



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Daniel Bennett
Secretary

Telephone # (508) 650-4500

Facsimile # (508) 650-4599



Charlene Bonner
Chairperson

Janis DiLoreto Smith
Executive Director

DECISION

IN THE MATTER OF

WILFRED DACIER

W62511

TYPE OF HEARING: **Review Hearing/Action Pending**

DATE OF REVIEW HEARING: **April 1, 2014**

DATE OF DECISION: **March 23, 2015**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Sheila Dupre, Ina Howard-Hogan, Lucy Soto-Abbe

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 unanimous vote that the inmate is in need of a mental health evaluation to determine which mental health services would be necessary and available to him should he be released to the community. The Parole Board requested a re-evaluation by the Department of Mental Health (DMH) prior to making a final decision regarding the inmate's suitability for parole release. DMH rendered a decision that Dacier does not meet the criteria for services. On 3/3/15 the Parole Board voted to "continue action pending" for a mental health evaluation to be Conducted by Dr. Robert Kinscherff.

I.STATEMENT OF THE CASE

Wilfred Dacier appeared before the Massachusetts Parole Board for a rescission review hearing on the life sentence he is currently serving at NCCI-Gardner. On April 15, 1997, in Middlesex Superior Court, Dacier pleaded guilty to second degree murder and was given a life sentence. This incident arises out of a domestic dispute between Wilfred Dacier, then age 38, and his sister, Susan Dacier, age 34. They lived in the same residence at 112 Carlise Street in Lowell. Wilfred Dacier, the victim, and their mother, Alberta Dacier, lived at that residence since 1984. The victim was a laboratory technician at Lincoln Laboratory and had been the financial supporter of the household. In October 1995, Alberta Dacier was no longer living at

the residence, as she was residing at a nursing home in Westford suffering from terminal cancer.

On October 21, 1995, in the early morning hours, the victim was in a bedroom on the second floor of the home. Mr. Dacier was home in his room. Mr. Dacier's bedroom was next door to the room in which the victim was sleeping. Other than the victim, no one else was in the home. Prior to 2:30 a.m., Mr. Dacier walked into the victim's bedroom and, according to Mr. Dacier, talked to her about the household financial situation. According to Mr. Dacier, the victim had been "harassing" him because he could not keep a job and she had been supporting the family. The victim refused to discuss the issue with Mr. Dacier due to the hour. Mr. Dacier persisted and the victim continued to refuse to discuss the matter. According to Mr. Dacier, the victim stated that if he did not leave her room she would hit him. Mr. Dacier stated "you wouldn't dare" and then according to Mr. Dacier, the victim hit him with a book in the back of the head. Mr. Dacier left the victim's room and returned to his bedroom where he retrieved a large military style knife with an approximately eight inch blade, returned to the victim's bedroom and stabbed her face and body fourteen times as she lay in bed. Thereafter, Mr. Dacier called his sister-in-law and brother's home in New Hampshire. Mr. Dacier stated in substance to Karen Dacier, his sister-in-law, that he had done "a real bad thing," that he had become very mad and threw a knife at the victim. Karen Dacier could hear the victim moaning or sobbing in the background. Karen Dacier told Mr. Dacier to call 911 and the police. Both Karen Dacier and Mr. Dacier contacted the Lowell Police Department. At some point after stabbing the victim fourteen times, Mr. Dacier took the bloody knife to the kitchen and laid it on the counter.

Police, firefighters, emergency medical technicians, and paramedics arrived at the Lowell home. Mr. Dacier was initially observed sitting on the front steps holding a cellular phone. Blood was observed on Mr. Dacier's hand and clothing. In the second floor bedroom, the victim was lying on her bed, in her pajamas, profusely bleeding, unresponsive, not breathing, and with no pulse. At approximately 3:11 a.m., the victim was pronounced dead at the hospital.

II. PAROLE HEARING ON APRIL 1, 2014

Wilfred Dacier was represented by a Harvard Law School student attorney. Dacier is currently being treated for schizoaffective disorder. His council pointed out that Dacier was initially granted parole following his 2010 hearing to a "DMH secured facility"; however the DMH evaluation revealed that he did not qualify for DMH services. Dacier and his council contend therefore that Dacier's mental health issues are not as significant as the Parole Board had previously thought. Parole Board Members questioned Dacier extensively about the relationship between his mental illness and the murder. Based on information gained in the hearing, and through mental health evaluations that were conducted following the murder, there appears to be a direct correlation between Dacier's mental state and his decision to murder his sister. Dacier contradicted himself numerous times when trying to explain whether his mental state was a factor when he murdered his sister. He initially stated that his mental illness was not a factor; however, he later described a decline in his mental state, paranoid feelings and his inability to "read human nature" as being precipitants to the murder. Dacier continued to provide contradictory statements throughout the hearing. He appeared to have difficulty with organizing his thoughts and difficulty clearly responding to questions throughout the hearing. He prefaced many of his responses by stating "what a counselor told me," and then proceeded

with an answer. The Parole Board also focused on his progress in mental health treatment, his current mental state, and his current mental health needs.

Dacier attempted suicide twice during the early stage of his incarceration and was committed to Bridgewater State Hospital where he remained until July 2, 1998. He has been engaged in mental health treatment since that time. Dacier has been incarcerated within the most intensive psychiatric treatment programs that the prison has to offer on numerous occasions. He completed the most recent residential treatment unit (RTU) program in 2009. Dacier stated that he benefits from such a psychiatric setting because he needs "structure, routine and I need to take my medication or I don't know what would happen. The RTU was a godsend. They have art therapy, current events, cognitive behavioral therapy, life skills and anger management." When asked to elaborate regarding what could occur if he were not compliant with his medication, he stated "when my mental illness comes out I get in other people's faces. It scares people. I learned that." He did not elaborate further. When asked what he would need to succeed he stated "I won't succeed unless I take my medication or I get therapy."

Dacier has maintained institutional employment throughout his incarceration. At the time of his hearing, he was working at the optical shop making glasses and stated that he would like to continue that type of employment in the community. Most of his programming accomplishments have been within the RTU setting. His institutional conduct has been excellent, and Dacier attributes his progress to the structure and treatment he has received.

Dacier was also asked about his substance abuse history. Dacier admitted to a history of both alcohol and cocaine abuse. He stated that he was not under the influence of drugs or alcohol on the day of the murder. It is unclear how much his substance abuse contributed to his downward spiral at that time. Dacier has remained sober throughout his incarceration. He stated that he benefits from attending Alcoholics Anonymous.

Dacier offered a release plan that included various long term residential programs that he believes will address his continued need for sobriety and his mental health treatment.

Dacier had no one present in support of his parole. He submitted several letters of support from people in the community. He stated that he no longer has family support and has a "huge enemy issue with my brother." He denied any contact with his brother or being any sort of threat to his brother.

Middlesex Assistant District Attorney Doug Cannon provided testimony emphasizing the previous Board's concern that Dacier required the strict security of a DMH setting only. ADA Cannon emphasized the violent nature of the offense and concerns that Dacier has verbalized that his brother is an enemy. Middlesex Assistant District Attorney Adrienne Lynch, Chief of Homicide, submitted a letter outlining reasons for opposing Dacier's parole. There were no members of the public present to speak in opposition of Dacier's parole.

III. DECISION

Wilfred Dacier's initial parole hearing on September 21, 2010 resulted in the Board's decision to grant parole in December 2010 to a Department of Mental Health secured facility.

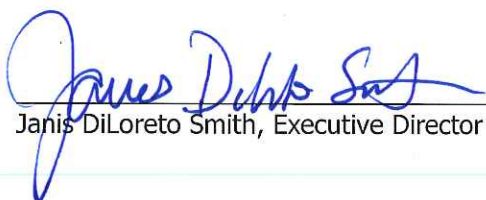
The Parole Board specified that security cannot be reduced without Board approval and no less restrictive setting would be compatible with the demands of public safety.

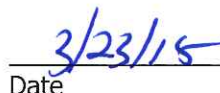
As a result of that decision, Dacier was evaluated by DMH and was found not to meet the criteria for services. Given Dacier's inability to meet the Parole Board's prescribed vote, his parole was rescinded in December 2013 and he was placed on the next available hearing list.

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 an 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, the Parole Board requested a re-evaluation by DMH. Such a decision was based on a review of Dacier's available mental health records, including his institutional records, a comprehensive psychiatric evaluation and criminal responsibility evaluation conducted by Malcom P. Rogers on April 11, 1997, and Dacier's testimony in the parole hearing on April 1, 2014.

The Parole Board has significant concerns regarding Dacier's current mental health. Dacier stated that he is in need of structure, routine, and medication compliance in order to maintain his stability. He has required the services of the most intensive treatment program at various times during his incarceration. The violent murder of his sister appears to be directly related to his mental illness. Dacier stated that he is unsure what would happen if he were to terminate his medication. Dacier's stability relies on the structure, routine, and services that the institution provides for him. Dacier proposed a parole plan to transition to a long-term residential treatment program. Such programs generally provide ongoing treatment for those suffering from addictions for approximately six months. That setting appears insufficient both in time and general daily living needs. His mental health needs appear to exceed that which the long-term residential treatment programs are able to provide. Dacier's ability to function successfully in the community will need a more comprehensive short-term and long-term release plan. The Parole Board therefore requested a re-evaluation by DMH to see if he is eligible for services and to advise the Board regarding what services would be recommended should he be released to the community. DMH determined that Dacier is not eligible for services, thus on 3/3/15 the Parole Board voted "continue action pending" for a mental health evaluation to be conducted by Dr. Robert Kinscherff. The Parole Board will make a final decision following the review of Dr. Kinscherff's evaluation.

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


Date