

# CURE-SORT NEWS



Volume 24 Issue 1 Winter 2015

## FROM THE PERCH OF MATT MERCER

Hi, my name is Matt, and I am privileged to be the new Editor of this newsletter. I know that I have been introduced to many of you readers. You probably know that I am a convicted sex offender, since 1990, where I was sentenced to 15 years of probation; fined, \$40,000; and court-ordered to complete sex offender treatment.

**All the above requirements**, have been met and satisfied. While in treatment, I was working on a masters degree in Psychology, which I finished in 1996. My pursuit of this degree, did not make many counselors very happy! I was threatened with all kinds of sanctions. I was threatened to be "violated" for entering into "sacred territory." I still did graduate, and even though, I cannot be licensed as a counselor, I still use the degree to provide guidance to other sex offenders living in community.

This is not where I am going in this first newsletter of 2015. I want to share with you some of the things I am learning, through my journey. I recognize and honor that you are also on a journey of some sort, and our paths may cross, or they may not. So, what I say to you, may or may not be relevant to you. You may be still incarcerated. You maybe a parent, a sibling, or a counselor to an offender. So, I step into deep waters, knowing that sometimes, in our journey, we often find ourselves over our heads. My course is to share with you what I hope will have some meaning to at least a few of you readers.

**If you are an offender, living in community**, let me offer some counsel, as you look down the road to being off paper, or being off paper, with a lot more questions than answers. Who am I? What can I do, be? I have asked many of the same questions. I desperately wanted a different identity than what I had been given in the correctional process. I became ordained in 1986. I have served as an Associate Minister, within the black community.

I desired to return to social services, without violating my judgment and sentence. I got hired on by the State of Washington, as an employment counselor. Following that, I was hired to be a mental health screener, for a large insurance company. Then for seven years, or so, I worked with those with HIV/AIDS.

Along the way, I got hired by a major bank. My felony was problematic, but, my hiring was approved by a senior vice president.

I share all of this because our lives do not end with a sex conviction. At the same time, we have to be willing to show that we are serious about our recovery. Trust has to be rebuilt, and that can take years, depending on where we want to go with our lives.

**For those of you incarcerated**, it is tough, and I recognize that. I am not going to pretend that I have solutions, or a promise that things will get better. In fact, things may get worse, and it is during this time in your journey, hope may appear to be fleeting. If you have any counsel that is beneficial for yourself, and would like to share them with our readers, please submit them to me. I can be contacted through the newsletter mailing address. On May 2, 2015, it will be 25 years since my conviction and ten years of being "off paper." Has it been an easy journey? No! Surviving 15 years under the rule of the Department of Corrections, with eleven different Officers was no picnic! I was accused by different ones of all kinds of violations. Fortunately, none of them got me more than a written rebuke.

So, as we travel this journey together, I invite you to dialogue with me. Let's continue a conversation. I am not going to answer all of your questions, or concerns. Due to the volume of mail we receive, we are not able to address everyone's questions and concerns. That does not mean you have not been heard. It is my personal desire that this be a publication that is relevant to your journey in life. Your thoughts and opinions matter.

Blessings to all of you! Matt Mercer MA

### Inside This Issue:

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# Letters From Across the Nation

## NOTE FROM THE EDITOR:

This letter was received at our CURESORT office. For brevity and clarification, as I am also the CURE "rep" for the West Coast, I will be answering the questions, individually and, in a more private manner. *It is not meant as legal advice.* This letter is typical of what we often receive in our main office. The following answer(s) are those of the Editor and not necessarily those of CURE-SORT.



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## CURE-SORT

I am writing this letter to make sure you have my current address.....to ask you a question: Should I be worried about the civil commitment issue? I have eight years left to serve on a twenty-four sentence, and I don't have any idea what criteria they look (State of California) for deciding this. Could you shed some light on this? Thank you!

FQ11

Thank you for writing. Without knowing what your offense is, I do not know where you stand in the civil commitment issue. If yours is considered a violent felony, especially with a minor, under the age of fourteen; then you probably stand a good chance of being considered for civil commitment. What my concern is, how the law, may or may not change by the time you are nearing your release date. I do believe that you most likely will have to register for life.

You and I can continue to chat on an individual basis if you like. The answer given here, is mainly for publication only.

Best regards,

Matt Mercer MA

CURE-SORT Editor and West Coast representative.

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## NEW CHANGES

As you may or may not be aware, the first four pages, are going to be "therapy" related. I am going to be presenting issues around therapy, treatment, mental health, recovery, etc. This is my forte.

The last two pages, are going to cover civil commitment and registration issues. I am fortunate to have those who are passionate on these issues, to submit articles, that will educate and inform on matters that are important to us.

## CORRESPONDENCE

Another matter regarding correspondence. Many of you write letters to us, which we appreciate. Due to the massive amount of letters, we are not able to answer them all. Those we do print, reflect the opinions of the writer and not those of CURE-SORT.

For those of you, on the West Coast, I will be answering your letters, as the new West Coast CS representative. All other areas of the country, will still go to HQ.

If you have a change of mailing address, please let us know, asap. It saves us money, on returned newsletters. Also, if you have a inmate ID, please provide that, to ensure delivery to you. Again, I look forward to hearing from you! "*Check the date on your mailing label to determine if your membership is due to expire.*"

**FROM THE EDITOR'S DESK**  
Matt Mercer

### CURE-SORT'S EXECUTIVE BOARD

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## RESOURCES

We are pleased to offer the following resources. We ask for a donation to cover postage and printing. U.S. postage stamps are acceptable.

**"One Breath at a Time"** by Ila Davis (\$17.50)

**"Understanding Offending Behavior"** by Stephen Price (A collection of 9 of Stephen's articles from previous newsletters.) (\$4.00 for the set of 9 articles)

**"When Someone on the Registry Moves Into my Neighborhood"** (Member price: \$5; non-member price \$10)

Donations should be mailed to CURE-SORT, PO Box 1022, Norman, OK 73070-1022

**SUPPORT GROUP:** Families & friends for those in civil commitment/ Andrew Extein MSW. Interested persons please email [CCN@curenational.org](mailto:CCN@curenational.org)

### ABOUT CURE-SORT

CURE-SORT news is a publication of CURE-SORT. SORT stands for Sex Offenders Restored Through Treatment. CURE-SORT is one of eight issue chapters of a national criminal justice reform organization known as Citizens United for the Rehabilitation of Errants (CURE), located in Washington DC. CURE's address is PO Box 2310, Washington, D.C 20013. For more information on CURE-SORT, send letters to :

**CURE-SORT**  
**P.O. Box 1022**  
**Norman, OK 73070-1022**  
**(405-639-7262)**  
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\*US Postage stamps acceptable

N24-1



# New York may need to free sex offenders

**Editor's note:** this is a story that "jumped off the presses"

12-28-2014 New York

State mental health officials are trying to decide whether they will have to release civilly confined sex offenders because of a recent ruling from New York's highest court.

The odds are some of the offenders will be freed. The more pressing question may be: How many?

"We are reviewing the diagnoses of civilly confined individuals on a case-by-case basis as to the applicability of this decision," Benjamin Rosen, a spokesman for the state Office of Mental Health, said in an email.

Some judges on the state Court of Appeals have made evident in past rulings their discomfort with the state's civil commitment program, which institutionalizes sex offenders who mental health officials decide are dangerous and cannot curb their sexual urges.

Most of the offenders are institutionalized and treated until a decision is made that they are safe to be released. A judge can also place an offender in a strictly supervised parole program instead of in a mental health facility.

In late October the Court of Appeals ruled that a sex offender, identified only as "Donald DD," could not remain institutionalized based solely on a diagnosis of what is called "antisocial personality disorder," or ASPD.

"The problem is that ASPD establishes only a general tendency toward criminality, and has no necessary relationship to a difficulty in controlling one's sexual behavior," the court ruled.

Under the confinement program, incarcerated sex offenders are evaluated before their release from state prison to decide whether they suffer from a "mental abnormality" that makes it likely they will continue to commit sex crimes.

A small percentage of sex offenders — less than 10 percent of those evaluated — are judged to be eligible for civil confinement. A jury then typically decides at a trial whether the mental abnormality exists. The trials often boil down to dueling expert testimony from mental health professionals.

If the jury does determine the mental defect exists, a judge then decides whether the offender should be institutionalized or released on parole conditions.

*When people show you who they are, believe them*  
*Attributed to Maya Angelou*

Continued next page



Court records show that "Donald DD" was diagnosed with ASPD, and that was the sole mental defect used to justify his confinement.

In 2002, "Donald DD," who was then 18, had sex with a 14-year-old and pleaded guilty to second-degree rape. Two years later, after release from prison, he persuaded a friend of his wife's to walk to a local cemetery, where, court records say, he ignored "her repeated protests (and) had sexual intercourse with her."

He pleaded guilty to second-degree sexual abuse.

After a parole violation, he was recommended for civil commitment. At trial, two psychologists argued that he suffered from ASPD, a disorder, they said, that is "characterized by a pervasive pattern of disregard for others and the violation of the law."

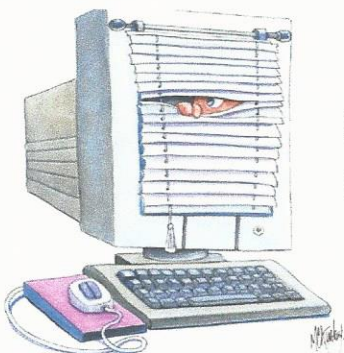
The ASPD, one psychologist said, "resulted in (Daniel) having serious difficulty in controlling his sex-offending conduct."

The psychologists acknowledged that few people jailed with ASPD are imprisoned for sex offenses. And another psychologist, testifying for "Donald DD," "opined that there was no evidence that Donald DD suffered from a condition that predisposed him to commit sex offenses," according to court records.

In its ruling, the Court of Appeals decided that ASPD in isolation is not a defect predisposing individuals to commit sex-related crimes. That decision will surely mean the release of some confined offenders, said Al O'Connor, a staff lawyer and civil commitment expert with the New York State Defenders Association.

"They must be released without condition," he said. "There's no getting around that. There's no mental abnormality that supports (confinement)."

In its seventh year, the civil confinement program has seen a spike of institutionalized offenders. There are currently more than 300 confined offenders. **Rochester Democrat & Chronicle** by Gary Craig, Staff writer



## **\*COMING UP IN A FUTURE ISSUE**

### **Sex Offenders & the Internet: Can the two "Kiss & Make-up"?**

\*Note: Story is contingent on possible future stories that may trump.



# CIVIL COMMITMENT

Civil commitment and registration, are issues we are keeping an eye on. This section of the newsletter focuses in on these issues. We may focus in on one issue, and/or give brief summaries of issues, across the US.

**Texas sex offenders not freed under state program**  
Updated 12:18 pm, Sunday, December 14, 2014



HOUSTON (AP) — None of the more than 300 convicted sex offenders ordered into Texas halfway houses under a little-known program since 1999 have ever successfully completed treatment and been freed, a newspaper reported Sunday.

Texas is among 20 states with civil commitment programs, which keeps some convicted sex offenders off the streets after their release from prison. The U.S. Supreme Court has upheld civil commitments on grounds that the involuntary confinements are used to administer treatment, not punishment.

But a **Houston Chronicle** investigation published Sunday (<http://bit.ly/1wweHea>) found that dozens of offenders have severe mental illnesses or developmental delays that leave them unable to succeed in the programs. Critics say offenders with mental disabilities are more vulnerable to criminal penalties because they can't comply with rules or court orders.

Nearly half of the 350 men ordered into the program since it was created by the **Texas Legislature** in 1999 have been sent back to prison or jail for violations of program rules, some as simple as being late to treatment, court records show.

"For years, offenders with a variety of disabilities have been assigned to this program with no programs to address their needs," said Marsha McLane, executive director of the state's **Office of Violent Sex Offender Management**. "Keeping a lot of these people in halfway houses, where

they are now, is not a solution. This is a problem we have to fix."

Two sexually violent crime convictions are required to be placed in civil commitment. Once they have completed their prison sentences, the sex offenders are committed to the program in civil court trials, where legal safeguards to ensure they are competent to understand their rights and the proceedings do not apply as in criminal cases.

McLane, who in May took over the agency responsible for overseeing the program, said she no longer enforces a rule that offenders can be discharged if they exhibit medical or mental problems that prevent them from participating.

In other words, a person who has completed his criminal sentence could end up back in prison because his physical or mental disability leaves him unable to complete the treatment program.

"The very reason that they pick them is then the very reason they can't stay," said Barbara Corley, who retired last summer from the State Counsel for Offenders, Texas' public defender's office. "They aren't just setting them up for failure; they are criminalizing disability."

Legislative leaders have called for a top-to-bottom review of the program. Critics say the review critics should include why the mentally ill, the severely developmentally delayed, and the physically disabled are assigned to a program where they are almost certain to fail.

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