

## MASSACHUSETTS JUVENILES CONVICTED OF FIRST DEGREE MURDER HAVE NOT RE-OFFENDED WHEN PAROLED

Over the past eight years 29 persons convicted of murder in the first degree originally sentenced to Life Without Parole (LWOP), have been released into the Massachusetts community on lifetime parole.<sup>1</sup> Not one of them has re-offended or committed another crime.<sup>2</sup> They became eligible for parole after a December 2013 decision of the MA Supreme Judicial Court,<sup>3</sup> which ruled that the 65 sentenced to LWOP who had not attained the age of 18 at the time of the crime should have their sentences of LWOP modified, making them eligible for parole after serving 15 years. The 29 individuals were among the cohort of the 65 individuals receiving reduced sentences.

Juveniles Convicted of First Degree Murder Paroled, by year	
2015	6 paroled
2016	4 paroled
2017	1 paroled
2018	2 paroled
2019	2 paroled
2020	5 paroled
2021	4 paroled
2022	3 paroled
2023	2 paroled
*Three briefly revoked then re-released on	

It is notable that 15 of the 29 paroled have been out of prison for six years. Studies have shown that the risk of recidivism decreases each year after release, with rates substantially reduced after three years.<sup>4</sup> Additional studies show that those convicted of murder have the lowest rates of recidivism when released.<sup>5</sup> These data make clear that the lack of re-offense by these individuals originally sentenced to LWOP is not an outlier, but an almost predictable outcome. This suggests that a policy of parole review for those serving LWOP reflects valid principles and should give cause to further increase such releases.

Such releases to parole should have substantive savings to the costs of incarceration, as the cost for one year of incarceration is \$127,154, which can triple to more than \$300,000 for elderly persons.<sup>6</sup>

Possibly more important in terms of public safety and humanitarian considerations, these 29 persons have been returned to their families and communities without any known decrease in public safety. Such re-integration not only helps those individuals but strengthens communities and serves to decrease crime by stabilizing families and the communities in which they live.<sup>7</sup>

<sup>1</sup> Four others were paroled during this period: three were deported; one sent to the custody of ICE.  
<sup>2</sup> Three had their parole briefly revoked due to violations of parole, such as substance abuse, lying to a parole officer, associating with another former prisoner.  
<sup>3</sup> Diatchenko v. District Attorney for the Suffolk District, 466 Mass. 655 (2013)  
<sup>4</sup> “The Cruel Aging of Massachusetts Life Sentenced Prisoners” Greineder, Dirk. Lifers’ Group, Inc. Pp.16-19.  
<sup>5</sup> “No End in Sight” Nellis, Ashley. The Sentencing Project. 2021.  
<sup>6</sup> Calculated from “MA DOC Expenditures and Staffing Levels” annual reports. Haas, Gordon. Lifers’ Group. Inc.  
<sup>7</sup> “The Cruel Aging of Massachusetts Life Sentenced Prisoners” Pp. 13-15.

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