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28 October 2015

Honorable Charlie Baker
Executive Office of the Governor
State House Room 360
Boston, MA 02133

Dear Governor Baker

I have been confined to the Massachusetts Department of Corrections for 33 years. I am a Afro-Puerto Rican who a jury of twelve white men convicted of sexually assaulting a white woman. A judge sentenced me to life. I had no prior history of crime or violence. US Army service. I attended the middle school and the high school in Leominster before dropping out in 1982 as a junior to enlist in the Army. I was president of the high school minority student body. All evidence-based assessment tools indicate that I am a very low recidivist risk.

In 1998, after fifteen years in prison, I became first eligible for parole. I had job offers that included a office manager for a former superior court judge. I had a variety of housing options. Dr. John Silber, President of Boston University, offered to let me stay with his family. I had earned a degree from BU, magna cum laude. I had a letter offering me an opportunity to join the Creative Writing Program if released on parole. I was denied parole for not accepting responsibility for the crime I stood convicted. I have since been denied parole 4 times for the same reason and nothing is expected to change in the foreseeable future. I was last denied parole earlier this year. In April 2015 report senior parole analyst Eric J. Crane said: "He does not present any management concern." But I asserted actual innocence and that presents a political concern to some public figures. The case is still under appeal. I am writing to share some thoughts about the state parole board.

I believe the state parole system should be scrapped and remodeled after the Federal Parole Commission. Governor, I would be the first to recognize the great value that a criminal

justice system has to any civil society. You should not offend the social order with a crime and not expect to pay the price. But once an offender has paid the price set, as prescribed by a judge, an offender should not have to pay forever. Despite assurances that decisions are evidence-based, the state parole board cannot predict who will reoffend any more than a monkey can favor who is and who is not holding a banana. In some instances, the monkey may have the advantage.

One reason parole decisions cannot be scientifically based is that such are political in nature. Every parole candidate presents a risk to a political career. The parole panel members are called not only to determine the suitability of a candidate, but also arbitrate appeals from a parole denial. After a public hearing, some second-degree lifers wait up to a year to hear from the board. (In New Hampshire, for example, parole rulings are made public within hours of a hearing.) These delays not only frustrate the families of victims and parole candidates, but erode public confidence over the secrecy of the behind the scenes process.

Some members have used the parole board as a springboard to judgeships. Others have been made to resign over idiotic parole releases that ended up making headline news. Some members have used the public hearing platforms to grandstand and pitch prosecutors for jobs when their parole term expires. The list of names may be short, but some parole members acted as if they felt open resentment that for all their risk, exgovernor Deval Patrick left office without assigning them lucrative jobs. The ghost of Willie Horton and Dominic Cennelli will haunt parole officials for the foreseeable future. And that may be the most important reason to dismantle the current parole system in favor of the Federal Parole Commission model.

The prison system has powerful advocates. Prison profiteers, who provide 7 cents per minute telephone calls to healthcare companies that charge prison pharmacies \$1000 per pill for Hepatitis C, are lobbying for prison funding increases despite lowering crime rates. The prison guard union is the most powerful and feared in state history.

Governor, I have served 33 years in prison, even though I could have been freed after 2-years. I rejected a plea bargain offer

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prior to trial and I have not seen a freedom day since. In April 2015, a prosecutor openly admitted to the parole board that a pretrial plea bargain had been discussed and rejected. This revelation is consistent with a long record, starting in 1989, that a 2-year plea had been offered. In spite of this admission, which the parole board taped on a DVD system, an eight page parole denial does not include a single reference to such a plea bargain. I was more offended that the parole board askew the ruling in such a despicable way than the fact that they felt I did "not meet the legal standard for parole release based on reasons indicated in the written decision."

In the end, if the parole board's only purpose is affording entry level jobs to the sons and daughters of the political class, than why not scrap it in favor of the federal model. The millions in savings can be put to fund early crime preventtive initiatives, anti-gang campaigns, opiate addiction treatment programs and perhaps even job-training.

On a personal note, please do not let any taint of the messenger cloud the merit of this message. The politicization of our parole system affects not only those behind bars, but the family and future offsprings of those left behind. While one class of individuals pay their mortgages and send their children to college as part of the mass-incarceration movement another class of citizens fall greater behind in a variety different indicators and scales.

Sincerely (for sure)



Ben LaGuer