Good morning, members of the Special Commission. My name is Fred Smith and I want to thank my colleagues here today who invited me to speak and to you all for allowing me to speak. I won't repeat what is in my bio except to say I believe I bring a truly unique perspective to the issue of the Sex Offender Recidivism generally and the Registry Board's impact on public safety and the lives of thousands of citizens of the Commonwealth in particular. I have witnessed up close and personal, the devastating impact these registry laws and regulations have on a population of folks who, with very few exceptions, only want to live safely, peacefully and productively in the community. Let me warn you, I have very harsh words of criticism, not so much for the Board per se, after all the Board and those that carry out the sex offender registry mandate are just doing the job that misguided Congressmen, Presidents, and state legislatures have told them to do.

By now, after you have heard from all the experts, I am sure you all have been educated regarding how the state registries came into being. One horrible offense, a stranger who abducted a child who was never seen again, aroused a nation's outrage and a Congress eager to make political hay led to the eventual federal mandate that all states have sex offender registries and the consequent community notification requirements. Thus began, what I refer to as the "War on Sex Offenders". As in the case of a number of Wars the United States has fought over the past half century, this one is being lost as well. In the 1960's the U.S. began a war on poverty...today we have more disparity between haves and have nots than ever in our history; In the 1970's the U.S. began a War on Drugs...as a result, today we incarcerate more of our citizens, particularly people of color and people of poverty than any county on the planet and, by the way, never have illegal drugs been more available; In the 1990's the U.S. began a War Against Weapons of Mass Destruction....20 years later, well over a Trillion dollars spent, hundreds of thousands, perhaps millions of lives lost across the middle east, a world shaken to its core by the threat of terror and not a weapon of mass destruction to be found. It should be noted that all these wars emerged from the hearts and minds of this country's so called best and brightest. Citizen activists, Congress people, Presidents, Judges, Commissions, so called experts in forensics, and the general public all pushed for and got what they wanted: public sex offender registries, active dissemination of sex offender crimes and whereabouts of offenders, a plethora of additional restrictions on where sex offenders can work, live, even where they can sit and read a book. Unfortunately, as a direct result of these registries and restrictions, sex offender recidivism has risen.

By now, you are all aware of the dozens of statistical analyses done by various organizations comprised of District Attorneys, academics, citizens, civil libertarians and journalists that have looked both casually and carefully at the impact of the War on Sex Offenders only to find, in virtually every case, that not only do these strategies not work, they make the public less safe and, along the way, make it virtually impossible for a sex offender to successfully reenter society. Specifically, and, most significantly, you have probably been made aware of the 2012 exhaustive analysis done by Professor JJ Prescott of the University of Michigan School of Law who looked at the impact of Sex Offender Registry Laws in 10 states over the course of 15 years. Arguably, the most detailed and comprehensive study conducted so far. His conclusion?

"Notification regimes also seem to influence sex offense frequency, although not as lawmakers had intended. Notification laws reduce the number of sex offenses when the size of the registry is small, but these benefits dissipate as more offenders become subject to notification requirements. This finding accords with the idea that notification can deter non registered individuals, but that it encourages recidivism among registered offenders, perhaps because of the psychological, social and financial harms they suffer from the public release of their criminal history and personal information. Indeed for a registry of average size, instituting a notification regime has the aggregate effect in these data of increasing the number of sex offenses by more than 1.57%, with all deterrence gains more than offset.” Do Sex Offender Registries Make Us Less Safe: Laws Purporting to Protect the Public May be Increasing Sex Offender Recidivism Rates,” Prescott, J.J., *Crime and Law Enforcement*, pages 54-55 (summer 2012).

Now, I was not invited here today to cite statistics. For the past 20 years I have been associated with St. Francis House, the largest day shelter in New England. A place that served as a refuge for all who were experiencing homelessness, no matter who you were or where life had taken you. I agreed to work at St. Francis House because their mission statement was derived from Jesus' admonition "Whatever you do to the least of my brothers and sisters you do unto me."

In the late 1990's when the sex offender registry took hold in Massachusetts, we became acutely aware of the special circumstances these men and a few women were facing. We had created a state-of-the-art, award winning life skills and career development program for our guests at St. Francis House but the new obstacles and attention brought on by the sex offender registry and new and harsher probation stipulations, made it virtually impossible to secure housing and employment for these folks. The percentage of Level 3 offenders in Boston who were homeless was staggering, reaching nearly 80% in 2007.

Our willingness to welcome these folks and give them access to our services: 2 meals a day, clothing, medical services, showers, case management, mental health services to name a few, gave us an opportunity to get to know them as human beings. We lamented with them as they bore their souls in excruciating detail, helped them get Mass. IDs, a sometimes arduous and time consuming task, signed them up for whatever entitlement benefit was due them, made sure they registered properly, sought legal help when their situation warranted, answered their letters from prison as they got near to wrapping their sentence or visited them in prison in anticipation of their civil commitment trials. We picked them up from prison or court upon their release and brought them back to St. Francis House. I estimate I have worked with over 300 sex offenders in my career many of them serving sentences measured in decades rather than years. I can say with great confidence that of all the individuals who sought help and became engaged in any of our ongoing services, only 4 have committed another sex offense. I am convinced three of these folks committed new crimes in order to return to prison because life outside was too stressful and painful. The fourth person was clearly mentally ill. As a matter of fact, more sex offenders that I worked with committed suicide than new sex crimes.

As St. Francis House developed permanent housing in our building, we set aside 30% of our 56 single room occupancy units for registered sex offenders. For over 15 years these individuals have lived fully integrated in an adult only, coed leased housing program without a single instance of sexual misconduct. Moreover, as tenants, they are more cooperative, more responsible and far less likely to have substance abuse issues than our other tenants. With a little prodding, St. Francis House eventually hired several sex offenders to work as full time employees. Once again, they proved to be, by far, the hardest working, most reliable and dedicated employees in the building.

With thousands of registered sex offenders across the state, obviously, the efforts of St. Francis House, while making a critical point, simply was not going to put a dent in the problem. What else could we do? The answer to that question came in an epiphany as I listened to a fellow in my office tell me about all his efforts to become employed and earn the money he would need to secure housing. He proudly pulled out almost a dozen certificates that chronicled his knowledge of safe food practices, HVAC theory, mail room operations, janitorial, bookkeeping, computer applications and on and on. His pride in all his hard work suddenly changed to a sense of desperation when he declared, "I have all these certificates but nobody will hire me." I was stunned. "My God", I said to myself, "I am part of a system that takes money from the government, foundations and donors to train people knowing full well, they can't get jobs." The solution, it seemed to me, was rooted in an old adage "If no one will hire you, hire yourself! It took St. Francis House 5 years of nurturing and hard work to create a model for identifying micro enterprise opportunities and developing these self-employment options. A small manufacturing business was formed and about a half dozen homeless men and women, many with sex offender status, trained themselves and produced products that were sold on their website and at craft markets around the city. During the time they worked on this project, these men and women were transformed from lost and hopeless souls to people with direction, hope and dignity. St. Francis House had overwhelmingly demonstrated Freud's observation more than a century before when he declared the essence of humanness was supported by the twin pillars of Love and Work.

In summary, my recommendation to the Commission would be to:

1. Create Support and Accountability Centers with the ability to provide a variety of services including access to benefits, introduction to peer support groups, acquiring basic documentation for Identification and referrals to appropriate resources including intensive Circles of Support and Accountability.
2. Indemnify housing providers and employers to reduce the perceived risk of providing housing and employment to registered sex offenders.
3. Continue to develop the self-employment/micro enterprise model of employment through homeless incubators.
4. Eliminate the SORB, (remember you already have a Criminal Offender Record Information Board that also provides offender information to those with a need to know). If not elimination, at the very least recommend a best practices, actuarial tool to identify those at a real risk of reoffending and make sure they take advantage of support and accountability centers, electronic monitoring and other supervisory tools that have demonstrated their effectiveness.
5. Provide more training and guidance to Probation and Parole Officers so they do not hinder the reintegration process by overreaching their authority.

What, if anything, can we learn from all this experience? Well, we have learned that sex offenders are human beings with exactly the same goals and ambitions as the rest of us. They want to live in places they can call home, they want to work and pay taxes and contribute to their communities. They also want their victims to continue to heal and to make sure there are no more victims. This is why, in Boston, an informal network of offenders has formed to assist those newly released and to work to limit reoffending, events that make their lives even more difficult to live.

As it happens, my interest in this work has led me to examine a number of treatment and program options that others have developed in different parts of the world. When we reframe our real mission the answers, I think, become clearer. If you change your name to The Special Commission to Reintegrate Sex Offenders Into the Community, suddenly it becomes a mission of support and accountability instead of a mission of notification and punishment. I chose my words carefully, support and accountability. When you read about the work being done in Canada, England and some jurisdictions in the United States, and you discover that a process that supports individuals and expects accountability, is achieving phenomenal reductions in recidivism. Exactly what St. Francis House has been doing for nearly 18 years. When I gave my 12 month notice to my boss at St. Francis House, one of her immediate concerns was how to continue working with this population after I'm gone. I left her with a plan, unfortunately it would cost money and there is, currently, no resources dedicated to sex offender re-entry in this state.