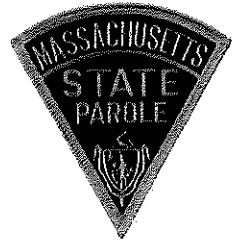


*The Commonwealth of Massachusetts*  
*Executive Office of Public Safety and Security*



**PAROLE BOARD**

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*Natick, Massachusetts 01760*

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*Chair*

**Lian Hogan**  
*Executive Director*

**RECORD OF DECISION**

**IN THE MATTER OF**

**GERALD TOBIN**  
**W37524**

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

**DATE OF HEARING:** **January 30, 2024**

**DATE OF DECISION:** **April 10, 2024**

**PARTICIPATING BOARD MEMBERS:** Edith J. Alexander, Dr. Charlene Bonner, Tonomey Coleman, Sarah B. Coughlin, Tina M. Hurley, James Kelcourse

**VOTE:** Parole is granted to CRJ or residential program on or after two weeks from issuance of Record of Decision, but not before District Attorney clearance.<sup>1</sup>

**PROCEDURAL HISTORY:** On February 26, 1980, in Hampden Superior Court, Gerald Tobin pleaded guilty to rape and rape of a child with force. He received two concurrent life sentences with the possibility of parole. On that same date, Mr. Tobin pleaded guilty to several additional charges and was sentenced concurrently. He received sentences of 8-10 years for two counts of kidnapping, two counts of sodomy, and one count of unnatural acts. He was sentenced to 5-10 years for two counts of assault and battery by means of a dangerous weapon and an additional count of unnatural acts. Finally, a conviction for assault and battery was placed on file. These concurrent sentences have since been completed. On October 23, 1980, also in Hampden Superior Court, Mr. Tobin was declared a Sexually Dangerous Person and was civilly committed to Bridgewater Treatment Center for a term of one day to life. On February 23, 2022, he was released from his Civil Commitment.

Mr. Tobin appeared before the Parole Board for a review hearing on January 30, 2024. He was represented by Attorney Justin Dreschler. Mr. Tobin was originally denied parole in 1995, after refusing to appear for his initial hearing, and again denied after his 2006 hearing. Mr. Tobin, or his counsel, requested postponements of scheduled hearings in 2011, 2016, and 2021. Mr. Tobin appeared before the Parole Board for a review hearing in 2022. He was denied parole. Mr. Tobin

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<sup>1</sup> One Board Member voted to deny parole with a review in 2 years from the date of the hearing.

appealed the Board's decision. The Court ruled in his favor, remanding the 2022 Record of Decision and making Mr. Tobin eligible for a new parole hearing.

The Board's decision fully incorporates, by reference, the entire video recording of Gerald Tobin's January 30, 2024, hearing.

**STATEMENT OF THE CASE:** On November 24, 1979, 24-year-old Gerald Tobin approached two girls, ages 14 and 16, at the Baystate West shopping mall in downtown Springfield. When Mr. Tobin asked the girls if they were interested in purchasing marijuana, they said yes. Mr. Tobin led the girls to the riverbank between the Memorial Bridge and the railroad trestle in Springfield. On the way, he gave the girls marijuana and Percodan pills. When they got to an area where there were trees, Mr. Tobin put his arms around the girls, threatened them with a piece of broken glass, and led them towards a stone wall. Mr. Tobin told the girls to do exactly what he said and threatened to kill them if they did not comply. Mr. Tobin ordered both girls to remove their clothing and then lie on the ground and kiss and fondle each other. Mr. Tobin then raped and sodomized both girls repeatedly. Throughout the incident, he also made the girls perform sexual and unnatural acts on themselves and each other. Mr. Tobin then tied the girls to a tree and left the area. The girls freed themselves and proceeded to the area of Main Street in Springfield, where they observed Mr. Tobin on the street. The girls went to a store and asked the clerk to call the police. The girls reported the incident and identified Mr. Tobin as their assailant. He was arrested, and the girls were taken to the hospital for treatment.

**APPLICABLE STANDARD:** Parole "[p]ermits shall be granted only if the board is of the opinion, after consideration of a risk and needs assessment, that there is a reasonable probability that, if the prisoner is released with appropriate conditions and community supervision, the prisoner will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." M.G.L. c. 127, § 130. In making this determination, the Board takes into consideration an incarcerated individual's institutional behavior, their participation in available work, educational, and treatment programs during the period of incarceration, and whether risk reduction programs could effectively minimize the incarcerated individual's risk of recidivism. M.G.L. c. 127, § 130. The Board also considers all relevant facts, including the nature of the underlying offense, the age of the incarcerated individual at the time of the offense, the criminal record, the institutional record, the incarcerated individual's testimony at the hearing, and the views of the public as expressed at the hearing and/or in written submissions to the Board (if applicable).

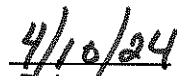
**DECISION OF THE BOARD:** Mr. Tobin has been actively engaged in specific Sex Offender Treatment for over 41 years after his 1979 rape convictions, when he was 24 years old. Mr. Tobin presented as remorseful, insightful, and reported that he was "hardly a human being at the time." Mr. Tobin reports having had previous community exposures without incidents while the Department of Correction had Community Treatment programming through the Department of Mental Health. In 2021, he attended the Community Access Board (CAB) review hearing, and all five members opined that he was "no longer a Sexually Dangerous Person." The Board unanimously concurred that Mr. Tobin is not likely to sexually reoffend if released from the secure setting of the Massachusetts Treatment Center. Mr. Tobin was intoxicated at the time of the crime and has been sober since the mid-1990s. Mr. Tobin completed SOTP (Sex Offender Treatment Program) on the civil side and completed three years of Maintenance before transferring to the criminal side and completing SOTP again with an additional 18 months of Maintenance. The Board

notes Mr. Tobin's age (68) as being in the lowest cohort to recidivate. Mr. Tobin presented a solid reentry plan and community support and is eager to continue treatment in the community.

**SPECIAL CONDITIONS:** Long Term Residential Program; Restrict work for program; Curfew must be home between 10PM & 6AM; Electronic Monitoring; Must take prescribed medication; Supervise for drugs, testing in accordance with Agency policy; Supervise for liquor abstinence, testing in accordance with Agency policy; Report to assigned MA Parole Office on day of release; No contact or association with [name] at Parole Officer's discretion; Must have a substance abuse evaluation and follow the recommendations of Edward Given and Jack Gammell; Must have mental health counseling for adjustment, trauma, and Sex Offender counseling; SEXA – Sex Offender conditions.

*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.*

  
Tina M. Hurley, Chair

  
Date