

The Commonwealth of Massachusetts  
Executive Office of Public Safety and Security



PAROLE BOARD

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RECORD OF DECISION

IN THE MATTER OF

DAVID PROULX  
W40272

**TYPE OF HEARING:** Review Hearing  
**DATE OF HEARING:** November 10, 2020  
**DATE OF DECISION:** September 22, 2021

**PARTICIPATING BOARD MEMBERS<sup>1</sup>:** Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Tina Hurley, Karen McCarthy

**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 in four years from the date of the hearing.<sup>2</sup>

**I. STATEMENT OF THE CASE**

On February 14, 1984, after a jury trial in Essex Superior Court, David Proulx was convicted of second-degree murder in the death of 2-year-old Tanya Parker. He was sentenced to life in prison with the possibility of parole.

David Proulx began living with Tanya’s mother in July 1982. On the morning of December 21, 1982, Mr. Proulx (age 26) stayed at home with Tanya, while her mother took another daughter to school. Tanya’s mother last saw her watching television in the living room, while Mr. Proulx sat on a nearby couch. When Tanya’s mother returned to the apartment, approximately 10 minutes after she left, Mr. Proulx said, “Come here, quick.” He was holding Tanya in the sink, running cold water over her. Tanya was unclothed and unconscious. When

<sup>1</sup> Board Member Santa did not participate in the hearing or vote as she was unavailable.  
<sup>2</sup> Mr. Proulx also petitioned the Board to withdraw his parole violation warrant on C47670. The Board denied this request.

Tanya's mother asked what had happened, Mr. Proulx replied, "I don't know what happened to her, I was playing with her [by tossing her over my head] and her eyes rolled back, and she went limp." Attempts to revive Tanya were unsuccessful. She was rushed to the hospital, where it was determined that she was "clinically dead." She was officially declared deceased five days later. An autopsy determined the cause of death to be a skull fracture with acute subdural hematoma and cerebral edema. This injury was inconsistent with Mr. Proulx's explanation of Tanya's injury. Additional evidence was present that Tanya had been physically abused.

At the time of this offense, Mr. Proulx was on parole from a 15 year sentence for rape of a child with force. His arrest for Tanya's murder resulted in a parole violation warrant on the parole sentence issued on February 15, 1983.<sup>3</sup> Mr. Proulx served approximately three years of the 15 year prior sentence before his parole was revoked.

## **II. PAROLE HEARING ON NOVEMBER 10, 2020**

David Proulx, now 65-years-old, appeared before the Parole Board on November 10, 2020, for a review hearing. He was represented by student attorneys from the Harvard Prison Legal Assistance Project. Mr. Proulx was denied parole after his initial hearing in 2005, and after his review hearings in 2010 and 2015. In his opening statement to the Board, Mr. Proulx apologized to Tanya's family, stating that he should have been "man enough" to admit he was responsible for her death instead of implicating her mother.

The Board noted that Mr. Proulx experienced a difficult childhood. He was physically and sexually abused and exposed to mental illness and addiction. Mr. Proulx struggled with substance abuse himself, despite periods of sobriety throughout adulthood. He told the Board that he was under the influence when he dragged a 15-year-old acquaintance off the street and raped her. He was on parole for this offense when he murdered Tanya. Upon questioning, Mr. Proulx claimed that this offense was the first sexual assault he committed, and that he seized an "opportunity" when he assaulted this victim. The Board confronted Mr. Proulx with prior statements he had given during treatment. In those statements, Mr. Proulx admitted to getting multiple young women intoxicated and taking advantage of them, prior to the rape of the 15-year-old girl. He responded that he does not remember saying or doing such things; however, he does not dispute its accuracy.

Once paroled, Mr. Proulx was working and living with his brother for a short period of time before he moved in with Tanya's mother – a fact that he kept from his parole officer. He began using heroin and alcohol because he was frustrated and resentful that he had recently lost his family after cheating (with Tanya's mother) on his prior partner. As a result, he was left taking care of Tanya and her siblings. After living with them for a couple of months, Mr. Proulx admitted to "regularly" beating 2-year-old Tanya. Some of these beatings included hitting and kicking her, pushing her face into urine, and throwing her against a toilet seat. He acknowledged taking his anger out on Tanya, but not the other children, as Tanya was "difficult to reason with."

On the day of the governing offense, Mr. Proulx was alone in the apartment with Tanya for a short time, while her mother took her sister to school. In an effort to comfort Tanya, who was crying, Mr. Proulx claimed that he threw her up in the air three or four times. He "missed" catching her on the last throw, and Tanya struck her head on the arm of the couch, rendering

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<sup>3</sup> At the same time the Board voted to deny parole after the November 10, 2020 hearing, the Board also voted to deny Mr. Proulx's request to withdraw the parole violation warrant on this sentence, C47670.

her unconscious. Board Members explained that they did not understand Mr. Proulx's account of Tanya's death. Although he claimed to take full responsibility for the murder, he seemingly suggested, at the same time, that her death was accidental. Mr. Proulx acknowledged that an attorney submitted a reconsideration request to the Board in 2020, on his behalf, that characterized him as an "innocent man wrongfully convicted." The Board repeatedly questioned Mr. Proulx as to whether the governing offense was an accident or an intentional murder. Mr. Proulx answered that while he did not intend to kill Tanya, he is responsible for her murder, nonetheless. Board Members did not find his account of the incident credible, as it seemed unlikely that he would attempt to comfort a child that he, admittedly, had physically abused for months. The Board expressed its concern that Mr. Proulx minimized his culpability in Tanya's death.

The Board noted that Mr. Proulx earned his GED and HVAC license while incarcerated. He also completed multiple programs, including Jericho Circle, Countdown to Freedom, and GMP. As an active member of AA/NA, Mr. Proulx credits this program with helping him identify his coping mechanisms and remaining sober for over 33 years. Mr. Proulx completed the Sex Offender Treatment Program, which he entered in 2006, and where he remained for approximately a decade. Mr. Proulx stated that, after 26 years of maintaining that the rape of his 15-year-old victim was consensual, the Sex Offender Treatment Program (SOTP) was the first venue where he admitted to committing rape. When asked by the Board as to why the program staff believed an insight letter (that he wrote as part of treatment) "lacked depth," Mr. Proulx claimed that he "covered all the bases." He acknowledged that he never addressed Tanya's murder in SOTP, or any other programs, because "it didn't come up." The Board noted that Mr. Proulx has completed only one program since 2015 and suggested that he participate in Restorative Justice to improve victim empathy and gain insight into the effect of his criminal behavior.

The Board considered written statements in support of parole from Mr. Proulx's family members and friends. The Board considered testimony and a letter in opposition to parole from Essex County Assistant District Attorney David O'Sullivan. The Board also considered a letter of opposition from Leonard Desmaris, Acting Chief of Lynn Police.

### **III. DECISION**

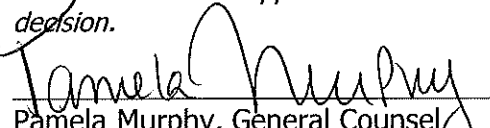
The Board is of the opinion that David Proulx has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Proulx has served 38 years for the murder of 2-year-old Tanya Parker in Lawrence, Massachusetts. [The] crime was committed while subject was on parole supervision for a rape in 1979. Mr. Proulx has yet to accept full criminal culpability, [as] evidenced by his submission for a reconsideration in June of 2020, where he maintained his innocence. [His] presentment was devoid of insight. Mr. Proulx is encouraged to reengage in Sex Offender Maintenance to further address the triggers outlined in the treatment review panel's report.

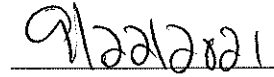
The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the 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. Proulx'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. Proulx's risk of recidivism. After applying this standard to the circumstances of Mr. Proulx's

case, the Board is of the opinion that David Proulx is not rehabilitated and, therefore, does not merit parole at this time.

Mr. Proulx's next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages Mr. Proulx to continue working toward 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.*

  
Pamela Murphy, General Counsel

  
Date