

*** F R E E S P E E C H C E N T R A L ***

Massachusetts Parole Board

and

Massachusetts Department of Corrections

(Why should policy and practice change.)

FREE SPEECH CENTRAL

Introduction:

The current system for parole in Massachusetts (Mass.) is dysfunctional at the core. The current system has two separate agencies operating under the Department of Public Safety with different assessments and goals. Currently the Department of Corrections (DOC) can assess an offender with a low risk of recidivism and a low risk of violence under the DOC's classification system, and the Massachusetts Parole Board (MPB) can fully reject this assessment by their sister agency can deem the offender as unfit for release. MPB never states the exact rationale for this or the required programming and treatment needed to comply with their (MPB) standards for release. With these aspects in mind this writing offers possible alternatives to allow for positive release and reentry of prisoners (offenders) while fulfilling the Department of Public Safety (DPS) goals and objectives at a cost reduction and positive use of resources for all involved.

History:

The Parole Board in Massachusetts once was joined with the Department of Corrections. The rationale for separation of the two entities was to have a fair and impartial assessment for release of offenders. However this has now become a situation where the DOC's assessment tool used for guiding offenders through programming and behaviour for sometimes 25 plus years is not taken into account by the MPB. The MPB has been given discretion that allows them to ignore fully the DOC's assessment of offenders. By the discretion of MPB it can ignore all facts and quantitative data in exchange for their discretion. Within the Federal Prison System and many other state prison systems across the country a "Presumptive Parole" style system has been put in place.

Presumptive Parole:

The Presumptive Parole style system starts at the beginning of the offenders sentence and provides guidance in programming and behaviour goals required for release. Currently in Massachusetts an offender enters the DOC with no contact from parole (MPB) until just months (1-2) before a parole hearing date. Many times an offender will be questioned by MPB as to why the offender did not engage in a specific program, and the answer is The DOC's assessment tool COMPAS did not indicate a need for the specific program mentioned. A second common question at MPB hearings to offenders is , Why did you wait so long to enter specific programming?, and the answer is (and a fact) that the DOC will not afford the offender (inmate) a chance to engage in certain programs until close to release dates. If a presumptive parole system would be adopted in Mass. it would allow for MPB authorities to become engaged in all programming and behaviour needed or required from the early days of incarceration.

A system such as this would then allow the offender, candidate for parole be able if willing to comply with programming and treatment requirements during incarceration at a much earlier time, which also will indicate an offenders motives and behavior patterns in the future. Currently in the DOC there are Mental Contracts entered into with offenders which requires certain behaviors and actions from the offender which in turn requires the DOC to keep in line with their end of the contract. These contracts are approved

and signed off by DOC security personnel as well as mental health staff. Such a system could be implemented between the DOC and MPB. The DOC sets a treatment and program plan (educational, behavior, program, etc.) then MPB makes changes or modifies such a contract until an agreement is reached with a set 6 month time frame of entering custody. Once this is complete the offender/inmate is brought before a DOC and or MPB representative and the contract is explained and the offender signs as staff does as well. If at some point the offenders behavior deteriorates the contract should and could be reopened in order to address new issues that may have arose. However there should be a clear pattern of behavior to reopen a contract, such as : ongoing violence, repeated drug use or accumulation of numerous disciplinary reports. This system allows for a structure for the offender to follow and learn from via targeting needed programs without wasting resources or money with needless programming while in DOC custody. This would also benefit the DOC by opening seats in programs for issues and reduction of disciplinary reports.

Benefits to DOC & MPB:

The benefits will be numerous to housing and incarceration of offenders as well as the parole process. Currently the offenders enters DOC custody and try to get in as many programs as possible beyond the DOC's assessment system (COMPAS) in order to attempt to fulfill any possible additional requirements the MPB may impose at the time of parole. This process has the offender taking up seats in programs and educational resources in the DOC, thus creating waiting lists that only allow entry by offenders/inmates with the closest parole or release dates. This creates a prison environment in which many times offenders are told by DOC staff to , Kick back and chill, until you get closer to release. Hence many times programming to change behaviors does not start until 1-2 years before release. This causes the inmate/offender to participate in multiple programs at one time and not reap the full benefits of programming over a lengthened period of time.

Public Safety Benefits:

Public Safety and resources will better be served with a set program and treatment plan from the start of incarceration. Programs will have smaller waiting lists, thus allowing inmates for earlier entry into designated need areas. Offenders will begin the process from those first days of incarceration and allow for positive reentry tools to be formed and practiced throughout confinement and not just at the end of the sentence. The longer an offender practices these life skills learned in programs and groups the likelihood is much stronger that they will be repeated upon release. Changing this process to include both DOC and MPB members (staff) will allow offenders to utilize targeted programs designed by trained staff and not guess at what to do or not to do. The DOC has seen an issue with this area and attempted to address it with the "Program Engagement Strategy" (PES). PES has only made waiting lists longer and inmates more sedentary and frustrated over all. However still with this new PES system only the DOC has input and the MPB is left out of the process. Does it still make sense for an offender to engage and complete some 40 plus programs over their incarceration if the MPB will still deem them as not sufficient or the specific programs MPB assess are required. Where as if the MPB was brought in from the beginning of incarceration the offender could participate in half as many programs specific to the inmate/offender for a more cost effective successful reentry process. Thus allowing

Those who need specific programming to receive it earlier in their sentences and begin to practice those set behaviors in DOC custody. Thus allowing the DOC to monitor offenders practice of the tools learned while in custody. This practice would allow to help reduce human error in discretion based parole in the MPB. Implementing such a process of Presumptive Parole would better serve public safety and reintroduce offenders back into society with assessment based programming and behavior modifications. Additionally with better use of assessment tools and the combined work from both agencies (DOC & MPB).

Current Failures in the Process:

Currently the DOC and MPB are not accountable to work in harmony and as both under the Department of Public Safety this is a clear failure. Many times it is discouraging to DOC staff and offenders alike to be denied parole with no credit given to DOC staff or offender for the progress that has been made over the term of the offenders incarceration. At the same time offenders are granted parole who have received assessments from the DOC with medium to high risk of recidivism and violence. The offenders being denied receive assessments from the DOC as low risk of recidivism and low risk of violence. Clearly this is a break down between the two agencies and fails the public and both the offender and Department of Public Safety. Furthermore this creates a sense from the DOC and offenders that the system does not work and it is all a waste of time and money.

The Parole Board (MPB) is also placed under undue pressure in the case of Dominic Cinelli and the removal of the Parole Board members after his crimes while on parole. With the current discretionary system every vote by the MPB could place their jobs and careers at risk. Having a standard fact based "Presumptive Parole" system board members will no longer have a fear of losing their jobs at every decision. A change such as the one suggested will allow a data, behavioral and factual (assessment based) conclusions to risks in violence and recidivism. If Mr. Cinelli was assessed under this COMPAS system in the DOC he would have scored High in recidivism and violence which could have been avoided.

Conclusion:

With the above factors in mind and a proper review of all relevant factors anyone seeking a more successful, cost effective, public safety system would seek to endorse such a process. All stakeholders should be brought to the table in order to implement an effective Criminal Justice Process in Massachusetts. Recently it was encouraging to see some of the DOC Commissioners duties was to work with MPB. However this does not make a true partnership of the two agencies until policy and practice is changed. A more fact based system based on assessment tools accepted and agreed to within a presumptive parole model as detailed above. There are ample models available to start from and should be considered in any changes or discussions in this process.