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NON-TEXT PAGE



Docket # 233

THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 103 CMR 900.00

CHAPTER TITLE: County Correctional Facilities-General Provisions

AGENCY: Department of Correction

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
To establish standards for the care and custody of all persons committed to any county correctional facility and provisions for enforcement of such standards.

REGULATORY AUTHORITY: M.G.L. c. 124 s. 1(c) & (d) and M.G.L. c. 127 s.1A

AGENCY CONTACT: Kevin A. Anahory PHONE: (617) 727-3300 ext
125

ADDRESS: 70 Franklin Street, Ste. 600, Boston, MA 02110

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

Notified Executive Office of Communities and Development and the Massachusetts Municipal Association on October 9, 2008. No statement of impact was received from either office, thus this regulation was deemed to have no impact.

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: November 21, 2008

FISCAL EFFECT - Estimate the fiscal effect of the public and private sectors.

For the first and second year: _____

For the first five years: _____

No fiscal effect: X _____

SMALL BUSINESS IMPACT - State the impact of this regulation on small business. Include a description of reporting, record keeping and other compliance requirements as well as the appropriateness of performance versus design standards and whether this regulation duplicates or conflicts with any other regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.

No impact on small business is anticipated as a result of this regulation.

CODE OF MASSACHUSETTS REGULATIONS INDEX - List key subjects that are relevant to this regulation:

PROMULGATION - State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number:

Amends 103 CMR 900.00

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:

SIGNATURE: _____ DATE: 4/30/2009

Publication - To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 1130 DATE: 5/15/09

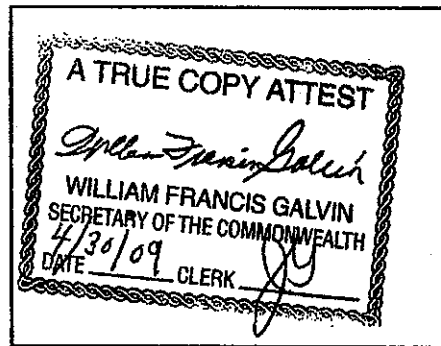
EFFECTIVE DATE: 5/15/09

CODE OF MASSACHUSETTS REGULATIONS

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269, 270

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103 CMR 900.00: COUNTY CORRECTIONAL FACILITIES -- GENERAL PROVISIONS

Section

- 900.01: General Purpose
- 900.02: Cancellation
- 900.03: Statutory Authority
- 900.04: Severability
- 900.05: Other State Requirements
- 900.06: Other Local Requirements
- 900.07: Non-discriminatory Treatment
- 900.08: Applicability
- 900.09: Access to Policy
- 900.10: Responsible Staff
- 900.11: Annual Review

900.01: General Purpose

103 CMR 900.00 through 979.00 establish standards for the care and custody of all persons committed to any county correctional facility and provisions for enforcement of such standards.

900.02: Cancellation

103 CMR 900.00 through 979.00 cancel all previous CMR rules and regulations, policy statements, bulletins, directives, orders and notices regarding standards for the care and custody of all persons committed/housed in any county correctional facility which are inconsistent with 103 CMR 900.00 through 979.00.

900.03: Statutory Authority

103 CMR 900.00 through 979.00 are issued pursuant to M.G.L. c. 124, §§ 1(d) and (q) and c. 127, §§ 1A and 1B, and are not intended to confer any procedural or substantive rights not otherwise granted by state or federal law, nor any private cause of action.

900.04: Severability

If any article, section, subsection, sentence, clause, or phrase of 103 CMR 900.00 through 979.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner or otherwise inoperative, such decisions shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 103 CMR 900.00 through 979.00.

900.05: Other State Requirements

All new and existing county correctional facilities shall conform to state and local fire, health, safety and building codes as required by statute, as long as compliance would not interfere with the facility maintaining the security and confinement of the detainees and/or sentenced inmates.

900.06: Other Local Requirements

Nothing contained in 103 CMR 900.00 through 979.00 shall prohibit the Sheriff/county officials operating county correctional facilities from adopting standards and requirements governing their own employees and facilities, provided such standards and requirements are not inconsistent with 103 CMR 900.00 through 979.00 or other applicable law.

900.07: Non-discriminatory Treatment

No person confined at any county correctional facility shall be denied the equal protection of the law nor shall be subject to discriminatory treatment on the basis of race, religion, creed, sex, sexual orientation, handicap or national origin.

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900.08: Applicability

103 CMR 900.00 through 979.00 apply to all county correctional facilities and employees.

900.09: Access to Policy

103 CMR 900.00 through 979.00 shall be maintained at each county correctional facility and shall be accessible to all employees. When appropriate and applicable, 103 CMR 900.00 through 979.00 are to be accessible to inmates.

900.10: Responsible Staff

- (1) The Sheriff shall implement and monitor 103 CMR 900.00 through 979.00 throughout each county correctional system.
- (2) Each Sheriff or facility administrator shall implement and monitor 103 CMR 900.00 through 979.00 at his/her facility.

900.11: Annual Review

103 CMR 900.00 through 979.00 shall be reviewed at least annually from the effective date by the Commissioner or designee. The party or parties shall conduct the review, in cooperation with the Massachusetts Sheriffs' Association, and shall develop a memorandum to the Commissioner with a copy to the Central Policy file indicating revisions, additions or deletions, and recommend actions for the Commissioner's written approval. A Massachusetts Sheriffs' Association (MSA) position statement on any matter included in the review shall, upon request of the MSA, be included with the memorandum to the Commissioner.

REGULATORY AUTHORITY

103 CMR 900.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.



THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 103 CMR 901.00

CHAPTER TITLE: County Correctional Facilities-Applications of Standards

AGENCY: Department of Correction

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
To establish standards for the care and custody of all persons committed to any county correctional facility and provisions for enforcement of such standards.

REGULATORY AUTHORITY: M.G.L. c. 124 s. 1(c) & (d) and M.G.L. c. 127 s.1A

AGENCY CONTACT: Kevin A. Anahory PHONE: (617) 727-3300 ext 125

ADDRESS: 70 Franklin Street, Ste. 600, Boston, MA 02110

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

Notified Executive Office of Communities and Development and the Massachusetts Municipal Association on October 9, 2008. No statement of impact was received from either office, thus this regulation was deemed to have no impact.

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: November 21, 2008

FISCAL EFFECT - Estimate the fiscal effect of the public and private sectors.

For the first and second year: _____

For the first five years: _____

No fiscal effect: X _____

SMALL BUSINESS IMPACT - State the impact of this regulation on small business. Include a description of reporting, record keeping and other compliance requirements as well as the appropriateness of performance versus design standards and whether this regulation duplicates or conflicts with any other regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.

No impact on small business is anticipated as a result of this regulation.

CODE OF MASSACHUSETTS REGULATIONS INDEX - List key subjects that are relevant to this regulation:

PROMULGATION - State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number:

Amends 103 CMR 901.00

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:

SIGNATURE: _____ DATE: 4/30/2009

Publication - To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 1130 DATE: 5/15/09

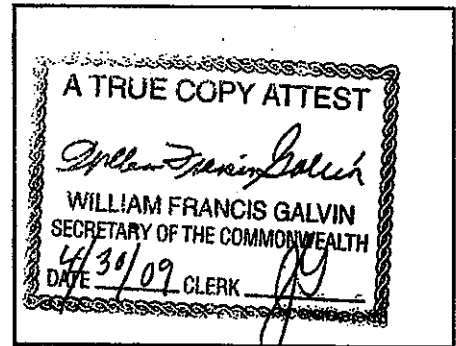
EFFECTIVE DATE: 5/15/09

CODE OF MASSACHUSETTS REGULATIONS

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103 CMR 901.00: COUNTY CORRECTIONAL FACILITIES -- APPLICATION OF STANDARDS

Section

- 901.01: Types of Facilities
- 901.02: Inspection
- 901.03: Standard Categories
- 901.04: Waivers
- 901.05: Waiver in the Event of Overcrowding Emergency
- 901.06: Emergency Suspension of Standards

901.01: Types of Facilities

103 CMR 900.00 through 979.00 shall apply to any correctional facility subject to the control of a sheriff. 103 CMR 900.00 through 979.00 shall not apply to police station houses or lock-ups which provide brief pre-arraignment custody.

901.02: Inspection

The Commissioner or designee shall visit and inspect each county correctional facility to determine compliance with 103 CMR 900.00 through 979.00 at least once every six months. The results of the inspection shall be documented in a draft audit report, which shall be sent from the Commissioner to the Sheriff. The draft report shall be followed by the final audit report.

901.03: Standard Categories

Each standard has a weight of either "required" or "recommended". Required standards, noted by the term "Required" in text, are directly related to conditions or situations of life, health, and safety of any sentenced individual or pre-trial detainee housed in a county correctional facility, employees or the public. There are 34 required standards and without exception, efforts shall be made to meet and maintain these standards. The remaining standards are recommended and the facility should strive to comply. Every effort shall be made to maintain compliance at the level designated by the standards.

901.04: Waivers

- (1) Any Sheriff or facility administrator of a county correctional facility in existence on the effective date of 103 CMR 900.00 through 979.00 may apply in writing to the Commissioner for a waiver of one or more standards of 103 CMR 900.00 through 979.00, where existing facilities prevent compliance, and when the following conditions exist:
 - (a) non-compliance with the standard does not adversely affect the life, health and safety of staff or inmates or the constitutional operation of the facility; and,
 - (b) overall facility programming compensates for conditions resulting in non-compliance with the standard.
- (2) The application for waiver shall cite each standard requested to be waived, state the reasons why compliance cannot be achieved, and describe steps to be taken to achieve as nearly as possible through alternative means the purpose of each standard requested to be waived.
- (3) Upon receipt of a written application for waiver, the Commissioner shall by written decision expeditiously grant or deny said application. The Commissioner shall grant an application for waiver only where it is found that compliance cannot be achieved and that feasible steps have been designed to achieve as nearly as possible through alternative means the purpose of the standard.
- (4) Granted waivers shall be reviewed at least annually by the Commissioner or designee to determine if conditions and circumstances are still existing to justify the waiver.

901.05: Waiver in the Event of Overcrowding Emergency

Any Sheriff of any existing, new, or proposed county correctional facility in which increases in inmate population may prevent compliance with one or more sections of 103 CMR 900.00 through 979.00 may apply in writing to the Commissioner for a waiver of such regulations.

- (1) The application for such a waiver shall conform with the requirements set forth in 103 CMR 901.04(2).
- (2) The granting or denial of such a waiver shall be governed by the procedures set forth in 103 CMR 901.04(3). The duration of such a waiver shall be at the discretion of the Commissioner.

901.06: Emergency Suspension of Standards

The Sheriff or facility administrator shall have the power to suspend any of 103 CMR 900.00 through 979.00 in the event of an emergency for the duration of said emergency; provided, that:

- (1) Only such sections as are directly affected by the emergency may be suspended;
- (2) The suspension shall continue no longer than is required by the emergency;
- (3) The Sheriff or facility administrator shall immediately notify the Commissioner of the suspension of any regulations; and,
- (4) The Sheriff or facility administrator shall within a reasonable period of time send to the Commissioner, or designee, written notification of the suspension of any regulations setting forth the reasons for the suspension. In no event shall such a suspension continue more than five days without a review by the Commissioner, who shall specify a time limitation.

REGULATORY AUTHORITY

103 CMR 901.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.



THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 103 CMR 902.00

CHAPTER TITLE: County Correctional Facilities-Definitions

AGENCY: Department of Correction

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
To establish standards for the care and custody of all persons committed to any county correctional facility and provisions for enforcement of such standards.

REGULATORY AUTHORITY: M.G.L. c. 124 s. 1(c) & (d) and M.G.L. c. 127 s.1A

AGENCY CONTACT: Kevin A. Anahory PHONE: (617) 727-3300 ext 125

ADDRESS: 70 Franklin Street, Ste. 600, Boston, MA 02110

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

Notified Executive Office of Communities and Development and the Massachusetts Municipal Association on October 9, 2008. No statement of impact was received from either office, thus this regulation was deemed to have no impact.

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given. at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: November 21, 2008

FISCAL EFFECT - Estimate the fiscal effect of the public and private sectors.

For the first and second year: _____

For the first five years: _____

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SMALL BUSINESS IMPACT - State the impact of this regulation on small business. Include a description of reporting, record keeping and other compliance requirements as well as the appropriateness of performance versus design standards and whether this regulation duplicates or conflicts with any other regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.

No impact on small business is anticipated as a result of this regulation.

CODE OF MASSACHUSETTS REGULATIONS INDEX - List key subjects that are relevant to this regulation:

PROMULGATION - State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number:

Amends 103 CMR 902.00

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:

SIGNATURE: _____ DATE: 4/30/2009

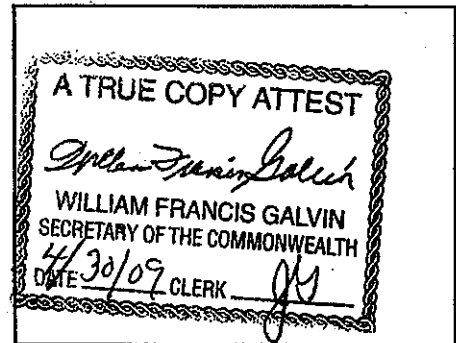
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CODE OF MASSACHUSETTS REGULATIONS

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103 CMR 902.00: COUNTY CORRECTIONAL FACILITIES--DEFINITIONS

Section

902.01: Definitions

902.01: Definitions

As used throughout the 103 CMR 900 through 979.00, unless the context otherwise requires, the following words shall have the following meanings.

Additions. A constructed addition that increases the rated capacity of a correctional facility in operation on the effective date of 103 CMR 900.00 through 979.00.

Administrative Segregation. A form of segregation from the general population administered by a classification committee or other authorized group or authority, when the continued presence of the inmate in general population would pose a serious threat to life, property, self, staff or other inmates, or to the security or orderly running of the facility.

Audit Report. The second of two written reports to be completed by the auditors after conducting a county facility audit. The audit report is disseminated to the Sheriff of the audited facility by the Commissioner.

Appeal. A mechanism for inmates to request review of a decision to a higher authority.

Audio/Visual Electronic Surveillance. Electronic equipment that allow an individual to listen or view an activity utilizing closed circuit television or audio listening equipment.

Authority Having Jurisdiction (AHJ). An agency or a representative of any agency, that has authority to regulate or inspect a specific functional activity or an operation of a county correctional facility. The authority having jurisdiction may be a state or local fire authority, a state or local health authority, the Massachusetts Department of Labor, state or local building and utility inspectors, or other statutory authorities.

Awaiting Action Status. The confinement of an inmate in an individual cell, which may be in the inmate's designated housing unit or in a special management unit, until an investigation is completed or hearing is held relative to a disciplinary, administrative, or classification matter, including protective custody issues. Such confinement shall not be punitive and should only be used when necessary to ensure the safety of the inmate, staff or other inmates, or the security of the correctional facility.

Building Code. Code regulating all buildings and structures in the Commonwealth as established in 780 CMR: *Massachusetts State Building Code*. The Code is administered by inspectors of the Department of Public Safety or local building inspectors according to jurisdictional authority.

Caustic Material. A substance capable of destroying or eating away by chemical reaction (e.g.: lye, caustic soda, sulfuric acid).

Certification/Certified. A process by which an individual has specifically trained to administer a specific task or activity based on established criteria (e.g.: CPR certification, K-9 dog certification, training certification, certified clergy).

Chief Custody Officer. The highest ranking security officer on a specific shift.

Citizen Initiated Petition. A special certification under M.G.L. c. 6, § 172(c) which allows "persons with an articulated fear of physical harm" from a specific offender to receive notice of that offender's release.

Classification. A system by which the security and program needs of each individual for whom confinement was ordered is determined. These needs are regularly assessed and monitored.

902.01: continued

Combustible Material. A substance with a flash point at or above 100°F classified as a class II or III substance by National Fire Protection Association (NFPA) (e.g.: diesel fuel, motor oil, cleaning solvents, paints, mineral oil, sunray conditioner).

Commissioner. The commissioner of correction.

Community Release. An inmate's release into the community in order to participate in work release, educational/vocational release, or the furlough program in accordance with the Massachusetts General Laws and/or applicable regulations contained in 103 CMR 900.000 through 979.000.

Community Release Facility. A county correctional facility that provides housing and programming for participants of Work Release, Pre-release, or Alcohol Treatment Programs.

Confidentiality Of Records (Inmate, Medical, Personnel). Information concerning an individual staff member or inmate (e.g.: medical, criminal, legal, application, pay status (not confidential unless employee was the victim of an adjudicated crime or a victim of domestic violence, sexual assault or rape, and has asked for an exemption), classification.) that must be secured in a proper fire-proof cabinet with limited access in order to protect from theft, loss, tampering and destruction. Policy should specify both those persons authorized to use records and the purpose for such use.

Continuous Access. Inmate access to a specified area at all times without staff assistance.

Contraband. Any item(s) not approved for retention by an inmate at a county correctional facility.

Correspondence. Any form of written communication mailed to or from an individual committed to a county correctional facility.

County Correctional Facility. Any building, enclosure, space or structure that is owned, operated, administered or subject to the control of a county of the commonwealth, used for the custody, control and rehabilitation of committed offenders and of such other persons as may be placed in custody therein in accordance with law.

Criminal Offender Record Information (CORI). Records or data in any communicable form compiled by a criminal justice agency which concerns an identifiable individual and relates to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceeding, sentencing, incarceration, rehabilitation, or release (not to include evaluative information, intelligence or investigative information or statistical reports where individuals are not identified).

Decibels (db). Unit of measure requirements to determine sound levels.

Department/Division Head. A staff person in a management/supervisory position who is responsible for overseeing a specific function/operation within a facility (e.g.: security, food services, classification).

Designated Holding Area. Area(s) designated by a Sheriff/facility administrator to provide a safe and secure place(s) to evacuate inmates during an emergency.

Designee/Designated Staff. A staff person named by a higher authority to be responsible for the performance of a specific task or to oversee a specific function.

Disabled Person. Any individual with a disability or who has a physical or mental impairment which substantially limits one or more "major life activities"; has a record of such an impairment; or is regarded as having such an impairment. Major life activities include: caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. A qualified individual with a disability meets the essential eligibility requirements for the receipt of services or participation in programs offered by a public entity; or is able to perform the essential functions of the job with or without reasonable accommodations.

902.01: continued

Disciplinary Detention. The separation from the general population of an inmate found guilty of committing a rule violation by a disciplinary officer/committee, are confined for short periods of time, not to exceed ten days per infraction or 30 days per incident, to their cells within their assigned housing unit or to a special housing unit. Such placement may result in the loss of all privileges for the duration of the sanction. (See 103 CMR 926.00 and 943.00 for details.)

Draft Audit Report. The first of two written reports to be completed by the auditors after conducting a county audit. The report may include, in addition to matters of non-compliance, comments on administrative or operational revisions which may enhance a policy, procedure or practice already found to be in compliance. The draft report, which shall be watermarked, is disseminated to the Sheriff of the audited facility by the Commissioner.

Education Release. Any program approved by the parent agency pursuant to M.G.L. c. 127, § 48, that is designed to provide academic training, vocational training or counseling outside the confines of the facility.

Eligible Inmate. Inmates that meet established criteria (length of stay, time prior to release, determination of need and suitability) required to participate in a specific program (e.g.: Education, Furlough, Work Release).

Emergency. Any significant disruption of normal facility procedure, policy or activity caused by riot, escape, fire, natural disaster, employee action, threat of disruption, or other serious incident.

Emergency Escorted Trip. An approved temporary release authorized by the Sheriff/designee from any county correctional facility for the purposes of attending a funeral of a relative or to visit a critically ill relative. Such efforts shall be conducted by staff members who have care and custody responsibilities and the transportation requirements shall be consistent with the level of inmate security.

Emergency Health Care. Care for an acute illness or unexpected health care need that cannot be deferred until the next scheduled sick call. Such care shall be provided by the medical director, medical doctor, trained health care staff, health-trained staff, local ambulance service, or hospital emergency room.

Facility Administrator. Any official, regardless of title (e.g.: Sheriff, superintendent, deputy superintendent, director) who has the ultimate responsibility for the day-to-day operations of the facility.

Fire Alarm/Automatic Detection System. A system primarily intended to provide the indication and warning of abnormal conditions (fire/smoke) and the summoning of appropriate aid.

Fire Retardant Furnishings. Furnishings in a facility of a material that is resistant to flame or consists of a coating that is flame retardant as approved by the authority having jurisdiction. (527 CMR 21.00: *Decorations, Curtains, Draperies, Blinds and Other Window Treatments*; 527 CMR 29.00: *Upholstered Furniture, Molded Seating and Re-upholstered Furniture*; 105 CMR 451.00: *Minimum Health and Sanitation Standards and Inspection Procedures for Correctional Facilities*.)

Flammable Material. A substance with a flash point below 100°F (37.8°C), a Class I liquid as defined by NFPA (e.g.: gasoline, lacquer, contact cement, ethyl alcohol).

Foot Candle. A unit of measuring the intensity of illumination. The amount of light thrown on a surface one foot away from the light source.

Grievance. A written complaint by an inmate concerning an incident, a condition of confinement, or application of a facility policy, rule or regulation for which redress is sought. (Classification and disciplinary decisions are not subject to grievance as there are existing appeal mechanisms. Medical decisions shall not be subject to grievance).

902.01: continued

Handicapped Person. See Disabled Person.

Health Authority. A physician or qualified health administrator who is responsible for the provision of health care services at a facility or satellite of the agency.

Health Care. The sum of all action taken, preventive, diagnostic and therapeutic, to provide for the physical and mental well being of a population. Health care includes medical and dental services, mental health services, nursing, personal hygiene, dietary services and environmental conditions.

Health Care Personnel. Individuals whose primary duties are to provide health services to inmates in keeping with their respective levels of health care training and experience. Such personnel shall be licensed, registered, or certified as appropriate to their qualification to practice.

Health Trained Employee/Personnel. Correctional officers or other facility personnel who are trained by health care personnel or other qualified staff (e.g., CPR, First Aid/First Responder), and who are appropriately supervised to carry out certain specific duties with regard to the administration of health care.

Housekeeping/Maintenance Plan. A written plan which outlines specific tasks to be performed, in order to maintain a safe and sanitary environment throughout the facility.

Indigency. Upon request for a waiver of fees or costs an inmate may be declared indigent if, at the time of the request, the inmate has in all accounts to which he has access, a total amount less than or equal to \$10 plus the cost or fees sought to be waived and at no time for the 60 days immediately preceding said request had the inmate's accounts contained more than the \$10 plus the cost or fees sought to be waived. However, the Sheriff/facility administrator may designate an inmate as indigent as deemed appropriate.

Industries Program. An activity managed by facility personnel that uses inmate labor to produce goods or services for sale. These goods or services supplied by the facility to the Commonwealth, other counties, cities, and towns, shall conform as nearly as may be possible to the wholesale market rates for similar goods manufactured outside the facility.

Informed Consent. The agreement by the patient to a treatment, examination, or procedure after the patient receives the material facts regarding the nature, consequences, risks and alternatives concerning the proposed treatment, examination and procedures.

Inspection. A systemic examination of a facility operation to ensure compliance with statutory regulations, policy and procedures, life safety codes, or professional standards.

K-9. A dog trained and certified by a certified trainer, accompanied by a trained handler, for use in activities such as but not limited to: K-9 patrol activities, inmate movement, apprehensions, crowd control, detection of drugs, explosives, and other contraband.

Massachusetts Sheriffs' Association. Organization of 14 Sheriffs for the counties of the Commonwealth.

Multiple Occupancy Rooms. A room in a county correctional facility that houses no fewer than two and no more than 64 inmates who have been screened for suitability to group living.

Multipurpose Room. A room in a county correctional facility that may be used for inmate activities such as religious services, educational programs or other inmate services.

Natural Lighting. Lighting available either by cell or room windows to exterior, or from a source within 20 feet of the room or cell.

New Facility. A facility which is constructed, or for which plans are approved, after January 1, 1992.

902.01: continued

National Fire Protection Association (NFPA). A nonprofit organization whose mission is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training, and education. The NFPA publishes the "Life Safety Code".

Nudity. A pictorial depiction where genitalia, buttocks or female breasts are exposed. Publications containing nudity illustrative of medical, educational or anthropological content may be excluded from 103 CMR 902.01: Nudity.

Offender. An individual convicted or adjudicated of a criminal offense.

Parent Agency. The administrative department within the Sheriff's Department to whom the facility administrator reports.

Permanent Written Log. A permanent recording where the daily activities, post assignment, routine and emergency situations, unusual occurrences, visitors to area and inmate information are recorded by the staff person responsible.

Policy. A policy is a course of action adopted and pursued by the agency that guides and determines present and future decisions and actions. Policies indicate the general course or direction of an organization within which the activities of the personnel and units must operate. They are statements or guiding principles that should be followed in directing activities toward the attainment of objectives.

Pre-institutional Assessment Information. Information concerning an inmate committed to a county correctional facility to include, but not be limited to, local and state police reports, FBI reports, probation reports, court proceedings, previous commitment documents,, medical, mental health and family history.

Procedure. The detailed and sequential set of actions that must be executed to ensure that a policy or regulation is fully implemented. It is the method of performing an operation, or a manner of proceeding on a course of action. It differs from a policy or a regulation in that it directs action in a particular situation to perform specific tasks within the guidelines of the policy or regulation.

Protective Custody. A form of separation from the general population for inmates requesting or requiring protection from other inmates for reasons of health or safety.

Qualified Employee. A facility staff member who has received training in and is familiar with the specific regulatory requirements of a jurisdiction or a county correctional facility operation (e.g.: fire safety, environmental health, or training). At a minimum, on-the-job training, from the facility specialist or other authority having jurisdiction, regarding applicable regulations is expected, including use of checklists and methods of documentation.

Qualified Fire Safety Officer/Environmental Health Officer (Safety/Sanitation Specialist). A county correctional facility staff person or persons trained in the application of jurisdictional codes and regulations. The training of the individual may be provided by the applicable jurisdictional agency or other training agency (e.g., department of correction training academy or sheriff's academy). The individual may receive assistance from the applicable jurisdictional agency in interpretation of and methods of documentation of specific requirements.

Qualified Food Service Personnel. A facility staff person trained in food service supervision and management, who has the resources, authority, and responsibility to provide for the facility's complete food service.

Qualified Health Care Personnel. Physicians, dentists and other professional technical workers who by state law engage in activities that support, complement, or supplement the functions of the physicians or dentists and who are licensed, registered or certified as appropriate to their qualifications to practice.

902.01: continued

Reaction Plan. Written plans that specify the procedures to be followed in any type of disorder situation to include designating who should implement what, what personnel should be involved, when and which authorities should be notified, how the problem should be contained and what should be done after the incident is quelled.

Relative. Relative shall mean the committed offender's father, mother, child, brother, sister, spouse and, if a grandparent, uncle, aunt or foster parent who acted as the parent in rearing such committed offender, it shall also mean such grandparent, uncle, aunt or foster parent.

Renovated Facility. A facility that has had significant structural or design change in the physical plant after the effective date of 103 CMR 900.00.

Research. Research shall include, but not be limited to, studies involving the use of interviewers, questionnaires, participant observation and review of case records.

Room Confinement. A disciplinary sanction imposed as a result of an informal process. Such room confinement may last up to, but not exceed, one 72 hour period. It differs from disciplinary detention in that a hearing is not required prior to imposition and it is served in the inmate's housing unit, and the inmate shall retain at least one of the privileges usually suspended, e.g., television, radio or telephone access, in-cell program activities, reading materials, visitation. The imposition of room confinement does not, by itself, require the reclassification of the inmate as a special management inmate for the period of the sanction, although the provisions of 103 CMR 926.04 shall apply.

Safety Equipment. Equipment, this includes emergency fire equipment, i.e., portable extinguishers, water supply, alarm systems, sprinkler systems, self-contained breathing apparatuses, gas masks, fans, first aid kits, stretchers and emergency alarms.

Sally Port. An enclosure situated in the perimeter wall or fence of the institution containing gates or doors at both ends, only one of which opens at a time. This method of entry and exit ensures there shall be no breach in the perimeter security of the facility. The sally port may handle either pedestrian or vehicular traffic.

Security Devices. Locks, gates, doors, bars, fences, screens, ceilings, floors, walls, and barriers used to confine and control detained persons. Also included are electronic monitoring equipment, security alarm systems, security light units, auxiliary power supplies and other equipment used to maintain facility security.

Segregation. The confinement of an inmate to an individual cell that is separated from general population. There are three forms of segregation: administrative, disciplinary detention and protective custody.

Separate and Distinct Exits. Two means of egress shall be provided in all living areas and places of assembly and be arranged to minimize the possibility that both may be impassable by the same fire or emergency condition. Exits shall be remote enough from each other and so arranged and constructed as to minimize any possibility that more than one may be blocked off by any one fire or other emergency condition.

Sexually Explicit. A pictorial depiction of actual or simulated sexual acts including sexual intercourse, anal or oral sex, or masturbation or material which promotes itself based upon such depictions on a routine or regular basis or in individual one-time issues.

Shall. The word "shall" is used throughout 103 CMR 900.00 through 979.00. However, since the standards contained herein are designated as either "required" or "recommended", the word "shall" when used in required standards indicates an obligation to act; and the word "shall" when used in recommended standards indicates an intention to act.

Special Management Unit. A separate housing area from general population within institutions in which inmates may be confined for reasons of administrative segregation, protective custody, or disciplinary detention.

902.001: continued

Temporary Release. In accordance with statute, a period of time during which an inmate is allowed to leave the program or county correctional facility and go into the community supervised or unsupervised for various purposes consistent with public interest (e.g.: furlough, work release, educational release).

Toxic Material. A substance or material in any form or quantity that poses an unreasonable risk to the health and safety of staff or inmates as defined by federal, state or local regulations.

Unencumbered Space. Usable space that is not encumbered by furnishings or fixtures. At least one dimension of the unencumbered space is no less than seven feet. Unencumbered space is determined by multiplying the length and width of the cell-room and subtracting from that figure the total number of square feet encumbered by bed(s), plumbing fixtures, desk(s), and other fixed equipment. Measurements shall be made with equipment and furnishings in their normal use position.

Training. An organized, planned, and evaluated activity designed to achieve specific learning objectives and enhance job performance of personnel. Training may occur on site, at an academy or training center, at an institution of higher learning, through contract services, at professional meetings, or through closely supervised on-the-job training. It includes a formal agenda and instruction by a teacher, manager or official, physical training, or other instructional programs that include a trainer/trainee relationship. Training programs usually include requirements for completion, attendance, recording and a system for recognition of completion. Meetings of professional associations are considered training where there is clear recognition of completion.

Vehicle Trap. See sally port.

Volunteer. Any person from the community who is over 18 years of age and on a voluntary basis, works with inmates or staff, individually or in groups, in a volunteer program.

Waiver. A request to be temporarily excused from compliance with a standard due to limited resources, physical plant or staffing deficiencies. Such request must be documented with supporting information.

Work Release. A formal arrangement sanctioned by M.G.L. c. 127, §§ 48, 49, 49A, and 86F whereby an inmate is permitted to maintain approved and regular employment in the community.

Work Days. Monday through Friday, excluding holidays and weekends.

Written Plan. A detailed and sequential set of tasks that shall be executed to obtain the desired results or objective. It is the method of performing an operation or a manner of proceeding on a course of action (e.g.: housekeeping plan, preventive maintenance plan, emergency medical care plan).

REGULATORY AUTHORITY

103 CMR 902.00: M.G.L. c. 124, § (1) (e), (d) and (q); c. 127, §§ 1A and 1B.

NON-TEXT PAGE



THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 103 CMR 903.00

CHAPTER TITLE: County Correctional Facilities-Administration of Standards

AGENCY: Department of Correction

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
To establish standards for the care and custody of all persons committed to any county correctional facility and provisions for enforcement of such standards.

REGULATORY AUTHORITY: M.G.L. c. 124 s. 1(c) & (d) and M.G.L. c. 127 s.1A

AGENCY CONTACT: Kevin A. Anahory PHONE: (617) 727-3300 ext 125

ADDRESS: 70 Franklin Street, Ste. 600, Boston, MA 02110

Compliance with M.G.L. c. 30A

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Date of public hearing or comment period: November 21, 2008

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Amends 103 CMR 903.00

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:

SIGNATURE: _____ DATE: 4/30/2009

Publication - To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 1130 DATE: 5/15/09

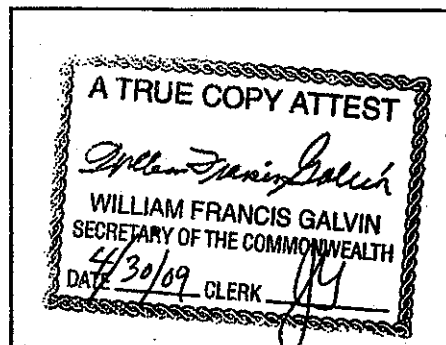
EFFECTIVE DATE: 5/15/09

CODE OF MASSACHUSETTS REGULATIONS

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103 CMR: DEPARTMENT OF CORRECTION

103 CMR 903.00: COUNTY CORRECTIONAL FACILITIES -- ADMINISTRATION OF STANDARDS

Section

- 903.01: Duties of Commissioner
- 903.02: Delegation of Powers
- 903.03: Standards Administrator
- 903.04: Standards Auditor
- 903.05: Conduct of Standards Auditors

903.01: Duties of Commissioner

The Commissioner shall:

- (1) Provide consultation services for the design and construction of county correctional facilities, studies and surveys of programs and administration, and any other technical assistance deemed proper and necessary;
- (2) Assist in developing and administering programs of grants-in-aid or subsidies for any county correctional facility;
- (3) Visit and inspect each county correctional facility at least once each six months and as often as deemed necessary;
- (4) Advise appropriate agencies and officials of any deficiencies in any county correctional facility, and to make recommendations for the improvement of such facilities;
- (5) Submit written reports of such inspections to appropriate agencies and officials;
- (6) Review, comment upon, and approve or disapprove plans for the construction and major modification or renovation of county correctional facilities;
- (7) Develop, revise, or alter in cooperation with the Sheriffs, standards for the construction, maintenance, and operation of county correctional facilities;
- (8) Ensure compliance with 103 CMR 900.00 through 979.00; and,
- (9) Perform such other duties as may be necessary to carry out his statutory responsibilities and the policies of the Department of Correction.

903.02: Delegation of Powers

The Commissioner may employ such personnel as deemed necessary to carry out the powers, functions and duties as set forth in 103 CMR 900.00 through 979.00, and may delegate any of such powers, functions and duties.

903.03: Standards Administrator

The Commissioner may designate a person or persons within the Department to act as county correctional standards administrator to carry out the duties and responsibilities of the Commissioner pursuant to 103 CMR 900.00 through 979.00.

903.04: Standards Auditor

The Commissioner may designate a person or persons within the Department of Correction to act as county correctional standards auditor, who shall be admitted to visit and inspect any county correctional facility as required for the purposes of 103 CMR 900.00 through 979.00. Additionally, an employee(s) of a Sheriff's Office(s) may act as a county correctional standards auditor with the approval of the Commissioner.

903.05: Conduct of Standards Auditors

- (1) In conducting standards audits of county correctional facilities, standards auditors shall:
 - (a) evaluate each facility's policies, procedures, and practice in accordance with 103 CMR 900.00 through 979.00. Each evaluated regulation shall be determined into one of three categories: compliance, non-compliance, or valid waiver obtained; and
 - (b) clearly apply with equity and reliability the specific language of each standard in context and subject matter.

- (2) Standards auditors may comment on administrative or operational revisions which may further improve a policy, procedure or practice already found to be in compliance.

REGULATORY AUTHORITY

103 CMR 903.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.



THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 103 CMR 904.00

CHAPTER TITLE: County Correctional Facilities-Enforcement Procedures

AGENCY: Department of Correction

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
To establish standards for the care and custody of all persons committed to any county correctional facility and provisions for enforcement of such standards.

REGULATORY AUTHORITY: M.G.L. c. 124 s. 1(c) & (d) and M.G.L. c. 127 s.1A

AGENCY CONTACT: Kevin A. Anahory PHONE: (617) 727-3300 ext 125

ADDRESS: 70 Franklin Street, Ste. 600, Boston, MA 02110

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*

PRIOR NOTIFICATION AND/OR APPROVAL - *if prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

Notified Executive Office of Communities and Development and the Massachusetts Municipal Association on October 9, 2008. No statement of impact was received from either office, thus this regulation was deemed to have no impact.

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: November 21, 2008

FISCAL EFFECT - Estimate the fiscal effect of the public and private sectors.

For the first and second year: _____

For the first five years: _____

No fiscal effect: X _____

SMALL BUSINESS IMPACT - State the impact of this regulation on small business. Include a description of reporting, record keeping and other compliance requirements as well as the appropriateness of performance versus design standards and whether this regulation duplicates or conflicts with any other regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.

No impact on small business is anticipated as a result of this regulation.

CODE OF MASSACHUSETTS REGULATIONS INDEX - List key subjects that are relevant to this regulation:

PROMULGATION - State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number:

Amends 103 CMR 904.00

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:

SIGNATURE: _____ DATE: 4/30/2009

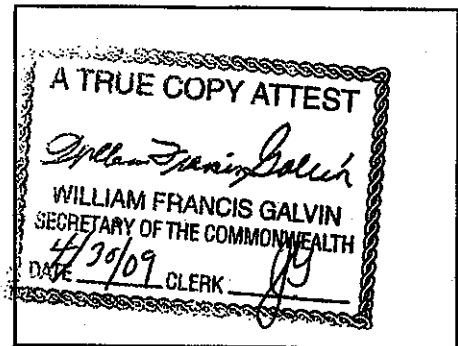
Publication - To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 1130 DATE: 5/15/09

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CODE OF MASSACHUSETTS REGULATIONS

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103 CMR 904.00: COUNTY CORRECTIONAL FACILITIES -- ENFORCEMENT PROCEDURES

Section

- 904.01: Notice of Non-compliance
- 904.02: Response to Notice of Non-compliance
- 904.03: Request for Hearing
- 904.04: Compliance Hearing - Order of Proceedings
- 904.05: Compliance Hearing - Evidence
- 904.06: Compliance Hearing - Conduct
- 904.07: Compliance Hearing - Transcript and Record
- 904.08: Compliance Hearing - Oral Argument, Brief, Proposed Findings of Fact
- 904.09: Compliance Hearing - Finding and Report
- 904.10: Compliance Order
- 904.11: Request for Extension of Time
- 904.12: Judicial Enforcement

904.01: Notice of Non-compliance

- (1) If, in the opinion of the Commissioner, any county correctional facility does not comply with 103 CMR 900.00 through 979.00, the Commissioner shall give notice in writing of the alleged non-compliance to the Sheriff.
- (2) The notice of non-compliance shall be delivered by mailing, postage prepaid, to the Sheriff.
- (3) The notice of non-compliance shall specify the section, or sections, of 103 CMR 900.00 through 979.00 with which the county correctional facility has allegedly failed to comply.

904.02: Response to Notice of Non-compliance

Within 60 days of receipt of the notice of non-compliance, the Sheriff/facility administrator shall file with the Commissioner, a response admitting or denying each allegation of non-compliance contained therein. For each allegation of non-compliance denied, the response shall set forth an explanation of how the county correctional facility in question meets the relevant requirements of 103 CMR 900.00 through 979.00. For each allegation of non-compliance admitted, the response shall set forth a plan to remedy such non-compliance within a reasonable time.

904.03: Request for Hearing

- (1) The Sheriff/facility administrator served with a notice of non-compliance in accordance with 103 CMR 904.01 shall have a right to a hearing before the Commissioner or his designee regarding the contents of such notice. The request for a hearing shall be filed within 30 days after receipt of the notice of non-compliance, and may be included in the response to such notice required by 103 CMR 904.02.
- (2) The Commissioner may schedule a hearing regarding a notice of non-compliance at which time the Sheriff/facility administrator may present evidence regarding the contents of the notice of non-compliance. The Commissioner may include a notice of scheduling of a hearing in the notice of non-compliance, and shall serve a notice of such hearing to the Sheriff either within ten working days of service of the notice of non-compliance, or within ten working days following receipt of the response required by 103 CMR 904.02.
- (3) The hearing shall be scheduled on a date not more than 30 days following a request thereof or notice thereof in accordance with 103 CMR 904.01 and 904.02.
- (4) Hearings may be continued by stipulation or for good cause, in the Commissioner's discretion.

904.04: Compliance Hearing - Order of Proceedings

- (1) The compliance hearing shall be conducted by a hearing officer designated by the Commissioner. The hearing officer shall govern all aspects of the hearing.
- (2) The Sheriff/facility administrator shall first make a presentation regarding each item contained in the notice of non-compliance that is the predicate for the hearing. Such presentation shall include, but shall not be limited to, evidence of:
 - (a) compliance with 103 CMR 900.00 through 979.00;
 - (b) circumstances giving rise to any instance of non-compliance with 103 CMR 900.00 through 979.00;
 - (c) explanation of any failure or inability to comply with 103 CMR 900.00 through 979.00; and,
 - (d) explanation of plans to remedy any instances of non-compliance.
- (3) The Commissioner may designate a Department of Correction employee, someone other than the hearing officer to make a presentation regarding each item contained in the notice of non-compliance that is the predicate for the hearing. Said employee may present any evidence relevant to the contents of the notice of non-compliance and response thereto, including but not necessarily limited to, evidence of:
 - (a) compliance with 103 CMR 900.00 through 979.00;
 - (b) circumstances giving rise to any instance of non-compliance with 103 CMR 900.00 through 979.00;
 - (c) explanation of any failure or inability to comply with 103 CMR 900.00 through 979.00;
 - (d) commentary upon and explanation of any plans to remedy any instances of non-compliance; and,
 - (e) recommended disposition.
- (4) The hearing officer may thereafter, in his/her discretion, hear testimony or take other relevant evidence from any person; provided, that such person has filed a notice of intervention at or prior to the hearing, in which is set forth identification of the proposed intervener, a statement of the issues on which he/she wishes to be heard, and a summary of the evidence to be presented on each issue. Where necessary the hearing officer may continue the hearing to a subsequent date to permit reception of third party evidence.

904.05: Compliance Hearing - Evidence

- (1) The hearing officer shall not be bound by the rules of evidence observed by courts. The hearing officer may admit and give probative effect only to evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs.
- (2) The hearing officer may take administrative notice of matters which could be judicially noticed by courts, and of technical or general facts within the specialized knowledge of the Department of Correction.

904.06: Compliance Hearing - Conduct

All parties, counsel, witnesses and other persons present at a hearing shall conduct themselves in a manner consistent with the standards of decorum commonly observed in the courts of the Commonwealth. The hearing officer may take whatever appropriate actions are necessary to conduct a hearing where such standards are not observed by any person.

904.07: Compliance Hearing - Transcript and Record

Testimony offered at a compliance hearing shall be transcribed by tape recorder or stenographer. The record shall consist of the transcript, notice of non-compliance, response, stipulations, exhibits in evidence, and any other docketed documents.

904.08: Compliance Hearing - Oral Argument, Brief, Proposed Findings of Fact

- (1) The hearing officer may in his discretion allow a reasonable time to the parties for oral argument.

904.08: continued

(2) Briefs or proposed findings of fact may be filed by parties or by an interested person before or during the course of a hearing, or within such time thereafter as the hearing officer may designate.

904.09: Compliance Hearing - Finding and Report

Following the close of the compliance hearing, the hearing officer shall within 30 days issue a finding and report in writing, which shall determine, as to each instance of alleged non-compliance in controversy:

- (1) whether the county correctional facility is in compliance with 103 CMR 900.00 through 979.00;
- (2) if non-compliance is found, whether the plan of remedy, if any, offered by the Sheriff/facility administrator is adequate to secure compliance within a reasonable time;
- (3) what other steps, if any, need to be taken to secure compliance; and,
- (4) what period of time shall reasonably be allowed for remedying any instance of non-compliance.

The finding and report of the hearing officer shall contain all findings of fact and conclusions of law necessary to support its determinations and shall, upon completion, be delivered to the Commissioner.

904.10: Compliance Order

- (1) The Commissioner shall make the final decision in any compliance proceeding.
- (2) In cases where a compliance hearing has not been held, the Commissioner may, after review of the notice of non-compliance, the response thereto, and all other relevant materials, issue a written compliance order. The compliance order shall contain determinations of:
 - (a) instances of non-compliance;
 - (b) what steps need to be taken to secure compliance; and,
 - (c) what period of time shall be allowed for remedying all instances of non-compliance.

The compliance order shall also contain all findings of fact and conclusions of law necessary to support its determinations. A copy of the compliance order shall be served upon the Sheriff/facility administrator, and if applicable, each other party to the proceedings and/or each attorney of record for a party.

- (3) In cases where a compliance hearing has been held, the Commissioner shall, after review of the finding and report of the hearing officer and all other relevant materials, issue a written compliance order. The compliance order shall contain determinations of:
 - (a) instances of non-compliance;
 - (b) what steps need to be taken to secure compliance; and,
 - (c) what period of time shall be allowed for remedying all instances of non-compliance.

The compliance order shall also contain all findings of fact and conclusions of law necessary to support its determinations. A copy of the compliance order shall be served upon the Sheriff/facility administrator, and if applicable each other party to the proceedings and/or each attorney of record for a party.

904.11: Request for Extension of Time

The Sheriff/facility administrator of a county correctional facility which is the subject of a compliance order may apply in writing to the Commissioner for an extension of the time specified in the compliance order for remedying all instances of non-compliance, provided, that the application for extension is filed prior to the expiration of the time period specified in the compliance order or any previous extension thereof. The Commissioner may in his discretion grant such extensions of time for good cause shown.

904.12: Judicial Enforcement

If the time for remedying all instances of non-compliance specified in a compliance order, including all proper extensions thereof, has expired, and if in the opinion of the Commissioner the facility has not been brought into compliance with 103 CMR 900.00 through 979.00, the Commissioner may, with the approval of the Attorney General, petition the Superior Court in equity in the county in which such facility is located for an order to close the facility or for other appropriate relief. If the Commissioner does decide to petition the Court, following the approval of the Attorney General, he/she shall notify the Sheriff/facility administrator five days prior to said petitioning.

REGULATORY AUTHORITY

103 CMR 904.00: M.G.L. c. 12, § 3; c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.



THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 103 CMR 907.00

CHAPTER TITLE: County Correctional Facilities-Planning Procedure for New Construction and Renovation

AGENCY: Department of Correction

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
To establish standards for the care and custody of all persons committed to any county correctional facility and provisions for enforcement of such standards.

REGULATORY AUTHORITY: M.G.L. c. 124 s. 1(c) & (d) and M.G.L. c. 127 s.1A

AGENCY CONTACT: Kevin A. Anahory PHONE: (617) 727-3300 ext 125

ADDRESS: 70 Franklin Street, Ste. 600, Boston, MA 02110

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

Notified Executive Office of Communities and Development and the Massachusetts Municipal Association on October 9, 2008. No statement of impact was received from either office, thus this regulation was deemed to have no impact.

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: November 21, 2008

FISCAL EFFECT - Estimate the fiscal effect of the public and private sectors.

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SMALL BUSINESS IMPACT - State the impact of this regulation on small business. Include a description of reporting, record keeping and other compliance requirements as well as the appropriateness of performance versus design standards and whether this regulation duplicates or conflicts with any other regulation. If the purpose of this regulation is to set rates for the state, this section does not apply.

No impact on small business is anticipated as a result of this regulation.

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PROMULGATION - State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number.

Amends 103 CMR 907.00

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:

SIGNATURE: _____ DATE: 4/30/2009

Publication - To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 1130 DATE: 5/15/09

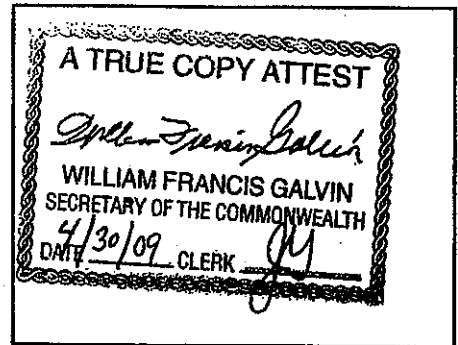
EFFECTIVE DATE: 5/15/09

CODE OF MASSACHUSETTS REGULATIONS

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103 CMR 907.00: COUNTY CORRECTIONAL FACILITIES -- PLANNING PROCEDURE FOR
NEW CONSTRUCTION AND RENOVATION

Section

- 907.01: Letter of Intent
- 907.02: Program Statement
- 907.03: Submission of Plans and Specifications
- 907.04: Final Review and Approval
- 907.05: Technical Assistance
- 907.06: Grants-in-aid, Subsidies

907.01: Letter of Intent

Whenever the Sheriff/Parent Agency of any county has, by resolution or other formal action, indicated an intent to build, remodel or repair any county correctional facility, and the estimated aggregate cost of such work totals \$200,000 or more, a letter of intent shall be filed with the Commissioner within 30 days. The letter of intent shall specify the county correctional facility involved, the intended building, remodeling or repair, a copy of the architect's plans or drawings, and the estimated cost thereof.

907.02: Program Statement

(1) New Facilities. As soon as practicable after the filing of the letter of intent, the Sheriff/facility administrator and the architect shall develop a facility program statement as part of the preliminary planning phase for construction of a new facility. The program statement shall include, but not be limited to, a description of the following:

- (a) type of facility needed;
- (b) maximum rated capacity of facility based on project needs;
- (c) types of inmates to be housed;
- (d) inmate movement within the facility and entry and exit from security areas;
- (e) description of living units;
- (f) food preparation and serving;
- (g) intake and booking area;
- (h) visiting attorney interview area;
- (i) medical and psychological examination area;
- (j) activities area for exercise and rehabilitation programs;
- (k) cleaning and laundering area.

(2) Renovations. Where renovation, repair or remodeling is contemplated, the program statement may omit description of any of 103 CMR 907.02(1)(a) through (k) unaffected by the contemplated work.

907.03: Submission of Plans and Specifications

After the initial planning phase, each subsequent set of plans and specifications, including the final working plans and specifications, shall be submitted in duplicate to the Commissioner.

907.04: Final Review and Approval

The Commissioner shall review, comment upon, and approve or disapprove all plans for the renovation, remodeling or repair of existing facilities where it is anticipated that such work will cost \$200,000 or more, and for the construction of new facilities.

907.05: Technical Assistance

The Commissioner shall provide consultation services for the design and construction of facilities, studies and surveys of program and administration, and other technical assistance throughout the planning and construction or renovation of county correctional facilities.

907.06: Grants-in-aid, Subsidies

The Commissioner shall develop and administer, in cooperation with the County Commissioners and Sheriff/facility administrators, programs of grants-in-aid or subsidies for constriction or renovation of county correctional facilities, whenever the Commissioner deems it feasible.

REGULATORY AUTHORITY

103 CMR 907.000: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.



THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 103 CMR 910.00

CHAPTER TITLE: County Correctional Facilities-Administration and Management

AGENCY: Department of Correction

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
To establish standards for the care and custody of all persons committed to any county correctional facility and provisions for enforcement of such standards.

REGULATORY AUTHORITY: M.G.L. c. 124 s. 1(c) & (d) and M.G.L. c. 127 s.1A

AGENCY CONTACT: Kevin A. Anahory PHONE: (617) 727-3300 ext 125

ADDRESS: 70 Franklin Street, Ste. 600, Boston, MA 02110

Compliance with M.G.L. c. 30A

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Notified Executive Office of Communities and Development and the Massachusetts Municipal Association on October 9, 2008. No statement of impact was received from either office, thus this regulation was deemed to have no impact.

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: November 21, 2008

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PROMULGATION - State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number.

Amends 103 CMR 910.00

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:

SIGNATURE: _____ DATE: 4/30/2009

Publication - To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 1130 DATE: 5/15/09

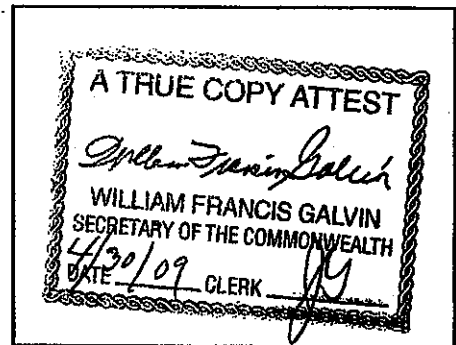
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CODE OF MASSACHUSETTS REGULATIONS

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103 CMR 910.00: COUNTY CORRECTIONAL FACILITIES -- ADMINISTRATION AND MANAGEMENT

Section

- 910.01: Mission Statement: Philosophy and Goals
- 910.02: Goals and Objectives
- 910.03: Organizational Structures
- 910.04: Policy and Procedures Manual
- 910.05: Quarterly Reports to Parent Agency
- 910.06: Requests for Information and Media Access
- 910.07: Internal Communication
- 910.08: Code of Ethics

910.01: Mission Statement: Philosophy and Goals

The Sheriff/facility administrator shall develop a written document delineating the mission of the county correctional facility. This document shall include the philosophy and goals of the facility and shall be reviewed annually and updated as necessary. This document shall be made available to staff.

910.02: Goals and Objectives

The Sheriff/facility administrator shall develop written policy and procedure that formulate goals and measurable objectives. Such goals and measurable objectives shall be reviewed annually by the Sheriff/facility administrator.

910.03: Organizational Structure

The Sheriff/facility administrator shall develop a written description and organizational chart that reflects the current structure of authority, responsibility, and accountability within the county correctional facility. Such written descriptions and organizational charts shall be reviewed at least annually and updated as needed by the Sheriff/Facility Administrator.

910.04: Policy and Procedures Manual

- (1) Policies, procedures and plans for operating and maintaining the county correctional facility shall be specified in a manual.
- (2) The policies, procedures, and plans for operating and maintaining the facility shall be accessible and available to all employees and a system developed for policy dissemination to staff.
- (3) The manual shall be reviewed at least annually and updated as needed.
- (4) The manual shall include, but not be limited to, written policies and procedures in the general topic areas of:
 - (a) management and administration;
 - (b) business and fiscal management;
 - (c) personnel, labor relations and training;
 - (d) security management;
 - (e) safety and emergency management;
 - (f) facility maintenance, sanitation, and hygiene;
 - (g) facilities planning and capital management;
 - (h) inmate programs, services and classification;
 - (i) inmate rights;
 - (j) rules and discipline;
 - (k) medical and health care;
 - (l) food services.

910.05: Quarterly Reports to Parent Agency

When the county correctional facility is physically separate from the parent agency, the facility administrator shall submit quarterly reports to the parent agency which include, but are not limited to: information on major developments, population data, staff and inmate morale, major problems, and plans for resolving them.

910.06: Requests for Information and Media Access

- (1) Written policy and procedure shall provide that requests from federal, state, and local legislative and executive bodies for information concerning programs and specific cases are responded to promptly and fully by facility staff or the parent agency in accordance with policy and procedure and provisions relevant to rights of privacy.
- (2) Written policy and procedure shall grant representatives of the media access to the facility for purposes of reporting items of public interest, consistent with the preservation of inmate privacy and the maintenance of order and security in the facility. The procedures are to include, but not be limited to, the following:
 - (a) a media representative shall obtain a written and signed waiver of privacy rights from each inmate whom he intends to film, tape, interview or otherwise record. The waiver must be given voluntarily and competently and on a form which clearly states that the inmate has the right to refuse to be filmed, recorded, or interviewed. The signed waiver form shall be submitted to the facility administrator for review and maintained in the inmate case record.
 - (b) films, photographs and video/audio recordings to be publicly shown or aired shall be edited to delete any identifiable representations of inmates who have not signed privacy waiver forms.
 - (c) media representatives shall be informed that the use of a film or tape without the consent of identifiable inmates may lead to liability in tort and/or forfeiture of the privilege to enter the facility, and may constitute a violation of the Criminal Offender Record Information statute, M.G.L. c. 6, §§ 167 through 178.

910.07: Internal Communication

Written policy and procedure shall provide for a system of communication within the county correctional facility and shall include, but not be limited to, the following;

- (1) Monthly meetings between the facility administrator and all department/division heads, or monthly meetings between the Administrator and all facility personnel;
- (2) Monthly meetings between department/division heads and their staff; and,
- (3) A system of two-way communication between all levels of staff and inmates.

910.08: Code of Ethics

The county correctional facility's policy manual shall include a code of ethics conforming to governmental statutes and regulations relating to conflict of interest, campaigning, lobbying and political practices. It shall include, but not be limited to, the following provisions:

- (a) conflict of interest;
- (b) gifts from inmates; and
- (c) gifts from contractors.

REGULATORY AUTHORITY

103 CMR 910.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.



THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth**Regulation Filing** *To be completed by filing agency*CHAPTER NUMBER: 103 CMR 911.00CHAPTER TITLE: County Correctional Facilities-Budget and Fiscal ManagementAGENCY: Department of CorrectionSUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.***To establish standards for the care and custody of all persons committed to any county correctional facility and provisions for enforcement of such standards.**REGULATORY AUTHORITY: M.G.L. c. 124 s. 1(c) & (d) and M.G.L. c. 127 s.1AAGENCY CONTACT: Kevin A. Anahory PHONE: (617) 727-3300 ext
125ADDRESS: 70 Franklin Street, Ste. 600, Boston, MA 02110**Compliance with M.G.L. c. 30A**EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.***Notified Executive Office of Communities and Development and the Massachusetts Municipal Association on October 9, 2008. No statement of impact was received from either office, thus this regulation was deemed to have no impact.**PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*Date of public hearing or comment period: November 21, 2008

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CODE OF MASSACHUSETTS REGULATIONS INDEX - List key subjects that are relevant to this regulation:

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Amends 103 CMR 911.00

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:

SIGNATURE: _____ DATE: 4/30/2009

Publication - To be completed by the Regulations Division

MASSACHUSETTS REGISTER NUMBER: 1130 DATE: 5/15/09

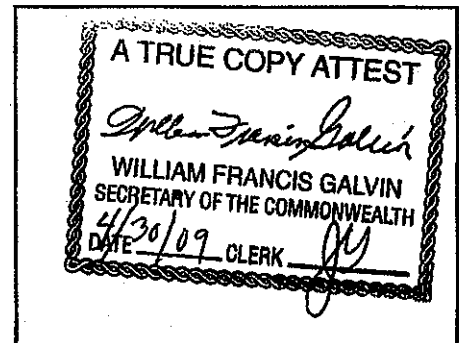
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CODE OF MASSACHUSETTS REGULATIONS

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295, 296

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103 CMR: DEPARTMENT OF CORRECTION

103 CMR 911.00: COUNTY CORRECTIONAL FACILITIES -- BUDGET AND FISCAL
MANAGEMENT

Section

- 911.01: Responsibilities of Administration
- 911.02: Accounting System
- 911.03: Fiscal Controls
- 911.04: Inventory Control
- 911.05: Financial Audit
- 911.06: Inmate Purchases/Canteen
- 911.07: Industries Program
- 911.08: Inmate Funds

911.01: Responsibilities of Administration

The Sheriff/facility administrator shall prepare, submit, and justify a budget that provides the necessary resources for county correctional facility operations and programming. Facility staff shall participate in the preparation of the written budget request.

911.02: Accounting System

There shall be an accounting system, consistent with M.G.L. c. 127, §§ 8 and 9, designed to show the current status of appropriations and expenditures, and which records essential financial information.

911.03: Fiscal Controls

Written policy and procedure shall specify the methods used for the collection, safeguarding and disbursement of monies that comply with accepted accounting procedures established by the parent agency or other authority having jurisdiction. Procedures shall include, but not be limited to:

- (1) internal controls;
- (2) petty cash procedures;
- (3) bonding of appropriate staff;
- (4) signature control on checks;
- (5) handling of inmate funds, including accrual of interest;
- (6) employee expense reimbursement;
- (7) requisition and purchase of supplies and equipment;
- (8) issuance or use of vouchers.

911.04: Inventory Control

- (1) Written policy and procedure shall govern inventory control of property stores and other assets.
- (2) Inventories shall be conducted at least annually or at times stipulated by applicable statutes or the appropriate regulations of the parent agency or other authority having jurisdiction.

911.05: Financial Audit

Written policy, procedure and practice shall provide for an independent financial audit of the facility to be conducted once every two years.

911.06: Inmate Purchases/Canteen

- (1) Written policy and procedure shall allow for inmate purchase of approved items not furnished by the facility.
- (2) If an inmate commissary or canteen is established, there shall be procedures for strict control of its operation, the use of accepted accounting procedures, and an independent audit conducted in accordance with applicable statutes and the appropriate regulations of the parent agency or other authority having jurisdiction.

911.07: Industries Program

If an industries program exists at the facility, in accordance with M.G.L. c. 127, § 51, the number of inmates employed, the kind and quantity of goods manufactured, the amount of goods sold and monies received shall be conducted in accordance with applicable statutes and the appropriate regulations established by the parent agency or other authority having jurisdiction.

911.08: Inmate Funds

Written policy and procedure regarding inmate funds shall be established and include the following:

- (1) Upon receipt of an outstanding victim and witness assessment from a court, the Sheriff/facility administrator shall transmit to the court any part or all of the monies earned or received by the inmate and held by the county correctional facility, except monies derived from interest earned upon such deposits.
- (2) Any monies derived from interest earned upon the deposit of such monies and revenue generated by the sale or purchase of goods or services to persons in county correctional facilities may be expended for the general welfare of all the inmates at the discretion of the Sheriff/facility administrator.
- (3) When transactions between inmates are permitted, staff approval shall be necessary for such transactions.

REGULATORY AUTHORITY

103 CMR 911.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.



THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 103 CMR 914.00

CHAPTER TITLE: County Correctional Facilities-Personnel

AGENCY: Department of Correction

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
To establish standards for the care and custody of all persons committed to any county correctional facility and provisions for enforcement of such standards.

REGULATORY AUTHORITY: M.G.L. c. 124 s. 1(c) & (d) and M.G.L. c. 127 s.1A

AGENCY CONTACT: Kevin A. Anahory PHONE: (617) 727-3300 ext 125

ADDRESS: 70 Franklin Street, Ste. 600, Boston, MA 02110

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*

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Notified Executive Office of Communities and Development and the Massachusetts Municipal Association on October 9, 2008. No statement of impact was received from either office, thus this regulation was deemed to have no impact.

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: November 21, 2008

FISCAL EFFECT - Estimate the fiscal effect of the public and private sectors.

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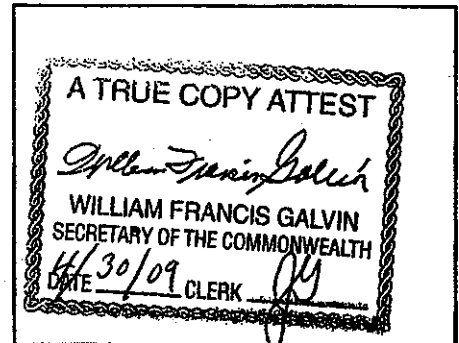
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CODE OF MASSACHUSETTS REGULATIONS

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103 CMR 914.00: COUNTY CORRECTIONAL FACILITIES -- PERSONNEL

Section

- 914.01: Personnel Manual
- 914.02: Selection and Hiring
- 914.03: Personnel Actions
- 914.04: Compensation and Benefits
- 914.05: Minimum Staff Requirements
- 914.06: Employee Personnel Record

914.01: Personnel Manual

(1) Each county correctional facility shall provide a personnel manual which includes, but is not limited to, policy and procedure for the following areas:

- (a) organizational structure;
- (b) recruitment and selection;
- (c) equal employment opportunity provisions;
- (d) reasonable accommodation to the known impairments of an employee or applicant having a disability;
- (e) job qualifications, descriptions and responsibilities;
- (f) job classification plan;
- (g) wage and benefit plan;
- (h) holidays, leaves and work hours;
- (i) personnel records;
- (j) performance evaluations;
- (k) promotions, retirements, resignations, layoffs and terminations;
- (l) employee-management relations;
- (m) physical fitness;
- (n) employee discipline;
- (o) grievances and appeals;
- (p) insurance and professional liability provisions;
- (q) code of ethics to include statement regarding conflict of interest;
- (r) drug-free workplace
- (s) sexual harassment prohibition;
- (t) sexual misconduct; and
- (u) domestic violence.

(2) A copy of the personnel manual shall be accessible to each employee and its contents shall be explained at employee orientation.

914.02: Selection and Hiring

(1) Written policy and procedure shall specify that the selection, retention, and promotion of all personnel is on the basis of merit and specified qualifications to include the following:

- (a) eligibility for appointment as a correction officer or other security employee a person shall be at least 19 years old, have a high school diploma or its equivalent, and be physically fit; and,
- (b) eligibility requirements for professional, treatment, administrative and other positions shall be established by the Sheriff/facility administrator in accordance with the duties and responsibilities of the position and with any legal requirements for certification, licensing or training.

(2) Written policy and procedure shall encourage promotion from within the organization.

(3) Written policy and procedure shall specify that equal employment opportunity exists for all positions. There shall be no discrimination in hiring on the grounds of race, color, religion, national origin, handicap, creed or sex.

(4) In accordance with state and federal statutes, the county correctional facility shall conduct a criminal record check on all new employees to ascertain whether there are criminal convictions which may have a specific relationship to job performance.

914.02: continued

(5) Written policy and procedure shall provide that all employees who have daily direct contact with inmates receive a physical examination prior to job assignment. All other employees shall receive a medical screening prior to job assignment. Provisions shall exist for re-examination when necessary.

914.03: Personnel Actions

(1) Written policy and procedure shall specify that permanent employees are appointed initially for a probationary term of not less than six months but not more than one year.

(2) Written policy and procedure shall require that a written performance evaluation of all employees is completed at the end of the probationary period and at least annually thereafter, and shall be based on defined criteria related to job performance. The evaluation shall bear a direct relationship to the skills, knowledge areas, aptitudes and personal characteristics defined in the job analysis and the duties and responsibilities listed in the job description. The employee shall have the opportunity to review and discuss the evaluation with the individual who completes the form. This evaluation shall be signed by both parties indicating a review has been completed. If the employee disagrees with the evaluation, he/she shall have the right to express his/her opinions in writing without concern of reprisal. This statement shall be included with the evaluation in the personnel file.

(3) Written policy and procedure shall specify that selection, assignment, or transfer of an employee is based on facility need and the ability of the employee to perform the job.

914.04: Compensation and Benefits

(1) A written compensation and benefit plan and a written job classification plan shall exist within the Personnel Manual. Employees shall have access to information on compensation and benefits and receive this information during new employee orientation.

(2) Written policy and procedure shall provide for an employee assistance program approved by the Sheriff.

914.05: Minimum Staff Requirements

(1) The Sheriff/facility administrator shall systematically determine the workload requirements for all categories of personnel and review them on an ongoing basis in order to ensure inmate access to staff, availability of support services and adequate security supervision of the inmates, staff, and the facility. A Security Staff Post Analysis, to include the calculation of a shift relief factor, shall be conducted, reviewed annually and updated as necessary.

(2) Written policy, procedure and practice shall require that when both males and females are incarcerated in the county correctional facility at least one male and one female staff members is on duty at all times.

(3) Written policy and procedure shall provide for provisional appointments or reserve security staff to ensure the availability of trained personnel for short-term, full-time or part-time work in special or emergency situations.

914.06: Employee Personnel Record

(1) The Sheriff/facility administrator shall maintain a current, accurate and confidential personnel record for each employee.

(2) Written policy and procedure shall specify the confidentiality of the personnel record and restrict the record's availability to the employee who is the subject of the record, to administrators and supervisors directly responsible for the employee, and to other personnel who need the information for the performance of their duties, in accordance with the Fair Information Practices Act, M.G.L. c. 66A and 501 CMR 3.00: *Privacy and Confidentiality*.

103 CMR: DEPARTMENT OF CORRECTION

914.06: continued

(3) Written policy and procedure shall make provision for employees to challenge all information in their personnel file and establish a process for correction or removal of inaccuracies.

REGULATORY AUTHORITY

103 CMR 914.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

NON-TEXT PAGE



THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 103 CMR 915.00

CHAPTER TITLE: County Correctional Facilities-Training and Staff Development

AGENCY: Department of Correction

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*

To establish standards for the care and custody of all persons committed to any county correctional facility and provisions for the enforcement of such standards

REGULATORY AUTHORITY: M.G.L. c. 124 s. 1(c) & (d) and M.G.L. c. 127 s.1A

AGENCY CONTACT: Kevin A. Anahory PHONE: (617) 727-3300 ext 125

ADDRESS: 70 Franklin Street, Ste. 600, Boston, MA 02110

Compliance with M.G.L. c. 30A

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PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: November 21, 2008

FISCAL EFFECT - Estimate the fiscal effect of the public and private sectors.

For the first and second year: _____

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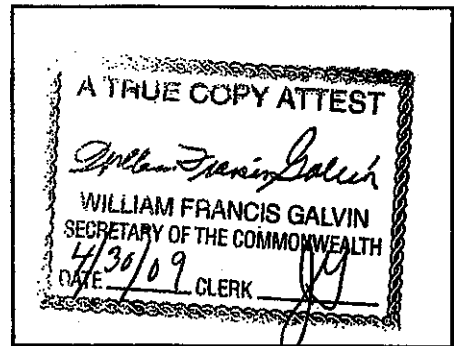
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CODE OF MASSACHUSETTS REGULATIONS

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103 CMR 915.00: COUNTY CORRECTIONAL FACILITIES -- TRAINING AND STAFF DEVELOPMENT

Section

- 915.01: Training and Staff Development Guidelines
- 915.02: Emergency Plans Training (Required)
- 915.03: Orientation and Training Requirements
- 915.04: Training Records and Documentation
- 915.05: Staff Development
- 915.06: Appendix: Summary of Orientation and Minimum Training Hours

915.01: Training and Staff Development Guidelines

The Sheriff/facility administrator shall develop guidelines for training and staff development including, but not limited to, the following areas:

- (1) Written policy and procedure shall require training programs for all employees, which are specifically planned, coordinated and supervised by a qualified employee at the supervisory level. If the facility has more than 100 employees, one full-time person or full-time equivalent position shall be provided to coordinate and supervise a training program. The individual coordinating and supervising the program shall be certified at a Trainer II level or equivalent;
- (2) Written policy and procedure shall require as a part of orientation, that every employee shall be required to read and understand the county correctional facility's policies and procedures applicable to the employee's position, and that every employee receive an overview of the operation of each of the facility's units, as well as the mission and goals of the county correctional facility.
- (3) Written policy and procedure shall provide that the training curriculum and plan is developed, evaluated and updated based on an annual needs assessment that identifies current job-related training needs;
- (4) Each county correctional facility with more than 100 employees, shall establish an Advisory Training Committee (ATC) composed of the facility training officer and representative staff. The ATC shall assist in the development of training plans, identify needs, assess and implement training plans and evaluate and review training programs as required. This committee shall meet quarterly and report in writing to the Sheriff/facility administrator;
- (5) The use of available resources of other public or private agencies, private industry, colleges and libraries to complement the county correctional facility's training and staff development program.

915.02: Emergency Plans Training (Required)

The Sheriff/facility administrator shall ensure that all county correctional facility personnel are trained in the implementation of written emergency plans, to include:

- (1) Requiring all new employees to be familiar with the written emergency plans prior to permanent work assignment;
- (2) Requiring a review of all plans as an element of the in-service training program; and
- (3) Work stoppage and riot/disturbance plans are communicated only to appropriate supervisory or other personnel directly involved in the implementation of those plans.

915.03: Orientation and Training Requirements

- (1) Written policy and procedure shall provide that all new correctional officer personnel receive 160 hours of orientation and training during their first year of employment; 40 of these hours shall be completed prior to an officer being independently assigned to a particular post. At a minimum, this training shall cover the following areas:

915.03: continued

- (a) security and search procedures;
- (b) use of force regulations and tactics;
- (c) supervision of inmates;
- (d) report writing;
- (e) inmate and staff rules and regulations;
- (f) rights and responsibilities of inmates;
- (g) emergency procedures;
- (h) interpersonal relations;
- (i) social/cultural life styles of the inmate population;
- (j) communication skills;
- (k) first aid and CPR;
- (l) key control;
- (m) firearms training;
- (n) PREA;
- (o) ADA; and
- (p) suicide prevention.

All correction officers shall be given an additional 40 hours of training each year thereafter.

(2) Written policy and procedure shall provide that the county correctional facility's administrative and managerial staff receive at least 40 hours of orientation if they are new to the facility and at least 24 hours of management training each year thereafter, which shall include, but not be limited to, the following areas:

- (a) general management and related subjects;
- (b) decision-making processes;
- (c) labor law;
- (d) employee-management relations;
- (e) the interaction of elements of the criminal justice system; and,
- (f) relationships with other service agencies.

(3) Written policy and procedure shall provide that all new support employees who have direct inmate contact receive 80 hours of orientation and training during their first year of employment. Of these hours, 40 shall be completed prior to being independently assigned to a particular job. Support employees shall receive an additional 40 hours of training during each subsequent year of employment. At a minimum, this training shall cover the following areas:

- (a) security procedures and regulations;
- (b) rights and responsibilities of inmates;
- (c) emergency procedures;
- (d) interpersonal relations;
- (e) communication skills;
- (f) first aid and CPR;
- (g) PREA;
- (h) ADA; and
- (i) suicide prevention.

(4) Written policy and procedure shall provide that all new clerical/support employees who have minimal inmate contact; receive 40 hours of orientation and training during their first year of employment; 24 of these hours shall be completed prior to being independently assigned to a particular job. All clerical/support employees shall be given an additional 16 hours of training during each subsequent year of employment.

(5) When a county correctional facility maintains an emergency response unit, written policy and procedure shall provide that all assigned personnel have appropriate experience and receive 40 hours of relevant training prior to assignment, and at least 16 of the 40 hours of annual training be specifically related to emergency unit assignments.

(6) All personnel authorized to use firearms shall receive appropriate firearm training. This training shall cover the use, safety, care, and constraints in the use of firearms. All authorized personnel shall be required to demonstrate competency on at least an annual basis.

915.03: continued

(7) All personnel authorized to use chemical agents shall be thoroughly trained in their use and the treatment of individuals exposed to the chemical agent from a qualified instructor at least every two years.

(8) All security personnel shall be trained in approved methods of defensive tactics and the use of force to control inmates.

(9) All part-time staff, consultants, and contractual personnel shall receive formal orientation appropriate to their assignments, and shall agree in writing to abide by all facility policies and procedures, particularly those relating to security, and the confidentiality of information.

915.04: Training Records and Documentation

The Sheriff/facility administrator shall require that designated staff responsible for training maintain the following records:

(1) Training records of all staff, and

(2) Submission of quarterly written status reports to the Sheriff/facility administrator on all training activities.

915.05: Staff Development

The Sheriff/facility administrator shall encourage employees to continue their education, and within available budgetary resources and subject to provisions of collective bargaining agreements, may provide reimbursement or administrative leave to employees attending approved professional meetings, seminars and similar work-related activities.

103 CMR: DEPARTMENT OF CORRECTION

915.06: Appendix: Summary of Orientation and Minimum Training Hours

Hours in accordance with 103 CMR 915.03

| TITLE | POSITION | Prior to Job | First Year | Each Year Thereafter |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|--------------|------------|----------------------|
| CORRECTIONAL OFFICERS: | All staff assigned to full-time custodial and/or security posts. | 40 | 120 | 40 |
| ADMINISTRATIVE/MANAGEMENT PERSONNEL: (Additional Training) | Facility Administrators, Business Managers, Personnel Directors, or other Supervisors. | -- | 40 | 24 |
| SUPPORT: (Regular or Daily Contact) | Food Service, Industry Work Supervisors, Farm Work Supervisors, Maintenance Work Supervisors, Social Service, Case Management | 40 | 40 | 40 |
| CLERICAL/SUPPORT: (Minimum Inmate Contact) | Secretaries, Clerks Typist, PBX Operators, Computer & Warehouse Personnel, Accountants, Personnel Staff. | 24 | 16 | 16 |
| EMERGENCY UNIT STAFF: | Members of emergency or confrontation units. | *40 | -- | **16 |

PART-TIME EMPLOYEES & VOLUNTEERS: Appropriate to Assignments

* May be part of 120 hours of on-the-job training required in first year as a correctional officer.
 ** May be part of 40 hours of required annual training.

REGULATORY AUTHORITY

103 CMR 915.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.



THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 103 CMR 916.00

CHAPTER TITLE: County Correctional Facilities-Management Information System

AGENCY: Department of Correction

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
To establish standards for the care and custody of all persons committed to any county correctional facility and provisions for the enforcement of such standards

REGULATORY AUTHORITY: M.G.L. c. 124 s. 1(c) & (d) and M.G.L. c. 127 s.1A

AGENCY CONTACT: Kevin A. Anahory PHONE: (617) 727-3300 ext 125

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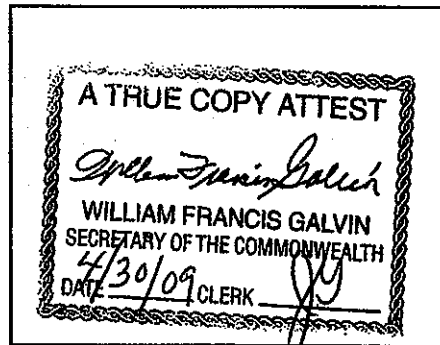
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CODE OF MASSACHUSETTS REGULATIONS

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103 CMR: DEPARTMENT OF CORRECTION

103 CMR 916.00: COUNTY CORRECTIONAL FACILITIES -- MANAGEMENT INFORMATION SYSTEM

Section

- 916.01: Information System Guidelines
- 916.02: Monthly Report of Admissions and Releases
- 916.03: List of Inmates

916.01: Information System Guidelines

The Sheriff/facility administrator shall provide guidelines for an organized information system which is part of overall research and decision making. Such guidelines shall include the following:

- (1) Written policy and procedure governing:
 - (a) data collection;
 - (b) access to data;
 - (c) retrieval of data;
 - (d) review of data;
 - (e) use of data and relativity to both inmate and management (operational) needs;
 - (f) storage of data;
 - (g) security of information;
 - (h) verification of data; and,
 - (i) adherence to Criminal Offender Record Information Statute (CORI) (M.G.L. c. 6, §§ 167 through 172), and in accordance with relevant requirements imposed by regulations of the Criminal History System Board (803 CMR 2.00: *General Information*).
- (2) Written policy and procedure providing for an inmate population accounting system which shall include records on the following:
 - (a) inmate admissions;
 - (b) movement of inmates; and,
 - (c) release of inmates.
- (3) The Sheriff/facility administrator shall encourage collaboration with criminal justice and service agencies in information gathering, exchange and standardization.

916.02: Monthly Report of Admissions and Releases

The Sheriff/facility administrator shall make a monthly report to the Commissioner of all admissions and releases on a form designated by the Commissioner.

916.03: List of Inmates

The Sheriff/facility administrator of each county correctional facility shall cause to be maintained, consistent with M.G.L. c. 127, § 5, a calendar of all prisoners committed, in which shall be recorded the names of all prisoners, their places of abode, the time, cause and authority of each commitment, and, if they have been committed upon a sentence on conviction of crime, a description of their persons. The calendar of inmates shall further record the time and authority for the release of every prisoner released and the time and manner of the escape of any prisoner who escapes.

REGULATORY AUTHORITY

103 CMR 916.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

NON-TEXT PAGE



THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 103 CMR 917.00

CHAPTER TITLE: County Correctional Facilities-Research

AGENCY: Department of Correction

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
To establish standards for the care and custody of all persons committed to any county correctional facility and provisions for the enforcement of such standards

REGULATORY AUTHORITY: M.G.L. c. 124 s. 1(c) & (d) and M.G.L. c. 127 s.1A

AGENCY CONTACT: Kevin A. Anahory PHONE: (617) 727-3300 ext 125

ADDRESS: 70 Franklin Street, Ste. 600, Boston, MA 02110

Compliance with M.G.L. c. 30A

EMERGENCY ADOPTION - *if this regulation is adopted as an emergency, state the nature of the emergency.*

PRIOR NOTIFICATION AND/OR APPROVAL - *If prior notification to and/or approval of the Governor, Legislature or others was required, list each notification, and/or approval and date, including notice to the Local Government Advisory Commission.*

Notified Executive Office of Communities and Development and the Massachusetts Municipal Association on October 9, 2008. No statement of impact was received from either office, thus this regulation was deemed to have no impact.

PUBLIC REVIEW - *M.G.L. c. 30A sections 2 and/or 3 requires notice of the hearing or comment period be filed with the Secretary of the Commonwealth, published in appropriate newspapers, and sent to persons to whom specific notice must be given at least 21 days prior to such hearing or comment period.*

Date of public hearing or comment period: November 21, 2008

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PROMULGATION - State the action taken by this regulation and its effect on existing provisions of the Code of Massachusetts Regulations (CMR) or repeal, replace or amend. List by CMR number:

Amends 103 CMR 917.00

ATTESTATION - The regulation described herein and attached hereto is a true copy of the regulation adopted by this agency. ATTEST:

SIGNATURE: _____ DATE: 4/30/2009

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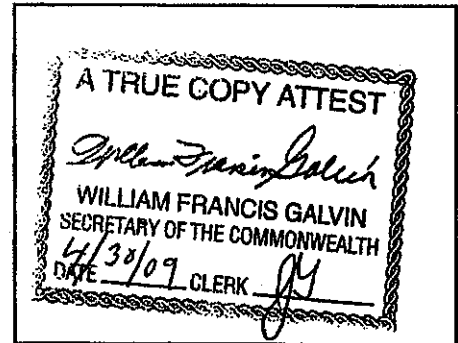
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CODE OF MASSACHUSETTS REGULATIONS

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103 CMR 917.00: COUNTY CORRECTIONAL FACILITIES -- RESEARCH

Section

917.01: General

917.02: Application to Conduct Research

917.03: Conduct of Research

917.01: General

The Sheriff/facility administrator shall develop guidelines governing the conduct of research. Research shall include, but not be limited to, studies involving the use of interviews, questionnaires, and reviews of case records. It may not include any study which will expose research subjects to the possibility of physical, psychological or other harm as a consequence of their participation in the study. Biomedical research and experimentation using inmate subjects is specifically prohibited under 103 CMR 932.19.

917.02: Application to Conduct Research

- (1) The Sheriff/facility administrator shall in conformity with the parent agency's policy review and approve all facility research projects prior to implementation.
- (2) The Sheriff/facility administrator shall require, at a minimum, that the following information be provided in any application to conduct research in the facility:
 - (a) the name, address, and telephone number of the principal researcher and of all research staff;
 - (b) an endorsement by a recognized research organization, such as a university, private foundation, consulting firm or public agency certifying that the research is for valid scientific, educational, or other public purposes;
 - (c) a summary of the goals of the study;
 - (d) a description of the research design including procedures for data collection, procedures which will be followed to protect inmate privacy, details of any compensation to be paid to inmates; and,
 - (e) when a study requires access to criminal offender record information (CORI), the researcher shall apply for access to the Criminal History Systems Board and shall provide the Sheriff/facility administrator with a copy of the Criminal History System Board's letter of approval before being allowed to begin the research. (Refer to M.G.L. c. 6, § 173.)

917.03: Conduct of Research

- (1) Written policy and procedure shall govern the conduct of research to comply with state and federal guidelines for the use and dissemination of research findings and with accepted professional and scientific ethics. Research involving criminal offender record information (CORI) shall be conducted in accordance with regulations promulgated by the Criminal History Systems Board.
- (2) All inmates shall be informed that any participation in the research is purely voluntary and shall not affect the terms or length of their confinement.
- (3) The researcher shall provide a clear and comprehensible explanation of the study to all potential participants.
- (4) The name or other information which might lead to identification of a particular subject may not be used in any report of research results.

REGULATORY AUTHORITY

103 CMR 917.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.

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THE COMMONWEALTH OF MASSACHUSETTS

William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 103 CMR 918.00

CHAPTER TITLE: County Correctional Facilities-Inmate Records

AGENCY: Department of Correction

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
To establish standards for the care and custody of all persons committed to any county correctional facility and provisions for the enforcement of such standards

REGULATORY AUTHORITY: M.G.L. c. 124 s. 1(c) & (d) and M.G.L. c. 127 s.1A

AGENCY CONTACT: Kevin A. Anahory

PHONE: (617) 727-3300 ext 125

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Amends 103 CMR 918.00

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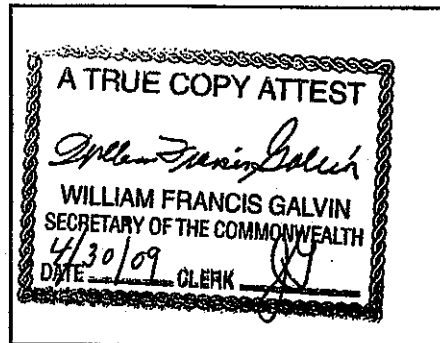
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CODE OF MASSACHUSETTS REGULATIONS

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103 CMR 918.00: COUNTY CORRECTIONAL FACILITIES -- INMATE RECORDS

Section

- 918.01: Case Record Management
- 918.02: Access to Records
- 918.03: Format and Contents of Inmate Case Records
- 918.04: Booking and Intake Information
- 918.05: Mittimus File
- 918.06: Release of Information

918.01: Case Record Management

(1) Written policy and procedure shall be developed governing case record management for inmate records which shall include, but not be limited to, the following:

- (a) establishment;
- (b) utilization;
- (c) content;
- (d) security and safety of all inmate case records;
- (e) privacy and security of legally privileged or confidential information; and
- (f) a schedule for the preservation, retirement or destruction of inactive case records.

(2) All inmate records shall be handled strictly in accordance with the relevant requirements imposed by the regulations of the Criminal History Systems Board. (M.G.L. c. 6, §§ 167 through 178; 803 CMR 2.00: *General Information.*)

918.02: Access to Records

Written policy and procedure shall identify those persons within the county correctional facility, and other authorized persons, who shall have direct access to inmate records.

918.03: Format and Contents of Inmate Case Records

(1) Written policy and procedure shall provide that the county correctional facility shall maintain an individual facility case record on all inmates committed, assigned or incarcerated in the facility.

(2) The format of inmate case records shall be determined by the Sheriff/facility administrator, and the contents shall include, as applicable and appropriate, the following information:

- (a) Legal Data - the information to be included shall be related to the intake record, all data related to courts, administrative chronology, sentence and identification;
- (b) Classification Data - including all information on the classification and progress of the inmate;
- (c) Facility Programming Data - material related to the facility adjustment and program participation including disciplinary reports, disciplinary chronology, facility work assignments, grievances, etc.
- (d) Community Programming Data - materials related to participation on furloughs, hospital programs, and community work crews;
- (e) Parole Data - any appropriate information on parole consideration, pre-parole reports, violation reports, or progress reports.

918.04: Booking and Intake Information

(1) Written policy and procedure shall provide that intake booking information is recorded for every person admitted to the facility and includes the following data:

- (a) photograph;
- (b) booking number;
- (c) name and aliases of person;
- (d) current address (or last known address);

918.04: continued

- (e) date, duration of confinement;
- (f) copy of the court order or other legal basis for commitment and sentence or bail status;
- (g) name, title and signature of delivering officer(s) and receiving officer(s);
- (h) specific charge(s), with statutory authorization;
- (i) sex;
- (j) age;
- (k) date of birth;
- (l) place of birth;
- (m) race;
- (n) fingerprints;
- (o) present or last place of employment;
- (p) health status, including any current medical or mental health needs;
- (q) emergency contact (name, relation, address and phone numbers);
- (r) driver's license and social security number(s);
- (s) notation of cash and all property;
- (t) general description, including height, weight, physical build, hair and eye color, and complexion; and
- (u) additional information concerning special custody requirements, service needs or other identifying information such as birthmark or tattoos.

(2) In the case of an inmate held solely in pre-arraignment custody, the intake record may omit 103 CMR 918.04(1)(a), (f), and (n), and shall indicate pre-arraignment status. In the case of an inmate held in pre-trial custody, the intake record may omit 103 CMR 918.04(1)(n).

(3) The photograph and other identifying matter contained in the intake record of sentenced inmates shall be transmitted forthwith to the Colonel of the State Police.

(4) The complete intake record shall be maintained in the inmate's individual case record and a copy shall accompany the inmate upon transfer to another facility. The transferring county correctional facility shall provide, in writing, known medical and mental health information about the inmate to the receiving facility. The content of this written form shall include, but not be limited to, the following:

- (a) Mental health history/concerns;
- (b) History of suicide attempts;
- (c) Acute medical concerns;
- (d) Name(s) and dosage(s) of current medications;
- (e) Substance abuse history; and
- (f) Allergies/dietary restrictions.

In circumstances where an emergency transfer is required, such records may be forwarded within 24 hours of transfer.

918.05: Mittimus File

The county correctional facility shall maintain a file of attested copies of all warrants, mittimuses, processes and other official papers by which an inmate is committed or released. Each such document shall be properly secured, preserved and protected with respect to privacy rights.

918.06: Release of Information

Prior to the release of inmate information, other than that required or permitted by law, the inmate shall sign a "Release of Information Consent Form" (which complies with CORI Regulations). A copy of this form shall be maintained in the inmate's record.

REGULATORY AUTHORITY

103 CMR 918.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.



THE COMMONWEALTH OF MASSACHUSETTS
William Francis Galvin
Secretary of the Commonwealth

Regulation Filing *To be completed by filing agency*

CHAPTER NUMBER: 103 CMR 920.00

CHAPTER TITLE: County Correctional Facilities-Physical Plant

AGENCY: Department of Correction

SUMMARY OF REGULATION: *State the general requirements and purposes of this regulation.*
To establish standards for the care and custody of all persons committed to any county correctional facility and provisions for the enforcement of such standards

REGULATORY AUTHORITY: M.G.L. c. 124 s. 1(c) & (d) and M.G.L. c. 127 s.1A

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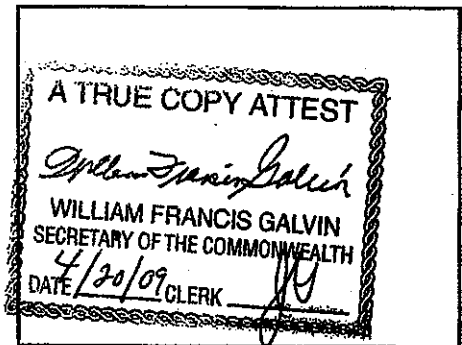
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CODE OF MASSACHUSETTS REGULATIONS

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103 CMR 920.00: COUNTY CORRECTIONAL FACILITIES -- PHYSICAL PLANT

Section

- 920.01: General Statement
- 920.02: Building Code Regulations (Required)
- 920.03: Fire Safety Code Regulations (Required)
- 920.04: Facility Perimeter
- 920.05: Intake/Booking and Release Area
- 920.06: Control Center
- 920.07: Cell Design and General Housing Area Requirements
- 920.08: Multiple Occupancy Areas
- 920.09: Special Management/Isolation Cells
- 920.10: Light, Circulation, Temperature, Noise Requirements
- 920.11: Dayrooms, Activity and Exercise Areas
- 920.12: Educational/Vocational and Library Areas
- 920.13: Visiting Area
- 920.14: Kitchen and Dining Areas
- 920.15: Storage and Closet Areas
- 920.16: Administrative and Staff Space
- 920.17: Provisions for Handicapped Persons
- 920.18: Mechanical Equipment Space
- 920.19: Inmate Commissary
- 920.20: Laundry Equipment
- 920.21: Preventive Maintenance Provisions

920.01: General Statement

The standards set forth in 103 CMR 920.02 through 920.23 with the exception of 103 CMR 920.02: *Building Code* and 103 CMR 920.03: *Fire Safety Code Standards* which are required, are recommended standards. While they are recognized as being those which county correctional facilities should strive to meet, unforeseen circumstances may impact a facility's level of compliance. Therefore, the provisions for waivers, waiver in the event of overcrowding emergency, and emergency suspension of regulations contained in 103 CMR 901.04, 901.05, and 901.06 respectively, are particularly applicable to the standards regarding physical plant, except 103 CMR 920.03: *Fire Safety Code Regulations*, and shall be applied in such a manner so as to enable the county correctional system to carry out its paramount function of protecting the safety of the public while providing for safe and secure custody of persons committed to the system.

920.02: Building Code Regulations (Required)

Each county correctional facility shall maintain updated documentation that the physical plant is in conformance with state and local building codes as required by statute and to the extent that such compliance is not inconsistent with essential security requirements.

920.03: Fire Safety Code Regulations (Required)

- (1) Each county correctional facility shall obtain and maintain documentation by an authority having jurisdiction that the interior finishing material in inmate living areas, exit areas, and places of public assembly are in accordance with recognized national fire safety codes. This requirement shall apply only to renovated and new facilities.
- (2) Each county correctional facility shall provide exits that are properly positioned, clear, and distinctly and permanently marked in order to ensure the timely evacuation of inmates and staff in the event of fire or other emergency. All housing areas and places of assembly for 50 or more persons shall have two exits.

920.04: Facility Perimeter

- (1) The county correctional facility perimeter shall be controlled by appropriate means to provide that inmates remain within the perimeter and to prevent access by the general public without proper authorization. 103 CMR 920.04 shall not be applicable to community release facilities.
- (2) The county correctional facility shall have pedestrian sally ports between inmate areas and areas providing access to the public including a secure holding area for persons awaiting entrance within the secure perimeter of the facility. In a new facility, such holding areas shall have remote control doors and locks. 103 CMR 920.04 shall not be applicable to community release facilities.
- (3) The county correctional facility shall have a vehicle sally port, including a secure holding area for vehicles awaiting entrance within the secure perimeter of the facility. In a new facility, such holding areas shall have remote control doors or gates and locks. 103 CMR 920.04 shall not be applicable to community release facilities.
- (4) If the county correctional facility has watchtowers, they shall be placed so that an unobstructed view of the grounds and perimeter is permitted, and shall have the equipment necessary for effective operation of their function.

920.05: Intake/Booking and Release Area

Each county correctional facility shall have an intake/booking and release area that is located inside the security perimeter, but outside inmate living quarters. This area shall provide for the following components:

- (1) booking area;
 - (2) access to drinking water;
 - (3) shower facilities;
 - (4) secure storage for inmates' personal property;
 - (5) telephone facilities;
 - (6) private interview space(s);
 - (7) temporary holding areas with sufficient seating; and,
 - (8) operable toilets and wash basins with hot and cold running water.
- 103 CMR 920.05(1) through (8) shall not apply to community release facilities.

920.06: Control Center

The county correctional facility shall have a control center which shall:

- (1) Be centrally located, with good visibility and controlled limited access;
- (2) Have adequate space and equipment to monitor and control all day-to-day facility operations;
- (3) Have a communications system operated from the control center and connected to the inmate living areas;
- (4) Be linked to a facility emergency alarm system or to portable two-way radio units equipped with duress alarm linked to the control center; and
- (5) Have the ability to monitor audio or visual electronic surveillance equipment. Electronic monitoring or surveillance devices shall only be deployed to supplement custodial personnel.

920.07: Cell Design and General Housing Area Requirements

(1) Only one inmate should occupy each cell designed for single occupancy, except in the event of an overcrowding emergency (See 103 CMR 901.05). Single occupancy cells/rooms are provided when indicated for the following:

- Maximum and close custody
- Inmates with severe medical disabilities
- Inmates suffering from serious mental illness
- Sexual predators
- Inmates likely to be exploited or victimized by others
- Inmates who have other special needs for single-occupancy housing

All general housing cells or sleeping areas designed for single occupancy shall contain 35 square feet of unencumbered space.

(2) Under normal operations when confinement exceeds ten hours per day (excluding a normal eight-hour sleep period) there is at least 70 square feet total floor space per occupant.

(3) In general population housing, each inmate shall have access to, at a minimum, the following facilities and conditions:

- (a) sanitation facilities, including access to:
 - 1. a toilet above floor level that is available for use without staff assistance 24 hours a day;
 - 2. a washbasin with hot and cold running water;
- (b) a bed at above floor level, a writing surface and proximate area to sit, storage for personal items and a place to suspend clothes.
- (c) natural light.

(4) When both males and females are housed in the same building, the county correctional facility shall provide separate sleeping quarters and sanitation facilities, which shall be separated visually and acoustically.

(5) The county correctional facility shall be designed and constructed so that inmates can be separated according to 103 CMR 942.00, and to the facility's classification plan. This requirement applies only to additions and new facilities.

103 CMR 920.07 shall not apply to community release facilities.

920.08: Multiple Occupancy Areas

(1) When used for minimum or medium security inmates multiple occupancy rooms house no less than two and no more than 64 inmates each who are screened prior to admission for suitability to group living.

(2) The rooms provide 25 square feet of unencumbered space per occupant. "Unencumbered space" is usable space that is not encumbered by furnishings or fixtures. At least one dimension of the unencumbered space is no less than seven feet.

(3) When confinement exceeds ten hours per day (excluding a normal eight hour sleep period) there is at least 35 square feet of total floor space per occupant.

(4) The rooms shall provide the following:

- (a) ability for continuing observation by staff;
- (b) access to toilet and wash basin with hot and cold running water, a minimum of one operable toilet for every eight females, one operable toilet for every 12 males (1/3 of required toilets may be urinals), and one operable wash basin for every 12 occupants;
- (c) access to one operable shower with hot and cold running water for every 12 occupants in community release facilities, showers shall be available at a ratio of one for every eight occupants;
- (d) natural light;
- (e) beds above floor level; and,
- (f) a storage container for each occupant.

920.08: continued

(5) Planning the use of multiple occupancy areas for inmate housing in new/additional medium facilities shall ensure that the areas are programmed for lower or minimum security areas within the facility only, and that inmates are screened for group living prior to assignment. Planning the use of such areas in new/additional maximum facilities is precluded.

920.09: Special Management/Isolation Cells

(1) The county correctional facility shall provide special management rooms with living conditions that approximate those of the general inmate population. Special management housing units shall provide the following:

- (a) single occupancy rooms or cells with a floor area of at least 70 square feet where confinement exceeds ten hours per day (excluding a normal eight hour sleep period), this requirement applies only to renovations and new facilities;
- (b) a bed at above floor level, desk or writing surface and proximate area to sit; and,
- (c) continuous access to the following:
 - 1. above-floor toilet facilities;
 - 2. hot and cold running water; and,
 - 3. natural light

(2) Special management rooms shall have doors which provide staff with the ability to observe within the room and inmates with the ability to communicate with staff outside the room. 103 CMR 920.11 shall not apply to community release facilities.

920.10: Light, Circulation, Temperature, Noise Requirements

At least every three years, an independent, qualified source shall document that all living areas have:

- (1) Lighting of at least 20 foot candles at desk level and in the personal grooming areas;
- (2) Circulation of at least ten cubic feet of outside or recirculated filtered air per minute;
- (3) Temperatures appropriate to summer and winter comfort zones; and,
- (4) Noise levels that do not exceed 70 decibels in daytime or 45 decibels at night.

920.11: Dayrooms, Activity and Exercise Areas

(1) The county correctional facility shall provide a separate day room/leisure time space for each cell block or general population housing unit. In new county correctional facilities, a day room shall contain at least 35 square feet of floor space per inmate, for the maximum number of inmates who use the day room at any one time.

(2) The county correctional facility shall provide space outside the cell or room for inmate exercise.

(3) The county correctional facility shall provide at least one multipurpose room available for inmate activities such as religious services or educational programs.

(4) All activity areas shall have toilets and wash basins which are reasonably accessible to persons using the area.

(5) The county correctional facility shall provide a separate indoor space for vigorous exercise in inclement weather; this space shall be no less than 60 by 100 feet with a ceiling height of no less than 22 feet. This requirement applies only to renovations and new facilities.

920.12: Educational/Vocational and Library Areas

(1) In county correctional facilities offering academic and vocational training programs, all areas shall be consistent with 103 CMR 936.02.

920.12: continued

- (2) The county facility shall maintain an area to provide for a general inmate library.

920.13: Visiting Area

For inmates who do not represent a substantial security risk, the facility shall provide a visiting room or area which permits informal communication.

920.14: Kitchen and Dining Area

- (1) Each county correctional facility shall provide a food preparation area and appropriate equipment based on population size, type of food preparation and method of service.
- (2) Each county correctional facility shall provide a dining area equipped for cafeteria style or other group dining service.

920.15: Storage and Closet Areas

Each county correctional facility shall provide secure storage space for the following items:

- (1) Clothing, bedding and facility supplies;
- (2) Inmates' personal property and clothing;
- (3) Chemical agents, restraining devices and related security equipment, which is located in an area which is readily accessible to authorized persons only;
- (4) Equipment and tools necessary for the maintenance and housekeeping of the building and grounds.

920.16: Administrative and Staff Space

The county correctional facility shall provide space for administrative, professional and clerical staff, including conference rooms, storage rooms for records, public lobby and toilet facilities.

920.17: Provisions for Handicapped Persons

- (1) The Sheriff/facility administrator shall provide that all parts of the county correctional facility which are accessible to the public are accessible to and usable by handicapped persons.
- (2) Each county correctional facility shall provide that handicapped person(s) are housed in a manner which provides for their safety and security, including the following provisions:
 - (a) cells or housing units used by handicapped person(s) are designed for their use, and provide the maximum possible integration with the general population; and,
 - (b) appropriate facility programs and activities are accessible to handicapped person(s) confined in the facility.This requirement shall apply only to renovations, additions and new facilities.

920.18: Mechanical Equipment Space

The county correctional facility shall provide separate and adequate space for all mechanical equipment needed for heating, ventilation, water supply, waste removal and other activities for operating the institution. This requirement applies only to additions and new facilities.

103 CMR: DEPARTMENT OF CORRECTION

920.19: Inmate Commissary

Space shall be provided for an inmate commissary or canteen, or provisions shall be made for a mobile commissary service and shall be in accordance with 105 CMR 590.00: *State Sanitary Code Chapter X: Minimum Sanitation Standards for Food Establishments.*

920.20: Laundry Equipment

Each county correctional facility not contracting with an outside agency for laundry services shall have sufficient space and equipment for the cleaning of personal clothing and facility clothing and linens.

920.21: Preventive Maintenance provisions

The county correctional facility shall develop and implement a written plan for the preventive maintenance of the physical plant with provisions for emergency repairs or replacement of equipment.

REGULATORY AUTHORITY

103 CMR 920.00: M.G.L. c. 124, § (1), (c), (d) and (q); c. 127, §§ 1A and 1B.