



*The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security*



**PAROLE BOARD**

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**DECISION**

**IN THE MATTER OF**

**PHILLIP PIZZO  
W41132**

**TYPE OF HEARING:** **Review Hearing**

**DATE OF HEARING:** **April 23, 2015**

**DATE OF DECISION:** **July 15, 2015**

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Lee Gartenberg, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe.

**DECISION OF THE 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 written submissions to the Board, we conclude by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review in five years from the date of the hearing.

**I. STATEMENT OF THE CASE**

Phillip Pizzo is serving concurrent life sentences stemming from several sexually motivated crimes in Middlesex and Essex counties between August 12, 1983 and January 19, 1984. At that time, he was 34-years-old. On November 6, 1984, Pizzo pleaded guilty to the Middlesex offenses in Middlesex Superior Court and was sentenced to eight concurrent life terms for the offenses of aggravated rape, armed robbery while masked, and armed robbery. These offenses involved five separate victims<sup>1</sup> and occurred on five different days. Pizzo initially assaulted his victims at four different shopping malls, consisting of the Meadow Glen Mall, the South Shore Shopping Plaza, Woburn Mall, and the Clover Leaf Marketplace in Natick.

<sup>1</sup> The identities of the victims will be kept confidential, pursuant to G.L. c. 265, § 24C, as they are each the victims of crimes involving sexual assault. Further, G.L. c. 127, § 130 provides that portions of a parole Record of Decision may be withheld to preserve confidentiality.

Pizzo also pleaded guilty to similar offenses in Essex County. Those offenses occurred on December 12, 1983 and January 13, 1984 and involved two different women. Both offenses occurred at the North Shore Shopping Center in Peabody. Consequently, Pizzo received three life sentences in connection with those cases for the offenses of aggravated rape and armed robbery. Subsequently, in 1985, Pizzo was found to be a Sexually Dangerous Person and was committed for one day to life to the Massachusetts Treatment Center (MTC). In 2009, 24 years later, Pizzo was found to no longer be a Sexually Dangerous Person and was transferred to state prison to serve his sentences. Pizzo is currently serving his concurrent life sentences and became parole eligible in 2009.

In September 1985, the MTC completed an intake evaluation in which Pizzo's criminal modus operandi was described as follows:

Pizzo would accost women, who were in their late teens or early twenties, in various shopping malls in the Boston area. As the victim got into her automobile and was about to start up the car, Pizzo, who was wearing a ski mask, would open the car door, and while holding a knife to the victim's throat, would push the victim over to the passenger's seat. He would then put the ski mask over the victim's face and tie her hands behind her back. Pizzo would reassure the women that he was not going to harm them, he just wanted their money. He would, in fact, take any money they had. Pizzo would then drive the victim's car to his vehicle which was parked some distance away. He would then drive his car to his Westford home. During the ride to his home, Pizzo would talk to his victims and ask them questions concerning their personal life. For example, he would ask, "Where do you work? Do you have a boyfriend? Are you faithful to him?" In addition, several of the victims were pinched in the breast and genital areas by Pizzo. After entering the house from the attached garage, Pizzo would generally force the women to drink liquor and then take them upstairs to the bedroom. Once there, he would cover the walls, which had a dramatically patterned wall paper, with black plastic sheeting. Pizzo would then cover his face with a mask and remove the ski mask from the victim's face. He would then rape and sodomize his victims. After raping the women, he would then have them take a shower. One victim was even forced to get into the swimming pool. After the rape, Pizzo would return the women to the shopping mall where he had abducted them.

## **II. PAROLE HEARING ON APRIL 23, 2015**

Phillip Pizzo appeared before the Parole Board for his second parole hearing on April 23, 2015. In 2010, he had been denied parole and given a five year review date after his initial parole hearing.<sup>2</sup> He was represented by Harvard University School of Law Prisoners' Legal Assistance Project Student Attorneys Samuel Feldman and Jacob Loup. Pizzo is now 65-years-old and has served 31 years of his life sentence.

In his opening remarks, Student Attorney Feldman stated that Pizzo takes full responsibility for his crimes. He said that Pizzo was physically and emotional abused by his father and that his mother was unable to protect him. Prior to his father's death, Pizzo reconciled their relationship. As a young man, he had feelings of worthlessness and lacked

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<sup>2</sup> Pizzo, who was parole eligible in 2009, postponed his initial hearing to 2010.

positive significant relationships with women. In therapy, he addressed the issues that lead him to offend. Pizzo was honorably discharged from the Army National Guard and he is a "model inmate." In 2009, Pizzo was deemed not to be sexually dangerous.

In his opening remarks, Pizzo stated that, due to the abuse his father inflicted on him, he felt worthless and rejected. He had no self-esteem and felt that he had to somehow gain control of his life, which led to his offending. Since his incarceration, he developed new relationships and understands how his inadequacies and self-esteem issues lead him to offend. He has processed his feelings through treatment and recognizes he has done great harm to the community. He has put his faith and trust in family and friends.

Pizzo was 32-years-old when he was convicted. Since 2014, he has been incarcerated at MCI Norfolk after transferring from the Massachusetts Treatment Center. In 1985, he was declared to be a "Sexually Dangerous Person"<sup>3</sup> and received a civil commitment of one day to life. In 2009, after 24 years, he was discharged from this civil commitment. Of the six doctors who examined Pizzo, five declared him to be not sexually dangerous and one doctor opposed. In her dissenting opinion, Dr. Barbara Quinones recommended that Pizzo do more work since his prior conduct and incidents while in custody were of concern.

Board Members asked Pizzo about the prior misconduct referenced in Dr. Quinones' report, including the governing offenses and incidents while in custody. He stated that there were three incidents of indecent exposure, which occurred at ages 17, 20, and 30. He described the incident at age 17 and stated, "My distorted sense was to gain attention. I walked down the sidewalk and walked towards the victim and exposed myself." The incident at age 20 was described as, "I was looking for a relationship and thought that I could connect sexually and emotionally, so I exposed myself to a woman while I was walking down the street in Winchester." He described the incident at age 30 and said, "I was in a mall parking lot, I was charged with it. It was the same instance. I had the same feelings of insecurity so I exposed myself." He described the incidents while in custody, as well. In 2000, Pizzo was cited for masturbating while a female correctional officer conducted cell checks. In 2004, Pizzo was observed by another inmate to be masturbating during class. Pizzo denied the two incidents that occurred while in custody. He admitted only that "there were times I looked at female staff in a sexual nature, but I worked on that in therapy."

In 2010, Pizzo completed Sex Offender Treatment. In 2013, he entered the maintenance phase of SOTP. His current programming includes peer aid for SOTP, chairman of Emotional Awareness Group, and Veterans Group. Presently, he is on the wait list for multiple rehabilitative programs. Pizzo reported completing several programs that addressed victim empathy, which helped him gain insight into the harm he caused and its lifetime effect. He stated that he has "gained a lot of insight and learned that the abuse from his father was a trigger. I had no emotional connection between my parents. My father would terrorize my mother and then have sex with her. Their intimacy made me feel safer because my father was not beating me. I thought that was normal. I had anger and rage towards my mother because she wouldn't protect us. My parents provided materialistically, but not emotionally. I couldn't

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<sup>3</sup> G.L. c. 123A, § 1 provides that a "Sexually Dangerous Person" includes any person, such as Pizzo, who has been convicted of a sexual offense. Consequently, Pizzo was civilly committed for a term of one day to life until discharged from the civil commitment pursuant to G.L. c. 123A, § 9.

provide emotionally to my prior relationships." Pizzo stated that "there is no more I can do for myself and society. I believe I internalized my negative feelings and that's why I offended."

Pizzo said that he grew up in Winchester, MA and lived with his parents and two siblings. At age 16, he first started to exhibit sexual deviancy and began to engage in voyeurism by "looking through windows to see women changing their clothes." He reported that his "curiosity increased with my sister and her girlfriends," and, at age 17, he fondled his sister's undergarments while he masturbated. At age 18, Pizzo was convicted of indecent exposure. He graduated from high school in 1968 and then joined the Army National Guard. He attended Northeastern University and Boston State College (BSC). He graduated from BSC with a Bachelor's Degree in Public Administration and Economics. In 1976, he began dating his girlfriend and, in 1982, they broke up. He described the break up as his "first trigger." Pizzo stated that he went to nightclubs, but would "often leave angry" and "felt as a failure." He would go to the Combat Zone and watch X-rated movies trying to gain power and control. Instead, he placed his anger onto the victims.

All of his offenses were meticulously planned. Pizzo stated that between 5 pm and 8 pm, he would go to Boston area malls and sit in his car, drink alcohol, and observe. Specifically, he would target young women ranging from age 19 to 28-years-old. Armed with a knife, he would "take control" by kidnapping the victim at knife point and forcing her into his car. Pizzo would cover her face and tie her hands behind her back and then drive to his home in Westford. During the ride, Pizzo continued consuming alcohol and would force the victim to drink, as well. The "sixth victim" was forced to smoke marijuana. Before committing the rape, Pizzo would inform the victim that he was going to rob her and would take her money. He denied stealing any jewelry. The rapes occurred in the "child's room" of his Westford home because it symbolized the abuse from his father. After the offenses, he forced three of the victims to shower and another into the pool. During the hour long ride back to the mall parking lot, Pizzo "socialized with her and asked personal questions." In addition, he threatened to kill the victim if she reported the assault to the police.

All of the victims were strangers to him. Pizzo denied knowing that one of the victims was pregnant. He stated that he left one victim in a wooded area and threw her clothes out the window. Another victim was left unclothed in the mall parking lot, since he believed that leaving the victim unclothed made her "powerless." He stated that the "last victim" was injured with the knife after she freed her hands and grabbed the steering wheel. They struggled for the knife and, as a result, her lip and tongue were also cut. Eventually, Pizzo "felt guilty putting masks over the last four victims' faces," so he "covered them just above their noses so they could breathe." Doing this allowed them to see his face, house, and car. He stated that the "last victim pulled off her mask and saw his face." The descriptions of Pizzo, his home, and his car lead investigators to his identification. Pizzo stated during the hearing that "the first victim wasn't raped. Well, it was oral sex which is a form of rape. Four of the victims were sodomized, which goes back to my childhood."

Pizzo denied any substance abuse issues and said, "I didn't use drugs. I was an occasional drinker." He described the role of alcohol and said, "I had it there to use during the crime. I would sit in the car and consume alcohol while I watched the women. It would empower me." He stated he used it as a "socializer, inhibitor and an icebreaker." He said that the rapes were supposed to be "date rapes." As Pizzo's curiosity continued, he would re-offend

and became known as the "mall rapist." Board Members questioned Pizzo regarding the number of offenses he committed. He stated, "I assaulted 10 victims and two I attempted to assault, 20 in total. There were 21 similar offenses, but I pleaded guilty to 12 of them. The others were not me." He said that it took him five years into his initial treatment to admit to victimizing the others.

Pizzo's parole plan includes residing at the Veterans Center, which is a two year residential program in Boston. He would continue trading stocks and bonds, which he has done for the last 35 years. Pizzo would obtain employment, but also has a trust. Pizzo's cousin, Brenda Pizzo, spoke in support of parole. She has kept in touch with him over the years and will support him in his transition. Dr. John Cusack, a licensed psychologist at the Commonwealth Center and Psychological Services, specializes in sex offender treatment and will provide treatment to Pizzo in the community. A full assessment will be completed and referrals will be made based on the results. Multiple letters were submitted by several family members in support of Pizzo's parole.

Several letters in opposition to parole were submitted by the victims and the victims' family members and were read by staff in the Victim Services Unit. Middlesex County Assistant District Attorney Carrie Spiros and Essex County Assistant District Attorney Elin Graydon both spoke in strong opposition to Pizzo's parole request. They highlighted concerns related to Pizzo's brutal crimes, the predatory nature of his offenses, the number of victims, his lack of empathy, his lack of socialization, and his substance abuse issues. ADA Spiros stated, "The kind of sexual aggression he has is the type that leads to recidivism and his sexual aggression is described as sadistic and ritualistic."

In his closing remarks, Pizzo stated that his early childhood experience affected his behavior. He takes full responsibility for his behavior and sexual offenses. He was able to share his feelings with others and feels he is safe to enter society. He stated, "I would like a chance to make a difference not only for myself but for society in general." Student Attorney Loup stated that Pizzo used his 31 years of incarceration to look into his background and seek treatment. His upbringing and childhood abuse "caused him to do some irrational things, his upbringing turned off some of the regulations" and that his background helps explain what he did. Student Attorney Loup emphasized that a Community Access Board and a jury found that Pizzo is no longer sexually dangerous and no longer needs to be civilly committed. He suggested that because Pizzo is 65-years-old and has never offended against children, he is considered a lower risk to re-offend. He stated, "Pizzo has spent a quarter of a century working to absorb the gravity of what he did, seeking to understand himself and to master himself."

### **III. DECISION**

Phillip Pizzo committed extraordinarily vicious and premeditated crimes against several young women. These women were stalked, abducted at knifepoint from shopping malls, physically restrained, forced to consume alcohol, and then brutally raped. Pizzo terrorized many unsuspecting young women over a period of time. His sexually deviant history began in 1969 and then escalated to kidnapping and aggravated rapes. While he has been involved in counseling and treatment for a number of years, Pizzo lacks insight into his substance abuse issues and the role of alcohol in his horrifying offenses. Although he denied abusing marijuana, Pizzo's explanation that he happened to have marijuana in his house for just one victim appears

unconvincing and not forthcoming. He lacks insight into the impact of his crimes on the victims and he lacks acknowledgement of the harm he caused to the community. He explained that the crimes and rapes that he committed were due to childhood abuse, the need to feel safe, and the need to internalize his feelings; however, he lacks insight into his attitude or anger towards women. The particular brutality of these heinous crimes and the predatory nature of the offenses cause Pizzo to be a risk to public safety. Therefore, his release is incompatible with the welfare of society.

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 here, it is the unanimous opinion of the Board that Phillip Pizzo does not merit parole at this time because he is not rehabilitated. The review will be in five years, during which time Phillip Pizzo should continue to engage in sex offender treatment and to commit to a more comprehensive rehabilitation that addresses his anger towards women, substance abuse issues, and lack of empathy.

*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.*

  
Michael J. Callahan, General Counsel

July 15, 2015  
Date