

15-YEAR CENSUS OF MASSACHUSETTS FIRST DEGREE LWOP PRISONERS, 1/1/2009 to 12/31/2023^a

Year:	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
LWOP Census on January 1	938	964	991	1009	1040	1068	1029	1037	1057	1068	1080	1083	1049	1031	1038	
# of New LWOP Commitments	39	38	26	41	40	35	25	35	21	25	24	6	13	25	31	424
LWOP Prisoner Deaths	11	4	7	6	8	10	8	12	4	8	8	6	13	6	6	117
LWOP Medical Parole	--	--	--	--	--	--	--	--	--	2	3	21 ^b	9	8 ^d	7	49
LWOP Court Releases ^c	2	7	1	4	4	0	8	4	6	3	10	13	9	3	2	76
LWOP Clemency Commutations	--	--	--	--	--	--	--	--	--	--	--	--	--	2	1	3
End of Year LWOP Census	964	991	1009	1040	1068	1029 ^e	1038	1057	1068	1080	1083	1049	1031	1037	1055 ^f	

^a Criminally sentenced Jurisdiction population (Source: public records from DOC 2011-2024 & Parole Board 2023).

^b 18 were released + 3 were granted medical parole only days before dying of Covid in hospital (D. Becker, WBUR, Nov 30, 2020).

^c Sentence or verdict vacated/revoked due to wrongful convictions (DOC public records requests, 2011-2024).

^d 9 were released but 1 returned for parole violation.

^e 64 Juvenile first degree LWOP prisoners were reclassified to LWP eligibility by "Diatchenko v District Attorney", 466 Mass 655(2014).

^f There are 1055 LWOP prisoners confirmed on 1/1/2024 (1019 in DOC custody + 36 in outside institutions), but tally here accounts for only 1052, a discrepancy likely due to delayed release and/or other time-sensitive events.

AUTHOR'S COMMENT: It is notable that over 15 years, 76 LWOP prisoners, comprising 7.4% of the LWOP prisoners incarcerated during that time (1), reversed their verdicts because the courts found they were wrongfully convicted, after an average of 29 years of wrongful imprisonment (2). But this represents only those who, with extraordinary efforts, were able to prove their innocence. It is virtually certain that many others, although also wrongfully convicted, are not able to achieve such an elusive result. Such high percentages of wrongful convictions represent unacceptable error rates, arguing forcefully that all LWOP prisoners should be offered a second chance by becoming eligible for possible parole release.

References: (1) 76/1032=7.4% (1032=15 year avg # LWOP prisoners). (2) D. Greineder, "Wrongful First-Degree Murder Convictions in Massachusetts" (Lifer's Group Inc, July 2023).

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