
Testimony in favor of House Bills 3066, 3583 and 3065

Fred Smith, Program Director St. Francis House (retired)

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According to extensive research conducted by the federal government and numerous health organizations, 46 percent of middle and high school students in the United States report being sexually active. That number jumps to 72 percent among high school seniors. At least 45 states, the District of Columbia and Federal law have revised their statutory rape laws to reflect this reality. Massachusetts is one of the few states that have not.

My name is Fred Smith and for nearly eighteen years I served as a Program Director at St. Francis House, a large day shelter in downtown Boston. When the SORB was created in the late 90's, our task to find jobs and housing for homeless individuals, who found themselves on the Registry, became a tragic journey of suffering and frustration. As time went on, more and more of my time was devoted to helping these individuals. In my career, more than 400 registered sex offenders found their way to my office. In particular, two men we worked with had been prosecuted as young men (long before the SORB was created) for having consensual sex with their girlfriends. In both cases, it appears the girlfriends' families wanted to separate the lovers and used the courts to accomplish that goal. In both cases, the defendants pleaded guilty to spare all the families the embarrassment of trials. Neither young man received any jail time for their crimes, that is, until the SORB came along and their new found attention as registered sex offenders led both men down a path of substance abuse, unemployment, petty crime and homelessness.

Both men came from suburban upbringings and supportive families. However, the strain brought on by the public registry tested their families to the point of near abandonment. In Chuck's case, his hard working, blue collar ethos tied his whole identity to "a day's work for a day's pay". When work became scarce his coping behavior included drugs and alcohol which only brought him to the attention of the criminal justice system which, in turn, exacerbated his sex offender status. Eventually, he was labeled a "Level 3", the most serious offender status, even though his only "sex" offense was the statutory case, and, combined with his homelessness, he was required to report to the Boston Police on a monthly basis. Chuck would often visit me either before or after these dreaded police "check-ins" because of the added anxiety they provoked. My job, it seemed, was to help "talk him down".

My experience with the Boston police unit assigned to this job was, generally, quite positive. They seemed to understand the struggles these men were going through and, for the most part, were respectful and nonjudgmental. That changed on one fateful day in late winter when the usual registration unit was replaced for a day by new officers. Clearly, not properly oriented to the procedures of registering homeless sex offenders, these new officers took it upon themselves to put the waiting offenders in holding cells. This was the day Chuck was assigned to appear. Chuck's response to this treatment was not violent but he made his displeasure known in no uncertain terms and, it seems, his spirit was broken. Releasing his anger in my office did not seem to help. He left. I had a very sinking feeling about Chuck's fate. A week later he was found frozen to death under the Southeast Expressway only a block away from the shelter he called home.

While Tim's upbringing was similar to Chuck's, Tim was extremely awkward socially and he made his way through life by keeping other's at bay through intimidation. Numerous brushes with the law and frequent visits to jail only added to his tough guy facade. Tim's only sex offense was also a statutory case as a teenager. But, like Chuck, he emerged from jail in the late 90's with a new designation, "Level 3 Sex Offender". He came to St Francis House, reluctantly, looking for help. Over time, Tim shed enough of the chip on his shoulder to gain insight into his considerable talents as an artist. Amazingly, Tim managed to earn an Associates Degree in Graphic Arts only to find that the burden of the public registry would conspire to doom him. Returning from his break at a major Boston hotel, he found his co-workers hovering around a computer screen and, to his horror, his face was staring back, thanks to the SORB's website.

Like Chuck, Tim's spirit was broken. He continues to cycle in and out jail where his graphic artist skills are in great demand on the arms, legs, torsos, neck and faces of the only customers he can find, his fellow inmates.

Chuck and Tim's stories are not unusual. "But for the grace of God, go I", the saying goes. Indeed, God's grace, Chuck and Tim, missed each other with sad and tragic consequences.

With all the convincing evidence that adolescent brains are woefully undeveloped and ill equipped to make thoughtful and responsible decisions, and given the indisputable fact that SORB registration is, in reality, a criminal sentence that will undermine and, indeed, cripple the lives of these young people for, minimally, 20 years, any effort to remove juvenile offenders from these onerous "sentences" is both the rational and right thing to do.

Thank you for this opportunity to share Tim and Chuck's story. They were, and continue to be, victims of a criminal justice system more interested in retribution than rehabilitation. I hope these bills are a step in a different and more merciful direction.