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Testimony of Eric Tennen

1) Treatment Center/Preparation for release

There is no Community Access Program. There is no realistic release planning and absolutely no safety net or guidance once the men are released.

Most men who have been committed for a long term have lost all connections to friends or family. Thus, they have little options available upon release. There is no transitional housing. Many choose to come to Boston, live in shelters, and try and build their life up again.

But released individuals are not prepared for the realities of life on the outside. They are given no guidance or instruction on the following: how to get an identification, how to sign up for food stamps, how to navigate around Boston, how to find where the shelters are or how to actually get a bed at the shelter, where to get a meal, how to cash the check they are given (for whatever savings they have) upon release, how to take the T; where to find their probation officer, or how to register.

2) Supervision

Supervision does little to help, and much to interfere. This is primarily because the conditions imposed on probation are not normally appropriate for the individual. Instead, they create more red-tape for the offender and more ways in which to violate probation. Additionally, for those generally low-risk offenders, supervision is not necessary. If someone poses a low risk, there is no need to have them strictly supervised. Rather, supervision creates stress and series of unnecessary conditions that may result in an otherwise law-abiding person to get snagged again in the criminal justice system.

We know that for low risk offenders, intensive or sustained probation is extremely stressful and can create the kind of emotional states that led men to offend in the first place. But we do not tailor probation to actually meet the needs of the individual; and when we require monitoring for life, or even extended periods (like 10 or 15 years), we do not allow the individual to ever normalize his life.

3) GPS

Mandatory GPS of all sex offenders on probation is simply unnecessary. GPS monitoring does not prevent crimes; it does not decrease recidivism. There have been studies confirming this.

But GPS is extremely limiting and prevents men from living anything close to a normal life.

The equipment is horrible. It is unreliable. Most men on GPS have been arrested for violating the conditions of GPS; but these arrests are not because they were somewhere they could not be; they are for equipment malfunctions. It is not at all unusual for the police to find men exactly where they are supposed to be—in their home—but still arrest them because a warrant has issued.

For many men, you cannot hide the stigma of the bracelet. Pants can barely cover it. You cannot wear different clothes or shoes because they do not fit right. I have clients with medical conditions in which the bracelet can be painful.

The SJC has already held that the imposition of GPS is undoubtedly a punishment. If that is the intent of the law, to add an extra layer of punishment to every person convicted of a sex offense regardless of the circumstances, then it is working. But if the intent is to improve public safety, it is a sadly misguided law.

There is one very simple solution: restore discretion to judges as to whether or not to impose GPS. For judges who want to use it as a form a punishment, they can; for judges who believe it is necessary for public safety (e.g. to monitor if an offender is somewhere he is forbidden from being), then they can use it for that; and for judges who recognize the offender poses a low risk to reoffend and is not prohibited from being anywhere (e.g. someone convicted of an internet only offense), they need not impose GPS.

4) Registration

What does it mean to be a high-risk, level 3 offender? There is no real definition. But it cannot possibly mean these are the most dangerous men. Because the most dangerous men are those who are civilly committed. If you are not committed, then by definition, you are not one of the most dangerous.

At best, a Level 3 is a relative term that compares those offenders to the other men who are in the community. Level 3's are more likely to reoffend than Level 2's, who in turn are more likely to reoffend than Level 1's. But that still does not tell you or the public just how likely a Level 3 offender is to reoffend.

But the perception of Level 3's (or just that people are classified generally) is far from that. Men who participate in years of treatment, and are released when doctors unanimously say they are no longer dangerous, are Level 3's.

So the language we use is horribly prejudicial. The public does not see the language of registration as relative; they see Level 3, high risk, and presume these men should still be in jail.

In turn, Level 3's or anyone outed as a sex offender cannot get work or find housing. They lose jobs (when they have them) and are not protected in any way. They are fired and cannot even collect unemployment, normally, because they were fired for being a sex offender.

5) SORB Reclassification:

Another real problem with SORB is that it is supposed to represent a present assessment of the person's risk. But once SORB classifies someone, the only time their level will change is if SORB petitions to increase it or the offender requests to decrease it.

Because SORB does not unilaterally review classifications on a regular basis, there is nothing showing that someone's classification is current. Once again, this results in poor information being transmitted to the public. If someone is classified as a Level 3, but they have been in the community long enough that they are now less of risk, their classification should reflect that.

Further exacerbating the problem is that when an offender now does seek to be reclassified, the process can now last as long as two years.

So there are many, many men who have classifications that are over 5 years old; some over 10. These are men who have done everything right. And SORB itself recognizes how risk decreases the longer you are out and the older you get. But unless these men ask SORB to change their classification, it remains.