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DECISION

IN THE MATTER OF

STEVEN ARCHER

W50732

TYPE OF HEARING: Review Hearing

DATE OF HEARING: September 27, 2016

DATE OF DECISION: March 9, 2017

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 four years from the date of the hearing.

I. STATEMENT OF THE CASE

On June 11, 1991, on the fourth day of trial in Middlesex Superior Court (after the Commonwealth had rested its case in chief), Steven Archer pled guilty to the second degree murder of his infant son, Alexander Archer. Mr. Archer was sentenced to life in prison with the possibility of parole.

At some point between the evening of August 17 and the early morning hours of August 18, 1990, Steven Archer murdered his two-and-a-half-month-old son, Alexander. On the night of the murder, Mr. Archer had used cocaine at home. Shortly thereafter, Alexander started crying and Mr. Archer could not quiet him. Instead, Mr. Archer struck Alexander in the head with his fist multiple times. Alexander's mother was passed out on the couch, after having taken Tylenol with codeine and drinking vodka. At 3:40 a.m., Mr. Archer calmly carried Alexander into a Lowell hospital, where he told the admitting nurse that the baby had fallen out

of the crib. Despite numerous efforts, medical staff was unable to resuscitate Alexander. At the time he was taken to the hospital, Alexander had bruises on the left front of his head and behind his left ear. He also had two scrapes on his nose, an abrasion on his right eye, three small bruises on his right front temple, and clear fluid coming from his left ear. There were also bruises fitting the pattern of adult fingertips on the back of his head, along with a longitudinal skull fracture. The cause of death was blunt force trauma to the head.

In the weeks prior to the murder, Department of Social Service workers and visiting nurses had noticed injuries to Alexander, including a possible cigarette burn on the bottom of the baby's foot, a bruise on his ear, and an abrasion on his nose.

II. PAROLE HEARING ON SEPTEMBER 27, 2016

Mr. Archer's initial appearance before the Parole Board took place on April 4, 2006, and resulted in the denial of parole with a review in three years. On April 28, 2009, Mr. Archer appeared before the Board for a review hearing and was granted parole. Mr. Archer was released on July 1, 2009, to a residential treatment program. However, he was returned to custody on October 7, 2010, when he received parole violations for irresponsible conduct and for associating with a person with a criminal record. The Board affirmed his parole revocation in December 2010. He appeared before the Board in September 2011 for a review hearing, after which he was denied parole with a review in five years.

Steven Archer, now 56-years-old, appeared before the Parole Board for a review hearing on September 27, 2016 and was represented by Attorney Eric Tennen. In his opening statement to the Board, Mr. Archer apologized to the mother of the victim and to their other son, who was two-years-old (and at home with them) at the time of Alexander's murder. Mr. Archer told the Board that he takes full responsibility for the murder of Alexander, stating that he is ashamed and "will carry guilt for the rest of [his] life." When asked about the murder of his infant son, Mr. Archer told the Board that he caused all of the injuries to his son, something he had not previously admitted. When asked to talk about his specific actions during the murder, he told the Board that he was drunk and high on cocaine. He struck Alexander so many times that he can't remember exactly where he hit him, saying, "I blew-up and did what I did." Mr. Archer, however, maintains that the cigarette burn on the victim's foot prior to the murder was an accident, and that he did not intentionally burn Alexander.

When questioned about his parole violations, Mr. Archer admitted that he was dishonest with his parole officer and his mother (who was his home sponsor) about his girlfriend's drug and alcohol abuse, as well as his eventual return to drinking less than one year into his parole. He decided to put his personal interests before his parole obligations when, despite knowing that his new girlfriend was both an alcoholic and a drug user, and had a criminal record, he continued with the relationship. He lied to his mother and his parole officer and even hid his girlfriend in the house when his parole officer arrived for a home visit. He also admitted that he was dishonest with the Board at his last hearing five years ago, when he minimized his alcohol consumption on parole. When the Board asked Mr. Archer what he has done in the past five years to address the issues that resulted in his return to custody, he said that he participated in counseling and programming, and attends AA/NA on a regular basis.

The Board asked Mr. Archer about Dr. Dicataldo's evaluation and report that was completed on September 12, 2016, just a few weeks before the hearing. The report credits Mr. Archer with remaining sober while on parole, but does not comport with the information that Mr. Archer told the Board at this hearing regarding his alcohol use on parole. Mr. Archer claimed that Dr. Dicataldo never asked him during the hours-long evaluation whether he was drinking on parole. He said he told Dr. Dicataldo that he was sober regarding cocaine. Board Members questioned Mr. Archer's credibility when he said that the doctor did not ask him about alcohol consumption while on parole. Mr. Archer, however, maintained his position that he was completely honest when he was evaluated by him several weeks before the hearing. Board Members expressed serious concerns about Mr. Archer's long history of deceit and dishonesty in all aspects of his life, particularly when the deceit began only five months after his release. The Board questioned Mr. Archer as to whether he has really changed. Mr. Archer told the Board he has tried to become a better person, stating that "I know I am my own worst enemy, but I do not want to stay in prison for the rest of my life."

The Board considered oral testimony from Mr. Archer's mother and brother, both of whom spoke in support of his parole. The Board considered testimony in opposition to parole from Middlesex County Assistant District Attorney Adrienne Lynch.

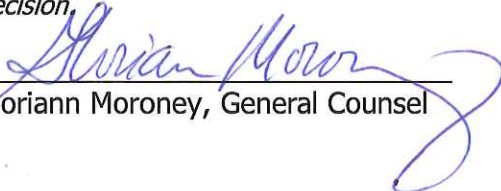
III. DECISION

The Board is of the unanimous opinion that Mr. Archer has not yet demonstrated a level of rehabilitative progress that would make his re-release compatible with the welfare of society. Mr. Archer continues to display a pattern of deception. During his prior parole failure, he perpetrated an elaborate fraud on his parole officer in order to hide an inappropriate romantic relationship with a woman who had a criminal history, as well as substance abuse issues. Mr. Archer engaged in anti-social behavior while on parole, and his pattern of deceit began after only five months on parole. Also, he admitted that he was drinking alcohol on parole.

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. The Board has also taken into consideration Mr. Archer's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Archer's risk of recidivism. After applying this standard to Mr. Archer's case, the Board is of the unanimous opinion that Mr. Archer does not merit parole at this time. Mr. Archer needs a longer period of self-reflection and programming. He was given an opportunity to succeed on parole and failed miserably.

Mr. Archer's next appearance before the Board will take place in four years from the date of this hearing. During the interim, Mr. Archer should continue to engage in treatment and programming, as well as maintain a positive adjustment.

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, General Counsel

3/9/17
Date