



Parole Decisions for Lifers 2016

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HIGHLIGHTS

- 1) 100 Records of Decision were posted online in 2016. (page 1)
- 2) The Decision section of most Records of Decision in 2016 were verbatim, save the name of the lifer and offered little or no guidance as to what a denied lifer should accomplish before his/her next parole hearing. (page 2)
- 3) The Approval rate for 2016 was 18%, a decrease from 29.1% in 2015. (page 3)
- 4) The Approval rate for Initial Hearings dropped to 14.3% in 2016 from 22.5% in 2015. (page 4)
- 5) The Approval rate for Review Hearings dropped to 19.4% in 2016 from 32.5% in 2015. (page 5)
- 6) Returns to custody for Substance Abuse and Associations With Known Criminals were the highest number for returns with eight each, accounting for 67% (16 of 24) of all who had Review Hearings in 2016. (page 7 & 8)
- 7) The most frequently cited factor in Approvals was Active Program Participation - 94%. (page 9)
- 8) The most frequently cited factor in Denials was Needs Longer Period of Adjustment at 61%. (page 10)
- 9) The percentage of five year Setbacks given out dropped from 46% in 2015 to 38% in 2016. (page 12)
- 10) Only 11% of those rated as Low Risks to reoffend were paroled as opposed to 21% rated for lifers rated High Risks. (page 14)
- 11) In 2016, the average time lapse from Hearing Dtes to Dates of Decision increased 65% - from 87 days in 2015 to 144 days in 2016. (page 16)
- 12) The parole rate for juveniles in 2016 was 15%, a decrease from 31% in 2015. No juvenile lifer previously serving LWOP and who had an Initial Hearing in 2016 was paroled. (page 17)
- 13) The Approval rate for lifers who had been represented by counsel in 2016 was 9%. The Approval rate for lifers who had not been represented by counsel in 2016 was 27%. (page 17 & 18)
- 14) The Approval rate in 2016 for lifers age 50 and under was 22%. The Approval rate for lifers age 50 and over was 15%. (page 21)

PAROLE DECISIONS FOR LIFERS - 2016

A. INTRODUCTION

This is the tenth report prepared by the Lifers' Group Inc. (pka the Norfolk Lifers Group¹) studying parole decisions for lifers. The MA Parole Board published 100 Records of Decision for lifers in 2016. The raw data for this report were taken from those Records of Decisions. See: www.mass.gov/parole for the Records of Decision published monthly by the Parole Board. Previous reports on lifer parole decisions published by the Lifers' Group Inc. / Norfolk Lifers' Group can be accessed at: www.realcostofprisons.org/writing. Please address any feedback about this or any previous report to: Chairman, Lifers' Group Inc., MCI-Norfolk, P.O. Box 43, Norfolk, MA 02056. All comments, questions, or suggestions are welcome.

Only parole decisions for prisoners serving life sentences for second degree murder, or any other crime which carries a life sentence with an eligibility for parole, e.g., armed robbery, are included in this report. Parole hearings for lifers are either Initial - for lifers who have served the legislatively mandated fifteen years - or Review - for lifers who were denied a parole at a previous hearing or were returned to prison after a parole life parole had been revoked due to violating one or more stipulations imposed by the Parole Board. Those violations could include conviction for a new crime, but the majority are for technical violations not involving the commission of a new crime.

Every lifer who is denied a parole is then given a prescribed number of years, known as a Setback, to be served until the next parole hearing. Setbacks may be from one to five years. If a vote of the Parole Board is evenly divided or if a majority of less than two-thirds of the members vote in favor of parole, the parole is denied. Typically in such situations, the Setback is for one year.

Of the 100 Records of Decision for 2016, 87 (87%) were unanimous votes (71 at 7-0, 15 at 6-0, and 1 at 5-0). The remaining thirteen votes were: five at 6-1, two at 5-2, three at 4-2, and three at 4-3. Of those approved for paroles, twelve decisions were 7-0 votes, two were 6-0 votes, one each were 5-0, 6-1, 5-2, and 4-2 votes. In case of dissenting votes, the Records of Decision noted which member(s) dissented and why. All voting members were identified for each Record of Decision.

¹ In 2016, the Norfolk Lifers' Group officially resumed the name of the Lifers' Group Inc. The group was incorporated in 1974 as a 501(c)(3) non-profit corporation. The central office for the Lifers' Group Inc. had been transferred outside the walls of MCI-Norfolk, but was returned inside the walls in 2016.

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For lifers approved for paroles, particularly if they had not been returned after a prior life parole had been revoked, the typical destination was not directly to the street. Rather, the Parole Board conditioned the release on a prescribed period of time to be spent successfully in lower security (usually at least one year) and then the completion of a Long Term Residential Program (LTRP). The intent was to allow paroled lifers to reenter society gradually, with time to adjust to being transferred, after many years - often decades - from higher security.

As in previous years, the Records of Decision for lifers published in 2016 were tailored specifically to each individual case. Unlike previous years, however, each Record of Decision in 2016 was divided into only three sections : I. Statement of the Case (the Parole Board's version of the facts of the criminal case), II. The Parole Hearing under consideration, and III. The Decision. Absent were specific sections on the lifer's institutional conduct and parole history, if applicable. Both were subsumed in the second section, but references to these two sections in many Records of Decision were often scant or nonexistent. Guidance concerning specific areas the lifer should address in case of denials in 2016 was usually absent. In cases of denials, the Decision section was often nearly verbatim from one Record of Decision to the next, save the name of the denied lifer. Also, the denied lifer was usually then urged to maintain positive adjustment, but with precious little guidance as to what improvements or areas needed addressing. The vast majority of the Records of Decision for 2016 were written by the Parole Board's General Counsel. In 2015, the vast majority had been written by the Executive Director.

Massachusetts General Law, c. 127, §130 stipulates that no prisoner is to be paroled solely due to good conduct or program involvement while incarcerated. Rather, a parole is to be granted only when the Parole Board, by a two-thirds majority, is convinced that there is a reasonable probability that if paroled, the prisoner would not violate the law and that the release would be compatible with the welfare of society. In addition to those legislative standards, the Parole Board determines whether the four goals of sentencing have been met, i.e., punishment, public safety, deterrence, and rehabilitation.

As noted in the report on parole decisions for lifers in 2015, Paul Treseler was appointed to chair the Parole Board in September 2015. In that year, Treseler took part in only twelve hearings. Of those, only one lifer was approved for a parole. In 2016, eighteen of 100 lifers were approved, all under Treseler's chairmanship. Thus, the parole rate of lifers under Treseler in 2015 and 2016 combined was 17% (19 of 112)

B. RESULTS

1) APPROVAL / DENIAL RATES

Of the 100 Records of Decision for 2016, 18 (18%) were approved for a parole, while 82 (82%) were denied. That 18% approval rate was 38% lower than the approval rate in 2015. The 2016 approval rate was well below the average approval rate of 31.8% for the years 2003 - 2015. ² Denial rates above 80% occurred only twice before in the years 2003 - 2015, i.e., 2013 (84.7%) and 2011/2012 (81.6%).

Table 1 below presents the data for the Approval / Denial rates from 2011/2012 through 2016. NOTE: For statistical purposes, the years 2011 and 2012 are combined due to the overhaul of the Parole Board in 2011 and the low number of hearings held in that year while the Parole Board was reorganized and five new members underwent training.

TABLE 1

Year	# of Hearings	Approvals		Denials	
		#	%	#	%
2016	100	18	18.0%	82	82.0%
2015	117	34	29.1%	83	70.9%
2014	139	50	36.0%	89	64.0%
2013	137	21	15.3%	116	84.7%
2011/2012	125	23	18.4%	102	81.6%
Totals	618	146	23.6%	472	76.4%
5 Yr. Average	124	29	23.4%	75	76.6%

² Approval rates for the years 2003 through 2015 averaged 31.8%, based on the reports compiled for those years by the Lifers' Group Inc. The specific approval rates by year prior to 2016 were:

2015 - 29.1%	2014 - 36.0%	2013 - 15.3%	2011/2012 - 18.4%	2010 - 34.1%	2009 - 38.9%
2008 - 31.3%	2007 - 28.5%	2006 - 29.6%	2005 - 33.3%	2004 - 46.6%	2003 - 37.8%

2) Initial Hearings

In 2016, twenty-eight lifers appeared before the Parole Board for the first time. Eleven of those lifers had been serving life-without-parole sentences (LWOP) for crimes committed while they were juveniles. Their sentences had been reduced to second degree life sentences with the option for parole due a Supreme Judicial Court decision in 2014. Thus, those eleven

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lifers became parole eligible after they had served at least fifteen years.

Overall, the approval rate for lifers who had Initial Hearings in 2016 was 14.3% (4 of 24) - a 36% decrease from 2015. Notably, not one of those approvals was for a lifer who had been serving LWOP for crimes committed as a juvenile. Of the total of eighteen approvals in 2016, only 4 (22%) were after Initial Hearings. The 14.3% approval rate for Initial Hearings is the lowest from 2004 through 2016. ³ Table 2 below presents the data for Initial Hearings from 2011/2012 through 2016.

TABLE 2

<u>Year</u>	<u># of Hearings</u>	<u>Approvals</u>		<u>Denials</u>	
		<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
2016	28	4	14.3%	24	85.7%
2015	40	9	22.5%	31	77.5%
2014	32	13	40.6%	19	59.4%
2013	31	6	19.3%	25	80.7%
2011/2012	32	5	15.6%	27	84.4%
Totals	163	37	22.7%	126	77.3%
5 Yr. Average	33	7	21.2%	26	78.8%

³ Approval rates for years 2004 - 2010 for Initial Hearings were: 2004 (46.6%), 2005 (33.3%), 2006 (29.6%), 2007 (28.5%), 2008 (31.3%), 2009 (38.9%), and 2010 (50.0%).

3) Review Hearings

Review hearings are conducted for one of two reasons. First, for lifers who had been denied a parole at a previous hearing and had served the assessed Setback, i.e., the number of years denied lifers have to serve before their next parole hearing. Those who were denied parole at their Initial Hearing would have a Review Hearing at each subsequent appearance before the Parole Board. The second reason for a Review Hearing is for lifers who had been granted paroles, but whose paroles had been revoked and the lifers returned to prison.

There were a total of seventy-two Review Hearings held in 2016, comprising 72% of all Records of Decision for that year. The number of Review Hearings held in 2016 (72) was slightly lower than those held in 2015 (77), but, as with 2015, significantly below the numbers held in 2014 (103) and 2013 (106) respectively. The number of Review Hearings held in 2016 was the lowest for the years 2010 - 2016. The approval rate in 2016 was 19.4%, a decrease of

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40% from 2015. Table 3 below presents the data for approval and denial rates for all Review Hearings for the years 2011/2012 through 2016.

TABLE 3

<u>Year</u>	<u># of Hearings</u>	<u>Approvals</u>		<u>Denials</u>	
		<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
2016	72	14	19.4%	58	80.6%
2015	77	25	32.5%	52	67.5%
2014	107	37	34.6%	70	65.4%
2013	106	15	14.2%	91	85.8%
2011/2012	93	18	19.3%	75	80.7%
Totals	455	109	24.0%	346	76.0%
5 Yr. Average	91	22	24.2%	69	75.8%

In 2016, forty-nine lifers had Review Hearings without having had a prior parole revoked, while twenty-three lifers had Review Hearings after having been returned to prison due to a revocation of a prior parole. In 2015, the number for each subset of Review Hearings was fifty-five and twenty-two respectively.

Five of the forty-nine lifers in 2015 who had Review Hearings without having had a prior parole revoked were approved for paroles - an approval rate of 10.2% [a 53% decrease from 2015 (21.8%)]. Overall, those four approvals accounted for 29% of all approvals for both subsets of Review Hearings.

The approval rate for the parole revoked subset was 39% (9 of 23). This approval rate was well below its counterpart in 2015 (59.1%). In each of the past five years, the approval rate for lifers who had Review Hearings after a prior parole had been revoked was significantly higher than the approval rate for lifers who had Review Hearings without a prior parole having been revoked.

Table 4 on page 6 presents the data for both subsets of Review Hearings.

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TABLE 4

<u>Year</u>	<u>Non-Revoked</u>				<u>Revoked</u>			
	App.	%	Den.	%	App.	%	Den.	%
2016	5	10.2	44	89.8	9	39.1	14	60.9
2015	12	21.8	43	78.2	13	59.1	9	40.9
2014	12	17.9	55	82.1	25	62.5	15	37.5
2013	6	10.3	52	89.7	9	18.8	39	81.2
2011/2012	1	1.9	53	98.1	17	43.6	22	56.4
Totals	36	12.7	247	87.3	73	42.4	99	57.6
5 Yr. Average	7	12.5	49	87.5	15	42.9	20	57.1

4) Comparing Approval Rate For All Three Types Of Hearings

The Approval rate for the three types of hearings decreased by 38% in 2016 (from 29.1% in 2015 to 18% in 2016). (See Table 1 on page 3.) Approval rates for Initial Hearings again decreased precipitously from 2015 to 2016 - from 22.5% to 14.3% (a drop of 36.4%). The Approval rate for all Review Hearings also decreased significantly from 32.5% in 2015 to 19.4% in 2016 (a drop of 40.3%). (See Table 3 on page 5). The Approval rate for Review Hearings without a previous parole having been revoked dropped from 21.8% (2015) to 10.2% (2016) - a decrease of 53%. Similarly, the Approval rate for Review Hearings held after a previous parole had been revoked decreased from 59.1% in 2015 to 39.1% in 2016 - a drop of 34%.

Table 5 below presents the data for comparative Approval rates for each type of hearing.

TABLE 5

<u>Year</u>	<u>Initial</u>	<u>Review No Revocation</u>	<u>Review With Revocation</u>
2016	14.3%	10.2%	39.1%
2015	22.5%	21.8%	59.1%
2014	40.6%	17.9%	62.5%
2013	19.3%	10.3%	18.8%
2011/2012	<u>15.6%</u>	<u>1.9%</u>	<u>43.6%</u>
Overall	22.7%	12.7%	42.4%

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5) Reasons For Returns From Prior Life Paroles

In 2016, there was a similar number of Review Hearings for lifers who had been returned from a prior parole as in 2015 - twenty-three and twenty-four respectively. The twenty-three hearings held in 2016 was the lowest number for this subset of Review Hearings since 2009 when only nineteen such hearings had been held.

Unlike in previous years, two reasons for returns out paced by far any other reason. There were eight returns each for Substance Abuse (drugs and/or alcohol) and Associating With Known Felons. These sixteen returns comprised in total 70% of all the returns for hearings held in 2016 - 35% for each of the two reasons. In 2015, the Review Hearings for returns for Substance Abuse alone equaled 50% of all returns who had Records of Decision published last year. The Approval rate for this reason for returns in 2016 was only 12.5%, significantly below the Approval rate in 2015 and 2014 when the Approval rate for both years was 75%. The Approval rate for Associating With Known Felons was 25%, also substantially below 2015 and 2014 (100%), but the number returned in 2016 for this reason was much higher, i.e., eight in 2016 and only one each in 2015 and 2014.

As in past years, the percentage of returns for felony arrests in 2016 was low - 21.7% (5 of 21). Of those five, four were again paroled. Returns of lifers after a prior parole had been revoked were heavily skewed for technical violations - 78.3% - and not for the commission of new crimes. The fact that four of the five returnees were reparaoled is testimony to the fact that their returns had not been due to endangering public safety.

The reasons for returns from paroles and the number paroled for each reason for the years 2011/2012 through 2016 are listed in Table 6 below.

TABLE 6

Reason	2016		2015		2014		2013		2011/2012	
	#	App	#	App	#	App	#	App	#	App
Substance Abuse	8	1	12	9	16	12	25	2	17	9
Associating With Known Criminals	8	2	1	1	1	1	3	1	7	4
Domestic Violence	2	1	5	2	1	0	4	1	4	0
Felony Arrests/Weapons Violation	2	2	1	0	0	0	6	2	2	0
DUI	1	1	0	0	2	1	2	1	1	0
Failed To Report/Pay Fees	1	1	0	0	0	0	0	0	0	0
Stalking/Indecent Exposure	1	1	0	0	1	1	0	0	0	0

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TABLE 6 (cont.)

Reason	2016		2015		2014		2013		2011/2012	
	#	App	#	App	#	App	#	App	#	App
Assault & Battery	0	0	2	0	7	4	0	0	0	0
Larceny	0	0	0	0	4	1	1	0	0	0
Absconding	0	0	1	1	1	0	1	0	4	2
Lying To Parole Off.	0	0	0	0	4	3	4	1	4	2
Failing To Participate in Mental Health	0	0	0	0	1	0	1	0	0	0
Rape	0	0	1	0	0	0	0	0	0	0
Armed Robbery	0	0	1	0	0	0	0	0	0	0
Totals	24	9	24	13	40	25	48	9	39	17
% App.	39.1		54.2		63.5		18.8		43.6	

6. Approval Factors

Reviewing the factors indicated by the Parole Board in its Records of Decision for approving lifers for paroles can be informative, but remains resistant to making any sweeping conclusions as to which factor is the most important. What continues to occur is that the Records of Decision are tailored to individual lifers' cases. Consistent with previous years, multiple factors were cited in each Record of Decision. The trend toward fewer Approval factors being noted by the Parole Board, begun in 2015, continued in 2016. Only seven of the thirteen factors cited in previous years were noted in 2016. In 2015, ten specific factors had been cited, down from all thirteen being noted at least once in 2014.

Of those seven approval factors, all but one was cited in at least 10% of the eighteen 2016 Records of Decision which resulted in a parole for a lifer. Those six factors in order of frequency were: Active Program Participation (94%), Addressed Areas Needed For Rehabilitation (67%), Minimal Disciplinary History (39%), Community Support (33%), Steady Employment While Incarcerated (17%), and Juvenile Former First Degree Sentence (11%). The factor - Four Goals of Sentencing Were Met - was cited only once. The factor cited with the largest frequency differential increase as compared to 2015 was: Active Program Participation - a 41% increase. The factors cited with the largest frequency differential decreases from 2015 of those cited in at least 10% of the 2016 Records of Decision for Approvals were No Risk of Violence

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(2015 - 21%, 2016 - 0%) and Previous Successful Parole History (2015 - 18%, 2016 - 0%).

As in 2015, the Parole Board placed a strong emphasis on program participation, but for programs which addressed an individual lifer's specific areas of recognized need, particularly if a prior Parole Board had indicated that certain areas needed to be addressed. The Parole Board was not, therefore, seeking a massive number of programs to be completed. Rather, the Parole Board members continued to parole lifers who, in the eyes of the Parole Board members, had correctly determined which areas needed to be addressed, e.g., drug and /or alcohol abuse, violence, aggression, anger, poor problem solving, and then successfully completed programs which specifically dealt with those areas of need. It is critical that lifers seeking paroles be able to explain how and why those programs positively affected them and how they will utilize what they learned, if paroled. It is simply not enough, for instance, to work at a prison job, however successfully. While steady employment and remaining discipline free are certainly positives, they are not substitutes for meaningful program participation.

Table 7 below presents the comparative percentages for the frequencies of the thirteen Approval factors from 2011/2012 through 2016. The number of Approvals are in ().

TABLE 7

Factor	2016(18)	2015(34)	2014 (50)	2013 (21)	2011/ 2012(23)
Active Program Part.	94.4	67.6	66.0	71.4	39.1
Addressed Areas of Need	66.7	88.2	60.0	47.6	0
Minimal Disc. History	38.9	23.5	32.0	23.8	17.4
Community Support	33.3	52.9	52.0	47.6	56.5
Steady Employment	16.7	11.8	22.0	47.6	17.4
Juvenile 1st Degree	11.1	11.8	14.0	0	0
Four Goals of Sent. Met	5.5	8.8	22.0	52.4	17.4
No Present Risk of Viol.	0	20.6	46.0	47.6	78.3
Successful Parole Hist.	0	17.6	4.0	33.3	39.1
Non-Shooter in Felony Mur.	0	5.9	16.0	9.5	0
No New Crime	0	0	8.0	19.0	0
Support From Vic.'s Family	0	0	4.0	4.8	0
No Relapse on Parole	0	0	2.0	4.8	0

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Continuing the trend begun in 2010, the following factors - Accepts Responsibility, Expresses Remorse, Family Support, Solid Parole Plan, and Understands Causative Factors of Criminal Behavior - were not cited as factors for approving a lifer for a parole. That, however, is not to say that those factors are unimportant. Rather, that the Parole Board appears to consider that all lifers are expected to address these factors as a minimum threshold. Thus, these factors need not be cited by the Parole Board. But, the absence of one or more of these factors most likely would spell disaster for any lifer seeking to be paroled.

7. Denial Factors

In the 2016 Records of Decision, fifteen factors were cited for denying paroles, a decrease of 25% from 2015 when twenty factors had been cited. As with approvals, multiple factors were noted in most Records of Decision for denials. The most frequently cited factor for denials was that the lifer needed a "longer period of positive adjustment." That factor was cited in fifty of the eighty-two denials (61%), an increase from 54.2% in 2015. The second most frequent factor was the lifer's release was "incompatible for the welfare of society" cited in forty denials (49%), an increase from 6% in 2015. The most frequently cited denial factor in 2015 was "Unaddressed Issues" at 60%. In 2016, this factor was cited only in 21% of the eighty-two denials.

The following seven factors occurred in at least 10% of the eighty-two Records of Decision for denials in 2016: Needs A Longer Period of Positive Adjustment (61%), Release Incompatible With The Welfare Of Society (48.8%), Unaddressed Issues (20.7%), Limited Program Participation (13.4%), Mental Health Issues (11%), Serious Disciplinary History (11%), and No Supporters Present (11%).

In 2016, as with past years, several lifers who completed needed programs hurt themselves because they failed to explain or demonstrate what they had learned or how their attitudes, problem solving skills, and lives had been positively changed from their program involvement. It is critically important that lifers be able to display the proper tools for dealing with personal or difficult questions from Parole Board members who will often test lifers to see if they can maintain control when treated negatively or what a lifer may perceive as negative treatment. For instance, stating that one has learned coping and interpersonal skills in various programs such as Anger Management and then reacting with hostility to seemingly intrusive questions only tells the Parole Board that the lessons were not learned well if the lifer cannot apply them when needed.

What was often missing in the denials for 2016 was the Parole Board's noting areas of deficiency and recommending participation in specific programs to meet those needs. This was a significant change from 2015 and may well reflect the fact that 86% of all Records of

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Decision in 2016 were signed by the Parole Board's General Counsel, certifying that all voting members of the Parole Board had reviewed the entire criminal record of the lifer seeking parole. This review by the General Counsel could well reflect an attempt to curtail legal challenges to denials by not recommending participation in specific programs, thereby not running the risk of creating an actionable claim should a lifer complete recommended programs and be denied at a later hearing. Table 8 below presents the comparative percentage data for the frequency of Denial Factors from 2011/2012 through 2016. The number of Denials for each year is in ().

TABLE 8

Factor	2016 (82)	2015 (83)	2014(89)	2013 (116)	2011/ 2012 (102)
Needs Longer Period of Adj.	61.0	54.2	33.7	29.3	37.3
Release Incompatible	48.8	6.0	0	80.2	76.5
Unaddressed Issues	20.7	60.2	69.7	38.8	15.7
Limited Program Part.	13.4	26.5	31.5	31.0	11.8
Serious Disc. History	11.0	16.9	24.7	18.1	20.6
Mental Health Issues	11.0	10.8	10.1	14.6	0
No Supporters Present	11.0	7.2	18.0	9.5	0
Diminishes Responsibility	7.4	20.5	19.1	15.5	21.6
Lack of Insight Into Crim. Beh.	6.1	26.5	40.5	28.4	27.5
Unresolved Sex Issues	6.1	19.3	16.9	6.0	0
Lying	4.9	15.7	20.2	19.8	26.5
Poor Prior Parole Performance	3.6	3.6	13.5	26.7	0
Violent History In Prison	2.4	14.5	14.6	14.6	0
Lack Of Remorse	2.4	6.0	12.4	2.6	0
Need To Address Areas Of Deceit	1.2	6.0	10.1	14.6	0
Factual Inconsistencies	0	12.0	11.2	6.7	0
Lack of Solid Parole Plan	0	4.8	5.6	12.1	0
Continued Drug Addiction	0	4.8	2.3	6.7	10.8
Lack of Compassion	0	2.4	10.1	2.6	0
Likely To Reoffend	0	2.4	9.0	79.3	71.6

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8. Setbacks

An area in which the Parole Board remains remarkably consistent over the years, and one in which the Lifers' Group Inc. has repeatedly reported on, is that reasons, standards, or rationale continue not to be published regarding how the Parole Board members determine how long an individual lifer's Setback, if denied a parole, will be. This is particularly frustrating when a certain length of a Setback has been served, the lifer has a Review Hearing, is again denied, and then receives a longer Setback than what he/she had been given at the earlier hearing, with no reasons why. The Parole Board needs to publish what standards, if any, the members use for determining how long a lifer must serve before his/her next parole hearing after a denial.

In 2016, the percentage of five year Setbacks dropped by 17% from 2015 - from 46% to 38%. The 2016 percentage was the lowest of five year Setbacks in the past seven years and the second time the percentage was below 50%. The percentage decrease from 2011/2012 to 2016 for five year Setbacks was 44.9%. Conversely, the combined percentage of Setbacks of one, two, and three years increased by 12% - from 34 in 2015 to 38 in 2016. While the numbers of two, three, and four year Setbacks remained relatively constant from 2015 to 2016. The number of one year Setbacks tripled from two in 2015 to six in 2016, all after Review Hearings. There were no tie votes which would have required a one year Setback. So, without any stated reasons for assessing one year Setbacks, one is left only to report the data. It will be interesting to see if the upward trend in one year Setbacks continues in 2017 or was an anomaly for 2016. Of the thirty-one five year Setbacks, nine (29%) were for denials after Initial Hearings, eighteen (58%) were after denials at Review Hearings with no prior parole revocation, and four (13%) were after denials at Review Hearings after a prior parole had been revoked.

Table 9 below presents the comparative data for the numbers and percentages of the various lengths of Setbacks from 2011/2012 through 2016. The numbers in () denotes the total number of denials in each year.

TABLE 9

Setbacks In Yrs.	One		Two		Three		Four		Five	
2016 (82)	6	7%	14	17%	18	22%	13	16%	31	38%
2015 (83)	2	2%	16	19%	16	19%	11	13%	38	46%
2014 (89)	0	---	4	5%	16	18%	8	9%	60	67%
2013 (116)	1	1%	14	12%	14	12%	10	9%	78	67%
2011/2012 (102)	<u>1</u>	<u>1%</u>	<u>7</u>	<u>7%</u>	<u>12</u>	<u>12%</u>	<u>11</u>	<u>11%</u>	<u>71</u>	<u>69%</u>
Totals (472)	10	2.1%	55	11.7%	76	16.1%	53	11.2%	278	58.9%

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9. Destinations Of Approved Lifers

Of the eighteen lifers approved for paroles in 2016, five (28%) were released directly to an approved home plan and two (11%) were sent to other states under the Interstate Compact. One lifer was sent to I.C.E. Twelve (67%) lifers approved for paroles in 2016 were given paroles conditioned on serving anywhere from six to twenty-four months in lower security and then to a Long Term Residential Program (LTRP) or directly to a LTRP. All of these lifers were required to avoid receiving disciplinary tickets, whether in minimum, pre-release, or a LTRP as a stipulation for remaining on parole.

Table 10 below presents the data for the destinations of approved lifers from 2011/2012 through 2016.

TABLE 10

<u>Destinations</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>	<u>2013</u>	<u>2011/2012</u>
Approved Home Plan	3 17%	3 9%	9 18%	6 28%	4 17%
Lower Security (6 Mon.)	2 11%	3 9%	5 10%	2 10%	3 13%
Lower Security (9 Mon.)	1 6%	1 3%	3 6%	0 ----	1 5%
Lower Security (12 Mon.)	5 28%	2 6%	17 34%	6 28%	5 22%
Lower Security (18 Mon.)	2 11%	1 3%	0 ----	1 5%	4 17%
Lower Security (24 Mon.)	1 6%	0 ----	0 ----	0 ----	0 ----
Interstate Compact	2 11%	2 6%	1 2%	3 14%	0 ----
I.C.E.	1 6%	5 15%	3 6%	2 10%	2 9%
To From & After	0 ----	2 6%	2 4%	0 ----	1 5%
LTRP	1 6%	15 18%	9 18%	1 5%	3 13%
Died Before Decision	0 ----	0 ----	1 2%	0 ----	0 ----
Totals	18	34	50	21	23

10. Risk Assessments

A notation was included in each Record of Decision for lifers in 2016 indicating that the Parole Board had employed a risk assessment tool to assess the lifer's risk to reoffend. ⁴

4. According to the 2014 Parole Board's Annual Report: "As part of the Parole Board's commitment to public safety, the agency uses a risk and needs assessment instrument in making parole release decisions. The assessment identifies an individual's risk to recidivate, as well as reveals criminogenic needs which may be incorporated into the parolee's case plan. The risk/assessment used by the Parole Board is the Level of Service Case Management Inventory (LS/CMITM). The Parole Board implemented the LS/CMITM in early 2013 for use in release decisions for inmates and supervision strategies for parolees." (pg. 13)

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What was not noted in any Record of Decision was the individual lifer's rating, i.e., the risk the lifer posed to public safety regarding reoffending. Pursuant to a public records request filed by the Lifers' Group Inc., the Parole Board provided the following data for lifer decisions in which the hearing date and the decision date were both in 2016. A total of sixty-nine lifer hearings were included. Specific names of the lifers and the hearing dates were not provided; the Parole Board citing confidentiality concerns. Thus, the gross numbers of each risk level and the corresponding numbers for approvals and denials comprised the raw data. Still, the results were instructive. The data is provided below in Table 11, the percentages were calculated by the Lifers' Group Inc.

TABLE 11

<u>Risk Level</u> ⁵	<u>Approvals</u>	<u>Denials</u>	<u>Total</u>	<u>% Approved</u>
Low	1	8	9	11%
Medium	13	24	37	35%
High	4	15	19	21%
Very High	<u>0</u>	<u>4</u>	<u>4</u>	<u>0%</u>
Total	18	51	69	26%

What stands out is the number and corresponding low approval percentage for lifers deemed to be Low risks to reoffend. It is difficult to comprehend why more lifers rated High risks were paroled than the sole lifer assessed as a Low risk. And, the approval percentage for High risks were nearly double that for Low risks - 21% versus 11% respectively. This begs several questions. What significance is the Parole Board giving to its risk assessment tool? This is not to argue that lifers deemed High risk should not be considered for parole. But, how can 89% of those deemed Low risk to reoffend not be paroled if the instrument being utilized by the Parole Board is valid and reliable? If the instrument is valid and reliable, the why did the Parole Board seemingly disregard the risk assessment for the eight lifers deemed Low risk who were denied paroles? If the Parole Board does not trust either the validity or reliability or both of the instrument, then why continue to use it?

Utilizing evidence based instruments, such as the LA/CMI is purported to be, is encouraged by criminal justice professionals. ⁶ But, if the results are disregarded, then using the instrument is a waste of time and valuable resources. The Parole Board should include in each Record of Decision the risk assessment level. If a lifer with a Low or Medium risk level is denied parole, then the Parole Board should explain that denial in the Record of Decision, noting why the Parole Board deviated from the Risk Assessment result. It is not unreasonable to sug-

⁵ There is Very Low risk level. No lifer in this sample was rated a Very Low risk to reoffend.

⁶ Hamilton, Zachary, et al. *A More Consistent Application of the RNR Model - The Strong-R Needs Assessment. Criminal Justice and Behavior - An International Journal. Vol. 44, #2 - Feb. 2017, p. 263-264.*

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gest that with Low risk assessments, the parole should be presumed and the onus placed on the Parole Board to justify why said parole was denied.

11. Lifers Not Convicted Of Second Degree

Of the 100 Records of Decision for 2016, nine (9%) were for lifers serving a life sentence with the possibility of a parole for crimes other than second degree murder. That percentage was below 2015 (13%), 2014 (14%), and 2013 (12%) for this cohort of lifers. Of the nine, three (33%) were approved for paroles, significantly higher than previous years.

From 2011/2012 through 2016, forty lifers serving life sentences for sexual assaults, e.g., aggravated rape or rape of a child, appeared for parole hearings. Three (7.5%) in those years were approved. Overall, from 2011/2012 through 2016, only 17% of lifers serving life for a crime other than second degree murder were paroled (12 of 71). Table 12 below presents the data for Lifers Not Convicted of Second Degree Murder from 2011/2012.

TABLE 12

<u>Crime</u>	<u>2016</u>		<u>2015</u>		<u>2014</u>		<u>2013</u>		<u>2011/ 2012</u>	
	#	App.	#	App.	#	App.	#	App.	#	App.
Sexual Assaults	3	0	9	2	12	0	9	1	7	0
Burglary	1	1	1	0	2	1	2	0	0	0
Armed Rob./Assaults	3	1	4	1	3	0	4	2	1	0
Unarmed Robbery	2	1	1	0	3	0	2	2	1	1
Home Invasion	0	0	0	0	1	1	0	0	0	0
Totals	9	3	15	3	26	2	17	3	9	1
% App.	33%		20%		9.5%		17.6%		11%	

12. Time Between Hearing Dates and Dates of Decisions

Each Record of Decision notes the dates of the public hearing and the decision. The Parole Board's regulations require that parole decisions are to be rendered at the next regularly scheduled executive session after public hearings have been conducted. [120 CMR 301.06(6)] In addition, 120 CMR 301.08 requires that lifers who are denied paroles are to be informed with a written summary, presumably the Record of Decision, "within 21 calendar days after a decision has been rendered." What is not reported in each Record of Decision is when the executive session had been held. Consequently, lifers who are denied paroles have no indication as

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to whether the Parole Board has met the twenty-one day notification requirement. In addition, the Records of Decision do not show when a lifer actually receives notification of the results of the hearing. Thus, the only calculation which can be made from the Records of Decision is the length of time between the Hearing Dates and the Dates of Decision.

The average lengths of time between Hearing Dates and the Dates of Decision for Records of Decision had been decreasing significantly each year for the past four years. In 2016, however, the average length of time increased by 65.5% - from eighty-seven days in 2015 to one hundred forty-four days in 2016.

In 2016, 86% of all Records of Decision for lifers were signed by the Parole Board's General Counsel. That signature attested that: "this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. Pursuant to G.L. c. 127, §130, I further certify that all voting Board members have reviewed the applicant's entire criminal record. This signature does not indicate authorship of the decision." It is interesting to note that the General Counsel did not certify that each Parole Board member has reviewed the applicant's parole package, just the criminal record. In prior years, it was usually the Executive Director who had signed the Records of Decision. The change to the General Counsel may account for the lack of specificity as to what denied lifers needed to address before their next hearings. It may well be that such guidance for denied lifers has been sacrificed for caution by the Parole Board's legal department so not to provide grounds for future appeals should a denied lifer meet requirements delineated by a prior Parole Board and then be denied at a future hearing.

Table 13 below presents the data for the lengths of delays between Hearing Dates and Decision dates as noted in the Records of Decision for 2016 and 2011/2012 through 2015 as well as the frequency percentages in () for each cohort.

TABLE 13

<u>Length of Delay In Days</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>	<u>2013</u>	<u>2011/ 2012</u>
1 - 100	16 (16%)	91 (78%)	35 (25%)	35 (26%)	21 (17%)
101 - 200	75 (75%)	21 (18%)	43 (31%)	18 (13%)	17 (13%)
201 - 300	5 (5%)	5 (4%)	34 (25%)	29 (21%)	25 (20%)
300+	4 (4%)	0 (0%)	27 (19%)	55 (40%)	62 (50%)
Total # of Decisions	100	117	139	137	125
Average Length	144	87	193	257	261

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13. Juveniles At Time of Crime

Those under age 18 at the time of the commission of their crime(s) and were serving Life-Without-Parole (LWOP) sentences received relief from the Massachusetts Supreme Judicial Court (SJC) in 2014. The SJC ruled that no juvenile could receive a mandatory LWOP sentence and applied that decision retroactively. The result was that juveniles at the time of their crime(s) and serving LWOP became eligible for parole after having served fifteen years. Thirteen such lifers were given parole hearings in 2016 - eleven were Initial Hearings and two were Review Hearings. Of the total of thirteen, only two (15%) were granted paroles. This continued the trend of dramatic decreases in approval percentages begun in 2015 - 31% in 2015, 86% in 2014. In addition, eight lifers serving second degree life sentences for crime(s) committed while juveniles also saw the Parole Board in 2016. Of those eight, only one (12%) was granted a parole.

Since the 2014 SJC decision to allow juveniles serving LWOP to have parole hearings, thirty-six such hearings have been held and Records of Decision posted online by the end of 2016. Of those thirty-six hearings, only thirteen juvenile lifers (36%) have received paroles, a decrease of 25% from the combined 2014 and 2015 approval percentage of 48%

The fact that no juvenile formerly serving a LWOP sentence was paroled in 2016 after an Initial Hearing is deeply troubling. The reduction by one-half in the percentage of approvals from 2015 (31%) to 2016 (15%) is equally a cause for concern. In addition, it is important to note that the average number of years served by those denied paroles for crimes committed as juveniles was twenty-four years, a significant amount of time behind prison walls to rehabilitate oneself. The Parole Board has taken a dramatic step backwards regarding paroling juveniles after the SJC rulings in 2014. The SJC mandated that juveniles be given meaningful hearings. An overall parole rate of 36% for those who were juveniles at the time of their crimes and have served on average nearly twenty-five years in prison can hardly be characterized as fulfilling the SJC's mandate, particularly given the precipitous drop in the Approval rate from 2014 to 2016. The Parole Board needs to account for these dramatic decreases in parole rates for this cohort and to justify how the low rate of approvals meets the SJC's clear intent that juveniles be given meaningful opportunities for parole.

14. Attorney Representations

Of the one hundred Records of Decision posted online in 2016, fifty-two (52%) indicated that an attorney was present at the hearing representing the lifer. Only five of those fifty-two hearings (9%) resulted in the lifer being approved for a parole. This approval rate of 9% was a decrease of 69% from 2015 when the approval rate for hearings in which an attorney represented the lifer was 29%. In addition, of those fifty-two hearings, nineteen were Initial

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Hearings, twenty-six were Review Hearings held without the lifer having had a prior parole revoked, and seven were Review Hearings held after the lifer had been returned to prison after having had a prior parole revoked. The Approval rate for the Initial Hearings was 5% (1 of 19), for the Review Hearings where no prior parole had been revoked was 15% (4 of 26), and 0% (0 for 7) for Review Hearings held for a lifer whose prior parole had been revoked. By contrast, the Approval rates in 2015 when an attorney was present for Initial Hearings was 26%, for Review Hearings where no prior parole had been revoked was 12%, and for Review Hearings after a prior parole had been revoked was 69%. Overall, the combined Approval rate for lifer hearings when an attorney was present for 2015 and 2016 was 20% (23 of 114).

Attorney John Rull was identified as representing twelve lifers - one was approved. Attorney Patti Garin represented three lifers and attorneys Michael Bourbeau, Rebecca Rose, Steven Weymouth, and Jason Benzaken each represented two lifers. One lifer each of the two lifers represented by Rebecca Rose and Steven Weymouth was approved. Law students represented fourteen lifers, one of whom was approved for a parole. Fifteen attorneys represented one lifer each in separate hearings, one of those lifers was approved for a parole.

Table 13 below presents the data for the fifty-two paroles hearings in 2016 in which attorneys were present and represented lifers.

TABLE 14

	Approvals			Denials		
	Initial	Review	Review*	Initial	Review	Review*
Law Students (14)	0	1	0	4	9	0
John Rull (12)	0	1	0	2	6	3
Patti Garin (3)	0	0	0	2	1	0
Michael Bourbeau (2)	0	0	0	1	1	0
Rebecca Rose (2)	1	0	0	1	0	0
Steven Weymouth (2)	0	1	0	0	0	1
Jason Benzaken (2)	0	0	0	0	0	2
Other Attorneys (15)	0	1	0	8	5	1
Totals (52)	1	4	0	18	22	7

Of the Records of Decisions posted online for 2016 in which an attorney was not present, thirteen (27%) of the lifers not represented by an attorney were approved for paroles

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and thirty-five (73%) were denied. Table 15 below compares the number of Approvals and Denials for each cohort, broken down according to type of hearing. Table 16 below combines the comparative data for 2015 and 2016. Note: the Review* in Tables 14 (page 18), 15, and 16 below indicates Review Hearings after a prior parole had been revoked.

TABLE 15

	Initial	Approvals Review	Review*	Initial	Denials Review	Review*
Attorney	1	4	0	18	22	7
No Attorney	3	1	9	6	22	7
Totals (100)	4	5	9	24	44	14

TABLE 16

	Initial	Approvals Review	Review*	Initial	Denials Review	Review*
Attorney (113)	7	7	9	35	44	11
No Attorney (104)	6	10	13	20	43	12
Totals (217)	13	17	22	55	87	23

15. Analysis Of Parole Decisions By Race

The question of possible racial bias in the Approval / Denial rates for parole decisions for lifers has been considered by the Lifers' Group Inc. since 2013. Racial breakdowns were first reported in the 2014 report on parole decisions for lifers. It must be reiterated that any conclusions based upon race require a statistically significant number of Records of Decision over a range of years. The 139 Records of Decision for 2014, the 117 for 2015, and the 100 for 2016 fall short of that criterion, but do provide a starting point.

The raw data is presented in the following tables with no commentary nor conclusions, given the continued small sample. It should be noted that the assignment of racial affiliation, i.e., Caucasian (Cau.), African-American (A/A), Latino (L), or Asian (A) was determined by members of the Lifers' Group Inc., but only with firsthand, personal knowledge of the individual lifer whose Record of Decision was included in this study of parole decisions for lifers in 2016. This less than optimum method was employed because no racial affiliation is indicted

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on any Record of Decision. Of the 100 Records of Decision included in this 2016 study, forty-five (45%) were noted as Caucasian, twenty-eight (28%) as African-American, nineteen (19%) as Latino, and eight (8%) as Asian. Table 17 below presents the data regarding the racial breakdowns of the parole decisions published online in 2016.

TABLE 17

	Cau.		Afr./Am.		Latino		Asian	
	App.	Den.	App.	Den.	App.	Den.	App.	Den.
#	6	39	4	24	6	13	2	6
% of # of Dec.	6	39	4	24	6	13	2	6
% of Racial Cat.	13	87	17	83	32	68	25	75

Table 18 below presents the combined data for the one hundred and two Approvals of parole for lifers in 2014, 2015, and 2016 broken down by racial category.

TABLE 18

<u>Race</u>	<u>App.</u>	<u>Total # of Lifer Hearings</u>	<u>% of App.</u>	<u>% App. For Racial Category</u>
Caucasian	35	166	34%	21%
African-Amer.	39	111	38%	35%
Latino	24	67	24%	36%
Asian	4	12	4%	33%
Totals	102	356	29%	

16. Age at Time Of Hearing

In August 2016, the Lifers' Group Inc. published *An Analysis Of Parole Decisions For Lifers By Age At Time Of Hearing* (see www.realcostofprisons.org/writing). The data in that report were the results of 897 parole decisions for lifers rendered by the Parole Board between January 1, 2006 and January 1, 2016. The hypothesis studied was that lifers who were older, i.e., over age 50 at time of the parole hearing would be paroled at a higher rate than younger lifers with fewer years of incarceration under their belts. The presumption was that the longer a lifer had been incarcerated, the more opportunities he/she had to participate in programs which would have led to rehabilitation. This hypothesis was disproved. Those age 50 and younger

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(491) were paroled at a rate of 34%; lifers over age 50 (406) were paroled at a rate of 21%. What was particularly striking was that those age 33-40 had nearly a 1 in 2 chance of being paroled (47%), while those over age 50, however, had a 1 in 5 chance (21%).

In 2016, the Approval rate for lifers age 50 and younger was 22% (10 of 45); the Approval rate for lifers older than age 50 was 15% (8 of 53). Note: in two Records of Decision the age of the lifer was not indicated so the total number of hearings for this section for 2016 is 98. The Approval rate for those 50 and under still exceeded those over 50, although the differential narrowed from the disparity noted above for the original 897 parole decisions. In that study, the Approval rate for lifers age 50 and under was 62% higher than for lifers over age 50. In 2016, the Approval rate for lifers 50 and under was 47% higher. Still, for the period 2006 through 2016, the difference in paroling rates by age remains significantly in favor of those age 50 and younger - 33% to 20% for those age over 50. Including the 2016 data, the overall Approval rate for lifers age 33 to 40 at the time of their hearings dropped from 47% to 43%, while the Approval rate for those over age 50 dropped from 21% to 20%.

The Parole Board continues to favor lifers age 50 and under, albeit slightly less in 2016. The message may be that once a lifer passes a certain age, the Parole Board considers him/her to be "institutionalized" and incapable of succeeding in society. If true, this is extremely troubling and could well merit a legal challenge. The following tables present the data regarding ages at the time of parole hearings for 2016 and for 2006 through 2016.

TABLE 19

	33-40	40-45	45-50	50-55	55-60	60+	Total
App.	4	0	6	3	3	2	18
Den.	21	5	9	12	12	21	80
Totals	25	5	15	15	15	23	98

TABLE 20

(% of Total Approvals / Denials)

	33-40	40-45	45-50	50-55	55-60	60+
App.	22%	0%	33%	17%	17%	11%
Den.	26%	6%	11%	15%	15%	26%

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TABLE 21

% of Approvals / Denials By Category (2006 -2016)						
	33-40	40-45	45-50	50-55	55-60	60+
App.	16%	0%	40%	20%	20%	9%
Den.	84%	100%	60%	80%	80%	91%

TABLE 22

# and % of Approvals / Denials By Category (2006 - 2016)							
	33-40	40-45	45-50	50-55	55-60	60+	Total
App.	84	47	45	33	25	36	270
Den.	113	106	141	124	102	139	725
Total	197	153	186	157	127	175	995
% App.	43%	31%	24%	21%	20%	21%	27%

	# Approved	# Denied	Total	% App.
Age 50 & Under	176	360	536	33%
Age Over 50	94	365	459	20%

C. SELECTED EXCERPTS FROM 2016 RECORDS OF DECISION

The following ten excerpts are quoted directly from Records of Decision for 2016. The names of the lifers and victims have been deleted by the authors of this report. The excerpts have been selected as examples of positive or negative feedback from Parole Board members to presentations by lifers at individual public hearings or to offer insight into the decision making parameters employed by Parole Board members. In offering these excerpts, there is no intent to embarrass or ridicule any lifer or Parole Board member. Rather, the intent is to assist lifers to better prepare themselves for their parole hearings and/or gain insight into what areas they may need to address while incarcerated before they have a parole hearing.

The excerpts are divided into two categories - Approvals (4) and Denials (6). The result of each hearing, whether the hearing had been an Initial Hearing or a Review Hearing, the

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length of the Setback in cases of Denials, and whether the lifer had been returned to prison after a prior parole had been revoked are indicated in brackets following each excerpt.

Approval Excerpts

1) _____ has been very involved in programming throughout his 15 year incarceration. He now appears empathetic and is insightful of his actions that resulted in the death of _____. In addition to his positive adjustment, _____ has good family support. The Board is of the opinion that _____ has demonstrated rehabilitative programs and, consequently, has acquired the tools and skills that will assist him in his successful transition from incarceration. _____ stated that the Alternatives to Violence Program showed him that "violence should never be an option" and the program has given him many different tools to use in various situations that could arise. _____ provided an example where he applied this skill set to break up a fight between two fellow inmates.

(This lifer was approved at an Initial Hearing.)

2) When asked what effect beer and marijuana had on _____'s participation in the crime, he said that while it played a role in bad decision making, he does not blame alcohol for his actions and takes responsibility for making poor choices. (The lifer was a non shooter in a felony murder).

(This lifer was approved at a Review Hearing.)

3) When asked how he would handle conflict or hard times, if released on parole, _____ said that his years of programming, self-reflection, and change in thought process have helped mature him into the man he is today.

(This lifer was approved at a Review Hearing.)

4) The Board asked _____ if he had participated in any programs since 2012 to address his accountability, anger, and relationship issues. _____ stated that the Emotional Awareness program allowed him to see his faults and to address his trigger and anger issues. He said that the Restorative Justice program helped him view violent crime (and its resulting heartbreak) from the perspective of the victims. Since his last hearing _____ has demonstrated a positive adjustment. He has remained disciplinary report free, maintained employment, and responded to the Board's concerns through appropriate institutional programming. The Board also notes _____'s strong parole plan that involves both community support and the prospect of employment.

(This lifer was approved at a Review Hearing after a prior parole had been revoked.)

Denial Excerpts

1) _____ described himself as being averse to learning in a classroom setting and questioned whether program participation even mattered. He said that he was aware of several inmates who had involved themselves in extensive programming, but nonetheless were denied parole. The Board is of the opinion that _____ has squandered the past 15 years of his incarceration and encourages him to start the process of working toward his full rehabilitation.

(This lifer was denied at an Initial Hearing and given a five year Setback.)

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2) A Board Member asked _____ if he had reviewed the Board's decision denying him parole after his last hearing. He stated that he had not read it saying, "I just got the denial and I checked it and I walked on ... I'm in a position where I can't change minds." The Board Member then read aloud the 2012 Record of Decision and asked whether _____ had done anything since the last hearing to address the Board's concerns. _____ said that he had not, since there were no programs that were "designed for" him.

(This lifer was denied at a Review Hearing and given a five year Setback.)

3) In response to a question from the Board as to why he thinks that he has not been granted parole. _____ responded, "Guess my behavior." When asked why he has not been able to comply with DOC rules and regulations, he said, "I don't know." Further, he does not know why he has a hard time controlling his temper and his mouth, but said that it is "just the way I am." _____ stated that he thought he was somewhat rehabilitated, as the CRA program made him realize how bad drugs and alcohol are. _____ said, however, that he doesn't know what else he needs to work on. He told the Board that he cannot think of any programs that would help him, and that he could not remember the last program he attended.

(This lifer was denied at a Review Hearing and given a five year Setback.)

4) The Parole Board is concerned about _____'s most recent serious disciplinary report that alleges he collaborated with a staff employee to introduce contraband into the institution. _____ has been involved with a similar pattern of conduct both in the institution and in the community. The Parole Board does not accept _____'s current explanation for such conduct and questions his level of rehabilitation. The Board is of the opinion that _____'s willingness to violate institutional rules is indicative of continued criminal thinking and remains a source of concern to the Parole Board.

(This lifer was denied at a Review Hearing and given a five year Setback.)

5) The Board notes that _____ has limited community support and was not forth coming during the hearing as his version of the crime has changed since his last parole hearing.

(This lifer was denied at a Review Hearing and given a three year Setback.)

6) When the Board questioned _____ on his parole plan, he stated that he did not have one.

(This lifer was denied at a Review Hearing and given a five year Setback.)



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- Improve rehabilitation, self-respect, and the quality of life in Massachusetts prisons for all men and women, with an emphasis on those serving life or long-term sentences.
- Strive to eliminate barriers which limit collaboration between the community-at-large and prisoners.

Advocate

- Coordinate with any organization striving for similar goals in order to provide an effective use of penal and rehabilitative resources.

Inform

- Operate under sound ethical and democratic principles and share our knowledge with our members and those on the outside on criminal justice and prison reform issues, such as reducing recidivism, improving public safety, and building peaceful and productive relationships with family members, fellow prisoners, supporters, and the community.

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