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Chairman

Michael J. Callahan
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DECISION

IN THE MATTER OF

LISANDRO DIAZ

W67277

TYPE OF HEARING: Review Hearing

DATE OF HEARING: November 15, 2016

DATE OF DECISION: May 18, 2017

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

DECISION OF THE 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 by unanimous vote that the inmate is a suitable candidate for parole. Upon successful completion of nine months in lower security, parole is granted to a long term residential treatment program with special conditions.¹

I. STATEMENT OF THE CASE

On November 2, 1999, in Hampden Superior Court, Lisandro Diaz pled guilty to one count of accessory before the fact of second-degree murder and was sentenced to life in prison with the possibility of parole.² This sentence was ordered to run concurrent with a federal sentence of 160 months that Mr. Diaz was serving (at the time) for cocaine trafficking and firearms violations.³

¹ Between this hearing and publication of this decision, the Board learned of a detainer filed by the United States District Court, District of Massachusetts (Springfield). Pursuant to this detainer, subject will be released to the federal authorities. Upon release from federal authorities, subject will have 24 hours to contact parole.

² There are three co-defendants in this case.

³ Mr. Diaz has approximately 4 years of supervised Federal Probation left to serve and, consequently, has an active detainer lodged by that agency.

Papilon Ferreiras (age 19) was shot to death on July 10, 1994, as he stood on Byers Street in Springfield. Members of the STG1 gang committed the murder as part of ongoing gang warfare with members of the STG2 gang. Lisandro Diaz (then 18-years-old and one of the STG1 gang leaders) ordered members of his gang to find and kill members of the STG2 gang. Subsequently, one STG1 gang member fired a handgun multiple times and another STG1 gang member fired a rifle. Mr. Ferreiras, who was known as a leader in the STG2 gang, was struck once in the chest and later died from the gunshot wound.

II. PAROLE HEARING ON NOVEMBER 15, 2016

Lisandro Diaz was granted parole after his initial hearing in 2010. However, he was returned to custody shortly after his release, and his parole was revoked. Mr. Diaz had a review hearing in November 2011, but was denied parole with a review in five years.

Mr. Diaz, now 41-years-old, appeared before the Parole Board for a review hearing on November 15, 2016. He was not represented by an attorney. In his opening statement to the Board, Mr. Diaz took full responsibility for the murder of Mr. Ferreiras. He apologized to the Ferreiras family for the harm caused by his criminal behavior. Mr. Diaz acknowledged that while he was gang-involved, he was cowardly, selfish, and thought only of himself. He also apologized to the Board for his arrogant and immature behavior at his 2011 hearing. Mr. Diaz had formally renounced his gang affiliation in 2001, and he told the Board that he is deeply remorseful for his gang involvement, as well as his part in perpetuating crime, violence, and fear in the Springfield community.

The Board asked Mr. Diaz about his brief release on parole, along with his parole revocation in 2010. Mr. Diaz said that he was not prepared for immediate release into the community, since he had been incarcerated since he was 18-years-old. When he was released in 2010, he was unable to acknowledge his surroundings and became overwhelmed with the adjustment back to society. He now realizes that he needed to complete more programming before being released on parole. He also stated that he would have benefited from a gradual step-down to lower security and pre-release.

The Board asked Mr. Diaz to discuss his last hearing in 2011 and explain how he has changed since then. Mr. Diaz said that he was arrogant, and had assumed a sense of entitlement, at his last hearing. He apologized to Board Members for the disrespect he displayed at that hearing. He said that receiving a five year set-back was tough, at first, but it helped him become "more grounded; to be more civilized; to respect my surroundings and people as a whole – to find myself." He told the Board that during the past five years, he reached out for help through programming. He completed Anger Management, Assertive Communication, Emotional Healing and Awareness, Criminal Thinking, and Problem Solving. He regularly attends AA/NA meetings and the Graduate Maintenance Program for CRA. He said that programming has given him the skills to see that violence is never an option, and that arrogance and negative behavior are not productive. He no longer minimizes the mistakes he made in the past, and he accepts responsibility for his poor behavior and arrogant attitude over the past 20 years.

Mr. Diaz told the Board that if granted parole, he would prefer a step-down to lower security for six months, and then release to a long term residential treatment program. He

then plans to reside with his fiancé in Worcester. He said that his family in Springfield will be a huge support system for him. He is certified as a personal trainer and has a job offer to work at a friend's gym. He also plans to continue with AA/NA meetings and to seek mental health counseling for his transition back to the community.

Mr. Diaz had three supporters at his hearing, as well as several letters of support submitted on his behalf. The Board considered oral testimony from his fiancé, who expressed strong support for parole. Hampden County Assistant District Attorney Howard Safford spoke before the Board. He acknowledged that Mr. Diaz has worked hard over the past five years towards rehabilitation and appears remorseful and cognizant of his bad behavior. The Hampden County District Attorney's Office is not opposed to a gradual step-down to parole for Mr. Diaz.

III. DECISION

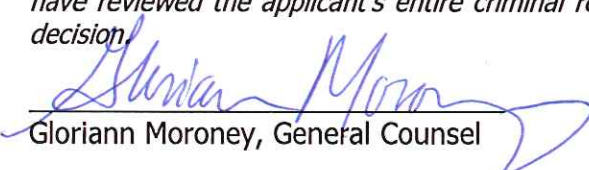
The Board is of the opinion that Lisandro Diaz has fully invested in his rehabilitation and, consequently, has acquired the tools and skills that will assist him in a successful transition from incarceration. Since his return to custody, Mr. Diaz has been involved in numerous programs and has earned his GED. The Board has taken into consideration Mr. Diaz's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board also considered a risk and needs assessment, and whether risk reduction programs could effectively minimize Mr. Diaz's risk of recidivism.

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. After applying this appropriately high standard to the circumstances of Mr. Diaz's case, the Board is of the unanimous opinion that Mr. Diaz merits parole at this time.

The Board grants parole to Mr. Diaz to a long term residential treatment program with special conditions and contingent upon completion of nine months in lower security. While incarcerated, Mr. Diaz must continue to engage in relevant programming and must maintain a positive adjustment.

SPECIAL CONDITIONS: Waive work for a long term residential program; Must be at home between 10 pm and 6 am; GPS monitoring; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; Report to Federal Probation Office upon release; Must have mental health counseling for adjustment/transition and current mental health; Long term residential treatment; AA/NA meetings at least three times/ week.

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.


Gloriann Moroney, General Counsel

5/18/17
Date