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PAROLE BOARD

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Josh Wall
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DECISION

IN THE MATTER OF

DAWUD ABDUL BASIR
Formerly DAVID MONROE
W33579

TYPE OF HEARING: **Review Hearing after Revocation**

DATE OF HEARING: **August 7, 2012**

DATE OF DECISION: **August 13, 2012**

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

DECISION OF THE BOARD: Parole is denied with a review in five years. The decision is unanimous.

I. STATEMENT OF THE CASE

Dawud Abdul Basir and Ernest Williams planned to commit an armed bank robbery on September 14, 1971. Their plan required stealing a car. At 8:30 a.m. they assaulted Thomas Fratto, a 22-year-old student, on Arlington Street in Boston's Back Bay in order to take his car. They put a gun to Mr. Fratto's head and forced him into the trunk of his car. The assailants drove the car to Alexander Street in Roxbury where they forced the victim to enter an abandoned triple-decker building. They hog-tied the victim, Mr. Williams shot him multiple times, and they left him to die. Mr. Fratto yelled loudly enough for a neighbor to hear and the immediate police investigation resulted in locating the victim's car. Mr. Abdul Basir and Mr. Williams were found in the victim's car along with a third man who they had picked up to help with the planned bank robbery. Each of the three men was armed with a firearm. Mr. Fratto survived the attempted murder.

Mr. Abdul Basir, who was then known by his birth name of David Monroe, and Ernest Williams were convicted in Suffolk Superior Court on April 14, 1972 of armed robbery for which they each received a life sentence. They were also convicted of armed assault with intent to murder, kidnapping, assault and battery with a dangerous weapon, possession of a firearm, and larceny of a motor vehicle. Sentences for those crimes, which ran concurrently with the life sentence, have been served. Ernest Williams is currently on parole.

The investigation of the Fratto armed robbery and shooting also resulted in identifying Mr. Abdul Basir as one of the perpetrators of an armed robbery at an MBTA station in Roxbury on August 22, 1971, one month earlier. Mr. Abdul Basir used a handgun and his co-perpetrators used rifles to rob two victims. The inmate was convicted of two counts of armed robbery and received 7 to 10 year sentences; those sentences for the MBTA armed robbery ran concurrently with the life sentence for the armed robbery of Thomas Fratto and have been served.

II. PAROLE PERFORMANCE

Mr. Abdul Basil was released on parole in 1987 after serving 16 years. He married a woman that he began seeing while he was on furloughs. He had 10 children with his wife. Over the next decade he obtained a bachelor's degree and a master's degree, and compiled a good employment record.

He was arrested in 1996 for beating his wife, but the case was dismissed and the Parole Board permitted him to remain on parole with a warning and domestic violence counseling. In addition, he tested positive for cocaine five separate times between February 1995 and June 1996. He was required to attend counseling for substance abuse during this time period but these events did not result in parole revocation.

In 1997, one year after assaulting his wife, the inmate was arrested by the Boston Police for sexually assaulting his teenage daughter. His daughter described repeated incidents of sexual assault. She described Mr. Abdul Basir forcing her to use cocaine in connection with the assaults. She also provided details about shockingly perverse and humiliating sexual assaults. On the day of trial, the victim appeared in court with her mother and stated that she fabricated the allegations; the case was dismissed.

After considering the sexual assault evidence for a parole violation hearing in September 1998, the Parole Board concluded that the evidence of sexual assaults was "credible" and affirmed the revocation of parole. The inmate received a review hearing in December 1998. In its decision the Parole Board denied re-parole, reiterated that there was "credible evidence that subject sexually assaulted his daughter," and stated that he "must enter appropriate programming to address issues that brought about his violation."

Re-parole was denied in 1999 and 2001 but the inmate was re-paroled after a hearing in 2004. Mr. Abdul Basir's parole officer, mindful of the sexual assault allegations that the Parole Board had assessed as credible, instructed him that he could not be with his minor children without permission from his parole officer. It appears that this order may also have been related to a similar order from the Department of Social Services. Despite this requirement, in December 2006 the inmate arranged for a daughter, age 14, who was living in Alabama to

come to Boston to see him. He took her to Connecticut when he visited his ex-wife. He was alone with the child for at least six hours. Suspecting that Mr. Abdul Basir was violating parole, his ex-wife called the police. When parole learned of these events, Mr. Abdul Basir lied repeatedly to parole officials in order to hide the violation. The lies were exposed and the inmate's parole was violated. The Parole Board denied re-parole after a hearing in August 2007 and set a review in five years.

III. PAROLE HEARING ON AUGUST 7, 2012

Dawud Abdul Basir has limited program participation since his parole revocation in December 2006. He works as a food server at MCI-Norfolk and has participated as an assistant facilitator in the Able Minds program. He does not attend AA or NA. He has not received a disciplinary report since his return.

He was a difficult inmate to question at the hearing because he was evasive, argumentative, and deceptive. He minimized his own role in multiple domestic violent incidents with his wife (they are now divorced). He suggested that she was responsible for both the physical violence and the issues that led to violence. He emphasized that the primary issue causing marital discord was his wife's insistence on buying a house that he did not believe the family could afford. A Board Member pointed out that at a previous time the inmate's infidelity was identified as the primary problem in the marriage. The inmate then admitted to the infidelity and its role in the marital disagreements; he claimed he had forgotten about the infidelity. He also denied that he was required by parole to participate in batterer's counseling in 1996 after his domestic violence case was dismissed. He only admitted to the counseling after a Board Member cited the written record as documenting his poor attendance and poor attitude towards the counseling. The inmate's parole officer at the time described Mr. Abdul Basir as "extremely resistant to" and seeking to "sabotage" the domestic violence counseling.

With respect to his most recent parole violation in December 2006, Mr. Abdul Basir showed little insight or concern for the transgression. The inmate's parole officer, pursuing a reasonable strategy in light of the sexual assault allegations, directed that Mr. Abdul Basir have no contact with his minor children without permission. Mr. Abdul Basir ignored that directive and made arrangements to be with his 14-year-old daughter and travel alone with her to Connecticut to visit other family. The arrangements required Mr. Abdul Basir to get the child to come from Alabama, where she resided with relatives, to Massachusetts before embarking on the driving trip to Connecticut. At this hearing, Mr. Abdul Basir took the position that he had done nothing wrong because the parole officer's directive was not a parole special condition set by the Parole Board and he therefore he did not have to abide by the direction from his parole officer. He also implied that the parole officer had not clearly communicated the directive to him and that his actions were inadvertent due to lack of knowledge. Parole records document that Mr. Abdul Basir planned the contact with his daughter and took affirmative steps to hide the contact from his parole officer because he knew he was not allowed to have this contact. Eventually Mr. Abdul Basir admitted that the parole requirement had been in place for at least one year. Based on Mr. Abdul Basir's testimony at the hearing on this important issue, Board Members concluded that the inmate was deceptive in describing the events and that during the last six years of incarceration he had gained no insight into his own behavior that resulted in parole revocation.

Board Members asked Mr. Abdul Basir about his daughter's sexual assault allegations. He denied the allegations, and said that the girl was able to give so many details about sex acts and other perversions because these were things "that my wife and I were doing." He implied that his daughter had observed these things in the family residence. Mr. Abdul Basir did admit to frequent use of cocaine and marijuana and that he had "gotten my wife into" cocaine, marijuana, and pornography. He also said that he used cocaine and marijuana during his furloughs from prison in the years before parole. Mr. Abdul Basir stated that while he was in custody awaiting trial on the sexual assault cases he spoke regularly with the victim by phone and that he had "one or two" visits with the victim at MCI-Shirley. He also regularly spoke by telephone and received visits from his wife.

There is an area of corroboration for the sexual assault allegations that was discussed at the parole hearing. A female friend ("the witness") of Mr. Abdul Basir and his wife came forward soon after the daughter made the sexual assault allegations. The witness was employed by the Department of Social Services as a social worker. The witness described a telephone conversation with Mrs. Abdul Basir in which the wife stated that she witnessed her husband sexually assaulting the daughter. Mrs. Abdul Basir also told the witness that her husband was "out of control" and that he wanted "the children to engage in sex while the parents watched." In an interview with Boston Police detectives, Mrs. Abdul Basir admitted that she told the witness about seeing her husband's sexual assault of their daughter, but said she lied to the witness and had not witnessed the sexual assault.

When asked about the corroboration from the witness and Mrs. Abdul Basir, the inmate showed surprise and doubt that such corroboration existed. He denied that he had ever heard this information before. This denial seemed unlikely given that Mr. Abdul Basir would have received the information as the defendant in a criminal case and also the corroboration likely would have been discussed in previous parole hearings. The falsity of the denial is established in parole papers: in a letter dated November 18, 1998 from Mr. Abdul Basir to the Parole Board the inmate discusses his view of the statements made by the witness and his wife.

At the hearing Board Members informed the inmate of the impression he was making: "you have tried to manipulate this hearing;" "the Board asks questions that we can't get you to answer;" "we only get answers from you when we give you information we already have;" "you have a history of deception;" "there is a lack of candor and credibility today;" "you are not forthcoming today."

The inmate did provide additional information on his activities in 1971. He said "we had a group that robbed white people." He set up the MBTA robbery using knowledge he gained during his time as an MBTA employee. The victims were held hostage; the inmate and his co-perpetrators pointed guns at the victims and threatened to kill them.

Suffolk Assistant District Attorney Charles Bartoloni spoke in opposition to parole. Two of Mr. Abdul Basir's adult daughters appeared and spoke in support of parole.

IV. DECISION

Mr. Abdul Basir has a history of violence, serious drug use, and disregard for parole conditions. He presented at his hearing as dishonest, manipulative, controlling, argumentative, and narcissistic. He refuses to recognize the seriousness of his failures on parole and blames others for his actions, including his ex-wife, his children, and his parole officer. He has concocted a web of falsehoods and faulty rationalizations that allow him to conclude in his own mind that his history of violent and inappropriate behavior has caused little harm and does not merit re-incarceration. It bothers him not at all to make false statements to the Parole Board or to his parole officer. He has demonstrated that he does not respect the requirements of parole and that he will pursue his own agenda without regard to parole requirements. At his hearing Mr. Abdul Basir also demonstrated that he has not learned from his past parole mistakes and gave no sign that he would behave differently if given another chance on parole. Mr. Abdul Basir presents a continuing danger if released. He does not recognize and has made no effort to address his controlling, manipulative, abusive, and deceitful behavior. This combination of behaviors is especially dangerous in a domestic situation and especially unsuitable for parole supervision. Due to lack of rehabilitation, Mr. Abdul Basir would likely re-offend if released and parole release is not compatible with the welfare of society.

The inmate has considerable work to do if he intends to be a serious candidate for a third parole. He has not thus far used this return to custody as a means to work towards rehabilitation. Mr. Abdul Basir needs to address issues related to violence, controlling behavior, sexual perversion used to demean another person, substance abuse, and dishonesty. Given the amount of work remaining for Mr. Abdul Basir, there is no reason to reduce the statutory review period of five years.

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


Caitlin E. Casey, Chief of Staff

8/13/12
Date