

An Act Related to Parole

This bill promotes improved transparency and efficacy of the Parole Board and encourages prisoner reentry under parole supervision. These ends enhance public safety, strengthen our communities, and, at the same time, result in more effective expenditure of taxpayer money.

S.779, Sen. William Brownsberger
H.3121, Rep. Dave Rogers

2017-2018 legislative session

Provides Key Improvements to the Massachusetts Parole System:

- **Expansion of the Parole Board:** This bill increases Parole Board membership from seven to nine and allows six members to sit as the full Board for the purpose of second-degree lifer hearings in order to expedite hearings and decisions and allow for the Board as a whole to work more efficiently.
- **Composition of the Parole Board:** This bill requires that at least three members of the Parole Board have at least five years of experience in the fields of psychiatry, psychology, social work, or the treatment of substance use disorder and that one of those members be a licensed mental health professional. This will ensure that professionals who have the demonstrated expertise to evaluate a person's needs and to predict his or her likelihood of success in the community play a significant role in Parole Board decisions.
- **Evidence-Based Parole Release Standard:** This bill amends the parole release standard to require the Parole Board to rely on structured, actuarially-based parole guidelines and the findings of a validated risk and needs assessment tool in determining whether to release an individual on parole. It calls for the release at parole eligibility absent a finding, by clear and convincing evidence, that the prisoner, if released with appropriate conditions and community supervision, will not live and remain at liberty without violating the law.
- **Accounting for the Rights and Needs of Prisoners with Disabilities:** This bill calls for the Parole Board to consider whether, with the provision of reasonable accommodations, a prisoner with a disability will be suitable for parole. If a prisoner's disability may impair his or her ability to be successful on parole, the Board must schedule a psychological or medical examination to ascertain and evaluate the nature of the risk posed by the disability and to identify any services, supports, or programs that might mitigate the risk and, then, consider the findings thereof in its determination regarding parole release.

- **Improved Transparency in Decision-Making:** In addition to requiring reliance on evidence-based standards, this bill calls for parole guidelines and assessment tool must be made publicly available and assessed every five years to ensure their effectiveness and make adjustments to prevent systemic disparate impact based solely on prisoners' socio-economic characteristics. The records of the Board's decisions denying parole must detail the basis for that denial and identify tasks the prisoner must complete in order to gain a parole permit at his or her next hearing.
- **Improved Transparency of Paroling Data:** This bill requires release of aggregate data on grants and denials of parole and rescissions and revocations of parole to the public on a quarterly basis.