

103 CMR: DEPARTMENT OF CORRECTION

103 CMR 457.00 STATE SCHOOL/HOSPITAL PROGRAMS

Section

- 457.01: Purpose
- 457.02: Statutory Authorization
- 457.03: Cancellation
- 457.04: Applicability
- 457.05: Access to Regulations
- 457.06: Definitions
- 457.07: General Policy
- 457.08: Program Security
- 457.09: Applicant Screening and Eligibility
- 457.10: Criminal Offender Record Information (CORI)
- 457.11: Inter-Agency Program Agreements
- 457.12: Program Review and Evaluation
- 457.13: Responsible Staff
- 457.14: Annual Review Date
- 457.15: Severability Clause

457.01: Purpose

The purpose of 103 CMR 457.00 is to establish departmental guidelines regarding the involvement of inmates in state school/hospital programs. The Department believes that state school/hospital programs provide cost effective and meaningful volunteer work opportunities for inmates in a realistic work setting that enables the inmates to make social restitution to the community while developing vocational skills that may assist them in their eventual reintegration into the community.

457.02: Statutory Authorization

103 CMR 457.00 is issued pursuant to M.G.L. c. 124, § 1 (c), (e) and (q) and c. 127, §§ 48, 49, 49A and 49B.

457.03: Cancellation

103 CMR 457.00 cancels all previous departmental and institutional policy statements, bulletins, directives, orders, notices, rules or regulations, regarding state school/hospital programs, which are inconsistent with 103 CMR 457.00.

457.04: Applicability

103 CMR 457.00 shall apply to all Department of Correction institutions and facilities except to pre-release centers, contract facilities, and reception diagnostic centers.

457.05: Access to Regulations

103 CMR 457.00 shall be maintained within the Central Policy File of the Department and shall be accessible to all Department employees. A copy of 103 CMR 457.00 shall also be maintained in each Superintendent's Central File and at each inmate library.

457.06: Definitions

Associate Commissioner - Associate Commissioner for Programs and Treatment.

Commissioner - the Commissioner of the Department of Correction.

Correctional Institution - a Department of Correction institution housing inmates participating in a hospital program.

Custody Officer - any Department of Correction employee with care and custody status who is assigned responsibility for the inmates participating in a hospital program.

457.06: continued

Director of Education - the employee of the Department of Correction with overall responsibility for coordinating and supervising the administration of all hospital programs.

DMH - The Department of Mental Health.

DOC - the Department of Correction.

DPH - the Department of Public Health.

Hospital Program - any state school or hospital program operating pursuant to M.G.L. c. 127, § 49B, as inserted by St. 1973, c. 17, and as amended by St. 1978, c. 79, which involves inmates in providing care to buildings and grounds or services to patients and residents of facilities of the Department of Mental Health or the Department of Public Health.

Host Facility - any DMH, DPH, or other public facility or public institution serving as the site of a hospital program.

Public Coordinator - any DOC, DMH, DPH, or other public employee responsible for coordinating and supervising the daily operations of a hospital program.

Program Participant - any inmate approved and currently participating in a hospital program.

Sex Offense - a sentence for violation of or for an attempt to commit any crime referred to in M.G.L. c. 272, §§ 2, 3, 4, 4A, 4B, 5, 6, 7, 12, 13, 14, 15, 16, 17, 18, 24, 26, 28, 29, 29A, 29B, 34, 35, or 35A or M.G.L. c. 265, §§ 13B, 22, 22A, 23, 24, 24B.

Supervisor of Hospital Programs - the employee of the Department of Correction (with the central division of education) responsible for monitoring and overseeing the operation of all hospital programs, providing technical assistance and supervision to program staff, and assisting in the planning and development of new hospital programs.

457.07: General Policy

It is the policy of the Department of Correction that:

- (1) Each hospital program shall operate for the mutual benefit of program participants and patient/residents of the host facility, providing patient care as well as other services to the host facility, and opportunities for work experience, training, and community reintegration for program participants.
- (2) Each hospital program shall operate through the mutual and joint cooperation of the correctional institution and the host facility under the general guidance and supervision of the central division of education.
- (3) Each program participant shall perform various services at the host facility depending on the needs of the host facility and the needs, interests, and abilities of the program participant.
- (4) Each program participant shall provide a minimum average of five hours of service per day, five days a week, exclusive of travel time and lunch and coffee breaks.
- (5) Each program participant shall receive a daily stipend to support and promote his/her continued involvement in the hospital program.
- (6) Each program coordinator shall submit a monthly program summary to the supervisor of hospital programs indicating the number of program participants and the kinds of services performed, as well as a brief program narrative covering any outstanding issues or concerns related to the program's operation.

457.07: continued

(7) Each host facility shall be expected to provide substantive work assignments and individual work supervision for every program participant, in addition to all other orientation training provided to its regular employees.

457.08: Program Security

It is the policy of the Department of Correction that:

- (1) A custody officer shall be assigned to each hospital program to remain on the grounds of the host facility at all times during program hours, in close proximity to all program participants, thus providing continuous care and custody throughout each work day.
- (2) Each program participant shall remain on the grounds of the host facility at all times, and leaving the grounds shall constitute an escape from the correctional institution of which he/she is an inmate.
- (3) While on the grounds of the host facility all program participants and DOC staff shall observe all institutional rules and policies required of the host facility's own staff and residents.
- (4) Any program participant shall be terminated from further participation in the hospital program upon the request of the Superintendent of the host facility.
- (5) Additional rules governing the activities of program staff and participants shall be established as are required to ensure efficient program management and effective program security.
- (6) The program coordinator or custody officer shall make available to the chief of security of the host facility an up-to-date list of all current program participants, including photos, physical descriptions and hospital work assignments.

457.09: Applicant Screening and Eligibility

It is the policy of the Department of Correction pursuant to the provisions of M.G.L. c. 127, § 49B that:

- (1) No inmate who is serving a sentence for conviction of a sex offense or who is committed under the provisions of M.G.L. c. 123A, shall be eligible to participate in any hospital program.
- (2) Any individual hospital program may establish, in writing, additional eligibility criteria which are required to best serve the needs of the host facility and correctional institution.
- (3) The Commissioner shall establish, in each state correctional facility, one or more committees made up of representatives of department of corrections staff, especially correction officers. Said committees shall take the form of teams of five correctional staff members, appointed by the superintendent of the correctional facility, at least two of whom shall be correction officers. Said committees shall evaluate the behavior and conduct of inmates within the prison. In evaluating an inmate's behavior and conduct within the prison, said committee shall interview the inmate, and shall have access to disciplinary reports and other appropriate records. After evaluating the inmate's behavior and conduct within the prison, said committee shall make a recommendation to the superintendent of the correctional facility as to whether or not the inmate shall be permitted to participate in any program outside a correctional facility. Said recommendation shall be made in writing, and shall include the vote of said committee in making said recommendation.

457.09: continued

(4) Each inmate applying for placement in a hospital program shall also be interviewed by at least one properly designated representative of the host facility's professional or administrative staff; and the approval of each such representative of the host facility shall be required before any inmate receives final approval for placement in the hospital program, at said host facility.

457.10: Criminal Offender Record Information (CORI)

It is the policy of the Department of Correction that:

- (1) No employee of a host facility or other person not employed by the Department of Correction may be granted access to criminal offender record information (CORI) relating to any inmate unless:
 - (a) such person has been designated to screen and review program participants by the Superintendent of the host facility;
 - (b) a written waiver authorizing such access has been obtained in advance from the inmate concerned; and
 - (c) such person has been designated for such access by the Commissioner by means of a CORI Consultants Contract, approved by the Criminal History Systems Board.
- (2) An employee of the host facility who is granted access to CORI may not divulge information regarding the criminal record or offender status of any program participant to any other unauthorized employee or other person subject to the provisions of the CORI Law.

457.11: Inter-Agency Program Agreements

It is the policy of the Department of Correction that:

- (1) The supervisor of hospital programs shall be responsible for developing formal written agreements between each correctional institution and host facility governing the operation of the hospital program. Such agreements shall stipulate:
 - (a) the obligations of each party as regards the provision of transportation, meals, inmate stipends, staff, office space, supplies, clerical services and the like; and
 - (b) all special rules and policies governing the operation of the hospital program at that particular site.
- (2) All hospital program agreements shall be signed by the Commissioner or his designee, after review by the legal division of the Department of Correction, and by the Superintendent of the host facility, or such other person as may be so authorized by the Commissioner of the Department of Mental Health or Department of Public Health.

457.12: Program Review and Evaluation

It is the policy of the Department of Correction that:

- (1) The supervisor of hospital programs shall collect and maintain accurate data on the number of inmates involved in hospital programs and the kinds and amounts of services provided to DMH and DPH facilities on a monthly basis.
- (2) The supervisor of hospital programs shall be responsible for conducting quarterly and annual reviews of all hospital programs to determine their effectiveness in meeting programmatic goals, identifying areas of specific concern, and setting objectives for the upgrading and improvement of program operations.

457.13: Responsible Staff

The Director of Education shall be responsible for implementing and monitoring 103 CMR 457.00 and for developing procedures pursuant to its application.

103 CMR: DEPARTMENT OF CORRECTION

457.14: Annual Review Date

103 CMR 457.00 shall be reviewed at least annually from the effective date by the Commissioner or his designee. The party or parties conducting the review shall develop a memorandum to the Commissioner, with a copy to the Central Policy File, indicating revisions, additions, or deletions which shall be included for the Commissioner's written approval.

457.15: Severability Clause

If any article, section, subsection, sentence, clause or phrase of 103 CMR 457.00 is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Commissioner or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause or phrase of 103 CMR 457.00.

REGULATORY AUTHORITY

103 CMR 457.00: M.G.L. c. 124, § 1; c. 127, §§ 48, 49, 49A and 49B.

NON-TEXT PAGE