



## OCEAN Minnesota Conference and Rally Scheduled in July

By OCEAN Coalition

A rally to challenge civil commitment and preventive detention in St. Paul, MN, and to bring attention to issues in the facilities at Moose Lake and St. Peter will be held on July 18. The OCEAN Community Conference and Rally is hosted by Overcoming Corruption Empowering All Nations (OCEAN) and the OCEAN Affirmative Action Coalition (OCEAN Coalition).

OCEAN is the group of individuals fighting against preventive detention from inside the facilities where they are detained. The OCEAN Coalition is the group of free world organizations and individuals assisting those detained. Collectively their goal is educating the public and ending preventive detention in America. Minnesota is one of 20 states with such facilities, along with federal system and the District of Columbia.

**The rally and conference will be held** at Capital Mall in St. Paul, MN, at 1 pm where a lineup of speakers will educate the public on the terrors of preventive detention in Minnesota, according to the OCEAN release. Following the conference, those participating will walk to the governor's mansion, where they will demand an executive order from Gov. Tim Walz to shut down the Minnesota facilities will be made.

In their release, OCEAN leaders Daniel A. Wilson and Russell J. Hatton state, "The current conditions are ripe for mass incarceration. We must stand for the rights of others if we are to protect our own. We look forward to seeing you on July 18."

"In America we value the protection granted by the presumption of innocence. Most Americans accused of a crime are presumed innocent until proven guilty. The government has the burden of proving every element of every offense beyond a reasonable doubt, before anyone is punished for an alleged crime."

"However, Gov. Tim Walz maintains a state government that indefinitely incarcerates men and women based on what they might do. This is called preventive detention and it allows a person to be locked up until they are dead, without first convicting them of a crime. The system is the Minnesota Sex Offender Program (MSOP) and maintains two maximum security facilities in Minnesota – one in Moose Lake and one in St. Peter.

**"The name of the institution** is intentionally misleading to the public. An "offender" is someone who has been convicted of a crime. A 'sex offender' is someone who has been convicted of a crime of a sexual nature. However, as judge R.A. Randall put it, 'there is no crime involved.' Up to 12% of the population at these facilities have clean records. For those who do have criminal records, the individuals have done their time in prison and have the lowest rate of same-crime recidivism than any other category of offender. They are now being housed for life after they served their time in prison."

Anyone can get indefinitely detained in Minnesota without committing a crime. In Minnesota, the "clear and convincing" standard is used to "civilly commit" men and women. The tests used to determine who gets committed are questionable as the release states, "... inherently faulty.... subjective and unreliable." A person being considered for commitment does not have a right to a jury trial. It is not necessary to prove that the person lacks self-control, or that they are physically violent. As little as two allegations of sexual harassment is enough and hearsay is admissible.

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## Minnesota OCEAN Rally, Cont.

Minnesota judges will even indefinitely detain someone based on alleged conduct displayed as a child. For example, September 2020 marked Dan Larsen's 43<sup>rd</sup> year incarcerated. He was 15 when he was locked up with no criminal record.

Sensationalized media coverage of a tragic but incredibly rare case in 1994 motivated the laws of preventive detention in Minnesota. Overwhelmed by moral panic, it took only 93 minutes for lawmakers to pass a law that completely ignores the U.S. Constitution, according to OCEAN.

**In addition to the forgoing**, the system is a massive waste of taxpayer money. The men and women detained are billed for their indeterminate confinement and the taxpayers pay the bill. At \$143,445 a year, housing one person in preventive detention costs taxpayers three times the cost of a prison inmate. There is currently 743 people detained in Minnesota. This amounts to more than \$106 million a year that taxpayers are responsible for.

If you wish more information, you may contact the PAD Group, PO Box 231, Duluth, MN, and to OCEAN at PO Box 582, Pelican Rapids, MN 56572. Check the website of [www.thevoicesofocean.net](http://www.thevoicesofocean.net).

## Federal Judge Orders Tennessee to Remove Men from Registry

By Travis Loller, Associated Press

NASHVILLE (AP) — A federal judge ruled that Tennessee's sex offender registration act is unconstitutional, at least as it was applied retroactively to two offenders.

The ruling in the U.S. District Court for the Middle District of Tennessee affects only the two men who sued, identified in court documents as John Doe #1 and John Doe #2.

"I think the ruling, while it is narrowly tailored to our clients, does open the door to the possibility of a class action," attorney Ed Yarbrough said in an interview.

U.S. District Judge Eli Richardson had already ruled in February that parts of the law violated the Ex Post Facto Clause of the U.S. Constitution, which prevents people from being punished by a law passed after their crime was committed. On Monday, he ordered the state to stop enforcing any part of the law against the two plaintiffs and to remove their names from the sex offender registry.

Court documents track a series of amendments to that law passed by the General Assembly, as recently as 2015, that "increase its restrictions and requirements and to make more information about registered offenders publicly available."

"There's just no end," Nashville defense attorney David Raybin said. "Every year the legislature keeps adding more and more things."

**Attorneys for the two plaintiffs** said additional requirements, added after their convictions, forced them to move and compromised their ability to work.

Richardson's ruling followed an order earlier in 2021 that explained his thinking on the matter. He said the plaintiffs successfully argued that the amendments to the sexual offender registry law have led to retroactive punishment.

According to court records, John Doe #1 was convicted in 1994 of two counts of attempted aggravated sexual battery, for which he received a sentence of five years' probation. John Doe #2 was convicted in 2000 of three counts of sexual battery committed against a child 12 years or younger and was sentenced to six years of probation.

Under the Tennessee Sexual Offender and Violent Sexual Offender Registration Verification and Tracking Act of 2004, both were required to register as sex offenders with the state and regularly report in person to law enforcement. They also faced restrictions on where they could live and work, among other things.

The plaintiffs claimed they were forced to move out of their own homes, lost jobs and were prevented from spending time with their children.

# A Note from the CURE-SORT Board

By Wayne Bowers, Director

## Pell Application Process Not Ready

In the previous issue, the lead story about Pell Grants being again available to those incarcerated did not cover the process of application. Our apologies for not checking that in advance, as the application for these grants has not yet begun. We will watch this and report as soon as it is open.

In a recent **Washington Post** story about Louisiana reforms reducing prisons, the concept of parolees not being able to associate with another parolee is confronted. It is a mean-spirited and irrational concept from outdated criminal justice and needs to end. Those in any support groups of substance know that having a sponsor and being guided by someone who has changed lifestyles is one of the major contributors to success.

It is a common method of parole staffs to prevent any registrant from associating with a fellow registrant. It follows from the misinformed belief that two associating registrants are plotting abuse, and prevents many people from getting assistance and find support in making their new life.

**Confusion in our name** and the title for treatment programs in prisons occurs often. We receive numerous letters asking to be placed in our therapy or correspondence program. We are strictly an advocacy organization and referral organization. Our name (Sex Offenders Restored through Treatment) implies we do support therapy and do so when the staffing is qualified and the environment is safely provided in a facility. We understand that participation, or even knowledge of one's charge, can be highly volatile.

No matter what the life situation or offense that led to incarceration, we urge that there is a serious need for all registrants to participate in some therapy program. It is essential that they understand what led to this action, and how to gain better control of their life and decisions in future.

Don't misjudge good therapy as something unnecessary. Even if done after your sentence, and the time incarcerated was rather long, just having time to unwind and to gain insight from others about living in today's environment is important. We highly recommend it.

## CURE-SORT NEWS

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CURE-SORT News is a publication of CURE-SORT. SORT stands for Sex Offenders Restored through Treatment. CURE-SORT is one of the issue chapters of a national criminal justice reform organization known as Citizens United for the Rehabilitation of Errants (CURE), PO Box 2310, Washington, DC 20013.

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## CURE-SORT Member Passes Away

We recently learned of the passing of Joe Miller at the facility at Fulton, MO. Our thoughts to the family and close friends of him.

We continue to follow Covid-19 reports from many people who write and though we don't respond to each letter, the information is greatly appreciated. Just as the nation is getting back to normal, we hope the same goes for facilities.

## ACSOL: Legal Scholars to Consider Elimination of Public Registry

By Florida Action Committee

Members of the American Law Institute (ALI), the most important and prestigious organization of legal scholars and prominent attorneys in the nation, will consider a proposal soon that could significantly change the nation's sex offender laws.

The most significant of those changes would be the elimination of public registries in all 50 states. The proposal also includes, but is not limited to, recommendations to abolish all public notification laws as well as most residency restrictions, internet restrictions and GPS location monitoring.

"It is important to keep in mind that the registry is not and cannot be justified or explained as punishment for the crime that triggers its imposition. Everyone required to register has already been punished," ASCOL Board member Ira Ellman stated. "No similar regime has ever been imposed on any other group of law-abiding former felons who have fully served the sentence for the crime they committed years earlier."

There are those who oppose the proposal who believe the ALI proposal does not go far enough. Instead of restricting the registry only to law enforcement officials, many advocate the total elimination of all sex offender registries, based on the horrid collateral consequences for the registrant and family.

## Dedicated Work Pays Off

By The CURE-SORT Community

A note from a California subscriber told of a positive parole result for the future and some material recommended or used from CURE-SORT had an impact.

"The board made mention of my association with CURE and my efforts at continuing my self-help through independent study during the pandemic. All of your literature was a big help," the writer said. "Also, you're providing me with contacts for treatment upon my release was a positive factor."

Another note from a Florida subscriber who has been in civil commitment and who has been in touch with us for numerous years. He states, "I am so happy to be a member of CURE-SORT and would like to say 'thank you' for all the help and resources you and the organization have provided. It's been a real blessing."

These notes accentuate the fact there is work that can be done while incarcerated to learn about your past behavior and ways to correct it and to improve your life. Though we can't get you released or work on legal work, there is material we can offer that can help you improve yourself.

## Available Resources from CURE-SORT

We are pleased to offer the following resources. Donations accepted to cover cost of postage and printing. Mail donations to the CURE-SORT, address on Page 3.

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

**Understanding Offending Behavior** by Stephen Price. (A collection of 9 of Stephens 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 \$10)

**SUPPORT GROUP:** Families & friends for those in civil confinement, contact Eldon Dillingham. Interested persons contact at 404 Walnut St., Wamego, KS 66547, [eldoncdillingham@gmail.com](mailto:eldoncdillingham@gmail.com)

**No More Victims – One Man's Journey into Sexual Offending and Recovery**, By S. Sands (Ed G), \$13.95. (Includes postage). Send requests to CURE-SORT or email to [gunder788@verizon.net](mailto:gunder788@verizon.net) or [amazon.com](http://amazon.com)