MASSACHUSETTS DEPARTMENT OF CORRECTION
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Incarcerated Individual and Civil Commitment Management
103 DOC 400

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400.01 Purpose

To establish departmental policy regarding basic incarcerated individual and civil commitment management within a correctional institution.

400.02 Cancellation

This policy cancels all previous department policy statements, bulletins, directives, orders, notices, rules and regulations regarding incarcerated individual and civil commitment management which are inconsistent with this policy.

400.03 Severability Clause

If any part of this policy is for any reason held to be in excess of the authority of the Commissioner, such decision will not affect any other part of this policy.

400.04 Communication

A. Each Superintendent shall establish a system of communication between staff, incarcerated individuals, and civil commitments, which ensures that incarcerated individuals and civil commitments have personal contact and interaction with staff.

This system provides staff with the authority to make decisions, and the ability to make recommendations for incarcerated individuals and civil commitments. This system shall include adherence to departmental policies and the development of procedures, as required, in the following areas:

1. Classification;

2. Grievances;

3. Emergencies;

4. Incarcerated individuals and civil commitments shall be informed in a timely manner of the verifiable death or critical illness of an immediate family member and shall be informed of the process to request an emergency escorted trip. In cases where a verifiable death of an immediate family member occurs, staff shall update the IMS family/emergency contact screen to reflect the fact that the relative is now deceased;

5. Filing a PREA allegation;

6. Security;

7. Services and programs;

8. Other areas as deemed appropriate by the superintendent.

B. The Superintendent shall also ensure that communication between staff, incarcerated individuals, and civil commitments remain courteous and professional. During the normal performance of one's duties, it is acknowledged that staff have reason to interact with incarcerated individuals and civil commitments on a one-to-one basis. However, the practice of staff bringing an incarcerated individual or civil commitment to a private area, e.g., isolated room, office, etc., for the purpose of an "attitude adjustment", also known as a "counseling session" is strictly forbidden. The Department will not tolerate this type of unprofessional behavior from any employee and will pursue disciplinary action against any staff person who engages in such conduct.

C. Incarcerated individuals and civil commitments shall not be subjected to discrimination or mistreatment on the basis of actual or perceived sex, age, race, religion, national origin, religious views, disability, sexual orientation, gender identify and gender expression. In addition, it is prohibited for staff and other incarcerated individuals or civil commitments to harass and abuse incarcerated individuals or civil commitments based on gender identity, transgender status, or sexual orientation.

D. Retaliation or harassment of any kind against incarcerated individuals or civil commitments for exercising their rights, filing a grievance, or otherwise lodging a complaint shall not be tolerated and is strictly prohibited. Retaliation or harassment in any formal or informal action, or threat of action that may include, but is not limited to, abuse, violation of civil rights, intimidation, unnecessary discipline, unjustified adverse classification action, unjustified adverse transfer or placement and unwarranted denial or limitation of access to privileges, programs, or services.

400.05 Personal Expression

A. Incarcerated individuals and civil commitments may be permitted certain choices in personal grooming, as long as their appearance does not conflict with the institution's requirements for safety, security, identification, and hygiene.

B. Each Superintendent shall develop room/cell decorum standards that include the following provisions:

1. Incarcerated individuals and civil commitments may be permitted to decorate their cells and/or sleeping quarters as long as their decorations do not conflict with the institution's requirements for safety, security, identification, and hygiene. Rules regarding the decorating of living/sleeping quarters are available to all incarcerated individuals, civil commitments, and staff. The rules are reviewed annually and revised, if necessary. Decorations shall be displayed in a manner that does not prohibit or delay the effective search of the room or living quarters. The Superintendent may limit the size and number of items, as well as the location to display them.

2. Providing they comply with 103 DOC 400.02 (B)(3), the items that shall be permitted include, but are not limited to:
   a. Photographs
   b. Cards
   c. Magazine/newspaper pictures and articles
   d. Drawings
   e. Calendars

3. The following items are not permitted to be displayed:
   a. Anything that is prohibited by 103 CMR 481, *Inmate Mail*.
   b. Semi-nude, scantily clad, and/or sexually suggestive material.
   c. Material that can be considered offensive or otherwise discriminatory in the workplace.
   d. Material that is deemed to be divisive between groups or individuals.
   e. Material that supports or promotes any violation of the 103 CMR 430, *Inmate Discipline*.

400.06 Program Access

Incarcerated individuals and civil commitments shall not be subjected to discrimination on the basis of actual or perceived sex, age, race, religion, national origin, religious views, disability, sexual orientation, gender identify and gender expression in making administrative decisions and in providing access to programs and work assignments. Reasonable accommodations shall be made in accordance with 103 DOC 408, *Reasonable Accommodations*. Incarcerated individuals and civil commitments have the option of refusing to participate in any rehabilitation or treatment program, except when adult basic education and programs are required by statute or ordered by the sentencing court or paroling authority.

400.07 Control Over Others

No incarcerated individual, civil commitment, or group of incarcerated individuals or civil commitments shall be in a position of control or authority over any other incarcerated person(s).

400.08 Protection

Each Superintendent shall ensure adherence to departmental policies and the development of procedures, as required. The procedures shall ensure that every effort is made to protect incarcerated individuals and civil commitments from mental and personal abuse, corporal or cruel or unusual punishment, personal injury, disease, property damage, humiliation, harassment, sexual assault and/or harassment or punitive interference with the daily functions of living, such as eating or sleeping.

Department employees shall refrain from discriminating against any individual because of race, gender, creed, national origin, religious affiliation, age, disability, gender identity, or any other type of prohibited discrimination. Employees shall not use profane or abusive language toward any incarcerated or civilly committed individual, nor reply in such language to what is perceived to be impudent or insulting words or actions by an individual, make no disparaging reference to individuals regarding their color, creed, race, or crimes they have committed.

400.09 Adjudicated Youth and Status Offenders

Adjudicated delinquent offenders and youths charged with offenses that would not be crimes if committed by adults do not reside in DOC institutions in accordance with M.G.L. chapter 120, section 10.

400.10 Smoking

The smoking, possession, or other use of tobacco products by incarcerated and civilly committed individuals is prohibited on all Department property, and property under the control of the Department, except as otherwise specifically provided by Department policies and regulations.

400.11 Responsible Staff

Reviewing Authority: Policy Development and Compliance Unit

Responsible Staff:
Superintendents

400.12 Access to Policy

Department's Central Policy File
Each Institution's Policy File
Institution Library

A copy of this policy may be made available in other formats in accordance with 103 DOC 408, *Reasonable Accommodations*.

400.13 Information Sources

Legal Authority:
M.G.L. Chapter 124 section 1, (c) and (q);
M.G.L. Chapter 120 section 10

Other Related Policies :
103 DOC 408, Reasonable Accommodations
103 CMR 430, Inmate Discipline
103 CMR 481, Inmate Mail

Applicability:
All Staff
Incarcerated Individuals
Civil Commitment

Attachments: None