

Senator William N. Brownsberger
Second Suffolk and Middlesex District
Commonwealth of Massachusetts - Senate
State House, Room 413C
Boston, Massachusetts 02133-1053

January 5th 2015

Re: Your Correspondence of December 22nd 2014

Dear Senator Brownsberger:

Thank you for your recent letter inviting testimony or sources for your commission examining the Sex Offender Registry. Your letter to me was gracious making all the right overtures.

I am one of the 2.2 million people incarcerated in one of our nations prisons: The Massachusetts Correctional Institute in Shirley. I was convicted at trial of Armed Kidnapping, gun charges, and using a false name. Furthermore, I pled guilty to Assault with Intent to Murder. But, my story begins when I was much younger.

When I was a young man, in 1988, I was convicted at trial in New York City of Rape in the First Degree, Sodomy, and Assault. I have been paying for this twenty-seven year old crime my entire life as a result of the Sex Offender Registration laws established during the 1990's.

"Concerns about sex offender recidivism grew nationwide in response to a series of highly publicized heinous sex crimes in the 1990's. This spurred the passage of State so-called "Megan's Laws," requiring community notification of sex offenders living in the area."(1)

As a result of Megan's Law, I was made to register. Had I known about this registration in 1988, I may very well have taken a plea bargain. I felt I could accomplish this registration and move on with my life. Sadly, Sex Offender Registration, and all it entails, drove me underground and off the grid.

My life was ruined by laws like mandatory minimum sentencing, and Sex Offender Registration. After I served five years on my Rape conviction, I spent the rest of my life running away from this insidious registration. Living underground, under the radar, and working in jobs that pay cash only; I found myself limited as to housing and employment.

Each time I tried to rehabilitate my life and live normally, zero tolerance policies affecting sex offenders netted me back to prison.

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In my life, I have been in prisons coast-to-coast. Today, I am locked away in a Massachusetts prison because I was living as a fugitive. I shot a man who threatened to inform the police and expose me. I shot him Three times with an unregistered firearm. I did everything I could to avoid being subject to laws like Sex Offender Registration - including shooting a man.

"There is considerable disagreement among members of the psychological community concerning how the risk assessment of Sex Offenders should be conducted, as well as about the accuracy and validity of such efforts."(2) Never-the-less, as a young man in my twenties, I made a terrible mistake, and did all I could to atone for my bad acts.

Each time I tried to move my life back on track, zero tolerance policies frustrated my efforts. Housing restrictions, employment restrictions, and oppressive registration conditions ruthlessly applied by law enforcement made the attempt to live by the law impossible.

I was labled a Rapist. I would be nothing more than a Sex Offender for my entire life. A label reinforced by policies grounded in political decisions of the 1990's and what could only be described as media induced hysteria.

I was classified a level III sex offender. My crime, a "date rape" of a thirty-four year old woman after a day of drinking, I have been made to register forever. Rather than register; rather than live with the stigma, I chose instead the uncertainty of living underground as a fugitive.

Your job as a legislator is a difficult one. You must use your judgement and position to determine whether an individual convicted of a sexually based crime is a risk of re-offending. This is a paradox.(3) Nobody can predict the future with any certainty, however, the lives of so many hang on this very premise.

Lately, Courts and scientific research have determined Sex Offender Registration does little, or no, good determining Sex Offender Recidivism.(4) What exists, however, is collateral crime. In my case, for example, I was living as a fugitive. I owned and operated an unlicensed escort service in California. My life was spent earning money, essentially, as a conman grifting cash from here and there simply to survive.

While living in Los Angeles, California, I tried to live a quiet life. I was doing well until a neighbor discovered my past via the internet. In a short time a mob was in front of my home demanding I move. You may visit the news reports about this incident on the computer, it's easy to find.(5)

There are so many problems with this Sex Offender Registration - too many for this short letter - but, in my case; I fell into this registration that was passed in New York State in 1991, and I've been unable to climb out from its tragic results.

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Perhaps the most egregious result of Sex Offender Registries is the scattershot approach they take. Laws passed to protect children, "Megan's Law" "Jessica's Law"; and the Adam Walsh Act, pull at the public's righteous resolve yet each of these laws attacks every class of sex crime. Every sex offender is trapped within the net of laws passed. Moreover, registries give the public the impression all "Level III" offenders are child rapists or pedaphiles. There is nothing but the sensational to guide the public's perception.

My neighbors in California immediately believed I was a pedaphile. They held up signs "We Must Protect The Children." In fact, I was convicted, at trial, of Rape involving a thirty-four year old woman. (6)

I do appreciate the opportunity you have given me to add my voice in this debate. I would say plainly, Sex Offender Registration has affected adversely an entire generation. These laws are nothing more than a modern day pillory which serves only to drive an entire class of offender underground, as it did me.

Please consider some of my points raised in this short letter. I would be happy to assist your office in any way that I can. Also, I would be willing to offer testamony at a public hearing.

Perhaps you may consider visiting MCI-Shirley, I am certain you would come away with a uniquely informed point of view.

Yours Very Truly;



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Notes

1. Supreme Court of Massachusetts 2013, 468 Mass: Commonwealth v. Cole: November 5th, 2013: See comment, Challenging Traditional Notions of Managing Sex Offenders: Prognosis is Lifetime Management, 66 UMKC L. Rev. (1998)
2. Supreme Court of Massachusetts (2011) 459 Mass. 603: Doe v. Sex Offender Registry Board, January 3rd 2011.
3. Jurek v. Texas, 428 U.S. 262, 274-276, 96 S.Ct. 2950, Prediction about future behavior, although difficult to make, is essential element of many decisions rendered throughout criminal justice system and is based on all possible relevant information about individual whose fate must be determined.
4. Supreme Court of Massachusetts 2013, 467 Mass. 598: Moe v. Sex Offender Registry Board: December 5th 2013. "While we recognize the Legislature enacted these amendments in the belief that internet access to the registry information of level two offenders would reduce the number of new sex crimes committed by these offenders by enabling individuals to identify them as sex offenders and take cautionary steps to protect themselves and those under their care, **there is no evidence in the record to indicate that any sex crime has been prevented, or that the incidence of sex crimes or sex offender recidivism has decreased by such publication**, even though internet publication of the registry information of level III offenders has been required in Massachusetts since 2003..." see Coe v. Sex Offender Registry Board, 442 Mass. 250, 260 n.10, 812 N.E. 2d 913 (2004)
5. See Scott, Sex Offender Due for Parole, But No Place Will Have Him, N.Y. Times, September 19th 1994.

In my case, I was living comfortably in a private home in Elysian Park, a lovely part of L.A., one afternoon I found a mob in front of my home; local news, and protesters. My neighbors had signs that read: "NO Sex Offenders In Our Neighborhood," and "We Must Protect The Children." What is horrible, apart from the obvious, is that my charge and conviction of Rape 1st degree involved a 34 year old woman during a drunken afternoon. Sadly, the public accepts at face value the registry is entirely made up of pedophiles.

6. Sex Offenders: The Fear and The Reality, The Boston Globe, December 7th 2014 (p.K-2) Agan, A., & Prescott, J., "Sex Offender Law and the Geography of Victimization," Journal of Empirical Legal Studies (December 2014). "...a new analysis of neighborhood crime and sex offender residency in Baltimore County, Maryland, questions the efficacy of these policies."