

PAROLE BOARD

MASSACHUSETTS



2015

ANNUAL STATISTICAL REPORT

Commonwealth of Massachusetts

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Table of Contents

Introduction	4
Transitional Services	9
Life Sentence Unit	16
Victim Services	18
Legal Services	21
Field Services	23
Notes	41

Introduction

Parole in Massachusetts

1. The Massachusetts Parole Board has authority over all parole related matters.

The Massachusetts Parole Board (“the Board”) is the sole decisional authority in the Commonwealth of Massachusetts for matters of parole granting and parole revocation. The Board has jurisdiction over all individuals committed to state or county penal institutions for terms of sixty days or more in accordance with M.G.L. c. 127, § 128.

2. Parole is a process.

In Massachusetts, parole is the procedure whereby certain inmates are released prior to the expiration of their sentence, permitting the remainder of their sentence to be served in the community under supervision and subject to specific rules and conditions of behavior.

3. The Parole Board has statutory responsibility for administering the parole process.

The main statutory responsibilities of the Massachusetts Parole Board are: to determine whether and under what conditions an eligible individual, sentenced to a correctional institution, should be issued a parole permit; to supervise all individuals released under parole conditions; to determine whether or not alleged parole violations warrant revocation of parole permits; and to decide when to terminate sentences for individuals under parole supervision.

Organization

The Parole Board’s employees are assigned to every state and county correctional institution in the Commonwealth, regional field offices across the state, and at the Parole Board’s central administrative office. Within the agency there is a seven-member board as well as a variety of units, divisions, and departments working collectively to achieve common goals of the Parole Board.

Parole Board Members

Each member of the seven-member Parole Board is appointed by the Governor to serve staggered five year terms. One of the seven is designated as Chairman and serves as the administrative and executive head of the agency. The Board Members are responsible for release, rescission, and revocation decisions. Additionally, the Board functions as the Advisory Board of Pardons, making recommendations to the Governor on petitions for executive clemency.

Transitional Services Division

The Transitional Services Division is responsible for preparing all state and county release, revocation, and rescission cases to be heard by the Massachusetts Parole Board. The division compiles necessary case information for the Board Members to make an informed, balanced judgment. Duties include data entry for all inmates committed across the state, date calculations to determine parole eligibilities and parole discharge dates, as well as case preparation for parole hearings, which includes investigation, interviewing, analyzing information, and offender assessment. This division is responsible for the scheduling, coordination, and facilitation of all Parole Board hearing dockets as well as Parole Board office votes. The execution of all parole release permits and coordination of transition to the community is also the responsibility of Transitional Services. Finally, this division tracks parole violation warrants and coordinates preliminary revocation hearings for offenders who are returned to custody.

Life Sentence Unit

The Life Sentence Unit is responsible for preparing all eligible inmates sentenced to life in prison for parole hearings. This includes gathering case materials, preparing case files for Board Members, interviewing inmates in preparation for hearings, and conducting offender assessments. The unit is responsible for maintaining the inmate's comprehensive file with documents relative to criminal history, institutional history, trial testimony, offender assessments, and additional evaluative information. The unit coordinates with affiliate agencies such as the District Attorneys' Offices, the Attorney General's Office, Massachusetts State Police, local police departments, and the Department of Correction in order to obtain such materials. The unit organizes life sentence hearings, which involves tracking initial parole eligibility for life sentenced inmates, as well as following up with review hearings. The unit also provides all necessary notifications of scheduled hearings at the Parole Board's central office and supplies notifications of subsequent decisions.

Victim Services Unit

The Victim Services Unit provides statewide assistance to victims of violent crimes whose offenders becomes parole eligible, including victims of homicide, domestic violence, sexual assault, child abuse, motor vehicle homicide, and other violent crimes. The Victim Services Unit provides critical services to victims and family members, including but not limited to: serving as a source of information for parole eligibility, the parole decision-making process, parole supervision, and notification of parole events; providing assistance in preparing victim impact statements and/or testimony for parole hearings, and accompanying victims and parent/guardians of minor aged victims and family members of homicide victims to parole hearings; crisis intervention; requesting parole conditions that increase the safety and well-being of victims; safety planning; offering information on victim compensation; assisting with Victim Notification Registration, also known as Criminal Offender Record Information (CORI) registration (i.e., to receive notification and services for victims and family members); and

referring to appropriate criminal justice agencies and community-based victim service providers.

Field Services Division

The Field Services Division is comprised of the central office management staff, nine regional parole offices, the Interstate Compact Unit, the Anti-Violence Unit, and the Warrant and Apprehension Unit. The division is primarily responsible for supervising and monitoring all offenders who have been released on parole by the Massachusetts Parole Board and parolees released through the Interstate Compact from other states. It is also responsible for assuring that parolees remain in compliance with the conditions of parole and with any special conditions imposed by the Parole Board. These conditions are designed to structure the parolee's return to the community and to ensure the protection of the public. The Field Services Division is responsible for case management, which involves building partnerships with community providers to refer parolees to treatment and programming and assisting with reintegration into the community. Supervision duties include conducting home and work investigations, making home and community visits of parolees, verifying parolee employment or programming, ensuring compliance with general and special parole conditions, responding to GPS and electronic monitoring violations, administering substance abuse testing, conducting investigations, completing offender assessments, and reporting on parole violations. Parole officers are special state police officers. They carry firearms, make arrests, and transport parole violators to custody. The field staff is also responsible for documenting parolee information in the agency database.

Interstate Compact Unit

The Interstate Compact Unit, which lies within the Field Services Division, coordinates the interstate transfer of parolees entering or leaving the state and oversees an active caseload of Massachusetts parolees residing out of state under the Interstate Compact. The Interstate Compact Unit also supervises all Massachusetts inmates paroled to Immigration and Customs Enforcement (ICE) detainees and deportation warrants.

Anti-Violence Unit

A Field Services Unit, the Anti-Violence Unit (AVU), is a specialized unit which targets violent and gang related offenders returning to Boston neighborhoods to provide specialized reentry services and increased supervision for the purpose of reducing inner city recidivism. The AVU partners with the Boston Police Department and other law enforcement agencies on local reentry initiatives, such as Overcoming the Odds and the Boston Reentry Initiative. Note that this unit is no longer in operation at this time.

Warrant and Apprehension Unit

The Warrant and Apprehension Unit, which lies within the Field Services Division, assists staff in the regional parole offices in locating and apprehending parolees who have violated their parole conditions and absconded from supervision. The unit also arranges for the apprehension of parolees who have fled the Commonwealth and monitors the Criminal Justice Information System (CJIS) for criminal activity among parole violators. The unit is also responsible for entering, updating, and removing parole violation warrants from the agency's database, as well as coordinating all required extraditions.

Legal Department

The Legal Department represents the agency in all litigation affecting the Massachusetts Parole Board in the state's trial courts, represents the agency in labor and employment matters, develops agency regulations and policies, and monitors and drafts parole related legislation. The primary role of the Board's General Counsel, and by extension the Legal Department as a whole, is to support and represent the Chair and the Board in all legal and policy matters. To that end, the General Counsel has been appointed a Special Assistant Attorney General for the purpose of representing the agency in state and federal court.

Executive Clemency Unit

The Executive Clemency Unit, which lies within the Legal Department, reviews all pardon and commutation requests. In Massachusetts, the power to grant executive clemency, pardons and commutations is held by the Governor, with the advice and consent of the Massachusetts Governor's Council. Acting as the Advisory Board of Pardons, the Massachusetts Parole Board reviews all petitions for executive clemency submitted to the Governor for consideration and submits a recommendation about each case.

Hearing Unit

The Hearing Unit, which lies within the Legal Department, is comprised of hearing examiners who schedule and conduct preliminary revocation hearings and evaluations for provided counsel at all state and county correctional institutions, parole regional offices, and other designated locations. Evaluations for provided counsel are conducted prior to preliminary revocation hearings and final revocation hearings at a parolee's request to determine indigence and whether a parolee is capable of speaking effectively and has a timely and colorable claim.

Research and Development Department

The Research and Development Department performs statistical analyses, maintains internal statistical reports, and creates agency publications. The department performs duties involving policy development, as well as planning for and implementing agency initiatives. It manages collaborations with outside researchers, including inter-agency research, and provides data for external requests. The department works to evaluate internal data in comparison with evidence-based practices, in order to improve the agency's operations.

Administrative Services Department

The Administrative Services Department is comprised of staff performing the day to day operations of human resources and fiscal activities for agency employees. The department coordinates employment opportunities, personnel actions, diversity programs, benefits, workers' compensation, civil service, workforce policies, and employee and labor relations. Additionally, the department is responsible for documenting and reconciling supervision fees that are collected from parolees who are actively supervised by the Parole Board. The fiscal component of the department is charged with ensuring the integrity, accountability, and efficiency of the agency's fiscal operations and communication of accurate and timely financial information. The department is committed to accomplishing this mission in partnership with agency stakeholders and Commonwealth partners.

Transitional Services

Parole Hearings Overview

Release, rescission, and revocation hearings are held across the state of Massachusetts in correctional facilities. Hearings held in custody are also referred to as institutional hearings. Two primary locations of institutional hearings are Houses of Correction and the Department of Correction. There are also parole hearings held at the Parole Board's central administrative office, which include life sentence hearings and Victim Access Hearings.

Release Hearings

In 2015, the Massachusetts Parole Board conducted **5,225 institutional release hearings** for inmates housed by the Massachusetts Department of Correction and Houses of Correction¹. As a result of these hearings, **2,895 inmates** were either granted a positive vote to be paroled to the supervision of field parole officers in one of the nine parole regions across the Commonwealth; paroled to the Anti-Violence Unit; paroled to community supervision through the Interstate Compact; or paroled to custody, that is, paroled to serve another county, state, or federal sentence or to Immigration and Customs Enforcement (ICE) custody to make a determination of deportation. This produced a **paroling rate² of 55%**.

Rescission Hearings

Rescission hearings are held when an inmate's behavior during the period between the date of the release hearing, which resulted in a positive vote, and the date of release warrants Parole Board review. For example, the inmate may have received new disciplinary infractions for institutional misconduct. During rescission hearings the inmate's parole release date can be withdrawn, postponed, or reactivated depending on the Board's review of the inmate's behavior. In 2015, the Parole Board held **188 rescission hearings**.

Revocation Hearings

Revocation is the process by which a parolee's permit to be at liberty may be permanently or temporarily revoked as a result of violating one or more conditions of parole. More information concerning parole violations, which may result in a revocation hearing, is available in the Field Services section of this report. In 2015, the Parole Board held **245 revocation hearings**.

¹ The number of hearings conducted is reported based on hearings that resulted in a positive or denied vote.

² The paroling rate is the percentage of hearings that result in a positive vote (i.e., a vote to grant parole) out of all hearings that resulted in a positive or denied vote.

Release, Rescission, and Revocation Hearings by Location

Release Hearings				
Hearing Location	Positive Votes	Denied Votes	Positive + Denied Votes	Paroling Rate
House of Correction	2,263	1,605	3,868	59%
Department of Correction	632	725	1,357	47%
Total	2,895	2,330	5,225	55%

Rescission Hearings				
Hearing Location	Positive Votes	Denied Votes	Positive + Denied Votes	Paroling Rate
House of Correction	78	40	118	66%
Department of Correction	47	23	70	67%
Total	125	63	188	66%

Revocation Hearings				
Hearing Location	Positive Votes	Denied Votes	Positive + Denied Votes	Paroling Rate
House of Correction	68	68	136	50%
Department of Correction	57	52	109	52%
Total	125	120	245	51%

Release, Rescission, and Revocation Hearings				
Hearing Location	Positive Votes	Denied Votes	Positive + Denied Votes	Paroling Rate
House of Correction	2,409	1,713	4,122	58%
Department of Correction	736	800	1,536	48%
Total	3,145	2,513	5,658	56%

House of Correction Parole Hearings

Release Hearings by Institution				
Hearing Location	Positive Votes	Denied Votes	Positive + Denied Votes	Paroling Rate
Barnstable County House of Correction	102	56	158	65%
Berkshire County House of Correction	44	47	91	48%
Bristol County House of Correction	346	168	514	67%
Dukes County House of Correction	6	1	7	86%
Essex County Correctional Alternative Center	115	106	221	52%
Essex County House of Correction	117	174	291	40%
Essex County Women in Transition Center	23	15	38	61%
Franklin County House of Correction	31	24	55	56%
Hampden County House of Correction	114	139	253	45%
Hampden County Pre-Release Center	63	34	97	65%
Hampshire County House of Correction	49	31	80	61%
Middlesex County House of Correction	225	163	388	58%
Norfolk County House of Correction	211	75	286	74%
Plymouth County House of Correction	216	154	370	58%
Suffolk County House of Correction	217	124	341	64%
Western MA Correctional Addiction Center	116	32	148	78%
Western MA Women's Correctional Center	100	43	143	70%
Worcester County House of Correction	168	219	387	43%
Total	2,263	1,605	3,868	59%

As a result of release hearings held at the Houses of Correction, approximately **6 out of 10 inmates** received a positive parole vote.



Department of Correction Parole Hearings

Release Hearings by Institution				
Hearing Location	Positive Votes	Denied Votes	Positive + Denied Votes	Paroling Rate
Bay State Correctional Center*	4	6	10	40%
Boston Pre-Release Center	64	9	73	88%
Bridgewater State Hospital	2	3	5	40%
MA Alcohol and Substance Abuse Center	9	5	14	64%
MA Treatment Center	2	59	61	3%
MCI - Cedar Junction	13	27	40	33%
MCI - Concord	62	79	141	44%
MCI - Framingham**	86	49	135	64%
MCI - Norfolk	32	69	101	32%
MCI - Plymouth	27	12	39	69%
MCI - Shirley	99	109	208	48%
North Central Correctional Institution	21	68	89	24%
Northeastern Correctional Center	51	23	74	69%
Old Colony Correctional Center (Medium)	24	49	73	33%
Old Colony Correctional Center (Minimum)	17	7	24	71%
Out of State Cases	0	9	9	0%
Pondville Correctional Center	37	23	60	62%
South Middlesex Correctional Center	76	23	99	77%
Souza Baranowski Correctional Center	6	96	102	6%
Total	632	725	1,357	47%

*As of June 30, 2015, inmates are no longer housed at this facility.

**State and county hearings are held at this Department of Correction facility.

As a result of release hearings held at the Massachusetts Department of Correction, approximately **5 out of 10 inmates received a positive parole vote.**

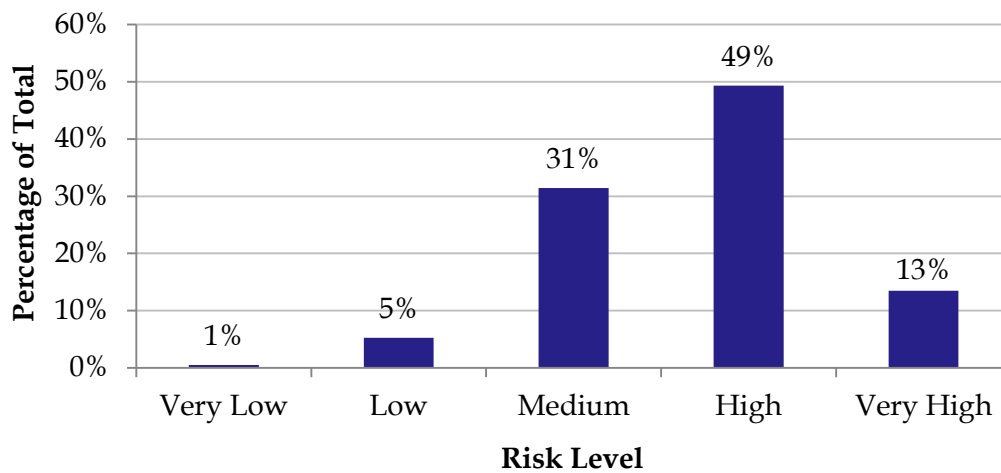


Institutional Risk/Needs Assessments

As part of the Parole Board’s commitment to public safety, the agency uses a risk and needs assessment instrument in making parole release decisions. The assessment identifies an individual’s risk to recidivate, as well as reveals criminogenic needs which may be incorporated into the parolee’s case plan. The risk/needs assessment used by the Parole Board is the Level of Service Case Management Inventory (LS/CMI™). The Parole Board implemented the LS/CMI in early 2013 for use in release decisions for inmates and supervision strategies for parolees. The following chart presents risk level information for institutional assessments conducted in 2015.

LS/CMI Institutional Assessments		
Risk Level	Count	Percentage
Very Low	28	1%
Low	292	5%
Medium	1,746	31%
High	2,741	49%
Very High	748	13%
Total	5,555	100%

**LS/CMI Institutional Assessments:
Risk Level Distribution**



Hearing Waivers, Postponements, and Other Dispositions

Inmates and parolees may waive their right to a parole hearing, either prior to or during the hearing process. For example, an inmate may not be interested in adhering to expected parole conditions, or an inmate who has a relatively short period of time left to serve on his sentence (i.e., short period of time between parole eligibility date and release date) may choose to forgo the parole process in favor of discharging from custody without community supervision.

Inmates and parolees may postpone a scheduled parole hearing, at which time a postponement hearing date is scheduled. For example, an inmate may want to receive additional time to establish a plan for his or her parole or to resolve outstanding legal matters. In addition, Parole Board Members might postpone a hearing because they are waiting to receive pertinent legal documents or a resolution to court matters that are essential to consider during the hearing process.

In addition to waivers and postponements, hearings may result in an action pending vote or other types of votes. These miscellaneous votes serve as an administrative disposition. For example, if a Board Member needs additional information to make an informed decision he or she may vote "action pending" for receipt of the desired document, and then make a final decision. A hearing that results in a vote type of "other" may be because the inmate was sick and could not be seen (i.e., not seen), the Board Members voted in opposition (i.e., split decision), or the case needs to be put on the next available hearing list (i.e., PONAL). In these cases, the final disposition is captured by a subsequent hearing and disposition. The following table indicates the number of hearings postponed, waived, and other dispositions for hearings scheduled to be held at Houses of Correction and the Department of Correction in 2015.

Release, Rescission, and Revocation Hearings			
Disposition	House of Correction	Department of Correction	Total
Postponed at Own Request	2,276	487	2,763
Postponed at Board Request	122	47	169
Waived Prior to Hearing	2,523	710	3,233
Waived at Hearing	74	7	81
Action Pending	87	28	115
Other	78	39	117
Total	5,160	1,318	6,478

Other Hearing Locations

In addition to hearings held at the Department of Correction and Houses of Correction, a small number of hearings are held at the Parole Board's central administrative office. These include life sentence hearings and some Victim Access Hearings. More information about these hearing types is available in the section on Victim Services and the section on the Life Sentence Unit in this report. The following statistics are provided based on release hearings (excluding life sentence hearings) held at the Parole Board's central administrative office.

Release Hearings by Location				
Hearing Location	Positive Votes	Denied Votes	Positive + Denied Votes	Paroling Rate
Parole Board Central Office	13	96	109	12%

Office Votes

In addition to institutional hearings, the Parole Board makes decisions on parole related matters that do not require an in-person hearing, by using documentation of the case, to provide resolutions via office votes. Office votes require a combination of efforts by Transitional Services, Field Services, Board Members, the Legal Department, and hearing examiners. In 2015, the Parole Board **processed 2,684 office votes**. This figure excludes office votes pertaining to executive clemency, which are processed by the Advisory Board of Pardons and available in the Legal Services section of this report.

Life Sentence Unit

Hearings for Life Sentence Cases

There are two types of parole hearings for life sentence inmates. Adult inmates sentenced to serve life in prison (with parole eligibility) become eligible for parole after serving 15 years of the life sentence, or a minimum term, and the initial hearing takes place at that time. If the Parole Board denies parole after the initial hearing, the inmate will be provided with a subsequent review hearing at five years, or earlier at the discretion of the Parole Board.

The hearing takes place before all seven members of the Parole Board and is open to the public. When a parolee on a life sentence is revoked and returned to custody on a parole violation, the Parole Board conducts a hearing to determine whether the inmate merits re-parole. Decisions on life sentence cases are available on the Parole Board's website. The following figures are for life sentence cases heard in 2015.

Hearings for Life Sentence Cases				
Hearing Type	Positive Votes	Denied Votes	Positive + Denied Votes	Paroling Rate
Initial	8	36	44	18%
Review	16	53	69	23%
Total	24	89	113	21%

Juveniles with Life Sentences

In *Miller v. Alabama*, 132 S. Ct. 2455 (2012)(Miller), the United States Supreme Court held that the "imposition of a mandatory sentence of life in prison without parole on individuals who were under the age of 18 when they committed the murder is contrary to the prohibition on 'cruel and unusual punishments' in the Eighth Amendment." Following the *Miller* decision, a juvenile who had been convicted of first degree murder filed a petition challenging Massachusetts laws that required all individuals convicted of first degree murder to serve life in prison without the possibility of parole. On December 24, 2013 the Massachusetts Supreme Judicial Court decided that case, *Commonwealth v. Diatchenko*, 466 Mass. 655 (2013), and held that that the statutory provisions mandating life without the possibility of parole are invalid as applied to juveniles who committed murder. The Court also determined that its holding was retroactive for all juveniles currently serving sentences for first degree murder. Finally, the Court decided that Diatchenko (and others similarly situated) must be given a parole hearing.

After the Supreme Judicial Court's decision on December 24, 2013, the Massachusetts Parole Board identified cases of which offenders were under the age of 18 on the date of the offense and were serving a sentence of life without parole for a conviction of first-degree murder. The following table provides the total number of initial hearings held in 2015, based on the newly established parole eligibility per *Diatchenko* and *Miller*. Note: These statistics are also included in the "Hearings for Life Sentence Cases" table.

First Degree Murder Cases for Juvenile Offenders				
Hearing Type	Positive Votes	Denied Votes	Positive + Denied Votes	Paroling Rate
Initial	4	14	18	22%

Victim Services

Victim Notifications

The Victim Services Unit (VSU) is responsible for follow-up client notification, including notice of parole hearing dates, parole hearing results, parole release, and other parole related information. The VSU is also responsible for client notifications related to public hearings conducted for life sentences and sentence commutations. In 2015, the VSU provided **18,945 notifications** of parole events to registered victims and surviving family members. The following table indicates the number of notifications provided in 2015 based on sentence type.

Victim Notifications by Offender Sentence Type	
Sentence Type	Victim Notifications
State Sentence	9,611
County Sentence	9,334
Total	18,945

Locating Victims for CORI Registration

For each potential parole hearing, there can be multiple victims and family members that require notification, assistance, and services. In a significant number of life sentence cases, no victims' family members have been registered for CORI and/or are known to the VSU. Providing collaborative and coordinated services to crime victims is essential to upholding the Victim Bill of Rights. To ensure that all victims and their family members are informed of the parole process and receive notification and services, the VSU has continued to provide education and outreach to both District Attorney Victim Witness Programs and community-based victim service agencies. VSU's active participation on more than 25 community collaborations has increased awareness of victim rights in the parole process and created a seamless network of services for crime victims. A VSU goal, through education, outreach, and cross agency collaboration is to ensure that each agency working with crime victims recognizes and understands post-conviction victim rights and that every victim is advised of the importance of the CORI registration process to access post-conviction victim services, including timely notification, assistance, and referral to appropriate resources. The VSU will continue to increase efforts to identify victims of violent crimes, and particularly those crimes resulting in death, and provide not only access to the parole process but to critical victim services to assist them in their healing. In 2015, through massive investigation efforts to identify victims and their family members without CORI registrations, the VSU established **492 new registrations**.

Victim Services Provided

Victim Service Coordinators provide services and referrals, including information on parole eligibility, the parole decision-making process, parole supervision information, notification of parole hearings (i.e., Victim Access Hearings and life sentence hearings), and parole release decisions. Victim Service Coordinators also assist in preparing Victim Impact Statements and/or testimony for the parole hearing; accompanying victims and parents/guardians of minor aged victims and family members of homicide victims to parole hearings; requesting parole conditions that increase the safety and well-being of victims; offering referrals to criminal justice agencies and community-based service providers; responding to crisis intervention; and facilitating information on safety planning, as well as victim compensation. These services provide victims (or their surviving family members) with a more comprehensive understanding of the parole process and the benefits of community supervision. The following table indicates the number of contacts in 2015 where victim assistance was provided (excluding notifications).

Victim Assistance by Offender Sentence Type	
Sentence Type	Victim Assistance
State Sentence	7,269
County Sentence	3,852
Total	11,121

Parole Officer Referrals

Parole officers play a vital role to the VSU as well. Parole officers can refer cases to the Victim Service Coordinator when they have information about a potential victim attached to a crime, CORI certification issues, and domestic violence incidents. In 2015, parole officers made a total of **273 referrals** to Victim Service Coordinators.

Victim Services at Parole Hearings

The VSU assists victims and families of victims during Victim Access Hearings and hearings for life sentence cases. There are three types of Victim Access Hearings:

- Type A: Offense resulted in death
- Type B: Offense was either violent or sexual in nature
- County: County sentences; hearings held in Houses of Correction (excluding Type A)

The following table indicates the number of Victim Access Hearings in 2015 in which the VSU provided services to victims or families, as well as the number of hearing attendees.

Victim Access Hearings Held by Type		
Victim Access Hearing Type	Number of Hearings	Number of Attendees
Type A	47	118
Type B	64	76
County	81	89
Total	192	283

In addition to Victim Access Hearings, victim services are provided for victims and/or their families in parole hearings for life sentence cases. The Victim Services Unit provided services for **406 attendees** at life sentence hearings in 2015. Corresponding dispositions for life sentence hearings are available in the Life Sentence Unit section of this report.

Legal Services

Executive Clemency Unit

The Parole Board has the statutory capacity of serving as the Advisory Board of Pardons. In this role, the Board receives pardon and commutation petitions and makes non-binding recommendations to the Governor and Governor's Council regarding these petitions. The Governor holds the power to act on these two types of executive clemency with the advice and consent of the Governor's Council.

Executive Clemency Office Votes

After a pardon or commutation request is received and processed by the Executive Clemency Unit, the Advisory Board of Pardons votes via an office vote to determine whether to grant a hearing. The following office votes were processed in 2015 in response to pardon and commutation requests. Note that on January 9, 2015, Governor Baker withdrew the former Executive Clemency Guidelines, which impacted the number of petitions processed in 2015.

Executive Clemency Office Votes	
Pardon Request	
Closed Administratively	2
Commutation Request	
Closed Administratively	5
Total Office Votes	7

Pardons

A pardon is the forgiveness of a crime and the cancellation of the relevant penalty. A pardon may be considered if no other adequate administrative or legal remedy is available to remove barriers that are often associated with criminal records or sentences.

In 2015, the Advisory Board of Pardons processed **2 pardon petitions** and held **0 pardon hearings**.

Commutations

A commutation is the lessening of a penalty without forgiveness for the crime; the beneficiary of a commutation is still considered guilty of the offense. Commutation of a sentence may be

considered to enable an inmate to appear before the Parole Board for release consideration at a time earlier than permitted by the court imposed sentence.

In 2015, the Advisory Board of Pardons processed **5 commutation petitions** and held **0 commutation hearings**.

Hearing Unit

The Parole Board's hearing examiners schedule and conduct preliminary revocation hearings and evaluations for provided counsel at all state and county correctional institutions, parole regional offices, and other designated locations.

At preliminary revocation hearings, the hearing examiner determines whether there exists reasonable grounds to believe that a parolee has committed acts that constitute a violation of parole conditions, and if so, whether there is probable cause to hold a parolee in custody/return a parolee to custody for a final revocation hearing and decision of the Parole Board. The hearings are quasi-judicial in nature. Following a hearing, the hearing examiner prepares a summary and submits a recommended decision to the Parole Board.

Evaluations for provided counsel are conducted prior to preliminary revocation hearings and final revocation hearings at a parolee's request to determine indigence and whether a parolee is capable of speaking effectively and has a timely and colorable claim.

In calendar year 2015, the Parole Board's hearing examiners conducted **514 preliminary revocation hearings**.

Field Services

Releases to Supervision

Upon release to parole supervision, a parolee may serve the remainder of time for a current sentence (i.e., current commitment) in the community or under a variety of other parole types. For instance, when a parolee is released to Massachusetts supervision, he or she will report to one of parole's nine regional offices or a specialized unit and be assigned to a parole officer. However, one's status on parole does not always indicate that the offender is physically in the community. For example, an inmate may be paroled from one sentence to begin another sentence, either in Massachusetts or in the custody of another state or federal agency. Note that paroles are counted based on the initial parole of the current commitment and re-paroles are a subsequent parole on the current commitment (i.e., revoked and re-paroled). Releases from a detainer (i.e., warrant for temporary custody) are not included in the number of re-paroles. In addition, if an inmate serves one sentence type and is transferred to another (i.e., mixed sentence structure), the commitment type reflected in the data is based on the initial sentence type. The following tables indicate the number of releases in 2015, disaggregated by type, location, commitment, and demographic information.

Releases to Supervision			
Type	Paroled	Re-paroled	Total Released
MA Commitments Released to MA Supervision	1,903	138	2,041
Out of State Commitments Released to MA Supervision	104	4	108
MA Commitments Released to Out of State Compact Supervision	63	3	66
MA Commitments Released to a Federal or Another State's Warrant	25	1	26
MA Commitments Released to ICE Custody	73	0	73
MA Commitments Released to MA Department of Correction Facility	4	0	4
MA Commitments Released to MA House of Correction Facility	0	0	0
Total	2,172	146	2,318

Releases to Supervision by Gender		
Gender	Released	Percentage
Male	2,023	87%
Female	295	13%
Total	2,318	100%

Releases to Supervision by Race/Ethnicity		
Race	Released	Percentage
White	1,326	57%
Hispanic or Latino Origin	477	21%
Black	429	19%
Asian or Pacific Islander	16	1%
American Indian or Alaskan Native	2	< 1%
Unknown or Not Recorded	68	3%
Total	2,318	100%

Releases to Supervision by Commitment Type		
Commitment Type	Released	Percentage
State	717	31%
Reformatory	2	< 1%
County	1,486	64%
Out of State	108	5%
Other/Unspecified	5	< 1%
Total	2,318	100%

Releases to MA Supervision by Location	
Location	Total Released
Region 1 Quincy	126
Region 2 Mattapan	179
Region 4 Worcester	218
Region 5 Springfield	352
Region 6 Lawrence	423
Region 7 Brockton	254
Region 8 New Bedford	394
Region 9 Framingham	113
Anti-Violence Unit	90
Total	2,149

Active Supervision Caseload on 12/31/2015

At the end of 2015, there were **1,978 commitments** under the supervision of the Massachusetts Parole Board. Of these cases:

- **1,559** were being supervised in either one of parole's nine regional offices or under the Warrant and Apprehension Unit,
- **253** were Interstate Compact cases, and
- **166** were incarcerated at either a state or county correctional facility (while either awaiting a final revocation hearing or serving a combination of sentences while on parole).

Parolee Monitoring

The Parole Board monitors parolees through the use of such tools as Global Positioning Systems (GPS). Monitoring with GPS allows the Parole Board to actively track the whereabouts of parolees mandated to GPS at any point in time during the supervision period. GPS also allows the Parole Board to set exclusion zones for the parolee. An exclusion zone is the area in or around a particular address that, if entered by the parolee, will immediately alert designated parole staff as to the violation. This area will typically be an area set to minimize a parolee's contact with children, including but not limited to playgrounds, parks, and schools.

There are four ways onto which a parolee can be mandated to GPS during his or her parole supervision period:

- 1) By Parole Board vote,
- 2) By Parole Board policy for a sex offense,
- 3) By Parole Board policy for a non-sex offense, but required to register with the Sex Offender Registry Board (“SORB”) for a prior sex offense and classified by SORB as a Level 3 or unclassified sex offender, and/or
- 4) By a parole supervisor in response to a graduated sanction.

In 2015, there were **881 GPS activations** as a condition of parole supervision period. The table below examines the annual number of GPS activations, by geographical region.

Global Positioning System Activations by Regional Office	
Regional Office	Count
Region 1 Quincy	56
Region 2 Mattapan	64
Region 4 Worcester	95
Region 5 Springfield	139
Region 6 Lawrence	181
Region 7 Brockton	110
Region 8 New Bedford	106
Region 9 Framingham	53
Anti-Violence Unit	77
Total	881

Drug and Alcohol Testing

An important part of the Parole Board’s community supervision strategy is the ability to conduct drug and alcohol testing. Parole officers use portable drug testing kits and breathalyzers, allowing for immediate access to test results. This type of testing not only provides officers with an effective supervisory tool, but also has a deterrent effect on parolees who know if they violate the conditions of their parole by using alcohol and/or illicit drugs it will be quickly detected. In addition to parole officer testing, substance use tests are conducted by authorized agencies and treatment programs.

During 2015, **133,840 drug and alcohol tests** were conducted on parolees (measured by one test per specimen). Drug tests consisted of the following test types: Cocaine Test, Orallab Test Cup, Teststik, Oxycodone Test, Opiates Test, THC Test, Onsite Test Cup, Benzodiazepines Test, Amphetamines Test, and the iCup (i.e., oxycodone, morphine, benzodiazepines, THC, PCP, methamphetamines, cocaine). Breathalyzers were used for detecting alcohol use. Additional test types include those conducted by Community Corrections Centers and residential programs.

An annual count of drug and alcohol testing, disaggregated by regional office, is provided in the following table.

Drug and Alcohol Tests by Regional Office	
Regional Office	Count
Region 1 Quincy	16,996
Region 2 Mattapan	13,246
Region 4 Worcester	10,611
Region 5 Springfield	26,042
Region 6 Lawrence	23,544
Region 7 Brockton	12,349
Region 8 New Bedford	20,069
Region 9 Framingham	7,246
Anti-Violence Unit	3,737
Total	133,840

Programs

Reentry Navigator Program

The Parole Board's Reentry Navigator Program (formerly known as Substance Abuse Coordinator Program) is a collaborative initiative between the Parole Board and the Department of Public Health's (DPH) Bureau of Substance Abuse Services (BSAS). In 2015, there were **eight full-time Reentry Navigators**, from licensed DPH service vendors, placed and working at each of Parole's regional field offices. Some of the basic duties of the Navigators include parolee intake, triage and referral functions, conducting substance abuse evaluations, providing outreach to service providers and DPH, and tracking and monitoring the progress of clients and treatment providers. The Navigators' services assist parolees in making a successful transition to communities across the state.

Reentry Navigator Program Statistics

In 2015 a total of **861 parolees** received substance abuse and/or reentry services through the Reentry Navigator Program. The following is a breakdown of demographic and socioeconomic factors captured by Navigators at the time of intake (i.e., release to parole supervision).

Gender of Reentry Navigator Program Parolees	
Gender	Count
Male	728
Female	132
Unknown	1
Total	861

Race/Ethnicity of Reentry Navigator Program Parolees	
Race/Ethnicity	Count
White, Non-Hispanic	546
Black, Non-Hispanic	134
Other/Multi-Racial, Non-Hispanic	33
Hispanic	141
Unknown	7
Total	861

Marital Status at Reentry Navigator Program Intake	
Marital Status	Count
Never Married	631
Married	83
Separated	21
Divorced	88
Partnership	32
Other/Unknown	6
Total	861

Education at Reentry Navigator Program Intake	
Education	Count
Some Schooling	24
Some High School	162
High School Diploma/GED	465
Some College	138
Associates Degree	24
College Degree or Higher	32
Other Credentials	6
Other/Unknown	10
Total	861

Employment Status at Reentry Navigator Program Intake	
Employment Status	Count
Employed	98
Not Employed	478
Not in Labor Force	277
Other/Unknown	8
Total	861

Health Insurance Status at Reentry Navigator Program Intake	
Insurance Status	Count
No Insurance	250
Has Insurance	611
Total	861

Primary Substance at Reentry Navigator Program Intake	
Primary Substance	Count
Alcohol	195
Cocaine	67
Crack	24
Marijuana	134
Heroin	344
Prescription Opiates	33
Non-prescription Opiates	54
Other/Unknown	10
Total	861

Transitional Treatment Program

The Parole Board's Transitional Treatment Program (TTP) operates in collaboration with the Massachusetts Department of Correction and Spectrum Health Systems, Inc. The program's mission is to provide the necessary services to ensure a successful transition into the community for parolees who are in need of reentry services. The program provides evidence-based structured treatment for a period of at least ninety (90) days prior to transition to an aftercare plan in the community.

A primary goal of the TTP is to increase successful community reintegration by providing intensive reentry and continuing care planning during the parolee's transition from prison to the community. Program intensity is based on individual assessment of needs, prior substance abuse treatment, family and community support, and resources available in the community. Parolees are expected to attend daily intensive programs, as directed by their counselors. Spectrum counselors may assist with:

- Comprehensive assessment of reentry needs;
- Individual counseling;
- Case management;
- Vocational skills training;
- Substance abuse and relapse prevention;
- Housing search and referrals;
- Employment counseling;
- Expanded job search;
- Community treatment referrals; and
- Other community resources and referrals as necessary.

The program opened in July 2015. Between July and December 2015, **82 parolees** were placed into the TTP.

By the end of the calendar year (12/31/2015), **47 parolees** had discharged from the program:

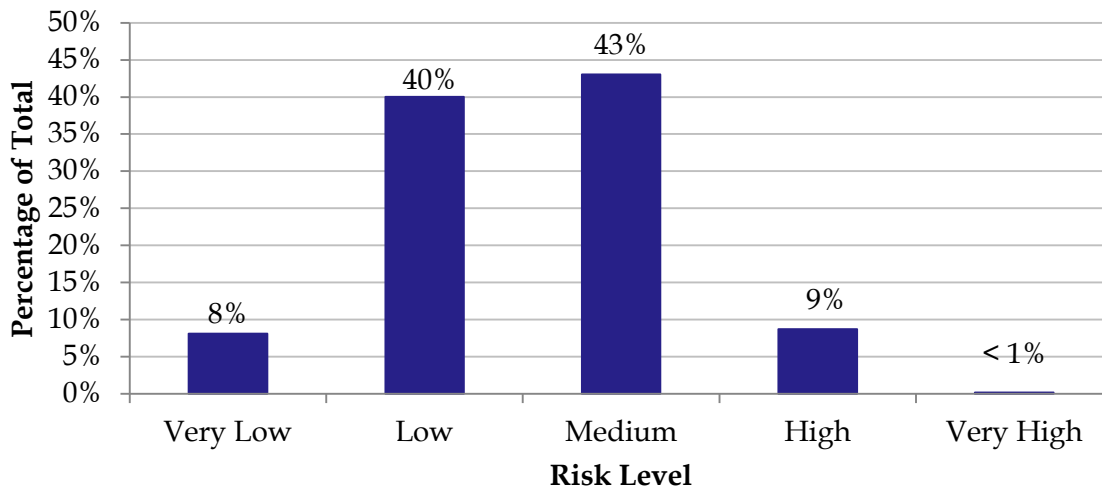
- **38 parolees (81%)** successfully completed the program and transitioned into the community; and
- **9 parolees (19%)** were terminated from the program.

Field Services Risk/Needs Assessments

In addition to conducting risk and needs assessments in preparation for parole hearings, parole officers conduct reassessments in the community to apply effective supervision strategies. Outcomes of reassessments in the field can be used to ensure that parolees are receiving appropriate services in response to their case management needs. The following table provides a distribution of risk levels for assessments conducted in the community in 2015.

LS/CMI Field Assessments		
Risk Level	Count	Percentage
Very Low	54	8%
Low	267	40%
Medium	287	43%
High	58	9%
Very High	1	< 1%
Total	667	100%

**LS/CMI Field Assessments:
Risk Level Distribution**



Graduated Sanctions

Graduated Sanctions Overview

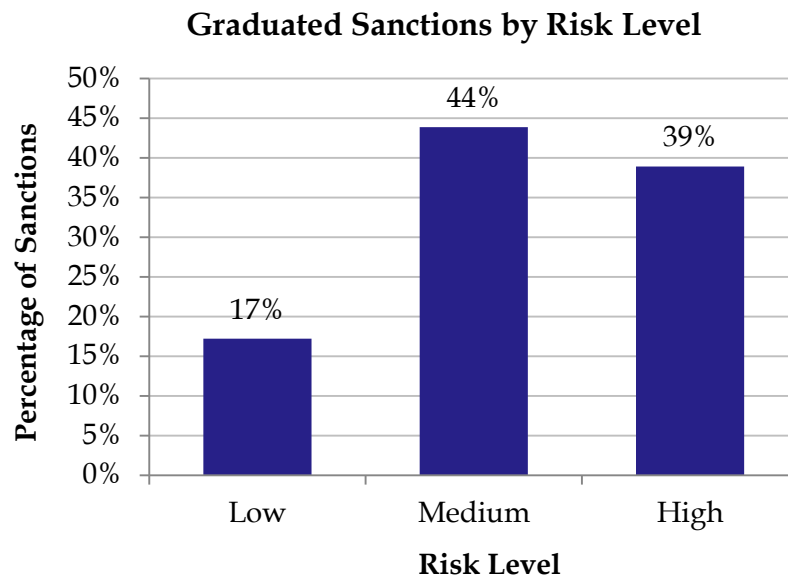
The Parole Board’s policy for graduated sanctions is intended to provide consistency, transparency, fairness, and efficiency throughout the parole violation process. The installation of graduated sanctions as a case management method denotes a controlled delegation of authority by the Parole Board to its Field Services officers.

The guidelines for imposing graduated sanctions match the severity of the violation with the parolee’s risk level to determine the appropriate treatment, intervention, and/or sanction. As an example, if a low to medium risk offender has failed to attend substance abuse classes, yet continues to be employed and maintain a healthy lifestyle, then perhaps this should result in a warning ticket, a meeting with a parole officer, or an intervention by a substance abuse counselor at one of the regional field offices.

If a parolee is willing to work with his or her parole officer, then the Parole Board will work toward his or her success. Success is not achieved by the automatic reaction of returning an offender back to custody. However, different circumstances render different results. If an offender intentionally and willfully evades his or her parole officer, fails to participate in appropriate counseling, and has been deemed high risk, then a positive screen for drugs may result in a return to custody. In this instance, concern for public welfare mandates that the community not be exposed to any unnecessary risks posed by an offender who is either not willing or unable to live a crime free lifestyle.

Graduated Sanctions Statistics

In 2015, there were a total of **2,315 graduated sanctions issued**. The risk distribution of offenders receiving these sanctions was as follows:



A graduated sanctions grid accounts for the parolee's risk level (i.e., risk to reoffend) as determined by an assessment (i.e., LS/CMI or risk proxy) and the severity of the violation to make a decision as to the appropriate action in response to a violation.

There were a total of **2,976 violations reported** through graduated sanctions in 2015. This figure is greater than the number of graduated sanctions because there can be multiple violations for each graduated sanction.

Revocations

Revocation Overview

In 2015, there were a total of **479 parole revocations**. A revocation occurs when a parolee violates a condition of his or her parole, is returned to custody, and formally revoked after a Final Revocation Hearing. The following tables represent revocations in 2015 (excluding revocations for offenders sentenced out of state).

Revocations by Commitment Type		
Commitment Type	Count	Percentage
State	174	36%
County	304	63%
Reformatory	1	< 1%
Total	479	100%

Revocations by Gender		
Gender	Count	Percentage
Male	412	86%
Female	67	14%
Total	479	100%

Revocations by Race/Ethnicity		
Race/Ethnicity	Count	Percentage
White	289	60%
Black	98	20%
Hispanic or Latino Origin	87	18%
Asian or Pacific Islander	1	< 1%
Unknown or Not Recorded	4	1%
Total	479	100%

For purposes of statistical reporting, revocations are disaggregated by parole violation type. Revocations that result from a new arrest or new criminal charge (i.e., “new arrest”) are typically initiated by law enforcement, and not the parolee’s field parole officer. For example, a parolee who is arrested for assault and battery, drug trafficking, or breaking and entering may be revoked for violations of parole conditions in addition to incurring new criminal charges. Revocations that are not based on a new arrest (i.e., “non-arrest”) are typically initiated by the parole officer. Non-arrest violations are violations of general and special conditions of parole, excluding those that involve new arrests or new criminal charges. However, non-arrest

violations may include acts that involve criminal behavior that did not lead to new charges. The following table indicates the parole violation type of revocations in 2015.

Revocations by Parole Violation Type		
Type	Count	Percentage
New Arrest	78	16%
Non-Arrest	401	84%
Total	479	100%

Interstate Compact

Interstate Compact Overview

The Interstate Compact Unit coordinates the interstate transfer of parolees entering or leaving the state and oversees an active caseload of Massachusetts parolees residing out of state under the Interstate Compact. This unit also manages all Massachusetts inmates paroled to Immigration and Customs Enforcement (ICE) deportation warrants.

Interstate Compact Statistics

At the end of 2015, there were **253 commitments under supervision** through the Interstate Compact Unit. Parolee status through the Interstate Compact Unit encompasses a variety of circumstances; including supervision by another state's paroling authority and ICE custody through detainers or deportation warrants.

Throughout 2015, there were **139 commitments** from Massachusetts released to the Interstate Compact to be supervised by other states or transferred to other types of custody. Of these cases:

- **66 parolees** were released to be supervised by another state's parole agency, and
- **73 parolees** were released to ICE custody.

Also during 2015, there were **108 commitments** from other states released to Massachusetts for parole supervision.

Warrants and Apprehensions

Warrant Overview

A warrant for detainer purposes (i.e., 15 day warrant) and an Interstate Compact warrant for detainer purposes (i.e., 60 day warrant) are referred to as warrants for temporary custody (WTC's). WTC's are issued when a parole officer has reasonable belief that a parolee has lapsed into criminal ways, has associated with criminal company, or has violated the conditions of his or her parole. The parole officer may then, with the consent of a parole supervisor or other superior officer, issue a warrant for the temporary custody of the parolee. A WTC authorizes the detention of the parolee for a maximum time period of 15 days or 60 days for an Interstate Compact warrant. The issuance of a WTC does not interrupt the parolee's sentence.

A warrant for permanent custody (WPC) is an order of imprisonment of the parolee, which may be issued upon a finding that there exists probable cause to believe that the parolee has violated one or more conditions of parole. The parolee's supervision status upon issuance of a WPC, and the underlying sentence, resumes again upon service of the warrant. A WPC can only be issued by a Parole Board Member, or in emergency situations, by the Chair's designee.

With an Interstate Compact warrant for detainer purposes and an Interstate Compact warrant for permanent custody, the Parole Board is authorized to issue and serve a warrant to detain parolees whom the Parole Board is supervising under the Interstate Compact.

Warrant Statistics

In 2015, a total of **1,609 warrants** were issued by the Parole Board. The following table disaggregates warrants by type. Note that more than one warrant is often issued to a parolee.

Warrants Issued by Type	
Warrant Type	Count
Warrant for Detainer Purposes (15-Days)	826
Warrant for Detainer Purposes (60-Days) - Compact Warrant	88
Warrant for Permanent Custody	689
Warrant for Permanent Custody - Compact Warrant	6
Total	1,609

Arrests and Transportations to Custody

Parole officers have the authority to make arrests and transport offenders to custody. In 2015, parole officers made **1,098 arrests**. Officers transported **724 offenders to custody**.

Warrant and Apprehension Unit Overview

The primary function of the Warrant and Apprehension Unit (WAU) is in assisting regional parole offices in locating and arresting parole violators and returning them to custody. In addition to conducting these fugitive investigations, the WAU performs numerous other duties including:

- Providing and/or coordinating security for all hearings for life sentence cases and Victim Access Hearings at the central office in Natick, Massachusetts;
- Entering, modifying, and cancelling all Parole Board warrants for temporary custody (WTC) and warrants for permanent custody (WPC);
- Entering, modifying, and cancelling information regarding lost or stolen agency equipment;
- Entering broadcasts regarding fugitives and completing extraditions;
- Monitoring Criminal Justice Information Services databases;
- Processing all paroles from Massachusetts state and county facilities to out-of-state warrants and/or commitments, and supervising this caseload until release from out-of-state custody;
- Supervising a caseload of warrant cases held in custody out-of-state, ensuring extradition at the appropriate time;
- Maintaining a caseload of whereabouts unknown cases, including Interstate Compact cases;
- Maintaining the Massachusetts Parole Board's Most Wanted List;
- Serving as the Parole Board's After-Hour Duty Section;
- Assisting Legal Services in pardon investigations.

Arrests

In 2015, the WAU participated in the **arrest of 137 parole violators**. In addition, the WAU participated in the **arrest of 224 non-parolees**. The unit was also responsible for **121 prisoner transports**.

Extraditions

The WAU is also responsible for handling the extradition of parole violators being returned to Massachusetts from other states. The WAU works closely with law enforcement and

correctional facilities across the nation in order to fulfill extraditions. In 2015, the WAU supervised the **extradition of 11 parole violators** from around the United States. This involves collaborating with the arresting states and ensuring that all legal extradition procedures are being followed.

Warrant Cases In Custody Out-of-State

The WAU oversees all warrant cases held in custody out-of-state. The WAU supervises this caseload, monitoring inmate/parolee progress with the out-of-state correctional facility and arranging extradition when the parolee is made available. The caseload of Warrant Cases In Custody Out-Of-State was approximately **30 parolees** at the end of 2015.

Massachusetts Parole Board's Most Wanted List

The WAU maintains the Most Wanted List, which consists of parole violators that are considered to be high priority for apprehension and are deemed mandatory for extradition. The WAU responds to law enforcement inquiries and follows up on civilian tips to assist in locating these offenders.

Twenty-Four Hour Duty Section

The WAU serves as the Twenty-Four Hour Duty Section, responding to all emergency inquiries made to the MPB after 5:00 pm and on weekends and holidays. All after-hour calls are received by the Massachusetts State Police Central Dispatch, who then contacts a member of the WAU for further handling. The WAU contacts the appropriate officer to ensure that each case has been addressed. If the assigned officer is unavailable, then the case is referred to the After-Hour Duty Supervisor from a rotating list. The WAU processes **more than 150 after-hour calls annually**.

Pardon Investigations

The WAU, upon the request of the Legal Services, conducts pardon investigations and/or interviews of pardon petitioners. Interviews are in-person, unless the petitioner lives out-of-state and appearing in-person is not feasible, in which case a telephone interview may be conducted.

Warrant and Apprehension Unit Partnerships

The WAU has become an integral part of the Massachusetts law enforcement community. This is a direct result of partnerships with local, state, and federal law enforcement agencies. The WAU has developed particularly strong ties with the Boston Police Fugitive Unit, Massachusetts State Police Violent Fugitive Apprehension Section, Federal Bureau of Investigation Southeast Major Gang Task Force, United States Marshals Service, Massachusetts State Auditor's Office, Massachusetts Department of Correction, Massachusetts Probation, Massachusetts Department of Youth Services, as well as county-level correctional facilities and local police departments across the state.

Discharges from Supervision

Like releases, discharges from supervision are also based on commitments. The following counts are drawn from the point in time when the commitment is closed. This can occur for a variety of reasons, the most common of which is at the parole discharge date. However, parolees may be discharged for other reasons (e.g., Interstate Compact closed interest, sentence completion from correctional facility, vacated/court release, death). In addition, parolees can discharge while under supervision by another authority. For example the parolee may end a period of supervision while under the custody of ICE or another state's warrant. In the majority of cases, discharge occurs while the parolee is under parole supervision in Massachusetts. The following tables indicate the number discharges from supervision in 2015, disaggregated by discharge type and commitment type.

Discharges from Supervision	
Discharge Type	Count
MA Commitments Closed from MA Supervision	1,343
Out of State Commitments Closed from MA Supervision	114
MA Commitments Closed from Out of State Compact Supervision	74
MA Commitments Closed from Federal or Another State's Warrant	12
MA Commitments Closed from ICE Custody	8
MA Commitments Closed from Deported Custody	24
MA Commitments Closed from MA Department of Correction Facility	21
MA Commitments Closed from MA House of Correction Facility	161
Total	1,757

Discharges from Supervision by Commitment Type		
Commitment Type	Count	Percentage
State	432	25%
Reformatory	1	< 1%
County	1,206	69%
Out of State	116	7%
Other/Unspecified	2	< 1%
Total	1,757	100%

Notes

- Percentages in this report may not add to 100% due to rounding.
- Minor variations in annual statistics are expected due to ongoing editing of inmate and parolee records in the Parole Board database for purposes of quality assurance.
- Commitment types are based on the inmate's initial sentence and do not account for transitions from one sentence to another (e.g., State to County).
- The Anti-Violence Unit is no longer in operation, as of September 27, 2015.
- As of January 1, 2016, the title for Substance Abuse Coordinators was changed to Reentry Navigators.
- Based on the way in which the Parole Board's data is maintained, Region 6 and Region 6A are combined as Region 6 across this report.

MASSACHUSETTS PAROLE BOARD

2015

