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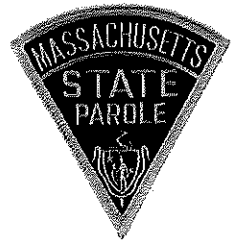
The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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Gloriann Moroney
Chair

Kevin Keefe
Executive Director

DECISION

IN THE MATTER OF

PAUL WASHINGTON

W46826

TYPE OF HEARING: Review Hearing

DATE OF HEARING: February 21, 2019

DATE OF DECISION: December 10, 2019

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Gloriann Moroney, Colette Santa, Paul Treseler¹

DECISION OF BOARD: After careful consideration of all relevant facts, including the nature of the underlying 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 writing, we conclude by unanimous vote that the inmate is a suitable candidate for parole at this time. Parole is granted to a Long-Term Residential Program with special conditions, but not before 12 months in lower security.

I. STATEMENT OF THE CASE

On July 20, 1989, in Worcester Superior Court, Paul Washington pleaded guilty to the second degree murder of Thomas Foy and was sentenced to life in prison with the possibility of parole. That same day, he received additional concurrent 9 to 10 year sentences for armed robbery, assault and battery by means of a dangerous weapon, unarmed burglary, unarmed robbery, and breaking and entering. Mr. Washington also received a concurrent 4 to 5 year sentence for larceny in a building.

In late December 1987, Paul Washington (age 18) and his co-defendant Andrew Sullivan decided to stay high on drugs throughout the holiday season. For many days, they did nothing but drink alcohol, smoke marijuana, snort and smoke cocaine, and eat psychedelic mushrooms in Mr. Sullivan's Worcester apartment. When they ran out of money, they committed robberies to obtain more drugs and money. On Saturday, January 2, 1988, at 6:30 a.m., the men were

¹ Board Member Treseler was present at the hearing, but was no longer a Board Member at the time of vote.

out of drugs and money, after partying all night. Thomas Foy, a part time cab driver, picked them up and took them to a drug house, where they planned to obtain another supply of drugs.

As the cab sat in the driveway, Mr. Sullivan took a knife from Mr. Washington and stabbed Mr. Foy once in the neck behind his right ear. The knife blade bent as it penetrated Mr. Foy's artery and brainstem, killing him. Mr. Foy's body was found lying in a pool of blood with his pockets turned inside out. Mr. Sullivan took money from Mr. Foy, and Mr. Washington searched the cab for money. They stole \$32 from Mr. Foy, which they used to buy cocaine. During the three week holiday drug binge, Mr. Washington and Mr. Sullivan committed several other robberies in Worcester, including a robbery in which Mr. Washington stabbed the victim. The victim survived several stab wounds.

II. PAROLE HEARING ON FEBRUARY 21, 2019

On February 21, 2019, Paul Washington, now 49-years-old, appeared before the Parole Board for a review hearing. He was represented by Attorney Jason Benzaken. Mr. Washington was denied parole after his initial hearing in 2002, and after his review hearing in 2007. In 2009, Mr. Washington received a positive parole vote and, in 2010, he was paroled to his sister's house in Worcester. In 2013, Mr. Washington's parole was revoked after driving without a license, failing to stop for a police officer, and testing positive for alcohol consumption. He was re-paroled after a review hearing in 2014. In 2015, Mr. Washington was returned to custody after testing positive for cocaine. Revocation was not affirmed, and he was re-paroled. In 2018, Mr. Washington was again returned to custody after testing positive for cocaine, lying about his living conditions and whereabouts, and admitting to alcohol consumption. His revocation was affirmed, and he was put on the next available list.

In his opening statement to the Board, Mr. Washington apologized to his victims. He also apologized to the Board Members, his family, and his parole officer for letting them all down. Mr. Washington explained that his significant other had serious liver problems, so he provided around the clock care, while neglecting his own physical and mental health. Mr. Washington eventually learned that he has a brain disease called Arnold Chiari Malformation. After his significant other left him, Mr. Washington relapsed, consuming both cocaine and alcohol. At this hearing, Board Members explained their concern about Mr. Washington's ability to stay sober on parole. Mr. Washington again apologized, stating that he was ashamed he had relapsed. He explained that he had a good relationship with his parole officer, but that he hid his substance abuse problems because he did not want to disappoint him. The Board discussed the importance of honesty with parole officers and medical treatment providers regarding any substance abuse issues. Mr. Washington agreed that he must be honest, should he be re-paroled again.

When Board Members questioned Mr. Washington as to his institutional history, he said that his last disciplinary report was in 2008. Since his return to custody, Mr. Washington completed the Criminal Thinking program and participated in Toastmasters, Alcoholics Anonymous and Narcotics Anonymous, Lifers' Group, and Long-timers Group. He said that he works as a pusher, assisting a wheelchair bound inmate. Mr. Washington asked for a step-down to lower security and then a release to the Office of Community Corrections (O.C.C.) program or, alternatively, a Long-Term Treatment Program. He hopes to eventually live with

his parents in Worcester and continue his participation in Alcoholics Anonymous/Narcotics Anonymous.

Worcester County Assistant District Attorney Michelle King attended the hearing, but did not testify.

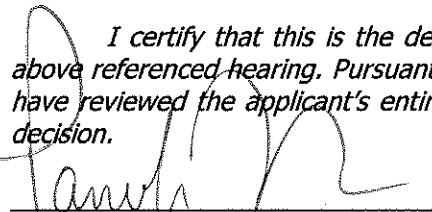
III. DECISION

The Board is of the opinion that Paul Washington has demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Re-incarceration has served its purpose.

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. Washington'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. Washington's risk of recidivism. Applying that appropriately high standard here, the Board finds that Paul Washington is a suitable candidate for parole. Parole is granted to a Long-Term Residential Program with special conditions, but not before 12 months in lower security.

SPECIAL CONDITIONS: Waive work requirement for Long-Term Residential Program; Must be at home between 10 pm and 6 am; Electronic monitoring; Supervise for drugs, testing in accordance with agency policy; Supervise for alcohol abstinence, testing in accordance with agency policy; Report to assigned MA Parole Officer on day of release; No contact w/victim's family; Must have mental health evaluation at mental health clinic/program; Long-Term Residential Program- no less than 90 days; AA/NA at least 3 times/week; Mandatory sponsor.

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

12/10/2019
Date