

120 CMR: PAROLE BOARD

120 CMR 400.00: VICTIM INPUT AND NOTIFICATION OF PAROLE HEARINGS AND DECISIONS

Section

400.01: General Provisions

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400.01: General Provisions

(1) The Parole Board shall notify victims of an offender's parole eligibility and parole status pursuant to M.G.L. c. 258B, § 3 and in accordance with the procedures that follow. Unless specifically stated otherwise, notification shall be by first class mail to the last known address of the victim as recorded by the Parole Board or the Department of Criminal Justice Information Services' Victim Notification Registry.

(2) Victims may submit a written statement to the Parole Board regarding the impact of the crime and the victims' opinion and/or recommendation regarding parole release. Statements submitted by a victim, whether oral, written, or electronically recorded, may be considered evaluative or intelligence information according to 120 CMR 500.00: *Dissemination of CORI, Evaluative Information, and Intelligence Information* and may be kept confidential if necessary to protect anyone from harm or to protect the source of information pursuant to M.G.L. c. 127, § 130.

(3) Failure of victims to respond to the Parole Board's notice of a parole hearing will not cause the hearing to be postponed.

400.02: Notification of Parole Eligibility and Release

(1) Upon receipt of CORI registration, as defined in 120 CMR 100.00: *Definitions*, the Parole Board shall notify victims of the initial parole eligibility date or parole status of the offender and the victims' right to provide input to the Parole Board during the parole process.

(2) Victims will be notified of the parole hearing date in accordance with the time specifications set forth in 120 CMR 400.02(2)(a) and (b), absent extenuating circumstances. Such circumstances may include, but are not limited to recalculation of the parole eligibility date due to previously unaccounted for earned good time, or where notice of CORI registration is not received within sufficient time for advance notice of the parole hearing or decision.

(a) The Parole Board shall provide notice of the parole release hearing to victims who are eligible to participate in victim access hearings according to 120 CMR 401.00: *Victim Access Hearings* 60 days prior to the parole release hearing.

(b) The Parole Board shall provide notice of the parole release hearing to victims of all other offenders not less than 30 days prior to the hearing.

(3) Where a parole hearing has been scheduled prior to receipt of CORI registration from a victim, the Parole Board will make reasonable attempts to contact the victim before the scheduled hearing. If possible, the victim will be given a reasonable amount of time to provide information regarding the impact of the crime and the victim's opinion regarding parole release.

(4) Where a parole decision has been made prior to receipt of a CORI registration from a victim, the Parole Board will make all reasonable attempts to notify the victim of such release date and enable the victim to inform the hearing panel of the impact of the crime and of their opinion regarding parole release. Such information may be considered new information not previously known to the panel and may constitute the basis of a rescission hearing.

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400.02: continued

- (5) (a) CORI registered victims shall be notified of the Parole Board members' decision pursuant to 803 CMR 9.09: *Duration and Cancellation of Registrations*. If parole release is granted, the registered individuals shall also be notified of the parolee's anticipated date of release, the conditions attached to such release, and, if known at that time, the name and the office telephone number of the supervising parole officer.
- (b) If the offender receives a short parole release date that prohibits 14 days advance notice, the Parole Board shall provide immediate notification by telephone and mail to CORI registered individuals. *See 803 CMR 9.11: Responsibilities of Custodial and Supervisory Agencies Relevant to Registered Individuals.*
- (6) After the parole release, victims shall be notified of the actual release date, the name and office telephone number of the supervising parole officer, and the parolee's parole discharge date. If the parole discharge date is adjusted by 14 calendar days or more, the Parole Board shall notify victims of the new date.
- (7) Victims shall be notified of the death of a parolee.

400.03: Notification of Parole Revocation

- (1) The Parole Board shall provide to victims notice of the following revocation proceedings:
- (a) the issuance of a warrant for permanent custody due to the parolee's status as "whereabouts unknown";
 - (b) the reappearance of a parolee after being "whereabouts unknown", and the date and the decision of the final parole revocation hearing;
 - (c) a provisional revocation of the parole release permit;
 - (d) the date of a final revocation hearing and hearing panel decision.
- (2) If the Parole Board members do not affirm revocation, the parolee will be released pursuant to 120 CMR 303.24(1) and the victim shall be notified immediately by phone of the offender's immediate release, conditions, and the name and office telephone number of the supervising parole officer.
- (3) If the Parole Board members affirm the revocation and reparole the offender pursuant to 120 CMR 303.24(2)(a), the victim will be notified at least 14 days prior to the offender's release.
- (4) If the Parole Board members affirm the revocation and do not reparole the offender, the victim will be notified of such decision.

400.04: Notification of Pardon and Commutation Proceedings

- (1) Victims shall be notified of the hearing date for a pardon or commutation petition filed by the offender at least 30 days prior to the hearing.
- (2) Notice of the Advisory Board of Pardons' recommendation to the Governor shall be made to the victim on the next business day following the date on which the Advisory Board of Pardons' recommendation is sent to the Office of the Governor.

REGULATORY AUTHORITY

120 CMR 400.00: M.G.L. c. 127, § 5; c. 127, § 130.