

Lifers' Group Inc. Fast Facts: THE DRASTIC REDUCTION IN GRANTING LIFER PAROLES AT INITIAL HEARINGS: Capricious or Deliberate?

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The Legislature set the standard of 15 years of incarceration for second degree murder many years ago. This standard held even during the highly punitive 1980s and 1990s when exaggerated fears of the "wars on crime and drugs" swept the nation. The public and legislature considered 15 years of imprisonment the appropriate term before parole eligibility for second degree murder, i.e. murders committed without premeditation, cruelty or atrocity. Parole eligibility does not guarantee a grant of parole but sets the time when offenders should be considered for a meaningful opportunity for parole unless deemed ongoing threats to public safety or to re-offend. Once paroled, offenders remain under strict supervision for the remainder of their lives.

This standard has held for decades without serious concerns or problems. Approximately 30 to 50% of initial parole hearings at 15 years resulted in grants of parole. Then, in December 2010, a paroled prisoner shot and killed a policeman during a robbery. The offender had never killed before but had served over 30 years for serial robberies. This tragic and rare event provoked the summary firing of the entire parole board. They were replaced with individuals with overwhelming law enforcement and prosecutorial backgrounds. Additionally, with the exception of 2014, the parole board has been chaired by former prosecutors. Notably, since then, the outcomes of initial parole hearings have resulted in far fewer approvals than previously.

The progressive decrease in grants of parole after initial hearings took a further downturn in 2016. Overall paroling rates after initial hearings between 2009 to 2015 averaged 31% (64 approvals/209 hearings). But between 2016 to 2020, only 10% of initial hearings (11 approvals/109 hearings) resulted in paroles. There have been no unexpected or untoward events resulting from lifer parolees during this time. It may be that the parole board has simply decided that 15 years is not long enough for second degree murder. This would contravene the experience of the entire criminal justice system for more than 50 years which has held 15 years appropriate for second degree murder. Meanwhile, hundreds of offenders and defense attorneys have negotiated plea bargains agreeing to pleas of second degree murder with the expectation that defendants will have a meaningful opportunity for parole after 15 years. It would seem at least capricious if not inexcusable for the parole board to deliberately and arbitrarily restructure second degree murder sentences without input from other branches of government. There is ample evidence that those offenders who have committed murder are the least likely to re-offend and almost never kill again. For the parole board to single-handedly institute such a change would be an unjustified and inappropriate breach of the experience as well as the covenant established by the remainder of the criminal justice system.

SECOND DEGREE LIFER
INITIAL PAROLE RATE

Year	# Approved # Hearings	% App'd
2004	na	45
2005	na	30
2006	na	43
2007	na	32
2008	na	35
2009	9/30	30
2010	22/44	50
2011-12	5/32	16
2013	6/31	19
2014	13/32	41
2015	9/40	22
2016	4/28	14
2017	0/9	0
2018	2/27	7
2019	0/11	0
2020	5/34	15

na = Not Available

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