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May 13, 2020

Francis V. Kenneally  
Clerk, Supreme Judicial Court  
John Adams Courthouse  
One Pemberton Square  
Suite 1300  
Boston, MA 02108

Re: *Foster, et al. v. Mici, et al.*, No. SJC-12935

Dear Clerk Kenneally:

Pursuant to Mass. R. App. P. 16(l), the defendant, Gloriann Moroney as Chair of the Massachusetts Parole Board, provides the following responses to the inquiries directed to her in the Court's postargument Order dated May 8, 2020:

(1) **For each month from January 2019 through the present, what is the number of persons admitted to DOC custody and the number of persons released from DOC custody?**

Based upon the Parole Board's records and information provided by the Department of Corrections:

### 2019 Admissions/Releases

January:	562 / 545
February:	503 / 524
March:	591 / 537
April:	588 / 582
May:	630 / 709
June:	651 / 582
July:	624 / 704
August:	600 / 646
September:	652 / 582
October:	542 / 756
November:	402 / 559
December:	340 / 471

2019 Totals: 6,685 / 7,197

### 2020 Admissions/Releases

January: 461 / 450  
February: 437 / 406  
March: 257 / 415  
April: 96 / 526  
May: 41 / 146\*

\*Releases through May 11, 2020

2020 Totals: 1,292 / 1,943

- (2) Of the number of persons released for each month in 2020, how many were released (a) because of the completion of their sentence, (b) because of the grant of a parole permit, (c) because of other reasons?**

The Parole Board does not maintain data for persons released from DOC custody for reasons other than grants of parole. The 2020 monthly figures for releases to parole are as follows:

**2020 DOC Releases to Parole by Month**

January: 52  
February: 51  
March: 52  
April: 141  
May: 55\*

\*Releases through May 11, 2020

The Chair respectfully refers the Court to the Department of Correction for more information responsive to its inquiry.

- (3) Of the number of person admitted for each month in 2020, what was the reason for their admission (e.g. sentenced by court, parole violation, etc.)?**

The Parole Board does not maintain data for all persons admitted to DOC custody, except to the extent that they are returned to custody due to a parole violation. The 2020 figures for monthly returns due to parole violations are as follows:

**2020 Returns Due to Parole Violations**

January: 26  
February: 19  
March: 14

April: 8  
May: 8\*

\*Returns through May 11, 2020

The Chair respectfully refers the Court to the Department of Correction for more information responsive to its inquiry.

**(4) If the number of persons released was significantly lower in April 2020 than in earlier months, what were the reason(s) for the reduction?**

The number of persons released from DOC custody in April, 2020 was not significantly lower than in earlier months. To the contrary, April saw a significant decline in DOC facility occupancy. This reduction was due, in part, to a substantial increase in the number of individuals released to parole. The increase in releases to parole was prompted, in part, by the Parole Board's efforts to expedite the parole process in response to concerns regarding the COVID-19 pandemic, including those expressed in the Court's decisions in *Committee for Public Counsel Services v. Chief Justice of the Trial Court, et al.*, No. SJC-12926.

If you have any questions or concerns, or if the Court seeks any additional information, please do not hesitate to contact me.

Respectfully submitted,  
Gloriann Moroney, Chair of the Massachusetts  
Parole Board,  
By her attorney,

/s/ Michael R. Byrne  
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cc: All counsel of record (via electronic filing)