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Tina M. Hurley
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RECORD OF DECISION

IN THE MATTER OF

RUSSELL REGAN
W58331

TYPE OF HEARING: **Review Hearing**

DATE OF HEARING: **June 13, 2024**

DATE OF DECISION: **October 10, 2024**

PARTICIPATING BOARD MEMBERS: Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse, Rafael Ortiz

VOTE: Parole is granted to C.R.J. two weeks from issuance of Decision, but not before District Attorney Clearance.

PROCEDURAL HISTORY: On March 15, 1995, following a jury trial in Middlesex Superior Court, Russell Regan was convicted of two counts of murder in the second degree, one count of arson in a dwelling house,¹ and six counts of assault and battery with a dangerous weapon. Mr. Regan was sentenced to life in prison with the possibility of parole on each of the two counts of murder. Those sentences were ordered to run consecutively. For the single count of arson in a dwelling house, Mr. Regan was sentenced to 18 to 20 years in state prison concurrent with his consecutive life sentences and, on the remaining six counts of assault and battery with a dangerous weapon, Mr. Regan was sentenced to 9 to 10 years in state prison from and after his 18 to 20 year sentence for arson in a dwelling house.

On June 6, 1995, in Middlesex Superior Court, Mr. Regan pleaded guilty to three additional counts of burning a building and five additional counts arson of in a dwelling house and was sentenced to 3 to 5 years in state prison on each count, all of which were ordered to run concurrently with the first of his two life sentences for murder.

¹ The Massachusetts Appeals Court vacated the judgment of conviction of arson and the sentence imposed thereon and affirmed the other judgments. (Commonwealth v. Regan, 49 Mass. App. Ct. 1121 (2000))

On June 13, 2024, Russell Regan appeared before the Board for an initial hearing.² The Board's decision fully incorporates by reference the entire video recording of Russell Regan's June 13, 2024, hearing.

STATEMENT OF THE CASE: On June 1, 1994, 22-year-old Russell Regan and his friends were walking in an alley near a two-story building in Lowell. Mr. Regan observed two mattresses near a set of stairs in the back of the building. He set both mattresses up against the wall of the building and ignited the mattresses with a cigarette lighter. The fire quickly spread up the asphalt wall and engulfed the backside of the building, including the stairs that led to the second-floor apartment. At the time Mr. Regan set the building on fire, eight residents were inside sleeping, a family of seven and their downstairs neighbor. A 19-year-old teenager was looking out the window and saw Mr. Regan (who she was familiar with) and one of his friends running away from the fire. The screams woke the family that was asleep. A family member attempted to clear the way for his family to leave the apartment, but the door to the porch, the only way to exit the dwelling, was engulfed in flames. All eight victims were taken to the hospital for treatment. The family's youngest child, 18-month-old David Tom, was pronounced dead at 2:30 a.m. On June 11, 1994, the family's 3-year-old son, Danny Tom, died at Children's Hospital. The child's cause of death was determined to be brain damage brought on by smoke inhalation. Their 4-year-old daughter was hospitalized at the Spaulding Rehabilitation Hospital, where she was listed as unresponsive to visual stimuli; she could do nothing but breathe on her own. When Mr. Regan was questioned by police, he admitted to setting a total of nine fires, all in his own neighborhood in the lower highlands section of Lowell.

APPLICABLE STANDARD: Parole "[p]ermits shall be granted only if the Board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an inmate's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the inmate's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of the offense, the criminal record, the institutional record, the inmate's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

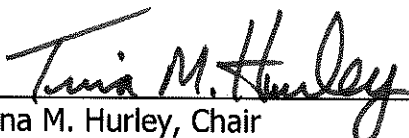
DECISION OF THE BOARD: This is Mr. Regan's first appearance before the Board as his prior hearing appearances were waived, and he additionally had his sentence structure for parole eligibility adjusted due to the Supreme Court Justice's decision in Dinkins. During his period of incarceration, Mr. Regan has engaged in approximately 100 programs, he has had no disciplinary reports for 20 years, and currently scores as low risk on his LS-CMI risk assessment tool. Mr. Regan has been employed as a houseman for 18 years. The Board considered Mr. Regan's history of childhood trauma and its effects on his criminal behavior.

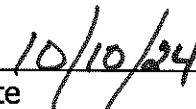
² Mr. Regan waived his hearings in 2012 and 2016.

He has taken on leadership roles within the Department of Corrections programs. Mr. Regan was incarcerated at the age of 22 and is now 52-years-old. Mr. Regan presented with community support. The Middlesex District Attorney's Office submitted concerns regarding Mr. Regan's parole and his need to engage in counseling. The Board concludes by unanimous decision that Russell Regan has demonstrated a level of rehabilitation that would make his release compatible with the welfare of society.

SPECIAL CONDITIONS: C.R.J. Program; Waive work for program; Curfew must be home between 10 pm and 6 am at Parole Officer's discretion; Electronic monitoring at Parole Officer's discretion; Supervise for drugs with testing in accordance with agency policy; Supervise for liquor abstinence with testing in accordance with agency policy; Report to assigned MA Parole Office on day of release; No contact or association with gangs/gang activities; No contact with victim(s); No contact with victim(s)' family; Counseling for adjustment and childhood trauma; Mandatory Sex A conditions if SORB classified.

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.


Tina M. Hurley, Chair


Date