To the Sheriff of \*\*\*\*\* County:

In accordance with M.G.L. c. 66, section 10, (the Public Records Act) the Restrictive Housing Oversight Committee, a committee of the Commonwealth established by M.G.L. c. 127 s. 39G, (“the Committee’) submits the following request for public records. These requests pertain to the [name of the facility] which is under your control and supervision pursuant to M.G.L. c. 126 s. 16.

This request is made in furtherance of the Committee’s duty to “gather information regarding the use of restrictive housing in correctional institutions to determine the impact of restrictive housing on inmates, rates of violence, recidivism, incarceration costs and self-harm within correctional institutions.” M.G.L. c. 127, s. 39G(b).

You, or a person designated by you, must respond to this request within ten business days. M.G.L. c. 66, s. 10 (a). If you, or your designee, do not provide a copy of the requested document, please respond to the Committee in writing stating the reason the document is not provided, citing an exemption or exemptions asserted pursuant to M.G.L. c. 66, s. 10(b). ­

Definitions:

As used in this request, the following words or terms have the following meanings

“Documents”:   All materials or data, regardless of physical form or characteristics, made or received by any officer or employee of the Sheriff’s Department or facility.  See, M. [G.L. c. 4, § 7](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000042&cite=MAST4S7&originatingDoc=Ic1b0ab69797a11e5b4bafa136b480ad2&refType=LQ&originationContext=document&transitionType=DocumentItem&ppcid=c13b114ce4674d9c998a60e04b82608f&contextData=(sc.Search)), Twenty-sixth. Documents shall include any written or printed book or paper, or any photograph, microphotograph, map or plan. See, M.G.L. c. 66, s. 3.

“Facility”: the facility to which the request is made, including all buildings or programs that house individuals regardless of the location of the building.

“General population”: The main body of individuals who are not housed in special housing for disciplinary, health, mental health, protective or other reasons.

“Individual” or “individuals”: All person housed in the facility in your custody and/or control regardless of their legal status.

“Unacceptable risk”: A determination, however made, that an individual poses a risk (i) to the safety of others; (ii) of damage or destruction of property; or (iii) to the operation of a correctional facility such that the individual cannot be housed in general population. *See* G.L. c. 127 s. 39 (a).

Requests:

Please provide the following:

1. Documents identifying the facility’s housing units that are used to house an individual or individuals who are subject to a disciplinary sanction that includes separation from the general population;
2. Documents identifying the facility’s housing units that are used for the purpose of housing an individual during the investigation of incident that may lead to a disciplinary sanction;
3. Documents identifying housing units that are used for the purpose of housing an individual whose retention in general population poses an unacceptable risk as defined above.
4. Documents identifying every other housing unit and the purpose of each;
5. For each of the above units, please provide the unit handbook, orientation guide and/or any other documents describing practices, policies and procedures in the unit.
6. For each of the above units, to the extent that your response to request number 5 does not include the following information, please provide all other documents describing:
   1. The number of hours per day that indoor and outdoor recreation is available to individuals in that unit;
   2. Out of cell vocational, rehabilitative, and educational programs available in the unit, including the number of hours per week for each and the amount of “earned good time” sentence reduction credits, if any, awarded for participation in each program.
   3. The use of mechanical restraints such as handcuffs, shackles, “restart” tables or chairs, and therapeutic modules or other individual enclosures, including all activities during which these are used
   4. The amount of commissary purchases allowed weekly and a list of allowed items
   5. The frequency and duration of personal visits, and whether they are contact or non-contact
   6. Access to telephone calls and video calls and time allowed for access;
   7. Access to radio or television
   8. Access to tablets for the purpose of telephone calls, video calls, entertainment (music, films etc.)
   9. Access to tablets for program participation.
7. If a single unit houses both individuals held in disciplinary detention and those who are held due to posing an unacceptable risk, please indicate which policies apply to each group.
8. For each unit that holds individuals due to a determination of unacceptable risk, please provide policies and procedures for determining admission to the unit and reviewing retention in the unit.
9. For each unit that holds individuals in disciplinary detention, pending investigation, or due to unacceptable risk, please provide rosters or other documents for the most recent twelve months indicating the number of people held in each unit on the first business day in each month; the number of those held who are determined to have serious mental illness as defined by G.L. c. 127 s. 1; and the number held due to a need for protection. Personal identification information should be excluded.

The requested documents are not for commercial use but rather are for use by the Restrictive Housing Oversight Committee in carrying out its oversight responsibilities as set forth in y G.L. c. 127 s. 39G. Therefore, the Committee requests that any fees incurred in connection with responding to this letter be waived, as suggested by the recommendations of the Massachusetts Supervisor of Public Records. In addition, as stated by the Massachusetts Secretary of the Commonwealth, "all agencies and municipalities are strongly urged to waive the fees associated with access to public records." See Galvin, Wm. F., Secretary of the Commonwealth, A Guide to the MA Public Records Law (Dec. 2022) at 42.

Thank you for your attention to this request. If you have any questions regarding this request, please contact the Executive Office of Public Safety and Security through John Merlander, Legal Counsel to the Committee, at \*\*\*\*\*\*\*\*\*\*\*\*.