visitor pre-approval process. Inmates shall submit an Inmate Visitor Listing within 30 days of admission to the Department. However, visitors who are added to any subsequent Inmate Visitor Lists shall not be allowed to visit until approved. The two visitors allowed to visit pending the approval process shall become inactive after 40 business days if not properly approved through the application process.

(3) Up to ten blank copies of The Visitation Application (available at www.mass.gov/doc, and at each inmate library attached as Attachment 1 to 103 CMR 483.00) and a copy of the Inmate Visitor Listing shall be provided to each inmate at inmate orientation. Prospective visitors shall complete and return the forms with a copy of current photo identification to the institution's Director of Security. Where required per 103 CMR 483.13(2)(b) or (9), the prospective visitor shall also include medical documentation. Applications shall be approved or denied within a reasonable amount of time.

(4) Prior to submitting the application to the Director of Security for final approval/disapproval, institution staff shall complete criminal history background and Victim Notification Registry (VNR) checks of the potential visitor using the criminal justice information system (CJIS). The Superintendent may direct staff to complete subsequent checks.

(5) Upon receipt of a Visitor Application, the Director of Security shall review the application. An improper and/or incomplete application shall be returned to the individual submitting the application. The reason for the returned application shall be included as well as the need for resubmittal. After consulting with any necessary staff, the Director of Security shall make the final decision.

(6) If the application is approved or denied, the visitor's name and status shall be entered on the Inmate Visitor Listing which shall be maintained at a central location as determined by the Superintendent. This location shall be accessible to staff processing visits.

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(7) The prospective visitor shall be notified in writing of an approval or, in the case of a denial, the reason(s) for a denial, through the Visitor Status Notification Form (available at www.mass.gov/doc, and at each inmate library, attached as Attachment 4 to 103 CMR 483.00) within a reasonable period of time. The prospective visitor may appeal a denial in writing to the Superintendent. The inmate shall be notified in writing whether the visitor has been approved or denied.

(8) Reasons for denial may include, but are not limited to the following:

- (a) The prospective visitor poses a direct threat to the safety, security and/or orderly operation of the institution;
- (b) If the prospective visitor is a victim of the inmate or a family member of the victim, the guidelines outlined in 103 CMR 483.10(10)(f) shall be followed prior to rendering of a final decision;
- (c) The prospective visitor is discovered to have a previously disclosed felony conviction or is convicted of a new felony. However, the Superintendent has the discretion to approve a visitor based on the severity and date of previous felony convictions in accordance with 103 CMR 483.10;
- (d) The prospective visitor has previously introduced contraband into a correctional institution;
- (e) The prospective visitor is listed as an approved visitor on another inmate's visitation list within the Department, except where a prospective visitor requests to visit multiple immediate family members who are incarcerated;
- (f) The prospective visitor has active felony charges or warrants pending;
- (g) The prospective visitor provides false information on the visitation application;
- (h) The prospective visitor is currently barred from entering any Department institution;
- (i) The prospective visitor has an active restraining order (209A) against the inmate or the inmate has an active restraining order against the prospective visitor;
- (j) The prospective visitor has previously assisted an inmate in a violation of institutional rules and regulations (*e.g.*, violations of mail regulations, financial transactions regulations, and/or telephone access regulations, such as facilitating three-way telephone calls).

(9) If an inmate requests to delete a visitor from his or her visitor listing, the Inmate Visitor Listing shall be completed and submitted to the Director of Security. A Visitor Status Notification shall be completed and a copy forwarded to both the visitor and inmate.

(10) Approval of visitors shall be at the Superintendent or designee's discretion, in accordance with the following guidelines:

- (a) Children younger than 18 years old may visit without being on the inmate's approved visitor list, provided they are accompanied by a parent, legal guardian having physical custody and who is on the inmate's approved visiting list.

Originals or copies of birth certificates or of official hospital records verifying the birth of the child, the date of birth of the child, and parent information, are required for children younger than 18 years old;

(b) An adult who is not the parent or guardian having physical custody of the minor must submit a completed Minor Consent Form (available at www.mass.gov/doc, and at each inmate library, attached as Attachment 2 to 103 CMR 483.00). The adult shall also provide the Superintendent copies of the minor's birth certificate or of an official hospital record verifying the birth of the child, the date of birth of the child, and parent information and obtain the Superintendent's approval prior to visiting with the minor. Minor Consent Forms shall not need to be resubmitted upon the inmate's transfer to another Department institution;

(c) Adults entering with a minor shall have the minor's original or a copy of the minor's birth certificate or an official hospital record verifying the birth of the child, the date of birth of the child, and parent information, and if the adult is not the parent or guardian, a copy of the approved Minor Consent Form with them each time they visit. An inmate may sign the minor consent form if he or she is noted as the parent on the child's birth certificate;

(d) Members of the clergy, as authorized by the Chaplain or Superintendent, need not be placed on the Approved Visitors List;

(e) Attorneys, law students, paralegals and/or private investigators need not be placed on the Approved Visitors List;

(f) If the prospective visitor has been approved or denied, the name shall be entered on the inmate's visitor listing. If the prospective visitor is the victim, family member of a victim, or registered to receive notification concerning an inmate currently incarcerated, the Victim Service Unit shall be informed to provide additional information and guidance on the proper course of action. The Superintendent or designee shall make the final decision when a prospective visitor is initially denied.

(11) The following shall apply for persons with past criminal felony convictions:

(a) A visitor who is paroled or otherwise released from Department custody must obtain the permission of the Superintendent before visiting an inmate who is still confined.

(b) Inmate family members recently released from a correctional facility may not be considered for visitation approval for six months following release from incarceration;

(c) Other visitor applicants with prior incarcerations who are not immediate family members may apply for visitation one year after release from confinement;

(d) The Superintendent or designee may deny the visitation applications of anyone with felony convictions if it is believed that the security of the institution or safety of individuals could be jeopardized.

EXCEPTIONS MAY BE MADE BY THE COMMISSIONER OR A DESIGNEE.

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(12) The following shall also apply to current/former employees, contract staff, interns, and volunteers:

(a) Current or former employees of the Department, of contract agencies, and former Department interns shall not be approved to visit an inmate unless they are immediate family members of the inmate or if they left their service to the Department in good standing. In such cases, the Superintendent may grant approval. If further extenuating circumstances exist, a request may be submitted in writing to the Superintendent;

(b) If the prospective visitor's separation from the Department was due to a violation of Department policy or state law, whether or not prosecution occurred, visitation requests shall not be considered for at least a minimal period of one year, depending on the severity of the violation;

(c) Prospective visitors who are or have been volunteers may be considered for visitation approval upon written authorization from the Superintendent.

(13) Visitors may not be placed on more than one inmate's visiting list at the same institution or visit an inmate at another institution unless the inmate(s) are immediate family members of the visitor.

(14) No child who was a victim of the inmate's offense shall be authorized to visit without the authorization of the Commissioner or a designee.

(15) All copies of visitor applications shall be maintained in the institutional visitation file or electronically, clearly marked "approved" or "disapproved" with the signature of the Superintendent or a designee in accordance with the Massachusetts State-wide Record Retention Schedule.

(16) Each institution shall maintain an electronic record of the names of all visitors admitted to the institution to visit inmates through the Inmate Management System (IMS).

483.11: Identification and Sign-in Requirements

Visitor processing shall begin ½ hour before the start of the scheduled visiting period. Deviations of this time frame must be approved by an Assistant Deputy Commissioner.

(1) Before being admitted to an institution, a visitor shall be required to produce identification which, in the opinion of the admitting officer(s), is adequate. Acceptable identification for adult visitors shall include a current photographic identification, such as a valid state driver's license, a passport, a military identification card or official photographic identification cards originating from any state or federal agency, including government employee identification cards and Immigration and Customs Enforcement documents. Prior to denying a visitor visiting privileges, or in

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cases in which the visitor's identification is questioned, the admitting officer shall notify the Shift Commander for final determination. Exceptions may be made by the Superintendent or a designee.

(2) The visitor shall be checked for pre-approval against the inmate's visitor listing.

483.12: Smuggling Prohibited

(1) It is a felony in Massachusetts (M.G.L. c. 268, § 28) for any person to deliver any article to an inmate, procure any article to be delivered to an inmate, possess any article with intent to deliver it to an inmate, or to deposit or conceal any article with intent that an inmate shall obtain it, without the permission of the Superintendent or Commissioner.

(2) Upon entering, visitors must disclose to the admitting or searching officer(s) any article they are carrying on their person except the clothes that they are wearing. Anyone who attempts to carry in or out of the institution any article without the knowledge of the admitting or searching officer(s) may be subject to arrest and loss of visiting privileges.

(3) Each visitor shall be asked by the admitting officer, before entrance into the institution, if he or she has any weapons, cuff keys, medication, cell phones, electronic devices, pagers or other contraband. All weapons shall be given to the officer prior to entry to the institution. No weapon requiring a license in order to be lawfully possessed shall be returned to the visitor unless the visitor can show proof of license.

(4) The provisions of 103 CMR 483.12(1) and (2) shall be posted at the entrance of the institution.

483.13: Searches of Visitors

(1) Each Superintendent shall have posted in the lobby or other entrance a large sign which reads "ALL VISITORS ARE SUBJECT TO BEING SEARCHED," and containing the same wording in Spanish, "TODAS LAS VISITAS ESTAN SUJETAS A REVISION."

(2) Visitors are allowed to bring in the following item(s) but must declare them to the processing officer. Items are to be carried in hand or in a clear plastic bag:

(a) Engagement rings, wedding rings/band, one religious medallion, and medical alert jewelry;

(b) Visitors who are required to maintain life-saving medication on their person (e.g., nitroglycerine, inhalers, and glucose tablets) shall obtain prior approval from the Superintendent to visit with such medication. The visitor shall submit

to the Superintendent for review written evidence, signed by a health care professional, documenting the need for such medication. Once substantiated, the Superintendent shall provide written approval to allow the visitor to enter the institution with the medication. The visitor shall be required to declare this medication and produce the Superintendent's written approval to the officer in charge of the visitor processing area prior to entering the pedestrian trap every time he or she visits. If this is the visitor's first time visiting a Department institution, the Shift Commander shall be notified for authorization to enter with the necessary medication. This one-time approval shall be documented *via* an incident report and made available to processing staff. The visitor shall be advised that he or she must obtain the required approval prior to his or her next visit. Visitors who have life-saving medication shall keep it on their person at all times;

- (c) Infants. Two plastic bottles with either formula, milk, water or juice, one empty sippy cup, two infant diapers and infant wipes in a clear plastic bag, one blanket, one pacifier, two clear plastic sealed containers of baby food, one plastic spoon and one bib;
- (d) A handkerchief;
- (e) Prescription eyeglasses (no case) and hearing aids.

ALL OTHER ITEMS REQUIRE PRIOR APPROVAL.

(3) Upon entering the pedestrian trap/processing area, the visitor must remove all outer garments, belt, shoes, *etc.*, to be searched. The visitor shall also remove all items in his or her pockets. Pockets must be turned inside out. The officer assigned to the area shall inspect all items for contraband.

(4) All visitors shall be searched at medium and maximum security level institutions, and may be searched at minimum/pre-release security levels prior to entering the visiting room. A search of non-attorney visitors may be conducted by a canine officer utilizing a passive drug detection canine. Visitors may also be subject to scanning or inspection by a walk through metal detector hand held wand, and/or other similar equipment, devices, or tools. If an inmate visitor fails the metal detector or other search, a personal search shall then be required prior to any entrance. Prior to the personal search, the officer in charge of the visitor processing area must be notified for approval.

(5) In addition to the metal detector search, medium and maximum security institutions shall also require a personal-search-of-the-day in a sequence to be determined by the Shift Commander. Visitors shall be granted the opportunity to leave the institution rather than submit to a personal search unless:

- (a) The employee has those arrest powers granted by the authority of M.G.L. c. 127, § 127 and;
- (b) The employee has probable cause to believe that the visitor has committed an

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arrestable offense; and,

(c) The employee has probable cause to believe that the visitor has physical evidence concealed on his or her person.

Under these conditions, a personal search incident to arrest may be conducted.

(6) If during any search contraband is found, the Shift Commander shall be notified immediately for appropriate action. Based on the circumstances and type of contraband found, the Shift Commander may either allow the visit to proceed or bar the visitor from entry into the institution.

(7) If the contraband is of a criminal nature (*e.g.*, weapons, drugs), the shift commander may,:

(a) Temporarily detain the visitor(s) until the police arrive and take any further action deemed necessary;

(b) With the approval of the superintendent, contact the state or local police immediately for arrest, transportation, booking and processing;

(c) An incident report shall be generated by the processing officer and a copy provided to the responding police agency as soon as possible, but before the end of the Officer's shift;

(d) Any contraband found by the processing officer on the visitor shall be seized by the officer, bagged and labeled with the officer's name, institution, identity of the visitor and the date the contraband was seized. The processing officer shall sign a statement verifying the contents and the chain of custody. The evidence and the chain of custody statement shall be given to the responding police officer who must sign and date a receipt for the evidence.

(e) If the state or local police do not respond to the facility after a one hour time period, the detained visitor(s) shall be released and a criminal complaint filed with the court upon approval of the Superintendent.

(8) Visitors who appear to be under the influence of drugs or alcohol or have the odor of what appears to be alcohol on their breath shall be refused entrance to the institution. The shift commander shall be notified immediately. In cases in which it appears a visitor has operated or may operate a motor vehicle while under the influence of alcohol and/or drugs, upon the Superintendent's approval, an officer or the shift commander shall contact state or local police prior to the visitor leaving state property. In such an instance, an incident report shall be generated by the processing officer.

(9) Staff shall use the utmost tact and dignity when dealing with individuals with disabilities. Visitors who utilize medical devices such as an automatic implantable cardioverter/defibrillator and/or pacemaker, wheelchairs, prosthetic devices, insulin pumps, casts, braces, medically necessary shoes, canes, walkers, guide dogs *etc.*, or requiring the use of oxygen tanks, shall obtain the Superintendent's prior approval to visit with such device(s). The visitor shall submit to the Superintendent written

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evidence signed by a health care professional documenting the need for such device(s). In circumstances where the medical condition is temporary, the written evidence shall include an anticipated end date for the use of all devices that are necessary for a limited time period (*e.g.*, cane, cast). Once substantiated, the Superintendent shall provide written approval to allow the visitor to enter the institution with the device(s); if applicable, the Superintendent shall authorize an alternate search whenever the visitor is unable to submit to a metal detector search due to physical limitations or the presence of the device(s). The visitor shall be required to declare the device(s) and produce the written approval by the Superintendent each time he or she visits. If an alternative search is approved, the visitor shall be subject to a personal search every time he or she visits the institution. If this is a first time visit to a correctional facility by the visitor, the Shift Commander shall be notified for authorization to enter with the necessary device(s) provided the visitor has agreed to a personal search prior to entering. This one-time approval shall be documented via an incident report and made available to processing staff. The visitor shall be advised that he or she must obtain the required approval prior to his or her next visit. The officer shall note all medical devices upon entry and verify upon exit of the visiting room. Additionally, a tool control inventory sheet shall be completed for all oxygen tanks that enter the institution.

(10) Visitors at all institutions may be stamped with the stamp of the day on the hand designated by the Shift Commander, when applicable. Employees conducting searches shall do so in a professional and courteous manner.

(11) Personal searches shall be conducted by a correctional employee of the same sex as the visitor. Upon request by the visitor, personal searches shall be conducted by a correctional employee of the same gender as the one with which the visitor identifies.

(12) Papers and documents carried in or out by any judge, attorney, law student, paralegal, the Governor, any legislator or member of the Parole Board may be inspected for concealed articles but shall not be read.

483.14: Visitor Conduct and Dress Code

Visitors are expected to conduct and dress themselves in a manner that is appropriate for a public place. No visitor may give or exchange any article of clothing or any other items with an inmate during a visit. Any visitor (adults AND children) clad in the items described in the Visitor Dress Code available at www.mass.gov/doc or any item deemed inappropriate by the admitting officer shall be denied entrance into the institution at that time.

483.15: Exclusion of Visitors

(1) Any visitor, even one who has obtained prior permission to visit, may be denied entrance to the institution or required to terminate a visit and leave the premises. M.G.L. c. 266, § 123 makes it a criminal trespass to refuse to leave an institution after being ordered by an officer to do so.

(2) Except as indicated in 103 CMR 483.15(6), if an officer determines a visit should be denied, barred or terminated, the Shift Commander shall be notified for approval. The Shift Commander shall then make the decision as to whether or not the visit shall be denied, barred or terminated.

(3) Before any attorney is denied, barred or terminated, the Superintendent shall be consulted. In accordance with 103 CMR 486.00: *Attorney Access at Massachusetts Correctional Institutions*, the Commissioner and/or the General Counsel shall be notified of such action by the institution Superintendent or a designee within 24 hours of the incident. Within 15 business days of any such action, the Superintendent shall take any of the actions listed in 103 CMR 483.15(8). In addition to the right to seek reconsideration or review by the Superintendent, pursuant to 103 CMR 483.15(9), the attorney may immediately appeal any exclusion to the Commissioner.

(4) Before any of the Officials listed in 103 CMR 483.10(1)(a), is denied, barred or terminated, the Superintendent shall be notified and shall then consult with the Assistant Deputy Commissioner and, when appropriate, the Director of Legislative Affairs. The Superintendent shall then make the decision as to whether the denial, bar or termination is appropriate. Within 15 business days of any such action, the Superintendent shall take any of the actions listed 103 CMR 483.15(8). In addition to the right to seek reconsideration or review by the Superintendent, pursuant to 103 CMR 483.15(9), the official may immediately appeal any exclusion to the Commissioner.

(5) A visitor who is denied entrance or asked to leave shall be told the reason for such action, except when it is deemed that to specify the reason might jeopardize security interests or the safety of any person.

(6) Where the problem is something that clearly may be remedied, the visitor may be told that he or she may return to the institution at some specified time in the near future (such as the next day or the next visiting period) or upon satisfaction of some stated condition (such as having sufficient identification or being properly dressed.) In cases where this is not appropriate, the visitor shall be told to await notification from the Superintendent before returning to the institution.

(7) Whenever a visitor is denied entrance, is barred, or a visit is terminated, except where such denial or termination is based on a prior order of the Superintendent, or on a failure to obtain prior permission to visit where such permission is required by 103 CMR 483.10, the officer shall file an incident report prior to the end of the shift. This

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report shall include the name of the visitor and the inmate visited, the time of the denial or termination and the reasons therefore. If the visitor has been informed that he or she may return at some specified time in the near future or upon satisfaction of some condition, the report shall so indicate.

(8) The Superintendent or a designee shall promptly review all visitor incident reports and conduct whatever factual investigation he or she deems necessary. After such review, and within one week of receipt of the incident report, one of the following shall occur:

(a) In a case where the visitor has been told that he or she may return to the institution at some specified time or upon the satisfaction of some stated condition, the Superintendent may take no action, thus allowing the resumption of visits to occur;

(b) The Superintendent may notify the visitor that he or she may return to the institution to resume visiting;

(c) The Superintendent may notify the visitor in writing that he or she may resume visiting under specified conditions;

(d) The Superintendent may notify the visitor in writing that visiting privileges are suspended for a specified period of time and that he or she may reapply for admission at the end of the period. Based on the severity of the incident, the Superintendent may obtain approval from the Commissioner to suspend the visiting privileges for a specified period up to one year, after which time period the visitor may reapply for admission. Should the Superintendent, after consultation with approval from the Commissioner or his or her designee, deny admission for an additional period of up to one year, he or she must state the specific reasons for the continued denial. Any visitor who is barred from visiting due to the introduction of drug contraband or weapons shall not be eligible to visit a correctional facility again under any circumstances. A copy of each such notice shall be sent forthwith to the Commissioner or his or her designee, and a copy shall be given to the inmate.

(9) Every Superintendent's notice pursuant to 103 CMR 483.15(8), shall advise the visitor that he or she may seek a review or reconsideration of the barring, suspension or restrictions by the Superintendent by sending him or her a letter within 15 business days. The visitor's letter shall include a detailed narrative describing the incident and setting forth the reason the visitor feels the bar, suspension or restriction should be lifted. The visitor may also request a meeting with the Superintendent or a designee.

(10) The Superintendent shall review any visitor's letter seeking review or reconsideration of any bar, suspension or restriction still in effect. The Superintendent may take any action he or she deems necessary to resolve questions raised by a visitor's letter including, but not limited to, additional investigation of the facts, consultation with the Commissioner, the Department's Legal Office, or the conducting of an informal meeting or conference. After review, the Superintendent

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may eliminate, reduce or modify the specific limitations on visiting and shall respond within a reasonable time frame. No person shall be penalized for exercising the rights of appeal provided by 103 CMR 483.00.

(11) Once an inmate transfers to a different institution, any suspended visitor may apply to the Superintendent of the new institution for permission to visit upon conclusion of the original suspension time frame by submitting a new visitor application. The Superintendent shall ensure that a background check pursuant to 103 CMR 483.10(4) is completed.

(12) Nothing in 103 CMR 483.00 shall limit a Superintendent's authority pursuant to M.G.L. c. 127, § 37 to exclude a visitor whenever, in his or her opinion, admitting that person to visit would be injurious to the best interests of the institution, or limit the Superintendent's and Commissioner's authority pursuant to M.G.L. c. 127, § 36 to deny permission to visit.

483.16: Visiting Records

(1) A record shall be kept and stored in accordance with the Massachusetts State-wide Record Retention Schedule for every inmate on which shall be recorded the name of every person who visits that inmate and the dates on which those visits occur.

(2) Each institution shall keep and store in accordance with the Massachusetts State-wide Record Retention Schedule all Visitor Application Forms.

438.17: Time Limits

All procedural time limits set forth in 103 CMR 483.00 are directory and may be modified by the Superintendent or Commissioner.

483.18: Emergencies

Whenever in the opinion of the Commissioner, Deputy Commissioner, Assistant Deputy Commissioner or the Superintendent of a state correctional institution, an emergency exists which requires suspension of all or part of 103 CMR 483.00, the Superintendent may order such suspension except that any such suspension lasting beyond 48 hours may be authorized by the Commissioner.

483.19: Responsible Staff

The Superintendent of each institution shall implement and monitor 103 CMR 483.00 within his or her respective institution.

483.20: Annual Review

103 CMR 483.00 shall be reviewed at least annually by the Commissioner or a designee. The party or parties conducting the review shall develop a memorandum to the Commissioner with a copy to the Central Policy File indicating that the review has been completed. Recommendations for revisions, additions or deletions shall be included for the Commissioner's written approval and shall become effective pursuant to applicable law.

483.21: Severability

If any article, section, subsection, sentence, clause or phrase of 103 CMR 483.00 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 article, section, subsection, sentence, clause or phrase of 103 CMR 483.00.

REGULATORY AUTHORITY

103 CMR 483.00: M.G.L. c. 124, § 1 (b), (c), and (q); c. 127, §§ 36 and 37 and c. 268, § 31.