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Josh Wall
Chairman

DECISION

IN THE MATTER OF

ISRAEL CRUZ

W34806

TYPE OF HEARING: **Revocation Review Hearing**

DATE OF HEARING: **February 20, 2014**

DATE OF DECISION: **August 12, 2014**

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Shelia Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, institutional record, the testimony of the inmate 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 a suitable candidate for parole. Parole is granted to a long term residential treatment program after one year in lower security at the Department of Correction (DOC) during which time Mr. Cruz must maintain good conduct and comply with all DOC expectations for programs, activities, and employment.

I. STATEMENT OF THE CASE

On February 15, 1974, shortly after 8:00 P.M., a fire occurred in a first floor apartment at 909 Middlesex Street in Lowell. An occupant of that apartment, Fernando Andrades, died as a result of injuries suffered in the fire. At approximately 10:30 P.M., a second fire occurred in the same building in a second-floor apartment. Shortly thereafter, still another fire of lesser dimension occurred in an occupied building located diagonally across the street from the scene of the first two fires. Several witnesses placed Israel Cruz at the scene of these fires. On that same evening, Cruz was questioned about the fires and originally told authorities that someone else lit the fires. After further questioning, Cruz admitted he had lit the fires. Cruz was 20 years old.

II. PAROLE HISTORY

Israel Cruz has been returned to custody three times as a parole violator for substance abuse since receiving a positive parole vote from the Board on April 5, 1991.

On September 21, 1991, Cruz was returned to custody after being observed by Boston Police buying two bags of heroin. He remained incarcerated for nearly four years before being re-paroled to a long term residential program which he successfully completed and remained in the community for nearly ten years before he was returned to custody for failing to report for urine testing on December 15, 2005. The Board revoked parole.

On March 5, 2010, Cruz was paroled to the Gavin House and upon completion of that program resided with his common-law-wife, Elaine Elias, in Jamaica Plain and worked at Boston Baking, Inc. until early 2013 when he began collecting unemployment after experiencing episodes of dizziness at work.

On May 9, 2013, Ms. Elias filed a complaint at the Boston Police Department against Cruz for forging checks and stealing money from her bank account. Ms. Elias believed Cruz was using the money to purchase heroin.

On May 13, 2013, a warrant was issued for Cruz, who admitted that he did steal the money to purchase heroin and further admitted that he had been abusing percocets and drinking alcohol for the previous six months while on parole supervision.

III. PAROLE HEARING ON FEBRUARY 20, 2014

Israel Cruz expressed remorse for lighting the fire that resulted in Mr. Andrades' death. Cruz informed the Board that he and Mr. Andrades were acquainted and were drinking together the night of the fire and at some point Mr. Andrades refused Cruz's request to go out drinking and went to bed. Cruz said that he continued drinking and smoking marijuana while Mr. Andrades slept in an adjacent room. Cruz stated that he doused a pillow with kerosene that was in the apartment and threw the pillow against the wall, igniting the curtains. Cruz insists that he tried to wake up Mr. Andrades prior to running out of the apartment. When questioned about the motive for starting the fire, Cruz acknowledged that he may have been angry with the victim as he thought perhaps that Mr. Andrades and Cruz's girlfriend were having an affair.

Concerning his parole violation, Cruz expressed remorse about violating the trust of his common-law wife, Elaine Elias, by cashing her checks to purchase alcohol and drugs. He advised that he created a "stressful situation" by having an affair with another woman resulting in the birth of his daughter. Instead of addressing this stressful situation with his SPAN counselor, he began to drink and use drugs.

Cruz was questioned extensively about his history of substance abuse. He admitted a long substance abuse history that began at the age of 14, including the use of marijuana, heroin, acid, and abuse of prescription pills and alcohol. He readily admitted that several relapses attributed to his parole failures. Cruz stated that prior to this relapse he had stopped attending AA/NA meetings and ceased his counseling attendance at SPAN. He acknowledged that he will struggle with addiction for the rest of his life and informed the Board that he knows his sobriety will require him to attend AA/NA each day and counseling regularly. He advised that he will "have to stick to a game plan" by reconnecting with SPAN and finding a sponsor to assist him in maintaining his sobriety.

He stated that since his return to custody in 2013, he attends weekly AA/NA meetings and has been employed as a kitchen worker where he works daily from 5 A.M. to 12 P.M. baking, preparing food, and cleaning.

Mr. Cruz expressed the importance of maintaining employment. He conveyed he feels "insecure when not working." Since 1995, Cruz has been employed at Boston Baking while on parole release and maintained this position until shortly before his return to custody in 2013.

Cruz had no supporters of parole in attendance. Middlesex County Assistant District Attorney Adrienne Lynch submitted a letter in opposition to parole.

IV. DECISION

Israel Cruz is an alcoholic and a drug addict who will struggle with his addictions for the rest of his life. In between relapses, he has displayed years of sobriety and a strong work ethic while in the community under parole supervision. Notably, Cruz has not exhibited any violent behavior while in the community or during his incarceration. Since his return to custody, Cruz has maintained employment and regularly attends AA/NA meetings. At the hearing, Cruz showed the benefits of additional rehabilitation as he was able to describe the causes of his relapses and how he might prevent them if re-paroled. He presents no current risk for violence.

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, the Parole Board grants re-parole to a long term residential treatment program. This release will allow for important supports and treatment during a closely supervised transition.

SPECIAL CONDITIONS: Parole after one year in lower security to a long term residential program; no drug use; no alcohol use; AA or NA (90 meetings in 90 days, then three times weekly); counseling for substance abuse issues and adjustment issues.

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, General Counsel

8/12/14
Date