

Department of Correction / Parole Board Collaboration Report

Fiscal Year 2022



Executive Office of Public Safety and Security
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Charles D. Baker, Governor
Terrence M. Reidy, Secretary of Public Safety and Security

**Department of Correction / Parole Board Collaboration Report to
The Executive Office for Administration and Finance, the House and Senate
Committees on Ways and Means and the Joint Committee on the Judiciary**

**Prepared by: Matthew Moniz, Director of Program Services (DOC)
and
Pratikshya Bohra-Mishra, Research and Planning Unit (Parole Board)
Report as of August 2022**

The funding provided to the MA Department of Correction (DOC) and MA Parole Board (Parole) under budget line item 0330-0613 is intended to improve collaboration between the two agencies to reduce delays in the release of paroled inmates. This collaboration will be achieved by incentivizing participation in and completion of certain recidivism reduction programs in DOC facilities, and by increasing the number of people who receive supervision upon release. DOC and Parole have utilized Program Services staff and Research & Planning staff, respectively, to work collaboratively to achieve this goal.

Pursuant to budget line item 0330-0613, statistics regarding delayed parole releases are provided below. For the purpose of this report, a “delayed release” is defined as any inmate being released to parole supervision from the DOC in the relevant Fiscal Year (FY) as a result of a positive Parole Board vote resulting from a release, rescission or revocation hearing more than 30 days past their parole reserve date. Those paroled from a life sentence or who received a positive parole vote with a prescription have been excluded because in these cases, a “reserve” date is considered more of a placeholder, and the actual release date is dependent upon the inmate completing a prescribed program or a specified period in lower security, or is contingent on release to a residential/transitional housing program. Similarly, those paroled on either mandatory parole or medical parole have been excluded because the Parole Board does not set a reserve or release date in these cases; these releases are only processed by the Parole Board upon submission of a home plan.

The tables below provide delayed release breakdowns of these cohorts. Note that an individual can be released more than once in the time period reported (for example, an individual can be released to parole supervision, subsequently be returned to custody resulting in a final revocation of their parole, and then re-paroled within the same FY). Inmates serving county sentences at the DOC are also included.

As summarized in Table 1 below, 97 offenders (23%) experienced a delayed release in FY 2018, with an average delay of 69 days.

**Table 1. FY 2018 Releases from DOC to Parole Supervision, By
No. of Days Between Reserve Date and Release Date**

Release Date - Reserve Date	N	%
30 Days or Less	318	77%
More than 30 Days (Delayed Release)	97	23%
Total	415	100%

In FY 2019, 90 offenders (20%) experienced a delayed release with an average delay of 68 days.

**Table 2. FY 2019 Releases from DOC to Parole Supervision, By
No. of Days Between Reserve Date and Release Date**

Release Date - Reserve Date	N	%
30 Days or Less	357	80%
More than 30 Days (Delayed Release)	90	20%
Total	447	100%

In FY 2020, 115 offenders (24%) experienced a delayed release, with an average delay of 62 days.

**Table 3. FY 2020 Releases from DOC to Parole Supervision, By
No. of Days Between Reserve Date and Release Date**

Release Date - Reserve Date	N	%
30 Days or Less	373	76%
More than 30 Days (Delayed Release)	115	24%
Total	488	100%

In FY 2021, 70 offenders (17%) experienced a delayed release, with an average delay of 62 days.

**Table 4. FY 2021 Releases from DOC to Parole Supervision, By
No. of Days Between Reserve Date and Release Date**

Release Date - Reserve Date	N	%
30 Days or Less	340	83%
More than 30 Days (Delayed Release)	70	17%
Total	410	100%

Finally, in FY 2022, 110 offenders (27%) experienced a delayed release with an average delay of 68 days. This is a 10 percentage point increase in the proportion of DOC inmates experiencing delayed release, compared to 17% in FY 2021.

**Table 5. FY 2022 Releases from DOC to Parole Supervision, By
No. of Days Between Reserve Date and Release Date**

Release Date-Reserve Date	N	%
30 Days or Less	292	73%
More than 30 Days (Delayed Release)	110	27%
Total	402	100%

In general, there are various potential reasons why an offender may be released beyond their parole reserve date. These include:

1. Offender released to program is awaiting an available bed at a long-term residential/transitional housing/sober home (programs), which can delay the release process.
2. Insufficient home plan submitted by the offender, difficulty in finding a suitable home plan, and/or active search for a suitable home plan.
3. Interstate compact approval if offender will be released to supervision outside of Massachusetts.
4. A change of vote request submitted by the offender to modify conditions of parole.

5. A return to higher custody or disciplinary report.

To better understand the factor/s that contributed to the increase in the proportion of DOC inmates experiencing delayed release in FY 2022, release data was further analyzed. The results confirmed that in FY 2022, there was a 10 percentage point increase in release to programs from FY 2021 (42% of inmates were released to program in FY 2021 vs. 52% of releases to program in FY 2022) (see Table 6 below). As explained above (under “1.”), inmates released to programs are likely to face a delay in their release due to limited availability of beds. Our data supports that across both years, a much higher proportion of inmates experienced a delay in release if they were released to program as opposed to a home plan. For example, in FY 2021, 21% of program releases faced a delay in their release compared to only 13% of those who were released to a home plan. This trend continued in FY 2022 where among program releases, 40% experienced a delayed release while the likelihood of experiencing a delay in release was similar to FY 2021 for those released to home (at 14%). These numbers show that two factors led to an increase in delayed releases in FY 2022:

1. an increase in the proportion of inmates released to program compared to a home plan; and
2. those released to program in FY 2022 were even more likely to face a delayed release compared to their counterparts who were released to program in FY 2021. The increase in the volume of releases to program and therefore, supply constraints in terms of availability of program beds might explain a further worsening trend in delay among program releases.

Therefore, the increase in delayed releases in FY 2022 can be attributed to a significant increase in releases to program as opposed to home plan in FY 2022.

Table 6. FY 2022 & FY 2021 Releases to Program vs. Home Plan

	Program		Home Plan ¹		All	
	N	%	N	%	N	%
FY2021	172	42%	238	58%	410	100%
FY2022	208	52%	194	48%	402	100%

Table 7. FY 2022 & FY 2021 Proportion of Delayed Releases to Program vs. Home Plan

FY2021	Program		Home Plan	
Less than 30 days	136	79%	208	87%
Delayed release	36	21%	30	13%
Total	172	100%	238	100%
FY2022	Program		Home Plan	
Less than 30 days	125	60%	167	86%
Delayed release	83	40%	27	14%
Total	208	100%	194	100%

DOC and Parole continue to work collaboratively to ensure offenders are released to supervision within a reasonable timeframe.

Mandatory Release to Supervision from DOC

In 2019, as a result of the criminal justice review legislation, Chapter 72 of the Acts of 2018, DOC inmates can be issued a parole permit for mandatory release to supervision. A DOC inmate may be granted a mandatory release to supervision pursuant to M.G.L. c. 127, § 130B upon completing specific programs as

¹ Includes holding facility/prison

determined by DOC. Completion of such programs earns the inmate completion credits, which deduct from their maximum sentence, consequently making them eligible for mandatory release to supervision. In FY 2020, there were 127 mandatory releases to supervision, which increased to 158 such releases in FY 2021. In FY 2022, there were 177 mandatory releases to supervision, which suggests an increasing trend in the number of mandatory releases to supervision.

**Table 5. Mandatory Release to Supervision:
FY 2020 - FY 2022**

	N	%
FY 2020	127	28%
FY 2021	158	34%
FY 2022	177	38%
Total	462	100%

DOC and Parole have established strategies to improve processes regarding a Release to Supervision (RTS). This involves DOC generating a weekly RTS Report, which is utilized to track inmate eligibility and updated RTS dates based on earned good time accrual. The RTS Reports allow for efficient information exchanges between the Institutional Parole Officer and Reentry Specialist at each facility for reentry planning. Both DOC and Parole are continuously monitoring release information and housing plans to ensure timely releases for inmates eligible for Release to Supervision.