

*Attorney General, CNMI*

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

CIVIC CENTER, SAIPAN, MARIANA ISLANDS

Volume 3 Number 7

Page 1338 to Page 1399

Date of Publication: October 31, 1981



# Commonwealth

# Register

---

Published monthly by the Registrar of Corporation  
Office of the Attorney General  
Saipan, Mariana Islands 96950

TABLE OF CONTENTS

PUBLIC NOTICE

Proposed Department of Public Safety Regulations ..... 1338

EXECUTIVE ORDER .

Executive Order No. 26 ..... 1395



# Commonwealth of the Northern Mariana Islands

DEPARTMENT OF PUBLIC SAFETY

Saipan Mariana Islands 96950

## PUBLIC NOTICE

### PROPOSED DEPARTMENT OF PUBLIC SAFETY REGULATIONS

The Department of Public Safety of the Northern Mariana Islands, pursuant to the authority of Section 9 of Chapter 14 of the Public Law No. 1-8, and in accordance with the provisions of Section 4 (1) of Title 17 of the Trust Territory Code, hereby gives notice to the public of its intention to adopt regulations for the Department of Public Safety concerning the following: Rules of operation for the Division of Corrections and the Northern Mariana Islands Correctional Facility.

Reading copies of the proposed regulations are available in the Department of Public Safety, Government of the Northern Mariana Islands, Saipan, CM 96950 and from the CNMI Criminal Justice Planning Agency, located in the professional center in San Jose or P.O.Box 1133 Saipan, CM 96950.

All interested persons will be given a reasonable opportunity to submit data, view, or arguments, in writing, concerning the proposed regulations. Written comments must be submitted to the Acting Director of Public Safety not later than the close of business thirty (30) calendar days following the date of publication of this notice.

If no comments have been received at the expiration of the Notice period provided for herein, the said regulations shall become effective without further notice or publication.

Jose Sn. Babauta  
Acting Director of Public Safety,GNMI

NOTISIAN PUBLIKO

MAPREPONE NA AREGLAMENTON I DEPARTAMENTO POLICIA

I Depattamenton i Policia gi San Kattan na Islas Marianas, segun i autoridad gi seksiona 9, kapitulo 14 gi Lai Publiko numero 1-8, yan segun i probision seksiona 4 (1) titulu 17 gi kodikun Trust Territory, man-nannae notisia para i Publiku pot i intension ni para u adapta i areglamento siha para i Depattamenton i Policia i mansigente: Areglon operasion para i "Division of Corrections" yan i San Kattan na Islas Marianas "Correctional Facility".

Copia siha ni para mataitai pot este i mapropone na areglamenton siha Depattamenton Policia, gobetnon i San Kattan na Islas Marianas, Saipan, CM 96950 yan gi "CNMI Criminal Justice Planning Agency", ni gaige gi Proffesional center giya Oleai Pat P.O.Box 1133 Saipan, CM 96950.

Todo man enteresao na petsona siha siempre ufan mana'e rasonable na opputunidad para u ma submite infotmasion, opinion, pat atgumento gi matugi pot imapropone na areglamento siha rekomendasion o sino opinion debe de uma submite halom gi "Acting" na Directot i Policia tiumas atrasao ke i mahuchum i "Business" trenta (30) dias despues de i ffcha anai mapublika este na notisia.

Yangin taya recommendasion o sino opinion maresibe gi uttimon i tiempo ni ginagaogao pot este na notisia, pues este na areglamenton siha u effectibo sin mas notisia pat publikasion.



Jose Sn. Babauta

Acting Director of Public Safety,GNMI



COMMONWEALTH OF THE  
NORTHERN MARIANA ISLANDS  
DEPARTMENT OF PUBLIC SAFETY  
SAITPAN

GENERAL ORDER:		Date of Issue: October 28, 1981	Effective: see below	No. 81-012
Reference:		Recinds: all previous Rules and Regulations of Division of Corrections		
Index As: Division of Corrections, Rules and Regulations				

SUBJECT: Division of Corrections, Rules and Regulations

PURPOSE: To promulgate to all Department of Public Safety personnel and to prisoners of the Division of Corrections the rules and regulations which shall regulate the operation of the correctional facility of the Division of Corrections, Department of Public Safety.

THIS ORDER CONSISTS OF THE FOLLOWING NUMBERED SECTIONS:

This general order is comprised of the attached rules and regulations which take effect upon the first official day of operation of the CNMI Correctional Facility following the publication of these rules and regulations in the Commonwealth Register.

Jose SN Babauta  
acting Director, Department of Public Safety

## INTRODUCTION

These are the rules and regulations by which your stay in the Commonwealth Correctional Facility is guided. It is important that you are familiar with these rules and regulations, as they explain the procedures by which you can protect your rights and earn privileges. They also explain the limitations that life in prison requires. Each inmate is given his own copy of the rules and regulations and a copy is available for reference in the prison library. It is wise to take good care of your copy so you have it for future use.

You have been found guilty of violating the laws of the Commonwealth of the Northern Mariana Islands. The Commonwealth has imposed a limitation upon your liberty for a specific period of time as punishment for your offense. While your right to liberty has been temporarily taken from you, your other constitutional rights continue to exist. The rules and regulations of the Division of Corrections respect your dignity as a human being and your rights under the Constitution. The rules require that you respect these same rights and dignity in your fellow inmates and the staff. The rules and regulations are also designed to fulfill the basic purpose of this facility, which is to restrict your liberty of movement.

The correctional officers are familiar with these rules and will abide by them in their dealings with the inmates.

## TABLE OF CONTENTS

Description	Section
Introduction	
Prisoner Admission and Orientation	10.
Medical Care	20.
Personal Hygiene	30.
Personal Property	40.
Classification System	50.
Disciplinary Action	60.
Prisoner Grievance Procedure	70.
Searches and Shakedowns	80.
Behavior Modification Program	90.
Corrections Counseling	100.
Visitation	110.
Access to Religious Resources	120.
Access to Legal Resources	130.
Prisoner Clubs and Community Organizations	140.
Correspondence	150.
Telephone Usage	160.
Leave	170.
Public Service and Work Release	180.
Juvenile Detention	190.
Female Prisoners	200.

Table of Contents, continued

Description	Section
Emergency Evacuation of Facility (vacant)	210.
Staff rules	220.
Glossary	



Section 10.

PRISONER ADMISSION AND ORIENTATION

1) Prisoners are accepted into the custody of the Division of Corrections only upon the presentation of a duly executed Court order. The order is to be presented to the Chief of Corrections or the duty officer, in the absence of the Chief of Corrections, either along with the prisoner or in anticipation of the prisoner's arrival at the Correctional Facility.

2) All prisoners who are accepted into custody are given a full body search and any possessions they may have will be confiscated and an itemized receipt will be issued with a copy signed by the prisoner and kept in the prisoners permanent file. Once the property is searched, material that is consistent with Division of Corrections policy and the prisoner's security classification will be returned to the prisoner and a receipt signed. Material not consistent with DOC policy will be kept pending the prisoner's release or turned over to a non-prisoner at the prisoner's written request.

3) The prisoner is placed in a cell in the cell block appropriate to age and sex. If overcrowding requires that some prisoners share cells, the new prisoner is allowed a cell to himself for at least the orientation period.

4) Upon acceptance into custody under Court order the prisoner is fingerprinted and is photographed. These items along with the custody order and other relevant reports provided by the Court are placed in a permanent file that the Division administrative staff creates for each prisoner. The prisoner is given a copy of the rules and regulations of the Division of Corrections for which he signs a receipt, which is also placed in the file.

5) Up to the first five days of the prisoner's stay may be devoted to prison orientation. Orientation consists of a medical examination and an interview with the Corrections Counselor. If the necessary orientation activities are completed in less than five days, the orientation period may be shortened.

During the orientation period the prisoner is not required to take part in work or other activities that may interfere with orientation processing. The Chief of Corrections may suspend the orientation period for prisoners who are serving sentences of a month or less, if there is certification by a physician that the prisoner is in good health based on a physical examination within the previous six months.

6) The medical examination which is part of the orientation is to determine if the prisoner has any physical condition requiring special care or limiting his activity while with the Division of Corrections. It is to be administered by a physician licensed to practice in the Commonwealth. The physician's report is entered in the permanent file with any restrictions on diet or physical activity clearly noted. When possible the examination will be given in the Correctional Facility.

7) The meeting with the Corrections Counselor is to ensure that the prisoner understands all of the requirements of prison life and is aware of all available services of a rehabilitative nature. The counselor reviews all of the rules and regulations of the Division and the standard daily schedule. The counselor discusses any financial arrangements necessary regarding support of dependents or the payment of legal debts. Rehabilitation programs are also discussed. Following the meeting the counselor makes whatever arrangements are necessary to meet the needs of the prisoner's family and ease the prisoner's entrance into the routine of the Correctional Facility.

Section 20.

MEDICAL CARE

1) The Division of Corrections is responsible for the health care of the prisoners in its custody. During the admissions process each prisoner receives a physical examination to determine his health status, ability to perform various types of work assignments, and to identify any illness in need of treatment. Any limitations noted as a result of the physical exam are taken into account in the assignments given the prisoner and any injuries or illnesses afflicting the prisoner while in the custody of the Division of Corrections are treated with proper medical care by medical personnel. Shortly before his release from the Correctional Facility the prisoner is given a physical examination similar to the one received upon admission in order to document his state of health upon release. The release physical is required only for prisoners who are incarcerated for more than three months.

2) The Correctional Facility has the capacity of providing medical examinations, subject to the availability of medical personnel. It is preferable that non-emergency medical treatment be provided within the Facility at a time convenient for the medical personnel. Emergency medical treatment may be provided at the hospital but security must be maintained at the level appropriate to the prisoner's classification. This may be done through the use of guards or restraints. The Chief of Corrections may waive this requirement when the prisoner's condition makes escape impossible or the hospital is able to provide a room that can be secured.

3) Prisoners receiving medication are provided the proper dosage on a daily basis by correctional staff. The time, date, amount, and who administered the medication is entered into the prisoner's file upon each administration of the medication.

4) The Chief of Corrections may temporarily change cell assignments as a result of illness and in other ways alter the prisoners' schedule as necessary to protect the health of the prisoners in case of infectious disease.

5) All medication is locked in the office of the Chief of Corrections and is limited in access only to those who have been assigned the duty of administering medication to the prisoners. Any medication with a narcotic component shall be subject to a running inventory and audited on a regular basis.

6) Medication is only used to treat specific illness and is taken in front of the Division staff administering the medication.

7) A first aid kit is available at each guard station for use in emergency situations. It shall not be used in non-emergency situations but supplies should be taken from the medical examination room with the knowledge of the staff member assigned as medical liaison.

Section 30.

PERSONAL HYGIENE

1) Prisoners are allowed to shower at least once daily for a period of 10 minutes from the time they leave their cell. Showers are normally taken in the evening, following the evening meal. Prisoners on work release may shower immediately upon their return to the Correctional Facility with the permission of the duty officer. Those prisoners who were involved in work assignments within the Facility involving heavy labor may take showers at the completion of their assignment with the permission of the duty officer.

2) The shower room for each cell block is designed for only one person at a time. Therefore, while the shower is in use no other prisoner is to be in the shower area, except for the one using it. Prisoners wait their turn for the shower in their cells or in the dayroom, if they have earned that privilege. The duty officer determines the order in which the shower room is used and limits its use to 10 minutes per prisoner.

3) When no juveniles or females are being held in the Correctional Facility, the duty officer may allow prisoners to use the shower rooms available in those cell blocks; however, there must be sufficient guards on duty to ensure security and the proper supervision of the prisoner while in the other cell block.

4) Clothing and linen washdays will be posted. The prisoner is expected to make himself aware of the schedule and be sure that his soiled clothing or linen are available for washing. Prisoners are expected to maintain themselves and their clothing in a clean and hygienic manner.

5) The chief of the Division of Corrections may require that hair or beards be trimmed to the extent that is necessary to control the spread of lice. Prisoners have access to barber services at least once per month and are encouraged to make use of these services.

PERSONAL PROPERTY

- 1) All possessions of the prisoners are allowed in the Correctional Facility only with the approval of the Chief of Corrections or his designate. Approval is only given when the requested possessions do not present a threat to security, are legal to possess, and are not inconsistent with the limitations of the prisoners' level in the classification system and the behavior modification program.
- 2) Prisoners may keep in their cells only those possessions that can be stored in plain sight on shelves provided for that purpose. Normally such possessions include soap/shampoo, a toothbrush and toothpaste, reading material, a deck of cards or other small game, small writing materials, comb/brush, clothing, photographs (unframed), and anything else that is approved by the Chief of Corrections.
- 3) Each prisoner is assigned a locker which can be sure secured. Property for which the prisoner has approval but may not keep in his cell should be stored in the locker.
- 4) The administration provides the means of acquiring needed personal property beyond that which is provided by the Facility for those prisoners whose level in the classification and behavior modification program allows the acquiring of such property. This is done by placing an order with the correctional counselor for the specific item desired. The counselor checks the prisoner's account to be sure that sufficient funds are allotted for the purchase and also checks with the Chief of Corrections to see item is deducted from the prisoner's account and must be within the allocation approved by the Chief of Corrections for such purchases.

Section 50.

CLASSIFICATION SYSTEM

- 1) The correctional facility houses prisoners who have committed a wide variety of offenses, from quite minor to the most serious crimes. There are also prisoners who are advanced in the rehabilitative process, as well as those who have not yet begun the process. In order to meet the need of the Division to maintain security as well as to respect the differences among the prisoners, the Division of Corrections uses a classification system which allows differing levels of security.
- 2) During the orientation period the corrections counselor will use the attached forms to determine the prisoner's assignment within the classification system, based upon the pre-sentence report and interviews with the prisoner. The counselor will discuss the assignment with the prisoner, why the prisoner is being assigned to a particular level, what restrictions and privileges accompany the security level, and how it was determined that the prisoner belongs on the level he was assigned.
- 3) The prisoner may contest his assignment through the grievance procedure based upon disagreement with the counselor on the scoring of specific items in the classification instruments.
- 4) The classification system has five levels, which are illustrated in the attached forms along with the types of activity appropriate to the various levels.
- 5) All convicted prisoners are subject to the classification system with no exceptions. Detainees awaiting court action are kept at a security level which the Chief of Corrections deems as appropriate. The classification procedures may be used for these people but are not required.
- 6) There are two different classification instruments. One for long term prisoners and one for short term prisoners. Short term refers to a year or less, though reasonable leeway is allowed in using this form for other prisoners of slightly longer sentences but at the discretion of the Chief of Corrections.

7) The activities appropriate to each level in the classification system may be changed at the discretion of the Chief of Corrections, but written notice must be posted in advance of the changes and the changes explained to the prisoners before they take effect.



SECURITY AND CONFINEMENT LEVELS

INMATE CUSTODY

---

Security Level	Level of Confinement	points
Maximum	Close security with every limited access to day room. Access to other areas of the facility by escort only.	0-1
High Moderate	Close security with relatively free access to day room. Access to other portions of the facility with supervision.	2-6
Moderate	Relatively free movement within the facility and, upon approval from Chief of Corrections, access to outside secure perimeter fence but within grounds of D.P.S.	7-9
Low Moderate	Free movement within facility and outside the secure perimeter fence but within grounds of D.P.S. Eligible with written approval from the Chief of Corrections, for off-ground furloughs or work-release 30 days after commitment to the Division of Corrections.	10-11
Minimum	Eligible for free movement within and outside the secure perimeter fence with written approval from the Chief of Correction	12+

---

Points	Area of Assessment	
3 2 1	Present job or more <u>or</u> fulltime student Present job 4 months <u>or</u> present and prior job 6 months Presently employed or receiving financial assistance	Employment Points
2 1 0 -1	No conviction 1 misdemeanor conviction 2 misdemeanor convictions <u>or</u> 1 felony conviction 3 or more misdemeanor convictions or 2 or more felony convictions	Prior Record Points
3 2 1	Present residence 1 year or more Present residence 6 months <u>or</u> present and prior residence 1 year Present residence 6 months	Residence Points
3 2 1	Lives with family <u>and</u> weekly contact with other family members Lives with family <u>or</u> weekly contact with other family members Lives with non-family	Family ties Points
3 2 1 0 -1	\$1,000 or less \$1,001 - \$3,000 \$3,001- \$5,000 Over \$5,000 No Bail	Bail Amount Points
3 2 1 0 -1	Part II property/all other misdemeanors Part II Person/drug alcohol offenses Part I property/heroin Part I person Part I person w/prior	Current Charge Points

SECURITY/DESIGNATION FORM

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

CASE NUMBER \_\_\_\_\_ D.O.B. \_\_\_\_\_

COURT OF COMMITMENT: \_\_\_\_\_

COMMITMENT OFFENSE: \_\_\_\_\_

SENTENCE: \_\_\_\_\_

MEDICAL: YES \_\_\_\_\_ NO \_\_\_\_\_

PSYCHIATRIC: YES \_\_\_\_\_ NO \_\_\_\_\_

DATE OF EXAMINATION \_\_\_\_\_

DATE OF EXAMINATION \_\_\_\_\_

WEIGHT

SCORE

PRIOR CRIMIANL HISTORY

- |    |  |   |       |
|----|--|---|-------|
| 1. | No prior arrest (other than present offense)           | 6 | _____ |
| 2. | No arrest in past 5 years (other than present offense) | 4 | _____ |
| 3. | No felony convictions (other than present offense)     | 5 | _____ |
| 4. | No arrest for automobile theft                         | 4 | _____ |
| 5. | Has not has prior jail commitments                     | 5 | _____ |
| 6. | Has not been convicted in Juvenile Court               | 3 | _____ |
| 7. | No assaultiveness in prior criminal history            | 4 | _____ |
| 8. | First arrest did not occur prior to age 20             | 2 | _____ |

TOTAL

\_\_\_\_\_

DRUGS AND ALCOHOL

- |    |  |   |       |
|----|--|---|-------|
| 1. | No history of opiates, heroin or cocaine use               | 6 | _____ |
| 2. | No history of marijuana use                                | 3 | _____ |
| 3. | No history of amphetamines, demerol, LSD or barbituate use | 3 | _____ |
| 4. | No history of alcohol involvement in this or prior arrest  | 4 | _____ |

TOTAL

\_\_\_\_\_

EMOTIOANL AND PHYSICAL

- |    |   |   |       |
|----|---|---|-------|
| 1. | No history of psychiatric or psychological disorder                                       | 5 | _____ |
| 2. | No sex offense attributed to personality or emotional disorder(including present offense) | 5 | _____ |
| 3. | Favorable physical condition (health)   | 1 | _____ |

TOTAL

\_\_\_\_\_

1. Employed at time of arrest for current offense (give credit if housewife or maintains family farm)	5	_____
2. Held most current job six months or more	3	_____
3. Has a vocational skill	3	_____
4. At time of arrest was attending school, receiving a pension, or unemployed due to medical disability	2	_____
5. Completed high school or has GED	3	_____
	<b>TOTAL</b>	_____

**B. FAMILY TIES**

1. No family criminal record	4	_____
2. Lives with spouse or family	2	_____
3. Supports spouse and children or self if single	2	_____
4. Marital stability-no divorces or separations (give credit if single)	1	_____
	<b>TOTAL</b>	_____

**C. CURRENT OFFENSE**

1. Length of sentence for current offense (months) 0-12=5, 13-36=3, 37-60=1, 61+=0		_____
2. Severity Current Offense		_____
1. Part I person w/prior	0	_____
2. Part I person	1	_____
3. Part I property/heroin	2	_____
4. Part II person/drug alcohol offense	3	_____
5. Part II property	5	_____
	<b>TOTAL</b>	_____

**D. HISTORY OF ESCAPES**

1. None	5	_____
2. Escape while on work-release not involving actual or threat of violence	3	_____
3. Escape from jail or facility with or without threat of violence; or, escape from work-release with threat of violence	1	_____

**GRAND TOTAL**

**E. SCALE:**

0 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100

Maximun	High Moderate	Moderate	Low Moderate	Minimum
---------	------------------	----------	-----------------	---------

ACTIVITY ALLOWED  
BASE ON SECURITY  
CLASSIFICATION

NOTE: Activities listed under a security designation are those maximally allowed. Inmates are not eligible for activities designated for lower classifications.

Maixmum	High Moderate	Moderate
<ol style="list-style-type: none"> <li>1. Participation in handi-Craft Activities</li> <li>2. Use of phone</li> <li>3. Vocational training and education activities within correctional facility only</li> <li>4. Religious services within facility</li> </ol>	<ol style="list-style-type: none"> <li>1. Work detail within facility grounds</li> <li>2. Meals in day-room</li> <li>3. Vocational training and educational activities within facility only</li> <li>4. Religious services within facility</li> </ol>	<ol style="list-style-type: none"> <li>1. Work detail within D.P.S. grounds               <ol style="list-style-type: none"> <li>a. Clean DPS offices</li> <li>b. Clean-up around DPS &amp; Correctional buildings</li> <li>c. Clean Detention Unit</li> <li>e. DPS Vehicle maintenance</li> <li>f. Deliver food to Lock-up Unit</li> <li>g. Equipment maintenance</li> </ol> </li> </ol>
<p>NOTE: All activities require close supervision</p>		<ol style="list-style-type: none"> <li>2. Vocational training and educational activities within facility only</li> <li>3. Religious services within facility only</li> </ol>

Low Moderate	Minimum
<ol style="list-style-type: none"> <li>1. Work release &amp; work furlough</li> <li>2. Work detail off grounds</li> <li>3. Off-grounds religious services</li> <li>4. Work detail with Department of Public works</li> <li>5. Participation on Public Services Project</li> <li>6. Off grounds organized sports activities</li> <li>8. Off-site educational activities</li> <li>9. Off-site vocational training</li> </ol>	<ol style="list-style-type: none"> <li>1. Week-end pass</li> <li>2. Evening pass</li> </ol>

Section 60.

DISCIPLINARY ACTION

- 1) Prisoners are subject to disciplinary action by the Chief of Corrections for committing any offense in violation of the Rules and Regulations of the Division of Corrections.
- 2) The following acts are prohibited:
  - a) destroying or altering government property
  - b) tampering with or blocking any locking device
  - c) making sexual proposals or threats to another while in the custody of the Division; engaging in sexual relations with another prisoner or staff member while in the custody of the Division.
  - d) attempting or planning escape
  - e) possession or introduction into the Facility of any intoxicants not prescribed for the prisoner by medical staff; or the fabrication of alcohol.
  - f) possession of an explosive, ammunition, gun, weapon, sharpened instrument, knife, or unauthorized tool.
  - g) possession of any property belonging to another person without the person's permission.
  - h) rioting or encouraging others to riot.
  - i) making threats to staff members, visitors, or other prisoners.
  - j) refusing to obey a reasonable order of any staff member
  - k) lying or providing false statements to staff members
  - l) being in an unauthorized area.
  - m) using any equipment or machinery which is not specifically authorized and in a manner that is contrary to instructions and safety standards.
  - n) being intoxicated while in custody of the Division.
  - c) smoking where prohibited
  - p) gambling
  - q) littering

3) The acts listed above are in addition to any other restrictions placed upon the prisoners by the body of general orders that comprise the rules and regulations of the Division. The Chief of the Division of Corrections may introduce, amend, or remove various rules and regulations by the publication of an appropriate general order and written notification to the prisoners of the change. The change will also be explained to the prisoners in the vernacular.

4) A prisoner may only be disciplined due to an action that was specifically prohibited at the time the act occurred. Prisoners are not subject to discipline occurring before a regulation is created to limit such behavior and the regulation has been explained to the prisoners.

5) Prisoners are subject to three types of discipline: minor, serious, and criminal.

a) Discipline of a minor nature is for violations of rules that pose no threat or danger of a serious nature to the health, welfare, and security of the staff and prisoners. Such discipline may be imposed by the duty officer of a shift. Such discipline may include a spoken warning, withdrawal of privileges for not more than two days, up to four hours of extra work within the DPS compound and up to eight hours confinement in the prisoner's cell or barrack. Any one or a combination of the above may be imposed depending upon the relative seriousness of the offense and the occurrence of similar violations within three months prior to the offense. Any disciplinary action other than a spoken warning is noted in the shift log and entered in the prisoner's permanent file. The duty officer must inform the prisoner in writing (see attached form), within 24 hours of the occurrence of the offense, of the charge with and give the prisoner the opportunity to respond. Before the duty officer imposes discipline, he must be satisfied that the prisoner did commit the viola-



tion and that the violation meets the criteria as a minor offense as given at the beginning of this sub-section (60.5.a). If a prisoner feels that he is being disciplined unjustly, he may appeal the matter to the Chief of Corrections.

- b) Serious matters requiring discipline are rule violations that pose a serious threat to the health, welfare, safety, or security of the prisoners or staff. The Chief of Corrections shall determine whether an offense will be treated as serious based upon the criteria just mentioned. If the offense is determined to be serious it will be referred to the prison adjustment committee which holds a hearing to investigate the matter, determines guilt, if the matter meets the criteria of being a serious offense, and imposes specific discipline. Discipline may include, but is not necessarily limited to, any one or a combination of the following: a loss of privileges for up to six months, restriction to cell or barrack for a period of up to two months, a loss of points earned through the Division's behavior modification program. The prisoner may be restricted to his cell for up to eight hours before he is given written notice by the duty officer that institutional charges are being brought against him. Notice must be given within 24 hours. At that time arrangements may be made for legal counsel. Notice of the charges must also be given to the members of the adjustment committee, the Chief of Corrections, and the Director of Public Safety at this time. The adjustment committee holds its hearing within seven days of the notification of institutional charges being delivered to the prisoner. During this period the Chief of Corrections has the right to confine the prisoner to his cell or barrack if he determines such action is necessary for the safety or security of the prisoner, other prisoners or staff. The charges presented to the committee must describe which rule was violated and explain why it is considered

a serious offense, and list any witnesses or evidence which substantiates the charge. Time spent in confinement before discipline is imposed by the adjustment committee is counted as part of the period of discipline. Time in confinement must be related to the particular charge resulting in the discipline against which the time is counted.

- c) Criminal matters are offenses of a criminal nature. The matter is referred to the detective bureau and if charges are filed the prisoner is subject to the same security restrictions and due process rights as any other accused criminal offender.
- 6) The adjustment committee is comprised of a representative of the prosecutor's office, a citizen member knowledgeable in the law, and a representative chosen once yearly by the prisoners. The citizen member is appointed by the Governor and is not a full-time employee of the GNMI. The representative chosen by the prisoners is not a prisoner himself during his term on the adjustment committee but may be a former prisoner. The committee may develop rules of procedure with which to structure the hearings. The rules must be written and available to all participants in the hearings.

DISCIPLINARY ACTION REPORT FORM

Name of Inmate: \_\_\_\_\_ Offense: \_\_\_\_\_

victim (if any): \_\_\_\_\_

Describe what happened that is a violation of DOC rules or a violation of the law:

Time and date of the offense: \_\_\_\_\_ Location of the offense (be as specific as possible): \_\_\_\_\_

Did the offense present a serious threat to the security of the correctional facility (yes) (no) or the health and welfare of the prisoners/staff (yes) (no). If yes, please describe why it was a serious threat:

List all witnesses:

Describe and/or attach all evidence:

Complaining officer: \_\_\_\_\_ name \_\_\_\_\_ date \_\_\_\_\_  
\* \* \* \* \*

Reviewed by the Chief of Corrections: \_\_\_\_\_ signature \_\_\_\_\_ date \_\_\_\_\_

Describe the type of discipline, when it was imposed, and by whom if matter handled as a minor disciplinary action:

(If applicable)  
This matter is referred to the adjustment committee by \_\_\_\_\_  
on (date) \_\_\_\_\_. The hearing is scheduled for (time and date) \_\_\_\_\_

The committee found that:  
Describe any discipline recommended by the adjustment committee:

(attach a copy of the minutes of the adjustment committee hearing to this form and keep in the prisoner's permanent file.)

Section 70.

PRISONER GRIEVANCE PROCEDURE

1) Prisoners have the right to present grievances to the Chief of Corrections, the Director of Public Safety, and the Attorney General. Grievances must be about specific conditions or against specific individuals.

2) Grievances must describe the particular violation of the law or Division of Corrections rules and regulations, providing a detailed account of the event including time, place, witnesses, and other relevant particulars of the incident. The grievance must be in writing. If the prisoner is unable to write it himself, it may be written by a third party at the request of the prisoner.

3) Grievances are normally forwarded to the Chief of Corrections, who then investigates the complaint. The Chief will then institute whatever action is necessary to rectify the situation within one week of the receipt of the grievance. The Chief of Corrections provides the prisoner with a written response regarding the disposition of the grievance. If the prisoner feels that the response is insufficient, he has recourse to legal action in the Court through his attorney should the attorney feel there are sufficient grounds for legal action.

4) If the grievance results in the disciplining of another prisoner, the disciplinary procedure described in section 60. of these rules and regulations applies.

5) If the grievance involves a staff member, the personnel rules of DPS and Title 61 of the TTPI Public Services rules and regulations apply. If the grievance involves violation of the law and the investigation substantiates reasonable suspicion that the law has been violated the matter is forwarded to the Detective Bureau with a copy to the Attorney General's office.

6) Grievances against the Chief of Corrections or the Director of Public Safety are forwarded directly to the Attorney General's office who investigates the matter.

7) No grievance or record of grievances made are kept in the prisoner's permanent file unless he requests such a record.

Section 80.

SEARCHES AND SHAKEDOWNS

1) All prisoners are subject to search upon their entry into a secure area of the Correctional Facility. Searches are performed by the correctional officer on duty at the sallyport and are not waived at any time. Visitors and staff are also subject to search at the sallyport at the discretion of the Chief of Corrections, if they enter a secure area.

2) The Chief of Corrections conducts rigorous and careful searches of the entire Correctional Facility at frequent intervals throughout the year for the purpose of confiscating any contraband that is in the possession of the prisoners.

3) Possession of contraband is against Division regulations and makes the prisoner involved subject to disciplinary action. If the contraband is illegal, the matter is reported to the detective bureau of DPS for formal investigation and action.

4) All contraband is tagged, logged in the records of the Chief of Corrections, and kept in the Division of Corrections safe or the Police evidence locker. Once legal or disciplinary action has been taken, the Chief of Corrections ensures that the contraband is returned to the rightful owner (if stolen articles) or disposed of in a proper manner.

Section 90.

BEHAVIOR MODIFICATION

1) The Division of Corrections uses a behavior modification program to structure its rehabilitation activities and to encourage the active participation of the prisoners in the rehabilitation activities. The program also attempts to encourage good behavior in the prisoners. The behavior modification is based upon a system of rewards for the performance of the desired and agreed upon behavior. Rewards are usually given in the form of increased privileges within the correctional facility.

2) The format of the program is for the prisoner and the correctional counselor to set several mutually agreed upon goals regarding the prisoner's behavior. The goals are then broken into specific objectives. So that if the goal is that the prisoner will not lose his temper when others irritate him, the objective might be that the prisoner will not get angry for one week. The agreement between the counselor and the prisoner also states specific rewards if the objectives are met, such as an extra hour in the day room every day. The agreement is written down and signed by the prisoner and the counselor. The correctional officers are informed of the conditions of the agreement and monitor the prisoner's behavior to see if the terms of the agreement are being kept. If, after the agreed upon time, the prisoner has kept his part of the agreement, he is allowed the agreed upon privilege. The agreement can be renewed until the goals are clearly met. Then new goals can be set.

3) Privileges to be earned must be consistent with the prisoner's position in the Division of Corrections classification system.

4) The corrections counselor may use upgrading of one's position in the classification system as a long range reward for the meeting of a series of specific goals.

5) A detailed explanation of the behavior modification program is available in written form in the prison library and from the corrections counselor. Both prisoners and staff are referred to that booklet.

Section 100.

CORRECTIONS COUNSELING

1) All prisoners are entitled to counseling services while with the Division of Corrections. Such services include counseling by professional mental health staff upon referral by the Chief of the Division of Corrections; individual counseling, and family counseling by the Division of Corrections counselor; as well as orientation counseling upon admission to the Division of Corrections custody.

2) The Chief of Corrections will designate a person as Corrections counselor who has training in individual, group, and family counseling in the correctional setting. This person will provide the services called for from the corrections counselor. The designee may be a member of the Division's staff or employed by another agency whose service is arranged for between the agencies. The counselor will schedule meetings at regular intervals with each prisoner.

3) Individual counseling is available to all prisoners regardless of classification. Participation in counseling is voluntary for the prisoner, however if the prisoner wishes to make use of this service the counselor will schedule meetings at regular intervals with the prisoner.

4) Group counseling is available to all prisoners whose security classification is other than maximum security. Participation is also voluntary for the prisoners. The counselor will provide this service or arrange for it at the request of the prisoners, however the counselor has the responsibility to remind the prisoners that this service is available to them.

5) Family counseling is also available to aid the prisoner and his family in the adjustment to life back in the community after the prisoner is released. Such counseling is normally oriented to prisoners who are to be released from prison shortly. Participation is voluntary, though encouraged as an aid in the transition back to community life. The counselor will arrange for the meetings and coordinate any logistics involved in the counseling. The Chief of Corrections may give



permission for the counseling sessions to be held outside of the Correctional Facility if it is determined to be appropriate for the prisoner and such a site is requested.

6) The Correctional Counselor is responsible for assignments within the classification system and coordination of the behavior modification program.

Section 110.

VISITATION

1) Prisoners may be visited by family members, other relatives, legal counsel, and those whom the Chief of Corrections determines have a legitimate reason to meet with the prisoner. Anyone wishing to visit a prisoner must register with the Department of Corrections before the visit takes place and have the registration as visitor approved by the Chief of Corrections. A listing of approved visitors for each prisoner will be kept in his file for reference. For each prisoner to be visited the potential visitor must register and receive separate approvals. Once approved the visitor is free to visit the prisoner at the scheduled visiting hours until the prisoner is released from prison or the approval of the registration as an official visitor is revoked. A listing of currently approved visitors and the inmates they may visit will be prepared by assigned correctional staff and maintained in the visiting area. Before a person is brought to the visiting room or is allowed to see a visitor elsewhere the correctional officer will check the listing to be sure that the visitor has been approved by the Chief of Corrections.

2) At the time the potential visitor registers, he will complete the form on the following page which will be placed in the appropriate prisoner's file once approved. On this form the visitor will acknowledge that visitations are restricted to approved sections of the prison. Should a visitor enter a secure portion of the Facility he/she is subject to search at the discretion of the duty officer if the Chief of Corrections is not available. If a visitor is to be searched the search will be conducted by a member of the same sex as the visitor. Any weapons, illegal substances, or other prohibited contraband found on a visitor as the result of the search will make the visitor subject to criminal prosecution.

3) Visiting hours are between 12:00 noon and 2:00 p.m. every Saturday and Sunday, as well as legal holidays. Legal counsel may meet with their clients upon request in the officially designated visiting area at any time, though it is preferred that several hours notice be given to allow the visitation to be scheduled with

minimal disruption to the prisoner's normal routine. The Chief of Corrections may schedule additional visiting hours if there is a need.

4) The normal hours of visitation are rescheduled or cancelled when the Chief of Corrections determines that an extraordinary situation exists which presents a threat to the security of the Facility.

5) Visitors shall not come into contact with the prisoners except at the appointed visiting hours. Contact at other times may result in disciplinary action for the prisoner and trespassing charges for the visitor, at the discretion of the Chief of Corrections.

6) Prisoners may not arbitrarily be denied the right to have visitors. The right to have visitors may be temporarily denied as the result of disciplinary action taken according to the requirements of these rules and regulations. General security threats to the Correctional Facility may also involve the postponement or cancelation of visiting hours on specific days. Other extraordinary circumstance such as natural disaster may also result in temporary suspension of visiting hours. Under normal circumstances however, the Correctional staff will provide for visiting hours on a regular basis.

7) The Chief of Corrections normally approves all visitor registration forms except when the following situations exist:

- a) The visitor is a co-defendent or accused/convicted felon with no immediate blood relationship to the prisoner.
- b) The prisoner requests that the potential visitor not be allowed to visit with him.
- c) The visitor has a history of bringing contraband into the Correctional Facility.
- d) The potential visitor violated Division of Corrections regulations in the past and has abused the privilege of visitation.
- e) The potential visitor is perceived as

a serious threat to the security of the Correctional Facility or the individual prisoner as a result of specific actions or threats.

Before the Chief of Corrections approves the visitor registration form, he determines that the prison requesting permission to visit a prisoner does not conflict with any of the above criteria for denial of permission to visit a prisoner. Denial of permission to visit one prisoner does not necessarily mean that permission to visit a different prisoner will be denied. Each request is treated on an individual basis.

Visitor Registration Form

The name of the prisoner I wish to visit is \_\_\_\_\_.

My name is \_\_\_\_\_ and I live in the village  
of \_\_\_\_\_. My mailing address is \_\_\_\_\_  
\_\_\_\_\_ and my telephone number is \_\_\_\_-\_\_\_\_-\_\_\_\_\_.

My relationship to the prisoner is: ( ) immediate family,  
( ) relative, ( ) friend, ( ) legal counsel, ( ) clergy,  
( ) other \_\_\_\_\_.

I understand that if I am granted permission to visit the above mentioned prisoner I must do so only during approved visiting hours and in an officially designated visiting area. If I come into physical contact with a prisoner or enter a secure area I am subject to search of my person and property. The search will be performed by a correctional officer of the same sex as I. If I am found to be possessing as a result of the search any weapons, illegal or controlled substances, or any other contraband I am then subject to criminal prosecution. I am signing this visitor registration form with full awareness of the limitations that are required of my behavior as a visitor and the possibility of search. I agree to comply with the above listed regulations while I am a visitor at the Correctional Facility.

\_\_\_\_\_  
Visitor's signature

\_\_\_\_\_  
Date

\*\*\*\*\*

( for official use only)

Date request received \_\_\_\_\_

Request ( ) approved ( ) denied If denied please give reasons \_\_\_\_\_

\_\_\_\_\_  
Chief of Corrections

\_\_\_\_\_  
Date

\_\_\_\_\_  
Prisoner

\_\_\_\_\_  
Date

Section 120.

ACCESS TO RELIGIOUS RESOURCES

1) Prisoners are entitled to exercise their right of religious worship. The prisoners are not restricted in their exercise of freedom of worship as long as the security of the Correctional Facility is not threatened, or the well being of the other prisoners is not threatened.

2) Prisoners are allowed to keep reading material of a religious or inspirational nature in their cells or sleeping area, in addition to any other portion of the Facility designated as library or reading area. Such reading material is subject to inspection, however.

3) Religious services are available to the prisoners on a regular basis and to the extent possible on the traditional days of worship held by the religious community of which the prisoner is a member.

4) Pastoral counseling and other related services are provided to the prisoners on a regular basis and special arrangements can be made by requesting the Corrections Rehabilitation Counselor of the Chief of Corrections.

5) All religious and pastoral services are provided subject to the needs of security. Visiting clergy or representatives of religious organizations are subject to all of the restrictions placed upon other visitors, including search of person and property if a secure portion of the Correctional Facility is entered. The religious visitor may also have his visitor registration form rejected and be denied the right to visit a prisoner or prisoners if the criteria for denial of permission to visit presented elsewhere in these rules and regulations are met. If this happens the Chief of Corrections will see that the prisoner's religious needs are taken care of by other clergy or representative of the same religious organization.

6) The prisoner has the right to refrain from practicing any religion. All participation in religious activities is strictly voluntary on the part of the prisoners. Correctional staff can not require participation in the religious activities of any religion on the part of the prisoners.

Section 130.

ACCESS TO LEGAL SERVICES

1) Prisoners are entitled to due process under law and have the right to the necessary resources to ensure due process. This includes access to legal counsel, to legal references, and to recourse to the Commonwealth judicial system. Due process is also required of any disciplinary action taken by the Division of Corrections which is of a serious nature, as defined in these rules and regulations.

2) The prisoner has the right to correspond with his legal counsel in an unrestricted manner. The Chief of Corrections may give the prisoner permission to telephone his legal counsel if the call is within the Commonwealth or if the legal counsel will accept the cost of the phone call if it is outside of the Commonwealth. Legal counsel may participate in any disciplinary action which goes before the adjustment committee and in the processing of any grievances of the Division of Corrections. Legal counsel may visit with his client at any time, though advance notice is requested and he is subject to search of person and property if a secure portion of the prison is entered.

3) Legal references will be made available to the prisoners when specifically requested by the prisoners. Arrangements will be made on a case by case basis regarding how the specific text will be made available. Access to legal references is subject to the availability of the text within the Commonwealth.

4) Access to legal references and counsel is provided within a reasonable period of time.

5) The Correctional Facility library maintains the following legal references for use by the prisoners: Commonwealth Criminal Code, Rules of Procedure for the Commonwealth Trial Court-- Criminal Division, a publication listing the rights and responsibilities of prisoners as defined by current case law, and a copy of the rules and regulations of the Division of Corrections.

Section 140.

PRISONER CLUBS AND COMMUNITY ORGANIZATIONS

1) The Division of Corrections encourages the participation of prisoners in clubs and community organizations that help to develop his ability to be a productive citizen. Membership in such clubs must be consistent however with the security requirements of his position in the classification system. Membership in clubs and community organizations can not be allowed to compromise the security of the Correctional Facility or interfere with the Division's program of rehabilitation.

2) The prisoners may have clubs within the Correctional Facility to support religious, social, educational, hobbycraft, musical, and other interests among the prisoners. These clubs must be recognized by the Chief of Corrections and given approval. A written request describing the purpose of the club, how it is to be organized, and a list of all prisoners who wish to be members of the club is the means by which approval for a club is obtained. The Division will schedule time in the dayroom or other parts of the facility and lend what assistance it can in support of the club's activities. Club meetings and activities shall be held at times that do not interfere with the work schedule of the prisoners, meals times, or other restricted times. The clubs may have advisors, speakers, teachers, or other resource persons. These people may enter a secure portion of the prison to take part in club activities but are subject to search of person and property upon entry and must register as a visitor and be approved by the Chief of Corrections.

3) Prisoners may participate in club activities to the extent allowed by their position in the classification system.

4) Participation in community activities outside the Correctional Facility is allowed for those prisoners whose classification allows limited access to the community. Participation in such activities must be requested by the prisoner and a responsible member of the organization with which the prisoner wishes to participate must bear the responsibility for supervising



the prisoner while outside of the Facility and ensure his return at the required time.

5) Club members may take part in club activities of the Facility as a group only when a level of security consistent with their classification can be provided at the site of the proposed activity.

Section 150.

CORRESPONDENCE

- 1) Prisoners may send and receive mail, however, except for privileged mail, all mail is subject to inspection by the Chief of Corrections or his designate. Inspection is for contraband or objectionable written material.
- 2) Privileged mail is not subject to inspection but may only be sent to the following people: the sentencing judge, the Director of Public Safety, the prisoner's legal counsel, the Attorney General, prosecutor handling his case, and the Chief of Corrections. Mail being received by the prisoner from these people is subject to inspection but only for contraband and in the presence of the prisoner.
- 3) Contraband includes weapons, unauthorized tools, controlled and illegal substances, pornography and other designated materials.
- 4) Objectionable written material includes threats of physical harm or criminal activity, threats of blackmail or extortion, plans to send contraband into or out of the prison, plans to escape, plans for activities in violation of prison rules, materials which violate postal regulations, or materials involving the conduct of a prisoner's business without prior approval of the Chief of Corrections.
- 5) Contraband is turned over to the Detective Bureau or prosecutor's office with a written report describing the circumstances under which it was obtained. Objectionable written material is returned to the prisoner with an explanation of why it was returned, except when the objectionable material represents a violation of the law or a threat to the security of the Correctional Facility. In such cases the material is brought to the attention of the Chief of Corrections, the Director of Public Safety, and the Attorney General for action.

Section 160.

TELEPHONE USAGE

- 1) As telephones are available to the Division of Corrections prisoners who have earned the privilege are permitted to use the phone for local calls during normal Commonwealth working hours and under the supervision of a guard, when making a phone call does not present a threat to the security of the prison.
- 2) Phone calls may be terminated by the guard when behavior in violation of the law is committed or planned over the phone, as well as behavior in violation of the rules and regulations of the Division of Corrections.
- 3) Prisoners are permitted to send and receive calls of reasonable length in emergency situations such as death, critical illness, or accident of a family member. This is allowed without regard for position in the classification system.
- 4) Use of a telephone without permission of the Chief of Corrections or the duty officer and without supervision makes the prisoner subject to disciplinary action.

Section 170.

LEAVE

1) No prisoner in the custody of the Division of Corrections may be absent from the Facility without specific and written permission from the Chief of the Division of Corrections. Absence without permission is considered an escape. When the prisoner has written permission allowing an absence from the Correctional Facility for a specific period of time he is considered to be on leave.

2) Work release leave allows the prisoner to be absent from the Facility for a specific number of hours every day in order to hold a job in the community. Participation in the work release program is at the discretion of the Chief of Corrections. Specific procedures and regulations regarding work release are presented in section 180. of these rules and regulations.

3) Educational leave allows the prisoner to attend classes at a recognized institution outside of the Correctional Facility. The prisoner must be escorted both to and from class by a responsible person and may be outside of the Correctional Facility only for the amount of time necessary to attend class or work on supervised class projects. Education leave is a privilege and must be earned through the behavior modification program.

4) Furlough provides the prisoner who is nearing the time for his release and has proven himself responsible within the Facility with the opportunity to re-establish his relationships in the community and prove to himself and the correctional authorities his ability to act responsibly and within the law while in the community. A furlough may extend from six hours to one week, at the discretion of the Chief of Corrections depending upon the needs of the prisoner and his proven ability to accept responsibility.

5) Emergency leave provides the prisoner the opportunity to be with his family in times of severe crises, such as death or critical illness/accidents of a wife, child, parent or sibling. Such leave will be to take part in specific activities, such as a funeral or

hospital visitation and must be in the company of a guard at all times, unless the prisoner is at a level in the classification system where he is eligible for other forms of leave. In such a case the prisoner only needs to be under the supervision of a responsible person.

6) All leave is for a specific period of time. Absence from the Facility in excess of the allotted time period makes the prisoner subject to loss of privileges and other disciplinary action. Absence from the Facility in excess of one hour beyond the allowed time period is treated by the Division as an escape, at the discretion of the Chief of Corrections, and may result in criminal charges against the prisoner. If the prisoner finds that he is unable to return to the Facility on time he should telephone the Division of Corrections to report the problem. The prisoner on leave is responsible for being back at the Correctional Facility on time.

Section 180.

PRISONER EMPLOYMENT: Public Service & Work Release

1) Every prisoner is required to perform work assigned to him within the Correctional Facility which contributes to the healthful maintenance of the living area to which he is assigned or shares with other prisoners. Such work may include cooking, cleaning, laundry, minor repairs but does not include any task which requires special skills or an extraordinary element of danger. These assignments are not subject to the prisoner's willingness to participate, though assignments should be rotated so that no prisoner is unfairly burdened with disagreeable assignments. A waiver of this requirement may be given for reasons of health or a conflict with rehabilitation program requirements but such an excuse should be considered a rare exception to the rule.

(PUBLIC SERVICE)

2) The Chief of Corrections may assign prisoners to work on public service projects from time to time. Public service projects are work activities that contribute to the general welfare of the community and do not replace anyone who is gainfully employed in the performance of the activity. Public service projects are located on sites other than the Correctional Facility compound. Except in time of emergency or disaster, work on such assignments is voluntary and the prisoner may choose to remain in confinement.

3) It is the responsibility of the agency requesting prisoners for public service projects to provide supervision for the prisoners assigned to the agency and to make arrangements for their transportation. When possible the Division assists with transportation but this is not a primary responsibility.

4) The agency requesting prisoners for public service activities must do so at least 12 hours in advance and in writing. The request indicates the nature of the task, how many prisoners are needed, and who is to supervise the prisoners. How long they are needed is also estimated.

(WORK RELEASE)

5) Work release is seen as primarily a rehabilitation activity in which prisoners are prepared for re-entry into the community by providing them with job skills, experience, and contacts useful for employment upon release. The work release program is a privilege and not a right.

6) Participation in the work release program is at the discretion of the Chief of Corrections. The following criteria are taken into account when he decides whether a prisoner may or may not participate in the program:

- a) the extent to which the prisoner's dependents will suffer financial hardship from non-participation.
- b) the prisoner is not likely to present a serious danger of escape or committing criminal acts while on work release.
- c) work release assignments do not conflict with any disciplinary action or the prisoner's security classification.
- d) the prisoner has requested participation and has specific reasons for participation that are consistent with the goal of his rehabilitation.

7) Employers need to apply for work release prisoners only once, providing in writing the same information requested in number four above.

8) Transportation to and from the work release job site is not the responsibility of the Division of Corrections. When it is possible, the Division will try to assist with transportation but the prisoner or his employer should make other arrangements for transportation on a regular basis. This may include rides with other employees or relatives of the prisoner. If the person providing the ride is other than the Division or the employer they will need authorization from the Division so they will be permitted to pick up the prisoner. Authorization can be provided using the visitor registration form and procedure.

9) All prisoners leaving the Correctional Facility for work release or other reasons must sign out in the daily log book and sign in upon their return. The duty officer will release a prisoner only to someone who is authorized to receive the prisoner.

Section 190.

JUVENILE DETENTION

- 1) Juveniles who are ordered by the Court to be detained in secure custody are remanded to the juvenile cell block of the Correctional Facility. Programs and administrative details are handled by the GNMI Division of Youth Services for juveniles in detention. However, the Division of Corrections has responsibility to assist ensuring their secure detention, their physical welfare, and routine maintenance needs. Their status as juveniles requires that they be treated differently than the adults.
- 2) At no time may juveniles and adult prisoners come into direct contact. Every effort must be made to keep juveniles and adults apart to the extent of no possibility of contact by sight or sound.
- 3) Juveniles should not be allowed into the adult cell block area but should receive all services within the juveniles cell block or compound area. If there is an exceptional need to make use of resources in an adult section of the facility use of such resources must be scheduled so that there is no contact with adult prisoners.
- 4) Weather permitting juveniles must be allowed at least one hour of physical recreation per day.
- 5) Juveniles may be visited by their family any day of the week during normal working hours, as long as such visitation does not conflict with educational, counseling, or work activities as a detainee.
- 6) Unless specifically stated otherwise, Sections 20-40, 70, 80, 90, 100-170 of the rules and regulations of the Division of Corrections also apply to juvenile detainees.
- 7) When there are more than three juveniles in detention and no females are being detained, the female cell block may be used to house juveniles. Otherwise, two juveniles may be assigned per cell. When space is available one juvenile is assigned per cell.



8) Juvenile female detainees should be separated from both adult offenders and male juvenile offenders. If no adult female offenders are using the female cell block the juvenile female is housed there. If it is impossible to provide separation by sight and sound from adult offenders and from juvenile male offenders the Division of Youth Services must make arrangements for secure detention of the juvenile female in quarters other than the Correctional Facility. The quarters must provide supervision equal to that provided in the juvenile cell block and provide a safe and healthy environment.

9) The Division of Youth Services provides a juvenile corrections worker to see to all the rehabilitation services delivered to the juveniles. This worker is in charge of educational, counseling, and recreational activities for juveniles detained. The worker may establish a behavior modification program appropriate to the juveniles. DYS establishes all policy regarding the care of the juveniles detained. The DYS also provides aftercare to juvenile detainees and assists their families to provide better supervision and support to their child.

10) Juvenile offenders who are certified by the Court as adults are treated by the Division of Corrections as adults and are not subject to any of the special services set forth in this section of the rules and regulations.

Section 200.

FEMALE PRISONERS

- 1) Female prisoners are confined to the female cell block of the Correctional Facility. At no time may they come into contact with male prisoners or juvenile prisoners.
- 2) Female prisoners may only be guarded by female members of the Division's staff or policewomen assigned to the Division for such duty.
- 3) As with juveniles, all services for female prisoners will be provided in the female cell block or in the exercise yard provided for the female/juvenile cell block area. Exceptions may be made to this rule by the Chief of Corrections, however at no time may the exception include entry into the adult male cell block at a time during which male, adult prisoners are present.
- 4) All of the rules and regulations applying to adult male prisoners also apply to female prisoners, except where the Chief of Corrections specifically creates an exemption in writing which then becomes part of the rules and regulations.

Section 220.

STAFF RULES

1) Division of Corrections staff are subject to all of the rules and regulations promulgated by the Department of Public Safety and Title 61 of the TTPI code. In addition, staff are responsible for seeing that all of the provisions of the Rules and Regulations of the Division of Corrections are carried out exactly as presented in the currently authorized version. The essential responsibility for the security of the prisoners placed in their charge and the rehabilitation of these prisoners lies with the staff of the Division of Corrections. To the extent that they comply with the requirements of these rules and regulations they are meeting their responsibility.

2) An officer shall not leave his duty station during his shift unless he is given specific permission to do so by the Chief of Corrections or the duty officer. If the nature of his assignment is such that security must be maintained, he must be relieved by another guard or policeman before he leaves his duty station.

3) An officer shall not leave his duty station at the end of his shift until he is replaced by the next shift correctional officer or is given permission to leave by the Chief of Corrections or the duty officer.

4) An officer shall not allow a prisoner in an area of the Correctional Facility that does not provide the degree of security required by the prisoner's position in the classification system.

5) An officer is responsible for the security of the cell block to which he is assigned during his shift. The guard must check for potential breeches in security throughout his shift. If negligence can be proven, the guard will be held liable for any escapes which occur during his shift and in his cell block.

6) Correctional Officers may allow prisoners only those privileges they are entitled to as a result of the behavior modification program and the requirements of the classification system. Staff may not deny pri-

privileges, except for reasons of security and then only at the order of the Chief of Corrections and in a reasonable and equitable manner.

7) An officer may not provide a prisoner with any article, supplies, cigarettes, or other items not provided by the Division of Corrections, unless the items have been searched by the duty officer, are not contraband, and are consistent with any program limitations that might be placed on the prisoner.

8) Annual leave must be requested in advance of the day the staff member wishes to take off. Such leave may be taken without advance notice but the duty officer or the Chief of Corrections must be notified as soon as possible about the need for sick leave so that substitutes may be found to cover the shift. The need to maintain security at the Correctional Facility requires that the staff members be responsible in assisting the Chief of Corrections to see that all shifts are covered.

9) Staff shall not use the supplies or equipment of the Division, the property or labor of the prisoners for their personal advantage. The property, materials, supplies, and equipment assigned to the Division of Corrections may not be removed from the Correctional Facility without the written permission of the Chief of Corrections or the Director of Public Safety, and then only for purposes consistent with the goals of the Division of Corrections. Violations of this rule may subject the violator to criminal prosecution for larceny and any other relevant charges.

10) Correctional officers may not strike or use physical force on a prisoner, except to protect himself or to prevent the commission of a felony (eg. escape, assault of another prisoner, etc.). Nor may the correctional officer threaten the prisoners with physical violence or abusive use of the disciplinary mechanisms of the Division. Correctional officers may not use abusive language with the prisoners.

11) Correctional officers may not engage in sexual activity with the prisoners nor may they condone such activity among the prisoners. Correctional staff are required to report such activity to the Chief of Corrections for appropriate disciplinary action.

12) The Department of Public Safety is a paramilitary organization in that its members are armed and subject to military style discipline. Correctional officers are members of the Department of Public Safety and subject to its organizational discipline and practices. Correctional officers must fully carry out orders they are given by superior officers in an efficient and reasonable manner. They must observe practices of courtesy with other officers and the public.

13) No correctional officer or other employee of the Department of Public Safety may enter a secure portion of the Correctional Facility with a firearm or other weapon without the specific permission of the Chief of Corrections or the Director of Public Safety. Such permission is valid only for a specific time and purpose and allows no one general permission to be armed within a secure portion of the Correctional Facility. Anyone who is armed upon entry into the Correctional Facility must proceed directly to the administration office where his weapon remains until he is ready to leave the Facility. The guard on duty may not, unless specifically ordered by the Chief of Corrections or the Director of Public Safety, open the sallyport to anyone who is armed with either a firearm or other weapon. At the discretion of the Chief of Corrections a general policy may be set to allow chemical and other non-lethal "weapons" within the secure area in the possession of guards if he feels there is a need.

14) Correctional officers are subject to search of person and property before entering a secure area, at the discretion of the Chief of Corrections.

15) Violation of the rules and regulations by Correctional staff will result in disciplinary action appropriate to the nature of the violation.

## GLOSSARY

Adjustment Committee--a group of people whose purpose is to provide due process in the review of complaints by Correctional Officer against prisoners and by prisoners against Correctional Officers. The composition and procedures of the committee are described in the section of the rules and regulations entitled "Disciplinary Action".

Behavior Modification Program--a technique in which prisoners are able to earn a greater degree of freedom of movement within the correctional setting and greater privileges by avoiding behavior which would result in disciplinary action and participation in activities of a rehabilitative nature. By using a system of reward and punishment, it is expected that the prisoner's behavior will be modified or changed to a form of behavior that will help him to function successfully in society.

Cell Block--a portion of the Correctional Facility that is assigned to prisoners who are segregated from other prisoners. The CNMI Correctional Facility contains three cell blocks: adult male, female (adult), and juvenile. Ideally, prisoners from one cell block will not come into contact with prisoners from a different cell block.

Certification--a process in which a juvenile (under 18 years of age) is brought before the Court and the request is made that he or she be treated as an adult. Usually the reasons for the request reflect the seriousness of the alleged offense or the physical or mental maturity of the young person. If the Court certifies a juvenile then he is no longer considered a juvenile and not entitled to the special treatment and legal protection that is given to juveniles. Once he is certified, the juvenile is considered an adult.

Classification System--some prisoners present a greater threat to the safety of the community and the security of the Correctional Facility than others. A classification system is a way of dividing the prisoners into groups according to the amount of restrictions that are necessary to place on them. Often a classification system and a behavior modification program work hand in hand with the prisoner earning his way from one category to another within the classification system.

Correctional Facility--as used in these rules and regulations, the Correctional Facility refers to that area of the Department of Public Safety compound that is fenced in and used to house those individuals who have been placed in the custody of the Division of Corrections of the Department of Public Safety.

Contraband--Items which are prohibited within the CNMI Correctional Facility. Such items are either illegal in the general community to possess or present a threat to the security or well being of the prisoners. A list of basic items of contraband is presented in the section entitled, "Disciplinary Action", and is supplemented from time to time by the Chief of Corrections.

Counseling--a service when someone who is trained in the area of psychology or social work listens to your concerns, your hopes, your worries, and problems for the purpose of trying to help you develop the understanding necessary to successfully deal with your concerns, worries, and problems, as well as realize your hopes. The counselor is someone who can be very helpful in bringing about a change in your behavior, if you are willing to let him help you.

Custody--when a particular individual or agency has responsibility for the well-being and freedom of movement of another person.

Disciplinary Action--when a prisoner violates the rules and regulations of the Division of Corrections he becomes subject to some form of punishment for the violation. Punishment is imposed when the complaining correctional officer can prove before an adjustment committee that the prisoner did violate the rules and regulations. Punishments are usually greater restriction of movement and loss of privileges within the Correctional Facility.

Division of Corrections--The Department of Public Safety is divided into three units reflecting the basic functions of the Department: Police, Fire, and Corrections. The Division of Corrections is that unit which is responsible for the custody and rehabilitation of individuals convicted of crime by the Commonwealth Trial Court and placed in its care. The division is also responsible for prisoners awaiting trial who are unable to post bail for release pending trial.

The staff of the Division of Corrections normally includes a Chief, a rehabilitation counselor, correctional officers and secretary support. The correctional officers are also sworn officers for the Department and have all of the authority of policemen to enforce the law.

Duty Station--those areas within the Correctional Facility to which a correctional officer is assigned as his specific area of responsibility. The two most common duty stations are the adult male cell block and the sallyport, entrance to the adult male cell block. Whenever the Facility is in use guards should be posted at these two duty stations. When the juvenile or female cell blocks are in use the sallyport area for the two cell blocks becomes an active duty station.

Escape--occurs when a prisoner is absent from the Correctional Facility without leave.

Grievance--a complaint by one person against another or against an institution.

Leave--official permission to be absent from the Correctional Facility for a specific period of time to accomplish some purpose which the administration of the Facility feels is consistent with the rehabilitation of the prisoner who is absent.

Legal Counsel--that person who the prisoner has chosen to represent him before the Commonwealth Trial Court or the CNMI District Court and to see to it that all of his rights as a citizen are protected. Legal counsel must be able to practice law before the Courts of the Commonwealth.

Lock-up--that area of the police station where arrestees are detained pending the posting of bail, or Court action. This area is under the supervision of the Division of Corrections but is not used to house anyone who has been convicted. Upon conviction a detainee is transferred to the Correctional facility to begin serving his sentence. Exceptions may be made when seemed appropriate by Chief.



Orientation--a period of time during which a person is given the chance to learn how things operate and what the rules are governing his new environment. In reference to the Division of Corrections orientation is that period following admission to the Correctional Facility when the prisoner is given the chance to learn the Division's rules and regulations, become introduced to the rehabilitation resources available, and is given medical and psychological (if needed) examinations in preparation for his stay at the Facility.

Prisoners--those people who have been ordered into the custody of the Division of Corrections by the Courts of this jurisdiction and are being confined within the CNMI Correctional Facility.

Privilege--access to specific freedoms or benefits for which the prisoner has no moral or legal claim. Privileges are given to the prisoner once he has acted in such a way that according to the behavior modification program he has earned the right to enjoy a specific freedom or benefit. Privileges are rewards for good behavior.

Rights--there are certain benefits which no one has the moral or legal authority to take away from anyone, even prisoners. Under the United States system of government some of these benefits include: freedom from cruel and unusual punishment, access to legal counsel, the ability to practice one's religion, freedom not to talk to police if by talking one will incriminate oneself, access to law books, and access to proper food and medical care to maintain one's health.

Sallyport--that area of the prison which serves as the normal entrance and exit of a cell block. Correctional officers are normally stationed at a sallyport of a cell block that is in use to control who enters or leaves the cell block area and to ensure that they do not carry contraband.

Search (of person and property)--to ensure that no contraband enters a cell block area the correctional officer on duty has the right to check the packages and clothing of anyone wishing to enter a cell block in which prisoners are housed.

The body of anyone wishing to enter such a cell block may also be searched either by metal detector, frisk, or, if there is reasonable cause, by strip search. Visitors may refuse to be searched if they are requesting entry into a cell block area but if they are not searched to the reasonable satisfaction of the correctional officer on duty they will be denied entry to the cell block. Prisoners returning to the prison from leave are subject to search and have no choice in the matter. Visitors or prisoners will be searched by DPS staff of the same sex.

Secure area--that portion of the Correctional Facility in which prisoners are housed and, if earned, have relatively free access. Normally a secure area would be the cell blocks and exercise area associated with the cellblock. Access to a secure area is limited to only the prisoners assigned to it, the staff of the Division of Corrections and those others with the specific permission of the Chief of Corrections. Any one entering a secure area is subject to search of person and property.

Separation by Sight and Sound--It is the stated policy of the Congress of the United States, as presented in the Juvenile Justice and Delinquency Prevention Act, that juvenile offenders and adult offenders not come into contact with each other. The idea is that there be separate facilities for adults and juveniles. However, the lack of money, especially in small jurisdictions, makes it difficult to always comply with the idea. The minimum requirement where it is impossible to provide separate facilities is that adults and juveniles be sufficiently separated that neither can see or hear the other.

Shakedown--when the Chief of Corrections causes a cell block or the entire correctional facility to be searched very carefully for contraband. Such a search may include a careful search of all of the rooms and equipment within the Facility, a search of personal and Department property, and a search of the person of any prisoners. Such searches must be conducted with care to both locate contraband and to ensure that the property or dignity of the prisoners is not damaged.

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
EXECUTIVE ORDER OF THE GOVERNOR  
EXECUTIVE ORDER NO. 26

WHEREAS, the Constitution of the Commonwealth of the Northern Mariana Islands provides that artifacts and other things of cultural or historical significance in the Commonwealth shall be protected, preserved and maintained; and

WHEREAS, it is the policy of the Commonwealth to make high quality arts and humanities cultural experiences available to all its residents, to recognize and support artistic excellence, to strengthen economic and professional opportunities for individual artists and performing artists and humanists, to provide leadership and information services on behalf of special interest art and culture groups in the Northern Marianas; and

WHEREAS, many of the residents of the Commonwealth lack the opportunity to view, enjoy, or participate in live theatrical performances, musical concerts, operas, dance and ballet, art exhibits, and the performing and fine arts generally and many of the residents possess artistic and creative talents which are not presently utilized to the fullest extent; and

WHEREAS, the practice and enjoyment of the arts are of increasing importance and the Commonwealth will benefit by giving further recognition to the arts as a vital aspect of our culture, heritage and economy, and, as a valued means of expanding the scope of our educational programs and community life; and

WHEREAS, the Commonwealth encourages the participation by the public in institutions and professional organizations concerned with the arts, humanities and culture and the coordination of the resources of the Commonwealth Government to insure that the role of arts, humanities and culture in the life of our communities shall continue to grow and will play an ever more significant part in the welfare and educational experience of our residents; and

WHEREAS, Chapter 7 of Title I of the Executive Branch Organizations Act of 1978, Public Law 1-8, establishes the Department of Community and Cultural Affairs and this Department is responsible for the development of cultural activities within the Commonwealth;

NOW THEREFORE, by the power vested in me as Governor of the Commonwealth of the Northern Mariana Islands, pursuant to Section 15 of Article III of the Constitution, I, Carlos S. Camacho, hereby establish the Commonwealth Council for Arts and Culture (hereinafter referred to as the "Council") within the Department of Community and Cultural Affairs of the Commonwealth Government with the following objectives, powers, duties and functions:

Section 1.

A. The Council shall be composed of eleven persons, broadly representative of the Arts and Cultures of the Commonwealth, residents of the Northern Mariana Islands, citizens or nationals of the United States, over 18 years of age, with at least one female member, at least one member of Carolinian descent and at least one member from each senatorial district. The members of the Council shall be appointed by the Governor for a term of three years; Provided that of the members first appointed, three shall be appointed for one year, four shall be appointed for two years, and four shall be appointed for three years. All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments. A member may succeed himself once, but is not eligible for reappointment during the two year period following the expiration of his second term. Any member who shall have two consecutive unexcused absences from a Council meeting shall be presumed to have resigned from the Council. The Council may prescribe additional rules to govern its operations.

B. All decisions shall be made by a majority vote of members present at a meeting duly called, Provided, that they constitute a quorum.

C. The Council shall select annually from among its membership, by majority vote, a Chairperson and a Vice Chairperson. The Chairperson, or in his absence the Vice Chairperson, shall: preside at all meetings of the Council, call meetings of the Council (which shall be held at least quarterly); in consultation with the Executive Director, appoint all Committees and Panels; and perform such other duties as the Council shall direct and specify. The Chairperson shall act for the Council between meetings on matters affecting the Office of the Commonwealth Arts and Culture (hereinafter referred to as the "Office").

D. The Council shall have the following powers, functions, responsibilities, and duties:

1. To adopt by-laws and policy resolutions and guidelines to govern the activities of advisory panels and committees created by it.

2. Review and adopt plans submitted by the Executive Director of the Office, including approval of the annual budget of the Council and the Office. Such plans including the annual budget shall be submitted to the Director of Community and Cultural Affairs for his approval and then transmitted to the Governor; provided that, if the Director of Community and Cultural Affairs disapproves any such plan, the Council shall revise and resubmit the same to such Director within 15 days after such disapproval.

3. Appoint the Executive Director of the Office in consultation with the Director of Community and Cultural Affairs and set the annual compensation including benefits for the Executive Director. Such Executive Director shall be removed by the Council, after consultation with the Director of Community and Cultural Affairs, and only for cause. Public Law 1-9 shall apply notwithstanding the provisions of this Executive

Order.

4. To provide assistance to the Executive Director in the interpretation of Council's policies.

5. Establish internal rules and regulations to govern activities of the Council.

6. To review, accept, and approve the award of local grants and contracts, subject to the approval of the Director of Community and Cultural Affairs.

7. To cooperate with other departments and divisions of the Executive Branch in meeting the Constitutional mandates and the policies established by law with respect to arts and culture.

8. Recommend rules and regulations to the Director of Community and Cultural Affairs for art and cultural programs. Such rules and regulations shall be adopted in accordance to Title 17 of the Trust Territory Code.

E. The members of the Council shall not receive compensation for their services, but shall be reimbursed for necessary travelling and other expenses incurred in the performance of official Council duties.

## Section 2.

A. There is hereby created, within the Department of Community and Cultural Affairs, an Office of the Commonwealth Arts and Culture which shall be headed by an Executive Director appointed as provided herein, who shall have supervision of the day-to-day administration and management of the Office subject to the approval of the Council, in accordance with applicable administrative procedures and requirements as provided by law and the general policies of such Department as established by its Director.

B. The Office shall promote, encourage and solicit funds for the Council from private and public sources.

C. The Executive Director may be delegated by the Director of Community and Cultural Affairs to act as a Contracting Officer on behalf of the Office.

D. The Executive Director acting for the Office shall additionally have the following authorities and responsibilities upon approval by the Council and under the general supervision of the Director of Community and Cultural Affairs:

1. To act as the Commonwealth designated agency for the purpose of applying for and receiving federal assistance programs which would preserve, maintain or restore arts and culture (except historical preservation and landmark conservation) interests of the Commonwealth. In this respect, the agency is designated as the sole agency for administration of a state plan for programs of the National Endowments for the Arts and the Humanities.

2. To accept, on behalf of the Commonwealth, any funds granted or appropriated by U. S. Congress or the United States Government, or from Commonwealth sources or individuals whomever, and, to accept any gifts, donations, contributions, or bequests from whatsoever source for all or any of the purposes of this Order with the approval of the Director of Community and Cultural Affairs. Funds given, granted or paid to the Council pursuant to this paragraph, other than those funds appropriated or designated by the Commonwealth, shall be kept and held as trust funds for the purposes stated, not as general funds of the Commonwealth, unless so authorized by law, and may be expended at the direction of the Council, subject to the concurrence of the Director of Community and Cultural Affairs, until exhausted. Any funds received by the Council, directly or indirectly, from any admission charge, fee or donation, shall be deposited into the general fund in a restricted account and shall be available for appropriation to the Council to be used only for the purposes of assisting the Council to develop high standards of artistic and humanistic excellence or encourage greater appreciation of the arts and humanities by the people of the Commonwealth, provided that said funds shall be deemed available to the Council for the purpose of any matching requirement imposed on the Council.

3. To maintain offices to conduct its operations and to enter into contracts to facilitate carrying out its programs.

4. To request assistance from other Commonwealth departments and agencies and other instrumentalities in carrying out its duties and responsibilities.

5. To hold hearings, conduct arts and culture-related surveys and research, and contract services which are deemed necessary, desirable, and proper to carry out effectively and efficiently the purposes of this Order.

6. To advise and consult with and to enter agreements with individuals, organizations, foundations, corporations, States of the United States, other governments and with Commonwealth and United States departments and agencies on methods and specific plans and programs by which to coordinate, expand and assist existing resources and facilities, with the purpose of fostering artistic and cultural endeavors toward the use of arts and culture in the best interest of the Commonwealth.

7. To have and exercise such other powers as may be reasonably necessary to implement the purposes of the Order and as delegated by the Council and the Director of Community and Cultural Affairs.

8. To encourage and assist freedom of artistic and cultural expression, without any form of censorship, essential for the well-being of artistic and cultural preservation; to assist communities, villages and organizations within the Commonwealth in preserving, originating and creating cultural and artistic programs, considering education and training in connection therewith.

9. To request and accept the use of available resources of other departments of the Commonwealth as well as States and the United States of America and other governments to insure that the arts and culture shall continue to grow and play a significant part in the Commonwealth.

Section 3.

Not later than sixty (60) days after the close of the Commonwealth fiscal year, the Council shall make an annual written report of its activities to the Governor, President of the Senate, Speaker of the House, and to such other agencies of government (including the National Endowments for the Arts and for the Humanities) as may be required.

Section 4.

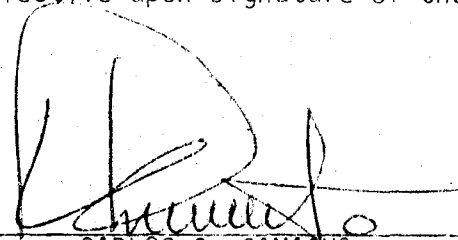
If any provision of this Order and rules and regulations adopted pursuant hereto, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or application of this Order which can be given effect without the invalid provision or application, and to this end the provisions of this Order are declared to be severable.

Section 5.

This Executive Order shall become effective upon signature of the Governor.

Date:

10/27/81



CARLOS S. CAMACHO  
Governor