

PAROLE DECISIONS FOR LIFERS - 2014

Prepared For:

Norfolk Lifers Group
MCI-Norfolk
P.O. Box 43
Norfolk, MA 02056

By:

Gordon Haas
Chairman

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* Due to a typographical error there is no subsection 11.

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A. INTRODUCTION

This report is the eighth prepared by the Norfolk Lifers Group studying parole decisions for lifers. The Parole Board published one hundred thirty-nine Records of Decision in 2014 and those Records of Decision comprise the raw data for this study. See: www.mass.gov/parole for the Records of Decision. Previous reports on lifer parole decisions published by the Norfolk Lifers Group can be found at: www.realcostofprisons.org. Please address any comments or questions about this or any previous report to: Norfolk Lifers Group, MCI-Norfolk, P.O. Box 43, Norfolk, MA 02056.

While prisoners not serving life sentences may be eligible for paroles, only those serving life for second degree murder, or any other crime which carries a life sentence with an eligibility for parole, are included in this report. Parole hearings for lifers are either Initial, for those lifers who have served the mandated minimum of fifteen years, or Review, for those lifers who were denied a parole at a previous hearing, or were returned to prison after having a prior life parole revoked due to violating one or more conditions imposed by the Parole Board. Every lifer denied a parole is then given a prescribed number of years, a setback, which may be from one to five years. The lifer must then serve the length of the setback in medium security or higher before he/she will have another Review hearing. If a vote of the Parole Board is evenly divided or a majority less than two-thirds in favor of parole, the parole is denied. There were no tie votes in 2014. There was one lifer who received a 4-3 vote for parole, but was denied as the number of votes for parole did not reach the requisite two-thirds majority. That lifer was given a one year setback.

Of the 139 Records of Decision for 2014, 134 (96%) were unanimous. The remaining five votes were one each for 6-1, 5-2, 5-1, 4-3, and 4-2. Unanimous votes occur in the great majority of the Records of Decision, at least 94%, for the years studied by the Norfolk Lifers Group. When there are dissenting votes, the Records of Decision, since Josh Wall became chairman in 2010, note which member(s) dissented and give the reason(s) why. All voting members for each Record of Decision are identified.

For lifers who are approved for a parole, particularly if they had not been returned after a prior life parole had been revoked, the typical destination is not directly to the street. Rather, the Parole Board conditions the release on a prescribed period of time to be spent in lower security (usually one year or more) and then the completion of a Long Term Residential Program (LTRP). The intent is to afford the paroled lifer the opportunity to reenter society

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gradually, with time to adjust from having been transferred, after many years, from higher security. One lifer who had been approved for a parole died in medium security while waiting to be informed of the decision by the Parole Board.

As in 2013, the Records of Decision for lifers in 2014 were tailored specifically to each individual case and divided into four distinct parts: the Parole Board's version of the Statement of the Case, Institutional Conduct, Parole History (including a review of any prior parole hearings), and the Decision. The parts are not equal in length. The Statement of the Case is normally the longest and typically, the dominant section of the entire Record of Decision. The Decision part is usually the shortest, but often provides guidance concerning specific areas which require improvement for those lifers denied parole.

Massachusetts General law c. 127, §130 stipulates that no prisoner should be paroled solely due to good conduct or program involvement while incarcerated. Rather, a parole is to be granted only when the Parole Board is convinced that there is a reasonable probability that if paroled, the prisoner will not violate the law and that the release would be compatible with the welfare of society. In addition to those legislated standards, the Parole Board considers if four goals of sentencing: punishment, deterrence, public safety, and rehabilitation have been met.

An event took place in late 2014 which may have radically contributed to the more than doubling of the rate of approvals for parole for lifers in 2014 as well as a significant improvement in the manner in which parole hearings for lifers were conducted, and how lifers and their supporters were treated. That event was the nomination and confirmation of the former chairman, Josh Wall, as a Superior Court judge. Due to extensive and unprecedented opposition to Mr. Wall's elevation to a lifetime judgeship, three separate hearings had to be held before the Governor's Council to accommodate all who sought to testify regarding the suitability of Josh Wall becoming a judge. The opposition centered upon the drastic decrease in paroles being approved since Wall had taken over as chairman, the inordinately long length of time for lifers to be notified of decisions, as well as the prosecutorial, negative, and adversarial atmosphere which permeated the public hearings for lifer paroles.

While Wall was finally confirmed, although not unanimously, the ground swell of opposition may well have found its mark. Lifers who had parole hearings after Wall had been nominated and, particularly after he had been assailed by the negative testimony in his first confirmation hearing, noted that a positive sea change had taken place in the manner in which they and their supporters had been treated. In addition, the rate of approvals, 33% before the Wall confirmation process, rose to 41% while his nomination was under consideration. Since Josh Wall's departure from the Parole Board, lifers have reported that the hearings are even more civil and professional. Wall's successor as chairperson is Charlene Bonner, Ph.D.

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B. RESULTS

1) Approval / Denial Rates

Of the 139 Records of Decision in 2014, 50¹ (36%) were approved for a parole, while 89 (64%) were denied. That 36% approval rate - the highest since 2009 and the fourth highest since 2002 - was 135% higher than the approval rate for 2013 (15.3%). In addition, the 2014 approval rate nearly equaled the total approval rate of 36.2%² for 2009 and 2010, the pre-Wall Parole Board. If the approval rate for 2014 were to be applied to the Wall Parole Board years of 2011 - 2013, then 50 additional lifers in those years would have been approved for paroles as opposed to their having had to continue being incarcerated in medium security. At a cost figure of \$45,500 per prisoner, per year, the theoretical cost savings, if the approval rate had been 36% in 2011 - 2013, would have exceeded \$3 million.³

Table 1 below presents the data for the Approval/Denial rates from 2009 through 2014. Note that the "Pre-Wall" years are only 2009 and 2010.

TABLE 1

<u>Year</u>	<u># Hearings</u>	<u>Approvals</u>		<u>Denials</u>	
		<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
2014	139	50	36.0	89	64.0
2013	137	21	15.3	116	84.7
2011/2012	125	23	18.4	102	81.6
2010	123	42	34.1	81	65.9
2009	90	35	38.9	55	61.1
Totals	614	171	27.9	443	72.1
Average	123	34	27.6	89	72.4
Pre-Wall	213	77	36.2	136	63.8

1. Fifty approvals for lifers in one year was the highest number since 2004 when 57 lifers had been approved. The third highest number of approvals was 42 in 2010. In no other year since 2002 did the number of approvals equal or exceed 40.

2. Approval rates for the years 2003 through 2014, based on the reports compiled for those years by the Norfolk Lifers Group were:

2014 - 36.0%	2009 - 38.9%	2005 - 33.3%
2013 - 15.3%	2008 - 31.3%	2004 - 46.6%
2011/2012 - 18.4%	2007 - 28.5%	2003 - 37.8%
2010 - 34.1%	2006 - 29.6%	

3. Using the 36% approval rate for the hearings studied in 2013 would have resulted in 28 more approvals, yielding \$1,274,000 in savings (\$45,500 x 28). Using the 36% approval rate for the hearings studied in 2011/2012 would have resulted in 22 more approvals, yielding \$1,980,000 in savings (\$45,500 x 22 x 2 years).

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2) Initial Hearings

In 2014, thirty-two lifers appeared before the Parole Board for the first time. Seven of those lifers had been serving life-without-parole sentences (LWOP) for crimes committed while they were juveniles. Their sentences had been reduced to second degree sentences due to a Supreme Judicial Court decision in 2014. Thus, those lifers were immediately parole eligible and, if at least fifteen years had been served, then qualified for an Initial Hearing.

Overall, the approval rate for lifers who had Initial Hearings was 40.6% (13 of 32) - a 110% increase over 2013. Notably, six of the thirteen approvals were for those who had been serving LWOP for crimes committed as juveniles. Discounting those lifers, the approval rate for lifers having Initial Hearings decreased to 28% (7 of 25). This approval rate still exceeded the approval rate for 2013 by 83% and for 2011/2012 by 52%. Save for 2010, the number of Initial Hearings for each year from 2009 through 2014 was remarkably similar. Table 2 below presents the data for Initial Hearings from 2009 through 2014.

TABLE 2

<u>Year</u>	<u># Hearings</u>	<u>Approvals</u>		<u>Denials</u>	
		<u>#</u>	<u>%</u>	<u>#</u>	<u>%</u>
2014	32	13	40.6	19	59.4
2013	31	6	19.3	25	80.7
2011/2012	32	5	15.6	27	84.4
2010	44	22	50.0	22	50.0
2009	30	9	30.0	21	70.0
Totals	169	55	32.5	114	67.5
Average	34	11	32.3	23	67.7
Pre-Wall	74	31	41.9	43	58.1

3) Review Hearings

Review Hearings are conducted for one of two reasons. First, lifers who had been denied a parole at a previous hearing have Review Hearings, after having served the Setback years. Thus, those who were denied at their Initial Hearings would have a Review Hearing at each subsequent appearance before the Parole Board. The length of time between hearings, the Setback, is determined by the Parole Board and can be up to five years.

The second reason for Review Hearings is for those lifers who had been granted

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paroles, but, whose prior parole(s) had been revoked and the lifers returned to prison. When a lifer is returned and his/her parole revoked, the Parole Board determines a Setback before the lifer has a Review Hearing.

There was a total of 107 Review Hearings held in 2014, comprising 77% of all the Records of Decision - the same percentage as in 2013. The number of Review Hearings held in both 2014 (107) and in 2013 (106) was significantly higher than in previous years. The average number of Review Hearings held from 2009 through 2012 was 77. The approval rate for Review Hearings in 2014 was 34.6%, an increase of 144% from 2013. The approval rate in 2014 for Review Hearings stopped a steady decline for the previous five years. Conversely, the denial rate for 2014 was 65.4% which ended a steady increase in denial rates for the same period. The approval and denial rates compared favorably with the pre-Wall rates for 2009 and 2010 combined.

Table 3 below presents the data for approval and denial rates for all Review Hearings for the years 2009 through 2014.

TABLE 3

Year	# Review Hearings	Approvals		Denials	
		#	%	#	%
2014	107	37	34.6	70	65.4
2013	106	15	14.2	91	85.8
2011/2012	93	18	19.3	75	80.7
2010	79	20	25.3	59	74.7
2009	60	26	43.3	34	56.7
Total	445	116	26.1	329	73.9
Average	89	23	25.8	66	74.2
Pre-Wall	139	46	33.1	93	66.9

As stated earlier, Review Hearings can be divided into two distinct subsets. One occurs when the lifers has been denied a parole at a previous hearing, be it an Initial Hearing or a prior Review Hearing, and the lifer had not had a prior parole revoked. The other type of Review Hearing occurs after a lifer has had a prior life parole revoked for violating one or more provisions of his/her parole, been returned to higher security, and then appears again before the Parole Board. In 2014, 67 lifers had Review Hearings without having had a prior parole revoked, while 40 lifers had Review Hearings after having been returned to prison due to a revocation of a prior parole. In 2013, the number of hearings for each subset was 58 and 48 respectively.

Twelve lifers of the 67 who had not had a prior parole revoked were approved for

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paroles - an approval rate of 17.9%. Overall, those 12 approvals accounted for 32.4% of all approvals for all Review Hearings, i.e., both subsets combined. In 2013, that percentage of approvals for this subset, i.e., no prior parole revoked, was 40%. There were, however, only a total of 15 approvals of all Review Hearings in 2013, as opposed to 37 in 2014. Still, the approval rate for the non-revoked subset in 2104 (17.9%) was 48% below the approved rate for this subset in 2009 (34.1%).

The approval rate for the parole revoked subset was 62.5% (25 of 40). This rate far outdistanced its counterpart for this subset in 2013 (18.8%) - by far the lowest in the past five years for lifers who had Review Hearings after a prior life parole had been revoked. In 2014, for the first time since 2009, the number of approvals for this subset exceeded the number of denials (25 as compared to 15). In the past five years, the approval rate for lifers who had Review Hearings after a prior parole had been revoked was significantly higher (nearly 250%) than the approval rate for lifers who had Review Hearings without a prior parole having been revoked - 62.5% as compared to 17.9%. In 2013, the percentage differential was 83%. In 2009, a pre-Wall year, this percentage differential was 85% higher.

Table 4 below presents the data for both subsets of Review Hearings.

TABLE 4

Year	Non-Revoked				Revoked			
	App.	%	Den.	%	App.	%	Den.	%
2014	12	17.9	55	82.1	25	62.5	15	37.5
2013	6	10.3	52	89.7	9	18.8	39	81.2
2011/2012	1	1.9	53	98.1	17	43.6	22	56.4
2010	11	20.8	42	79.2	9	34.6	17	65.4
2009	14	34.1	27	65.9	12	63.2	7	36.8
Totals	44	16.1	229	83.9	72	41.9	100	58.1
Average	9	16.4	46	83.6	14	41.2	20	58.8
Pre-Wall	25	26.6	69	73.4	21	46.7	24	53.3

In the 2013 study of parole decisions for lifers, the approval rates were broken down for Review Hearings based upon the total number of parole hearings a lifer had. This analysis is continued for 2014. The number of Review Hearings in 2014 ranged from 2 (the second hearing before the Parole Board counting the Initial Hearing) to 7 (the eighth hearing counting the Initial Hearing). In 2013, no lifer of the twenty-eight who had four or more parole hearings was granted a parole. In contrast, in 2014, forty-three lifers had four or more parole hearings and fifteen

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(35%) were paroled. Of those fifteen, however, thirteen had their parole hearings after a prior parole had been revoked.

The highest number of approved paroles (14) was for those who had their third hearing at a rate of 47% (14 of 30). For those who had their second parole hearing (34), their first Review Hearing, the approval rate was only 24% (8 of 31). In contrast, only one of those approvals was for a lifer who had a prior parole revoked. Eleven of the fourteen paroles for those who had their third parole hearings were for those who had a prior parole revoked. As indicated earlier, the Parole Board in 2014 continued to significantly favor lifers who had Review Hearings after a prior parole had been revoked over those who had Review Hearings without ever having been out on parole.

4) Comparing Approval Rates For All Hearing Types

Approval rates for all hearing types increased significantly in 2014 as compared to 2013. Approval rates for Initial Hearings increased by 109% and for overall Review Hearings by 144%. The approval rates for Review Hearings without a parole revocation increased in 2014 by 74%, as compared to 2013; the approval rate for lifers who had a prior parole revoked increased by 249%. Table 5 below presents the comparative approval rates for each type of hearing.

TABLE 5

<u>Year</u>	<u>Initial</u>	<u>Review (Not Revocation)</u>	<u>Review With Revocation</u>
2014	40.6%	17.9%	62.5%
2013	19.3%	10.3%	18.8%
2011/2012	15.6%	1.9%	43.6%
2010	50.0%	20.8%	34.2%
2009	<u>30.0%</u>	<u>34.2%</u>	<u>63.2%</u>
Overall	32.5%	16.1%	41.9%

5) Reasons For Returns From Prior Life Paroles

As in previous years, the most frequent reason in 2014 for a lifer being returned from a parole was substance abuse, i.e., use of and/or possession of either drugs or alcohol. In 2014, 40% of lifers who had a Review Hearing after a prior life parole had been revoked were returned

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for this reason (16 of 40). This percentage was lower than in 2013 (52%). The approval rate for those returned for this factor in 2014 was 75%, the highest in six years.

In 2014, the next highest reason for returns was assault (7), and then: larceny (4), and lying to a parole officer (4). No lifer who had a Review Hearing in 2014 after having had a prior parole revoked had been returned for a felony arrest or a weapons violation. The reasons for returns from paroles and the numbers paroled for each reason are listed in Table 6 below for the years 2009 through 2014.

TABLE 6

Reason	2014		2013		2011/12		2010		2009	
	#	App.	#	App.	#	App.	#	App.	#	App.
Substance Abuse	16	12	25	2	17	9	14	4	11	8
Assault	7	4	0	0	0	0	3	2	0	0
Associating With Known Criminals	1	1	3	1	7	4	3	1	0	0
Domestic Viol.	1	0	4	1	4	0	2	0	5	2
DUI	2	1	2	1	1	0	1	0	0	0
Larceny	4	1	1	0	0	0	1	0	1	1
Absconding	1	0	1	0	4	2	0	0	1	0
Failing To Pay Fees	2	2	0	0	0	0	0	0	0	0
Lying To P.O.	4	3	4	1	4	2	0	0	0	0
Failure To Participate In Mental Health	1	0	1	0	0	0	1	0	0	0
Indecent Exposure	1	1	0	0	0	0	0	0	0	0
Requested Return	0	0	0	0	0	0	1	0	0	0
Motor Veh. Viol.	0	0	1	1	0	0	0	0	1	1
Felony Arrests/ Weapons Viol.	0	0	6	2	2	0	0	0	0	0
Totals	40	25	48	9	39	17	26	7	19	12
% App.		62.5%		18.8%		43.6%		26.9%		63.2%

6. Approval Factors

Reviewing the factors indicated by the Parole Board for approving lifers for paroles can be informative, but remains resistant to making any sweeping conclusions as to which factors are the most important. What continues to occur is that the Records of Decision are tailored to individual lifers' cases. And, that is as it should be.

As with previous years, multiple factors were cited in each Record of Decision. Overall, in 2014, thirteen approval factors were noted, one more than in 2013. The additional factor was that a lifer had been a juvenile at the time of his/her crime, formerly serving a life-without-parole sentence, but whose sentence had been reduced to second degree pursuant to a decision by the Supreme Judicial Court, i.e., the *Diatchenko* case.

Of those thirteen approval factors, nine occurred in at least 10% of the 2014 Records of Decision for approvals. Those factors were, in order of frequency: Active Program Participation (66%), Addressed Areas Needed For Rehabilitation (60%), Community Support (52%), No Present Risk of Violence (46%), Minimal Disciplinary History (32%), Steady Employment While Incarcerated (22%), Four Goals of Sentencing Met, i.e., punishment, deterrence, public safety, and rehabilitation, (22%), Non-Shooter In a Joint Venture (16%), and Juvenile Former First Degree (14%). The category which occurred with the highest frequency differential with 2013 was Addressed Areas For Rehabilitation - a 26% increase.

What can be concluded is the continued strong emphasis on program participation which address the individual lifer's specific areas of recognized need. The Parole Board is not, therefore, seeking a massive number of programs to be completed. Rather, the Parole Board is looking to parole lifers who have correctly determined which areas they need to address, i.e., drug and/or alcohol abuse, violence, aggression, poor problem solving, etc. and have completed programs which specifically helped them to deal with those areas of need, and then to be able to explain how those programs changed them. All lifers going before the Parole Board should be prepared to state why they participated in each program and, more importantly, what they learned and specifically how each program changed their lives in positive ways. It is simply not enough to work at a prison job, for instance - although steady employment in addition to program participation is to be encouraged as is not receiving disciplinary reports. Lifers who eschew program participation in favor of just working, even while remaining relatively discipline report free, can expect to be denied parole. The only real question would be how long a Setback would be given in order to provide the time and opportunity to complete meaningful programs.

Table & below presents the comparative percentages for the thirteen Approval factors from 2009 through 2014.

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TABLE 7

Frequency Percentages Of Approval Factors
of Approved in ()

<u>Factor</u>	<u>2014(50)</u>	<u>2013(21)</u>	<u>2011/ 2012(23)</u>	<u>2010(42)</u>	<u>2009(35)</u>
Active Prog. Part.	66.0	71.4	39.1	69.0	45.7
Add. Areas Needed For Rehab.	60.0	47.6	0	0	0
Community Support	52.0	47.6	56.5	23.8	45.7
No Present Risk Of Viol.	46.0	47.6	78.3	0	0
Min. Disc. History	32.0	23.8	17.4	52.4	14.3
Steady Employment	22.0	47.6	17.4	0	0
Four Goals Of Sentencing Met	22.0	52.4	17.4	0	0
Non-Shooter	16.0	9.5	0	2.4	0
Juvenile Former First Degree	14.0	0	0	0	0
No New Crime	8.0	19.0	0	0	0
Successful Parole History	4.0	33.3	39.1	0	0
Support From Victim's Family	4.0	4.8	0	0	0
No Relapse On Parole	2.0	4.8	0	0	0
Accepts Responsibility	0	0	0	42.9	54.3
Expresses Remorse	0	0	0	50.0	51.4
Family Support	0	0	0	30.9	57.1
Solid Parole Plan	0	0	0	28.6	57.1
Understands Causative Factors	0	0	0	33.3	20.0

7. Denial Factors

In the 2014 Records of Decision, nineteen factors were identified for denying paroles. As with the Approval Factors, multiple factors were noted in each Record of Decision of a denial. The factor found in nearly 70% of denials - an increase of 80% over 2013 - was that the lifer had not addressed adequately the issue(s) he/she needed to in order to be deemed an appropriate parole risk. In many Records of Decisions for denials, the Parole Board came to the decision not to grant a parole because the lifer had failed to explain credibly how specific programs had changed him/her in a positive way.

The six factors with the highest frequency were: Unaddressed Issues (69.7%), Lack of Insight Into Causative Factors Of Criminal Behavior (40.5%), Needs A Longer Period Of Adjustment (33.7%), Limited Program Participation (31.5%), Serious Disciplinary History (24.7%), Lying Or Not Being Credible (20.2%). Of particular note in 2014 was that not one Record of Decision for a denial employed the catchall factor - Release Incompatible With The Welfare Of Society. In contrast, in 2013, over 80% of the denials cited that grossly over broad factor.

What the Parole Board did in 2014 was to be more direct in explaining why a parole was denied and what the denied lifer should address before his/her next parole hearing. Lifers who were denied at a prior hearing before 2014 and then did not use the Setback time to address areas the Parole Board had cited, were again denied in 2014. The significant increase in the frequency for Approval factor of Addressed Areas Needed For Rehabilitation (see page 9) is ample testimony that any lifer who fails to address areas suggested by the Parole Board makes a major mistake.

Several lifers who did complete programs hurt themselves badly at their parole hearings because they failed to explain what they had gotten out of individual programs or how their attitudes, problem solving skills, and lives had been positively changed. For instance, a lifer who had completed Alternatives To Violence and/or Anger Management who then became hostile and argumentative sank any chances he/she had for a parole. What was evident to the Parole Board was that the lifer had failed to display the proper tools to deal with personal or difficult questions from Parole Board members that he/she had claimed to have learned from the named programs. What the Parole Board members concluded was that the lifer may have participated in needed programs, but, few, if any, useful skills had been learned.

Table 8 on the next page presents the comparative percentage data for the frequency of Denial Factors from 2009 through 2014.

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TABLE 8

**Frequency Percentages Of Denial Factors
of Denied in ()**

<u>Factor</u>	<u>2014(89)</u>	<u>2013(116)</u>	<u>2011/ 2012(102)</u>	<u>2010(81)</u>	<u>2009(55)</u>
Unaddressed Issues	69.7	38.8	15.7	7.4	16.4
Lack Of Insight	40.5	28.4	27.5	28.4	34.5
Needs Longer Adj. Period	33.7	29.3	37.3	37.0	27.3
Limited Program Part.	31.5	31.0	11.8	23.4	40.0
Serious Disc. History	24.7	18.1	20.6	24.7	25.4
Lying	20.2	19.8	26.5	11.1	25.4
Diminishes Responsibility	19.1	15.5	21.6	19.8	58.2
No Supporters Present	18.0	9.5	0	2.5	0
Unresolved Sex. Issues	16.9	6.0	0	0	0
Viol. History In Prison	14.6	14.6	0	12.3	18.2
Poor Parole Performance	13.5	26.7	0	12.3	1.8
Lack Of Remorse	12.4	2.6	0	3.7	25.4
Inconsis. Facts & Off. Ver.	11.2	6.7	0	0	0
Mental Health Issues	10.1	14.6	0	4.9	5.4
Lack Of Compassion	10.1	2.6	0	0	0
Address Issues Of Deceit	10.1	14.6	0	0	0
Likely To Reoffend	9.0	79.3	71.6	13.6	0
Lack Of Solid Parole Plan	5.6	12.1	0	4.9	1.8
Cont. Drug Addiction	2.3	6.7	10.8	17.3	21.8
Release Incompatible With Welfare Of Society	0	80.2	76.5	60.5	7.3

8. Setbacks

The Parole Board continues not to offer any reasons for why lifers are given certain lengths of Setbacks after a parole has been denied. This is particularly frustrating in cases where the length of a Setback increased from one Denial to the next, i.e., a lifer is given a three year Setback, serves the three years, returns before the Parole Board, is denied, and then given a five year Setback with no reason(s) why. The Parole Board needs to publish what standards the members use for determining the lengths of Setbacks. In addition, the Parole Board continues to view the five year Setback as the standard, even though the legislation relating to Setbacks for lifers states "up to" five years. That would seem to indicate that the five year Setback was meant to be the maximum, not the starting point. To compound the problem, it appears that the Parole Board expects a lifer to persuade the Parole Board members that a Setback of less than five years would be appropriate. But, given that the Parole Board refuses to publish any guidelines as to how the members arrive at a decision regarding lengths of Setbacks, how can any lifer carry the burden to convince the Parole Board that a five year Setback is inappropriate? The answer, of course, is that the lifer cannot and that needs to be corrected by the Parole Board.

In 2014, the percentage of five and four year Setbacks equaled that of 2013 - 67% and 9% respectively. The percentage of three year Setbacks increased from 12% in 2013 to 18% in 2014; the percentage of two year Setbacks decreased from 12% in 2013 to 5% in 2014.

Table 9 below presents the comparative data for the numbers and percentages of the various lengths of Setbacks from 2009 through 2014. The number of total denials is noted in () next to each year.

TABLE 9

	Setbacks In Years									
	1		2		3		4		5	
2014 (89)	1	1%	4	5%	16	18%	8	9%	60	67%
2013 (116)	0	--	14	12%	14	12%	10	9%	78	67%
2011/2012 (102)	1	1%	7	7%	12	12%	11	11%	71	69%
2010	0	--	14	17%	19	23%	2	3%	46	57%
2009	<u>1</u>	<u>2%</u>	<u>3</u>	<u>5%</u>	<u>11</u>	<u>20%</u>	<u>2</u>	<u>4%</u>	<u>38</u>	<u>69%</u>
Totals (443)	3	.7%	42	9.5%	72	16.2%	33	7.5%	293	66.1%
Wall Years (307)	2	.7%	25	8.1%	42	13.7%	29	9.4%	209	68.1%
Pre-Wall (136)	1	.7%	17	12.5%	30	22.1%	4	2.9%	84	61.8%

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9. Destinations Of Approved Lifers

Of the 50 lifers approved for paroles in 2014, nine (18%) were released to an approved home plan. Eight of those were lifers who had Review Hearings after having been returned to prison after a prior parole had been revoked. The other was a lifer who had an Initial Hearing.

Twenty-five (50%) of the lifers who were approved for paroles in 2014 were given their paroles conditioned on serving anywhere from six to twelve months in lower security without incurring any disciplinary problems. Of those twenty-five, after they served the stipulated time in lower security, sixteen (64%) had then to complete a Long Term Residential Program (LTRP) before being released to an approved home plan, eight (32%) were to go to an approved home plan, and one (4%) was to be transferred out-of-state. In addition, nine lifers (18%) were sent to LTRP without having to serve any time in lower security. In 2013, 43% (9 of 21) were approved for lower security, 28% (6 of 21) went directly to an approved home plan, and 5% (1 of 21) went directly to a LTRP.

Table 10 below presents the data for the destinations of approved lifers for 2011 - 2014.

TABLE 10

<u>Destination</u>	<u>2014</u>		<u>2013</u>		<u>2011/2012</u>	
Approved Home Plan	9	18%	6	28%	4	17%
Lower Sec. (6 Mon.)	5	10%	2	10%	3	13%
Lower Sec. (9 Mon.)	3	6%	0	---	1	4.5%
Lower Sec. (12 Mon.)	17	34%	6	28%	5	22%
Lower Sec. (18-24 Mon.)	0	---	1	5%	4	17%
Interstate Compact	1	2%	3	14%	0	---
Deportation (I.C.E.)	3	6%	2	10%	2	9%
To From & After Sent.	2	4%	0	---	1	4.5%
LTRP	9	18%	1	5%	3	13%
Died Before Dec.	1	2%	0	---	0	---
Totals	50		21		23	

10. Lifers Not Convicted Of Second Degree

Of the 139 Records of Decision for 2014, twenty (14%) were for lifers who had been convicted of crimes carrying a life sentence with the possibility of a parole, other than for

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second degree murder. That percentage was slightly higher than 2013 when 12% (16 of 37) of the hearings were held for this cohort of lifers. Of the twenty in 2014, four (20%) were approved for a parole as compared to 19% in 2013 (3 of 16).

From 2009 through 2014, thirty-nine lifers serving life sentences for sexual assaults, e.g., aggravated rape or rape of a child, appeared for parole hearings. Only one (2.6%) in those years was approved for a parole. In contrast, in the same period, three of four lifers (75%) serving life for unarmed robbery were paroled as were four of eighteen (22%) serving life for armed robbery. Overall, from 2009 through 2014, only 16% of lifers serving life for a crime other than second degree murder were paroled (11 of 70).

Table 11 below presents the data for Lifers Not Convicted of Second Degree Murder from 2009 - 2014.

TABLE 11

<u>Crime</u>	2014		2013		2011/ 2012		2010		2009	
	#	App.	#	App.	#	App.	#	App.	#	App.
Sexual Assaults	12	0	9	1	7	0	7	0	4	0
Burglary	2	1	2	0	0	0	0	0	1	0
Armed Robbery	3	0	4	2	1	0	6	2	4	0
Unarmed Robbery	2	2	1	0	1	1	0	0	0	0
Home Invasion	1	1	0	0	0	0	0	0	0	0
Habituals	0	0	0	0	0	0	0	0	1	1
Armed Assault	0	0	0	0	0	0	0	0	1	0
A & B / Dang. Weapon	0	0	0	0	0	0	0	0	1	0
Totals	20	4	16	3	9	1	13	2	12	1
% App. Each Year		20%		19%		11%		15%		8%
% of Total Approvals		37%		27%		9%		18%		9%

12. Time Between Hearing Dates And Dates Of Decision

Each Record of Decision notes the date of the public hearing and the date of decision. The length of time between those two published dates has been an area of concern since Josh Wall became chairman in 2011. Exactly what the date of decision refers to is unclear. The Parole Board's promulgated regulations require that a decision whether or not to parole a lifer at a regularly scheduled executive session after the public hearing had been held. [120 CMR 301.06(6)] In addition, 120 CMR 301.08 requires that those lifers who are denied a parole are to

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be informed with a written summary "within 21 calendar days after a decision has been rendered." It is this notification requirement which has been the issue in contention.

In 2010, prior to Josh Wall's chairmanship, the average length of time between hearings and decision was 58 days. In 2011/2012, the average jumped to 261 days. In 2013, the average slipped to 257 days. In 2014, the average dropped to 193 days, with the length of time after Josh Wall had departed the Parole Board in November 2014 dropped even further to 108 days. The present Parole Board, i.e., under chairperson Charlene Bonner, Ph.D. has dramatically reduced this time factor and one hopes that downward trend continues in 2015.

An example of why the date of decision is unclear as to what that date signifies, i.e., the actual date the decision was made or the date the Record of Decision was written and signed,⁴ is that Josh Wall, who had left the Parole Board on November 7, 2014, was listed as a voting member in Records of Decision dated as late as December 12, 2014. One may ask, should Josh Wall have voted for or against a parole after he had left the Parole Board, even if he had been present at the hearing? Or, more probably, had the decision been made much earlier and the Record of Decision not been written until weeks or months later? If so, that would contravene the Parole Board's regulation regarding denials being notified within 21 calendar days. The Parole Board needs to define what the Date of Decision actually refers to and to continue to shorten the length of time between when decisions are made and notifications given to those lifers who were denied paroles.

Table 12 below presents the data for the lengths of time between dates of Hearings and Decisions as noted in the Records of Decision.

TABLE 12

<u>Lengths of Delay In Days</u>	<u>2014</u>	<u>2013</u>	<u>2011/2012</u>
1 - 100	35 (25%)	35 (26%)	21 (17%)
101 - 200	43 (31%)	18 (13%)	17 (13%)
201 - 300	34 (25%)	29 (21%)	25 (20%)
300+	27 (19%)	55 (40%)	62 (50%)
Totals	139	137	125
Ave. Length	193	257	261

4. Records of Decision are signed by one of the following: the chairperson, the executive director, or the chief of staff.

13. Juveniles At Time Of Crime

Those who were under age 18 at the time of the commission of their crime(s) and were serving Life-Without-Parole (LWOP) sentences received relief from the Supreme Judicial Court (SJC) in 2014. The SJC ruled that no juvenile could receive a mandatory LWOP sentence and applied that decision retroactively. The result was that juveniles at the time of their crime(s) and now serving LWOP were to be considered serving second degree life sentences and, hence, eligible for parole. Seven such lifers were given Initial Hearings and had their Records of Decision posted online in 2014. Of those seven, six (86%) were granted paroles, with time to be served in lower security

In addition, eleven lifers, who were serving second degree life sentences for crime(s) committed while juveniles, while not affected by the SJC decision, also saw the Parole Board. Of those eleven, eight (73%) were granted paroles. Three of the eight had Initial Hearings, two had Review Hearings, and three had Review Hearings, after a previous life parole had been revoked.

In contrast, eight lifers who had committed their crimes(s) at age 18 and, thus, are not considered juveniles, saw the Parole Board in 2014. Of those eight, only two (25%) were approved for a parole. Both of the approvals had Review Hearings - one a non-revocation Review Hearing and the other, a Review Hearing after a previous parole had been revoked.

14. Attorney Representations

A survey of the Records of Decision posted online from September through December (a total of seventy-one decisions) indicated that in twenty-six (37%) of those hearings, an attorney was noted as being present and participating in some fashion in the hearing.⁵

In eighteen of those hearings - 69% - the parole was approved. Of the twenty-six hearings in which attorneys were noted as being present and representing the lifer, eight were Initial Hearings, nine were Review Hearings, and nine were Review Hearings after a prior life parole had been revoked. The approval rate for the Initial Hearings was 75% (6 of 8), for the Review Hearings - 44% (4 of 9), and for the Review Hearings after a prior parole had been revoked was 89% (8 of 9).

Attorney John Rull was identified as representing six lifers - all were approved. Various law students represented seven lifers - four (57%) were approved. The remaining thirteen hearings had a variety of attorneys representing lifers, none of whom represented more than one lifer in 2014. Of those thirteen lifers, eight (61%) were approved.

⁵ It should be noted that this sample is limited. Any conclusions regarding the efficacy of hiring an attorney to be a representative at a parole hearing should depend on the specifics of individual cases. At each hearing with an attorney present, the lifers answered questions, gave opening and closing statements, although in many hearings the attorney also gave opening statements in support of the application for parole.

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Table 13 below presents the complete data for the twenty-five hearings from September through December where attorneys were present and representing lifers.

TABLE 13

	Approvals			Denials		
	Initial	Review	Review*	Initial	Review	Review*
John Rull (6)	2	1	3	0	0	0
Law Students (7)	1	2	1	0	2	1
Other Attorneys (13)	<u>3</u>	<u>1</u>	<u>4</u>	<u>2</u>	<u>3</u>	<u>0</u>
Totals (26)	6	4	8	2	5	1

In contrast, of the forty-five Records of Decision posted online from September through December in which an attorney was not present, fourteen (31%) lifers were approved and thirty-one (69%) were denied. Thus, of the thirty-two approvals in this sample, 56% were for lifers who had an attorney present. Table 14 below compares the Approval and Denial rates for each segment of the sample, broken down according to type of hearing.

TABLE 14

	Approvals			Denials		
	Initial	Review	Review*	Initial	Review	Review*
Attorney Present	6	4	8	2	5	1
No Attorney	<u>1</u>	<u>3</u>	<u>10</u>	<u>8</u>	<u>18</u>	<u>5</u>
Totals (26)	7	7	18	10	23	6

* Review Hearings after a prior life parole had been revoked.

15. Analyses Of Parole Decisions By Race

The question of possible racial bias in the Approval / Denial rates for parole decisions for lifers has been raised since the previous study for 2013. At the outset, it must be stated that any conclusions based upon race should be made only after a statistically significant number of Records of Decision over a range of years have been studied. The 139 Records of Decision for only 2014 do not meet that criterion, but do provide a starting point. Thus, the raw data is presented in tabular form with no commentary nor conclusions. In addition, the descriptions of racial affiliations, i.e., Caucasian (Cau), African American (A/A), Latino (L), or Asian (A) were

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determined by members of the Norfolk Lifers Group, but only with first-hand, personal knowledge of the individual lifer whose Record of Decision was included in this study of parole decisions for lifers in 2014. This less than optimum method was employed because no racial affiliation is indicated in any Record of Decision. Of the 139 Records of Decision, there were four where racial affiliation was unknown.

Of the 139 Records of Decision included in this 2014 study of paroles for lifers, 44.6% (62) were Caucasian, 30.2% (42) were African-American, 20.1% (28) were Latino, 2.2% (3) were Asian, and 2.9% (4) were unknown. Tables 15 and 16 below present the data regarding the racial breakdowns for the Records of Decision published online in 2014.

TABLE 15

	Cau.		A/A		L.		A.		?	
	App.	Den.	App.	Den.	App.	Den.	App.	Den.	App.	Den.
#	17	45	20	22	11	17	1	2	1	3
% of Total Dec.	12%	33%	14%	16%	8%	12%	.7%	1.3%	.7%	2.3%
% of Racial Cat.	27%	73%	48%	52%	39%	61%	33%	67%	25%	75%

TABLE 16

Initial Hearings (N = 32)

	Cau.		A/A		L.		A.		?	
	App.	Den.	App.	Den.	App.	Den.	App.	Den.	App.	Den.
#	5	6	3	7	4	6	1	0	0	0
% of Total Dec.	16%	19%	9%	22%	12%	19%	3%	---	---	---
% of Racial Cat.	45%	55%	30%	70%	40%	60%	100%	---	---	---

Review Hearings (Non-Revoc.) (N = 67)

	Cau.		A/A		L.		A.		?	
	App.	Den.	App.	Den.	App.	Den.	App.	Den.	App.	Den.
#	3	29	5	13	4	9	0	1	0	3
% of Total Dec.	4.5%	43%	7.5%	19.5%	6%	13.5%	---	1.5%	---	4.5%
% of Racial Cat.	9%	91%	28%	72%	31%	69%	---	100%	---	100%

Review Hearings (Revoc.) (N = 40)

	Cau.		A/A		L.		A.		?	
	App.	Den.	App.	Den.	App.	Den.	App.	Den.	App.	Den.
#	9	10	12	2	3	2	0	1	1	0
% of Total Dec.	22.5%	25%	30%	5%	7.5%	5%	---	2.5%	2.5%	---
% of Racial Cat.	47%	53%	86%	14%	60%	40%	---	100%	100%	---

C. SELECTED EXCERPTS FROM 2014 RECORDS OF DECISION

The following twenty-six excerpts are quoted directly from Records of Decision for 2014. The names of the lifers and victims have been deleted by the author of this report. The excerpts have been selected as examples of positive or negative feedback from Parole Board members to presentations by lifers at individual hearings or to offer insight into the decision making parameters employed by the Parole Board members. In offering these excerpts, there is no intent to embarrass or ridicule any lifer or Parole Board member. Rather, the intent is to assist lifers to better prepare themselves for their parole hearings and/or to gain insight into what they may have to address while incarcerated before they have a parole hearing.

The excerpts are divided into nine categories: Personal Growth or Lack Thereof, Programs, Not Addressing Needs, Prior Recommendations From The Parole Board, Re-entry Plans, Lying, Remorse, Discipline History, and Admitting Guilt. The result of each hearing, whether the hearing had been an Initial Hearing or a Review Hearing, the length of any Setback in cases of denials, and whether the lifer had been returned to prison after a prior life parole had been revoked are indicated in brackets following each excerpt.

1. Personal Growth or Lack Thereof

- When asked to report on his primary accomplishments in prison, _____ immediately said, "Going back to school and earning a GED; I wanted to show my sisters and brother that I wasn't a complete idiot even though I was incarcerated ... _____ also said, "Alternatives to Violence was the most significant program for me; I did two phases and I am waiting for the third; I heard about the program from other people and everybody who came out of the program said it changed them emotionally and they learned how they can look at things differently; ATV taught me how to listen and how to handle different situations; it taught me resolution of conflicts without violence; part of that is to give others their rights and respect."

[This lifer was granted parole after his Initial Hearing.]

- *In contrast is:* _____ denied any underlying reasons for his alcoholism and relapses. He said, "I just drank to get drunk. I just drank because I wanted to drink." A Board Member said, "That is a primitive answer that is not attached to any insight."

[The lifer was denied at a Review Hearing after a prior life parole had been revoked. He received a five year Setback.]

- _____'s path to reform was comprehensive and included violence reduction, substance abuse programs, vocational programs, religious activities, education, and more relationships with positive inmates and mentors from the community. Through his persistent efforts and accom-

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plishments, he has achieved rehabilitation. In addition, he has developed relationships and community contacts that give him a strong likelihood of succeeding on parole.

[This lifer was granted parole after his Initial Hearing.]

- A Board Member asked _____ to comment on the violence he displayed in his earlier prison years. [Note: _____ had two stops in DDU.] He said, "I was quick to seek a violent outcome. If violence came my way, I did not turn from it. I thought a lot about that and realized that I didn't think about other people. I didn't see them as living, thinking people until my early 20's. I changed myself as a person. I made a conscious decision to change. Around 2000, I started to see I was doing dumb stuff and causing hurt, and I changed my thought process.

[This lifer was granted parole after his Initial Hearing.]

- _____ had some early misconduct in prison, but in 2003 he made a conscious decision to improve his conduct and reform his character. _____ described his decisions as: "If I'm going to die in here, I am going to die a different man than I came in." Following up on that new approach, _____ actively sought out programs that would assist him in rehabilitating ... _____ was thoughtful, sincere and knowledgeable in describing the programs he has taken, the lessons he has learned, and the changes he has made. He was remarkably insightful, candid, remorseful, humble, and committed to improving his character and conduct.

[This lifer was granted parole after his Initial Hearing. He had been serving a LWOP sentence as a juvenile.]

- Board Members questioned _____ regarding his failure to rely on the support systems that were available to him while he was on parole. _____ responded, "I thought I could do it on my own. I thought I could hide it [drug use] from everyone and no one would notice. But people in the program knew and told me I was messing up." As to how to prevent a similar relapse, _____ offered: "I have finally learned that I can't fix myself. I need help. And I have finally gotten to the point where I know how important it is to ask for help. I know it was there for me before, I just was afraid to ask."

[The lifer was approved for a parole after a Review Hearing after a prior life parole had been revoked.]

- A Board Member asked _____ to explain how he has maintained an excellent conduct record... _____ said, "I interact with positive people and don't get caught up in problems. I stay involved with the programs and associate with people who share the same faith."

[This lifer was granted parole after his Initial Hearing.]

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- Board Members asked _____ about his rehabilitation. "I learned a lot of tools from different programs. Problem Solving was an important program. My thinking really changed from that program. The CRA helped me a lot. So did Jericho Circle because it helped me identify my feelings and let them out; feelings from childhood. You can start positive actions if you identify the feelings behind the negative actions... It's up to the individual; if you want to change or help yourself, you can use the programs."

[This lifer was granted parole after his Review Hearing.]

- _____ said, "I am a mature individual now; I have made tremendous change in attitude." When asked to explain how his attitude has changed, _____ said he was more positive but was not able to provide a more detailed explanation.

[The lifer was denied a parole after a Review Hearing. He was given a four year Setback.]

- _____ reported that he has completed Anger Management and the Correctional Recovery Academy and noted that they were effective as they "taught me to walk away from others and how to diffuse situations." However, he could not effectively explain how he had dealt with his anger issues... At the hearing, his inability to speak more candidly about his criminal activity is a sign that more work is needed. He is not yet rehabilitated.

[The lifer was denied a parole after a Review Hearing. He was given a three year Setback.]

- _____'s failure to recognize his anger, aggression, and violence is a clear sign of lack of rehabilitation.

[The lifer was denied a parole after a Review Hearing. He was given a five year Setback.]

2. Programs

- In discussing his program work, _____ said, "I had to unlearn criminal behaviors and correct my criminal thinking; now I can see pitfalls and high risk situations and avoid them because of the skills I have learned in the programs; I no longer ascribe to that criminal lifestyle and values, and I'm ashamed of the person who did."

_____ has reformed his conduct and his criminal thinking; he has developed impulse control, anger management, and conflict resolution. As a result, he does not present a current risk for violence.

[This lifer was granted parole after his Review Hearing.]

2. Programs (cont.)

- After being denied parole in 2008, despite such a positive record, [no disciplinary reports, steady work record], _____ realized that in addition to his good behavior and consistent institutional employment, he needed to invest in meaningful programming to support his rehabilitation ... When evaluating the legal standard for parole release, it is _____'s actions and commitment to gaining what is expected from programming that provides evidence that is meaningful in assessing his level of rehabilitation. _____ has occupational skills, family support and other supports to assist him with reintegrating into society.

[This lifer was granted parole after a Review Hearing.]

- It is troubling that _____ has not engaged in rehabilitation programming since he was advised to do so by the Board in 2009. Aside from completing the CRA program, which he had begun when he last saw the Board, he has done little else to rehabilitate himself. While his conduct has improved, having committed two relatively minor infractions since his last hearing, that is not enough to justify release on parole. _____ must engage in programming to obtain greater insight into his behavior and his risk factors to be able to make a case for parole that is more compelling than the length of his incarceration.
- When asked about rehabilitative activities _____ said he is not currently involved in any rehabilitative programs. He said, "I have done nothing in five years, no programs ... When a Board Member noted that "it appeared he has not worked in ten years," _____ said, "I felt like taking a break."
- If _____ has any real interest in parole, the Board recommends that he make a commitment to rehabilitation that includes meaningful involvement in programs and employment.

[The lifer was denied a parole after a Review Hearing and given a five year Setback.]

3. Not Addressing Needs

- Given his age and years spent in prison, _____ is limited in his resources, however, his institutionalization, lack of insight into his treatment needs, and lack of a realistic release plan are significant concerns when assessing suitability for parole supervision.

[This lifer was denied a parole after a Review Hearing and given a two year Setback.]

3. Not Addressing Needs (cont.)

- _____ appeared focused on issues regarding his own history of maltreatment by the judicial system. _____ also fails to see any value in formal programming. He stated that he has focused his efforts on helping other inmates with their legal matters. He stated early in his incarceration he taught many programs that he was allowed to set up, stating "those were more fruitful." _____ has chosen his own path and while he does not display behavioral issues within the institution, he also has resisted recommendations for formal and measurable rehabilitation.

[This lifer was denied a parole at a Review Hearing and given a four year Setback.]

4. Prior Recommendations From The Parole Board

- In denying parole in 2011, the Parole Board described specific areas of reform that needed more focus. _____ used the additional time to work on his addiction issues, understand the full harm his criminal behavior caused, and think carefully about a parole plan that would improve his prospects for maintaining sobriety and productivity in the community.

[This lifer was approved for a parole at a Review Hearing.]

5. Re-entry Plans

- While the Parole Board acknowledges his positive strides _____ has made in his conduct and his investment in his employment, he has only demonstrated that given a regimented schedule in an institutional setting, he can comply. _____ does not have a realistic release plan or support system that will help him re-integrate successfully into society ... The Parole Board encourages _____ to focus on a more realistic re-entry plan that will include his awareness of the obstacles he will face, and a support system that will assist him with such a transition.

[This lifers was denied a parole at a Review Hearing and given a three year Setback.]

6. Lying

- Because _____ took contradictory positions in [appeal] motions [after guilty plea], it appears likely that he made false statements in court affidavits.

[This lifer was denied a parole after a Review Hearing and given a five year Setback.]

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6. Lying (cont.)

- A Board Member asked _____ to describe how his version of events has changed over the years. He said: "My defense at trial was that I tried to claim it was an accident. The only difference today is that I see myself as responsible. I don't feel I accidentally killed him because I created the whole situation. At trial, I was still trying to run away from my actions." Board Members saw no meaningful distinction between _____'s version at trial and his current version. He is still maintaining that he had no motive, no intent, and no willful or purposeful action in committing the murder. Board Members concluded that there is motive, intent, and homicidal conduct that _____ has never revealed or described. Board Member Coleman pointed out the many parts of _____'s story that are in conflict with the evidence and common sense. At the hearing, _____ indicated that he was at a distance of approximately ten feet when the shot was fired. The autopsy, however, documents stripping (sic) which establishes that _____ shot [the victim] at a range of two feet or less.

[This lifer was denied a parole at an Initial Hearing and given a five year Setback.]

- ... _____ insisted that he has taken "full responsibility" for shooting [the victim] since his first hearing. [This was his fourth parole hearing.] A Board Member outlined that _____ has accepted minimal responsibility for the shooting at earlier parole hearings but, when denied parole, has maintained that he did not shoot [the victim] in post-conviction motions for a new trial. When asked what effect his contradictory and inconsistent statements may have on [the victim's] family, _____ disavowed knowledge of what was asserted in the court filings. He deflected the blame onto his attorney ... A Board Member told _____ that "rehabilitation starts with the truth and submitting appeals that directly contradict your previous admissions is not rehabilitation; just the opposite."

[This lifer was denied a parole at a Review Hearing and given a five year Setback.]

7. Remorse

- As he did at his hearing in 2011, _____ expressed thoughtful remorse about the life he took. He explained that at the last hearing "I listened to his family; I heard that he was a good man and that he was a good family man; I didn't know all that before; it still saddens me knowing that being sorry and doing good now is not enough; his family has stood for him at the hearings so you don't forget him and I don't forget him. I learned from him because he was a good family man, you're loved one inspires me to move forward in the right way."

[This lifer was approved for a parole after a Review Hearing.]

8. Disciplinary History

- When asked to explain why he continues to accumulate disciplinary reports, _____ stated: "No one's a saint." Despite the fact that several of the disciplinary reports involved infractions such as refusing a direct order of a staff member and possession of weapons, _____ insisted that he does not have "problems with authority." Most notably, _____ received a disciplinary report for similar conduct four days prior to the parole hearing resulting in his placement in the Special Management Unit.

[This lifer was denied a parole after a Review Hearing and given a five year Setback.]

9. Admitting Guilt

- Given the fact of wrongful convictions in our criminal justice system, the Parole Board does not have a policy that admission of guilt is an absolute requirement for parole and nowhere does the law impose such a requirement. _____ does have to establish, however, that he meets the legal standard for parole that requires that he is unlikely to commit a new crime if paroled and that his release is compatible with the welfare of society.

[This lifer was denied a parole at a Review Hearing and given a five year Setback.]

- End of Report -