

FREE SPEECH CENTRAL

Timothy J. Muise

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PLEASE SHOW UP TO SHOOT DOWN
THE PROPOSED CHANGES TO THE REGULATIONS
THAT THE DEPARTMENT OF CORRUPTION PLANS
TO USE TO FURTHER STRIP PRISONERS OF THEIR
CONSTITUTIONAL RIGHTS!

THE DOC WANTS TO FORCE VISITORS TO BE "PRE-APPROVED"
BUT YET TOUTS SUCH VISITATION IN THEIR MISSION STATEMENT

THE DOC WANTS TO STOP ONE PRISONER FROM
POSSESSING THE LEGAL MATERIALS OF ANOTHER
IN ORDER TO RESTRICT US FROM LITIGATING AGAINST
THEIR CRUEL, UNUSUAL AND ABUSIVE CONDITIONS OF CONFINEMENT: SHAME!

THE DOC WANTS TO SEIZE OUR PROPERTY
PROPERTY WE HAVE ALREADY PURCHASED
SO THAT THEY CAN EARN A PERCENTAGE
OF ANY NEW PROPERTY WE BUY!

What follows are the Hearing dates with what specific regulations will be heard on what specific dates. We need all of you out there to show up at the John McCormack Office Building, One Ashburton Place, on the listed dates (all start times are at 10:00 am) and oppose the changes to the regulations.

These proposed changes will only increase the hopelessness that currently permeates the system and will increase recidivism while diminishing public safety.

We must build the men and women incarcerated in Massachusetts up if we want them to return to society as productive citizens. These proposed regulation changes will destroy rehabilitation while promoting crime and recidivism.

PLEASE SHOW UP AND OPPOSE THE REGULATION CHANGES!!!

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HEARING DATES

CMR Public Hearing Dates

All hearings begin at 10:00 a.m. at the McCormack Building, Ashburton Cafe Function Room, 1 Ashburton Place, Boston, MA 02108

September 27:

- 103 CMR 155 - Inmate Case Records
- 103 CMR 410 - Sentence Computation
- 103 CMR 411 - Deduction From Sentence Policy
- 103 CMR 420 - Classification
- 103 CMR 462 - International Transfer Policy
- 103 CMR 916, 917, and 918 - County Standards

September 29:

- 103 CMR 157 - Access to and Dissemination of Evaluative Information
- 103 CMR 180 - Research and Evaluation
- 103 CMR 481 - Inmate Mail
- 103 CMR 482 - Telephone Use and Access
- 103 CMR 483 - Visiting Procedures
- 103 CMR 485 - Volunteers and Volunteer Programs

October 4:

- 103 CMR 405 - Inmate Funds
- 103 CMR 455 - Correctional Industries
- 103 CMR 464 - Employment Programs Outside a Correctional Facility
- 103 CMR 471 - Religious Services
- 103 CMR 478 - Library Services

October 6:

- 103 CMR 403 - Inmate Property
- 103 CMR 430 - Disciplinary Procedures
- 103 CMR 431 - Observation of Behavior Reports
- 103 CMR 491 - Inmate Grievance
- 103 CMR 505 - Use of Force
- 103 CMR 457 - State School/Hospital Programs

PLEASE SHOW UP AT THE JOHN McCORMACK OFFICE BUILDING
TO OPPOSE THESE CHANGES! SPREAD THE WORD!!

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DRAFT OF LIFERS' GROUP INC. RESPONSE TO PROPOSED CMRS

The following comments and/or questions concerning the below listed CMRs are submitted on behalf of the Board of Directors and members of the Lifers' Group Inc. based at MCI-Norfolk. The Lifers' Group Inc. represents nearly 150 men who are serving life or long-term sentences.

103 CMR 157 - Access To And Dissemination of Evaluative Information

- 157.10(4) - This section allows a victim, family member or witness to obtain "all available CORI of the person accused of or convicted of said crime." There is also a prohibition against sharing of the information by the recipient. WHAT provisions are in place or are planned to ensure that the information is in fact not shared with persons not approved?

- 157.12(1) - We object to the deletion of not charging for copying services if the fee does not exceed \$2.00.

- 157.12(2) - We object to the deletion of "No charge shall be made for indigent inmates."

We urge the DOC to retain both provisions. Indigent prisoners already have a difficult time surviving in the DOC without requiring them to go without daily necessities in order to receive a copy of vital records.

103 CMR 403 - Inmate Property

403.3 - Cancellation

The "grandfather clause" which has protected property interests of those who purchased and possess items which, while meeting prior property regulations, now may not due to changes instituted by the DOC. With that clause being eliminated, WHAT protection will be put in place to ensure those who have purchased items under old property regulations will be able to retain said property?

403.06 - Definitions - Publication

A limit of "five (5) pages per day ... of a portion extracted, photocopied, or clipped ... as an attachment" to be received in incoming mail as a publication has been added. This raises the following issues:

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Draft of Lifers' Group, Inc. Response to Proposed CMRs

103 CMR 405: Inmate Funds

- 405.08 (6): The inmate wage scale has not been updated since 1980's. We proposed the basic rates (I, II, and III) be increased to better reflect the costs of goods available in the canteen and property.

We also encourage adding language for all institutions that allows outside businesses to pay a prevailing wage (similar to what is used for the Pre-Release). This allows for a company to offer a program similar to the California computer coding class.

103 CMR 471: Religious Programs and Services

471.07: We disagree with creating a sincerity test to determine whether a person can fully participate as a member of faith. The Massachusetts Declaration of Rights specifically forbids any policy that prevents a person from exercising their faith.

471.07: We disagree with the language that allows a person to change their faith once per year. Placing any arbitrary restriction on what faith a person chooses to practice and when they choose to practice it again goes against the Massachusetts Declaration of Rights.

DON'T LET THE ABUSIVE MACHINE THAT IS THE
DEPARTMENT OF CORRUPTION DIMINISH PUBLIC SAFETY
WITH THESE COUNTER-PRODUCTIVE TO REHABILITATION
REGULATORY CHANGES. THEY ARE ABUSIVE AND OVERLY RESTRICTIVE!

TO FIND OUT MORE PLEASE CONTACT FREE SPEECH CENTRAL AT:

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DOC Legal Division
Attn: Ms. Jennifer Staples, Regulations Counsel
70 Franklin Street - Suite 600
Boston, MA 02110

RE: CMR Public Hearings 9/29 & 10/6/16 taking place
at One Ashburton Place, Boston

Dear Ms. Staples and CMR promulgators:

I am writing in response a Notice of Hearings regarding - airing problems, complaints and/or suggestions for **changes in the Code of Massachusetts Regulations** (CMR's) as they relate to those Regulations promulgated by the Massachusetts Department of Correction. Please forward this letter to the appropriate Committee and/ or individuals responsible for the hearing sessions and/or action for changes in the Regulations.

103 CMR 481 et. seq. Inmate Mail, 103 CMR 403 Inmate Property - Prisoners have very limited access to the "real world" and as a consequence, are being literally and figuratively (emasculated) left in the dust and out of touch with advancing technologies and the world. The incarcerated are already living in near stone age informational conditions (VERY LIMITED access to CDs & DVDs), and with no access to cable TV, current movies, sports channels, with any movies rated higher than PG-13 being disallowed. Unreasonable, unmerciful and ludicrous ensorship of magazines and books (that any 10 year old could purchase) is also a problem and frustration abounds especially in adult institutions. Such puritanical restrictions and lack of access to materials allowed by "community standards" do not in any way prepare the prisoner for a shocking reintegration back into society. While the Treatment Center may legitimately have concerns - other adult institutions should mirror the greater society and community as close a possible in regard to the popular media, television, news, publications, technologies, entertainment, music and movies. To do otherwise is to promote shock, awe, distress and the potential failure of someone removed from the "real world" for significant periods of time.

While there is no law that requires the opportunity to *view contrabanded publications*. And I am very aware of the literal reading of the Mail Regulations promulgated by the MDOC (Massachusetts Department of Correction) in 103 CMR 481 et. seq. and specifically **481.16(4)**. The problem/s come in the interpretation along with conflicting and ambiguous parts of the Regulation that ignores "fundamental fairness" and/or presumes that an "honest broker" will oversee the administration of the Regulation. That in my view is the real problem - no honest broker. One would expect that (in a free society built on democratic principles) it should go without saying that the legal principle of due process is not served at all when one is **UNREASONABLY denied the opportunity to view** what the objection is, where the loss of a first amendment right results from subsequent denials of a legitimate request for the purpose of an affirmative appeal (defense) - by not allowing and argument based upon facts observed because exculpatory evidence is withheld by the censor. Allowing the offending censor to hide behind a punitively interpreted regulation that only "winks" at due process without potential for any substance (what standard of review is being used) is absurd. Without viewing what the objection is, any appeal can only be based upon the sterile exercise of whether or not the regulation was followed (not getting to the question "are the censors lying" or biased). Besides this travesty, (after a letter requesting to view is denied) appeals are made in the form of a grievance to the Institutional Grievance Coordinator (IGC) who is controlled by the censor (deputy superintendent, - the IGC's immediate supervisor). Although the IGCs could easily allow viewing (and occasionally have said so), the deputies and superintendent refuse to allow it. The IGCs are not being allowed to do their job and are being told how to respond to grievances relative to contrabanded publications.

The Inmate Mail Regulation - **103 CMR 481.16(4)** *does allow for viewing* but the "may allow" language is only activated for (presumed) valid reasons (i.e., not compromising institutional security and/or instruction in criminal activity). Viewing in the presence of correctional staff of a NON NUDE publication does not fall into those categories. The language in this regulation should be changed to "SHALL ALLOW viewing upon request". Furthermore, it would be helpful to remove nudity from the regulations definitions and allow sexually explicit to stand by itself, otherwise ambiguity remains. Simply put, changing the regulations language in 103 CMR 481.16(4) from *may* to "shall" (mandatory language) along with deleting nudity from the definitions will make life much more easy for all concerned - and totally conform with community standards.

Reading the Regulation, one may only appeal the decision ... and apparently not the substance (the merits) regarding the censorship. Yet prior sections of the Regulation prohibit personal bias, prejudice and/or discrimination based on religion, gender or sexual orientation from entering into the censors decision. Considering this along with the ambiguous definitions section, one is left at the mercy of an out of control "prude" who has some personal problems (with women) not limited to other suspected proclivities. If one is not allowed to even examine (view) or question what the objection is, and there is no "honest broker" to counter the aberrant behavior of the censor and/or dubious pronouncements. Where is fairness and/or for that matter justice? They (administrators) have even contrabanded the highly regarded Sports Illustrated - the Swimsuit edition 2012 (and all subsequent annual issues). For their purpose of contrabanding the above, they are for the most part, using the dubious reason that the material is sexually explicit and/or contains nudity. In addition, I suspect that along with myself, others are being reverse discriminated against based upon gender and sexual orientation. Past administrations clearly have had a problem with women scantily attired.

I continue to strongly believe that due process and equal protection rights guaranteed by the Massachusetts State Constitution & Declaration of Rights and the 1st, 5th, 11th, & 14th amendments of the U.S. Constitution are being violated. It may be prudent to contact the U.S. Department of Justice, Civil Rights Division in the above regard- to advise of the above problem/s asking for their advice and/or intervention.

Lastly, to make my position clear - I am in no way advocating for pornography and/or sexually explicit material to be allowed (per the Regulations definition). I am merely asking for fairness and a reasonable application of the Regulation. The grievance and/or appeal process (103 CMR 491 et seq.) is becoming nonsensical and a fraud where the censors are the appellant authority and as such raise serious legal concerns about the process and principles in which real world democracies operate. Does not the Constitution also apply to prisoners? Or, must prisoners be subjected to the anarchistic and twisted prejudices of rogue administrators who are free to discriminate (ignoring community standards) without the substance of their decisions being legitimately questioned?

(**103 CMR 491**, et. seq. Inmate Grievance)- An ombudsman should be assigned to investigate grievances, not someone under the direct control and supervision of the Deputy Superintendent. **103 CMR 478 Library Services**, et. seq. Reasonable access to the courts and/or legal documents is almost nonexistent with the added impediment of not being able to have documents copied by the Law Library. Exorbitant court filing fees (discourage legitimate complaints), different standards of indigence for prisoners, verses indigent citizens - and prisoners rights are essentially nonexistent. Thirty (30) days following the exhaustion of a grievance is the absolute limit of time for bringing an issue to court (other than a disciplinary issue - 60 days) places a difficult time constraint upon the prisoner given the difficulties in accessing document copies in the Law Library along with other significant impediments experiences by incarcerated individuals.

September 6, 2016

cc: - Rachael Corey, CJCP;
- CEPS;
- file

Very truly yours,

FREE SPEECH CENTRAL TEAM
THE NORFOLK CHRONICLES
CURE-ARM, INC.
FREEDOM BRIGADE
BREAD & WATER PRISONERS, Inc.
S.M.A.C.

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