

Lifers' Group Fast Facts -- MASSACHUSETTS JUVENILES CONVICTED OF FIRST-DEGREE MURDER HAVE NOT RE-OFFENDED WHEN PAROLED

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Over the last eight years 33 persons convicted of murder in the first degree originally sentenced to Life Without Parole (LWOP) sentences have been released into the Massachusetts community on lifetime parole. It is notable that not one of them, long considered to be among the "worst of the worst" high risk offenders, has re-offended or committed another crime. These 33 persons were juveniles at the time they committed the murder for which they were convicted. They became eligible for parole after a December 2013 decision of the MA Supreme Judicial Court (1), which ruled that those sentenced to LWOP who had not attained the age of 18 at the time of the crime had their sentence of LWOP modified, making them eligible for parole after serving 15 years.

| Paroled Juveniles Convicted of First- Degree Murder | |
|---|-------------|
| Released | Status |
| 03/19/2015* | On parole |
| 05/14/2015 | On parole |
| 09/29/2015 | Deported |
| 10/02/2015 | On parole |
| 10/28/2015 | On parole |
| 11/06/2015 | On parole |
| 12/08/2015* | On parole |
| 01/15/2016 | On parole |
| 03/02/2016 | On parole |
| 05/11/2016 | On parole |
| 08/19/2016 | On parole |
| 06/20/2017 | On parole |
| 08/10/2018 | On parole |
| 08/30/2018 | On parole |
| 01/24/2019 | On parole |
| 09/24/2019 | On parole |
| 01/08/2020 | On parole |
| 05/05/2020 | On parole |
| 05/26/2020 | On parole |
| 07/10/2020 | On parole |
| 11/04/2020 | On parole |
| 04/29/2021 | On parole |
| 08/18/2021 | On parole |
| 10/06/2021 | On parole |
| 11/19/2021 | Deported |
| 01/07/2022 | On parole |
| 04/01/2022 | On parole |
| 06/15/2022 | Parole viol |
| 08/03/2022 | Deported |
| 11/30/2022 | On parole |
| 01/10/2023 | ICE custody |
| 01/19/2023 | On parole |
| 02/13/2023 | On parole |

 Briefly revoked and
 re-released on parole
 Source: Parole Bd 2023

Six were granted parole in 2014 but not released from state prison until 2015 (see Table). None of the 33 has committed another crime since their release. Three had their paroles temporarily revoked for a violation of a condition of parole without offending any criminal law. Analysis of the causes of parole violations over the last 18 years (2) reveals that by far the most common reason for parole violation is Substance Abuse (use of alcohol or drugs), but many other minor, non-criminal causes such as lying to parole officers or associating with former prisoners may result in a return. Three parolees have been deported and one, paroled on 1/10/23, is in ICE custody. It is notable that 17 of the 33 paroled have been out of prison for more than three years, with the majority of these paroled for over six years. Studies have shown that the risk of recidivism for former prisoners decreases each year after release, with rates substantially reduced after three years and even more so after five (3). Additional studies repeatedly have shown that those convicted of homicide and murder have the lowest rates of recidivism when released (4). These data make clear that the lack of re-offense by these murderers originally sentenced to LWOP is not an outlier, but was an almost predictable outcome. This observation suggests that this policy reflects valid principles and should give cause to further expand such releases.

Separately, it may be important to consider the dramatic savings in the costs of incarceration that were achieved by paroling these prisoners. The average annual cost of incarcerating each state prisoner in the MA DOC has increased from \$50,000 in 2015 to \$127,154 per year in 2022 (5). The accumulated cost of incarcerating the 30 prisoners released between 2015 through 2022 would have totaled over 12 million dollars (\$12,603,420) (6). Possibly more important in terms of public safety and humanitarian considerations, these 33 persons have been returned to their families and communities

without any decrease in public safety. Such re-integration not only helps individual prisoners but strengthens communities and serves to decrease crime by stabilizing families and the communities in which they live. Additional savings will accrue because there is ample evidence that the supplemental collateral costs of incarceration, due to destabilized families and communities, far exceed the costs of incarceration. Consequently, releasing prisoners such as these with low risks of recidivating, not only reduces costs but improves public safety and decreases crime overall (7).

ENDNOTES

1. Diatchenko v District Attorney for the Suffolk District, 466 Mass. 655 (2013).
2. Haas G. "Parole Decisions for Lifers", annual reports for the years 2004 to 2021, (Lifers' Group Inc., Norfolk, MA). Most of the recent reports are available at www.realcostofprisons.org/writing.
3. This topic is summarized and reviewed in Greineder D, "The Cruel Aging of Massachusetts Life-Sentenced Prisoners", pp16-19 (Lifers' Group Inc. Norfolk, MA 2022), available at www.realcostofprisons.org/writing). See also Durose MR, Cooper AD, Snyder HN. "Recidivism of Prisoners Released in 30 States in 2005" (Bureau of Justice Statistics, Washington, DC, 2014); Hunt KS & Dumville R. "Recidivism Among Federal Offenders: A Comprehensive Overview" (U.S. Sentencing Commission, 2016); Langan PA & Lavin DJ. "Recidivism of Prisoners Released in 1994" (Bureau of Justice Statistics, Washington DC, 2002).
4. See references in note 3. See also Nellis A. "No End In Sight" (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).
5. Forman B & Widmer M. "Getting Tough on Spending" (MassINC, Boston, MA 2017); Greinder D. "The Cruel Aging of Massachusetts Life-Sentenced Prisoners" (note 3); Haas G. "MA DOC Expenditures and Staffing Levels", annual reports 2018 through 2022, (Lifers' Group Inc. Norfolk 2019-2023).
6. The annual costs are reported in references in note 5 and the total calculated by the author by multiplying the total number of parolees at each year by the average annual cost for that year.
7. Greineder D. "The Cruel Aging of Massachusetts Life-Sentenced Prisoners", note 3, pp13-15.

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