

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



PAROLE BOARD

*12 Mercer Road
Natick, Massachusetts 01760*

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

Charles D. Baker
Governor

Karyn Polito
Lieutenant Governor

Terrence Reidy
Secretary

Gloriann Moroney
Chair

Kevin Keefe
Executive Director

RECORD OF DECISION

IN THE MATTER OF

**KHAMBOR PHOUTHONGSENG
W50487**

TYPE OF HEARING: Review Hearing

DATE OF HEARING: May 4, 2021

DATE OF DECISION: December 1, 2021

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

STATEMENT OF THE CASE: On May 6, 1991, in Suffolk Superior Court, Khambor Phouthongseng was found guilty of second-degree murder in the death of 28-year-old Daravanh Phachansiri. He was sentenced to life in prison with the possibility of parole. That same day, he was also convicted of kidnapping and received a concurrent sentence of 8-10 years.

Mr. Phouthongseng appeared before the Parole Board for a review hearing on May 4, 2021 and was not represented counsel. This was Mr. Phouthongseng's third appearance before the Board since his final revocation hearing in 2013. Mr. Phouthongseng was previously released on parole in 2009 but was revoked due to parole violations. The entire video recording of Mr. Phouthongseng's May 4, 2021 hearing is fully incorporated by reference to the Board's decision.

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 a suitable candidate for parole. Reserve to his United States Immigration and Customs Enforcement (ICE) detainer after District Attorney clearance. Mr. Phouthongseng has been re-incarcerated for approximately nine years and during that time he has completed several programs and has had an overall positive adjustment. Re-incarceration

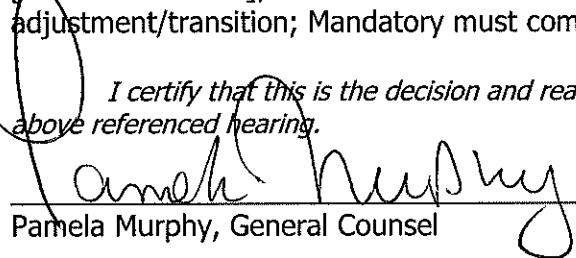
has served its purpose. In the event he is not deported he must complete a certified batterer's program in the community.

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."

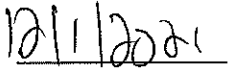
In forming this opinion, the Board has taken into consideration Mr. Phouthongseng's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Phouthongseng's risk of recidivism. After applying this appropriately high standard to the circumstances of Mr. Phouthongseng's case, the Board is of the unanimous opinion that Mr. Phouthongseng is rehabilitated and merits parole at this time.

Special Conditions: Upon District Attorney clearance, reserve to his United States Immigration and Customs Enforcement (ICE) detainer; Approved home plan before release (in the event Mr. Phouthongseng is released from ICE custody); Waive work for two weeks; Must be at home between 10 p.m. and 6 a.m.; ELMO-electronic monitoring; 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; No contact with [named individual]; No contact with victim(s) family; Must have mental health counseling for adjustment/transition; Mandatory must complete a certified batterer's program.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.



Pamela Murphy, General Counsel



Date