

TITLE 57: DEPARTMENT OF CORRECTIONS

SUBCHAPTER 57-20.1

INMATES AND CORRECTIONAL FACILITY RULES AND REGULATIONS

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Subchapter Authority: 1 CMC § 2507; 1 CMC § 2854.

Subchapter History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: PL 14-25 (effective Aug. 20, 2004), codified at 1 CMC §§ 2851-2883, created the Department of Corrections, a new executive department in the CNMI government. See PL 14-25 § 4 (§ 2801), codified at 1 CMC § 2851. The department is responsible for adult correctional services, civil detention, and adult offender detention in the Commonwealth and consists of three divisions, the Division of Civil Detention, the Division of Corrections and the Division of Pre-trial Detention. 1 CMC § 2853. 1 CMC § 2854 directs the Secretary of the Department of Corrections to prescribe necessary rules and regulations to implement and enforce the duties of the department and its divisions.

1 CMC §§ 2881-2883 create the Division of Corrections to establish, maintain, operate and control the adult correctional facilities within the Commonwealth and to establish and administer correctional programs.

PL 14-25 transferred all responsibility for correctional and detention functions from the Department of Public Safety (DPS) and the Office of the Attorney General's (AGO) Division of Immigration to the newly created Department of Corrections. PL 14-25 § 2. PL 14-25 § 5 provides for the transition of funds, records, property and personnel from DPS and AGO to the Department of Corrections.

Prior to August 20, 2004, the Division of Corrections within the Department of Public Safety had the responsibility to manage facilities for persons accused of crimes pending trial and to provide correctional training for the rehabilitation of those persons sentenced to prison. See former 1 CMC § 2501 (1999) and 1 CMC § 2504(c) (1999). 1 CMC § 2507 provides the Department of Public Safety with authority to adopt rules and regulations regarding activities over which it has jurisdiction.

The Department of Public Safety adopted the rules and regulations in this subchapter pursuant to its authority under former 1 CMC § 2504(c) (1999) and 1 CMC § 2507.

Public Law 15-51, effective March 21, 2007, amended Public Law 14-25 by changing all references to "Secretary" of the Department of Corrections to "Commissioner" of the Department of Corrections.

Part 001 - General Provisions

§ 57-20.1-001 Introduction

(a) The rules and regulations in this subchapter 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 a 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.

(b) 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, some other constitutional rights continue to exist. The rules and regulations of the Division of Corrections respect your dignity as a human being

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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.

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

Modified, 1 CMC § 3806(d), (f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) through (c).

On October 31, 1981, DPS published notice of proposed “Division of Corrections and the Northern Mariana Islands Correctional Facility Rules and Regulations.” See 3 Com. Reg. 1338 (October 31, 1981). A notice of adoption was never published. However, the notice stated: “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.” The 1981 regulations rescinded all previous rules and regulations of the Division of Corrections. See 3 Com. Reg. at 1340.

The 1992 regulations readopted and republished the 1981 regulations in their entirety. The Commission, therefore, cites the 1992 regulations in the history sections throughout this subchapter.

§ 57-20.1-005 Glossary

(a) “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, adult female, and juvenile. Ideally, prisoners from one cell block will not come into contact with prisoners from a different cell block.

(b) “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.

(c) “Classification System”: Inmates are not classified into security groups, but the types of activities in which the inmates may participate are classified as treatment services, unrestricted privileges, and restricted privileges. Treatment services are those to which inmates are entitled when necessary to address an inmate’s physical, emotional, psychological, or other well-being. Unrestricted privileges are those given to all prisoners on an equal basis, unless restricted temporarily due to disciplinary action or unusual security requirements. Restricted privileges are those privileges for which a prisoner must qualify on the basis of good behavior and other factors.

(d) “Correctional Facility”: As used in the rules and regulations in this subchapter, the correctional facility refers to that area used to house those individuals who have been

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placed in custody, after adjudication, of the Division of Corrections of the Department of Public Safety, and includes fenced outdoor space available for recreational and other correctional purposes.

(e) “Contraband”: Contraband are items which are prohibited within the CNMI correctional facility. Such items are either illegal to possess in the general community 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 may be supplemented from time to time by the Chief of Corrections.

(f) “Counseling”: Counseling is a service by someone who is trained in the area of psychology or sociology or other relevant fields. The counselor works with prisoners for the purpose of trying to help develop the understanding necessary to successfully deal with life inside or outside the prison.

(g) “Custody”: Custody occurs when a particular individual or agency has responsibility for the well-being and freedom of movement of another person.

(h) “Disciplinary Action”: When a prisoner violates the rules and regulations of the Division of Corrections, the prisoner becomes subject to some form of punishment for the violation. Punishment is imposed whenever the prisoner violates the rules and regulations of the Division of Corrections. Punishments are usually greater restriction of movement and loss of privileges within the correctional facility. The entire process constitutes disciplinary action.

(i) “Division of Corrections”:

(1) 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 Superior 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.

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

(j) “Duty Station”: Those areas within the correctional facility to which a correctional officer is assigned as a specific area of responsibility is called the duty station. 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 become active duty stations, guards must also be present.

(k) “Escape”: Escape occurs when a prisoner is absent from the correctional facility without leave. Return from authorized leave one hour or later after the specified return time may be considered escape by the Chief.

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- (l) “Grievance”: Grievance means a formal complaint by one person against another or against an institution.
- (m) “Leave”: Leave is 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 feel is consistent with the goal of rehabilitation.
- (n) “Legal Counsel”: Legal counsel is any lawyer hired or appointed or designated to represent a prisoner.
- (o) “Lock-up”: That area of the police station where arrestees are detained pending the posting of bail, or court action is the lock-up. 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 deemed appropriate by the Chief, in writing to be kept in the inmate’s file.
- (p) “Orientation”: Orientation is a period of time during which a person is given the chance to learn how things operate and what the rules are governing the 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 (if needed) psychological examinations in preparation for the stay at the facility.
- (q) “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 with the CNMI correctional facility are prisoners. Alternatively, called inmates.
- (r) “Privilege”: Privilege in the regulations in this subchapter, means access to specific freedoms or benefits listed in these rules. Unrestricted benefits are those enjoyed by all inmates on an equal basis. Restricted privileges are those enjoyed only by inmates first found to be qualified.
- (s) “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, access to proper food and medical care to maintain one’s health: the CNMI Constitution further guarantees rights to a clean and healthful environment, freedom from discrimination on account of race, color, creed, ethnic origin or sex, and a free, public education as provided by law.
- (t) “Sallyport”: This term denotes 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

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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.

(u) “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.

(v) “Secure Area”: Secure area means 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 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.

(w) “Separation by Sight and Sound”: It is the stated goal 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. 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.

(x) “Shakedown”: A shakedown refers to action by which 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. Such searches may be done whenever the Chief of Corrections deems it appropriate.

Modified, 1 CMC § 3806(b), (d), (f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: To maintain the consistency of the administrative code, the Commission moved this section from § 220 at the end of the rules and regulations in this subchapter. See 13 Com. Reg. at 7947-7954 (Sept. 15, 1991). The Commission inserted quotation marks around terms defined.

The 1992 regulations deleted former subsections (a) and (b) and readopted this section with numerous amendments.

Part 100 - Prisoner Admission and Orientation

§ 57-20.1-101 Prisoner Acceptance

Prisoners are accepted into 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.

Modified, 1 CMC § 3806(f), (g).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission inserted the final period. The Commission created the section titles in part 100.

§ 57-20.1-105 Full Body Search; Disposition of Possessions

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 prisoner's permanent file. Once the property is searched, material that is consistent with Division of Corrections policy 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. All valuables will be kept by DOC staff. No neck jewelry will be permitted. Wedding rings may be worn.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-110 Cell Placement

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, if possible.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-115 Fingerprints and Photographs

Upon acceptance into custody under court order the prisoner is fingerprinted and photographed.

Modified, 1 CMC § 3806(f).

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History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-120 Orientation Period

(a) Orientation lasts for five days and, at the minimum, 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. It will not exceed five days, even if medical exam and corrections counseling are temporarily unavailable.

(b) 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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The 1992 regulations amended subsection (a).

§ 57-20.1-125 Medical Examination

The medical examination which is part of the orientation is to determine if the prisoner has any physical condition requiring special care or limitation of 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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-130 Meeting with Corrections Counselor

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 corrections facility. These duties may be done by a DOC officer or employee if no corrections counselor is available.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Part 200 - Medical Care

§ 57-20.1-201 Medical Care; General

The Division of Corrections is responsible for the health care of the prisoners in its custody. Any prisoner who is aware of a medical condition from which he or she suffers is asked to report that condition at the orientation interview and at the initial physical. During the admissions process each prisoner receives a physical examination to determine 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 illness affecting the prisoner while in the custody of the Division of Corrections are treated with proper medical care by medical personnel. Shortly before the release from the correctional facility the prisoner is given a physical examination similar to the one received upon admission in order to document the state of health upon release. The release physical is required only for prisoners who are incarcerated for more than three months.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission created the section titles in part 200.

§ 57-20.1-205 Security During Treatment

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 situation. 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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-210 Administration of Medication

Prisoners receiving medication are provided the proper dosage on a proper 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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-215 Prevention of Infectious Disease Transmission

The Chief of Corrections may 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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-220 Security of Medication

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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-225 Use of Medication

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

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-230 First Aid Kits; Use of Supplies

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

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Part 300 - Personal Hygiene

§ 57-20.1-301 Shower Requirements

Prisoners are required to shower at least once daily for a period of 10 minutes counted 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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission created the section titles in part 300.

§ 57-20.1-305 Shower Room

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. Unless placed under disciplinary restrictions, prisoners may wait their turn for the shower in their cells or in the day room. The duty officer determines the order in which the shower room is used and limits its use to 10 minutes per prisoner.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-310 Use of Other Cell Block Showers

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.

Modified, 1 CMC § 3806(f).

TITLE 57: DEPARTMENT OF CORRECTIONS

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-315 Clothing and Linen Wash Days

Clothing and linen wash days 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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-320 Barber Services

The Chief of the Division of Corrections may require that head hair and facial hair, be trimmed. Prisoners have access to barber services at least once per month and are encouraged to make use of these services.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Part 400 - Personal Property

§ 57-20.1-401 Approval of Possessions

Possessions of the prisoners are allowed in the correctional facility only with the approval of the Chief of Corrections or his designee. Approval is only given when the requested possessions do not present a threat to security, and are legal to possess. Permission may be revoked if the possessions become a cause of problems within the facility.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission created the section titles in part 400.

§ 57-20.1-405 Possessions in Cells

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). Other items may be approved by the Chief of Corrections.

TITLE 57: DEPARTMENT OF CORRECTIONS

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-410 Locker

Each prisoner is assigned a locker which can be secured. Property for which the prisoner has approval but may not keep in his cell must be stored in the locker. The locker is subject to search without notice at any time.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-415 Acquiring Personal Property

The administration provides the means of acquiring personal property beyond that which is provided by the facility. This is done by placing an order with the correctional counselor for the specific item desired. If the purchase is approved, 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 that the item is deducted from the prisoner's account and must be within the allocation approved by the Chief of Corrections for such purchases.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Part 500 - Classification System

§ 57-20.1-501 Security Level Classification System

No specific security level classification system will be maintained at the facility. However, when space and population permit, inmates serving a sentence of less than six months for conviction of a non-violent crime shall be placed in the women's or juvenile's section of the facility.

Modified, 1 CMC § 3806(e), (f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991).

Commission Comment: The 1992 amendments replaced this part in its entirety.

The Commission created the section titles in part 500.

§ 57-20.1-505 General Classification System

A general classification system will be maintained on the basis of facility services and activities. Activities will be classified as treatment services, unrestricted privileges, and restricted privileges.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991).

§ 57-20.1-510 Treatment Services

Treatment services are those which are necessary for an inmate's physical, emotional, and psychological well-being. These services shall be treated as an entitlement of the inmate to the extent that they are available in the CNMI, and shall be provided to all inmates on an equal basis when the inmate has been determined by professional evaluation to be in need of the service. Such services include medical and psychiatric treatment, psychological counseling, alcoholism and substance abuse counseling, and others.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991).

§ 57-20.1-515 Evaluation for Treatment Services

Each inmate is entitled upon request to receive at least one treatment service evaluation for the various treatment services available to the inmates. Each inmate may be required to submit to a treatment service evaluation upon referral by the Chief of Corrections or the corrections counselor. Such evaluations may be required if the possible need for treatment is noticed by or brought to the attention of the Chief of Corrections or the corrections counselor at anytime, including orientation, disciplinary proceedings, qualification determination process for restricted activities, or for any other reason.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991).

§ 57-20.1-520 Unrestricted Privileges

Unrestricted privileges are those which are provided to all inmates on an equal basis without prior approval or qualification. These activities may be restricted for an inmate as a result of disciplinary action, imposed in accordance with the disciplinary procedures contained in the rules in this subchapter, or when temporarily suspended to maintain facility security. Unrestricted privileges include:

- (a) Physical exercise and recreation.

- (b) Access to the facility commissary.
- (c) Visitation.
- (d) Mail privileges.
- (e) Telephone privileges.
- (f) Other privileges designated by the Chief of Corrections.

Modified, 1 CMC § 3806(d), (f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991).

§ 57-20.1-525 Restricted Privileges

Restricted privileges are those for which an inmate must first be found to be eligible by determination of the Chief of Corrections. Once granted, these privileges may be temporarily suspended when necessary to maintain facility security, or as a result of disciplinary action imposed in accordance with the disciplinary procedures contained in the rules in this subchapter. These privileges may also be discontinued to effectuate a new policy or regulation prospectively. Restricted activities include:

- (a) Home furlough.
- (b) Work release.
- (c) Educational release.
- (d) Work details outside of the facility.
- (e) Other activities designated by the Chief of Corrections.

Modified, 1 CMC § 3806(d), (f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991).

§ 57-20.1-530 Eligibility for Restricted Privileges

In determining eligibility for restricted privileges the Chief of Corrections shall consider the following:

- (a) Inmate behavior.
- (b) Type of offense for which convicted.

- (c) Treatment service evaluations.
- (d) All other relevant factors.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991).

§ 57-20.1-535 Grievance Procedure

Any inmate who disagrees with the denial, suspension, or termination of any treatment services, unrestricted activities, or restricted activities shall have the right to file a grievance in accordance with the prisoner grievance procedure contained in this subchapter.

Modified, 1 CMC § 3806(d).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991).

Part 600 - Disciplinary Action

§ 57-20.1-601 General Principles

So that inmates may live in a safe and orderly environment, it is necessary for institution authorities to impose discipline on those inmates whose behavior is not in compliance with Department of Corrections rules. The following general principles apply in every disciplinary action:

- (a) Only institution staff may take disciplinary action.
- (b) Staff shall take disciplinary action at such times and to the degree necessary to regulate an inmate's behavior within Department of Corrections rules and to promote a safe and orderly institution environment.
- (c) Staff shall control inmate behavior in a completely impartial and consistent manner. Disciplinary action may not be capricious or for retaliation.
- (d) Staff may not impose or allow imposition of physical punishment of any kind.
- (e) If it appears at any stage of the disciplinary process that an inmate is mentally ill, staff shall report the matter to the Chief of Corrections or corrections counselor. Either the Chief or counselor shall refer the inmate to a mental health professional for determination of whether the inmate is responsible for his conduct or is incompetent. Staff may take no disciplinary action against an inmate whom mental health staff determines to be incompetent or not responsible for his conduct.

Modified, 1 CMC § 3806(f).

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History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991).

Commission Comment: The Commission created the section titles in §§ 57-20.1-601 through 57-20.1-625.

§ 57-20.1-605 Discipline; Advice to Inmates

The Department of Corrections staff shall advise each inmate in writing promptly after arrival at the facility of the types of disciplinary action which may be taken, the disciplinary action procedure and the time limits thereof, and the prohibited acts.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991).

§ 57-20.1-610 Prohibited Acts

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 the 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

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- (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
- (o) Smoking where prohibited
- (p) Gambling
- (q) Littering
- (r) Violating any commonwealth or federal law
- (s) Misuse of telephone.

Modified, 1 CMC § 3806(f), (g).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The 1992 regulations added new subsections (r) and (s).

In subsection (s), the Commission inserted the final period.

§ 57-20.1-615 Notification of Changes to Prohibited Acts; Regulations

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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-620 Retroactive Application of Regulations

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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-625 Classification of Violations

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Violations of the rules are classified as minor, serious, and/or criminal, depending upon the seriousness of the violation. Inmates are subject to the following types of disciplinary sanctions according to the type of violation:

- (a) Minor Offense
 - (1) Spoken warning
 - (2) Loss of privileges for not more than 4 days
 - (3) Up to 4 hours of extra work within the DPS compound
 - (5) Up to 8 hours confinement in the inmate's cell or barracks.

- (b) Serious Offense
 - (1) Loss of privileges for up to 6 months
 - (2) Restriction to cell or barracks for up to 2 months.

- (c) Criminal Offense
Referral for criminal prosecution.

Modified, 1 CMC § 3806(g).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The 1992 regulations amended subsections (a) through (c).

In subsections (a)(5) and (b)(2), the Commission inserted the final periods.

§ 57-20.1-630 Minor Offenses

(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. Any one or a combination of the sanctions listed above under § 57-20.1-625(a) may be imposed depending upon the relative seriousness of the offense and the occurrence of similar violations within 3 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, unless it is later determined in the course of disciplinary proceedings that the disciplinary notation should be expunged from the inmate's records.

(b) Disciplinary procedure for minor offense.

The following procedure shall be followed prior to imposing any disciplinary sanctions on an inmate for a minor offense.

(1) Before the duty officer imposes discipline, he must be satisfied that the prisoner did commit the violation and that the violation meets the criteria given in these rules for a minor offense. Before imposing any disciplinary action for a minor offense, other than a spoken warning, the duty officer must prepare or receive an incident report, and the duty

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officer shall see that the inmate receives a copy of the incident report. The incident report shall contain the following information:

- (i) A written notice of the intent to impose minor disciplinary sanctions on the inmate, and specific notification of the sanction to be imposed.
 - (ii) A statement of the grounds for the imposition of the punishment.
 - (iii) A statement that the discipline shall commence at a specified time. No discipline shall commence for at least 24 hours from the time that the inmate receives the notice.
 - (iv) A statement that the inmate has the right to appeal the disciplinary action to the Chief of Corrections by signing a written request within 24 hours of the receipt by the inmate of the notice. The notice shall contain an appeal request form.
- (2) If the inmate appeals the minor disciplinary action to the Chief of Corrections, the Chief of Corrections shall conduct an inquiry and determine whether the inmate did commit a violation of the facility rules and the punishment, if any, which should be imposed for the violation. If the Chief of Corrections determines that the inmate is not guilty of a punishable offense, any record of the offense shall be removed from the prisoner's permanent file.

Modified, 1 CMC § 3806(c), (f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-635 Serious Offense

- (a) Serious offenses are those rule violations that pose a serious threat to the health, welfare, safety, or security of the prisoners or staff, and include any offense, including criminal offenses, for which any punishment, other than minor offense sanctions, is imposed.
- (b) Disciplinary Procedure.
 - (1) Incident report. When staff witnesses or has a reasonable belief that a violation of a rule amounting to a serious offense has been committed by an inmate, before any disciplinary action may be taken, the staff shall prepare an incident report and forward it to the Chief of Corrections. The Chief of Corrections may informally dispose of the report or investigation. If an investigation occurs, the Chief of Corrections will give a copy of the report to the inmate at the beginning of the investigation. The report will notify the inmate of the following:
 - (i) Charge of offense committed or rule violated.
 - (ii) Factual basis for the charge.
 - (iii) Explanation of rights of the inmate, including:
 - (A) Right to remain silent. Notice that silence may be used against the inmate in the disciplinary hearing.
 - (B) Right to a hearing before the Prison Adjustment Committee (PAC), if dissatisfied with the decision of the Chief of Corrections.
 - (C) Right to at least 24 hours prior notice to prepare before the PAC hearing is held.

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(D) Right to be represented by a full time staff member or other inmate at the PAC hearing.

(E) Right to make a statement, present evidence, question witnesses, and be present at the PAC hearing. The PAC may suspend the right to call witnesses or present documentary evidence if the PAC determines that this would threaten institutional or an individual's security.

(F) Right to have the decision and the reasons for the decision of the PAC reduced to writing.

(2) Investigation and review by Chief of Corrections, or his designee. When it appears likely that the incidents may be the subject of criminal prosecution, the investigating officer shall suspend the investigation, and the staff may not question the inmate until the criminal investigation has been completed or the agency responsible for the criminal investigation advises that staff questioning may occur. After the investigation, the Chief of Corrections may determine that an offense was committed, determine the degree of the offense, and determine the punishment to be imposed, or the Chief of Corrections may refer the matter to the PAC for a determination. If any sanction for a serious offense is imposed, the inmate will be notified of the decision of the Chief of Corrections, and notified of the right to appeal by requesting a hearing before the PAC.

(3) Prison adjustment committee.

(i) The PAC is comprised of 5 members. One member shall be appointed by the following: Department of Corrections, Department of Public Safety, Office of the Governor, Office of the Attorney Generals, DOC inmates. The member chosen by the Office of the Governor may not be a full-time employee of the CNMI. The DPS appointee may not be a staff member of the DOC. The inmate's representative will be chosen once yearly by the prisoners, and this representative may not be an inmate during his term on the PAC, but may be a former inmate. In order to ensure impartiality, no member of the PAC may be the reporting officer, investigating officer, or a witness to the incident or play any significant part in having the charges referred, or be closely related to any victim involved in the incident.

(ii) Hearing procedure. The committee may develop rules of procedure with which to conduct the hearings. The rules must be in writing and available to all participants of the hearing. In addition, the hearings will be governed by the following rules:

(A) An inmate may request a hearing before the PAC by signing the request form attached to the incident report.

(B) Upon the request for a committee hearing, the Chief of Corrections shall contact the PAC to schedule a hearing. The inmate shall be informed as soon as the hearing date is scheduled, but the inmate shall receive at least 24 hours prior notice to prepare before the hearing.

(C) The Chief of Corrections shall provide an inmate the service of a full time staff member or another inmate to represent the inmate at the hearing should the inmate so desire. The staff or inmate representative shall be available to assist the inmate if the inmate desires by speaking to witnesses and presenting favorable evidence to the committee.

(D) The inmate is entitled to make a statement and to present documentary evidence. An inmate has the right to submit names of requested witnesses and have them called to testify in the inmate's behalf, provided the calling of witnesses or the disclosure of documentary evidence does not jeopardize or threaten institutional or an individual's

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security. The committee chairman shall call those witnesses who have information directly relevant to the charge(s) and who are reasonably available. The reporting officer and other adverse witnesses need not be called if their knowledge of the incident is adequately summarized in the incident report and other investigative materials supplied to the committee. The chairman shall request submission of written statements from unavailable witnesses when necessary. The chairman shall document reasons for declining to call requested witnesses in the committee report. The committee may question witnesses requested by the inmate. The inmate may submit questions for requested witnesses in writing to the committee.

(E) The inmate has the right to be present throughout the PAC hearing except during deliberations of the committee or when institutional security would be jeopardized. The chairman must document in the record the reason for excluding an inmate from the hearing.

(F) The PAC shall insure that the inmate has all rights required for the imposition of discipline, including the delivery of the incident report, advisement of rights, and other rights to be exercised at the committee hearing.

(G) The PAC shall consider all evidence presented at the hearing and shall issue a decision in accordance with the greater weight of the evidence and one which is supported by substantial evidence manifested in the record of the proceedings. The committee shall find that the inmate either committed the prohibited act or did not commit the prohibited act charged in the incident report. If the committee finds that there were extenuating or mitigating circumstances, the committee may reduce the sanction previously imposed by the Chief of Corrections, but the committee may not increase the sanction.

(H) The PAC shall prepare a record of its proceedings which need not be verbatim. This record must be sufficient to document the advisement of inmate rights, the committee's findings, the committee's decision and the specific evidence relied on by the committee. The evidence relied upon, the decision, and the reasons for the actions taken must be set out in specific terms unless doing so would jeopardize institutional security. The committee shall give the inmate a written copy of the decision and disposition.

(I) A record of the hearing and supporting documents are to be kept in the PAC files. The Committee shall expunge an inmate's file of the incident report and related documents whenever the Committee finds the inmate did not commit a prohibited act.

(J) At the time that the PAC gives an inmate notice of its decision, they shall also advise the inmate that the inmate may appeal the decision to the Director of the Department of Public Safety under the grievance procedures contained in this subchapter. The appeal to the Director of the DPS shall be the final administrative remedy.

Modified, 1 CMC § 3806(d), (f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Table I

Summary of Disciplinary System

Procedures

TITLE 57: DEPARTMENT OF CORRECTIONS

Dispositions

Incident involving possible commission of prohibited act.

Observing staff may resolve informally or drop charges.

Staff prepares incident report forwards it to duty officer. Reports of serious offenses forwarded to Chief of Corrections.

Duty officer may resolve informally, impose sanction for minor offense, or refer to Chief for serious offense.

Inmate may appeal minor punishment to Chief for review.

Chief may impose allowable punishment for minor offenses or drop charges.

Chief investigates serious offenses.

Chief may informally resolve, impose sanctions or refer to PAC.

Inmate may appeal serious offense sanction to prison.

PAC may affirm allowable punishment, reduce punishment, or drop charges.

Inmate may appeal to Director of DPS through inmate grievance procedure.

(USE BLANK TYPING PAPER TO PROVIDE ADDITIONAL INFORMATION IF NECESSARY AND ATTACH TO THIS FORM)

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

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

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

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Part 700 - Prisoner Grievance Procedure

§ 57-20.1-701 Right to Present Grievances

It is the policy of the Department of Corrections (“DOC”) to provide inmates confined in the facility an internal grievance mechanism for the resolution of complaints arising from institutional matters, to reduce the need for litigation and afford staff the opportunity to improve facility operations. The inmate grievance procedure is an administrative means for the expression and resolution of inmate problems. A grievant is entitled to a written response; however, investigative notes, reports or written testimony from staff or other inmates shall not be provided to the grievant. Grievance investigations and supporting documentation are protected and not available to the inmate or the public through open records pursuant to 1 CMC §9918(a)(4). Disciplinary action, if any, against staff will not be disclosed through the grievance process pursuant to 1 CMC § 9918(a)(2). Employee participation in the resolution of grievances is confidential, yet essential to the resolution of issues.

(a) Definitions:

- (1) “Commissioner” is the person appointed by the Governor in charge of all operations and administration of the Department of Corrections.
- (2) “Director(s)” is the person(s) under direct supervision of the Commissioner who plans, organizes and supervises any unit of the Department of Corrections as needed including custody operations, medical, classification, and rehabilitation programs.
- (3) “Emergency Grievance” is a written complaint about matters for which the disposition within regular time limits would subject the grieving inmate to a substantial risk of personal injury or cause other serious or irreparable harm, such as sexual assault, life endangerment, extortion, or medical emergencies.
- (4) “Grievable” is forming a reasonable basis for a formal written complaint.
- (5) “Grievance” is a formal written complaint by one person against another or conditions of confinement.
- (6) “Grievant” is one who submits a complaint for resolution through this grievance procedure.
- (7) “Internal Affairs” or “IA” is the unit responsible for processing all newly received grievance files upon receipt from the locked grievance container and forwarding to either the Operations Captain, Medical Unit, Director(s) or Commissioner.

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- (8) “Non-compliant” is the failure or refusal to provide the appropriate documentation.
- (9) “Operation Captain” supervises and directs the entire operations of the Department of Corrections.
- (10) “Reprisal” is any coercion, threat, or harassment against anyone for the use of, or participation in, the inmate grievance procedure.
- (11) “Shift Commander(s)” supervise daily correctional operations to include officer training, staffing, transportation, programs, and assignments.
- (b) Grievable Issues:
- (1) An alleged violation of civil, constitutional, or statutory rights or departmental policy;
 - (2) An alleged criminal or prohibited act;
 - (3) A condition existing within the facility that creates unsafe or unsanitary living conditions; and
 - (4) Appeal of a decision of a disciplinary action taken against the inmate, such as restriction of personal telephone calls, modification of restricted visitation, or other privileges.
- (b) Non-Grievable Issues:
- (1) Commonwealth and federal court decisions, laws, and regulations;
 - (2) Parole decisions; and
 - (3) Any matter beyond the control of DOC.
- (c) Available Remedies:
- (1) Restitution of property, either monetary, repair or replacement;
 - (2) Change of policy or procedure;
 - (3) Correction of records; and
 - (4) Other relief, as appropriate.
- (d) Non-Available Remedies:
- (1) Request for disciplinary action against employees; and
 - (2) Request for punitive damages.

An inmate may file only for himself/herself; he/she may assist another inmate in completing the Step 1 (1-701) or Step 2 (1-702) grievance form, but the inmate filing the grievance must sign the grievance form. Only one Step 1 grievance may be filed on a single incident. An inmate may withdraw a filed grievance in writing at any time.

The inmate shall place his/her grievance form in the locked container in his/her pod designated for this purpose. The Commissioner shall designate one person and an alternate from IA to pick up the grievance at 0800 hours (8:00 AM) and 1600 hours (4:00 PM) each weekday excluding holidays, weekends, or any other designated emergency. Inmate request forms shall not be accepted as a grievance; only Step 1 (1-701) or Step 2 (1-702) grievance forms shall be accepted through the locked grievance container. Keys to the locked grievance containers are restricted to the Internal Affairs unit and the Commissioner.

Grievances shall be numbered sequentially when received and date stamped by IA. The grievance number, date and grievance code will be entered into a tracking system. IA will be responsible for copying the grievance, sending one copy to the inmate with the tracking number and forwarding one copy to the appropriate person/unit to respond. If the grievance concerns operational issues, it shall be forwarded to the Operations Captain. If the grievance concerns any medical issue, it shall be forwarded to the Medical Unit. Submission concerning a medical matter through an inmate request form may not guarantee that the matter will remain confidential if the form was not delivered directly to

the medical staff. If an IA officer or other grievance responder is named in a grievance or was involved in the incident grieved in any way, that staff shall not conduct the investigation or answer the grievance. If the inmate writes or makes any other marks in the OFFICE USE ONLY box, it shall be returned unprocessed and marked VOID across the grievance form.

No staff may retaliate against an inmate for filing or withdrawing a grievance; reprisal can be grieved.

Modified: 1 CMC § 3806(a).

History: Adopted 43 Com. Reg. 047560 (Sept. 28, 2021); Proposed 43 Com. Reg. 047479 (Aug. 28, 2021); Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-705 Informal Resolution

The inmate grievance procedure is not intended to be the first line of response to an inmate's concerns. Every employee has a responsibility to resolve issues within their control. Informal resolution can effectively resolve many issues long before they escalate to a formal claim. However, used improperly, informal resolution can actually undermine effective communication and problem-solving capabilities of staff by creating resentment and conflict. Using informal resolution to solve issues is not just a requirement of every employee's duty at DOC, but when applied correctly can be an effective tool.

(a) Inmate Responsibility

Attempting informal resolution requires the inmate to practice responsible patterns of interacting in a courteous and respectful manner with authority to resolve conflicts while staff benefits from the opportunity to address issues at the lowest possible level. The attempt must be documented on the grievance form, in the space provided, identifying the name of staff that was contacted, if known, and what action was taken. This requirement demonstrates that the inmate took the initiative and responsibility to try to resolve the conflict and provides the Operations Captain, Director(s) and Commissioner valuable information about staff's ability to solve problems.

(b) Staff Responsibility

When inmates approach staff with legitimate problems in a respectful manner, staff shall informally resolve the issue, if it is within the realm of their responsibility. The inmate may also be referred to a supervisor for resolution. When inmates use communication instead of confrontation, staff must recognize the benefits of the attempt and respond with appropriate action. An effective grievance procedure provides a tool to resolve problems and is a valuable component of a well-managed facility.

Modified: 1 CMC § 3806(g).

History: Adopted 43 Com. Reg. 047560 (Sept. 28, 2021); Proposed 43 Com. Reg. 047479 (Aug. 28, 2021); Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-710 Screening Criteria

Internal Affairs officers are expected to apply good correctional practice and exercise sound judgment when applying the screening criteria. If any level of uncertainty exists concerning the applicability of screening criteria, IA should err on the side of caution, and process the grievance.

The following criteria noted with an asterisk (*) are eligible for correction and resubmission.

(a) Grievance time period has expired.

(1) Step 1 (1-701) - Inmates have 15 calendar days to file a grievance, beginning from the date of the alleged incident or issue, or when he/she should have knowledge of the incident or issue. When a grievance is returned to an inmate unprocessed, the inmate is afforded 15 calendar days from the date of return to resubmit any correctable Step 1 grievance. Grievances received after that time may be returned to the inmate unprocessed and they are not eligible for correction.

(2) Step 2 (1-702) - Inmates have 15 calendar days to appeal a Step 1 decision on a grievance, beginning from the date of return of the Step 1 grievance to the inmate. Grievances received after that time may be returned to the inmate unprocessed.

NOTE: When calculating the 15-day time limit, consideration should be given for the number of days grievances were not collected, such as holidays that fall during the workweek or weekends. Grievances received after that time may be returned to the inmate unprocessed.

(b) Submission in excess of 1 every 7 days.*

Emergency grievances and Step 1 grievances regarding disciplinary appeals are exempt. Only one Step 1 (1-701) grievance may be processed every seven calendar days, based on the date of the last processed Step 1 (1-701) grievance entered in the tracking system. Unprocessed grievances are not counted when determining the one in seven criteria. Grievances submitted in excess of one every seven days may be returned to the inmate unprocessed.

(c) Original not submitted.*

Inmate grievances must be submitted in original form. Copies are not considered original documents; even if an original signature is documented on the signature line. Grievances that are not signed by the inmate, or when an inmate writes a name on the grievance other than his name of commitment such as, a religious name or an alias, the grievance may be returned unprocessed.

Inmates must submit the original, answered Step 1 (1-701) grievance form with their Step 2 (1-702) grievance.

(d) Non-compliant/excessive attachments.*

Inmates must state the nature of the grievance on a single grievance form in the space provided. DOC documents such as answered sick call request forms, answered inmate request forms, and property forms which substantiate or further prove the inmate's allegations should be accepted and the grievance processed. Unofficial documents, continuation pages, informal legal-like documents, petitions, unanswered inmate request forms or sick call requests, and drawings will not be accepted. Items such as insects, food

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particles, or similar items will not be accepted as attachments. Grievances submitted with excessive or inappropriate attachments may be returned to the inmate unprocessed.

(e) No documented attempt at informal resolution.*

Inmates must document an attempt to informally resolve an issue prior to filing a Step 1 (1-701) grievance. Any documented attempt noted in the appropriate space of the grievance form will fulfill this requirement and (if any) attached inmate request form. The method or appropriateness of the attempt will not be scrutinized. Inmates may contact medical staff regarding non-emergent medical concerns by submitting a sick call request. Inmate grievances that do not include a documented attempt at an informal resolution may be returned to the inmate unprocessed.

NOTE: Informal resolution is not appropriate for emergencies, disciplinary appeals and use of force.

(f) No requested relief is stated.*

Inmates must document a request for action to resolve the claim in the space provided on the grievance form. The requested relief often provides valuable information and is helpful when assigning an issue code to the grievance. If the inmate fails to include a request for relief, the grievance may be returned to the inmate unprocessed.

(g) Malicious use of vulgar, indecent, or physically threatening language.*

Inmate grievances that contain blatant or malicious use of vulgar, indecent, or physically threatening language may be returned to the inmate unprocessed. Threats of physical harm to staff shall be reported to the Shift Commander. The Commissioner must review the grievance prior to its use as the basis for a disciplinary action.

(h) The issue presented is not grievable.

Inmate grievances regarding issues that are not grievable, as specified under part 701 in this subsection of these regulations, may be returned to the inmate unprocessed.

(i) Redundant issue.

This screening criterion may be used to manage inmates who continue to file grievances on issues already addressed in a previous grievance. When this criterion is used, the previous grievance number must be documented in the space provided on the back of the Step 1 grievance form, as well as entered into the tracking system.

(j) Illegible/incomprehensible.*

Inmate grievances that are illegible, or incomprehensible may be returned to the inmate unprocessed. If this criterion is continually utilized for the same inmate, the Classification unit shall be notified by IA to interview the inmate to ensure he/she knows how to submit a grievance and there are no issues being missed that should be addressed.

(k) Inappropriate.*

Inmate grievances requesting disciplinary action against an employee, such as a reprimand, termination, counseling, or disciplinary action; or a request for compensation as a result of consequential or punitive damages may be returned to the inmate unprocessed. Requests regarding reimbursement for lost or damaged property should not be screened based on this criterion.

Inmate grievances that do not qualify for processing utilizing the definitions of the screening criteria may be returned to the inmate unprocessed. This means the grievances do not require investigation, or a response. IA will check all applicable screening criteria on the back of the grievance form and then record the grievance number, screening criteria used, the date the grievance was received and returned to the inmate unprocessed (not more

than 3 calendar days) in the OFFICE USE ONLY box. The IA officer shall sign their name on the signature line provided.

A copy of the unprocessed grievance shall be placed in the inmate's grievance file and the original returned to the inmate. Generally, comments written on returned grievances are discouraged; however, simple guidance may be useful to assist the inmate when correcting and resubmitting the grievance. The IA should be mindful if the comment includes more than a few words of simple guidance, the grievance should be processed as a regular grievance, to include investigation, response, and a signature.

Each time the IA handles the resubmitted, uncorrected grievance, an entry is made into the designated field of the tracking system. Only two attempts for resubmission shall be accepted.

Modified: 1 CMC § 3806(a).

History: Adopted 43 Com. Reg. 047560 (Sept. 28, 2021); Proposed 43 Com. Reg. 047479 (Aug. 28, 2021); Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-715 Emergency Grievance

Emergency grievances are not eligible for any of the screening criteria and will be processed unless determined to not be an emergency.

An emergency grievance is one that involves an immediate threat to the welfare or safety of an inmate and is subject to expedited processing. Emergency grievances will begin with the initial determination by the receiving staff. Emergency grievances will be given directly to the Shift Commander to determine whether the grievance is an emergency, requiring immediate attention. If resolved at the shift level, a report will be prepared by the Shift Commander and submitted to the Director and Commissioner. The report should describe the nature of the problem and the resolution achieved. Emergency grievances that cannot be resolved at the shift level will be channeled without delay through the chain of command, including bringing the matter to the Commissioner, until a level is reached where actions can be taken. If upon consideration the Shift Commander determines that the matter is not in fact an emergency issue, then it will be returned to the inmate so he/she may place a Step 1 (1-701) grievance in the locked grievance container.

Modified: 1 CMC § 3806(a).

History: Adopted 43 Com. Reg. 047560 (Sept. 28, 2021); Proposed 43 Com. Reg. 047479 (Aug. 28, 2021); Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-720 Step 1 Grievance (1-701)

(a) An inmate may submit one Step 1 (1-701) grievance within a seven-calendar day period.

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(b) The incident or issue grieved must be stated on the Step 1 (1-701) grievance form and in the space provided. Only official documents to support the issue presented may be attached, such as disciplinary sanctions or other official documents.

(c) The inmate shall submit the grievance within 15 calendar days from:

(1) The date of the alleged incident or problem; or

(2) When the inmate became aware or should have become aware of the incident or problem.

(d) The grievance shall state the relief requested.

(e) Internal Affairs shall have 40 calendar days from the receipt of the grievance in which to forward the grievance to the appropriate person, receive a response after an investigation, and return the grievance to the inmate.

(f) Grievances concerning the outcome of a disciplinary shall be processed within 7 calendar days of receipt from the inmate.

(g) All extensions for any investigation must be approved by the Commissioner. An extension of up to an additional 45 calendar days may be necessary to complete an investigation and response. A Notice of Extension shall be provided to the inmate. Extensions should be the exception, not the rule.

Modified: 1 CMC § 3806(a).

History: Adopted 43 Com. Reg. 047560 (Sept. 28, 2021); Proposed 43 Com. Reg. 047479 (Aug. 28, 2021); Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-725 Step 2 Grievance (I-702)

(a) At any point of the Step 2 review, if an emergency issue is identified, the grievance will be given immediate attention and processed accordingly.

(b) Inmates have 15 calendar days to appeal a Step 1 (1-701) decision on a grievance, beginning from the date of return to inmate signed by IA in the OFFICE USE ONLY box on the Step 1 (1-70 1) grievance. Grievances will be accepted for review up to and including the first working day beyond the 15-day time limit. Grievances received after that time may be returned to the inmate unprocessed.

(c) Step 2 (1-702) grievances will be screened and may be returned to the inmate unprocessed.

(d) Step 2 (1-702) grievances shall be answered by the Commissioner, Director or designee. An answered and signed Step 2 (1-702) grievance shall constitute exhaustion of administrative remedies.

Modified: 1 CMC § 3806(a).

History: Adopted 43 Com. Reg. 047560 (Sept. 28, 2021); Proposed 43 Com. Reg. 047479 (Aug. 28, 2021); Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-730 Reserved

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History: Adopted 43 Com. Reg. 047560 (Sept. 28, 2021); Proposed 43 Com. Reg. 047479 (Aug. 28, 2021); Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Part 800 - Searches and Shakedowns

§ 57-20.1-801 Entry into Secure Areas

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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission created the section titles in part 800.

§ 57-20.1-805 Searches of Correctional Facility

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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-810 Possession of Contraband

Possession of contraband is against Division regulations and makes the prisoner involved subject to disciplinary action. “Contraband” is defined as any tangible item, which the prisoner does not have permission to possess. If the contraband is illegal, the matter is reported to the detective bureau of DPS for formal investigation and action.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-815 Disposition of Contraband

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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.

Modified, 1 CMC § 3806(g).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission changed "Corrections" to "Corrections"" to correct a manifest error.

Part 900

[Reserved.]

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The 1992 regulations deleted former § 90, codified at part 900, entitled "Behavior Modification." See 3 Com. Reg. at 1366 (Oct. 31, 1981).

Part 1000 - Corrections Counseling

§ 57-20.1-1001 Available Counseling Services

It is the goal of DOC that 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 Corrections, individual counseling, family counseling, orientation counseling, alcoholism or substance abuse counseling, and other counseling services as may be available.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission created the section titles in part 1000.

§ 57-20.1-1005 Corrections Counselor

The Chief of Corrections will designate a person as corrections counselor who has training in individual, group, and family counseling in the correctional setting. The counselor will provide the various types of counseling services required from the corrections counselor in the rules in this subchapter, and in addition will facilitate the referral of inmates to other counseling services available in the community. The counselor will recommend referrals, coordinate referral activities, and work with other agencies in organizing, providing, and

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coordinating counseling, treatment, and educational services. The corrections counselor will have the right to periodically review the inmates' case files of the various agencies providing services for the inmates. The counselor shall be afforded sufficient time from his other scheduled duties to allow him to work with and review the work of the various agencies serving the inmates. 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.

Modified, 1 CMC § 3806(d), (f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission inserted an apostrophe after the word "inmates" pursuant to 1 CMC § 3806(g).

§ 57-20.1-1010 Individual Counseling

Individual counseling is available to all inmates on an equal basis. Participation in counseling is voluntary for the inmate, unless otherwise ordered by the court, however if the prisoner wishes to make use of this service the counselor will schedule meetings at regular intervals with the prisoner.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1015 Group Counseling

Group counseling is available to all prisoners, unless the inmate is restricted to his cell as a result of a disciplinary sanction. 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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1020 Family Counseling

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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Part 1100 - Visitation

§ 57-20.1-1101 Visitor Registration and Approval Required

Prisoners may be visited by family members, relatives, 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 at least one week 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 the 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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission created the section titles in part 1100.

§ 57-20.1-1105 Visitor Searches

At the time the potential visitor registers, the visitor 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. If such an officer is not available, the visitor must delay the visit until the officer becomes available. Any weapons, illegal substances, or other contraband found on a visitor as the result of the search will make the visitor subject to criminal prosecution.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1110 Visiting Hours

Visiting hours are between 12:00 noon and 2:00 p.m. every Saturday and Sunday, as well as legal holidays. The Chief of Corrections may schedule additional visiting hours if there is a need. Legal counsel may meet with their clients upon request in the officially designated visiting area at any reasonably convenient 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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1115 Cancellation of Visitation Hours

The normal hours of visitation are re-scheduled or cancelled when the Chief of Corrections determines that an extraordinary situation exists which presents a threat to the security of the facility.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1120 Unauthorized Contact with Prisoners

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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1125 Denial of Right to Visitors

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 the rules and regulations in this subchapter. General security threats to the correctional facility may also involve the postponement or cancellation of visiting hours on specific days. Other extraordinary circumstances 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.

Modified, 1 CMC § 3806(d), (f).

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History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1130 Visitor Approval; Reasons for Denial

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

- (1) The visitor is a co-defender or accused/convicted felon with no immediate blood relationship to the prisoner.
- (2) The prisoner requests that the potential visitor not be allowed to visit.
- (3) The visitor has a history of bringing contraband into the correction facility.
- (4) The potential visitor violated Division of Corrections regulations in the past and has abused the privilege of visitation.
- (5) 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.

(b) Before approval of the visit and the visitor, the Chief of Corrections must determine that the person 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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The 1992 regulations amended subsections (a)(2) and (a)(3).

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 wish to visit this person because _____

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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 and expulsion from the facility. The search will be performed by a correctional officer of the same sex as I. If I am found to be in possession of 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

DATE REQUEST RECEIVED: _____

REQUEST () APPROVED () DENIED

IF DENIED, PLEASE GIVE REASONS: _____

CHIEF OF CORRECTIONS

DATE

PRISONER

DATE

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Part 1200 - Access to Religious Resources

§ 57-20.1-1201 Right of Religious Worship

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 or the well being of the other prisoners is not threatened.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

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Commission Comment: The Commission created the section titles in part 1200.

§ 57-20.1-1205 Religious Reading Material Permitted

Prisoners are allowed to keep reading material of a religious or inspirational nature in their cells or sleeping area. Such material may also be kept in any other portion of the facility designated as a library or reading area.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1210 Religious Services

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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1215 Pastoral Counseling

Pastoral counseling and other related services are provided to the prisoners on a regular basis and special arrangements can be made by request of the corrections rehabilitation counselor or the Chief of Corrections.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1220 Visiting Clergy

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 and possible expulsion if a secure portion of the correctional facility is entered. The religious visitor may also have the 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 the rules and regulations in this subchapter are met. If this happens the Chief of Corrections will see that the prisoner's religious needs are met by other representatives of the same religious organization.

Modified, 1 CMC § 3806(d), (f).

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History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1225 Religious Activities Are Voluntary

The prisoner has the right to refrain from practicing any religion. 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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Part 1300 - Access to Legal Services

§ 57-20.1-1301 Entitlement to Due Process

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 judicial system.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission created the section titles in part 1300.

§ 57-20.1-1305 Access to Legal Counsel

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 grievance. Legal counsel may visit with his client at any reasonable time, though advance notice is requested and counsel is subject to search of person and property if a secure portion of the prison is entered.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1310 Access to Legal References

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.

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History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1315 Reasonable Time

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

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1320 Legal References Maintained at Facility

(a) The correctional facility library maintains the following legal references for use by the prisoners:

- (1) Commonwealth Code
- (2) Commonwealth Digest
- (3) Commonwealth Reports
- (4) Commonwealth Rules of Civil Procedure, Evidence, and Criminal Procedure, Practice, and Probate Procedure
- (5) U.S. Fed. Rules of Civil Procedure, Evidence, Appellate Procedure, and Criminal Procedure
- (6) Rules of Procedure of the U.S. District Court for the Northern Mariana Islands
- (7) Rules of Appellate Procedure of the U.S. District Court for the Northern Mariana Islands
- (8) Ninth Circuit Rules
- (9) Rules of the Commonwealth Supreme Court and
- (10) A copy of the rules and regulations of the Division of Corrections.

(b) These volumes will be kept in the Chief's office.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The 1992 regulations extensively amended this section.

Part 1400 - Prisoner Clubs and Community Organizations

§ 57-20.1-1401 Membership Encouraged

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The Division of Corrections encourages the participation of prisoners in clubs and community organizations that help to develop the ability to be a productive citizen. Membership in such clubs must be consistent with the security requirements of 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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission created the section titles in part 1400.

§ 57-20.1-1405 Approval of Clubs

The prisoners may have clubs within the correctional facility to support religious, social, educational, hobby, craft, 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 day room 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, meal 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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1410 Prisoner Participation

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

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1415 Participation in Community Activities

Participation in community activities outside the correctional facility is allowed for those prisoners whose classification allows limited access to the community. Participation in

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such activities must be requested by the prisoner. 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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1420 Group Activities

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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Part 1500 - Correspondence

§ 57-20.1-1501 Mail Subject to Inspection

Prisoners may send and receive mail, however, except for privileged mail, all mail is subject to inspection by the Chief of Corrections or his designee. Inspection is for contraband or objectionable written material.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission created the section titles in part 1500.

§ 57-20.1-1505 Privileged Mail

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, the 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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1510 Contraband

Contraband includes weapons, unauthorized tools, controlled and illegal substances, pornography and other designated materials.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1515 Objectionable Written Material

Objectionable written material includes threats of physical harm or criminal activity threats of blackmail or extortion, plans to send contraband in to 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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1520 Disposition of Contraband

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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Part 1600 - Telephone Usage

§ 57-20.1-1601 Telephone Availability

Telephones are available to the Division of Corrections prisoners on a free and equal basis and may be used for local calls during normal Commonwealth working hours and under the supervision of a guard, so long as making a phone call does not present a threat to the security of the prison. Priority access to the phones will be made available for calls to the inmate's legal counsel.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

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Commission Comment: The Commission created the section titles in part 1600.

§ 57-20.1-1605 Termination of Phone Calls

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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1610 Calls in Emergency Situations

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 to position in the classification system.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1615 Use of Telephone without Permission

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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Part 1700 - Leave

§ 57-20.1-1701 Written Permission for Absence from Facility

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 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. The written permission shall list all restrictions and conditions of the leave.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission created the section titles in part 1700.

§ 57-20.1-1705 Work Release Leave

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 part 1800 of this subchapter.

Modified, 1 CMC § 3806(c), (d).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission corrected “everyday” to “every day” pursuant to 1 CMC § 3806(g).

§ 57-20.1-1710 Education Leave

Education 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 restricted privilege and must be authorized by the Chief of Corrections.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1715 Furlough

Furlough provides the prisoner who is nearing the time for release and has proven responsible within the facility with the opportunity to re-establish relationships in the community and to prove that the prisoner has the 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 and proven ability of the prisoner to accept responsibility.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1720 Emergency Leave

Emergency leave provides the prisoner the opportunity to be with family in times of severe crises, such as death or critical illness or accident 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 otherwise authorized by the Chief of Corrections. In such a case the prisoner only needs to be under the supervision of a

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responsible person. Emergency leave will only be granted in the discretion of the Chief of Corrections.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission inserted a comma after the word “parent” pursuant to 1 CMC § 3806(g).

§ 57-20.1-1725 Timely Return to Facility

- (a) All leave is for a specific period of time.
- (b) The prisoner on leave is responsible for being back at the correctional facility on time.
- (c) 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. Whether the prisoner telephones or not absence from the facility in excess of the allotted time and other may result in 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 disciplinary action or criminal charges against the prisoner.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1730 Ineligible Prisoners

In order to protect the public, leave shall not be given to any prisoner considered to pose a threat of danger to the community. Any prisoner incarcerated for a crime which involved an attempt to or actually caused serious bodily injury, serious psychological injury, sexual contact or sexual intercourse, or which involved a dangerous device or dangerous weapon, shall not be eligible for work release, educational leave or furlough under any conditions.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991).

Part 1800 - Prisoner Employment; Public Service & Work Release

§ 57-20.1-1801 Required Work within Correctional Facility

Every inmate is required to perform work assigned within the correctional facility which contributes to the healthful maintenance of the living area to which the prisoner is assigned or shares with other prisoners. Such work may include cooking, cleaning, laundry, minor

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repairs but does not include any task which requires special skills or an extraordinary element of danger. These assignments are not subject to the inmate's willingness to participate, though assignments will 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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission created the section titles in part 1800.

§ 57-20.1-1805 Public Service

(a) 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.

(b) No prisoner who has attempted escape or escaped previously shall be assigned to work on public service projects.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The original paragraphs were not designated. The Commission designated subsections (a) and (b).

The 1992 regulations deleted former subsections (b) and (c) and added a new subsection (b).

§ 57-20.1-1810 Work Release

(a) 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. An inmate's employer may apply for the inmate's work release in writing to the Chief of Corrections.

(b) Participation in the work release program is at the discretion of the Chief of Corrections. The following criteria are taken into account when deciding whether a prisoner may participate in the program:

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- (1) The prisoner is not likely to present a serious danger of escape or of committing criminal acts while on work release.
 - (2) Work release assignments do not conflict with any disciplinary action or the prisoner's general classification.
 - (3) The prisoner has requested participation and has specific reasons for participation that are consistent with the goal of his rehabilitation.
 - (4) Prisoner's behavior during custody with the Department of Corrections has been deemed satisfactory by the Chief of Corrections and correction's counselor.
 - (5) Assessment of community reaction reveals that there will be no adverse impact on the inmate or members of the community.
 - (6) Evaluations rendered by the various medical, mental health, substance abuse, or other treatment or counseling agencies to which the inmate has been referred present no substantial opposition. Compliance with the required referral for evaluations may be deemed a qualifying factor by the Chief of Corrections.
- (c) The inmate is entitled to a determination by the Chief of Corrections as to his eligibility to participate in the work release program within sixty days of the inmate's written request. If the Chief of Corrections denies a request for work release, he shall specify the reasons for the denial in writing, and further specify what may be required for the inmate to qualify for work release in the future.
- (d) Employers need to apply for work release prisoners only once, providing in writing the nature of the task, the number of persons requested, the names of supervisors, and the expected duration of the work.
- (e) 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.

Modified, 1 CMC § 3806(e), (f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The 1992 regulations extensively amended this section.

§ 57-20.1-1815 Sign Out and In Required

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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1820 Prisoners Ineligible for Work Release

In order to protect the public, work release shall not be given to any prisoner considered to pose a threat of danger to the community. Any prisoner incarcerated for a crime which involved an attempt to or actually caused serious bodily injury, serious psychological injury, sexual contact or sexual intercourse, or which involved a dangerous device or dangerous weapon, shall not be eligible for work release.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991).

Part 1900 - Juvenile Detention

§ 57-20.1-1901 Juveniles Detained in Juvenile Cell Block

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 CNMI Division of Youth Services for juveniles in detention. However, the Division of Corrections has responsibility to assist DYS in ensuring secure detention, physical welfare, and routine maintenance needs. Their status as juveniles requires that they be treated differently than adults.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission created the section titles in part 1900.

§ 57-20.1-1905 No Contact Between Adults and Juveniles

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 possible.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1910 Juveniles not Permitted in Adult Cell Block

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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission added an apostrophe after the word "juveniles" pursuant to 1 CMC § 3806(g).

§ 57-20.1-1915 Physical Recreation

Weather permitting, juveniles should be allowed at least one hour of physical recreation per day.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1920 Visitation by Family

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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1925 Applicability of Other Parts to Juveniles

Unless specifically stated otherwise, parts 200, 400, 700, 800, 900, 1000 and 1700 of the rules and regulations of the Division of Corrections codified in this subchapter also apply to juvenile detainees.

Modified, 1 CMC § 3806(c), (d).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1930 Juvenile Cell Assignments

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.

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History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1935 Juvenile Female Detainees

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 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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1940 Division of Youth Services

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. 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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-1945 Juvenile Offenders Certified as Adults

Juvenile offenders who are certified by the court as adults shall be treated the same as adult offenders, subject to protection of any remaining legal rights to education, DYS services and other entitlements.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Part 2000 - Female Prisoners

§ 57-20.1-2001 Confined to Female Cell Block

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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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission created the section titles in part 2000.

§ 57-20.1-2005 Female Guards or Policewomen

Female prisoners may only be guarded by female members of the Division staff or policewomen assigned to the Division for such duty.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-2010 Service Provided in Female Cell Block

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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-2015 Applicability of Rules and Regulations

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 exception in writing.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Part 2100 - Staff Rules

§ 57-20.1-2101 Division of Corrections Staff Responsibilities

Division of Corrections staff are subject to all of the rules and regulations promulgated by the Department of Public Safety. In addition, staff are responsible for seeing that all of the

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provisions of the rules and regulations of the Division of Corrections are carried out exactly as presented in the currently authorized version. The corrections staff has the essential responsibility for the security of the Division of Corrections. To the extent that they comply with the requirements of these policies they are meeting their responsibility.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Commission Comment: The Commission created the section titles in part 2100.

§ 57-20.1-2105 Duty Station; Presence Required

An officer shall not leave a duty station during the shift unless given specific permission to do so by the Chief of Corrections or the duty officer. If the nature of the assignment is such that security must be maintained, relief by another guard is required before leaving the duty station.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-2110 End of Shift; Man Duty Station until Replaced

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

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-2115 Responsibility for Security

An officer is responsible for security during each shift. The guard must check for potential breeches in security throughout the shift.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-2120 Denial of Services and Activities to Prisoners

Correctional officers may allow prisoners only those services and activities to which they are entitled to as a result of the requirements of the classification system. Staff may not deny services or activities, except for reasons of security or discipline and then only in a reasonable and equitable manner, pursuant to these rules.

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History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-2125 Providing Articles to Prisoners

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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-2130 Leave

Annual leave must be requested in advance of the day the staff member wishes to take off. Sick 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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-2135 Removal of Supplies or Equipment

Staff shall not use the supplies or equipment of the Division or 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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-2140 Physical Force, Abusive Language Forbidden

Correctional officers may not strike or use physical force on a prisoner, except for self protection or to prevent the commission of a felony (e.g., 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.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-2145 Sexual Activity

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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-2150 Standards for Correctional Officers

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.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-2155 Firearms and Weapons Forbidden

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 the weapon will remain until the person 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 there is a need.

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Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-2160 Search of Correctional Officers

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

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

§ 57-20.1-2165 Violations

Violation of the rules and regulations in this subchapter by correctional staff will result in disciplinary action appropriate to the nature of the violation.

Modified, 1 CMC § 3806(d), (f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991); Proposed 3 Com. Reg. 1338 (October 31, 1981).

Part 2200 - Information Dissemination

§ 57-20.1-2201 Statements to the Media

(a) It is proper that the jail respond to the media for reasonable requests for information. Discretion will be used so that the basic rights of the inmates are not violated.

(b) All statements to the news media will be made only by the Director of the Department of Public Safety or his express designee, or by the Chief of the Division of Corrections or his express designee. In their absence, a deputy may provide to the media only the following information about inmates of the correctional facility:

- (1) That a specific person is lodged in the jail or has escaped, except that the name of a juvenile shall not be given unless written authorization to release the juvenile's name has been given by the court;
- (2) The specific charge(s) by which the inmate is detained.

Modified, 1 CMC § 3806(f).

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991).

§ 57-20.1-2205 Release of Inmate Information

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(a) The Department of Public Safety and Division of Corrections recognizes that inmates have a limited right to privacy while incarcerated.

(b) In order to protect the privacy rights of the inmates and to prevent escape plans or illegal use of information, it is the policy of the Department and Division to refrain from release of personal data, criminal history, record information or other similar information about specific inmates. The Department and Division may, in their discretion, release such information where release serves the public interest in some important way.

(c) Personal data, criminal history, and record information may be released to an identified law enforcement agency upon written request to the Director of the Department of Public Safety or the Chief of the Division of Corrections. The Director and Chief shall maintain records of each and every request for information and the response given. These records shall be made available to the inmate upon his request.

(d) The Department of Public Safety or Division of Corrections may release to the news media or public, in general, information in the form of statistics about the inmates that includes personal data, criminal history and record information, provided that there is no identifying characteristic to the data that could be related to a specific individual inmate.

History: Certified 14 Com. Reg. 8660 (Jan. 15, 1992); Adopted 13 Com. Reg. 8072 (Oct. 15, 1991); Proposed 13 Com. Reg. 7896 (Sept. 15, 1991); Proposed 13 Com. Reg. 7574 (Feb. 15, 1991).

SUBCHAPTER 57-20.1 INMATES AND CORRECTIONAL FACILITY RULES AND REGULATIONS Part 700 Inmate Grievance Procedure § 57-20.1 -70 1 Grievances § 57-20.1-705 Informal Resolution § 57-20.1-710 Screening Criteria § 57-20.1 -715 Emergency Grievance § 57-20.1-720 Step 1 Grievance (1-701) § 57-20.1-725 Step 2 Grievance (1-702) § 57-20.1 -730 [Reserved] Part 700 - Inmate Grievance Procedure