

REDUCE REINCARCERATION for MINOR PAROLE VIOLATIONS

S.1534/S.1540 Sen. Patricia Jehlen & Sen. Liz Miranda

THE ISSUE

People on parole are subject to a dizzying array of conditions of supervision. Too often, these conditions are "traps for the unwary" - essentially designed to send people back to prison. Parole revocation for technical (*i.e.*, non-criminal) violations of supervision terms is common practice in MA. This practice disrupts people's stability upon exiting prison, fuels destructive cycles of incarceration, undermines community health and safety, and contributes to mass incarceration.

The vast majority of parole revocations in Massachusetts are for technical violations of supervision conditions, returning people to prison with no new criminal allegation or conviction. Technical violations accounted for 71% of parole revocations in 2020, 89% in 2019, and 88% in 2018.

CURRENT LAW

Current law routinely sends people back to prison for minor violations not involving a new criminal charge or conviction. Standard conditions of parole in MA contain onerous restrictions on movement and association that increase the likelihood of reincarceration for non-criminal reasons. For example:

- One general parole condition prohibits anyone on parole from associating with people known to have a criminal record. This is unnecessarily restrictive and also disproportionately targets people and communities of color.
- Because people of color are disparately charged and incarcerated - and because incarceration is concentrated in communities of color - people who return to these communities are more likely to be close to or around those with a criminal record.
- Another general parole condition gives MA parole officers the authority to reincarcerate someone if they believe the person 'is about to' engage in criminal behavior. Such a nebulous term reinforces implicit bias and systemic racism, which result in biased enforcement.
- People on parole may be incarcerated while awaiting a parole revocation hearing, which can cause loss of employment and housing, among many other deleterious effects. The mere process of parole revocation (even if the person is released, post-hearing) often has devastating consequences.

THE SOLUTION

"An Act to Reform Parole Supervision in the Interest of Justice" would reduce reincarceration for technical violations of parole by eliminating standard conditions of release that perpetuate systemic racism, and ending automatic reincarceration for technical violations of parole conditions that do not result in a new conviction. This bill imposes specific requirements the Parole Board must follow when issuing conditions, including that conditions be reasonably related to the underlying crime of conviction. Finally, the bill prohibits the Parole Board from revoking parole and reincarcerating someone in the case of a non-criminal violation or where the violation stems from a relapse caused by substance use disorder.

See the bill [here](#).