

103 CMR: DEPARTMENT OF CORRECTION
103 CMR 425.00: PLACEMENT REVIEWS IN SECURE TREATMENT UNITS

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425.01 Purpose

The purpose of this regulation is to establish placement reviews in Secure Treatment Units.

425.02 Cancellation

This regulation cancels all previous Department policy statements, bulletins, directives, orders, notices, rules and regulations regarding placement reviews in Secure Treatment Units that are not inconsistent with this regulation.

425.03 Applicability

This regulation applies to Secure Treatment Units.

425.04 Access to Regulation

103 CMR 425 shall be maintained within the Department of Correction's central policy file, in each institution's central policy file, in each institution's inmate law library, and shall be made available to the public.

425.05 Definitions

Department Disciplinary Unit (DDU): A restricted area or areas designated by the Commissioner to which an inmate has received a recommended sanction by a Special Hearing Officer.

Deputy Commissioner, Prison Division: The executive staff person who reports to the Commissioner, and whose duties include, but are not limited to, the management of: Assistant Deputy Commissioner(s) of the Prison Division, and the Central Inmate Disciplinary Unit.

Exigent Circumstances: Circumstances that create an unacceptable risk to the safety of any person.

Multidisciplinary Treatment Team: A treatment team that may consist of the following: Unit Clinical Coordinator; Captain; Unit Sergeant; assigned Correction Officers; Correctional Program Officer; mental health clinicians; medical staff; and program staff. For the purposes of 103 CMR 425, the Multidisciplinary Treatment Team shall provide Placement Reviews.

Placement Review: A periodic review conducted by a multidisciplinary treatment team for the purposes of ascertaining an inmate's continued need for placement and retention in a Secure Treatment Unit.

Secure Treatment Unit (STU): A maximum security residential treatment program designed to provide an alternative to Restrictive Housing for inmates diagnosed with serious mental illness in accordance with clinical standards adopted by the Department of Correction.

Serious Mental Illness: A current or recent diagnosis by a qualified mental health professional of one or more of the following disorders described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders: (i) schizophrenia and other psychotic disorders; (ii) major depressive disorders; (iii) all types of bipolar disorders; (iv) a neurodevelopmental disorder, dementia or other cognitive disorder; (v) any disorder commonly characterized by breaks with reality or perceptions of reality; (vi) all types of anxiety disorders; (vii) trauma and stressor related disorders; or (viii) severe personality disorders; or a finding by a qualified mental health professional that the inmate is at serious risk of substantially deteriorating mentally or emotionally while confined in restrictive housing, or already has so deteriorated while confined in restrictive housing, such that diversion or removal is deemed to be clinically appropriate by a qualified mental health professional.

425.06 Secure Treatment Units

The Commissioner may establish and operate Secure Treatment Units at correctional institutions as deemed necessary for the purposes set forth in this regulation. Secure Treatment Units include the maximum security Secure Treatment Program (STP) and the maximum security Behavioral Management Unit (BMU).

425.07 Placement and Transfer to a Secure Treatment Unit

Placement and transfer to a Secure Treatment Unit shall be made as provided in 103 DOC 650, Mental Health Services. An inmate transferred from the Department Disciplinary Unit (DDU) where the inmate was serving a DDU sanction will continue to serve and be credited with the time served for such sanction during his placement in the Secure Treatment Unit.

425.08 Placement Reviews

An inmate who is placed in a Secure Treatment Unit while pending a disciplinary hearing or while serving a disciplinary detention or DDU sanction imposed pursuant to 103 CMR 430 shall be reviewed as follows:

The inmate's status shall be reviewed at least every seventy-two (72) hours.

At each review, the multidisciplinary treatment team shall review the inmate's status and discuss any identified issues or concerns. The review may include consideration of the reason for placement, security issues, disciplinary issues, classification status, conflicts, mental health issues, program needs, compliance with treatment plan goals and objectives, and any other pertinent information. These reviews shall be documented in the Inmate Management System (IMS).

425.09 Emergency

Whenever in the opinion of the Commissioner, Deputy Commissioner or the Superintendent of a state correctional institution an emergency exists which requires the suspension of part or all of 103 CMR 425, such suspension may be ordered, provided that any such suspension beyond forty-eight (48) hours must be authorized by the Commissioner for good cause.

425.10 Exigent Circumstances

The determination whether Exigent Circumstances precludes the occurrence of an act or action otherwise required by this regulation shall be made by the Deputy Commissioner, Prison Division.

In all other instances in which an act or action required by this regulation does not occur for reason of Exigent Circumstances, notification shall be made to the Deputy Commissioner, Prison Division. In such instance, responsible staff shall attempt to resolve the Exigent Circumstances as soon as practicable, and the act or action shall be performed as soon as possible after the Exigent Circumstances cease to exist.

425.11 Responsible Staff

The Deputy Commissioner, Prison Division, shall implement and monitor 103 CMR 425 throughout the Department. Each Superintendent of an institution with a Secure Treatment Unit shall implement and monitor 103 CMR 425 at the institution.

425.12 Annual Review

103 CMR 425 shall be reviewed at least annually by the Commissioner or a designee. The person or persons 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 and shall become effective pursuant to applicable law.

425.13 Severability

If any article, section, subsection, sentence, clause or phrase of 103 CMR 425 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, clause or phrase of 103 CMR 425.

REGULATORY AUTHORITY

103 CMR 425.00: M.G.L. c. 124, § 1(b), (c), (i) and (q); M.G.L. c. 127, §§ 1, 39B and 39H.