



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security



PAROLE BOARD

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DECISION

IN THE MATTER OF

ISRAEL CRUZ

W34806

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 1, 2017

DATE OF DECISION: August 24, 2018

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 that the inmate is not a suitable candidate for parole. Parole is denied with a review scheduled in three years from the date of the hearing.¹

I. STATEMENT OF THE CASE

On December 19, 1974, a jury found Israel Cruz guilty of second degree murder in the death of Fernando Andrades and arson. He was sentenced to life in prison with the possibility of parole for the murder, and a concurrent sentence of 5 to 7 years for the arson. Mr. Cruz appealed, arguing that his motion to suppress statements was improperly denied. In 1977, the Massachusetts Supreme Judicial Court upheld the conviction.²

¹ Five Board Members voted to deny parole with a review in three years. One Board Member voted to parole to a long term residential program and MATRI program, after six months in lower security.

² Commonwealth v. Israel Gonzalez Cruz, 373 Mass. 676 (1977).

On February 15, 1974, shortly after 8:00 p.m., a fire occurred in a first floor apartment on Middlesex Street in Lowell. Fernando Andrades, an occupant of the apartment, died as a result of injuries suffered in the fire. At approximately 10:30 p.m., a second fire occurred in the same building in a second floor apartment. Several witnesses placed Israel Cruz at the scene of these fires. On the same evening, Mr. Cruz was questioned about the fires and told authorities that someone else lit them. After further questioning, Mr. Cruz admitted to lighting the fires. Mr. Cruz was 20-years-old.

II. PAROLE HEARING ON AUGUST 1, 2017

Israel Cruz, now 64-years-old, appeared before the Parole Board for a review hearing on August 1, 2017. He was represented by Attorney Frank Spillane. Mr. Cruz was denied parole after his initial hearing on November 28, 1988. On April 5, 1991, he was released to his home. On September 21, 1991, Mr. Cruz was returned to custody after being observed by Boston police buying two bags of heroin. On November 20, 1991, his parole was revoked. On July 3, 1995, Mr. Cruz was re-paroled to a three-month substance abuse program at the Gavin House. On December 15, 2005, Mr. Cruz was reported whereabouts unknown. On January 3, 2006, Mr. Cruz was returned to custody after failing to report for urine testing on December 15, 2005. He was under the influence when he was taken into custody. On June 15, 2006, his parole was revoked. On September 20, 2006, Mr. Cruz's parole was denied. On March 5, 2010, Mr. Cruz was re-paroled again to the Gavin House substance abuse program. After completing the program, Mr. Cruz moved in with his common-law wife. On May 9, 2013, Mr. Cruz's wife filed charges against Mr. Cruz for forging checks and stealing money from her bank account. She stated that Mr. Cruz was no longer living with her, nor was he welcome at her home. She also said she believed he was using the money to buy heroin. On May 13, 2013, Mr. Cruz was returned to custody. On August 14, 2014, Mr. Cruz's parole was revoked. On February 20, 2014, the Board voted to parole Mr. Cruz again, this time to Answer House. Mr. Cruz was returned to custody on October 19, 2016 for using drugs and alcohol, fleeing his parole officer and biting his parole officer's finger when he tried to take him into custody. On January 11, 2017, Mr. Cruz's parole was revoked.

When Board Members questioned Mr. Cruz about the underlying offense, he stated that on February 15, 1974, he was drinking with Fernando Andrades. After Mr. Andrades had gone to bed, Mr. Cruz set fire to some cushions because he suspected that Mr. Andrades was having an affair with his girlfriend. Mr. Cruz acknowledged that Mr. Andrades died from injuries sustained in the fire. In addition, the Board questioned Mr. Cruz extensively about his multiple parole violations for substance abuse and for his failure to report to parole officers. Mr. Cruz discussed his struggle with addiction and his relapse after sobriety. He said that he has been involved in Alcoholics Anonymous, Narcotics Anonymous, the Correctional Recovery Academy, and counseling. He said he graduated from various treatment programs, including the Gavin House and Answer House. Mr. Cruz talked about stressors that precipitated these relapses: extra-marital affairs, the loss of trust from his wife and son, working too much, and not going to Alcoholics Anonymous meetings and counseling.

The Board questioned Mr. Cruz about his crimes committed on parole. Mr. Cruz stated that on his third parole, he was convicted of larceny over \$250 for stealing money from his wife's bank account. He claimed that he used this money to support his drug and alcohol habit. Mr. Cruz also admitted that on his fourth parole, his parole officer tried to bring him in for an intervention. Mr. Cruz, however, tried to run away. After struggling with the parole officer, Mr. Cruz tried to bite his finger. Mr. Cruz said, "Irresponsible behavior? Yes. Uncalled for? Yes... My

irrational behavior and the consequences of that day reflect on why I am here today." The Board noted that a pattern of not reporting to parole meetings, as well as running from parole after relapses, poses a distinct challenge in the supervision of Mr. Cruz. Mr. Cruz offered that with the help of the Correctional Recovery Academy training, and a Vivitrol injection program followed by a transitional treatment program and long-term residential program, he would be less likely to relapse and, therefore, less likely to evade supervision.

Mr. Cruz had letter of support for his parole from friends and family. Middlesex County Assistant District Attorney Radu Brestyan testified that Mr. Cruz should not be granted parole given his history of relapses and his criminal activity while on parole. The Middlesex District Attorney's Office also submitted a letter of opposition.

III. DECISION


The Board is of the opinion that Israel Cruz has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Cruz's behavior on parole supervision is a concern. He has a pattern of flight when he is confronted with the possibility of a return to custody. Mr. Cruz would benefit from a longer period of positive adjustment and program involvement.

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. Cruz's 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. Cruz's risk of recidivism. After applying this standard to the circumstances of Mr. Cruz's case, the Board is of the opinion that Israel Cruz is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Cruz's next appearance before the Board will take place in three years from the date of this hearing. During the interim, the Board encourages Mr. Cruz 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.


Gloriann Moroney, General Counsel


Date