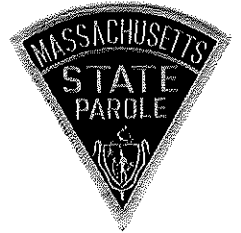


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

RICHARD RACKLIFFE

W36344

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 21, 2018

DATE OF DECISION: May 9, 2019

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Colette Santa, Lucy Soto-Abbe

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 October 28, 1977 in Hampden Superior Court, Richard Rackliffe pleaded guilty to the second degree murder of 39-year-old Russell Schlatter and was sentenced to life in prison with the possibility of parole. Mr. Rackliffe unsuccessfully attempted to withdraw his plea and seek a new trial.¹

¹ *Commonwealth v. Rackliffe*, 13 Mass. Apt. Ct. 1101 (1982), *cert.denied*, 385 Mass. 1102 (1982); *Commonwealth v. Rackliffe*, 22 Mass. App. Ct. 1112 (1986), *cert.denied*, 398 Mass. 1104 (1986).

On March 28, 1977, Mr. Rackliffe, age 31, spent many hours drinking at the Arbor Lounge. In the early morning hours of March 29, Mr. Rackliffe and Mr. Schlatter were drinking together and both were intoxicated. The two men took a taxi back to Mr. Schlatter's apartment in West Springfield. Several hours later, a tenant in an adjoining apartment saw Mr. Rackliffe hiding behind a van and then run down the street.

Two days later, on March 31, 1977, West Springfield police officers, responding to a report, found Mr. Schlatter's dead body in his apartment. He was naked in bed, lying on his back with a necktie knotted around his penis and an electrical cord tied tightly around his neck. The medical examiner determined the cause of death to be asphyxiation and placed the time of death to be the early morning hours of March 29, 1977. Mr. Rackliffe was arrested following an investigation.

II. PAROLE HEARING ON JUNE 21, 2018

On June 21, 2018, Richard Rackliffe, now 73-years-old, appeared before the Parole Board for a review hearing. He was not represented by an attorney and did not make an opening statement. Mr. Rackliffe was denied parole after his initial hearing in 1992. He was denied parole again after review hearings in 1995, 1998, 2000, 2003, 2008, and 2013. Board Members, noting this parole hearing to be Mr. Rackliffe's eighth, questioned him as to whether he understood why he has been denied parole in the past. Mr. Rackliffe responded, "They think I'm violent. I'm not violent. I was violent as a drinker, I got into fights in bars... and the sexual thing, the tie, they beat me up over the tie." When the Board asked him why he tied a necktie around the victim's penis, Mr. Rackliffe claimed not to remember much about the murder, as he was a "blackout drinker," but guessed that it was to show contempt for his victim. A Board Member pointed out that Mr. Rackliffe has told the Board four different stories about what happened the night of the murder, including falsely accusing Mr. Schlatter of molesting a child. When asked if continuously lying to the Board, as well as falsely accusing the victim of despicable acts, could be two other reasons that he has been denied parole, Mr. Rackliffe simply said, "Yes."

The Board discussed Mr. Rackliffe's prior convictions and asked if he had been paroled in New York. Mr. Rackliffe reported that he was sentenced to five years in New York for unlawfully carrying a loaded and concealed pistol when he was 20-years-old. He stated that he was paroled from this sentence, but his parole was revoked when he was caught driving a truck without permission. The Board also asked Mr. Rackliffe, after 37 years of sobriety, why he volunteered for the Vivitrol program. Mr. Rackliffe stated, "If I went back, I have no mental capacity to prevent myself from drinking." Mr. Rackliffe shared with the Board that he became an alcoholic when he was 8-years-old. Mr. Rackliffe said that, despite his history of substance abuse, he did not feel he needed to enroll in the Correctional Recovery Academy (CRA). Mr. Rackliffe said he attends either Alcoholics Anonymous or Twelve Steps meetings twice a month. He added that he sees a psychologist every three weeks to address the causative factors leading to the murder, including substance abuse and trauma stemming from prolonged sexual abuse as child.

When the Board Members questioned Mr. Rackliffe about employment and programming, he stated that he had been working, but admitted to losing his job about 5 months prior to the hearing due to his insolence towards a guard. He said that he recently completed two non-violence programs, and that he has a garden he maintains at the prison. Mr. Rackliffe reported to be in poor health, including blindness in one eye, hearing loss, hip problems, and Chronic

Obstructive Pulmonary Disease (COPD), all of which make it difficult to walk very far. Mr. Rackliffe proffered that his age and poor health made him a low risk for violence or recidivism, if released.

When the Board questioned Mr. Rackliffe about his parole plan, he requested release to a transitional treatment program. He said that he is eligible to collect social security benefits and could work part-time. He prefers to live in Boston, where he could access community programs that assist former prisoners. Mr. Rackliffe lamented that most of his friends and family have died, but that he has one friend he could rely on for support. Mr. Rackliffe argued that he did not need a lot of community support, reasoning that he was abandoned at a young age by his family and was used to living independently.

Mr. Schlatter's niece read a letter of opposition to parole on behalf of herself and relatives of Mr. Schlatter. Hampden County Assistant District Attorney Howard Safford testified in opposition to parole and also submitted a letter of opposition.

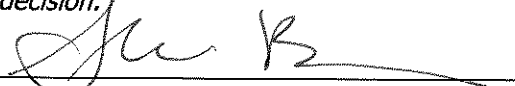
III. DECISION

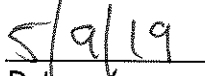
Mr. Rackliffe has yet to demonstrate a level of rehabilitative progress that would make his release compatible with the welfare of society. By his own admission, he has yet to fully address his causative factors.

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. The Board also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Rackliffe's risk of recidivism. The Board considered Mr. Rackliffe's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of incarceration. After applying this standard to the circumstances of Mr. Rackliffe's case, the Board is of the unanimous opinion that Richard Rackliffe is not rehabilitated and, therefore, does not merit parole at this time.

Mr. Rackliffe's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Rackliffe to continue working towards 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.


Shara Benedetti, Acting General Counsel


Date