



Testimony submitted to the Joint Committee on the Judiciary
In Support of H.1541 An Act establishing presumptive parole
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This bill establishes an evidence-based release standard and ensures that prisoners with disabilities who are granted parole will be released. A Massachusetts-specific validated risk and needs assessment tool will take into consideration an incarcerated person's good behavior and participation in work, education and treatment programs. It will require that those who are incarcerated are released upon reaching parole eligibility, unless there is clear and convincing evidence that they are a risk to public safety. Disabled individuals will receive support, services, or programs to mitigate any risks they pose, with the assistance of the Department of Public Health if needed.

The League of Women Voters of the United States "believes alternatives to imprisonment should be explored and utilized, taking into consideration the circumstances and nature of the crime."¹ In addition, the League of Women Voters of Massachusetts, which has 47 local Leagues across the state, is in favor of "the use of adequately funded and supervised alternative punishments" and supports "measures to protect the civil and individual rights of the offender and to promote the offender's rehabilitation through individualized treatment," "measures that provide sufficient prison space at minimum security and pre-release levels to permit the gradual reintegration of the prisoner into society," and "sentence lengths that encourage rehabilitation and reintegration into society." The League "opposes indeterminate sentences."²

In 2008, the Parole Board released Dominic Cinelli to parole, and he later killed a Woburn police officer.³ Five Parole Board members resigned, and ever since, the Parole Board has been averse to granting parole despite a statistically small chance of negative outcome.⁴ This has resulted in people serving longer sentences and then being released without supervision.⁵ By encouraging the Parole Board to focus on the elements that make an individual inappropriate for parole, it is probable that there would be fewer mistakes like those made in the release of Cinelli. Presumptive parole assumes that success is possible, includes a plan that focuses on in-prison program participation, and post-release programming to help the potential parolee overcome barriers to release.

There are concerns about the use of privately-developed, off-the-shelf risk assessment algorithms, which is why it is essential that a risk assessment tool be transparent, developed for Massachusetts for our parole-eligible population, and open to frequent validation to address bias, age differences, and changes in law.⁶

Multiple states have implemented some form of presumptive parole.⁷ In Michigan, a decades-long study showed that "people who commit homicide or sex offenses have extremely low re-offense rates overall and almost never return to prison for committing a new crime of the same



type.” And “there is no evidence that keeping someone incarcerated longer increases public safety.”⁸ In particular, over 95 percent of people who served time for homicide and sex offenses did not return with a new sentence for any crime within three years, and for robbery, there was no recidivism for over 80 percent. The study showed that increasing the number of parolees did not increase the re-offense rate, concluding that past behavior does not predict future risk and that “there is no gain to public safety from basing parole denials on the nature of a person’s offense, most especially for people who score high probability of release on the parole guidelines.” Assuming release at the minimum sentence doesn’t prevent the Parole Board from acting on knowledge of a particular individual’s risk. Instead of warehousing individuals, resources can be used to prepare people for successful reintegration and provide the services needed for improving public safety.

In 2017, the Massachusetts Supreme Judicial Court ruled that mentally and physically disabled prisoners seeking parole must have support systems in place to comply with the Americans with Disabilities Act.⁹ This bill facilitates the assistance of the Department of Public Health if necessary to comply with federal law.

Implementing presumptive parole takes the politics out of Parole Board decision-making, so public safety becomes the primary concern. And by requiring that disabled individuals get the support they need to be able to be paroled, we should save money and be able to focus only on public safety concerns when we decide on whether it is in the public’s interest to keep a specific individual locked up.

LWVMA urges this committee to report H.1541 favorably out of committee. Thank you.

¹ Impact on Issues <https://lwmva.org/advocacy/league-postions/>

² Where We Stand <https://lwmva.org/advocacy/league-postions/>

³ http://archive.boston.com/news/politics/articles/2011/01/14/five_out_as_governor_overhauls_parole_board/

⁴ <https://www.bostonglobe.com/metro/2018/06/25/parole-board-still-slow-release-inmates-eight-years-after-convict-killed-officer-critics-say/ztsu0FWuckJJqbG6LejKK/story.html>

⁵ <https://www.prisonpolicy.org/reports/longsentences.html>

⁶ <https://www.prisonpolicy.org/blog/2018/08/22/blackbox/>

⁷ https://www.prisonpolicy.org/reports/parole_grades_table.html

⁸ [Paroling people who committed serious crimes: What is the actual risk?](#) By Barbara Levine and Elsie Kettunen, Citizens Alliance of Prisons and Public Spending, December 1, 2014.

⁹ <https://www.bostonglobe.com/metro/2017/05/15/sjc-disability-laws-apply-prisoners-seeking-parole/f8WH9PeergHVfQ6xUY1pKL/story.html>