

 <p style="text-align: center;">Massachusetts Department Of Correction</p> <h1 style="text-align: center;">POLICY</h1>	Effective Date	Responsible Division Deputy Commissioner, Clinical Services & Reentry
	1/24/2021	
	Annual Review Date	
	12/24/2020	
Policy Name	M.G.L. Reference: M.G.L. c. 124, §§ 1 (c),(e) and (q)	
103 DOC 472 INMATE RECREATION AND LEISURE ACTIVITIES	DOC Policy Reference: 103 DOC 450; 103 DOC 501; 103 DOC 485; 103 DOC 463; 103 DOC 466	
	ACA/PREA Standards: 2-CO-1G-03; 4-ACRS-5A-21 5-ACI-1F-12; 5-ACI-1G-06; 5-ACI-2E-01; 5-ACI-4A-24; 5-ACI-6C-15; 5-ACI-7C-01; 5-ACI-7C-03; 5-ACI-7C-04; 5-ACI-7C-05; 5-ACI-7C-06	
	Applicability: Staff/Inmates	
Attachments Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Inmate Library Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Location: Department's Central Policy File Each Institution's Policy File	
<p>PURPOSE: The purpose of 103 DOC 472 is to establish Department of Correction (Department) guidelines governing the provision of inmate recreation programs and leisure time activities at all Department institutions.</p> <p>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY: Deputy Commissioner, Clinical Services and Reentry Division Director, Program Services Division Superintendents</p> <p>CANCELLATION: 103 DOC 472 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules, and regulations regarding Inmate Recreation and Leisure Time Activities which are inconsistent with this policy.</p> <p>SEVERABILITY CLAUSE: If any part of 103 DOC 472 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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472.01

Institutional Supervision of Recreation and Leisure Services

1. Each institution shall assign a staff member as the Institutional Recreation Supervisor (IRS) to oversee inmate recreation and leisure activities. Each institution shall also assign other staff members to assist in the planning and implementation of recreation and leisure time activities.
2. The education and experience of any candidate for the position of IRS should be considered by the appointing authority, including, but not limited to, education, correctional experience, training in recreation and/or leisure activities, and the ability to supervise the program. In institutions with more than one hundred (100) inmates, the position is full time.
3. Each superintendent shall ensure that a Recreation and/or Leisure Activity Application or Special Activity Application is submitted to and approved by the Assistant Deputy Commissioner (ADC) of Reentry prior to the implementation of any recreation or leisure or activity.
4. Each Superintendent shall ensure the following activities occur:
 - A. Recreational Activity Movies:
 1. In accordance with the Motion Picture Association of America, ratings are as follows: G – General Audiences All Ages Admitted; PG – Parental Guidance Suggested Some Material May Not Be Suitable for Children; PG-13 – Parents Strongly Cautioned Some Material May be Inappropriate for Children Under 13; R – Restricted Under 17 Requires Accompanying Parent or Adult Guardian; NC-17 - No One 17 and Under Admitted; and, X – Persons Under 18 Not Admitted. On September 27, 1990, the X rating ceased from being utilized and was replaced with NC-17. For the purpose of Recreational Activity Movie selection for movies released prior to September 27, 1990, no Recreational Activity Movies rated R or X shall be shown to inmates. Only those Recreational Activity Movies rated G, PG or PG-13 that are in compliance with the Public Performance Rights Contract shall be shown to inmates. Out-takes and bonus materials from authorized movies, which also may be classified as unrated, shall not be shown.

2. Recreational Activity Movies shall generally be shown two (2) to three (3) times per week, exclusively on weekends or holidays. Superintendents may establish a schedule to show Recreational Activity Movies more frequently with written approval from their respective ADC. Factors impacting the decision to show Recreational Activity Movies more frequently shall be limited to the size of the viewing area, the degree of inmate idleness and work release schedules.
3. The same selection process and frequency restrictions shall apply to Recreational Activity Movies available in languages other than English.
4. The titles of Recreational Activity Movies that have been selected for viewing, but which have no rating due to their release preceding the adoption of the MPAA rating system, shall be reviewed by the Director of Treatment (DOT) and approved by the Deputy Superintendent of Reentry.

B. Movies As Part Of Vendor, Volunteer Or Religious Programming Or Special Activities:

1. Teachers, chaplains, and volunteers qualify as instructors, as they are providing inmates with knowledge of a particular subject and are, therefore, protected by the *EDUCATIONAL EXEMPTION PROVISION OF THE COPYRIGHT ACT, 17 U.S.C. § 110(1)*.
2. Therapeutically appropriate movies that are rated R may be shown as part of a vendor facilitated program if the Deputy Superintendent of Treatment and vendor staff, together, request and receive the approval of the Superintendent.
3. Only those movies rated G, PG or PG-13 shall be shown to inmates as part of a volunteer, vendor, or religious program/special activity.
4. All titles and the ratings of all movies shown as part of a volunteer or religious program or special activity shall be included in the program or special activity application with an explanation of the anticipated value the movie will

provide to the effectiveness of the recreation/leisure activity/special activity.

5. Movies shown as part of vendor, volunteer, religious programs or special activities shall not be subject to the frequency restrictions for Recreational Activity Movies.

C. Movies As Part Of Education Programming:

1. Educational movies shown in the institutional library or as part of an education programming generally have no rating.
2. The titles of educational movies to be shown in the institutional library that are not rated shall be submitted to the DOT for prior approval and the not rated titles to be used for education programming shall be submitted to the institutional school principal for prior approval.
3. Movies shown in the institutional library or as part of education programming shall not be subject to the frequency restrictions for Recreational Activity Movies.

D. The Duties And Responsibilities Of Each Institution's Recreation Staff Shall Include, But Not Be Limited To:

1. Establishing schedules, calendars, postings, or other methods to inform both inmates and staff of existing and planned inmate recreation and leisure activities.
2. Entering enrollment, waiting lists and attendance information into appropriate Inmate Management System (IMS) screens.
3. Ensuring that all recreation and leisure activities are entered into the designated IMS screens.
4. Providing supervision for inmate recreation and leisure activities which supervision includes, but is not limited to:
 - a. Providing umpires and referees for athletic events;
 - b. Utilizing inmate, staff or volunteer coaches and trainers whenever feasible;

- c. Utilizing community volunteers to plan, direct and carry out specialized cultural or leisure time activities.
5. Notifying the DOT or the Shift Commander whenever an inmate recreation or leisure activity requires additional institutional security resources.
6. Participating in institution staff meetings at the direction of the DOT.

472.02

Inmate Access to Recreational and Leisure Activities

1. General - It is the Department's policy to provide inmates within its custody equal access to recreational and leisure activities and equipment, including, when weather permits, outdoor exercise. However, such access may be restricted when the security of the staff, inmates, or institution is at risk.
2. Recreational and Leisure Activity Access for Inmates in General Population - Each institution within the Department shall specify time, location and descriptions for all daily recreation and leisure activities.
3. Recreational and Leisure Activity Access for Inmates in a Restrictive Housing Unit or a Departmental Disciplinary Unit - To maximize out-of-cell activities, the Superintendent or designee at each institution with an RHU or a DDU shall assess whether, and to what extent, out-of-cell recreational and leisure activities over and above five hours per week of out-of-cell recreation time (*i.e.*, one hour per day, five days a week) per inmate are consistent with the safety and security of all staff and inmates in that RHU or DDU. Such additional out-of-cell activity may include, but not be limited to, additional recreation and leisure activities.

In assessing whether additional out-of-cell recreational or leisure activities or can safely be offered, the Superintendent or designee shall consider any factors deemed pertinent to such assessment, including but not limited to, the number of inmates in the RHU or DDU, the number of available correction officers, the number of available recreation and leisure activity staff, the availability of physical space in the unit, the nature of the threat posed by particular inmates, and/or the climate of the RHU or DDU.

472.03

Use of Inmate Recreation Assistants

1. General - It is the Department's policy to utilize Inmate Recreation Assistants (IRA) to assist in the planning, development and execution of inmate recreation and leisure time activities.
2. Selection - IRAs shall be selected in accordance with 103 DOC 450, *Institution Work Assignments*. Each institution's recreation staff shall provide selected IRAs with the necessary training to fulfill the requirements of the job assignment.
3. Duties and Responsibilities - Under the supervision of the institution recreation staff, IRAs may be assigned:
 - a. To act as umpires or referees at athletic events;
 - b. To act as coaches for athletic activities in which they have specialized knowledge, skills or experience;
 - c. To provide clerical assistance in support of the institution's overall recreation program;
 - d. Any other tasks specified by the IRS which may assist or enhance recreation and leisure activities and do not violate inmate classification plans or place the security of the institution at risk.

472.04

Community Interaction with Inmate Recreation and Leisure Activities

1. General - It is the Department's policy to encourage community participation in the recreation and leisure activities of its institutions.
2. Community Activities - The Superintendent or designee may approve community groups for entering the institution to interact with approved inmate groups. Authorization to enter shall be approved in accordance with 103 DOC 501, *Institution Security Procedures*.
3. Community Recreation Volunteers - Each institution is encouraged to utilize community recreation and leisure activity volunteers to assist in planning and operating recreation and leisure activities. Such persons must be approved as volunteers (see 103 CMR 485, *Volunteers and Volunteer Programs*).
3. Inmate Participation in the Community - Provided that an inmate's custodial status permits, they may be permitted to participate in

community recreation events and cultural activities as specified and provided for under M.G.L. c. 127, § 90A and 103 CMR 463, *Furloughs*.

472.05 **Application to Pre-Release Institutions and Community Residential Programs**

General - Pre-release institutions and community residential programs are not expected to provide the same range of recreation and leisure activities as provided in other Department institutions. However, pre-release institutions and community residential programs should provide some recreation and leisure activities within their premises. In addition, some inmates may be permitted to participate in community recreation events and cultural activities. (See 103 CMR 463, *Furloughs*, and 103 DOC 466, *Program Related Activity*)

472.06 **Activity Assessment**

1. General - It is the Department's policy to monitor all institution functions, and recreation and leisure activities on an on-going basis and to periodically assess the results of such monitoring to modify or eliminate existing recreation and leisure activities.

2. Recreation and Leisure Activity Monitoring - Each institution shall establish a monitoring system that provides for an on-going review of recreation and leisure activities. This system shall include but not be limited to:
 - a. Formal attendance reports of all recreation and leisure activities;

 - b. A system for soliciting inmate suggestions, complaints and requests;

 - c. A system of periodic regular inspections and inventories of all recreation and leisure activities and equipment;

 - d. Periodic meetings with other institutional staff to solicit their suggestions regarding existing or proposed recreational and leisure activities.

The information obtained from this monitoring system shall be recorded and utilized to formulate the annual program assessment.

3. Activity Assessments - Each Superintendent shall ensure that an annual assessment is completed of the institution's recreation and leisure activities. The annual assessment shall include a review of the institution's

recreation and leisure activities, a review of all equipment condition and needs, a review of all proposed recreation and leisure activities, and a review of the progress made towards reducing inmate idleness. The assessment shall also include suggestions by inmates, staff, or community members involved in institution recreation and leisure activities.

472.07

Emergencies

Whenever, in the opinion of the Commissioner or the Superintendent of an institution, an emergency exists which requires suspension of all or part of this policy, the Superintendent may order such suspension. However, any such suspension lasting beyond forty-eight (48) hours shall be authorized by the Commissioner.