



## Not All Registries Are Equal

By Jim Prager

Recently I was asked to make a list of Registered Citizens in one location in Lucas County (OH) where I reside. The number came to 38. I was intrigued with how many of these people were NOT on a lifetime restriction. Of the 38, 8 were pre-Adam Walsh, 7 were classified as Tier 1, 17 were classified as tier 2, and only 6 were Tier 3 under Adam Walsh.

A close friend and colleague shared with me how different the Washtenaw (MI) Registry lists individuals. Both registries include the name, home address, and a photo of the registered citizen although in Michigan the photo is prominent. Washtenaw's Registry contains a tab for the offense history which Lucas County does not provide. However, Lucas County prominently displays the Tier of the individual along with a notation if the citizen is non-compliant.

This study points out the range of how the Adam Walsh Tier system is being applied. This warrants more research to best understand the impact of Registries on individuals and families. Another point of this small sample is that every registry is different in terms of the information shared.

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### A voice from inside

*Letter to the Editor*

I am one of the incarcerated individuals mentioned in the article on Sept. 29 ["Supporters of Newton prisoners demand to know why Attorney General is unjustly extending prison times"]. My offense took place when I was a 19-year-old sophomore in college and involved no sex, no rape and no minors. I have been incarcerated for more than 16 years now and after successfully completing treatment at NCF [Newton Correctional Facility], I fully expected (and was led to believe) I would finally be released. Instead, my family and I were all shocked and blindsided with the prospect of being reviewed for civil commitment.

Iowa is one of only 20 states that has civil commitment and uses this as a way to incarcerate someone indefinitely. In the history of civil commitment in Iowa, only 27 individuals have ever been released.

A committee of unelected members appointed by the Dept. of Corrections known as the MDT [Multidisciplinary Team] simply has to "feel" a person might commit a crime in the future to justify a review for civil commitment. (It is not democratic to incarcerate people on the hunch they might commit a crime in the future when a crime has not actually been committed).

This is what the MDT is doing to people at Newton Correctional Facility in Newton.

The Attorney General's office then delays this review process until a person is within 90 days of completing their entire prison sentence, extending an individual's incarceration by many years; seven additional years in my own case. The MDT deciding to send cases for further review imposes a "silent mandatory minimum," and denies the person any re-entry opportunity through parole or work release.

The ends do not justify the means. The Dept of Corrections' MDT is also violating Iowa law in order to extend individuals' prison time.

This needs to stop. Every incarcerated individual who this is being done to deserves to be reviewed by a fair legal process. Why is this happening? Unfortunately, once a person is labeled a "sex offender," the public ceases to consider that person as human and deserving of fair treatment. This made-up label is applied to people guilty of urinating in public, streaking, a high school senior sleeping with a freshman girlfriend and teenagers even get it for sexting. The majority of cases are not the "heinous" offenses we are led to believe. As a society, we need to move away from the harmful, misleading label "sexually violent predator." Indecent exposure is considered a "sexually violent offense" when it is neither sexual nor violent.

Statistics from the Dept. of Justice show that individuals convicted of a sex offense have the lowest recidivism rate of any crime other than murder.

The City of Newton should be known for something better than what is happening at Newton Correctional, and the people of Newton deserve to know what is happening in their backyard.

Incarcerated individuals and their families are all thankful Chris Braunschweig is helping to shed light on this issue.

Eric Strenge

Newton Daily News (Newton, Iowa) | Oct. 16, 2023

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## Why is 18 the age of adulthood if the brain can take up to 30 years to mature?

Neuroscience research suggests it might be time to rethink our ideas about when exactly a child becomes an adult.

### Key Takeaways

- Research suggests that most human brains take about 25 years to develop, though these rates can vary between men and women, and among individuals.
- Although the human brain matures in size during adolescence, important developments within the prefrontal cortex and other regions still take place well into one's 20s.
- The findings raise complex ethical questions about the way our criminal justice systems punishes criminals in their late teens and early 20s.
- At what age does someone become an adult? You might say that the 18th birthday marks the transition from childhood to adulthood. After all, that's the age at which people can typically join the military and become fully independent in the eyes of the law.
- But in light of research showing that our brains develop gradually over the course of several decades, and at different paces among individuals, should we start rethinking how we categorize children and adults?
- "There isn't a childhood and then an adulthood," Peter Jones, who works as part of the epiCentre group at Cambridge University, told the BBC. "People are on a pathway, they're on a trajectory."

### Brain development and age

One key part of that trajectory is the development of the prefrontal cortex, a significant part of the brain, in terms of social interactions, that affects how we regulate emotions, control impulsive behavior, assess risk and make long-term plans. Also important are the brain's reward systems, which are especially excitable during adolescence. But these parts of the brain don't stop growing at age 18. In fact, research shows that it can take more than 25 years for them to reach maturity.

The cerebellum also affects our cognitive maturity. But unlike the prefrontal cortex, the development of the cerebellum appears to depend largely on environment, as Dr. Jay Giedd, chair of child psychiatry at Rady Children's Hospital-San Diego, told PBS:

"Identical twins' cerebellum are no more alike than non-identical twins. So we think this part of the brain is very susceptible to the environment. And interestingly, it's a part of the brain that changes most during the teen years. This part of the brain has not finished growing well into the early 20s, even. The cerebellum used to be thought to be involved in the coordination of our muscles. So if your cerebellum is working well, you were graceful, a good dancer, a good athlete.

But we now know it's also involved in coordination of our cognitive processes, our thinking processes. Just like one can be physically clumsy, one can be kind of mentally clumsy. And this ability to smooth out all the

different intellectual processes to navigate the complicated social life of the teen and to get through these things smoothly and gracefully instead of lurching. . . seems to be a function of the cerebellum."

The effects that our environment can bring upon the cerebellum even further complicate the question of when a child become an adult, considering the answer might depend on the kind of childhood an individual experienced.

### Adulthood and the criminal justice system

The factors behind cognitive development raise many philosophical questions. But the most important are arguably those related to how we punish criminals, especially young men, whose brains develop an average of two years later than women.

"The preponderance of young men engaging in these deadly, evil, and stupid acts of violence may be a result of brains that have yet to fully developed," Howard Forman, an assistant professor of psychiatry at Albert Einstein College of Medicine, told Business Insider.

So, does that mean young criminals — say, 19- to 25-year-olds — should be receive the same punishment as a 35-year-old who commits the same crime? Both criminals would still be guilty, but each might not necessarily deserve the same punishment, as Laurence Steinberg, a professor of psychology at Temple University, told Newsweek.

"It's not about guilt or innocence... The question is, 'How culpable are they, and how do we punish them?'"

After all, most countries have separate juvenile justice systems to deal with children who commit crimes. These separate systems are predicated on the idea that there ought to be a spectrum of culpability that accounts for a criminal's age. So, if we assume that the importance of age in the eyes of the justice system is based largely on cognitive differences between children and adults, then why shouldn't that culpability spectrum be modified to better match the science, which clearly shows that 18 is not the age at which the brain is fully matured?

Whatever the answer, society clearly needs some definition of adulthood in order to be able to differentiate between children and adults in order to function smoothly, as Jones suggested to the BBC.

"I guess systems like the education system, the health system and the legal system make it convenient for themselves by having definitions."

But that doesn't mean these definitions make sense outside of a legal context.

"What we're really saying is that to have a definition of when you move from childhood to adulthood looks increasingly absurd," he said. "It's a much more nuanced transition that takes place over three decades."

*Neuropsych* — January 31, 2022

This article was originally published March 20, 2019. It was updated in January 2022.

**Wisconsin releases people with sex offenses from GPS bracelets after court ruling**

By Nicholas Garton The Cap Times Aug 8, 2023

The state Department of Corrections has begun releasing certain sex offenders from lifetime GPS tracking after a Wisconsin Supreme Court decision undermined the agency's justification for keeping people on electronic monitoring beyond their sentences.

The department confirmed to the Cap Times that it is in the process of identifying everyone who was forced to wear the GPS devices for the rest of their lives as the result of a now-debunked interpretation of state statute by former Attorney General Brad Schimel.

As of Tuesday, it remained unknown precisely how many offenders would get relief from wearing the GPS monitoring, but the Cap Times previously reported that over 180 people received a notice from the department in 2018 saying they had to wear the tracking bracelets for as long as they lived.

The state has continued the practice in the five years since that report.

The newspaper found that 624 people who were wearing lifetime GPS bracelets in the spring of 2022 were no longer under any other Department of Corrections supervision.

In September 2017, Schimel issued a formal opinion saying that people who were convicted of multiple counts of a sex offense were essentially "repeat offenders" and therefore subject to Wisconsin's special bulletin notification statute, which required people who had sex offense convictions on two or more separate occasions to register for life.

Schimel said that offenders convicted of multiple counts of a sex offense needed to wear the lifetime GPS bracelets as part of their sex offender registration. Schimel's interpretation was that multiple counts of a sex offense was equal to repeating the offense.

Nearly every conviction of a sex crime involves multiple counts, particularly child pornography cases where each image can be considered an additional count. Generally speaking, a person convicted of all of the counts they were charged with is not considered a repeat offender if the convictions occur on the same day in the same hearing for the same offense.

The Department of Corrections, acting on Schimel's opinion, sent letters to hundreds of former offenders, many of whom had already completed their prison and parole sentences and were no longer under supervision. The letter said they had five days to put on the GPS monitoring bracelets and wear them continuously for life, or face years in prison and heavy fines.

In May, the Wisconsin Supreme Court ruled in favor of a defendant named Corey T. Rector, who was challenging an attempt by the Department of Corrections to have him register for life as a sex offender.

Rector was convicted in 2018 of five counts of child pornography. He was sentenced to eight years in prison

and 10 years of extended supervision in Kenosha County. He was also required by the court to register as a sex offender for 15 years. The state asked Kenosha Circuit Court Judge Jason A. Rossell to amend the sentence because the state believed Rector needed to register for life.

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Rossell denied the motion, saying Rector did not need to register for life because his convictions did not occur on separate occasions but rather during a single hearing on a single day. The Department of Corrections appealed that decision, and it was eventually heard by the Supreme Court, which ruled against Schimel's interpretation.

The Supreme Court decision said "the plain and unambiguous meaning of the phrase separate occasions ... means that convictions occurring during the same hearing do not constitute convictions on separate occasions."

As a result, Rector will not be required to register for life — and because the GPS program used the same interpretation and language, the Department of Corrections is forced to remove the bracelets from what could amount to hundreds of offenders.

**Unshackled offender sheds 'tears of joy'**

On Tuesday, the Department of Corrections began sending technicians out to remove the GPS bracelets from the offenders ordered to wear them under Schimel's interpretation.

"I was in tears of joy," said Benjamin Braam, who had his bracelet removed Tuesday morning. "It was five years of hell. Five years of fighting. It feels like I've been released from prison again."

Braam was discharged from prison in early 2018 without probation or parole, meaning he was free from the Department of Corrections. But in October of that year Braam received a notice from the state informing him of Schimel's statute interpretation. Braam said the notice gave him five days to put on the GPS monitoring bracelet or he could be found non-compliant with the sex offender registry, which can carry penalties of up to six years in prison and a \$10,000 fine.

Braam fought the department's decision in court and was one of four plaintiffs involved in state and federal lawsuits challenging the policy. When his lawsuit was dismissed, Braam thought that might be the end of the road for his challenge of the decision, and he contemplated leaving Wisconsin.

But the Supreme Court decision in the Rector case, which was unrelated to his own, set Braam free.

"It's that feeling when you walk out that prison gate," Braam said. "That's what it is."

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**An interview EX POST FACTO**

*(-shared, from Sandy with NARSOL)*

A channel 5--in Nashville, I think--program called Open Line with a 15-minute interview with a constitutional rights attorney there talking about the registry, *ex-post facto*, onerous registry restrictions, punishment v. regulatory, the stigma that attaches to him--the attorney, etc. The host appears to be clearly in our camp. It only shows the first 15 minutes of what was obviously a longer program.

This attorney Kyle Mothershead is in our attorney database for TN on the resource site. I wonder how many other states have like-minded attorneys and what it would take to get similar interviews. This is awesome. <https://www.newschannel5.com/plus/openline/issues-with-the-sex-offender-registry>

\* \* \* \* \*

Although this comes out of Tennessee, and with the exception to statutory references applicable to that State, the issues raised concerning *ex-post facto* collateral impacts remain valid.

*Ex-post facto* is a law or regulation that makes illegal an act that was legal when committed, increases the penalties for an infraction after it has been committed, or changes the rules of evidence to make conviction easier. The Constitution, and most States, have clauses that prohibits the making of *ex post facto* law.

However, the SORNA was upheld to allow for *ex-post facto* application of requirements for individuals to register even though they were no longer under judicial supervision (probation), incarcerated or under correctional supervision.

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**Member passes away**

We have learned of the passing of one of our members since the last issue.

We learned of the passing of Tom Kennedy of Kalamazoo, MI.

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Our thoughts to the family and close friends of him.

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**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)

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](mailto:egunder@mysecuremailcv67.com) or on [amazon.com](http://amazon.com)

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