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DECISION

IN THE MATTER OF

CHARLES INGEMI

W48453

TYPE OF HEARING: Review Hearing

DATE OF HEARING: September 23, 2014

DATE OF DECISION: January 13, 2015

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, Lucy Soto-Abbe

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 written submissions to the Board, we conclude by unanimous vote that the inmate is not a suitable candidate for parole. Parole is denied with a review in five years from the date of the hearing.

I. STATEMENT OF THE CASE

Between 1982 and 1989, Charles Ingemi terrorized his family, which included his wife and seven children. Department of Correction records reflect the children were between the ages four and 18 at the time of his arrest. Ingemi inflicted his family with fear, threats of bodily harm, physical violence, and repeated deviant sexual abuse in their home in Hull, Massachusetts. During this period of time, Ingemi repeatedly raped one adolescent daughter and continually sexually assaulted another daughter. In addition to sexual abuse, Ingemi repeatedly physically abused his children (including his son) which resulted in severe injuries. On numerous occasions, Ingemi threatened to kill his family in sadistic and violent ways. On January 18, 1989, Ingemi, then age 37, was arrested by Hull police after his wife reported the abuse.

On July 18, 1990, in Plymouth Superior Court, Ingemi was found guilty by a jury of rape of child and use of force and was given a life sentence. On the same date, he was convicted of two counts of rape of child and use of force and was sentenced to a term of 10 to 12 years to be served from and after the life sentence. In addition, Ingemi was found guilty of two counts of indecent assault and battery on a child under the age of 14 and was sentenced to a term of 8 to 10 years. He was also found guilty of assault and battery on a person over 14 and received a sentence of 3 to 5 years. All of these sentences were ordered to run concurrent to his from and after sentence. The effective date of sentencing was February 23, 1989, which, based on parole policy for crimes committed on or after January 1, 1988,¹ created a parole eligibility date of February 22, 2004.²

Ingemi appealed his case with the Appeals Court of Massachusetts on September 16, 1992 and on October 1, 1992, judgment was affirmed. See *Commonwealth v. Charles Ingemi*, 33 Mass. App. Ct. 1110 (1992). A motion for Further Appellate Review was denied by the Supreme Judicial Court of Massachusetts. See *Commonwealth v. Charles Ingemi*, 413 Mass. 1108.

The victims of the crimes were Charles Ingemi's two daughters and youngest son who were between the ages of 13 and 17 years old. There are no co-defendants in this case.

II. PAROLE HEARING ON SEPTEMBER 23, 2014

On September 23, 2014, Charles Ingemi, age 63, appeared for a review hearing following his 2009 initial hearing. Ingemi has served 25 years of a life sentence. If granted parole, Ingemi's case would be referred to the Plymouth County District Attorney's Office to determine whether he is a sexually dangerous person (SDP) under G.L. c. 123A, § 1, 12. If he is found to be an SDP, Ingemi would be committed to the Massachusetts Treatment Center. If cleared, Ingemi would be paroled to his from and after sentence.

Ingemi made no opening or closing statement. Ingemi testified that he believed he was denied parole in 2009 because the Board "wanted more programming out of" him. The Board then asked Ingemi about his program activity in the five years since his denial. Ingemi, who is presently incarcerated at the John J. Moran medium security facility in Rhode Island,³ testified that while he "put in for a lot of" programming, he could not access them. When asked what

¹ Since these crimes were committed prior to January 1, 1988, Parole Board policy required that the consecutive sentences be aggregated for parole purposes. See 120 CMR 200.08(3)(c), providing, "A sentence for a crime committed on or after January 1, 1988 which is ordered to run consecutive to a life sentence shall not be aggregated with the life sentence for purposes of calculating parole eligibility."

² Upon aggregating the consecutive sentences; two thirds of 10 years, (or six years and eight months) was added to the original parole eligibility date, which created an original aggregated parole eligibility date of October 22, 2010. Ingemi received 365 of earned good time thereby reducing his parole eligibility date to October 22, 2009. It was further determined that Mr. Ingemi received an additional 148 days of additional good time as of July 7, 2009 which set a new aggregate parole eligibility date of May 27, 2009.

³ Ingemi was incarcerated in Massachusetts between 1989 but was transferred to Rhode Island on June 22, 1998. Ingemi testified that while in Massachusetts, he "got into a lot of trouble with the other inmates."

type of programming he thought the Board would like him to utilize, Ingemi responded with "probably the sex programming." Ingemi testified that he participated in sex offender programming for thirty days, but that was all he was allowed to do. Ingemi contends that he is not allowed to continue programming until he can establish that he will be released within three years. His testimony about the availability of sex offender treatment is at odds with the description of sex offender treatment by the Rhode Island Department of Corrections (Rhode Island DOC) which provides that after completing a 30 day orientation period, the offender must choose in writing whether they will enroll in or refuse the program. Rhode Island DOC records confirm that while he completed the 30 day orientation, Ingemi has yet to enroll in the sex offender treatment program.

Ingemi testified that he participated in some programming, including Alcoholics and Narcotics Anonymous. He also has spent his time working in the sign shop and as a painter. Ingemi testified that he had not addressed his violent conduct through programming and continued to rely on his implausible explanation that he was precluded by Rhode Island officials from programming due to the nature of his life sentence. When asked about programming while incarcerated in Massachusetts for the first ten years of his sentence, Ingemi testified that he did not engage in programming. Rather, he "was getting into all kinds of fights" and claimed he was unaware that sex offender treatment was available to him. When asked about whether he had thought about his crimes in the past 25 years, Ingemi responded that he does "every day." Ingemi admits that he "did wrong. Definitely did wrong." When asked whether he thought he was suitable for release, Ingemi responded that he believed he was because he "believe[s] he could do the right thing." Yet, when pressed, Ingemi acknowledged his lack of programming and lack of effort towards positive rehabilitation.

Responding to questioning by the Board, Ingemi described his marriage and family life just prior to his arrest. By his account, Ingemi had a volatile relationship with his wife, which included periods of separation, a brief period of residency in Maryland, and returns to Massachusetts. A restraining order was taken against Ingemi while they resided in Maryland. Ingemi, his wife, and seven children eventually settled in Hull. In describing the abuse of his son, Ingemi minimized his conduct by testifying only that he would "push him around," hit him with his hand, or "slap him." Ingemi denied punching or hitting his son with objects. With respect to his daughters, Ingemi testified that he gave them "a slap here or there," but denied ever punching them. When the Board pressed Ingemi as to whether he raped his daughters, Ingemi continued his minimization by acknowledging that he raped "only one" of his daughters and denied any inappropriate touching or indecent assault of his other daughter.

When asked about the present state of his family, Ingemi testified that he did not know and explained that he was told that he could not be in touch with them. When asked whether he could guess as to why his family may not be together, Ingemi blamed any separation on the intransigence or indifference of his wife, rather than on the plain impact of his crimes. Ingemi claimed that his wife was unaware of the abuse he inflicted. Ingemi testified that he had "no idea" why he subjected his family to several years of physical and sexual abuse. When pressed, Ingemi testified that he "didn't know what happened" to him, and that he "had never done nothing like that before" in his life. Ingemi professed to be thinking about his crimes "all the time," but cannot figure out why he did it and was incapable of offering any explanation.

Ingemi could only offer that he tried to talk to a "psychiatrist" while in prison to address his motivation behind his terrible and serious crimes, but claimed he was precluded from mental health services. Ingemi testified that he wanted sex offender treatment, but insisted that it be on a one-to-one basis. Ingemi contended that the sex offender treatment in Rhode Island is run by other inmates whose crimes, according to him, were "10 times worse" than his own. Ingemi also expressed his reluctance to discuss his sexually deviant crimes in the presence of other offenders, which may be required as a part of any treatment.

It was only when the Board confronted him with the threats he made to kill his entire family did Ingemi acknowledge that he was a batterer. However, Ingemi testified that he has not engaged in domestic violence programming because he "never thought of it." The Board stressed that Ingemi must complete programming in anger management and domestic violence, in addition to sex offender treatment. Board Member Soto-Abbe pointedly remarked that he must engage in programming in these areas before his next hearing and that his lack of programming explained his inability to describe his criminal actions and thinking.

Ingemi denied issues with substance abuse. Ingemi claims he last had a disciplinary report seven or eight years prior to the hearing for having contraband in his cell. Rhode Island DOC records confirm that he last received a disciplinary report for "disobey" on December 26, 2006. As he had done in 2009, Ingemi presented no clear parole plan, should he be granted one. Ingemi has no supports in the community and claims no visits or contacts while incarcerated. Not surprisingly, Ingemi has no family support. Ingemi professed to be unsure of what he would do if granted parole. Rather than take responsibility for developing a parole plan, Ingemi instead would rely on the Board to give him direction.

No one spoke in support of parole at this hearing. Assistant District Attorney Canan Yesilcimen from the Plymouth District Attorney's Office testified in opposition to parole. ADA Yesilcimen emphasized the violent and sexually deviant nature of Ingemi's crimes combined with his lack of rehabilitation.

III. DECISION

At his 2014 review hearing, Charles Ingemi repeated the script from 2009 which resulted in a parole denial. Indeed, following his September 10, 2009 initial hearing, that Parole Board noted:

In light of the nature of his governing offense, minimal programming to address his rehabilitative needs, and lack of acceptance of responsibility for the sexual and physical abuse of his inflicted on his children, the Board concludes that Mr. Ingemi is not yet ready for community supervision. This conclusion is further supported by Mr. Ingemi's lack of a post-release plan.

Very little has changed since his 2009 hearing. Mr. Ingemi has continued his lack of rehabilitative programming in several pertinent areas. Although an acknowledged rapist and batterer, Mr. Ingemi has yet to participate in any meaningful programming during the 25 years of his incarceration. His utter lack of programming is the most likely explanation for his professed ignorance as to why he committed these heinous crimes. Working as a painter or refraining from disciplinary reports alone will not lead Mr. Ingemi towards a path of rehabilitation. More than twenty five years have passed since Mr. Ingemi last terrorized his family, including two daughters and a son. Despite this passage of time, Ingemi lacks insight

and remorse. These factors, in combination with the heinous nature of his crimes, plainly demonstrate that he is unsuitable for community supervision.

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, it is the unanimous opinion of the Board that Charles Ingemi does not merit parole at this time because Ingemi is not rehabilitated. The review will be in five years, during which time Ingemi must at least initiate a commitment to rehabilitation that addresses anger management, domestic violence, and sex offender treatment.

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.


Janis DiLoreto Smith, Executive Director


Date