

*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



PAROLE BOARD

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Executive Director

RECORD OF DECISION

IN THE MATTER OF

RICHARD KENDALL

W52646

TYPE OF HEARING: Review Hearing

DATE OF HEARING: January 7, 2020

DATE OF DECISION: June 8, 2020

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

STATEMENT OF THE CASE: On June 1, 1992, in Middlesex County Superior Court, Richard Kendall pleaded guilty to the second-degree murder of Martin Santos. Mr. Kendall was sentenced to life in prison with the possibility of parole. That same day, he also received a 10 to 15-year concurrent sentence for armed robbery.

Mr. Kendall, now 48-years-old, appeared before the Parole Board for a review hearing on January 7, 2020 and was not represented by counsel. The entire video recording of Mr. Kendall's January 7, 2020 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 by unanimous decision that the inmate is a suitable candidate for parole. Reserve to a Long Term Residential Program, but not before 18 months in lower security.¹ Mr. Kendall has demonstrated that he has made progress in the areas of criminal thinking, anger and violence. Since he last appeared before the Board, he fully accepts responsibility for the murder of Mr. Santos almost 30 years ago. Release after a gradual transition meets the legal standard. It is the opinion of the Board that he has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

¹ One Board Member voted to reserve to a Long Term Residential Program, but not before 12 months in lower security.

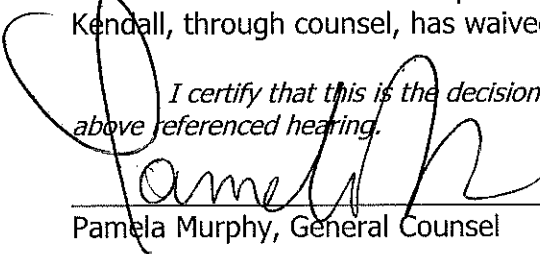
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the 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. Kendall'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. Kendall's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Kendall's case, the Board is of the opinion that Mr. Kendall is rehabilitated and merits parole at this time.

Special Conditions: Reserve to Long Term Residential Program, but not before 18 months in lower security; Waive work for Long Term Residential Program; 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; Report to assigned MA Parole Office on day of release; No contact with victim's family; Must have substance abuse evaluation – adhere to plan; Must have mental health counseling for adjustment/transition; Long Term Residential Treatment must complete; GA at least once a week.

IMPORTANT NOTICE: The above decision is an abbreviated administrative decision issued in an effort to render an expedited resolution in response to the COVID-19 pandemic. Mr. Kendall, through counsel, has waived his right to a full administrative decision.

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



Pamela Murphy, General Counsel



Date