



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

Telephone # (508) 650-4500
Facsimile # (508) 650-4599

Josh Wall
Chairman

DECISION

IN THE MATTER OF

DANIEL DEROSIA

W44819

TYPE OF HEARING: Review Hearing

DATE OF HEARING: December 17, 2013

DATE OF DECISION: February 25, 2014

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

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 writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On April 27, 1988 in Berkshire Superior Court, Daniel DeRosia was found guilty of five counts of rape and abuse of a child for which he received five concurrent life sentences. He was also convicted of indecent assault and battery on person 14 or over and indecent assault and battery on a child under the age of 14. He received concurrent sentences of 3 to 5 years and 8 to 10 years respectively. There were four male victims, all under the age of 15.

On February 4, 1988, DeRosia was admitted to the Massachusetts Treatment Center for 60 days observation and was found to be a Sexually Dangerous Person by Dr. Mack and Dr. Leavitt. On April 27, 1988 he was adjudicated a Sexually Dangerous Person in Berkshire Superior Court. He was committed to serve one day to life. This commitment still stands.

DeRosia befriended the young boys during the summer of 1987. DeRosia allowed the boys to spend the night at his apartment in Adams and furnished them with beer. It was during these overnight visits to his apartment that these crimes occurred. The sexual acts included oral sex on numerous occasions by DeRosia on the boys. Two boys also testified that DeRosia and his co-defendant Stanley Lipka engaged in oral sex in front of them during one of their visits to the apartment. The boys also testified that they were forced to touch DeRosia's penis.

II. PAROLE HEARING ON DECMEBER 17, 2013

This is Daniel DeRosia's first parole hearing. He postponed the hearing in 2002, 2007, and in February 2013. DeRosia began the hearing questioning his sentences, as he stated that he was sure he was serving only one life sentence. He was also confused about the structure of his other sentences. DeRosia presented throughout the hearing with difficulty organizing his thoughts and communicating with the Board. DeRosia acknowledged that he is being treated for a major mental illness. The Parole Board reviewed his mental health history as it relates to his offenses and request for parole.

DeRosia stated that he understood that he has been civilly committed as a Sexually Dangerous Person and he was requesting that the Board parole him so that he can serve his sentence in a different part of the prison, where he believes he would receive better treatment. The Parole Board reviewed DeRosia's history of sexual offenses that resulted in convictions. In 1973, at age 18, DeRosia committed an indecent assault and battery on an eight-year-old boy and received a suspended sentence. In 1975, he was charged with indecent assault and battery on a seven-year-old boy and the case was placed on file. In 1976, DeRosia was charged with raping a 13-year-old boy and was convicted of unnatural acts with a suspended sentence. Two years later, he was charged with raping a 15-year-old runaway boy who moved in with him for two weeks. He was sentenced to a term of two and one-half years in the House of Correction. In 1984, he was again arrested and charged with indecent assault and battery on a 14-year-old boy. He was convicted and given a suspended sentence, which resulted in a one year commitment after a probation violation.

DeRosia did not respond specifically when asked about his history of sexual offending. He stated in his parole staff interview that the sexual acts he had with three "older boys" were consensual. He stated also during that interview that his co-defendant, Stanley Lipka, was his former roommate and partner. He stated that he did witness Lipka engaged in a sexual act with a boy. DeRosia denied the offenses for which he is convicted.

DeRosia has not completed the sexual offender treatment program, and, in fact, has received negative progress reports. He has incurred over 60 disciplinary reports, many of which are of a sexual or violent nature. The Parole Board addressed specific opinions outlined by his treatment team and the Community Access Board (CAB) with DeRosia. DeRosia disagreed with the assertions that he is not progressing in treatment, and that he remains a sexually dangerous person. DeRosia believes that he is not being treated fairly by his treatment providers and that in fact he has made a lot of progress. He specified that he has learned a lot about his own history of victimization. DeRosia provided conflicting information regarding his victimization of others. It remained unclear throughout the hearing if he viewed his sexual acts, with minors in particular, as being criminal. He also failed to provide any insights as to how his

behaviors have affected others. Such a lack of insight made it particularly difficult to engage DeRosia in meaningful dialogue.

DeRosia stated that he was most interested in convincing the Parole Board to parole him to his civil commitment so that he could move to what he perceived as a less restrictive part of the institution.

DeRosia had no supporters present or letters of support. The Berkshire District Attorney's Office submitted a letter of opposition highlighting DeRosia's history of sexual offending, lack of progress in treatment, and the fact that he is still deemed a sexually dangerous person.

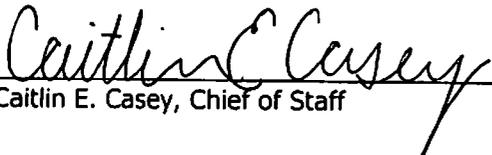
III. DECISION

Daniel DeRosia requested that the Parole Board parole him from his life sentences to his civil commitment. The Parole Board explained that such a request still requires that he meet the legal standard for parole. DeRosia has a history of sexual offending that is so egregious and harmful that there is no way to know how many people he has victimized. DeRosia continues to be deemed a sexually dangerous person because of his lack of progress in treatment and the continued risk he poses to the public. The most recent annual review by CAB in May 2013 notes that DeRosia remains a high risk to reoffend sexually against young boys, largely because there "is no data to indicate the Mr. DeRosia has gained the skills and insight he would need to counter sexual urges toward young boys; to obtain treatment for his mental illness; or to support himself in the community."

DeRosia has over 60 disciplinary reports, many of which are of a violent or sexual nature. He has not completed or progressed in the sexual offender's treatment program. DeRosia presented as a low functioning man with a profound lack of insight and remorse. He provided no indication that he is ready to progress in treatment.

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, it is the unanimous decision of the Parole Board that Daniel DeRosia is not a suitable candidate for parole because he is not rehabilitated. He will be provided a parole hearing in five years, during which time he should make a commitment to 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.


Caitlin E. Casey, Chief of Staff

2/25/14
Date