

PAROLE DECISIONS FOR LIFERS

FOR THE YEAR 2020

Prepared For The

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Parole Decisions For Lifers

2020

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HIGHLIGHTS FOR PAROLES FOR LIFERS IN 2020

- 1) One hundred nineteen Records of Decision are analyzed in this report. Page 1
- 2) The overall Approval Rate was 43.7%. Page 3
- 3) The Approval Rate for Initial Hearings was 14.7%. Page 3
- 4) The Approval Rate for all Review Hearings was 55.3%. Page 4
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- 6) Active Program Participation was cited most often as an Approval Factor. Page 7
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Introduction

This is the Lifer's Group Inc.'s fourteenth report on parole decisions for lifers. The parole decisions included in this report are those for prisoners serving life sentences whose Records of Decision were provided by the Parole Board pursuant to public records requests after those decisions were posted online in 2020. The total number of parole decisions in this report is 119.

Life sentences with parole reviews are predominantly for prisoners who had been convicted of or pled guilty to second degree murder which involved an actual taking of a life. Records of Decision were also included for juveniles who had previously been convicted of first degree murder, for which there is no parole, but had their sentences overturned by the Supreme Judicial Court under the *Diatchenko* decision, as well as for those serving second degree life sentences for crimes not involving the taking of a life, e.g., rape or armed robbery.

Parole hearings are either an Initial Hearing - for those who appear before the Parole Board for the first time after having served the statutorily mandated fifteen years or a Review Hearing - for those who were denied a parole at a previous Initial or Review Hearing. Review Hearings are divided into two subsets - one for those who have never been approved for a parole, the other for lifers who had been approved previously for a parole, were released but were violated for any one or more of a variety of reasons and, subsequently returned to prison.

In 2020, of the 119 Records of Decision, 98 or 82% of those decisions were unanimous, a percentage consistent with the previous three years. The remaining 21 decisions broke down as follows: six 6-1 decisions (all approved), four 5-2 decisions (all approved), two 5-1 decisions (one approved and one denied), seven 4-3 decisions (2 approved and 5 denied), one 4-2 decision (approved), and one 3-3 decision (denied).¹ As with 2019, the two approvals at 4-3 votes did not comport with the legislative mandate that a parole can be approved only with a minimum of a two-thirds majority. The Parole Board continues to adhere to the Supreme Judicial Court decision that the two-thirds mandate cannot be applied retroactively to lifers who were sentenced prior to the legislative change from a simple majority.

In 2020, the Parole Board continued its practice of providing little or no specific guidance to denied lifers as to which program areas needed to be completed in order to address their needs before their next parole hearing. Exacerbating that deficiency in the Records of Decision, the Parole Board in 2020 introduced a policy of providing Abbreviated Records of Decision, ostensibly in response to the COVID-19 pandemic. In 2020, the Parole Board issued thirty such Abbreviated Decisions of the 119 Records of Decision analyzed in this report. Each of the thirty Abbreviated Decisions was two pages in length and included: the members who voted,

¹ All calculations and tables presented in this report were calculated by the author based on the data extrapolated from the 119 Records of Decision published online by the Parole Board in 2020.

the Statement of The Case, The Decision of the Board, and Special Conditions for those lifers who were approved. Each Abbreviated Decision ended with the following:

IMPORTANT NOTICE: *The above decision is an abbreviated administrative decision issued in an effort to render an expedited resolution in response to the COVID-19 pandemic. _____, though counsel, has waived his right to a full administrative decision.*

Missing in all thirty Abbreviated Decisions was the description of the actual parole hearing which normally contains much of the information useful for preparing this report, including: the history of parole hearings, the parole history of those previously paroled and the reason(s) for their being brought back to prison, any dialogue between members of the Parole Board and the lifer, whether there was any opposition via public testimony or written testimony, and whether or not the relevant Office of the District Attorney had opposed the lifer receiving a parole. In addition, while the above statement indicates that every lifer who received an Abbreviated Decision waived the right to receive a full Record of Decision *through counsel*, eight of the thirty who received Abbreviated Decisions were not represented by counsel at their parole hearings. So, the question remains, from whom, if any, did those eight receive counsel before waiving their rights? From a sampling by the Lifer's Group Inc. of lifers at MCI-Norfolk who had received Abbreviated Decisions in 2020, it was the Institutional Parole Officer, while holding the written Abbreviated Decision in plain sight, who obtained the waiver before releasing the results of the parole hearing.

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 lifer 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 is to determine whether the four goals of sentencing have been met, namely punishment, public safety, deterrence, and rehabilitation.

Given the continued unwillingness of the Parole Board to stipulate which specific areas a lifer needs to address before he or she will be considered a suitable candidate for parole, it is not unreasonable to speculate that the Parole Board considers the importance of those four goals in the order listed above. Additionally, since all Records of Decision are signed by the Parole Board's General Counsel, it is also not unreasonable to speculate that the Parole Board's Legal Department's goal is to ensure that no Record of Decision contains any guidance which could result in a credible legal action if a lifer had completed the programs stipulated as need areas in a prior denial, but then was denied parole at a subsequent hearing.

We continue to be indebted to and thank Lois Ahrens, Founding Director of the Real Cost

of Prisons Project in Northampton, for posting this report and many other Lifer's Group Inc. reports on the Real Cost of Prisons website. All of these reports can be accessed at www.realcostofprisons.org/writing.

RESULTS

1) APPROVAL / DENIAL RATES

Of the 119 Records of Decision for 2020, 52 (43.7%) were approvals for paroles; 67 (56.3%) were denials. Table 1 below presents the data for Approval / Denial Rates from 2016 through 2020.

TABLE 1

Year	# of Hearings	Approvals		Denials	
		#	%	#	%
2020	119	52	43.7	67	56.3
2019	113	44	38.9	69	61.1
2018	127	37	29.1	90	70.1
2017	87	21	24.1	66	75.9
2016	<u>100</u>	<u>18</u>	<u>18.0</u>	<u>82</u>	<u>82.0</u>
Totals	546	172	31.5	374	68.5

Note that the approval percentage rate for 2020 continued the trend of increasing rates of Approvals. The Approval Rate of 43.7% was higher than the 38.9% for 2019. In fact, the 43.7% Approval Rate in 2020 was surpassed only in 2004 (46.6%) as reported by the Lifer's Group Inc. in their respective annual reports on parole rates for lifers.²

2) Initial Hearings

In 2020, thirty-four (34) lifers appeared before the Parole Board for the first time. Five were approved for paroles. The Approval Rate of 14.7% was the highest Approval Rate since 2016.

Table 2 on page 4 presents the data for Initial Hearings from 2016 through 2020.

² The Approval Rates for the years 2003 through 2020 as reported by the Lifer's Group Inc. were: 2020 - 43.7%, 2019 - 38.9%, 2018 - 29.1%, 2017 - 24.1%, 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%, and 2003 - 37.8%.

TABLE 2

Year	# of Hearings	Approvals		Denials	
		#	%	#	%
2020	34	5	14.7	29	85.3
2019	11	0	0.0	11	100.0
2018	27	2	7.4	25	92.6
2017	9	0	0.0	9	100.0
2016	<u>28</u>	<u>4</u>	<u>14.3</u>	<u>24</u>	<u>85.7</u>
Totals	109	11	10.1	98	89.9

The total number of lifers who received Initial Hearings in the years 2016 through 2020 was 109. Only eleven of those were approved, rendering a combined Initial Hearing Approval Rate of 10.1%. In comparison, for 2014 and 2015, seventy-two lifers had Initial Hearings with a 31% Approval Rate (22 of 72).³ It is difficult to comprehend why from 2016 through 2020, only eleven of 109 lifers were deemed fit for a parole at Initial Hearings, as compared to double that number for 2014 and 2015 combined. The Legislature set a standard of fifteen years to be served prior to a Initial Hearing. But, the Parole Board appears to be utilizing a higher requirement before the members give serious consideration to paroling lifers after Initial Hearings. If the Legislature had set a minimum length of imprisonment higher than fifteen years, the law would reflect that. The Parole Board needs to justify the dramatic decrease in the Approval Rates for Initial Hearings over the past five years.

3) Review Hearings

The Approval Rate for all Review Hearings held in 2020 was 55.3% (47 of 85), an increase from 43% in 2019. Of the 85 Review Hearings, 68 were for lifers who had never previously been paroled. The Approval Rate for this subset was 52.9% (36 of 68), an increase from 37% in 2019. The remaining seventeen lifers had Review Hearings after having had a previous parole revoked. Of this subset, eleven were approved, an Approval Rate of 65%, an increase from 61% in 2019. Table 3 on page 5 presents the Approval and Denial Rates for all Review Hearings for 2016 through 2020. In addition, Table 4 on page 5 presents the Approval Rate data for both subsets of Review Hearings for 2016 through 2020. For the first time in the past five years, the Approval Rate for lifers having a Review Hearing without having had a prior parole revoked exceeded 50%.

³ See Parole Report For Lifers - 2019 published by the Lifer's Group Inc. in September 2020.

TABLE 3

Year	# of Hearings	Approvals		Denials	
		#	%	#	%
2020	85	47	55.3	38	44.7
2019	102	44	43.1	58	56.9
2018	100	35	35.0	65	65.0
2017	78	21	26.9	57	73.1
2016	<u>72</u>	<u>14</u>	<u>19.4</u>	<u>58</u>	<u>80.6</u>
Totals	437	161	36.8	276	63.2

TABLE 4

Year	Non-Revoked			Revoked		
	# of Hearings	Approvals #	%	# of Hearings	Approvals #	%
2020	68	36	52.9	17	11	64.7
2019	74	27	36.5	28	17	60.7
2018	76	24	31.6	24	11	45.8
2017	46	7	15.2	32	14	43.8
2016	<u>49</u>	<u>5</u>	<u>10.2</u>	<u>23</u>	<u>9</u>	<u>39.1</u>
Totals	313	99	31.6	124	62	50.0

4) Comparing Approval Rates For The Three Types of Hearings

Table 5 below presents comparative Approval Rates for each type of hearing from 2016 through 2020.

TABLE 5

Year	Initial	Review - No Revocation	Review After A Revocation
2020	14.7%	52.9%	64.7%
2019	0.0%	36.5%	60.7%
2018	7.4%	31.6%	45.8%
2017	0.0%	15.2%	43.8%
2016	14.3%	10.2%	39.1%

5) Reasons For Returns From Prior Life Paroles

In 2020, there were 17 Review Hearings for lifers who had been returned to prison from a prior parole for violating one or more stipulations conditional for remaining out on parole. 2020 was no different from any other year the Lifer's Group Inc. has reported on the reasons for returns. Parolees continued to be violated for Substance Abuse (alcohol and/or drug use or possession) at a significantly higher rate than for any other reason - 11 of the 17 or 65%. The Approval Rate in 2020 for those returned for Substance Abuse was 91%, an increase from 2019 (83%) and 2018 (42%). Of the 17 returnees who had Review Hearings in 2020, no lifer was returned for a non-technical violation, i.e., arrests on new charges or convictions of new crimes.

The reasons for returns to prison from paroles and the number paroled for each reason from 2016 though 2020 are listed in Table 6 below.

TABLE 6

Reason	2020		2019		2018		2017		2016	
	#	App.	#	App.	#	App.	#	App.	#	App.
Substance Abuse	11	10	12	10	12	6	13	6	8	1
Domestic Violence	1	0	4	2	1	0	3	1	2	1
Lying to P.O.	1	1	3	3	1	1	3	1	0	0
Associations	2	0	2	0	2	1	5	2	8	2
Indecent Assault	0	0	2	0	0	0	0	0	0	0
Assault & Battery	0	0	1	0	2	1	0	0	0	0
Fighting	0	0	1	1	0	0	0	0	0	0
Larceny	0	0	1	0	0	0	2	2	0	0
Escape	0	0	1	0	0	0	2	1	0	0
Felony Arrests	0	0	0	0	1	1	2	0	2	2
Mental Health Issues	0	0	0	0	1	0	1	1	0	0
Armed Robbery	0	0	0	0	0	0	1	0	0	0
DUI	0	0	0	0	0	0	0	0	1	1
Stalking	2	0	0	0	0	0	0	0	1	1
Failure To Pay Fees	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>4</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>
Totals	17	11	28	17	24	11	32	14	23	9
% Approved	65.3		60.7		45.8		43.5		39.1	

6) Approval Factors

The Approval Factors listed in Table 7 below were extrapolated by the Lifer's Group Inc. from the actual language in the Records of Decision. These factors have been consistently utilized for our studies of parole decisions for lifers since 2003. The Parole Board rarely specifies as to why a particular lifer was approved, e.g. what programs were completed successfully. Rather, the Parole Board continues to employ the same boilerplate language for every lifer such as:

In forming this opinion, the Board has taken into consideration _____'s institutional behavior as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize _____'s risk of recidivism. After applying this appropriately high standard to the circumstances of _____'s case, the Board is of the opinion that _____ is rehabilitated and merits parole at this time.

The only changes for lifers who were denied parole are to insert *not yet* between "is" and "rehabilitated" and *therefore does not* between "and" and "merits" in the last line.

Table 7 below lists the number of approval decisions as noted in parentheses below the year and the percentages of frequency for each factor.

TABLE 7

Factor	2020 (52)	2019 (44)	2018 (37)	2017 (21)	2016 (18)
Active Prog. Part.	94.0	79.5	91.9	90.5	94.4
Addressed Need Areas	90.0	84.1	89.2	90.5	66.7
Community Support	25.0	38.6	37.8	61.9	33.3
No Risk of Violence	19.0	0.0	16.2	9.5	0.0
Minimal Disc. Hist.	12.0	27.3	40.7	13.6	38.9
Four Goals of Sent. Met	12.0	9.1	18.9	28.6	5.5
Steady Employment	2.0	9.1	16.2	14.3	16.7
Non-Shooter	2.0	0.0	3.7	0.0	0.0
Successful Parole History	0.0	2.3	0.0	0.0	0.0
No Relapse On Parole	0.0	2.3	0.0	0.0	0.0
No New Crime On Parole	0.0	2.3	3.7	0.0	0.0
Juv. 1st Degree	0.0	0.0	3.7	0.0	11.1
Support From Vic. Family	0.0	0.0	0.0	4.8	0.0

The Parole Board continued the trend begun in 2016 of placing strong emphasis on program participation, while rarely naming any specific programs in which the members encourage lifers to complete successfully. The actual number of certificates or other documentation attesting to the completion of a large number of programs did not seem to impress Parole Board members as much as whether or not a lifer had engaged in programs which, in the Parole Board members' eyes, were designed to address whatever his/her areas of need were. More important than mere attendance in programs was what the lifer could communicate he/she had learned and how that knowledge would be utilized if paroled.

As in past years, merely working a prison job or engaging in a personal self-improvement plan or a religious conversion alone, no matter how well intentioned, did not prove to be pathways to being approved for a parole. The Parole Board, while not discounting steady employment or following a self-imposed religious faith completely, did not view those as adequate substitutions for meaningful participation in and completion of DOC offered programs which addressed specific needs areas such as violence reduction, drug or alcohol use, understanding the effects of criminal activity on victims, victim family members and the community as a whole.

In addition, merely accepting responsibility, expressing remorse, or having a solid parole plan all were minimum thresholds the lifer needed to pass over before the Parole Board would consider whether or not a parole was appropriate. The absence of one or more of those factors, however, was enough to cause the Parole Board to deny a lifer a parole.

7) Denial Factors

In 2020, seventeen separate factors were cited for denying paroles. As with Approval Factors, most Records of Decision in which a lifer was denied a parole cited multiple factors. It is important to note that the Approval and Denial factors were developed by the Lifer's Group Inc. and have been used consistently for reports on parole decisions for lifers. As with the Approval Factors, each Denial Factor reflects the actual language contained in the Records of Decision.

Table 8 on the following page presents the comparative percentage data for the frequencies of the Denial Factors from 2016 through 2020. The total number of denials for each year is noted in parentheses.

TABLE 8

Factor	2020 (67)	2019 (69)	2018 (90)	2017 (66)	2016 (82)
Unaddressed Issues	69.0	29.0	55.6	40.9	20.7
Needs Longer Period of Adj.	58.0	40.6	45.6	66.7	61.0
Lack of Insight	34.0	27.5	47.8	24.2	6.1
Serious Disc. History	28.0	14.5	13.3	15.2	11.0
Limited Prog. Part.	25.0	0.0	23.3	7.6	13.4
Unresolved Sex Issues	18.0	13.0	8.9	27.3	4.9
Lying At The Hearing	10.0	17.4	13.3	15.2	11.0
Mental Health Issues	10.0	15.9	7.8	6.1	11.0
Release Incompat. For Soc.	7.0	95.7	83.3	37.9	48.8
Violent Hist. In Prison	6.0	4.3	7.8	6.1	2.4
Lack of Compassion	5.0	2.9	10.0	7.6	0.0
Cont. Drug Addic. in Prison	4.0	2.9	2.2	3.0	0.0
Diminishes Responsibility	4.0	14.5	27.8	16.7	7.4
Factual Inconsistencies	3.0	2.9	3.3	12.1	0.0
Poor Parole Performance	3.0	1.5	8.9	18.2	3.6
Address Areas of Deceit	3.0	0.0	6.6	0.0	1.2
Lack of Parole Plan	1.0	2.9	0.0	12.1	0.0
No Supporters Present	0.0	0.0	2.2	9.0	11.0

The Lifer's Group Inc. continues to emphasize that at parole hearings, lifers need to maintain control of their emotions, particularly when sensitive questions are raised by Parole Board members or if a Parole Board member challenges a lifer's truthfulness. Often such questions are posed precisely to see what, if any, reaction they may elicit. For instance, if a lifer states that he/she has learned various coping skills from programs such as Alternatives to Violence or Anger Management, including what his or her individual triggers are, and then the lifer reacts with hostility, the result will be a denial as the lifer has simply demonstrated that he/she has not learned the lessons well enough. The lifer will be told that he/she needs further time in prison to address such areas of concern..

Lifers need also to remember that questions asked by the Parole Board members are not to be taken personally, especially when such questions are designed to test whether a lifer is able to return to society with the necessary skills to live a productive and crime-free life. It is the welfare of society which the Parole Board is most concerned with, not handing out second chances.

Lastly, lifers need always be honest about program participation. Parole Board members have the lifer's full history, including institutional programs. So, claiming to have attended programs like 12-Steps invites the question: Which step is your favorite? Being unable to name a favorite step and why it is his/her favorite to the satisfaction of the Parole Board members, only casts doubt on the lifer's truthfulness. Similarly, a lifer should never claim to be a veteran of the armed forces, if that lifer never actually served. Both scenarios are not hypothetical. Both actually occurred and resulted in denials of parole.

8) Setbacks

In 2020, the Parole Board continued to assess Setbacks, i.e., the length of years a lifer would have to serve before his/her next parole hearing, but failed again to offer any rationale for the length determined by the members. When there was a disagreement among Parole Board members in the length of Setback, a footnote cited the lack of unanimity, giving the number of Parole Board members who voted for each length, but no reasons to account for the differences. Nor has the Parole Board ever issued any explanation as to what standards may exist for determining lengths of Setbacks or what Parole Board members may employ in making those decisions. The Parole Board needs to publish whatever standards or guidelines, if any, are utilized in determining the lengths of Setbacks. The only information presently available is that any lifer who receives a tied vote will receive a one year Setback.

Understanding the rationale for any given Setback is particularly important for those lifers who received a Setback of three years and then returned to the Parole Board after having served the three years, only to be denied again and then given a longer Setback of four or five years, with no reason why the Setback had increased.

Table 9 below presents the comparative data for the numbers and percentages for the various Setbacks given by the Parole Board from 2016 though 2020. The numbers in parentheses denote the total number of denials for each year.

TABLE 9

Year	1 Year		2 Years		3 Years		4 Years		5 Years	
2020 (67)	1	1%	11	16%	20	30%	19	29%	16	24%
2019 (69)	0	0%	8	11%	24	35%	18	26%	19	28%
2018 (90)	4	4%	9	10%	24	27%	15	17%	38	42%
2017 (66)	4	6%	10	15%	16	24%	14	21%	22	33%
2016 (82)	<u>6</u>	7%	<u>14</u>	17%	<u>18</u>	22%	<u>13</u>	16%	<u>31</u>	38%
Totals (374)	15	4%	52	14%	102	27%	79	21%	126	34%

In Table 10 below, the Setback numbers and percentages for the sixty-seven denials in 2020 are broken down by type of hearing: Initial, Review (*) with no prior parole, and Review (**) after a revoked parole.

TABLE 10

Type	1 Year		2 Years		3 Years		4 Years		5 Years	
Initial (29)	1	3%	4	14%	8	28%	10	34%	6	21%
Review * (32)	0	0%	5	16%	9	28%	8	25%	10	31%
Review ** (6)	0	0%	2	33%	3	50%	1	17%	0	0%

Table 11 below gives the combined data for 2019 and 2020.

TABLE 11

Type	1 Year		2 Years		3 Years		4 Years		5 Years	
Initial (41)	1	2%	4	10%	12	29%	14	34%	10	25%
Review * (79)	0	0%	12	15%	24	30%	22	28%	21	27%
Review ** (16)	0	0%	3	19%	8	50%	1	6%	4	25%

9) Approved Lifers' Destinations

Of the fifty-two lifers approved for paroles in 2020, eight were released directly to approved home plans and nine to interstate transfers. Twenty were approved to go to a Long Term Residential Program (LTRP), fifteen of which were required to serve from six to eighteen months in lower security. One lifer was paroled to a From & After Sentence to be served consecutively from the life sentence. Another lifer's destination was to the Federal Bureau of Prisons. Eight lifers' destinations were Residential Care Facilities; two were to Sober Houses.

Table 12 below and continuing on page 12 presents the data for the destinations of approved lifers from 2016 through 2020.

TABLE 12

Destination	2020		2019		2018		2017		2016	
Home Plan	8	16%	8	22%	7	21%	8	38%	3	16%
LTRP - Direct	5	10%	4	11%	4	13%	2	10%	1	6%
LTRP - 6 Mo	5	10%	3	8%	5	15%	1	5%	2	11%
LTRP - 9 Mo	0	0%	1	3%	0	0%	3	14%	1	6%

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LTRP - 12 Mo	6	12%	5	14%	7	21%	3	14%	5	27%
LTRP - 18 Mo	4	8%	3	8%	1	3%	3	14%	2	11%
LTRP - 24 Mo	0	0%	1	3%	0	0%	0	0%	1	6%
Interstate	9	18%	8	22%	3	9%	0	0%	2	11%
I.C.E.	3	6%	2	6%	6	18%	1	5%	1	6%
Sober House	2	4%	1	3%	0	0%	0	0%	0	0%
Resid. Care	8	16%	0	0%	0	0%	0	0%	0	0%

10 Risk Assessments

For the past four years, the Lifer's Group Inc. has sought via public records requests a breakdown of the risk assessments for lifers who had parole hearings in each year. On each Record of Decision, the Parole Board notes that it employed a risk assessment tool to determine the lifer's risk to reoffend. The Parole Board does not, however, note what an individual lifer's risk assessment result is on the Record of Decision, i.e., low, medium, high, or very high. Thus, the Parole Board does not publish what actual risk any individual lifer may pose to public safety if released on a supervised lifetime parole. Consequently, the Parole Board can avoid responding when questioned why any low risk lifer was not paroled.

Table 13 below contains the risk assessment data reported to the Lifer's Group Inc. by the Parole Board for 2020.

TABLE 13

Risk Level	# Approved	# Denied	Total	% Approved
Low	7	5	12	58%
Medium	48	52	100	48%
High	4	29	33	12%
Very High	1	4	5	20%

Table 14 below presents the combined Risk Assessment data provided by the Parole Board for 2017 through 2020.

TABLE 14

Risk Level	# Approved	# Denied	Total	% Approved
Low	20	25	45	44%
Medium	92	146	238	39%
High	17	94	111	15%
Very High	1	13	14	7%

From 2017 though 2019, the Parole Board provided risk assessment data only for those lifers who had had a parole hearing and a decision rendered in the same year. That data was in gross figures and not specific to any lifer. In 2020, the Parole Board provided data for one-hundred fifty lifers without identifying any particular lifer. Since the number of Records of Decision posted online and supplied to the Lifer's Group Inc. for 2020 was 119, the Parole Board has included for 2020 thirty-one lifers whose Records of Decision are not included in this report.

The gap of only five percentage points in Table 14 between the Approval Rates for Low Risk (44%) and Medium Risk (39%) seems surprisingly small. Additionally, that over one-half of those assessed as Low Risks to reoffend (56%) were denied paroles is even more troubling. Are the Parole Board members, even though mandated by the legislature to employ a reliable risk assessment tool to determine the probability of a lifer reoffending, discounting the results? It would seem only logical that if a lifer were found to be a low risk to reoffend that he/she should be, at the very least, presumed to be paroled unless the Parole Board can point to specific reasons why the parole should be denied. Unfortunately, the Records of Decision do not explain with any specificity why a lifer was denied a parole or what steps he or she should take in order to be paroled. Low risk lifers surely deserve a more detailed explanations as to why they were denied paroles rather than what they receive now.

11) Lifers Serving Life For Non-Homicides

Of the 119 Records of Decision for 2020, twelve or 10% were for lifers who were serving life for crimes which did not involve the loss of a life, such as armed robbery or rape. Table 15 below presents the number for each category of crime and the number approved for a parole for the years 2016 though 2020.

TABLE 15

Crime	2020		2019		2018		2017		2016	
	#	App.	#	App.	#	App.	#	App.	#	App.
Rape	8	0	9	1	4	0	5	1	3	0
Armed Rob./ Assaults	3	2	3	1	1	0	0	0	3	1
Unarm. Rob.	1	1	2	1	0	0	0	0	2	1
Burglary	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>	<u>1</u>
Totals	12	3	14	3	5	0	5	1	9	3
%App.	25%		21%		0%		20%		33%	

12) Time Between Hearing Dates And Dates Of Decision

Each Record of Decision notes both the date the public hearing was held and the date of decision. In 2020, in response to repeated public records requests, the Parole Board revealed that the Date of Decision was not the date the Parole Board actually made its decision in an Executive Session, but, rather, the date the Record of Decision was signed off by the Parole Board's General Counsel. The Parole Board's own regulations require the Parole Board to meet in a regularly scheduled executive session after the public hearing had been held - 120 CMR 301.06(6). This is important for lifers who are denied a parole since the Parole Board's regulations also require that any lifer who is denied be notified in writing of that denial "within 21 calendar days after the decision has been rendered." (120 CMR 301.08) Given that the average length of time between Hearing Dates and Dates of Decision in 2020 was 225 days, one question that the Parole Board needs to answer is: Why did it take over seven months for lifers to have to wait between the Hearing Dates and the Dates of Decision, when they received their written Record of Decision? In addition, since the specific date the Parole Board members met in an executive session is not noted on any Record of Decision, no lifer who has been denied can determine whether or not the 21 day notification requirement had been met. The Lifer's Group Inc. filed a public records request asking for the "number of times in the year 2020 the Parole Board members met in executive session to render decisions regarding lifers who had a prior hearing. Is there a regular schedule for executive sessions?" The Parole Board's response from Charles Walsh, Legal Counsel, was: "Please note that the Public Records Law only applies to records. A respondent is not required by the Public Records Law to answer questions or create a record in response to a public records request." With the refusal of the Parole Board to disclose information concerning when the members meet in executive session, there appears to be no way at present to ensure that the Parole Board is adhering to its own regulations.

As noted above, the average time between Hearing Dates and Dates of Decision in 2020 was 225 days, which was 65 fewer days than the average for 2019. In 2020, the shortest length of time between the two dates was 55 days; the longest was 378 days. In 2020, as has been noted in this report, the Parole Board introduced Abbreviated Decisions as a response to the COVID-19 pandemic and in an effort to reduce the time lifers had to wait to receive their shortened Records of Decision. Thirty Abbreviated Decisions were rendered in 2020 and the average time between Hearing Dates and Dates of Decision for those thirty Abbreviated Decisions was 180 days. The average number of days between Hearing Dates and Dates of Decision for the eighty-nine non-Abbreviated Decisions was 240 days.

While there is no required time for notification for those approved for paroles, the

continued long delays between Hearing Dates and Dates of Decision only serves to lengthen the time of incarceration before a lifer is moved to lower security, released to the street or to another jurisdiction. As noted in Table 1 on page 3, fifty-two lifers were approved for paroles in 2020. Waiting on average 225 days for a decision meant that those approved for parole, either to home plans or transfers to other institutions or programs, still then had to wait on average over seven months before being released or the DOC was able to effect that transfer.

Table 16 below presents the data for the lengths of delay between Hearing Dates and Dates of Decision with frequency percentages for 2016 through 2020.

TABLE 16

Length in Days	2020		2019		2018		2017		2016	
1 - 100	7	6%	0	0%	4	3%	2	2%	16	16%
101 - 200	39	33%	1	1%	2	2%	63	72%	75	75%
201 - 300	47	39%	73	65%	31	24%	21	24%	5	5%
300 +	<u>26</u>	22%	<u>39</u>	34%	<u>90</u>	71%	<u>1</u>	1%	<u>4</u>	4%
Total # of Decisions	119		113		127		87		100	
Ave. Length of Delay	225		290		310		182		144	

13) Juveniles At Time Of The Crime

Those under the age of 18 at the time of the commission of their crimes and were serving life-without-parole (LWOP) sentences became eligible for parole hearings after the *Diatchenko* decision by the Supreme Judicial Court (SJC) in 2014.

In 2020, ten juveniles formerly serving LWOP and who had completed at least fifteen years of incarceration appeared before the Parole Board. Three were approved for paroles - a parole rate of 30%. Since 2014, fifty-nine parole hearings have been held for juveniles formerly serving LWOP sentences and for which the Lifer's Group Inc. has reviewed their respective Records of Decision. Of those fifty-nine hearings, twenty-one juveniles at the time of their crime(s) and serving LWOP were paroled, a parole rate of 36%.

In 2020, fourteen juveniles who were serving second degree life sentences, i.e., with the possibility of parole, appeared before the Parole Board after having served at least the requisite fifteen years of incarceration, twelve or 86% were approved for a parole.

In 2020, a total of twenty-four lifers who had committed their crimes before the age of 18 had parole hearings. Six had Initial Hearings - two were approved, both serving second degree life sentences. Eighteen had Review Hearings, thirteen or 72% were approved - only three of those thirteen juveniles were formerly serving LWOP sentences.

14) Attorney Representation

Of the 119 Records of Decision posted online in 2020, in seventy or 59% the notation was made that the lifer had been represented by counsel and said counsel was named. Of the lifers represented by counsel, forty were approved for parole at an Approval Rate of 57% - an increase from 45% in 2019. Of the forty-nine lifers who were not represented by counsel, twelve or 24% were approved for paroles, a decrease from 33% in 2019.

Student attorneys from Harvard (PLAP) and Northeastern represented lifers at twenty-one hearings - thirteen and eight respectively. Of those twenty-one lifers represented by student attorneys, 10 or 48% were approved for paroles. The Approval Rate for lifers represented at hearings by licensed attorneys was 61%.

Twenty-six different licensed attorneys represented lifers at parole hearings in 2020. Fifteen represented only one lifer each. The remaining licensed attorneys who represented multiple lifers, the number each represented, and the number of approvals were as follows:

Attorney	# Represented	# of Approvals
John Rull	5	3
Amy Belger	4	3
Lisa Newman-Polk	4	2
Patricia Garin	3	3
Deborah Beard-Bader	3	2
Jason Benzaken	3	2
Richard Goldman	3	1
Ryan Schiff	3	1
Catherine Hinton	2	2
Seth Orkand	2	1
Rosemary Scappichio	2	0

Table 17 on page 17 contains the data for approvals and denials for the 119 Records of Decision posted online in 2020 broken down by whether an attorney represented a lifer or an attorney did not and the combined data for 2015 through 2020.

TABLE 17

	# 2020 App.	# 2020 Den.	# 2015 - 2020 App.	# 2015 - 2020 Den.	Overall App. %
Attorney	40	30	125	229	35%
No Attorney	<u>12</u>	<u>37</u>	<u>81</u>	<u>228</u>	26%
Totals	52	67	206	457	31%

The total number of Records of Decision for 2020 was 119. The total number of Records of Decision for 2015 though 2020 was 663.

15) Analysis Of Parole Decisions By Race

From 2013, the Lifer's Group Inc., based on requests from our members, has calculated Approval Rates for four racial categories - Caucasian, African-American, Latino, and Asian.

Racial designations, however, are not provided by the Parole Board in Records of Decision. As a result, as in past years, the Lifer's Group Inc. has relied on members familiar with the races of lifers who were approved or denied a parole in 2020 and for whom a Record of Decision was published online to determine the racial category for each lifer. The Lifer's Group Inc. acknowledges this is not the optimum method for determining racial affiliations and that, therefore, mistakes may have been made. But, the Lifer's Group Inc. believes that the number of those mistakes is minimal and has not significantly altered the results, particularly due to the gross total for the years 2013 through 2020. The number of Records of Decision (802) included in this analysis since 2013 should have mitigated the effects of a few incorrect designations.

Table 18 below provides the racial data for 2020.

TABLE 18

	Caucasian		African/Amer		Latino		Asian	
	App. #	Den. #	App. #	Den. #	App. #	Den. #	App. #	Den. #
	20	34	19	16	13	17	0	0
% of Total # for 2020	17%	29%	16%	13%	11%	14%	0%	0%
% for Racial Category	37%	63%	54%	46%	43%	57%	0%	0%

Table 19 on page 18 presents the combined data for the 256 Approvals for lifers from 2013 through 2020.

TABLE 19

	Approvals	Total # of Dec.	% of Total Approvals	% Approvals For Category
Caucasian	99	378	39%	26%
African-American	84	230	33%	37%
Latino	62	167	24%	37%
Asian	<u>11</u>	<u>27</u>	4%	41%
Totals	256	802	32%	

16) Ages At The Time Of The Parole Hearing

The ages of lifers at the time of their parole hearings is noted in the individual Records of Decision. In 2020, however, five Records of Decision did not indicate the ages of the lifers at their hearings. Of those five, three were approved, two were denied. In 2020, the Approval Rate for lifers age 50 and younger was 45%, the same as in 2019 for this subset. The Approval Rate for lifers age 51 and over in 2020 was 43%, an increase from the 33% Approval Rate for this subset in 2019.

The age groupings have remained the same as in previous Lifer's Group Inc. reports on ages at the time of the parole hearings which began in 2006 (31 - 40, 41 - 50, 51 - 60, and 61+). In 2020, twenty-four lifers were age 61 or higher at the time of their parole hearings. Twelve were approved for paroles, an Approval Rate of 50%, more than double the Approval rate for this subset in 2019 (23%).

Table 20 below presents the data for 2020 for ages at the time of the parole hearings.

TABLE 20

	31 - 40		41 - 50		51 - 60		61+		Totals
	#	%	#	%	#	%	#	%	
Approvals	12	54%	13	39%	12	34%	12	50%	49
Denials	<u>10</u>	46%	<u>20</u>	61%	<u>23</u>	66%	<u>12</u>	50%	<u>65</u>
Totals	22		33		35		24		114

Table 21 on page 19 presents the combined data for 2006 through 2020 by age categories and Table 22 on the same page presents the data by the subsets of Age 50 and Under an Age 51 and Over for the same time period.

TABLE 21

	31 - 40		41 - 50		51 - 60		61+		Totals	
	#	%	#	%	#	%	#	%	#	%
Approvals	106	41%	143	30%	100	24%	72	26%	421	29%
Denials	<u>153</u>	59%	<u>333</u>	61%	<u>320</u>	76%	<u>209</u>	74%	<u>1015</u>	71%
Totals	259		476		420		281		1436	

TABLE 22

	Age 50 & Under		Age 51 & Over		Totals	
	#	%	#	%	#	%
Approvals	249	34%	172	25%	421	29%
Denials	<u>486</u>	66%	<u>529</u>	75%	<u>1015</u>	71%
Totals	735		701		1436	

17) Opposition Or Support By District Attorney Offices

In continuation of the category added in 2019, the Lifer's Group Inc. has the compiled data for 2020 regarding the rate of opposition, actual support or merely not opposing lifers as raised by the various District Attorney Offices during parole hearings.

In 2020, thirty-nine Records of Decision of 119 did not note whether or not one or more representatives from the relevant District Attorney's Office testified or submitted written responses or both for or against a lifer being approved for a parole. Thirty of those thirty-nine were Abbreviated Records of Decision.

In cases where the Office of a District Attorney submitted oral testimony as well as written opposition, each was submitted by separate officials. In most of these cases, an Assistant District Attorney presented the oral opposition at the public hearing, while the District Attorney submitted opposition in writing.

In 2020, for the Records of Decision in which an opposition and/or no opposition was noted, District Attorney Offices opposed lifers at parole hearings at a rate of 85%, down from 95% in 2019.

In 2020, of the eighty Records of Decision in which opposition or no opposition was noted, thirty-nine (49%) involved cases in which the lifer had pled guilty.

The results for 2020 are presented in Table 23 on page 20.

TABLE 23

County	# Opposed	# Supported	# Did Not Oppose	Total
Suffolk	13	0	12	25
Middlesex	14	0	0	14
Plymouth	10	0	0	10
Hampden	9	0	0	9
Bristol	8	0	0	8
Essex	5	0	0	5
Norfolk	4	0	0	4
Worcester	4	0	0	4
Cape & Islands	<u>1</u>	<u>0</u>	<u>0</u>	<u>1</u>
Totals	68	0	12	80

Table 24 below presents the combined data for 2019 and 2020.

TABLE 24

County	# Opposed	# Supported	# Did Not Oppose	Total
Suffolk	44	0	13	57
Middlesex	27	0	0	27
Plymouth	17	0	0	17
Hampden	22	1	1	24
Bristol	13	0	1	14
Essex	20	0	0	20
Norfolk	12	0	1	13
Worcester	10	0	1	11
Berkshire	3	0	0	3
Hampshire	2	0	0	2
Cape & Islands	<u>3</u>	<u>0</u>	<u>0</u>	<u>3</u>
Totals	173	1	17	191

Table 25 on page 21 shows the results for 2020 regarding the various Offices of District Attorneys who opposed lifers at the parole hearings broken down by whether the lifer had pled

guilty or was convicted at trial. In Suffolk County, the District Attorney's Office did not oppose at twelve hearings; six for plea bargains and six for lifers who went to trial. Note that in Plymouth County, of the ten parole hearings for lifers from Plymouth County, all went to trial. Plymouth County was the only one where not one lifer who had a parole hearing in 2020 had been offered or allowed to plea guilty. Whether or not 2020 was an anomaly for Plymouth County will be reviewed in future reports on paroles for lifers.

TABLE 25

County	Pled Guilty	Went to Trial
Suffolk	6	7
Middlesex	8	6
Plymouth	0	10
Hampden	8	1
Bristol	2	6
Essex	3	2
Norfolk	2	2
Worcester	3	1
Cape & Islands	<u>1</u>	<u>0</u>
Totals	33	35

Table 26 below presents the data for the number of hearings opposed by Offices of District Attorneys and whether the hearing resulted in an Approval or Denial. Of the twelve hearings not opposed by Suffolk County, nine were approved and three were denied.

TABLE 26

County	Approved	Denied
Suffolk (13)	1 (8%)	12
Middlesex (14)	2 (14%)	12
Plymouth (10)	7 (70%)	3
Hampden (9)	2 (22%)	7
Bristol (8)	3 (38%)	5
Essex (5)	1 (20%)	4
Norfolk (4)	1 (25%)	3
Worcester (4)	0	4
Cape & Islands (1)	<u>0</u>	<u>1</u>
Totals 68	17	51

DISCUSSION AND RECOMMENDATIONS

A. Abbreviated Decisions

In 2020, the Parole Board introduced Abbreviated Decisions as a reaction to the COVID-19 pandemic. The intent, as noted by the Parole Board, was "to render an expedited resolution." Unfortunately, the Abbreviated Decisions eliminated a significant section which describe the actual parole hearing and which contained information relied upon by the Lifer's Group Inc. for analyzing parole decisions. Of the 119 Records of Decision in 2020, thirty were Abbreviated Decisions. The average length of days between Hearing Dates and Dates of Decision for Abbreviated Decisions was 180 days, two months shorter than for non-Abbreviated Decisions. While the reduction of sixty days was welcome, it would be preferable if the Parole Board discontinued Abbreviated Decisions so lifers and those who analyze parole decisions will have more significant information than provided with Abbreviated Decisions.

Recommendation #1 - The Parole Board work to reduce the number of days between Hearing Dates and Dates of Decision rather than resorting to Abbreviated Decisions.

B. Approval Rates For Initial Hearings

While the Approval Rate for Initial Hearings in 2020 increased from 0% in 2019 to 14.7%, an Approval Rate less than 15% is still unacceptable. Approving only eleven of 109 lifers who had Initial Hearings from 2016 through 2020 - a rate of 10.1% - is equally unacceptable.

Recommendation #2 - As in 2019, prison advocates and those seeking to reform the Parole Board need to press the Parole Board to justify why the Approval Rate for Initial Hearings remains so low.

C. Risk Assessments

The Parole Board continues to appear to discount the Risk Assessment ratings for Low Risk lifers in 2020, five of twelve were denied paroles. From 2017 through 2020 the Approval Rate for Low Risk lifers remains below 50% and is a mere five percentage points higher than Medium Risk lifers.

Recommendation #3 - Those assessed as Low Risks to offend should be presumed to be paroled unless the Parole Board can provide specific reasons why the parole is to be denied and specifically what the lifer needs to address before the next parole hearing.

Recommendation #4 - That the Parole Board specify on each Record of Decision what the Risk Assessment level was.

D. More Specificity In Records Of Decisions

The Parole Board continues to eschew giving specific reasons for approving or denying paroles as well as indicating any deficient areas a lifer needs to address and relevant programs. In addition, the Parole Board does not provide reasons for assigning any length of Setbacks. While the Legal Division of the Parole Board may be trying to shield the Parole Board from law suits by using general language, doing so only provides a disservice to lifers trying to rehabilitate themselves and seeking guidance on what they may need to address.

Recommendation #5 - As directed by the 2018 Criminal Justice Reinvestment Act, the Parole Board should assess a lifer immediately following his/her conviction to outline specific programs he/she should engage in during incarceration. The Parole Board should also indicate what standards, if any, members use to determine lengths of Setbacks.

E. Program Availability

The absence of programs at certain correctional institutions has impeded lifers from being paroled as they are unable to complete necessary programs. In addition, the Parole Board does not appear to be convinced that the lack of a specific program should not be held against a lifer if the institution where he or she is housed does not offer that program. In one Record of Decision, the Parole Board queried the lifer why he had not participated in a domestic violence program. When told by the lifer that no such program existed where he was housed, the lifer was then asked why he had not addressed the area via correspondence courses or by books sent in by family members. The lifer was subsequently denied parole. It is difficult to believe that the Parole Board was not disingenuous by implying it would accept participation in a correspondence course or self-study as a suitable substitute for a program offered by the DOC.

Recommendation #6 - The Parole Board should regularly reassess each lifer during incarceration and coordinate with the DOC to provide the programs a lifer may need to complete in order to address any areas which could impede a lifer's chance for a parole when he or she appears before the Parole Board.

F. Appeals Of Convictions

In five Records of Decision for 2020, the Parole Board questioned lifers as to why they had appealed their cases, implying that by doing so, the lifers were avoiding taking responsibility for their crimes. For the Parole Board, which is composed of a vast majority of members with law degrees, to question why a lifer is exercising his or her constitutional rights is very troubling. Two of the lifers so questioned had pled guilty and were appealing certain aspects of their sentences, not claiming innocence. The other three had gone to trial and were appealing certain procedural issues of those trials which is not an indication that any appellant was trying to avoid responsibility for his or her actions. Taking lifers to task for exercising their constitutional rights, particularly by those trained in the law, is both hypocritical and unfair.

Recommendation #7 - That the Parole Board cease and desist from penalizing lifers for exercising their post conviction constitutional rights on appeal.

G. Make Up Of The Parole Board

The Parole Board continues to be populated mainly by former prosecutors or those who have worked in District Attorneys offices. This runs counter to the intention of the Legislature that the members of the Parole Board should come from diverse educational backgrounds and work experiences, including drug and alcohol addiction, mental health, sexual and/or physical abuse, and gang affiliation.

Recommendation #8 - Since Governor Baker seems incapable of placing on the Parole Board those who do not have law enforcement or prosecutorial backgrounds, the Legislature needs to take action to mandate that the Parole Board be more diverse.

EXCERPTS FROM 2020 RECORDS OF DECISION

The following twelve excerpts from the 2020 Records of Decision are quoted directly from those Records of Decision. The names of the lifers and victims have been deleted. As in previous reports, the excerpts have been chosen as examples of positive and negative feedback from the Parole Board members at public hearings. The Lifer's Group Inc. has no intent to embarrass nor to ridicule any lifer, hence the deletion of names. Rather, the intent is to offer insight into the decision making parameters employed by Parole Board members in order to assist lifers in preparing for parole hearings.

The excerpts are divided into two categories - Approvals (2) and Denials (10). Whether a hearing was an Initial Hearing or a Review Hearing, and the length of Setback for denials are indicated after each excerpt. The number of excerpts for Approvals is low because of the use by the Parole Board of Abbreviated Decisions which cut in half the number of Records of Decision for Approvals which might have been fertile ground for excerpts since what went on during the parole hearing was not included in the Abbreviated Decision.

A. Excerpts From Parole Approvals

1) _____ explained that his parole failures occurred because he did not understand that "for every action, there is a reaction." He told the Board that he knows he can do better in following the rules. Through his recent programming efforts, _____ learned that he must think about consequences of his actions, abide by the rules and regulations, and be aware of everything he does.

The lifer was paroled after a Review Hearing.

2) The Board questioned _____ about their decision (after his initial hearing) to review him in five years. _____ responded that he initially believed the Board's decision was unfair. However, after watching his initial hearing, he was provided insight into how much work he had to do "internally." _____ learned that he had significant work to do regarding compassion and empathy. Through his programming efforts, he developed empathy for his victims, as well as the knowledge of how his actions will always affect them. Board members were impressed with _____'s completion of numerous programs, as well as his overall positive institutional adjustment.

This lifer was paroled after a Review Hearing.

B. Excerpts From Parole Denials

3) When questioned as to why he believes that he is now before the Board, _____ responded that there are "other factors that come into play," and that he was "set-up." _____ denied "hanging around individuals who are engaged in criminal activity" because he was "not tolerant of that." When Board members asked whether he blamed his parole officer for his return to custody, _____ responded no, but stated, "I don't think that I received the assistance that I could have received during the four month period that I was on parole." ... He indicated, however, that he will not take responsibility for the drugs and the traffic stop incidents, claiming that he was not involved.

This lifer was denied at a Review Hearing after he had been violated. He as given a three year Setback.

4) At the hearing, Board members spoke of their concern regarding a letter that _____ wrote to his mother from prison, in which he detailed explicit admissions to drugging and raping her (his mother), as well as causing harm to numerous sex workers. In addition to

blaming his mother for the murder of _____, _____ alleged in his letter that his mother was the reason he hated all women. _____ agreed with the Board that his letter was disturbing, but claims that he made everything up "to upset" his mother because he had been "mad" at her.

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

5) Although he was engaged in some treatment/programming to assess his causative factors, he continues to engage in anti-social behavior within the correctional facility. He needs to identify his triggers and develop appropriate coping skills/techniques.

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

6) The Board expressed concern that his disciplinary reports in 2013 and 2017 reflected manipulative behavior toward female staff members. When asked about this, _____ stated "they approached me" and "it's a two way street." The Board also expressed concerns with boundary issues with a female clinician with whom he was working. He has incurred numerous disciplinary reports. Most notable [of which] occurred in 2017 for making threats to staff and derogatory comments to medical staff.

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

7) Although he has engaged in treatment/programming, he lacks candor as it relates to the offense. The Board remains concerned as to the varying versions that have been presented at prior hearings. The Board raised concerns that the findings in the autopsy report were not consistent with _____'s version of the events... The Board then inquired as to the reasoning behind his numerous appeals to which _____ explained that he was unaware, at times, that his attorneys were filing appeals on his behalf.

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

8) _____ was paroled in _____, but he was arrested and charged with stabbing two homeless people in _____. He acknowledged that he took the case to trial and was found not guilty. The Board noted, however, that one of the victims (who had identified _____ as the individual who stabbed him) later refused to cooperate. When _____ maintained he was wrongfully accused, Board members pressed him to explain why he was identified as the suspect. He responded, "I have no idea," and claims to have learned he was a suspect from his parole office. The Board noted ample evidence that _____ was in violation of parole and, further explained the distinction regarding the standard of proof between a criminal trial and a parole violation. The Board noted that their determinations are made by a much less stringent civil evidentiary standard - preponderance of evidence not beyond reasonable doubt.

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

9) When Board members noted that he has completed only a handful of programs in the last eight years, _____ explained that he has participated in those programs available to him, but has not found many to be beneficial to his rehabilitation. The Board shared that participation in rehabilitative programming helps them track an individual's progress and growth.

This lifer was denied at a Review Hearing and given a four year Setback.

10) The Board noted that _____ has not participated in any programs to address violence, emotional awareness, or empathy. _____ mentioned that he was not told about program participation at his prior hearings. The Board noted, however, that two prior decisions mentioned the need for programming. _____ explained that he has been doing it his own way... When questioned as to why he deserves parole, _____ responded, "I deserve a second chance," explaining that he has come to terms with himself.

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

11) Board Members questioned _____ as to the circumstances surrounding his appeals. Despite admitting to the Board that he accepted full responsibility for his crime in 2011, _____ admitted to exhausting his appeals as well. He explained to the Board that his appeals were not an attempt to minimize his culpability, rather, he was trying to reduce his sentence. The Board noted _____'s failure at the time to recognize the impact his appeals may have had on [the victim's] family. _____ admitted that he was "being selfish and inconsiderate." He now understands the pain he would have put the family through, had he prevailed on his appeals.

This lifer, who went to trial, was denied parole at an Initial Hearing and given a three year Setback.

12) _____ insisted his programming efforts have given him the tools he needs to be successful, yet _____ is not currently participating in programming nor has he engaged in any programming efforts since his return to custody in 2018... When the Board questioned him about attending Alcoholics Anonymous meetings, _____ said that he does not attend because the chairs hurt his back. The Board encouraged him to attend meetings and to seek accommodations, if necessary.

This lifer was denied parole at a Review Hearing and given a two year Setback.