



Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts
Executive Office of Public Safety

PAROLE BOARD

*12 Mercer Road
Natick, Massachusetts 01760*

*Telephone # (508) 650-4500
Facsimile # (508) 650-4599*



Josh Wall
Chairman

DECISION

IN THE MATTER OF

KENNETH JUNIER

W35257

TYPE OF HEARING: Revocation Review Hearing

DATE OF HEARING: October 22, 2013

DATE OF DECISION: July 21, 2014

PARTICIPATING BOARD MEMBERS: Charlene Bonner, Tonomey Coleman, Ina Howard-Hogan, Lucy Soto-Abbe, and Josh Wall

DECISION OF 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 writing, we conclude by unanimous vote that the inmate is not a suitable candidate for parole at this time. Parole is denied with a review in five years from the date of the hearing.

I. STATEMENT OF THE CASE

Kenneth Junier appeared before the Massachusetts Parole Board on October 22, 2013 for the fifth time. He was found guilty of rape by a Bristol Superior Court jury, and on November 26, 1975, received a life sentence. On that same date, Junier pleaded guilty to another rape and received a concurrent life sentence, and pleaded guilty to a separate kidnapping, for which he received a from and after sentence of five to seven years. In addition, on September 27, 1977, Junier was found to be a "sexually dangerous person" pursuant to M.G.L. c. 123A, and was so designated until 1991. The victims in the cases were three young women from southeastern Massachusetts.¹

¹ The names of all sexual assault victims are withheld. See G.L. c. 265, § 24C.

The first incident involved the rape of a 21-year-old female on August 8, 1972. While the victim was walking back to her vehicle, Junier, then age 26, pulled over his car and kidnapped the victim. To accomplish the kidnapping, Junier grabbed her by the throat, hit her numerous times, and threatened to kill her if she did not keep quiet. Junier, who forced the victim into the back seat of his car, drove her to a separate location, took the victim from the car, threw her to the ground, and violently raped her. When the victim struggled, Junier hit her and threatened to kill her. Junier fractured the victim's right cheekbone in three places, scratched her throughout her neck and face, and bit her on the chin and buttocks. After raping her, Junier took the victim to another location and left her there to find her way home.

The second incident involved the kidnapping of another 21-year-old female on April 14, 1975. After a brief traffic encounter, Junier, age 29, followed the victim and forced her to pull over her vehicle to the side of the road. Junier pretended to be a police officer and demanded that the victim wait at the side of the road to exchange papers. As the victim got closer to his car, Junier grabbed her, threw her into his car, held her by her throat, and threatened to kill her. The victim escaped by jumping out of the vehicle as it slowed to make a turn, and running to a nearby house for assistance. She struck her head on the road while making her escape, and suffered a wound to the back of her head, requiring three stitches.

The third incident involved the rape of a 19-year-old female on September 20, 1975. Junier, age 29, approached the victim as she was leaving a pub, grabbed her from behind, and dragged her to a nearby area. When the victim struggled, Junier threatened to kill her and grabbed her by her neck. Junier then forcibly raped her.

II. PAROLE HISTORY

On November 16, 1990, Junier appeared before the Board for his initial parole hearing. The Board voted to deny parole with a three year setback, unless Junier had his status as a sexually dangerous person removed. On April 12, 1991, Junier was found not to be a sexually dangerous person, and on July 15, 1991, the Board voted to place him on the next available list for a review hearing.

On September 16, 1991, Junier appeared before the Board for a review hearing and was paroled to his from and after sentence of five to seven years. The Board cited as grounds that (1) "he had served 16 years in the [Bridgewater] Treatment Center addressing the causative factors associated with his offenses" and "had done well according to psychiatric staff," and (2) that he "had been in the general population since having been found not sexually dangerous." The Board determined that it "wanted an opportunity to monitor [Junier's] behavior prior to his parole eligibility on the from-and-after sentence."

On August 25, 1993, Junier appeared before the Board for his initial parole hearing on his five to seven year from and after sentence. The Board denied parole because he was still at a medium security facility and the Board wanted to have him monitored in a lower security setting before deciding his parole suitability. Shortly thereafter, in October 1993, a Parole Violation Report issued against Junier for violating a special condition by failing to participate in mental health counseling, as well as incurring a disciplinary report for insolence and use of obscene language.

As a result of the violation, the Board revoked Junier's parole on the life sentence on March 8, 1994, causing a warrant on his life sentence to be lodged behind the from and after sentence. Junier subsequently appeared before the Board for a parole hearing on the from and after sentence, and on August 23, 1994, the Board voted to deny him parole. On June 15, 1995, Junier was discharged from his five to seven year sentence and resumed serving his concurrent life sentences. Since that time, Junier has been denied parole on the life sentences in 1998, 2003, and 2008.

Junier was interviewed by a Parole Board staff member on October 4, 2013, and reported the following background information. He started consuming alcohol at age 13, and would mostly drink with friends. He attended school through the eighth grade, and then dropped out in order to find a full time job. He was unable to find satisfactory employment, and therefore enlisted in the U.S. Army, where he remained until 1964. At age 20, Junier began drinking excessively and embarked on a course of binge drinking. In 1967, his first wife and brother were killed in a plane crash, and his drinking accelerated to the point where he was experiencing blackouts. He had a lot of suppressed anger, and would become combative and abusive to those around him.

III. INSTITUTIONAL CONDUCT

Kenneth Junier last appeared before the Board for a review hearing in October 2008. The Board denied parole and noted that although Junier had "maintained positive institutional behavior, acquiring a total of four disciplinary reports, with none since his last hearing, . . .not much [had] changed in Junier's rehabilitative progress since that time." The Board further noted:

Mr. Junier has engaged in limited program participation during his incarceration. He completed the first four phases of the Sex Offender Treatment Program, but stopped attendance when he was denied in 1999. It appears that he re-entered treatment in 2003, just before his last parole hearing. Additionally, despite the fact that Mr. Junier's 1993 parole violation was in part due to a failure to comply with mental health counseling, there is no indication that he has made any effort to obtain this treatment.

Junier completed all phases of sex offender treatment, and has not incurred any additional disciplinary reports since his last hearing. His last disciplinary report was 15 years ago. Junier reports that he is currently working 12 hours per week in the library and attending a sex offender aftercare maintenance program for an hour and a half each week. Since his 2008 parole hearing, Junier has not had any programming to address his history of substance abuse and violence.

IV. PAROLE HEARING ON OCTOBER 22, 2013

Kenneth Junier was represented by a student attorney at the hearing. Junier reported that, other than working and attending the aftercare maintenance program, he spends his time going to the gym to combat arthritis. He said he has not attended any Alcoholics Anonymous (AA) meetings because the other inmates do not take it seriously, and that he would prefer to await his release to attend the Adult Children of Alcoholics program, which he had attended many years ago while on work release. Junier claims that his limited programming is due to his being designated a sex offender. He claims that he sought mental health services, but was told that he does not qualify.

He reported that he has been at the Massachusetts Treatment Center for 14 years and that he completed a sex offender treatment program in 1996 and completed four phases of the new program offered by the DOC. He is currently in the maintenance program that meets weekly for one and a half hours. He works in the library for 12 hours a week. In discussing sex offender treatment, he said, "I don't like behavior modification, the new program; I prefer the old program of psychotherapy." He discussed a 1988 incident, when he was at community access and was found at a school with a knife and a pair of binoculars. He said he had the knife in a tool box with other carpentry tools for a vocational program he attended. It was less clear why he had a pair of binoculars.

With respect to the governing crimes, Junier said he committed the offenses to humiliate women, based on all the things that happened during his life. He said he was beaten and abused by his father, who would make him strip naked and really "let into" him. Nevertheless, Junier said he was never violent towards anyone who was a part of his life, even if they were abusive. He just could not release his anger on those close to him, and would instead store his anger and get into fights at bars to release it. He said, "I really hurt people at bars, men or women, if they said something I didn't like." His most violent encounters involved beating "a guy at a bar with long hair and a purse; I said, 'I thought you were a girl'; I gave him a severe beating; it was a big emergency at the hospital."

Junier said his biggest change has been staying away from alcohol, because he gets in trouble whenever he drinks alcohol. He reported all of his criminal cases, including in New York, Pennsylvania, and Florida, occurred after drinking alcohol. The New York and Florida incidents involved a firearm. He said his strongest source of support is his wife of 38 years, who is a retired nurse. Junier's wife was present at the hearing and spoke in support of his parole. She mentioned that they have been married since 1975, that one of the rapes occurred during the course of their marriage, and that she has seen "dramatic change" in Junier's behavior.

V. DECISION

Kenneth Junier violently attacked three women who were strangers to him. He raped two of them and the third escaped from his car and ran away. He is serving two concurrent life sentences. His multiple predatory violent sexual assaults establish that he presents an especially high risk to public safety and that his thorough rehabilitation must be firmly and convincingly established before he could live in the community. Junier has made solid progress during his incarceration. His conduct has been good and he has moved successfully through two types of sex offender treatment. He showed the benefits of treatment during the hearing as he was able to discuss candidly the reasons and motivations for his brutal crimes. He has not, however, made a commitment to substance abuse treatment. This is a serious rehabilitative oversight.

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 Mr. Junier does not merit parole at this time because he is not sufficiently rehabilitated. The review will be in five years, during which time Mr. Junier

should continue with sex offender maintenance treatment and make a commitment to substance abuse programming.

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.


Caitlin E. Casey, Chief of Staff

7/21/14
Date