

A STUDY OF PAROLE BOARD RECORDS OF
DECISION FOR LIFERS IN 2010

A Comprehensive Analysis of Parole Board
Records of Decision For Lifers
In Massachusetts In 2010

by

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TABLE OF CONTENTS

	<u>Page(s)</u>
Executive Summary	iv - vi
Introduction	1 - 2
Methodology	2 - 3
Results	3 - 13
Approval/Denial Rates ...	3-5
Approval Factors ...	5-6
Denial Factors ...	6-7
Approval/Denial Factors For Initial and Review Hearings .	7-8
Program Involvement ...	8-9
Setbacks ...	9-10
Returns From Previous Paroles .	10-11
Lifers Not Convicted of Second Degree Murder ...	11-12
Changes in Parole Board Members ...	12-13
Discussion	14 - 27
Approval/Denial Rates ...	14-15
Approval Factors ...	16-17
Denial Factors ...	18-19
Approval Factors For Initial and Review Hearings ...	20-21
Denial Factors For Initial and Review Hearings ...	21-24
Program Involvement ...	24
Setbacks ...	25-26
Returns From Previous Paroles .	26-27
Excerpts From 2010 Records of Decision	27 - 31
Attribution	32

EXECUTIVE SUMMARY

One hundred and twenty-three Records of Decision for parole hearings for second degree lifers held in 2010 by the Massachusetts Parole Board were studied. The overall approval rate was 34.1% (42 of 123), a decrease from 38.9% in 2009. Of the 123 lifers who appeared before the Massachusetts Parole Board in 2010, forty-four had Initial hearings with an approval rate of 50%. For the seventy-nine lifers who had Review hearings, the approval rate was 25.3%. Of the forty-two lifers approved for paroles in 2010, slightly more than one-half (22) had Initial hearings. Of the eighty-one lifers denied paroles, 27.2% had Initial hearings. 45% (9) of lifers who had Review hearings and were approved for a parole had had a prior parole revoked. The overall approval rate for lifers who had Review hearings, but had not had a prior parole revoked was 13.9%.

Three Approval factors cited in at least 20% of the forty-two approvals showed increases in frequency percentages from 2009. These were: Very Program Involved, Understands Causative Factors of Criminal Behavior, and Minimal Disciplinary Reports. Accepts Responsibility, Strong Community Support, Family Support, and Solid Parole Plan had significantly lower frequency percentages in 2010 as compared to 2009.

Two Denial factors in 2010 had significant increases in frequency percentages from 2009: Release Incompatible with Welfare of Society and Is a Danger to the Community, which may be a precursor for a return to the use of vague and uninformative reasons

for denying paroles. Conversely, Does Not Take Responsibility, Not Program Involved, and Untruthful showed precipitous declines in frequency percentages. Similar trends held for Approval and Denial factor frequency percentages for Initial and Review hearings.

As in 2009, the program most cited for Approvals was Alternatives to Violence (22 citations). Other programs cited in at least ten of the forty-two Approvals were: CRA (19), AA/NA (16), GED (12), and Work (10).

In the eighty-one denials, five year setbacks were assessed in forty-six Records of Decision, a percentage decrease from 69.1% in 2009 to 56.8% in 2010. Both two year (14) and three years (19) setbacks increased in frequency percentages as compared to 2009. Over 40% of those denied paroles in 2010 received either a two or three year setback as compared to 25.5% in 2009.

Twenty-six of the lifers appearing before the Massachusetts Parole Board in 2010 had had a prior parole revoked and had been returned to prison. Nine were re-paroled. One-half of those who had been returned to prison had their paroles revoked for primarily drug or alcohol use. Two-thirds of those who were re-paroled had been returned to prison in 2009. Four of those re-paroled had been returned for substance abuse, two for assault, and one each for associating with known felons, for violating a no contact order, and for failure to participate in mental health counseling. Sixty-five per cent of those denied a parole after having had a prior parole revoked received either a two year (41%) or a three year (24%) setback.

There were ten second degree lifers appearing before the Massachusetts Parole Board who were serving life sentences for

crimes other than second degree murder. Only two of those lifers were paroled. One had been convicted of rape and the other as an habitual offender.

The resignation of five Parole Board members and their being replaced by Josh Wall as chairman and four others as regular members caused significant delays in processing parole decisions for hearings held late in 2010. The average number of days from the dates hearings had been held and the dates Records of Decision were signed increased over 300% from fifty-eight days for eighty-six Records of Decision under the old Board to two hundred and forty-one days for the thirty-seven Records of Decision signed by Josh Wall.

A STUDY OF PAROLE DECISIONS FOR LIFERS

2010

INTRODUCTION

Parole hearings for second degree lifers are open to the public and are held at the offices of the Parole Board, 12 Mercer Road in Natick, MA. Hearing schedules are posted on the website for the Executive Office of Public Safety and Security (www.mass.gov). The information can also be obtained by calling 508-650-4545.

Under Massachusetts laws, M.G.L.c. 127, §130 and 133A, the Parole Board may grant a parole to a prisoner serving a life sentence for second degree murder, or for any other offense which carries a life sentence, after the prisoner has been incarcerated for a minimum of fifteen years. The granting of a parole is not to be based solely upon good conduct or program involvement while incarcerated. Rather, a parole is to be granted only when a majority of the Parole Board members find that: *there is a reasonable probability that if a prisoner is to be released, he or she will live and remain at liberty without violating the law and that his or her release is not incompatible with the welfare of society.* (M.G.L. c. 127, § 130)

Whether to grant a parole is entirely at the discretion of the members of the Parole Board. The Parole Board does not have the authority to, nor is it expected to, retry any lifer's case. The seriousness or severity of a particular offense may be one of many factors the Parole Board considers regarding whether or not paroling a lifer would be compatible with the welfare of society. The Parole Board has posted on line *Guidelines For Life Sentence Decisions*, which are available for downloading.

The members of the Parole Board who participated in the 2010 decisions were: Mark Conrad (Chairman), Candice Kochin, Thomas Merrigan, Leticia Munoz, Pamela Lombardini, Roger Michel, and Cesar Archilla. Except for Michel and Archilla, all the other members submitted their resignations in 2011 as a result of the political and media reaction to the killing of a Woburn police officer by a former lifer who had been paroled in 2008. The five members who resigned had voted in favor of paroling that lifer. As a result, the parole decisions for lifer in 2010 are the last ones rendered by the seven members listed above.

After the five resignations, Governor Deval Patrick appointed Josh Wall as Chairman. Decisions rendered on hearings conducted in the final months of 2010 were delayed into mid 2011. Those decisions, while presumably voted upon by the board members who had attended the hearings prior to the mass resignations, were signed by Josh Wall. There is no indication

who actually wrote the text of those decisions, or if the final decisions were consistent with the votes of the members who had resigned. Of the 123 parole decisions for 2010, Wall signed thirty-seven.

After decisions to parole or not to parole a lifer have been made, Records of Decision are completed. When a parole is denied, that Record of Decision, including a written summary of the reasons why the parole was denied, must be delivered to the lifer within twenty-one days after that decision had been reached. (120 CMR 301.08) The Record of Decision is a public record and a copy must be made available to anyone requesting one under the Massachusetts Public Record statutes.

If a lifer is denied a parole, the Parole Board then must decide how long that lifer must wait until his or her next hearing before the Parole Board. The length of that period between hearings is termed a setback. The Parole Board can assess setbacks up to five years. In cases in which Parole Board members cannot render a decision, i.e., the vote is evenly split between those for and those against granting a parole, the parole is denied and the setback to be assessed must be one year.

METHODOLOGY

In July 2011, a public records request was filed with the Parole Board seeking the Records of Decision for all second degree lifers who had a public parole hearing in 2010. Pursuant to that request, in October 2011, the Parole Board supplied 123 Records of Decision.

As with the studies of the 2003-2006, 2007, 2008, and 2009 Records of Decision, the results of each of the 123 Records of Decision for 2010 were tabulated based upon the outcome, i.e., approved or denied, the reasons cited for the decisions, and in the case of denials, the length of setbacks. In analyzing the reasons for approving or denying a parole, the specific wordings in the decisions were used, e.g.: *does not take responsibility, expresses no remorse, poor institutional behavior*. As with the 2007, 2008, and 2009 studies, the same twenty-eight factors were identified as specific reasons for denying paroles. Two Approval factors were added in this report to the fourteen factors used in prior studies for approving paroles. Those factors are: *Paroling to a from & after sentence* and *Paroled to a secure mental health facility*. The frequencies those factors appeared in each of the Records of Decision were tabulated. The percentages of the frequency of each factor were computed based upon the total numbers of those denied or approved, e.g., there were eighty-one denials and the number of times each factor was identified as contributing to a denial was divided by 81 to calculate the percentage frequency. The same method was employed for the approval factors with a base of 42. In most cases, multiple factors were identified both for approving or denying paroles for

lifers in 2010. The average number of factors cited in eighty-one cases of denials of parole was 3.1, a decrease from 3.6 in 2009. For the fifty-two denials not signed by Josh Wall, the average number of factors cited was 3.5. That average for denial decisions signed by Wall dropped to 2.5, due in part to seven decisions in which the sole factor cited was that the release *would be incompatible to the welfare of society*. The average number of factors in the forty-two cases of approvals was 4.4, an increase from 3.8 in 2009. For the thirty-four approval decisions not signed by Josh Wall, the average number of factors cited was 4.2. The average for approval decisions signed by Wall was 5.0.

Percentages were also calculated for approvals/denials using a base of 123, for Initial and Review hearings also with a base of 123, and percentage rates for approvals or denials of Initial and Review hearings using a base of 42 and 81 respectively. Initial hearings were those for lifers who had completed fifteen years of incarceration and then appeared before the Parole Board for the first time in 2010. Review hearings were either for lifers who had previously appeared before the Parole Board, been denied and then having served the length of the previously assigned setback, or who had once been paroled but returned for violating that parole.

While no individual Parole Board member was identified in the Records of Decision, dissenting opinions were provided in a limited number of the decisions. The dissenting reasons, whether against a parole being granted or denied, are not included in this study. Only the reasons cited by the majority vote have been considered.

RESULTS

Approval/Denial Rates

Of the 123 Records of Decision included in this study, forty-two paroles were granted, an approval rate of 34.1%; eighty-one or 65.1% of the decisions were denials. A comparison of percentages of approval and denial rates with previous years is given in Table 1 below:

Table 1

Year	Approved	Denied
2010	34.1	65.9
2009	38.9	61.1
2008	31.3	68.7
2007	28.5	71.5
2006	29.6	70.4
2005	33.3	66.7
2004	46.6	53.4

In 2010, forty-four lifers appeared before the Parole Board for the first time, an Initial hearing. Those having Initial hearings were 35.8% of the total hearings for lifers held in 2010. The results were an approval rate of 50% (22 of 44) and the denial rate was the same, i.e., 50% (22 of 44). In contrast, seventy-nine lifers (64.2%) appeared before the Parole Board for Review hearings. The results were an approval rate of 25.3% (20 of 79) and a denial rate of 74.7% (59 of 79). Comparisons of the percentage rates for approval and denials at Initial and Review hearings with previous years is given below in Table 2.

Table 2

Year	Initial Hearings		Review Hearings	
	Approved	Denied	Approved	Denied
2010	50.0	50.0	25.3	74.7
2009	30.0	70.0	43.3	56.7
2008	35.1	64.9	29.2	70.7
2007	31.9	68.1	26.7	73.3
2006	42.9	57.1	22.2	77.8
2005	30.2	69.8	35.6	64.4
2004	45.4	54.6	47.2	52.8

Of the forty-two lifers approved for a parole, 52.4% (22 of 42) had Initial hearings; 47.6% (20 of 42) had Review hearings. Of the twenty who were approved after Review hearing, nine (45%) had a previous parole revoked and were returned to prison. Discounting those nine lifers, eleven (55%) of the approvals after Review hearings were for those who had been denied a parole on a previous occasion(s) and then had served an assigned setback, without ever having been paroled before. Overall, the percentage of lifers having a Review hearing and being approved without having been paroled before was 13.9% (11 of 79).

Of the eighty-one lifers who were denied a parole, 27.2% (22 of 81) had Initial hearings; 72.8% (59 of 81) had Review hearings. Of the fifty-nine who were denied after a Review hearing, seventeen (28.8%) had been returned to prison after having a previous parole revoked. Discounting those seventeen lifers, forty-two (71.2%) were denied after a Review hearing without having been paroled before.

Of the 123 parole decisions in 2010, 91% (112) were unanimous decisions. There were eleven split decisions: four (3.3%) were votes of 6-1 and seven (5.7%) were votes of 4-3. All of the 6-1 votes resulted in denials of parole. Of the seven 4-3 votes, five were for approvals of parole and two for denials.

Of the eighty-six decisions not involving Josh Wall, thirty-four (39.5%) were approvals of parole and fifty-two (60.5%) were denials. Of the thirty-seven decisions signed by Wall, 8 (21.6%) were approvals and twenty-nine (78.4%) were denials.

Table 3 below reports the number of paroles approved or denied in 2010 based upon the category of the hearing that had been held, i.e., Initial, Review with no previous parole revocation, and Review with a prior parole revocation.

Table 3

	Approved	Denied	Totals
Initial	22	22	44
Review (No Revocation)	11	42	53
Review (Prior Revocation)	9	17	26
Totals	42	81	123

It should be noted that ten (23.8%) of the forty-two approved for a parole in 2010 were approved due to: a debilitating illness (1), an immigration detainer (5), a from & after sentence (3), and to a secure mental health facility (1). Thus, those ten of the forty-two approvals were not paroled directly back into society.

Approval Factors

There were sixteen factors identified as reasons for granting a parole in the 2010 study. Eight factors were cited in at least 20% of the forty-two Approval Records of Decision. Those eight factors were: Very Program Involved (29), Minimal Disciplinary Reports (22), Expresses Remorse (21), Accepts Responsibility (18), Understands Causative Factors of Criminal Behavior (14), Family Support (13), Solid Parole Plan (12), and Strong Community Support (10). The numbers in parentheses are the numbers of times each factor was cited in 2010 in the forty-two approvals of parole. A comparison of the frequency percentages for the Approval Factors for the years 2005 through 2010 is given below in Table 4.

Table 4

Factor	2010	2009	2008	2007	2006	2005
Very Program Involved	69.0	45.7	71.9	76.9	65.5	61.8
Accepts Responsibility	42.9	54.3	31.3	46.1	24.1	11.8
Expresses Remorse	50.0	51.4	21.9	46.1	24.1	11.8
Amenable to Treatment and Supervision	16.7	11.4	15.6	48.7	10.3	35.3
Health Issues	2.4	5.7	3.1	10.3	3.4	5.9
Strong Community Support	23.8	45.7	53.1	12.8	20.7	32.4
Family Support	30.9	57.1	46.9	25.6	44.8	29.4
Understands Causative Factors of Criminal Behavior	33.3	20.0	6.2	17.9	20.7	5.9
Minimal Disciplinary Reports	52.4	14.3	28.1	25.6	6.9	2.9

Table 4 (cont.)

Factor	2010	2009	2008	2007	2006	2005
Non-Shooter	2.4	0	3.1	2.6	6.9	2.9
Solid Parole Plan	28.6	57.1	21.9	23.1	27.6	8.8
To Immigration	11.9	8.6	6.3	12.8	3.4	2.9
Juvenile at Time of Offense	0	2.8	9.4	5.2	3.4	0
Able to Abide by Rules and Regulations of Prison Environment	9.5	5.7	31.3	15.4	0	0
To From & After Sentence	7.1	NR	NR	NR	NR	NR
To Secure Mental Health Facility	2.4	NR	NR	NR	NR	NR

Denial Factors

Of the twenty-eight factors used as reasons for denying parole, six occurred in at least 20% of the eighty-one Records of Decision: Release Incompatible With the Welfare of Society (49), Needs Longer Period of Adjustment (30), Lacks Causative Insight into Criminal Behavior (23), Serious Disciplinary History (20), Not Program Involved (19), and Does Not Take Responsibility (16). As with the Approval Factors, the numbers in the parentheses are the numbers of times each factor was cited in the eighty-one denials of parole. Table 5 presents a six year comparison of the frequency percentages for each of the twenty-eight factors used to deny paroles for lifers.

Table 5

Factor	2010	2009	2008	2007	2006	2005
Does Not Take Responsibility	19.8	58.2	27.1	23.5	29.0	20.6
Is a Danger to the Community	13.6	0	28.6	49.0	17.4	29.4
Not Program Involved	23.4	40.0	52.9	32.6	24.6	8.8
Minimizes Criminal Behavior	4.9	10.9	10.0	5.1	2.9	11.8
Waived Hearing	0	0	1.4	2.0	0	4.4
Refused Move to Lower Security	0	0	0	1.0	0	1.5
Release Incompatible with Welfare of Society	60.5	7.3	44.3	23.5	27.5	20.6
Lacks Causative Insight into Criminal Behavior	28.4	34.5	47.1	43.9	27.5	22.1
Poor Institutional Behavior	12.3	18.2	30.0	9.2	5.8	4.4
Refuses Sex Offender Treatment Program	7.4	14.5	12.9	9.2	15.9	7.3
Serious Disciplinary History	24.7	25.4	28.6	17.3	20.3	29.4
Crime Committed While Incarcerated	0	1.8	1.4	0	0	2.9
Mental Health Issues	4.9	3.6	11.4	15.3	10.1	13.2
Prior Parole Failures	12.3	1.8	7.1	7.1	11.6	1.5
Crime Committed on Parole or Escape	4.9	5.4	8.6	1.0	4.3	11.8
No Family or Community Support	2.5	0	0	2.0	8.7	2.9
No Home or Work Plan	4.9	1.8	0	2.0	2.9	2.9

Table 5 (cont.)

Factor	2010	2009	2008	2007	2006	2005
Expresses No Remorse	3.7	25.4	8.6	7.1	7.2	2.9
Substance Abuse Issues	17.3	21.8	17.1	17.3	20.3	8.8
Untruthful	11.1	25.4	11.4	15.3	4.3	4.4
Severity of Offense	0	3.6	4.3	0	10.1	4.4
Unresolved Anger Issues	7.4	16.4	24.3	5.1	5.8	4.4
Needs Longer Period of Adjustment	37.0	27.3	14.3	8.2	11.6	17.6
Needs Counseling	2.5	1.8	1.4	5.1	5.8	1.5
Incarcerated at Higher Security	3.7	7.3	4.3	5.1	4.3	7.4
Manipulative	1.2	1.8	0	3.1	1.4	2.9
Not Ready for Community Supervision	2.5	1.8	12.9	27.6	0	0
Shows Inability to Abide by the Rules and Regulations of Prison Environment	8.6	5.4	8.6	5.1	0	0

Approval/Denial Factors - Initial and Review Hearings

The factors for approving and/or denying paroles are compared for Initial and Review hearings in Tables 6 and 7 below. Table 6 lists the frequency percentages for each of the sixteen factors cited in approving paroles for both Initial and Review hearings. Table 7 gives the frequency percentages for each of the twenty-eight factors cited in denying paroles for both Initial and Review hearings. Both Tables list data for 2010, 2009, and 2008.

Table 6

Factor	Initial Hearings			Review Hearings		
	2010	2009	2008	2010	2009	2008
Very Program Involved	81.8	77.8	84.6	54.4	42.8	63.2
Accepts Responsibility	40.9	66.7	30.8	45.5	61.9	31.6
Expresses Remorse	63.6	77.8	30.8	36.4	52.4	15.8
Amenable to Treatment and Supervision	9.1	11.1	7.7	22.7	14.3	21.1
Health Issues	0	0	0	4.5	9.5	5.3
Strong Community Support	27.3	66.7	76.9	22.7	47.6	36.8
Family Support	31.8	44.4	76.9	31.8	76.2	26.3
Understands Causative Factors of Criminal Behavior	18.2	22.2	0	50.0	23.8	10.5
Minimal Disciplinary Reports	50.0	22.2	23.1	50.0	14.3	31.6
Non-Shooter	9.1	0	0	0	0	5.3
Solid Parole Plan	22.7	33.3	15.4	31.8	80.9	26.3
To Immigration	18.2	11.1	7.7	4.5	9.5	5.3
Juvenile at Time of Offense	0	11.1	23.1	0	0	0
Able to Abide by Rules and Regulations of Prison Environment	13.6	0	23.1	4.5	9.5	36.8
To From & After Sentence	9.1	NR	NR	4.5	NR	NR
To Secure Mental Health Facility	4.5	NR	NR	0	NR	NR

Table 7

Factor	Initial Hearings			Review Hearings		
	2010	2009	2008	2010	2009	2008
Does Not Take Responsibility	18.2	52.4	29.2	18.6	61.7	26.1
Is A Danger to the Community	13.6	0	33.3	13.6	0	29.4
Not Program Involved	13.6	38.1	50.0	28.8	41.2	54.3
Minimizes Criminal Behavior	13.6	14.3	4.2	1.7	8.8	13.0
Waived Hearing	0	0	0	0	0	2.2
Refused Move to Lower Security	0	0	0	0	0	0
Release Incompatible with Welfare of Society	50.0	9.5	54.2	64.4	2.9	39.1
Lacks Causative Insight Into Criminal Behavior	27.3	28.6	45.8	30.5	41.2	47.8
Poor Institutional Behavior	0	28.6	37.5	15.3	11.6	26.1
Refuses Sex Offender Treatment Program	4.5	19.0	8.4	8.5	11.6	15.2
Serious Disciplinary History	31.8	33.3	37.5	22.0	20.6	23.9
Crime Committed While Incarcerated	0	0	4.2	0	2.9	0
Mental Health Issues	0	0	4.2	6.8	5.8	15.2
Prior Parole Failures	4.5	0	0	16.9	2.9	10.9
Crime Committed on Parole or Escape	0	4.7	4.2	6.8	5.8	10.9
No Family or Community Support	4.5	0	0	1.7	0	0
No Home or Work Plan	0	0	0	6.8	2.9	0
Expresses No Remorse	9.1	23.8	8.4	1.7	26.5	13.0
Substance Abuse Issues	18.2	14.3	4.2	16.9	26.5	23.9
Untruthful	13.6	19.0	8.4	10.2	29.4	13.0
Severity of Offense	0	4.7	0	0	2.9	6.5
Unresolved Anger Issues	13.6	4.7	20.8	6.8	23.2	26.1
Needs Longer Period of Adjustment	59.1	28.6	20.8	25.4	26.5	10.9
Needs Counseling	0	0	0	3.4	2.9	2.2
Incarcerated at Higher Security	13.6	9.5	8.4	0	5.8	2.2
Manipulative	0	0	0	1.7	2.9	0
Not Ready for Community Supervision	0	0	16.7	3.4	2.9	10.9
Shows Inability to Abide by the Rules and Regulations of Prison Environment	0	9.5	8.4	10.2	2.9	8.7

Program Involvement

A comparison of the number of times specific programs were cited for 2005 through 2010 in Records of Decision for lifers granted paroles is given in Table 8. The numbers in parentheses indicate the number of lifers approved for paroles in that year.

Only programs cited in Approval decisions are included in Table 8. Specific programs were also noted in Denial decisions, but participation in those programs was not deemed sufficient, given other issues in the background or incarceration history of the lifer seeking a parole, to warrant an approval. The programs noted in the eighty-one denials, along with the number of times cited listed in parentheses, were: CRA (3), AA/NA (8), GED (5), Anger

Management (2), Emotional Awareness (1), College (1), Lifers Group (2), and Jericho Circle (1).

Table 8

Program	2010 (42)	2009 (35)	2008 (32)	2007 (39)	2006 (29)	2005 (34)
Correctional Recovery Academy	19	18	18	24	8	3
AA/NA	16	20	22	16	14	0
Alternatives to Violence	22	21	10	11	2	0
GED	12	0	11	10	5	2
Anger Management	6	7	5	5	0	0
Transition Planning	9	8	10	5	0	0
Religious Programs	0	8	1	3	0	0
Work	10	12	2	3	0	0
American Veterans in Prison	1	1	0	2	0	0
Emotional Awareness	7	11	3	2	1	0
College	2	3	2	2	3	0
Toastmasters	5	3	4	1	0	0
NEADS	1	1	1	0	0	0
Able Minds	0	2	1	0	0	0
Lifers Group	0	1	1	0	0	0
Jericho Circle	5	5	NR	NR	NR	NR

The following programs were also cited in 2010: Vocational / Welding (6), and Sex Offender Treatment Program (1). Fourteen Approvals noted no specific programs.

Setbacks

When a parole is denied, the Parole Board determines the length of time which must elapse before the lifer is to appear again before the Parole Board. This length of time is termed a Setback and may be up to five years. In the 2010 study, there were eighty-one denials. The setbacks assessed in 2010 for lifers broke down as follows:

1 Year	0
2 Years	14
3 Years	19
4 Years	2
5 Years	46

Table 9 shows the comparative frequency percentages for setbacks for the years 2005 through 2010.

Table 9

Setbacks Years	2010	2009	2008	2007	2006	2005
5	56.8	69.1	84.3	67.4	76.8	75.0
4	2.5	3.6	0	6.1	4.3	4.4
3	23.4	20.0	7.1	14.3	13.0	16.8
2.5	0	0	0	0	1.4	1.5
2	17.3	5.5	2.9	6.1	2.9	1.5
1	0	1.8	5.7	6.1	1.4	5.9

Returns From Previous Paroles

Of the 123 Records of Decision in 2010, twenty-six, or 21%, were for lifers who had been granted a parole in a previous year and that parole had been revoked, either for technical violations of the conditions of the parole or for an arrest for suspicion of committing a new crime. All of these twenty-six Records of Decision are included as Review hearings. Of those twenty-six, nine (34.6%) were again granted a parole and seventeen (65.4%) were not. For those who had a parole in 2010 hearing after a revocation, one had been returned in 2002, two in 2004, two in 2005, one in 2006, two in 2007, one in 2008, and seven in 2010. For one lifer whose parole had been revoked, no date of return nor reason for return was given. Of the twenty-six lifers whose paroles had been revoked, the primary reasons for the revocations were: Drug or Alcohol Use (13), Assault (3), Associating with a Known Felon (3), Violating a Restraining or No Contact Order (2), DUI (1), Larceny (1), Requested to be Returned (1), and Failure to Participate in Mental Health Counseling. In addition to the primary reasons, six lifers whose paroles had been revoked were also cited for lying to or failure to report to their parole officers.

Of the nine lifers who were approved for a parole after having had a previous parole revoked, two had been returned in 2007, six in 2009, and one in 2010. Of those nine, four had been returned for substance abuse, two for assault, and one each for associating with known felons, for violating a no contact order, and for failure to participate in mental health counseling.

The setbacks assessed for the seventeen lifers who had their parole requests denied after having a prior parole revoked are shown in Table 10 below.

Table 10

Reason for Revocation	Setbacks				Total
	2	3	4	5	
Substance Abuse	4	1	1	3	9
Associating with Known Felons	0	1	0	1	2

Table 10 (cont.)

Reason for Revocation	Setbacks				Total
	2	3	4	5	
Assault	0	1	0	0	1
DUI	1	0	0	0	1
Larceny	1	0	0	0	1
Violating A Restraining Order	0	0	0	1	1
Requested to be Returned	1	0	0	0	1
Not Reported	0	1	0	0	1
Totals	7 41%	4 24%	1 6%	5 29%	17

Table 11 below compares the Setbacks assessed for all lifers who were denied a parole in 2010, for both those who had a parole revoked and those who had not. Percentages of the total number of Setbacks for each of the two categories and the overall total are given in parentheses.

Table 11

Category	Setbacks				Totals
	2	3	4	5	
Prior Parole Revoked	7 (41%)	4(24%)	1 (6%)	5 (29%)	17
No Prior Parole	7 (11%)	15 (23%)	1 (2%)	41 (64%)	64
Totals	14 (17%)	19(23%)	2 (3%)	46 (57%)	81

Lifers Not Convicted of Second Degree Murder

Of the 123 Records of Decision for 2010, ten (8.1%) were for those serving life terms for crimes other than second degree murder. This is a decrease from 2009 when thirteen of ninety (14.4%) Records of Decision were for lifers not convicted of second degree murder. The primary offenses and the results of the parole hearings are presented in Table 12 below.

Table 12

Primary Offense	2009		2010	
	Approved	Denied	Approved	Denied
Armed Robbery	2	4	0	4
Rape	0	7	1	1

Table 12 (cont.)

Habitual Offender	0	0	1	0
Armed Assault in a Dwelling	0	0	0	1
Armed Burglary	0	0	0	1
Assault & Battery with a Dangerous Weapon	0	0	0	1
<hr/>				
Totals	2	11	2	8

In 2010, one lifer not convicted of second degree murder had an Initial hearing resulting in a denial with a three year setback. That lifer had been convicted of armed robbery. All the other nine lifers in 2010 not convicted of second degree murder had Review hearings. Of the eight who were denied parole, one received a two year setback, four received three year setbacks, and three received five year setbacks.

Changes in Parole Board Members

Of the 123 parole decisions in 2010, the new Chairman, Josh Wall, was involved in thirty-seven. What that involvement entailed is unknown, i.e., did Wall actually write the Records of Decision after reviewing video tapes and/or vote sheets already completed by the previous board members, or did Wall merely sign Records of Decision already written prior to his becoming chairman or were the Records of Decision written by one of the remaining Parole Board members, or a combination of these possibilities. Equally unknown is whether Wall changed any of the results. Requests to clarify the impact Wall had on those thirty-seven Records of Decision have gone unanswered. The outcomes of the 123 Records of Decision with and without the involvement of Josh Wall are show in Table 13 below.

Table 13

	Approved	Denied	Total
No Wall Involvement	34 (39.5%)	52 (60.5%)	86
Wall Involvement	8 (21.6%)	29 (78.4%)	37
<hr/>			
Totals	42 (34.1%)	81 (65.9%)	123

Josh Wall assumed control of a Parole Board in disarray with the resignations of five members as well as a vacancy in the position of Executive Director. Evidence of that upheaval lies in a comparison of the average number of days from the dates of hearings to the dates of decisions and from the dates of decisions were made to the dates the decisions were signed.

See Table 14 below for a comparison of the average number of days from dates of hearings to dates of decisions and from dates of decisions to dates the decisions were signed both for those decisions not involving Josh Wall (Non-Wall) and the Records of Decision Wall signed (Wall). It is important to note that the regulation calls for a lifer who is denied a parole to be notified of that denial with supporting reasons within twenty-one days after that decision has been made. There is no similar time requirement for notification of approvals. It cannot be assumed that any lifer received his/her Record of Decision on or shortly after the date the Record of Decision was signed. There are no data regarding when a lifer was notified of the decision after the Record of Decision had been signed.

Table 14

	Non-Wall		Wall	
	Approvals	Denials	Approvals	Denials
Average Number of Days from Date of Hearing to Date of Decision	26.6	27.9	141.8	66.3
Average Number of Days From When Decision Had Been Made to Being Signed	29.2	32.2	142.4	164.2

For the eighty-six decisions with no involvement of Josh Wall, the average number of days from the dates of hearings to the dates the Records of Decisions were signed was 58.4. The average for the thirty-seven Records of Decision involving Josh Wall was 240.7, an increase of over 300%. The average for all the 123 Records of Decisions for 2010 was 69.8. In 2011, the Parole Board returned to seven members and the average number of days between hearing dates and the completion of the Records of Decisions will, hopefully, be significantly reduced and, for denials, be in conformity with the requirements of the regulations.

DISCUSSION

Approval/Denial Rates (See Tables 1 and 2 in this Report.)

The overall rate of approvals for paroles in 2010 decreased to 34.1% from 38.9% in 2009. Concomitantly, the overall denial rate increased from 61.1% in 2009 to 65.9% in 2010. Thus, nearly two-thirds of lifers who had a parole hearing in 2010 were denied a parole. The impact of the changes in personnel on the Parole Board cannot be determined precisely as the past Board members were listed as participating in the decisions. The only difference was that Josh Wall, the new chairman, signed thirty-seven Records of Decision. What impact he may or may not have had on those decisions is unknown. Queries to the Parole Board on this question have gone unanswered. That being stated, it is significant to note that the approval rate for decisions signed by Josh Wall was 21.6%, as opposed to 39.5% for those decisions not involving Josh Wall. The denial rates were 78.4% for decisions signed by Wall and 60.5% for those not signed by him. Thus, the approval/denial rates for the eighty-six decisions not involving Wall were consistent with the 2009 approval/denial rates of 38.9% (Approval) and 61.1% (Denial).

There was a significant change in approval/denial rates for lifers having Initial and/or Review hearings. In 2010, a lifer having an Initial hearing had a 50% chance of being approved. That compares with an approval rate for Initial hearings in 2009 of 30%. The 2009 approval rate was the lowest since 2004 for Initial hearings. In 2010, however, the approval rate for Initial hearings

was the highest in the eight years the parole decisions have been studied by the Norfolk Lifers Group.

For Review hearings, the approval rate in 2010 (25.3%) is the second lowest in the eight years parole decisions have been studied. The lowest was 22.2% in 2006. It should be noted that in 2010, the approval rate for lifers having a Review hearing, but who had not been returned for a revocation hearing, was 13.6%. This approval rate is significantly lower than 2009 (34.1%) and 2008 (19.3%).

In 2010, the approval rate for Initial hearings was, once again, higher than the approval rate for Review hearings. In 2009, there had been a higher approval rate for Review hearings, which had reversed a trend of approval rates for Initial hearings exceeding Review hearings found in 2006, 2007, and 2008.

The overall denial rate of 65.9%, while higher than 2009 (61.1%), was the third lowest in the past eight years. But, the denial rate for those decisions signed by Josh Wall (78.4%) was the highest in the eight years of Records of Decision studied by the Norfolk Lifers Group. That denial rate was also the highest for those eight years whether for an Initial hearing or a Review hearing. There is an inverse relationship between rates of approvals and denials. Thus, as the approval rate for Initial hearings was the highest (50%), the denial rate for Initial hearings (50%) was the lowest in the eight years of results reported by the Norfolk Lifers Group. For Review hearings the denial rate in 2010 (64.7%) was the second highest for the period 2003-2010, exceeded only by the denial rate for Review hearings in 2006 (77.8%).

Approval Factors (See Table 4 in this Report.)

Three Approval factors in 2010 showed significant increases in percentage frequencies compared with 2009. These factors were Very Program Involved (69.0% from 45.7%), Understands Causative Factors of Criminal Behavior (33.3% from 20.0%), and Minimal Disciplinary Reports (52.4% from 14.3%). Four factors had significant decreases in percentage frequencies in comparison to 2009: Accepts Responsibility (42.9% from 54.3%), Strong Community Support (23.8% from 45.7%), Family Support (30.9% from 57.1%) and Solid Parole Plan (28.6% from 57.1%).

In 2009, Accepts Responsibility, Family Support, and Solid Parole Plan were all cited in over one-half of those who had been approved for parole. In 2010, however, Accepts Responsibility was cited 42.9% for approvals while Family Support was below 31% and Strong Community Support was less than 24%. The steep drop in both Family Support and Strong Community Support is difficult to understand as success on parole is presumed to be tied directly to the support system a potential parolee has available outside prison. Similarly, having a Solid Parole Plan would seem essential to successful reentry. Yet, in less than one-quarter of all approvals was the existence of a Solid Parole Plan cited as a reason for granting a parole.

What significantly increased in frequency percentages were factors relating to behavior while in prison, i.e., Very Program Involved, Understands Causative Factors of Criminal Behavior, and Minimal Disciplinary Reports. While these are important, how indicative they are for success on parole, without an in-place support system and solid parole plan, is open to question. The Parole

Board needs to conduct an in depth study of parole successes and failures based upon the factors cited in the respective Records of Decision.

The change in the make-up of the Parole Board members undoubtedly will have a significant impact on the frequency percentages of Approval factors, assuming there are enough paroles approved to study. This is one reason why the Parole Board needs now to study those who have been paroled for the last five years to determine what factors were most predictive of success on parole. The present Parole Board appears disinclined to parole most prisoners, let alone lifers. Whether or not the present Parole Board members would welcome or be influenced by evidence-based data from a comprehensive study of parole successes and/or failures is an open question. Still, that is no justification for not seeking to find out what translates into an acceptable probability for success on parole and what does not. Whether or not the Parole Board, and particularly its chairman, have either the interest or the will to undertake such a study is unknown. Excerpts, however, from published or televised interviews suggest that Josh Wall harbors significant cognitive illusions, i.e., false beliefs that he intuitively accepts as true, regarding factors for approving or denying paroles. An example is his insistence that he can determine if a lifer has been "punished enough" and use that as an indicator of whether a lifer is deserving of a parole. There is no evidence-based data to support such an illusion, yet the quality or length of punishment remains a significant factor for Wall, and, presumably for the other Parole Board members as well.

Denial Factors (See Table 5 in this Report.)

The results of the 2010 frequency percentages for Denial factors showed a return to the use of vague reasons for denying paroles. Those factors showing the most significant percentage increases in comparison to 2009 were: Release Incompatible with the Welfare of Society (60.5% from 7.3%), Is a Danger to the Community (13.6% from 0), Needs Longer Period of Adjustment (37.0% from 27.3%). Prior Parole Failures also showed an increase (12.3% from 1.8%). Conversely, several specific reasons for denying paroles showed significant decreases in frequency percentages: Does Not Take Responsibility (19.8% from 58.2%), Not Program Involved (23.4% from 40.0%), Expresses No Remorse (3.7% from 25.4%), Lacks Causative Insight into Criminal Behavior (28.4% from 34.5%), Poor Institutional Behavior (12.3% from 18.2%), and Unresolved Anger Issues (7.4% from 16.4%).

The impact of these changes is that a lifer who has been denied a parole is provided with reasons that are non specific and which offer less guidance regarding what needs to be addressed before his/her next parole hearing. The regulations stipulate that specific reasons be given for denying a parole. But, when over 60% of denials are based in whole or in part on a finding that a potential parolee's parole would be "Incompatible With the Welfare of Society" that regulatory requirement is clearly being ignored by the Parole Board. This is particularly apparent with the last eight denials signed by Josh Wall where that factor was the sole reason cited for denying the parole in seven of those decisions and was also included in the eighth denial.

There appears to be an inconsistency when the more frequently cited Approval factors are compared to comparable Denial factors. For instance, while Very Program Involved was the most frequently cited Approval factor (69.0%), Not Program Involved was cited in only 23.4% for Denial decisions. Similarly, Accepts Responsibility appeared in 42.9% of Approvals, while Does Not Take Responsibility was cited in only 19.8% of Denials. Minimal Disciplinary Reports was cited in 52.4% of Approvals, while Serious Disciplinary Report History was cited in 24.7% of Denials. And, Expresses Remorse was cited in 50% of Approvals, while Expresses No Remorse was cited in only 3.7% of Denials. Lastly, Strong Community Support (23.8%), Family Support (30.9%), and Solid Parole Plan (28.6%) were cited as Approval factors; for Denials, however, the comparable factors were cited as follows: No Family or Community Support (2.5%) and No Home or Work Plan (4.9%).

The facts of each of the 123 parole decisions obviously vary on a case-by-case basis. That being considered, it remains fair to conclude that the Parole Board members in 2010 felt they needed to provide specific reasons for approving paroles in order to justify the decision to grant a lifer a parole. On the other hand, the Parole Board members did not feel it was neither necessary nor equally important to provide specific reasons for denying paroles. It would seem that Parole Board members in 2010 sought to identify specific reasons why a parole was granted in case such a parole might result in negative publicity. Decisions to deny paroles are not, however, as susceptible to pressures either from politicians or the media. As a result, the Parole Board saw no necessity to provide specific reasons to justify Denials.

Approval Factors For Initial/Review Hearings (See Table 6 in this Report.)

The three Approval factors for Initial hearings which were most cited were: Very Program Involved (81.8%), Expresses Remorse (63.6%), and Minimal Disciplinary Reports (50.0%). For Review hearings, the three most cited Approval factors were: Very Program Involved (54.5%), Understands Causative Factors of Criminal Behavior (50.0%) and Minimal Disciplinary Reports (50.0%). Very Program Involved and Expresses Remorse were cited significantly more often for Initial hearings (81.8% and 63.6% respectively) than for Review hearings (54.5% and 36.4%). Expresses Remorse for both Initial and Review hearings was cited a lower percentages than in 2009. Minimal Disciplinary Reports showed at significant increases for both Initial and Review hearings from 2009, to 50% for both types of hearings from 22.2% for Initial hearings and from 14.3% for Review hearings in 2009.

Strong Community Support, Family Support, and Solid Parole Plan were cited at significant lower percentages in 2010 than in 2009. Solid Parole Plan was cited slightly higher in 2010 for Review hearings (31.8%) than for Initial hearings (22.7%). And, in comparison to 2009 for Review hearings, the percentages dropped from 80.9% to 31.8% for Solid Parole Plan. It is difficult to understand why the major factors in 2008 and 2009 of Strong Community Support, Family Support, and Solid Parole Plan showed such precipitous decreases in 2010 for both Initial and Review hearings as these factors would seem critical to successful reentry back into society.

One factor, Understands Causative Factors of Criminal Be-

havior, showed a significant increase for Review hearings (50% in 2010, 14.3% in 2009) and a significant difference for Initial (18.2%) and Review (50%) hearings. More lifers were paroled in 2010 after Initial hearings (22) than for Review hearings (20). Having less than 20% of those paroled after Initial hearings being cited as understanding causes of criminal activities is troublesome. Even having 50% of those paroled after Review hearings being cited for understanding the causative reasons for their criminal behavior would seem far too low as well. If a prospective parolee does not understand the causative factors of his/her criminal activity, then what is to prevent a repetition of past behavior?

Denial Factors For Initial/Review Hearings (See Table 7 in this Report.)

The factors cited in parole denials for Initial hearings for lifers in 2010 which showed the largest decreases from 2009 in frequency percentages were: Does Not Take Responsibility (18.2% from 52.4%), Not Program Involved (13.6% from 41.2%), Expresses No Remorse (9.1% from 23.8%), and Untruthful (13.6% from 19.0%). For Review hearings, the factors which showed the largest decreases from 2009 in frequency percentages were: Does Not Take Responsibility (18.6% from 61.7%), Not Program Involved (28.8% from 41.2%), Lacks Causative Insight Into Criminal Behavior (30.5% from 41.2%), Expresses No Remorse (1.7% from 26.5%), Substance Abuse Issues (16.9% from 26.5%), Untruthful (10.2% from 29.4%), and Unresolved Anger Issues (6.8% from 23.2%).

The factors with significant increases in Initial hearings for denials in 2010 when compared to 2009 were: Is A Danger To

The Community (13.6% from 0%), Release Incompatible With Welfare Of Society (50% from 9.5%), and Needs Longer Period Of Adjustment (59.1% from 28.6%). The factors with significant increases for denials in Review hearings in 2010 in comparison to 2009 were: Is A Danger To The Community (13.6% from 0%), Release Incompatible With Welfare of Society (64.4% from 2.9%), and Prior Parole Failures (16.9% from 2.9%).

Comparing Denial factors for Initial and Review hearings in 2010, the most significant differences were: Not Program Involved (13.6% for Initial hearings vs 28.8% for Review hearings), Minimizes Criminal Behavior (13.6% vs 1.7%), Poor Institutional Behavior (0% vs 15.3%), Needs Longer Period of Adjustment (59.1% vs 25.4%), and Release Incompatible With Welfare Of Society (50% vs 64.4%). The only Denial factor with a history of frequency in excess of 20% which showed a relative consistency for both Initial and Review hearings from 2008 - 2010 is Serious Disciplinary Report History.

Discounting the inherent case-by-case factual and historical variations in the individual 123 parole decisions for 2010, as compared with 2008 and 2009, the lack of consistency for significant factors for denying paroles is indicative of the continual changes in Parole Board members and the lack of agreement as to what standards are to be used in making parole decisions for lifers. One objective of the parole studies by the Norfolk Lifers Group is to educate lifers regarding what criteria the Parole Board views as important and that need to be addressed if a lifer is to be prepared not only for his/her parole hearing, but to be a productive citizen should he/she be paroled. Denial factors

play an important part in that education process. The results of the various studies, however, have shown such wide variances in the frequency of factors used to deny paroles, and to approve paroles albeit to a lesser degree, that no trends to date can be relied upon to assist lifers in preparing for parole. In 2010, the Parole Board underwent a massive restructuring and, most likely, the criteria will change significantly once again. And, concomitant with those changes in criteria, is the real concern that the reasons for denying and/or approving a parole will return to the extreme vagueness of several years ago. Informing a lifer that his/her release is not compatible with the welfare of society or that the person remains a danger to society without reasons why or what a lifer can do to change that collective opinion renders the Records of Decision essentially useless as instructive resources. Merely restating the unalterable facts, as the Parole Board sees them, of a lifer's case and then state that the release is not compatible with the welfare of society falls far short of providing specific reasons for denying a parole. Yet, that is precisely the form of seven of the last eight parole decisions (denials) signed by Josh Wall.

If the Parole Board has any interest in rendering fair and balanced decisions or to assist those lifers who are denied to make the strides necessary to become productive citizens, then the members need to concentrate not on unchangeable facts of a case, but on what a lifer needs to accomplish so that he/she is ready for reentry. At the very least, the Parole Board should be required to conduct an extensive study of what factors are valid predictors of future behavior that translates into a productive

reentry back into society. Unless and until such factors are determined, decisions to parole or not to parole will be based on such cognitive illusions as has the lifer been "punished enough," a criterion so subjective and sensitive to emotional pressures as to negate any positive growth a lifer may have achieved.

Program Involvement (See Table 8 in this Report.)

As in 2009, the program most cited in Approval decisions for 2010 was Alternatives to Violence (AVP). In 2009, the number of times AVP had been cited more than doubled compared to previous years. In 2010, AVP was cited a similar number of times: 22 in 2010 and 21 in 2009. The CRA and AA/NA were the two most cited in 2010 after AVP - 19 and 16 times respectively. For AA/NA, 2010 showed a 20% reduction from 2009. In 2008 and 2009, AA/NA had been cited in more than 50% of Approvals. In 2010, however, AA/NA was cited in less than 40% of all Approvals. GED, on the other hand, showed a return to the levels of 2008 and 2007, after having not been cited at all in 2009.

Of programs cited in at least 10% of Approvals in 2010, Anger Management, Work, Emotional Awareness, and Religious Programs were cited fewer times in 2010 than in 2009. Transition Planning and Toastmasters showed slight increases in the number of times they were cited in Approvals in 2010 versus 2009, both being cited in over 10% of the Approvals. Vocational or Welding programs, for the first time, were also cited in more than 10% of approvals in 2010. The Jericho Circle was cited five times, the same number as in 2009.

Setbacks (See Page 9 and Table 9 in this Report.)

There were no one year setbacks assessed by the Parole Board in 2010 as there were no evenly split votes which would have mandated a one year setback. But, there is nothing which would prohibit the Parole Board from assessing a one year setback if a vote was not evenly split. The percentage of Denials receiving a two year setback increased appreciably from 5.5% in 2009 to 17.3% in 2010. This is the highest percentage for two year setbacks in the years 2004 through 2010, with the previous high being 6.1% in 2007. Three year setbacks showed an increase from 20% in 2009 to 23.4% in 2010, an increase from one-fifth to approaching one-quarter of the setbacks assessed after denials in 2010. The total number of two and three year setbacks as a percentage of denials rose from 25.4% in 2009 to 40.7% in 2010. Concomitantly, the percentage of five year setbacks decreased from 69.1% in 2009 to 56.8% in 2010, the lowest percentage from 2004 through 2010.

As with past years, the Records of Decision contained no indications what criteria, assuming there are any, were utilized to determine the length of any given setback. That the percentages of two year and three year setbacks increased significantly may be taken as a positive sign that some level of discernment is being applied to the decision of how long an individual setback should be. What has been continuously troubling is that the Parole Board has adopted a presumptive five year setback principle, i.e., the five year setback is presumed unless the Parole Board members decide differently. It remains fair, therefore, to ask what criteria the Parole Board uses to determine setbacks if a lifer is

to have an opportunity to address the question of a setback, should his/her parole be denied. As the Parole Board has steadfastly refused to reply to inquiries regarding what criteria are used, the fairness of the length of setbacks and how they are determined will always be open to question. The law calls for a setback of up to five years. Thus, the presumptive five setback does not comport with either the language or the intent of the law and needs to be challenged.

Returns From Previous Paroles (See pages 10-11 in this Report.)

In 2010, twenty-six Review hearings were held for lifers who had been returned to prison after having had a previous parole revoked. Of those twenty-six, nine (34.6%) were approved again for a parole, a decrease from 63.1% in 2009, the first year that such returnees had been studied. The lengths of time these lifers reviewed in 2010 had remained in prison since their parole revocations varies significantly from being returned in 2002 (1) to 2010 (7). Of the nine who were approved, six had been returned in 2009, indicating that the Parole Board was not reticent to require a lifer who had been returned to prison to spend at least one year behind bars whatever the reason(s) the lifer had been returned.

Those denied paroles in 2010 after having had a previous parole revoked tended to be assessed shorter setbacks with nearly two-thirds receiving either a two year (41%) or a three year (24%) setback, as opposed to 34% for those who had Review hearings but had not had a prior parole revoked. The percentages were reversed for five year setbacks as only 29% of those who had been returned and were denied a parole in 2010 received a five year setback

versus 64% of those who had paroles denied and had not had a prior parole revoked. The reasons for such variances can only be guessed at since no rationale was provided by the Parole Board.

While one-half of the returnees had their paroles revoked for substance abuse (drugs and alcohol), only four were approved for a parole in 2010. In contrast, of the three returned for assaulting someone, two were re-paroled in 2010. The others approved had been returned for associating with a known felon (1 of 3 returned for this reason), violating a no contact order (1 of 2 returned for this reason), and for failing to participate in mental health counseling. Interestingly, the lifer who had requested a return due to problems acclimating to society was denied a parole and given a two year setback. That has Catch-22 quality as the lifer who had refused to attend mandated mental health counseling was re-paroled after promising to address his mental health issues. Yet, the lifer who recognized that he was not doing well at reentry and asked to be returned was denied a parole and given two years to prepare himself for a return to society. Both had been previously paroled in 2010.

EXCERPTS FROM 2010 RECORDS OF DECISION

The following excerpts are quoted directly from Records of Decision in 2010. Names of lifers and victims are redacted. The result of the hearing, whether it was an Initial or Review hearing, and the length of the setback in cases of denials are indicated in parentheses placed at the end of each excerpt. The excerpts have been selected to present examples of the stated reasons why these paroles were approved or denied. The facts of each individual case

are not a consideration.

Excerpt #1: _____ is serving his first conviction. It was made apparent to the Board during his testimony that _____ demonstrates a strong personal commitment to his re-habilitation, as shown by his significant programming and positive institutional behavior. _____ expressed remorse and acceptance for the serious nature of his crime, not only to the family of (victim), but to the entire community as well. _____ came before the Board with a complete comprehensive post release plan, which includes employment opportunities. Additionally, _____ has strong family support and community backing, which will aid in his successful re-entry.
(This lifer was approved for a parole at an Initial hearing.)

Excerpt #2: The Board noted that, at the time of _____'s hearing, he appeared sincere and also respectful to the Parole Board hearing process. He appears to have made positive strides in addressing his criminal thinking. For this reason, the majority of the Board votes to reserve _____ to his 10 to 15 year consecutive sentence.
(This lifer was approved in a 4-3 vote at an Initial hearing.)

Excerpt #3: _____'s presentment before the Board was respectful, deferential and attentive. He took responsibility for his offense and did not minimize his role. He expressed remorse for his crime and acknowledged the loss he is responsible for creating. His significant program involvement, overall institutional adjustment and positive attitude are demonstrative of a commitment to rehabilitation. _____ has strong family and community support to assist in his re-integration into society.
(This lifer was approved for a parole at an Initial hearing.)

Excerpt #4: The Board notes _____'s institutional accomplishments, however, believes that he lacks credibility as shown by the different versions of the offense that he provided.
(This lifer was denied a parole at an Initial hearing and given a 3 year setback.)

Excerpt #5: ... the Board took note of _____'s perfect record of positive institutional behavior over the past seven years. We believe that the inmate's good conduct while incarcerated suggests that he will be able to conform his conduct to social and legal norms upon release. Our belief in this regard is bolstered by the fact that _____ has completed all of the programs deemed necessary by the Department of Correction to reduce his risk of re-offending. Further, the Board was very favorably impressed by _____'s presentation at his hearing. He expressed what appeared to be genuine remorse for the harm he inflicted on his victim, his family, and the members of the community in which the crimes occurred. Finally, we were impressed by the unusually high level of community support displayed at the hearing by _____'s supporters. The existence of such support is a crucial ingredient - in many cases, the most crucial ingredient - for successful community supervision.

(This lifer was approved for a parole at a Review hearing.)

Excerpt #6: _____'s presentment before the Board was concerning for a number of reasons. His version of the actual stabbing has changed over time with numerous inconsistencies, exhibiting latency in coming to terms with his crime. Although he has made strides via program involvement and a positive institutional adjustment, his latent acceptance of guilt and truth surrounding the crime are troubling. Although he expressed some level of remorse he presented stoically and unaffected. He appeared to minimize his actions by attributing them to alcohol and drugs yet the trial testimony did not support this. Additionally, he did not present a detailed viable post release plan.

(This lifer was denied a parole at a Review hearing and given a 3 year setback.)

Excerpt #7: During his testimony at the hearing, also provided in writing, _____ expressed a sincere apology to the victim's family, the Board, and the community for his relapse. He explained his behavior, while in the community, which led up to his relapse and later return to incarceration. _____ explained in detail how he would proceed differently if given the opportunity for re-entry and shared with the Board how this would be accomplished.

(This lifer was approved for a parole at a Review hearing after having had a prior parole revoked.)

Excerpt #8: Although _____ has engaged in programming in order to prepare himself to reintegrate into society and appears to be gaining insight, his prior anger and significant substance abuse issues are factors to consider in light of his receipt of 5 disciplinary reports since his last hearing. There were also concerns regarding the fact that _____ has no significant employment history as well as a concern that he appears to have an unrealistic expectation of the difficulty of transitioning into society upon release.
(This lifer was denied a parole at a Review hearing and given a 2 year setback.)

Excerpt #9: _____ continues to present less than truthful testimony surrounding the murder of _____. His lack of truthfulness and previous failure on parole for alcohol use and lying to the parole officer are concerning for the Board. The Board concludes that _____'s release at this time is not compatible with the welfare of society.
(This lifer was denied a parole at a Review hearing and given a 4 year setback after having had a prior parole revoked.)

Excerpt #10: _____'s presentment before the Board highlighted a number of issues. There has been very little change between _____'s last hearing before the Board and the present hearing. _____ claims he has attended AA/NA weekly, however all indications are that his attendance is sporadic, at best. _____ has not engaged in any programming or enrolled in any courses and has incurred an additional d-report since his last hearing. Although he assumes responsibility for his crime he also minimizes by pointing to his alcohol use, his co-defendant and his upbringing. He has concentrated more on work within the institution and less on programming that would address and help him deal with causative factors. His revelation of family trauma warrants a need for counseling that he has not engaged in. _____ has more work to do in continuing his positive adjustment and demonstrating a commitment towards rehabilitation.
(This lifer was denied a parole at a Review hearing and given a 3 year setback.)

Excerpt #11: Although _____ has increased program involvement he had limited understanding about why he committed the crime. He has not come to terms with the facts of the crime. He offered a new version of events. _____ lacked credibility.
(This lifer was denied a parole at a Review hearing and given a 5 year setback.)

Excerpt #12: ..., the Board was troubled by _____'s conduct during the hearing. In the Board's opinion he was both combative and evasive during his appearance, particularly when he was subjected to questioning. The Board also observed that, in a number of instances, _____ was manifestly deceptive in his responses. In the Board's view, these negative personality traits would make community supervision of _____ difficult, if not impossible.
(This lifer was denied a parole at a Review hearing and given a 5 year setback.)

Excerpt #13: At his hearing before the Board, _____'s demeanor was poor. In the Board's view, he consistently minimized the severity of his criminal conduct and showed little or no insight into the causative factors underlying his actions. In addition, he appeared to display little genuine remorse for his victims.
(This lifer was denied a parole at a Review hearing and given a 5 year setback.)

Excerpt #14: _____ has notable achievements in prison in the areas of education and programming. Board members recognized those achievements, but commented several times during the hearing that the programs appeared to have had little effect on _____'s conduct. Board members stated during the hearing that: "you are not using what they taught you;" "nothing has changed; you have not changed one iota ...". Board members were also very concerned about _____'s comments and demeanor at the hearing. Board members commented that: "you've gone back and forth in your testimony;" your testimony has been "excuses, excuses, excuses;" you have "challenged" Board members like "you challenge other authority, how can you be supervised?" _____ has a very poor disciplinary record in prison. His institutional conduct gives little evidence of rehabilitation or amenability to supervision. Additionally, _____ minimizes his culpability and evaded questions in the hearing. This is evidence that he has an incomplete understanding of his criminal behavior and its consequences... It is not compatible with the public welfare to parole a person who evades questions relevant to a parole decision, minimizes his criminal intent and conduct, does not understand the reasons for criminal conduct, shows persistent signs of his inability to accept supervision or authority, and gives little evidence that prison programs have improved his attitudes, thinking, or behavior.
(This lifer was denied a parole at an Initial hearing and given a 5 year setback.)

ATTRIBUTION

The information contained in this study was calculated and written by Gordon Haas, Chairman of the Norfolk Lifers Group, who is solely responsible for the contents. Any questions or comments are welcome and should be directed to Gordon Haas at MCI-Norfolk, P.O. Box 43, Norfolk, MA 02056. This study or any section thereof may be downloaded or photocopied without permission. If references are made to this study or any information contained herein is used in other reports or studies, the attribution should read: Gordon Haas, A Study of Parole Decisions For Lifers in Massachusetts in 2010, Norfolk Lifers Group, December 2011.