

Lifers' Group Fast Facts: MEDICAL PAROLES FOR MASSACHUSETTS FIRST-DEGREE MURDERERS: MIXED HUMANITARIAN AND FINANCIAL OUTCOMES

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Massachusetts enacted a law providing "medical parole" in 2018. Terminally ill (life expectancy <18mo) or permanently incapacitated prisoners may petition for release on parole as long as they are "so debilitat[ed] that the prisoner does not pose a public safety risk" (1). The DOC interpreted this clause very restrictively (note 2), which the courts have endorsed (3). The law was timely because MA prisoners are the oldest (4) and with more than 1000 serving Life Without Parole (LWOP) constitute by far the highest percentage of LWOP prisoners in the U.S.(5). Hopes for humanitarian and financial benefits have been limited by delays and denials until prisoners are close to death or require institutionalization.

First-Degree Murder		
Medical Paroles 2018-2022		
Date Released	Status	Time on Parole
11/01/2018	11/24/2018	23 days
11/06/2018	08/08/2019	9 mos
03/18/2019	07/09/2020	16 mos
03/22/2019	11/24/2020	20 mos
11/08/2019	02/04/2022	27 mos
01/08/2020	05/04/2022	28 mos
02/05/2020	11/04/2020	9 mos
03/04/2020	On Parole	34 mos
04/02/2020	02/09/2021	10 mos
04/06/2020*	On Parole	33 mos
04/06/2020	On Parole	33 mos
04/10/2020	On Parole	33 mos
04/17/2020	03/02/2021	10 mos
05/15/2020	04/29/2022	23 mos
06/19/2020	01/27/2021	7 mos
06/26/2020	09/23/2020	3 mos
06/30/2020	01/07/2021	6 mos
07/02/2020	10/12/2022	27 mos
07/13/2020	12/30/2022	29 mos
07/23/2020	On Parole	29 mos
08/18/2020	08/20/2020	2 days
09/03/2020	12/23/2022	27 mos
09/04/2020	11/12/2021	14 mos
11/13/2020	On Parole	25 mos
11/20/2020	11/24/2020	4 days
11/24/2020	12/01/2020	7 days
11/25/2020	On Parole	25 mos
01/27/2021*	On Parole	23 mos
02/22/2021	11/17/2021	9 mos
03/16/2021	01/27/2022	10 mos
04/26/2021	On Parole	20 mos
06/09/2021	09/18/2021	3 mos
08/05/2021	On Parole	17 mos
10/01/2021	On Parole	15 mos
12/09/2021	12/28/2021	19 days
12/30/2021	On Parole	12 mos
06/06/2022	09/13/2022	3 mos
07/06/2022	On Parole	6mos
07/20/2022	On Parole	5 mos
08/17/2022	Par Viol'n	4 mos
09/06/2022	01/04/2023	3 mos
09/15/2022	09/30/2022	15 days
12/01/2022	On Parole	1 mos
12/02/2022	On Parole	1 mos
12/05/2022	On Parole	1 mos

>> Of 45 released between 2018-2022, 27 (60%) died, 17 (38%) are on parole, 1 (2%) is in prison for parole violation. [No data whether releases were for terminal illness or incapacitation]:

>> 9 (33%) died within 3 months of release
 3 (11%) died within 7 days of release
 6 (22%) died between 15 days to 3 months

>> 18 (67%) died between 4-18 months of release
 9 (33%) died between 4-12 months of release
 2 (7%) died between 12-18 months of release
 7 (26%) died after 18 months of release

>> 17 are on parole in the community
 7 (41%) have been out for 24-34 months
 5 (29%) have been out 12-24 months
 5 (29%) have been out only 1-6 months

Estimated savings from releasing these parolees(6):

>> 45 Total released: \$ 4,247,000 (100%)
 22 released in 2020: \$ 2,791,000 (66%)

Half were released during the 2020 pandemic. 3 died within days of release and some longer term survivors were paroled only when presumed to be moribund, but unexpectedly survived. Others, not paroled, died of Covid in prison. Savings are likely much greater than the estimate because these older, infirm prisoners typically cost 2-5 times the average(7). Actual savings probably range between 9-20 million dollars.

Consensus supports that prisoners over 50 as well as those convicted of murder have the lowest rates of recidivism(8). Liberalizing compassionate release for older LWOP prisoners is very unlikely to decrease public safety(9). Currently proposed legislation would greatly benefit compassionate, humanitarian and financial outcomes if enacted.

[Sources in ENDNOTES on reverse]

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* revoked and re-released



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ENDNOTES

Sources: Data for the table based on public records responses from the Parole Board. Calculations by author.

1. Criminal Justice Reform Act. Acts of 2018, M.G.L.c. 127, §119A.
2. In 501 CMR §17 the Department of Correction (DOC) defines "debilitation" in a far more restrictive manner: "A physical or cognitive condition that appears irreversible and which causes a prisoner significant and serious impairment of strength or ability to perform daily life functions such as eating, breathing, toileting, walking or bathing so as to minimize the prisoner's ability to commit a crime if released on medical parole and requires the prisoner's placement in a facility or home with access to specialized palliative or medical care". This has allowed the DOC to severely limit medical paroles, thereby denying and/or severely delaying releases until the prisoner is almost moribund or totally incapacitated.
3. McCauley v Superintendent, 491 Mass. 571, 604 (2023) ("Title 501 Code Mass. Regs. §17.02 does not impermissibly narrow the scope of G.L.c.127, §119A...").
4. McKillop M & Boucher A. "Aging Prisoner Populations Drive Up Costs (Pew Charitable Trusts, Washington, DC, Feb 2018).
5. Nellis A. "No End in Sight: America's Enduring Reliance on Life Imprisonment" (The Sentencing Project, Washington, DC 2021); MA-DOC "Fact Cards" July 2022 and Public Records response of population by sentence type as of January 1, 2023.
6. Each parolees' value for time out of prison was calculated based on the average annual cost for that time as reported in Greineder D. "Lifers' Group Fast Facts: Stunning Escalation of Incarceration Costs in Massachusetts Department of Correction" (Lifers' Group Inc.**, Norfolk, April 2023).
7. McKillop & Boucher. (note 4); 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).
8. Nellis A. "No End In Sight: America's Enduring Reliance on Life Imprisonment" (The Sentencing Project, Washington, DC, 2021); Nellis A & Bishop B. "New Lease on Life" (The Sentencing Project, Washington, DC, 2021); 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).
9. See Greineder D. "The Cruel Aging of Massachusetts Life-Sentenced Prisoners" ppl3-19 (Lifers' Group Inc.**, Norfolk, MA, 2022) for a discussion about why excess incarceration does little to improve public safety since it neither deters nor prevents crime; rather the destabilizing social effect of excessive incarceration has been shown to increase crime and decrease public safety.

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