

103 CMR: DEPARTMENT OF CORRECTION

103 CMR 485.00: VOLUNTEERS AND VOLUNTEER PROGRAMS

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485.01: Purpose

The purpose of 103 CMR 485.00 is to establish rules and regulations for the coordination of volunteers and the operation of volunteer programs within the Department of Correction. The Department of Correction recognizes that they are an important component in the process of reintegrating the offender into the community by helping the offender establish and maintain community ties. Furthermore, volunteer programs provide a variety of services and may provide another perspective to the inmate population, thereby complimenting established departmental programs operating in the institutions. 103 CMR 485.00 provides for access of volunteers and volunteer programs to state correctional institutions and reflects the department's obligation to maintain security, safety and order in all state correctional institutions. 103 CMR 485.00 is not intended to confer any procedural or substantive rights or any private cause of action not otherwise granted by state or federal law.

485.02: Statutory Authorization

103 CMR 485.00 is issued pursuant to M.G.L. c. 124, § 1(q).

485.03: Cancellation

103 CMR 485.00 cancels all previous departmental and institutional policy statements, bulletins, directives, orders, notices, rules, and regulations regarding volunteers and volunteer programs.

485.04: Applicability

103 CMR 485.00 is applicable to all employees, inmates, and volunteers at all correctional institutions within the Department of Correction.

485.05: Access To Regulations

103 CMR 485.00 shall be maintained within the central policy file of the department and shall be accessible to all department employees. A copy of 103 CMR 485.00 shall also be maintained in each superintendent's central policy file and at each inmate library.

485.06: Definitions

Commissioner. The Commissioner of the Department of Correction.

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Community Service Program. A program, sponsored on a voluntary basis, by a community agency or other community group in such subjects as education, counseling, law, career preparation, substance abuse prevention, recreation, entertainment or religion.

Coordinator. The head of a volunteer group.

Emergency. An immediate event or continuing series of events that are of such a grave and serious character that they may imminently threaten life or property or seriously disrupt the functioning of the correctional institution, as determined by the superintendent or a designee of the superintendent.

Program Coordinator II. The employee designated by the associate commissioner for classification, programs and health services as being responsible for the coordination of volunteer services.

Special Event. An event scheduled at a correctional institution for one particular purpose at one particular time. Special events include, but are not limited to, general entertainment and theatrical or musical performances.

Superintendent. The chief administrative officer at a correctional institution.

Volunteer. Any person from the community who is over 18 years of age and on a voluntary basis, works with inmates or staff, individually or in groups, in a volunteer program.

Volunteer Program. Any program including, but not limited to, any community service program, which is initiated by or includes volunteers.

Volunteer Services Coordinator. A member of the staff of a correctional institution, designated by the superintendent, who has the primary responsibility for the coordination of volunteers and volunteer program in such institution.

Working Day. Any day other than Saturday, Sunday or a legal holiday.

485.07: Administration and Supervision of Volunteers and Volunteer Programs

Volunteer Services Coordinator - The volunteer services coordinator in each correctional institution shall be responsible for the coordination of all volunteers and volunteer programs in such institution. The coordinator's duties shall include, but are not limited to, implementing volunteer orientation programs, facilitating the entry of volunteers and volunteer programs into the correctional institutions; recommending the disqualification of volunteers or volunteer programs to the superintendent or a designee; supervising inmate liaison; developing and disseminating material and information about volunteers and volunteer programs to all inmates, staff and volunteers; and submitting an annual report, in writing, to the superintendent, which shall include projections for the future utilization of volunteers and volunteer programs. The superintendent will submit the annual report to the associate commissioner for classification, programs and health services.

485.08: Recruitment of Volunteers

It is the policy of this department to recruit volunteers from all cultural and socioeconomic segments of the community. Such recruitment is the responsibility of the volunteer services coordinator.

485.09: Application Procedures for Volunteers

(1) Any person who wishes to be a volunteer in a state correctional institution shall apply to the volunteer services coordinator at the institution and that individual shall be screened by the volunteer services coordinator. Such screening shall include a criminal background check on all volunteers.

485.09: continued

- (2) After screening, the volunteer services coordinator shall submit a written recommendation and the application of the prospective volunteer to the superintendent or a designee.
- (3) The superintendent or a designee shall review the application of each prospective volunteer taking into consideration such factors as the volunteer's background, experience, qualifications, reasons for seeking access to the institution, the current availability and number of volunteers, and similar volunteer programs. Any volunteer seeking to provide professional services shall be qualified, certified or licensed to provide such services.
- (4) When a superintendent or a designee approves an application of a prospective volunteer, the volunteer shall be notified of the approval and appropriate notation shall be recorded in the records of the volunteer services coordinator. Such approval shall be for a period of time established by the superintendent.
- (5) When a superintendent or a designee denies an application, the applicant shall be notified in writing as soon as possible of the denial and the reasons therefore, and such denial shall be appropriately noted in the records of the volunteer services coordinator.
- (6) Upon receipt of notice of the denial of a volunteer application, the applicant may appeal, in writing, the decision of the designee of the superintendent to the superintendent, or request the superintendent reconsider the decision.
- (7) If the superintendent affirms the decision to deny the application of the prospective volunteer or refuses to reconsider the decision, the prospective volunteer shall be notified, in writing, of that decision with reasons as soon as possible. Copies of the decision shall go to the volunteer services coordinator.

485.10: Application Procedures for Volunteer Programs

- (1) The coordinator of a volunteer program who wishes to establish that volunteer program in an institution shall file an application with the volunteer services coordinator of the state correctional institution.
- (2) The superintendent of the institution is responsible to ensure that the Departmental program application form is completed and submitted to the associate commissioner for classification, programs and health services for approval.
- (3) Once approved by the associate commissioner for classification, programs and health services, the volunteer services coordinator shall screen the prospective volunteer program.
- (4) After screening, the volunteer services coordinator shall submit a written recommendation along with the application of the prospective volunteer program to the superintendent or designee.
- (5) The superintendent or a designee shall approve or disapprove the application of each prospective volunteer program taking into account the following factors: the reasons stated in the application for the prospective volunteer program seeking to provide volunteer services with the correctional institution; the nature of the services; the need for the services; the experience, where appropriate, of the prospective volunteer program; existing volunteer programs within the correctional institution; and the background of the prospective volunteer program.
- (6) When the superintendent or a designee approves an application for a prospective volunteer program, the coordinator of such volunteer program shall be notified in writing of the approval and appropriate notations shall be recorded in the records of the volunteer services coordinator.
- (7) When a superintendent or a designee denies an application, the applicant shall be notified, in writing, as soon as possible of the denial and the reasons therefore. The denial shall be appropriately noted in the records of the volunteer services coordinator.

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485.10: continued

(8) All individuals entering institutions shall follow entrance procedures outlined in 103 CMR 485.13. The superintendent may require advance notification for entrance or any of the procedures outlined in 103 CMR 485.09 for groups with revolving memberships.

(9) If the superintendent either affirms the decision or refuses to reconsider the decision to deny the application of a prospective volunteer program, the prospective volunteer program shall be notified of that decision with reasons, in writing, as soon as possible. Copies of this decision shall be made available to the volunteer services coordinator.

485.11: Orientation

(1) Volunteers shall be informed that the Department welcomes their suggestions regarding establishing policy and procedure related to volunteer programs and the process to make such contributions.

(2) All persons who have been approved as volunteers shall participate in an orientation program which shall include, but not be limited to, a presentation of the department's philosophy and review of department and correctional institution rules and regulations with special reference to rules which concern persons employed at or visiting a correctional institution, especially all aspects of the employee handbook. The orientation shall also include a review of laws and department regulations regarding confidentiality. At least one member of the security staff must be included in the orientation program.

(3) All volunteers shall be held to the same rules, regulations and standards of propriety as employees of the Department of Correction.

(4) The volunteer services coordinator shall issue to volunteers who have completed the orientation a certificate of completion. Appropriate notations regarding the completion of such programs shall be made in the records of the volunteer services coordinator.

(5) Volunteers shall sign both release and rules agreement forms prior to their initial entrance to the correctional institution. These forms shall be kept on file by the volunteer services coordinator.

485.12: Special Events

(1) If special events are to be scheduled, the superintendent of the institution is responsible to ensure that the Departmental program application form is completed and submitted for approval to the associate commissioner for classification, programs and health services.

(2) When special events are scheduled, 103 CMR 485.09, 485.10 and 485.11 shall not be applicable; however, applicable laws, rules and regulations governing visitors to correctional institutions shall apply to all persons connected with such special events.

485.13: Entrance to Correctional Institutions

(1) All volunteers shall, upon entering the institution, complete the visitor's log in full and present to the shift commander a valid driver's license or similar identification.

(2) Each institution shall ensure that applications for all current volunteers are kept on file by the volunteer services coordinator. Institutions must have procedures in place to appropriately identify all volunteers. All files and identification procedures must be annually updated.

(3) Applicable laws, rules and regulations, governing the entrance of a person to a correctional institution shall be applicable to volunteers.

(4) Any questions by institutional personnel regarding the entrance of a volunteer or volunteer program into the correctional institution shall be immediately referred to the volunteer services coordinator. The volunteer services coordinator shall attempt to resolve any such questions as soon as possible.

485.13: continued

(5) Excluding special events, any individual may enter each correctional institution twice in one calendar year without acquiring permanent volunteer status as outlined in the procedures in 103 CMR 485.09 and 485.10.

485.14: Security

(1) The superintendent or a designee may assign such institutional personnel as deemed appropriate to volunteers and volunteer programs.

(2) Applicable laws, rules and regulations governing persons employed by or visiting a state correctional institution shall be applicable to all volunteers.

(3) Any questions by any person regarding security as it relates to volunteers and volunteer programs shall be immediately referred to the volunteer services coordinator or a designee for an answer. Such answers shall be given in a timely manner and, if necessary, after consulting with the appropriate institution personnel.

(4) In an emergency or where there is an alleged violation of a rule or regulation of the correctional institution or of a criminal statute, an officer may, with the approval of the shift commander, order that a volunteer or volunteer program temporarily leave the correctional institution. In such cases, the volunteer services coordinator or a designee shall notify the volunteer or the coordinator of a volunteer program as soon as possible regarding the status of said volunteer or volunteer program.

(5) Where there has been an alleged violation of a rule or regulation of the correctional institution or of a criminal statute, the volunteer services coordinator shall submit a written recommendation to the superintendent regarding the continued presence of the volunteer or volunteer program in the correctional institution as soon as possible.

(6) Where the superintendent or a designee, after reviewing the recommendation of the volunteer services coordinator, rescinded the approval of the volunteer or volunteer program, 103 CMR 485.15 shall be fully applicable.

485.15: Rescission of Approval for Volunteers and Volunteer Programs

(1) A superintendent or a designee may deny entrance of any volunteer or volunteer program to the facility. A superintendent or a designee has the right to rescind the approval of a volunteer or volunteer program where the volunteer or volunteer program does not adequately fulfill stated purposes; for violation of a rule or regulation of the correctional institution or of a criminal statute; or where there is reliable evidence that the continued presence of the volunteer or volunteer program in the correctional institution would present a threat to the security or orderly running of the institution.

(2) When a superintendent or a designee rescinds the approval of a volunteer or volunteer program, the volunteer or volunteer program shall be notified of the reasons in writing as soon as possible. The superintendent shall notify the associate commissioner of classification, programs and health services of such rescission and the reason for it as soon as is practical utilizing the form contained in the policy attachments. The associate commissioner of classification, programs and health services shall ensure that Department-wide notification is made of the rescission.

(3) The associate commissioner of classification, programs and health services may deny entrance of any volunteer or volunteer program to any or all sites and shall notify the appropriate superintendent of such denial and the reasons for it as soon as is practical. The associate commissioner of classification, programs and health services will ensure that Department-wide notification is made of the denial.

(4) The superintendent shall take such steps as are necessary to prevent a volunteer or volunteer program, whose approval has been rescinded, from entering the correctional institution pending any final review.

485.15: continued

(5) The volunteer or the coordinator of the volunteer program may appeal, in writing, the decision of the designee of the superintendent to the superintendent, or if approval has been rescinded by the superintendent, request that the superintendent reconsider the decision, or if approval has been rescinded by the associate commissioner of classification, programs and health services, request that the associate commissioner reconsider the decision.

(6) If the superintendent or associate commissioner of classification, programs and health services affirms the decision to rescind, the volunteer or the coordinator of the volunteer program shall be notified, in writing and as soon as possible, of the decision and reasons.

(7) The superintendent shall notify the associate commissioner of classification, programs and health services when a volunteer is reinstated. It is the responsibility of the associate commissioner to ensure that Department-wide notification is made of the reinstatement.

485.16: Responsible Staff

(1) The associate commissioner of classification, programs and health services is the reviewing authority for this policy and shall ensure that all volunteer programs are reviewed and evaluated annually.

(2) The director of programs shall be responsible for the implementation and monitoring of 103 CMR 485.00 throughout the Department.

(3) Each volunteer services coordinator, under the supervision of the superintendent, shall be responsible for the implementation and monitoring of 103 CMR 485.00 at the institution.

485.17: Annual Review Date

103 CMR 485.00 shall be reviewed at least annually from the effective date by the commissioner or a designee. The party or parties conducting the review shall develop a memorandum to the commissioner, with a copy to the central policy file, indicating the revisions, additions, or deletions which shall be included for the commissioner's written approval.

485.18: Severability Clause

If any article, section, subsection, sentence, clause or phrase, of 103 CMR 485.00 is for any reason held to be unconstitutional, contrary to state, 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 485.00.

REGULATORY AUTHORITY

103 CMR 485.00: M.G.L. c. 124, § 1(q).