

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

RICHARD CROWELL
W28969

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **May 16, 2023**

DATE OF DECISION: **July 27, 2023**

PARTICIPATING BOARD MEMBERS: Tina Hurley; Dr. Charlene Bonner, Tonomey Coleman, James Kelcourse, Colette Santa

STATEMENT OF THE CASE: On January 1, 1962, Richard Crowell, along with three co-defendants, participated in the attempted robbery and murder of 52-year-old Harry Cohen in Jamaica Plain. On June 13, 1962, in Suffolk Superior Court, Mr. Crowell pleaded guilty to murder in the second degree and was sentenced to life imprisonment with the possibility of parole. He was also convicted of assault with intent to rob or murder and assault by means of a dangerous weapon, and sentenced concurrently. Mr. Crowell filed several appeals, but his convictions were affirmed. On December 31, 1974, Governor Francis Sargent commuted Mr. Crowell's sentence to 36 years to life, making him parole eligible on December 23, 1975.

Mr. Crowell has had multiple reserve votes and returns to custody. Following his last review hearing in 2018, parole was granted. In 2020, he was returned to custody following a violation of special conditions of parole. Mr. Crowell appeared before the Board on May 16, 2023 for a review hearing. He was represented by Attorney John Fitzpatrick and a student attorney from the Harvard Prison Legal Assistance Project. The entire video recording of Mr. Crowell's May 16, 2023 hearing is fully incorporated by reference into 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.

Parole reserve on or after 7/14/2023 to approved residential care. On June 13, 1962, in Suffolk Superior Court, Richard Crowell pled guilty to the second-degree murder of 52-year-old Harry Cohen. Mr. Crowell was before the Board for a review hearing, [and] was represented by Harvard PLAP.

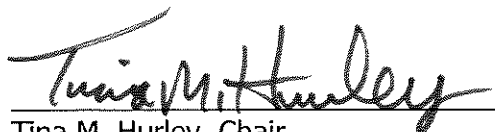
Mr. Crowell was unfavorably discharged from the Farren Care Center on 12/4/2020. This followed an incident on 11/29/2020, which resulted in a S.12 petition to be initiated by Farren Care staff. Mr. Crowell is eighty [years old] and is diagnosed with neurocognitive disorder, secondary to a traumatic brain injury. There is also a question as to whether he has dementia. Mr. Crowell has several medical issues that he will require assistance with. Mr. Crowell will not benefit from any rehabilitative programming provided by the DOC due to his cognitive impairments. It is noted that he is over 32 years sober. He will require specialized care to address his medical, cognitive, and behavioral needs, preferably from providers who treat individuals with TBI.

Mr. Crowell had no individuals speak in support of his parole. [The] Board also considered testimony from the Assistant District Attorney, Suffolk District Attorney's Office, who stated that a re-entry plan that meets his needs is imperative to any consideration of parole, otherwise he had no objection to parole release.

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 forming this opinion, the Board has taken into consideration Mr. Crowell'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. Crowell's risk of recidivism. After applying this standard to the circumstances of Mr. Crowell's case, the Board is of the opinion that Mr. Crowell merits parole at this time, subject to special conditions.

Special Conditions: Reserve on or after 7/14/2023 to approved residential care; Waive work, disabled; Curfew 10pm-6am or at Parole Officer's discretion; Electronic monitoring at Parole Officer's discretion; Must take prescribed medication; Supervise for drugs; testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA parole office on day of release; No contact with victim's family; Must have mental health counseling for TBI-behavioral care; Sign releases of information.

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.


Tina M. Hurley, Chair

07/27/2023

Date