

**PAROLE DECISIONS FOR LIFERS
FOR THE YEAR 2024**

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PAROLE DECISIONS FOR LIFERS

2024

The Lifer's Group Inc. welcomes all comments, criticisms, and suggestions regarding this report or any other Lifer's Group Inc. report. This, our eighteenth report on the parole decisions for lifers, has been authored by Gordon Haas, Chairman of the Lifer's Group Inc., who is responsible for its contents, including the tables and analyses of the data. All calculations, unless otherwise noted, were made by the author based on the data compiled from the 2024 Records of Decision posted online by the Parole Board and provided to the Lifer's Group Inc.

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INTRODUCTION

This is the eighteenth report on parole decisions for lifers published by the Lifer's Group Inc. The Records of Decision which are analyzed in this report are for prisoners serving life sentences with the eligibility for a parole after having served at least fifteen years. The Records of Decision were provided by the Massachusetts Parole Board and were posted online for 2024. One hundred twenty-one Records of Decision are analyzed in this report. All calculations and tables presented in this report are the work of the Lifer's Group Inc. based on data extrapolated from the 121 Records of Decision for 2024, except for the percentages for the Risk Assessments and Racial Breakdowns which were provided by the Parole Board and adopted in this report.

Parole Hearings for lifers 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 at a previous Initial Hearing 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.

Life sentences with parole reviews are predominantly for prisoners who have been convicted at trial or pled guilty to second degree murder involving the actual taking of a life. Records of Decision, however, are also included for juveniles who had previously been convicted of first degree murder, for which there was no parole. Their sentences were reduced to second degree murder with the option of a parole due to the *Diatchenko* decision by the Supreme Judicial Court in 2013.

In addition, in 2024, in the *Mattis* decision,¹ the Supreme Judicial Court ruled that life-without-parole sentences were unconstitutional for those convicted of first degree murder committed when they were between the ages of 18 to 21. Thus,

¹ *Com. v. Mattis*, 493 Mass. 216 (2024)

lifers in that cohort became eligible for parole consideration after having served at least fifteen years. Late in 2024, eight *Mattis* lifers received Records of Decision. The *Mattis* lifers have been added as a new section in this report.

Finally, also included in this report are those serving second degree life sentences for crimes not involving the taking of a life, e.g., rape, armed robbery or as an habitual offender.

Massachusetts General Law, c. 127, sec. 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 is convinced that there is a reasonable probability that if paroled, the lifer would not violate the law and that the release would not be incompatible with the welfare of society. In addition to those standards, the Parole Board is to determine whether the four goals of sentencing have been met, i.e., punishment, public safety, deterrence, and rehabilitation, in that order.

In 2024, of the 121 Records of Decision, 89 or 74% were unanimous decisions, a decrease from 84% in 2023. The remaining 32 Records of Decision broke down as follows: seven 5-1 decisions, seven 4-3 decisions, five 4-2 decisions, four 6-1 decisions, three 3-2 decisions, three 4-1 decisions, two 3-3 decisions and one 3-1 decision.

We continue to be indebted to 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 Project's website and then distributing those reports to a plethora of recipients, including legislators and other interested parties involved in criminal justice reform. All of those reports can be accessed at: www.realcostofprisons.org/writing.

The Lifer's Group Inc. also expresses our appreciation to Ms. Stacey Book and Ms. Karen Kane of the Parole Board for providing the Records of Decision and other data we requested without which this report could not have been prepared.

RESULTS

1) Approval / Denial Rates

Of the 121 Records of Decision for 2024, 89 or 73.6% were approvals; 32 or 26.4% were denials. The Approval Rate in 2024 was the highest ever reported by the Lifer's Group Inc. since we began analyzing parole decisions for lifers in 2003. The previous highest Approval Rate was 56.1% in 2021, a full 17.5 percentage points lower than in 2024.

Table 1 presents the data for Approval / Denial Rates for 2020 through 2024.

Table 1

Year	# of Hearings	Approvals		Denials	
		#	%	#	%
2024	121	89	73.6	32	26.4
2023	138	76	55.1	62	44.9
2022	171	84	49.1	87	50.9
2021	164	92	56.1	72	43.9
2020	<u>119</u>	<u>52</u>	43.7	<u>67</u>	56.3
Totals	713	393	55.1	320	44.9

As indicated in Table 1 above, the average Approval Rate for the past five years was 55.1%. This is the first time the average Approval Rate exceeded 50% since the Lifer's Group Inc. began analyzing Records of Decision. The 2024 Approval Rate stands in stark contrast to the Approval Rates pre-2020. The annual Approval Rates from 2003 through 2024 were as follows:

2024 – 73.6%	2017 – 24.1%	2009 – 38.9%
2023 – 55.1%	2016 – 15.0%	2008 – 31.9%
2022 – 49.1%	2015 – 29.1%	2007 – 28.5%
2021 – 56.1%	2014 – 26.0%	2006 – 29.6%
2020 – 43.7%	2013 – 15.3%	2005 – 33.3%
2019 – 38.9%	2012 – 2011 – 18.4% ²	2004 – 46.6%
2018 – 29.1%	2010 – 34.1%	2003 – 37.8%

² The Parole Board was shut down after five members had resigned in the wake of the murder of Woburn police officer in December 2010 by a paroled lifer. A combined total of 125 hearings were held in the two years.

2) Initial Hearings

In 2024, 36 lifers appeared before the Parole Board for the first time. Twenty-one (58.3%) were approved for paroles. This Approval Rate was by far the highest for Initial Hearings since the Lifer's Group Inc. began reporting on paroles for lifers. The Approval Rate for Initial Hearings in 2024 was, however, skewed by the *Mattis* lifers eight of whom had Initial Hearings and all eight were approved. Eliminating the *Mattis* lifers, the Approval Rate for Initial Hearings was 46.4%, still significantly higher than Approval Rates for Initial Hearings in the previous four years. Table 2 below presents the overall Approval Rates for Initial Hearings from 2020 through 2024.

Table 2

Year	# of Hearings	# of Approvals	% of Approvals	# of Denials	% of Denials
2024	36	21	58.3	15	41.7
2023	32	7	21.9	25	78.1
2022	48	12	25.0	36	75.0
2021	35	7	20.0	28	80.0
2020	<u>34</u>	<u>5</u>	14.7	<u>29</u>	85.3
Totals	185	52	28.1	133	71.9

3) Review Hearings

The Approval Rate for all Review Hearings held in 2024 was 80.0% (68 of 85), an increase from 65.1% in 2023. Of the 85 Review Hearings in 2024, 76 were for lifers who never had been paroled. The Approval Rate for this subset was 78.9% (60 of 76), an increase from 60.9% in 2023. The remaining 9 had Review Hearings after having a previous parole revoked. Of that subset, 8 were approved, an Approval Rate of 88.9%, an increase from 84.2% in 2023.

Table 3 on page 5 presents the Approval and Denial Rates for all Review Hearings from 2020 through 2024.

Table 3

Year	# of Hearings	# of Approvals	% of Approvals	# of Denials	% of Denials
2024	85	68	80.0	17	20.0
2023	106	69	65.1	37	34.9
2022	123	72	58.5	51	41.5
2021	129	85	65.9	44	34.1
2020	<u>85</u>	<u>47</u>	55.3	<u>38</u>	44.7
Totals	528	341	64.6	187	35.4

Table 4 below presents the Approval Rate data for both subsets of Review Hearings for 2020 through 2024.

Table 4

Year	# of Non-Revoked Hearings	# of Non-Revoked Approvals	% of Non-Revoked Approvals	# of Revoked Hearings	# of Revoked Approvals	% of Revoked Approvals
2024	76	60	78.9	9	8	88.9
2023	87	52	59.8	19	16	84.2
2022	108	64	59.3	15	8	53.3
2021	107	65	60.7	22	20	90.9
2020	<u>68</u>	<u>36</u>	52.9	<u>17</u>	<u>11</u>	64.7
Totals	446	277	62.1	82	63	76.8

4) Approval Rates For The Three Types Of Hearings

Table 5 on page 6 presents the comparative Approval Rates for each type of parole hearing from 2020 through 2024.

Table 5

Year	Initial	Review - No Revocation	Review After A Revocation
2024	58.3%	78.9%	88.8%
2023	21.9%	59.8%	84.3%
2022	25.0%	59.3%	53.3%
2021	20.0%	60.7%	90.9%
2020	14.7%	52.9%	64.7%

5) Approval Factors

As in past years, four factors dominated the Approval decisions. Respective frequency percentages for each factor for 2024 are listed in Table 6 below as well as the data for the five years - 2020 through 2024. Overall, the Lifer’s Group Inc. has reported on thirteen total Approval factors. In 2024, only two other factors were cited in more than 10% of the Approvals.: A Strong Parole Plan – 18% and Steady Employment While Incarcerated – 17%. No other factor was cited more than twice.

The numbers in parentheses after the years are the number of approved lifers for that year. Listed after each factor are the percentages of times the factor was noted by the Parole Board in the Approved Records of Decision.

Table 6

Factor	2024 (89)	2023 (76)	2022 (84)	2021 (92)	2020 (52)
Active Prog. Participation	86%	76%	96%	96%	94%
Addressed Areas of Need	71%	92%	79%	76%	90%
Strong Comm. Support	46%	53%	38%	32%	25%
Minimal Disc. History	39%	26%	26%	16%	12%

The Parole Board continues to emphasize that lifers engage in programs which addressed the areas of their needs and what lifers learned from their participation as opposed to the sheer number of programs a lifer has participated in. See Section 7 for listings of programs cited by the Parole Board in 2022, 2023, and 2024.

Once again, it is clear that mere attendance in programs is considerably less important than what lifers learn and then communicate to the Parole Board how that knowledge will be applied if paroled. Some lifers engage in personal self-improvement plans or religious conversions. Neither the Parole Board nor the Lifer's Group Inc. discounts the value of such work, Parole Board members often do not view those programs as adequate substitutions for meaningful participation in programs provided by the DOC, whether a lifer feels that he/she needs the programs or not. This is not to say that lifers should not participate in correspondence courses, especially if the DOC does not offer a comparable program, just that the Parole Board members are more comfortable dealing with programs which they are familiar.

Accepting responsibility, expressing remorse and compassion for victims and their family members, and having a solid parole plan are minimum thresholds lifers need to pass over for the Parole Board to give serious consideration whether or not a parole should be granted. The absence of one or more of those factors, however, is enough to cause the Parole Board to deny a parole.

6) Denial Factors

In 2024, seventeen separate factors were cited for denying paroles. Most Records of Decision in which lifers were denied parole cited multiple factors. As with Approval Factors, each Denial Factor was developed by the Lifer's Group Inc. and reflects the actual language contained in individual Records of Decision. Table 7 on page 8 presents the comparative percentage data for the frequencies of the 2024 Denial Factors for 2020 through 2024. The total number of denials for each

year is noted in parentheses next to the years. Only the four Denial Factors cited in more than 15% of the 2024 Denials are included.

Table 7

Factor	2024 (32)	2023 (62)	2022 (87)	2021 (72)	2020 (67)
Lack of Remorse	25	23	20	15	5
Mental Health Issues	18	19	32	20	10
Limited Programs Participation	18	19	24	13	25
Unresolved Sex Issues	18	18	11	26	18

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. Often such questions are posed precisely to gauge what, if any, negative reactions may be elicited. 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 triggers are, and then reacts with hostility, the lifer has simply demonstrated that he/she had not learned the necessary skills well enough.

The Parole Board members want to know how a lifer would use the knowledge he/she has professed to have learned to deal with any problems which may arise should the lifer be paroled and returned to society. It is the welfare of society which Parole Board members are more concerned about than simply handing out second chances.

Lifers need to be honest about their program participation. Lying about programs one has allegedly completed or is participating in is a prescription for disaster. Parole Board members have each lifer's full history before them, including institutional programming, disciplinary history, whether or not a lifer has served in the armed forces and where, or graduated from college. Claiming to have attended faithfully a program such as 12-Steps invites the question: Which step is your favorite or was most meaningful for you? Being unable to name a favorite step or the most impactful one casts doubt on the lifer's truthfulness. Similarly, claiming to be a veteran in the armed forces or having served in combat if either assertion is untrue is the pathway to a denial. These are not hypothetical events. They have occurred more than once and resulted in denials of parole with long Setbacks.

7) Programs Noted By The Parole Board In 2024

Table 8 below lists the number of times in numerical order a particular program was cited by the Parole Board in at least four Approvals for 2024, 2023, and 2022. The numbers in parentheses indicate the number of Approvals for each year.

Table 8

Program	2024 Approvals (87)	2023 Approvals (76)	2022 Approvals (84)
Restorative Justice	28	25	17
CRA	9	11	14
Viol. Reduction	8	14	5
Alter. To Violence	8	6	9
AA / NA	7	12	8
Jericho Circle	5	9	4
Emot. Awareness	4	9	1
Criminal Thinking	4	7	7

What can be garnered from this distribution is that there are not one or two programs which will ensure a parole. Restorative Justice is cited significantly more times than any other program, it was still cited in less than one-third of all Approvals. Once again, the best strategy is to participate in those programs which meet a lifer's individual needs. The Legislature in 2018 mandated that the DOC and the Parole Board meet with prisoners upon beginning their sentences to map out program needs and a path to address them. Unfortunately, this has yet to be implemented. An alternative practice would be to meet with one's case worker and/or institutional parole officer early in one's incarceration to devise a program plan and then to follow it. Even if a lifer has many years in, such a meeting can still be productive. Finally, the Lifer's Group Inc. is not suggesting that a lifer not participate in programs he/she finds interesting or enlightening, just try to concentrate on successfully completing those programs which address a lifer's individual needs.

8) Setbacks

The Parole Board assesses Setbacks from one to five years. The Setback represents the number of years a denied lifer will have to serve before his/her next parole hearing

Table 9 below presents the comparative data for the various lengths of Setbacks given by the Parole Board from 2020 through 2024. The numbers in parentheses denote the total number of denials for each year.

Table 9

Length	2024 (32)	2023 (62)	2022 (87)	2021 (72)	2020 (67)
1 Year	5 - 16%	9 - 15%	10 - 11%	2 - 2%	1 - 1%
2 Years	12 - 37%	26 - 42%	36 - 41%	22 - 31%	11 - 16%
3 Years	8 - 25%	19 - 31%	29 - 34%	22 - 31%	20 - 30%
4 Years	6 - 19%	4 - 6%	10 - 12%	19 - 20%	19 - 29%
5 Years	1 - 3%	4 - 6%	2 - 2%	7 - 10%	16 - 24%

In 2024, the Parole Board continued its policy of not offering any rationale for deciding the particular length of a Setback. If the Parole Board members split their votes evenly, e.g., 3 to 3, then the Setback is one year. Parole Board members can, however, assess a one year Setback even if there is not a tie vote.

The total number of Denials from 2020 through 2024 was 320. Of those: 27 (8%) were One Year Setbacks, 107 (34%) were Two Year Setbacks, 98 (31%), were Three Year Setbacks, 58 (18%) were Four Year Setbacks, and 30 (9%) were Five Year Setbacks. In 2024, the Parole Board continued the trend begun in 2021 of decreasing the number of five year Setbacks.

In Table 10 below, the Setback numbers and percentages for the thirty-two denials in 2024 are broken down by type of hearing: Initial, Review with no prior parole, and Review* after a revoked parole. The numbers in parentheses are the numbers of Records of Decision for each type of hearing.

Table 10

Hearing	1 Year	2 Years	3 Years	4 Years	5 Years
Initial (15)	2 - 13%	5 - 33%	4 - 27%	3 - 20%	1 - 7%
Review (16)	2 - 13%	6 - 38%	5 - 31%	3 - 18%	0 - 0%
Review* (1)	1 - 100%	0 - 0%	0 - 0%	0 - 0%	0 - 0%

The average length of Setbacks in 2024 was 2.59 years. This average was below that of 2012 (3.56 years) and 2021 (3.10 years), but an increase from 2022 (2.52 years) and 2023 (2.48 years).

9) Approved Lifer Destinations

Of the 89 lifers approved for paroles in 2024, 11 were released to approved home plans, and 8 to Interstate transfers. Forty-two were approved to go to a Long Term Residential Program (LTRP), of which 19 were required to serve from 6 to 18 months in lower security. Five were paroled to I.C.E. Four lifers' destinations were various Residential Care Facilities due to health conditions or to Halfway Houses

and 19 were paroled to Community Resources for Justice (CRJ) Transitional Housing programs.

Table 11 below presents the data for the destinations of approved lifers from 2020 through 2024. Those destination entries with Mos. indicate how many months a lifer was to spend in lower security before entering a LTRP. The number in parentheses after each year indicates the total number of approvals.

Table 11

Destination	2024 (89)	2023 (76)	2022 (84)	2021 (92)	2020 (52)
LTRP					
Direct	23 - 26%	18 - 24%	11 - 13%	10 - 11%	5 - 10%
CRJ	19 - 21%	10 - 13%	10 - 12%	0 - 0%	0 - 0%
Home Plans	11 - 13%	9 - 12%	11 - 13%	17 - 18%	8 - 16%
LTRP - 3-6 Mos.	11 - 13%	5 - 7%	15 - 18%	7 - 8%	5 - 10%
Interstate	8 - 9%	7 - 9%	6 - 7%	9 - 10%	9 - 18%
I.C.E.	5 - 6%	3 - 7%	7 - 8%	12 - 13%	3 - 6%
LTRP - 12 Mos.	4 - 4%	0 - 0%	9 - 11%	13 - 15%	6 - 12%
Res. Fac. / Halfway H.	4 - 4%	15 - 20%	8 - 10%	15 - 16%	8 - 16%
LTRP - 9 Mos.	3 - 3%	4 - 5%	0 - 0%	4 - 4%	0 - 0%
LTRP - 18 Mos.	1 - 1%	3 - 4%	4 - 5%	1 - 1%	0 - 0%
Federal Detainers	0 - 0%	0 - 0%	0 - 0%	2 - 2%	0 - 0%

The DOC has been reticent to transfer to lower security those lifers who have been approved for paroles with the condition that the lifers serve short periods of time in minimum before being released to society. The DOC has used controversial overrides to deny lifers needed transfers. This is counterintuitive when one considers that the Parole Board has approved these lifers for paroles and the classification tool used by the DOC also indicates that these lifers are low or no risk to escape. Thus, the lifers are forced to remain in medium security for no apparent reason and are delayed in returning to society. The Parole Board needs to consider waiving any requirement for minimum security as long as the DOC refuses to transfer lifers. Unfortunately, this would prevent the lifers the opportunity to step down as they prepare for reentry into society. Still, as unnecessary as that may be, it is preferable to lifers languishing in medium security solely because the DOC will not transfer them to lower security.³

10) Risk Assessments

The Parole Board is required to administer a Risk Assessment Tool for every lifer who has a parole hearing. Risk Assessment Tools are intended to introduce a data based factor into the decision making process, and, thus, place less reliance on unexplained discretionary factors. The Parole Board, pursuant to a Public Records Request supplied the data for all Risk Assessments in 2024.⁴ The Parole Board usually does not note on the Records of Decision what a lifer's Risk Assessment is. Risk Assessment levels are: Very Low, Low, Medium, High, or Very High. A Very Low rating is extremely rare.

Table 12 below contains the Risk Assessment data as reported by the Parole Board for 2024.

³ For more information on the failure of the DOC to transfer approved lifers to minimums and the chronic underutilization of lower security facilities by the DOC, see: a letter to Ms. Abbe Nelligan, Assistant Deputy Commissioner of Re-entry for the DOC authored by State Representatives Erika Uytterhoeven (27th Middlesex District) and Russell Holmes (6th Suffolk District) as well as *The Department of Correction's Version of Hobson's Choice And/Or Joseph Heller's "Catch-22"*, by Gordon Haas, Chairman of the Lifer's Group Inc. (2025) @ realcostofprisons.org/writing.

⁴ The difference in the number of Risk Assessments (128) and the number of Records of Decision analyzed in this report (121) may be attributed to the Parole Board's not posting seven Records of Decision online in 2024.

Table 12 below contains the Risk Assessment data as reported by the Parole Board for 2024.

Table 12

Risk Level	# App.	# Den.	Total	% App.	% Den.
Very Low	0	0	0	----	----
Low	23	5	28	82%	18%
Medium	53	20	73	73%	27%
High	15	1	25	60%	40%
Very High	1	1	2	50%	50%
None	0	0	0	----	----
Totals	92	36	128	72%	28%

Table 13 below presents the total Risk Assessment data provided by the Parole Board for the years 2017 through 2024.

Table 13

Risk Level	# App.	# Den.	Total	%App.	% Den.
Very Low	0	0	0	----	----
Low	91	59	150	61%	39%
Medium	302	277	579	52%	48%
High	79	175	254	31%	69%
Very High	2	19	21	10%	90%
None	1	4	5	20%	80%
Totals	475	534	1009	47%	53%

11) Lifers Serving Life For Non-Homicides

Of the 121 records of Decision for 2024, 16 or 13% were for those serving second degree life for crimes which did not include the taking of a life, such as armed robbery, rape, or as an habitual offender. Table 14 on page 15 presents the

number for each category of crime and the number approved for a parole for the years 2020 through 2024.

Table 14

Crime	2024 #/App.	2023 #/App.	2022 #/App.	2021 #/App.	2020 #/App.
Rape	12 / 6	8 / 4	12 / 3	10 / 3	8 / 0
Armed Rob.	4 / 3	5 / 4	5 / 3	4 / 1	3 / 2
Unarm.Rob.	0 / 0	2 / 1	0 / 0	2 / 2	1 / 1
Burglary	0 / 0	4 / 2	0 / 0	1 / 0	0 / 0
Totals	16 / 9	19 / 11	17 / 6	17 / 6	12 / 3
% App.	56%	58%	35%	35%	25%

Note the significant increase in the parole rate for this subset of lifers for the past two years since Ms. Tina Hurley became Chairperson and the make-up of the Parole Board members changed dramatically. New members were appointed with social science and treatment backgrounds as opposed to members who were primarily from District Attorney offices and/or the Department of Correction.

12) Times Between Hearing Dates and the Dates of Decision

Each Record of Decision notes both the date of the public hearing was held and a date of decision. The Date of Decision is not the date the Parole Board members actually rendered their decision. Rather, the Date of Decision is the date the Record of Decision was signed by the Chairperson, thereby validating the actual decision.

In 2024, the average number of calendar days between Hearing Dates and Dates of Decision for all the Records of Decision analyzed in this report was 97 days, 11 days longer than in 2023, but 74 days fewer than in 2022. Note the precipitous decrease in average times between Hearing Dates and Dates of Decision beginning in 2022, once again a tribute to the present Chairperson and her reorganizing the Parole Board structure.

Table 15 below presents the data for the average lengths of time between Hearing Dates and Dates of Decision in 2024 as well as the data for the years 2020, 2021, 2022, and 2023.

Table 15

# of Days	2024 #/%	2023 #/%	2022 #/%	2021 #/%	2020 #/%
1 - 100	71 / 59%	101 / 73%	20 / 12%	10 / 6%	7 / 6%
101 - 200	49 / 40%	37 / 27%	77 / 45%	79 / 48%	39 / 33%
200 - 300	1 / 1%	0 / 0%	54 / 31%	42 / 26%	47 / 39%
301 +	0 / 0%	0 / 0%	20 / 12%	33 / 20%	26 / 22%
# of Dec.	121	138	171	164	119
Ave. Delay	97	86	189	215	225

Note that the average length of delay has decreased from 2020 to 2024 by 57% (225 to 97 or 129 days). Lifers no longer have to wait up to seven months or more on average. This is a major improvement and Chairperson Tina Hurley and her staff deserve much credit. It is difficult to fathom why it took the Parole Board under the previous chairpersons over six to seven months on average to inform lifers the results of their hearings, especially when in the last two years the same process has taken slightly over three months, or a reduction by one-half.

13) Juveniles At The Times Of Their Crimes

Those under the age of 18 at the time of the commission of their crimes and who were serving life-without-parole (LWOP) sentences became eligible for parole hearings after the *Diatchenko* decision by the Supreme Judicial Court (SJC) in 2015.⁵

In 2024, eight juveniles formerly serving LWOP and who had completed at least fifteen years of incarceration appeared before the Parole Board. Three were approved for paroles – an Approval Rate of 37.5%. Since 2014, one-hundred parole hearings have been reviewed by the Lifer's Group Inc. for juveniles formerly serving LWOP sentences. Of those one hundred hearings, forty-eight juveniles at the times

⁵ *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12 (2015)

of their crimes and had been serving LWOP sentences prior to the *Diatchenko* were paroled, an Approval Rate of 48%.

In 2024, nine juveniles who were serving second degree life sentences appeared before the Parole Board. Eight were approved for a parole – a rate of 89%.

In 2024, a total of seventeen lifers who had committed crimes before the age of 18 had parole hearings. Seven had Initial Hearings – two (29%) were approved for paroles. Ten had Review Hearings, nine or 90% were approved for paroles.

Of the seventeen juveniles who went before the Parole Board in 2024, two were fourteen years of age at the times of their crimes, both were serving second degree sentences – one was approved who was fifty-two years old at the time of his hearing which was his fifth appearance before the Parole Board. The fourteen year old who was denied had his Initial Hearing, was age 34, and received a two year Setback.

Two juveniles were fifteen years at the time of their crimes and both were denied. Each had been serving LWOP before the *Diatchenko* decision. One had an Initial Hearing and received a three year Setback; the other had a Review Hearing, his second before the Parole Board and received a two year Setback.

Seven juveniles were sixteen years old at the times of their crimes. Five were approved (71%) and all at been serving second degree life sentences. The two who were denied had been serving LWOP sentences prior to *Diatchenko* decision. Both had Initial Hearings. One lifer, age 47 at the time of his hearing, received a five year Setback; the other, age 49 at his hearing, received a three year Setback.

Six juveniles were seventeen years old at the time of their crimes. Five (83%) were approved. Three of the five had been serving LWOP sentences and two had been serving second degree life sentences. The one who was denied had been serving a LWOP sentence prior to the *Diatchenko* decision, had his Initial Hearing, and received a two year Setback.

14) Attorney Representation

Of the 121 Records of Decision analyzed by the Lifer's Group Inc. for 2024, 93 of the lifers were represented by attorneys – 77% of the lifers. Attorney representation was either by a private attorney – either paid by a lifer or assigned by the Committee For Public Counsel Services (CPSC) – or by student attorneys from Northeastern, Harvard, or Boston College. Of the 93 lifers represented by counsel, 76 were approved – an Approval Rate of 82%, an increase from 59% in 2023. Of the 28 lifers who chose not to be represented by counsel at their parole hearings, 13 or 43% were approved for paroles, a slight increase from 41% in 2023.

Student attorneys represented lifers at 27 hearings in 2024 – 12 from Harvard, 9 from Northeastern, and 6 from Boston College. Of those 27 lifers represented by student attorneys in 2024, 20 or 74% were approved for paroles, an increase from 55% in 2023. The Approval Rate for lifers represented by non-student attorneys was 85% - 56 of 66.

Forty-four practicing attorneys represented lifers at parole hearings in 2024. It needs to be noted that juvenile and *Mattis* lifers are entitled to attorney representation subsequent to the *Diatchenko* and *Mattis* decisions by the SJC. Of those 44 attorneys, 38 represented one or two lifers each. The remaining six attorneys represented three or more lifers. The number each of those six and the number of approvals are listed in Table 16 below.

Table 16

Attorney	# Represented	# of Approvals
Diedre Thurber	7	6
Justin Breschler	4	4
Lisa Newman-Polk	3	3
Amy Belger	3	3
Ryan Schiff	3	3
Frank Hermann	3	3

Table 17 below contains the data for approvals and denials for the 121 Records of Decision analyzed in this report for 2024 broken down by whether an attorney represented a lifer or no attorney was present at the hearing and the combined data for 2015 through 2024, a total of 1,206 Records of Decision.

Table 17

	# 2024 Approvals	# 2024 Denials	# 2015 – 2024 Approvals	# 2015 – 2024 Denials	Overall App. %
Attorney	76	17	409	399	51%
No Attorney	<u>13</u>	<u>15</u>	<u>138</u>	<u>260</u>	35%
Totals	89	32	547	659	45%

Whether or not to engage representation at a parole hearing can be a difficult decision depending upon an individual lifer's needs. Those who are preparing for an Initial Hearing should give careful consideration to obtaining representation. One must remember the importance of how a lifer presents him/herself at a parole hearing and the contents of a lifer's parole package. Particularly critical also is whether or not a lifer has addressed his or her needs and can articulate how he or she has grown and will use the skills he or she has learned through recognized programming to be a productive citizen if released. Both factors are what will determine whether a lifer is approved for a parole or not. No attorney can be expected to convince the Parole Board that a lifer should be paroled if that lifer has not put in the work necessary to present him or herself in the best possible light. The Lifer's Group Inc. does recommend that any lifer who is preparing for an Initial Hearing give careful consideration to engaging representation for what transpires at an Initial Hearing sets a foundation which will carry on through any subsequent Review Hearings should a lifer be denied a parole. Thus, having representation at an Initial Hearing can be most advantageous to assist the lifer to "get off on the right foot."

In addition, whether an attorney is representing a lifer at an Initial Hearing or a Review Hearing makes a substantial difference. This needs to be taken into consideration in assessing an attorney's success rate. In 2024, for example, the Approval rate at Initial Hearings was 59% or nearly 6 out of every 10. The Approval Rate for Review Hearings in 2024, however, was 80% or nearly 8 out of every 10,

15) Analysis Of Parole Decisions By Race

As a lifer's racial identity is not indicated on the Record of Decision, the Lifer's Group Inc. submitted a Public Records Request for the racial breakdown for lifer decisions in 2024. The Parole Board responded with the relevant data which are presented in Table 18 below.⁶

Table 18

Race	Approvals	Denials	Total	% Approved
Caucasian	46	20	66	70%
African-Amer.	28	11	39	72%
Latino	18	3	21	86%
Asian	0	1	1	0%
Native Amer.	0	0	0	----
Unknown	0	1	1	0%
Totals	92	36	128	72%

Table 19 below and continued on page 21 presents the combined data for the racial breakdowns of decisions for lifers from 2020 through 2024.

Table 19

Race	Approvals	Denials	Total	% Approved
Caucasian	159	152	311	51%
African-Amer.	148	102	250	59%
Latino	84	58	142	59%
Asian	11	4	15	73%

⁶ The difference in the number for Racial Identities (128) and the number of Records of Decision analyzed in this report (121) may be attributed to the Parole Board's not posting seven Records of Decision online in 2024.

Native Amer.	5	2	7	72%
Unknown	0	1	1	0%
Totals	407	319	726	56%

The data in Table 19 are instructive. Over the past five years, the approval rates are consistent for Caucasians, African-Americans, and Latinos. The original query was whether or not the Parole Board was favoring Caucasians over African-Americans or over Latinos or over both. From 2020 through 2024, the Lifer's Group Inc. finds no significant differences in parole rates as analyzed by racial identities. We will, however, continue to monitor this factor.

16) Female Lifers

In 2024, of the 121 Records of Decision analyzed in this report, three female lifers went before the Parole Board. All had Review Hearings and all were approved for paroles.

From 2018 through 2024, twenty-three female lifers went before the Parole Board – 9 for Initial Hearings and 14 for Review Hearings. A total of eight in that seven year period were approved for paroles – an Approval Rate of 35%. While the data remains scant, a 35% Approval Rate over seven years is low, especially compared to the overall Approval Rate of 57% (438 of 763) for male lifers for the same time period. It is encouraging, however, that in 2024, the Approval Rate for female lifers was 100%.

17) Victims' Genders

In 2022, at the request of one of our members, the Lifer's Group Inc. began to track whether or not the gender of the victim might have influenced Parole Board decisions, i.e., was the Approval Rate for lifers whose victims were female significantly lower than the Approval Rate for lifers whose victims were male. In the 117 Records of Decision for 2024 where the victim's gender was noted, 75 of

those Records of Decision had victims who were male. The resultant Approval Rate was 88% (66 of 75). The number of Records of Decision in which the victim was identified as female totaled 42, of which 23 were paroled at an Approval Rate of 55%. Table 20 on page 22 presents the data from 2022 through 2024.

Table 20

	Male. Vic. App.	Male Vic. Den.	% App.	Female Vic. App.	Female Vic. Den.	% App.
2022	57	47	54.8	19	38	33.3
2023	49	33	59.8	20	20	43.5
2024	<u>66</u>	<u>9</u>	88.0	<u>23</u>	<u>19</u>	55.0
Totals	172	89	51.7	62	77	44.6

2024 is the third year the Lifer's Group Inc. has tracked this data set. There is a seven percent differential over the three years in the comparable Approval Rates for lifers whose victims were either male or female. 2024 had a particularly higher disparity with an 88% Approval Rate for lifers whose victims were male versus 55% for lifers whose victims were female. As with the Racial Breakdowns, the Lifer's Group Inc, seeks more data from upcoming years before concluding that there is an overall significant difference in Approval Rates based on the gender of the victims.

18) *Mattis* Lifers

As noted herein in the *Mattis* case, the SJC eliminated LWOP sentences for emerging adults, i.e., those who committed their crimes when they were between the ages of 18 and 21. Thus, those lifers in that cohort became eligible for a parole. Over two hundred lifers were affected. Only those, however, who had served at least fifteen years were immediately eligible for a parole hearing.

In 2024, the Parole Board held Initial Hearings for eight *Mattis* lifers. All eight were approved for paroles. The average number of years of incarceration for

these eight lifers was 45. The longest was fifty-seven years; the shortest was thirty-five years.

DISCUSSION

The lengths of Records of Decision remained at two or three pages. The deemphasizing of the specifics of the crimes continued in 2024. This has been a positive development. In past years, the description of the crime took up nearly half of the Records of Decision which could go on for four or five pages. But, the sections on parole history and the actual hearing have also been reduced. Unfortunately, for our reports, the Records of Decision lack important data like the reasons lifers were returned from paroles.

The description of the parole hearing itself was condensed and many of the explanations for why a parole was not granted still lacked specificity. All of these revisions limit the data the Lifer's Group Inc. can glean from the Records of Decision. But, that is a small price to pay for the much improved procedures for writing and publishing the Records of Decision culminating in the reduced time between Hearing Dates and Dates of Decision. Lastly, the Chairperson now signing the Records of Decision as opposed to the Parole Board's General Counsel may imply less reliance being placed on the legal staff's input, which would be another positive development.

The number of lifers who had Review Hearings in 2024 after having had a prior parole revoked decreased appreciably – a drop of 53% (from 19 in 2023 to 9 in 2024). In the years 2020 through 2023, the average number of Review Hearings for this subset was 18 – a high of 22 in 2021 and a low of 15 in 2022. This decrease in 2024 may portend a concomitant decrease in the number of lifers being returned to prison for technical violations, something the Lifer's Group Inc. and other activists have been advocating for several years. It will be interesting to see if this trend continues in 2025.

The difference in the overall Approval Rate calculated in this report (74%) and the overall Approval Rate provided by the Parole Board for Risk Assessments and Racial Identities (72%) may be accounted for due to the difference in the number of decisions cited in this report (121) and the number of decisions cited by the Parole Board for Risk Assessments and Racial Identities (128) if the decisions in those seven cases split by three Approvals and four Denials.

The Lifer's Group Inc. would like to see the Parole Board and the DOC begin, as mandated by the Legislature in 2018, to interview jointly every lifer upon his/her entering the system to assess what his/her need areas are and what programs he/she should complete in the years leading up to an Initial Hearing. Thus, the lifer would have a clear plan as to his/her areas of need and how to address those areas.

The resignation at the end of May of Chairperson Tina Hurley is very distressing. As was noted in several pages of this report, under Ms. Hurley's leadership, the Parole Board's priorities were reoriented away from a regurgitation of the facts of the cases to each lifer's program participation and development while incarcerated. The result was a significant increase in the Approval Rate for lifers across all categories and the time delay between Hearing dates and Dates of Decision was 97 days, a substantial improvement from her predecessors.

Why Governor Maura Healey chose not to reappoint Ms. Hurley is a mystery. But, we urge Governor Healey to appoint a successor to Ms. Hurley who will continue her excellent work and not regress to the days of chairpersons who were only interested in obtaining judgeships.

EXCERPTS FROM 2024 RECORDS OF DECISION

1. _____ *has engaged in and completed over 30 programs. _____ acknowledged the destructive behavior and choices he made earlier in his life and expressed remorse for his actions. _____ noted he has gained coping mechanisms and insights into his behavior, which will assist in his transition to the community ... The Board recognizes the factors enumerated in the SJC's Mattis decision and finds that _____ has matured and engaged in the necessary rehabilitation progress to make his release compatible with the welfare of society.*

This lifer was approved at his Initial Hearing

2. _____ *has demonstrably followed recommendations of the Board. Specifically, _____ has engaged in therapy to address past trauma issues noted in previous evaluations and has also completed multiple Restorative Justice Programs to learn more about empathy, repairing harm, and the root causes of his behavior.*

This lifer was approved at his Review Hearing.

3. _____ *presented with insight and remorse with regards to the harm he has caused the victim's family, his family, and his community... He has completed over 50 programs that addressed his need areas... He has invested in self-development by identifying the precipitants to this offense and addressing the areas in need of change.*

This lifer was approved at his Initial Hearing.

4. _____ *continued his commitment to his rehabilitation and addressed the Board's previous concerns. _____ became a medical companion, which appeared to increase his level of empathy. He advanced his investment in education and is now enrolled at Boston College.*

This lifer was approved at his Review Hearing.

5. *Since the last hearing, _____ presented a credible version of the offense and recognized how his previous version negatively impacted the victim's family and his progress in his rehabilitation.*

This lifer was approved at his Review Hearing.

6. *_____ presented as remorseful and insightful about the harm he has caused. He had had no violence while in custody. He enrolled in weekly counseling and groups which he feels has been instrumental in his self-development and his own trauma healing. He is employed full-time and renounced from prior gang affiliation.*

This lifer was approved after his Review Hearing.

7. *Since his last hearing, he has invested in rehabilitation programming including programming recommended by the Board since his initial hearing. _____ is in compliance with his mental health treatment, checking in with his therapist, taking prescribed medication, and participating in meditation. _____ was able to articulate his coping skills and how he has used them.*

This lifer was approved after his Review Hearing

8. *The Board remains concerned with his minimization of his pattern of sexual or violent offending and the significant trauma he has caused his victims with regards to the most recent disciplinary reports, he stated he was using the pornographic pictures to sell for stamps. Such conduct continues to resemble his pattern of rationalization and criminal thinking.*

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

9. *This was _____'s seventh appearance before the Parole Board. He has continued to maintain his innocence, which the Board has challenged in prior hearings due to the nature and circumstances of the offense... _____ distanced himself from the harm he caused [the victim] and the [victim's] family. Rather than accept accountability, he blames the victim's family and victim for his decisions. This further demonstrates his lack of empathy. The Board remains concerned about his level of insight, candor, lack of empathy and judgment... _____ is encouraged to pursue programs and opportunities that will increase his ability to empathize and will address the ongoing concerns with regards to his judgment and candor.*

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

10. *The Board recommends he continue to engage in programming focusing on victim empathy and restorative practices. The Board also recommends _____ develop a strong relapse prevention plan.*

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

11. *The Board recommends that _____ continue investing in his education and his sobriety, as well as applying the principles _____ learns in his programming, especially with regard to Violence Reduction.*

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

12. *The Board recommends he explore opportunities to address this need area [domestic violence] through programs offered such as Family Violence program, available tablet programs, correspondence courses (if able) and Victim Empathy to appreciate the consequences of the harm he has caused.*

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