



Commonwealth of Massachusetts
Office of the State Auditor
Suzanne M. Bump

Making government work better

Official Audit Report – Issued March 24, 2021

Massachusetts Parole Board

For the period July 1, 2017 through December 31, 2019





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March 24, 2021

Gloriann Moroney, Esq., Chair of the Massachusetts Parole Board
Massachusetts Parole Board Central Office
12 Mercer Road
Natick, MA 01760

Dear Ms. Moroney:

I am pleased to provide this performance audit of the Massachusetts Parole Board. This report details the audit objectives, scope, methodology, findings, and recommendations for the audit period, July 1, 2017 through December 31, 2019. My audit staff discussed the contents of this report with management of the agency, whose comments are reflected in this report.

I would also like to express my appreciation to the Massachusetts Parole Board for the cooperation and assistance provided to my staff during the audit.

Sincerely,

A handwritten signature in blue ink, appearing to read "SMB", written over a light blue circular stamp.

Suzanne M. Bump
Auditor of the Commonwealth

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
OVERVIEW OF AUDITED ENTITY	2
AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY.....	6
DETAILED AUDIT FINDINGS WITH AUDITEE’S RESPONSE	10
1. The Massachusetts Parole Board did not conduct all required risk and needs reassessments within the mandated timeframes.....	10
2. MPB could not provide documentation to substantiate that parolees received all required reentry forms.	11

LIST OF ABBREVIATIONS

CORI	Criminal Offender Record Information
DOJ	United States Department of Justice
LS/CMI	Level of Service Case Management Inventory
MMARS	Massachusetts Management Accounting and Reporting System
MPB	Massachusetts Parole Board
OSA	Office of the State Auditor
SPIRIT	State Parole Integrated Records and Information Tracking

EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of the Massachusetts Parole Board (MPB) for the period July 1, 2017 through December 31, 2019. In this performance audit, we examined MPB's parolee risk and needs assessments, the fiscal year 2017 Smart Supervision Program, and reentry services provided to parolees.

Below is a summary of our findings and recommendations, with links to each page listed.

Finding 1 Page 10	MPB did not conduct all required risk and needs reassessments within the mandated timeframes.
Recommendation Page 10	Parole supervisors should use the Level of Service Case Management Inventory Overdue Inquiries report monthly and should immediately ensure that all past-due reassessments are completed.
Finding 2 Page 11	MPB could not provide documentation to substantiate that parolees received all required reentry forms.
Recommendation Page 12	MPB should maintain records of all reentry forms provided to parolees at the time of their release.

OVERVIEW OF AUDITED ENTITY

The Massachusetts Parole Board (MPB) was established by Section 4 of Chapter 27 of the Massachusetts General Laws and is an agency within the Executive Office of Public Safety and Security. MPB's website states,

We serve the public, victims, inmates, parolees, and petitioners throughout the Commonwealth by conducting face-to-face parole release hearings, supervising parolees in the community, providing notice and assistance to victims, and providing reentry services to offenders leaving custody with no mandated post-release supervision.

According to Section 103.1 of its Policy 120 PAR 103, "Department Vision, Mission and Goals," MPB's mission is as follows:

The Massachusetts Parole Board, as an integral component of the criminal justice system, promotes public safety through the responsible reintegration of offenders into the community through supervised conditional release, so that a successful transition from confinement to parole discharge provides a basis for a continued responsible conduct.

Parole allows certain incarcerated individuals who are released before their sentences expire to serve out the remainder of their terms in the community with supervision under conditions approved by MPB members.

MPB received direct appropriations of \$15,508,501, \$17,366,718, and \$23,627,796 for fiscal years 2018, 2019, and 2020, respectively. MPB has seven members, appointed by the Governor, including one member designated as chair. The chair was Paul Treseler from September 2015 through April 2019. Since April 2019, the chair has been Gloriann Moroney, Esq. In 2018, MPB conducted 4,532 release hearings for inmates, according to its 2018 annual statistical report. According to the 2019 annual statistical report, released in October 2020, MPB conducted 4,294 release hearings for inmates in 2019. The final statistics for the number of 2020 release hearings for inmates were unavailable when this audit report was written.

Risk and Needs Assessment in the Level of Service Case Management Inventory

According to Section 130 of Chapter 127 of the General Laws,

[Parole] permits shall be granted only if the board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with

appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society.

In 2013, MPB introduced an instrument called Level of Service Case Management Inventory (LS/CMI) to conduct risk and needs assessments. The assessment is a tool to assess incarcerated individuals who seek parole; it contributes to MPB's decisions about approval or denial of parole.

According to MPB's policy and procedures, the timing of reassessment depends on each parolee's case. For example, any parolee serving a supervised parole of 12 months or more is required to have an initial reassessment 6 months after release and annual reassessments thereafter.

To manage inmates and parolees through incarceration, parole hearings, and supervision, MPB uses the State Parole Integrated Records and Information Tracking (SPIRIT) system. SPIRIT is a case management system used to track parolees' locations and eligibility for hearings, maintain and modify parolees' files, and perform other functions necessary to fulfill MPB's responsibilities. Initially developed in 2008, SPIRIT was upgraded to SPIRIT II during our audit period, in August 2018.

Fiscal Year 2017 Smart Supervision Program

In fiscal year 2017, MPB was awarded \$738,344 for the "FY 2017 Smart Supervision: Reducing Prison Populations, Saving Money, and Creating Safer Communities" competitive grant by the United States Department of Justice, Office of Justice Programs, and Bureau of Justice Assistance. The purpose of the grant is to provide resources to government units like MPB to help establish an effective program of parole practices that reduce recidivism. The grant began October 1, 2017, and MPB was granted an extension through September 30, 2021. MPB selected service providers to participate in the program through reentry services (e.g., housing assistance, job searches, and substance use treatment) for parolees after incarceration. MPB partnered with the University of Massachusetts—Boston to conduct a project called Parole Recovery Opportunity Supervision. This program provides enhanced supervision and treatment for parolees who have been identified as High or Very High on the LS/CMI risk and needs assessment, have a history of opioid/opiate misuse, and are released to the Lawrence or the New Bedford Regional Parole Offices.

Reentry Services

According to Section 359.01 of MPB Policy 120 PAR 359, “General Conditions of Parole,”

To ensure successful integration into the community and to protect public safety, the Board shall impose the following general conditions of parole for each offender granted a parole release. . . .

The Parole Board shall provide each parolee with written information about obeying each general condition for parole.

Once a parolee is released from an institution, the parolee must immediately report to a designated MPB regional office. At the regional office, the parolee is processed in accordance with the standard operating procedures for the Field Services Division on the day of release.

MPB requires parolees to fill out and sign reentry forms before they can be granted parole and released for supervision. These forms are the Certificate of Parole, Home Plan Criminal Offender Record Information (CORI) Waiver, Home Sponsor Agreement, Agreement to Extradition (if applicable), and Release of Information Form. They ensure that parolees agree to and understand their board-approved parole conditions and supervision levels.¹

Reentry Form Purposes

Reentry Form	Purpose of Form
Certificate of Parole	Documents the agreement entered into by MPB and the parolee and outlines the parole conditions.
Home Plan CORI Waiver	Documents the parolee’s agreement to waive the right of having his/her CORI report remain private, in order for a home plan to be approved.
Home Sponsor Agreement	Documents the home sponsor’s agreement to allow the parolee to live in the sponsor’s home.
Agreement to Extradition (if applicable)	Documents the parolee’s agreement to be extradited to another state for a warrant.
Release of Information Form	Documents the parolee’s agreement to the release of any and all information (such as treatment notes, tests, results, reports, or information provided to the parolee by the treatment program) to MPB.

1. Supervision levels are determined by MPB and the parole conditions. There are four levels of supervision, which vary regarding the number of visits, substance use testing, and/or other activities, in accordance with the parole conditions.

Each parolee is assigned a parole officer to keep track of the parolee and the mandated parole conditions approved by MPB. MPB parole supervisors conduct biannual case audits to ensure that parole officers meet standards of supervision. As part of the case audit process, parole supervisors conduct a comprehensive review of each parole officer's case files by checking SPIRIT II to verify the completeness of the records in each case file, particularly the sections in each offender's profile that pertain to supervision.

AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor (OSA) has conducted a performance audit of certain activities of the Massachusetts Parole Board (MPB) for the period July 1, 2017 through December 31, 2019.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Below is a list of our audit objectives, indicating each question we intended our audit to answer; the conclusion we reached regarding each objective; and, if applicable, where each objective is discussed in the audit findings.

Objective	Conclusion
1. Did MPB comply with the risk and needs assessment required by Section 130 of Chapter 127 of the General Laws and MPB Policy 120 PAR 112, "Risk/Needs Assessment"?	No; see Finding <u>1</u>
2. Did MPB comply with all the requirements of the fiscal year 2017 Smart Supervision Program?	Yes
3. Did MPB adhere to its policy regarding tracking the progress of parolees who require services as part of their parole conditions?	No; see Finding <u>2</u>

To achieve our objectives, we gained an understanding of the internal control environment we determined to be relevant to our audit objectives by reviewing agency policies and procedures, as well as conducting inquiries with the staff and management. We evaluated the operating effectiveness of internal controls regarding expenditures related to the fiscal year 2017 Smart Supervision Program. We performed the following procedures to obtain sufficient, appropriate audit evidence to address the audit objectives.

Risk and Needs Assessment in the Level of Service Case Management Inventory

We obtained from MPB a population of 5,494 parolees released during our audit period. To determine whether risk and needs assessments were conducted in the Level of Service Case Management Inventory (LS/CMI), we used a random statistical sampling method with a 95% confidence level² and a 0% expected error rate for our test. We tested 60 of the 5,494 parolee records for key fields used in the assessment and reassessment processes per MPB Policy 120 PAR 112, "Risk/Needs Assessment." The key fields we tested are as follows:

- eligibility for parole hearing
- date initial risk and needs assessment was conducted using LS/CMI
- completeness of risk and needs assessment in LS/CMI
- date of 6-month reassessment after release, for parolees who were on supervision periods of 12 months or more
- dates of reassessments for parolees who had received a life sentence or who were sex offenders
- dates of annual reassessments for parolees who had completed 6-month reassessments
- date of MPB hearing
- whether the risk and needs assessment was conducted using LS/CMI before each parolee's hearing
- whether there were records of MPB's decision to approve parole
- whether MPB decisions about parole were made available to the public.

We inspected parolees' profiles, risk and needs assessments in LS/CMI, case documentation, case notes, and summaries from the State Parole Integrated Records and Information Tracking (SPIRIT) II system.

Fiscal Year 2017 Smart Supervision Grant

We requested and obtained documentation from MPB to determine whether the fiscal year 2017 Smart Supervision Program's funds were disbursed in accordance with the grant's requirements during our audit period. We conducted a test to verify the following attributes:

2. The confidence level is the measure of how confident we can be that our results reflect what we would have obtained if the entire population had been tested. The expected error rate is the anticipated rate of occurrence of improper risk/needs assessments.

-
- the creation, and submission to the United States Department of Justice (DOJ), of a program narrative to explain what MPB will do with the grant funds
 - the effectiveness of the internal controls over the use of the grant funding
 - submission dates of quarterly financial reports
 - dates of semiannual progress reports
 - date when data were provided to DOJ with results from the program.

In addition, we conducted a test of the grant's expenditures to determine whether the disbursements were allowable according to the fiscal year 2017 Smart Supervision Program. We requested and examined all invoices from approved service providers who received disbursements from this grant. We also obtained a list of overtime payments from MPB and selected a random nonstatistical sample of 35 out of a population of 156 overtime payments made during the audit period. To perform this testing, we requested documentation and examined invoice contents, dates, amounts, and descriptions. We examined records for approval of disbursements, such as signatures, to determine whether disbursements were allowable expenditures.

Reentry Forms and Tracking of Parolees' Progress

MPB gave us a list of all parolees released to supervision during our audit period. To determine whether reentry forms were provided to parolees, we selected a random statistical sample of 60 parolees out of a population of 5,494, with a 95% confidence level and a 0% expected error rate. We reviewed parolees' profiles, dates of MPB-approved parole, supervision levels, parole conditions, case notes, and summaries from SPIRIT II. We obtained documentation such as parolees' reentry forms from MPB and checked for proper signatures and approvals.

In addition to determining whether parole officers tracked parolees' parole statuses, we conducted inquiries with MPB personnel and reviewed policies and documentation related to the supervision of MPB's parole officers in regard to their case audits. To determine whether MPB management reviewed parole officers' assignments to track parolees' parole statuses and conditions, we selected a random statistical sample of 60 parolees out of a population of 5,494, with a 95% confidence level and a 0% expected error rate. We reviewed parolees' case audit dates, case notes, and summaries from SPIRIT II. We obtained documentation, such as hardcopy case notes for parolees, from MPB.

Data Reliability Assessment

In 2018, OSA conducted a data reliability assessment of the Massachusetts Management Accounting and Reporting System (MMARS) for the period April 1, 2017 through March 31, 2018. This assessment focused on reviewing selected system controls, including access, security awareness, auditing and accountability, configuration management, identification, authentication, and personal security.

In our current audit, to determine the reliability of the data we received from MPB, we traced source documents to SPIRIT II and traced items from SPIRIT II to source documents to ensure accuracy and completeness of the data for a population of 5,494 parolees. We determined that the data were sufficiently reliable to conduct audit testing for the purpose of our audit objectives. We reviewed general information controls, including automated control testing, access controls, security training, and personnel screening, over SPIRIT II and MMARS to determine the reliability of the data therein. We also performed data integrity tests by searching for blank fields in parolees' records and checking for duplicate parolee records in SPIRIT II. We tested for completeness and appropriateness of the SPIRIT II data and MMARS expense data.

We used a combination of nonstatistical and statistical sampling methods for our audit objectives and did not project the sample results to any of the population.

DETAILED AUDIT FINDINGS WITH AUDITEE'S RESPONSE

1. The Massachusetts Parole Board did not conduct all required risk and needs reassessments within the mandated timeframes.

The Massachusetts Parole Board (MPB) did not conduct the initial 6-month risk and needs reassessments for 4 out of 60 parolees under review and did not conduct an annual risk and needs reassessment for 1 parolee who was released on parole for more than 12 months within the mandated timeframes. Without performing timely reassessments of parolees, MPB cannot determine whether their risks or needs have changed.

Authoritative Guidance

Section 112.05 of MPB Policy 120 PAR 112, "Risk/Needs Assessment," states,

- C. A parolee with a supervision period of 12 months or more must be re-assessed six months after release.*
- D. After the initial field re-assessment at six months, a parolee will be re-assessed at least once every 12 months during the period of supervision.*

Reasons for Delayed Input

MPB personnel stated that this was a result of a work cycle issue. They also noted that there was no function in the State Parole Integrated Records and Information Tracking (SPIRIT) II system to alert parole officers of upcoming assessments to be completed, and the parole supervisors are not required to review the Level of Service Case Management Inventory (LS/CMI) Overdue Inquiries report each month. This report indicates which LS/CMI risk and needs reassessments are past due.

Recommendation

Parole supervisors should use the LS/CMI Overdue Inquiries report monthly and should immediately ensure that all past-due reassessments are completed.

Auditee's Response

Finding Number 1 relates to the objective, "Did the MPB comply with the risk and needs assessment required by Section 130 of Chapter 127 of the General Laws and MPB Policy 120 PAR 112, 'Risk/Needs Assessment'?" The Parole Board maintains that it complies with Section 130 of Chapter 127. The Parole Board further maintains that it complies with the policy, 120 PAR 112, in conducting reassessment in all required cases, but would agree with the Audit Team's recommendations for improvement in meeting reassessment timelines.

*In its initial engagement letter the Audit Team indicated that it would be assessing the Parole Board's compliance with Chapter 127, Section 130, which provides, inter alia, "Permits shall be granted only if the board is of the opinion, **after consideration of a risk and needs assessment**, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." (Emphasis added.) As noted [in] the Audit findings, key tested fields relative to the statutory requirement included: eligibility for parole hearing, date initial risk and needs assessment was conducted using LS/CMI, completeness of risk and needs assessment in LS/CMI, date of MPB hearing, whether the risk and needs assessment was conducted using LS/CMI before the parolee's hearing, and whether there were records of MPB's decision to approve parole. The Audit Team indicated that it found no incidents of failure to comply with the statutory requirements in the sixty (60) randomly selected cases it tested.*

*The Parole Board's Policy, 120 PAR 112, exceeds the statutory requirements by incorporating periodic reassessments during parole supervision. The Audit Team determined that parole staff completed reassessments in **all** sixty (60) cases tested and staff met policy timelines in fifty-five (55) of the sixty (60) cases tested. However, the Parole Board would agree with the Audit Team findings that staff were outside of the policy timelines in five (5) of the sixty (60) cases tested and that the SPIRIT case management system currently lacks an alert function regarding upcoming assessments. Supervisors are directed to utilize system reports each month to address overdue items. The Parole Board, in accordance with the Audit Team's recommendation, will emphasize use of the LS/CMI Overdue Inquiries report to address overdue reassessments. The Parole Board has also taken steps to request that the case management database vendor add functionality to provide parole officers with an alert or "to do" notice regarding upcoming reassessments to be completed.*

Auditor's Reply

Based on its response, MPB is taking measures to address our concerns in this area.

2. MPB could not provide documentation to substantiate that parolees received all required reentry forms.

For 18 of the 60 parolees in our sample, MPB could not provide supporting documentation to substantiate receipt of one or more reentry forms (see table below). Without retaining accurate records, MPB cannot ensure that parolees have received all required documentation. As a result, parolees may be unaware of their parole conditions and may unintentionally reoffend.

Types of Reentry Forms Missing from Parolee Case Files

Reentry Form	Number of Parolees without Form*
Completed and Signed Certificate of Parole	1
Signed Home Plan Criminal Offender Record Information Waiver	15
Signed Home Sponsor Agreement	7
Signed Agreement to Extradition	2
Signed Release of Information Form	6

* Some parolees were missing multiple reentry forms.

Eighteen of the 60 parolees in our sample were missing a total of 31 reentry forms in their case files.

Authoritative Guidance

MPB internal policy 120 PAR 359 states, "The Parole Board shall provide each parolee with written information about obeying each condition of parole." MPB should maintain signed copies of the documents in question to verify that parolees have received and agreed to the parole conditions.

Reasons for Missing Forms

SPIRIT II lacks the functionality to allow hardcopy reentry forms to be scanned directly into the system, and MPB could not locate some of the hard copies we requested.

Recommendation

MPB should maintain records of all reentry forms provided to parolees at the time of their release.

Auditee's Response

Finding Number 2 relates to the objective, "Did MPB adhere to its policy regarding tracking the progress of parolees who require services as part of their parole conditions?" As outlined below, the Parole Board maintains that it adheres to the policy of tracking the progress of parolees, but agrees with the Audit Team's recommendation regarding improvements to documentation of certain forms.

It is important to note, during discussions with Parole Board staff, the Audit Team identified no issues with tracking of conditions and supervision. In conducting supervision, the Parole Board focuses on community visits, referrals for services, verification of compliance with conditions and graduated sanctions to address violations. These activities are documented via case notes in the

SPIRIT case management database. The Audit Team noted no issues in case note documentation for the sixty (60) randomly selected cases that were tested.

In terms of the documents detailed in the Audit Team's finding, the Certificate of Parole, or Permit, is the only statutorily required document (per M.G.L. Chapter 127, Section 130). The Permit details the conditions of parole and is incorporated in supervision planning. A signed Certificate of Parole was present in fifty-nine (59) of the sixty (60) cases tested. In the case in which a signed copy of the Certificate of Parole was not located, the SPIRIT database corroborated the issuance of the Certificate. The other documents cited are ancillary in nature and are necessary to complete as part of the release process. While these documents are part of the release process, they are not critical to the supervision plan nor are they required to track the progress of the parolee. Pursuant to a 2018 upgrade to the SPIRIT database, blank copies of all issued permits and other forms are available in all cases moving forward.

The Parole Board agrees with the Audit Team that it should improve documentation in the area of maintaining signed copies of the forms cited. The management team has directed staff to implement a new process by which signed release forms will be scanned and then uploaded to the Additional Documents section of the SPIRIT case management database. Supervisory staff will ensure the presence of signed documents as part of periodic internal case audits.

Auditor's Reply

Based on its response, MPB is taking measures to address our concerns in this area.