

 <p style="text-align: center;">Massachusetts Department Of Correction POLICY</p>	Effective Date <p style="text-align: center;">7/30/2021</p>	Responsible Division <p style="text-align: center;">Deputy Commissioner, Clinical Services and Reentry</p>		
	Annual Review Date <p style="text-align: center;">5/26/2022</p>			
Policy Name <p style="text-align: center;">103 DOC 407 VICTIM SERVICES UNIT</p>	M.G.L. Reference: M.G.L. c. 6, §§ 178A, and 172(c); M.G.L. c. 123A, § 9; M.G.L. c. 127, § 38D; M.G.L. c. 258B, §§ 3 (h) and (t); 803 CMR 9 Victim Notification Registry (VNR)			
	DOC Policy Reference: 103 CMR 405; 103 DOC 417; 103 DOC 426; 103 CMR 481			
	ACA/PREA Standards: 5-ACI-1B-24; 5-ACI-4B-29; 5-ACI-5F-07; 5-ACI-5F-08; PREA: 115.53			
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Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				
<p>PURPOSE: To establish a Department of Correction (Department) policy for governing the operation of the Victim Services Unit (VSU) in processing and notifying registered individuals whenever an inmate receives a temporary, provisional or final release from custody, is approved for transfer to a security rating lower than medium, and upon escape from custody and in any of the instances noted in 803 CMR 9 <i>Victim Notification Registry (VNR)</i>.</p> <p>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY: Assistant Deputy Commissioner of Clinical Services and Reentry Director, Victim Services Superintendents</p> <p>CANCELLATION: 103 DOC 407 cancels all previous institutional and Department policy statements, bulletins, directives, orders, notices, rules and regulations regarding registration and notification procedures.</p> <p>SEVERABILITY CLAUSE: If any part of 103 DOC 407 is, for any reason, held to be in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.</p>				

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407.01 **MISSION STATEMENT**

The mission of the VSU is to provide information and notification to victims of crime and other concerned individuals whose offenders are in the custody of the Department. These services shall be administered with respect, compassion, and confidentiality.

407.02 **DEFINITIONS**

178A CORI Access- Pursuant to M.G.L c.6 S 178A, a registration via DCJIS for a victim of crime, witness, family member of a homicide victim, parent/guardian of a minor victim, or parent/guardian of a minor witness as defined by M.G.L. c. 258B S 1 that allows access to all available criminal records information of the person arraigned or convicted of said crime.

Citizen's Initiated Petition (CIP)- Pursuant to M.G.L. c.6 s 172 (k), an authenticated user may, upon request, register an individual who articulates a fear of a specific named offender, in order to receive advance notification of the offender's change in custody status from the appropriate custodial or supervisory agency.

Department of Criminal Justice Information Services (DCJIS) - The Commonwealth agency statutorily designated to provide a public safety information system and network to support data collection, information sharing and interoperability for the Commonwealth's criminal justice and law enforcement community; to oversee the authorized provision of Criminal Offender Record Information to the non-criminal justice community; to provide support to the Criminal Record Review Board; to operate the Firearms Records Bureau; and to provide and technically support the Victim Notification Registry for the victims of crime.

Institution Victim Advocate - Staff that provide direct services to inmates who are victims of sexually abusive behavior. These services are focused on the needs of the inmate. The institution victim advocate role balances the needs of the inmate victim and the needs of the Department.

Notice Registration- A registration recorded by DCJIS for certain eligible individuals to be notified of certain changes to an offender's change in custody status pursuant to M.G.L c. 258B s 3 (t) and M.G.L. c. 6 S 172 (a)(19) and (k).

Registration for Notice - A registration granted by DCJIS pursuant to M.G.L. c. 258B generating the mandated notification responsibility of the custodial and/or supervising authority to the registered individuals

Victim Information and Notification Everyday (VINE)- An automated telephone and email service for accessing public information relative to a Department inmate's location. Additionally, VINE provides notification of an offender's transfer, release or escape to those

registered individuals who are registered for VINE. The web-based extension of VINE is www.vinelink.com.

Victim Notification Registry (VNR)- The internet-based application maintained by DCJIS and used in the Commonwealth to register eligible individuals affected by crime, family members of homicide victims, and family members of deceased or incompetent victims for notice of an offender's change in custody status or for access to Criminal Offender Record Information (CORI).

Victim Rights Law - The law which affords victims, witnesses, parents/guardians of minor aged victims, family members of homicide victims, and family members of incompetent victims certain rights and services during the investigation, prosecution and post-conviction stages of the criminal justice process pursuant to M.G.L. c. 258B.

Victim Services Unit Advocate - staff that provide direct services to those affected by crime, including Department employees. These services are administered with respect, confidentiality and compassion.

407.03 **VICTIM SERVICE UNIT DUTIES AND RESPONSIBILITIES**

- A. The VSU assists any victim/concerned party in applying to the DCJIS for registration. This is accomplished through the completion of an application form, which is submitted electronically by the VSU, to the DCJIS.
- B. The VSU shall mail an initial contact letter to all newly registered individuals with sentencing and housing information about the offender for whom they are registered.
- C. The VSU provides post-conviction information, emotional support, crisis intervention, safety planning and referral services to victims and registered individuals.
- D. When a complaint is received from a victim, registered individual or any member of the general public, the VSU shall work with the appropriate institution/division staff to resolve the issue/concern. Complaints include unwanted contact made from an offender in the custody of the Department. The VSU shall report the resolution of the complaint to the victim.
- E. The VSU shall plan and coordinate proactive victim programs for offenders housed within the Department.
- F. The VSU staff shall be responsible for an assigned institution caseload and report statistical information to indicate the number and type of notifications made to the registered individuals on a monthly basis.
- G. The VSU shall provide education to certified individuals about their right for notification and information through the VINE system. The VSU shall register all interested registered individuals for VINE notification.

- H. The VSU shall be notified when the media interviews an inmate. The VSU shall research and determine if the inmate has an active registered individual, and inform the registered individual of the interview.
- I. In an effort to ensure the quality of our program and continually improve our services, the VSU shall mail a survey to registered individuals.

407.04 ELIGIBILITY FOR REGISTRATION

The DCJIS is the sole authority responsible for approving all Registrations.

- A. Pursuant to M.G.L. c. 258B, individuals registered by the DCJIS shall be notified in advance whenever an inmate receives a temporary, provisional or final release from custody; is moved from a secure facility to a less-secure facility; or if the inmate escapes from custody.
- B. Pursuant to 803 CMR 9.04 (2), the DCJIS may, upon request, register an individual who articulates a reasonable fear of harm to his or her physical safety relative to an inmate's impending release. Persons registered under a CIP are entitled to receive the same types of notices as those who are certified under M.G.L. c. 258B.
- C. Pursuant to M.G.L. c. 6, § 178A, a victim of crime, witness, or family member of a homicide victim, all as defined by M.G.L. c. 258B § 1, may be registered by the DCJIS, upon request, to receive CORI, provided that the request for said information relates to the offense in which such person was involved. Criminal justice agencies may also disclose to such persons such additional information, including but not limited to evaluative information, as such agencies determine, in their discretion, is reasonably necessary for the security and well being of such persons.
- D. Pursuant to 803 CMR 9.08 the registered individual is responsible for providing any changes to the individual's registration information, including means of contact, name changes, address changes, phone number changes, and email address changes.

407.05 STAFF VICTIMIZATION

Pursuant to M.G.L. c. 127, § 38D, at the request of any correction officer, or other employee of any jail, house of correction or correctional institution, the Commissioner, Sheriffs or their designees shall provide notice to such officer, or employee of any transfer between such facilities or similar facilities utilized by the Commonwealth or any political subdivision within or without the Commonwealth of a prisoner convicted of an offense against such officer or employee. Such requests shall be made in writing to the Director of the VSU.

- A. If an employee is a registered individual relative to a currently incarcerated inmate, the employee is responsible for contacting the Department VSU and notifying it of his/her registration status.

- B. The VSU shall work with such employee in accordance with the 103 DOC 426, Conflicts Policy. Whenever possible, a documented conflict will result in the inmate being moved to another facility with the same security rating. If this is not possible, consideration should be given to reassigning the staff member to another facility.
- C. The VSU shall provide crisis intervention, emotional support and referral services to all Department employees who request such assistance.
- D. Department employees registered by DCJIS are entitled to the same rights and benefits under M.G.L. c. 258B, § 3(t), and M.G.L. c. 6, §§ 172C through 178A.

407.06 **CONFIDENTIALITY OF REGISTRATION**

Pursuant to 803 CMR 9.03 (1), the information contained in the VNR is not subject to public disclosure under the Massachusetts public records laws, M.G.L. c. 66, § 10 and 950 CMR 32.00 Public Records Access. Information contained in the VNR is presumptively withheld from public disclosure as it contains confidential victim and witness information.

To ensure the confidentiality of information contained in the VNR, only approved staff are authorized to utilize the VNR.

The Director of the VSU will review all requests for VNR access. Approved requests will be forwarded to DCJIS for final authorization. In addition staff shall:

- A. Keep all registration information confidential;
- B. Not disclose in any manner the existence or status of a registration to an inmate or any non-criminal justice representative;

The VSU shall be immediately notified whenever a breach of confidentiality occurs; then in turn, shall notify the registered individual. Pursuant to M.G.L c.6 § 168 and 803 CMR 2.00; DCJIS, through its Criminal Record Review Board, is responsible for investigating complaints of improper access to and dissemination of CORI.

407.07 **DURATION OF REGISTRATION**

Registration of both 178A CORI and notice registration shall remain effective for the natural life of the registered individual or offender, unless cancelled by a custodial or supervising agency, by DCJIS, or by the registered individual.

407.08 **CANCELLATION OF REGISTRATIONS**

Pursuant to 803 CMR 9.09, registration may be cancelled in the following circumstances:

- a. the death of a registered individual;
- b. the death of the offender;
- c. a finding of registration misuse;
- d. a finding that a registered individual has made explicit threats or articulated plans to harm an offender upon the offender's release from custody;
- e. a finding that the purpose of the registration no longer exists; and
- f. the registered individual voluntarily cancels registration.

The DCJIS shall notify the registered individual upon the cancellation of a registration.

The VSU shall process all requests for registration cancellation initiated by the Department.

407.09 PROCEDURES FOR PROCESSING REGISTRATIONS

The Criminal History Records staff shall enter the Probation Central File (PCF) number in the Alias screen in accordance with 103 DOC 417, Criminal History Records Information policy.

The VSU shall reference the Victim Notification Registry Program (VNR) of the DCJIS daily. This is to ascertain whether newly admitted inmates have a prior active registration. Upon the determination that a prior registration exists, the VSU shall update the VNR database.

The VSU shall check the VNR Program daily. The VSU shall enter information in the Inmate Management System (IMS), indicating whether a registration exists.

407.10 DEPARTMENT OF CORRECTION RESPONSIBILITY

The Department shall notify the registered individual:

- A. When the inmate is approved for transfer to a security rating lower than medium. The Department shall notify the registered individual of the pending transfer, by telephone and mail, at least fourteen (14) days in advance of the pending transfer. The Department shall also identify in writing to the registered individual the location of the transfer. If the registered individual responds to the advance notice, the Department, where practicable, shall consider the registered individual's place of residence and/or workplace, if known, for safety purposes. The Department shall also, where practicable, consider the registered individual's concerns regarding the transfer to a security rating lower than medium. In any event, the Department shall refrain from transferring the inmate until all reasonable attempts have been made to notify the registered individual;
- B. When the inmate is approved for transfer to pre-release, the Department shall notify the registered individual of the pending transfer, by telephone and mail, at least fourteen (14) days in advance of the pending transfer. The Department shall also identify in writing to the registered individual, the location of the transfer, a description of the release and program activity; the date, approximate time and anticipated duration of the release

activity; the general location of release and activity within the community; and, the level of supervision the inmate is to receive. If the registered individual responds to the advance notice, the Department, where practicable, shall consider the registered individual's place of residence and/or workplace, if known, for safety purposes. The Department shall also, where practicable, consider the registered individual's concerns regarding the transfer to a less secure facility. In any event, the Department shall refrain from transferring the inmate until all reasonable attempts have been made to notify the registered individual;

- C. When the inmate is approved for a lateral transfer from a pre-release or minimum security, the Department shall make this notification as soon as practicable by telephone and mail;
- D. When the inmate is transferred to out of state/federal custody, the Department shall make this notification as soon as practicable by telephone and mail.
- E. When the inmate is approved for a final discharge, the Department shall provide, at a minimum, a fourteen (14)-day advance notification by telephone and mail.
- F. When the inmate returns to higher security from minimum/pre-release or lower security, the Department shall make this notification as soon as possible by telephone and mail;
- G. When the inmate receives a court ordered release from custody including but not limited to an appeal or a revised and revoked sentence, the Department shall provide immediate notification by telephone and mail;
- H. When the inmate is approved to receive an emergency escorted trip, the Department shall provide immediate notification by telephone and mail;
- I. When the inmate dies, the Department shall make this notification as soon as practicable by telephone and mail;
- J. When the inmate escapes, the Department shall provide immediate notification by telephone and mail. The Fugitive Apprehension Unit shall notify the Duty Station when the inmate has been apprehended. The VSU shall notify the registered individual of the inmate's return;
- K. When the inmate is released from the Massachusetts Treatment Center pursuant to M.G.L, c. 123A, § 9, the Department shall provide notification by telephone and mail.
- L. When the inmate legally changes his/her name through the court process, upon receiving notification from the institution, the VSU shall notify the registered individual and reflect the change in the VNR.

407.11 **DUTY STATION NOTIFICATIONS**

During business hours the VSU shall notify any individual previously approved for such notification by the DCJIS in accordance with 103 DOC 407.10. During non-business hours, the Duty Station shall notify any individual previously approved for such notification by the DCJIS.

In the event of an escape, or release from custody without prior notification, the following guidelines shall be followed.

- A. If verbal notification cannot be made after trying the telephone number(s) of the registered individual in the VNR database, the local police department where the registered individual resides shall be contacted to assist with prompt notification.
- B. The request to the local police department shall be documented in the Applicant Communication Log of the VNR database.
- C. The Director of the VSU shall be notified by the duty station the next business day, and provide follow-up notification by mail to the registered individual.
- D. In the event of an inmate death during non-business hours, the Department Duty station shall notify registered individuals as soon as possible by telephone. The VSU shall provide follow-up notification by mail the next business day.

407.12 INSTITUTIONAL PROCEDURES FOR PROCESSING NOTIFICATIONS

Each Superintendent or designee shall implement the institution's notification process, while the VSU shall make all notifications submitted by the institution.

- A. In circumstances outlined in 103 DOC 407.10(F-L), the institution shall check IMS to determine whether the offender has a registration lodged against him/her. A flag indicates that one or more certified individual(s) exists. If a registration exists, the Notification of Inmate Status Change (NISC) form shall be completed and submitted to the VSU. (Attachment 1) The VSU will be notified electronically via IMS when an inmate is approved for a minimum or pre-release transfer as outlined in 103 DOC 407.10 (A, B & C). The Classification Division shall notify the VSU in the case of an out of state transfer as referenced in 103 DOC 407.10(D). The Central Date Computation Unit will electronically notify the VSU for a release as outlined in 103 DOC 407.10 (E).
- B. The comment section of the NISC form shall be used to note when an inmate receives a court ordered release or a revised and revoked sentence, name change of inmate, place of confinement or supervision to be served upon release, or in any circumstances when additional information is required.
- C. After notification has been made by the VSU, the information shall be recorded in the Applicant Communication Log and, when applicable, the Classification Division shall be notified by the VSU. The VSU shall indicate in the external notification tab in the IMS when the VSU has made a release notification.

- D. The institution shall notify the VSU of any changes in the inmate status that occurs after submitting the NISC form.
- E. The institution shall notify the VSU if a registered individual exists but is not indicated in IMS.

407.13 TELEPHONE, MAIL AND VICTIM NOTE (VNOTE) PROCEDURES

All registered individual(s) shall be notified in accordance with 803 CMR 9.00, Victim Notification Registry (VNR). If an individual requests that only one particular type of notification be used for contact, the Department will comply with that request. The method(s) of notification shall be made as follows:

- A. The VNR database shall be referenced for accurate contact information.
- B. Telephone notification shall be made as soon as possible. Within twenty-four (24) hours of telephone notification or attempt, written notification shall be mailed. Documentation shall be noted in the Applicant Communication Log that notification was either provided or attempted.
- C. Letter notification shall be documented in the Applicant Communication Log screen, indicating the date the letter was mailed to the registered individual(s).
- D. A copy of the notification letter shall be placed in the VSU file. The Applicant Communication Log screen shall be used to document the date the letter was filed.
- E. The inmate shall not be transferred until fourteen (14) calendar days after either obtaining telephone notification or the mailing of written notification. The waiting period shall commence when successful telephone notification has been made, or the written notification has been mailed, whichever one occurs first.
- F. Upon the receipt of a returned envelope from the US Postal Service that is marked with forwarding address unknown or undeliverable, the VSU shall:
 - 1. Query the Registry of Motor Vehicles (RMV) to locate an address.
 - 2. If an active driver's license or Massachusetts I.D. is found for the certified person with a matching date of birth (DOB) and/or social security number (SSN), the address listed shall be treated as valid contact information and the original notification letter shall be forwarded.
 - 3. The updated address information shall be entered into the VNR.

4. If a valid address is not found using the RMV database or the address found in the RMV search is attempted and the letter is later returned with no forwarding address, the certification will be canceled due to lack of contact information.

407.14 PROCEDURES FOR PROCESSING INFORMATION

The VSU shall maintain a copy of any notification letter(s) for four (4) years.

407.15 VINE – VICTIM INFORMATION & NOTIFICATION EVERYDAY

VINE is a private company that provides an automated telephone service for accessing public information relative to a Massachusetts DOC inmate's location. VINE also provides notification of an offender's transfer, release or escape to those registered individuals who are authorized for VINE. The web-based extension of the VINE service is www.vinelink.com.

- A. The VSU shall register all registered (?) individuals for VINE notification. Registration is voluntary.
- B. The VINE system can be accessed by dialing 1-877-421-8463.

407.16 RESTRAINING ORDER

The Criminal History Records staff shall enter inmates with a restraining order into the Legal Issues screen of IMS. The VSU shall run a "Print Legal Issues" report of all newly issued restraining orders on the seventh of each month. The VSU shall contact victims (not registered by DCJIS) with active 209A restraining orders, and assist them in becoming registered.

407.17 TRAINING

Training is a major component of the VSU and is focused on two primary areas, training for Department employees and training for the public and other victim service organizations.

- A. Department Employees - the VSU shall conduct training for all new employees. This training shall include general information about the VSU, its policies, procedures and mission statement.
- B. Training will be provided to staff authorized for VNR access. In addition, staff will sign the VNR authorization form indicating that they have received a copy of, and understand, the agency's VNR policy and 803 CMR 9.00
- C. Additional employee training shall be primarily directed at those individuals involved with victim's issues. The purpose of the training is to sensitize and familiarize personnel to the issues and concerns of victims/certified petitioners. The curriculum includes the following topics: specific services available to crime victims; changes in laws impacting

victims; method(s) of gaining access to the services; confidentiality of victim information; methods for victims to communicate complaints and other concerns; program evaluation measures, which include victim input regarding the effectiveness of services; and, methods for victims to make suggestions regarding Department policies and practices intended to assist crime victims.

- D. The VSU shall conduct annual training opportunities throughout the Commonwealth of Massachusetts to various state and non-profit victim service organizations. These trainings shall include general information about the VSU, notification procedures, and VINE information.
- E. The VSU shall participate in National Victim Rights Week through the annual Massachusetts Office for Victim Assistance (MOVA) sponsored Victim Rights Conference. Further, as directed, the VSU shall participate in various victim fairs, awareness days, conferences and training.

407.18 **VSU SURVEY**

In an effort to ensure the quality of our program, continually improve our services and provide a way for victims to communicate complaints and other concerns, the VSU encourages registered individuals to contact the VSU. This is documented in all notification letters sent to the registered individuals. In addition the VSU conducts a client satisfaction survey. The purpose of the survey is to measure satisfaction levels as it relates to the services provided by the VSU and to request opinions on areas for improvement. A survey is sent once during an initial notification and subsequently every three (3) years. The fact that the survey was sent is then documented in the Applicant Communication Log. The Director of the VSU shall annually generate a report that highlights the survey results.

407.19 **VICTIM/OFFENDER DIALOGUE IN AN INSTITUTION**

The VSU may accommodate, when appropriate, a request from a victim to meet with an offender who has committed a crime against that victim, subject to conditions and restrictions established by the Department.

407.20 **UNWANTED CORRESPONDENCE**

Pursuant to 103 CMR 481, Inmate Mail, all outgoing mail shall be stamped on the reverse side of the envelope with language indicating that the correspondence is sent from a correctional institution. Mail shall be stamped in blue ink only, and the stamp shall read as follows:

This correspondence is forwarded from a Massachusetts Correctional Institution. The contents may not have been evaluated and the Department of Correction is not responsible for the substance or content of the enclosed material. If you have received unwanted correspondence from this inmate, call 1-866-684-2846 to stop future correspondence.

The telephone number provided is the toll free number for the VSU. The VSU shall receive calls to assist individuals in having the correspondence stopped and/or in becoming registered for notification.

407.21 **PRISON RAPE ELIMINATION ACT (PREA)**

The Department is committed to preventing sexually abusive behavior.

All sexual acts between an inmate and a Department employee, contractor or volunteer, or an inmate and an inmate, regardless of consensual status are prohibited and subject to administrative and criminal and/or disciplinary sanctions. The Department is committed to investigating, disciplining, and referring for prosecution, Department employees, contractors, volunteers, inmates who engage in sexually abusive behavior.

The Department is equally committed to providing crisis intervention and ongoing treatment to the victims of these acts.

The Department inmate advocate shall provide information through the investigative process. It is the responsibility of the PREA Manager to notify the Director of the VSU when the services of the inmate advocate are necessary.

VSU services include, but are not limited to:

- A. meeting with the inmate victim;
- B. providing information to the inmate of his/her rights;
- C. providing information to the inmate on the status of the case;
- D. maintaining communication with the inmate during the Department investigation;
- E. coordinating with the District Attorney if a referral is made. The VSU shall work with the assigned advocate from the District Attorney's office; and

407.22 **VICTIM AWARENESS CLASS**

Victim awareness classes are part of the transition workshop attended by inmates prior to their release. This class teaches inmates how crime affects the victim, their family and friends, their community, and themselves. The purpose of the class is to cause inmates to think about the consequences of their actions and to increase the inmate's recognition of the victimization of another, with the aim of reducing recidivism.

407.23 **COURT ASSESSMENTS AND OTHER AUTHORIZED ASSESSMENTS**

Pursuant to 103 CMR 405.78, any and all funds in an inmate's personal or savings account may be expended by the superintendent to satisfy an amount ordered by a court including restitution, fines, victim witness assessments, court costs, etc., notwithstanding the provisions of 103 CMR

405.17 and regardless of inmate consent. Such fines shall be entered into the IMS Sentence Information Screen. Payment of such fines shall be entered in the Inmate Transaction Screen.

In the event of a department wide loss of computer infrastructure; a contingency plan for Continuity of Operations Plan (COOP) is located in the Deputy Commissioner of Clinical Services and Reentry's Office.