

Lifer's Group Fast Facts:
CONTINUING INCREASES OF INCARCERATION COST
IN MASSACHUSETTS DEPARTMENT OF CORRECTION (MA-DOC)



ENDNOTES

NB: MA-DOC data reported here is based on information acquired from multiple public records laws request from the MA-DOC, 2016-2024, and/or published by the MA-DOC in semi-annual "Fact Cards" and annual "Population Trends" reports. Calculations are by author.

1. McKillop M & Boucher A. "Aging Prisoner Populations Drive Up Costs (Pew Charitable Trusts, Washington, DC, Feb 2018).

2. Under Massachusetts laws all persons committing first-degree murder (premeditation and/or with cruelty and atrocity) receive mandatory LWOP sentences; plus under MA felony murder and joint venture laws, "a person who knowingly participates in one crime as part of a joint venture is...also guilty of murder committed by an accomplice in furtherance of the joint venture". Com v Brown, 477 Mass. 805, 823 (2017).

3. Nellis A. "No End in Sight: America's Enduring Reliance on Life Imprisonment" (The Sentencing Project, Washington, DC 2021). MA-DOC "Fact Cards", January 1, 2024 (Dept of Correction, Milford, MA 01757).

4. Anno BJ. "Correctional Health Care: Addressing the Needs of Elderly, Chronically Ill and Terminally Ill Inmates" (Dept of Justice, Washington, DC, Nat'l Institute of Correction, 2004).

5. McKillop & Boucher. (note 1); 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).

6. MA-DOC, "Fact Cards" January 1, 2024 (Dept of Correction, Milford, MA 01757).

7. Nellis A. "No End In Sight (note 3); Nellis A & Bishop B. "New Lease on Life" (The Sentencing Project, Washington, DC, 2021); Greineder D. "The Cruel Aging of Massachusetts Life-Sentenced Prisoners", pp3-10 (Lifer's Group Inc. Norfolk, MA, 2022, available at www.realcostofprisons.org/writing).

8. Ibid. all references in note 7; see also Wright V. "Deterrence in Criminal Justice: Evaluating Certainty vs. Severity of Punishment" (The Sentencing Project, Washington, DC, 2010).

9. Wildeman C. "Parental Imprisonment, the Prison Boom, and the Concentration of Childhood Disadvantage" *Demography* (2009) 46:265-280; McLaughlin M, Pettus-Davis C, Brown D, et al. "The Economic Burden of Incarceration in the US" (Washington Univ Inst for Advancing Justice Research and Innovation" #AJI072016 (2016); Greineder. "Cruel Aging...at 13-15 (note 7).

10. See all references in note 7. Greineder, "Cruel Aging...at 16-17).

11. See all references in note 7 (Greineder, at 17-19); see also 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).

12. Greineder D. "Massachusetts Juveniles Convicted of First-Degree Murder Have Not Re-Offended When Paroled" (Lifer's Group, Norfolk, March 2023, available at www.realcostofprisons.org/writing).

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The MA-DOC budget (\$822,017,071) and the average annual cost of incarcerating each prisoner (\$136,752) continue to rise in FY2024 (Table). MA should rethink the validity of endless incarceration of its aging prison population, the oldest in the U.S. (1). In 2024, 33% of MA prisoners are aged 50 or older. Important drivers of aging are laws requiring mandatory Life-Without-Parole (LWOP) sentences for first-degree murder plus for felony murder or joint venture resulting in death, whether the offender killed or intended to kill (2). MA has the highest percentage of LWOP prisoners in the U.S. since 2020 (3), tripling from 6.2% in 1999 to 19% in 2024, adding to escalating costs.

Today, 40% OF MA LWOP prisoners have served 25+ years and 58% are aged 50 and older with 29% aged 60+. Criminologists consider prisoners 55 or older as elderly because of premature aging due to deficient health care and stressful conditions (4). Costs of incarceration of elderly prisoners typically run 2 to 5 times higher than average due to special needs and high health care costs (5). The average cost of health care per MA-DOC prisoner rose from \$9,964/yr in FY 2016 to \$33,779 in FY2023, a 3.4-fold increase.

48% of MA criminally sentenced prisoners are serving over 15 years: 19% LWOP, 13% Life-With-Parole at 15-25 yrs, 3% term of 25+ yrs, and 12% term of 15-25yrs (6). There is evidence that long sentences are a major cause of excessive incarceration in the U.S. (7), and that such long sentences do little to improve public safety since they neither deter nor prevent crime (8). Rather, their destabilizing social effects have been shown to increase crime (9).

It is well known that people age out of committing crime and that prisoners more rarely re-offend if released after age 50 (10). It has also been shown that murderers have the lowest rates of recidivism, generally under 1% (11). The paroling in MA of 33 first-degree murderers who were under the age of 18 at the time of the crime, revealed that none have re-offended, with the majority released for over 5 years (12). This and other well-documented evidence argues that it is time for MA to consider ending LWOP sentences and also to provide for timely parole for a large portion of the elderly prison population. The evidence confirms that such measures will not decrease public safety. Such legislation needs to be given serious consideration.

AVERAGE ANNUAL COSTS OF INCARCERATION PER MA-DOC PRISONER

	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
MA-DOC Budget (in Millions)	\$571.5	\$599.7	\$658.9	\$678.6	\$730.9	\$730.6	\$763.2	\$779.8	\$822.0
Custody Pop (January 1) ^a	9,475	9,014	8,835	8,425	7,900	6,553	5,962	5,863	6,011
Avg Annual Cost/Prisoner	\$60,317	\$66,530	\$74,480	\$80,541	\$92,516	\$111,492	\$128,007	\$133,000	\$136,752
% Increase from									
Prior year	---	+10%	+12%	+ 8%	+15%	+21%	+15%	+ 4%	+ 3%
FY2016	---	+10%	+23%	+34%	+53%	+85%	+112%	+121%	+127%

^a Custody population on January 1 of each Fiscal Year (Halfway through FY)

Sources: DOC Fact Cards & Public Records requests from DOC 2016-2024. Calculations by author.