

AGING AND RISKS OF CRIMINAL OFFENSE:  
Aging Results in Dramatic Reductions in Criminal Behavior

A Lifer's Group Report

Prepared By  
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Dirk Greineder, for Lifer's Group Inc., December 2024  
Accessible at [www.realcostofprisons.org/writing/Greineder](http://www.realcostofprisons.org/writing/Greineder)

Perpetuating the indiscriminate aging of prisoners with extreme sentences ignores the lessons of the Age-Crime Curve which is based on well studied and established findings documenting that the incidence of criminal behaviors peaks during offenders' late teens and early twenties, then fairly rapidly tails off as people age.<sup>1</sup> This progressive and steep decline in the propensity to commit criminal offenses is equally true for all types of crime, including murder, and is readily visualized in Figure 1 which parallels the overall Age-Crime curve. The data in figure 1 is truncated at age 21 because of the recent January 2024 decision by the MA Supreme Judicial Court (SJC) which excluded and reclassified those aged under 21 from serving Life Without Parole (LWOP) sentences for first degree murder. A 2020 iteration of this figure for Massachusetts prisoners serving LWOP, which included all prisoners aged 18 and older, revealed that the overall peak murder age was 20 with only slight drop-offs at ages 19 and 21.<sup>2</sup> Additional well-documented data support the argument that offenders convicted of violent crimes, and especially murder, are the least likely to reoffend and document that prisoners released after serving sentences for homicide convictions (murder and manslaughter) reoffend at overall rates under 1%.<sup>3</sup> Rates for committing any repeat homicides are very low, generally falling between zero and 0.2%.<sup>4</sup>

A similar trend is shown in Figure 2 and Table which document Massachusetts recidivism reincarceration rates over the three years after release for nine cohorts released between 1998 and 2014.<sup>5</sup> The rates of recidivism decline with increasing age at time of release, with the steepest decline occurring after age 40. These data are congruent with results obtained in other states and the federal system.<sup>6</sup> Of note, there appear to be no data available to elucidate an apparent 10-15 year delay in the occurrence of the steepest declines in the curves for recidivism rates as compared with the steepest decline in the murder age curve as shown in Figure 1. It is concerning to speculate that the adverse consequences of lengthy and often unproductive sentences served by prisoners may result in a slowing of moral development and social maturation among prisoners as compared to their free-world counterparts.

While some have argued that recidivism is the result of insufficient punishment, studies in the U.S. and abroad repeatedly have documented that longer sentences

fail to prevent future offenses and do not correlate with deterrence.<sup>7</sup> Data clearly show that improved rehabilitation and certainty, not length, of punishment correlate with the deterrence of future crime.<sup>8</sup> Moreover, evidence affirms that liberalizing parole for elderly prisoners will not decrease public safety but will greatly reduce both the direct and collateral costs of incarceration.<sup>9</sup> These funds can then be used to restore and strengthen communities and families, thereby actually reducing the incidence of crime overall and improving public safety.<sup>10</sup>

Encouraging data have emerged from the SJC's 2014 decision which requires meaningful opportunities for parole for juveniles whose murders are committed prior to their 18th birthday: of 33 such juvenile murderers released on parole, often after decades of imprisonment, none have reoffended in the decade since their releases.<sup>11</sup>

These and other data show that those convicted of violent crimes, even murder, may be safely released without measurable risks to public safety.<sup>12</sup> Notably, the data demonstrating safe release indeed are most robust and convincing for the release of murderers who, due to lengthy sentences, have naturally aged out of propensity to commit crimes. The time is long overdue to permit the paroling of all prisoners who have served substantial sentences while aging in prison.

\* \* \*

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T A B L E  
3-YEAR REINCARCERATION RECIDIVISM RATE BY AGE AT RELEASE, 1998-2014<sup>a</sup>

Year	Age Range at Time of Release									YR AVG
	18-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60+	
1998	42.5%	39.1%	39.1%	37.1%	24.1%	18.3%	17.6%	14.2%	8.6%	40.1%
2002	44.7%	41.4%	37.7%	35.7%	31.7%	20.3%	15.0%	15.3%	6.7%	39.9%
2004	40.8%	40.7%	43.6%	41.7%	31.8%	28.6%	16.3%	5.5%	2.8%	42.9%
2007	40.1%	36.8%	38.7%	38.7%	36.8%	30.8%	16.3%	8.3%	7.3%	42.5%
2008	34.9%	38.8%	33.7%	31.9%	33.8%	27.7%	18.9%	5.5%	8.7%	39.4%
2011	37.2%	34.9%	28.7%	32.8%	28.7%	26.7%	24.6%	18.9%	2.5%	35.4%
2012	34.0%	31.8%	31.2%	26.0%	27.2%	22.2%	15.1%	18.2%	2.8%	32.1%
2013	40.1%	31.8%	29.8%	23.1%	25.8%	20.7%	16.6%	3.8%	6.6%	31.9%
2014	40.8%	33.7%	25.7%	28.6%	24.4%	25.2%	16.4%	9.0%	7.7%	31.7%
Age Avg	39.7%	36.6%	34.3%	33.6%	29.8%	24.9%	17.4%	10.5%	5.7%	37.4%

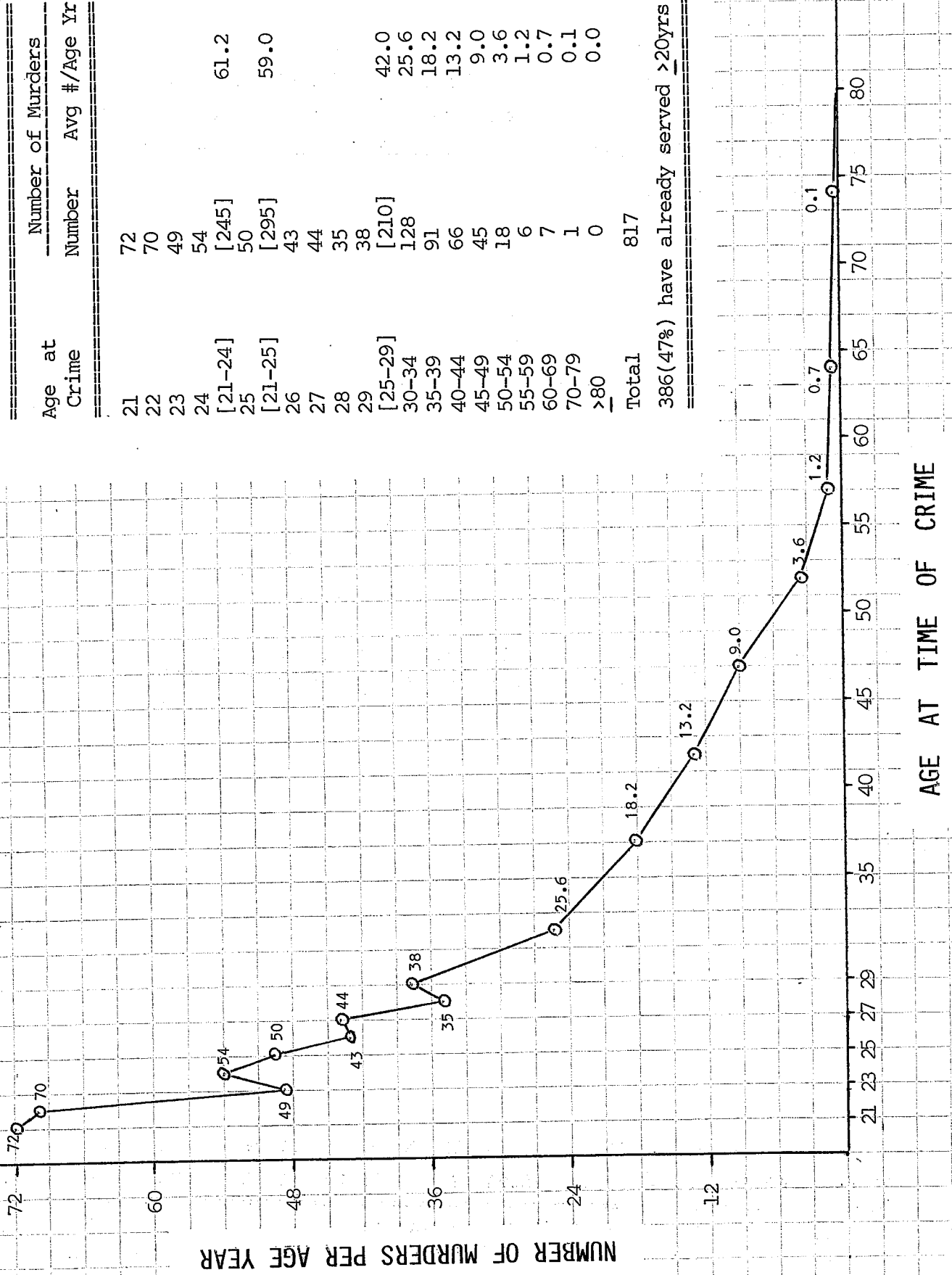
<sup>a</sup> 3-year reincarceration recidivism rate, excluding technical violations

FIGURE 1

LIFE WITHOUT PAROLE SENTENCED PRISONERS BY AGE AT TIME OF CRIME  
 Massachusetts Dept. of Correction, October 1, 2024

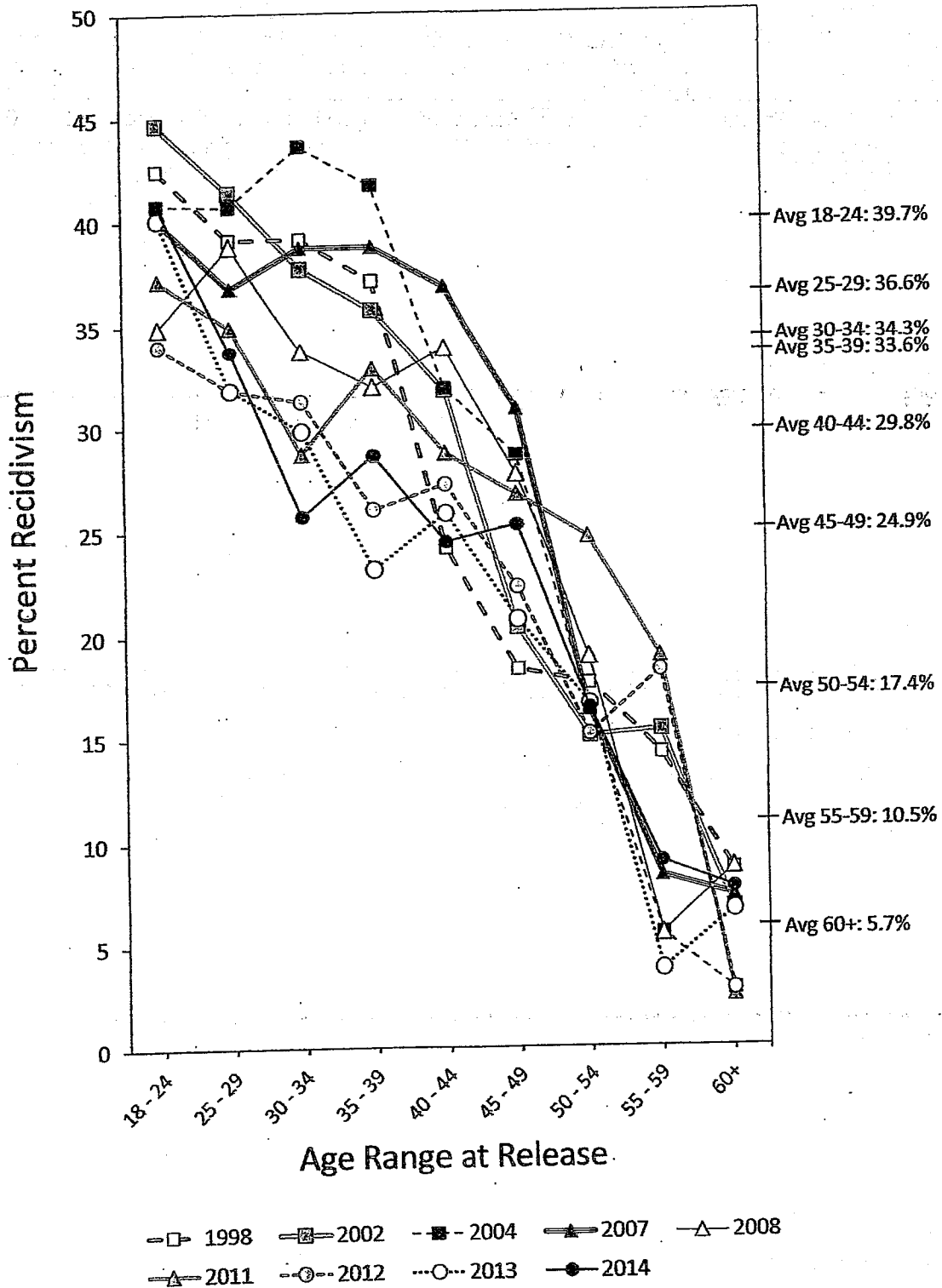
Age at Crime	Number of Murders	
	Number	Avg #/Age Yr
21	72	
22	70	
23	49	
24	54	
[21-24]	[245]	61.2
25	50	
[21-25]	[295]	59.0
26	43	
27	44	
28	35	
29	38	
[25-29]	[210]	42.0
30-34	128	25.6
35-39	91	18.2
40-44	66	13.2
45-49	45	9.0
50-54	18	3.6
55-59	6	1.2
60-69	7	0.7
70-79	1	0.1
>80	0	0.0
Total	817	

386(47%) have already served >20yrs



AGE AT TIME OF CRIME

### Recidivism Rate by Age at Release (1998-2014)



**Figure 2:** 3-Year Reincarceration Recidivism Rates by Age at Release (excluding technical violations) for nine release cohorts. The panel at right shows 5-year averages for all nine cohorts.

## ENDNOTES

Sources: Data from MA-DOC public records response of 10/17/24 and intermittently published MA-DOC detailed Recidivism Reports. Calculations by author.

1. McKillop M & Boucher A. "Aging Prisoner Populations Drive Up Costs" (Pew Charitable Trusts, Washington DC, 2018; ACLU. "At America's Expense: The Mass Incarceration of the Elderly" (ACLU, New York, 2012); Tina Chiu. "It's About the Time: Aging Prisoners, Increasing Costs, and Geriatric Release" (Vera Institute of Justice, New York, 2010); Nellis A. "No End In Sight: America's Enduring Reliance on Life Imprisonment" (The Sentencing Project, Washington DC, 2021); Nellis A & Bishop B. "New Lease on Life" (The Sentencing Project, Washington, DC, 2021); Ghandnoosh N. "A Second Look at Injustice" (The Sentencing Project, Washington DC 2021); Greineder D. "The Cruel Aging of Massachusetts Life-Sentenced Prisoners", at ppl6-17 (Lifer's Group Inc. Norfolk, MA, 2022, available at [www.realcostofprisons.org/writing/Greineder](http://www.realcostofprisons.org/writing/Greineder)).

2. Greineder. "The Cruel Aging..." (see note 1), Figure 2 & at pp9-10.

3. Ibid. (see all references in note 1); also Hunt KS & Dumville R. "Recidivism Among Federal Offenders: A Comprehensive Overview" (U.S. Sentencing Commission, 2016); Durose MR, Cooper AD, Snyder HN. "Recidivism of Prisoners Released in 30 States in 2005" (Bureau of Justice Statistics, 2014); Langan PA & Levin DJ. "Recidivism of Prisoners Released in 1994" Bureau of Justice Statistics, 2002); Prescott JJ, Pyle B, Starr SB. "Understanding Violent Crime Recidivism" Notre Dame Law Rev 95:1643-98 (2020); Greineder. "The Cruel Aging..." at ppl5-19.

4. Ibid. See all references in note 3; also Weisberg R, Mukamal DA, Segall J. "Life in Limbo: An Examination of Parole Release for Prisoners Serving Life Sentences With the Possibility of Parole in California" (Stanford Criminal Justice Center, Stanford CA, 2011).

5. MA Dep of Correction. Figure & Table show data for all 3-year reincarceration recidivism reports by MA-DOC that include 5-year age ranges (Milford MA 2004-18).

6. See references in note 3.

7. van Zyl Smit D & Appleton C. "Life Imprisonment Worldwide: A Global Human Rights Analysis" (Harvard Univ Press, Cambridge MA 2019); Wright V. "Deterrence in Criminal Justice: Evaluating Certainty vs Severity of Punishment" (The Sentencing Project, Washington DC, 2010); Nellis & Bishop. "A New Lease of Life" (see note 1); Greineder. "The Cruel Aging..." (see note 1) at ppl3-19.

8. Ibid. see all references in note 7.

9. McLaughlin M, Pettus-Davis C, Brown D et al. "The Economic Burden of Incarceration in the U.S. (Washington Univ Inst for Advancing Justice Research and Innovation", 2016); Wildeman C. "Parental Imprisonment, the Prison Boom, and the Concentration of Childhood Disadvantage" Demography (2009) 46:265-280; Western B. "Punishment and Inequality in America" (Russell Sage Foundation, New York NY 2006); Forman B & Widmer M. "Getting Tough on Spending: An Examination of Correctional Expenditures in Massachusetts" (MassINC, Boston MA 2017); Engel L & Atkisson J. "Priorities and Public Safety: Reentry and the Rising Costs of Our Correctional System" (Boston Foundation, Boston MA 2009); Greineder D. "Massachusetts Incarceration of the Elderly: Morally Questionable, Costly and Unnecessary for Public Safety" (J Prisoners on Prisons, 27:17-54, 2018); Greineder. "The Cruel Aging..." (see note 1) at ppl3-19.

10. Ibid. See all references in note 9.

11. Greineder D. "Massachusetts Juveniles Convicted of First-Degree Murder Have Not Re-Offended When Paroled" (Lifer's Group Fast Facts, Norfolk MA, 2023, available at [www.realcostofprisons.org/writing/Greineder](http://www.realcostofprisons.org/writing/Greineder)).

12. See references in notes 1, 3, 9, and 11.



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### Our Mission

To partner with families and other stakeholders to create solutions for sentencing reform, promote meaningful parole opportunities for all lifers, and assist lifers and long-termers to live positive lives both inside and outside of prison

### Assist

Improve rehabilitation, self-respect, and the quality of life for all men and women in Massachusetts prisons

### Advocate

Coordinate with any organization striving for similar goals in order to provide an effective use of penal and rehabilitative resources

### Inform

Operate under sound ethical and democratic principles and share our knowledge with our members and those on the outside on criminal justice and prison reform issues, such as reducing recidivism, improving public safety, and building peaceful and productive relationships with family members, fellow prisoners, supporters, and the community

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