



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

CHRISTIAN SANTIAGO

W62683

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: August 2, 2011

DATE OF DECISION: May 2, 2012

PARTICIPATING BOARD MEMBERS: Cesar Archilla, John Bocon, Dr. Charlene Bonner, Ina Howard-Hogan, Roger Michel, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: Parole is granted; the inmate must complete one year in his current classification followed by one year in lower security with continued program participation and without disciplinary incident; the move to lower security will take place on or after August 2, 2012. The decision is unanimous.

I. INTRODUCTION

Mr. Santiago appeared before the Massachusetts Parole Board on August 2, 2011 for an initial parole hearing, having served 15 years of a second-degree life sentence. After careful consideration of all relevant facts, including the nature of the underlying offense, the views of the public as expressed at the hearing or in written submissions to the Board, the inmate's criminal history, his institutional department, his social history and age at the time of the offense, and his level of engagement with rehabilitative programming while incarcerated, the Board unanimously concludes that a positive vote is indicated in this case, subject to the conditions described below and such other conditions as may be imposed by the Board from time to time.

II. STATEMENT OF FACTS

The inmate, together with his friends Johnny Sustache and Daniel Mendoza, were members of Neta, a street gang in Springfield. On August 25, 1996, Sustache and the inmate attended a party in Chicopee. There the two men encountered members of the Latin Kings and La Familia, both rival street gangs. Sustache and the inmate were taunted by their rivals and ultimately expelled from the party.

Sustache and the inmate returned to Springfield and met up with Mendoza. The three men, stung by the treatment of the inmate and Sustache by the rival gang members, decided to return to Chicopee to exact revenge. After arming themselves with handguns, they drove back to Chicopee with Sustache at the wheel of a borrowed automobile. When they reached the site of the party, the inmate and Mendoza left the vehicle, crept up on their rivals, and opened fire. Jason Foster, 18 years old, was killed by a single shot to the back. Jermain Hunter, 19 years old, was shot three times in the legs but recovered from his wounds.

After a brief investigation, Sustache, Mendoza and the inmate were arrested. Initially, the inmate gave police a false exculpatory story. However, after being confronted by numerous witness statements, the inmate confessed to being involved in the shooting. He later pled guilty in Superior Court to second-degree murder, armed assault with the intent to murder and unlawful possession of a firearm.

While incarcerated, the inmate's institutional adjustment has been excellent overall. Although his initial adjustment was merely fair – the inmate incurred four significant disciplinary reports in his first two years in prison – he has incurred only a single disciplinary report in the past twelve years. Further, he has participated in a large number of rehabilitative programs, including all of those recommended by the Department of Correction in his risk reduction plan. While his program accomplishments are too numerous to list, we note that the inmate has completed the CRA, all phases of Alternatives to Violence (including the trainer's and facilitator's courses), Emotional Awareness, Health Awareness, and numerous substance abuse and educational programs. He received his GED and completed both a law clerk training course and the serve-safe program. Finally, he completed the DOC's STG reintegration program and formally renounced his prior gang affiliation. In short, he has complied with every rehabilitative demand placed upon him. Even more important, these efforts are consistently reflected in his strong positive institutional adjustment.

III. DECISION

Several considerations underlie our decision to grant the inmate parole at this time. First, the Board observes that while the inmate has a few other arrests on his record, this is his first incarceration of any kind. Further, the inmate enjoys unusually strong community support, both from family members and friends. Such support, in the Board's experience, is often a decisive factor in reducing recidivism. We note in particular that a number of the inmate's supporters spoke in very specific terms about the types of assistance they could provide, including help in finding housing and employment. Also, as noted already, the inmate has worked hard while in prison to further both his rehabilitation and his education. He has also proved – especially in recent years – his ability to abide by rules. Finally, a major consideration for the Board is the inmate's age at the time of the offense: seventeen years. It is the Board's hope that the inmate has acquired significant incremental maturity and restraint as he has matured into adulthood. Such qualities were amply displayed by the inmate at his hearing. It is our sincere hope that they will continue to manifest themselves in the form of pro-social conduct and good decision-making upon release.

The standard we apply in assessing candidates for parole is set out in 120 CMR 300.04, which provides that “[p]arole 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, the Board finds the inmate deserving of parole upon successful completion of two additional years of incarceration, which will be sufficient to meet the sentencing goals of punishment, deterrence, incapacitation, and rehabilitation. To assist the inmate in developing the sort of pro-social habits that will facilitate parole success, we conclude that the final year of incarceration shall be in lower security for the purpose of transition to the community. Mr. Santiago is required to complete his remaining two years without disciplinary incident and in compliance with the DOC’s recommended plan for programs and activities.

SPECIAL CONDITIONS: One year in current classification followed by one year in lower security (with continued programming and no disciplinary reports); reserve to home plan approved prior to release; no alcohol or drug use; substance abuse evaluation upon release with requirement to follow any recommended plan; mental health evaluation upon release with requirement to follow any recommended plan; no contact with victim’s family or surviving victim.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.


Caitlin E. Casey, Chief of Staff

5/2/12
Date