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PAROLE BOARD

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Josh Wall
Chairman

DECISION

IN THE MATTER OF

RICHARD RACKLIFFE

W36344

TYPE OF HEARING: Review Hearing

DATE OF HEARING: June 18, 2013

DATE OF DECISION: February 27, 2014

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

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 writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years from the date of the hearing.

I. STATEMENT OF FACTS

Richard Rackliffe appeared before the Massachusetts Parole Board on June 18, 2013 for a review hearing. This is Rackliffe's seventh appearance before the Board, having been denied parole in 1992, 1995, 1998, 2000, 2003, and 2008. Rackliffe is serving a life sentence for the murder of Russell Schlatter, age 39.

On March 28, 1977, Rackliffe, age 31, spent many hours drinking at the Arbor Lounge. In the early morning hours of March 29, Rackliffe and Schlatter, the victim, were drinking together, and both were intoxicated. Rackliffe and Schlatter took a taxi cab to Schlatter's apartment in West Springfield. Several hours later, a tenant in the adjoining apartment was arriving home. She saw Rackliffe hiding behind a van, and then run from behind the van down Memorial Avenue towards Springfield.

Two days later, on March 31, 1977, officers from the West Springfield Police Department responded to a report of a dead body at the apartment. Schlatter was found naked, lying on his back on the bed with a necktie knotted around his penis and a wire tied tightly and embedded in his neck. The medical examiner determined the cause of death to be asphyxiation due to the ligature around the neck, and placed the time of death in the early morning hours of March 29. Rackliffe was arrested by West Springfield Police following an investigation.

On October 28, 1977, following four days of trial in Hampden Superior Court, Rackliffe pleaded guilty to murder in the second degree and was sentenced to life in prison. Rackliffe, with the assistance of counsel, attempted to withdraw his plea in a post-conviction motion, which was denied. *Commonwealth v. Rackliffe*, 13 Mass. Apt. Ct. 1101 (1982). Further appellate review was also denied. *Commonwealth v. Rackliffe*, 385 Mass. 1102 (1982). Rackliffe also filed *pro se* motions to withdraw his plea and seek a new trial, which were likewise denied. *Commonwealth v. Rackliffe*, 22 Mass. App. Ct. 1112 (1986). Further appellate review was also denied. *Commonwealth v. Rackliffe*, 398 Mass. 1104 (1986).

II. CRIMINAL & INSTITUTIONAL HISTORY

In 1963, at age 18, Rackliffe was sentenced to three months in the Hampden County House of Correction for larceny. In January 1964, he was arrested for vehicle-related offenses, operating without a license and use without authority. The former charge was filed, but Rackliffe was sentenced to six months for use without authority. Rackliffe escaped with only 49 days left on this sentence. In August 1964, Rackliffe was sentenced to four months for the escape. In 1965, Rackliffe was sentenced to five years at Auburn State Penitentiary in New York for criminal possession of a loaded pistol. He was paroled from this sentence but recommitted in December 1968 due to insubordinate behavior. Rackliffe completed this sentence in 1970.

In 1978, while awaiting trial for the murder of Mr. Schlatter, Rackliffe was held in protective custody due to enemies he developed. In September 1978, Rackliffe was transferred to Connecticut Department of Correction and remained there until 1982. While in Connecticut, Rackliffe received three disciplinary reports for insulting language, creating a disturbance, and fighting.

Rackliffe was returned to Massachusetts. Since 1987 he has had six returns to higher custody for a variety of offenses which include threatening another inmate, insolence toward the Deputy Superintendent, security risk following parole denial, and inappropriate remarks. Also, Rackliffe received 31 disciplinary reports for offenses ranging from insolence, making threatening remarks, and disruptive and threatening conduct. Rackliffe last received a disciplinary report in December 2009.

III. PAROLE HEARING ON JUNE 18, 2013

Richard Rackliffe, age 68, appeared for a review parole hearing, after receiving a five year setback after his review hearing in 2008. He gave an opening statement in which he briefly described his version of the offense. He stated "I killed Mr. Schlatter, do I remember it? To a point, but I don't remember the whole murder, I remember smacking him and that's it. I can't dispute the official report."

Rackliffe was asked to provide further details of the governing offense. He stated "I met the victim in a gay bar. I drank beer and played shuffleboard and drank some shots. I struck up a conversation with the victim. The victim was a very smart man and he could put them down more than I could. I offered him beers others were buying for me. I wasn't buying him nothing. He asked me to make sure he got home 'cause he was pretty hammered. Neither of us had a car. The bartender took us to the bus station to get a cab. I was drunk, we were both hammered. He drank more than I did. In three hours I had six beers. In the time I knew him he had fifteen to sixteen beers. When we got to the bus station the victim was falling out of the cab. I called the cab from the pay phone and the victim told the cab driver his address. The victim had to go upstairs to get money for the cab. The victim invited me upstairs for a drink. The victim went to the bedroom and changed (put on a robe), then came out and touched my groin area. Though I'm bi-sexual, I don't like people touching me in a sexual way and I acted out. I know the official version states the victim had a necktie wrapped around his private part and electrical cord around his neck. I don't know why I did that to him."

He reported that he has been incarcerated for 36 years and that according to the 2008 decision, the Parole Board denied him because "they thought I wasn't ready." He stated that he has a deteriorating physical condition and therefore should be released. Rackliffe reported throughout his incarceration he has attended mental health counseling, stating "I'm a drunk and I was molested as a child." He last saw "psych services three weeks ago." He reported seeing them on an "as needed basis and has only seen 'her' two times this year. She's been working with me for fifteen years." He explained how counseling has helped him; "I have worked exclusively with 'Beth' for fifteen years for my alcohol and sexual orientation. My drinking caused me to kill someone. I've been addressing my inner demons. I can't drink 'cause it brings back old memories."

He described his childhood as "I started drinking at age 8 because I was being molested from age 5 to age 11 and my parents were drinkers. I left home and traveled to different states." He reported leaving his home at age 12 or 13 to "hang out with friends in Springfield." He described at age 16 "I went to New York City and Florida and hustled. In 1965 I got caught carrying a pistol." He reported he was on parole in New York and upon returning to Springfield he was arrested on a parole warrant. Rackliffe reported at that time he continued abusing alcohol and the "blackouts happened often, including other incidents where I blacked out and committed acts I was later made aware of." He stated "my wife divorced me because of my alcohol issues and I drank heavily because of marital difficulties, I was in debt."

Several Board Members questioned Mr. Rackliffe regarding his multiple versions of the offense. He reported, "After 1993 I basically stopped appealing the case. I killed him. After my 1998 hearing I admitted killing the victim." One Board Member inquired of his prior statement where he alleged the victim molested his step-son; Rackliffe stated "I said my step-son was molested by someone like Mr. Schlatter." He admitted to "trying to elicit sympathy from the Board."

While Rackliffe reported suffering from "traumatic memory," throughout the hearing it instead appeared he had selective memory, as he always remembered details favorable to him. He stated "I'm not trying to lie and I remember them as I remember them." One Board Member noted he masked his "traumatic amnesia" for years with all his lies. He denied

misrepresenting anything to his current counselor, claiming "I have spoken honestly with her because I trust her."

Rackliffe described his programming as having attended mental health counseling for fifteen years, AA for 24 years, and completing Alternatives to Violence ("AVP"). He stated, "I was not a nice person. I was no good. It took [my counselor] and AVP to put me on the right path. If there is an AVP program on the street I will continue participating." He reported "I don't go to AA now because I was going to Emotional Awareness and AVP." He described his alcohol issues as "a work in progress." He stated, "I'm going to have to work on my alcoholism for the rest of my life. I get stressed out and I start drinking." He reported "I'm a hard headed person and I don't take criticism well. I don't do well with authority." He admitted there is room for improvement. He denies any other substance abuse issues. The Board noted a direct recommendation was made for him to participate in the Correctional Recovery Academy ("CRA"). He reported he is unable to take CRA because "I've been told I have too much time left and so I can't take it." He reported addressing his issues with rage, "I've accepted who I am. The rage is because I was raped."

Rackliffe reported having eleven children, but "I have no relationships with them because their mothers don't want them to have contact with their murderer father." He reported his primary supporters are his "on again - off again" girlfriend of forty-two years and a long-time friend who resides in Florida. He had no supporters in attendance; however, his friend from Florida submitted a letter of support, as she was unable to appear due to an illness.

Hampden County Assistant District Attorney Dianne Dillon appeared in opposition of parole and read a letter submitted by Mr. Schlatter's sister, Gail Schlatter-Marshall opposing Rackliffe's parole. She described her brother as a "United States Air Force Veteran, a Freemason and Shriner, who was gifted artistically, but most of all he is remembered for his generosity of spirit."


IV. DECISION

Richard Rackliffe committed a murder related to sexual activity or with a sexual motive. He continued on a destructive path for decades in prison where he persisted with criminal thinking, antisocial conduct, and lack of empathy. He displayed some of these behaviors at parole hearings where he testified falsely about the crime and sometimes made cruel and false allegations blaming the victim. He still has not revealed the truth about his motive and conduct in committing the murder. Given the state of the body, including use of a necktie, Rackliffe's current version remains incomplete and self-serving. This is a clear sign that he is not rehabilitated. Rackliffe's recent improved behavior is a positive sign, but he needs a more thoughtful and comprehensive approach to rehabilitation that includes candor in identifying issues. His lack of candor through the years has prevented him from addressing his sexual issues and sexual violence.

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 Mr. Rackliffe does not merit parole. The period of review will be five years, during which time Mr. Rackliffe should maintain sobriety and make an active commitment to rehabilitation to address issues of criminal thinking, antisocial conduct, sexual misconduct and violence, lack of candor, and lack of empathy.

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.


Caitlin E. Casey, Chief of Staff

2/27/14
Date