



BRING OUR ELDERS HOME

S1547/H2397

*An act establishing Parole Review for
Aging Incarcerated People*

PLEASE CO-SPONSOR ELDER PAROLE LEGISLATION. Releasing aging people in prison who have already served long sentences is an urgent matter of racial and gender justice. This policy will allow us to reinvest taxpayer money and help eliminate the need for new prison construction.

PURPOSE OF ELDER PAROLE

An Act relative to Parole Review for Aging Incarcerated People will make people ages 55 and older eligible to see the Parole Board after they have served half of their sentence or at least 15 years, regardless of transgression. The bill would require the parole board to consider the impact of long-term incarceration on elders but would not guarantee an individual's release.

WHY AGE 55?

Aging accelerates in prison due to harsh conditions; the psychological trauma of incarceration; and inadequate medical and mental health care. Incarcerated people are generally considered “geriatric” at 55 and experience significantly worse health outcomes than people outside of prison¹.

POLICY BENEFITS

Passing S1547/H2397 will further reduce mass incarceration, reunite families, address significant racial disparities in sentencing and public health outcomes, promote dignity and wellbeing, and save the Commonwealth substantial resources to reinvest in communities.

BACKGROUND

Despite MA having the lowest rate of incarceration in the country, people are serving brutally long sentences in our state. Shamefully, MA is tied with Louisiana for the highest proportion of incarcerated people serving life without parole in the United States². Sentencing in MA is profoundly biased - **Black people are serving LWOP sentences at 9 times the rate of white people**³.

Due to the disproportionate number of life and long sentences in MA, we have one of the oldest prison populations in the US which worsens racial disparities in life expectancies. More than 800 people incarcerated in the DOC are older than 60 – 15% of the prison population. Many elders were prosecuted and convicted in the 1960s-90s when discrimination in policing and sentencing were even more severe than they are today. Incarceration of elders is a worsening humanitarian and fiscal crisis in MA, and we must maximize pathways home for the oldest people in the DOC.

¹ 2018. Green, M. Health Justice, "Older adults in jail: high rates and early onset of geriatric conditions"

² 2021. Sentencing Project Report "No End In Sight: America's Enduring Reliance on Life Imprisonment"

³ Calculated with data available from EOPSS



BUILDING UP PEOPLE NOT PRISONS

ELDERS IN THE DOC

Incarcerated elders are parents, grandparents, and beloved community members who deserve dignity and second chances. DOC is unwilling and unable to provide adequate care for incarcerated people, especially older people who are more vulnerable to chronic, degenerative, debilitating, and terminal conditions. Additionally, aging incarcerated people report experiencing falls, medical neglect, cognitive decline including dementia, incontinence, unmanaged pain, abuse by guards, and DOC denying essential medical equipment and mobility aids.

Incarcerating people for decades into their 60s, 70s, 80s, and 90s has no public safety benefit and is a strain on our state's resources. **Older people are the least likely group of people to cause further harm and return to prison.** In fact, multiple long-term studies confirm that people released on parole who were convicted of homicide are the least likely to commit new transgressions of any group⁴. People sentenced to LWOP in MA have already served an average of 21 years. We must take this opportunity to address the suffering of elders in the DOC and pass compassionate, fiscally sound policy.

COST SAVINGS OF RELEASING AGING PEOPLE

While people age out of committing transgressions, the cost of incarceration only increases as people get older. The Commonwealth spends at least \$70 million a year incarcerating people who are older than 60, not including additional healthcare costs. Spending tens of millions of dollars annually to imprison elderly people who are not a risk to public safety is an affront to the welfare of our state. We should pursue practical decarceration and invest tax dollars in elder care and community-based programs - not death by incarceration.

ELDER PAROLE TO PREVENT THE NEW WOMEN'S PRISON

MA is currently designing a \$50 million prison for less than 200 women in MCI-Framingham. Thirty-two of those women are older than 55⁵. There are 10 women serving LWOP who are older than 55, and they have served an average of 24 years already. Passing Elder Parole is one of many solutions to meaningfully decarcerate women from Framingham - including grandmothers who desperately need dignified physical and mental health care that they will never get in the DOC. We must not build a new prison before we have explored every doorway home for women - including the seven women in their 70s at Framingham. Let's reinvest those resources into what will create real safety and wellbeing in our state: elder care, housing, healthcare, drug treatment, and more.

⁴ Example: Life in Limbo: An Examination of Parole Release for Prisoners Serving Life Sentences with the Possibility of Parole in California

⁵ Data provided by DOC via public records request as of October 2022