



The Commonwealth of Massachusetts
Executive Office of Public Safety



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DECISION

IN THE MATTER OF

MIGUEL VALENTIN

W55389

TYPE OF HEARING: Review Hearing
DATE OF HEARING: January 29, 2013
DATE OF DECISION: April 24, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Charlene Bonner, Sheila Dupre, 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 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 November 4, 1993, in Suffolk Superior Court, Miguel Valentin pleaded guilty to second-degree murder and possession of a firearm. He was sentenced to life in prison for the murder and a 4-5 year concurrent sentence for the possession of a firearm. The victim was Alexander Rodriguez, age 18.

On December 14, 1992, Mr. Valentin was driving in Jamaica Plain when a group of youths from a gang called the Mozart Park Boys threw a rock at his car window. Mr. Valentin returned to his grandmother's house and armed himself with a shotgun. He drove around Jamaica Plain looking for the Mozart Boys. He came upon the victim on Centre Street and deemed the victim to be part of the group of youths who had thrown the rock at his vehicle earlier that day. Mr. Valentin then fatally shot Alexander Rodriguez three times with a sawed off shotgun. Mr. Rodriguez died of his injuries.

On January 12, 1998, Mr. Valentin filed a pro se motion to withdraw his guilty pleas and requested a new trial. His motion was denied in January 2000. In 2001, Mr. Valentin filed another motion to withdraw his guilty pleas and a motion for a new trial. These motions were denied in 2010. The court advised Mr. Valentin that his plea was negotiated by his competent, experienced and able counsel and likely spared him a life sentence without the possibility of parole as required by a first-degree murder conviction.

II. PAROLE HEARING ON JANUARY 29, 2013

Miguel Valentin acknowledged that he had been pursuing motions to withdraw his guilty plea up until 2010. He, however, acknowledged in the hearing that he not only committed the murder, but that he intended to "kill someone" when he made the decision to retrieve the guns. Mr. Valentin largely attributes his criminal history to his inability to address and cope with the significant abuse he suffered as a child.

The Board spent a significant portion of the hearing addressing specific disciplinary issues. Mr. Valentin has incurred approximately 129 disciplinary reports, including many which document violent, dangerous, and self-injurious behavior. He recognized his poor institutional adjustment, which Mr. Valentin stated was largely due to his inability to cope with his emotions and the years of incarceration he had spent in isolation. Mr. Valentin specifically notes his mandated 120 months of segregation, which was based on what he says were false accusations regarding his role in an assault on a corrections officer. Many of his disciplinary issues occurred while in segregation, and Mr. Valentin stated he had not acquired the mental health services or rehabilitation necessary to deal with such an environment. Mr. Valentin stated that many of his violent, self-injurious and other mal-adaptive disciplinary reports were both during and as a result of his long period of incarceration in segregation.

The Board also had many questions regarding the need for his numerous psychiatric commitments during his incarceration. The Board summarized many psychiatric evaluations that opined that Mr. Valentin's primary diagnosis was Antisocial Personality Disorder. Mr. Valentin stated that he was not aware that he had received that diagnosis. The Board specifically quoted from several evaluations, including a description of Antisocial Personality Disorder. In response to whether such evaluations were accurate, Mr. Valentin stated "I don't understand it, and it doesn't seem to fit me." He stated he has invested in mental health treatment, including individual therapy, but he has never seen or discussed the contents included in his many psychiatric evaluations. He also denied having any disciplinary issues at Bridgewater State Hospital which, based on his record, have included taking advantage of other mentally ill patients, selling drugs, and acting in a predatory manner. Mr. Valentin viewed many of his disciplinary issues as retaliating against others who bullied people. Mr. Valentin views his mental health symptoms as stabilized, although he recognizes that he will need ongoing therapy as part of his re-entry plan.

Mr. Valentin stated that his transformation in his rehabilitation commenced in 2009 after he "forgave my father" for years of abuse. Since that period of time, however, Mr. Valentin has been reclassified from Old Colony to higher custody at Souza-Baranowski in part due to disciplinary issues in 2012 related to alleged gang activity. Mr. Valentin denied any gang activity since he began the renouncement process and any association he has had since was to personally let his fellow gang members know that he was officially leaving the gang. Mr. Valentin stated that he joined a gang for protection in prison, and he acknowledged that the Department of Correction viewed him as an enforcer. Mr. Valentin did not feel that that was an accurate description, but recognizes that he was among the higher ranking members. Mr. Valentin stated that he has made significant progress in his rehabilitation, and explained how

difficult it is to extricate oneself from gangs in prison. He believes that he has successfully extricated himself from the gang and the gang mentality.

Mr. Valentin acknowledged that he began to actively participate in programming in 2008. He reported that he has benefitted from his programming and believes he now has the coping skills to continue his rehabilitation via a transition to lower security and then to a long term residential treatment program in the community. The Board cited many behavioral concerns, including disciplinary issues since his most recent parole hearing. The Board also raised concerns regarding his need for the most intensive available interventions to manage his behavior within the institution, which will not be available within his proposed parole plan. Mr. Valentin's supporters, including his brother, his step-father, and his former legal advocate all stated that they will provide their personal support to assist him with his transition.

III. DECISION

Miguel Valentin has incurred approximately 129 disciplinary reports during his incarceration, 29 of those committed since his most recent parole hearing in 2007. Mr. Valentin has spent the majority of his incarceration in maximum security or at Bridgewater State Hospital due to his poor institutional adjustment and mental health issues. Mr. Valentin's disciplinary issues are among the most serious infractions, which have resulted in Mr. Valentin's placement in special management units on numerous occasions. He has also received disciplinary reports for setting numerous fires, threatening to kill a corrections officer, attempting to stab a corrections officer, possession of heroin, possession of weapons, numerous self-injurious behaviors, and gang related offenses.

Mr. Valentin attributes many of his most serious disciplinary reports to the result of being held in the special management unit for many years, without the necessary mental health and other treatment. It may be that Mr. Valentin's years of confinement in a more restrictive and isolating unit contributed to his decline and dangerous behavior; however Mr. Valentin behaved in such a manner that required that special management. For example, when released to general population in 2007, he was transferred to a more restrictive unit after he threw his television from the third tier. He then tied his door open and placed items into his waistband including a weapon. When staff approached, he charged them and refused to drop the weapon. Mr. Valentin was therefore transferred again to a special housing unit. Since his last hearing, Mr. Valentin has been moved numerous times from varying cell blocks equipped to manage his behavior. Since 2009, he has continued to incur disciplinary reports for having weapons, breaking his plexiglas, engaging in gang related activity and physical altercations, and other behavior requiring periods of being placed in physical restraints as recently as July 17, 2012. Mr. Valentin was again transferred to higher security in 2012 due to his behavioral issues. He is engaged in programming at Souza-Baranowski and has not incurred any additional disciplinary issues since his return to higher custody.

In terms of Mr. Valentin's mental health needs, he has required numerous hospitalizations and specialized placement for self-injurious behaviors and suicide attempts. Mr. Valentin's most recent suicide attempts were in 2005 by hanging and in 2006 by other means. His most recent mental health evaluation was conducted in 2007 by Alison Fife, M.D. The purpose of the evaluation was to render an opinion regarding Mr. Valentin's mental status at the time he entered into a plea agreement in 1992 for the governing offense. Dr. Fife's opinion was consistent with numerous other psychiatric evaluations that Mr. Valentin has had over the years. Dr. Fife stated that, "It is my opinion that Mr. Valentin has never had any cognitive difficulties that would impair his ability to understand the required elements of entering this type of plea agreement. His primary diagnosis is not a psychotic disorder but Antisocial

Personality Disorder.” She concluded that Mr. Valentin did not have a psychiatric diagnosis at the time he entered his plea that would have prevented him from doing so knowingly and voluntarily.

Mr. Valentin has consistently been diagnosed with Antisocial Personality Disorder. As indicated in a psychiatric evaluation in 2004 by Ira Packer, Ph.D., “this disorder is marked by: failure to conform to social norms with respect to lawful behaviors (both prior to and since incarceration), deceitfulness (as evidenced, for example, by his denying that he has been involved in illicit activities at Bridgewater State Hospital despite clear evidence to the contrary), impulsivity, aggressiveness as indicated by repeated physical fights and assaults, reckless disregard for and violation of the rights of others has been evident since the age of 15 and prior to that he also engaged in behaviors that would have qualified him for a diagnosis of Conduct Disorder. Mr. Valentin has engaged in both impulsive behaviors (in assaulting others and also in self-injurious behaviors while incarcerated) as well as predatory and premeditated assaults. During his previous hospitalization at BSH he took advantage of privileges afforded to him to engage in illicit trafficking in both marijuana and tobacco and was involved in a number of assaults on other patients.” Also in a 2004 psychiatric evaluation by Scott Bresler Ph.D. he opined that Mr. Valentin’s risk of harm is “largely driven by his antisocial personality and psychopathic traits.” In addition, Dr. Bresler concluded that his reactive symptoms were primarily due to his long period of incarceration in seclusion.

Mr. Valentin has also been diagnosed with Post Traumatic Stress Disorder stemming from childhood abuse and neglect, and exasperated by his experiences in prison, in particular his years spent in segregation. Most experts agree that any period of prolonged placement in segregation may worsen Mr. Valentin’s aggressive and self-injurious behaviors; however, mental health experts also agree that psychiatric hospitalization is not an effective treatment plan for Mr. Valentin, and that he has a history of taking advantage of the vulnerable population in the hospital environment. Mr. Valentin has therefore presented numerous challenges to those charged with overseeing his incarceration and his mental health care.

Mr. Valentin stated that he was unaware of the fact that he has consistently been diagnosed with Antisocial Personality Disorder. This is despite having knowledge of his Post Traumatic Stress Disorder diagnosis that has been included in the same psychiatric evaluations. Mr. Valentin also claimed to have no knowledge of what Antisocial Personality Disorder indicates, nor has he engaged in any specific treatment to discuss and address this diagnosis. Mr. Valentin however, claims to have invested in mental health treatment and stated he has worked very hard to address and treat all of his symptoms. Given the numerous and consistent psychiatric evaluations, the Board has significant concerns that Mr. Valentin has such a lack of insight into how such professionals have viewed his behavior, and thus he has not been addressing the most pertinent issues in treatment. Mr. Valentin would prefer to focus on his Post Traumatic Stress Disorder, which clearly has more association with his being a victim of maltreatment. In addition, Mr. Valentin has been among the most difficult inmates to manage for a variety of reasons, yet his proposed parole plan is one that is not suited for a person with such significant mental health and adjustment needs.

The Board notes that Mr. Valentin appears to be on the path of making significant progress in his institutional behavior. In January of 2012, Mr. Valentin began the process of renouncement from his gang affiliation. In 2008, Mr. Valentin began to engage in more programming. Some of his programming has included violence prevention programs, GED preparation, and the Residential Treatment Unit, which provides specialized mental health treatment. He has also recently held institutional employment. Mr. Valentin’s decision to begin the renouncement process and engage in rehabilitation does demonstrate that he is willing to

make an effort to address his needs. The Board recognizes that Mr. Valentin was very young when he murdered Mr. Rodriguez, and that Mr. Valentin reports a significant history of abuse that has clearly negatively impacted his development and ability to live a productive life. The Board also recognizes that his maladaptive coping skills were likely worsened by his years spent in mandated segregation. That said, whatever the complex etiology is of Mr. Valentin's symptomatology, he has demonstrated that he continues to behave in a destructive and anti-social manner, requiring the most intensive level of incarceration. In addition, Mr. Valentin does not appear to acknowledge or agree with the many expert opinions citing his antisocial behaviors.

The Board encourages Mr. Valentin to acknowledge, and accept all of the personality traits that have consistently been reported by numerous evaluators. Mr. Valentin can only fully rehabilitate if he is able to invest in meaningful treatment that allows for real change, thus he must first begin to understand all of his mental health needs. As indicated, Mr. Valentin has displayed the most violent, dangerous and self-injurious behaviors throughout his incarceration. His level of rehabilitation needs to include a long period of time in which he has demonstrated positive coping skills, pro-social behavior, and a clear ability and desire to conform his behavior to societal norms. The Parole Board concludes that he would likely re-offend if paroled and that his release into the community is not compatible with the welfare of society. Mr. Valentin's request for parole is denied, with a review in five years.

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.


Caitlin E. Casey, Chief of Staff

4/24/13
Date