

THE MASSACHUSETTS PAROLE BOARD 2012

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TABLE OF CONTENTS

<u>Subject</u>	<u>Page</u>
Executive Summary	i
Introduction.....	1
Boston Bar Association	1
Presumptive Parole	2
Moving Prisoners to Lower Security	3
Preparing Prisoners for Release.....	4
Parole Board Membership	4
Coordination of Research.....	5
Parole Release Rates	5
Supervised Release and Discharges.....	7
Lifers	9
Revocations.....	11
Employment Status of Parolees.....	12
Caseloads for Field Parole Officers.....	13
Conclusion	14
Endnotes.....	16
Appendix I.....	19
Appendix II.....	20
Endnotes-Appendix II.....	21
Appendix III.....	22
Endnotes-Appendix III.....	23

EXECUTIVE SUMMARY

The primary functions of the Massachusetts Parole Board are to determine which prisoners, incarcerated in both county and state institutions, can be released early to reenter society and to supervise those parolees until their times on parole have been completed. Subsequent to the killing of a Woburn police officer in 2010 by a paroled lifer, the make-up of the Parole Board underwent a massive change with five members resigning. The impact has been a significant decrease in parole release rates and a concomitant increase in prison and county prisoner populations with attendant additional costs.

In 2002, the Boston Bar Association published a report recommending five changes designed to improve the parole practices in Massachusetts, particularly the reintegration of prisoners back into society. One of the recommendations was to broaden the backgrounds of Parole Board members to be in line with legislative mandates and to bring a more balanced approach, other than from the prosecutorial perspective, to parole decisions. Ten years after that report was published, none of the five recommendations has been implemented.

The vast majority of parole hearings—81% from 2006 through 2010—were conducted for county prisoners; 69% of county prisoners were paroled; 61% of state prisoners were paroled. For state prisoner hearings, 76% were conducted in medium and maximum security prisons; 24% in minimum or pre-release institutions.

The parole release rates in 2010, (64% for county prisons, 58% for state prisoners), prior to the changes in Parole Board members, were the lowest in the years 2006 through 2010. In 2009, Massachusetts had the sixth lowest rate of adults on parole per 100,000 residents. Parole data for 2011 have yet to be released by the Parole Board. The rate of releasing prisoners to parole in Massachusetts when broken down by race significantly varied from national rates for white and black prisoners. As of December 31, 2009, for White prisoners, the rate of release in Massachusetts was 52%; the national average was 41%. For Black prisoners, the rate of release in Massachusetts was 24%; the national average was 39%. For Hispanic/Latino prisoners, the rate of release for Massachusetts was 21%; the national average—18%.

For prisoners serving life sentences, the parole rate declined in 2010 to 34%. Since the change in Parole Board membership, the parole rate for lifers in 2011 dropped to 12%. The denial of all commutation petitions continued unabated. There has not been a commutation of a first-degree life sentence since 1997.

Nearly three-quarters—74%--of parolees whose paroles were revoked over the years 2007 through 2010 were for technical violations only, not new crimes. In 2010 alone, it is estimated that nearly \$35 million would have been saved if prisoners whose paroles had been revoked for

technical violations had not been returned to prison. Sanctions short of returns to prison would be far more cost effective.

Nearly 63% of all parolees from 2007 through 2010 were not employed, either full or part-time. Only 2% were in school or some other form of job training. In 2010, of the parolees who were working, 28% were employed full-time and 7% part-time. Given the importance of employment for successful reentry into society, more resources need to be directed toward securing full-time employment for parolees.

The number of field parole officers ranged from a high of 51 in 2007 and 2009 to a low of 48 in 2010. The average caseload reached a low in 2009 of 44 and a high in 2010 of 52. The highest caseload in 2010 was in the Springfield region at 76; the lowest in the Framingham region at 40. The average caseloads for Massachusetts exceeded those for the Northeast states and the national average—both were 39.

There were significant discrepancies in the data reported by the Parole Board for supervised releases from state prisons and that reported by the Department of Correction for the same years. Similarly, there was a significant difference in the data reported by the Parole Board to the Bureau of Justice Statistics for mid-2006 regarding the caseloads for field parole officers and that reported by the Parole Board in its 2007 Annual Statistical Report. The Parole Board reported to the Bureau of Justice Statistics an average caseload of 35; in the 2007 Annual Statistical Report, the Parole Board reported 47.

THE MASSACHUSETTS PAROLE BOARD—2012

INTRODUCTION

The mission of the Parole Board is to determine which prisoners may be ready to end their periods of incarceration^a and be released under supervision to reenter society. An integral part of that mission is to prepare prisoners for early release back into society, and to ensure those who are released would not endanger public safety.¹ The Parole Board asserts that to achieve its mission it must: “provid[e] transitional planning, supervision and assistance to the offender and direction to relevant services that promote responsible conduct.”² In 2011, the Parole Board underwent a major change as five members resigned under intense pressure coming on the heels of the December 26, 2010 slaying of a Woburn police officer by a lifer who had been out on parole for eighteen months.^b Five new members were nominated by Governor Deval Patrick and confirmed by the Governor’s Council. The changes in Parole Board membership have directly impacted the level of supervision for prisoners who are returned to society. In 2010, 38% of prisoners leaving prison were released under parole supervision. In 2011, that percentage was only 19%.³ Thus, 81% of prisoners released back into society in 2011 had completed their sentences and were not under any form of post-release supervision.^c

BOSTON BAR ASSOCIATION REPORT

In 2002, the Boston Bar Association published: “Parole Practices in Massachusetts and Their Effect on Community Reintegration.” The report listed five recommendations to implement the major finding of the Boston Bar Association that the: “Massachusetts criminal justice policy should be revised to give explicit recognition to the correctional goal of successful prisoner reintegration.”⁴ Those specific recommendations, involving both the Parole Board and the Massachusetts Department of Correction (DOC), were:

^a A parole is to be granted if the majority of Parole Board members considering the possible release find that the prisoner “will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society.” And, a parole is not to be granted “merely as a reward for good conduct.” (Mass. Gen. Laws, c. 127, §130)

^b On December 26, 2010, Domenic Cinelli and an accomplice robbed a jewelry store in Woburn, MA. Among the police officers who responded to the armed robbery in progress alarm was John Maguire, a thirty year veteran of the Woburn Police Department, who was close to retiring. In a shootout between Cinelli and the police, Maguire was shot and subsequently died. Cinelli was also shot and died from his wounds. Cinelli had been paroled in 2008 from three concurrent life sentences.

^c The primary sources for statistical data contained in this report are annual reports published by the Parole Board for 2006 through 2010, as well as annual reports published by the DOC.

- “The Parole Board should implement a system of ‘presumptive parole.’
- Prisoners should presumptively move to lower custody status as they progress toward their initial parole hearing.
- The Parole Board should work with prisoners and Department of Correction staff to prepare and implement individual release and reintegration plans.
- The membership of the Parole Board should be diversified to achieve the intent of existing Massachusetts law.
- The research departments for the Commonwealth’s criminal justice and related agencies should coordinate their data collection and share their research with one another and the public.”⁵

The questions to be considered now are: What has been the impact of those recommendations over the past ten years? Have any of the recommendations been implemented and, if so, how have they affected parole and public safety?

A. Presumptive Parole

Implementing a “presumptive parole” principle would mean that, unless extraordinary circumstances existed in a prisoner’s history while incarcerated, prisoners are to be released upon the date they become eligible. The onus would be on the Parole Board to show why a prisoner should not be paroled, i.e., what extraordinary circumstances justified reversing a presumptive parole release.⁶ Under a presumptive parole system, both the Parole Board and the DOC would be expected to provide services and programs to prepare potential parolees to successfully reenter society.⁷

Presumptive parole in Massachusetts has never been implemented. Prisoners eligible for parole are given a hearing in which the onus is on the prisoners to demonstrate why they should be paroled, not on the Parole Board to show why prisoners should not. In order to bring presumptive parole into reality, significant legislative changes need to be made. It seems that there is not the legislative will to pass the necessary laws.

The present Parole Board has not limited itself to what the Massachusetts law requires for a parole, i.e., the parolee would “live and remain at liberty without violating the law, and his release is not incompatible with the welfare of society.”⁸ Rather, the present Parole Board concentrates primarily on the facts of the actual crime for which the prisoner had been convicted. In essence, the Parole Board has evolved into an agency which has taken upon itself the responsibility to determine if a prisoner has been punished enough by his/her length of incarceration, based upon the Parole Board’s examination of the facts of the particular underlying crime(s). The Parole Board does consider other factors such as public safety, deterrence, and rehabilitation, but only after the punishment factor. Having the Parole Board members assume the role of arbitrators of sufficient levels of punishment is problematic. A case in point is one Record of Decision rendered in 2011 where the Parole Board stated that the prisoner “has not been rehabilitated or sufficiently punished for a premeditated, joint venture gang murder.”⁹ What is troubling about this decision is that at the

prisoners trial the jury had found him not guilty of first degree murder, but guilty of second degree murder. The distinguishing difference between first degree murder, for which there is no parole, and second degree murder, for which there is a parole possibility after fifteen years of incarceration, is premeditation. Given that the jury found the prisoner not guilty of first degree murder, the jury had specifically rejected the concept that the prisoner had premeditated the murder. Yet, the Parole Board dismissed that jury verdict by denying parole on the basis that the murder was premeditated. The facts of any case do have relevancy. But, the facts of the crime have already been assessed by judges in their sentences and determined by juries in their verdicts and should not be the overriding factor, as the present Parole Board members treat the facts of a crime in the decision to parole a prisoner.

B. Moving Prisoners to Lower Security Before They Become Parole Eligible

It would seem to be commonsense that as prisoners begin to approach their parole eligibility dates, those prisoners should progress to lower security to aid in preparing them to rejoin society. Not so for the DOC. In fact, the reverse seems to be the case. The purpose of stepping down prisoners in security levels is to allow them to participate in programs which would assist them to find housing, employment, and to become acclimated to the changes which have occurred in society while they had been incarcerated.

One basis for the recommendation that prisoners be moved to lower security prior to the parole eligibility dates is that the recidivism rates, i.e., the rate at which released prisoners return to prisons for new crimes or technical violations of parole or probation, would be reduced if prisoners are stepped down before their release.¹⁰ But, the rates of releasing prisoners to society from minimum and pre-release facilities have declined; while the rates for releasing prisoners to society from maximum and medium facilities continue to rise, impacting recidivism rates adversely. Table 1 presents a history of release and recidivism rates. It should be noted that releases from prisons include both those prisoners who were released under parole supervision and those released after completing their sentences and, therefore, not under supervised paroles. Despite the drop in the recidivism rate from 1998 to 2008, the recidivism rate in 2008 was significantly higher than the rates for 1988 or 1977.

TABLE 1–RELEASE AND RECIDIVISM RATES

<u>Year</u>	<u>Total Releases From Prisons</u>	<u>% From Min/Pre</u>	<u>% From Med/Max</u>	<u># of Recidivists</u>	<u>Overall Rec. Rate</u>
1977 ¹¹	1128	56%	44%	169	15%
1988 ¹²	3446	44%	56%	1068	31%
1998 ¹³	2820	40%	60%	1318	47%
2008 ¹⁴	1621	27%	73%	641	40%

C. The Parole Board Should Work With Prisoners and the Department of Correction Staff to Prepare and Implement Individual Release and Reintegration Plans

Published annual reports from the Parole Board and the DOC cite no such coordination between the two agencies. In fact, not one of the seven goals listed in the 2010 Annual Report of the Department of Correction even mentions working with the Parole Board.¹⁵ The Parole Board, however, has reportedly decided to require that prior to their release on parole, prisoners must “serve additional time in lower security facilities, where they may receive job training and other counseling to ease their transition on the outside.”¹⁶ If the two agencies were working in concert, that requirement by the Parole Board of additional time spent in lower security would necessitate that the DOC have the requisite bed space and training programs in place for prisoners in lower security. Yet, in 2009, of the 11,299 prisoners incarcerated by the DOC, only 14%, or 1,631, were housed in minimum or pre-release facilities.¹⁷ That percentage rate of prisoners in minimum or pre-release facilities remained the same in 2010, while the actual number decreased to 1,611.¹⁸

Despite the inherent logic for the Parole Board and the DOC to work in conjunction, both continue to operate separately and distinctly. Given the absence of any collaborative efforts noted in their respective annual reports, it appears that neither agency has any interest or inclination to coordinate their individual efforts.

D. The Membership of the Parole Board Should Be Diversified to Achieve the Intent of Existing Massachusetts Law

Under Mass. Gen. Law, c 27, §4, the membership of the Parole Board should include members who are “graduates of an accredited four year college or university and have at least five years of training and experience in one or more of the following fields: law enforcement, psychology, psychiatry, sociology and social work.” Yet, “[s]ince 1991, the large majority of persons appointed to the Massachusetts Parole Board have been from backgrounds in policing, prosecution, parole and probation.”¹⁹ Little has changed in twenty years. Presently, the membership of the Parole Board consists of: a former assistant district attorney as chairman, a former victim/witness advocate who had been assigned to a district attorney’s office, a former long time employee of the DOC, the former general counsel for the Parole Board, a former defense attorney who also had been employed as an assistant district attorney, the former senior staff attorney for the Massachusetts Appeals Court, and a forensic psychologist.

Despite the intent of Mass. Gen. Law c. 27, §4, the Parole Board remains skewed heavily in favor of members with solely criminal justice backgrounds. Such members have limited abilities to look past the crime or to consider adequately how a potential parolee came to commit his/her crime or to credit the growth the parolee may have undergone to enable him/her to live in society as a productive citizen. In short, the Parole Board, with its strong bent toward criminal justice employees, concentrates primarily on the specifics of a prior crime, which are unchangeable, rather than who the potential parolee may be now and how he/she may have changed for the

better. What is missing is a balanced assessment of a potential parolee's readiness to rejoin society without endangering public safety.

As an example, at a parole hearing in March 2012, a prisoner who had been serving a life term but had been paroled in 2007, appeared before the Parole Board because his parole had been revoked due to a domestic dispute. The prisoner had been found not guilty of all charges relating to the domestic incident. He appeared before the Parole Board asking that his parole be reinstated as he had passed all drug and alcohol tests and could resume his gainful employment. The Parole Board seemed uninterested in what he had accomplished while on parole. Rather, the members spent most of the three and one-half hour hearing grilling the prisoner on his 1987 crime, questioning whether he had been punished enough, even though a prior Parole Board had seen fit to have granted him a parole. Despite successfully having served four years on parole and being acquitted in court regarding the charge for which the Parole Board had revoked his parole, Chairman Josh Wall summed up the board members' positions with: "I think with the amount of punishment, the amount of time you served, the question is, was it enough time to rehabilitate you?"²⁰ To date, no decision has been rendered by the Parole Board on that question.

E. The Research Departments For the Commonwealth's Criminal Justice and Related Agencies Should Coordinate Their Data Collection and Share Their Research With One Another and With the Public

As in 2002, the Parole Board and the DOC continue to operate separate research departments. Each is required to produce annual reports, which are public records and available upon request and/or are on-line. But, the research departments do not appear to coordinate their efforts. The result is that their statistical reportings are not consistent. One example relates to how many prisoners are released from prison on parole. For 2007, the DOC reported 594;²¹ the Parole Board reported 679.²² For 2008, the DOC reported 657;²³ the Parole Board reported 814.²⁴ And, for 2009, the DOC reported 689;²⁵ the Parole Board reported 934.²⁶ The number of state prisoners released to parole supervision should be a simple statistic to maintain. Yet, for 2007, 2008, and 2009, the DOC reported a total of 1,940 prisoners released from prison to parole supervision. In contrast, the Parole Board reported a total of 2,427, a difference of 487 or 25%.

In addition, the disparity between Parole Board and the DOC's records was noted in a report prepared by The JFA Institute in Washington, D.C. JFA had been contracted by the DOC to project the prison populations for each year to 2019. JFA found in 2008 that the Parole Board had claimed a 65% parole rate. The DOC, on the other hand, had reported a 41% rate. This difference was characterized by JFA as "fairly substantial and . . . requires further review . . ."²⁷

PAROLE RELEASE RATES

From 2006 through 2010, the Parole Board conducted 43,330 parole hearings for state and county prisoners; 67% or 29,189 prisoners were approved for supervised release on

parole. The vast majority, 34,982 or 81%, of those hearings were conducted in county jails. Similarly, 82% (24,067) of those released on parole were from county facilities. During this period, 61% of state prisoners (5,122 of 8,348) were paroled. Table 2 below gives the breakdown for each year.

TABLE 2—RELEASE HEARINGS

Release Hearings	<u>2006</u> ²⁸	<u>2007</u> ²⁹	<u>2008</u> ³⁰	<u>2009</u> ³¹	<u>2010</u> ³²	Grand Totals
State	1610	1647	1753	1659	1679	8348
Granted	967	1004	1077	1096	978	5122
%	69%	61%	61%	66%	58%	61%
County	7644	7345	7057	6410	6526	34,982
Granted	5560	5286	4664	4367	4190	24,067
%	73%	72%	66%	68%	64%	69%
Total	9254	8992	8810	8069	8205	43,330
Granted	6527	6290	5741	5463	5168	29,189
%	71%	70%	65%	68%	65%	67%

As demonstrated in Table 2 above, the Parole Board in 2010 granted the lowest percentages of paroles for both state and county prisoners in the five year period. Yet, based on one failure on parole, Domenic Cinelli, the majority of that Parole Board was forced to resign. The new Parole Board members, with no previous experience, understood the message from the governor after the outcry over the Cinelli case—tighten up on paroles. While no statistical data have been released by the Parole Board for 2011 as yet, it has been reported by the DOC that the parole rate for state prisoners dropped in 2011 by 58%.³³ The effect has been to increase the state prisoner population in a system already 140% overcrowded.³⁴

From 2006 through 2010, only 12% of parole hearings were held for prisoners in pre-release facilities yielding an average parole rate for the five years of 86% (1027 hearings/885 paroles). Table 3 below presents the data for the four different security levels of state prisons. Note that 76% of parole hearings and 67% of paroles granted were held for medium and maximum security prisoners, a result that contradicts the stated objective of the Parole Board for state prisoners that they be stepped down gradually in their security levels to aid in their reentry process.

TABLE 3^d—PAROLE RELEASE RATES BY SECURITY LEVELS

Security Level	# Hearings Held	%	# Paroled	%	Parole Rate
Pre-Release	1027	12	885	17	86%
Minimum	964	12	802	16	83%
Medium	5655	68	3195	62	57%
Maximum	702	8	240	5	34%

Nationally, in 2009, Massachusetts had the sixth lowest rate of adults on parole per 100,000 residents as reported by the Bureau of Justice Statistics. Massachusetts's rate was 65. The average for the Northeast states was 349, while the national average was 351. The five states with lower rates were: Nebraska (61), North Carolina (50), South Carolina (46), Florida (30), and Maine (3).³⁵ The low rate of paroles in Massachusetts has a significant fiscal impact. The average annual cost of housing a prisoner in a state prison is approximately \$47,500 as opposed to \$2,600 on parole.³⁶ If Massachusetts paroled prisoners at the same rate as that for the Northeast states, the annual savings would exceed \$12 million.

SUPERVISED RELEASES AND DISCHARGES

While from 2006 through 2010, the Parole Board voted to release 29,189 prisoners from state and county institutions, the number actually released to parole supervision, i.e., physically left a correctional institution and returned to society, was 23,876. The balance, while nominally having been granted a parole, remained incarcerated until specific conditions mandated by the Parole Board, e.g., time to be spent in lower security or the completion of particular programs designed to ease reentry—which could take two or more years, were met. In addition, during the period 2006-2010, 19,391 parolees were discharged from their paroles, having served the requisite lengths of time and having fulfilled all other conditions of parole. Thus, for 2006 through 2010, 4,485 more prisoners were released on supervised parole than were discharged from parole, increasing the case loads of field parole officers. Table 4 below presents demographic breakdowns of those released to supervised parole and those discharged from parole for 2006 through 2010. The statistics were compiled from the annual statistical reports from the Parole Board for 2006 through 2010.^e See Appendices II and III for annual data and specific references.

^d The figures in Table 3 have been calculated by the author of this report. The data for each institution in the DOC can be found in Appendix I. Those data have been compiled from the respective Annual Statistical Reports published by the Parole Board: 2006 at 12, 2007 at 14, 2008 at 17, 2009 at 25, 2010 at 13.

^e While statistics are available for demographic breakdowns of incarcerated state prisoners from the annual reports of the DOC, no comparable data are available for incarcerated county prisoners. As only approximately 16% of prisoners released on supervised parole and 12% discharged from parole from 2006 through 2010 were from state prisons, no meaningful comparisons can be made between the percentages in the various categories, e.g., age, race, gender, of incarcerated prisoners and those released under supervision or discharged from paroles.

TABLE 4—RELEASES AND DISCHARGES—2006-2010

	<u>Releases</u>		<u>Discharges</u>		<u>Diff.</u>
Total	23,876		19,391		4485
Gender					
Male	20,802	(87%)	16,834	(87%)	3968
Female	3,074	(13%)	2,557	(13%)	517
Race					
White	14,000	(59%)	11,689	(60%)	2311
Black	4,878	(20%)	3,825	(20%)	1053
Hispanic	4,183	(18%)	3,188	(16%)	995
Asian	208	(1%)	176	(1%)	32
Amer. Indian	35	(0%)	29	(0%)	6
Other	572	(2%)	484	(3%)	88
Age					
20 + Under	1,470	(6%)	995	(5%)	475
21 – 25	5,191	(22%)	4,109	(21%)	1082
26 – 30	4,960	(21%)	3,951	(21%)	1009
31 – 35	3,447	(14%)	2,748	(14%)	699
36 – 40	3,194	(13%)	2,643	(14%)	551
41 – 50	4,273	(18%)	3,690	(19%)	583
51 + Older	1,341	(6%)	1,255	(6%)	86
Commitment Level					
State	3,921	(16%)	2,364	(12%)	1557
County	19,026	(80%)	16,144	(83%)	2882
Out-of-State	718	(3%)	722	(4%)	(4)
Life Time Parole	97	(5%)	22	(0%)	75
Other	114	(5%)	139	(1%)	(25)

As evident by the data presented in Appendices II and III, there were significant declines in percentages released under supervision and those discharged from paroles when comparing 2006 and 2010. For those released under supervision, there was a 10% drop (5,017 to 4,507). For those discharged from supervision, there was an even larger decline, 20% (4,364 to 3,473). The net result has been an increase in the case loads for field parole officers in the various regions of Massachusetts. Concomitantly, as shown in Table 2, there was a 21% decline in paroles granted comparing 2006 and 2010 (6,527 vs. 5,168). The net result of that decline has been a larger number of prisoners completing their sentences and being released with no supervision while increasing the already overcrowded prison and county prisoner populations.

As presented in Appendices II and III, the percentages by race of prisoners released under supervision and discharged from supervision are consistent in each of the five years from 2006 through 2010. White prisoners comprised approximately 60% of those released and/or discharged. Black prisoners accounted for approximately 20% for each category, and Hispanic prisoners

approximately 18%. As of December 31, 2009, the number of men and women out of prison and on parole in Massachusetts was 3,365 - 92% were males/8% were females; 52% were White, 24% Black, and 21% Hispanic/Latino.³⁷ Compared to national demographic percentages in 2009, Massachusetts varied significantly. The 2009 national percentages were: 88% males/12% females; the racial percentages were: 41% Whites, 39% Blacks, and 18% Hispanic/Latino.³⁸ Thus, in 2009, the demographics of those on parole in Massachusetts were clearly skewed in favor of white males. In addition, those demographic percentage breakdowns for Massachusetts in 2006, 2007, 2008, and 2010 were consistent with 2009.

LIFERS

Prisoners serving second degree life sentences are eligible by law for a parole hearing after having served fifteen years in prison. If denied parole at that hearing, lifers must be reviewed again at least once in the ensuing five years.³⁹ All parole hearings for lifers are held in the Parole Board headquarters in Natick and are open to the public. Records of Decision of those parole hearings are published on the Internet, as is a monthly schedule of upcoming hearings—www.mass.gov/eopss/agencies/parole-board/lifer-records-of-decision

Prisoners serving first degree sentences, i.e., life without the possibility of parole (LWOP) are, by definition, ineligible for parole. First degree lifers may, however, apply for a commutation of sentence. Petitions for commutations are first reviewed by the Parole Board serving as the Advisory Board of Pardons. The Advisory Board has the discretion to hold a public hearing on the commutation request. Whether a hearing is conducted or not, the Advisory Board recommends to the governor to grant or deny the commutation. The ultimate decision lies in the hands of the governor with the advice and consent of the Governor's Council.

Parole hearings for second degree lifers are either an Initial Hearing (after fifteen years in prison) or a Review Hearing (a subsequent hearing after a lifer had been denied at his/her Initial Hearing). The Domenic Cinelli case and the ensuing upheaval resulting in personnel changes on the Parole Board has been projected to have effected a significant reversal in parole rates for lifers. To date, the Parole Board has not completed all of the Records of Decision for lifers who had appeared before the Parole Board in 2011. The parole release rates, however, for lifers from 2006 through 2010 are given in Table 5 below. It should be noted that the parole decisions in Table 5 were rendered by the Parole Board members prior to the changes in personnel in 2011.

TABLE 5–LIFER HEARINGS

	<u>2006</u> ⁴⁰	<u>2007</u> ⁴¹	<u>2008</u> ⁴²	<u>2009</u> ⁴³	<u>2010</u> ⁴⁴	<u>Totals</u>
Initial Hearings	53	38	39	28	44	202
Granted	24	11	13	9	21	78
Approval Rate	45%	29%	33%	32%	48%	39%
Review Hearings	61	71	69	60	84	345
Granted	11	18	16	26	22	93
Approval Rate	18%	25%	23%	43%	26%	27%
Total Hearings	114	109	108	88	128	547
Granted	35	29	29	35	43	171
Approval Rate	31%	27%	27%	40%	34%	31%

The variations in approval rates over the five year period from 2006 through 2010, both for Initial and Review Hearings, demonstrate that decisions to parole lifers were made only after careful discernment even before the Cinelli case occurred. In no year did the approval rate exceed 50% and equaled or exceeded 40% in only four of the ten possible categories, i.e., either an Initial or a Review Hearing in each of the five years. The overall 31% approval rate shows that a lifer could expect less than a 1/3 chance of being granted a parole. In the wake of the Cinelli tragedy, the approval rate for lifers to supervised releases in 2011, as reported by the DOC, dropped to 12%,⁴⁵ even though the Parole Board has yet to release all the Records of Decisions. There were 139 lifer hearings before the new Parole Board from April 2011 to March 2012 and, reportedly, seventeen were approved for supervised release.⁴⁶ The decrease from the overall 31% for 2006-2010 to 12% means that twenty-six lifers who may have been paroled under the previous Parole Board were not. The annual recurring cost to keep those lifers in prison exceeds \$1,160,000.⁴⁷

For first degree lifers, the results from commutation petitions have been consistently and overwhelmingly negative. From 2006 through 2010, two hundred and nine petitions by lifers were filed with the Advisory Board of Pardons. For those five years, only three hearings were held, a rate of 1%. In addition, there was only one favorable vote to approve a commutation request for a lifer from 2006 through 2010, a rate of .5%. Thus, 99.5% of those filing commutation petitions while serving a life sentence received negative votes. The one prisoner whose commutation had been voted upon favorably by the Advisory Board of Pardons was then denied by the governor. There has not been a commutation of a first degree life sentenced prisoner in Massachusetts since 1997.⁴⁸ Table 6 below gives the annual results for commutation petitions from lifers from 2006 through 2010. Data for 2011 have not been released by the Parole Board at the this report was completed.

TABLE 6-COMMUTATIONS

	<u>2006</u> ⁴⁹	<u>2007</u> ⁵⁰	<u>2008</u> ⁵¹	<u>2009</u> ⁵²	<u>2010</u> ⁵³	<u>Totals</u>
Petitions	17	62	53	38	39	209
Hearings	0	1	0	0	2	3
Favorable Votes	0	1	0	0	0	1

REVOICATIONS

Once a prisoner has been paroled and until the prisoner is discharged from that parole, that prisoner's parole may be revoked for failure to comply with any of provisions of his/her parole. State prisoners are returned to medium security or higher until the revocation may be reversed and the prisoner re-paroled, which could take years.

Parole revocations can be for obvious reasons such as being convicted of a new crime. But, the overwhelming majority of parole revocations result from what is termed: Technical Violations. Examples of technical violations include, but are not limited to, use of drugs or alcohol, failure to report to a parole officer on a timely basis, failure to inform parole officer of a change in housing location or job assignment, failure to maintain employment, or associating with known felons. Table 7 below presents the number and percentages for parole revocations by categories. The parole revocation data for 2006 were not reported by the Parole Board in its 2006 Annual Statistical Report.

TABLE 7-PAROLE REVOCATIONS

<u>Category</u>	<u>2007</u> ⁵⁴	<u>%</u>	<u>2008</u> ⁵⁵	<u>%</u>	<u>2009</u> ⁵⁶	<u>%</u>	<u>2010</u> ⁵⁷	<u>%</u>	<u>Grand Totals</u>	<u>%</u>
New Arrest	64	7	79	9	62	7	56	5	261	7
Technical Violations	670	72	664	76	642	73	768	75	2744	74
Both	165	17	137	15	169	19	200	20	671	18
Not Defined	26	3	17	2	4	1	3	0	50	1
Not Recorded	6	1	3	0	0	0	-	-	9	0
Totals	931		900		877		1027		3735	

As discussed previously, parole revocations result in parolees being returned to prison for from a few months to an undetermined number of years. That places a substantial burden on the already overcrowded prison system, especially since those who have had paroles revoked are housed in either medium or maximum security at significant costs. Only 7% of parole revocations were for new arrests alone, a percentage which was consistent throughout the four years from

2007 through 2010, with the low of 5% in 2010. What needs to be questioned is why nearly 75% of all parole revocations were solely for technical violations? This is not to say that technical violations should not be sanctioned in some form. But, returning a parolee to prison, with the attendant costs, should be the last resort. This, however, is clearly not the case when 74% of parolees are returned to prison for technical violations alone. As noted earlier, the cost differential between one year in prison and a year on parole is substantial -\$44,900 (\$47,500-\$2,600).⁵⁸ If the 768 parolees whose paroles were revoked in 2010 for solely technical violations had remained on parole with some level of sanction short of being returned to prison, the cost savings for one year would have been \$34,483,200. It is not unreasonable to suggest that if nearly \$35,000,000 is to be spent on 768 parolees, those funds would be far better expended on treatment or sanction options which do not include a return to prison.

EMPLOYMENT STATUS OF PAROLEES

For the years 2007 through 2010, the percentages of those on supervised parole and employed or not employed were reported in the respective annual statistical reports published by the Parole Board. Maintaining gainful employment, particularly fulltime employment, is a recognized prerequisite for success on parole. The lack of gainful employment is one reason a parolee may be technically violated. In addition, the Parole Board claims that providing transitional planning and assistance to those on parole are integral to achieving its mission.⁵⁹ Yet, the results of parolees who are employed border on the abysmal. In each of the four years from 2007 through 2010, over 60% of parolees, with a high of 64% in 2009, were not in the workforce or were unemployed or had no work plan. In 2007, 35% of parolees were working full-time; that dropped to 28% in 2010. Nor were significant numbers of parolees foregoing work for school or training in order to be better qualified for work as only 2% of parolees in 2010 were reported as being either in school or a training program. Table 8 below presents the employment percentages for 2007 through 2010.

TABLE 8–EMPLOYMENT STATUS

<u>Employment Status</u>	<u>2007⁶⁰</u>	<u>2008⁶¹</u>	<u>2009⁶²</u>	<u>2010⁶³</u>
Full-Time	35%	31%	28%	28%
Part-Time	4%	6%	6%	7%
School/Training	0%	1%	2%	2%
Not in Work Force	25%	25%	25%	25%
Unemployed	18%	18%	21%	19%
No Work Plan	18%	19%	18%	19%

It would not seem unreasonable for the Parole Board to spend more time, energy, and resources finding gainful employment opportunities for parolees rather than sending parolees back to prison for technical violations, one of which is not finding or holding full-time employment.

Assuming the Parole Board is indeed committed to assisting parolees to successfully reenter society, then the Parole Board needs to be held accountable for having nearly two-thirds of those under its direct supervision not employed. The Parole Board should be required to present a plan showing how that percentage can be significantly reduced in each of the next five years. Public safety would be enhanced if the Parole Board were dedicated to assisting parolees to successfully reenter society, including finding gainful employment. Taxpayers deserve no less, given the expenditure of their dollars to maintain the existence of the Parole Board. In 2010 alone, the cost to fund the Parole Board exceeded \$19,000,000.⁶⁴ Surely, Massachusetts taxpayers have a right to demand a better return on that level of investment than to have nearly two-thirds of all parolees unemployed.

CASELOADS FOR FIELD PAROLE OFFICERS

The Massachusetts Parole Board divides the Commonwealth into eight regions. There is no Region 3, so the regions are numbered 1 and 2, 4 through 9. In 2007, there were fifty-one field parole officers, as distinguished from institutional parole officers who are assigned to individual correctional institutions. The average caseloads in 2007 ranged from thirty-nine in Region 9 (Framingham) to fifty-seven in Region 1 (Quincy). No region had less than four field parole officers and no region exceeded eight. In 2010, the number of field parole officers had decreased to forty-eight. The average caseload in 2010 ranged from forty in Region 9 to seventy-six in Region 5 (Springfield). Table 9 below lists each region, the number of field parole officers assigned, and the average caseload for each field parole officer for each year, 2007 through 2010. The Parole Board did not report this data in the 2006 Annual Statistical Report.

TABLE 9—FIELD PAROLE OFFICERS' CASELOADS

Region	2007 ⁶⁵		2008 ⁶⁶		2009 ⁶⁷		2010 ⁶⁸	
	# P.O.s	Ave. Cases	# P.O.s	Ave. Cases	# P.O.s	Ave. Cases	# P.O.s	Ave. Cases
1 (Quincy)	7	57	8	48	7	48	6	60
2 (Mattapan)	6	49	5	52	5	46	6	46
4 (Worcester)	6	49	6	51	7	40	6	50
5 (Springfield)	8	49	8	52	8	49	6	76
6 (Lawrence)	8	47	6	62	8	43	8	54
7 (Brockton)	6	40	6	38	6	38	6	43
8 (New Bedford)	6	44	6	46	6	43	6	41
9 (Framingham)	4	39	4	46	4	43	4	40
Totals	51		49		51		48	
Ave. Caseload		47		49		44		52

In 2008, the Bureau of Justice Statistics published a report on state parole agencies for 2006. Massachusetts reported that, as of June 30, 2006, the Parole Board employed seventy-five full time employees supervising active parolees. In addition, the Parole Board reported that the average caseload was thirty-five.⁶⁹ Both figures are in direct contrast with the Parole Board's 2007 Annual Statistical Report where only fifty-one field parole officers were listed with an average caseload of forty-seven. (See Table 9 above.) The Bureau of Justice Statistics also reported that the average caseload for the United States and the Northeast states was thirty-nine,⁷⁰ nearly 20% lower than the average caseload cited by the Massachusetts Parole Board in 2007, even though Massachusetts had reported an average caseload of thirty-five to the Bureau of Justice Statistics. Unless there was an unreported, large number of terminations of field parole officers in Massachusetts in late 2006 and/or early 2007, there is no way to account for the differences reported to the Bureau of Justice Statistics and the Massachusetts' Parole Board's annual report for 2007, other than inaccurate, bordering on sloppy, record-keeping. As with the number of prisoners released on supervised parole,(see page 5 infra) the number of field parole officers should be a very simple calculation. Yet, it seems the Parole Board has failed in its duty to maintain data accurately and to report such data responsibly to federal agencies as well as in the Parole Board's annual statistical reports.

CONCLUSION

The Parole Board plays an integral role in the criminal justice system by deciding which prisoners may be prepared to reenter society, along with any stipulations concerning their future behavior, before their sentences have been completed behind prison walls. When prisoners leave prison having finished their sentences, there is no further level of supervision or conditions for their releases. Not so, however, for those prisoners who are paroled as they must comply with the stipulations attached to their paroles, e.g., committing no new crimes, no drug or alcohol use, and/or no association with known felons. If parolees violate the terms of their paroles, they can be returned to prison for a few months or years. Public safety, therefore, would seem to be enhanced when prisoners are paroled, but under supervision, rather than being released directly to the street, particularly from a medium and/or maximum security prison. In addition to public safety, the public treasury also benefits from paroles as there is a significant cost differential between a year on parole and a year in prison.

The present Parole Board is not maximizing those potential benefits for society. There is no question that the decision to parole a prisoner needs to be a careful assessment of each potential parolee to determine whether or not the prisoner would be able to live productively in society and not commit new crimes. No one should criticize if Parole Board members err on the side of caution. But, the present Parole Board, reacting to the failure of one parolee, has severely reduced the number of paroles beyond mere caution. This has had two immediate impacts. First, the overcrowding in prisons and county jails is exacerbated at great cost to taxpayers. Second, a higher number of prisoners are being released directly into society with no supervision. That is

simply a prescription for disaster as prisoners are dumped onto society with little or no assistance in acclimating to the radical changes in their circumstances. The Parole Board needs to change its focus from keeping prisoners in prison to releasing those who have good chances of living as productive citizens with the help of the Parole Board's bureaucracy. Releasing prisoners on parole is inherently taking a calculated risk. But, which is preferable—releasing prisoners with supervision or waiting a bit longer and having that same prisoner leave prison with no guidance? The parole rates of most states other than Massachusetts indicate that those parole boards answer that question with the former option.

The essential question for Parole Board members should be: Will the potential parolee be able to, with supervision, live a crime free, productive life back in society? Many factors play a role in making that decision. Among them are: age, work history while incarcerated, successful completion of programs designed to address specific needs such as alcohol and/or drug dependency, an understanding of the causative factors of prior criminal behavior so that it would not be repeated, skills training, employment prospects, family ties, remorse, and truthfulness. But, the present Parole Board appears to be mainly concerned with the facts of the crime for which the prisoner had been convicted and sentenced, as well as whether or not the prisoner had been punished enough. The amount and extent of punishment were settled by the length of the sentence imposed by a court. Whatever the number of years or even life with a possibility for parole, the question of punishment, including parole eligibility, should no longer be an issue. How then or why should the Parole Board take it upon itself to be the arbitrators of when or if a prisoner has been punished enough? Why should a prisoner who has met all other requirements for parole be denied because Parole Board members subjectively believe that prisoner has not been sufficiently punished? What objective criteria could possibly be valid predictors of sufficient punishment?

The facts of a particular crime are unchangeable. If a prisoner admits to the facts and takes responsibility for his/her actions, why then does the Parole Board put so much emphasis on the facts of a case, in effect, retrying a case? What insight does that give Parole Board members into the question can the prisoner rejoin society as a productive citizen? Given that the Parole Board is dominated by members with prosecutorial backgrounds, the answer may be as simple as retrying cases is where they are most comfortable. The problem is that those members are no longer prosecutors whose function in the criminal justice system was to secure convictions. Rather, their function now is to assess whether or not a prisoner can be paroled, the polar opposite from those Parole Board members' prior orientations. The prosecutorial mindset must change if the Parole Board is going to begin to give prisoners fair, unbiased, and balanced opportunities to obtain paroles. Prisoners, as well as society as a whole, are best served when those who have earned the chance to reenter society are allowed to do so. Fair determinations for paroles give hope to those who are incarcerated while protecting society at the same time. The present Parole Board appears to have failed to comprehend the value of parole which, when fairly determined and administered, protects society, rather than endangering it.

ENDNOTES

¹ 2010 Annual Statistical Report of the Massachusetts Parole Board, at 8.

² Id.

³ Karyn Rautenberg. "Quarterly Report on Admissions and Release in the Massachusetts Department of Correction, Fourth Quarter" February 2012, at 1.

⁴ Report of the Boston Bar Association Task Force on Parole and Community Reintegration, August 2002, at 8.

⁵ Id.

⁶ Id. at 18.

⁷ Id. at 19-20.

⁸ Mass. Gen. Law. c. 127, §130.

⁹ Record of Decision of Miguel Lozada - June 6, 2011, p. 1.

¹⁰ Report of the Boston Bar Association, *supra* at 22.

¹¹ LeClair, Daniel P., Ph.D. "The Relation Between Correctional Policy and Public Safety—A Research Design Proposal" Fall 2000, at 11, citing LeClair, D.P. "The Effectiveness of Community Reintegration on Rates of Recidivism: A Statistical Overview for the Years 1971-1987" Boston: Massachusetts Department of Correction (July, 1990). (The number recidivists was calculated by author of this report.)

¹² Id.

¹³ Hollie A. Mathews Hoover and Rhiana Kohl, Ph.D. "Recidivism of 1998 Released Department of Correction Inmates" June 2004. Massachusetts Department of Correction Research and Planning Division (www.state.ma.us/doc/research) at 38.

¹⁴ Rhiana Kohl, Hollie Matthews, Susan M. McDonald, Amy L. Solomon. "Massachusetts Recidivism Study: A Closer Look at Releases and Returns to Prison" April 2008. The Urban Institute-Justice Policy Center, Washington, D.C. at 25.

¹⁵ Massachusetts Department of Correction 2010 Annual Report, at 7 and 14.

¹⁶ Michael Rezendes. "Backlog follows parole overhaul" The Boston Globe. March 26, 2012 at A9.

¹⁷ Rhiana Kohl, Ph.D. "Prison Population Trends 2009" Massachusetts Department of Correction. June 2010 at 9. www.mass.gov/doc

¹⁸ Massachusetts Department of Correction 2010 Annual Report at 30-35. Percentages and totals calculated by the author of this report.

¹⁹ Report of the Boston Bar Association Task Force, *supra* at 36.

²⁰ Michael Rezendes "Board skeptical of paroling killer" The Boston Globe. March 21, 2012 at B2.

²¹ "Prison Population Trends 2009," supra at 34.

²² 2007 Annual Statistical Report. Massachusetts Parole Board at 35.

²³ "Prison Population Trends 2009", supra at 34.

²⁴ 2008 Annual Statistical Report. Massachusetts Parole Board at 36.

²⁵ "Prison Population Trends 2009", supra at 34.

²⁶ 2009 Annual Statistical Report. Massachusetts Parole Board at 38.

²⁷ Wendy Naro Ware, et al. "Massachusetts Department of Correction Ten-Year Prison Population Projections 2009-2019. The JFA Institute, Washington, D.C. 2009 at 30.

²⁸ 2006 Annual Statistical Report. Massachusetts Parole Board at 9.

²⁹ 2007 Annual Statistical Report. Massachusetts Parole Board, supra at 12.

³⁰ 2008 Annual Statistical Report. Massachusetts Parole Board, supra at 15.

³¹ 2009 Annual Statistical Report. Massachusetts Parole Board, supra at 23.

³² 2010 Annual Statistical Report. Massachusetts Parole Board, supra at 12.

³³ Rautenberg, "Quarterly Report on Admissions and Releases in the Massachusetts Department of Correction", supra at 1.

³⁴ Gordon Haas. "A Report On The Massachusetts Department of Correction - 2011" January 2012 at 3. www.realcostofprisons.org

³⁵ . Lauren E. Glaze and Thomas P. Bonczar. "Probation and Parole in the United States, 2009" Bureau of Justice Statistics Bulletin. December 2010, NCJ 231674 at 33.

³⁶ Gordon Haas and Lloyd Fillion. "Life Without Parole-A Reconsideration" Criminal Justice Policy Coalition, Jamaica Plain, MA. 2010 at 22. www.realcostofprisons.org.

³⁷ 2009 Annual Statistical Report. Massachusetts Parole Board, supra at 48.

³⁸ "Probation and Parole in the United States, 2009" supra at 36.

³⁹ Mass. Gen. Law, c. 127, §133A.

⁴⁰ 2006 Annual Statistical Report. Massachusetts Parole Board at 9.

⁴¹ 2007 Annual Statistical Report. Massachusetts Parole Board, supra at 12.

⁴² 2008 Annual Statistical Report. Massachusetts Parole Board, supra at 15.

⁴³ 2009 Annual Statistical Report. Massachusetts Parole Board, supra at 23.

⁴⁴ 2010 Annual Statistical Report. Massachusetts Parole Board, supra at 12.

⁴⁵ Rautenberg, "Quarterly Report on Admissions and Releases . . ." supra at 1.

⁴⁶ Rezendes, "Backlog follows parole overhaul." supra at A9.

⁴⁷ Haas and Fillion, "Life Without Parole-A Reconsideration, supra at 22 for the cost differential of \$44,900 between one year incarcerated in prison and one year on parole.

⁴⁸ *Id* at 44.

⁴⁹ 2006 Annual Statistical Report. Massachusetts Parole Board, *supra* at 25.

⁵⁰ 2007 Annual Statistical Report. Massachusetts Parole Board, *supra* at 28.

⁵¹ 2008 Annual Statistical Report. Massachusetts Parole Board, *supra* at 30.

⁵² 2009 Annual Statistical Report. Massachusetts Parole Board, *supra* at 34.

⁵³ 2010 Annual Statistical Report. Massachusetts Parole Board, *supra* at 22.

⁵⁴ 2007 Annual Statistical Report, Massachusetts Parole Board, *supra* at 46.

⁵⁵ 2008 Annual Statistical Report, Massachusetts Parole Board, *supra* at 47.

⁵⁶ 2009 Annual Statistical Report, Massachusetts Parole Board, *supra* at 46.

⁵⁷ 2010 Annual Statistical Report, Massachusetts Parole Board, *supra* at 34.

⁵⁸ Haas and Fillion, "Ute Without Parole - A Reconsideration," *supra* at 22.

⁵⁹ 2010 Annual Statistical Report, Massachusetts Parole Board, *supra* at 8.

⁶⁰ 2007 Annual Statistical Report, Massachusetts Parole Board, *supra* at 50.

⁶¹ 2008 Annual Statistical Report, Massachusetts Parole Board, *supra* at 51.

⁶² 2009 Annual Statistical Report, Massachusetts Parole Board, *supra* at 50.

⁶³ 2010 Annual Statistical Report, Massachusetts Parole Board, *supra* at 38.

⁶⁴ Parole Board. Historical Budget Trends. www.mass.gov/bb/h1/fy13hl (accessed 2/7/2012).

⁶⁵ 2007 Annual Statistical Report, Massachusetts Parole Board, *supra* at 50.

⁶⁶ 2008 Annual Statistical Report, Massachusetts Parole Board, *supra* at 51.

⁶⁷ 2009 Annual Statistical Report, Massachusetts Parole Board, *supra* at 50.

⁶⁸ 2010 Annual Statistical Report, Massachusetts Parole Board, *supra* at 38.

⁶⁹ Bonczar, Thomas P. "Characteristics of State Parole Supervising Agencies, 2006" Bureau of Justice Statistics, August 2008, NCJ 222180, at 13.

⁷⁰ *Id.*

APPENDIX I—STATE RELEASE HEARINGS BY INSTITUTION 2006-2010

<u>Institution</u>	<u>Total # of Hearings</u>	<u>Total # Paroled</u>	<u>Parole Rate</u>
Bay State (Med.)	142	84	59%
Boston Pre-Rel. (Pre)	447	387	87%
Bridgewater St. Hosp. (Med.)	89	17	19%
Bridgewater Treat. Ctr. (Med.)	482	34	7%
Concord (Med.)	485	283	58%
Framingham (Med.)	1,778	1,374	77%
Lemuel Shattuck (Med.)	12	7	58%
Gardner (NCCI) (Med.)	709	317	45%
MA Alc. & Sub. Abuse Ctr. (Pre.)	20	14	70%
Northeastern C.C. (NECC) (Min.)	375	315	84%
Norfolk (Med.)	542	251	46%
Old Colony (Med.)	381	164	43%
Old Colony (Min.)	121	101	83%
Plymouth (Min.)	167	142	85%
Pondville (Min.)	282	233	83%
Shirley (Med.)	962	638	66%
Shirley (Min.)	7	6	86%
So. Middlesex Pre-Rel. (Pre.)	565	486	86%
Southeastern C.C. (Min.)	6	2	33%
Souza Baranowski (Max.)	544	207	38%
Walpole (Cedar Junc.) (Max.)	213	51	24%
Walpole Out-of-State (Max.)	18	8	44%
Westborough St. (Pre.)	1	1	100%
Totals	8348	5122	61%

APPENDIX II—RELEASES TO PAROLE SUPERVISION (2006-2010)

	<u>2006</u>	<u>%</u>	<u>2007</u>	<u>%</u>	<u>2008</u>	<u>%</u>	<u>2009</u>	<u>%</u>	<u>2010</u>	<u>%</u>
<u>Gender</u>										
Male	4344 ¹	87	4257 ²	86	4059 ³	87	4172 ⁴	88	3970 ⁵	88
Female	673	13	695	14	625	13	544	12	537	12
<u>Race</u>										
White	3022 ⁶	60	2943 ⁷	60	2771 ⁸	59	2653 ⁹	56	2611 ¹⁰	58
Black	962	19	1036	21	964	21	992	21	924	21
Hispanic/Latino	845	17	807	16	816	17	894	19	821	18
Asian	30	1	45	1	46	1	40	1	47	1
American Indian	4	0	7	0	11	0	10	0	3	0
Other	154	3	114	2	76	2	127	3	101	2
<u>Age</u>										
20 & Under	350 ¹¹	7	340 ¹²	7	265 ¹³	6	248 ¹⁴	5	267 ¹⁵	6
21-25	1126	22	1101	22	1063	23	952	20	949	21
26-30	966	19	1016	20	986	21	1037	22	955	21
31-35	682	14	682	14	656	14	715	15	712	16
36-40	740	15	684	14	645	14	609	13	516	11
41-50	907	18	889	18	817	17	861	19	803	18
51 & Older	246	5	240	5	256	5	294	6	305	7
<u>Commitment Type</u>										
State Prison	603 ¹⁶	12	679 ¹⁷	14	814 ¹⁸	17	934 ¹⁹	20	891 ²⁰	20
Reformatory	7	0	7	0	3	0	5	0	4	0
County	4253	85	4102	83	3696	79	3558	75	3417	76
Out-of-State	145	3	136	3	132	3	161	3	144	3
Life-Time Parole	1	0	5	0	19	0	37	1	35	1
Other	8	0	23	0	20	1	21	1	16	0
Total	5017		4952		4684		4716		4507	

END NOTES FOR APPENDIX II

- ¹ 2006 Annual Statistical Report - Massachusetts Parole Board, at 30.
- ² 2007 Annual Statistical Report - Massachusetts Parole Board, at 33.
- ³ 2008 Annual Statistical Report - Massachusetts Parole Board, at 35.
- ⁴ 2009 Annual Statistical Report - Massachusetts Parole Board, at 38.
- ⁵ 2010 Annual Statistical Report - Massachusetts Parole Board, at 26.
- ⁶ 2006 Annual Statistical Report - Massachusetts Parole Board, at 31.
- ⁷ 2007 Annual Statistical Report - Massachusetts Parole Board, at 34.
- ⁸ 2008 Annual Statistical Report - Massachusetts Parole Board, at 36.
- ⁹ 2009 Annual Statistical Report - Massachusetts Parole Board, at 38.
- ¹⁰ 2010 Annual Statistical Report - Massachusetts Parole Board, at 26.
- ¹¹ 2006 Annual Statistical Report - Massachusetts Parole Board, at 31.
- ¹² 2007 Annual Statistical Report - Massachusetts Parole Board, at 34.
- ¹³ 2008 Annual Statistical Report - Massachusetts Parole Board, at 36.
- ¹⁴ 2009 Annual Statistical Report - Massachusetts Parole Board, at 38.
- ¹⁵ 2010 Annual Statistical Report - Massachusetts Parole Board, at 26.
- ¹⁶ 2006 Annual Statistical Report - Massachusetts Parole Board, at 32.
- ¹⁷ 2007 Annual Statistical Report - Massachusetts Parole Board, at 35.
- ¹⁸ 2008 Annual Statistical Report - Massachusetts Parole Board, at 37.
- ¹⁹ 2009 Annual Statistical Report - Massachusetts Parole Board, at 38.
- ²⁰ 2010 Annual Statistical Report - Massachusetts Parole Board, at 27.

APPENDIX III—DISCHARGES FROM PAROLE SUPERVISION (2006-2010)

	<u>2006</u>	<u>%</u>	<u>2007</u>	<u>%</u>	<u>2008</u>	<u>%</u>	<u>2009</u>	<u>%</u>	<u>2010</u>	<u>%</u>
<u>Gender</u>										
Male	3782 ¹	87	3659 ²	86	3217 ³	86	3140 ⁴	88	3036 ⁵	87
Female	582	13	588	14	503	14	447	12	437	13
<u>Race</u>										
White	2694 ⁶	62	2622 ⁷	62	2227 ⁸	60	2087 ⁹	58	2059 ¹⁰	59
Black	812	18	837	20	776	21	710	20	690	20
Hispanic/Latino	703	16	647	15	595	16	655	18	588	17
Asian	27	1	31	1	46	1	32	1	40	1
American Indian	2	0	9	0	4	0	9	0	5	0
Other	126	3	101	2	72	2	94	3	91	3
<u>Age</u>										
20 & Under	229 ¹¹	5	264 ¹²	6	181 ¹³	5	159 ¹⁴	5	162 ¹⁵	5
21-25	939	21	922	22	780	21	755	21	713	20
26-30	812	19	820	19	768	21	765	21	786	23
31-35	593	14	568	13	495	13	550	15	542	16
36-40	677	15	600	14	525	14	445	12	396	11
41-50	863	20	841	20	699	19	675	19	612	18
51 & Older	251	6	232	6	272	7	238	7	262	7
<u>Commitment Type</u>										
State Prison	481 ¹⁶	11	424 ¹⁷	10	444 ¹⁸	12	495 ¹⁹	14	520 ²⁰	15
Reformatory	38	1	23	1	21	1	16	0	18	1
County	3669	84	3661	86	3115	84	2921	82	2778	80
Out-of-State	170	4	132	3	132	3	144	4	144	4
Life-Time Parole	0	0	0	0	4	0	8	0	10	0
Other	6	0	7	0	4	0	3	0	3	0
Total	4364		4247		3720		3587		3473	

END NOTES FOR APPENDIX III

- ¹ 2006 Annual Statistical Report - Massachusetts Parole Board, at 39.
- ² 2007 Annual Statistical Report - Massachusetts Parole Board, at 42.
- ³ 2008 Annual Statistical Report - Massachusetts Parole Board, at 43.
- ⁴ 2009 Annual Statistical Report - Massachusetts Parole Board, at 43.
- ⁵ 2010 Annual Statistical Report - Massachusetts Parole Board, at 31.
- ⁶ 2006 Annual Statistical Report - Massachusetts Parole Board, at 40.
- ⁷ 2007 Annual Statistical Report - Massachusetts Parole Board, at 43.
- ⁸ 2008 Annual Statistical Report - Massachusetts Parole Board, at 44.
- ⁹ 2009 Annual Statistical Report - Massachusetts Parole Board, at 43.
- ¹⁰ 2010 Annual Statistical Report - Massachusetts Parole Board, at 31.
- ¹¹ 2006 Annual Statistical Report - Massachusetts Parole Board, at 40.
- ¹² 2007 Annual Statistical Report - Massachusetts Parole Board, at 43.
- ¹³ 2008 Annual Statistical Report - Massachusetts Parole Board, at 44.
- ¹⁴ 2009 Annual Statistical Report - Massachusetts Parole Board, at 43.
- ¹⁵ 2010 Annual Statistical Report - Massachusetts Parole Board, at 31.
- ¹⁶ 2006 Annual Statistical Report - Massachusetts Parole Board, at 41.
- ¹⁷ 2007 Annual Statistical Report - Massachusetts Parole Board, at 44.
- ¹⁸ 2008 Annual Statistical Report - Massachusetts Parole Board, at 45.
- ¹⁹ 2009 Annual Statistical Report - Massachusetts Parole Board, at 44.
- ²⁰ 2010 Annual Statistical Report - Massachusetts Parole Board, at 32.