



SUPPORT KEY IMPROVEMENTS TO PAROLE

[S.1544](#), SEN. MIRANDA

[H.2398](#), REP. SABADOSA

DESCRIPTION

Prisoners' Legal Services asks for your support on an important bill that would make key improvements to one of the Commonwealth's most important public safety mechanisms: parole. **An Act to promote equitable access to parole will improve the efficiency and balance of the parole board, account for the rights and needs of persons with disabilities, improve transparency, and reduce the amount of time incarcerated people must wait between parole reviews.** It will require incarcerated people to be granted parole at their parole eligibility date unless the parole board determines that they would violate the law if released under appropriate conditions and community supervision. The bill ensures that parole conditions will be individualized and no stricter than necessary to ensure the person can live safely in the community, and it protects people from being re-incarcerated for technical (non-criminal) parole violations. For persons on parole greater than three years without violating the law, this bill would create a presumption in favor of termination of parole.

IMPACT



Composition of the Parole Board: This bill requires that at least four members of the parole board shall have at least five years of experience in fields of psychiatry, psychology, social work, or the treatment of substance use disorder and requires that one member of the board must be a formerly incarcerated individual who has completed the parole process before and has a background in relevant areas.



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.





Standard for Parole Review: This bill requires that people up for parole are to be released at the time of parole eligibility unless clear and convincing evidence shows that they would violate the law if released under appropriate conditions and community supervision. It provides that the Board shall not consider evidence of conduct, either criminal, juvenile, or institutional, that was dismissed, not charged, or resulted in a disposition other than a guilty finding.





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 provide greater protections to people with disabilities. In addition to ensuring broader screening of need, the Parole Board must consider whether, with the provision of reasonable accommodations, a person with a disability will be suitable for parole. If a person's disability could impair their parole success, the Board must work to identify any support, services, or programs that might mitigate the risk.


 **Increased Transparency:** Under this bill, all parole hearings would be recorded, recordings of lifer hearings would be public records, and all other recordings would be available to parole applicants, the victim/survivor, and their respective counsel promptly upon request. All records of decisions would be public records, and include an accounting of evidence relied upon for any denial of parole. All parole guidelines, policies, and practices would be public records and the board would be required to make adjustments to prevent systemic disparate impact based on race, ethnicity, sexual orientation, gender identity, or socio-economic characteristics.

 **Shorter wait periods for review:** The bill would allow 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.

 **Termination of parole:** This bill provides that the board shall terminate the parole of anyone who applies and who has been on parole for three years without violating the law, unless the board finds by clear and convincing evidence that it is in the public interest for parole to continue.

 **Parole conditions:** The bill provides that conditions of parole must be individualized, reasonably related to the underlying criminal conviction, and can't be any more restrictive than necessary to ensure the person can live safely in the community. This bill states that conditions shall not include a ban on association with other persons who have been convicted of a felony or misdemeanor offense, or other persons under supervision of probation or parole, unless there is a particularized and individualized reason for such condition.

 **Technical (non-criminal) violations:** More than 90% of people returned to prison for a parole violation have not committed or even been charged with any new criminal offense, but are returned for what are called "technical" parole violations. This bill would reduce needless incarceration by ensuring that people are only re-incarcerated if they have committed a new criminal violation.

 **Addressing the recommendations of the Structural Racism in Parole Commission:** This bill addresses many important recommendations from Special Commission on Structural Racism in the Parole Process, including ensuring that parole conditions are individualized, expanding and diversifying the parole board, and increasing transparency and efficiency.

For more information, please contact Jesse White, jwhite@plsma.org or Lizz Matos @lmatos@plsma.org

