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Tina M. Hurley
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RECORD OF DECISION

IN THE MATTER OF

GERALD TOBIN

W37524

TYPE OF HEARING: Review Hearing

DATE OF HEARING: May 24, 2022

DATE OF DECISION: December 5, 2022

PARTICIPATING BOARD MEMBERS: Gloriann Moroney, Dr. Charlene Bonner, Tonomey Coleman, Tina Hurley, Colette Santa

STATEMENT OF THE CASE: 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 May 24, 2022. 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. The entire video recording of Mr. Tobin's May 24, 2022, hearing is fully incorporated by reference to the Board's decision.

DECISION OF THE BOARD: After careful consideration of all relevant facts, including the nature of the underlying offense, the age of the inmate at the time of offense, criminal record, institutional record, the inmate's testimony at the hearing, and the views of the public as

expressed at the hearing or in written submissions to the Board, we conclude by unanimous vote that the inmate is not a suitable candidate for parole.

The Board is of the opinion that Gerald Tobin has not demonstrated a level of rehabilitative progress that would make his release compatible with the welfare of society. Mr. Tobin was on parole for admittedly raping a girl at knifepoint when he committed the sexual assaults of teenage victims for which he is presently incarcerated. He was found to be sexually dangerous for approximately forty years. He was released from the Civil Commitment in February of 2022. At his hearing, Mr. Tobin deflected his responsibility by saying he was in a "dissociative state." The Board does not have any recent clinical evaluation or Sex Offender Treatment report, other than a progress report. Given Mr. Tobin's self-admitted long history of sexual offending, beginning in early adolescence, the Board would require completion of Sex Offender Treatment and a clinical evaluation to follow. Mr. Tobin presented as devoid of empathy and, during his hearing, he reported, "I have a difficult time with the whole empathy thing." He said, "It's like I wasn't there." In addition to the concerns of SOTP, Mr. Tobin should engage in rehabilitative programming to focus on empathy.

The applicable standard used by the Board to assess a candidate for parole is: "Parole Board Members shall only grant a parole permit if they are of the opinion that there is a reasonable probability that, if such offender is released, the offender will live and remain at liberty without violating the law and that release is not incompatible with the welfare of society." 120 C.M.R. 300.04. In forming this opinion, the Board has taken into consideration Mr. Tobin's institutional behavior, as well as his participation in available work, educational, and treatment programs during the period of his incarceration. The Board has also considered a risk and needs assessment and whether risk reduction programs could effectively minimize Mr. Tobin's risk of recidivism. After applying this standard to the circumstances of Mr. Tobin's case, the Board is of the unanimous opinion that Gerald Tobin is not yet rehabilitated and, therefore, does not merit parole at this time.

Mr. Tobin's next appearance before the Board will take place in four years from the date of this hearing. During the interim, the Board encourages him to continue working towards his full rehabilitation.

I certify that this is the decision and reasons of the Massachusetts Parole Board regarding the above referenced hearing.


Pamela Murphy, General Counsel

12/5/22
Date