

120 CMR 700.00: TERMINATION OF PAROLE

Section

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700.01: Purpose

The purpose of 120 CMR 700.00 is to establish rules and procedures governing the process by which the Parole Board may issue a certificate of termination of sentence.

700.02: Scope and Applicability

120 CMR 700.00 shall apply to all Parole Board employees and Parolees eligible for termination of a sentence pursuant to M.G.L. c. 127 § 130A.

700.03: Definitions

In addition to the definitions set forth in 120 CMR 700.00, the definitions contained in 120 CMR 100.00 are incorporated herein:

Certificate of Termination. Certificate issued to Parolee only after a majority of the Parole Board has voted to approve the Parolee's Termination Application.

Reduced Supervision. A classification that the Parole Board may designate to a Parolee only after they have been on Standard Supervision for at least six months, have been in compliance with parole conditions, and have been assessed as low risk or very low risk during their most recent assessment.

Standard Supervision. A classification that the Parole Board may designate to a parolee who has been assessed as no higher than medium risk during their most recent assessment and who has otherwise been in compliance with parole conditions, after having completed any required period of supervision at the intensive and/or maximum level(s) of supervision.

Termination Application. Completed form and accompanying documents reviewed by the Parole Board when determining whether to issue a certification of termination of a parolee's sentence under M.G.L. c. 127, § 130 A.

700.04: Minimum Eligibility Requirements

(1) To be eligible for consideration for a Certificate of Termination of parole under M.G.L. c. 127 § 130A, the Parolee must have:

- (a) Completed at least one year of satisfactory parole supervision;
- (b) Been assessed as low or very low risk on their annual risk re-assessment and be under Reduced Supervision, or be under Standard Supervision and have completed at least ten years of supervision and assessed at moderate on their annual risk assessment;
- (c) Received no written warnings, parole violation reports, or warrants in the past year;
- (d) No open court cases;
- (e) Be in compliance with all other parole supervision requirements; or
- (f) Completed the so-called special incarceration boot camp program and subsequently completed at least four months of satisfactory parole.

(2) Parolees shall only be eligible for consideration of termination of parole every 12 months.

700.05: Standard of Review

- (1) The Parole Board may, by a majority vote of all of the members, issue to a Parolee under its supervision a Certificate of Termination of sentence, provided that in the judgment of the Parole Board such termination shall be in the public interest.
- (2) Factors taken under consideration by the Parole Board in determining whether a certificate of termination is in the public interest shall include, but are not limited to, the following:
 - (a) The Parolee's criminal history;
 - (b) The nature and severity of the Parolee's underlying offense for which the Parolee was granted a permit to be at liberty;
 - (c) Whether the Parolee is under investigation by a law enforcement authority;
 - (d) The Parolee's history of violating the terms or conditions of parole;
 - (e) The Parolee's history of adjustment in the following areas: social, family, work, and attitude towards supervision;
 - (f) Health;
 - (g) Community service or involvement in the community; and
 - (h) Positive pro-social accomplishments.

700.06: Procedure Generally

- (1) Parolees seeking a Certificate of Termination shall submit a completed Termination Application to the Office of General Counsel.
 - (a) Upon request of the Parolee, the Parole Officers shall, within ten days of receipt of Parolee's request, review the Parolee's Termination Application and, if necessary, aid with gathering all required documents within the custody and control of the Parole Board to ensure the Termination Application is complete. The Parolee may also include letters of support and/or other documentation that they feel would be relevant to the Parole Board's decision.
 - (b) Parolees may only submit one Termination Application per year as set forth in 120 CMR 700.04.
- (2) The Office of General Counsel shall review the Termination Application to determine if the Parolee meets the minimum eligibility requirements set forth in 120 CMR 700.04.
- (3) If the Office of General Counsel determines that the Parolee does not meet the minimum eligibility requirements, the Office of General Counsel shall, within ten days, notify the Parolee of its determination in writing that their Termination Application is not being referred to the Parole Board for review and vote. The notice shall also indicate that the Parolee may submit another Termination Application in 12 months.
- (4) If the Office of General Counsel determines that the Parolee meets the minimum eligibility requirements, the Office of General Counsel shall notify the Parolee and Chief of Field Services of its determination within ten days of receipt of the completed Termination Application and notify the Parole Board that the Termination Application will be provided for review and vote upon completion of the process set forth in 120 CMR 700.06(5).
- (5) The Chief of Field Services shall provide the following documents to the Office of the General Counsel within ten days of receipt of notification that the Parolee meets eligibility requirements:
 - (a) The Parole Officer's favorable or unfavorable recommendation for termination of Parole;
 - (b) The Parole Supervisor's favorable or unfavorable recommendation for termination of Parole;
 - (c) The Deputy Chief's favorable or unfavorable recommendation for termination of Parole;
 - (d) BOP/III/Warrant Inquiries; and
 - (e) Final written confirmation from law enforcement.

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700.06: continued

(6) The Office of General Counsel shall have 45 days from receipt of Termination Application from Parolee as set forth in 120 CMR700.06(1) to provide the Termination Application, along with the documents set forth in 120 CMR 700.06(5), to the Parole Board for review and vote.

(7) Prior to a vote, all certified CORI petitioners shall be contacted by the Victims Services Unit pursuant to M.G.L. c. 6, § 178A.

(8) Within 60 days of receipt of the Termination Application from the Office of the General Counsel, the Parole Board shall vote in executive session in accordance with regulations governing Parole hearings and decision-making. The Board may expand the timeline by a majority vote to allow for supplementation of the application and/or to conduct a hearing, as requested by the Parole Board.

(9) The Parole Board shall provide the Parolee with written notice of its final decision which shall be rendered no later than 30 days after the Parole Board vote. In the event a Certificate of Termination is not granted, such notice shall include the reason[s] for the denial and that the Parolee may submit another Termination Application in one years' time.

(10) In the event a Certificate of Termination is granted, the Parole Board shall furnish a copy to the Commissioner of Correction and the judge who pronounced sentence, in accordance with the terms of M.G.L. c. 127, § 130A. In the event the judge who pronounced sentence is retired or deceased, a copy of the Certificate of Termination shall be forwarded to the Regional Administrative Justice of the Superior Court for the County in which the Parolee was sentenced.

(11) Written notice of the Parole Board's Certificates of Termination shall be provided to all certified CORI petitioners on the next business day following the date of notification to the parolee of the full Parole Board's decision.

700.07 : Severability Clause

If any article, section, subsection, sentence, clause, or phrase of 120 CMR 700.00 is for any reason held to be unconstitutional, contrary to statute, or in excess of the statutory authority of the Secretary of Public Safety and Security or otherwise inoperative, such decision shall not affect the validity of any other article, section, subsection, sentence, clause, or phrase of 120 CMR 700.00.

REGULATORY AUTHORITY

120 CMR 700.00: M.G.L. c. 27, § 5; and M.G.L. c. 127, § 130A