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Psychosocial Evaluation

Subject: Steven Hayes (d.o.b. 5-30-63)

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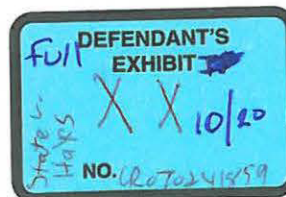
Interviews: Steven Hayes, December 29, 2008 3 hours.
Steven Hayes, February 5, 2009 2 hours.
Rosalie Bessette, January 19, 2009 1.5 hours.

Other materials reviewed: Records provided by the Office of the Public Defender, including educational records, employment records, parole records, community agency records and Department of Correction records

Family Background

Steven Hayes was born May 30, 1963 in Homestead, Florida, the oldest son of James and Diana Hayes. The family relocated to Bristol, Connecticut within a few years of Steven's birth. Two younger brothers were born, Matthew in 1965 and Brian in 1971. Steven has little memory of his childhood. He initially described his early years as not particularly happy but "normal." In a subsequent interview he reported that there was much discord in the family because his father wanted a daughter and let his wife and sons know that he found them inadequate. Steven denies that his parents fought physically. His parents separated when he was about nine or ten years old, and his father moved to New Jersey. Steven reported that the reason for the break-up was that his father had an extra-marital affair. After Steven's father left the family, things became more difficult financially and emotionally. After that time Steven cannot remember anything good happening. Mrs. Hayes struggled to support her three sons as a housekeeper and moved many times, first to Southington and later to Winsted, New Hartford, Canton, and Torrington. Mr. Hayes maintained little contact with the family and provided little support.

Soon after his father left the family, Steven began drinking alcohol and getting in trouble with the law (see below). He went to live with his father in New Jersey when he was 13 or 14 years old, with the hope that his life would improve and he would stop getting in so much trouble, but his father soon sent him back to Connecticut when he was arrested. Since that time, Steven has had almost no contact with his father.



Steven's younger brother Matthew moved with Steven to New Jersey. Matthew remained with their father after Steven returned to Connecticut and Steven saw little of his brother after that. Matthew currently lives in Washington State and has no contact with Steven. Steven's youngest brother Brian grew up in Connecticut living with Steven and their mother. The brothers had a distant and often-conflicted relationship, with Steven frequently separated from the family in prison. Brian currently lives with Diana Hayes in Winsted, CT.

Diana Hayes, Steven's mother, remained the member of the family closest to Steven throughout his life. She attempted to support him by providing him with a place to live when he was out of prison and several times moving to a new town to give him a fresh start. Steven described his mother as "my greatest enabler." According to Rosalie Bessette, Steven's former girlfriend and mother of his children, Mrs. Hayes drank a lot and was often verbally abusive when Steven was a child and throughout his life. The source of this information is unclear. While Ms. Bessette believes that Mrs. Hayes's alcoholism fueled the discord in the family that led to the break-up of her marriage, Steven denied that his mother bears any responsibility for the early difficulties at home and maintained that his mother's drinking is attributable to overwhelming disappointment and embarrassment over his repeated failures.

Steven met Rosalie Oliveri when he was 17. She was the niece of a neighbor in Winsted. He was immediately attracted to Rosalie and began a relationship with her that lasted for many years. They had two children together, Steven, Jr. in 1990 and Alicia in 1992. According to both Steven and Rosalie, they had a special bond that lasted despite his frequent arrests and incarcerations. They lived together when he was out of prison and she "held things together" when he was away. Rosalie reported that Steven was a good father in the sense that he enjoyed playing with his children, however he was incarcerated for most of their lives and did little to support them financially even when he was not incarcerated. Rosalie described Steven as having a sweet and vulnerable side that drew her to him despite his wild behavior as a teenager (e.g., drug use, criminal activity, reckless driving) and his inability to assume adult responsibilities (e.g., consistent employment, reliable parenting of their children). Eventually Rosalie tired of supporting the family alone and married Archie Bessette in 2001. Nevertheless, she remains emotionally supportive of Steven and has been his only visitor during his current incarceration.

Education

Records of Steven's education are limited, but records from Bristol and Southington public schools document that he had significant difficulties from the earliest grades onward. A nursing note from Steven's Bristol school records in October 1970 describes him as "hyperactive – on meds." He was referred for special education services in Bristol when he was in the second grade. The referral note dated 3-18-71 described Steven as having "immature speech and behavior, short attention span, eating inedibles and

instigating trouble.” There are no records available regarding his special education program but his grades were mostly C’s and D’s.

Steven transferred from Bristol to Southington schools in 1973, where he attended through the ninth grade. There are no records of any further special education or other intervention. Standardized testing showed Steven’s overall intelligence to be within the average range (Iowa Tests of Basic Skills administered Sept. 1995). By junior high school his grades were mostly D’s. Steven stated that he did not like school, especially in junior high. He felt he didn’t fit in, often skipped school and didn’t do his work. Steven reported that he continued to be unsuccessful in high school but he was less unhappy because he found a peer group with whom he could drink and get high. High school was interrupted by several arrests and incarcerations. When tested at Cheshire Correctional Institution in 1981 (age 17) his achievement scores ranged from 7th to 10th grade. The last school Steven attended was in Canton, where he dropped out in the 12th grade. He received his GED in 1981 at age 18.

Steven participated in numerous educational and vocational training programs while incarcerated, receiving certificates in food services, wood shop and commercial driving.

Employment

Steven’s work history consists of short-term employment between his frequent incarcerations. He worked many food service jobs as well as in auto mechanics, landscaping, sales and general labor. He appears to have obtained work quickly upon release from incarceration and sometimes worked two jobs at once. Both Steven and Rosalie report that he worked for several years in the 1980’s and 1990’s for a family owned landscaping business. There are no formal records of employment lasting beyond a few months.

Substance Abuse

Steven’s history is dominated by poly-substance abuse. He reported that he began drinking at age nine or ten, when he and a neighbor boy took beer from the family refrigerator. Soon after that he began smoking marijuana. According to Steven, his childhood and adolescence were dominated by the search for drugs and alcohol. He reports getting high as often as possible, with drugs, particularly marijuana, being the only thing that made him feel good. As he got older, he got high more frequently, as drugs became easier to obtain. When he was 12 or 13, older teens gave him lists of cassette tapes to steal from stores, and he would trade the tapes for marijuana. When he was about 13, he began committing burglaries, looking for cash so that he could buy drugs. By the time Steven was in high school, he had found a group of friends with whom he “partied” as often as possible. He describes trying many different drugs, including LSD, cocaine and heroin, but he preferred marijuana. He did not like the sick feeling he experienced when he drank too much alcohol or when he tried heroin. He reported that he liked powder cocaine when it was available at parties, which was not often. When interviewed for this report, Steven stated that he did not begin smoking

crack cocaine until he was nearly 30 years old. Other records state that he was smoking crack by age 18. In either case, his use escalated quickly.

Steven described most of his life being preoccupied with obtaining drugs and getting high, both in the community and in prison. While he remembers little of his childhood or early adulthood, his memory is filled with episodes in which he let important people down because he was seeking or using drugs. For example, he remembers going to a playground with Rosalie and his children when Alicia was about four years old. Alicia wanted to show him a gymnastics trick but Steven insisted on sitting in the car for a while to smoke a marijuana joint before going to watch. A few years later, a close friend was in critical condition in a hospital in Massachusetts and Steven did not go to visit him before he died because he was in a motel room on a crack binge. Looking back, these incidents stimulate enormous guilt and self-loathing, though at the time the drugs were so compelling that nothing else mattered.

Over the years, Steven attended substance abuse treatment many times, but experienced frequent relapse. Most of his treatment took place in prison. He also spent 5 months at the Warner House residential program in 1992. In prison, Steven participated actively in treatment and attended 12 step meetings, particularly after he returned to prison in 2003. Department of Corrections Addictions Services records from 2004 state that he "makes a good effort" and "appears serious about his recovery." Maintaining recovery in the community was much harder, however. Steven was released to a halfway house in 2000, but he clashed with staff over his insistence that he had to be able to keep his cell phone to make contact with his 12-step sponsor, and he was returned to prison for violating house rules. A few months later, in seeking parole release, he emphasized his need for support and structure to maintain his fragile recovery. He wrote, "I want to stay clean and out of jail. I need someone to tell me what to do" (3/14/01 letter to Parole Board). After being discharged from prison in October 2001, he lived successfully in the community until May 2003, when once again he began smoking crack, committed a series of auto burglaries and returned to prison. In 2006, Steven was again released to a halfway house but was reincarcerated for cocaine use after five months. Steven insisted that this time he did not use cocaine as indicated in the urine test and that he had been "set up" by staff at the house in retaliation for his complaints that the program did not give him the support he had been promised. Similarly, Steven reported struggling to maintain his sobriety on his most recent parole release in 2007. He attempted to attend 12 step meetings and appears to have understood that he needed to minimize the temptations of associating with drug-abusing friends, but he succumbed to a combination of job and family stresses and he began using again.

Criminal History

Steven's lengthy and repetitive criminal history is intertwined with his compulsive drug abuse. Juvenile records were unavailable for review, but Steven stated that he was first arrested for burglary and theft of a firearm in 1977, when he was 14 years old. He reported that he was sent to Long Lane School but was brought back before the court for attempting to grow marijuana plants in the reformatory, and the judge then sent him to

Mt. Sinai Hospital for psychiatric evaluation. He was discharged from Mt. Sinai after a brief stay due to insurance limits. According to Steven, he continued to be arrested but did not return to Long Lane.

Once Steven turned 16 and entered the adult criminal system, records document a continual series of arrests, convictions and incarcerations, mostly for burglary, forgery (bad checks) and larceny. The records available for review regarding Steven's adult criminal record consisted of computer print-outs listing only the title of the offense charged and not the details of the alleged criminal events. Steven's first adult arrest was for burglary and larceny in April 1980. He was placed on probation. He was arrested for additional burglaries in October and November of 1980 and sentenced to 5 years. It is unclear how long Steven served on this sentence, but he was arrested again in September 1982 for larceny and possession of a dangerous weapon; he was sentenced to 90 days. In August and September of 1984, Steven was arrested on multiple charges of burglary, larceny, theft of a firearm and possession of marijuana. He was sentenced to 2 years incarceration and 3 years probation. In May of 1986 he received 18 months for carrying a gun without a permit. He received a community release sometime in 1987. In April 1988 he was placed on probation for marijuana possession. In May of 1990 he received 3½ years for larceny. He was paroled in February 1991. Steven was returned to jail with new burglary and larceny charges in April 1992 and released on bond in September. In March of 1993 he was sentenced to 5 years for the 1992 burglaries. He was released to a halfway house in June 1996 and rearrested in September on 27 counts of larceny and tampering with a motor vehicle; he was sentenced to 5 years. Steven was again released to a halfway house in May 2000, but returned for violation of house rules in October.

Steven was discharged from prison in October 2001 and not rearrested until May 2003, when he was charged with a series of burglaries and larcenies from parked cars. In October 2003, he was sentenced to 5 years. The 16-month period preceding this arrest was the longest time Steven had spent in the community in more than a decade. Steven remained incarcerated until June 2006, when he was released to a halfway house. As noted above, he was charged with violating the conditions of his release in November 2006, when he returned from a furlough and his urine tested positive for cocaine. He was last released on parole May 3, 2007 and arrested on his current charges July 24, 2007 after less than three months in the community.

Steven's prior arrests and convictions fit a pattern of theft motivated by drug seeking. Steven's explanation of his previous gun possession charges as related to thefts of firearms that he intended to sell or trade for drugs appears plausible. He has no prior history of violent or sexual offending.

History of Exposure to Traumatic Events

Steven also experienced a number of other potentially traumatic events over the course of his life. In his late teens and early 20's, he witnessed several serious or fatal car accidents, including one where he and a friend were first on a fatal scene and witnessed badly mangled bodies and another in which he crashed into another car and believed he would die, but escaped without serious injury. When Steven was about 20, another young man accused him of breaking into his house and attempted to kill Steven by smashing his head into a large planter. In his 30's two very close friends died, one of cancer and one committed suicide by driving over a cliff. Steven reported that he later attempted suicide himself by driving at high speed at a large rock, however he was not seriously injured. When asked about the impact of these experiences, Steven stated that he cannot isolate a single event or group of events that has affected him, but he feels that his life, in general, has been overwhelming.

History of Mental Health Treatment

Prior to his current incarceration Steven had not received any comprehensive mental health evaluation or treatment. As noted above, he was treated briefly as a child for Attention Deficit-Hyperactivity Disorder. There are no records available related to this treatment. Both Steven and Ms. Bessette report that Steven's mother stopped his Ritalin treatment because she thought the medication made him drowsy and "out of it." Steven may have been evaluated as a child when referred for special education in Bristol, but there are no records and Steven has no memory of seeing any mental health professional. He reported being sent for evaluation to Mt. Sinai Hospital at age 14, but any records of this hospitalization are also unavailable.

As noted above, Steven was referred to several substance abuse treatment programs within the Department of Correction and in the community. He participated actively in drug treatment while in prison, particularly after 2003. He never participated in structured outpatient programs but reported that he did participate in 12 step meetings during his two or three most recent releases. He participated in a Catholic Charities group for inmates returning to the Torrington community in 2000.

Over the many years that Steven was incarcerated, he received sporadic psychiatric treatment within the Department of Correction. He was evaluated for potential suicidality on several occasions in 1981, 1996, 2001 and 2003. He was treated for anxiety and depression with a variety of medications, including, klonopin, remeron, elavil, resipirdal, mellaril and thorazine. Records document treatment for management of acute symptoms. There are no records of psychotherapy either in prison or in the community.

Current Mental Status

When interviewed for this report, Steven presented as profoundly depressed and suicidal. Particularly during his second interview, he was preoccupied with intrusive and repetitive thoughts of his current offense and other incidents in which he let important people down. He reported difficulty sleeping and recurrent disturbing dreams. He was agitated and fidgety. He was hopeless and despondent. He reported wishing to die and feeling as if he had already died. Steven did not report hallucinations or delusions. He was able to speak coherently and to answer specific questions about his past, though it was clear he was having difficulty concentrating. He stated that he could not pay attention well enough to read documents that his lawyers had requested him to review. His memory had large gaps, particularly for events of his early life. His insight and judgment were limited.

Summary

Steven Hayes appears to have been an odd and psychologically vulnerable boy whose early difficulties were not recognized or treated. Though his basic intelligence was average, he struggled academically and emotionally. His family did not provide either the nurturance or the structure he needed. Intervention at school was minimal and ineffective. While it is unclear what level of discord and disorganization Steven experienced prior to his father leaving the family, it is clear that the family environment deteriorated after that point. His mother drank more. The family moved repeatedly. At a very early age Steven became involved in drug and alcohol abuse as a self-soothing mechanism. Compulsive drug seeking led to repeated criminal activity, mostly burglary and larceny. Steven also experienced early sexual abuse by a babysitter, which likely contributed to his sense of himself as different, isolated and not fitting in. His sexual abuse also initiated a sexual fetish that became as preoccupying and compulsive as his involvement with drugs.

Steven has spent most of his late adolescence and adult life in prison. High school was interrupted by arrests and incarceration. Early job experiences were similarly interrupted. Each crime and subsequent incarceration seems to have reinforced the pattern. Given his repeated incarceration, he never was able to develop the capacity to function productively in the community. When he tried to interrupt the cycle of substance abuse and crime, he found the path to recovery more difficult than he imagined, and he relapsed frequently. He seems to have had few skills or relationships that he could rely on for support. He easily become frustrated and fell back on the only behavior he knew.

Steven presents as a depressed and anxious man who is tormented by thoughts of what he has done or failed to do and the ways that he has let down friends and family members who have cared about him. In conversation he alternates between a focus on his extensive failings and worthlessness and a perspective in which he had no choices and his criminal activity seemed to just happen. He presents as a needy and empty man who depends on others to organize his thinking and behavior. As he wrote to the Parole Board in 2001, "I need someone to tell me what to do."

Mary M. Brockman, Ph.D*

Dated: 3/30/09

*pseudonym