



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

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DECISION

IN THE MATTER OF

JAMES DOUGLAS

W67034

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: July 30, 2013

DATE OF DECISION: July 17, 2014

PARTICIPATING BOARD MEMBERS: Cesar Archilla, 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, 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 August 29, 1998, James Douglas, age 19, stomped on the stomach of a two-year-old girl, Amanda Brown, who was in his care. She was the niece of his live-in girlfriend, Karen Brown. According to Douglas, his reason for stomping on Amanda was to quiet her down, as she had been crying throughout the afternoon. Douglas wanted to watch television and her crying annoyed him. Douglas thought that he had hurt Amanda, so he checked on her about two hours later and found that the child was cold and not breathing. At that time, Douglas was also caring for his other children while Ms. Brown was outside with some of her sister's children. Douglas yelled for Ms. Brown to call 911. Emergency personnel arrived and attempted to revive the child. Amanda Brown died from blunt trauma to the stomach.

At the time of the murder, Douglas was on probation following a conviction of domestic assault and battery against Karen Brown, after he struck her in the head and face, injuring her. He had been found in violation of his probation because he did not enroll in the batterers' program as mandated and he did not report to probation as instructed.

On September 15, 1999, in Essex Superior Court, Douglas pleaded guilty to murder in the second degree. He later filed a *pro se* motion to withdraw his guilty plea and sought a new trial. His appeal was based on his claim that his plea was not done knowingly or voluntarily, and that he had ineffective assistance of counsel. The motion was denied.

II. PAROLE HEARING ON JULY 30, 2013

On July 30, 2013, James Douglas appeared for his initial parole hearing. The hearing was comprehensive and initially covered the facts of the case and the many inconsistencies that Douglas had reported during the investigation and his interview with parole staff. The hearing then focused on Douglas' level of rehabilitation.

Douglas stated that following his release from a DYS program, where he was living due to a history of juvenile offenses, he moved in with his girlfriend Karen Brown at her Haverhill apartment. At age 18, Douglas and Ms. Brown had one daughter, Janessa, and then had their second child, Robert. He admitted that his relationship with Ms. Brown was tumultuous and that he was arrested for hitting her in the mouth on one occasion. Ms. Brown was granted a restraining order following that incident, but they reconciled days later. Douglas was placed on probation and ordered to take batterers' classes, with which he did not comply. He also failed to report consistently to his probation officer.

Douglas was asked about past restraining orders from two other females. He admitted that prior girlfriends had been granted restraining orders against him, but denies any physical violence involved. Douglas relayed various explanations for the restraining orders, but denies that he was abusive. Douglas' pattern of physical and verbal abuse in several relationships became apparent, however, as the hearing progressed.

At the time of the murder, Douglas stated that he and Ms. Brown at times were caring for her sister's children, which included the victim. Douglas described his relationship and home situation as stressful and chaotic. Douglas stated that Ms. Brown also was pregnant with their third child. Douglas gave contradicting answers as to whether he was working or abusing substances at this time. He initially stated that he was working a lot to support his family; however, it became clear that he was unemployed when he committed the murder.

Douglas reported that he did not have a good relationship with Amanda Brown, the victim, and admitted that was because Amanda seemed to be afraid of him. When asked if reports were true that he had previously hit Amanda hard enough to knock her down, and that he would often push her and swing her by her feet, among other abusive acts, Douglas denied this. He could not provide an insightful answer as to why Amanda would fear him. Douglas denied hitting any of the children. He denied being violent towards anyone and that his conduct on the day of the murder was an isolated incident. Douglas denied that he ever lost his temper with any of the kids in his care before. The Parole Board also questioned why he would, soon after the murder, make statements taking responsibility for stomping on Amanda,

causing her death, and then days later insist that Ms. Brown was the one who injured Amanda. Douglas admitted that his attempts to blame Ms. Brown were wrong and shameful, and he attributed his inconsistencies to being scared and overwhelmed with emotions at that time. When asked about his current relationship with Ms. Brown, he stated that he does not have a relationship with her and that he last had contact with her in 2009. Department of Correction visitor cards document, however, that Ms. Brown has visited Douglas numerous times from 2008 to 2011. Douglas denied that he received these visits. He insisted that he stopped contact with Ms. Brown in 2009. It was later learned that based on another one of his visitor cards, that Douglas is involved in a new relationship with a woman who uses his last name. He denied being married to this woman, but stated that he would eventually like to live with her. When asked why he withheld this relationship, Douglas stated that he did not know.

Included in the contradictory statements made during the hearing were the details of the amount of pressure he applied when he stomped on Amanda, what other forms of abuse he likely inflicted and what her condition was following this violent act. Douglas was confronted with statements he has made that Amanda continued to play after he stomped on her. He was provided with findings from the autopsy reports and responded, "I don't know how that happened" (referring to the extent of the injuries). The Parole Board pointed out that some of the injuries were old, to which Douglas stated "maybe Karen did them or caused them or maybe the CPR caused some of the injuries." The Parole Board made it clear that the evidence is not consistent with his allegation.

Douglas also has a history of poly-substance abuse including marijuana, alcohol and cocaine. He does not consider himself as having a substance abuse problem, but rather stated he had a history of weekend use. It was unclear whether substance abuse played a role in the murder of Amanda. Douglas tested positive for morphine in 2004, but insisted that was from a poppy seed sub he received from a staff member. The sample was sent for a second test, which revealed no presence of morphine. Douglas then stated that he lied about having the poppy seed sub and only made up that story to explain the initial positive drug screen. He has not had any other known issues with substances while incarcerated, and denies that he has used any alcohol or drugs.

In terms of his overall institutional adjustment, Douglas was asked about the most serious of his disciplinary issues which involved filing a false report that he was forced to perform sexual acts with an inmate. Following an investigation, Douglas was found to have willingly engaged in such sexual acts. The accused inmate retaliated by stabbing Douglas. Douglas' most recent disciplinary report was just prior to the hearing for using insolent language. Douglas views his conduct as being primarily positive and emphasized his programming as having transformed his thinking and behavior. Douglas has engaged in several programs relevant to his criminal needs; however, did not start to invest in such programs until 2009 or 2010. He is receiving mental health treatment for depression and anxiety. The Parole Board questioned how meaningful his programs were when he has continued to display a significant level of minimization and deceit. Douglas insisted he was telling the truth, but recognized that his answers could lead to the conclusion that he has been lying.

Douglas' sister spoke in support of parole. Speaking in opposition to Douglas' parole were several members of Amanda Brown's family, including Amanda's mother, who vehemently contradicted the amount of time that Amanda spent with her sister and Douglas. She also

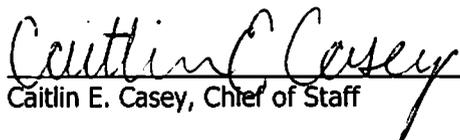
portrayed Douglas as an abusive person. Essex Assistant District Attorney Elin Graydon spoke in opposition to Douglas' parole citing the brutality of the crime, Douglas' lack of rehabilitation, and his continued misrepresentations of the offense.

III. DECISION

James Douglas murdered a two-year-old girl who was in his care by beating and stomping on her. He has provided varying accounts of the offense since he was arrested, even blaming his girlfriend for Amanda's death. Douglas has recanted prior statements only to create other versions that minimize the brutality of the offense and his actions following. He only began engaging in rehabilitative programming in 2009. Based on all the evidence, the Parole Board concluded that at the hearing, Douglas continued to misrepresent, distort, and minimize his conduct both before and during the murder. He displayed a profound lack of insight into his need for significant rehabilitation. Douglas has a serious juvenile record consisting of violent offenses. Following his commitment to DYS, after Douglas aged out, his violent behavior continued, ultimately resulting in the death of a two-year-old child. Douglas has a self-perception of a non-violent, hard-working man who was a good father. He fails to recognize that he has still not developed the skills of self-evaluation and improvement, and that he needs significant rehabilitation.

The standard we apply in assessing candidates 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 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 that Mr. Douglas is not a suitable candidate for parole because he is not rehabilitated. He will be eligible for a review hearing in five years, during which time he should seek rehabilitation through programs for anger, violence, lack of empathy, criminal thinking, and lack of candor.

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

7-17-14
Date