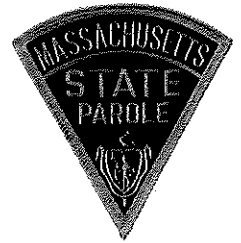


The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

KENNETH KEANE
W36337

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **April 9, 2024**

DATE OF DECISION: **August 20, 2024**

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse

VOTE: Parole is granted to a residential facility that can meet Mr. Keane's cognitive and medical needs, subject to District Attorney Clearance.

PROCEDURAL HISTORY: On October 25, 1977, in Hampden Superior Court, Kenneth Keane pleaded guilty to two counts of second-degree murder in the deaths of Elizabeth Wailgum and Florence McClain. He was sentenced to life in prison with the possibility of parole. In addition, he was sentenced to an 18 to 20-year concurrent prison term for arson. On that same date, Mr. Keane was sentenced to serve concurrent terms of 10 to 15 years for arson and 9 to 12 years for breaking and entering with the intent to commit a felony. These additional sentences stemmed from a September 5, 1976 incident, when Mr. Keane burned down an unoccupied house that was under construction.

Mr. Keane appeared before the Parole Board on April 9, 2024. He was represented by Attorney Edward Fogarty. Mr. Keane was denied parole after his initial hearing in 1991. Subsequently, he was denied parole after his review hearings in 1994, 1998, 2002, 2007, 2012, and 2017. The Board's decision fully incorporates by reference the entire video recording of Kenneth Keane's April 9, 2024 review hearing.

STATEMENT OF THE CASE: On September 2, 1976, 32-year-old Kenneth Keane set fire to an apartment complex, killing two people and severely injuring others. Mr. Keane had spent the early evening drinking heavily in various Holyoke bars. Later that evening, after walking around Holyoke, he passed two Hispanic men outside of a four-story apartment building with 13 units.

Although he didn't speak Spanish, Mr. Keane believed the men had said something disparaging to him in Spanish, so he followed them into the building to confront them. The men, however, had already gone into one of the apartments. At that point, Mr. Keane gathered newspapers, piled them on several floors of the building, doused them with lighter fluid, and set them on fire. The fire quickly spread throughout the building, killing 77-year-old Elizabeth Wailgum and 45-year-old Florence McClain. Mrs. McClain's husband and two sons (ages 15 and 21) were severely burned in the fire.

On September 15, 1976, Mr. Keane gave a statement to Holyoke police in which he confessed to setting the fire. On the same day, Mr. Keane also confessed to starting a similar fire in Springfield on September 5, 1976.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an incarcerated individual's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the incarcerated individual's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board.

DECISION OF THE BOARD: The Board concludes, by unanimous vote, that Kenneth Keane has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

Kenneth Keane is 80 years old. He has been incarcerated for 48 years and is in declining health. He has been sober since 1980. He has been disciplinary report free since 1984. He was successfully placed in pre-release centers in the 1990s. While he has engaged in some programming, he has had limited recent engagement due to his health issues. He has a history of complex mental health needs that can be better addressed in a specialized program. The Board also notes his significant medical needs, which need to be addressed. Mr. Keane expressed remorse for his actions.

The Hamden County District Attorney submitted a letter in opposition to parole, and Assistant District Attorney Michael Julian testified in opposition to parole. Holyoke Police Chief David Pratt submitted a letter in opposition to parole. Two of Florence McCain's family members testified in opposition to parole.

SPECIAL CONDITIONS: Waive work for health/retirement; Curfew – must be at home between 10 pm and 6 am or at Parole Officer's discretion; Electronic monitoring at Parole Officer's discretion; Must take prescribed medication if prescribed; Supervise for drugs, testing in accordance with agency policy; Supervise for liquor abstinence, testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; Must have substance

abuse evaluation and must comply with recommended treatment plan; Must have mental health counseling for adjustment and prior diagnosis of schizoid personality disorder.

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.


Tina M. Hurley, Chair


Date