

Lifers' Group Fast Facts: STUNNING ESCALATION OF INCARCERATION COSTS IN MASSACHUSETTS DEPARTMENT OF CORRECTION (MA-DOC)

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The average annual cost of incarceration for each MA-DOC prisoner has risen to \$133,000 in FY2023 (see Table). MA needs to rethink the validity of continued incarceration of its aging prison population, the most elderly in the U.S.(1). In 2016, 25% of MA prisoners were aged 50+ and by 2023 this has increased to 34%. Important drivers of the aging are laws requiring mandatory Life Without Parole (LWOP) sentences for first-degree murder plus for involvement in any illegal killing, whether or not the offender has killed or intended to kill (2). Since 2020 MA has held the highest percentage of LWOP prisoners in the U.S. (3), tripling from 6.2% in 1999 to 19% in 2023, contributing to escalating costs.

Today, 38% of MA LWOP prisoners have served 25 years or more. 57% are aged 50+ while 28% are 60 or older. Criminologists consider prisoners aged 55 or older as elderly because they age prematurely due to deficient health care and stressful conditions (4). Costs of incarceration of elderly prisoners typically run between 2 to 5 times higher than average costs, due to special needs and high health care costs (5). Overall, the average cost of health care per prisoner in MA rose from \$9,964/yr in FY2016 to \$32,903/yr in FY2022, a 3.3-fold increase.

More than half of MA prisoners are serving sentences over 15 years: 19% LWOP, 14% Life With Parole after 15-25 yrs, 3% terms of 25+ years, and 16% terms of 15-25yrs. There is evidence that long sentences are the major cause of excessive incarceration in the U.S.(6), and that mass incarceration does little to improve public safety since it neither deters nor prevents crime (7). Rather, the destabilizing social effect of mass incarceration has been shown to increase crime (8).

It is well known that people age out of committing crime and prisoners more rarely re-offend if released after age 50 (9). It also has been shown that murderers have the lowest rates of recidivism, generally under 1% (10). 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 of them released for more than 5 years (11). This and other well-documented evidence argues that it is time for MA to consider ending LWOP sentences and also to provide for timely paroling of a large portion of the elderly prison population. Evidence supports that such measures will not decrease public safety. Such legislation needs to be given serious consideration.

AVERAGE ANNUAL COST PER MA-DOC PRISONER

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

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

Sources: DOC Fact Cards & Public records requests from DOC 2016-2023. Calculations by author.

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ENDNOTES

NB: MA-DOC data reported here is based on information acquired from multiple public records laws requests from the MA-DOC, 2016-2023, and/or published by the MA-DOC in their semi-annual "Fact Cards" and annual "Population Trends" reports. Any calculations reported were made by the 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 responsible for first-degree murder (if proof of premeditation and/or committed with cruelty and atrocity) receive mandatory LWOP sentences; but also under MA felony murder and joint venture laws, "a person who knowingly participates in one crime as part of a joint venture is 'ipso facto also guilty' of murder committed by an accomplice in furtherance of the joint venture". Comm 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).
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, NY, 2012); Tina Chiu. "It's About Time: Aging Prisoners, Increasing Costs, and Geriatric Release" (Vera Institute of Justice, New York, NY, 2010).
6. Nellis. "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 (Lifers' Group Inc. Norfolk, MA, 2022, available at www.realcostofprisons.org/writing).
7. Ibid. all references in note 6; see also Wright V. "Deterrence in Criminal Justice: Evaluating Certainty vs. Severity of Punishment" (The Sentencing Project, Washington, DC, 2010).
8. 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 U.S." (Washington Univ Inst for Advancing Justice Research and Innovation, #AJIO72016 (2016); Greineder. "Cruel Aging..." pp13-15 (note 6).
9. See all references in note 6. (Greineder, "Cruel Aging..." pp 16-17).
10. See all references in note 6 (Greineder, pp 17-19); 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).
11. Greineder D. "Massachusetts Juveniles Convicted of First-Degree Murder Have Not Re-Offended When Paroled" (Lifers' Group Inc., Norfolk, March 2023, available at www.realcostofprisons.org/writing).

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