



**Testimony submitted to the Joint Committee on the Judiciary
In support of S.1045/H.1821 An Act to reduce mass incarceration
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The League of Women Voters of Massachusetts asks the Joint Committee on the Judiciary to support S.1045/H.1821 and to report it favorably. 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). The bill would also require the Department of Correction to establish a restorative justice program within its prisons that would be available to anyone sentenced to more than 25 years.

The League opposes extremely long sentences, including life without parole, and advocates prioritizing rehabilitation. The League of Women Voters of the United States supports a focus on humane treatment and rehabilitation with the goal of promoting the successful reentry into communities of those who have been incarcerated. The League of Women Voters of Massachusetts supports sentence lengths that encourage rehabilitation and reintegration into society. The League recognizes that purely punitive or over-long sentences can jeopardize rehabilitation and reintegration and has lobbied for reasonable prison sentences.

More than 1,000 people are serving sentences of life without parole in Massachusetts (Mass DOC, 2021), far more per capita than any other New England state and the neighboring state of New York. This excessive number is due in part to the rise in the use of this sentence over the last five decades, an increase that has not been justified by crime trends. 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).

The extensive use of this extreme sentence is inequitable and ineffective. Although crime prevention has often been cited as a major purpose of life-without-parole sentences, there is no evidence that incarcerating large numbers of people for more than 20 years enhances public safety. Researchers have reported that any reduction in crime rate that could potentially be attributed to extremely long sentences is likely to be small relative to the enormous financial and social costs of mass incarceration (Nagin, 2013; & National Research Council, 2014). To underscore the harm that could be mitigated by passing this bill, the following items focus on the damage done by life-without-parole sentences.

- **Denying the opportunity to ever apply for parole deprives people of hope and denies their humanity.** Life-without-parole sentences eliminate incentives to participate in self-improvement programs, undermine rehabilitation and deny the reality that many incarcerated people have turned their lives around. Without a public safety justification, banishing so many people from society and condemning them to languish in prison until they die is an unconscionable waste of lives and human resources.
- **Racial disparities are pervasive throughout our correctional system, but they are most egregious for life-without-parole sentences** (Ghandnoosh & Nellis, 2022). Available data indicate

that Black people in Massachusetts are about 8 times more likely than white people to be sentenced to life without parole. This is stunning disparity and a sobering manifestation of systemic racism in our criminal legal system. The overuse of life-without-parole sentences amplifies the damage done to BIPOC families and communities by the incarceration of friends and loved ones.

- **Incarceration has damaging collateral consequences for children and families, and extremely long sentences exacerbate these social and economic costs.** Incarceration of a parent can result in devastating reductions in family income (Annie E Casey Foundation, 2016) and can have damaging effects on children’s health and welfare. Being separated from a parent by incarceration can have lasting effects on a child’s health and development (Wildeman, et al., 2018) and on their education and general well-being (Poehlmann-Tynan & Turney, 2021).
- **The increase in life-without-parole sentences imposed over the last several decades has contributed to an aging prison population.** As of January 2022, out of a total 5,631 criminally sentenced people in DOC custody, 826 were over the age of 60. People “age out” of crime, and individuals with prior homicide convictions who are older at the time of release, are unlikely to reoffend (Prescott et al., 2020). Given that there are currently over 1,000 people serving life-without-parole sentences in Massachusetts, an unnecessarily large number of people who pose no risk to public safety will grow old and die in prison. The quality of health and end-of-life care provided in our prisons is low, but the cost will be increasingly high.

Leading legal associations have recommended that sentences for all incarcerated people be reviewed after 10 or 15 years, an even shorter period than this bill would require. The American Bar Association’s House of Delegates recommends authorizing courts to take a “second look” at criminal sentences after 10 years, and the American Law Institute’s Model Penal Code recommends reviewing youth convictions within 10 years and adult sentences after 15 years (Ghandnoosh & Nellis, 2022).

Passage of this bill would begin to move our correctional system away from needlessly lengthy sentences and toward a focus on rehabilitation and crime prevention. It would also be an important step toward redressing structural racism in our criminal legal system. The League of Women Voters of Massachusetts, representing 44 local Leagues across the Commonwealth, asks this committee to report S.1045/H.1821 favorably in a timely manner.

Thank you for your consideration.

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