



Massachusetts
Department of Correction
POLICY

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Policy Name 103 DOC 427 BEHAVIOR ASSESSMENT UNITS	Regulation Reference: G.L. c. 124, §§ 1 a, b, c, g, and q. DOC Policy Reference: 103 CMR 403; 103 DOC 403 SOP; 103 DOC 404; 103 DOC 407; 103 DOC 408; 103 CMR 420; 103 DOC 422; 103 DOC 428; 103 CMR 430; 103 CMR 431; 103 DOC 475; 103 CMR 483; 103 DOC 488; 103 DOC 493; 103 DOC 650; 103 DOC 760
Attachments Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Library Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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<p>PURPOSE: The purpose of this policy is to establish departmental policy and procedure for the transfer, housing, monitoring and release of incarcerated and civilly committed individuals in Behavior Assessment Units (BAUs).</p> <p>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY: Deputy Commissioner of Prisons</p> <p>CANCELLATION: This policy cancels all previous department policy statements, bulletins, directives, orders, notices, rules, or regulations regarding planning which are inconsistent with this policy.</p> <p>SEVERABILITY CLAUSE: If any part of this policy is for any reason held to be in excess of the authority of the Commissioner, such decision will not affect any other part of this policy.</p>	

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DEFINITIONS

Agency Appraisal Team (AAT): A team comprising Superintendents, Division Directors, Assistant Deputy Commissioners (ADCs) (North, South, and Reentry), and Deputy Commissioners (Clinical and Reentry Services, and Prisons) who meet monthly to discuss current BAU placements and the status of their appraisal.

Appraisal: The process by which the IAT reviews the incarcerated or civilly committed individual's behavior(s) which led to BAU placement. The process begins with an initial appraisal that normally concludes within ten (10) business days with a recommendation by the IAT. Should more information be needed to make a recommendation, then the IAT would transition to the subsequent appraisal process provided for in 103 DOC 427.

Behavior Assessment Units (BAU): For purposes of this policy, a Behavior Assessment Unit shall be defined as a housing unit that is not Restrictive Housing, that is used for the assessment of incarcerated and civilly committed individuals who pose an unacceptable risk to the safety, security, and orderly operations of the correctional institution, have a possible personal safety need that needs to be investigated, or who pose a threat to others, and require separation from general population. The goal of this unit is to expeditiously assess an individual's need(s) and determine if a structured program is recommended to address their need(s).

Civilly Committed Individual: For purposes of this policy, the term Civilly Committed Individual shall mean any person admitted for evaluation or civilly committed individual to the Bridgewater State Hospital, any Massachusetts Treatment Center resident who is not serving a criminal sentence, and any person civilly committed to the Massachusetts Alcohol and Substance Abuse Center or MCI-Framingham.

General Population: For purposes of this policy, general population is defined as any housing area, other than a Health Services Unit, a Secure Treatment Unit, a Special Housing Unit, a Secure Adjustment Unit, an Intensive Treatment Unit, or a Behavior Assessment Unit.

Incarcerated Individual. A committed offender or such other person placed in custody in a correctional institution in accordance with law.

Interdisciplinary Appraisal Team (IAT): An IAT is composed of, at minimum, one (1) representative from the following disciplines, with the Superintendent as chairperson: security staff; program staff; treatment providers.

An IAT is responsible for gaining a comprehensive perspective on a BAU incarcerated or civilly committed individual's behavior to identify what, if any, interventions are needed to address the behavior. An IAT determination and recommendations are separate from, and not dependent on, the resolution of

pending disciplinary matters, unless the information necessary for the IAT to make informed determinations will only be available through resolution of the disciplinary matters.

Secure Adjustment Unit (SAU): For purposes of this policy, an SAU, which is governed by 103 DOC 428, *Secure Adjustment Units*, is a highly structured unit that is not Restrictive Housing, which provides access to cognitive behavioral treatment, education, programs, structured recreation, leisure time activities, and mental health services for those incarcerated individuals assessed as needing a specific structured program intervention to support positive adjustment. Individuals are classified to the SAU pursuant to 103 CMR 420, *Classification*.

427.02

BAU PLACEMENT AND RETENTION

A. Placement

1. An incarcerated or a civilly committed individual is placed into a BAU if they require separation from the general population because they pose an unacceptable risk to the safety, security, and orderly operations of a correctional institution, the incarcerated or civilly committed individual is having a possible personal safety need that needs to be verified, the incarcerated or civilly committed individual poses a threat to others, or there is a need to investigate any such matters.
2. Incarcerated or civilly committed individuals shall not be sanctioned to placement in a BAU pursuant to the disciplinary or observation of behavior process. The behavior that resulted in the incarcerated or civilly committed individual's placement in the BAU may separately result in receipt of a disciplinary report, observation of behavior report, and sanction(s); however, such disciplinary/observation of behavior processes shall be handled in accordance with 103 CMR 430, *Inmate Discipline*, or 103 CMR 431, *Observation of Behavior Reports*, as applicable, separate and independent from the BAU process and procedures. The rationale for placement into a BAU shall be documented in IMS. The Superintendent or designee shall approve all BAU placements no later than the next available IAT meeting. The fact that an incarcerated or civilly committed is lesbian, gay, bisexual, transgender, queer, or intersex or has a gender identity or expression or sexual orientation uncommon in general population shall not be grounds for placement in a BAU.
3. Upon admission into a BAU, all incarcerated and civilly committed individuals shall be issued a BAU Orientation Manual. This manual shall include, but not be limited to, the rules and regulations of the

unit. Incarcerated and civilly committed individuals with limited English proficiency as well as incarcerated and civilly committed individuals requiring reasonable accommodations in accordance with the Americans with Disabilities Act (ADA) shall have access to the communication provisions outlined in 103 DOC 488, *Interpreter Services* and 103 DOC 408, *Reasonable Accommodations*, if required or requested.

4. If deemed appropriate, an incarcerated or civilly committed individual may be placed in the BAU for possible personal safety needs while the Department investigates whether there are verified safety needs. If it is determined there are no verified personal safety needs, the incarcerated or civilly committed individual shall be returned to a regular housing unit.
 - a. If it is determined that there are verified safety needs at that particular institution should the incarcerated individual be placed in general population, the incarcerated individual may be held in BAU pending reclassification and transfer of the incarcerated individual to another institution.
 - b. In the event it is determined that the incarcerated or civilly committed individual may have verified safety needs should the incarcerated or civilly committed individual be placed in general population at any Department institution, and no other reasonable alternatives are available, the process set forth in 103 DOC 422, *Department Protective Custody Units*, shall be followed.

B. IAT Initial Appraisal

1. The IAT shall begin an appraisal process no later than three (3) business days from initial placement and conclude within ten (10) business days from placement, unless the IAT has determined no such appraisal is necessary.
2. If it is determined that an incarcerated or civilly committed individual does not need an initial appraisal, the incarcerated or civilly committed individual shall be released to their determined housing unit within three (3) business days, as determined by the Superintendent, or, in the case of an incarcerated individual who was placed in the BAU from a classified SAU, returned to that SAU.

All incarcerated or civilly committed individuals who are determined to need an initial appraisal will be provided a BAU Appraisal Notice (Attachment #1). Incarcerated or civilly committed individuals will have five (5) calendar days to provide

their written response to this notice for the IAT to consider. This notice and any such comments shall be uploaded to the IMS Behavioral Assessment Inmate Information Screen under the document tab.

3. The initial appraisal must include, at minimum, review of the pertinent information, consider any factors that may have influenced the incarcerated or civilly committed individual's behavior(s), and consider any input offered by the incarcerated or civilly committed individual to determine the most appropriate placement to meet their identified needs.
4. The IAT will meet three (3) times per week. This will normally be every Monday, Wednesday, and Friday (excluding holidays, and exigent circumstances. In such circumstances, the meeting will be rescheduled on an alternate day to ensure that the three (3) times per week requirement is met).
5. The IAT will make one of the following recommendations:
 - a. For civilly committed individuals, whether they should return to the general population at their institution or remain in the BAU for a subsequent appraisal.
 - b. For incarcerated individuals,
 - i. The incarcerated individual should discharge to their determined housing unit at their institution or return to their classified SAU;
 - ii. Consider the incarcerated individual for an appropriate SAU program intervention;
 - iii. Consider transferring the incarcerated individual to another institution; or
 - iv. Remain in the BAU for subsequent appraisal.

This initial appraisal shall normally conclude within ten (10) business days of admission to the BAU. The IAT discussions shall be documented in IMS as appraisal notes.

Should an incarcerated individual be removed from their classified SAU and placed in a BAU, and the IAT is unable to determine if the individual can safely return to their classified SAU at the end of the initial appraisal, a subsequent appraisal will be completed as set forth below in 103 DOC 427.02 (C).

C. IAT Subsequent Appraisal

1. After the initial appraisal process is complete, incarcerated or civilly committed individuals who remain in the BAU will transition to the subsequent appraisal process, which shall include the IAT continuing to meet and discuss such individual three (3) times a week in accordance with 103 DOC 427.02 (B)(4), and conducting Sixty (60) Day Subsequent Appraisals, as needed, in accordance with 103 DOC 427.02 (C)(3).
2. The Agency Appraisal Team (AAT) will meet monthly to review the appraisal status of all incarcerated or civilly committed individuals in a BAU over thirty (30) days and other individuals as deemed necessary
3. A Sixty (60) Day Subsequent Appraisal (Attachment #2) shall be conducted within sixty (60) days of initial BAU placement and every sixty (60) days thereafter, in conjunction with the IAT meetings, unless the classification process has been initiated.
4. Prior to each Sixty (60) Day Subsequent Appraisal, the incarcerated or civilly committed individual shall be provided a forty-eight (48) hour written notice of the basis for the continued BAU placement.
5. An incarcerated or civilly committed individual shall have the opportunity to participate in the Sixty (60) Day Subsequent Appraisal in person via video or audio to provide an oral statement in support of or challenging the basis for the BAU placement and to answer any questions the IAT may have. The incarcerated or civilly committed individual may, alternatively or in addition to appearance via video or audio to provide an oral statement, choose to provide a written statement. Any written statement shall be submitted by the incarcerated or civilly committed individual no later than three (3) days after the Sixty (60) Day Subsequent Appraisal. If the incarcerated or civilly committed individual declines the opportunity to participate via video or audio or to provide a written statement, this shall be documented in IMS.
6. The IAT shall document the substance of the incarcerated or civilly committed individual's oral statement(s) made (if any) and the substance of any answers to questions posed by the IAT during the sixty (60) Day Subsequent Appraisal in IMS.
7. Following a Sixty (60) Day Subsequent Appraisal, the IAT will make one (1) of the following recommendations:
 - a. The incarcerated or civilly committed individual should discharge to their determined housing unit at their institution.

- b. Consider the incarcerated individual for an appropriate SAU program intervention;
 - c. Consider transferring the incarcerated individual to another institution; or
 - d. The incarcerated or civilly committed individual should remain in the BAU for further subsequent appraisal.
8. In rendering its recommendation following a Sixty (60) Day Subsequent Appraisal, the IAT shall consider any oral and written statement(s) presented by the incarcerated or civilly committed individual and may consider factors, as deemed appropriate, including but not limited to, whether the conduct at issue was an isolated incident, whether the incarcerated or civilly committed individual has completed any programming pertinent to the conduct at issue, whether the incarcerated or civilly committed individual has explained the reason(s) for the conduct at issue, and whether the incarcerated or civilly committed individual has demonstrated insight into the reasons for the conduct at issue.
9. The completed Sixty (60) Day Subsequent Appraisal Outcome form (Attachment #2) will be signed by the Superintendent or designee and provided to the incarcerated or civilly committed individual. All documentation shall be uploaded in the IMS Behavioral Assessment Inmate Information Screen under the document tab.
10. Retention in a BAU is not dependent upon resolution of pending or unresolved discipline or observation of behavior matters unless the information necessary for the IAT to make informed determinations and recommendations will only be established through resolution of the disciplinary or observation of behavior matters.

427.03

MEDICAL/MENTAL HEALTH

- A. Prior to an incarcerated or civilly committed individual's placement into a BAU, health care staff shall be notified immediately to conduct a health/mental health screening. This screening shall be documented in the IMS Behavioral Assessment Inmate Information Screen.
- B. Prescribed medication shall be distributed as needed within the BAU.
- C. Unless medical attention is needed more frequently, each incarcerated or civilly committed individual in a BAU shall receive a daily visit from a Qualified Healthcare Professional that shall be recorded in the unit IMS Activity Log. The IMS Log entry shall document the medical staff person's name and title, that a full round and medication pass was conducted, and that the medical round was announced prior to being conducted. The

frequency of physician visits shall be determined by the Health Service Administrator (HSA). Incarcerated or civilly committed individuals shall also be seen by a Qualified Mental Health Professional (QMHP) when clinically indicated and at the frequency determined by clinical need (refer to 103 DOC 650.05 (I)).

- D. Once placement in a BAU reaches thirty (30) days, a QMHP shall evaluate the incarcerated or civilly committed individual and complete appropriate documentation in the incarcerated or civilly committed individual's medical record. If placement continues beyond the initial thirty (30) days mental health review, the QMHP shall complete a mental health assessment every ninety (90) days thereafter, except that incarcerated or civilly committed individuals with an identified mental health need, shall have an assessment at least every thirty (30) days thereafter. More frequent assessments shall be completed at the direction of the Mental Health Director when clinically indicated.

427.04

SUPERVISION/ROUNDS

- A. BAU incarcerated or civilly committed individuals shall be personally observed by a Correction Officer at least twice per hour. Security rounds shall be conducted at least every thirty (30) minutes, at irregular intervals, in differing patterns, and be documented in the IMS Unit Activity Log. The documented entry shall include the name of the Correction Officer who conducted the security round.
- B. Captains shall complete daily rounds of the BAU, which shall be documented in the IMS Unit Visitor Log.
- C. Any incarcerated or civilly committed individual whose presentation is deemed concerning shall be referred for assessment by a QMHP in accordance with 103 DOC 650, *Mental Health Services*.
- D. The Correctional Program Officer (CPO) assigned to the BAU shall conduct rounds at least three (3) times per week, which shall be documented in the IMS Unit Visitor Log.
- E. The Chaplain shall conduct at least a weekly visit to the BAU, which shall be documented in the IMS Unit Visitor Log.
- F. Medical/Mental Health rounds shall be conducted in accordance with 103 DOC 427.04 (C), which shall be documented in the IMS Unit Visitor Log.

CONDITIONS OF CONFINEMENT

A. The following conditions apply to all incarcerated or civilly committed individuals who have been placed in a BAU for the reasons delineated in this policy.

1. All cells in a BAU shall provide a minimum of eighty (80) square feet and thirty-five (35) square feet of unencumbered space for the first occupant and twenty-five (25) square feet of unencumbered space for each additional occupant.
2. The institution shall provide cells with living conditions which approximate those of the general incarcerated or civilly committed individual population, consistent with the safety and security of the unit. Planning shall ensure that each cell used permits incarcerated or civilly committed individuals to communicate with staff and has a door which permits observation by staff. Any exceptions shall be documented.
3. Incarcerated or civilly individuals housed in a BAU shall be placed in restraints for out-of-cell movement.
4. Commissary: Incarcerated or civilly committed individuals shall have access to commissary services.
5. Clothing and Personal Items: Incarcerated or civilly committed individuals shall be provided access to clothing and basic personal items for use in their cells, unless there is an imminent danger that an incarcerated or civilly committed individual or any other incarcerated or civilly committed individual(s) will destroy an item or self-injure. Incarcerated or civilly committed individuals housed in a BAU shall have the opportunity to launder or exchange clothing, bedding, and linens on the same basis as the general population. Exceptions are permitted only when deemed necessary by the Officer in Charge (OIC); any exception shall be documented in the IMS Unit Activity Log and justified in writing via an incident report.
6. Hair Care: Incarcerated or civilly committed individuals housed in a BAU shall have access to barbering and hair care services on the same basis as the general population.
7. Hygiene: Incarcerated or civilly committed individuals housed in a BAU will have the opportunity to shave and shower at least five (5) times per week. This must be documented in the appropriate IMS screen.

8. **Out-of-Cell Time:** Incarcerated or civilly committed individuals housed in a BAU shall have the opportunity for a minimum of three (3) hours per day of out-of-cell, which must include the opportunity for a minimum of one (1) hour of outdoor exercise, seven (7) days per week, unless security or safety concerns dictate otherwise.
9. **Telephone:** Incarcerated or civilly committed individuals housed in a BAU are allowed a minimum of four (4) personal telephone calls per week, unless the incarcerated or civilly committed individual is serving a loss of telephone sanction in accordance with 103 CMR 430, *Inmate Discipline* or 103 CMR 431, *Observation of Behavior Reports*, or, as set forth below, on an emergency basis as determined by the Superintendent or designee. Even if a loss of telephone sanction is being served, an incarcerated or civilly committed individual may be permitted to make emergency telephone calls upon the approval of the Superintendent or designee.

Incarcerated or civilly committed individuals in a BAU shall also have access to a telephone to make telephone calls to courts, pre-authorized numbers for attorneys and consular/diplomat offices, and Global Access numbers. Telephone calls to courts, to pre-authorized attorney and consular officer/diplomat numbers, or the Global Access numbers shall not be suspended or curtailed except on an emergency basis as determined by the Superintendent or designee as set forth below. Telephone calls to pre-authorized attorney/consular/diplomat numbers, or the Global Access numbers shall not be subject to telephone monitoring or recording.

A Superintendent or a designee may suspend telephone usage by the incarcerated or civilly committed individual population on an emergency basis when, in the Superintendent's opinion, telephone use by the entire incarcerated or civilly committed individual population presents a threat to the institution's security. After 24 hours, the Superintendent or designee, if necessary, shall authorize a continuation of the suspension of telephone use, to be reviewed every 24 hours thereafter and reauthorized as necessary.

10. **Tablets:** Subject to disciplinary sanctions imposed in accordance with 103 CMR 430, *Inmate Discipline*, privileges to retain multimedia and personal tablets in a cell shall be in accordance with 103 DOC 475, *Tablets*.
11. **Mail:** Incarcerated or civilly committed individuals housed in a BAU shall have the ability to write and receive mail on the same basis as general population incarcerated or civilly committed individuals.

12. Visitation: Incarcerated or civilly committed individuals housed in a BAU shall have the opportunity for visitation in accordance with 103 CMR 483, *Visiting Procedures* unless the incarcerated or civilly committed individual is serving a loss of visitation sanction in accordance with 103 DOC 430, *Inmate Discipline*, or 103 CMR 431, *Observation of Behavior Reports*, or unless there is an emergency.
13. Reading and Legal Materials: Incarcerated or civilly committed individuals housed in a BAU shall have access to reading and legal materials.
14. Food Services: Standard food services shall be made available to incarcerated or civilly committed individual in a BAU, provided their participation is consistent with the safety and security of the institution and its employees. Consistent with 103 DOC 760, *Food Services*, alternative meal service may be provided to an incarcerated or civilly committed individual in a BAU who uses food or food service equipment in a manner that is hazardous or otherwise disruptive to self, staff, or other incarcerated or civilly committed individuals. Incarcerated or civilly committed individuals on alternate status shall receive the same meals as those given to the population. Alternate status is considered the method of delivery and retrieval of the food from the incarcerated or civilly committed individual and not the adjustment to the meal itself. The alternative status shall not exceed seven (7) days.
15. Property: Subject to sanctions imposed in accordance with 103 CMR 430, *Inmate Discipline*, or 103 CMR 431, *Observation of Behavior Reports*, privileges to retain property in a cell, which shall include access to either a radio or a multi-media tablet, shall be in accordance with 103 CMR 403, *Inmate Property*, Standard Operating Procedure.
16. Canteen: Access to canteen purchases shall be in accordance with the items available on the approved list as designated by the unit, which shall be determined based on the security needs of the unit.
17. Whenever an incarcerated or civilly committed individual in a BAU is denied access to an item or activity that is typically authorized, an incident report shall be written to include the incarcerated or civilly committed individual's name, item or activity denied, and the reason for denial. Prior to denying the incarcerated or civilly committed individual's item or activity, the Shift Commander shall notify the unit administrator or Deputy Superintendent for approval. During non-business hours, the Shift Commander shall be notified for

approval prior to the denial. A copy of the incident report is filed in Inmate Management System (IMS) and will be reviewed by the Deputy Superintendent the next business day.

427.06

PROGRAMS AND SERVICES

- A. Incarcerated or civilly committed individuals in the BAU shall have access to a minimum of one (1) out-of-cell wellness group weekly, subject to safety and security concerns, which shall be facilitated by program or treatment staff. This shall be documented in the IMS Daily Log under the program activity description. In addition, incarcerated or civilly committed individuals in a BAU are permitted to meet with members of the program staff upon request.
- B. Incarcerated or civilly committed individuals shall also have access to the following:
 1. Educational Services: If an incarcerated or civilly committed individual, while in general population, was enrolled in an educational program that is offered virtually, the incarcerated or civilly committed individual will be allowed continued participation while in the BAU through use of a program tablet. This shall also apply to an incarcerated or civilly committed individual who was on a wait list for education services and is reached for enrollment while in a BAU.
 2. Personalized Program Plan Programming: If an incarcerated individual, while in general population, was enrolled in a program identified in the incarcerated individual's Personalized Program Plan and the program is offered virtually, the incarcerated individual will be allowed continued participation while in the BAU through use of a program tablet. This shall also apply to an incarcerated individual who was on a wait list for a program identified in their Personalized Program Plan and who is reached for enrollment while housed in a BAU. When engaged in this type of program, they shall have an opportunity to meet with a program facilitator in person to review the program material and their work; this generally will occur one-on-one weekly but could occur in a group format where operationally feasible.
 3. Library services;
 4. Social services;
 5. Counseling services;

6. Religious chaplains for spiritual counseling; appropriate alternatives to corporate worship shall be provided in accordance with the safety and security of the unit; and

7. Recreational activities;

C. Incarcerated or civilly committed individuals in the BAU also have access to their assigned program tablet in accordance with 103 DOC 475, *Tablets*, where they can continue to engage in tablet-based content for self-directed enrichment programming.

427.07

DISCHARGE FROM BAU

Discharge from a BAU within the system:

A. Typically, within ten (10) business days of the incarcerated or civilly committed individual's initial placement in the BAU, the IAT will:

1. Release the incarcerated or civilly committed individual to their determined housing unit;
2. In the case of an incarcerated individual placed in a BAU from a classified SAU, return the incarcerated individual to the SAU to which they have already been classified;
3. Make a specific recommendation to the appropriate level SAU program, and recommend a reclassification hearing to further assess said placement; or
4. Determine that subsequent appraisal is warranted if additional information is needed (e.g., the unresolved discipline or a need for mental health assessment is critical to determining the most appropriate track of programming or whether release to general population in that or another institution is appropriate).

B. For incarcerated individuals sent to the BAU from an SAU, if a decision has not been made to return the individual to their assigned SAU by the conclusion of the initial appraisal and the IAT determines that a subsequent appraisal is needed, the incarcerated individual's SAU status shall terminate. In this instance, a new classification hearing will need to be completed at the end of the subsequent appraisal process, as set forth in 103 DOC 428.09 (C)(3).

C. Upon receipt of necessary additional information during the subsequent appraisal process, as set forth in 103 DOC 427.02 (C)(6) and (7), the IAT will:

1. Discharge the incarcerated or civilly committed individual to their determined housing unit at the institution; or
2. For an incarcerated individual, recommend that a reclassification hearing be scheduled to further assess placement in general population at an alternative institution or an SAU.

427.08

RELEASE FROM CUSTODY

When an incarcerated or civilly committed individual in a BAU is expected to be released to the community within the next thirty (30) days, an email notification from the Deputy Superintendent or designee must be made to the Director of Reentry Services, the ADC of Reentry, the ADC of the sector, Deputy Commissioner of Clinical Services and Reentry, and the Deputy Commissioner of Prisons. This notification shall include the detailed release plan, the institution's plans to continue to work with the individual on any outstanding issues, and their plan to support this plan while in the BAU. All required notifications provided in accordance with 103 DOC 404, *Inmate Release Policy*, 103 DOC 407, *Victim Services Unit*, and 103 DOC 493, *Reentry Policy*, remain in effect. The requirements of this paragraph do not apply to immediate court-ordered releases.

427.09

RECORDS

- A. All activities and events in a BAU shall be documented in IMS including, but not limited to, admissions and releases; unit visitors; unusual events; incarcerated or civilly committed individuals' opportunities for showering, out-of-cell exercise (indoor and outdoor), weekly wellness group, visits, telephone access; and appraisals conducted pursuant to 103 DOC 427.05.
- B. Unit officers are responsible for updating the Daily Activity Log in IMS for all activities offered, noting if the incarcerated or civilly committed individual chose to take the opportunity provided or not, as well as the hours offered out-of-cell. All entries shall be audited by a Captain daily.

427.10

EMERGENCIES

Whenever, in the opinion of the Commissioner or the Deputy Commissioner of Prisons, an emergency exists which requires suspension of all or part of 103 DOC 427, they may order such suspension, provided that any such suspension ordered by the Deputy Commissioner of Prisons lasting beyond forty-eight (48) hours is authorized by the Commissioner.

Behavior Assessment Unit (BAU)
BAU Appraisal Notice

TO: _____

FROM: Superintendent _____
Name/Institution

DATE: _____

RE: Placement in the Behavior Assessment Unit (BAU)

Placement in the Behavior Assessment Unit (BAU) occurs when an incarcerated or civilly committed individual requires separation from general population because they pose an unacceptable risk to the safety, security, or orderly operation of a correctional institution or another individual, or because they communicate a safety need that must be verified, or there is a need to investigate such matters.

On _____ you were placed in the BAU due to:

The purpose of placement in the BAU is to understand what contributed to this behavior, identified risk, or communication of risk, so that the Department may make a placement decision that works to lower that risk. While in the BAU you will first undergo an initial appraisal process, which may result in a release to a general population housing unit, a reclassification board being held to determine the most appropriate intervention to meet your identified needs to lower the above-mentioned risk or a determination that you will remain on the unit for further appraisal if the Interdisciplinary Assessment Team (IAT) requires additional information to make informed recommendations. Those requiring further appraisal will have the opportunity to participate in a Sixty (60) Day Subsequent Appraisal, which will take place at least every sixty (60) days from initial placement. While the appraisal process is informed by the behavior that led to your placement in the BAU, which may include a disciplinary or investigative process, completion of the appraisal is not necessarily dependent on the resolution of these independent disciplinary or investigative processes.

As part of the appraisal process, the IAT will consider your individual strengths, needs, abilities, and preferences in the context of this behavior. This may include a review of your adjustment patterns, (which may relate to engagement in programming), regular visits or communication with community supports, housing changes (between institutions/within the institution), recent incident reports and recent or patterns of disciplinary reports (both formal and informal).

The IAT may also review prior assessments, current medical and mental health needs, substance use needs, and any other information that may help the IAT in making appropriate recommendations. Additional assessments and screening tools may be completed to better understand your current needs, which shall be used for the sole purpose of this behavior appraisal and are independent of any previous assessments.

Delivered By: _____ Date: _____ Time: _____
(staff signature)

Acknowledgment of Receipt: _____ Date: _____ Time: _____
(incarcerated or civilly committed individual signature)

While the IAT reviews available information, you have an opportunity to provide your personal thoughts on this process. Please use this opportunity to provide other information that you think the IAT should consider during the appraisal process, as well as any areas you believe you need to address.

This response is required to be returned to the unit CPO no later than five (5) calendar days from this notice:
_____ to ensure it can be considered in the initial appraisal process.
(date)

Incarcerated or civilly committed individual response:

Incarcerated or Civilly Committed Individual Name: _____
Commitment Number: _____

Incarcerated or Civilly Committed Individual Signature: _____
Date: _____

Staff receipt (include initials): Date:

Reviewed with IAT on:

Date:

48 HOUR NOTICE OF SIXTY (60) DAY SUBSEQUENT APPRAISAL

TO: _____

FROM: _____

DATE: _____

RE: Notice of Sixty (60) Day Subsequent Appraisal

Reason(s) for continued BAU placement:

Current status in appraisal process:

You are hereby notified that a Sixty (60) Day Subsequent Appraisal has been scheduled for:

(Date/Time)

This subsequent appraisal will be used to assist the IAT in making a recommendation regarding placement or programming that is suitable for you. This may require further assessment in the BAU to decide on the recommendation.

You may participate in this appraisal in person via video or audio to make an oral statement in support of or challenging the basis for the placement and to answer questions that the IAT may have, or you may submit a written statement (form attached), or both. If assistance is needed to participate in this appraisal, you may request the use of the language line, American Sign Language (ASL) interpretive services, or a reasonable accommodation pursuant to 103 DOC 408, *Reasonable Accommodations*. Subsequent appraisals, with your participation should you wish to participate, occur no later than every sixty (60) days after initial placement in the BAU.

Signed: _____

Date: _____

Witness: _____

Date: _____

I waive my forty-eight (48) hour notification of my Sixty (60) Day Subsequent Appraisal.

Signed: _____

Date: _____

Witness: _____

Date: _____

Check if incarcerated or civilly committed individual requested:

Language Line ASL Interpretive Services

Other accommodation: _____

Check if incarcerated or civilly committed individual requested to participate via video or audio:

Yes No

Massachusetts Department of Correction
Sixty (60) Day Subsequent Appraisal Outcome

TO: _____

FROM: _____
Superintendent Name/Institution

DATE: _____

RE: Sixty (60) Day Subsequent Appraisal Outcome

You were placed in the Behavior Assessment Unit (BAU) on _____
and your continued placement in the BAU is for the following reason(s):

The following information, including input provided by you, was reviewed during a Subsequent Appraisal conducted on _____.

Incarcerated or civilly committed individual submitted written documentation for consideration:

Yes No

If yes, attach copy of incarcerated or civilly committed individual feedback

Incarcerated or civilly committed individual participated in person via video or audio:

Yes No
 Video Audio

Check here if incarcerated or civilly committed individual declined participation in the Subsequent Appraisal process.

After consideration of available information, including any input you may have provided as part of the appraisal process, the following determination has been made by the Interdisciplinary Appraisal Team:

Release from the Behavior Assessment Unit with transition plan to support positive adjustment in general population.

Program Intervention recommended, classification process to be initiated:

Recommended intervention: _____

Recommended program track: _____

Continued appraisal in the BAU needed to make appropriate recommendation.

The following evidence supports the decision for continued BAU placement:

For those recommended to remain in the BAU, the IAT will continue the appraisal process and consider any information as it becomes available to aid in making a recommendation. A Sixty (60) Day Subsequent Appraisal shall be conducted every sixty (60) days while you are housed in the BAU, unless the classification process has been initiated.

Signature of Superintendent or designee: _____

Acknowledgment of Receipt: _____

Check here if incarcerated or civilly committed individual refused service.

Behavior Assessment Sixty (60) Day Subsequent Appraisal Written Feedback

Please use this form to provide information that you think the IAT should consider during the appraisal process, whether in support of or challenging your placement. Information that can assist in the process of determining the best placement for you may include, but not be limited to, any information that has changed since your appraisal process began, activities you have engaged in since being in the BAU that have had a positive impact (e.g., Wellness group, tablet-based enrichment resources, recreation, mental health meetings, etc.), or any insight you have gained regarding yourself, your goals, or areas you need to address.

This response is required to be returned to the unit CPO within three (3) days of the date of the Sixty (60) Day Subsequent Appraisal to ensure it can be considered in the subsequent appraisal process.

Incarcerated or Civilly Committed Individual Response/Statement:

Name: _____

Commitment Number: _____

Signature: _____

Date: _____

Staff Receipt (include initials): _____

Date: _____

Reviewed with IAT on: