



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

HOWARD BROWN

W34824

TYPE OF HEARING: Review Hearing

DATE OF HEARING: August 20, 2013

DATE OF DECISION: October 7, 2013

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, 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 a unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years.

I.STATEMENT OF THE CASE

On October 5, 1973, Howard Brown, age 20, went to the home of his girlfriend, Lois Boucher, age 17, where he found her watching television with her mother. Ms. Boucher had been increasingly unhappy with their relationship due to Mr. Brown's significant physical and emotional abuse. An argument ensued that evening, which carried out into the front of the home. During the course of the argument, Mr. Brown picked up Ms. Boucher by the neck and carried her some 20 feet. Ms. Boucher was choking as he continued to carry her. He put her down on the road and pounded her head against the pavement multiple times. In his confession to police, Mr. Brown stated, "I stood up and carried her about twenty feet. The reason I grabbed her was because she called me stupid. While I was carrying her she was making funny noises and choking sounds. When I got to the road, I turned her over and bashed her head against the pavement three or four times. I wanted to kill her because it was me or nobody. After I thought she was dead I threw her to the side of the road."

Ms. Boucher died approximately three hours later as a result of a fractured skull and brain lacerations. Mr. Brown left the scene and was involved in a motor vehicle accident. He was arrested a short time later at his parent's home.

On January 13, 1975, Mr. Brown pleaded guilty to second degree murder in Hampshire Superior Court. Mr. Brown has filed several appeals throughout his incarceration, all to no avail. During his 2013 parole interview, Mr. Brown stated that he recently filed a motion for a new trial with the intention of receiving a reduction in his life sentence. He stated that his motion asserts that a finding of manslaughter with a reduced sentence was more appropriate.

On April 28, 2010, in Norfolk Superior Court, Mr. Brown was convicted of assault and battery on a corrections officer, for which he received two years of probation to be served from and after the governing offense.

II. PAROLE HEARING ON AUGUST 20, 2013

This was Howard Brown's ninth appearance before the Parole Board. In prior decisions, the Parole Board has noted Mr. Brown's history of serious mental health issues and the risk to commit another violent act if he is not willing to accept and comply with treatment. In addition, the Board has noted Mr. Brown's increasing number of disciplinary issues since 2003, especially those of a violent nature.

Mr. Brown was asked about his relationship with Ms. Boucher and if he agreed with the facts of the case as presented in prior hearings and decisions. He did not deny the facts of the case, and admits that he was motivated by his anger toward Ms. Boucher's desire to break off their relationship. Mr. Brown also stated that he had been abusive to her prior to murdering her. Mr. Brown no longer considers himself to be capable of such violence; however, he did not provide any explanation as to how he has been rehabilitated. Mr. Brown also failed to recognize his lack of participation in programs, mental health treatment, or other meaningful methods of rehabilitation as being of concern to the Parole Board. In addition, the Board asked him whether his continued violence within the Department of Correction demonstrated his risk to public safety. Mr. Brown defended his institutional record stating that he has been victimized by the system.

Mr. Brown has a history of 30 disciplinary reports, including three returns to higher custody for violent behavior. Mr. Brown is currently housed in the Disciplinary Detention Unit after committing an assault on staff. He is not due to be released from that unit until October 2013. Mr. Brown appeared unaware that being sentenced to the Disciplinary Detention Unit indicates that the inmate's release to the community would be a serious risk to public safety. Many of Mr. Brown's disciplinary reports include assaultive behavior on inmates and corrections staff. In 2007, Mr. Brown seriously assaulted a corrections officer which resulted in a criminal charge. He was convicted of the offense and received two years of probation from and after his life sentence. His most recent violent disciplinary report was on September 4, 2012 when he struck a corrections officer in the head with a closed fist punch. Mr. Brown has also admittedly stated on numerous occasions that he prefers to serve his sentence in the segregation unit, and has threatened to assault staff on more than one occasion if he is removed. Mr. Brown admits to making statements such as "what do I have to do, kill a corrections officer to stay here?"

Mr. Brown was questioned regarding his assaultive behavior and apparent decline in his institutional conduct. He stated that he did not feel safe in general population, or in any other unit except in segregation. Mr. Brown insisted that there is no other facility or unit that he would be safe in, stating that he is actually the victim of emotional and physical abuse from the corrections staff. Mr. Brown stated that his decline began on May 5, 1999, after "a sergeant flipped me on my back, head and ear three times. The staff keep trying to kidnap me and assault me." Mr. Brown stated that if he is not paroled, he would like to remain in the Disciplinary Detention Unit for the remainder of his life sentence. He said, "I don't want to be bothered with going to medium security." When asked why he has not participated in any meaningful rehabilitation, Mr. Brown stated that his priority is to "write manuscripts and books," and he believes any transition through medium or minimum security would be "cruel." Any attempt to gain clarification from Mr. Brown was met with disorganized statements that lacked any rational meaning.

Due to Mr. Brown's confusing and, at times, irrational presentation, he was asked if he would accept any mental health treatment. Mr. Brown replied that he is not an open mental health case, thus justifying that he is not in need of mental health services. According to Department of Correction's documentation, Mr. Brown is not receiving consistent mental health treatment due to his refusal to comply with any such treatment. Mr. Brown admitted that he has refused mental health care in the recent past, even putting a psychologist on his enemy list so that he could not be evaluated. The Board stated concerns regarding his mental state and his desire to remain in seclusion. The Board specifically asked if Mr. Brown would agree to at least be evaluated by a consultant hired by the Parole Board who is not a Department of Correction staff member. Mr. Brown stated that he would refuse any mental health evaluation, even if the Parole Board required such an evaluation prior to giving any consideration for parole.

Mr. Brown did not have anyone present at the hearing to speak in support of his parole. He insisted that he did not want his family to have to endure any confrontation from the Parole Board. Mr. Brown stated that he intended to reside with his half-brother Harold Brown, or that he would parole to a transitional program.

Ms. Boucher's sister, Jeanne Munseell, spoke in opposition of Mr. Brown's parole. Ms. Munseell provided information about her sister as well as the significant and lasting negative impact that the murder of her sister has had on her family. Assistant District Attorney Steven Greenbaum from the Northwestern District Attorney's Office also spoke in strong opposition to Mr. Brown's parole. ADA Greenbaum cited the extremely violent nature of the offense as well as Mr. Brown's continued poor institutional behavior as primary reasons for his denial.

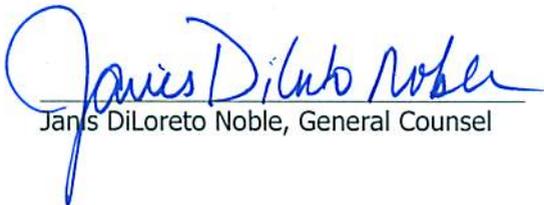
III. DECISION

Howard Brown committed a brutal murder of his own girlfriend because she wanted to end their relationship. He has continued to exhibit increasing levels of violence within the institution, a lack of any investment in rehabilitation, and presents as having no insight into his maladaptive and dangerous behavior. Mr. Brown shows continued signs of decompensation and profound mental health issues. Mr. Brown emphatically denies that he is in need of any mental health treatment and would refuse to participate in any mental health evaluation requested by the Parole Board. Mr. Brown also made it clear that he wishes to serve his

sentence in the Disciplinary Detention Unit, secluded from other inmates, and that he intended to do whatever was necessary to remain in segregation, including threatening or harming corrections officers.

The standard 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 an 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, the Parole Board concludes that Mr. Brown is not suitable for parole because he is not rehabilitated. The Board expressed concern that Mr. Brown is suffering from mental health issues that are contributing to his poor behavior and his resistance to participating in recommended programs. Mr. Brown has, however, created an untenable position for himself, as he refuses both mental health care and rehabilitative programming. The Board encourages Mr. Brown to accept mental health treatment, improve his antisocial behavior, and to participate actively in his own 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.


Janis DiLoreto Noble, General Counsel

10/7/13
Date