

LIFERS' GROUP INC. LEGISLATIVE PRIORITIES

The Lifers' Group strongly urges consideration of the following two legislative reforms. Background and supporting information is provided here and a more detailed outline of the proposed reforms is offered at the end of this proposal.

- 1. Repeal Life Without Parole and >25 year sentences by providing parole eligibility after 25 years.**
- 2. Reform parole to allow rehabilitated prisoners meaningful opportunities for release.**

WHERE WE ARE TODAY

The DOC prisoner population is aging rapidly: 27% are 50 or more years old with almost 10% aged 60 or more. In part this is because 37% are serving life or more than 15 year sentences. 12% are serving Life Without Parole (LWOP) sentences and are destined to age and die in prison. Overall the costs for elderly prisoners are shown to be 2-3 times higher than average and average costs have skyrocketed to more than \$68,000 per prisoner per year. Despite evidence showing that recidivism of elderly prisoners is rare, rates of parole release are at all-time lows. Very long-term and mandatory LWOP sentences continue to be handed out with implacable disregard for consequences. These circumstances do little to improve public safety and are morally questionable because they fail to give prisoners any realistic second chances or to demonstrate that they have become rehabilitated. Troublingly, it also diverts large sums from critically needed public benefits which could help alleviate the root causes of criminal behavior while revitalizing economically blighted communities. In short, current policies, rather than maximizing public safety, merely perpetuate outdated and invalidated methods that increase crime and waste precious resources.

THE AGING PRISON POPULATION

- Prisoners 50 and older are defined as elderly by expert consensus and the National Institute of Corrections
- Prisoners age prematurely because of stress and substandard healthcare and nutrition during and prior to incarceration
- In 2017, 2165 prisoners were 50 and older, constituting 26.6% of the criminally sentenced, a 42% increase from 19% in 2011
- 37% of MA prisoners are serving life or more than 15 year sentences
- 12.4% of criminally sentenced MA prisoners are serving LWOP, the second highest percentage in the United States

A COSTLY POPULATION

- The average annual cost per DOC prisoner has risen to \$68,875 (annual DOC budget divided by the number of custody prisoners)
- Incarcerating elderly prisoners typically costs 2 to 3 times more than average because of special and healthcare needs
- Even when computed using the average rate, the 2165 prisoners aged 50 and over cost the Commonwealth \$150 million during 2017
- Prisoner healthcare costs are already increasing faster than any other category of DOC expenses, amounting to \$115 million in FY2017 (19.2% of budget)
- Advances in healthcare will continue to drive costs because of expensive modern treatments and by converting previously short-term, fatal illnesses into long-term, chronic diseases requiring ongoing treatment
- The high costs of incarceration compete with funds needed for other public benefits (e.g. education, public health, social services, etc.) that would help diminish the root causes of

crime.

WHAT IS WRONG TODAY

- The surfeit of LWOP and extremely long sentences violate moral decency by denying all hope for second chances, rehabilitation or redemption, and is almost 'Anti-American'
- The European Court of Human Rights has ruled LWOP sentences violate human rights norms because no one should be permanently barred from hope for reform and rehabilitation
- European countries have shown there is no need for LWOP; maximum sentences are <20 years, as were most U.S. sentences before 1980
- Immutable LWOP and long-term sentences rob prisoners of hope, lead to depression and impair positive adjustment and behavior that spills over to all other prisoners. LWOP sentences are damaging U.S. and MA reputations as leaders on human rights
- High costs of incarceration threaten funding for other vital public services that have meaningful potential to ameliorate the root causes of crime (poverty, lack of education, and no access to adequate jobs)
- Because only 14% of state prisoners have drugs as a governing offense, incarceration rates cannot be significantly reduced by releasing only non-violent drug offenders
- The present day parole process is broken: over-politicized, timid in decision making, and not consistent with empirical, best evidence. Current outcomes deprive too many rehabilitated, low risk prisoners appropriate reentry, unnecessarily increasing costs and depriving communities of valuable human resources
- Harsh sentences are not consistent with MA public opinion which favors rehabilitation and reentry over increased or harsher punishments [MassINC studies]

CURRENT POLICIES ARE UNNECESSARY FOR PUBLIC SAFETY

- U.S. overall crime and violent crime rates have fallen sharply over the last 25 years while incarceration rates continued to climb because of new laws and longer sentences
- Long-term sentences (greater than 10 years) do not show increased deterrent effects
- Prisoners have been shown to "age out" of crime after 50. Rates of new offenses diminish drastically after age 45-55
- MA data between 2009-2017 show that only 9% of new criminal commitments were for those 50 and older (only 2% for 60 and older)
- Lifers released on parole have very low rates of re-offense. MA and national data show that those convicted of murder have the lowest, typically minuscule, rates of offense when paroled, and only rarely commit serious crimes
- MA recidivism rates for new offenses are <10% for prisoners 50 and older
- Most elderly prisoners have aged in prison and the majority are first-time offenders
- Use of evidence-based risk assessment instruments increases predictability and reliability of parole decisions and outcomes
- Parole eligibility does not equate with release unless the prisoner is judged to be rehabilitated and at low risk of re-offending

LEGISLATIVE RECOMMENDATIONS

Repeal LWOP and >25 year sentences by providing parole eligibility after 25 years

- Prisoners serving LWOP and >25 year sentences shall be eligible for parole after serving 25 years; changes are to be retroactive to maintain consistency and fairness in sentencing
- Everyone deserves a second chance to demonstrate that they have become rehabilitated and are at low risk of re-offending
- Longer sentences are shown to be unnecessary to preserve public safety or to

- increase deterrent effects
- Parole eligibility does not guarantee release which shall be contingent on appropriate assessment based on best evidence

Reform parole to allow rehabilitated prisoners meaningful opportunities for release

- Parole guidelines shall be publically available and based on empirical, evidence-based data, including use of validated risk and needs assessment tools
- Record decisions denying parole shall specify in detail reasons why denial is appropriate and include findings of the risk assessment tool
- Record decisions denying parole shall identify an individualized plan of programs and tasks the applicant must complete prior to the next parole hearing in order to gain a parole permit
- Parole shall not be revoked for violations of parole conditions that are not a conviction for a new criminal offense unless the Board determines, on the record, that appropriate intermediate sanctions have been utilized and have been ineffective

LIFERS' GROUP INC.
MCI-Norfolk
P.O. Box 43
Norfolk, MA 02056

Prepared by Dirk Greineder, Vice-chairman -- February 2018