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PAROLE BOARD

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Josh Wall
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RECORD OF DECISION

IN THE MATTER OF

PERNELL SAUNDERS

W49218

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 14, 2011

DATE OF DECISION: April 13, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, John Bocon, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Pernell Saunders is granted parole to a long-term residential program; prior to parole he is required to (a) complete one additional year in medium security and (b) complete 18 months in lower security with continued programming and no disciplinary reports. The move to lower security occurs on or after June 14, 2012. The decision is unanimous.

I. STATEMENT OF FACTS

Pernell Saunders committed four robberies in Watertown during a one month period in 1989. He was convicted after trial of unarmed robbery for each of the four incidents. He received (a) two concurrent life sentences and (b) two sentences of 30-40 years which are concurrent with each other and concurrent with the two life sentences. The two 30-40 year terms will expire no later than May 12, 2014 (the sentences were imposed before truth in sentencing legislation; good time will continue to be deducted; it is likely that by the time Saunders completes one year in medium security and 18 months in lower security, as required by this decision, those two sentences will be within months of expiration).

Saunders had a previous parole hearing in 2009. Parole was denied but he was given a review in two years. At the time of this decision, he has been incarcerated 21.5 years. Under the requirements of this decision, Saunders will have served at least 23 years prior to his release to a long-term residential treatment program.

II. PAROLE HEARING ON JUNE 14, 2011

Pernell Saunders described his remorse, understanding of the considerable harm he caused his victims, and his rehabilitative path that he committed to eight years ago. He presented information about rehabilitation programs, education, vocational training, and spiritual commitment that he has used to address his criminal thinking and substance abuse issues. He submitted statements that show he has established contacts in the community that he would rely on if paroled. He is well-connected to the Judge Banks Community Justice Program, and would like to be involved with their re-entry programs.

Four supporters spoke in support of parole for Pernell Saunders. Pastor William Dickerson of Greater Love Tabernacle Church in Dorchester has known Saunders since they grew up in the same Boston neighborhood. Pastor Dickerson is involved in providing re-entry services through his church. He considers Saunders to be sincere in his remorse and committed to rehabilitation. He has offered Saunders a place in the Pastor's Future Hope Program to assist with "self-control, staying sober, job skills training, and employment referrals."

The other supporters are relatives, all of whom are educated professionals, currently employed, and committed to providing resources and assistance to Pernell Saunders. Eliva Williams-Yancy is Saunders older sister. She is a police chief in Illinois; she has a master's degree. She described a childhood with economic hardship; she remembers that Pernell started shoplifting in order to feed the family. She said "Pernell 'got it' about 7 or 8 years ago" and committed himself to rehabilitation. She noted that she has worked with victims for 24 years and that she has spoken with him about the impact of his crimes on the victims; he understands that impact. She said "we have family, we are all adults now, we are prepared to monitor him, check on him, and provide resources."

Richard Harrison is an older brother. He has worked as a nurse for 27 years. He remembers that his family "started off pretty good but we did not have stability." He said that there was a time that "Pernell did not take responsibility, but now he does; he has remorse in his heart; I see maturity." Ayesha Howell is Saunders half-sister. She has corresponded with him for years, but did not visit him because "he didn't want me to see him in prison." Mrs. Howell is married with three children, works as a senior administrative assistant, and attends law school. She said that Saunders has matured and now understands the rules and boundaries of behavior needed to live in the community.

Middlesex Assistant District Attorney Ryan Sullivan opposed parole. He noted that the robbery at the Gap included the threat of a gun. He stated that Saunders needs to do more to address his triggers for substance abuse. No one else appeared in opposition. One victim submitted a letter strongly opposing parole. One victim submitted a letter stating that Saunders had made progress, "is on the right track," and should spend time in work release and begin parole in "a program that best suits his needs."

Pernell Saunders offered a closing statement in which "I reiterate my sincere remorse." He stated that he has made progress in prison "through punishment, counseling, and rehabilitation work."

III. DECISION

The Parole Board carefully considered whether the four goals of sentencing have been met. We conclude that those goals – punishment, deterrence, incapacitation, and rehabilitation – have been met. We considered whether the length of incarceration (which will be at least 23 years) is long enough to punish Pernell Saunders and deter others. Saunders seeks parole from two concurrent life sentences for unarmed robbery. He made threatening gestures and statements to the victims. The crimes are violent, terrifying to the victims, and damaging to the community. The Board also takes into account the other robberies that Saunders committed during the same time period for which he received sentences for a term of years. Considering the number of crimes and the effect on the victims, Saunders should serve more than the minimum sentence of 15 years. In assessing the length of time sufficient for punishment and deterrence, the Parole Board distinguishes these serious robberies from robberies committed by an individual who uses a firearm or a knife, who batters the victim, or who inflicts serious bodily injury or death. In balancing the presence and absence of factors, the Parole Board concludes that Saunders has been incarcerated for a period long enough to attain the goals of punishment and deterrence, particularly when his total period of incarceration will be at least 23 years.

We next considered whether the related goals of incapacitation and rehabilitation have been met. The two goals are related because the inmate should be incapacitated (incarcerated to prevent another crime) until he is rehabilitated to the point where he can live peaceably and lawfully in the community. The Parole Board examined the programs Saunders has completed, his improved disciplinary record in prison, and his ability to progress to a lower level of security by complying with the requirements of the institution. The Parole Board also examined information from the hearing: the remorse he described, the insight and maturity he displayed, his description of why he committed the offenses and how he has addressed the causes of his criminal behavior. The effectiveness of intensive programming is manifested in the inmate's improved institutional behavior, his insight into the harm he caused the victims, his recognition of the causes of his behavior, and his plan for preventing a criminal relapse. Because of increased age, maturity, programming, and insight, Saunders' rehabilitation has advanced to the point that incarceration to protect the public is no longer required. The sentencing goals of incapacitation and rehabilitation have been met.

The Parole Board concluded that Pernell Saunders is unlikely to re-offend and that his release is compatible with the welfare of society. He does not show a propensity towards anger or violence outside of the periods of criminal activity associated with drug use. Saunders has responded to punishment and treatment to the point that his capacity for violence is drastically reduced. Sobriety, however, will be a continuing challenge for Saunders. The Parole Board forewarns Mr. Saunders that any drug relapse will be an especially concerning parole violation because his criminal activity was caused by drug use and motivated by the need for more drugs. The Parole Board encourages Pernell Saunders to focus on living a sober and peaceable life in the community. The Board further encourages Mr. Saunders to make use of the advice and resources that will be available to him through his parole officer, the long-term residential program, Pastor Dickerson's church, the Judge Banks Center, and Saunders' family members, many of whom are particularly successful in their communities.

SPECIAL CONDITIONS: One year in medium security; 18 months in lower security with continued rehabilitation and substance abuse programming and no disciplinary reports; move to lower security occurs on or after June 14, 2012; Release to a long-term residential program for a minimum of three months; no alcohol use; no drug use; employment required after completion of residential program; required to participate in ongoing substance abuse treatment as recommended by residential program; AA or NA three times per week; no contact

with victims or their families; GPS for one year minimum; and a curfew requiring Mr. Saunders to be in his residence between 10:00 p.m. and 6:00 a.m. (these hours may be adjusted by the parole officer if necessary for employment).

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

Josh Wall
Josh Wall, Chairman

April 13, 2012
Date