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DECISION

IN THE MATTER OF

RICHARD DWYER
W-32908

TYPE OF HEARING: Review Hearing after Revocation

DATE OF HEARING: November 13, 2014

DATE OF DECISION: February 17, 2015

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Sheila Dupre, 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 a suitable candidate for parole. Parole is granted to a long term residential program during which time he must complete a Batterers' Program.

I. STATEMENT OF THE CASE

On October 30, 1970, in Essex Superior Court, Richard Dwyer pleaded guilty to murder in the second degree and was sentenced to life in prison with the possibility of parole after fifteen years.

On April 2, 1970, Richard Dwyer, age 23, went to the home of his former girlfriend, Jane,¹ and was met at the door by her mother, Beatrice Brown, age 54. Richard Dwyer asked Mrs. Brown if he could use the phone since his car had broken down and he needed to call for help. The two then began to argue and Dwyer attacked Mrs. Brown, beating her with his fists

¹ Although Dwyer was not charged with rape, the Board will use a pseudonym to identify the victim. See G.L. c. 265 § 24C.

and stabbing her several times with a knife.² Dwyer left her lying on the kitchen floor. Jane, who was upstairs sleeping at the time of the murder, woke up to find Dwyer standing in her bedroom. Dwyer then repeatedly punched Jane in the face with his fists. Jane told police that, as she lay in bed, Dwyer proceeded to rape her.³ Dwyer then told Jane to call the police and tell them to come get him. Jane went downstairs and found her mother's body lying on the floor. Police noted upon arrival that Jane appeared to have been assaulted and an autopsy report revealed that Ms. Brown had died from multiple stab wounds.

Dwyer has been granted parole on three separate occasions, all of which resulted in revocation. He was initially paroled in October 1989, but his parole was revoked within a year for suspicion of arson, whereabouts unknown, and failure to attend counseling. The arson charge was dismissed after a probable cause hearing. Dwyer participated in further rehabilitative programming over the next eight years and was re-paroled in May 1998 for approximately thirteen months before his parole was revoked for the consumption of alcohol. In November 1999, he was re-paroled to his home plan. Dwyer's parole was subsequently revoked in May 2001, when there was a report that he was drinking and had assaulted his wife. His wife obtained a civil restraining order against Dwyer, but no charges of assault were filed. He has been incarcerated since, having had his parole denied at hearings in 2002, 2006, and 2009.

II. PAROLE HEARING ON NOVEMBER 13, 2014

Richard Dwyer, now 67 years old, appeared before the Parole Board on November 13, 2014, for this review hearing after serving 44 years of his life sentence.

Dwyer gave a brief opening statement to the Board expressing the pain he caused the Brown family and the remorse he carries with him each and every day. Dwyer testified about his rehabilitative programming since his return to custody and its positive impact.

The Parole Board questioned Dwyer at length regarding his criminal history and issues on parole. Dwyer provided a detailed and comprehensive version of the offenses for which he has been convicted that is primarily consistent with all known facts. While he disputes committing any sexual assault (Dwyer was not convicted of a sexual offense), Dwyer acknowledged the violence that he inflicted upon his former girlfriend over the course of their relationship and how his own anger, issues with control and insecurities precipitated the murder of Ms. Brown. Dwyer recalls that during the verbal confrontation with Ms. Brown, "I flew into a fit of rage when she called me an alcoholic and told me she was glad her daughter [Jane] broke up with me; that is when I stabbed her." He described in detail the feelings he had during that period of time, and what type of lifestyle he was engaged in.

The Parole Board was most interested in learning whether Dwyer understands the factors that caused him to commit such a heinous crime, as well as what has contributed to his

² According to the police report, the knife probably came from the kitchen.

³ The victim, who according to the police report had visible injuries consistent with being punched repeatedly in the face, also told police that she was raped. However, Dwyer was not charged with rape or indecent assault and battery. Accordingly, he has not been identified as a sex offender and is not required by the Department of Correction to participate in sex offender treatment. A charge of assault and battery was filed by the Court.

parole failures. Finally, the Parole Board focused on whether he now possess the insight and skill set to be a productive member of society and rejoin his family as he has aspired to do.

As noted, Dwyer has been re-incarcerated since 2001. Dwyer recognized that the Parole Board has failed to release him back to the community because he had not demonstrated that he had been rehabilitated. Dwyer insisted to the Parole Board that, especially in recent years, he has been able to gain a deeper understanding of how his development and alcohol addiction contributed to his governing offense and parole failures. Dwyer attributes his progress in rehabilitation to the programming he has engaged in, his faith and his family support.

Department of Correction records provide that, since his latest return to custody, Dwyer has completed programming to address his issues with violence, such as the Family Violence Reduction program, Alternatives to Violence, the Men's Recovery Program, and Jericho Circle. He has addressed his substance abuse issues by participating in Alcoholics Anonymous (AA) on a weekly basis and the 12 Step program. Since his last parole hearing, Dwyer has also used his time productively, as he has continued to work in the industries program. Finally, Dwyer has been involved in religious activities such as Rosary Group and the Dominican Laity Group.

Dwyer informed the Board that one of the most influential programs that he attended was Emotional Awareness. Through his involvement in the Emotional Awareness program, he has identified the origin of his criminal behavior. He recognizes that his anger stemmed from the shame and guilt he experienced when his mother abandoned him. Such abandonment was a significant precipitant to his inability to cope with stressors and feelings of rejection, especially within his relationships. He also described growing-up in a broken household where he experienced domestic violence first hand. He stated that he learned at an early age that it was acceptable to solve everything with violence. Dwyer recognized that he never developed healthy conflict resolution skills, and he masked his emotional hurt with alcohol. Dwyer recognized that his addiction to alcohol further compromised his judgment and increased his reckless and maladaptive behavior. In response to this insight, Dwyer engaged in more programming in recent years to assist him with his rehabilitation. He recognized that although he has engaged in treatment over the years, there were many things that he never internalized. While he has been sober since 2001, his emotional growth and development of coping skills had been compromised, thus until recent years, he had not demonstrated to the Parole Board that he had the insight, skill set and necessary re-entry plan that would assist him with engaging in healthy relationships and becoming a successful member of society.

Dwyer is serving his first state and second adult incarceration. While Dwyer's earlier years during his incarceration included some disciplinary reports and walking away from a furlough and pre-release in the 1970's (which constitute escapes), his record since his return to custody in 2001 has been without incident. In terms of his parole failures, Dwyer acknowledged that his alcoholism exacerbated his deficiencies. He stated he was not able to resolve his conflicts and his feelings in his relationships in a productive manner. Dwyer stated however, that he and his wife did have a solid foundation in their relationship, and that they have been committed to working through their differences by each addressing their own issues. Dwyer acknowledged that he had a lot of work to do on himself, and conveyed to the Board that he has done that work. Dwyer also stated that his step-down has been an instrumental part of his investment in recovery and has continued to support him throughout his incarceration and time in the community.

Dwyer seeks parole to a long term residential program and, upon completion of the program, wishes to reside with his wife in Charlestown. He said that he is an active member of the Local Laborer's Union, that he will have priority status upon release, and that he will be able to work until he reaches the age of seventy. His plan is to obtain a sponsor and to attend AA and the 12 Steps program three times per week. He will also transition into the Bethany Chapter of the Dominican Order as a fully professed member and will continue his spiritual support and counseling.

During the public portion of the hearing, Dwyer's wife and step-son spoke in support of parole by saying that they will provide him with the necessary supports to successfully re-enter the community. Dwyer's step-son provided compelling testimony as to the treatment he and his mother have engaged in to address their own issues. Dwyer's step-son presented as insightful about addictions and the treatment that Dwyer will need to engage in upon his release. He assured that Parole Board that he will be an instrumental part of Dwyer's compliance to treatment, and he explained to the Parole Board how he and his mother were both responsible for engaging in unhealthy behaviors. Dwyer's step-son also assured the Parole Board that he would assist with securing Dwyer's acceptance into re-entry programs.

Essex County Assistant District Attorney Elin Graydon submitted a letter and spoke in opposition to Dwyer's petition for parole.

III. DECISION

Dwyer murdered Beatrice Brown in April 1970 and has been incarcerated for the better part of 44 years. Dwyer has been afforded parole on three separate occasions, all of which resulted in revocation. Since his return to custody in 2001, Dwyer has gradually and steadily increased his level of rehabilitation and commitment to addressing all of his treatment needs. He has identified the issues that have led to his parole failures and criminal history, and he appears to have made significant strides in addressing those issues. Dwyer furthermore, established a re-entry plan that will enable him to continue his treatment. Dwyer has the support of his family, who are also committed to providing him with guidance and assistance in an effort to help him transition back into the community and into their lives. After serving an additional 13 years for his most recent violations, Dwyer presents as ready and capable to continue his ongoing treatment and recovery in the community.

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 Richard Dwyer merits parole at this time because he is rehabilitated.

SPECIAL CONDITIONS: Parole to a long term residential program; complete certified Batterers' program; Report to Massachusetts parole office on day of release; Waive work for long term residential program; No drug use with testing required; No alcohol use with testing required; AA/NA at least three times per week; and have no contact with the victim's family.

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.



Janis DiLoreto Smith, Executive Director

2/17/15

Date