

Lifer's Group Inc. Fast Facts: PERSISTENT OVER-INCARCERATION OF MASSACHUSETTS LIFE WITHOUT PAROLE PRISONERS

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Massachusetts (MA) incarcerates an excessive number of prisoners serving Life Without Parole (LWOP) sentences. On January 1, 2024, MA had more than 4 times the number of LWOP prisoners than all other 5 New England states combined and 3½ times the number in New York, a state with almost three times the population. Numbers are even more striking when comparing % of LWOP prisoners and per capita rates. The MA rate of 15.0 LWOP/100,000 is notably higher even though MA ranks in the middle of homicide rates. These findings are the same as in our reports of data from 2016 and 2020 (1). Not surprisingly, MA also has the highest percentage of LWOP prisoners in the U.S. since 2020 (2) and the oldest prison population since at least 2016 (3).

State	# of LWOP Prisoners	% of LWOP Prisoners	LWOP/100,000 Population	Homicides per 100,000 Pop.
Massachusetts	1055	17.2%	15.0	2.4
Connecticut	62	0.6%	1.7	3.4
Maine	65	3.7%	4.7	1.7
New Hampshire	78	4.0%	5.6	1.7
Rhode Island	25	1.6%	2.3	2.0
Vermont	14	0.7%	2.1	2.2
Subtotal	244			
New York	303	0.9%	1.5	3.9

Evidence shows that these high rates of LWOP sentences are not the cause of low rates of associated crimes (4). The average MA murder rates are similar to regional states, while Boston has one of lowest homicide rates of all major U.S. cities. (5) Nonetheless, in 2024, almost one in five criminally sentenced MA prisoners was serving LWOP (6). Over the last two decades, MA and Boston violent crime rates, like national rates, have steadily decreased with murder rates now about half the rates before the turn of the century. Independent data make clear that these high numbers of LWOP prisoners are unnecessary to protect public safety (7).

This unacceptable warehousing of LWOP prisoners results from MA laws which require mandatory LWOP sentences for all convicted of first degree murder. One might assume that this sentence is reserved for only the worst offenders, but reality is that often the actual killer, aware of their risk, is allowed to plead to a lesser sentence while implicating co-venturists who didn't kill or even intend to kill, who are then given LWOP sentences. Similarly, under MA Felony Murder and Joint Venture rules, it is routine that co-conspirators who never killed or had any intent to kill are also sentenced to mandatory LWOP. LWOP prisoners (including those who never killed) are left without hope or possibility for any second chance even after decades of incarceration or when demonstrating successful rehabilitation. Criminal justice experts agree that "[d]esistance from violent crime is pervasive and occurs irrespective of gender, race and ethnicity... and that arrests for violence were rare and declined rapidly in early adulthood" (8). Data show that aging prisoners, especially those guilty of homicide, rarely if ever reoffend and virtually never kill again if released (9).

Death is a natural process, but is anything but simple. It requires multi-faceted care and support. Such care is not, cannot, and should not be provided in a correctional facility. The conditions aging prisoners face are too often

reprehensible and degrading, depriving them and their families of any opportunity for a dignified end of life that all should deserve (10). There has been a perception that surviving families of homicide victims all want or need these lifelong sentences but many survivors have expressed opposite opinions (11). LWOP sentences do not return those lost to murder, do not protect survivors from recurrent crime, nor make them feel safer, nor help them heal (12). Such mistaken perceptions, frequently promoted by prosecutors and sensation-seeking media, often do not meet the varied and urgent needs of victims and survivors and may actually serve to further victimize them (13). It is through the mechanisms of Restorative Justice and through the resulting explicit acceptance of responsibility, humility, and honest remorse by offenders, that aggrieved survivors are more likely to find the answers that they require and a peace that they deserve (14).

ENDNOTES

Data Sources for the Table: A. Nellis & C. Barry. "A Matter of Life" (The Sentencing Project, 2025; LWOP data as of 1/1/2024); U.S. Census Bureau, December 2023, (NST-EST2023-POP); MA-DOC, Annual "Fact Cards"; Five year average homicide rates, 2018 to 2022, from www.cdc.gov/nchs/pressroom/somap/homicide_mortality/homicide.htm#print. Calculations by author.

1. Greineder D. Lifer's Group Fast Facts: "Excessive Incarceration of Life Without Parole (LWOP) Prisoners in MA" (Lifer's Group, Norfolk, MA Feb 2020, reporting 2016 data); Greineder D. "The Cruel Aging of Massachusetts Life-Sentenced Prisoners: Practical, Economic, and Moral Consequences" (Lifer's Group, Norfolk, MA Jan 2022).
2. Nellis A. "No End In Sight: America's Enduring Reliance on Life Imprisonment" (The Sentencing Project, Washington, DC, 2021); Nellis A. "A Matter of Life: The Scope and Impact of Life and Long-Term Imprisonment in the United States" (The Sentencing Project, Washington, DC 2025).
3. McKillop M & Boucher A. "Aging Prisoner Populations Drive Up Costs" (Pew Charitable Trusts, Washington, DC, Feb 2018).
4. Nellis A. "No End In Sight" (see note 2); Nellis A & Bishop B. "New Lease on Life" (Sentencing Project, Wash., DC, 2021); Ghandnoosh N. "Incarceration & Crime: A Weak Relationship" (Sentencing Project, Wash. DC, June 2024); Greineder. "The Cruel Aging of MA..." (note 1).
5. National homicide rates/100,000 residents normally fluctuate between 4 to 6, except 1970 to 1995 when rates soared to 8 to 10 (see Ghandnoosh N. "Incarceration & Crime" (note 4).
6. MA-Dept of Correction. Annual "Fact Cards" (Milford, MA).
7. See all references in note 4.
8. Bersani BE, Laub JH, Western B. "Thinking About Emerging Adults and Violent Crime", p2 (Emerging Adult Justice Proj. 2019) citing Bersani BE & Doherty EE. "Desistance from Offending in the Twenty-First Century" (Ann Rev Criminology 1:311-334 (2018) and Laub JH & Sampson RJ. "Shared Beginnings, Divergent Lives: Delinquent Boys to Age 70" (Harvard Univ Press, 2003).
9. See all references in note 4; Greineder D. "Aging and Risks of Criminal Offense: Aging Results in Dramatic Reductions in Criminal Behavior" (Lifer's Group, Norfolk, MA, Dec 2024).
10. Nellis A. "Nothing But Time: Elderly Americans Serving Life Without Parole" (The Sentencing Project, Washington, DC, June 2022).
11. Alliance For Safety And Justice. "Crime Survivors Speak 2022: National Survey of Victims' Views On Safety And Justice" (2022); Sered D. "Until We Reckon: Violence, Mass Incarceration, and a Road to Repair" (The New Press, New York, 2019).
12. Ibid.
13. Ibid.
14. Zehr H. "The Little Book of Restorative Justice, Revised and Expanded" (Good Books, New York, 2015); Sered D. "Until We Reckon" (see note 11). Note also Sered's insightful words: "...those of us who have had the fortune to participate in accountability processes, including restorative justice circles,... [found] there is a level of resolution and well-being for our harmed parties that most believed could never be theirs." [emphasis added] (Sered, p252).



Dirk Greineder for Lifer's Group Inc., June 2024

P.O. Box 43, Norfolk, MA 02056

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