



The Commonwealth of Massachusetts
Executive Office of Public Safety



PAROLE BOARD

12 Mercer Road
Natick, Massachusetts 01760

Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

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

Josh Wall
Chairman

DECISION

IN THE MATTER OF

WARREN DOUGAN

W37872

TYPE OF HEARING: Revocation Review Hearing

DATE OF HEARING: June 18, 2013

DATE OF DECISION: August 19, 2013

PARTICIPATING BOARD MEMBERS: Cesar Archilla, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Lucy Soto-Abbe, Josh Wall

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, conduct on parole, institutional record, the views of the public as expressed at the hearing or in written submissions to the Board, we conclude by a unanimous vote that the inmate is a suitable candidate for parole at this time. Re-parole is granted on or after September 3, 2013.

I.STATEMENT OF THE CASE

In 1974, Warren Dougan, Robert Linehan, Richard Giers and Fred Woodward were members of a motorcycle gang called the "Devil's Disciples." Dougan was the "Vice President" and "Director" of the gang. One of the victims, James Lopes, was a probationary member of the gang. The other victim, a female, was Mr. Lopes' wife. Dougan had information that Lopes had been "making phone calls" to Dougan's then girlfriend and warned her by stating that she was in "bad company." Dougan then ordered Richard Giers and Fred Woodward to Lopes' home to rough him up for making these statements.

On March 29, 1974, when Mr. Lopes arrived home from work, Dougan's co-defendant, Fred Woodward, assaulted him at gunpoint and dragged him out of the house. Woodward had done so while the female victim and her 13 month old child were present. Lopes was driven to Linehan's house in Roxbury, where Dougan, then age 29, was present. At the apartment the men, including Dougan, beat Lopes. They then drove Lopes back to his own apartment where

his wife and her 13 month old child were present. Dougan, Linehan, and Giers then tied up Mr. Lopes with wire and tape, and beat him. Dougan and Giers then ordered Lopes' wife into the bedroom and forced her to have intercourse and perform fellatio. These acts were committed in front of Lopes and his wife's 13 month old child. After the rape, the three continued to beat Lopes until he lost consciousness. Dougan then held a lit cigarette to Lopes' face to ensure he was really out. Out of fear of reprisal from Dougan and his motorcycle gang, neither victim reported the incident until after Dougan was arrested in June 1974 on unrelated Federal charges for handgun dealing.

On December 17, 1975, in Suffolk Superior Court, Dougan was tried and found guilty of multiple crimes, including rape, for which he received a life sentence. He received a 10-15 years concurrent sentence for armed robbery. He received from and after sentences of 3-5 years for unnatural and lascivious acts, and 9-10 years for kidnapping.

Dougan appealed his conviction. On June 2, 1978 the Massachusetts Appeals Court reversed his conviction and set aside the verdict. The Commonwealth appealed. On February 14, 1979 the Supreme Judicial Court affirmed the judgment of the Superior Court as to Dougan's convictions. The sentences were re-imposed on October 7, 1980 and he was returned to MCI-Walpole on October 8, 1980. On June 23, 1988, in Suffolk Superior Court, Dougan's from and after sentences for unnatural and lascivious acts and kidnapping were revised to run concurrently with the life sentence for rape.

II. PAROLE HISTORY

Dougan was paroled on the life sentence on November 24, 1998. He remained on parole until he was violated on November 20, 2012. Dougan complied with his parole conditions without any major violations until approximately September of 2012 when he started to have difficulties.

Dougan has been in the business of renting rooms out in a multi-family home that he owns, and has admitted that some of his tenants have had criminal records. This has presented conflict with the parole condition restricting association with individuals known to have a criminal record. He has received several warnings regarding his association with such individuals over his years on parole. Dougan has otherwise maintained sobriety, attended counseling and AA/NA meetings, and complied with other parole expectations for 14 years.

Dougan is married to a woman he has been with since 1976. They married in 1981. They have both suffered some major health issues over the years; and at the time of Dougan's violations of his parole, his wife was living in Alabama to be near her sister after a family death and to be in a warmer climate to address her health issues. Their marriage has included periods of conflict; however, both Dougan and his wife have reported to parole staff that they are committed to caring for each other in old age and have been able to work through their difficulties.

Dougan has been collecting disability after suffering multiple strokes. Dougan receives treatment for macular degeneration in both eyes, an enlarged prostate, and he will need follow-up care for two tumors in his head. During interviews prior to his recent parole hearing Dougan reported he has a hernia on his left side that will require surgery. He said that his physical

health has been problematic in his ability to make necessary repairs on his home, which provides necessary income from rental payments.

Dougan's parole violations consisted of his association with a person known to have a criminal record as a sex offender, lying to his parole officer about such contact, failure to comply with requirements of his sex offender conditions, specifically keeping a daily diary, having sexual contact with his wife's niece, and failing to report such contact to his parole officer. In addition, although the sexual contact was consensual and not initiated by Dougan, this individual was known to have both alcohol and mental health issues, thus it was further considered to be irresponsible conduct on his part. These violations occurred in the context of Dougan's status as a sex offender.

III. PAROLE HEARING ON JUNE 18, 2013

Warren Dougan was represented by Attorney Martin Leppo who stated that he has known Dougan personally for over 50 years. Attorney Leppo stated that Dougan had made many contributions to the community since his parole, including taking care of individuals who needed emotional and financial support. He stated that Dougan bought and repaired a multi-family home and that he has worked very hard at making a business out of rental units. In addition to his positive work ethic, Dougan has mentored many people who have become successful individuals as a result of that support.

The Board initially questioned Dougan about his governing offenses. Dougan provided a history of his lifestyle at the time he committed the offenses, which consisted of criminal activity in association with a motorcycle gang, and drug and alcohol abuse. He insisted that he never returned to that lifestyle and completely changed his life both while incarcerated and on parole. He appeared to provide an honest account of his history. However, due to what appeared to be some cognitive issues, Dougan was unable to engage consistently in an organized and clear dialogue with the Board. The majority of the hearing focused on his success on parole, how he achieved it, and what led to his violations and return to custody.

The Board questioned Dougan regarding each violation. Regarding his association with a person known to have a criminal record, Dougan admits to such contact and stated he and his wife have known the individual for many years. Dougan stated he met the identified person in treatment, and has been asked to fix his car on multiple occasions. Dougan admits to having unreported contact with the sex offender, and was not forthcoming with his parole officer about how many occasions he met this individual. He stated that having been on parole for 14 years, although he knew that he was technically in violation of his parole, he did not feel that it was a serious issue. Dougan stated that once he realized this issue was being taken very seriously by his parole officer, he tried to minimize the number of occasions he met with him, but does insist it was no more than three times and each visit revolved around him helping to repair the individual's car.

Concerning his failure to complete his daily diary, Dougan stated that this condition was recently added by his parole officer and he was not sure as to what exactly he was supposed to be reporting. Per new parole protocols, this condition was confirmed to have been recently added as a condition for Dougan. The Parole Board discussed the purpose of the diary with Dougan, who appeared willing to comply with the condition.

The more serious violation consisted of Dougan having one known incident of sexual contact with his wife's niece (age 46). Dougan stated that his wife asked if her niece could stay in the house as she was in a personal crisis and needed a place to stay temporarily. Dougan stated that he was aware that she had past mental health and alcohol problems; however, he thought she was currently sober and emotionally stable. He described that his niece was making sexual advances toward him and then on one evening she climbed into his bed. He agreed that he engaged in consensual sexual contact, and stated that he immediately regretted his behavior. He did not view his actions as having taken advantage of her, but for other reasons, such as the betrayal to his wife, he felt upset by his behavior. Dougan stated that he was not initially forthcoming to his parole officer, admitting that he described the encounter after he was found to show deception on his polygraph (which is required of a sex offender on parole). He stated he was afraid to report the encounter and since he never intended to have any further sexual contact with her, he hoped he could handle the situation without reporting it. Dougan did however state that he intended on discussing the encounter with his therapist, but was returned to custody shortly after the encounter. He reported that his experience with mental health and sex offender counseling has been very helpful to him over the years and that he has maintained a trusting relationship with his therapist. Dougan does not consider himself to be at risk of ever committing another sexual offense, and stated he generally utilizes counseling to discuss his other stressors in his life.

Both Mrs. Dougan and her niece provided written statements and oral testimony to the Board. They each corroborated Mr. Dougan's account of how he came to have sexual contact with his wife's niece, and that he did not initiate such relations. Mrs. Dougan also corroborated Dougan's positive work ethic, continued sobriety, and efforts to assist others who needed help. After Dougan was returned to custody, Mrs. Dougan moved back into the family home to serve as the landlord. Her plan is to return to Alabama when he is released. Mr. and Mrs. Dougan's long term plan is to live in Alabama together; however, they want to continue to gain revenue from their rooming house and then eventually sell the home.

There were no members of the public who appeared in opposition of Dougan's parole release. Suffolk Assistant District Attorney Charles Bartoloni spoke in opposition to Mr. Dougan's re-parole at this time.

IV. DECISION

Warren Dougan, now 66 years old, had a history of 14 years on parole without any formal violations. By all accounts, Dougan has made many positive contributions to his community and he has been a successful parolee. He began experiencing major health issues that affected his personal life and his ability to keep up with running his rooming house. He recognizes how his functional limitations have affected his most recent years on parole, and what role his decline has played in his poor decision making and lack of vigilance to his parole conditions.

Dougan has not committed any further offenses during his period on parole. His overall conduct is considered to be compliant, and although he has been found to have violated several conditions of his parole, the Board does not consider his behavior to be deliberately malicious or a risk to public safety. Dougan continues to have supports in the

community and was compliant with his sobriety and counseling mandates, which are essential to his continued success.

Dougan clearly continues to suffer from major health issues that have compromised his ability to function as he previously had. He appears to recognize that he will need to adjust his lifestyle to accommodate his impairments, and appears to have the appropriate supports in place.

Since being returned on November 20, 2012, Dougan has attended AA/NA twice weekly. He also attends Sex Offender Treatment once a week in a group setting. He has not incurred any disciplinary reports, and is currently working as a unit cleaner.

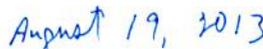
The standard for parole is set out in 120 C.M.R. 300.04, which provides that "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such an offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." Applying that appropriately high standard, the Board concludes by a unanimous vote that Mr. Dougan is suitable for parole release. Pursuant to G.L. c. 123A, Dougan will remain in custody until the Suffolk District Attorney determines if a sexually dangerous person petition is warranted.

SPECIAL CONDITIONS: Re-parole to an approved home plan on or after September 3, 2013; no drug use; no alcohol use; AA or NA two times per week; sex offender conditions including counseling and polygraph testing; GPS for six months; no contact with victims.

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.



Josh Wall, Chairman



Date