

103 CMR: DEPARTMENT OF CORRECTION

103 CMR 485.00: VOLUNTEERS AND VOLUNTEER PROGRAMS

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485.01: Purpose

103 CMR 485.00 establishes rules and regulations for the overall management of volunteer services within the Department of Correction (Department). The Department recognizes that volunteers perform an integral role in facilitating an offender's reentry by providing a wide range of programming and services designed to reduce recidivism. Volunteer services augment existing Department programs and assist in the establishment and maintenance of community ties.

103 CMR 485.00 provides guidelines to state correctional institutions for inmate access to volunteers and volunteer programs, and reflects the Department's obligation to maintain security, safety and order in all state correctional facilities. Additionally, 103 CMR 485.00 provides guidelines for volunteers and volunteer programs.

485.02: 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.

485.03: Applicability

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

485.04: Access to Regulation

103 CMR 485.00 shall be maintained within the Department's Central Policy File and 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.

485.05: Definitions

Assistant Deputy Commissioner of Reentry. A senior level manager who reports to the Deputy Commissioner of Clinical Services and Reentry, and is responsible for ensuring policy compliance and standardization of procedures in such areas as classification, date computation, victim services, inmate records, inmate programs and reentry, and inmate training and education.

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Commissioner. The Commissioner of the Department of Correction.

Deputy Commissioner of Clinical Services and Reentry. A Department Deputy Commissioner whose duties include, but are not limited to, the management of the Classification Division, Inmate Education and Training Division, Reentry and Program Services Division, and the Health Services Division.

Director of Program Services. A program manager responsible for ensuring compliance with Departmental program policies and procedures and the development, implementation and quality control of the Department's reentry continuum.

Institutional Volunteer Services Coordinator. An employee who is designated by the Superintendent to coordinate volunteers and volunteer programs at an institutional level.

Permanent Volunteer. Any person from the community, 21 years of age or older, and approved *via* the volunteer application process, to provide services/programming to inmates.

Reentry Volunteer. An active, permanent Department volunteer who also provides supportive services to, and/or mentors, released offenders as part of his or her affiliation with a community based organization which provides reentry services.

Special Activity. A faith based, educational, cultural or reentry related activity occurring for a limited or fixed duration (one-time, annually, weekend).

Superintendent. The chief administrative officer of a correctional institution.

Temporary Volunteer. Any person from the community who is 21 years of age or older, and who has been recruited for, or is requesting, volunteer status within the Department for a limited and/or specific purpose.

485.06: Administration and Supervision of Volunteers and Volunteer Programs

(1) The Director of Program Services, or his or her designee, shall coordinate all volunteer services. Duties shall include, but not be limited to:

- (a) Identifying and recruiting volunteers and volunteer programs;
- (b) Developing and implementing volunteer and staff training;
- (c) Updating volunteer opportunities on volunteer web portals;
- (d) Assessing and evaluating volunteer services; and
- (e) Submitting the volunteer annual report to the Deputy Commissioner of Clinical Services and Reentry.

(2) The Director of Program Services, or his or her designee, shall solicit feedback from volunteers annually *via* an on-line volunteer satisfaction survey which is available on the Department's home page. The completed surveys shall be compiled annually by the Director of Program Services, or his or her designee, into a single report and forwarded to the Deputy Commissioner of Clinical Services and Reentry.

(3) Each Superintendent shall designate an Institutional Volunteer Services Coordinator who shall be responsible for all aspects of volunteer services at his or her institution. The Institutional Volunteer Services Coordinator's duties shall include, but are not limited to:

- (a) Identifying and recruiting volunteers and volunteer programs;
- (b) Coordinating the volunteer programs and volunteer application process;
- (c) Maintaining and updating the designated volunteer database;
- (d) Recommending the approval, denial, or rescission of volunteers or volunteer programs;
- (e) Developing and disseminating volunteer program material, information and schedules;
- (f) Scheduling and coordinating an annual volunteer appreciation event;
- (g) Scheduling and coordinating the registration and facilitation of the annual volunteer orientation and re-certification process.

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(4) Each institution shall maintain and update the designated volunteer database. The database shall include, but not be limited to, the following:

- (a) Digital photograph;
- (b) Identifying information of the volunteer;
- (c) Type of volunteer services provided;
- (d) Volunteer program schedule;
- (e) Dates and time of entrance and egress;
- (f) Date of initial approval of volunteer status;
- (g) Date(s) of criminal record checks;
- (h) Date of initial certification and re-certification and;
- (i) Emergency contact information.

485.07: Recruitment of Volunteers

The Department shall recruit volunteers from all cultural and socioeconomic segments of the community. The Department shall recruit volunteers through such methods as the use of the internet and community-based speaking engagements.

485.08: Application Procedures for Permanent Volunteers

(1) Any person seeking to volunteer in a specific state correctional institution shall submit a completed standard volunteer application to that institution's Volunteer Services Coordinator. The standard volunteer application may be obtained from the Institutional Volunteer Services Coordinator, Director of Program Services, or his or her designee, or the Department's website at <http://www.mass.gov/doc/policy>.

(2) The Institutional Volunteer Services Coordinator shall review the application to determine the applicant's suitability and eligibility, taking into consideration experience, qualifications, and rationale for volunteering. The Institutional Volunteer Services Coordinator shall consider whether the volunteer service proposed by the applicant is consistent with the identified needs of the institution and the inmate population. Any applicant seeking to provide professional services shall be qualified, certified, or licensed to provide such services.

(3) A criminal record check shall be completed as part of the application process to identify whether there are criminal convictions that have a specific relationship to the volunteer job performance in accordance with State and Federal statutes. This record will include comprehensive identifier information to be collected and run against law enforcement indices. If suspect information on matters with potential terrorism connections is returned on any candidate, it shall be forwarded to the local Joint Terrorism Task Force or another similar agency.

(4) The completed application shall be forwarded to the Superintendent's designee, who shall make a determination on the application and return the application to the Institutional Volunteer Services Coordinator. The Institutional Volunteer Services Coordinator shall input approved applications in the designated volunteer database and notify the applicant of the approval in writing.

(5) The Institutional Volunteer Services Coordinator shall also notify the applicant in writing if the application is denied. The notification shall include the reason(s) for the denial. The Institutional Volunteer Services Coordinator shall maintain a copy of the denied application and notification.

(6) The applicant may submit a request in writing to the Superintendent for reconsideration. The applicant shall be notified in writing of the Superintendent's final determination. The notification shall include the reason(s) for the final determination. The Institutional Volunteer Services Coordinator shall maintain a copy of the request and Superintendent's final determination on file.

(7) A permanent volunteer may request volunteer status at additional sites by contacting the Institutional Volunteer Services Coordinator at the additional institution(s). The Institutional Volunteer Services Coordinator shall review and update the designated volunteer database.

485.09: Application Procedures for Ex-offenders

- (1) The Department recognizes that ex-offenders who have successfully transitioned to the community can serve as positive role models and utilize their unique experience and perspective to facilitate a wide variety of reentry related services. Ex-offenders seeking to volunteer in a state correctional institution may submit a completed standard volunteer application to that institution's Volunteer Services Coordinator.
- (2) If an applicant has a criminal history, the application may only be considered after at least six months since discharge from a correctional facility with no subsequent criminal convictions. Ex-offenders with post release supervision shall submit a letter of support from the supervising agency with the standard volunteer application.
- (3) Applicants must not be on the visiting card of any offender; the prospective volunteer must have been off the visiting card of any offender for a minimum of one year.
- (4) The Institutional Volunteer Services Coordinator shall review the application to determine the applicant's suitability and eligibility, taking into consideration such factors as the applicant's experience, qualifications, rationale for volunteering and commitment to a law-abiding lifestyle. The Institutional Volunteer Services Coordinator shall consider whether any proposed volunteer service is consistent with the identified needs of the institution and the offender population. Any applicant seeking to provide professional services shall be qualified, certified or licensed to provide such services.
- (5) All applications shall be processed in accordance with 103 CMR 485.09.

485.10: Temporary Volunteers

- (1) Any person from the community who has requested to participate in a specific program or has been recruited as a guest speaker for a limited and/or specific purpose may enter each correctional institution via the authorization to enter process a maximum of two times within a calendar year without acquiring permanent volunteer status.
- (2) The Shift Commander may authorize the entrance of a temporary volunteer when the information is not available in advance. The Shift Commander shall ensure that a criminal background check is completed and the information is entered in the designated volunteer database prior to the temporary volunteer entering the institution.
- (3) Temporary volunteers shall remain under the escort of a staff member or permanent volunteer at all times.

485.11: Reentry Volunteers

- (1) The Department recognizes that permanent volunteers who work within the Department and seek to provide supportive services to, and/or to mentor, released offenders as part of their affiliation with a community based, reentry related organization, can serve as positive role models and ensure continuity of care and successful reintegration. Community based, reentry related organizations shall include, but not be limited to, the following:
 - (a) Faith based organizations;
 - (b) Behavioral health, (*i.e.*, substance abuse treatment, medical, and mental health based organizations);
 - (c) Veteran groups;
 - (d) Human service organizations;
 - (e) Career and employment organizations.
- (2) Permanent volunteers seeking to serve as Reentry Volunteers shall submit a Reentry Volunteer Application to their Institutional Volunteer Services Coordinator. The applicant shall also submit a letter of support from the identified community based, reentry related organization. Applicants may obtain a Reentry Volunteer Application from their Institutional Volunteer Services Coordinator, Director of Program Services or his or her designee or the Department's website <http://www.mass.gov/doc/policy>.

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- (3) Permanent volunteers shall not be considered for reentry volunteer status until they have provided at least one year of active volunteer services with positive evaluations.
- (4) The Institutional Volunteer Services Coordinator shall review the application to determine the applicant's suitability and eligibility, taking into consideration such factors as experience, qualifications, rationale for requesting to serve as a reentry volunteer, and affiliation with the named community based, reentry related organization.
- (5) The completed application shall be forwarded to the Superintendent's designee, who shall make a determination on the application and return the application to the Institutional Volunteer Services Coordinator. The Institutional Volunteer Services Coordinator shall input approved applications in the designated volunteer database. The Institutional Volunteer Services Coordinator shall notify the applicant in writing if his or her application is approved.
- (6) The Institutional Volunteer Services Coordinator shall also notify the applicant in writing if the application is denied. The notification shall include the reason(s) for the denial. The Institutional Volunteer Services Coordinator shall maintain a copy of the denied application and notification.
- (7) The applicant may submit a request in writing to the Director of Program Services for reconsideration. The applicant shall be notified in writing of the final determination. The notification shall include the reasons for the final determination. The Institutional Volunteer Services Coordinator shall maintain a copy of the request and final determination on file.
- (8) Applicants shall complete 103 DOC 225: *Professional Boundaries* training prior to final approval.

485.12: Application Procedures for Volunteer Programs and Special Activities

- (1) Any person or group seeking to establish a volunteer program or special activity in a specific state correctional institution shall submit a completed standard volunteer program application or special activity application to that institution's Volunteer Services Coordinator.
- (2) The Institutional Volunteer Services Coordinator shall review the application to determine if it is consistent with the identified needs of the institution and the inmate population and submit a recommendation to the Superintendent.
- (3) Approved applications shall be forwarded by the Superintendent to the Director of Program Services for further review.
- (4) The Director of Program Services shall notify the Superintendent in writing of approved applications. Applications denied by the Director of Program Services shall be forwarded to the Assistant Deputy Commissioner of Reentry for a final determination.
- (5) Applications denied by the Superintendent shall be returned to the Institutional Volunteer Services Coordinator. The Institutional Volunteer Services Coordinator shall notify the applicant in writing detailing the reason(s) for the denial and reconsideration process and shall maintain a copy on file.
- (6) The applicant may submit a request in writing to the Superintendent for reconsideration. The Superintendent shall forward the request for reconsideration with a recommendation to the Director of Program Services for final determination.
- (7) The Director of Program Services shall notify the Superintendent in writing of the final determination detailing the reason(s) for the decision. The Superintendent shall notify the applicant of the final determination detailing the reason(s) for the decision.
- (8) No program or special activity shall be implemented prior to the authorization of the Director of Program Services.

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(9) The Institutional Volunteer Services Coordinator shall maintain a file of all completed program applications and special activity applications.

485.13: Orientation

(1) Volunteers shall be informed that the Department welcomes their suggestions regarding establishing policy and procedure related to volunteer programs and the process by which 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, the following:

- (a) 103 CMR 131.00: *News Media Relations*;
- (b) 103 DOC 153: *CORI Regulations*;
- (c) 103 DOC 215: *American Correctional Association Code of Ethics*;
- (d) 103 DOC 225: *Professional Boundaries Policy*;
- (e) 103 DOC 237: *Prevention and Elimination of Workplace Violence*;
- (f) 103 CMR 485.00;
- (g) 103 CMR 483.00: *Visiting Procedures*, including the dress code;
- (h) 103 DOC 519: *Sexually Abusive Behavior Prevention and Intervention Policy*;
- (i) Prison Rape Elimination Act (PREA);
- (j) Emergency Procedures;
- (k) Conflict of Interest Acknowledgment of Receipt;
- (l) Rules and Regulations Governing All Employees of the Massachusetts Department of Correction.

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

(4) The Institutional Volunteer Services Coordinator shall document completion of the orientation program in the designated volunteer database.

(5) Volunteers shall sign both a release form and the rules agreement form prior to their initial entrance to the correctional institution. These forms shall be kept on file by the Institutional Volunteer Services Coordinator.

(6) Permanent volunteers shall complete an annual re- certification process which shall include, but not be limited to, the following:

- (a) Volunteer Training and Acknowledgment of PREA;
- (b) Standard Volunteer Renewal Form;
- (c) Conflict of Interest Acknowledgment of Receipt;
- (d) Emergency Personal Information;
- (e) Volunteer Recertification Quiz;
- (f) Volunteer Survey;
- (g) Review of Massachusetts Department of Correction Summary Rules for Volunteers.

485.14: Entrance to Correctional Institutions

(1) All volunteers shall, upon entering the institution, complete the visitor's log in full and then present a valid driver's license or similar photo identification to the Shift Commander or the Officer in Charge.

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

(3) Any questions by institutional personnel regarding the entrance of a volunteer or volunteer program into the correctional institution shall be immediately referred to their Institutional Volunteer Services Coordinator. The Institutional Volunteer Services Coordinator shall attempt to resolve any concerns as soon as possible.

485.15: 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) 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 or OIC, order that a volunteer temporarily leave the correctional institution. In such cases, the Institutional Volunteer Services Coordinator or a designee shall notify the volunteer, or the coordinator of the volunteer program, as soon as possible regarding the status of said volunteer or volunteer program. The Institutional Volunteer Services Coordinator shall also 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.
- (4) Where the Superintendent or a designee, after reviewing the recommendation of the Institutional Volunteer Services Coordinator, rescinds the approval of the volunteer or volunteer program, 103 CMR 485.08 shall be fully applicable.

485.16: Rescission of Approval for Volunteers and Volunteer Programs

- (1) A Superintendent or a designee may deny any volunteer or volunteer program entrance to the facility. A Superintendent or a designee may rescind the approval of a volunteer or a volunteer program under circumstances that include, but are not limited to, the following:
 - (a) When the volunteer or a volunteer program does not adequately fulfill his/her/its stated purposes;
 - (b) When a rule or regulation of the correctional institution or a criminal statute or a court order has been violated;
 - (c) When there is reliable evidence that the continued presence of the volunteer or the 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 a volunteer program, the volunteer or volunteer program shall be notified of the reasons in writing.
- (3) The Superintendent shall notify the Assistant Deputy Commissioner of Reentry of such rescission, and detail the reason for the rescission, utilizing the Barred Volunteer Notification form. The Assistant Deputy Commissioner of Reentry shall ensure that Department-wide notification is made of the rescission.
- (4) The Institutional Volunteer Services Coordinator shall be responsible for notifying the volunteer or the coordinator of the volunteer program, in writing, in the event that the Superintendent rescinds the approval of a volunteer or a volunteer program.
- (5) The Deputy Commissioner of Clinical Services and Reentry may deny entrance of any volunteer or volunteer program to any or all sites and shall notify the appropriate Superintendent(s) of such denial and the reasons for it as soon as is practical. The Deputy Commissioner of Clinical Services and Reentry shall ensure that Department-wide notification is made of the denial.
- (6) The Superintendent shall take such steps as are necessary to prevent a volunteer or a volunteer program, whose approval has been rescinded, from entering the correctional institution pending final determination.
- (7) The volunteer or the coordinator of the volunteer program may request reconsideration, in writing, as follows:
 - (a) If approval has been rescinded by the Superintendent's designee, by requesting that the Superintendent reconsider that decision.
 - (b) If approval has been rescinded by the Superintendent, by requesting that the Director of Program Services reconsider that decision;

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(c) If approval has been rescinded by the Director of Program Services, by requesting that the Assistant Deputy Commissioner of Reentry reconsider that decision.

(8) If the Superintendent or Assistant Deputy Commissioner of Reentry 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 determination, detailing the reasons.

(9) The Superintendent shall notify the Assistant Deputy Commissioner of Reentry when a volunteer is reinstated. It is the responsibility of the Assistant Deputy Commissioner of Reentry to ensure that Department-wide notification is made of the reinstatement.

485.17: Responsible Staff

(1) The Deputy Commissioner of Clinical Services and Reentry is the reviewing authority for 103 CMR 485.17 and shall ensure that all volunteer programs are reviewed and evaluated annually.

(2) The Director of Program Services shall be responsible for the implementation and monitoring of 103 CMR 485.00 throughout the Department.

(3) Each Institutional 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.

485.18: Annual Review

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 and shall become effective pursuant to applicable law.

485.19: 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) and c. 127, § 36.