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

**PAROLE BOARD**

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Charlene Bonner  
Chairperson

**DECISION**

**IN THE MATTER OF**

**WARREN DOUGAN**  
**W37872**

**TYPE OF HEARING:**           **Revocation Review Hearing**

**DATE OF HEARING:**       **May 19, 2015**

**DATE OF DECISION:**      **June 17, 2015**

**PARTICIPATING BOARD MEMBERS:** Dr. Charlene Bonner, Tonomey Coleman, Sheila Dupre, Ina Howard-Hogan, Tina Hurley, Lee Gartenberg

**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. Upon District Attorney clearance, re-parole is granted to an approved home plan with special conditions.

**I.STATEMENT OF THE CASE**

In 1974, Warren Dougan, Robert Linehan, Richard Giers, and Fred Woodward were members of a motorcycle gang. 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 Mr. Lopes had been making phone calls to Dougan's girlfriend telling her that she was in "bad company." Dougan then ordered Richard Giers and Fred Woodward to go to Mr. Lopes' home and 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 Mr. Lopes' wife and their 13-month-old child were present. Mr. Lopes was driven to Linehan's apartment in Roxbury, where Dougan (then age 29) was present. At the



apartment, Linehan, Giers, Woodward, and Dougan beat up Mr. Lopes. They then drove him back to his own apartment, where Dougan, Linehan, and Giers tied up Mr. Lopes with wire and tape, and beat him again. Dougan and Giers then ordered Mr. Lopes' wife into the bedroom and forced her to have intercourse and to perform fellatio. These acts were committed in front of Mr. Lopes' 13-month-old child. After the rape, the three continued to beat Mr. Lopes until he lost consciousness. Dougan then held a lit cigarette to Mr. Lopes' face to ensure that he had really lost consciousness. Out of fear of reprisal from Dougan and his motorcycle gang, neither Mr. Lopes nor his wife reported the incident until after Dougan was arrested, in June 1974, on unrelated federal charges for gun 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 year 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. Prior to this revocation, Dougan seemingly complied with his parole conditions without any major violations. It was not until September 2012, when he started to have difficulties while on parole. Dougan has been in the business of renting rooms in a multi-family home that he owns and has admitted that some of his tenants have had criminal records. This has presented a 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 has been married to his wife since 1981, having been with her since 1976. They have both suffered major health issues over the years. At the time of Dougan's violations of parole, his wife was living in Alabama to be near her sister after a family death and for the warmer climate for 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. He receives treatment for macular degeneration in both eyes and an enlarged prostate. 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 affected his ability to make necessary repairs on his home, which provides needed income from rental payments.

Dougan's parole violations consist 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 adult 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 registered sex offender.

### **III. PAROLE HEARING MAY 19, 2015**

Warren Dougan was represented by Attorney Michael Phelan, who provided a basis for re-paroling Dougan in his opening statement. Dougan was returned to custody in October 2014 for violations that include: engaging in a relationship that was not reported to his current parole officer, failure to maintain payments with supervision fees, and associating with persons known to have a criminal record. Due to Dougan's sex offender status, he has conditions that he must comply with that are unique to sex offenders. Attorney Phelan emphasized Dougan's years of success on parole, and the fact that he has not committed any new offenses. Attorney Phelan stated the consensual relationship that constituted Dougan's violation was known by his wife and his prior parole officer.

The Parole Board questioned Dougan at length, focusing on his recent history of violations of conditions. All of his violations were reviewed during the hearing. Dougan reported that he continues to have an open relationship with his wife, and stated that he has been forthcoming with his parole officers and his wife about his history with his friend, Lorraine O'Rourke. He stated that they met in 2004, when he was helping to care for her disabled son. He stated that his prior parole officers have known about this relationship, including his "on again off again" sexual relationship with Ms. O'Rourke that started in 2006. Dougan, however, acknowledged that he has been less than forthcoming over the years when his parole officer has changed, and rather, he expected that each parole officer would communicate all necessary information to whomever would be assuming responsibility for his case. The Parole Board did not accept this rationale and again reminded Dougan that he has had similar issues in the past, and that withholding information could be perceived as being deceptive. Dougan conceded and stated that he understands he has been selective in what he shares. Dougan also cited his many medical issues, including a brain tumor that causes cognitive issues, as being part of his overall failure to communicate expected information. The Parole Board again focused on the pattern of behavior that has resulted in his returns to custody.

Dougan was also asked to demonstrate that his level of rehabilitation is complete, as he was initially paroled in 1998 and had been successful in the community for 14 years. Dougan reported that he completed Sex Offender Treatment and has maintained counseling in the community, which he reported was helpful in dealing with all of his stressors. He also re-engaged in intensive treatment at the Massachusetts Treatment Center, where he is currently enrolled in sex offender treatment (SOTP). Dougan stated that it was his choice to re-engage in treatment and stated that he has found the program and support to be helpful. Dougan



stated that he has financial and medical issues that are primary stressors, as well as the stress of caring for his wife, who also has medical issues. Dougan described his wife as being supportive of him and that they remain married, but that their relationship is one of friendship. Dougan was asked about a statement he made when he was returned to custody of ending his life if he were not re-paroled. Dougan admitted to a feeling of desperation when returned to custody, but insisted that since being returned, he has re-engaged in treatment and denied any feelings of suicidality. He stated that he has the supports that he needs to live in the community and insisted that he will make open communication with his parole officer a serious priority. Dougan stated that Ms. O'Rourke was still a source of support and would ask permission from the Parole Board to have contact with her.

Dougan stated that he would like to return to live with his wife in their home in Brockton. He stated that he would resume counseling and AA and that he has been successful and compliant in the community for many years. He stated that he maintains good relationships and, although he is unable to work to the degree he had, he is able to do enough to support himself and his wife.

Speaking in support of Dougan's parole was his wife, Kathryn Perry-Dougan, who corroborated Dougan's testimony and stated that she continues to be in full support of his returning home to live with her.

A letter of opposition was provided by the Suffolk County District Attorney's Office. The District Attorney cited Dougan's recent pattern of violations as being of concern, as well as an indication that he has not been rehabilitated.

#### **IV. DECISION**

Warren Dougan, now 68-years-old, has a history of over 14 years on parole without any formal violations. He has been returned to custody twice in the past two years for similar patterns of behavior that involve engaging in relationships that were not reported to his parole officer. Dougan is married, but contends that his wife has known about such relationships. She testified to the Parole Board that she understands he has needs that she is unable to meet. Ms. Dougan stated that she is in full support of his returning to live with her. 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 has limited his ability to work and has affected his overall quality of life. Dougan, however, has supports in place to assist him with this transition. He can resume counseling and has the support of his wife, as well as other people in the community. 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 is aware of the reporting expectations as a parolee and agrees to comply.

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:** Upon District Attorney clearance, re-parole to an approved home plan; waive work for medical reasons/SSI; no drug or alcohol use, and submit to testing in accordance with agency policy; attend AA or NA meetings at least three times per week; curfew at the discretion of parole officer; sex offender conditions including counseling and polygraph testing; GPS monitoring; no contact with victims; contact with L. O'Rourke at discretion of parole officer; report to assigned MA parole office on day of release.

*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.*

  
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Michael J. Callahan, General Counsel

  
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Date