

 <div style="text-align: center;"> Massachusetts Department of Correction POLICY </div>		Effective Date 7/2/2025	Responsible Division Deputy Commissioner, Prison Division
		Annual Review Date 7/2/2025	
Policy Name 103 DOC 426 CONFLICTS		M.G.L. Reference: Chapter 30A §§ 1-8; Chapter 124, § 1(q)	
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Attachments Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Library Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Applicability: Staff/Incarcerated Individuals/Civil Commitment	
Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Location: Department's Central Policy File Each Institution's Policy File	
<p>PURPOSE: To provide a mechanism to document verified conflicts that allow for the safety of staff, incarcerated individuals, and civil commitments.</p> <p>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY: Deputy Commissioner, Prison Division Assistant Deputy Commissioner, Northern and Southern Sectors Assistant Deputy Commissioner, Reentry Chief, Office of Investigative Services Superintendents Director of Central Classification</p> <p>CANCELLATION: 103 DOC 426 cancels all previous Department or institution policy statements, bulletins, directives, orders, notices, rules, or standard operating procedures regarding conflicts or enemies between incarcerated individuals, civil commitments and staff, and processes that are inconsistent with 103 DOC 426.</p> <p>SEVERABILITY CLAUSE: If any part of 103 DOC 426 is, for any reason held in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.</p>			

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426.01**DEFINITIONS**

Conflict: A relationship or situation between incarcerated or civilly committed individuals, or between incarcerated or civilly committed individuals and staff members, which may likely result in placing them or other incarcerated or civilly committed individuals or staff members in danger of harm or personal injury, as such, this relationship or situation may pose a threat to the security of the institution.

Immediate/Life Threatening Conflict: Conflicts where information has been received that suggests that an incarcerated or civilly committed individual is in fear for their life, which warrants an immediate staff response. This conflict may involve named enemies or involve incarcerated or civilly committed individuals in fear for their life based on notoriety of their offense or other unconfirmed conflicts.

426.02**IMMEDIATE/LIFE THREATENING CONFLICT**

Upon receiving notice, from any source, such as a staff member, incarcerated individual, civil commitment, attorney, family member, or media representative, indicating an incarcerated or civilly committed individual is in fear for their life, the following steps shall be taken:

- A. The incarcerated or civilly committed individual is to be placed in a secure location, such as the Behavior Assessment Unit (BAU), Booking Area, secure cell, or a secure holding area pending investigation of the potential immediate/life threatening conflict.
- B. The Shift Commander shall notify the Superintendent that an incarcerated or civilly committed individual has been placed in a secure location due to a potential conflict situation.
- C. The Superintendent shall ensure that the matter is referred to the Inner Perimeter Security Team (IPS) who shall conduct an investigation. This investigation shall include:
 1. A detailed interview with the incarcerated or civilly committed individual to determine the nature of the claim and the names of the potential enemies and/or witnesses.
 2. Researching and cross-referencing both internal and external documents and data to include but not be limited to the Inmate Management System (IMS), Use of Force package incident reports, disciplinary reports, investigations, outside Agency reports, media reports, court reports and intelligence information.
 3. Interviewing anyone who may have knowledge of the situation or may offer useful information to include classification and mental health staff.

4. Validation of the information received. To validate a claim, the Investigator must gather all information and evidence then weigh and determine, as best as possible, whether the information is valid and should be relied upon to make decisions regarding the incarcerated or civilly committed individual's status and/or future placement.
 5. The conflict form shall be forwarded to the Superintendent through the IMS notification system. Any hard copy supporting conflict investigative documents not available through IMS shall be forwarded by IPS to the Superintendent for review.
 6. The Superintendent shall review all documentation regarding the conflict, such as disciplinary and incident reports through IMS, as well as any hard copies forwarded by IPS. The Superintendent shall then sign off on each conflict investigation to ensure that each investigation is complete, thorough, and that any and all conclusions are supported by facts.
- D. The Superintendent shall be responsible for reviewing the investigative package and making the following determinations and notifications:
1. That a valid conflict exists and is verified;
 2. That a valid conflict does not exist and is not established;
 3. Staff are notified through the IMS regarding the status of the conflict.
 4. The incarcerated or civilly committed individual shall be notified by IPS when appropriate.
- E. The Superintendent shall review the investigative package and make one (1) of the following decisions:
1. Return the incarcerated or civilly committed individual to population without conditions.
 2. Return the incarcerated or civilly committed individual to population with conditions, e.g., housing unit or room change.
 3. For those incarcerated individuals in minimum or pre-release, return the incarcerated individual to higher custody for further investigation.
 4. Refer the incarcerated individual to institution's Director of Classification to determine an appropriate placement outside of the institution or, in the case of detainees, refer the incarcerated individual to the Classification Division for alternative placement options. Once the classification process

has begun, the incarcerated individual shall not be released and returned to population until the Commissioner's designee reaches a final placement decision and that decision is effectuated or, in the case of detainees, a transfer (if applicable) is authorized by the Commissioner's designee and the transfer takes place.

5. The Superintendent's decision shall be documented in IMS.
6. All incarcerated or civilly committed individuals returning to general population shall be asked to sign a waiver (Attachment #1) requesting population placement.
7. Any conflict shall be noted in accordance with 103 DOC 426.05.

426.03

CONFLICTS BETWEEN INCARCERATED OR CIVILLY COMMITTED INDIVIDUALS

- A. Upon admission to Department custody, incarcerated or civilly committed individuals shall be given the opportunity to inform staff of any relationship or situation where the potential for harm or personal injury exists. This shall normally be reported during the intake process; however, incarcerated or civilly committed individuals are encouraged to report perceived conflicts at anytime during their incarceration. The intake form shall indicate that the incarcerated or civilly committed individual acknowledges an opportunity to report any enemies and was informed that if the incarcerated or civilly committed individual does come in contact with an enemy, it is the responsibility of the incarcerated or civilly committed individual to report such contact to staff.
- B. The incarcerated or civilly committed individual shall report all situations that may jeopardize their safety, particularly those where the incarcerated or civilly committed individual may have been subjected to sexual abuse, sexual assault or pressured for sex. The incarcerated or civilly committed individual shall provide sufficient information so that staff may verify the conflict. An incarcerated or civilly committed individual's claim alone shall not be sufficient to establish a conflict. In situations where the incarcerated or civilly committed individual does not provide sufficient information, a conflict shall NOT be established. As much information as possible regarding the conflict should be noted so that proper validation may occur.
- C. Any staff member receiving information relating to a conflict shall immediately notify the Shift Commander and document such on a confidential incident report. The incident report shall then be forwarded to the Superintendent or designee for verification, validation, and/or investigation.
- D. Once the incarcerated or civilly committed individual has been given the opportunity to initially inform staff of any relationship or situation where a conflict(s) exists, additional conflicts shall only be established as a result of a

situation or relationship that has developed during the incarcerated or civilly committed individual's incarceration unless clear and convincing evidence is presented regarding a previously established and unclaimed conflict. This will prove to enhance the verification process and reduce instances of incarcerated or civilly committed individual manipulation.

- E. In situations where the incarcerated or civilly committed individual has been involved in a verbal or physical altercation with another incarcerated or civilly committed individual, each incarcerated or civilly committed individual shall be interviewed to determine if a conflict exists, as defined in this policy.
- F. The Superintendent shall take necessary steps to keep involved parties separate until the validity of the conflict has been established. If a conflict is found to be valid, the Superintendent shall take whatever steps are necessary to prevent the individuals involved from coming into contact with each other.
- G. Examples of conflicts between incarcerated or civilly committed individual include, but are not limited to:
 - 1. Serious threats to do bodily harm where staff have reason to believe that an assault will be carried out;
 - 2. Serious physical assaults where the other party has intentions to retaliate;
 - 3. Sexual abuse or assault of an incarcerated or civilly committed individual by another incarcerated or civilly committed individual;
 - 4. Crime victim is another incarcerated or civilly committed individual or is closely related to another incarcerated or civilly committed individual;
 - 5. Court testimony against another incarcerated or civilly committed individual.
- H. Superintendents shall ensure that - conflicts between incarcerated or civilly committed individuals are referred to the IPS Team who shall conduct an investigation consistent with 103 DOC 426.02 (C)(1-6).
- I. The Superintendent shall review the investigation and shall determine the following:
 - 1. That a valid conflict exists and is approved.
 - 2. That a valid conflict does not exist and is denied.
 - 3. Staff shall be notified through the IMS.

4. The incarcerated or civilly committed individual shall be notified by IPS when appropriate.
- J. If the Superintendent determines that a valid conflict exists, they must determine whether an excessive risk to an incarcerated or civilly committed individual's health or safety exists. If it does, the incarcerated or civilly committed individual(s) shall be placed in a secure location in compliance with 103 DOC 426.02 (A). If this occurs, the Superintendent shall refer the incarcerated individual to institution's Director of Classification for appropriate placement in compliance with 103 DOC 426.02 (E) (4).
- K. If the conflict does not rise to the level of an excessive risk to an incarcerated or civilly committed individual's health or safety, the Superintendent shall determine the appropriate placement for the incarcerated or civilly committed individual.
- L. It is understood that although efforts are made to collect, maintain, and share information regarding conflicts, there may be occasions where incarcerated or civilly committed individuals may encounter other incarcerated or civilly committed individuals with whom they are currently or in the past been in conflict. It is further understood that if this occurs, incarcerated or civilly committed individuals shall immediately report the encounter to staff and are expected to comply with all Department rules and regulations.

426.04

INCARCERATED OR CIVILLY COMMITTED INDIVIDUAL CONFLICTS WITH STAFF

- A. In a correctional setting, staff must recognize the potential for situations with incarcerated or civilly committed individuals that may result in personal discomfort but may not constitute a legitimate conflict. A staff member with a potential incarcerated or civilly committed individual conflict shall submit a confidential incident report to their respective Superintendent, explaining the potential conflict.
- B. In cases where the incarcerated or civilly committed individual claims a conflict with a staff member, IPS shall interview the staff member to determine whether a conflict exists and if so the seriousness of the conflict.
- C. Familiarity alone between staff members and incarcerated or civilly committed individuals does not constitute a conflict. In order to be considered a conflict, these situations shall be determined to violate the security of the institution or compromise the position of the staff member. Examples of incarcerated or civilly committed individual conflicts with staff may include but are not limited to:
 1. Serious incarcerated or civilly committed individual threat to do bodily harm to staff or family where staff have reason to believe that an assault may be carried out;

2. Staff member or close relative thereof was the crime victim;
 3. Staff member is victim of a serious incarcerated or civilly committed individual assault;
 4. Staff member and incarcerated or civilly committed individual are closely related.
- D. The Superintendent shall ensure that the matter is referred to the IPS Team Commander, who shall conduct an investigation. The investigation shall include:
1. A detailed interview with the staff member involved to determine the nature of the claim and the names of the potential incarcerated individuals, civil commitments, and witnesses.
 2. Researching and cross-referencing both internal and external documents and data to include any relevant incident reports, disciplinary reports, investigations, outside agency reports and intelligence information.
 3. Interviews with anyone who may have knowledge of the situation or can offer useful information.
 4. Validation of the information received. To validate a claim, the Investigator shall gather all information and evidence, then weigh and determine, as best as possible, whether the information is valid and may be relied upon to make decisions.
 5. A completed investigative package, which shall include all supporting documentation, findings, conclusions, and recommendations shall be forwarded to the Superintendent for review.
 6. The Superintendent shall review and sign off on each investigation to ensure that each investigation is complete, thorough, and that any and all conclusions are supported by facts.
 7. The Superintendent shall note their recommendation in IMS and forward the incarcerated or civilly committed individual Conflict with Staff supporting documentation to the appropriate Assistant Deputy Commissioner for final review.
 8. Once the ADC has reached a decision it shall be noted in IMS, which will generate a notification to the Director of the Classification Division and the Superintendent. Once the Superintendent has received a notification, they shall give written notification to the staff member declaring the conflict if the conflict has been approved or denied.

9. Whenever possible, an approved conflict shall result in the incarcerated or civilly committed individual being moved to another institution with the same security rating. If this is not possible, consideration shall be given to reassigning the staff member to another institution or an area of the institution that shall minimize the opportunity of contact between the involved parties.

426.05

DOCUMENTATION OF VALIDATED CONFLICTS

- A. The only individual(s) authorized to document conflict issues in IMS are those individuals authorized to do so by the Superintendent. All conflicts or claimed conflicts shall be documented in the IMS conflict source screen as soon as possible. A notation that the conflict is pending review with IPS is to be entered into the comment field until the final determination has been made.
- B. The authorized staff member shall document the conflict or pending conflict on the appropriate conflict screen in IMS.
 1. If a conflict is established, it shall be noted in IMS as “active.”
 2. If the conflict is not established, “active” should not be indicated. The authorized staff member shall make a notation in the IMS conflict source screen comment section. The notation shall include the incarcerated or civilly committed individual’s commitment number, name, interview date and site. The authorized staff members shall include as much of the matter as may be entered without putting either of the involved parties at risk.
- C. Upon approval of an incarcerated or civilly committed individual conflict with staff, only those conflicts approved by the Assistant Deputy Commissioner, Central Office Classification Division staff shall be responsible for tracking and reviewing the status of these conflicts in IMS. To preserve security and confidentiality, no staff member’s name or the nature of the conflict shall be reflected in IMS. It shall be the responsibility of the affected staff member to notify their Superintendent/Department Head in the event of a transfer to another institution where an incarcerated or civilly committed individual conflict with staff exists.
- D. Each IPS Team shall establish a confidential file that contains all -incarcerated or civilly committed individual conflict investigations. Access to these forms shall be restricted and retained at the initiating site. If needed, access is through the IPS office of the initiating site.

426.06

TERMINATION OF A CONFLICT

- A. IPS shall review all active conflicts on record for an incarcerated individual thirty (30) days prior to the incarcerated individual’s classification review. The IPS

Commander shall print a list of incarcerated individuals who are scheduled for a classification review the following month through IMS.

- B. If an incarcerated or civilly committed individual wishes to have any of the conflicts listed on their record terminated, IPS shall investigate, and if appropriate, interview the incarcerated or civilly committed individual on the other side of the conflict as well. At the completion of this investigation, IPS shall forward only conflicts recommended for termination, along with supporting documentation to the Superintendent for review.
- C. The Superintendent shall review the recommended conflict termination in IMS along with supporting documentation provided by IPS and make a determination to terminate or not to terminate the conflict.
- D. Staff shall be notified whether or not the conflict is terminated by viewing the information in IMS. The IPS Team shall notify the incarcerated or civilly committed individual of any approved termination and update the IMS Conflict Screen.
- E. Conflicts are considered valid for the sentence(s) the incarcerated or civilly committed individual is currently serving. When either incarcerated or civilly committed individual involved in a conflict is released from custody, the status of the conflict for both parties becomes “terminated/released”.
- F. When an incarcerated or civilly committed individual is committed after a break in custody, the admissions staff person shall link their old commitment number to their new commitment number. When these numbers are linked, all conflicts in which the status changed to “terminated” due to release from custody or otherwise, will be changed to “pending”. The IPS Team shall then review the conflicts now pending and recommend whether they shall become “active” or “terminated”. The Superintendent shall then make the final decision on these conflicts.

426.07

EMERGENCIES

Whenever, in the opinion of the Commissioner, a Deputy Commissioner, or the Superintendent, an emergency exists which requires the suspension of all or parts of this policy, a Deputy Commissioner or the Superintendent may order such a suspension except that any such suspension lasting beyond forty-eight (48) hours shall be authorized by the Commissioner.

CONFLICT WAIVER FORM**INSTITUTION:** _____

I wish to be placed or remain in general population at _____. Any and all prior problems I have had with other incarcerated or civilly committed individuals have been resolved.

I hereby relieve the Administration of all responsibilities for my safety when I am returned to general population.

Incarcerated Individual or Civil Commitment Name (printed)
Room #

Commitment #

Incarcerated Individual or Civil Commitment Signature

Date

Witness Signature/Title

Date

REASON FOR WAIVER:

