Massachusetts Department of Correction

SEX OFFENDER MANAGEMENT

103 DOC 446

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Attachment I: Treatment Agreement and Waiver

MASSACHUSETTS DEPARTMENT OF CORRECTION	DIVISION: PROGRAM SERVICES
TITLE: SEX OFFENDER MANAGEMENT	NUMBER: 103 DOC 446

PURPOSE: The purpose of this policy is to establish Department of Correction policy for the treatment of sex offenders from commitment to release.

REFERENCES: M.G.L., Chapter 124, section 1 (a), (b), (c), (e), (f), (g), (k) and (l), Chapter 127, sections 48 and 49, Chapter 22C, section 37, and Chapter 6, section 178 and Chapter 123A, and St. 1990, c. 150, §§ 104 and 304.

APPLICABILITY: Staff/Inmates except persons currently committed as sexually dangerous persons (SDPs) or temporarily committed pursuant to the provisions of G.L. c. 123A.

PUBLIC ACCESS: Yes

LOCATION: DOC Central Policy File/Institutional Policy File, Inmate Library.

RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:
Deputy Commissioner, Clinical Services and Reentry Division, Assistant Deputy Commissioner Clinical Services, Director of Behavioral Health, Superintendents

EFFECTIVE DATE: 10/29/2019

CANCELLATION: This policy cancels all previous departmental or institutional policies, policy statements, bulletins, and rules and procedures regarding sex offender management that are inconsistent with this policy.

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.

PRIVATE RIGHT OF ACTION:
Nothing contained herein is intended to confer, or shall be interpreted as conferring, a private right of action for enforcement or damages.

446.01 Definitions

Assistant Deputy Commissioner, Clinical Services (ADC)- The executive staff person who reports to the Deputy Commissioner of Clinical Services and Reentry. The duties of the ADC include, but are not limited to, the management of the Health Services Division, the development of health care policies and the oversight of the Department's health services contracts. The ADC is the designated Correctional Health Authority as provided by 103 DOC 601.01.

Director of Behavioral Health- The Health Services Division clinician who reports to the Assistant Deputy Commissioner of Clinical Services and is responsible for the management and oversight of the Department's mental health care Services.

Inmate Management System ("IMS") - The Department of Correction's automated information system that provides processing, storage and retrieval of inmate related information needed by Department personnel and other authorized users within the criminal justice system.

Sexually Dangerous Person ("SDP"): Any person adjudicated by a court of the Commonwealth to be a sexually dangerous person pursuant to M.G.L. c. 123A and civilly committed to the Department's custody for one day to life, whether or not that person is also serving a criminal sentence.

Sex Offender - An inmate (1) who has ever been convicted of a sex offense defined by M.G.L. c. 6, § 178C, regardless of whether the inmate will be required to register with the Sex Offender Registry Board upon release from custody; (2) who has ever been adjudicated as a youthful offender or as a delinquent juvenile by reason of a sex offense defined by M.G.L. c. 6, § 178C, regardless of whether the inmate will be required to register with the Sex Offender Registry Board upon release from custody; or (3) who has previously been adjudicated as an SDP but has been deemed to be no longer sexually dangerous by a court of the Commonwealth and who continues to serve a criminal sentence in a Department facility.

Sex Offender Treatment(SOT) Provider - The vendor that contracts with the Department of Correction to provide sex offender treatment services at institutions designated by the Department of Correction.

446.02 General Policy

The Department of Correction is committed to the treatment of those individuals who are identified as sex offenders as defined in 103 DOC 446 Sex Offender Management.

446.03 Orientation

1. Inmates identified as sex offenders entering the correctional system for the first time shall receive an initial orientation to the institution that includes a sex offender specific treatment description within thirty (30) calendar days of admission.

2. Sex offenders transferred from other institutions within the correctional system shall receive orientation to the new institution that includes a sex offender specific treatment description within seven (7) calendar days of transfer.

3. Inmates whose sex offender status was not determined upon commitment shall receive a sex offender specific orientation treatment description once they have been identified as a sex offender pursuant to *103 DOC 447 Sex Offender Identification.*

4. The inmate will be provided informational materials regarding the description and accessibility of the SOT at the time of Admission per 103 DOC 401, Booking and Admission. The sex offender specific orientation materials shall include a description of sex offender treatment, eligibility, expectations and enrollment information.

5. At Facilities designated by the Department, the SOT Provider shall provide a semi-annual orientation designed to engage treatment-eligible Inmates who are resistant to sex offender treatment and monthly orientations to non-civilly committed Inmates at the Treatment Center who are resistant to sex offender treatment. The orientation shall include, at a minimum, a description of the purpose of sex offender specific treatment and a description of the structure and expectations of the SOT.

6. Participation in orientation shall be documented in the Orientation Checklist screen in IMS.

446.04 Classification & Program Access

1. Inmates identified as sex offenders shall be eligible for participation in the SOT at five years to their earliest release date.

2. Any inmate who is not identified as a sex offender in 103 DOC 446.01 may apply to participate in the sex offender treatment program.

3. Inmates who agree to participate in the SOT shall read and sign the Treatment Agreement form (Attachment I).

4. Inmates who agree to participate in SOT and who are housed at facilities where SOT is not available shall be scheduled to appear before a classification board within thirty (30) calendar days of signing the Treatment Agreement form for consideration of placement in a Department facility where SOT is available.

5. Inmates participating in the SOT motivation and engagement phase who receive a recommendation from the SOT Provider to continue treatment at the Massachusetts Treatment Center shall be scheduled to appear before a classification board within thirty (30) calendar days of the recommendation for consideration of placement.

6. Inmates who complete SOT at the Massachusetts Treatment Center shall be scheduled to appear before a classification board within thirty (30) calendar days of completion for consideration of placement in a Department facility where maintenance programming is available.

7. In an effort to enhance treatment compliance, sex offenders who refuse to participate in SOT may be subject to loss of job, housing and seniority.

446.05 Treatment

1. SOT shall be facilitated solely by the SOT Provider at sites determined by the Department. SOT shall include non-residential and residential programming.
2. SOT shall also include maintenance programming at sites determined by the Department for sex offenders who have completed SOT. The goal of maintenance programming is to keep sex offenders engaged in treatment throughout their incarceration.
3. The SOT Provider shall work collaboratively with community-based sex offender treatment providers to provide sex offenders with referrals to treatment providers in the community upon release. All referrals and outcomes shall be documented in the IMS Reentry Planning screen.

446.06 Contract Monitoring

1. The Assistant Deputy Commissioner of Clinical Services in conjunction with the Director of Behavioral Health shall be responsible for contract compliance and monitoring the overall quality of sex offender treatment.

    a. The Director of Behavioral Health shall designate staff in the Department of Correction's Health Service Division to conduct systematic audits of SOT at each

facility in which the program is offered, in order to evaluate the access, quality and appropriateness of care for participants. The auditors shall provide a written summary of the findings to the Assistant Deputy Commissioner of Clinical Services, the Director of Behavioral Health, and the Superintendent at each facility where SOT is offered.

446.07 Treatment Records

1. The SOT Provider shall maintain a treatment file for each sex offender involved in SOT. The treatment file shall be initiated when the sex offender begins treatment and shall be updated as the sex offender participates in SOT. The treatment file shall be maintained at the institution where the sex offender is housed while participating in SOT. The treatment file shall be the property of the Department of Correction, and shall consist of all documents, records, treatment assignments, data, etc., generated as a result of the sex offender's participation in treatment. When a sex offender is transferred to a facility where SOT is offered, the treatment file shall also be transferred to the receiving facility. If the sex offender is transferred to a facility where SOT is not offered, his/her treatment file shall be forwarded to the Massachusetts Treatment Center for central filing.

2. Dissemination of SOT records shall be in accordance with 103 CMR 157, *Regulations Governing Access to and Dissemination of Evaluative Information*, and 103 CMR 153, *C.O.R.I.*

3. In preparation for a sex offender's review by the Massachusetts Parole Board, the SOT Provider shall prepare a form detailing the sex offender's status in SOT. Such reports shall be submitted to the institution parole officer one month prior to the sex offender's scheduled parole hearing.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF CORRECTION
Attachment I

TREATMENT AGREEMENT AND WAIVER

I,_____ (name and commitment number), understand that I have been identified by the Department of Correction as a sex offender, and that I have been referred for treatment via Sex Offender Treatment ("SOT"). I agree to participate in such programming designated by the Department of Correction. In doing so, I understand and agree to the following stipulations:

1. I will attend and participate in all aspects of SOT;

2. I understand I will not progress beyond a medium security facility within the DOC unless I participate in SOT and have been cleared from SDP civil commitment proceedings under G.L. c. 123A.

3. I give the Department of Correction permission to share pertinent information concerning my background and criminal record with the designated sex offender therapist to the extent required in effecting my treatment. This includes, but is not limited to, information generated relative to an investigation, tape recorded telephone conversations consistent with 103 DOC 482.10, and the sharing of medical/mental health information, where appropriate, between the Department's contracted health services provider and contracted sex offender treatment provider.

4. I give my designated sex offender therapist permission to share information concerning my progress in treatment and other pertinent evaluative information with the Department of Correction, Probation, Parole, the Attorney General, the District Attorneys, the Sex Offender Registry Board, and any other law enforcement agencies, in order that those agencies may evaluate my appropriateness relative to such issues as classification, housing level, lower security, release, potential civil commitment, post release supervision, and registration as a sex offender.

5. I understand that sex offender treatment is a lifelong commitment, and I agree to continue participation in such treatment upon my release to the community.

6. I hereby consent to these conditions and waive any claims in this regard or in connection with my participation in this program against the Commonwealth of Massachusetts, Executive Office of Public Safety, Department of Correction and its officers, employees and agents.

_____
Inmate name and commitment number Date

_____
Employee Name and Title
Date

original - Sex Offender Treatment File
copy - inmate