

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

GERALD HILL
W36748

TYPE OF HEARING: Review Hearing

DATE OF HEARING: March 30, 2021

DATE OF DECISION: August 2, 2021

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa¹

STATEMENT OF THE CASE: On February 17, 1979, in Suffolk Superior Court, Gerald Hill pleaded guilty to second-degree murder of 63-year-old Max Fishman. He was sentenced to life in prison with the possibility of parole.

Mr. Hill appeared before the Parole Board for a review hearing on March 23, 2021 and was represented by Attorney Brian Murphy. This was Mr. Hill's third appearance before the Board since his final revocation hearing in 2011. Mr. Hill was previously released on parole in 2009, but was revoked due to parole violations. The entire video recording of Mr. Hill's March 23, 2021, hearing is fully incorporated by reference to the Board's decision.

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of offense, criminal record, institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing or in written submissions to the Board, we conclude that the inmate is a suitable candidate for parole.² Reserve to Long Term Residential Program, Gavin Foundation. Mr. Hill has been back in custody for 12 years and has been in minimum security for 21 months without incident. He has participated in Restorative Justice, Cognitive Skills, General Maintenance Program, NEAD's, occupational programs, among others. He has been gainfully

¹ Chair Moroney recused.

² Three Board Members voted to grant parole to the Gavin Foundation, and two Board Members voted to deny parole with a review in two years.

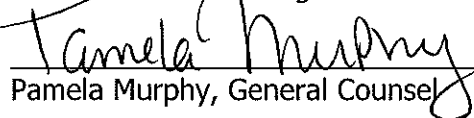
employed without issue. Mr. Hill was 15-years-old at the time of the offense. The Board did consider expert evaluation from Dr. Saleh. Mr. Hill has been sober for 30 years.

The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. In the context of an offender convicted of first or second-degree murder, who was a juvenile at the time the offense was committed, the Board takes into consideration the attributes of youth that distinguish juvenile homicide offenders from similarly situated adult offenders. Consideration of these factors ensures that the parole candidate, who was a juvenile at the time they committed murder, has "a real chance to demonstrate maturity and rehabilitation." *Diatchenko v. District Attorney for the Suffolk District*, 471 Mass. 12, 30 (2015); See also *Commonwealth v. Okoro*, 471 Mass. 51 (2015). The factors considered by the Board include the offender's "lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking; vulnerability to negative influences and outside pressures, including from their family and peers; limited control over their own environment; lack of the ability to extricate themselves from horrific, crime-producing settings; and unique capacity to change as they grow older." *Id.*


In forming this opinion, the Board has taken into consideration Mr. Hill's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Hill's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Hill's case, the Board is of the opinion that Mr. Hill is rehabilitated and merits parole at this time.

Special Conditions: Reserve to Long Term Residential Program (LTRP), Gavin Foundation; Waive work for LTRP; Must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Polygraph at PO discretion; Report to assigned MA Parole Office on day of release; No contact with the victim's family; Must have substance abuse evaluation, follow plan; Must have mental health counseling, adjustment/transition.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Pamela Murphy, General Counsel



Date