



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security

PAROLE BOARD

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DECISION

IN THE MATTER OF

KENNETH KEANE

W36337

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **September 26, 2017**

DATE OF DECISION: **August 24, 2018**

PARTICIPATING BOARD MEMBERS: Paul M. Treseler, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Lucy Soto-Abbe

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 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. That same day, 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.

On September 2, 1976, 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 in order 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, at the time) 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.

II. PAROLE HEARING ON SEPTEMBER 26, 2017

Kenneth Keane, now 73-years-old, appeared before the Parole Board on September 26, 2017. He was represented by Attorney Lorenzo Perez. Mr. Keane was previously denied parole in 1991, 1994, 1998, 2002, 2007, and 2012. In his opening statement to the Board, Mr. Keane stated that he took full responsibility for the deaths of Elizabeth Wailgum and Florence McCain and that he was sorry for all the pain he caused the victims' families. Mr. Keane told the Board that he is a changed man, having attended A.A., Correctional Recovery Academy, Anger Management, Culinary Arts, and other programs. Mr. Keane stated that he has only had four disciplinary reports throughout his incarceration, and that he has worked in the prison kitchen for 14 years. Attorney Perez noted that as a child, Mr. Keane suffered extreme physical and mental abuse, as well as neglect, from his adoptive families. Further, Attorney Perez indicated that all of Mr. Keane's crimes were committed while he was drinking.

The Board discussed Mr. Keane's childhood extensively. Mr. Keane described how he was passed between two families as a child. He wasn't sure who his mother was, but suspects she may have sold him for money. Mr. Keane described daily beatings from his alcoholic caregivers, how he was forced to kneel on rice and tacks, and how his stepfather threatened to burn his tongue as punishment. Mr. Keane says he started drinking alcohol when he was about 8-years-old. Upon questioning from the Board, Mr. Keane described how he once set his stepfather's lunch-box on fire because his stepfather didn't give him a snack, and how he burned a woman's house down because she refused to return a ball that had broken her window. Mr. Keane also described how he bashed his brother's head with a brick.

A Board Member noted that Mr. Keane has been described as an extremely dangerous person. The Board cited his extensive criminal record, including an unnatural acts conviction, 82 breaking and entering cases, and several arson cases that seemed to be motivated by racism and anti-Semitism. Mr. Keane was questioned about a statement he made at his 2012 hearing, after describing how he broke into a furniture store, spray painted slogans, and set fire to a store because the owner was Jewish. Mr. Keane had stated that "it is hard to be in prison when you have my racial views: I have a problem with people of other races; sometimes I want to hurt them real bad, I want to strangle or kill them." At this hearing, Mr. Keane responded that he is no longer racist, and that he lives in a dormitory with 30 other inmates of different ethnic backgrounds. He said that he gets along with all of them, particularly with Hispanic inmates. Mr. Keane now claims that he didn't know the ethnicity of the furniture store owner when he set fire to the store.

When Board Members questioned Mr. Keane about his underlying crime, he claimed he set the fire for "no reason." A Board Member noted, however, that at previous parole hearings, Mr. Keane stated that he set the fire to "smoke out" the Hispanic men whom he believed were talking about him. Mr. Keane then admitted to the Board that he had wanted to kill the men when he set the fire. In addition, a Board Member noted that at one time, Mr. Keane had been assessed as anti-social and suffering from schizoid personality disorder and pyromania. The Board then discussed his arson convictions and other instances of setting fires. Mr. Keane responded that he doesn't think about fires, nor has he ever set fires in prison, or on the street during work releases and furloughs. He also said that through counseling, he has come to realize he doesn't want to be a part of causing another person's suffering.

The Board noted that Mr. Keane had been paroled from past convictions and, each time, he violated the "no alcohol" prohibition and went "whereabouts unknown." Board Members were also concerned that, although he had only four disciplinary reports in over 30 years of incarceration, one of the reports was for cutting another inmate's throat. Mr. Keane admitted that he had cut the inmate's throat, but added that the attack wasn't racially motivated, but rather, it was because the inmate had stolen his home-brewed alcohol. Mr. Keane explained that he has over 20 years of sobriety, and that these incidents were a long time ago. Mr. Keane's parole plan is to live and work at the Salvation Army and to attend religious services, AA, and counseling.

Two family members of the victims testified in opposition to parole. Hamden County Assistant District Attorney Howard Stafford also testified in opposition to parole.

III. DECISION

The Board is of the opinion that Kenneth Keane has not yet demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Keane has to accept responsibility for his actions that resulted in the loss of life. Mr. Keane's crime was racially motivated, and he has a history of a very concerning pattern of behavior involving arson.

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. Keane'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. Keane's risk of recidivism. After applying this standard to the circumstances of Mr. Keane's case, the Board is of the unanimous opinion that Kenneth Keane is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Keane's next appearance before the Board will take place in five years from the date of this hearing. During the interim, the Board encourages Mr. Keane 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.

Gloriann Moroney RP 8MB
Gloriann Moroney, General Counsel

8/24/18
Date