

## **LIFERS' GROUP Inc. FAST FACTS: EXCESSIVE INCARCERATION OF LIFE WITHOUT PAROLE (LWOP) PRISONERS IN MA**

Massachusetts incarcerates an excessive number of prisoners with lifelong, Life Without the Possibility of Parole (LWOP), sentences. By 2016, Massachusetts had approximately four times the number of LWOP prisoners than the five other New England States combined or all of New York State. The numbers look even worse when compared to state populations (i.e. # of LWOP prisoners per 100,000 population).(Table)

State	Prison Pop	# LWOP	% LWOP	#LWOP/100,000
Massachusetts	8795	1018*	11.6% **	14.8
Connecticut	15831	73	0.5%	2.0
Maine	2243	64	2.8%	4.8
N. Hampshire	2867	83	2.9%	6.2
Rhode Island	2667	31	1.2%	2.9
Vermont	1508	14	1.0%	2.3
New York	52344	275	0.5%	1.4
2016 Data(A.Nellis, <i>Still Life</i> , 2017)		* 1084 in 2019 **13.4% in 2019		

This unacceptable warehousing of LWOP prisoners results from current MA laws which require mandatory LWOP sentences for all those convicted of first degree murder. Some may assume that such sentences are reserved only for the “worst of the worst”, but the reality is that it is often only a matter of who pleads out first. It is not uncommon for the actual killer, aware of his or her risk, to plead out to a lesser sentence while implicating co-venturers who didn't kill or intend to kill and who end up with LWOP.

Similarly, under felony murder rules, it is routine that co-conspirators who never killed nor had any intent to kill were sentenced to mandatory LWOP sentences. Judges have no discretion to make adjustments for any mitigating circumstances or youthful ages of offenders.

This results in a large number of prisoners sentenced to LWOP who have no hope or possibility for any second chances. The fact remains that currently the 1100 prisoners in MA serving LWOP will die in prison. They have no possibility of demonstrating whether they have changed: that they have matured and become rehabilitated after decades of imprisonment. Society is not made safer by continuing to warehouse these aging and often debilitated prisoners. Criminal justice experts agree and data show that aging prisoners, especially those guilty of homicide, rarely if ever reoffend and virtually never kill again if released.

Death is a natural process, but it is anything but simple. For most, it requires multifaceted care and support. Such care is not, and cannot, and should not be provided in a correctional facility. The conditions these aging prisoners face are reprehensible and degrading. Prolonged imprisonment of the elderly deprives them and their free world families of the opportunity for a dignified passing that all human beings deserve.

There is a perception that surviving families of homicide victims want or need these lifelong sentences, but many survivors have expressed the opposite. LWOP sentences do not return those lost to murder, do not protect survivors, nor help them heal. This perception, often promoted by prosecutors and sensation-seeking media pursuing their own agendas, only serves to further victimize survivors. It is through the mechanisms of Restorative Justice that survivors and those aggrieved will find the answers that they require and the peace that they most deserve.

### **IT IS TIME FOR MASSACHUSETTS TO ABOLISH LWOP SENTENCES**

**Please support the passage of legislation which will allow LWOP prisoners to be eligible for (but does not guarantee) life-long parole after serving 25 years, provided they can demonstrate that they have matured and have become rehabilitated.**

For Lifers' Group Inc., P.O. Box 43, Norfolk, MA 02056 by Dirk Greineder (February 2020)