

# REDUCE REINCARCERATION FOR TECHNICAL VIOLATIONS OF PAROLE

H.1798 & S.1600 | Rep. Miranda & Sen. Jehlen



## THE ISSUE

People on parole are subject to many conditions of supervision. Too often, these conditions become setups for sending people back to prison. Parole revocation for technical (i.e. non-criminal) violations of supervision terms is common practice in Massachusetts; this practice disrupts people's stability upon exiting jail or prison, fuels destructive cycles of incarceration, undermines community health and safety, and contributes to mass incarceration in Massachusetts.

The vast majority of parole revocations in Massachusetts are for technical violations of supervision conditions, returning people to prison with no new criminal allegation or conviction. Technical violations accounted for 87% of parole revocations in 2017, 88% of revocations in 2018, and 89% in 2019.

## CURRENT LAW

Current law routinely sends people back to prison for minor violations that do not involve a new criminal charge or conviction. Standard conditions of parole in Massachusetts contain onerous restrictions on movement and association that increase the likelihood of re-incarceration for non-criminal reasons. For example:

- Massachusetts has a general parole condition that specifically prohibits anyone on parole from associating with people known to have a criminal record. Because people of color are disparately charged and incarcerated in Massachusetts and because incarceration is concentrated in communities of color, people who return to these communities are more likely to be friends with or have family members who have a criminal record or have been incarcerated. Accordingly, this condition is not only unnecessarily restrictive, it also disproportionately targets people and communities of color.
- Another general parole condition in Massachusetts gives parole officers in Massachusetts the authority to reincarcerate someone on parole if they believe the person 'is about to' engage in criminal behavior. These kinds of conditions illustrate how parole officer discretion, implicit bias, and systemic racism can comingle in decisions made in parole supervision monitoring and result in biased enforcement.

- Under existing law, people alleged to have committed technical parole violations may be incarcerated while they await their parole revocation hearing. As a result of the technical violation, they may have their parole revoked and be reincarcerated. Revoking parole for technical violations affects a substantial proportion of people: Every year, nearly 90% of parole revocations are for technical violations.

## THE SOLUTION

“An Act to Reform Parole Supervision in the Interest of Justice” would reduce reincarceration for technical violations of parole by eliminating standard conditions of release that perpetuate systemic racism, and ending automatic reincarceration for technical violations of parole conditions that do not result in a new conviction. This bill imposes specific requirements the parole board must follow when issuing conditions, including that conditions be reasonably related to the crime of conviction for which the person is serving a sentence. Finally, the bill prohibits the board from revoking parole and reincarcerating someone in the case of a non-criminal violation or where the violation stems from a relapse caused by substance use disorder.