

# **VOLUNTEER ORIENTATION HANDBOOK**



**MASSACHUSETTS DEPARTMENT OF  
CORRECTION**

Updated  
January 14, 2025

## TABLE OF CONTENTS

TOPIC	PAGE
Introduction	3
Recruitment of Volunteers	3
Vision / Mission Statements	4
Overview of the Department of Correction	5
Volunteer's Line of Supervision	6
Incarcerated Individual Confidentiality / CORI	7
Entrance Procedures	8
Institution Counts	11
Incarcerated Individual Movement	11
Emergency Procedures	12
Interaction with Media	13
Interaction with Staff	14
Interaction with incarcerated individual's or ex- incarcerated individuals	14
Reentry Volunteers	15
Prison Rape Elimination Act & Sexual Misconduct	15
Prevention and Elimination of Workplace Violence	15
Anatomy of a "Set-Up"	16
Guidelines for Volunteers	18
Volunteer Dress Code	20
Volunteer Code of Ethics	21
Standard Volunteer Application - Attachment A	22
Agreement to Abide by Rules - Attachment B	26
Release of Liability - Attachment C	27
Standard Volunteer Certification - Attachment D	28
Personal Data Release Form - Attachment E	29
Volunteer Emergency Personal Information - Attachment F	30
Standard Volunteer Renewal Form - Attachment G	31
Volunteer Conflict of Interest Form - Attachment H	32
Prison Rape Elimination Act (PREA) - Attachment I	33

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## INTRODUCTION

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Welcome to the Department of Correction!

We want to thank you for your willingness to be a volunteer. We highly value the important contribution you make in helping us fulfill our commitment to assist incarcerated individuals in their reentry to society.

We realize that your time is valuable and therefore appreciate your attendance at this orientation program. This training has been specifically designed to assist you in becoming familiar with the correctional environment. Through this training, you will be given the knowledge and tools you will need to effectively and safely volunteer in a Department of Correction institution.

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## RECRUITMENT OF VOLUNTEERS

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It is the policy of the Department of Correction to recruit volunteers from all cultural and socioeconomic segments of the community.

As a volunteer you serve as a positive role model from whom incarcerated individuals can learn to behave and communicate pro-socially. You bridge the gap between incarcerated individuals and the community. The value and impact you have on their lives cannot be measured.

Additionally, you are of tremendous assistance to the Department by supplementing the programs offered to incarcerated individuals or providing new services, thereby increasing the incarcerated individual's options to gain new skills.

We trust that your time as a volunteer will be a positive and rewarding experience for you.

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## VISION STATEMENT

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We are professionals committed to an open and respectful organization dedicated to public safety through the safe, secure, humane confinement and successful re-entry of our incarcerated individual population.

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## MISSION STATEMENT

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Our mission is to promote public safety by managing incarcerated individuals while providing care and appropriate programming in preparation for successful reentry into the community.

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## CORE VALUES

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### **A Commitment to Public Service:**

#### **Responsible**

Accountable for your actions.

#### **Respectful**

Treat others as you want to be treated - Golden Rule.

#### **Honest**

Having the courage to do the right thing.

#### **Caring**

How you do your job and the impact it has on others.

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## OVERVIEW OF THE DEPARTMENT OF CORRECTION

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The Massachusetts Department of Correction is part of the Criminal Justice System. Police investigate and arrest based on enforcing the laws of the Commonwealth. The court system tries individuals before a jury of their peers, and if found guilty, impose a prison sentence.

An incarcerated individual given a state prison sentence for committing an offense is placed in the Department of Correction custody, while an incarcerated individual serving a lesser sentence is placed in a County Jail or County House of Correction. Individuals can also be civilly committed to the Department at one of four institutions: Massachusetts Alcohol and Substance Abuse Center, Massachusetts Treatment Center, Bridgewater State Hospital, and MCI-Framingham.

The correctional system, with a uniformed branch of correctional officers, incarcerates and “corrects” individuals for reintegration into society through programming and reentry initiatives. incarcerated individuals who commit crimes while in prison or who escape are subject to administrative disciplinary process and court hearings.

Until the 1980s, the Department of Correction came under the umbrella of the Executive Office of Human Services. The Department now falls under the Executive Office of Public Safety and Security as the agency is considered part of the criminal justice system rather than a social service entity. Even though part of the Department’s mission is to correct criminal behavior, the Department incarcerates individuals to protect the public. The court, not the Department, sets punishment. The role of the Department is to be fair and consistent as it carries out sentencing.

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## THE VOLUNTEER'S LINE OF SUPERVISION AND COMMUNICATION

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Volunteering in a correctional environment is a unique experience. Because this environment is unfamiliar to most people, a line of supervision and communication has been established to help you function in your new role.

**Institutional Volunteer Services Coordinator** – A member of the staff of a correctional institution designated by the Superintendent, responsible for the coordination of volunteers and volunteer programs for that particular institution. This person is your direct contact with the institution.

**Director of Treatment** – The individual designated by the Superintendent to coordinate and supervise all programming services and volunteer services coordinators at the institution.

**Security Staff** – The individuals responsible for the orderly running of the institution under the supervision of the Shift Commander. They may prohibit entry or temporarily cancel a program or discontinue a volunteer's participation if it interferes with the ability to maintain control of the population or affects the safety of the institution. They are responsible for your safety as well.

**Superintendent and Deputy Superintendent** – The Chief Administrative Officer of the institution and his/her Deputies. These individuals are responsible for the operations of security and treatment in all Department facilities.

**Director of Volunteer Services** – The Program Services Division employee designated by the Director of Program Services responsible for the coordination of volunteer services for the Department of Correction.

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## INCARCERATED INDIVIDUAL CONFIDENTIALITY / CORI

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Massachusetts General Laws and a number of policies protect incarcerated individuals right to confidentiality. As staff members for the Department, we are required with protecting their rights and require the same from you.

**Definition of Criminal Offender Record Information (CORI):** Records and data in any communicable form compiled by a Massachusetts criminal justice agency which concern an identifiable individual and relate to the nature or disposition of a criminal charge, an arrest, a pre-trial proceeding, other judicial proceedings, sentencing, incarceration, rehabilitation, or release. Such information shall be restricted to that recorded as the result of the initiation of criminal proceedings or any consequent proceedings related thereto.

“Records and data” include name, location, picture, and fingerprints. “Communicable form” includes verbal or written. “Identifiable individuals” includes name, alias, picture and nature of the crime and nickname (such as the Boston Strangler).

**Purpose of CORI:** The purpose of the CORI laws is to protect those who become involved in the criminal justice process from the distribution of information concerning their cases. This provides not only for their safety but also for the protection of victims, family, and friends.

**Information protected by CORI:** Information protected by CORI is records and data that set forth facts and results of movement through the criminal justice process. Photographs and identifying information are also protected. Information not protected by CORI includes that information which is covered by public record statutes.

**Penalties for CORI Violations:** Any person who willfully violates the provision of the CORI laws will be subject to a fine of not more than \$5,000.00 for each offense or imprisonment in a jail or House of Correction for not more than one year for each offense or both. Through experience we have discovered that the less information you have concerning an individual the more effectively you can interact with them as a volunteer. This has proven true in part because the facts of the case will not then prejudice your involvement. If you have a need to access information concerning an incarcerated individual, you should do so through the Director of Treatment.

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### **Cases Where Confidentiality Does Not Apply:**

**Volunteers are not ordinarily utilized to gather information about incarcerated individuals. This would hamper your efforts and ours to communicate with the incarcerated individual population.** There are some areas, however, where confidentiality does not apply, and we would expect you to notify us. These areas are:

1. An incarcerated individual indicates that he/she is a threat to his/her own life or someone else's.
2. An incarcerated individual is planning an escape, disturbance, or commission of a crime.
3. Suspicion of child abuse.
4. Specific knowledge of details of a crime for which the incarcerated individual was never prosecuted.

**You should discuss these matters with the Institutional Volunteer Services Coordinator and the Director of Treatment.**

**In the first two cases where an incarcerated individual poses an immediate threat, you should not wait but notify the nearest correctional staff member immediately.**



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## ENTRANCE PROCEDURES

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The Massachusetts Department of Correction is charged not only with public safety, but also with the safety of the incarcerated individuals in our care. In order to maintain the orderly running of the institution and to facilitate volunteer participation, it is necessary that all rules and regulations be followed:

**All Volunteers Shall:**

1. Be at least 21 years of age and present themselves at the control center for identification and sign-in purposes. Information provided when signing in shall include: (1) full name, (2) residence, (3) reason for visit [name of program], (4) and answer to "Have you been convicted of a felony?"
2. Valid identification shall include: (1) full name, (2) photograph, (3) date of birth, (4) Identification Number w/expiration date, (4) social security (optional). A current driver's license or passport will be sufficient. The shift commander in Outer Control has the right to deny any individual entry who cannot produce sufficient identification or whose purpose for entry may be suspect.

The only personal items allowed into the institution are a medical bracelet, religious medallion, and wedding ring. Prior written authorization from the Superintendent, Deputy Superintendent, or Director of Security is necessary for any other items. Any item not expressly allowed is considered contraband.

While on the property, your vehicle must be locked. Refrain from carrying into the institution unnecessary, unapproved, or illicit items – known as "Contraband" i.e., pens, books, paperwork, etc., that have not been previously approved. Cellular phones cannot be brought into the institutions. Please secure all items not essential for your program in a locker provided. The security staff will inspect all items brought into the institution. The introduction of any item (contraband) into the institution without prior written authorization, or removal of same from the institution is a felony and punishable under statute MGL, C. 268, Section 26 and 28.

Prescribed medication should not be brought into the institution. If you have a condition that requires the regular taking of medication, you should keep your medication locked in your car. If you have medication that requires it be kept on your person (such as nitroglycerin pills, sugar tablets and inhalers) you must

notify the Director of Treatment so that he/she can obtain prior written approval from authorized staff.

At any time that the correctional staff suspects that you may be under the influence of drugs or alcohol, your entry into the institution may be suspended.

### **Program Materials:**

All materials being brought into the institution for programming must be pre-approved including, but not limited to videos, audio CD's, books, writing materials and handouts. The Director of Treatment will make the necessary arrangements for their clearance into the institution. If your program requires distribution of materials to incarcerated individuals, they must be pre-approved by the Director of Treatment.

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### **Searches:**

Upon entry to a correctional institution, both you and your vehicle may be subject to being searched. This may include the use of a metal detector, pat search, or inspection by trained canine. These are all considered normal correctional procedures. All volunteers must successfully pass through the metal detector before being allowed to enter the institution. Upon entering each volunteer will be asked to remove his/her belt, shoes, outerwear (i.e., coats, sweaters, etc.). An officer will inspect the collar, sleeve cuffs, waistband, and pants cuff/hemline.

If you are unwilling to allow a search to take place, you will be asked to leave the property and your continued participation as a volunteer may be affected.

### **Strip Search:**

Under extenuating circumstances, you may also be requested to submit to a strip search. The following must take place for this to occur:

1. The shift commander must be informed and present in Outer Control.
2. You must sign a written consent form.
3. The search must take place in a private area. Two correctional officers of the same gender that the volunteer identifies as will be involved in the search. One correctional officer to conduct the search and a second correctional officer to supervise the procedure.

Please remember that these search procedures are to protect you, correctional staff, and the incarcerated individuals from harm.

### **Location of Program:**

Once you have signed in, you will be advised as to what area has been designated for your use. In some institutions you may be escorted by a designated correctional staff member to the assigned room, in other institutions that is not the case. Room assignments may change depending upon the need of the institution. If you have any concerns with your room assignment, you should notify the Director of Treatment. It is important that you do not move to another area during the program without the authorization of correctional staff. In the event of an emergency, the correctional staff will expect you to be in your assigned area.

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The following are some precautionary procedures you must follow:

1. A permanent volunteer or Department staff person must accompany a first-time volunteer to the program.
2. Do not go into a room alone.
3. Do not go into or remain in darkened room.
4. Do not have the door closed if you are the only volunteer.
5. If you must leave the room, let another volunteer or correctional staff member know where you are going and for how long.

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### **Institution Counts**

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Official incarcerated individual counts are conducted at predetermined times throughout the day and evening hours at each institution.

Official counts are conducted six times a day, three of which that occur during times that volunteers may be in the institution: 11:15 a.m., 4:00 p.m., and 9:30 p.m. Once the count has begun, there is no incarcerated individual movement. Staff and volunteer movement are also limited during count times.

Census/accountability counts, those that occur at unscheduled times, will occasionally be taken throughout the institution. Incarcerated individuals found out of place during the census/accountability count may be subject to disciplinary action. When a census/accountability count is called, all movement is frozen until the count is cleared. Incarcerated individuals can't enter or leave that program during this time. This means that incarcerated individuals who "just stop by for a minute or to ask one question" may be in violation of policy. When security staff announces counts, volunteers must adhere to the procedures regarding incarcerated individual accountability explained in this handbook.

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### **Incarcerated Individual Movement**

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The amounts of time in which incarcerated individuals are allowed to enter and exit controlled areas within the institution are strictly adhered to. Each movement period coincides with the work and program schedules.

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All incarcerated individuals must have a Department issued picture I.D. Any incarcerated individual who does not have a Department issued picture I.D. will not be allowed to leave his/her unit. The only exception will be if an incarcerated individual is issued an authorized movement pass.

Incarcerated individuals are to retain their picture I.D. on their person at all times. Picture I.D.'s are to be worn below the shoulders and above the waist on exterior of clothing, visible to staff at all times.

Staff is required to view each incarcerated individuals picture I.D. prior to allowing access to any building or area. When an incarcerated individual wants to move from one destination to another, he/she is required to return to his/her Housing Unit (except during evening medication distribution) to receive authorization to do so during movement times only.

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## EMERGENCY PROCEDURES

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Staff is trained to deal with emergencies ranging from fires to medical problems, fights, riots, escapes, disturbances, institution failures, etc. Volunteers must not interfere with our implementation of emergency procedures.

**Your first step in any emergency is to notify the nearest correctional staff member. He/she will instruct you from there.**

### **Fire:**

You should make yourself familiar with the evacuation routes and areas in the building or room in which you are located. In the event of a building evacuation, you may be required to evacuate as well as the incarcerated individuals, especially if security staff is conducting a count to ensure that the fire was not started to divert attention from an escape or other type of disturbance.

### **Medical Emergency:**

The Department utilizes the term **Code 99** to designate a life-threatening medical emergency. Even if you have been trained in CPR or First Aid, you should first notify correctional staff before attempting to perform lifesaving measures on an incarcerated individual. This is for your safety for the incarcerated individual population has a higher potential for exposure to communicable diseases and the correctional staff has been trained in the proper handling of these situations. Staff is aware of the location of protective equipment.

### **All Emergencies:**

Please recognize that your program may have to be moved or cancelled in the event of an emergency. Please immediately follow the instructions given to you by staff. Please refrain from asking questions until the emergency is under control and the institution has returned to normal operations. It may be necessary to detain you temporarily if we are missing an incarcerated individual.

In the event of a hostage situation, every effort will be made to ensure your safety. However, in the event that a volunteer or staff is held hostage, it is the policy of the Massachusetts Department of Correction not to accede to incarcerated individual demands.

### **Inclement Weather:**

There may be rare instances in which the institution is locked down during severe inclement weather. In the event of a heavy snowfall, etc., you should contact the institution prior to leaving for your program to ensure that entry will be allowed. In any situation in which you feel road conditions may be hazardous for driving, please remain home. Your safety is of primary importance and programming can be re-scheduled.

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### **INTERACTION WITH THE MEDIA**

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Due to the privacy rights of both staff and incarcerated individuals and the serious nature of correctional issues, each request for access to any employee or volunteer with the Department as an official who has been authorized to speak on the Department's behalf shall be directed to the director of public affairs and be evaluated by the director of communications and outreach. The director of public affairs shall coordinate the interview upon the approval of the employee, Commissioner, and the superintendent of the employee's institution if the result of the interview does not:

- (a) Violate any employee's privacy rights;
- (b) Violate an incarcerated individual's privacy rights; or
- (c) Interfere with the orderly operation of a correctional institution.

Those employees designated by the Commissioner to respond to news media inquiries have the permission to speak on behalf of the Commissioner or Department in an official capacity and are obligated to adhere to the privacy rights of incarcerated individuals as well as fellow employees. Any employee not designated by the Commissioner to respond to news media inquiries is not speaking on behalf of the Department nor acting in the capacity of Department spokesperson.

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## INTERACTION WITH STAFF

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Interaction with staff must be professional at all times. Please do not have a confrontation with or challenge a staff member's authority in front of incarcerated individuals. If you have an issue with a staff member that you cannot resolve privately with him/her, you will need to discuss it with the Director of Treatment. If it cannot wait, you should ask to speak with the Shift Commander. Also, please be sensitive to the fact that conversations may be overheard.

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## INTERACTION WITH INCARCERATED INDIVIDUALS OR EX- INCARCERATED INDIVIDUALS

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The Department's Professional Boundaries Policy (103 DOC 225) establishes the professional boundaries between volunteers with incarcerated individuals, incarcerated individual families and friends of incarcerated individuals. A volunteer must not associate with, accompany, correspond, or consort with any incarcerated individual or ex- incarcerated individual except for a chance meeting without specific approval of the Superintendent. A volunteer must not personally intercede for an incarcerated individual regarding release or outside employment, nor endorse a petition for granting parole, pardon, commutation, or judicial matters, without the permission of the Commissioner or his designee. Any other outside incarcerated individual contact must be reported to the Superintendent as soon as possible. Treat all incarcerated individuals impartially; do not grant special privileges to any incarcerated individual. Conversations with incarcerated individuals' visitors shall be limited only to that which is necessary to fulfill your official volunteer duties.

### **Suspension from Programs:**

In any instance where the safe and controlled functioning of the institution is thought to be affected, any staff member may temporarily suspend a volunteer. Any suspension or limitation of entry will be reported via an incident report. Only the Superintendent has the right to permanently suspend a volunteer. Please remember you are held to the same standards as employees regarding your conduct with incarcerated individuals. The following are specific violations that may result in suspension:

1. Violation of institution rules or regulations;
2. Failure to provide services agreed upon with the institution;
3. Participating or encouraging activities that are determined to be a threat to the security of the institution;
4. Use of program as a visit. You may volunteer or you may visit an incarcerated individual, you cannot do both;
5. Corresponding with an incarcerated individual via mail;
6. Telephoning an incarcerated individual. Volunteers cannot be on an incarcerated individual's PIN list (Department approved list of incarcerated individuals contact telephone numbers);
7. Sending money or gifts to incarcerated individuals.
8. Accepting phone calls or making phone calls on behalf of an incarcerated individual.

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### **REENTRY VOLUNTEERS**

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The Department recognizes that permanent volunteers who work within the Department and seek to provide supportive services to, and/or to mentor, released incarcerated individuals as part of their affiliation with a community based, reentry related organization, can serve as positive role models and ensure continuity of care and successful reintegration.

Community based, reentry related organizations shall include, but not be limited to, the following:

- a. Faith based organizations;
- b. Behavioral health, i.e., substance abuse treatment, medical, and mental health based organizations;
- c. Veteran groups;
- d. Human service organizations;
- e. Career and employment organizations;
- f. Post-Secondary Partners.

Permanent volunteers seeking to serve as Reentry Volunteers shall submit a Reentry Volunteer Application (attachment k) to their Institutional Volunteer Services Coordinator. The applicant shall also submit a letter of support from the identified community based, reentry related organization.

Permanent volunteers shall not be considered for reentry volunteer status until they have provided at least one year of active volunteer services with positive evaluations.



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## **THE PRISON RAPE ELIMINATION ACT (PREA) & SEXUAL MISCONDUCT**

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The Prison Rape Elimination Act and the Department's policy regarding staff sexual misconduct with incarcerated individuals (103 DOC 519) mandates zero tolerance toward all forms of sexual abuse and sexual harassment. The policy provides a framework for preventing, detecting, and responding to such conduct. A volunteer who engages in sexual abuse shall be prohibited from contact with incarcerated individuals. It is the responsibility volunteers to report any sexual misconduct observed or reported between staff and incarcerated individuals or volunteers and incarcerated individuals. The Department shall take appropriate remedial measures and shall consider whether to prohibit further contact with incarcerated individuals, in the case of any violation of agency sexual abuse or sexual harassment policies by a volunteer.

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## **PREVENTION AND ELIMINATION OF WORKPLACE VIOLENCE**

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It is the policy of the Massachusetts Department of Correction to prevent and eliminate workplace violence and to ensure that Department employees, contractual staff, and volunteers work in an atmosphere free from such violence (103 DOC 237). All employees, contractors and volunteers are prohibited from engaging in workplace violence and to prevent workplace violence against such individuals on Department property. All allegations and incidents of violence or threatened workplace violence must be reported before leaving the facility, reviewed, and treated in a serious manner. Such reports will remain confidential unless disclosure becomes necessary. This policy does not apply to incarcerated individual violence, which is addressed by other Department policies.

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## ANATOMY OF A "SET-UP"

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Volunteering with an incarcerated individual population could present situations that would not be encountered when volunteering with another group. One such situation is being manipulated by incarcerated individuals into doing something you would otherwise not do, usually something illegal or against institutional rules. This is called a "set-up". The anatomy of a set-up is as follows:

### The Team:

1. Observers – incarcerated individuals who act as "data collectors", watching for signs of volunteers ignoring the rules, playing favorites or who appear gullible or weak.
2. Contacts – incarcerated individuals who are conversational "data collectors", trafficking in gossip and small talk to compile information about an intended "victim" (likes, dislikes, habits, and alliances).
3. Runners – incarcerated individuals who are recruited to do certain tasks, such as seek small favors from the intended "victim" (pencils, paper, etc.). These incarcerated individuals may not be in on the scam but are part of the testing process.
4. Turners – incarcerated individuals who are specialists. They get into the good graces of the intended "victim", seeking a lever to turn the volunteer against the system. They use careful probes and psychology. They capitalize on the volunteer's gripes against the system and use praise ("best volunteer in the joint"). They try to get the volunteer to believe that the system does not appreciate them, only the incarcerated individuals do. They generally become progressively more familiar and friendly. They eventually seek the volunteer to "look the other way" permitting some license or liberties which may be portrayed as "in the volunteer's interest" ("I'm going to straighten out that nuisance incarcerated individual for you".)
5. Point Men – incarcerated individuals who acts as lookouts, guarding posts to cover illegal transactions between incarcerated individuals and the "victim"

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### Ten Steps to an Incarcerated Individual Set-Up:

1. Observation – observing volunteers’ body language, action and conversation. In a correctional environment, an incarcerated individual’s survival is almost completely dependent on powers of observation; therefore he/she excels in this area.
2. Victim Selection – seeking characteristics that make the set-up easier. Incarcerated individuals may capitalize on race, ethnic or neighborhood ties.
3. Testing Limits – nudging rules or tolerance levels to see how far they can get before being told “no”.
4. Developing Support System – building the volunteer’s ego, developing trust.
5. Create Empathy or Sympathy – playing on the volunteer’s sympathy, getting the volunteer to believe that he/she is indispensable.
6. Plea for Help – telling the volunteer “I want to change my life”, sharing confidences as a way to cement ties between them and the volunteer.
7. Separate Volunteer from Staff – getting the volunteer to believe that staff is not supportive of him/her, “they’re wrong about you, we like you”.
8. Offer Protection – staging events and then offering to take the heat or deal with the situation.
9. Physical Contact – touching or developing sexual relationships to probe weaknesses in this area.
10. Isolating the Volunteer – pulling the volunteer away from staff and other volunteers via the rumor clinic.

If the above ten steps appear favorable, the “victim” is ready for the “turn-out”, getting him / her to commit an illegal act usually in the form of bringing in contraband or doing favors.

### The “Turn-Out”:

1. Usually, the volunteer will be manipulated into initially doing something that appears harmless but is against the rules.
2. This in turn creates a lever or motivator for the incarcerated individual(s) to control the volunteer.
3. The volunteer is then presented with a shopping list – this exposes the set-up.
4. The incarcerated individual(s) will then threaten to expose or cause physical harm to the volunteer if the demands are not complied with, making it too difficult for the volunteer to turn back. The volunteer sees no other alternative but to comply.

If you feel that you are being manipulated in the above manner, please notify the Director of Treatment or Volunteer Coordinator to discuss the situation. If it is of a nature that cannot wait until the next business day, please notify the Shift Commander.

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#### **GUIDELINES FOR VOLUNTEERS**

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1. Divide your attention among many incarcerated individuals. An individual may misinterpret your attention. Also, by making an incarcerated individual feel special, you subject him/her to potential harm in the population.
2. Turn the conversation away from intimate subjects immediately. If the conversation persists, excuse yourself and go talk with someone else or the group leader.
3. Do not allow physical contact other than the shaking of hands.
4. Resist the ego trip you can get from an incarcerated individual's attention. Be careful not to lead the incarcerated individual on with your words or actions.
5. Do not share personal information with any incarcerated individual.
6. Do not give out your home address, organizational address, or post office box.
7. Do not correspond with an incarcerated individual.
8. Be suspicious of your motives and re-examine them carefully. If you discover

that you are unwilling to share what has gone on between you and an incarcerated individual with a group leader or with your significant other, the relationship may be damaging to you and the incarcerated individual.

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Special concerns for volunteers who volunteer with incarcerated individuals of the opposite sex:

Please realize that, through no fault or encouragement on your part, an incarcerated individual may still:

1. See you first as a partner and second as a representative of the group;
2. Consider you as a potential girlfriend/boyfriend, even if you are married;
3. Discuss your words and actions with friends after the meeting;
4. Fantasize about the scope and extent of your relationship;
5. Label you "his/her property", threatening others who try to talk to you.

Remember that at the end of the meeting you return to a full, busy life. The incarcerated individual must return to his/her restrictive world. Do not allow his/her memories of you to override the message that you bring with your program.

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## DRESS CODE FOR VOLUNTEERS

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The attire of volunteers is important in establishing professional boundaries with incarcerated individuals. For this reason it is important that a professional appearance be maintained at all times. Volunteers must wear clothing that is clean, pressed, and in good repair. This clothing must not be overly casual or inappropriate for wearing in a correctional environment. It is not the intention of this section to dictate fashion or taste but to provide a framework within which professional attire is attained. Clothing that is not appropriate for wearing in a correctional environment includes but is not limited to:

- a. Jeans or any clothing made of denim of any color
- b. Sweat clothing
- c. Warm up suits
- d. Tee shirts
- e. Transparent or sheer clothing and low cut clothing tops
- f. Shorts
- g. Tank tops and halter tops
- h. Slogans on clothing except for discrete manufacturer's logos
- i. Visible underwear
- j. Sneakers, work boots, dress sandals, casual sandals, strappy shoes, shoes with a division or thong between the toes, shoes with a heel greater than 3.5" in height. Open-toed shoes (not sandals) which can be secured to the back of the foot are permitted. Be mindful that your footwear should be professional and business-like.
- k. Extremely tight or loose fitting clothing
- l. Short skirts and dresses
- m. Shirts and blouses which leave any portion of the midriff exposed

Regarding questionable attire, the Shift Commander will be the final approving authority.

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## VOLUNTEER CODE OF ETHICS

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Volunteers shall dress in appropriate, professional attire.

Volunteers shall not do personal favors or errands for any incarcerated individual.

Volunteer shall not discuss staff, other incarcerated individuals or prison issues with incarcerated individuals, staff or others. The Department Public Information Officer and the Superintendent shall approve all media information in advance.

Volunteers shall not converse with incarcerated individuals about their personal lives.

Volunteers shall respect the confidentiality of incarcerated individual. They are legally guaranteed their privacy.

Volunteers shall leave nothing in the institution for incarcerated individual use without explicit permission, even though permission had been granted to allow it in.

Volunteers shall take nothing including letters in or out of the institution without prior authorization.

Volunteers shall not donate money, food, or items to individual incarcerated individuals. All donations of materials to the institution require authorization in advance.

Volunteers shall not handle institutional keys.

Volunteers shall cooperate fully with any correctional staff while on the grounds of the institution.

Volunteers shall not bring food into the institution.

Volunteers shall not visit incarcerated individuals. A need to see incarcerated individuals prior to any group meeting requires authorization from the Director of Treatment.

Volunteers shall not provide professional services that require outside licensing or certificates unless they have the proper documentation and are authorized to perform these services by the staff.

Volunteers shall keep physical contact with the incarcerated individuals to a minimum.

Volunteers shall abide by all state and federal laws, the rules and regulations of the institution and the Volunteer's Code of Ethics.

In the event you become involved in the Criminal Justice System, immediately report this to the Director of Treatment.

**STANDARD VOLUNTEER APPLICATION  
THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF CORRECTION**

Attachment A

**Date:** \_\_\_\_\_

**Full Name:** \_\_\_\_\_  
Last First Middle Initial

**SSN:** \_\_\_\_/\_\_\_\_/\_\_\_\_ (Optional)

**DOB:** \_\_\_\_\_

**Race:** American Indian/ Native Alaskan ☐ Asian ☐ Black ☐  
Native Hawaiian or Pacific Islander ☐ Hispanic ☐ White ☐

**Gender:** Male ☐ Female ☐

**Home Address:**

\_\_\_\_\_  
Street Apt#

\_\_\_\_\_  
P. O. Box

\_\_\_\_\_  
City State Zip

**Phone:** Home/Cell : (\_\_\_\_) \_\_\_\_\_ **Work** (\_\_\_\_) \_\_\_\_\_

**Email:** \_\_\_\_\_

**Occupation:** \_\_\_\_\_

**Business Address 1:**  
\_\_\_\_\_

**Business Address City:**  
\_\_\_\_\_

**Business Address State:** \_\_\_\_\_ **Business Address ZIP** \_\_\_\_\_

**Business Address Phone:** \_\_\_\_\_

**Name of Employer:** \_\_\_\_\_

**Length of Time w/Employer:** \_\_\_\_\_



Foreign Languages: Speak ☐ Write ☐

Have you ever been convicted of a felony? Yes ☐ No ☐

If Yes, what for? \_\_\_\_\_

Where? \_\_\_\_\_

Have you ever done volunteer work before? Yes ☐ No ☐

If yes, where and how long? \_\_\_\_\_

Have you ever worked with incarcerated individuals before? Yes ☐ No ☐

If yes, where and how long? \_\_\_\_\_

When are you available to volunteer?

Availability:	Sun	Mon	Tues	Wed	Thur	Fri	Sat
Morning	___	___	___	___	___	___	___
Afternoon	___	___	___	___	___	___	___
Evening	___	___	___	___	___	___	___

---

Do you have access to a car? Yes ☐ No ☐

If Owner of a car, Registration Number:

\_\_\_\_\_

Driver License Number (SSN optional): \_\_\_\_\_

---

Does this volunteer job require any type of license or certification?

Yes ☐ No ☐

How did you hear about this volunteer opportunity?

\_\_\_\_\_

Briefly describe why you are interested in becoming a volunteer with the Department of Correction:

\_\_\_\_\_

\_\_\_\_\_

**Are you visiting, have you visited, or are you corresponding with an incarcerated individual confined in any institution of MA Department of Corrections?**

Yes ☐ No ☐

---

**If yes, please explain/identify the incarcerated individual (s):**

\_\_\_\_\_

---

**Please list any known family, friends, or associates who are currently confined to any institution of the MA Department of Correction:**

\_\_\_\_\_

**Have you ever been employed by the MA Department of Correction?**

Yes ☐ No ☐

**If yes, please explain:** \_\_\_\_\_

\_\_\_\_\_

---

**Do you have any life-saving medications (nitro pills, inhalers etc) that you will need to keep on your person during your volunteer group?** Yes ☐ No ☐

**If yes, please provide a description of the Medication:**

---

**References:**

1. Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

2. Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

3. Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

4. Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_

I hereby certify that information on this application is accurate to the best of my knowledge. I understand that all information on the application is subject to verification, and I consent to such verification as may be necessary in reference to my volunteer work.

Signed: \_\_\_\_\_

---

For office use only (do not write below this line):

Application Received: \_\_\_\_\_

Volunteer Coordinator: \_\_\_\_\_

Approved ☐ Denied ☐

Date \_\_\_\_\_

Director of Treatment: \_\_\_\_\_

Approved ☐ Denied ☐

Date \_\_\_\_\_ -- and / or --

Deputy Superintendent: \_\_\_\_\_

Approved ☐ Denied ☐

Date \_\_\_\_\_

Appeal Only:

Superintendent: \_\_\_\_\_

Approved ☐ Denied ☐

Date: \_\_\_\_\_

Orientation Date: \_\_\_\_\_

Volunteer Assignment (Schedule):

\_\_\_\_\_

**AGREEMENT TO ABIDE BY RULES AND REGULATIONS  
THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF CORRECTION**

I understand that as a permanent volunteer I agree to abide by The Rules and Regulations Governing all Employees of the Massachusetts Department of Correction, all applicable laws, policies and procedures governing persons within a state correctional facility.

I understand that if a friend, neighbor, relative, significant other or acquaintance becomes incarcerated in the MA Department of Correction I am obligated to report this information to the Superintendent or his/her designee. I understand that I must not associate with, accompany, correspond, or consort with any incarcerated individual or ex- incarcerated individual except for a chance meeting without specific approval of the Superintendent. I understand that I must not personally intercede for an incarcerated individual regarding release or outside employment, nor endorse a petition for granting parole, pardon, commutation, or judicial matters, without the permission of the Commissioner or his designee. I understand that any other outside incarcerated individual contact must be reported to the Superintendent as soon as possible. I understand that I must treat all incarcerated individuals impartially and should not grant special privileges to any incarcerated individual. I also understand that I must not utilize the internet and/or other social media networks to publicize or post my experience as a volunteer. I also understand that I must not post or comment on any materials written by or about an incarcerated individual.

I understand that a violation of The Rules and Regulations Governing all Employees of the Massachusetts Department of Correction, all applicable laws, policies and procedures may result in suspension and/or termination of my volunteer status.

Name: \_\_\_\_\_

(Print)

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

cc: Volunteer Services Coordinator

**RELEASE FROM LIABILITY  
THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF CORRECTION**

I, \_\_\_\_\_ have been approved by the Superintendent  
(Print Name)

of \_\_\_\_\_ to work on a voluntary basis as a volunteer  
(Correctional Facility)

at the correctional facility. Neither the Department as an agency of the Commonwealth, nor any correctional facility, employee, agent, or representative of the Department may be held liable for any harm or injury of any nature occurring during the performance of the above-mentioned volunteer service, except as expressly set forth by the laws of the Commonwealth of Massachusetts, including but not limited to M.G.L. c. 258.

\_\_\_\_\_  
Volunteer Signature

Date

\_\_\_\_\_  
Witness

Date

cc: Superintendent

**STANDARD VOLUNTEER CERTIFICATION**  
**THE COMMONWEALTH OF MASSACHUSETTS**  
**DEPARTMENT OF CORRECTION**

This is to certify that \_\_\_\_\_ has satisfactorily completed the orientation program for volunteers and volunteer programs of the Department of Correction.

\_\_\_\_\_ shall be afforded all privileges accorded volunteers at a state correctional institution.

\_\_\_\_\_  
Volunteer Coordinator / Director of Treatment

Institution: \_\_\_\_\_

Date: \_\_\_\_\_

Renewal Date: \_\_\_\_\_

cc: Superintendent



SHAWN P. JENKINS  
*Commissioner*

## Attachment E

Date \_\_\_\_\_

**EMERGENCY PERSONAL INFORMATION**

The following VOLUNTARY information shall be confidential and maintained in a secure location to be accessed only by the Shift Commander in and emergency situation. This information shall be used to ensure proper medical treatment and actions used to respond to a lockdown, hostage, or serious emergency incident.

**COMPLETION OF SECTION A IS REQUIRED**

I choose not to complete sections B and C ☐

**A. IDENTIFICATION INFORMATION**

Name (Print): \_\_\_\_\_

Last First Middle

Signature: \_\_\_\_\_

Address: \_\_\_\_\_

Street Town/City Zip Code

Telephone #: \_\_\_\_\_ Employee ID #: \_\_\_\_\_

Date of Hire: \_\_\_\_\_ Area Assigned: \_\_\_\_\_

Position: \_\_\_\_\_ Supervisor: \_\_\_\_\_

**Vehicle Information:**

Year: \_\_\_\_\_ Model: \_\_\_\_\_ Make: \_\_\_\_\_

License Plate: \_\_\_\_\_ State of Registration: \_\_\_\_\_

Class of Employment (Check one box):

Employee ☐ Contractor ☐ Volunteer ☐

**Response Time (Check one box):**

Zone 1 15 - 30 Minutes ☐ Zone 4 60 - 75 Minutes ☐ Zone 3 45 - 60 Minutes ☐

Zone 2 30 - 45 Minutes ☐ Zone 5 75 Minutes or more ☐

**B. MEDICAL INFORMATION**

Physician(s) Information

Blood Type \_\_\_\_\_

Name \_\_\_\_\_

Allergies: \_\_\_\_\_

Address \_\_\_\_\_

Medical Conditions: \_\_\_\_\_

Phone: \_\_\_\_\_

**C. EMERGENCY NOTIFICATIONS****PRIMARY****SECONDARY**

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

**Phone #**

Day: \_\_\_\_\_ Night: \_\_\_\_\_

**Phone #**

Day: \_\_\_\_\_ Night: \_\_\_\_\_



**STANDARD VOLUNTEER RENEWAL FORM**  
**THE COMMONWEALTH OF MASSACHUSETTS**  
**DEPARTMENT OF CORRECTION**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Volunteer Program: \_\_\_\_\_

Emergency Notification Information:

Name:	Name:
Address:	Address:
Phone # Day:	Phone # Day:
Evening:	Evening:

I \_\_\_\_\_ agree to abide by all applicable laws, rules and regulations governing persons within the state correctional facility and the policies of the Department of Correction. I agree to notify the institution of any changes in name, address, emergency notification, arrests or convictions.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Volunteer's Signature

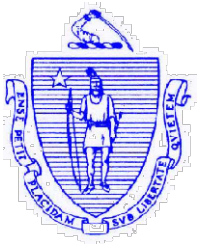
Renewed:     ( ) Yes     ( ) No

Volunteers Services Coordinator \_\_\_\_\_

Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

cc: Superintendent



**MAURA T. HEALEY**  
*Governor*

**KIMBERLEY DRISCOLL**  
*Lieutenant Governor*

*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety & Security*  
*Department of Correction*  
*50 Maple Street, Suite 3*  
*Milford, MA 01757*  
*Tel: (508) 422-3300*  
*[www.mass.gov/doc](http://www.mass.gov/doc)*



**TERRENCE M. REIDY**  
*Secretary*

**SHAWN P. JENKINS**  
*Commissioner*

Attachment H

### CONFLICT OF INTEREST ACKNOWLEDGMENT OF RECEIPT

I have this day received in hand a copy of the Summary of the Conflict of Interest Law for Volunteers.

\_\_\_\_\_  
*(Please print first and last name)*

\_\_\_\_\_  
*(Facility)*

\_\_\_\_\_  
*Signature of Volunteer*

\_\_\_\_\_  
*Date*

# Summary of the Conflict of Interest Law for State Employees & Volunteers

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This summary of the conflict of interest law, General Laws chapter 268A, is intended to help state employees & volunteers understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. State employees & volunteers can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division. State agency counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what state employees & volunteers may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

## I. Are you a state employee for conflict of interest law purposes?

You do not have to be a full-time, paid state employee to be considered a state employee for conflict of interest purposes. Anyone performing services for a state agency or holding a state position, whether paid or unpaid, including full- and part-time state employees & volunteers, elected officials, volunteers, and consultants, is a state employee under the conflict of interest law. An employee of a private firm can also be a state employee, if the private firm has a contract with the state and the employee is a "key employee" under the contract, meaning the state has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with state employees & volunteers, such as offering bribes or illegal gifts.

## II. Applying for State Employment. (See Section 6B)

State agencies reviewing employment applications are required to request, and applicants for state employment are required to disclose, information about applicants' family members who are already employed by the state. Every applicant for state employment must disclose, in writing, the names of any state employee who is related to the applicant as spouse, parent, child, sibling, or the spouse of the applicant's parent, child, or sibling.

### III. On-the-job restrictions.

#### **(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)**

A bribe is anything of value corruptly received by a state employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal.

Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the state employee intends to sell his office by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

#### **(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)**

State employees & volunteers may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the state position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

***Example of violation:*** A highway inspector allows a pavement contractor to buy him lunch every day during a two-month road repaving project.

***Example of violation:*** An industry association provides a free day's social outing, including a barbecue lunch, golf, a cocktail hour, and a clam bake, to a group of legislators.

**Regulatory exemptions.** There are situations in which a state employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions

permitting giving and receiving gifts in these situations. One commonly used exemption permits state employees & volunteers to accept payment of travel-related expenses when doing so advances a public purpose and a written disclosure is made. Another commonly used exemption permits state employees & volunteers to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

***Example where there is no violation:*** A non-profit concerned with preventing domestic violence offers to pay the travel expenses of an assistant district attorney to a conference on prosecuting domestic violence cases. The attorney fills out a disclosure form and obtains prior approval from his appointing authority.

***Example where there is no violation.*** A professional engineers' association offers a continuing education seminar of substantial value and waives the registration and materials fees for state employees & volunteers who are engineers. The state engineers must make a disclosure only if the sponsoring entities have official business before them during the six months before and after the seminar.

**(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)**

A state employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a state employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited.

***Example of violation:*** A state employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

***Example of violation:*** The commissioner of a state agency directs subordinates to drive her wife to and from the grocery store.

***Example of violation:*** An assistant attorney general avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his state I.D.

**(d) Self-dealing and nepotism. Participating as a state employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 6)**

A state employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

Neither general legislation nor home rule legislation are "particular matters" for purposes of the conflict of interest law. A state employee can participate in general legislation and home rule legislation even if she has a financial interest in such legislation, but state legislators and constitutional officers must file a disclosure if the matter will substantially affect their financial interests, and any state employee must file a disclosure if a reasonable person would think that the employee could be improperly influenced.

***Example of violation:*** The chief administrative officer of a state agency, who has a balance of 900 hours in accumulated sick leave, proposes a plan by which the agency will pay employees & volunteers for accumulated sick leave.

***Example of violation:*** An employee of the Massachusetts Cultural Council is also the director of a non-profit corporation dedicated to increasing art in public spaces. The non-profit applies to the Council for a grant, and the employee participates in rating the applications received for that grant.

***Example of violation:*** A state employee promotes his son to a position under his supervision.

***Example where there is no violation:*** Proposed legislation under consideration by the State Senate will amend the General Laws with respect to insurance coverage of ocean front property. A State Senator owns ocean front property in Cape Cod. The Senator can discuss and vote on the legislation because it is general legislation, but must file a disclosure because the legislation will substantially affect her financial interest.

A state employee whose duties do not require her to participate in a particular matter may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

An appointed state employee may also comply with the law by filing a written disclosure about the financial interest with his appointing authority, and seeking permission to participate notwithstanding the conflict. If a state employee's duties would require him to participate in a matter in which he has a financial interest, this is the procedure he should use. The appointing authority may grant written permission to participate if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of the employee's services to the state. Otherwise, the appointing authority will assign the matter to someone else, or do it herself. Participating without disclosing the financial interest is a violation. Elected employees & volunteers cannot use the disclosure procedure because they have no appointing authority.

***Example where there is no violation:*** An appointed member of a state licensing board wishes to participate in board discussions about imposing a continuing education requirement on licensees. Compliance with the proposed requirement will cost every licensee several hundred dollars per year. The board member is himself a licensee. Prior to participating in any board discussion, the member files a disclosure of his financial interest with his appointing authority, and the appointing authority gives him a written determination authorizing his participation, despite his financial interest.

**(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited, and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)**

A state employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more, or cause another person to do so.

***Example of violation:*** A state agency manager directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

**(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))**

A state employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone, or that she can be improperly influenced. Section 23(b)(3) requires a state employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her

duties for the state. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a state employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

*Example where there is no violation:* A state agency employee is engaged to be married to the owner of a business. The business owner submits a response to a request for proposals from the agency. A reasonable person could conclude that the employee might favor her fiancé's response. The employee files a written disclosure with her appointing authority explaining her relationship with her fiancé prior to the meeting at which responses to the RFP will be considered. There is no violation of Section 23(b)(3).

*Example where there is no violation:* The State House of Representatives is considering legislation which will create a general law that sets a maximum limit on insurance premiums paid by obstetricians. A State Representative is married to an obstetrician who will be affected by the proposed legislation. The Representative can participate in the matter but files a disclosure of his wife's interest to eliminate any appearance of a conflict. There is no violation.

**(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))**

State employees & volunteers may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

#### IV. After-hours restrictions.

**(a) Taking a second paid job that conflicts with the duties of your state job is prohibited. (See Section 23(b)(1))**

A state employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her state job.

*Example:* A state police trooper may not work as a paid private security guard in the area where he serves because the demands of his private employment would conflict with his duties as a trooper.

*Example:* A State Senator may not take a second position counseling clients on how to receive favorable consideration in the Massachusetts Senate.



**(b) Divided loyalties. Receiving pay from anyone other than the state to work on a matter involving the state is prohibited. Acting as agent or attorney for anyone other than the state in a matter involving the state is also prohibited whether or not you are paid. (See Section 4)**

Because the Commonwealth is entitled to the undivided loyalty of its employees & volunteers, a state employee may not be paid by other people and organizations in relation to a matter in which the state has an interest. In addition, a state employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations if the state has an interest in a matter. Acting as agent includes contacting the state in person, by phone, or in writing; acting as a liaison; providing documents to the state; and serving as spokesman.

A state employee may always represent his own personal interests, even before his own state agency or board, on the same terms and conditions that would apply to other similarly situated members of the public.

Section 4 applies differently to State Senators and State Representatives than it does to other state employees & volunteers, because they must frequently act on behalf of their constituents. Section 4 allows State Senators and State Representatives to perform constituent services, but prohibits them from appearing personally appear before state agencies for compensation other than their legislative salaries except on ministerial matters such as filing tax returns, permit and license applications, and incorporation papers, and in state court proceedings and quasi-judicial agency proceedings.

***Example of violation:*** A state employee makes inquiries to another state agency about an investigation that the second state agency is conducting of his wife.

***Example of violation:*** A state advisory commission member participates in matters at his agency that affect one of his private clients, and is compensated by the client for his work on its behalf.

***Example where there is no violation:*** A State Senator is contacted by a constituent who has applied for benefits to a state agency, has not received a timely determination by the agency, and cannot get his calls to the agency returned. The Senator may call the agency on the constituent's behalf to inquire about the matter. The Senator's aide may also call the agency on the constituent's behalf to inquire about the matter without violating Section 4.

While many state employees & volunteers earn their livelihood in state jobs, some state employees & volunteers volunteer their time to the state or receive small stipends. Others may serve in a part-time state position which permits them to have other personal or private employment during normal working hours. In recognition of the need not to

unduly restrict the ability of volunteers and part-time employees & volunteers to earn a living, the law is less restrictive for these “special” state employees & volunteers than for other state employees & volunteers.

If a state position is a “special” state position, an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before state agencies other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility, and is not pending before his own state agency.

*Example:* A part-time investigator for a state agency may work on her own time privately for a party litigating a case with a different state agency, provided that she has not participated in or had responsibility for the litigated matter in her state position.

**(c) Inside track. Being paid by the state, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 7)**

A state employee generally may not have a financial interest in a state contract, including a second state job. A state employee is also generally prohibited from having an indirect financial interest in a contract that the state has with someone else. This provision is intended to prevent state employees & volunteers from having an “inside track” to further financial opportunities.

*Example of violation:* A paid state employee accepts paid employment with a second state agency.

*Example of violation:* A paid state employee buys a surplus computer from his agency.

*Example of violation:* A state employee wants to work for a non-profit that receives funding under a contract with the state. Unless she can satisfy the requirements of an exemption under Section 7, she cannot take the job.

There are numerous exemptions. Some exemptions apply only to special state employees & volunteers. Specific exemptions may cover State Senators and State Representatives, teaching and related activities in state facilities, serving as an uncompensated volunteer in a second state position, providing services to state agency clients, and other specific situations. Please call the Ethics Commission’s Legal Division for advice about a specific situation.

## V. After you leave state employment. (See Section 5)

### **(a) Forever ban. After you leave your state job, you may never work for anyone other than the state on a matter that you worked on as a state employee.**

If you participated in a matter as a state employee, you cannot ever be paid to work on that same matter for anyone other than the state, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees & volunteers from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to the state. The restriction does not prohibit former state employees & volunteers from using the expertise acquired in government service in their subsequent private activities.

*Example of violation:* A former state employee works for a contractor under a contract that she helped to draft and oversee for the state.

### **(b) One year cooling-off period. For one year after you leave your state job you may not participate in any matter over which you had official responsibility during your last two years of public service.**

Former state employees & volunteers are barred for one year after they leave state employment from personally appearing before any agency of the state in connection with matters that were under their authority in their prior state positions during the two years before they left.

*Example:* A state employee negotiates a three-year contract with a company. The manager who supervised the employee, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the state in connection with the company's work on the contract for one year after leaving the state.

### **(c) Partners. Your partners will be subject to restrictions while you serve as a state employee and after your state service ends.**

Partners of state employees & volunteers and former state employees & volunteers are also subject to restrictions under the conflict of interest law. If a state employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the state or provide services as an attorney to anyone but the state in relation to the matter.

*Example:* An architect serves on the state Architectural Access Board, and is responsible for every matter that comes before the Board. While he serves, his partners may not submit architectural plans for any clients seeking a variance from the Board.

*Example:* A former state agency general counsel joins a law firm as a partner. Her new partners cannot represent any private clients in connection with matters she litigated for the state for one year after her job with the state ended.

*Example:* A professional engineer formerly employed by a state agency joins an engineering firm organized as a partnership. His new partners cannot appear before his former agency in connection with matters that he worked on for the state for one year after his job with the state ended.

**(d) Legislative and executive agents. For one year after you leave your state job you may not act as a legislative or executive agent before your former agency.**

*Example of violation:* The chief of staff of a State Senator leaves his position. Three months later, he contacts his successor to lobby on behalf of a client.

\* \* \* \* \*

This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. You can find further information about how the law applies in many situations elsewhere on this website. You can also contact the Commission's Legal Division via this website, by telephone, or by letter.

Version 5: Revised August 9, 2011



Attachment I

I have been informed of and understand each of the following specific items about the **PRISON RAPE ELIMINATION ACT (PREA) of 2003** listed below:

(1)	Federal law specific to incarcerated persons, the Prison Rape Elimination Act (PREA) of 2003, requires that the Department of Correction (DOC) take steps to prevent staff-on incarcerated individual and incarcerated individual on incarcerated individual sexual contact of any type from occurring in or around DOC facilities and/or property.
(2)	The Department has zero tolerance toward all forms of sexual abuse and sexual harassment and is committed to preventing, detecting, and responding to such conduct as outlined in <b><u>103 DOC 519 - SEXUALLY ABUSIVE BEHAVIOR PREVENTION AND INTERVENTION POLICY</u></b> . The Department embraces the standards set forth by the National Prison Rape Elimination Commission and the American Correction Association for all state correctional jurisdictions.
(3)	State and Federal law specific to incarcerated persons forbids sexual contact of any type or kind whatsoever by an employee/volunteer or contractor in or around DOC facilities and/or property
(4)	Sexual misconduct between an employee/volunteer or contractor and an incarcerated individual is forbidden and may result in discipline up to and including termination and referring for prosecution Department employees, contractors, volunteers, and incarcerated individuals who engage in sexually abusive behavior. Sexual misconduct can consist of conversations, gestures, or correspondence of a sexual nature. This includes demeaning references to gender or sexual preference, or sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures. Sexual misconduct also includes voyeurism which is an invasion of an incarcerated individual's privacy by peering at an incarcerated individual in private situations outside of those required by supervisory or security policies and procedures.
(5)	I have a duty to report any sexual misconduct between an employee, volunteer or contractor and an incarcerated individual that I observe or have reason to believe occurred and must report it to the Shift Commander as required. If I fail to do so and such is proven pursuant to policy, there could be disciplinary action up to and including termination and/or criminal action.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Volunteer Orientation Receipt Form**

I, (print name) \_\_\_\_\_, hereby acknowledge receipt of the following information regarding Department of Correction Volunteer rules, policies and codes of ethics/conduct. I also acknowledge that I am obligated to familiarize myself with and fully abide by their contents:

- ☐ 103 CMR 153, CORI Regulations (p.7)
- ☐ 103 CMR 483.14, Searches of Visitors / Volunteers (p.10)
- ☐ Department Hostage Statement (p.13)
- ☐ Suspension from Programs (p.14)
- ☐ 103 DOC 225, Professional Boundaries Policy (p.14)
- ☐ 103 DOC 237, Prevention and Elimination of Workplace Violence (p.15)
- ☐ 103 DOC 519, Sexual Misconduct with incarcerated individual (s) (p.15)
- ☐ Prison Rape Elimination Act - PREA (p.15)
- ☐ Volunteer Dress Code (p.20) Rules & Regulations "The Blue Book"
- ☐ 103 CMR 215, American Correctional Association Code of Ethics (p.23)
- ☐ 103 CMR 485, Attachment A, Standard Volunteer Application (p.24)
- ☐ 103 CMR 485, Attachment B, Agreement to Abide by Rules (p.26))
- ☐ 103 CMR 485, Attachment C, Release of Liability (p.27)

- ☐ 103 CMR 485, Attachment D, Volunteer Certification (p.28)
- ☐ 103 CMR 485, Attachment E, Volunteer Personal Data Release Form (p.29)
- ☐ 103 CMR 485, Attachment F, Volunteer Emergency Personal Information (p.30)
- ☐ 103 CMR 485, Attachment G, Volunteer Renewal Form (p.31)
- ☐ 103 CMR485, Attachment H, Volunteer Conflict of Interest Form (p.32)
- ☐ Prison Rape Elimination Act (PREA), Attachment I
- ☐ 103 CMR485, Attachment H, Volunteer Conflict of Interest Form (p.32) (p.33)

#### Appendix

- ☐ Rules and Regulations Governing All Employees of the Massachusetts Department of Correction: "The Blue Book" - Volunteers are held to the same standards as Department of Correction Employees.
- ☐ 103 CMR 485, Policy, Volunteer Rules and Regulations - Overall Massachusetts Regulation that defines Department Volunteer Policies and Procedures.

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Volunteer Coordinator

Date

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Volunteer Signature

Date