

*The Commonwealth of Massachusetts
Executive Office of Public Safety and Security*



PAROLE BOARD

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DECISION

IN THE MATTER OF

JOHN DURAKOWSKI

W68182

TYPE OF HEARING: Initial Hearing

DATE OF HEARING: October 17, 2019

DATE OF DECISION: May 26, 2020

PARTICIPATING BOARD MEMBERS: Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy, Gloriann Moroney, Colette Santa

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of 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 scheduled in five years from the date of the hearing.

I. STATEMENT OF THE CASE

On June 1, 2000, in Bristol Superior Court, a jury found John Durakowski guilty of assault with intent to rape, subsequent offense, as a habitual offender. He was sentenced to life in prison with the possibility of parole. On that same date, he was convicted of assault and battery and received a concurrent two and one-half year sentence.¹ Mr. Durakowski filed motions to appeal his convictions, which were denied and the convictions affirmed.

On November 24, 1999, 37-year-old Jane Doe² met her boyfriend at the Spotlight Lounge, on Pleasant Street in Attleboro, for a couple of drinks. She left the Spotlight Lounge alone, at around 10:00 or 10:30 p.m., and started walking down Pleasant Street toward the Office Lounge.

¹ He was found not guilty of mayhem.

² A pseudonym. G.L. c. 265, § 24C.

As Ms. Doe approached a bend in the street, she saw a man, later identified as 37-year-old John Durakowski, walking in the opposite direction. He was dressed in black and wore a black hat. Mr. Durakowski ran across the street, grabbed Ms. Doe by the collar with one hand and the front of her pants with the other, and stated that he wanted to have sex with her. As Ms. Doe crouched down and struggled to get away, Mr. Durakowski hit her head against a cement wall, two or three times. When Ms. Doe attempted to shove his face away from hers, he attacked her face and bit her nose. Ms. Doe noticed that his breath smelled of alcohol and his speech was slurred. When she pushed him away again, Mr. Durakowski lost his balance, fell to the sidewalk, and appeared to lose consciousness. Ms. Doe stood up and immediately ran to the Office Lounge. Shortly thereafter, Ms. Doe contacted the Attleboro Police Department, who apprehended Mr. Durakowski.

II. PAROLE HEARING ON OCTOBER 17, 2019

John Durakowski, now 57-years-old, appeared before the Parole Board on October 17, 2019, for an initial hearing. He was not represented by counsel and had postponed his initial hearing in 2014. Mr. Durakowski explained how he had developed a drinking problem in adolescence that worsened significantly, leading up to the governing offense. It was not uncommon for him to consume 12 drinks of hard liquor on a given day. He stated that alcohol abuse led him to commit the numerous sexual offenses listed in his criminal history. Mr. Durakowski repeatedly referred to his (multiple) sexual assaults on women as "screw ups." When the Board asked him to detail the circumstances surrounding an offense committed in the late 1970s, Mr. Durakowski claimed that he "vaguely remembers" the facts. He met the victim at a supermarket and followed her home because he wanted to "engage in sexuality." He said that he did not rape this victim; rather, he "let her go." The Board then asked Mr. Durakowski what led to his rape conviction in 1983. He admitted that he was "guilty" of that offense, stating that he grabbed the victim, another stranger, "off the street." Mr. Durakowski also told the Board that, in the early 1990s, he attempted to rape another woman he saw on the street; however, he was stopped by witnesses who intervened.

On the night of the governing offense, Mr. Durakowski explained that he was drinking at the Starlight Lounge when he met Ms. Doe and "one thing led to another." He "used bad judgment" because he did not comply with her request to go to a hotel. When asked by the Board as to how he exercised bad judgment, Mr. Durakowski said that he was "guilty" of not taking her to a hotel, and "that's why [he] is here today." The Board confronted Mr. Durakowski, however, with Ms. Doe's testimony that she had never met him and that he had confronted her on the street. Mr. Durakowski claimed he did not know why she would say that, telling the Board that they would have to ask Ms. Doe. Eventually, Mr. Durakowski admitted that he became "aggressive," when Ms. Doe resisted his advances. He described how he grabbed her by the waist and pulled her towards him, explaining that he was "trying to force [himself] upon her" in order "to have sexual intercourse." He stated that he was unsuccessful because Ms. Doe elbowed him and "sent him flying." Mr. Durakowski claims he "did not recall" smashing her face into a wall, biting her nose or face, or seeing any blood on either himself or Ms. Doe. He reiterated that he was "highly intoxicated" and had difficulty remembering the details.

The Board expressed significant concern with Mr. Durakowski's pattern of grabbing strangers off the street and forcing himself upon them. Mr. Durakowski agreed that the governing

offense was similar in nature to his prior offenses. Although he acknowledged that he had "sexual issues" to resolve, Mr. Durakowski believes that alcohol is the larger issue, as it "leads him to" commit sexual assaults. He said that he attends AA occasionally and has been sober for 15 years. The Board noted that Mr. Durakowski only started programming in the last couple of years. He has completed Pathway to Recovery and is presently enrolled in Criminal Thinking. He is on the waitlist for the Correctional Recovery Academy. Mr. Durakowski explained that he was employed in the optical shop, but had been terminated for stealing a pair of eyeglass frames for another inmate.

When Board Members discussed his refusal to complete the Sex Offender Treatment Program during his decades of incarceration, Mr. Durakowski stated that he "gave it a try" for about a year, but felt that it "wasn't for him." He declined to reengage in the program on a few occasions when it was offered. Mr. Durakowski told the Board that he later realized his only chance of getting a positive parole vote would hinge on the completion of this program. Accordingly, he said that he is interested in returning to the program in order to complete it. When asked by the Board if he felt that he was a suitable candidate for parole, Mr. Durakowski replied, "Not at this time." If paroled in the future, he hopes to be released to a long-term residential program because he "can't be around alcohol" and has no family or community support. Mr. Durakowski wants the Board to assist him in finding a program that is "like being in jail without being locked up."

Bristol County Assistant District Attorney Jason Mohan testified in opposition to parole. The Board also considered additional letters of opposition.

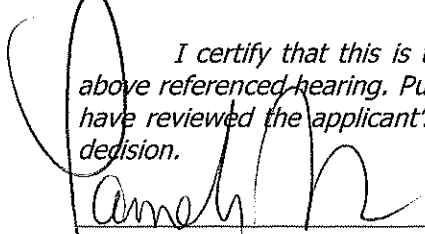
III. DECISION

The Board is of the opinion that John Durakowski has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Durakowski has a history of sexual assaults on women. He has been convicted of rape on two separate occasions. He does not deny the offenses or his predatory behavior. He has been incarcerated for approximately 20 years and has yet to complete the Sex Offender Treatment Program. In addition, his adjustment has been problematic and he has completed limited programming. He readily admits he is not a suitable candidate for parole supervision.

The applicable standard used by the Board to assess a candidate for parole is: "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." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Durakowski's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Durakowski's risk of recidivism. After applying this standard to the circumstances of Mr. Durakowski's case, the Board is of the unanimous opinion that John Durakowski is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Durakowski's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages him to continue working towards his full rehabilitation.

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.



Pamela Murphy, General Counsel

5/26/2020
Date