



**Testimony submitted to the Joint Committee on the Judiciary  
In Support of H.1797 An Act to reduce mass incarceration  
By Nancy Bettinger and Lucy Costa, LWVMA Criminal Justice Reform Specialists  
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The League of Women Voters of Massachusetts represents 47 local Leagues across the state, from Cape Cod to the Berkshires. We urge you to support H.1797, and report it favorably out of committee. If passed, this bill would give all incarcerated individuals the opportunity for a parole hearing after serving 25 years of their sentence, including those sentenced to life in prison without the possibility of parole (life without parole). It would not guarantee parole for anyone, just the right to a hearing.

The extensive use of this extreme sentence in our state is inequitable and ineffective. It does not enhance public safety, and it causes unnecessary harm to many individuals, families and communities. In order to underscore the harm that could be mitigated by granting parole hearings, our testimony focuses on the damaging effects of life-without-parole sentences.

The Commonwealth's expansive use of life without parole is contrary to long-standing League of Women Voters policy positions on criminal justice. The League of Women Voters of the United States supports the exploration and utilization of alternatives to imprisonment, taking into consideration the circumstances and nature of the crime (LWV US 2020). Furthermore, the League of Women Voters of Massachusetts advocates sentence lengths that encourage rehabilitation and reintegration into society (LWV Mass 2020). Imposition of a life-without-parole sentence denies the person's capacity to change and deprives them of all hope that they might someday become a productive and valued member of their family and their community. The sentence permanently excludes too many people from society, all but eliminating incentives and opportunities to work on rehabilitation.

An inordinate number of people are serving sentences of life without parole, both across the country and in our own state. The excessive use of this extreme sentence has arisen from increasingly punitive laws and policies adopted over several decades in a way that is disconnected from the crime rate. The number of people serving life without parole in the United States increased by 66% between 2003 and 2020, even though the violent crime rate dropped by about 20% over the same period (Nellis 2021). In Massachusetts in 2020, the number of people serving life sentences was equal to the total prison population in 1970, and about half of those are life-without-parole sentences (Nellis 2021). Currently, over 1,000 people are serving this sentence in Massachusetts, far more per capita than in the other New England states and the neighboring state of New York (See Table 1).

In 2020, the League of Women Voters of the United States adopted a resolution to advocate against systemic racism, including in the criminal justice system. Racial disparities are rampant throughout our correctional system, and they are even more striking in the population serving life sentences. Available data indicate that Black people in Massachusetts are over 8 times more



likely than white people to be sentenced to life in prison or life without parole (See Table 2). This is a stunning disparity and a sobering reflection of systemic racism in our criminal justice system. Furthermore, the overuse of life-without-parole sentences described above serves to magnify the damage done to Black and Latinx families and communities. Passing this bill would be a step toward redressing this deplorable repercussion of structural racism in our criminal justice system.

The League of Women voters opposes the widespread use of life-without-parole sentences on principle. However, it is also important to recognize that overusing life without parole does not provide practical benefits but instead imposes unreasonable costs. A few examples follow.

#### Lack of Proportionality

Life without parole is the most severe sentence imposed by the Commonwealth's courts. As such, it should only be imposed for the most serious crimes. On the contrary, people receive life-without-parole sentences for crimes that vary widely in their level of seriousness, and often the sentence does not fit the crime (Haas and Fillion 2016). Disproportional sentences undermine public confidence in the justice system, and the perception of unfairness can discourage community members from cooperating with law enforcement and the courts (Robinson 2012).

#### Absence of a Public Safety Benefit

Although crime prevention has often been cited as a purpose of life without parole (Robinson 2012, Kleinstuber and Coldsmith 2020), incarcerating a large number of people for as long as they live provides no real public safety benefit. Studies have shown that longer sentences do not strengthen deterrence from criminal activity (Wright 2010). Furthermore, in a recent analysis of existing data on life-without-parole sentences and crime rates in different states, researchers found that life without parole "is no more effective than life *with* parole" in reducing violent crime (Kleinstuber and Coldsmith 2020). Keeping a person imprisoned until they die without a public safety purpose is an unjustified waste of human potential.

#### Contribution to an Aging Prison Population

The increase in life-without-parole sentences handed down over the last several decades has contributed to an aging prison population. As of January 2021, over 13% of the criminally sentenced people in Massachusetts Department of Corrections jurisdiction were over 60 years of age (Mass DOC 2021). Moreover, 39% of those serving life sentences in Massachusetts are over the age of 55 (Nellis 2021). Our prisons are not designed to be hospitals and our corrections system is not prepared to care for the elderly, sick and dying in an appropriate and humane manner. While the oldest incarcerated people are least likely to commit a crime if released, they are the most challenging and costly to care for in prison settings.



Our criminal justice system can and should hold people accountable for their actions. However, the number of life-without-parole sentences handed down in our state is unjustified. In the United States, for better or for worse, punishment is viewed as part of the purpose of incarceration, along with rehabilitation. However, in Massachusetts we have allowed our system to become extremely unbalanced, with far too much emphasis placed on punishment and too little on rehabilitation. Too many lives and families are being devastated by excessively severe sentences. In the absence of a public safety benefit, condemning a person to live in prison until they die is unnecessarily cruel and amounts to an unjustified confiscation of a human life. We urge you to take an important step toward rebalancing our criminal justice system by reporting this bill out of committee favorably and supporting its passage by the full legislature.

Thank you for your consideration.

### **References**

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<https://www.sentencingproject.org/wp-content/uploads/2016/01/Deterrence-in-Criminal-Justice.pdf>

## TABLES

**Table 1**  
**Number of People Serving Life-Without-Parole (LWOP) Sentences**  
**Per Million Statewide Population**

State	LWOP Sentences Being Served (1)	State Population 2020 (2)	LWOP per million population (Rounded to the nearest whole number)*
Connecticut	68	3,605,944	19
Maine	62	1,362,359	46
Massachusetts	1,057	7,029,917	150
New Hampshire	77	1,377,529	56
New York	303	20,201,249	15
Rhode Island	28	1,097,379	26
Vermont	16	643,007	25

- Rounded up if the first digit after the decimal point is 5.

**References**

(1) Nellis, A. 2021. No End in Sight – America’s Enduring Reliance on Life Imprisonment. The Sentencing Project.  
<https://www.sentencingproject.org/wp-content/uploads/2021/02/No-End-in-Sight-Americas-Enduring-Reliance-on-Life-Imprisonment.pdf>

(2) U.S. Census Bureau 2020. Table 2. Resident Population for the 50 States, the District of Columbia and Puerto Rico: 2020 Census  
<https://www2.census.gov/programs-surveys/decennial/2020/data/apportionment/apportionment-2020-table02.pdf>

**TABLES  
(Contd.)**

**Table 2  
Calculation of the Relative Rate Index  
for Black People Serving Life Sentences Compared to White People in  
Massachusetts**

	<b>Total</b>	<b>White (a)</b>	<b>Black (a)</b>
<b>Number in State Popn.</b>	<b>7,029,917 (1)</b>	<b>4,892,822 (2)</b>	<b>492,094 (2)</b>
<b>Number of People with Life Sentences</b>	<b>2091 (3)</b>	<b>857 (2)</b>	<b>711 (2)</b>
<b>Rate of Life Sentences (no. life/race popn.)</b>		<b>0.000175 (4)</b>	<b>0.001445 (4)</b>
<b>Relative rate index for life sentences: (Black rate/white rate)</b>			<b>8.25 (4)</b>

**Notes:**

(a) For this analysis, “white alone” and “Black or African American alone” population percentage values were used to calculate the population numbers. Alternatively, the percentages for “Black or African



American alone or in combination” and “white alone or in combination could be used.” However, using an alternative population breakdown would not alter the conclusion that the disparity is very large.

- (b) Data for life without parole by race has not yet been published, but based on the unpublished data, the relative rate index is slightly higher than the value shown above for life sentences.

**References:**

- (1) United States Census Bureau  
<https://www.census.gov/library/stories/state-by-state/massachusetts-population-change-between-census-decade.html>
- (2) Calculated from percentages
- (3) Nellis, Ashley. 2021. No End in Sight. The Sentencing Project. (Table 5)  
<https://www.sentencingproject.org/wp-content/uploads/2021/02/No-End-in-Sight-Americas-Enduring-Reliance-on-Life-Imprisonment.pdf>
- (4) Calculated using numbers in this table:  
Rate = number serving life sentences/number in state population

***Result: In Massachusetts, Black people are over 8 times more likely to be sentenced to life in prison than white people.***