



# Parole Decisions for Lifers 2017

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## HIGHLIGHTS

- 1) Eighty-seven records of Decision were posted online in 2017. (page 1)
- 2) The Decision section of most Records of Decision in 2017, as in 2016, were verbatim, save the name of the lifer and offered little or no guidance as to what a denied lifer should address before his/her next parole hearing. (page 2)
- 3) The Approval rate for 2017 was 24%, an increase from 18% in 2016. (page 3)
- 4) The Approval rate for Initial Hearings dropped to 0% in 2017 from 14.3% in 2016. (page 4)
- 5) The Approval rate for Review Hearings increased to 27% in 2017 from 19% in 2016. (page 5)
- 6) Returns to custody for Substance Abuse continued to be the highest number of returns with thirteen, accounting for 41% (13 of 32) of all who had Review Hearings after a prior parole had been revoked in 2017. (page 7)
- 7) The most frequently cited factors in Approvals were Active Program Participation and Addressed Areas Needed For Rehabilitation - both were cited in 91% of Approved Records of Decision. (page 8)
- 8) As in 2016, the most frequently cited factor in Denials was Needs Longer Period of Adjustment - 67%. (page 10)
- 9) The percentage of five year Setbacks given out dropped from 38% in 2016 to 33% in 2017. (page 12)
- 10) No lifer who had been rated as a Low Risk to reoffend was paroled in 2017 as opposed to 17% of those rated High Risks to reoffend. (page 14)
- 11) In 2017, the average time lapse from Hearing Dates to Dates of Decision increased 20% - from 144 days in 2016 to 182 days in 2017. (page 16)
- 12) The parole rate for juveniles in 2017 was 31%, an increase from 15% in 2016. No juvenile lifer previously serving LWOP was paroled. (page 17)
- 13) The Approval rate for lifers who had been represented by counsel in 2017 was 28%. The Approval rate for lifers who had not been represented by counsel in 2017 was 18%. (page 18 & 19).
- 14) The Approval rate in 2017 for lifers age 50 and under was 16%. The Approval rate for lifers age 50 and over was 30%. (page 21)

# PAROLE DECISIONS FOR LIFERS - 2017

## A. INTRODUCTION

This is the eleventh report prepared by the Lifers' Group Inc. studying parole decisions for lifers. The MA Parole Board published eighty-seven (87) Records of Decision for lifers in 2017. The raw data for this report were taken from those Records of Decision. See: [www.mass.gov/parole](http://www.mass.gov/parole) for Records of Decision published online by the Parole Board. Previous reports on lifer parole decisions published by the Lifers' Group Inc. can be accessed at: [www.realcostofprisons.org/writing](http://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 an Initial Hearing - for lifers who have served the legislatively mandated fifteen years and have appeared before the Parole Board for the first time or a Review Hearing - for lifers who were denied a parole at a previous hearing or were returned to prison after a life parole had been revoked due to violating one or more stipulations imposed by the Parole Board as conditions to remain in society. Those violations could include a 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 application is denied. Typically, if there is a tie vote, the Setback is for one year.

Of the eighty-seven Records of Decision for 2017, seventy-one (82%) were unanimous votes. The remaining sixteen votes were: five at 5-1, seven at 4-2, and four at 3-3. Of those approved for paroles, sixteen decisions were unanimous votes, three were 4-2 votes, and two were 5-1 votes. In cases of dissenting votes, the Records of Decision noted which member(s) dissented and why. All voting members were identified on each Record of Decision.

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 served successfully in lower security (usually at least one year) and then the completion of a Long Term Residential

Program (LTRP). The Parole Board's intent in requiring approved lifers to continue incarceration in lower security is to afford lifers the opportunity to reenter society gradually, with time to adjust to being transferred, after many year - often decades - from higher security.

As in Records of Decision for 2016 and previous years, guidance concerning specific areas lifers who were denied should address was usually absent from the Records of Decision. In cases of denials, the Parole Board continued its 2016 practice of inserting in the Decision section nearly verbatim verbiage from one Record of Decision to the next, save the name of the denied lifer. Denied lifers were normally urged to maintain positive adjustments, but with precious little guidance as to what specific improvements or areas were needed to be addressed. It appears, as this has occurred in the last two years, that the Parole Board is reluctant to state unequivocally which programs or areas need to be completed or addressed for fear that if a lifer meets those stipulations, the Parole Board may then be unable to deny the lifer at his/her next hearing without opening the Parole Board up to a legal challenge.

All Records of Decision for 2017 were signed by the Parole Board's General Counsel. It was noted that the person who signed the Record of Decision may not be the person who actually wrote the Record of Decision. The signature of General Counsel certified that "all voting Board members have reviewed the applicant's entire criminal record" and that "this is the decision and reasons of the Massachusetts Parole Board ..." What was not verified as that all voting Board members had actually reviewed the lifer's parole package and institutional history including program involvement and achievements.

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.

Paul Tressler was appointed to chair the Parole Board in September 2015. In that year, Tressler took part in only twelve hearings. Of those, only one lifer was approved for a parole. In 2016, eighteen of 100 lifers were approved. In 2017, twenty-one of eighty-seven lifers were approved. Thus, the approval rate for lifers under Chairman Tressler was 20% (40 out of 199). In 2016 and 2017, of the thirty-seven lifers who had Initial Hearings, only four were approved for an approval rate of 11%.

## B. RESULTS

### 1) Approval / Denial Rates

Of the eighty-seven Records of Decision for 2017, twenty-one (24.1%) were approved for a parole, while sixty-six (75.9%) were denied. That 24% approval rate was 33% below the approval rate for 2016. The approval rate for 2017 was also well below the average approval rate of 30.5% for the years 2003 - 2016.<sup>1</sup> The approval rate for 2017 was the fourth lowest since the Lifers' Group Inc. has been reporting on parole decisions for lifers beginning with the Records of Decision in 2003.

Table 1 below presents the data for the Approval / Denial rates from 2013 through 2017.

TABLE 1

<u>Year</u>	<u># of Hearings</u>	<u>Approvals</u>		<u>Denials</u>	
		<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
2017	87	21	24.1	66	75.9
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
Totals	580	144	24.8	436	75.2
5 Yr. Average	116	29	25.0	87	75.0

<sup>1</sup> Approval rates for the years 2003 through 2016 averaged 30.5%, based on the reports compiled for those years by the Lifers' Group Inc. The specific approval rates by year prior to 2017 were:

2016 - 18.0%	2015 - 29.1%	2014 - 36.0%	2013 - 15.3%	2012/2011 - 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 2017, nine lifers appeared before the Parole Board for the first time. One of those lifers had been serving a life-without-parole sentence (LWOP) for a crime committed when he was a juvenile. His sentence had been reduced to a second degree life sentence with the option for a parole due to a Supreme Judicial Court decision in 2014. That one lifer had become eligible for parole after he had served at least fifteen years.

The approval rate for lifers who had Initial Hearings in 2017 was 0% (0 of 9) - a notable decrease from the 14.3% approval rate for those who had Initial Hearings in 2016 and continuing the decline in approval rates for Initial Hearings begun in 2015. This was the first time in the fifteen years the Lifers' Group Inc. has been reporting on parole decisions for lifers that not one parole was granted to a lifer who had an Initial Hearing.<sup>2</sup> Table 2 below presents the approval / denial data for Initial Hearings from 2013 through 2017.

TABLE 2

<u>Year</u>	<u># of Hearings</u>	<u>Approvals</u>		<u>Denials</u>	
		<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
2017	9	0	0.0	9	100.0
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
<hr/>					
Totals	140	32	22.8	108	77.2
5 Yr. Ave.	28	6	21.4	22	78.6

<sup>2</sup> Approval rates for 2004 - 2012 for Initial Hearings were: 2004 (46.6%), 2005 (33.3%), 2006 (29.6%), 2007 (28.5%), 2008 ( 31.3%), 2009 (38.9%), 2010 (50.0%), and 2011/2012 (15.6%).

### 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, either an Initial Hearing or Review Hearing, and had completed the assessed Setback, i.e., the number of years denied lifers have to serve before their next parole hearing. The second reason for a Review Hearing is for lifers who had been granted paroles, but those paroles had been revoked and the lifers had been returned to prison.

Seventy-eight Review Hearings were conducted in 2017, comprising 89.6% of all parole hearings in 2017 for which Records of Decision had been published online. The number of Review Hearing Records of Decision published online in 2017 (78) was slightly higher than those published online in 2016 (72). Of all the lifer decisions published online in 2017, nearly 90% were for Review Hearings, an increase from 72% in 2016. The approval rate in 2017 was 26.9%, an increase of 39% from 2016. Table 3 on page 5 presents the data for approval and

denial rates for all Review Hearings for the years 2013 through 2017.

TABLE 3

<u>Year</u>	<u># of Hearings</u>	<u>Approvals</u>		<u>Denials</u>	
		<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
2017	78	21	26.9	57	73.1
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
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Totals	440	112	25.5	328	74.5
5 Yr. Ave.	88	22	25.0	66	75.0

In 2017, forty-six lifers had Review Hearings without having had a prior parole revoked, while thirty-two lifers had Review Hearings after having been returned to prison due to a revocation of a prior parole. In 2016, the number of each subset of Review Hearings was forty-nine and twenty-three respectively.

Seven of the forty-six lifers in 2017 who had Review Hearings without having had a prior parole revoked were approved for paroles - an approval rate of 15.2% [a 49% increase from 2016 (10.2%)]. Overall, those seven approvals accounted for 33% of all approvals for both subsets of Review Hearings.

The approval rate for the parole revoked subset was 44% (14 of 32). This approval rate was higher than its counterpart in 2016 (39%). 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. Overall, the fourteen approvals in 2017 for Review Hearings posted online for lifers who had a prior parole revoked accounted for 67% of all approvals for both subsets of Review Hearings.

Table 4 on page 6 presents the data for both subsets of Review Hearings for the years 2013 through 2017.



TABLE 4

<u>Year</u>	<u>Non-Revoked</u>				<u>Revoked</u>			
	<u>App.</u>	<u>%</u>	<u>Den.</u>	<u>%</u>	<u>App.</u>	<u>%</u>	<u>Den.</u>	<u>%</u>
2017	7	15.2	39	84.8	14	43.8	18	56.2
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
Totals	42	15.3	233	84.7	70	42.4	95	57.6
5 Yr. Ave.	8	14.5	47	85.5	14	42.4	19	57.6

4) Comparing Approval Rates For The Three Types Of Hearings

The Approval rate for the three types of hearings increased by 33% in 2017 (from 18% in 2016 to 24% in 2017). (See Table 1 on page 3.) Approval rates for Initial Hearings, as in 2016 as compared to 2015, again decreased precipitously from 2016 to 2017 - from 14.3% to 0%. The Approval rate for all Review Hearings increased from 19.4% in 2016 to 26.9% in 2017. (See Table 3 on page 5.) The Approval rate for Review Hearings without a prior parole having been revoked increased from 10.2% in 2016 to 15.2% in 2017. Similarly, the Approval rate for Review Hearings held after a prior parole had been revoked increased from 39.1% in 2016 to 43.8% in 2017.

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>
2017	0.0%	15.2%	43.8%
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%
Overall	22.8%	14.5%	42.9%

5) Reasons For Returns From Prior Life Paroles

In 2017, there were thirty-two Review Hearings for lifers who had been returned from a prior parole, an increase of 39.1% from the twenty-three held in 2016. In 2017, one reason far out paced any other. There were thirteen returns for Substance Abuse comprising 41% of all returns who had Review Hearings after being returned from a prior parole held. The approval rate for those returned for Substance Abuse in 2017 was 46.2%, a significant increase from the 12.5% approval rate for this category of returned lifers in 2016.

Similar to past years, the percentage of those who had Review Hearings after having been returned for felony arrests in 2017 was low - 15.6% (5 of 32). Of those five, two were paroled again. Returns of lifers after a prior parole had been revoked were heavily skewed for technical violations - 84.4% - in 2017 (27 of 32), an increase of 6.6% from 2016 (19 of 24).

The reasons for returns from paroles for those who had Review Hearings in 2017 after having been returned from a prior parole and the number paroled for each reason for the years 2013 through 2017 are listed below in Table 6.

TABLE 6

Reason	2017		2016		2015		2014		2013	
	#	App.	#	App.	#	App.	#	App.	#	App.
Substance Abuse	13	6	8	1	12	9	16	12	25	2
Associating With Known Criminals	5	2	8	2	1	1	1	1	3	1
Domestic Violence	3	1	2	1	5	2	1	0	4	1
Lying To Parole Off.	3	1	0	0	0	0	4	3	4	1
Larceny	2	2	0	0	0	0	4	1	1	0
Felony Arrests/ Weapons Violations	2	0	2	2	1	0	0	0	6	2
Absconding	2	1	0	0	1	1	1	0	1	0
Armed Robbery	1	0	0	0	0	0	0	0	0	0
Failing To Participate In Mental Health	1	1	0	0	0	0	1	0	1	0
Assault & Battery	0	0	0	0	0	0	0	0	0	0
DUI	0	0	1	1	0	0	2	1	2	1
Failure to Report / Pay Fees	0	0	1	1	0	0	0	0	0	0

TABLE 6 (cont.)

<u>Reason</u>	2017		2016		2015		2014		2013	
	<u>#</u>	<u>App.</u>	<u>#</u>	<u>App.</u>	<u>#</u>	<u>App.</u>	<u>#</u>	<u>App.</u>	<u>#</u>	<u>App.</u>
Stalking/Indecent Exp.	0	0	1	1	0	0	1	1	0	0
Rape	0	0	0	0	1	0	0	0	0	0
Totals	32	14	24	9	24	13	40	25	48	9
% App.	43.8		39.1		54.2		63.5		18.8	

### 6. Approval Factors

Reviewing the factors indicated by the Parole Board in the Records of Decision for approving lifers for paroles can be informative, but remains resistant to any conclusions as to which factors are the most important. What does continue to occur is that the Records of Decision are tailored to each individual lifer's case. Thus, considerably more time and space are devoted to reviewing the lifer's criminal record and past parole hearings in cases of Review Hearings.

Eight Approval factors were noted in Records of Decision for 2017. All but two were cited in at least 10% of the twenty-one Records of Decision which had resulted in a parole for a lifer. Those six factors in order of frequency were: Active Program Participation (91%), Addressed Areas Needed For Rehabilitation (91%), Community Support (62%), Four Goals of Sentencing Were Met (punishment, public safety, deterrence, rehabilitation - in that order of importance) (29%), Steady Employment While Incarcerated (14%), and Minimal Disciplinary History (14%). Two of those six factors listed above were cited significantly more often in 2017 than in 2016: Community Support (62% in 2017 vs 33% in 2016) and Four Goals of Sentencing Were Met (29% in 2017 vs 6% in 2016).

As in the previous two years, the Parole Board in 2017 placed a strong emphasis on program participation which addressed a lifer's specific areas of recognized need, particularly if a prior Parole Board had indicated that certain areas needed to be addressed. Thus, the Parole Board did not find it important that a lifer had submitted a massive number of certificates or other documents attesting to the completion of a plethora of programs. Rather, the Parole Board members continued to be impressed with the quality, rather than the quantity of programs. A successful lifer was one who had demonstrated that he/she understood which areas needed to be addressed, e.g., drug and/or alcohol abuse, violence, aggression, anger, poor problem solving, and then completed programs which specifically dealt with those areas of need. Just completing the programs, however, was not enough. It is critical that lifers

seeking paroles be able to explain how and why those programs positively affected them and how, if paroled, they will utilize what they had learned. It is not sufficient to work at a prison job, however successfully. Nor, does self-improvement or religious conversions alone, no matter how well-intentioned, impress the Parole Board enough to grant a parole. Maintaining steady employment, remaining discipline free, and following a self-imposed religious faith, while certainly positive steps, are not substitutes for meaningful program participation recognized by the Parole Board as suitable for addressing specific needs.

Table 7 below presents the comparative percentages for the frequencies of the thirteen Approval factors utilized by the Lifers' Group Inc. since our first Parole Report on Decisions For Lifers begun in 2003. Table 7 covers the years 2013 through 2017. The numbers of Approvals are in ( ).

TABLE 7

<u>Factor</u>	<u>2017 (21)</u>	<u>2016 (18)</u>	<u>2015 (34)</u>	<u>2014 (50)</u>	<u>2013 (21)</u>
Active Program Part.	90.5	94.4	67.6	66.0	71.4
Addressed Areas	90.5	66.7	88.2	60.0	47.6
Community Support	61.9	33.3	52.9	52.0	47.6
Four Goals Met	28.6	5.5	8.8	22.0	52.4
Steady Employment	14.3	16.7	11.8	22.0	47.6
Min. Disc. Hist.	13.6	38.9	23.5	32.0	23.8
No Pres. Risk of Viol.	9.5	0	20.6	46.0	47.6
Support From Vic. Family	4.8	0	0	4.0	4.8
Juv. 1st Degree	0	11.1	11.8	14.0	0
Successful Parole Hist.	0	0	17.6	4.0	33.3
Non-Shooter in Felony Mur.	0	0	5.9	16.0	9.5
No New Crime on Parole	0	0	0	8.0	19.0
No Relapse on Parole	0	0	0	2.0	4.8

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 in 2017. That, however, is not to say that those factors are unimportant. Rather, the Parole Board appears to

consider that all lifers are expected to address those factors as a minimum threshold. Thus, while those factors are not cited by the Parole Board, the absence of one or more most likely would spell disaster for any lifer seeking to be paroled.

### 7. Denial Factors

In the 2017 Records of Decision, nineteen factors were cited for denying paroles, an increase of 27% from 2016 when fifteen factors had been cited. As with Approvals, multiple factors were noted in most Records of Decisions. The most frequently cited factor for denials continues to be that the lifer needed a "longer period of positive adjustment." That factor was cited in two-thirds of the sixty-six Denials, an increase from 61% in 2016. The second most cited factor was that the lifer had Unaddressed Issues - 41%, an increase from 21% in 2016.

The following eight factors were cited in at least 10% of the sixty-six Records of Decision for denials in 2017: Release Incompatible with the Welfare of Society (38%), Lying at the Hearing (27%), Lack of Insight Into Causative Factors of Criminal Behavior (24%), Poor Prior Parole Performance (18%), Diminishes Responsibility (17%), Serious Disciplinary History (15%), Inconsistencies Between Facts and Lifer's Version (12%), and No Parole Plan (12%).

In 2017, as in past years, several lifers who had 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 change 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 or Emotional Awareness and the reacting with hostility only tells the Parole Board that the lessons were not learned well if the lifer cannot apply them when needed, particularly if released to society.

Table 8 below presents the comparative percentage data for the frequency of Denial Factors from 2013 through 2017. The number of Denials for each year is in ( ).

**TABLE 8**

<u>Factor</u>	<u>2017 (21)</u>	<u>2016 (18)</u>	<u>2015 (34)</u>	<u>2014 (50)</u>	<u>2013 (21)</u>
Needs Longer Per. of Adj.	66.7	61.0	54.2	33.7	29.3
Unaddressed Issues	40.9	20.7	60.2	69.7	38.8
Release Incompat.	37.9	48.8	6.0	0	80.2

TABLE 8 (cont.)

<u>Factor</u>	<u>2017 (21)</u>	<u>2016 (18)</u>	<u>2015 (34)</u>	<u>2014 (50)</u>	<u>2013 (21)</u>
Lying	27.3	4.9	15.7	20.2	19.8
Lack Of Insight Into Crim. Beh.	24.2	6.1	26.5	40.5	28.4
Poor Prior Parole Perf.	18.2	3.6	3.6	13.5	26.7
Diminishes Resp.	16.7	7.4	20.5	19.1	15.5
Serious Disc. Hist.	15.2	11.0	16.9	24.7	18.1
Factual Inconsis.	12.1	0	12.0	11.2	6.7
Lack of Solid Parole Plan	12.1	0	4.8	5.6	12.1
No Supporters Present	9.0	11.0	7.2	18.0	9.5
Limited Prog. Partic.	7.6	13.4	26.5	31.5	31.0
Lack of Compassion	7.6	0	2.4	10.1	2.6
Unresolved Sex Issues	7.6	6.1	19.3	16.9	6.0
Likely To Reoffend	6.1	0	2.4	9.0	79.3
Mental Health Issues	6.1	11.0	10.8	10.1	14.6
Viol. Hist. In Prison	6.1	2.4	14.5	14.6	14.6
Lack of Remorse	6.1	2.4	6.0	12.4	2.6
Continued Drug Addic.	3.0	0	4.8	2.3	6.7
Need To Address Areas Of Deceit	0	1.2	6.0	10.1	14.6

### 8. Setbacks

An area in which the Parole Board remains remarkably consistent over the years, and one which the Lifers' Group Inc. has repeatedly reported on, is that reasons, standards, or any rationale continue not to be published by the Parole Board as to how members determine the length of a lifer's Setback if denied a parole. 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 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 2017, the percentage of five year Setbacks dropped 13% from 2016 - from 38% to 33%. The 2017 percentage was the lowest for five year Setbacks in the past eight years and the third time the percentage was below 50%. The percentage decrease from 2013 to 2017 for five year Setbacks was 50.7%. The combined percentage of Setbacks of one, two, and three years decreased by 21% - from 38 in 2016 to 30 in 2017. Of the twenty-two five year Setbacks in 2017, five (24%) were for denials after Initial Hearings, twelve (57%) were after denials at Review Hearings with no prior parole revocations, and four (19%) were after denials at Review Hearings after a prior parole had been revoked.

Of the nine denials after Initial Hearings, five lifers received five year Setbacks (56%). Of the thirty-nine denials after Review Hearings with no prior parole paroles, twelve lifers received five year Setbacks (31%). Of the eighteen denials at Review Hearings after a prior parole had been revoked, four lifers received five year Setbacks (19%).

Table 9 below presents the comparative data for the numbers and percentages of the various lengths of Setbacks from 2013 through 2017. The numbers in ( ) denote the total number of denials in each year.

**TABLE 9**

Setbacks In Number Of Years

<u>Year</u>	<u>One</u>		<u>Two</u>		<u>Three</u>		<u>Four</u>		<u>Five</u>	
2017 (66)	4	6%	10	15%	16	24%	14	21%	22	33%
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%
<b>Totals (436)</b>	<b>13</b>	<b>3.0%</b>	<b>58</b>	<b>13.3%</b>	<b>80</b>	<b>18.4%</b>	<b>56</b>	<b>12.8%</b>	<b>229</b>	<b>52.5%</b>

**9. Destinations Of Approved Lifers**

Of the twenty-one lifers approved for parole in 2017, eight (38%) were released directly to an approved home plan. One lifer was sent to I.C.E. Nine (43%) lifers were given parole conditioned on their serving anywhere from six to eighteen months in lower security and then to a Long Term Residential Program (LTRP) or were sent directly to a LTRP. Two lifers were released to home after serving twelve months in lower security and one lifer was released to home after eighteen months in lower security. 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. All lifers released directly to their home plans were lifers who had Review Hearings after a prior parole hearing had been revoked. Table 10 below presents the data for the destinations of approved lifers from 2013 through 2017.

**TABLE 10**

<u>Destinations</u>	<u>2017</u>		<u>2016</u>		<u>2015</u>		<u>2014</u>		<u>2013</u>	
Approved Home Plan	8	38%	3	17%	3	9%	9	18%	6	28%
Lower Security (6 Mon.)	1	5%	2	11%	3	9%	5	10%	2	10%
Lower Security (9 Mon.)	3	14%	1	6%	1	3%	3	6%	0	---
Lower Security (12 Mon.)	3	14%	5	28%	2	6%	17	34%	6	28%
Lower Security (18 Mon.)	3	14%	2	11%	1	3%	0	---	1	5%
Lower Security (24 Mon.)	0	---	1	6%	0	---	0	---	0	---
Interstate Compact	0	---	2	11%	2	6%	1	2%	3	14%
I.C.E.	1	5%	1	6%	5	15%	3	6%	2	10%
To From & After	0	---	0	---	2	6%	2	4%	0	---
LTRP	2	10%	1	6%	15	18%	9	18%	1	5%
Died Before Decision	0	---	0	---	0	---	1	2%	0	---
<b>Totals</b>	<b>21</b>		<b>18</b>		<b>34</b>		<b>50</b>		<b>21</b>	

**10. Risk Assessments**

As in 2016, a notation was included in each 2017 Record of Decision for lifers indicating that the Parole Board had employed a risk assessment tool to determine the lifer's risk to reoffend.<sup>3</sup> Not noted in any of the Records of Decision was an 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 deci-

<sup>3</sup> 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/CMI™). The Parole Board implemented the LS/CMI in early 2013 for use in release decisions for inmates and supervision strategies for parolees." (pg 13)



sions in which the hearing date and the decision date were both in 2017. Data was provided for thirty-one decisions. The gross numbers for each risk level and the corresponding numbers of approvals and denials comprise the data. Table 11 contains the data for 2017. Table 12 contains data for 2016 and 2017. The percentages were calculated by the Lifers' Group Inc.

TABLE 11

<u>Risk Level</u> <sup>4</sup>	<u>Approvals</u>	<u>Denials</u>	<u>Total</u>	<u>% Approved</u>
Low	0	4	4	0%
Medium	6	15	21	29%
High	1	5	6	17%
Very High	0	0	0	0%
Totals	7	24	31	22%

TABLE 12

<u>Risk Level</u>	<u>Total</u>	2017		2016		Combined		<u>% App.</u>
		<u>App.</u>	<u>Den.</u>	<u>App.</u>	<u>Den.</u>	<u>App.</u>	<u>Den.</u>	
Low	13	0	4	1	8	1	12	7.7
Medium	58	6	15	13	24	19	39	32.8
High	25	1	5	4	15	5	20	25.0
Very High	4	0	0	0	4	0	4	0.0
Totals	100	7	24	18	41	25	75	33.3

What stands out is the number and corresponding low approval percentages for lifers deemed to be Low risks to recidivate. it is difficult to comprehend why in both 2016 and 2017 more lifers rated High risks (5) were paroled than only one Low risk lifer. The approval percentage for High risks was more than triple that for Low risks - 25% vs 7.7%. In addition, Medium risk lifers were paroled in 2016 and 2017 more than four times the rate for Low risks. The statistics beg several questions. Why does the Parole Board continue to use an instrument when the Parole Board seems to ignore the results? What significance does the Parole Board give to its risk assessment tool? This is not to argue that lifers deemed Medium or High risks should not be considered for paroles. But, how can 92% of those deemed Low risks to reoffend

<sup>4</sup> There is a Very Low risk level. No lifer in the samples for 2016 or 2017 was rated a Very Low risk to reoffend.

not be paroled? Common sense would dictate that those who are the best bets not to commit new crimes if paroled are the ones who should be rejoining society. Yet, the Parole Board seemingly disregards the risk assessments of the thirteen lifers deemed Low risks by the very instrument the Parole Board claims "identifies an individual's risk to recidivate." If the Parole Board does not trust either the validity or the 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.<sup>5</sup> But, if the results are disregarded, then using the instrument seems a waste of time and valuable resources. The Parole Board should include in each Record of Decision the risk level to recidivate as determined by the assessment tool as well as the lifer's "criminogenic needs," information which would be very useful for program participation and preparation for parole hearings. When a lifer with a Low or Medium risk level is denied parole, the Parole Board should explain exactly why the parole was denied in the Record of Decision and why the Parole Board chose to deviate from the Risk Assessment result. It is not unreasonable to suggest 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.

<sup>5</sup> 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

### 11. Lifers Not Convicted Of Second Degree

Of the eighty-seven Records of Decision for 2017, five (6%) were for lifers serving a life sentence with the possibility of a parole for crimes other than second degree murder. That percentage was lower than 2016 (9%), 2015 (13%), 2014 (14%), and 2013 (12%) for this cohort of lifers. All five lifers in this subset who appeared before the Parole Board in 2017 were convicted of rape charges. Of the five, one (20%) was approved for a parole. From 2013 through 2017, only 17% of lifers serving life for a crime other than second degree murder were paroled (12 of 72). Table 13 below presents the data for Lifers Not Convicted of Second Degree Murder from 2013 through 2017.

TABLE 13

<u>Crime</u>	<u>2017</u>		<u>2016</u>		<u>2015</u>		<u>2014</u>		<u>2013</u>	
	#	App.	#	App.	#	App.	#	App.	#	App.
Sexual Assaults	5	1	3	0	9	2	12	0	9	1
Burglary	0	0	1	1	1	0	2	1	2	0
Arm Rob./Assaults	0	0	3	1	4	1	3	0	4	2
Unarmed Robbery	0	0	2	1	1	0	3	0	2	2

TABLE 13 (cont.)

Crime	2017		2016		2015		2014		2013	
	#	App.	#	App.	#	App.	#	App.	#	App.
Home Invasion	0	0	0	0	0	0	1	1	0	0
Totals	5	1	9	3	15	3	21	2	17	3
% App.	20%		33%		20%		9.5%		17.6%	

## 12. Time Between Hearing Dates and Dates of Decisions

Each Record of Decision notes the date of the public hearing and the date of the decision. Exactly what the date of decision means is not defined. The Parole Board's regulations require that parole decisions are to be made at the next regularly scheduled executive session after a public hearing has been conducted. [120 CMR 301.06(6)] In addition, 120 CMR 301.08 requires that lifers who have been denied paroles are to be informed with a written summary, presumably the Record of Decision, "within 21 calendar days after the decision has been rendered." What is not reported in every Record of Decision is when the executive session was held. Consequently, lifers who are denied paroles have no indication as to whether the Parole Board met the twenty-one day notification requirement. The Records of Decision also 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 available data in the Records of Decision is the length of time between the Hearing Dates and the Dates of Decision.

The average lengths of time between the Hearing Dates and the Dates of Decision had been decreasing significantly from 2013 through 2015. 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 2017, that average length of time increased yet again, from one hundred forty-four days to one hundred eighty-two days - an increase of 26.4%. It is significant to note that for the last nine Records of Decision received for 2017, the average length of time was two hundred thirty-four days. All average lengths of time are calculated by the Lifers' Group Inc.

Besides having to wait now over six months from the date of a hearing to receive a decision, the delay impacts lifers who are approved and have to serve time in lower security. Those lifers, once they receive their decision, then have to wait to be transferred to lower security which can take over a year. It should also be pointed out that if a lifer is denied and receives a Setback, that Setback begins with the Date of the Hearing, not the Date of the Decision. If a lifer receives a one year Setback and it takes over six months for the lifer to be notified, that then allows less than six months to transpire before the next hearing. If the Parole

Board had indicated in the Record of Decision that the lifer should address certain program needs or to correct any deficiencies in his/her parole plan, there is little time left before the next hearing to do so adequately.

Table 14 below presents the data for the lengths of delays between Hearing Dates and Decision Dates as noted in the Records of Decision for 2013 through 2017 as well as the frequency percentages in ( ) for each subset.

TABLE 14

<u>Length of Delays In Days</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>	<u>2013</u>
1 - 100	2 (2%)	16 (16%)	91 (78%)	35 (25%)	35 (26%)
101 - 200	63 (72%)	75 (75%)	21 (18%)	43 (31%)	18 (13%)
201 - 300	21 (24%)	5 ( 5%)	5 ( 4%)	34 (25%)	29 (21%)
300+	1 ( 1%)	4 ( 4%)	0 ( 0%)	27 (19%)	55 (40%)
Total # of Decisions	87	100	117	139	137
Average Length of Delay	182	144	87	193	257

13. Juveniles At The Time Of The Crime

Those under the age of 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 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 sentences became eligible for parole after having served fifteen years. Only one such lifer was given a parole hearing in 2017 at a Review Hearing. That lifer was denied and given a one year Setback. This continued the trend begun in 2015 of dramatic decreases in approval percentages for juvenile lifers who had been serving LWOP. Since the 2014 SJC decision to allow juveniles serving LWOP to have parole hearings, thirty-seven parole hearings have been held and Records of Decision posted online by the end of 2017. Of those thirty-seven hearings, thirteen juvenile lifers (35%) have received paroles. It is instructive to point out that, as of the date of this report, not one of those ex-juveniles has been returned to prison for either a technical violation or a new crime.

In addition, sixteen lifers serving second degree life sentences for crime(s) committed while juveniles had parole hearings in 2017. Of those sixteen, five (31%) were granted paroles.

14. Attorney Representations

Of the eighty-seven Records of Decision posted online in 2017, fifty-three (61%) indicated that an attorney was present at the hearing representing the lifer. Each attorney was identified by name. The percentage of attorneys representing lifers at hearings before the Parole Board increased from 52% in 2016. Fifteen of those fifty-three lifers in 2017 who were represented by an attorney were granted paroles. A parole rate of 28%, a significant increase from 2016 when the parole rate was 9%.

A total of forty different attorneys represented lifers at parole hearings in 2017. Attorney John Rull represented eight lifers - four were approved for paroles. Attorney Brian Kelly represented three lifers and attorneys Richard Sobelman, Catherine Hinton, Lorenzo Perez, and Jason Benzaken each represented two lifers. Law students represented twelve lifers, one of whom was paroled. Twenty-two attorneys represented one lifer each in separate hearings, seven of those lifers were approved for paroles.

Table 15 below presents the data for the fifty-three parole hearings in 2017 in which attorneys were present and represented lifers. The \* Review Hearing were those for lifers who had a prior parole revoked.

TABLE 15

<u>Attorney</u>	<u>Approvals</u> <u>Type of Hearing</u>			<u>Denials</u> <u>Type of Hearing</u>		
	<u>Initial</u>	<u>Review</u>	<u>Review*</u>	<u>Initial</u>	<u>Review</u>	<u>Review*</u>
Law Students (12)	0	1	0	1	8	2
John Rull (8)	0	0	4	0	4	0
Brian Kelly (3)	0	0	1	0	2	0
Richard Sobelman (2)	0	0	0	1	0	1
Catherine Hinton (2)	0	0	1	1	0	0
Lorenzo Perez (2)	0	0	1	1	0	0
Jason Benzaken (2)	0	0	0	0	1	1
Other Attorneys (22)	0	2	5	2	9	4
<b>Totals (53)</b>	<b>0</b>	<b>3</b>	<b>12</b>	<b>6</b>	<b>24</b>	<b>8</b>

Of the twenty-one lifers who were approved for paroles in 2017, fifteen (71%) had been represented by counsel. Table 16 on page 19 contains the data for approvals and denials for the eighty-seven hearings posted online in 2017 and the combined data for 2015, 2016, and

Parole Decisions For Lifers - 2017

2017 broken down by whether or not there was an attorney present. All numbers and percentages regarding attorneys representing lifers were calculated by the Lifers' Group Inc.

**TABLE 16**

	2017 <u>App.</u>	2015- 2017 <u>App.</u>	2017 <u>Den.</u>	2015- 2017 <u>Den.</u>	Overall <u>App. %</u>
Attorney	15	38	38	128	22.9%
No Attorney	6	35	28	103	26.7%
Totals	21	73	66	231	

Total number of decisions for 2017 - 87.

Total number of decisions for 2015 through 2017 - 304.

**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. From 2013 through 2017, four hundred and forty-three Records of Decision have been reviewed. The overall approval rate for all races was 28%. The approval rate for Caucasians was 36%, for African-American - 37%, for Latinos - 24%, and for Asians - 3%.

It should be noted that the assignment of racial affiliation was determined by members of the Lifers' Group Inc., but only with firsthand, personal knowledge of the individual lifer's racial affiliation. This is a less than optimum method, but no racial affiliation is indicated on any Record of Decision. Of the eighty-seven Records of Decision for 2017, thirty-two (37%) were Caucasians, thirty (35%) were African-Americans, twenty-three (26%) were Latinos, and two (2%) were Asians. Table 17 below presents the data regarding the racial breakdowns of the parole decisions for lifers in 2017.

**TABLE 17**

	Cau.		Afr./Am.		Latino		Asian	
	<u>App.</u>	<u>Den.</u>	<u>App.</u>	<u>Den.</u>	<u>App.</u>	<u>Den.</u>	<u>App.</u>	<u>Den.</u>
#	9	30	7	19	5	15	0	2
% of Total #	10%	34%	8%	22%	6%	17%	0	2%
% of Racial Category	30%	70%	27%	73%	33%	67%	0	100%

Table 18 below presents the combined data for the one hundred and twenty-three Approvals of paroles for lifers from 2013 through 2017 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	44	205	36%	21%
Afr.-Amer.	46	137	37%	34%
Latino	29	87	24%	33%
Asian	4	14	3%	29%
Totals	123	443	28%	

16. Age At Time Of Hearing

In August 2016, the Lifers' Group Inc. published a report entitled: *An Analysis Of Parole Decisions For Lifers By Age At Time Of Hearing* (see [www.realcostofprisons.org/writing](http://www.realcostofprisons.org/writing)). In that report, data was studied from 897 parole decisions for lifers rendered by the Parole Board between January 1, 2006 and January 1, 2016. The hypothesis was that lifers who were older, i.e., over age 50 at the time of the parole hearing would be paroled at a higher rate than younger lifers who would have served fewer years of incarceration. 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 (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 a nearly 1 in 2 chance of being paroled (47%), while those over age 50 at the time of the parole hearing had a 1 in 5 chance (21%).

In 2017, the Approval rate for lifers age 50 and younger was 16% (6 of 37); the Approval rate for lifers older than age 50 was 30% (15 of 50). The year 2017 was the first in which the Lifers' Group Inc. has been tracking this statistical category that older lifers were paroled at a higher rate than younger lifers. Still, for the period 2006 through 2017, the difference in paroling rates by age remains in favor of younger lifers - 32% for those 50 and younger vs 21% for lifers over age 50, albeit the gap is becoming less narrow.

The overall Approval rate for lifers age 33 to 40 at the time of their hearings dropped significantly from 43% in 2016 to 10% in 2017. The Approval rate for lifers age 40 - 45 at the

time of their hearings significantly from 0% in 2016 to 29% in 2017. In addition, the Approval rates for lifers age 60+ at the time of their hearings increased from 9% in 2016 to 48% in 2017. The following tables present the data regarding ages of lifers at the time of their parole hearings for 2017 and for 2006 through 2017.

**TABLE 19**

**# and % of Approvals / Denials By Age Category - 2017**

	33-40	40-45	45-50	50-55	55-60	60+	Totals
App.	1 (10%)	4 (29%)	1 ( 8%)	2 (14%)	3 (20%)	10 (48%)	21
Den.	9 (90%)	10 (71%)	12 (92%)	12(86%)	12 (80%)	11 (52%)	66
Totals	10	14	13	14	15	21	87

**TABLE 20**

**# and % of Approvals / Denials By Age Category - 2006 - 2017**

	33-40	40-45	45-50	50-55	55-60	60+	Total
App.	85 (41%)	51 (31%)	46 (23%)	35 (20%)	28 (20%)	46(23%)	291
Den.	122 (59%)	116 (69%)	153 (92%)	136(80%)	114 (80%)	150(77%)	791
Totals	207	167	199	171	142	196	1082

	Age 50 & Under	Age Over 50	Total
App.	182 (32%)	109 (21%)	291
Den.	391 (68%)	400 (79%)	791
Totals	573	509	1082

**C. SELECTED EXCERPTS FROM 2017 RECORDS OF DECISION**

The following twelve excerpts are quoted directly from Records of Decision for 2017. 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 and negative feedback from Parole Board members to presentations by lifers at individual public hearings in order to offer insight



into the decision making parameters employed by Parole Board members. In offering these excerpts, there is no intent to embarrass or to ridicule any lifer. Rather, the intent is to assist lifers to prepare themselves for their parole hearings and/or to gain insight into what areas they may need to address while incarcerated before they have parole hearing.

The excerpts are divided into two categories - Approvals (6) and Denials (6). The result of each hearing, whether the hearing had been an Initial Hearing or a Review Hearing, and the length of Setback in cases of Denials are included after each excerpt

### Approval Excerpts

1) The Board is of the opinion that \_\_\_\_\_ has fully invested in his rehabilitation and consequently, has acquired the tools and skills that will assist him in a successful transition from incarceration... The Board notes that incarceration has served its purpose. \_\_\_\_\_ actively addressed his substance use issues, remained disciplinary report free, and has maintained employment. In addition, he has strong family support.

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

2) A Board member asked \_\_\_\_\_ to describe the programs that have been the most useful to him. \_\_\_\_\_ stated that "Emotional Awareness allowed me to really, you know, go deeper into my life, my childhood ... face things that I didn't want to face ... gave me a little bit more insight into my behavior as a young kid." \_\_\_\_\_ also said that the program allowed him to talk and discuss his feelings, which was something that he had previously been unable to do "out of shame and fear."

(This lifer was approved at a Review Hearing.)

3) The Board asked \_\_\_\_\_ to discuss his last hearing ... and explain how he has changed since then. \_\_\_\_\_ said that he was arrogant and had assumed a sense of entitlement at his last hearing. He apologized to Board Members for the disrespect he displayed at that hearing. He said that receiving a five year set-back was tough, at first, but it helped him become "more grounded; to be more civilized; to respect my surroundings and people as a whole - to find myself."

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

4) \_\_\_\_\_ believes that the Board's decision to deny parole [after his Initial Hearing] strengthened his resolve to better himself. He became more involved in programming and maintained a record of positive adjustment. \_\_\_\_\_ attributed his positive institutional adjustment to program participation. \_\_\_\_\_ told the Board that the tools he learned in programming have allowed him to stay focused and to think about the consequences of his actions.

(This lifer was approved at a Review Hearing.)

5) Throughout the course of the hearing, \_\_\_\_\_ discussed how both his addiction and his inability to make sound decisions have negatively impacted his life. He described how the Taking A Chance on Change program has provided him with the necessary skills to live a pro-social lifestyle. Since his last hearing, he completed a self-inventory that identifies character defects. He now understands how his patterns of thinking have contributed to his

addiction, errors in judgment, and subsequent parole failures. \_\_\_\_\_ also explained how the Big Book 12 Step and NA/AA programs have taught him humility. He believes that these programs have been instrumental in helping him understand his addiction, as well as providing him with the necessary tools to prevent relapse and live as a productive member of society. \_\_\_\_\_ understands that parole is a privilege and is not to be taken lightly.

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

6) The Board is of the unanimous opinion that \_\_\_\_\_ has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. The Board believes that in the circumstances of \_\_\_\_\_'s case, incarceration has served its purpose. The Board also notes that \_\_\_\_\_ has recognized his mishaps on parole and has proposed a solid plan that will mitigate his risk of substance abuse.

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

### Denial Excerpts

1) \_\_\_\_\_ told the Board he thinks he was arrested and convicted of the murder, and subsequent assault, because he was mistakenly identified as the person involved. Board members expressed their struggle to reconcile his proclaimed innocence with his positive identification by several people at the scene. \_\_\_\_\_ believes he was convicted of the crime because there was "manipulation" of the trial and of the evidence presented to the jury.

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

2) The Board conveyed concern that \_\_\_\_\_ demonstrates a disconnect between his upbringing and his substance abuse issues. Board Members expressed concern that he still has not made that correlation and that it may be hindering his rehabilitation. The Board also noted that in the autobiographical statement he submitted, and throughout the hearing, \_\_\_\_\_ seemed to view himself as a victim of the criminal justice system. However, \_\_\_\_\_ has yet to articulate his motive or intent for shooting someone in cold blood. Board Members also noted that \_\_\_\_\_ spoke about how the victim's death affected his own life, but failed to offer any insight into the impact of the murder on the victim's family.

(This lifer was denied at a Review Hearing after a prior parole had been revoked and given a three year Setback)

3) Board members questioned \_\_\_\_\_ about his failure to participate in any sort of institutional or rehabilitative programming. He responded that his job takes up lots of his time and that he is not interested in institutional programming. He told the Board, "It's not that I don't ever plan on participating in such programming, not just in the institution."

The Board questioned \_\_\_\_\_ as to why he has not participated in any substance abuse programming or attended any AA/NA meetings. \_\_\_\_\_ replied that he has been sober for the past 15 years, which has been the longest period of sobriety in his life to date. He said that alcohol and drugs are not part of his anymore, and he does not need programming to keep him sober.

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

4) A Board Member asked \_\_\_\_\_ whether he addressed the areas of anger and violence that were brought to his attention at his last hearing. \_\_\_\_\_ said: "Like as in programming, not really, but in self-programming, the best I can give you is my Bible. That seemed to help me a lot."

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

5) One Board Member notes that his statements were a huge contradiction, which was a consistent problem in his past parole hearings and in this hearing, as well. The Board Member explained that \_\_\_\_\_ has a long pattern (which he admits) of telling people what they want to hear, and it is now hard for the Board to decipher whether he is telling the truth, or just telling them what they want to hear in order to be granted parole.

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

6) The Board asked about his support network and parole plans, if released. \_\_\_\_\_ said that he has strong family support from his brothers, sisters, and fiancée all of whom lived locally. He said that he last saw his fiancée about a year ago, but they speak over the phone. He said that he does not receive any visitors and the last time someone came to see him was his fiancée, about a year ago. \_\_\_\_\_ described a vague parole plan. If paroled, he wants to do something "to be part of the solution and not part of the problem." He did not provide the Board with any specific plans as to where he would live (besides with his fiancée), what he would do for work, or how he would deal with his substance abuse and mental health issues.

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



## Our Mission

To partner with families and other stakeholders to create solutions for sentencing and incarceration reform, promote meaningful parole opportunities for all lifers, and assist lifers and long-termers to live positive lives both inside and outside of prison.

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