

 <p style="text-align: center;">Massachusetts Department of Correction</p> <h1 style="text-align: center;">POLICY</h1>	Effective Date  2/23/2024	Responsible Division  Deputy Commissioner, Clinical Services and Reentry	
	Annual Review Date  2/23/2024		
Policy Name  103 DOC 418 EARLY PAROLE CONSIDERATION	M.G.L. Reference: M.G.L. Ch. 124, § 1,(q); M.G.L. Ch.127, §§ 133 (b), 142; St. 1993 c. 432, and 120 CMR 200.10		
	DOC Policy Reference: 103 CMR 420		
	ACA/PREA Standards:		
Attachments Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Inmate Library Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Applicability: Staff and Inmates eligible for parole	
Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Location: Department Central Policy File Classification Division Each Institution's Policy File	
<p><b>PURPOSE:</b> The purpose of 103 DOC 418 is to establish policy and procedure for early parole considerations.</p> <p><b>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:</b>          Deputy Commissioner of Clinical Services &amp; Reentry          Assistant Deputy Commissioner of Reentry          Superintendents</p> <p><b>CANCELLATION:</b>          103 DOC 418 cancels all previous Department policy statements, bulletins, directives, orders, notices, rules, and regulations regarding early parole consideration which are inconsistent with this policy.</p> <p><b>SEVERABILITY CLAUSE:</b>          If any part of 103 DOC 418 is for any reason held to be in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.</p>			

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#### **418.01**

#### **ELIGIBILITY**

Inmates serving a state prison sentence are eligible to apply for a special parole consideration after having served one-third (1/3) of the minimum sentence. Inmates serving two (2) or more state prison sentences to be served consecutively are eligible to apply for a special parole consideration after having served one-third (1/3) of the aggregate of the minimum terms of such sentences.

- A. Mandatory Sentences: Inmates serving a mandatory sentence shall be required to serve the mandatory portion of the sentence prior to being considered for special parole consideration.
- B. Crimes on Parole: Inmates serving a sentence for crime(s) committed while on Massachusetts parole are not eligible for special parole consideration.
- C. Truth in Sentencing: Inmates convicted under “Truth in Sentencing” Laws for crimes committed on or after 7/1/94 are not eligible for special parole consideration.

#### **418.02**

#### **APPLICATION TIME-FRAMES**

Inmates serving state prison sentences may apply for special parole consideration ninety (90) days prior to their one-third (1/3) date. Inmates serving reformatory sentences (MCI-Concord/MCI-Framingham) may apply for early parole consideration at any time during their sentence. However, in compliance with M.G.L. 127 § 142 when an incarcerated female is due to give birth during the term of her imprisonment, she may apply at any time with the recommendation of that institution’s physician.

#### **418.03**

#### **APPLICATION PROCESS**

- A. Application

Eligible inmates shall apply for early parole consideration through their Institution Director of Classification. The Director of Classification shall schedule the inmate for a reclassification board hearing. Eligible inmates housed in out-of-state or county facilities shall apply through the sheriff, warden, master, or designee of their current facility. The sheriff, warden, master, or designee shall forward their recommendations to the Director of the Classification Division.

- B. Suitability Review

The suitability of an inmate for favorable consideration shall be in accordance with Parole Board Regulations 120 CMR 200.10 and shall

include, but not be limited to, the following extraordinary and compelling circumstances:

1. Serious medical or physical condition;
2. Exceptional achievement in a rehabilitative program;
3. Acceptance into a community rehabilitative program;
4. Any other reason that the Board determines is sufficiently compelling to warrant early consideration for parole release.

C. Classification Board Hearing

The Classification Board Hearing shall be conducted in accordance with 103 CMR 420, *Classification*.

D. Review

If approved by the Commissioner or designee, the case shall be forwarded to the Parole Board for review.

**418.04**

**PAROLE BOARD ACTION**

- A. Early parole consideration requests, when favorably recommended by a majority of the full board, shall result only in a decision to conduct a hearing before a panel of the board.
- B. Following the hearing, the full board shall consider whether to grant early consideration.
  1. If a majority of the full board agrees to grant early consideration, the full board shall then consider the matter of the time and circumstances of release.
  2. Where such approval is not given, early consideration shall not be allowed at that time, and the original parole eligibility date shall remain in effect.

**418.05**

**DENIALS/TIME-FRAMES FOR RE-APPLICATION**

Inmates who are denied early consideration may reapply ninety (90) days after the date of denial.