

The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

JAMES DOUGLAS

W67034

TYPE OF HEARING: Review Hearing

DATE OF HEARING: December 10, 2020

DATE OF DECISION: May 27, 2021

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Colette Santa

DECISION OF BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of 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 that the inmate is not a suitable candidate for parole. Parole is denied with a review in two years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On September 15, 1999, in Essex County Superior Court, James Douglas pleaded guilty to second degree murder in the death of 2-year-old Amanda Brown. He was sentenced to life in prison with the possibility of parole. On February 20, 2003, Mr. Douglas filed a motion to withdraw his guilty plea, and he sought a new trial. His motion was denied.

On August 29, 1998, in Haverhill, 19-year-old James Douglas stomped on the stomach of Amanda Brown, who was in his care. Amanda was the niece of his live-in girlfriend. According to Mr. Douglas, he wanted to watch television, but Amanda's crying annoyed him. His reason for stomping on her was to quiet her down. When Mr. Douglas checked on Amanda a couple of hours later, she was not breathing. Although emergency personnel arrived and attempted to

¹ Four Board Members voted to deny parole with a review in two years. Three Board Members voted to parole after 12 months in lower security.

revive her, Amanda Brown died from blunt trauma to the stomach. On September 2, 1998, Mr. Douglas was interviewed by police and admitted to stepping on her.

II. PAROLE HEARING ON DECEMBER 10, 2020

On December 10, 2020, James Douglas, now 42-years-old, appeared before the Parole Board for a review hearing. He was represented by Attorney Deirdre Thurber.² Mr. Douglas was denied parole after his initial hearing in 2013, and after his review hearing in 2018.³ In his opening statement, Mr. Douglas took responsibility for the murder of 2-year-old Amanda Brown. He expressed his remorse, stating that he was ashamed of his actions. Mr. Douglas asked for forgiveness from Amanda's family and reflected on the life that she might have had as a young lady.

Mr. Douglas detailed a family history filled with anger and domestic violence. He watched his father beat his mother and siblings for "no reason," which filled him with hatred toward his father. Due to such anger and violence in his family, Mr. Douglas explained that he did not know how to be a father. Throughout the hearing, Mr. Douglas described how he had aspired to model his brothers, who had no responsibilities and preferred to "hang on the street." The Board discussed Mr. Douglas' criminal record prior to the murder and noted that he received a DYS commitment in 1995, for armed assault with intent to rob with a pistol. In response, Mr. Douglas claimed that he and his brother, as well as a friend, had tried to rob a store (unsuccessfully) with a fake gun as "a fast way to get money." The Board also inquired about an assault and battery conviction involving the mother of his children. A Board Member expressed concern that Mr. Douglas served 90 days in the House of Correction for failure to complete a domestic violence intervention program. Mr. Douglas attributed this failure to his lack of money.

Mr. Douglas acknowledged that, in the days leading up to the governing offense, he had been "angry" due to his age, arguments with his girlfriend, his lack of employment, and the stress of having so many children in the home. On the day of the murder, there were six children in the home, including his girlfriend's 2-year-old niece, Amanda, his 8-month-old son, and his 2-year-old daughter. When a Board Member inquired about his relationship with the children, Mr. Douglas stated that he was not the children's primary caretaker. However, he explained that he was involved with them when he was home. Although he denied ever striking the children, Mr. Douglas believed that Amanda was afraid of him because she had witnessed him yelling at her aunt (his girlfriend). Mr. Douglas denied using drugs on the day of the murder. However, he stated that he lacked sleep that day due to his recent cocaine use. After falling asleep while watching TV, his girlfriend woke him to put their daughter to sleep in the room where their son and Amanda were sleeping. After doing so, Mr. Douglas returned to watch TV, but was soon disturbed by Amanda's crying. He became mad and "stomped [on] her" and then left the room. Mr. Douglas stated that he later realized that "something was wrong."

The Board discussed Mr. Douglas' institutional adjustment and commended his programming efforts. Further, it was noted that he has not incurred any disciplinary reports since his last appearance before the Board. Several Board Members noted Mr. Douglas' perseverance in his repeated attempts to complete his GED, a goal which Mr. Douglas recognized as being instrumental in securing employment. When a Board Member inquired as to his statement from his last hearing, where he noted that he had a "violent streak" and "lashed out" when angry, Mr.

² Mr. Douglas was offered accommodations for both his hearing impairment and for his anxiety.

³ Mr. Douglas postponed his 2019 review hearing to obtain a mental health evaluation.

Douglas explained that his institutional programming efforts and his Islamic faith have provided him with coping mechanisms to manage his anger issues.

Through Restorative Justice Retreats, Jericho Circle, and Emotional Awareness, Mr. Douglas described how he was finally able to share his story in a vulnerable manner. He also detailed the lessons gleaned from the Lifers Group and the Correctional Recovery Academy on how to be successful on parole. Given his traumatic childhood, a Board Member urged Mr. Douglas to explore creative ways in which to engage in pre-release domestic violence education. Several Board Members acknowledged Mr. Douglas' long-standing relationship with his fiancé. However, after noting that Mr. Douglas had characterized his last relationship outside of prison as "toxic," one Board Member voiced concern that he might revert to domestic abuse if he became overwhelmed in his community adjustment. Mr. Douglas acknowledged these concerns. Mr. Douglas stated that he manages his diagnosed social anxiety disorder with both medication and counseling.

The Board considered testimony in support of parole from Mr. Douglas' sister and his fiancé. The Board also considered testimony from Dr. Frank DiCataldo. The Board considered testimony in opposition from Amanda's aunt and sister. Victim Services Coordinator Linsley Aceto read a statement to the Board in opposition on behalf of Amanda's father and stepmother. The Board also considered testimony in opposition to parole from the Essex District Attorney's Office.

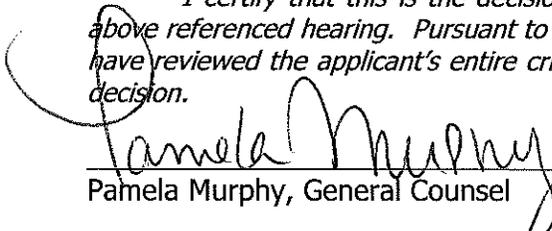
III. DECISION

The Board is of the opinion that, although progress has been made, James Douglas has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Douglas, at the age of 19, stomped on the stomach of Amanda Brown (2-years-old), the niece of his live-in girlfriend, who was in his care. This is Mr. Douglas' third appearance before the Board. Since his last hearing, he has completed several programs to include Restorative Justice, Reading Group, and Retreat and Criminal Addictive Thinking, and he has also remained involved in NA/AA and religious services. Mr. Douglas is encouraged to continue [to] adhere to his mental health care plan to include his medication regime. Additionally, Mr. Douglas should pursue a special accommodation for his self-reported learning disability with the DOC. It is the Board's opinion that Mr. Douglas needs to address his propensity for domestic violence through treatment/programming. It should be noted [that] the Board did consider the testimony of Dr. DiCataldo in rendering its decision.

The applicable standard used by the Board to assess a candidate for parole is: "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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Douglas' institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Douglas' risk of recidivism. After applying this standard to the circumstances of Mr. Douglas' case, the Board is of the opinion that James Douglas is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Douglas' next appearance before the Board will take place in two years from the date of this hearing. During the interim, the Board encourages him to continue working towards his full rehabilitation.

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.


Pamela Murphy, General Counsel

5/27/2021
Date