



The Commonwealth of Massachusetts  
Executive Office of Public Safety



PAROLE BOARD

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**DECISION**

**IN THE MATTER OF**

**FRANK DAMIANO**

**W36297**

**TYPE OF HEARING:** Review Hearing

**DATE OF HEARING:** October 18, 2011

**DATE OF DECISION:** October 31, 2012

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

**DECISION OF THE BOARD:** Parole is denied. The review will be in five years.

**I. STATEMENT OF THE CASE**

Frank Damiano appeared before the Massachusetts Parole Board for a review hearing on the 23 life sentences he is currently serving at the Massachusetts Treatment Center at Bridgewater. On September 26, 1977, Damiano pled guilty to 23 indictments of rape and unnatural sexual intercourse with children under 16. He was sentenced to 23 concurrent life sentences.

Damiano sexually assaulted five boys and two girls, all between the ages of 10 and 13. He assaulted some of the victims several times. The incidents took place on various days between September 1976 and April 1977. Damiano gained access to the children through his employment as a school bus driver. He lured the children to his apartment in Boston's North End where he committed the assaults. Additionally, he arranged for other adult males to join him in sexually assaulting the boys. Damiano charged the other perpetrators a fee for providing the child victims.

## **II. CRIMINAL AND PAROLE HISTORY**

Frank Damiano has an extensive criminal history with five prior incarcerations. Four of those incarcerations punished him for sexual crimes on children. Damiano was paroled in 1958. He began offending sexually at age 10. At age 22, he molested two boys in California. He was caught sexually assaulting two girls in Boston in 1953. Damiano was sentenced to serve a 3-5 year sentence for sodomy and indecent assault and battery on a boy in 1956.

From November 1958 to February 1959, Damiano committed a series of sexual offenses against young boys in the Columbia Point Housing Project in Boston, where Damiano was an unpaid drill instructor and assistant basketball coach. Damiano also organized a drill team in the West End of Boston, which held weekly meetings. At these meetings, Damiano made sexual comments and showed the children pornographic photos.

In February 1959, Damiano was arrested for the Harbor Point assaults and charged with sodomy and indecent assault and battery. On March 2, 1959, the Parole Board revoked Damiano's parole. On May 27, 1959, Damiano was sentenced to serve 9-12 years from and after the sentence he was serving, for the charge of sodomy. On February 12, 1973, Damiano was paroled to a program at the Bedford VA Hospital. In 1974 he was caught molesting another child in Boston and was placed on probation for five years. He was on probation when he committed these offenses.

## **III. INSTITUTIONAL HISTORY**

From July 1978 to July 2006, Damiano was declared a sexually dangerous person and received a one day to life civil commitment to be served at the Massachusetts Treatment Center. Damiano has remained there throughout his incarceration. For most of the past 33 years he has participated in sex offender treatment, including behavior modification programming and group therapy. Records document decades of poor performance, and poor progress in his treatment. As recently as 2002 he was "deemed not to have a clear understanding of basic treatment concepts." During his incarceration, Damiano has accrued approximately twelve disciplinary reports.

On July 27, 2006, Damiano was discharged from his civil commitment, having been declared no longer sexually dangerous by a Superior Court judge. That decision must have been based on the inmate's advancing age and declining physical condition. The Parole Board applies a different legal standard in determining suitability for parole. Despite years of sex offender treatment, reports describe that he has only a superficial understanding of treatment in that he has difficulty providing answers or demonstrating insight. An assessment was done for Damiano using the Static-99 tool that measures the probability of sexual and violent recidivism. A score of six or more is considered a high risk category. Damiano's score on the Static-99 was a nine, which predicts a very high risk to commit another sexual assault.

## **IV. PAROLE HEARING ON OCTOBER 18, 2011**

Damiano was 48 years old at the time of his plea and is now 83 years old. He was represented by student attorney Megan Burton. Ms. Burton said that her client is remorseful, has taken numerous programs, and has some degree of dementia. Damiano stated that he

wanted to be paroled to live at a Veteran's Administration hospital. He said, "I don't do that stuff anymore; I grew out of it; I did that when I was a kid."

Board Members questioned Damiano about his treatment and his understanding of his pedophilia. The inmate said, "I have no idea how many victims I had, it must have been quite a few; I don't think about them." He said he would not re-offend because "I grew out of it." When asked if he deserved his freedom, the inmate said, "No, but I will do my best." He asserted he had changed but had "no idea" how that happened.

Suffolk Assistant District Attorney Charles Bartoloni opposed parole. There were no supporters at the hearing.

**V. DECISION**

Frank Damiano sexually assaulted children in the community for three decades before he was sentenced to serve 23 life sentences. He had an untold number of child victims and many of them he molested repeatedly. He has been treated while incarcerated but has never, accordingly to treatment reports, shown much progress towards rehabilitation. Likewise at his parole hearings he has never described a successful rehabilitative journey. Treatment reports document that Damiano suffers from chronic, incurable pedophilia. Consequently, it is not reasonably probable that the inmate would not re-offend if paroled and his release is not compatible with the welfare of society. The period of review is five years.

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

  
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Josh Wall, Chairman

  
\_\_\_\_\_  
Date