

Department of Correction
&
Parole Board Collaboration Report

Fiscal Year 2023



Executive Office of Public Safety and Security
September 2023

Maura T. Healey, 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 and Reentry (DOC)
and
Pratikshya Bohra-Mishra, Research and Planning Unit (Parole Board)
Report as of September 2023**

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 incarcerated individuals. 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 incarcerated individual 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 incarcerated individual 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). Incarcerated individuals serving county sentences at the DOC are also included.

As summarized in Table 1 below, 97 incarcerated individuals (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 incarcerated individuals (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 incarcerated individuals (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 incarcerated individuals (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% |

In FY 2022, 110 incarcerated individuals (27%) experienced a delayed release with an average delay of 68 days. This is a 10 percentage point increase in the proportion of incarcerated individuals in DOC custody 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 FY 2023, 89 incarcerated individuals (25%) experienced a delayed release with an average delay of 67 days. This is a two percentage point decline in the proportion of incarcerated individuals in DOC custody experiencing delayed release, compared to 27% in FY 2022.

**Table 6. FY 2023 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 | 273 | 75% |
| More than 30 Days (Delayed Release) | 89 | 25% |
| Total | 362 | 100% |

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

1. Incarcerated individual 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 incarcerated individual, difficulty in finding a suitable home plan, and/or active search for a suitable home plan.
3. Time it takes for Interstate compact approval if incarcerated individual will be released to supervision outside of Massachusetts.
4. A change of vote request submitted by the incarcerated individual 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 incarcerated individuals in DOC custody experiencing delayed release in FY 2022/FY 2023 compared to FY 2021, 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 incarcerated individuals were released to program in FY 2021 vs. 52% of releases to program in FY 2022) (see Table 7 below). As explained above (under “1.”), incarcerated individuals released to programs are likely to face a delay in their release due to limited availability of beds.

DOC and Parole data supports that across all three years, a much higher proportion of incarcerated individuals experienced a delay in release if they were released to program as opposed to a home plan. As shown in Table 8, 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 was much worse in FY 2022 and FY 2023, where among program releases, 40% and 37% experienced a delayed release respectively, while the likelihood of experiencing a delay in release was similar to FY 2021 for those released to home across both years (at 14% in FY 2022 and 11% in FY 2023). These numbers show that two factors led to an increase in delayed releases from FY 2021 to FY 2022/FY 2023:

1. An increase in the proportion of incarcerated individuals released to program compared to a home plan, and
2. The increase in the number of releases to program, leading to supply constraints on availability of program beds.

These factors resulted in a worsening trend in delay among program releases in FY 2022 and FY 2023 compared to their counterparts who were released to program in FY 2021. The increase in delayed releases in FY 2022 and FY 2023 compared to FY 2021 can therefore be attributed to a significant increase in releases to program as opposed to home plan in the latter two years.

Table 7. FY 2021, FY2022 & FY2023 Releases to Program vs. Home Plan

| | Program | | Home Plan & Other | | All | |
|---------------|---------|-----|-------------------|-----|-----|------|
| | N | % | N | % | N | % |
| FY2021 | 172 | 42% | 238 | 58% | 410 | 100% |
| FY2022 | 208 | 52% | 194 | 48% | 402 | 100% |
| FY2023 | 192 | 53% | 170 | 47% | 362 | 100% |

Table 8. FY 2021, FY2022 & FY2023 Proportion of Delayed Releases to Program vs. Home Plan

| FY2021 | Program | | Home & Other | |
|-------------------|----------------|-------------|-------------------------|-------------|
| Less than 30 days | 136 | 79% | 208 | 87% |
| Delayed release | 36 | 21% | 30 | 13% |
| Total | 172 | 100% | 238 | 100% |
| FY2022 | Program | | Home & Other | |
| Less than 30 days | 125 | 60% | 167 | 86% |
| Delayed release | 83 | 40% | 27 | 14% |
| Total | 208 | 100% | 194 | 100% |
| FY2023 | Program | | Home & Other | |
| Less than 30 days | 121 | 63% | 152 | 89% |
| Delayed release | 71 | 37% | 18 | 11% |
| Total | 192 | 100% | 170 | 100% |

DOC and Parole continue to work collaboratively to ensure incarcerated individuals 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, incarcerated individuals in DOC custody can be issued a parole permit for mandatory release to supervision. An incarcerated individual in DOC custody may be granted a mandatory release to supervision pursuant to M.G.L. c. 127, § 130B upon completing specific programs as determined by DOC. The incarcerated individual earns completion credits for their successful completion of such programs, 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. The number went up again in FY 2022 to 178 mandatory releases¹, and in FY 2023 further increased slightly to 182, suggesting an increasing trend in the number of mandatory releases to supervision.

¹ Data in reports are subject to change due to data auditing; the included data is the most accurate at the time of publication.

Table 5. Mandatory Release to Supervision: FY 2020 - FY 2023

| | N | % |
|--------------|------------|-------------|
| FY 2020 | 127 | 20% |
| FY 2021 | 158 | 24% |
| FY 2022 | 178 | 28% |
| FY 2023 | 182 | 28% |
| Total | 645 | 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 incarcerated individuals' eligibility and updated RTS dates based on earned good time accrual. The RTS Reports allow for efficient information exchanges between Parole's Institutional Parole Officer (IPO) 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 incarcerated individuals eligible for Release to Supervision.