



The Commonwealth of Massachusetts
Executive Office of Public Safety



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DECISION

IN THE MATTER OF

RICHARD BENTLEY

W44187

TYPE OF HEARING: Review Hearing after Revocation

DATE OF HEARING: March 6, 2012

DATE OF DECISION: September 28, 2012

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

DECISION OF THE BOARD: Re-parole to a long term residential program after successful completion of six months in lower security; required to follow the rules and program recommendations of the Department of Correction without disciplinary incident. The decision is unanimous.

I. STATEMENT OF THE CASE

Mr. Bentley appeared before the Massachusetts Parole Board on March 6, 2012, for a Review Hearing following his re-incarceration on a parole violation for the life sentence he is serving. Mr. Bentley pled guilty on November 12, 1987 to the second-degree murder of Darlene Rackette. On the same date he also received 9 to 10 years concurrent for theft of a motor vehicle.

On January 5, 1987, Mr. Bentley was 19 years old and had been dating the victim's daughter, Tara Rackette, for several months. He lived at the victim's apartment sporadically. Tara Rackette and Mr. Bentley occasionally discussed a plan to kill Darlene Rackette, age 40, and run away. On January 5 Mr. Bentley and Tara decided to steal the victim's car and drive to California. They confronted the victim and Mr. Bentley struck the victim with a figurine before strangling her, causing her death, with Tara Rackette participating. They took the victim's car keys, stole her car, and began driving to California. They were arrested by police in Colby,

Kansas two days later. Prior to his incarceration for murder, Mr. Bentley had no criminal convictions.

II. PAROLE AND INSTITUTIONAL HISTORY

Richard Bentley received parole after his first parole hearing and was released in 2004. While he was on parole he was arrested in May 2005 by Waltham Police for possession of cocaine but was found not guilty by the court and released. In September 2006 he received a citation from Weymouth Police for leaving the scene of a motor vehicle accident after property damage. He received probation in Quincy District Court and was given a Final Warning from the Parole Board. In April 2007 he was arrested by Pembroke Police for operating a motor vehicle on a suspended license. He was ordered to pay court costs and the case was dismissed and no action was taken by the Board.

On May 23, 2011, Mr. Bentley relapsed by using cocaine. He was returned to custody and parole was revoked. At his parole hearing on March 6, 2012, Mr. Bentley admitted to the violation. He states he attempted to wean himself off Percocet, prescribed to help manage severe back pain caused by two herniated disks, and after experiencing withdrawal symptoms, ended up self medicating with cocaine. Subject also admitted to owing supervision fee payments due to his financial situation.

III. FACTORS RELEVANT TO RE-PAROLE DECISION

1. Mr. Bentley has made significant strides in self-development throughout the course of his incarceration and had an overall positive adjustment while on parole, despite two motor vehicle related infractions.
2. Mr. Bentley presented well at his review hearing. He was forthcoming and direct in his responses to the Board's concerns, he was not evasive nor did he attempt to minimize his actions. He accepted responsibility for his shortcomings on parole and was able to identify and address deficiencies in his behavior while being supervised. Mr. Bentley's institutional adjustment leading to his original parole highlighted a positive rehabilitative trajectory. He had not incurred any disciplinary reports since 1993. He maintained employment, received positive evaluations, participated in substance abuse programming and received his GED.
3. Since his return to custody on May 25, 2011, Mr. Bentley continues to demonstrate a commitment to self-improvement and rehabilitation. He is not a disciplinary problem and continues to receive positive evaluations.
4. During the period of time that Mr. Bentley was on parole in the community he developed a respectful and positive relationship with his parole officers. He maintained constant contact, submitted to random drug tests regularly, provided verification of employment and AA participation. By all accounts, Mr. Bentley was compliant with his parole conditions and overall was doing well.
5. Mr. Bentley proposes a viable, solid post-release plan that includes a renewed commitment to maintaining his sobriety including resumption of his employment in Quincy where he had been employed for the five years while on parole, receiving outstanding evaluations. He plans to reside in the same stable, supportive home environment he had been in while in the community. He displays a positive attitude and

renewed determination in maintaining his sobriety. The people that testified at his hearing were testament to the level of support he has in the community.

IV. DECISION

Accordingly, it is the unanimous opinion of the Board that Mr. Bentley's re-parole is not incompatible with the welfare of society and, under the conditions set by the Board, it is reasonably probable that he will not re-offend if paroled. His overall performance while on parole and continuing strides in self-improvement demonstrate significant success and presents no signs of risk for violence. At the time of his re-parole he will have served approximately two additional years which is a sufficient period of accountability for the violation and to provide for further rehabilitation. In order to assist Mr. Bentley in his transition and his sobriety, he is re-paroled to a long-term residential program after successful completion of six months in lower security.

SPECIAL CONDITIONS: Re-parole to a long-term residential program after six months in lower security; required to follow after care treatment plan set by residential program; no drug use with monthly testing required; no alcohol use with testing required; AA or NA 3 times per week with sponsor; no contact with victim's family.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.

Josh Wall
Josh Wall, Chairman

Date September 28, 2012