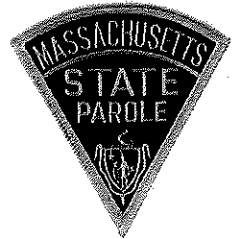


*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



PAROLE BOARD

*12 Mercer Road
Natick, Massachusetts 01760*

*Telephone # (508) 650-4500
Facsimile # (508) 650-4599*

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Thomas A. Turco III
Secretary

Gloriann Moroney
Chair

Kevin Keefe
Executive Director

DECISION

IN THE MATTER OF

RICHARD MCWILLIAMS

W46442

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: April 9, 2019

DATE OF DECISION: February 18, 2020

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Gloriann Moroney, Colette Santa, Paul Treseler¹

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 vote that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On May 8, 1988, in Suffolk Superior Court, Richard McWilliams pleaded guilty to 54 counts of rape of a child under 16 years of age. He was sentenced to life in prison with the possibility of parole on six of the offenses. The remaining counts were placed on file. On December 7, 1989, he was convicted in Plymouth Superior Court of attempted kidnapping and received a concurrent 3 to 5 year sentence. In addition, on or about May 16, 1990, Mr. McWilliams was convicted in Federal District Court of illegally transporting a minor over state lines for the purposes of sex. He received a sentence of 9 years and 7 months. This sentence was completed on July 16, 1997.

¹ Board Member Treseler was no longer a Board Member at the time of vote.

Over a period of several years, Mr. McWilliams performed various acts of sexual intercourse on his daughters and nieces. The children were as young as four and five-years-old when the acts occurred. Mr. McWilliams photographed himself engaging in these sexual acts with the children. The photographs were discovered under the seat of Mr. McWilliams' car by a mechanic, who was repairing his car. They were turned over to police, and Mr. McWilliams fully admitted to his conduct. At the time, there were other charges of similar conduct pending in Essex and Plymouth Counties, as well as Maine. The charges in Plymouth County include attempting to abduct a child in a shopping mall.

II. PAROLE HEARING ON APRIL 9, 2019

Richard McWilliams, now 69-years-old, appeared before the Parole Board for an initial hearing on April 9, 2019, and was not represented by counsel. Mr. McWilliams was initially eligible for parole in 2003, but he postponed his 2003, 2009, and 2014 hearings. In his opening statement to the Board, Mr. McWilliams accepted responsibility for raping his daughters and nieces. When Mr. McWilliams described his early home life, he indicated that his mother was an "alcoholic," who brought numerous men into the house, and that he was exposed to "all kinds" of pornography at a young age. He later joined the Navy and went to Vietnam. In the ports of Vietnam, he saw children "asking for sex," which led him to believe that children were fully aware of, and understood, sexual intercourse. Mr. McWilliams stated that "[he] did not know it was sex trafficking at the time." Mr. McWilliams said that he eventually married and had children, but that his marriage "fell apart" because he thought his wife was having an affair. He began "isolating" himself because he felt he couldn't trust anyone except for the children. He admitted, however, that he took out his "sexual frustrations" and "anger" on the children.

The Board questioned Mr. McWilliams as to his time in Bridgewater Treatment Center, where, according to Mr. McWilliams, he spent approximately three years and was unable to complete the Sex Offender Treatment Program (SOTP). When asked why, Mr. McWilliams stated that he did not pass the last "test" before the review panel. He knew how he "was supposed to" answer the questions, but claimed that "he just didn't say them right." Mr. McWilliams said that during the "test," when asked who was responsible for the crimes, he "got confused" and answered that it was the fault of both him and the children. Mr. McWilliams is not yet eligible to re-enroll in the SOTP.

When Board Members questioned him about the children in Vietnam "selling sex," Mr. McWilliams said that his first thought was that the children "knew about sex," and so it did not disturb him. In discussing the governing offenses, Mr. McWilliams said that he had five daughters and three sons, and that he raped two of his daughters and two nieces. When asked why he did not rape the other daughters, Mr. McWilliams stated that those daughters lived in Maine, so he had limited access to them. He told the Board that he began raping his daughters when they were about 5-years-old, but only came to the realization that his actions were "perverse" when he was in the SOTP approximately five years ago. Mr. McWilliams denied allowing anyone else to rape his children. He also explained that he raped his nieces when they came to visit him in South Boston. When asked what he believes caused his "deviancy," Mr. McWilliams blamed his past, stating that he came from a "dysfunctional family" and was exposed to pornography at a young age, some of which depicted children. Mr. McWilliams told the Board, "I cannot change my past" and "I cannot unhurt the people I hurt." He currently has no contact with his family members.

The Board considered the oral testimony and a letter of opposition from Suffolk County Assistant District Attorney Charles Bartoloni. The Board also considered a letter of opposition from the Commissioner of the Boston Police Department.

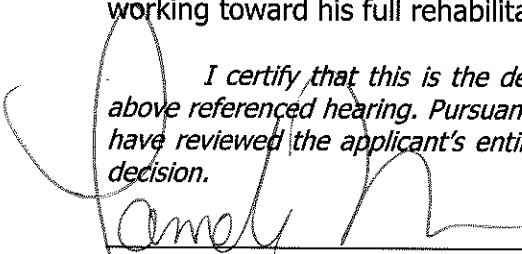
III. DECISION

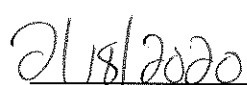
Mr. McWilliams has yet to demonstrate a level of rehabilitative progress that would make his release compatible with the welfare of society. Although he has participated in the SOTP, the treatment review panel determined he had not met the requirements for program completion.

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. McWilliams' 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. McWilliams' risk of recidivism. After applying this standard to the circumstances of Mr. McWilliams' case, the Board is of the opinion that Richard McWilliams is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. McWilliams' next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. McWilliams to continue working toward his full rehabilitation.

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.


Pamela Murphy, General Counsel


Date