

 <p style="text-align: center;">Massachusetts Department of Correction POLICY</p>	Effective Date 4/9/2025	Responsible Division Deputy Commissioner, Prison Division
	Annual Review Date 4/9/2025	
Policy Name 103 DOC 422 DEPARTMENT PROTECTIVE CUSTODY UNITS	M.G.L. Reference: M.G. L. c. 124, §§ 1 a, b, c, g, and q	
	DOC Policy Reference: 103 CMR 420; 103 CMR 423; 103 DOC 427; 103 CMR 477; 103 CMR 482	
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Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Location: DOC Central Policy File Institution Policy File	
<p>PURPOSE: The purpose of these regulations is to establish Department of Correction (Department) policy and procedure for the transfer, housing, monitoring, and release of inmates in Department protective custody units.</p> <p>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY: Deputy Commissioner, Prison Division Superintendents</p> <p>CANCELLATION: This policy cancels all previous department policy statements, bulletins, directives, orders, notices, rules, or regulations regarding planning which are inconsistent with this policy.</p> <p>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 shall not affect any other part of this policy.</p>		

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422.01

DEFINITIONS

Open Mental Health Case: An inmate who is diagnosed with a mental illness or determined to be in need of mental health intervention on an ongoing basis. At any time during the inmate's incarceration, an inmate may become an open mental health case (OMH) based on a mental health crisis, including suicidal threats or self-injurious behavior and/or the display of signs and/or symptoms of mental illness or emotional distress. Based upon clinical indications and within the discretion of the Primary Care Clinician (PCC), in consultation with the site Psychiatrist (if on medication) and/or Site Mental Health Director, an inmate may also be removed from the active mental health caseload. However, any inmate carrying the Gender Dysphoria (GD) diagnosis will remain an OMH.

Protective Custody Unit/Special Housing Unit: A Department Protective Custody Unit (PCU), also referred to as a Special Housing Unit (SHU), is a form of separation from the general population for inmates who have been found to require protection from other inmates for reasons of health or safety and who cannot safely be housed in general population in a correctional facility commensurate with the inmate's custody level.

422.02

TRANSFER TO A PROTECTIVE CUSTODY UNIT/SPECIAL HOUSING UNIT

An inmate may be transferred to a Department PCU/SHU after a finding by the Commissioner's designee that the inmate cannot safely be placed in the general population of any state correctional institution commensurate with the inmate's custody level. Inmates transferred to a PCU/SHU shall normally have a classification hearing before such transfer takes place. The rules set forth in 103 CMR 420, *Classification*, sections 420.07 and 420.08 shall be adhered to at this hearing.

422.03

REVIEW OF PROTECTIVE CUSTODY STATUS

- A. Inmates residing in a PCU/SHU shall have their classification status reviewed at least every one hundred twenty (120) days by a classification board. The rules set forth in 103 CMR 420, *Classification*, shall be adhered to at all classification board hearings. The Commissioner's designee shall have the final decision making power in all such cases.

- B. At the aforementioned hearing, maximum emphasis shall be placed on assessing the inmate's suitability to be placed in the general population of a correctional institution, and developing a reintegrative plan. Should the inmate not be suitable for placement in general population and the classification board recommends continued placement in a PCU/SHU, the reasons for such a recommendation shall be noted in the classification report.

- C. If, following a hearing, the classification board determines that the inmate no longer requires placement in a PCU/SHU, the board shall recommend to the Commissioner that the inmate be released from the PCU/SHU and provide a rationale as to the appropriateness of this recommendation.

422.04

OPERATING PROCEDURES

- A. Each Superintendent of an institution that operates a PCU/SHU shall, subject to the approval of the reviewing authority, establish procedures for the operation of a PCU/SHU. Copies of the operating procedures shall be posted within the unit itself and made available to inmates placed in the unit, upon request. The procedures shall include but not be limited to the following:

1. Admission

Institutions shall enter every inmate's admission to a PCU/SHU in the IMS database and include all required inmate information.

2. Security and Control

a. Out of Cell Time: Inmates in a PCU/SHU shall have a minimum of three (3) hours free time out of their cells each day, exclusive of showers, meals, visits, and attendance at Department administrative hearings (e.g., classification hearings, disciplinary hearings, etc.).

b. Inspections: The shift commander for each shift or the unit administrator shall tour the PCU/SHU on a daily basis.

c. IMS Unit Activity Logs: Notation shall be made in each PCU/SHU IMS activity log screen documenting the following:

- i. listing names of employees on duty during each shift;
- ii. special orders of the Superintendent or designee or the unit administrator;
- iii. names of all persons entering and leaving the unit;
- iv. summarizing any events of significance which should be made known to officers on subsequent shifts;
- v. start and end of each exercise/recreation period;
- vi. all medical and mental health visits/services; and
- vii. all meal periods.

Employees shall familiarize themselves with entries in the logbooks on a daily basis.

3. Health, Sanitation, and Safety

- a. Exercise and Recreation: Inmates shall have a daily exercise period of at least one (1) hour outdoors when weather permits. In inclement weather, each PCU/SHU inmate shall be offered exercise indoors not less than one (1) hour with simple gymnasium equipment available in an area large enough to permit small group activity.
- b. Medical and Mental Health Services: Inmates shall have the availability of daily medical services and mental health services during contracted hours commensurate with general population. Individual counseling by a member of the mental health staff shall be provided for any PCU/SHU inmate who has been placed on psychotropic medication or determined to be an open mental health case requiring on going care and an individualized treatment plan. Crisis services are available for all inmates.. In addition, weekly mental health rounds will be conducted by mental health staff to monitor all PCU/SHU inmates' mental health status, regardless of whether or not they are an open mental health case.
- c. Meals: Inmates shall receive three (3) meals per day that are the same as those served to the general population.
- d. Personal Hygiene: Inmates shall have the opportunity to shave and shower at least five (5) times per week. Additionally, all inmates shall be issued and allowed exchange of clothing, bedding and linen and provided laundry, barbering and hair care services on the same basis as general population. Exceptions shall only be permitted when found necessary by the shift commander and recorded in the unit log and justified in writing. All such exceptions shall be reviewed by the Superintendent or the unit supervisor.

4. Furnishings, Fixtures, and Personal Items: Inmate cells shall be furnished and supplied with a bed, table, chair, one (1) blanket, two (2) sheets, one (1) pillow and one (1) pillowcase. Subject to unit regulations, personal items may be permitted in the cell provided that the unit's security and safety are not jeopardized.

When an inmate is believed to be in a state of mind to destroy such furnishings or personal items, or to inflict injury on themselves or others with them, the unit administrator may remove those furnishings and items from the inmate's cell. Any deprivation of an article shall be logged, citing the reason for the deprivation.

5. Visits: Inmates shall receive the same visitation privileges as those in general population. The visits shall occur in the general population visiting room (with the exception of video visits which may be done in the housing unit). Visiting procedures shall be the same as those for general population except where security or safety considerations require alteration of these procedures.
6. Reading Material: Inmates shall have access to reading materials and the opportunity to borrow reading material from the institution library. Reading materials should not be allowed to accumulate to the degree that they become a sanitation or safety hazard.
7. Telephone Access: Inmates shall have the same access to telephones as outlined in 103 CMR 482, *Telephone Access and Use*.
8. Canteen: Inmates shall have access to requesting and receiving canteen items. The shift commander or unit administrator may limit access to certain canteen items that present a threat to the safety or security of the unit.
9. Legal Materials: Inmates shall have access to personal legal materials as well as legal reference materials available at the institution's law library for a period of not less than two (2) hours per week.

422.05

PROGRAM ACCESS

- A. General Statement/Meaningful Activity: Inmates residing in a PCU/SHU shall be provided with the opportunity to engage in meaningful activities while in such status for not less than five (5) hours in each day. Meaningful activity is defined as activity calculated to provide inmates with the opportunity to participate in educational, religious, work/vocational, or recreational pursuits. Meaningful activity is not free time spent in idleness. Meaningful activity is not necessarily out-of-cell activity. Meals, visits, showers, attorney consultations and attendance at administrative hearings shall not be considered to be meaningful activity within this definition. A schedule of weekly activities shall be prepared and posted within the unit indicating daily activity periods.

- B. Correction Program Officer Contact: Inmates shall be provided reasonable access to a personal interview with a Correction Program Officer (CPO). Where appropriate, a mental health referral will be made.
- C. Educational Programs: Educational programs may include individual tutoring, correspondence courses and wherever appropriate, participation in educational programs at such other places designated by the Superintendent.
- D. Employment Programs: Employment programs may include working within the unit, and wherever appropriate, working in such other places designated by the Superintendent. A reasonable number of designated job assignments shall be available for PCU/SHU inmates. Opportunities for work assignments shall be essentially equal to those of inmates in general population within the same classification level within the same institution. Compensation for such jobs and earned good time credits shall be the same as provided to inmates in general population. The Superintendent, their designee, the Shift Commander, or PCU/SHU administrator, after considering space and security requirements, may permit an inmate to pursue an avocational interest. Operation of any such avocation shall be subject to the requirements listed in 103 CMR 477, *Avocation Programs*.
- E. Compensation: The compensation for employment programs and the benefits that such jobs may provide to an inmate, such as earned good time credits, shall be subject to any provision of the General Laws applicable to inmates confined to correctional institutions of the Commonwealth.

422.06

TRANSFER TO BEHAVIOR ASSESSMENT UNIT

Following serious violent behavior by a PCU/SHU inmate, or serious disciplinary charges involving the risk of violence or a threat to the good order of the institution, a PCU/SHU inmate may be held in a Behavior Assessment Unit in accordance with 103 DOC 427, *Behavior Assessment Units*.

422.07

EMERGENCY

Whenever in the opinion of the Commissioner or designee or the Superintendent of a state correctional institution, an emergency exists which requires suspension of all or part of these regulations, the Commissioner or designee or the Superintendent may authorize such suspension, provided that any suspension lasting more than forty-eight (48) hours must be approved by the Commissioner.