

CURE-SORT NEWS

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U.S. Department of Education Announces Expansion of Second Chance Pell Experiment and Actions to Help Incarcerated Individuals Resume Educational Journeys and Reduce Recidivism

April 26, 2022

Today, during Second Chance Month, the U.S. Department of Education announces actions to help incarcerated individuals access educational programs as part of the Biden-Harris Administration's broader efforts to support reentry, empower formerly incarcerated persons, enhance public safety, and strengthen our communities and our economy. The Department has invited 73 colleges and universities to participate in the third round of the Second Chance Pell Experiment, an initiative first launched by the Obama-Biden Administration to expand access to Federal Pell Grants for incarcerated individuals enrolled in participating programs. The expansion will bring the total number of schools able to participate in the Second Chance Pell Experiment to 200. The Department is also announcing changes to policies to help incarcerated individuals with defaulted loans, including affirming that incarcerated individuals qualify for a "fresh start," which returns borrowers with defaulted loans to repayment in good standing and allows them to access programs like the Second Chance Pell Experiment. The Department will also allow incarcerated individuals to consolidate their loans to help them exit default in the long term.

"Access to high-quality postsecondary education is essential to incarcerated individuals, but for far too long, people in prison were left out," said U.S. Secretary of Education Miguel Cardona. "The expansion of Second Chance Pell and these new pathways out of default are critical steps for incarcerated individuals to be able to access educational opportunities that will provide second chances to build a future."

The Second Chance Pell Experiment was first established in 2015 by the Obama-Biden Administration to provide Pell Grants to incarcerated individuals to allow them to participate in postsecondary education programs. To date, students have earned over 7,000 credentials, building new skills and improving their odds of success through the initiative. Today's announcement of the expansion of 73 sites will mean that up to 200 programs will be able to participate in the program as the lead-up to the broader implementation of reinstatement of access to Pell Grants for incarcerated students starting on July 1, 2023.

Selected colleges and universities will partner with federal and state penal institutions in almost all 50 states to enroll thousands of incarcerated students in

educational and training programs. The vast majority of selected schools are public two- and public four-year institutions. Twenty-four of the newly selected educational institutions are HBCUs and minority-serving institutions. Selected schools may begin accessing Pell Grants as early as July 1, 2022.

The Department's announcements affirming that incarcerated individuals qualify for a "fresh start," eliminating the impact of default on borrowers when the student loan payment pause ends, will also help more incarcerated individuals access the Second Chance Pell Experiment. Previously, incarcerated individuals interested in enrolling in the Second Chance Pell Experiment were twice as likely as the broader population to be turned away because they had defaulted loans. In addition to ensuring that incarcerated individuals benefit from the "fresh start," the Department is also announcing a broader fix to ensure individuals have an opportunity to exit default and resume their educational journey in the long term. After Fresh Start is implemented, the Department will allow incarcerated individuals to consolidate loans to get out of default — an option available to everyone else and cut off for too long for incarcerated individuals.

Providing education in prison is proven to reduce recidivism rates and is associated with higher employment rates, which will improve public safety and allow individuals to return home to their communities and contribute to society. Moreover, a 2018 study from the RAND Corporation, funded by the Department of Justice, found that incarcerated individuals who participated in correctional education were 48% less likely to return to prison within three years than incarcerated individuals who did not participate in any correctional education programs. RAND also estimated that for every dollar invested in correctional education programs, four to five dollars are saved on three-year re-incarceration costs.

In December 2020, lawmakers expanded access to Pell Grants once again to include students who are incarcerated, as long as they are enrolled in prison education programs that are approved by their state

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corrections departments or the Federal Bureau of Prisons and that meet other requirements.

The expansion of the Second Chance Pell Experiment will allow for opportunities to study the best practices for implementing the reinstatement of Pell Grant eligibility for incarcerated students and will expand the geographic range of the programs. Expanding the experiment will also allow for a wider variety of postsecondary education programs that serve a more diverse population.

The Department intends to then fully implement the legislative changes to allow eligible students in college-in-prison programs to access Federal Pell Grants beginning on July 1, 2023.

DC conference in 2023 points out registry impact

Plans are underway for a conference and rally in Washington, DC on March 5-7, 2023, that has a goal of enlightening Congress members about the impact of the sex offender registry, and in the process, bringing light to the public through coverage of the event.

With a slogan of Teamwork makes the Dreamwork, members of Women Against the Registry (WAR) and The Alliance for Constitutional Sex Offense Laws (ACSOL) are putting the plans together and developing a conference schedule. It is hoped a significant number of registrants and their family and friends will attend to participate in the conference.

This event calls attention to the 20th anniversary of the Smith v. Doe U.S. Supreme Court decision (538 U.S. 84). To this day, that decision causes severe harm to registered persons and their families.

The dissenting justices contended that the law was punitive and imposed severe deprivations of liberty. Justice Stevens added, "It is also clear beyond peradventure that these unique consequences of conviction of a sex offense are punitive. They share three characteristics, which in the aggregate are not present in any civil sanction. The sanctions (1) constitute a severe deprivation of the offender's liberty, (2) are imposed on everyone who is convicted of a relevant criminal offense, and (3) are imposed only on those criminals. Unlike any of the cases that the Court has cited, a criminal conviction under these statutes provides both a sufficient and a necessary condition for the sanction."

The event will consist of 3 distinct parts:

1. A conference, with guest speakers, break-out sessions, networking opportunities etc.
2. A visit to Capitol Hill for meetings with lawmakers or staff (appointments will be made in advance).
3. A vigil on the steps of the Supreme Court of the United States.

The Capitol Hill training session requires attendance at the conference. The Vigil is free and requires no other commitment. The signup page has a "Scholarship Donation" field. If you are able to help with expenses for this big event, please follow the instructions on the signup page to give what you can.

To signup, please visit the following website: <https://ww1.womenagainstry.org/march2023>

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CURE-SORT News is publication of CURE-SORT. SORT stands for Sex Offenders Restored through Treatment.

CURE-SORT is one of four issue chapters of a national criminal justice reform organization known as Citizens United for the Rehabilitation of Errants (CURE), located in Washington, D.C.

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If you are incarcerated, please share this information with those who might benefit from it. Please encourage your loved ones to attend these events, and if they are so inspired, to join a planning committee.

Oregon approves exonerees of wrongful charges

Oregon's legislature has approved an exoneration bill for persons wrongfully charged that will also include experience on the sex offender registry.

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Here is the report in the newsletter of **Oregon CURE**:

The Oregon Justice for Exonerees Act, SB 1584, received incredible bipartisan support and passed without receiving a single “no” vote throughout the legislative process. SB 1584 will compensate exonerees for the period they were wrongfully incarcerated and/or on supervision.

Oregon will provide financial compensation to people who have been wrongfully convicted and imprisoned at a rate of \$65,000 per year of imprisonment and \$25,000 per year spent wrongfully on parole, probation, and/or the sex offender registry.

A court will decide who is eligible to receive compensation and will be able to order additional services such as housing assistance, counseling, or healthcare. The law will seal records associated with the conviction and provide a certificate of innocence from the state, allowing exonerees to clear their name.

South Carolina registration changes are passed

By Don T, NARSOL South Carolina advocate

We reported earlier on the bills that had been introduced in the South Carolina legislature in answer to last year’s SC Supreme Court decision that our arbitrary lifetime registration, without due process, was unconstitutional. Now, we can happily report on May 12th, “It’s a great day in South Carolina!” The effort has taken a somewhat tortured path, but it is now all but over, with only the governor’s signature remaining.

So what did we get? For the first time, there is now clear definition of the tiers to which people are assigned. Much like the federal law, specific offenses will result in classification to the tiers. The really good news is that many offenses have been put in lower tiers than are currently being utilized. This will result in many people being moved to a lower tier than they are currently in. Especially helpful is that many Tier III registrants will move to Tier II and will now only have to register twice a year.

The bill also provides systems to be removed from the registry, patterned, at least partially, after the Adam Walsh Act. The details are too complex to list them all here, but generally, Tier I and Tier II registrants can petition the State Law Enforcement Division (SLED), which operates the registry, after 15 or 25 years, respectively. If they have remained offense-free for that time, completed all the terms of their sentence and completed any required treatment program, SLED is to remove them, though the solicitor can oppose the removal with cause. If the SLED removal process is denied, the registrant can then petition the court for removal and must show by clear and convincing evidence that he or she is not a risk to reoffend. In addition, Tier III registrants can petition the court in this manner after 30 years, but cannot be removed automatically by SLED.

The final benefit granted by this bill is significant relief for juveniles, for which we have been fighting for years. Children under 14 can no longer be placed on the registry unless they have committed a Tier III offense and then only at the discretion of the family court judge. Children under 12 cannot be placed on the registry for any reason. Family court judges will also have discretion over

registration for juveniles 14 and over who were guilty (adjudicated delinquent) of Tier I or Tier II offenses.

Experiences outlined in book assist recovery

“Significant change is best achieved by knowing others are praying for someone in prison and, most importantly, by reminding them that God has not given up on them. This book is a collection of 28 Into the Light main articles written since 1997. Each article speaks directly to issues that must be faced while on the journey. ‘Someone understands me’ is the most frequent response to the newsletter.”

Published by Covenant Books of Murrells Inlet, SC, Bob Van Domelen’s new book has been composed through the author’s own personal experience with the hopes of providing a source of hope and encouragement for the modern leper.

Readers can purchase “Can I Tell You Something?” at bookstores everywhere, or online at the Apple iTunes store, Amazon or Barnes and Noble. For more information, go to www.brokenyoke.org. Or write Broken Yoke Ministries, Inc., PO Box 5824, De Pere, WI 54115.

Silence in the Face of Injustice: A Vision of Mercy and Hope

By Gary W. Hardy, PhD

The culture of fear, rather than truth, robs millions of U.S. citizens of their liberty, freedom, and basic human rights. Fear abolishes reason, aborts justice, and imposes extreme injustice. Fear overcomes truth through persistent erosion and the deliberate propagation of half-truths and alternative facts.

Silence in the Face of Injustice: A Vision of Mercy and Hope raises the question of whether American justice is based on reason and truth, or fear. It examines how the propagation of fear leads to the prosecution of criminal wars and how mass imprisonment costs taxpayers billions of dollars each year. Hardy asks, “How do we protect victims and help them heal while moving from a justice system of revenge and retribution to one of healing, rehabilitation, reconciliation, and restoration?” He calls on leaders to set aside fear, prejudice, and ignorance to help transform justice, to end the war, and promote peace. It presents a vision where the impossible becomes possible. The author explains that “This book is designed to be a unifying force for healing, justice, and transformation.”

About the author: Gary W. Hardy is a recovered sex addict, a person who had a sex offense, thief, deceiver, and manipulator but he’s also living proof of the abundant mercy and grace of an extraordinary God and that no sinner--no matter how evil--is beyond redemption and usefulness. He entered prison in 2005, and until 2019 served as a peer recovery coach and group facilitator in the Arizona Department of Corrections Sex Offender Education and Treatment Program. In addition to his own journey, he’s helped

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hundreds of fellow prisoners find healing and hope in the midst of troubled pasts and difficult circumstances. His life is living proof that no one is disposable, and no one is beyond the reach of God's mercy and grace. He is looking forward to 2024, when he will be able once again to share the sunshine with everyone as a free man.

Silence in the Face of Injustice: A Vision of Mercy and Hope is available in hardcover, paperback, and as an ebook from all major online book retailers. For more information, please contact Cadmus Publishing at info@cadmuspublishing.com, or visit the author's website: garywhardyphd.com. To write, Cadmus Publishing, PO Box 2146, Port Angeles, WA 98362.

The Psycho/Social/Spiritual Impact of Being Held In a "Treatment Center" For Sex Offenders:

Reflections on the Outcome of a Brief Questionnaire Administered to a Group of Civilly Committed Men

By Jon Thompson and James Hunter

Introduction

In an attempt to give a "voice" to a demonized segment of the American population that is seldom heard from, Every Farthing Publications, with Support from the Percy Foundation, sent out a questionnaire (Hunter, 2018) to incarcerated people who expressed an interest in sharing personal beliefs and autobiographical information with the general public.

[Excerpts]

Beyond the stigma that pervades our society, and that is concentrated with an even greater intensity in prisons, the treatment program itself adds another level to the stigma. Social research has not been able to establish a profile of the typical sex-offender. Except that they have broken a law, there is nothing that reliably distinguishes members of this group from a random selection of people in the population. They are not more stupid, more insensitive, or more anything than anybody else. Nevertheless, the treatment techniques at *****, as in most sex-offender programs, are clearly based on the assumptions that members of this group lack empathy, are incapable of love, are manipulative, are dishonest, lack insight, and are highly sociopathic. And they are treated accordingly. So this negative view of who sex-offenders are is added to the already overwhelming stigma that the offenders live with. This is hardly helpful to men who are drowning in socially induced self-hatred.

* * * * *

The underlying assumption of sex-offender treatment programs is that if a person has violated one of society's sexual laws, this justifies denying the person's cognitive and emotional autonomy as well as his behavioral autonomy. The person with a sex offense must be forced to think and feel correctly or be punished severely.

* * * * *

In civil commitment people are imprisoned for what they feel, for what they believe, for what they dream and for what they might do. The primary thing that a person must do in order to have any hope of release is to

convince a group of treatment providers what the providers can never know for sure – that the prisoner now believes and feels what he is supposed to believe and feel and is not just faking it.

CONCLUSION

The notion of death has become somewhat problematic in modern life. For example, is a person still "alive" if there is no brain activity, but all the major organ systems – with the aid of technological devices – continue to function? Perhaps we could gain an enhanced understanding of what it means to "be alive" if we expanded our frame of reference a step further. From a phenomenological point of view we function on a variety of levels. These can be designated as the biological, psychological, social, and spiritual. I would suggest that the primary indication of psychological life is agency. We feel alive psychologically when we believe that the locus of control of our decisions and actions is, at least to a significant extent, within oneself. We feel ourselves to be socially alive when we exist as valued member of a social group. We feel spiritually alive when we feel that we are making a contribution to life that goes beyond our limited selves.

The treatment of the sex-offender in "treatment" centers is a logical extension of the manner in which the offender is treated by the larger society. He is a member of the most hated, vilified and shunned group in American society. He is ruthlessly attacked psychologically, socially and spiritually. He is allowed to continue living biologically but only as a burned out shell with the road to a meaningful existence effectively blocked at multiple points. All of the prejudices and hatred that one finds in the larger society are brought, unmodified by professional insight, into the treatment facility. The effects of treatment on the psychological, social and spiritual life of the individual are devastating. One has to ask whether the broad attack on the personhood of one with a sex offense can be defended as "best practice" by psychiatry, psychology, social work or any other component of the mental health movement. If not, why is it tolerated?

Is an individual who has been crushed psychologically, socially and spiritually less likely to re-offend should he be released? And given the high level of improbability that he will be released from civil commitment in any case, what exactly is the point of forcing any regime of therapy on him?

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 2.

One Breath at A Time by Ila Davis (\$17.50) Non-prisoner only due to facility restrictions

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)

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 egunder@mysecuremailcv67.com or on amazon.com

