



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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DECISION

IN THE MATTER OF

JAMES BING

W58466

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **May 28, 2015**

DATE OF DECISION: **July 22, 2015**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe.

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On April 24, 1995, James Bing was found guilty by a Suffolk Superior Court jury of two counts of assault with intent to rape a child under 16 and was sentenced to life in prison. He was also convicted of two counts of rape of a child and received a concurrent life sentence. On the same date, he was convicted of two counts of indecent assault and battery on a child under 14 and received an 8 to 10 year sentence. He also received a 2½ to 3 year sentence for convictions on two counts of open and gross lewdness. All sentences were ordered to run concurrently with the life sentence of assault with intent to rape. The victim of Bing's brutal crimes was his seven year-old-daughter.

Bing appealed his case and, on March 3, 2003, the Massachusetts Appellate Court denied his motion for a new trial. On May 2, 2002, a further appellate review was denied.

According to testimony from the victim's mother, the victim's brother, and a SAIN interviewer, the victim (who was seven-years-old when Bing first assaulted her) was raped and molested at the hands of her father on numerous occasions over the course of about one year. The victim said her father would often bring her into his bedroom when no one was home and remove her clothing. She indicated that he would take his private part and put it inside of her. She said that on several occasions, he threatened to send her to foster care if she told anyone. The victim also indicated that these incidents occurred after Bing would send her brothers to the store and no one was home.

II. CRIMINAL AND PAROLE BOARD HISTORY

Bing is serving his second state, and third overall, adult incarceration. His criminal history commenced in 1981 and consists of sexually assaultive behavior and property related crimes. In November 1982, Bing received a 10 year commitment for armed robbery. In May 1987, he was found guilty of indecent assault and battery and larceny, for which he received an 18 month split sentence. In August 1987, he was found guilty of assault and battery and received a two year suspended sentence. In 1987, he was also indicted on a rape charge, but that charge was later filed in Suffolk Superior Court. In November 1990, he was found guilty of breaking and entering and received a two and a half year commitment. There are four closed restraining orders against Bing, with two separate petitioners.

Bing appeared before the Board for his initial hearing in April 2009. Parole was denied with a review in five years. The Board was of the opinion that, in light of the underlying offense and his overall poor institutional adjustment, Bing presented a risk to public safety and, therefore, was not a suitable candidate for parole. The Board found that he lacked any responsibility for his sexually deviant behavior and appeared to be in complete denial of his propensity for violence. He showed no remorse for his crimes and denied any sexual involvement with his daughter.

In 2014, Bing voluntarily postponed his hearing as he did not wish to appear before the Parole Board at the time.

III. PAROLE HEARING ON MAY 28, 2015

James Bing appeared before the Parole Board for his second parole hearing and was without an attorney. Bing is 53-years-old and has served 21 years of his life sentence. His opening statement informed the Board that he was not there to contest what he didn't do, and he hoped that this hearing would proceed much smoother than his last hearing in 2009. He said that he is upset with himself and ashamed, and really dislikes the way he used his daughter -- he feels bad about it. He hopes to come to some kind of closure for both of them, and would like the hearing "to do some good."

Since his last hearing, Bing enrolled in the Sex Offender Assessment and Introduction Treatment Program. He was terminated shortly thereafter because he stopped attending. He has remained engaged in religious services. Bing is not currently employed and has found it difficult to maintain employment due to his poor behavior, which has resulted in numerous disciplinary infractions.

When asked about his upbringing and his family, Bing told the Board he was born and raised in Dorchester, and maintains contact with his mother and sister. He attended the local public schools and graduated from Dorchester High School in 1980. He said that he also completed some undergraduate course work at Curry College. He proclaims he was a good athlete, but became distracted by a lifestyle of drugs and violence. He has a limited work history, and collected disability as the result of injuries sustained from a gunshot wound.

Bing was unable to provide a detailed and comprehensive version of the offenses for which he has been convicted. He continues to deny any sexual intercourse with his daughter, often telling the Board "no comment" when pressed by Board Members to discuss the facts of the case. However, Bing indicated that he takes responsibility for his actions and the behavior he engaged in, by stating that "a father does not do that to his daughter, a father doesn't use his daughter as the way I used mine, it was totally out of character and I made a bad decision." He described the rape of his daughter as "misappropriate" behavior, which really hurt her and messed up a father/ daughter relationship. He informed the Board that he was trying to mentally inflict pain upon his then girlfriend (the mother of his daughter) because he found out that one of his two sons was not his biological son. He had been led to believe by his girlfriend that he was the father since his son had been born. He said that he wanted the mother of his children to feel the same mental anguish he felt when he found out she had been unfaithful. He perceives his criminal behavior, as it relates to his governing offenses, as bad decision making; he feels it is a mental health issue. He informed the Board that he has been actively engaged in counseling for the past few months.

Bing's adjustment has been problematic since his incarceration began 21 years ago, as evidenced by approximately 60 disciplinary infractions, three placements in the Disciplinary Detention Unit, several placements in the Special Management Unit, and two returns to higher security. Since his hearing in 2009, Bing has accrued 16 disciplinary reports that include: possession of homebrew, fighting, inappropriate communication with a female staff member, threatening behavior, possession of contraband, and refusing a direct order. His most recent disciplinary infraction occurred on April 27, 2015, one month prior to this hearing. Throughout the hearing, Bing minimized his poor institutional adjustment and indicated that the Department of Correction staff often embellished the facts of his disciplinary infractions due to personality conflicts. Bings seeks parole to a long term residential program. Eventually, he would like to get his own apartment and obtain work. There was no one present in support of Bing's petition for parole, nor were there any written submissions in support of Bing's release.

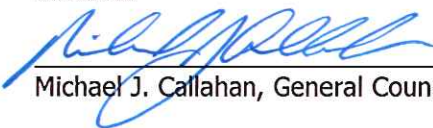
The Board heard from two members of the public who spoke eloquently in strong opposition to Bing's petition for parole. Suffolk County Assistant District Attorney Charles Bartoloni provided a letter and spoke in opposition to parole, citing in part that "Mr. Bing's prior criminal history and poor incarceration behavior indicate he is still a danger to society." In addition, Commissioner Evans of the Boston Police Department submitted a letter strongly opposing Bing's petition for parole.

IV. DECISION

Bing has been incarcerated since 1994 for raping and molesting his young daughter. He has squandered over two decades of incarceration, as he has yet to engage in any treatment or programming to address his issues, which include substance abuse, sexually deviant behavior, propensity for violence against women, domestic violence, and a lack of educational/vocational training. Bing's record within the community and within the correctional system is replete with deplorable behavior.

The standard we apply in assessing candidates for parole is set out in 120 C.M.R. 300.04, which provides that "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." Applying that appropriately high standard here, it is the unanimous opinion of the Board that James Bing does not merit parole because he is not rehabilitated. The review will be in five years, during which time Mr. Bing should commit to rehabilitation that will address his causative factors and help him work towards a positive institutional adjustment that are free of disciplinary infractions.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing. Pursuant to G.L. c. 127, § 130, I further certify that all voting Board Members have reviewed the applicant's entire criminal record. This signature does not indicate authorship of the decision.



Michael J. Callahan, General Counsel

July 22, 2015
Date