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## Paroled lifers pose high risk of new crimes

By Michael Rezendes

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More than a third of the most serious criminal offenders paroled in Massachusetts over the past five years were returned to prison for committing new crimes or violating the conditions of their release, a Globe review has found, raising questions about the public risk posed by granting early release to scores of convicted murderers, as well as the state's ability to supervise violent criminals on parole.

The Globe analysis, undertaken after last December's fatal shooting of a Woburn police officer by a career criminal on parole from a life sentence, found that the Parole Board freed 201 prisoners serving 15 years to life from January 2006 through December 2010.

Thirty of the parolees, or 14.9 percent, were returned to prison after being accused of committing new crimes, including murder and assault and battery with a dangerous weapon, as well as less serious offenses such as assault and drunken driving. An additional 39, or 19.4 percent, were sent back because of parole violations such as failing a drug test.

The 34.3 percent reincarceration rate goes directly to the question the Parole Board could not answer after the shooting death of Woburn officer John Maguire last winter: How often do Parole Board decisions to release serious criminals go awry, resulting in new threats to the public? Was paroled lifer Domenic Cinelli's murderous rampage an anomaly or part of a pattern?

The Globe analysis also appears to contradict a widely held belief in criminal justice circles: that lifers are less likely than other parolees to return to prison because they tend to be older and face the risk of resuming a life sentence if they violate the conditions of their release.

In fact, in 2009, Massachusetts lifers returned to prison more often than parolees convicted of lesser offenses, based on a Parole Board study that found that 22 percent of non-lifers on parole returned to prison.

Josh Wall, the newly installed chairman of the Massachusetts Parole Board, said the Globe's findings reflect an urgent need for change in the decision-making process used by board members when considering parole applications from violent criminals. He said the board has approved parole for about one-third of the lifers who applied in recent years, but that rate is likely to drop as it adopts newly written guidelines and more rigorous standards.

"People who are serving a life sentence who come before the Parole Board assure the Parole Board that they will not commit any new crimes and will obey all the conditions of parole," Wall said. "As we see, 35 percent of those lifers who received parole were unsuccessful in completing those promises. That rate is too high."

Wall also said the board will begin tracking the return rate for paroled lifers and improve its collection of information on all parolees — an area in which Massachusetts is severely lacking, especially in comparison with states such as New York. The goal is to improve decision-making on individual parole applications as well as general policy-making. "It's a record that should be kept," he said, referring to the return rate for lifers. "And it will be maintained going forward."

In the course of its review, the Globe found a number of Parole Board decisions that resulted in the release of repeat, violent criminals who committed serious new crimes once they were paroled. In addition to Cinelli, who was released in 2008 on a unanimous vote, they include:

- Edward Corliss. A repeat offender, Corliss began serving a second-degree murder sentence in 1974 for killing a store clerk after escaping from prison for previous crimes. He was paroled in 2006 and, three years later, fatally shot another store clerk while holding up a Jamaica Plain food shop, according to authorities. He is currently awaiting trial for murder.

■ Gerald Hill. Convicted of taking part in two slayings, including the murder of an oil delivery man during the Blizzard of 1978, Hill was released from prison in September 2009. Only 67 days later, he was arrested and accused of pistol-whipping a taxi dispatcher and making off with \$20,000. His parole has been revoked.

■ Emmett Snow. Also convicted of two murders — one of them committed as a juvenile — Snow was initially paroled from a life sentence in 2004. While on parole, he was jailed for his role in a credit card scam and released again, only to be returned to prison in 2008 after Boston police arrested him on charges of drug possession. A year later, the Parole Board voted to release him yet again. But Wall moved to rescind that vote earlier this year after he found that Snow had been cited for carrying a weapon behind bars.

Other paroled lifers who ended up back in prison appeared to make genuine attempts to forge new lives before they reoffended by committing less serious crimes.

Mark Jones, for instance, seemed to make progress after the board paroled him in 2006, nearly 25 years after he was convicted of second-degree murder for his role in a Roxbury shooting when he was a teenager.

Jones married and found work at a Home Depot and later as an ambulance driver and a cabbie, and began building a new life, primarily in Lynn. But his marriage foundered as he and his wife fought and finally separated. Jones also failed a urine test that detected marijuana use — an infraction that could have landed him back in prison.

Jones's parole officer and the officer's supervisor gave him another chance. But Jones and his estranged wife had another argument, this time over a car she was using, that culminated when Jones punctured the tires of the vehicle. He has been back in prison ever since.

Jones, who is now 49, said he did not blame the Parole Board for returning him to prison. But he also said that, if paroled again, he would attempt to begin his freedom under the supervision of a sponsoring organization such as a church that might provide more help than a parole officer is able to give.

"You know how to live out there, and I don't," he said. "I don't have nobody to teach me, and I keep making bad choices."

Some advocates say that the reincarceration rate for lifers in Massachusetts is not alarming, noting that most went back to jail for violating the terms of their release, while only 15 percent committed new crimes.

"The fact that only 30 people were returned for new crimes is a fantastic number and speaks well of parole as a public safety measure," said Leslie Walker, executive director of Prisoners' Legal Services, which provides legal services for inmates.

But Wall, a veteran prosecutor who was Governor Deval Patrick's pick to revamp the Parole Board in the wake of the Cinelli case, said minor criminal offenses or technical violations of parole, such as failing a drug or alcohol test, can be precursors to more serious, violent crimes.

"If you know the initial offense, most likely a murder, was committed while drinking, the failure to pass a urine test is more serious than it might be for a parolee whose initial offense was larceny," he said.

Overall, the rate of reincarceration for Massachusetts lifers appears relatively high, at least when compared with New York State, which has tracked murderers and other offenders on parole for decades.

Only 19.1 percent of the 1,480 convicted murderers paroled from 1986 to 2006 in New York were returned to prison. In addition, only 2.6 percent were returned for committing new crimes, while 16.6 percent were sent back to prison for committing technical violations of their parole.

The reason for the difference between the states is hard to discern, complicated by the Massachusetts Parole Board's failure to keep detailed data on recidivism.

Peter Cutler, spokesman for New York's Department of Corrections and Community Supervision, attributed the low return rate in his state to a comprehensive effort to assess every inmate's shortcomings when they enter prison, along with mandatory treatment and job training designed to prepare them for life outside of prison.

On the other hand, the return rate for Massachusetts lifers is lower than the return rate for all state prison inmates, including those who completed shorter sentences and those released with no post-prison supervision.

A recent study by the Pew Center on the States, a nonprofit public policy research organization, found that 43.3 percent of people released from the nation's prisons in 2004 were reincarcerated within three years. But many state prison inmates — more than a third in Massachusetts in 2009 — are released after serving their sentence without any requirement that they check in with authorities to make sure they're not getting into trouble again.

Theoretically, at least, inmates who leave prison under supervision ought to have a much lower recidivism rate than those who do not.

For decades, Massachusetts has used parole as a means of rewarding inmates' good behavior and as a relief valve for the state's perpetually overcrowded prisons — a system designed to house about 8,000 inmates, but now home to about 11,500.

But, earlier this year, the Massachusetts Parole Board temporarily halted parole hearings for lifers after the shooting of police officer Maguire by Cinelli, a career criminal, on the day after Christmas. Cinelli also was killed in the shootout.

Amid a public outcry, Patrick accepted the resignations of five Parole Board members while vowing to reform the system for granting early release to repeat, violent criminals.

Today, 2,100 former inmates are on parole in Massachusetts, 340 of them lifers who must serve at least 15 years before they are even eligible for parole. Once freed, they have to report to a parole officer for the rest of their lives and face the risk of returning to prison even if they're not convicted of a new crime.

Gerald Hill, the convicted murderer who was accused of assaulting and robbing a taxi dispatcher while on parole, went back to prison even though the charges against him were dropped after a judge tossed out the main evidence on a technicality. But the Parole Board, which is legally permitted to examine suppressed evidence, revoked Hill's parole and kept him in prison, where he remains today.

In the post-Cinelli world, Patrick and legislators are pushing to make it even harder for violent lifers to win release.

And while the Parole Board recently resumed parole hearings for lifers, Wall warned that it is going to be more difficult for violent offenders to win their freedom under new Parole Board guidelines.

From now on, Wall said, it will not be good enough for a lifer to maintain a good prison record. In addition, the board will consider whether an inmate has been punished sufficiently.

"If you have someone who murdered a child," Wall said, "does that mean that person gets out in 15 years? Is that fit punishment?"

But Patricia Garin, a defense attorney who helps run a Northeastern University program that provides legal counsel for parole applicants, objected to the notion that Parole Board members would deny parole for a well-behaved inmate just to increase punishment.

"If an inmate does everything right for 15 years, takes every program, and is a model of good behavior, should the Parole Board be able to say, 'We think you should serve more time'? That's not how the system is supposed to work," she said.

Garin and other inmate advocates also say that more restrictive parole guidelines could backfire by discouraging accused murderers from pleading guilty to second-degree murder, clogging the courts with expensive murder trials, and by adding to the population of an overcrowded prison system.

But the debate over parole for convicted murderers is often emotional, pitting the families of murder victims against inmates who may have committed their crimes as teenagers, behaved well behind bars, and persuaded the Parole Board that they are ready to live outside prison walls.

Since 2006, Sue Maynard of Lynn has decried the board's decision to parole Charles Doucette, the man who murdered her brother, Raymond Bufalino. The board paroled Doucette on a divided vote, even though Doucette resisted acknowledging during his Parole Board hearing that he shot Bufalino execution-style.

"He wouldn't verbally confess until they dragged it out of him," said Maynard, who provided a recording of the hearing to the Globe. "I just don't get our system."

In February, Doucette was arrested on charges of assaulting his girlfriend, dragging her with his car, and warning that he would “put a bullet” in her head if she called police. Last month, a jury found him not guilty of the charges, but he remains in custody pending a review by the new Parole Board.

Laurie Myers, president of Community Voices, a group that represents the interests of victims of violent crimes and their families, said that all the legislative proposals to restrict parole for repeat, violent offenders have at least some merit and called for a compromise.

“I’m hoping something will get done sooner rather than later,” she said. “This is not something that should go on the back burner.”

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