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		Annual Review Date 7/2/2025	
Policy Name 103 DOC 459A COMMUNITY ACCESS PROGRAM ELIGIBILITY AND APPLICATION PROCEDURE		M.G.L. Reference: M.G.L., Chapter 123A, §§ 1, 2 and 6A	
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<p>PURPOSE:</p> <p>The purpose of this policy is to establish a Community Access Program (CAP) for individuals who have been adjudicated to be sexually dangerous persons (SDPs) and committed to the Department's custody. The CAP provides an opportunity for approved residents to have supervised access into the community to aid transition and reintegration into the community in a manner that ensures the safety of the public.</p> <p>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:</p> <p>Deputy Commissioner, Clinical Services and Reentry Superintendent, Massachusetts Treatment Center</p> <p>CANCELLATION:</p> <p>This policy cancels all previous departmental or institutional policies, policy statements, bulletins, and rules and procedures regarding the community access board that are inconsistent with this policy.</p> <p>SEVERABILITY CLAUSE:</p> <p>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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459A.01

INTRODUCTION

The Massachusetts Department of Correction (Department) is required by Massachusetts General Law (M.G.L.) Chapter 123A, Section 6A to establish a Community Access Program (CAP) for individuals who have been adjudicated to be sexually dangerous persons (SDPs) and committed to the Department's custody. The CAP provides an opportunity for approved residents to have supervised access into the community to aid transition and reintegration into the community in a manner that ensures the safety of the public. As required by M.G.L. c. 123A, § 6A, a resident who participates in a CAP "shall continue to reside within the secure confines of MCI-Bridgewater and be under daily evaluation" by personnel at the Massachusetts Treatment Center (MTC) for sexually dangerous persons to determine if the resident presents a danger to the community.

459A.02

DEFINITIONS

Commissioner: The chief administrative officer of the Department.

Commissioner's Designee: A Department manager who is authorized by the Commissioner to render final decisions for the Commissioner.

Community Access Board (CAB): A board consisting of five (5) members appointed by the Commissioner whose function shall be to evaluate residents for participation in the Community Access Program and to establish conditions to ensure the safety of the general community. The Community Access Board shall also conduct an annual review of a resident's sexual dangerousness.

Community Access Program (CAP): A program of gradual, supervised, access into the community for eligible residents through participation in activities geared toward establishing and strengthening a network of supports and services to aid in stabilizing the resident's adjustment back into the community when released from civil commitment as an SDP pursuant to the provisions of M.G.L. c. 123A, § 9.

Community Access Program Trip (CAP Trip): A structured, escorted, access into the community which supports and complements an established therapeutic, social, educational, vocational, or employment program identified in the resident's approved Transition Plan.

Concurrent Mental Health Services: Mental health counseling and psychiatric services provided to residents who present with co-occurring mental health issues which are treated separately from but concurrently with the resident's sex offender treatment needs.

Department: The Massachusetts Department of Correction.

Deputy Commissioner of Clinical Services and Reentry: The executive staff person who reports to the Commissioner, and whose duties include, but are not limited to, the management of the Special Programs Division, Assistant Deputy Commissioner of Clinical Services, and the Assistant Deputy Commissioner of Reentry.

Deputy Commissioner of Prisons: The executive staff person who reports to the Commissioner, and whose duties include, but are not limited to, the overseeing of all 15 institutions, and the management of the Assistant Deputy Commissioners of the Northern and Southern Sectors.

Director of Forensic Psychological Services/Chairperson of the Community Access Board (CAB Chairperson): The senior psychologist or psychiatrist employed by the Department and appointed by the Commissioner having oversight of the CAB.

Investigator: A Department employee designated to conduct a thorough, fact-finding process for a specific purpose, usually related to a resident's status, placement, and participation in the CAP.

Electronic Monitoring: A program within the Department that permits structured supervision of the resident, while allowing the resident to re-establish support services within the community and providing for an assessment of the resident's readiness for release from commitment as an SDP.

Medical Provider: The nursing, medical, and psychiatric service providers contracted by the Department to provide medical and psychiatric treatment to residents at the MTC.

Relative: The resident's (1) father, mother, child, brother, sister, husband, wife; or (2), grandparent, uncle, aunt, or foster parent who acted as a parent in rearing the resident, provided that such a relationship can be verified through available documentation.

Resident: For the purposes of this policy, any person committed to the MTC as a sexually dangerous person pursuant to the provisions of M.G.L. c. 123A regardless of the correctional institution in which the person resides.

Senior Clinical Review Team (SCRT): For the purposes of the CAP determination process, the SCRT shall be comprised of the three (3) senior licensed clinical members of the Department's contracted sex offender treatment (SOT) provider responsible for the delivery of treatment services to residents at the MTC. The SCRT must include the contracted provider's Director of Sex Offender Program Services or the Clinical Director, and the Assistant Clinical Director.

Superintendent: For the purpose of this policy, is the chief administrative officer of the MTC, who is appointed by the Commissioner pursuant to M.G.L. c. 125, §2.

Superintendent's Designee: A Department manager who is authorized by the Superintendent to render final decisions for the Superintendent.

Transition Plan: A document prepared by the resident at the end of the most advanced, intensive phase of the SOT provided by the Department's contracted SOT provider that reflects individualized, specific needs to aid in community reintegration. The Transition Plan must delineate the resources, supports, and services the resident will utilize to establish stability within the community and ease transition from a secure and highly structured institution back into the community.

Treatment Team: The clinical staff members responsible for the provision of sex offender treatment services to the resident.

Business Day: Monday through Friday, exclusive of state or federal holidays.

459A.03

ELIGIBILITY

Consistent with M.G.L. c. 123A, § 6A, to be eligible to apply for participation in the CAP, a resident must fall into one (1) of the following categories:

- A. Civil commitment only (never received a sentence for governing offense(s), no remaining prison time in any jurisdiction for any offense, and no pending criminal charges, with or without a bail mitt to include ICE Detainers).
- B. Sentence completed (sentence completed for governing offense(s), no remaining prison time in any jurisdiction for any offense and no pending criminal charges, with or without a bail mitt to include ICE Detainers).

459A.04

QUALIFICATIONS FOR COMMUNITY ACCESS PROGRAM

- A. The resident must have successfully progressed in the most advanced, intensive phase of the sex offender treatment program provided by the Department's contracted sex offender treatment provider and be ready for/or engaging in the maintenance portion of the SOT program. The resident must be engaging in all recommended SOT activities.
- B. The resident must demonstrate the ability to behave as a responsible, active, pro-social member of the resident's housing unit and the MTC. Assessment of how well the resident has met this qualification is based on the clinical judgment of the Director of Sex Offender Program Services

and security staff. The Director of Sex Offender Program Services' assessment will consider reports from the correctional staff and other rehabilitation staff, as well as consider the resident's history of behavioral infractions as documented in incident reports and Observation of Behavior Reports (OBRs). See 103 CMR 431, *Observation of Behavior Reports*. To be eligible for the CAP, the resident must not have been found guilty of an OBR for the twelve (12) months that precede their CAP application and will be comporting their behavior in accordance with the rules and regulations applicable to residents.

459A.05

GRADUATED ESCORTED TRIPS INTO THE COMMUNITY

The resident's supervised access into the community via the CAP will be a graduated process divided into three (3) levels of increasing access to the community of sufficient duration to allow for the resident's adjustment to the experience and regular assessment by the Treatment Team.

<u>LEVEL</u>	<u>MAXIMUM NUMBER OF HOURS PER WEEK</u>
Level I	0 - 7 hours, inclusive of travel time
Level II	8 - 14 hours, inclusive of travel time
Level III	15 - 20 hours, inclusive of travel time

Progression between levels is evaluated by the CAB Chairperson, in consultation with the Treatment Team and Director of Sex Offender Program Services. The CAB Chairperson will make a recommendation for a change (increase or decrease) of the resident's CAP Level to the Superintendent. The Superintendent or designee will authorize all changes in CAP Level. The Superintendent or designee shall notify the resident, the Director of Sex Offender Program Services, and the CAB Chairperson of the determination.

A. Entrance and Exit Procedures

The resident shall receive a personal search prior to exiting the institution and an unclothed search upon arrival back at the institution. The resident is not required to be in restraints at any time during the entrance and exiting process for purposes of CAP only. Prior to exiting, the processing officer shall check the CAP permit against the resident's identification card. Failure to comply with the Department's security procedures may result in suspension or termination of the CAP as well as issuance of an OBR and/or referral for criminal prosecution.

1. Department Staff Escort by Level:

Level I Escorted Trips: The resident will be escorted by two (2) Department staff members who are trained and authorized to

transport and provide care and custody for residents and will be subject to electronic monitoring during CAP Trips.

Level II Escorted Trips: Residents will be escorted by one (1) Department staff member who is trained and authorized to transport and provide care and custody for residents. and will be subject to electronic monitoring while on CAP Trips.

Level III Escorted Trips: Residents will be escorted by one (1) Department staff member who is trained and authorized to transport and provide care and custody for residents and will be subject to electronic monitoring.

2. Sex Offender Treatment Staff Escort (all levels):

At least one (1) staff member from the SOT program must participate in all CAP Trips to observe the resident and document the observations in a clinical note in the resident's electronic medical record. Copies of each clinical note will be disseminated to the Treatment Team, the Director of Sex Offender Program Services, the CAB Chairperson, and the Superintendent within twenty-four (24) hours of the completion of each CAP Trip.

B. Transportation

The resident will be transported in an unmarked Department vehicle driven by a Department staff member who is trained and authorized to transport and provide care and custody for residents. The SOT staff person shall travel in a separate vehicle.

C. Calculating CAP Trip Time

1. The number of hours on CAP Trips shall be calculated for the period of Sunday through Saturday. The Director of Sex Offender Program Services shall designate a specific member of the Treatment Team to track the hours for each CAP Trip and report the hours to the Director of Sex Offender Program Services and the Superintendent. CAP Trip time shall not be cumulative from one (1) calendar week to the next. CAP Trips shall be permitted between the hours of 8:00 AM and 6:00 PM on business days, unless otherwise authorized by the Superintendent or designee for an exceptional reason (all approved releases past 6:00 PM shall be documented and submitted to the office of the Commissioner weekly).

2. A member of the Treatment Team designated by the Director of

Sex Offender Program Services shall maintain a CAP Trip Log for each resident participating in the CAP that shall include dates, times, activities, trip locations, and number of hours granted and used for each CAP Trip. The Director of Sex Offender Program Services shall forward a copy of the CAP Trip Log for each resident participating in the CAP to the Superintendent by Monday of the week after each CAP Trip. The Superintendent or their designee shall review and approve each CAP Trip Log and maintain copies of each CAP Trip Log in the Superintendent's Office.

D. Process for Approval of Individual CAP Trips

1. The resident must submit the itinerary for a requested CAP Trip to their Treatment Team at least fourteen (14) business days in advance of the proposed CAP Trip. Within three (3) business days of receipt of the itinerary, the Treatment Team must submit a written recommendation to the Director of Sex Offender Program Services that the requested CAP Trip be approved or denied.
2. The Director of Sex Offender Program Services must review each requested CAP Trip itinerary and the Treatment Team's recommendation. Within three (3) business days of receipt of the CAP Trip itinerary and the Treatment Team's recommendation, the Director of Sex Offender Program Services must submit a written recommendation to the Superintendent that the CAP Trip be approved or denied. The Director of Sex Offender Program Services' recommendation must include a copy of the CAP Trip itinerary and the Treatment Team's recommendation. The Superintendent or designee must approve or deny each CAP Trip. Such approval or denial is ordinarily expected to be made within three (3) business days of receipt of the Director of Sex Offender Program Services' recommendation.
3. All proposed CAP Trip itineraries must include the following information:
 - a. The resident's name and CAP Level, the CAP Trip location address and telephone number; and the purpose of the CAP Trip.
 - b. The proposed departure time from the MTC, arrival time at the CAP Trip destination, time due to depart destination, and return time to the MTC.
 - c. Route of CAP Trip.
4. If the Superintendent or designee approves the CAP Trip itinerary,

the resident shall be issued a copy of the approved, signed itinerary prior to departing the MTC, which shall serve as the resident's permit while on the CAP Trip. The original approved, signed itinerary shall remain at the MTC's Superintendent's office. A copy shall be filed in the resident's six-part folder. The resident shall keep a copy of the itinerary with the resident during the CAP Trip and give the itinerary to the receiving officer upon return to the MTC.

5. Approved CAP Trip(s) shall only be canceled by order of the Commissioner, Superintendent, or a designee of either. Such cancellation shall be documented and placed in the resident's six - part folder within five (5) business days of the cancellation.
6. CAP Trips already in progress may be terminated by order of the Commissioner, Superintendent, or designee upon receipt of information that the resident has violated the terms of the CAP procedure or for other good cause.
7. Under no circumstances is the resident permitted to leave the Commonwealth of Massachusetts at any time while on a CAP Trip. A resident who leaves an assigned authorized area while on a CAP Trip shall be declared on escape status. While participating in a CAP Trip, the resident shall be subject to the rules and regulations of the MTC, the Department, and the laws of the Commonwealth.

459A.06 **TERMINATION OR SUSPENSION OF CAP**

- A. If a resident fails to conform to the rules and regulations of the MTC or fails to adhere to the conditions of the CAP, the Superintendent shall temporarily suspend the resident's CAP pending investigation. The Superintendent shall assign an Investigator or other Department staff person to investigate the incident(s).
- B. If the resident pleads guilty to or is found guilty of an offense identified in the OBR regulations for the conduct, the Superintendent shall terminate the resident's CAP. If the CAP is terminated, the resident may reapply for the CAP no sooner than twelve (12) months after the termination.
- C. If the resident is not issued an OBR or is not adjudicated as guilty of an offense identified in the OBR regulations, the Superintendent shall review the reason(s) for the resident's failure to conform to the rules and regulations of the MTC and shall consult with the Director of Sex Offender Program Services and the CAB Chairperson and such other persons as the Superintendent deems appropriate to evaluate the resident's

continued participation in the CAP, including whether modification of the resident's CAP level is appropriate.

- D. Residents participating on CAP Trips and who have probation conditions shall not associate with other known felons, ex-felons, or other persons known to be involved in illegal activity while on CAP Trips and shall adhere to all applicable conditions

459A.07 **COSTS**

Medical expenses for substantial injuries or illnesses to the resident that require immediate or emergency attention while the resident is on a CAP Trip shall be considered the responsibility of the Department's contracted healthcare vendor.

459A.08 **THE TRANSITION PLAN**

- A. It is the responsibility of the eligible and qualified resident to complete a Transition Plan. As a measure of readiness and treatment integration, the resident shall prepare the initial draft of the Transition Plan independent from the input of the resident's Treatment Team and peers. A resident with demonstrated conditions that impact the resident's level of cognitive functioning may be given the level of input deemed appropriate by the Treatment Team. The resident shall then present the initial draft of the Transition Plan to the resident's primary SOT group and Treatment Team. Once the resident has presented the draft Transition Plan and incorporated feedback, the resident must submit the written Transition Plan to the Treatment Team for review. If the Treatment Team deems the Transition Plan to be complete, the Treatment Team shall forward the completed Transition Plan to the SCRT for review. If the SCRT approves the Transition Plan, the SCRT shall forward the Transition Plan to the Director of Sex Offender Program Services for review. If the Treatment Team, SCRT, or Director of Program Services does not approve the Transition Plan, the Transition Plan shall be returned to the resident with feedback of the areas to be addressed.
- B. If the Director of Sex Offender Program Services approves the Transition Plan, the approved Transition Plan shall serve as the resident's application for the CAP. The resident may then submit the approved Transition Plan to the CAB, which shall schedule a review as set forth in this procedure.
- C. Prior to approving a Transition Plan, the Treatment Team, the SCRT, and the Director of Sex Offender Program Services shall ensure that the resident meets the requirements for CAP eligibility and qualifications set forth in this procedure. In addition, the Treatment Team, the SCRT, and the Director of Sex Offender Program Services shall ensure that the Transition Plan reflects the individualized needs of the resident.

- D. The Transition Plan must delineate the programming and support activities the resident seeks to establish and utilize, including examples of each, via the CAP. The Transition Plan must include a delineated plan to address a need(s) specific to the resident that may not be commonplace in most residents. At a minimum, the Transition plan must include:
1. Identification of a comprehensive and personalized plan that includes behavioral goals regarding the management of risk of relapse behaviors.
 2. Identification of vocational/educational services and training.
 3. Identification and utilization of community support services and involved agencies (*e.g.*, welfare, charitable, and healthcare agencies; Sex Offender Registry Board; Probation Department; police department(s) for notification).
 4. Identification of outpatient sex offender treatment.
 5. Substance use treatment and Alcoholics/Narcotics Anonymous.
 6. Identification of healthy family and social supports.
 7. Identification of appropriate housing options.
 8. Exposure to routine interaction with the public.
 9. Secure a Massachusetts Registry of Motor Vehicle identification.

459A.09

COMMUNITY ACCESS PROGRAM APPLICATION PROCESS

- A. The resident requests an outline of a Transition Plan from the Treatment Team. within three (3) business days, the Treatment Team shall inform the Director of Sex Offender Program Services and the CAB Chairperson of the name of each resident requesting the Transition Plan outline and the date of the request.
- B. The resident presents the initial draft of the Transition Plan to their primary SOT group.
- C. After receiving and incorporating feedback from the primary SOT group, the resident presents the completed Transition Plan to the Treatment Team. If the resident is receiving concurrent mental health services and/or treatment for medical condition(s), the Treatment Team shall consult with the assigned mental health clinician and medical provider when

considering the Transition Plan. The Treatment Team must submit a written report of its findings and recommendation to the Director of Sex Offender Program Services and the CAB Chairperson. The names and recommendations of each Treatment Team member must be included in the written report. The Treatment Team's report must document a thorough review of the resident's sexual offenses, treatment history, and institutional conduct. The Treatment Team's written report and the Transition Plan shall be maintained in the resident's electronic medical record.

1. If the Treatment Team Rejects the Transition Plan:

If the Treatment Team rejects the Transition Plan, the Treatment Team shall return the Transition Plan to the resident with written recommendations for modification of the Transition Plan.

2. If the Treatment Team Approves the Transition Plan:

If the Treatment Team approves the Transition Plan, the Treatment Team forwards the approved Transition Plan and its written report to the Senior Clinical Review Team (SCRT) chaired by the Director of Sex Offender Program Services.

D. The SCRT shall review the Transition Plan which review shall include an interview of the Treatment Team and the resident. The Director of Sex Offender Program Services shall submit the Transition Plan and a written report of the SCRT's recommendation with respect to the Transition Plan that includes a thorough review of the resident's sex offenses, treatment history, SCRT findings, and rationale to the CAB Chairperson. The Transition Plan and SCRT's written report shall be maintained in the resident's electronic medical record.

1. If the SCRT Rejects the Transition Plan:

If the SCRT rejects the Transition Plan, the SCRT shall return the Transition Plan to the resident with written recommendations for modification of the Transition Plan.

2. If the SCRT Approved the Transition Plan:

Upon receipt of an approved Transition Plan and the written reports of the Treatment Team and the SCRT, the CAB Chairperson shall schedule a CAP review meeting. The CAB Chairperson shall provide written notice of the date of the CAP review to the resident, the Treatment Team, and the Director of

Sex Offender Program Services at least three (3) days in advance of the CAP review. The CAB shall interview the Treatment Team, the Director of Sex Offender Program Services, the Resident, and such other persons as the CAB Chairperson deems appropriate during the review. The CAB's deliberations shall be conducted with only the deliberating CAB members present. The resident must attend and participate in the full clinical interview with the CAB. Should the resident refuse to attend or to participate in the full clinical interview with the CAB, the CAP application shall be denied.

- E. The CAB Chairperson will author a CAP Review report documenting the findings of the Board recommending either approval or denial of the Transition Plan, the rationale for the recommendation, and recommendations for conditions to ensure the safety of the general community, if the CAB is unanimous in recommending approval or denial of the Transition Plan. In the event of a split vote, the CAB Chairperson shall designate a professional Board member to author the majority opinion and a professional Board member to author the minority opinion. The CAB Chairperson shall provide a copy of the written report(s) to the Superintendent, the Director of Sex Offender Program Services, and the resident. A copy of each CAB report shall be maintained in the resident's six-part folder and electronic medical record.

1. If the CAB Recommends Denial of the Resident's Transition Plan:

The resident may reapply for the CAP no sooner than twelve (12) months from the date of the CAB's CAP review.

2. If the CAB Approves the Transition Plan:

The CAB Chairperson shall submit the Transition Plan, the Treatment Team's written report, the SCRT's written report and the CAB's report(s) to the Superintendent who shall review all relevant materials. The Superintendent or designee shall conduct an investigation of the resident to determine if the resident has a significant history of escape, a significant history of assault on staff members or other persons while incarcerated or civilly committed, and to assesses all other relevant security considerations. If the Superintendent denies the resident's Transition Plan, the resident may reapply for the CAP no sooner than twelve (12) months from the date of the CAB's CAP review.

- F. The Superintendent shall submit a written recommendation to the Deputy Commissioner of Prisons and Deputy Commissioner of Clinical Services and Reentry for final recommendation to the Commissioner. The Superintendent shall transmit a copy of the CAB's written report(s), the Treatment Team's written report, and the SCRT's written report. If the Commissioner denies the resident's Transition Plan, the resident may reapply for the CAP no sooner than twelve (12) months from the date of the CAB's CAP review.

459A.10

TIME PARAMETERS FOR APPLICATION PROCESS

The time parameters set forth below are ordinarily to be observed. The time parameters may, however, be suspended or extended, if information considered relevant by the Treatment Team, the SCRT, the CAB, or the Superintendent has not been provided by the resident, or in the event of an emergency (as defined by the Commissioner, the Superintendent, or their designees).

- A. The Treatment Team will conduct a review of the completed Transition Plan and will issue its written report documenting the findings of their review within fourteen (14) days of its receipt of the Transition Plan.
- B. The resident may appeal the Treatment Team's denial to the SCRT. The appeal must be in writing and must state the specific ground for the appeal. The resident must submit the written appeal to the Director of Sex Offender Program Services within fourteen (14) days of the issuance of the Treatment Team's report. The resident's written appeal must be maintained in the resident's electronic medical record. There is no additional level of appeal.
- C. The SCRT must rule on the appeal of the Treatment Team's denial within fourteen (14) days of the date of the appeal. The Director of Sex Offender Program Services must document the SCRT's findings in a written report which shall be provided to the resident. The SCRT's written report must be maintained in the resident's electronic medical record.
- D. If the Treatment Team approves the Transition Plan, the Treatment Team must forward its written report to the SCRT for review within thirty (30) days of the Treatment Team's review. The SCRT will conduct its review of the Transition Plan within fourteen (14) days of the receipt of the approved Transition Plan from the resident's Treatment Team. The Director of Sex Offender Program Services will furnish the CAB Chairperson with the SCRT's report within fourteen (14) days of the SCRT's review.
- E. The CAB Chairperson will schedule a CAP review meeting for the

resident to be conducted within twenty-one (21) days of receipt of the Transition Plan and the written reports of the SCRT and Treatment Team.

- F. The CAB Chairperson shall issue the written report(s) of the CAB's findings within thirty (30) days of the CAP review. If the CAB recommends approval of the Transition Plan by a majority or unanimous vote, the CAB Chairperson shall submit the CAB report(s), the reports of the SCRT and Treatment Team, and the approved Transition Plan to the Superintendent for consideration.
- G. The Superintendent shall submit the written recommendation within fourteen (14) days of receipt of the information listed in the preceding paragraph to the Deputy Commissioner of Prisons and Deputy Commissioner of Clinical Services and Reentry for final recommendation to the Commissioner for final determination within fourteen (14) days.

459A.11 **ELECTRONIC MONITORING (ELMO)**

A resident participating in the CAP shall be subject to the Departmental electronic monitoring on every CAP Trip. Use of ELMO provides an additional layer of security for the safety of the general public.

459A.12 **NOTIFICATION OF CAP TRIPS**

- A. As required by M.G.L. c. 123, § 6A, the Superintendent shall provide written notice of each approved CAP Trip to the persons and agencies listed in this section. Such notice shall be given at least three (3) days prior to each CAP Trip. No CAP Trip shall commence unless all required notices have been given. The Superintendent shall provide notice of each CAP Trip to the following persons:
- B. The Colonel of the Massachusetts State Police.
- C. The Attorney General.
- D. The Chiefs of Police in the cities and towns where the resident is expected to engage in any activity during the CAP Trip, the police department of the town of Bridgewater, and the police department of the city or town from which the commitment originated.
- E. The District Attorney for the District from which the resident was committed.
- F. The employer for whom the resident will be working during their CAP Trip.

- G. The Superintendent or Director of any educational institution which the resident will be attending during their CAP Trip.
- H. The Secretary of the Executive Office of Public Safety and Security.
- I. The Commissioner.
- J. The Massachusetts Probation Service if the resident has a probation sentence to serve after release from civil commitment.
- K. Victims to the extent allowed by law, or if the victim is deceased, to the parent, spouse, or other member of the immediate family of such deceased victim.

All notifications required by this paragraph shall be in writing and may be transmitted by electronic mail.

459A.13 **PROGRAM VIOLATION**

If a resident engages in behavior which is not an approved part of the Transition Plan or other behavior which compromises public safety or the management of the CAP during a CAP Trip, the correctional staff escorting the resident on the CAP Trip shall immediately suspend the CAP Trip and return the resident to the MTC. The correctional staff shall immediately report the behavior to the shift commander who shall inform the Deputy Superintendent of Operations, Deputy Superintendent of Reentry, and the Superintendent. The resident shall not be eligible to participate in any CAP Trips until approved by the Superintendent, subject to the procedures set forth in this policy.

459A.14 **ESCAPE PROCEDURES**

A resident on a CAP Trip shall be declared to have escaped if:

- A. The resident fails to arrive at the approved location or leaves the approved activity without authorization and cannot be located within two (2) hours.
- B. The resident refuses to return to the MTC after having been ordered to do so.
- C. The resident fails to return to the MTC within two (2) hours of their return time.
- D. The resident leaves the boundaries of the Commonwealth of Massachusetts.

Notwithstanding the above, the Superintendent may declare a resident to have

escaped at any time if, in the opinion of the Superintendent, sufficient evidence exists to reasonably conclude that the resident has escaped. Upon declaration of an escape, the Shift Commander shall act in accordance with 103 DOC 550, *Escape Policy*.

459A.15

CAP TERMS AND CONDITIONS

The resident must agree to abide by the CAP Terms and Conditions which will be set forth in a written document to be signed by the resident before the first CAP Trip. The CAP Terms and Conditions will include the following:

- Agreement to abide by all CAP policies and procedures.
- Acknowledgement that the CAP can be suspended or terminated at any time for violation of any of the CAP policies or procedures.
- Agreement to participate in substance use monitoring.
- Agreement to use of an electronic monitor.
- No contact with any child under the age of eighteen (18).
- The resident will not make, or attempt to make, contact with the resident's victim(s) or their family members either directly or indirectly.
- The resident will obey all municipal, county, state, and federal laws.
- The resident will abide by any dress code established by MTC staff for the CAP Trip.
- The resident will not call, or attempt to call, any sexually explicit "900" type numbers nor will the resident use a computer to access sexually explicit chat rooms or materials by internet.
- The resident will have contact with family members only with the approval of the MTC staff.
- The resident will abstain from the use of any tobacco products, alcoholic beverages, and drugs unless the drugs have been prescribed for the resident's use by a licensed medical provider.
- The resident will not go to an establishment that has as its primary purpose the service of alcoholic beverages.
- The resident will not use a fictitious name.
- The resident will not use a post office box.
- The resident will not possess any sexually explicit photos, magazines, video recordings, or other material.
- The resident will not possess a weapon.
- The resident will participate in a polygraph upon request by MTC staff.
- The resident will comply with all treatment recommendations.
- The resident will comply with all MTC and Department regulations, policies, and procedures.
- The resident will not associate with known sex offenders except in an approved treatment program.
- The resident will not possess children's clothing or toys.
- The resident will not wear or possess costumes, masks, etc.

- The resident will participate in sex offender and other treatment programs that have been approved by the treatment provider.

If the resident participates in any treatment as part of the CAP, the resident will sign a release to permit MTC staff to obtain copies of their treatment records and to communicate with their outside treatment providers about their treatment. The treatment records received from the outside treatment providers will be available for review in the same manner and to the same extent as medical, mental health, and SOT records maintained by the Department's clinical services vendor(s).