



*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety*  
*Department of Correction*  
*North Central Correctional Institution*



**Charles D. Baker**  
Governor

*500 Colony Road*

*P. O. Box 466*

*Gardner, MA 01440*

**Thomas A. Turco III**  
Commissioner

**Karyn E. Polito**  
Lt. Governor

**Paul Dietl**  
**Bruce I. Gelb**  
**Michael G. Grant**  
**Carol A. Mici**  
Deputy Commissioners

**Daniel Bennett**  
Secretary

*(978) 630-6000, Fax (978) 630-6040*

**Colette M. Goguen**  
Superintendent

October 24th, 2017

Benjamin Laguer W40280 T3 320 B  
North Central Correctional Institution  
500 Colony Road  
P.O. Box 466  
Gardner, MA 01440

Dear Benjamin Laguer:

The NCCI Records Department has completed your request for the Criminal Offender Record Information. Enclosed are your records pursuant to this request.

I trust this addresses your current concerns.

Sincerely,

Roxanne F. Altieri  
Records Clerk  
cc: Six-Part Folder

# Classification Report

Name: BENJAMEN LAGUER

Commitment#: W40280

Institution: NCCI GARDNER

Commitment Date: 19840217 DOB: 19630501 Status: ACTIVE

Unit/Cell/Bed: THOMPSON-3,320,B

Class Type: Subsequent Hearing Sec Level: Medium

PE: 19980715 Release Date :

<u>Objective Classification - Reclassification</u>	<u>Score</u>
1. Severity of Current Offense Highest	6
2. Severity of Convictions within the last 4 years None	0
3. History of Escape or Attempts to Escape	0
4. History of Prior Institutional Violence within the last 4 years None	0
5. Number of Disciplinary Reports within the last 12 months None or One	0
6. Most Severe Disciplinary within the last 18 months Category 3 D-Report Number: 382706 Date of D-Report: 20170227	3
7. Age 54	-2
8. Program Participation or Work Assignment Currently on a program or work wait list or actively involved in a program or work assignment	-1
<b>Total Reclassification Score</b>	<b>6</b>

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Preliminary Custody Level Recommended:    Minimum or below

Applicable Restrictions for Purpose of Overriding Scored Custody Level:

Non-Discretionary Minimum Custody Restrictions:

Facility Commissioner  
Designee            Designee

               Code C: Possible Civil Commitment - Inmates who are  
subject to civil commitment post release are not to be  
considered for minimum or below.

Applicable Restrictions Rationale and Final Custody Levels:

Facility Designee Final Custody Level Recommended:    Medium

Facility Designee: BJMCNALLY

Commissioner Designee Final Custody Level Recommended:

Commissioner Designee:

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### Board Recommendation:

Date: 20170510      Level: Medium      Site of Hearing: NCCI GARDNER  
 Institution: NCCI GARDNER      Vote:  
 Screen For:      Chairperson: McNally, Brian  
 Placement Site:      Board Member 1:  
    Security Board Member:

### Board's Rational:

Remain NCCI-Gardner @ medium security. OPBS=6 with Non-Discretionary Code C

Review Date:      20180510      Reviewed By:  
 Next Case Plan Date: 20180510

User(L,F,M,S): Brian McNally

Advised of Recommendation    Yes [X]    No    [ ]    Early Parole      [ ]    Work Crew    [ ]  
 Advised of Appeal Process    Yes [X]    No    [ ]    Education Release [ ]    PRA      [ ]  
 48 Hour Notification      Yes [ ]    Waive [X]    Work Release      [ ]    PRA Hours  
    Public Speaking    [ ]    Others

### Classification Appeal

Reason for appeal

### Superintendent/Designee Recommendation.

Level: Medium      Institution: NCCI GARDNER      Date: 20170517  
 Screen For:      Placement Site:      Recommendation: REMAIN  
 Reason/Condition  
 Non Discretionary Code C noted.

User(L,F,M,S): Bryan Johnson  
 Early Parole    [ ]    Work Crew [ ]    Education Release [ ]    Work Release [ ]  
 Public Speaking [ ]    PRA      [ ]    PRA Hours      Others

### Superintendent/Designee Appeal Decision.

Superintendent/Designee:      Date:      Decision:

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## Commissioner/Designee Decision.

Level:                      Institution:                      Date:  
Screen For:                      Placement Site:                      Recommendation:  
Reason/Condition

User(L,F,M,S):

Early Parole [ ]                      Public Speaking [ ]                      Education Release [ ]                      Others

## Commissioner/Designee Appeal Decision

Commissioner/Designee:                      Date:                      Decision:

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## Miscellaneous Information

PST     SOR     Pending Review     Not Reviewed       Prior Commitments

## Demographic Information.

Alias     Age 54      Place of Birth NEW YORK,NY      Last Residence LEOMINSTER,MA  
Race BLACK      Hispanic   
Citizenship UNITED STATES OF AMERICA (USA)      Cultural Influence AMERICAN

## Sentence Information

Eff	Commit	Offense	Sentence	Min	Max	GCD	Sentence
19830716	19840217	UNARMED ROBBERY	12Y TO 15Y	19950715	19980715		[ ]
19830716	19840217	Building; B & E w/int. to comm	12Y TO 15Y	19950715	19980715		[ ]
19830716	19840217	AGGRAVATED RAPE	TO Life with Parole				[ ]

Parole Date 19980715      Parole Information   
Hearing 20150423    Result Denied      Next Review 20200401      Expected Date

## Legal Issues

Docket #	State	D.O.W	Warr Type	Charges	STP Filed	Habe Date	Disposition	Sentence Held as Warrant
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## Court Costs/Fees/Fines

Type	Amount
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## Official Version

Date Requested: 19830810    Request made to: Attorney General Office    Date Received: 19830811  
Source: WORCESTER

Summary of Official Version: On 07-13-83 at approximately 5:10 a.m., Leominster Police were dispatched to the Waterway Apartments on Water Street. A woman was screaming for help. Police responded and entered Apt.# 102 and found a woman with her hands and ankles tied with a cord and reporting that she had been beaten and raped vaginally, orally and anally.

At approximately 9:00 p.m. on July 12,1983, a man broke into the victim's apartment, turned off the light, "socked the side" of the victim's face, threw the victim to the floor, and raped her



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# of Parole Violations	0	Federal	0
# of Weapons Violations	1	Ma.State	1
# of Parole Violations with the new crime	0	Out of State	0
# of Parole Viols for fleeing jurisdiction	0	County	0
# of Probation Violations	0	Out of Country	0
# of Probation Viols for fleeing jurisdiction	0		0
# of Defaults on Bail	0		0
# of Total Defaults	0		0
# of Fugitive	0		0
# of Crimes While Incarcerated	0		0
# of Misdemeanor Convictions	0		0
		<b>Total</b>	<b>1</b>

Probation/INS

<b>Probation</b>
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Docket #	Court	Offense	Eff Date	Terminate	Probation Date	Fine	Due	Dis position
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<b>Immigration Naturalization Service</b>
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Doc Referral Date	Date Lodged	Status	Invest Status	Hearing Date	Hearing Type	Disposition
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Security

<b>Escape History</b>
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<b>DISCIPLINARY REPORTS</b>
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D-Report	Date	Offense	Disposition	Sanction
382706	20170227	Possession, manufacture or introduction of an unauthorized tool *Being tattooed while incarcerated, tattooing another, or possessing tattoo paraphernalia and/or body piercing Possession of an altered appliance *Attempting to commit any of the above offenses, making plans to commit any of the above offenses or aiding another person to	PLEA GUILTY	Loss Canteen  NONE  House Restrictions  Dismissed





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20041002  
 20041013  
 20050428  
 20160509    HSR updated on 5/9/16  
 20170307

SUICIDE ATTEMPTS

Date                      Methods Used

Suicidal Ideation History [ ]                      Mental Health History [X]

**FAMILY INFORMATION**

Children - DSS Involvement [ ]    No of Children 0    Marital Status NEVER MARRIED

INCARCERATED RELATIVES

Commitment #	Name (L, F, M, S)	Location	Relation
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PROGRAMS/WORK

Degree	Vocational/Trade Licenses
High School	

**RISK REDUCTION PLAN**

Assessed Need Areas	Order of priority
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**WORK RELEASE PROGRAMS**

CWC Name	Start Date	End Date
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Work Release	Start Date	End Date
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US Military Service                      Yes [X]                      No [ ]

**INCARCERATION SUMMARY**

Current Review Comments

Inmate Benjamin Laguer W40280 was seen by the NCCI-Classification Board on 5/10/17 for a Subsequent Review . He remains housed in general population on the Thompson-3 unit and is a Feed-In for meals due to his medical condition. His last D-Report occurred on 2/27/17 for Possession of an altered appliance, he removed the motor of a damaged typewriter. He refutes the Official Version of his crime and continues to fight in the courts to prove his innocence. He reports no conflicts or PREA issues at this sitting. His compass reveals he is on the waitlist again for SOTP Introduction. He has refused involvement in the past equating participation in SOTP as an acknowledgement of guilt in this crime which he vehemently denies. He reports he is being treated for cancer and is in need of a Liver transplant, he also has multiple hernias he is dealing with currently. He is restricted from weight lifting and jogging sports but does walk the recreation yard. He also attends chapel services biweekly and visits the library frequently. His minimum health care coverage is rated a (B) facility with 5 day 1 shift staff. He is scheduled for Parole review on 4/1/20, he was last seen by the Parole

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Bd. on 4/23/15 when he received his 5th denial. His OPBS=6 with Non-Discretionary Code C utilized. Inmate Laguer has been issued a copy of his Personalized Program Plan. Emergency Contact Information updated. He was offered Class appeal form but declined.

## Prior Incarceration Summary

02-17-84 Sentenced and Committed to MCI-Cedar Junction  
02-19-85 Transferred to NCCI-Gardner medium  
05-11-94 Transferred to MCI-Norfolk  
05-20-05 Returned to SBCC maximum  
07-19-07 Transferred to NCCI-Gardner medium

Inmate Laguer is serving his first incarceration of anykind. He was sentenced on 2-17-84 to serve Life 2nd for Aggravated Rape, 12-15 yrs cc for B&E Bldg. with intent to commit, and 12-15 yrs cc for Unarmed Roberry. His record notes one lateral transfer and one return to higher security. On 2-17-84 he was committed to MCI-CJ and on 2-19-85 he was transferred to NCCI-Gardner medium security. On 5-11-94 he was transferred to MCI-Norfolk after the receipt of a d-report for smashing his ceramic mug into a barrel, resulting in a fragment of the mug striking an officer. Programming included Spanish NA, college courses and 1:1 counseling. Work assignments included Law Library (volunteer) and clerk. He has numerous d-reports the most significant were for fights with . On 04-09-92, on 10-01-84 and on 03-03-86, possession of homebrew (12-26-85), out of place, stealing 5 lbs of cheese and 1 gallon orange concentrate, possession unauthorized meds (1/2 Ativan), stealing 1 gallon grape syrup and stealing library books (2). On 3-20-05, an investigation concluded with the facts that on 3-13-05, inmates Benjamin LaGuer and were engaged in a verbal altercation within the dining hall area of Unit 7-3. As a result of I/M LaGuer making an offensive statement to both inmates agreed to proceed to I/M LaGuer's assigned cell in which a physical altercation occurred. As a result of this physical altercation, I/M LaGuer sustained a visible injury to the right side of his forehead, small scratch-type injuries on the right side of his neck and upper chest area as well as skinned knuckles on his right hand. sustained no physical injuries. Upon the Unit Officer conducting rounds I/M LaGuer staged a fall to disguise the fact he had been involved in a physical altercation. I/M LaGuer was RTHC SBCC on 5-20-05. Interdiction Unit, he completed the unit on 7-25-05. He incurred an additional d-report on 10/25/06 for possession of pornography. He was not program compliant.

He transferred again to NCCI-Gardner medium on 7/19/07. He has resided within general population and various housing units throughout the facility. He has amassed a number of d-reports throughout his incarceration. Since his return to NCCI-Gardner medium security he has incurred 4 d-reports (three guilty d-reports). The first one was on 3/13/09 a cat #4 for being out of place (CWOF'd); the second on 4-2-09 at cat #4 for circumventing the inmate telephone system and being part of a live radio broadcast, the third on 5/1/09 for cat #4 for being out of place; and the fourth on 6/23/09 for being in possession of pornographic material. Based upon nature of offense the SOTP (Sex Offenders Treatment Program) has been recommended. However it is noted that inmate refused to attend the SOTP Orientation on 8/6/09 and 7/1/10 he

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also refused to sign any SOTP refusal documentation. He was again recommended and on 6/7/12 he attended the SOTP orientation. At that time he signed to participate and was put on wait list. On 1/9/13 the date he was to begin classes he was a no show and thus terminated. He has continued to "claim" his case is under appeal and denies the underlying facts of the case and any participation is an admission of guilt. His most often institutional structured activities consist of; Chapel services, NA-AA meetings, inmate general library, weight-gym, and recreation yard.

On 4/13/14 inmate failed to show for a scheduled appointment (the SOTP orientation program), resulting in the receipt of a d-report (this was CWF'd).

He was seen by the Parole Board on 4-22-10. The MA Parole Board rendered its decision to deny parole on 5-20-2010, with a 5 year review. "The rationale for the denial is as follows: His insistence he is innocent, and he has not engaged in any significant sex offender treatment or rehabilitative programming of any kind; rather, he has focused all his energy on his appellate efforts. While this may be a reasonable strategy in view of his strong belief in his innocence, it also precludes the Parole Board from undertaking any meaningful inquiry into the question of his suitability for community supervision. Another impediment to parole is his troubling disciplinary history, including 4 serious D-reports in the past 15 months, 6 since his last hearing. Especially troubling is his most recent D-report, less than a year ago, for possession of a large number of pornographic images. This is the second time since his last hearing, that he has been charged with possession of pornography, and in view of his governing offense, such violations are especially concerning for the Board. Finally, the Board was troubled by Mr. Laguer's conduct during the hearing. In the Board's opinion, he was both combative and evasive during his appearance, particularly when he was subjected to questioning.

The Board also observed that in a number of instances, he was manifestly deceptive in his responses. In the Board's view, these negative personality traits would make community supervision difficult if not impossible. After careful consideration and following an exhaustive review of the large body of documentary evidence supplied by all interested parties, the Board has determined that, at this time, Mr. Laguer's release on parole is not consistent with the demands of public safety. His failure to take responsibility for his actions in spite of significant inculpatory evidence was but one factor informing our decision. As important were Mr. Laguer's willful failure to make productive use of the wide range of rehabilitative programming opportunities available to him in prison, his overall poor Disciplinary record, the combative demeanor and dishonesty he evinced at his hearing, and his prior record, including his military record. Parole is denied."

PRIOR Incarceration: None noted

D-REPORTS: 31

STG: claims none

ESCAPE: N/A

PAROLE: April 23rd 2015 was subjects 5th Parole Hearing (results) 5 yr set back next hearing 4/2021

COMPAS scores risk of violence low, risk of recidivism low.

CJIS: reviewed for restraining order \_no RO history noted.

PREA reviewed; Subjects claims no threats, no safety issues 4/16 jfm.

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Benjamin Laguer W40280 met before NCCI Gardner medium classification board subsequent review on 5/3/16. He has been on Thompson III receives positive housing evaluations since 11/2007. He is unemployed but continues to volunteer in the housing unit as a unit runner. Currently on waiting list to attend Sex Offenders Treatment Program. Other structured activities; Chapel services, library, recreation yard and track. He indicates he is chronic care for cancer (medical screen does not indicate this, information passed along to HSU Director for review. Laguer saw the MA Parole Board for the 5th time on April 23rd 2015 and was denied once again with a 5 yr setback.

#### Visits

He continues to get regular visits from mother, sister, friends and supporters.

#### Return Comments

#### Institution Comments

#### Administrative Chronology

Admission Date	Location	Admission/Release Description
17-FEB-84	UNKNOWN	New Court Commitment
19-FEB-85	*MCI WALPOLE	Transfer to an MCI
19-FEB-85	*MCI WALPOLE	Transfer from MCI
11-MAY-94	NCCI GARDNER	Transfer to an MCI
11-MAY-94	NCCI GARDNER	Transfer from MCI
09-JAN-02		Transfer from MCI
20-MAY-05	MCI NORFOLK	Transfer to an MCI
20-MAY-05	SOUZA-BARANOWSKI CORRECTIONAL	Transfer from MCI
19-JUL-07	SOUZA-BARANOWSKI CORRECTIONAL	Transfer to an MCI
19-JUL-07	NCCI GARDNER	Transfer from MCI

#### INMATE REQUEST

Institution	Programs
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McNally, Brian

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05/10/2017