

# texas tea newsletter

A home-brewed publisher devoted to exposing the secrets of the Texas Civil Commitment Center in Littlefield, Texas.



## in this issue

### **What's Brewing This Month?**

Read on for two stories detailing the unconstitutional grounds that civil commitment was built upon, as well as an Insider Story.

### **Want to Contribute?**

Send your insights to [texasteanewsletter@gmail.com](mailto:texasteanewsletter@gmail.com) or to P.O. Box 3226, San Marcos, Texas 78666 for a chance to be featured in the next issue!

## let's spill the tea

By the Editor

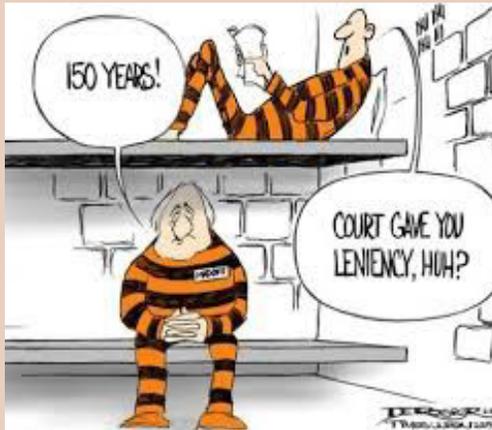
Greetings! We here at Texas Tea Newsletter hope that all who are reading are well and of high hopes.

At the moment, organizers and family members are busy putting together the Public Awareness Event No. 2! We are down to the finishing touches and last-minute details.

With the recent cancellation of the TCCO Family and Support System meeting, we are even more determined to have our voices heard.

For information and details about the Public Awareness Event No. 2, please contact us at Texas Tea Newsletter or our friends at F.A.C.T.S (Families Against Committing Texans Standup) at [jlouwilliams2010@yahoo.com](mailto:jlouwilliams2010@yahoo.com) or <https://www.facebook.com/jennifertxfacts>.

As a reminder, we here at Texas Tea Newsletter are a team of two individuals, one of them being a university student. When we periodically check our P.O. Box, it is always filled to the brim with letters upon letters from those of you confined within TCCC. Many of these letters contain stories and statements that are in fact helpful to our cause, but it is near to impossible to include every submission, including the ones that consist of multiple pages, into our newsletter budget. Here on the outside, prices continue to rise, but our mission stays the same. Please be patient with us here at the Texas Tea Newsletter and know that while we may shorten our issues for cost concerns, we are present and vigilant in providing information to those inside and out. We know there are many who appreciate the work we are trying to do, but we have found that we cannot possibly please everyone. We have more than once received hurtful, rude, and inconsiderate letters, but nonetheless, the tea continues to brew.



## 25 Years After Court Ruling, Released Sex Offenders Endure ‘Shadow Prisons’

By **Derek W. Logue** | June 22, 2022

On June 23, 1997, the U.S. Supreme Court, in *Kansas v. Hendricks*, upheld the practice of detaining people convicted of sexual offenses beyond prison sentences under the guise of treatment.

The landmark 5-4 ruling also concluded that the Kansas law governing the practice did not constitute double jeopardy since it merely authorized “civil” rather than “criminal” commitments.

Taken together with *Kansas v. Crane*, a 7-2 ruling announced in 2002 that denied requiring a set legal standard for determining “behavioral abnormality” in civil commitment proceedings, the High Court in effect created a purgatory for persons who have served their sentences but are subject to indefinite detention based on fears that they are a danger to the public.

At least 20 states have involuntary sex offense civil commitment programs. So does the federal system.

A headline in *Reason Magazine* over a story by Jacob Sullum effectively summed up what such programs amount to: “Civil Commitment of Sex Offenders Pretends Prisoners Are Patients.”

There’s a good reason why critics refer to these

programs as “shadow prisons”: They resemble prison in all but name.

In a 2015 Op Ed for the *Minnesota Star-Tribune*, former Minnesota State Senator Don Betzold said of the controversial Minnesota Sex Offender Program (MSOP):

*The sex offender treatment program is like a prison — only worse, because there’s no ‘out’ date. The Moose Lake building was designed as a maximum-security prison. The treatment program has been led by some state employees who came from corrections backgrounds.*

Many treatment programs are located within prison complexes and refer to those detained within as “prisoners.” Some are run by private prison companies.

The civil commitment program in Littlefield, Tx., is run by Management and Training Corporation (MTC), a private prison company. The MTC calls those detained in the facility “prisoners.” The Littlefield facility was once used as a private prison, until it shut down after one prisoner committed suicide.

Some prisoners wear ankle monitors or are left in solitary confinement for months at a time.

Texas had once created an innovative “outpatient civil commitment program,” but after scandals involving the judge of the dedicated civil commitment court and mismanagement of halfway houses by the state’s Office for Violent Sex Offender Management (OVSOM), the Texas legislature created a series of “reforms” that led to the creation of an “inpatient” facility in 2015.

Shadow prisons posing as treatment are not limited to Texas.

Susan Keenan Nayda, Vice President of Operations at Liberty Behavioral Health Corporation, testified during a deposition her thoughts on the Florida Civil Commitment Center in Arcadia, Fla.:

*There’s a little bit of confusion... What is this place? Is it a prison? Is it a mental health center? A residential treatment facility where people are clients? What is it? We ask that question sometimes too. We really don’t have a lot of guidance around what it is the state wants the facility to be, and we would encourage the state to look at that.*

A lack of adequate treatment and a program designed to keep people detained as long as possible are common themes in civil commitment programs.

It is not uncommon for these programs to undo years of treatment “progress” for minor violations. Between 1999 and 2015, Texas Health and Safety Code §made minor program rules violations a felony offense.

In Minnesota, extremely high staff turnover rates often lead to detainees frequently starting from scratch.

As a result, few indefinite detainees are ever released from these shadow prisons.

Minnesota has not released anyone until 2015 and only due to a federal lawsuit. Since 2015, 15 people have been released from the MSOP, while at least 88 have died. In Texas, TCCO claims they have released 13 prisoners and only three died, but protesters have countered by stating the number is closer to six releases and at least 29 deaths.

Civil commitment proponents know these programs do not work but will actively suppress studies that prove the programs are ineffective. California suppressed a study by Atascadero psychologist Jesus Padilla in 2006 which found those deemed “high risk” and released from the state civil commitment program reoffended at the same rate as those released from prison but were not considered a high risk to reoffend.

Padilla’s records were confiscated, his hard copies were shredded, and he was forbidden to talk about his work.

There is a profit motive for keeping this civil commitment scheme afloat. Shadow prisons are lucrative business.

A 2021 study estimated there were 4,321 “inmates with child victims in high-security sex offender civil commitment facilities” with an annual average cost per inmate of \$139,489. Civil commitment programs cost taxpayers roughly \$538 million in 2021. The average cost of incarceration is far less.

As the US economy is seeing inflation at levels not seen in decades and a looming recession, Americans should be looking to trim pork barrel spending. Sex offender civil commitment programs are costly and ineffective.

These programs are merely extensions of prison intended to make people feel safe but provide no actual benefit to society. As with other sex offense laws like the public registry, these laws only serve to extend punishment beyond a court sentence.

For all these reasons, civil commitment must be abolished.



## The Dirtiest Little Secret of Texas: Our Civil Commitment Law for Sex Offenders Raises Double Jeopardy Concerns

By **Chris Perri** | May 31, 2016

Recently, I read this article in the *Fort Worth Star Telegram* about Texas’ civil commitment law with respect to sex offenders. Even as a criminal defense attorney in Austin who frequently represents people accused of sex crimes, I was left shocked.

While the article mainly concerns a technical change in the law regarding venue for civil commitment trials, hidden towards the end is the unveiling of Texas’ dirty little secret: Since 1998, more than 350 individuals have been civilly committed to a sex-offender treatment facility in Littlefield, Texas, following their completion of lengthy prison sentences. None have been released upon successful completion of the program, and nearly half were sent back to prison for violations of the treatment program’s rules.

For example, a defendant who is convicted of a sex offense might serve 25 years in prison.

As his release date approaches, he discovers that the State of Texas wants him to remain incarcerated after the completion of his long sentence. As a result, a new “civil commitment” trial occurs in which the State seeks to prove that he “has a behavioral abnormality that makes him likely to engage in predatory acts of sexual violence.” This seems like a pretty easy burden to prove since the defendant has previously been convicted of a sex offense.

While this procedure might smack of double jeopardy, Tarrant County prosecutor Bill Vassar defends it by arguing: “During his 25-year imprisonment, [the defendant] never had sex offender treatment from a licensed professional. The jury’s verdict ensures that he will get the treatment he needs and guarantees the citizens of Texas that he will be monitored 24 hours a day.”

This argument exposes two fundamental problems. First, any prosecutor should be ashamed of a criminal justice system that sends a sex offender to a penitentiary that fails to provide any treatment to that individual prior to release. Right there, Mr. Vassar has unwittingly indicted our entire prison system for ineptitude. Second, Mr. Vassar’s argument that the defendant “will get the treatment he needs” from the Littlefield treatment facility is disproved by the evidence that no one has ever been rehabilitated in the program’s 18 years of operation. Leave it to the government to equate success with this zero percent rehabilitation rate.

I sympathize with victims of sex offenses, and I do believe that offenders need to be punished. However, the proper forum for vindicating victims’ rights and punishing offenders is the criminal process. Once an offender has served his/her sentence, our Double Jeopardy Clause forbids further punishment for that offense. In effect, Texas’ civil commitment law allows Texas to circumvent the Constitution by imprisoning a person a second time for the crime. To continually operate such a “treatment” facility for 18 years despite its zero-percent success rate seems to be a brazen misuse of government resources.

Moreover, Texans should be offended by the government’s attempt to disguise the civil commitment facility’s true purpose as rehabilitation.

This current system serves no one: not the criminal, not the victim, and certainly not the

taxpayer. Littlefield is the island where we send the undesirables to never be heard from again.

Let’s start with some honesty, and then engage in a legitimate debate about whether the Constitution forbids this type of institution as an unconstitutional subsequent punishment.



## Public Event Awareness Announcement

Hello, my name is Jennifer Williams. I am co-founder of FACTS ( FAMILIES AGAINST COMMITTING TEXANS STAND UP!)

We are an organization advocating for the civil rights and humane treatment of the men being detained inside the facility in Littlefield Texas.

We held an event last April in front of the facility in Littlefield and KLBK covered our story.

We would like to invite you to our event on September 13th 2022 at the Capitol in Austin.

We need to make the public aware of the major violations happening.

The ripple effect of this failing program has caused so much frustration, despair, and hopelessness within the families of these men.

Thank you for your consideration.

Respectfully,

F.A.C.T.S.  
FAMILIES  
AGAINST  
COMMITTING  
TEXANS  
STANDUP  
Jennifer Williams



## Balancing the Scales for Justice Resolutions

By **Gerald B. Wilson** | April 07, 2022

### THESE ARE THE FACTS, AND THEY ARE UNDISPUTED

A history interpretation of civilly committing sex offenders in Texas.

The title for this article is taken from the movie "A FEW GOOD MEN". In the scene, one could feel the conviction, confidence, integrity, and infallibility behind those words. It is my intention to write this article in the very same disposition about a few not so good people.

It is a fact and it is undisputed that "In 1977 the Group for the Advancement of Psychiatry published a task force report that was instrumental in repealing the first generation of laws for civil commitment of sex offenders."

It is a fact and it is undisputed that in 1998, the distinguished and highly respected AMERICAN PSYCHIATRIC ASSOCIATION [APA] "Board of Trustees [also] approved a task force report on sexually dangerous offenders at "a meeting" in San Diego recommending that psychiatrist oppose sexual predator laws" and oppose civil commitment of sex offenders after prison.

It is a fact and it is undisputed that Texas State Legislators in 1999, while drafting the legislation, now known as Texas Health & Safety Code § 841, did so under the cloak of secrecy and deception from the public and/or the media. As part of their research, they had to of known about the Group for the Advancement of Psychiatry in 1977 and the APA's expert report in 1998. They also had to of known that their request for millions and millions of taxpayers' dollars was baseless and would be senselessly spent to re-detain and house people coming out of prison, who have completed their sentences and debt to society for their crimes. They also had to of foresaw the personal gains from doing this.

It is a fact and it is undisputed that if their work is noble, wouldn't they want the public and the media to know everything about what they were doing to protect the public? Wouldn't they grandstand? That would be great for votes in a reelection. Silence...

It is a fact and it is undisputed that the leading "General" Legislature heading all of this secret legislation war on sex offenders was non-other than Senator John Whitmire, D-Houston who happens to also be the legislative chair over the Texas prison system. This is a conundrum however! Texas Health & Safety Code § 841 and all the acts done there in are all "Civil" matters and not "Criminal". All the "Clients" of Texas Health & Safety Code § 841 are in no way connected to the Texas prison system through the treatment. So why is the Texas prison system Chair also legislatively overseeing Civil Commitment of Sex Offenders?

It is a fact and it is undisputed that these same Legislators created and developed a new State agency, OFFICE OF SEX OFFENDER MANAGEMENT, aka OVSOM, marked by hidden aims, clandestine intelligence operations, out of the public's and media's view.

It is a fact and it is undisputed that in 1999, these Texas Legislators begin opening bed spaces with unpublished contracts, unbeknown to anybody but SOT and the Texas Board of Pardons and Paroles. The bed spaces were in various "Texas Board of Pardons and Paroles Halfway Houses" all across Texas. I wonder if Hitler advertised his putting Jews on box car trains and hauling them to death camps?

It is a fact and it is undisputed that in 1999, these same Legislatures instituted a single brand new and exclusive State District Court in Montgomery County, Texas. The State began to deliver specifically selected sex offender prisoners from within TDCJ-ID who were still doing their time to pay their debt to society for their trespasses. However, the State was not delivering all sex offender prisoners who met the criteria of the new legislation. They only sent a few specifically selected sex offenders of the thousands in the prison system. The others? Oh, they just let the go back out into communities and society with zero treatment and most with no supervision because they had done all of their sentences. Where is the legislature's protection of the public in that?

It is a fact and it is undisputed that if the Texas Legislatures do nothing to protect the public from all the sexually violent predators they continue to allow to be released from TDCJ-ID each and every single day,

adding up to thousands since 1999 and most with worse offences that most who are civilly committed, then they do not get to claim they are protecting the public from the mere 400 detained at Texas Civil Commitment Center in Littlefield, Texas under the guise of "treatment"!

It is a fact and it is undisputed that in 2015, the Texas Legislatures changed the housing of the civilly committed from the exceptionally so called "Outpatient" halfway house facilities of bed spaces across Texas with the unpublished contracts, unbeknown to anybody but CST [later changed to Office of Violent Sexual Offender Management - OVSOM] and the Texas Board of Pardons and Paroles. The Texas Legislatures came up with detaining all the persons in Texas who are civilly committed into a prison, in Littlefield, Texas, under the guise of alleged inpatient treatment.

It is a fact and it is undisputed that every single day, sexually violent predators are being released from TDCJ-ID, some with more and/or worse offenses than those currently in civil commitment. And the State Legislatures boast these changes are based on protecting the public better by putting 400 behind fences in a prison while they do nothing about the leaking spout of sexually violent predators who have not and are not receiving any treatment coming out of TDCJ-ID, most unsupervised.

It is a fact and it is undisputed that in 2015, Texas Legislatures enhanced the cost and the problem by allowing the State District Court in Texas were the person was convicted of his sex crimes to also be the Court that litigates the person's civil commitment, rather than just a single Court doing all of them.

It is a fact and it is undisputed that the civil commitment of one person cost Texas taxpayers over \$115.00 per day compared to about \$50.00 a day for one person incarcerated in TDCJ-ID.

It is a fact and it is undisputed that the recidivism rate of persons, such as the persons in TCCC, is grossly lower and moreover minimal than any other crime, except murder! In fact, respected research distinguishes the recidivism rate of sex offenders with treatment, such as those in TCCC, compared to the sexually violent predators being freed by TDCJ-ID every single day out into the community and society with no treatment at all is about 100% lower!

It is a fact and it is undisputed that TCCO has only released about seven persons from civil commitment since September 2020 and none from 1999 to 2020. Where is the announcement to the media that civil commitment treatment in Texas works as demonstrated by the seven persons TCCO has released? One would think TCCO would be proud of this accomplishment. Where is Senator John Whitmire with a long proud speech of his hard legislative work and the writing of the legislation in 1999 that brought civil commitment to Texas? Where is Marsha McLane expressing her pride that none who have been released have reoffended? Again, crickets.

It is a fact and it is undisputed that there are men in TCCC who have completed all assignments in Tier 3 and 4, the highest two Tiers in TCCC. These same men have no disciplinary or supervision issues whatsoever. They go to their treatment groups with no assignments to prepare or to present. All they can do is to just sit in on their group sessions and give others feedback. They are just waiting to be given a Tier 4 or a Tier 5 and be released into a community. Some have been waiting for a year or more. Why are they stagnant, on hold? All referrals always lead to TCCO. When TCCC is asked, their response is: "It is up to the individual." They have completed jumping through each and every single hoop treatment has required of them, and then some, in most cases. There have been some abuses of authority to demote some for grossly insignificant reasons that are barely even a minor infraction, revolving the door. This begs the question, who should be released?

These are the facts and they are undisputed!

