



## Support Key Improvements to Parole

Prisoners' Legal Services asks for your support on two important bills that would make key improvements to one of the Commonwealth's most important public safety mechanisms: parole. **An Act Relative to Parole (S. 1390/H. 3457)** will improve the efficiency and balance of the parole board, establish the use of evidence based guidelines and a risk/needs assessment tool, account for the rights and needs of persons with certain disabilities, improve transparency, and reduce the amount of time prisoners must wait between parole reviews. **An Act Establishing Presumptive Parole (H. 1541)** will require prisoners to be granted parole at their parole eligibility date unless the parole board determines that the prisoner would violate the law if released under appropriate conditions and community supervision.

S. 1390, Sen. Creem; H. 3457, Rep. Vargas, Rep. Miranda  
H. 1541, Rep. David Rogers

2019-2020 legislative session

### An Act Relative to Parole (S. 1390/H. 3457) 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. Right now, the average time lapse from a lifer parole hearing to the date of decision is approximately eight to ten months.
- **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 Standards:** This bill requires the Parole Board to rely on evidence-based guidelines and a validated risk and needs assessment tool, taking into consideration the prisoner's good behavior and participation in work, education, and treatment programs.
- **Assistance with Medically Appropriate Placements:** This bill also calls for the Parole Board to notify the Department of Public Health (DPH) upon grant of parole to anyone who needs specialized care due to bodily infirmity and disease and who is unable to secure a home plan. DPH would then assist with securing a medically appropriate placement.



- **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 could impair his or her parole success, the Board must work to identify any support, services, or programs that might mitigate the risk.
- **Increased Transparency:** Under this bill, the parole guidelines, the factors considered by the risk and needs assessment tool, and the scoring method must be publicly available. The Board is required to validate the guidelines every five years and make adjustments if they do not accurately reflect the risk of recidivism, and to prevent systemic disparate impact based solely on prisoners' socio-economic characteristics. The Board is required to produce a public report detailing its assessment of the guidelines, risk and needs assessment tool, and adjustments. The record of any decision denying a person parole must specify in detail the reasons for the denial and why it was appropriate based on the guidelines and the risk and needs assessment tool and must identify tasks the applicant must complete prior to the next hearing in order to gain a parole permit.
- **Shorter wait periods for review:** The bill allows for persons denied parole to be reviewed again after three years, decreasing the amount of time persons must wait for review from the current period of five years.

### **An Act Establishing Presumptive Parole (H. 1541) Establishes An Evidence Based Release Standard And Ensures That No Prisoner Who Has Been Granted Parole Will Remain Incarcerated Because Of Their Disability:**

- **Evidence-Based Standards:** As above, this bill also requires the Parole Board to rely on evidence based guidelines and a validated risk and needs assessment tool, taking into consideration the prisoner's good behavior and participation in work, education, and treatment programs. This bill additionally requires that prisoners are to be released at the time of parole eligibility unless clear and convincing evidence shows that the prisoner would violate the law if released under appropriate conditions and community supervision.
- **Accounting for the Rights and Needs of Prisoners with Disabilities:** As above, 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 could impair his or her parole success, the Board must work to identify any support, services, or programs that might mitigate the risk.

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