

**A REPORT ON**  
**LIFE WITHOUT THE POSSIBILITY**  
**OF PAROLE (LWOPP)**  
**IN MASSACHUSETTS:**  
**A CALL TO ACTION**

We, the below signed individuals state that we are registered voters in Massachusetts who are **in favor** of a Bill that will eliminate any sentence of Life Without Parole, and not replacing it with the death penalty but rather a parole date that would be more than 15 years. We believe such legislation to reform sentencing structure is morally, socially and fiscally sound criminal justice policy for Massachusetts.

DATE OF BIRTHThis image shows a single sheet of white paper with horizontal black ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slightly textured appearance and some minor discoloration or faint smudges, particularly near the top edge. The overall tone is off-white or light cream.



## EXECUTIVE SUMMARY

Massachusetts has only one sentencing option for 1<sup>st</sup> degree murder, Life Without the Possibility of Parole(LWOPP). This differs from most other States which allow for Judge or jury sentencing options after finding a verdict that could result in no parole, parole after 15, 20 or 25 years(LWPP15, LWPP20, LWPP25), or the death penalty. In Massachusetts more than 1 in 6 inmates is serving a life sentence which is the fifth highest ratio of lifers to general prison population in the country. Nationally, forty eight states have legislated LWOPP, most within the last two decades. This is a contributing factor to the United States being the world leader in per capita incarceration rates, five to eight times higher than similar industrialized countries; a sad reality.

The focus of this position paper is to argue that everyone should be afforded the possibility of parole and that LWOPP is not always the best crime control policy for murderers. A recent poll of Massachusetts residents revealed that two thirds of respondents want the state to focus on rehabilitation and prevention rather than longer sentences and more prisons. This paper will show other data backing this argument as smart, sound, cost saving and still in the interest of public safety. With a proper understanding of the issues, the popular opinion of "lock 'em up and throw away the key" defies logic.

After your review of this position paper it is our hope that you will be convinced that a sentence of LWOPP is not sound policy for someone who has demonstrated an ability to rejoin the realm of society with supervised observation after 2.5 decades and that person should have an opportunity, not a guarantee, to be reduced to a paroled status of supervision. This reduced level of supervision of an inmate in society also reduces the cost of inmate management to 10% of what it costs to incarcerate. This is not to suggest public safety should be jeopardized based on financial matters, rather it states that a more sound criminal justice system will better manage limited funds of the State's budget. Then, statements such as that made by Secretary General of Peace Reform, Vivian Stern, won't ring true when she says, "Among mainstream politicians and commentators in Western Europe, it is a truism that the criminal justice system of the U.S. is an inexplicable deformity."



In most of the world, people do not get old in prison- not even murderers. This makes "elderly in prison" a problem exclusive to the United States. Western Europeans regard 10-12 years as an extremely long term, and this does include murderers. Keeping older people incarcerated triples the health care costs and provides little community wide benefit. In the period between 1992 until 2010, it is estimated that the elderly population in Massachusetts will grow six-fold from 5% to 33% of the total prison population. Many studies show the risk to re-offend goes way down as a convict's age advances. With the murderer who's maturity level develops and who has spent 25 years behind bars, doesn't it make sense for the possibility of parole?

The statistic may seem unbelievable, but within this report you will see that Massachusetts imprisons five times more juveniles to LWOPP than all other countries in the entire world outside of the U.S.! It is a legal possibility in only twelve countries worldwide. Even the United Nations denounced juveniles being given such a sentence. Our society will not let a juvenile be responsible to drink alcohol, sign a contract, drive a car or consent to sexual relations on the one hand, but will hold the juvenile responsible for murder without ever having the opportunity to demonstrate a change of character and values. Further, studies indicate that the last regions of the brain to develop are used for impulse control, risk assessment and moral reasoning. This frontal lobe part of the brain does not begin maturing until the ages of 17 to 20. Despite this cognitive deficit in juveniles, Massachusetts's criminal justice system has still sentenced 7% of all lifers(LWOPP) as juveniles. Shouldn't these one time children, now in their 40's and 50's be given the possibility of being evaluated for supervised released?

Prison time itself, merely by isolating a person from their family and society, allows for an inmate to mature upon proper introspection. When a criminal is incarcerated and told they will die in prison, proper introspection is often lost. This may be a contributing factor to Massachusetts's prison suicides being twice the national average.

Interestingly enough, in an extensive national study of parolees, it shows that for lifers who have received paroles, the recidivism rate is less than three times



that of other crime categories studies. Germany, Norway, Portugal, France and Slovenia have all passed laws either abolishing or severely restricting LWOPP to acknowledge that everyone could rehabilitate and provide such an incentive – even for a murderer. It makes social, fiscal and scientific sense to allow for a supervised parole. If a person shows they would not be a public safety threat, why wouldn't we, as a society, want to take advantage of it. It does not mean murderers would go free, it means they would be evaluated to see if it makes sense to allow them a reduced security level of supervised community release. In a four year review of Life with possibility of parole where lifers go for such a review after 15 years, only 7% were granted parole in their first hearing. This is not the public perception as this information is kept from the public. Today, LWOPP means a person dies in prison in Massachusetts.

Because most mental health hospitals were closed in the 60's and 70's, more mentally ill have entered the prison system, including those sentenced to LWOPP. It is estimated that one in five lifers nationwide are mentally ill. Should mentally ill people who have murdered and then come to terms with their illness through its effective treatment not be given any hope to one day leave prison? There are some 180 of these individuals serving LWOPP if you apply the national average to the number of Massachusetts LWOPP inmates. What are we telling that mentally ill individual? What does that say about us as a society?

Determining which offenders have undergone a self-transformation and are safe to release, and which individuals remain unreformed, is not an easy task. Certainly, a jury and judge are not capable of foretelling what changes may occur within a criminal over the course of many years. It is unrealistic and even irresponsible to expect such clairvoyance from anyone. These determinations need to be made after a period of time, allowing such damaged individuals the ongoing opportunity to make needed changes to themselves, and where possible, to provide reparations and/or show true remorse for their crime. Then, with a well rounded body of disciplines from criminal justice, psychiatry, psychology, faith-based, government fiscal affairs, substance abuse treatment

and recovery, as well as education a proper determination of a criminal's civility can be evaluated years after the crime.

It is imperative that we make our prisons houses of healing and not black holes of despair. All people, even murderers, should have an opportunity to change themselves in order to become contributing members of the whole community rather than simply a financial sinkhole. Please read the thorough argument that follows, and if you agree, sign the page asking for this criminal justice reform. Then pass it on so the signature page can be completed and mailed to the Criminal Justice Policy Coalition to collect all signatures statewide.

Please Contact:

Rachel Corey  
Executive Director  
Criminal Justice Policy Coalition  
549 Columbus Avenue  
Boston, MA 02118

Timothy J. Muise, #W66927  
MCI Norfolk  
PO Box 43  
Norfolk, MA  
02056-0043