

# ***LIFERS' GROUP Inc. FAST FACTS:*** **LIFE WITHOUT PAROLE (LWOP) SENTENCES**

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## **A Death in Prison Sentence**

### **➡ BACKGROUND**

There has been an exponential increase in the use of Life Without the Possibility of Parole (LWOP) sentences since the 1970s. Nationally, violent crime and murder rates have been cut in half over the last 25 years (from their peak in 1991-92) while LWOP increased 328% (from 6,250 in 1992 to 53,290 in 2016). Similarly, during that time, crime rates in Massachusetts have decreased 37% and homicide rates statewide and in Boston have fallen by more than half. Nevertheless, since 1977, the use of LWOP sentences has ballooned by 638% (from 170 to 1084).

The result is that nearly 1 in 3 life-sentenced prisoners worldwide is a U.S. prisoner and almost 1100 Massachusetts prisoners are warehoused and destined to die in state prisons serving LWOP which is, in fact, a Death in Prison sentence.

### **➡ THE FACTS**

- 13.4% (1084) MA prisoners are currently serving a Life Without the possibility of Parole (LWOP) sentence, the second highest percentage of all the states. These men and women are destined to die in prison after years of incarceration with no hope.
- Between 2000 and 2018 the number of LWOP-sentenced prisoners in MA increased 54% (from 706 to 1084). Each year, since 2009, an average of 34 new LWOP prisoners are added to that list.
- MA prisoners are among the oldest in the U.S., with 27% (2165) aged 50 and older in 2017; this number and percentage has doubled since 2004. Today, 49% of LWOP prisoners are 50 and older.
- It is well-known that older prisoners, especially those over 50, "age out" of criminal behavior and much more rarely re-offend.
- None of the Massachusetts juvenile 1<sup>st</sup> degree LWOP prisoners, who became eligible for parole subsequent to a 2014 ruling by the SJC and who were released, has committed a new crime.
- Between 2009 and 2016, 66 incarcerated Massachusetts LWOP prisoners have died in prison.
- Between 2009 and 2016, 30 LWOP prisoners were released from MA state prison because of false murder convictions, typically after having served 20-30 years.
- MA LWOP prisoners are 5 times more likely to be 60 and older and 7 times more likely to be 70 and older than non-lifer prisoners.
- There have been no commutations or pardons of prisoners serving life sentences in Massachusetts since 1997.
- Although LWOP prisoners are not eligible for release, of 346 Second degree Lifers released on parole since 2000, only 5% have been reconvicted of subsequent offenses (as contrasted to overall recidivism rates of 30-40% for other released prisoners).

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- The cost of incarceration for Massachusetts LWOP prisoners at current average costs is at least \$65-80 Million per year. Because prisoners over 50 typically cost 2-3 times more, actual costs are likely much greater.
- More than 30 LWOP prisoners have received Bachelor's degrees and 9 LWOP prisoners have achieved Master's degrees while incarcerated. Evidence shows that prisoners completing college degrees have vanishingly low rates of recidivism.
- Out of concern for other disadvantaged members of society, lifers in Massachusetts prisons have contributed tens of thousands of dollars to charitable organizations by participating in and organizing events, including:
  - Project Bread (Walk for Hunger)
  - Louis D. Brown Peace Institute
  - Walk for Peace
  - Haitian Relief Effort
  - Charitable 10K runs for hospitals, children's and victim's organizations
  - Fundraisers for abused women's shelters
- In 2018, The Massachusetts legislature passed a Crime Bill allowing for medical parole for terminally ill or permanently disabled prisoners—to date, only one elderly LWOP prisoner has received a medical parole. However, Governor Baker is pushing to prohibit those serving LWOP from being eligible for medical release.

## ➔ CONCLUSION

It is time to consider modifying LWOP sentences by giving those prisoners who have served more than 25 years and who can demonstrate that they have changed and are rehabilitated a second chance. In the past, this was achieved through liberal use of clemency, including commutation and pardon. However, these politically charged options have disappeared from use and are no longer viable. An alternative is to provide such prisoners with parole eligibility after 25 years. Such a change would address all of society's varied penologic goals:

- ❖ Providing appropriate proportionate punishment, requiring a minimum of 25 years of incarceration before any consideration for life-time parole supervision.
- ❖ Protecting public safety by releasing only those who have clearly demonstrated that they have matured and become rehabilitated.
- ❖ Protecting justice and the interest of victims' families by carefully evaluating that offenders who are eligible for parole have appropriately demonstrated true remorse and reform.
- ❖ Minimizing unnecessary tax burdens on society, allowing funds to be re-appropriated to education, jobs and the prevention of crime.

The European Court of Human Rights has ruled that LWOP sentences violate human rights norms by allowing no consideration for the possibility of reform, redemption or rehabilitation. No other developed nation allows the flagrant and excessive use of LWOP sentences that has become so commonplace in Massachusetts with its mandatory imposition of this sentence even in cases where the perpetrator has neither killed nor had the intent to kill (felony murder-joint venture homicide).

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