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PAROLE BOARD

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Charlene Bonner
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DECISION

IN THE MATTER OF

STEVEN HARRIS

W63434

TYPE OF HEARING: Revocation Review Hearing
DATE OF HEARING: September 23, 2014
DATE OF DECISION: December 12, 2014

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, 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 to be paroled. Re-parole is granted after six months in Boston pre-release, while working with SPAN, Inc.¹ Harris must then follow a plan provided by SPAN, Inc. and comply with all program requirements. This plan will allow for important supports and treatment during a closely supervised transition.

I. STATEMENT OF THE CASE

On October 17, 1997, Steven Harris was convicted in Hampden Superior Court of second degree murder and was sentenced to life in prison. A charge of conspiracy to dispose of a body and conspiracy to remove the remains was filed. The victim in the murder was Steven Harris' step-brother, 25 year old Robert Holt. The two had a contentious relationship. On March 30, 1995, the day of the murder, Harris, who was then 21 years old, and Holt argued over money. A struggle ensued that quickly became violent. Harris beat Holt to death with a length of metal pipe.

¹ Span, Inc. is a 501(c)3 non-profit, tax-exempt corporation based in Boston dedicated to assisting people who have been in prison to address the issues that brought them to prison. The agency provides case management, career development, health, and peer support services.

Harris contacted his father and confessed what he had done. Harris' father ordered his son to wait at the scene of the murder. When he arrived, he told Harris that they needed to dispose of the body. Harris and his father transported Holt's body to a neighboring town and dumped his remains into the Connecticut River. Harris' father, Charles Harris, was separately tried and convicted for his role in these matters.²

While incarcerated (before his parole release in 2010), Harris' institutional adjustment was excellent. He participated in a large number of rehabilitative programs, including those recommended by the Department of Correction in his risk reduction plan. His conduct was very good, incurring disciplinary reports (mostly for minor infractions) at a rate of less than one per year. His last disciplinary report was in 2008. On the strength of this record, as well as in consideration of other factors, Harris was paroled on June 10, 2010.

II. PAROLE HISTORY

Harris received a reserve vote from the Board after his initial hearing. He was reserved to the Moving Ahead Program (MAP) and began community supervision on June 1, 2010. On May 3, 2011, a discharge report was sent from Serenity House, where Steven Harris was living, to his parole officer informing her that Harris was discharged due to being four hundred fifty dollars in arrears in rent, for lying to his parole officer when he denied alcohol use, for being in a bar in an undisclosed location, and for refusing a breathalyzer. On May 4, 2011, a 15-day detainer was authorized and Harris was arrested and returned to custody. A final revocation hearing was conducted on July 20, 2011, and revocation was affirmed by the full Board on August 19, 2011.

Harris appeared before the Board for a review hearing, after revocation on February 28, 2012. That Board voted to grant parole to Harris to a long-term residential treatment program with one-on-one substance abuse counseling, after completing six months in lower security. He was released on parole in April 2013. In December 2013, however, Harris committed several parole violations, including violating curfew, failure to notify his parole officer of out of state travel and contact with law enforcement, and being discharged from the sober house. A revocation hearing was conducted on April 9, 2014 and revocation was affirmed by a full Board on April 29, 2014. Harris has been in custody since that return.

III. PAROLE HEARING ON SEPTEMBER 23, 2014

Steven Harris appeared on his own behalf before the Massachusetts Parole Board on September 23, 2014 for a review hearing that followed a parole revocation on April 29, 2014. This is Mr. Harris' third appearance before the Board, having been paroled in 2010 following an initial hearing and re-paroled in 2012 following a revocation review hearing. Following the 2012 hearing, the Board granted him parole after completion of six months in lower security, with release conditions that included a long term residential program for three months minimum, refraining from drug or alcohol use with testing, and one-on-one counseling for a minimum of one year.

² Charles Harris was convicted of accessory after the fact of murder and sentenced to two and a half years in the House of Correction. He was discharged from his sentence on November 22, 1997.

In his opening statement, Harris expressed remorse for his lapses in judgment while on parole. The Board asked Harris questions concerning his previous paroles. Following his 2010 hearing that resulted in a grant of parole, Harris remained in the community for approximately two years. Harris attributed his parole failure to poor conditions in the sober homes where he resided.

Following his 2012 re-parole, Harris secured employment at a restaurant and reported that he worked 40 hours per week or more, attended weekly therapy sessions which he found to be beneficial, and attended weekly AA and NA meetings. Harris thus had a period of several months of compliance with parole conditions and lived as a responsible citizen until he suffered a foot injury, which caused him to miss work and miss rent payments. In addition, Harris committed a series of parole violations that stemmed from his poor decision to visit family in Connecticut (leaving the state) without first notifying his parole officer. Harris attributed these parole violations to misunderstanding his parole conditions.

When asked for his assessment regarding the causes of his parole failures, Harris related that he had rent and other financial issues and that he had misunderstood his obligations. The Board, however, made it clear that his failures were more fundamental than a mere failure to pay rent. Instead, the Board stressed that his parole failures stemmed from his failure to remain forthright and to act responsibly. The Board also noted his failure to use his parole officer as a vital resource to assist him in reintegration.

At the hearing, Harris sought a re-parole to a residence in the Gloucester area as arranged and supported by an AA/NA sponsor. In addition, Harris expressed his desire to continue with weekly counseling and to take advantage of other community resources. Harris stated that he had offers of employment from a local restaurant.

A family member of Harris, who is also a family member of his victim, testified in support of parole. The family member noted Harris' sincere remorse and rehabilitative efforts and emphasized that his parole violations, although indicative of poor judgment, may be better addressed in a structured setting. In addition, Hampden County Assistant District Attorney Howard Safford testified at the hearing.

IV. DECISION

Steven Harris disregarded important requirements of community supervision during his two previous paroles. Harris' parole failures, while not the product of violent or illegal behavior, were borne from irresponsible conduct that the Board believes may be addressed through additional supports in the community, rather than by further extending his incarceration. Harris has been in custody since he was returned in January 2014, when the revocation process began. As acknowledged by Harris, he would benefit from a structured environment with supports and guidance.


As before, several considerations underlie the Board's decision. The offense, committed in a moment of rage, was not typical of the manner in which Harris had lived his life up to that point and remains the sum total of his criminal history. Further, Harris continues to benefit from support from family members, one of whom testified in support of parole (despite also being a victim of the crime). The Board also notes that the District Attorney's Office (while

stating its concerns that, if paroled, Harris would require close supervision) once again did not oppose further parole in this matter. The Board also notes that Harris has demonstrated that he is capable of positive reintegration and adhering to the requirements of supervision. However, it is equally clear from his parole history that additional supports are necessary to enhance his prospects to remain under supervision in the community successfully and in a manner that enhances public safety.

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 Steven Harris does merit a parole. Re-parole is granted after six months in Boston pre-release while working with SPAN, Inc. Harris must then follow a plan provided by SPAN and comply with all program requirements. This plan will allow for important supports and treatment during a closely supervised transition.

SPECIAL CONDITIONS: Parole to an approved plan developed by SPAN, Inc. after six months in lower security; supervise for drugs, testing in accordance with agency policy; supervise for liquor abstinence, testing in accordance with agency policy; report to assigned Massachusetts Parole Office on day of release; comply with SPAN program plan; waive work for SPAN program; no contact with victim.

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, Executive Director

12/12/14
Date