



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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DECISION

IN THE MATTER OF

ROBERT CANTELL
W36380

TYPE OF HEARING: **Revocation Review Hearing**

DATE OF HEARING: **February 12, 2015**

DATE OF DECISION: **April 7, 2015**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Ina Howard-Hogan, Lee Gartenberg

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 a 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 THE CASE

On December 2, 1977, in Bristol Superior Court, Robert Cantell was found guilty of rape and sentenced to life in prison. On that same date, Cantell was also found guilty of several charges arising from the rape including: armed burglary for which he was sentenced to 10 to 12 years; assault by means of a dangerous weapon for which he was sentenced to 3 to 5 years; and engaging in unnatural acts for which he was sentenced to 3 to 5 years. These sentences were ordered to run concurrent to the life sentence. In addition, Cantell was found guilty of kidnapping and received an 8 to 10 year consecutive sentence, which the court ordered to run from and after the life sentence.

On April 2, 1977, Cantell, then age 20, broke into a nursing home in New Bedford, Massachusetts, at approximately 3:00 am. He forcibly abducted a female nurse at knifepoint and then drove the victim¹ to an isolated area, where he humiliated her by forcing her to dance in the nude and repeat obscenities. Cantell then raped and sodomized her. Afterwards, he abandoned her.

Following his convictions, Cantell was committed to the treatment center at Bridgewater after he was determined to be a "sexually dangerous person."² During his 14 year civil commitment, Cantell had no incidents of violence or physically aggressive behavior. Cantell was also an active participant in treatment and therapy and had been furloughed on multiple occasions between 1985 and 1987 without incident. On December 28, 1992, a Bristol Superior Court judge discharged Cantell's designation as a "sexually dangerous person."³ Also, although Cantell was an inmate serving a state sentence while on a civil commitment, he was eligible for parole.⁴

II. INSTITUTIONAL, CRIMINAL, AND PAROLE HISTORY

Cantell was denied parole in 1992, 1993, 1994, 1997, 2003, and 2006. In 2010, the Board (by a four to three vote) granted parole. Cantell was paroled on September 23, 2010. The four person majority reasoned that Cantell had completed the sex offender treatment program (SOTP) at the Massachusetts Treatment Center, completed the Core Treatment Program on January 10, 2010, and been free from disciplinary reports since 2006. Three Board Members voted to deny parole, reasoning that Cantell required additional treatment.

Upon his release, Cantell was supervised pursuant to the Board's IPSO⁵ program, which is designed specifically for sex offenders. On February 24, 2011, Cantell was arrested on a parole violation warrant for possessing a four inch knife,⁶ as well as for magazines containing provocative and revealing pictorials of scantily clad women. As a parolee subject to the IPSO program, Cantell violated a parole condition which required that he not view pornography of any type. Cantell, who was required to attend sex offender group counseling, had been made aware by his counselor that he must avoid the very type of magazines that were in his possession. The Board revoked his parole on September 14, 2011.

While re-incarcerated, Cantell committed two significant disciplinary infractions that seriously undermined the progress that he had seemingly attained from completion of the SOTP in 2010. First, in November 2011, Cantell was disciplined for mailing a letter to another inmate that contained explicit content, which was both sexual and violent in nature. In his letter, Cantell referred to himself in cavalier fashion as a "deviant" and asserted in vulgar terms that

¹ The name of the victim has been withheld pursuant to G.L. c. 265, s. 24C. Portions of a parole record of decision may be withheld to preserve its confidentiality. See G.L. c. 127, s. 130.

² See G.L. c. 123A, s. 1, which defines a sexually dangerous person.

³ An inmate may petition the Court for an examination and discharge of his designation as a "sexually dangerous person." G.L. c. 123A, s. 9.

⁴ 120 CMR 200.07 provides "An inmate serving a state sentence concurrent with a civil commitment to the Massachusetts Treatment Center for the Sexually Dangerous shall be eligible for parole as provided in 120 CMR 200.02(2)."

⁵ Intensive Parole for Sex Offenders (IPSO) is a form of parole supervision consisting of a team of specially-trained parole officers that provides a structured system combining intensive supervision with strict enforcement techniques.

⁶ Cantell used a knife when he committed the governing offense.

he wanted to sexually abuse his female therapist at the Massachusetts Treatment Center. Consequently, Cantell was transferred to Souza-Baranowski, a maximum security facility, in February 2012. He remained there for approximately one year without incident.

On February 8, 2013, Cantell was transferred to MCI-Shirley, a medium security facility, where he committed his second significant disciplinary infraction. While writing to an inmate in another state, Cantell again described himself as a "deviant" and explicitly described his desire to perform sexual acts on minors and conspired to trade child pornography. He also described his fantasy to commit rapes and home invasions and to commit other unnatural sexual acts on minors, men, and women. Several pornographic pictures of women were attached to his eight page letter. Department of Correction records reflect that Cantell was found guilty of committing the infraction and consequently served 15 days in the Disciplinary Detention Unit.

Cantell, in submissions to the Board through his student attorneys, characterized these infractions as "lapses."

III. PAROLE HEARING FEBRUARY 12, 2015

On February 12, 2015, Cantell appeared before the Board for a review hearing, following the revocation of his parole. He was represented by two student attorneys from Northeastern Law School. The Board reviewed the circumstances of Cantell's return to custody. Each violation was addressed by the Board. With regard to the allegation that he viewed, or was in possession of, pornographic material, most Board Members did not consider Cantell's possession of the particular magazine to constitute pornography. The Board's concern was that Cantell was aware that the magazine was not permitted under the supervision requirements. The Board had greater concern, however, for his conduct upon his return to prison. Cantell, who had completed the SOTP program prior to release and thus had received treatment designed to teach him not to dehumanize people, defied this treatment. Indeed, Cantell admittedly ignored the very tools he had developed when he wrote two sexually explicit and abusive letters, one of which included references to his female therapist. Cantell, who had subjected his victim to sexual humiliation and violence, revealed an eerily similar thought pattern in those letters, leading to the disciplinary reports in 2011 and 2013.

At the hearing, the Board read the portion of the Department of Correction Classification Report which described Cantell's letters as sexual and violent in nature. When asked whether this was a fair characterization, Cantell responded that it was not. Rather than acknowledge his admittedly deviant thought patterns, Cantell, instead, chose to minimize his misconduct. Cantell testified that he had only "made some sexual comments" about women including the therapist and that he regretted them. Cantell explained that he was resentful of the therapist upon his return because she reportedly made a "snide" comment about him. Cantell's description of the letter is at odds with its actual content. Cantell appealed the disciplinary report, which was ultimately dismissed.

Cantell repeatedly acknowledged that he had "relapsed"; however, when describing his conduct, he portrayed himself as making general statements that were not threatening in any way and denied that anything he said, or wrote, could be interpreted as threatening to anyone. Rather than expressing his frustration over the therapist's purported comment in a healthy manner, Cantell decided to express his frustration as a deviant sexual fantasy in his 2011 letter.

His letter was hostile towards women, including his therapist. The Parole Board asked if he had possession of any of the letters he had written, or if he could describe in detail any of the letters he had written. He stated that he did not have any of the letters, but assured the Board throughout questioning that the content was by no means threatening or indicative of a sexual fantasy.

When confronted with his 2013 letter, Cantell continued his minimization. Once again, the Board read a description of the letter from a DOC classification report. When asked whether the description of the letter was accurate, Cantell insisted it was not. The Classification Report described Cantell as referring to child pornography and to expressing a desire to commit aggravated rape and unnatural sex acts with minors, women, and men. Cantell admittedly pleaded "guilty" to this disciplinary report, but testified that he had done so only under duress. Cantell, who had repeatedly testified that he "took full responsibility" for his misconduct, disagreed with the contents of the disciplinary report and further testified that he regretted pleading guilty. Cantell insisted that he never had deviant thoughts about minors and, instead, testified that he had fantasies about having sex with popular female adult celebrities. He also insisted that he never had any rape fantasies. Cantell's minimization, however, is at plain odds with the actual content of his 2013 letter.

Cantell testified that he is currently engaged in an SOTP maintenance program at MCI-Norfolk and, to his credit, acknowledged that he is not ready for another parole. Instead, Cantell asked the Board for a parole denial with a two year set back in order to contend with his "relapse." He hopes that during his requested two year review period, he could deal with "relapse" issues and demonstrate to the Board that he can re-establish an ability to use his intervention techniques.

Family members, as well as one friend, spoke in support of Cantell's request for parole. They did not believe the allegations as outlined via his disciplinary issues since being returned to custody. Bristol County Assistant District Attorney Dennis Collins spoke in opposition of Cantell's parole, insisting that he remains a risk to public safety.

IV. DECISION

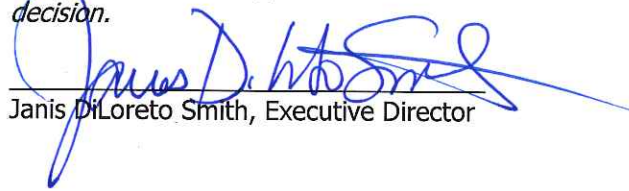
Robert Cantell, age 58, had successful furloughs, completed Sex Offender Treatment, and was provided with intensive parole supervision that is reserved for sex offenders. Yet, despite being afforded these considerable resources, Cantell squandered his parole opportunity when he decided to obtain magazines that he knew were considered by IPSO to be soft core pornography. He was also in possession of a four inch knife that is also in violation of his parole conditions. Cantell then compounded his failure when he wrote two sexually explicit and admittedly "deviant" letters while incarcerated. Cantell wrote one of these letters out of frustration and thus ignored the skills he was supposed to have obtained from the SOTP. Cantell demonstrably lacks the insight and skills necessary to remain at liberty without re-offending. Indeed, Cantell acknowledged as much at the hearing when he sought a parole denial with a two year set back.

Cantell, despite professing that he has taken full responsibility for his irresponsible conduct while incarcerated, plainly has not. Cantell needs to come to full terms with his misconduct, as well as completing additional sex offender treatment. Cantell did not simply write letters containing some "sexual comments." The letters were admittedly "deviant" and, in

the Board's judgment, revealed a latent hostility towards women. In addition, the content in the lengthy letter he wrote in 2013 was viewed by the Parole Board as highly concerning. The Parole Board interpreted such content as evidence that Cantell is a direct threat to public safety. While he described his conduct as being "deviant" in general terms, he lied about the very detailed content and, in particular, references to children. Cantell is well aware of what he wrote, and having competed SOTP, he should be able to appreciate the threatening nature of his described fantasies. Knowing that the Parole Board did not have the ability to view the letters, Cantell chose to grossly minimize the content. Two years is not sufficient time for Cantell to address his admitted "relapse," as he has yet to even acknowledge the full extent of his misconduct.

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 Cantell does not meet the legal standard of parole. Parole is denied with a review period of five years from the date of this hearing.

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

9/7/15
Date