

Board Confirms Mission Statement On Treatment

Our mission statement emphasizes prevention and treatment as a major component for most person's move to freedom, that sexual abuse is a public health issue and not entirely a criminal justice issue. Our recent Board Annual Meeting included a discussion to review that mission statement, as CURE-SORT is coming up to its 30th anniversary and see if that statement still meets our goals.

Part of the reason to review the mission is the fact we receive critical comments from some people as the treatment they are offered in prison or on parole is directed by someone quite mean-spirited toward them and it is not the type of counseling we envision when we promote it. Many prisons no longer offer therapy as part of budget-cutting state measures. Many prison systems don't offer therapy until a person's last year or six months to their parole eligibility or release date and that backlog leads to people still in prison past those dates to fulfill therapy requirements.

And there are other variables for treatment that surface which were not in play when our organization began. A majority of programs in prison require a signed statement about everything in sessions that is stated can be used in a person's future hearings.

Circumstances in many prisons or civil commitment centers lead attorneys to advise their client to refrain from therapy and wait to obtain it once they are released.

Therapy that approaches entrapment is counter-productive. Also, the problem is never being a pedophile, but how to manage pedophilic impulses. An unrealistic and unfair standard is often used to judge and condemn us. One can see a pretty woman in a store and no one thinks anything wrong. When this scene involves a child, we condemn the individual.

All of this gets away from the true spirit of what a good therapy program should be about. And for these variables, we decided to maintain our mission as it stands. And when involved in conversations or presentations, we need to emphasize the true spirit of therapy and to challenge that such practices is much more effective than total incarceration, that costs of a counseling program can be much less than countless years of lockup.

Everyone needs to be bold in confronting the country's pathetic practice of incarceration, challenge the fact that those with sex offenses hold the second lowest recidivism rates (next to murderers).

Therapy is not a tool for law enforcement. Good therapy provides a patient with tools to manage his or her psychosexual reality in ways that are healthy, legal and respectful of the rights of others. This is why we want to inform and educate as to what treatment is and how effective appropriate treatment is.

And while we are pushing needed change, we should also point out the failure and futility of sex offender registries and residency restrictions. These laws make a positive return to society near impossible with the restrictive ways people must find a place to live and limits on places to work. A strong support system and a meaningful place to live and solid employment are variables that all criminal justice advocates will agree are vital to a successful return far successful return far tougher than for any other felon going to parole.

Upcoming SMART National Symposium Coming to Chicago in July

The Justice Department's SMART Office is sponsoring the 2019 National Symposium on Sex Offender Management and Accountability on July 17-18 in Chicago. Registration is free and all stakeholders in this broad issue are welcome to attend. The website announcement describes the event thus:

Join us to learn about tools, techniques and information vital to monitoring sex offenders and combatting sexual assault and child sexual abuse. Take advantage of this opportunity to network with sex offender registry personnel, law enforcement and prosecutors working in these areas across the country. Hosted by the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, the 2019 symposium will support state, local and tribal partners' initiatives and efforts to prevent and respond to sexual offenses.

The symposium will bring together law enforcement personnel, prosecutors, registry personnel and other community stakeholders from states, territories and Indian Country across the U.S. engaged in registering and monitoring sex offenders, and investigating and prosecuting sex offenses.

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From the Director's Desk

By Wayne Bowers

First, let me say thank you to all who contacted me in regard to Mom's passing away. I sincerely appreciate it. Mom was truly an example of someone who exhibited unconditional love as she constantly stood by me through the bad times of my life years ago. For that and ways she sacrificed during that time, I committed to helping her closely in her senior years and my move to Oklahoma in 2007 to do just that was a joy and best days of my life. We had a lot of fun and helped her stay as active as possible and live at her home through her life. She strongly supported our work and became well known by the established CURE community.

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We constantly talk about concerns and problems in programs known in the criminal justice world as civil commitment. A new program emphasizing advocacy work on them is Just Future Project. From their website (www.ajustfuture.com) here is a breakdown of the program:

Who We Are

We are people from diverse backgrounds, professions, and regions who are united by a passion for abolishing these deeply unjust and un-American laws. We do not discriminate against anyone, including discrimination based on historical convictions. We believe everyone is actually innocent of imaginary future crimes.

Origin Story

Just Future Project is a new initiative with a long history. We trace our roots to the Civil Commitment Conference Call organized by Charlie Sullivan, president of Citizens United for Rehabilitation of Errants (CURE). Many efforts in the movement to end mass incarceration owe their spark to Charlie's tireless leadership over more than four decades. The conference calls began because Charlie believes in the leadership of the people directly harmed by these systems – leaders he affectionately calls “jailhouse lawyers” – and the phone calls allowed these critical minds to come together and collaborate. Just Future Project is the natural evolution of these early conference calls.

Our website is designed to intensify the conversation focused on dismantling pre-crime preventative detention schemes. We seek to foster a community around this conversation, and develop that community into a politically relevant constituency empowered to demand change. Our movement is growing. We are expanding to create a focal point online for advocacy energy and to bring people together under a common banner. We can only accomplish so much on monthly conference calls. This is the next step. We will publish their next plan of action to learn more about our theory of change in the near future.

What Calls Us To Action

Many of us come to this cause because we are personally connected to someone who is directly impacted by these laws (i.e. friends, family, loved ones). A growing number of us are allies who feel called to this movement by our values: (i.e. civil rights advocates, faith communities,

formerly incarcerated activists, psychiatrists, criminal justice reform experts, lawyers, lawmakers, social workers, clergy, academics, etc.).

Where We Came From

Just Future Project is an independent grassroots organizing initiative supported in coalition by **Women Against Registry** and **CURE National**. We welcome new partner organizations interested in contributing to the fight to dismantle pre-crime preventative detention schemes. We are especially focused on connecting with and supporting people who are already working to create change in any of the twenty-one systems of pre-crime preventative detention.

From Page 1 National Symposium

The organizers are encouraging the following personnel to attend:

- Registry
- Corrections/Detention
- Judges
- Prosecutors & Law Enforcement
- Probation/Parole/Community corrections
- Community-based non-profit organizations

Registration is available at:

<https://www.smart.gov/symposium.htm>

The hotel is The Palmer House and it is offering the GSA discount rate. CURE-SORT NEWS will be attending the event and report on it in the next issue. Additionally, two national SOR advocacy organizations are holding their national conferences in June. NARSOL will be convening its 11th annual in Houston June 6-9 (www.conference.narsol.org) and ACSOL will be convening its 3rd annual on June 14-15 in Los Angeles (www.all4consolaws.org/2019conference). We will endeavor to provide coverage in our next issue.

Residency Restrictions Symposium Videos Online

Kudos to a group of law students of Mitchell Hamline School of Law in St. Paul, MN. On February 28 they held a day long symposium titled *Residency Restrictions: Wise or Unwise?* In the last several years over 90 cities and towns in Minnesota have enacted banishment laws. A class action lawsuit began to expose the unconstitutionality of a state-run facility in which hundreds of registrants were locked up indefinitely in so-called Civil Commitment, with no real hope of getting out. While the case was pending just the idea that anyone might be released from the facility, to breathe fresh air and go on with their life, touched off so much fear that public officials with little ability to resist stupid ideas passed a wave of ‘get out of town’ laws. Residency restrictions certainly need a lot more public discussion, not just in Minnesota but nationally as well. Among those who presented at the event included experts Patty Wetterling and Jill Levenson and many others. Here is a description:

See Residency restrictions, Page 6

U.S. Marshals FAQ on International Megan's Law

By Joseph Ajlouny

On a recent tele-conference in which I participated, the International Megan's Law (IML) came up. No surprise there. One point of uncertainty is the conflicting requirements of the 21-day advance notice. For example, in my state, Michigan, our SORA says that international travel in excess of seven days must be reported 21-days in advance. The purpose of this requirement is to both notify the receiving country via the Angel's Watch program codified in IML and pinpoint the SO's temporary foreign address. However, IML provides that "all" foreign travel be reported and does not include anything about length of stay. As you'll see in the FAQ's provided below, the U.S. Marshals Service (USMS), says the non-compliant traveler is subject to a federal felony charge even when there is no state registry violation.

What is the International Megan's Law and when was it passed?

On February 8, 2016, President Barack Obama signed the International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes through Advanced Notification of Traveling Sex Offenders, more commonly referred to as "International Megan's Law" (IML).

Whom does the International Megan's Law apply to?

The IML has notable provisions that may impact all registered sex offenders who intend to travel outside of the United States.

Whom do I notify that I am traveling and when do I need to do so?

*The IML and the relevant Sex Offender Registration and Notification Act (SORNA) guidelines require that **all** registrants report international travel to their respective sex offender registry at least 21 days prior to departure from the United States. Emergency travel must be reported as soon as travel is scheduled.*

Can I be arrested if I don't report travel?

Although not all states require that you report international travel, you may be subject to federal prosecution if you fail to provide notice of international travel or file a false travel notice with your registry.

Can I personally submit an International Travel Form to the United States Marshals Service (USMS), National Sex Offender Targeting Center?

No. All International Travel Notices must be completed and submitted by your local sex offender registry.

Does the USMS decide if a sex offender can enter a foreign country?

No. The USMS does not make any recommendations, nor does it have the authority to deny or approve entry of an offender into a foreign country. It is up to sovereign governments to decide to whom they will allow entry, and to whom entry will be denied. Notification of travel does not authorize entry into a foreign country, nor does it serve as permission to travel. It is highly recommended that any registrant traveling internationally contact the consulate or embassy of their anticipated destination to determine if entry will be authorized.

Is the USMS the only law enforcement agency who sends international travel notices?

No. International travel notices may be sent by other law enforcement agencies without knowledge of, or consultation with, the USMS.

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CURE-SORT NEWS

CURE-SORT News is a publication of CURE-SORT, one of eight issue chapters of a national criminal justice reform organization known as Citizens United for the Rehabilitation of Errants (CURE). CURE's address is P.O. Box 2310, Washington, D.C. 20013; www.nationalcure.org. SORT stands for Sex Offenders Restored through Treatment.

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Many of us spend half our time wishing for things we could have if we didn't spend half our time wishing.

Alexander Woolcott

From the Editor's Desk

By Joseph Ajlouny

In our last issue we reported how Connecticut is in the process, legislatively, of reviewing its entire registry and management regime. If the process continues this year, the state could be the most progressive (i.e. reasonably fair under the circumstances) in the union. The state's Sentencing Commission has proposed reducing the number of registrants (though not by reducing the number of listed list of offenses), reducing registration terms and establishing a risk-based registry, not one based on the crime of conviction. These are changes that offer some hopeful promises that a measure of rationality will be re-introduced to the state's SOR system. The Sentencing Commission is shortly due to release the second part of its inquiry on the subject of SO management and monitoring later this year.

Now another ray of light has emerged, and it's a bright one. In late February, the newly elected Michigan Attorney General, a democrat named Dana Nessel, made a 180-degree change in state policy by declaring the Michigan SOR to be overbroad, unworkable and punitive. Her announcement was made as the AG's office submitted briefs in two Michigan Supreme Court cases that focus on the retroactive application of SOR amendments. Specifically, the plaintiffs in both cases seek removal from registry due to having been improperly wrangled into the SOR and/or being no longer subject to it because their registration terms was unconstitutionally extended.

The impetus of Nessel's position was prompted by the October 2017 unanimous ruling by the federal 6th Circuit Court of Appeals that the state's SOR is unconstitutional as applied to registrants with convictions prior to amendments passed in 2006 and 2011. In dictum, the court also likened Michigan's SOR to "internal exile" and considered it "immoral" for the punitive consequences that follow registration. Thankfully, the Court refused to stay its opinion and the U.S. Supreme Court has refused to accept the case for review. Consequently, the state law is in complete disarray, and prosecutors are effectively placed in limbo, a place they are ruefully resentful of being placed.

So, what's the state supposed to do? Amend the law? Scrap it and draft a brand new one? Ignore the Court's decision? Led by the Michigan chapter of the ACLU, the lead counsel in the federal case (in partnership with the University of Michigan School of Law's Civil Law Clinic), a committee of so-called stakeholders has been formed to negotiate changes to the law. Among those involved are representatives from law enforcement, the department of corrections, the AG's office and state legislators. What makes Nessel's pronouncement so promising is it represents a complete turn-around in the AG's position. And since it is the AG's duty to represent the state's interests, it portends substantive and positive changes. I'm guessing, the GOP controlled state senate and house will offer significant pushback but that they've been forced into a much weaker position because of the federal ruling, and because the Michigan DOC largely supports a liberalization of the SOR to better accommodate its interests paroling and managing registrants. Additionally, the Michigan State Police, which has statutory authority over the management of the SOR is generally viewed as supporting a smaller registry and one.

with fewer restrictions that they must monitor.

The upshot of these two states' stories is that there is good news on the horizon and we should celebrate it. But more importantly, it requires that we re-double our efforts to advocate for reform, nationally. This means individual action and support of national and state organizations that support this cause is necessary now more than ever. We have traveled a long road. Most of it uphill and discouraging. Now we see cracks in the system of oppression we all face. Let's all remain determined to break down the wall so that our rights are no longer violated, and our lives can be restored for ourselves and our families.

Our lead article today is our effort to reaffirm our mission that treatment is important, necessary and a vital tool for prevention. Read our Executive Director Wayne Bower's column too for an explanation why this message is so consequential. Of course we realize that for the incarcerated among us, treatment is often clumsy, problematic and punitive (see 7th Circuit ruling news on Page 5 herein). But we are also convinced that a serious commitment to seeking redemptive therapy (and behaviors) is the key to convincing the public that those with sex offense convictions are not the future threats we are made out to be.

Four members pass away

Four people involved with CURE-SORT and with CURE have passed away in the past few months.

In late 2018 **Andrew Voross** of Elgin, IL took his life. Always extremely concerned about registration restrictions he must follow, Voross' untimely death is yet another heart-breaking and valid example of the collateral damage caused by the sex offender registry.

Keith Reeve, detained at the Central New York Psychiatric Center (in Civil Commitment) at Marcy, NY, passed away in April following an extensive bout with cancer. A strong advocate despite his physical infirmities and his living environment, Reeve was known to CURE-SORT and CURE staff for his constant work for the moral improvement of the prejudicial system we seek to reform.

David Watkins was detained at Big Muddy River Correction Center at Ina, IL. **Kevin Johnson** was detained at Rushville Treatment and Detention Center (Civil Commitment) at Rushville, IL. No further information is available.

We offer our deepest condolences to the family and close friends of our departed comrades.

The man who insists upon seeing with perfect clearness before he decides, never decides.

Henri-Frederi Amiel

7th Circuit Deals Setback to Compulsory Indiana Treatment Policy on Release

Finding the disclosures provide information that any law enforcement agent “would love to have,” the 7th Circuit Court of Appeals has ruled Indiana’s requirement that sex offender inmates give detailed accounts of their past actions violates the Constitution’s protections against self-incrimination.

Donald Lacy, a sex offender inmate in the Indiana Department of Correction, filed a class action on behalf of all inmates who lost good-time credits and a demotion in credit class because they failed to meet the requirements of the Indiana Sex Offender Management and Monitoring program (INSOMM). Lacy argued the disclosures required and the penalties imposed for non-participation constituted a violation of his Fifth Amendment right to be free from compelled self-incrimination.

The U.S. District Court for the Southern District of Indiana agreed. It ordered the inmates’ lost good-time credits to be restored and vacated all disciplinary actions and sanctions for failure to participate in INSOMM.

On appeal, Indiana countered that the INSOMM program does not carry any sufficiently serious risk of incrimination to trigger the protections of the Fifth Amendment. Moreover, even if it did, the state continued, the revocation of credit time and the demotion of credit class do not add up to unconstitutional compulsion.

The 7th Circuit found the INSOMM workbooks asked for detailed and specific information. Offenders are required to reveal the names and ages of their victims, what parts of the body were touched, where and when the abuse occurred, and how the victims were selected and groomed.

Based on their answers, the offenders may then be given a polygraph examination. There, they will be asked such things as how many children they have molested and how many times they made child pornography. Indiana’s contention that the answers are so general they are not able to be used in an investigation or count as an admission at trial did not convince the 3-member circuit court panel.

“Saying so does not make it so,” Chief Judge Diane Wood wrote for the court. “This *ipse dixit* does not explain why granular descriptions of the circumstances surrounding specific sex crimes and patterns of criminal sexual behavior would prove useless to investigators or prosecutors. . . . The questions posed to an INSOMM participant would yield answers that any competent sex-crimes investigator or prosecutor would love to have.”

Citing *McKune v. Lile*, 536 U.S. 24 (2002), the 7th Circuit ruled Indiana’s denial of good-time credit as a means of inducing offenders to furnish information is an impermissible compulsion to self-incriminate. “The decision to decline participation in INSOMM is not merely a trigger for a later stage in which the state takes a more holistic view of an inmate’s progress toward rehabilitation,” Wood wrote. “Instead, a prisoner’s choice to invoke his privilege against self-incrimination is the direct cause of his loss of credits – credits that otherwise would be statutorily guaranteed. . . .”

From IML Page 3

Can I make a complaint if I am a victim of an erroneous notification?

Any individual who traveled internationally and was denied entry into a country based upon a notification believed to have been made in error by the USMS may make a complaint. The complaint form can be located here. Note that this form is only for the individual who was the subject of a USMS notice, and not family members or other traveling companions.

Whom may I contact if I have more questions?

You may contact the USMS National Sex Offender Targeting Center at 202-616-1600.

Featured Websites

Registry20.org is an Illinois-based reform advocacy website. It is still new and nascent but the operator is seeking to build an audience of fellow advocates to take on the range of issues we are forced to redress. The focus of the group, which takes its name from the 20th anniversary of the adoption of the SOR in Illinois, is the impact of the stigma registration creates for the offender and his or her family, friends, employers, landlords, etc. “Unintended Consequences” all registered citizens fear and detest. We encourage our members, especially those in Illinois to sign-up for its email list to keep abreast of the group’s activities.

Speaking of collateral consequences, of which our community of readers is especially sensitive, is a topic that well-documented and yields tens of thousands of hits in a Google search. We were pleasantly surprised to learn that the National Institute for Justice, an office in the Justice Dept.’s Office of Justice Programs (which also administers the SMART Office) has, in partnership with the ABA’s Criminal Justice Section, published a unique handbook for judges. Called the *Collateral Consequences of Criminal Conviction Judicial Bench Book*, the interactive book is an exhaustive treatment of the myriad of CCs that attend every criminal conviction. It is an attempt to temper justice with mercy, as they say. But it also serves as a kind of post-sentence catalog of horrors. Perhaps it is actually more useful for defense lawyers because it arms them with the after-effects a sentence will have on their clients. The Bench Book can be accessed online at: <https://www.ncjrs.gov/thensearchpdffiles1/nij/grants>

A successful person is one who went ahead and did the thing the rest of us never quite got around to.

Video 1

National Overview of the Impact of Sex Offender Residence Restrictions on Housing Availability

Jill Levenson - Professor of Social Work, Barry University; internationally recognized expert in trauma-informed care and sexual abuse in clinical, correctional, and forensic settings

<https://mitchellhamline.edu/law-journal/spring-2019-symposium/>

Video 2

Issues in Minnesota: What are the effects of residential restrictions on reintegration, and how do they affect public policy in Minnesota?

Panelists:

Mark Bliven - Director, Risk Assessment and Community Notification, Minnesota Department of Corrections

Robin Benson - Deputy General Counsel, Minnesota Department of Human Services

Amy Lawler - Assistant State Public Defender, Minnesota Office of the Appellate Public Defender

Riki Kravitz - Outpatient Program Coordinator and New Client Facilitator, Alpha Human Services

Moderator: Joanna Woolman - Associate Professor, Executive Director, Institute for Children, Families, and Communities, Mitchell Hamline School of Law

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Video 3

Keynote Speaker: Patty Wetterling - Advocate for Children's Safety and Past Chair of the National Center for Missing and Exploited Children

<https://mitchellhamline.edu/law-journal/spring-2019-symposium/>

Video 4

What are we going to do? Suggestions for effective and wise comprehensive treatment and management of sex offenders who have been released from prison and Minnesota Sex Offender Program

Panelists:

Alison Feigh - Director, Jacob Wetterling Resource Center, a program of the Zero Abuse Project

Jon Brandt - Founder and Director, Mapletree

Brad Colbert - Assistant State Public Defender, Minnesota State Public Defender's Office

Sarah Walker - Deputy Commissioner, Community Services, Minnesota Department of Corrections

Moderator: Eric Janus - 2018 ACLU Minnesota Earl Larson Award recipient; Professor of Law, Director, Sex Offense and Policy Resource Center, Mitchell Hamline School of Law

<https://mitchellhamline.edu/law-journal/spring-2019-symposium/>

Editor's Note: We are mindful of the fact that many of our readers do not have access to the Internet. It is our hope that on line access will be shared by family and friends.

Sex Offender Specific Treatment

By Dr. JoEllen Wiggington
Pacific Professional Associates
Member of CURE-SORT Board

As our mission is to promote the importance of counseling for the recovery of those who have sexually offended, when appropriate, a discussion will be held in our issue along this topic. This is the 14th article in this series. As said, this is a program of Dr. Wiggington and is not available by correspondence.

The focus of this issue is offense pathways, or patterns in offending. In *The Road to Freedom*, Morin and Levenson (2002) outline the precursors, decisions, behaviors and aftermath of an offense (or offense chain) as follows: lifestyle risk factors, triggers, fantasy and desire, plan, high risk situation, loss of control, offense and evaluation. Life-style risk factors are the elements of life that provide or prevent the satisfaction of basic human needs. When one does not know how to meet emotional needs in healthy ways they are at risk of offending.

Triggers include moods or feelings (internal triggers) that may arise as the result of an unhealthy lifestyle. External triggers are those situations outside oneself that can lead to an urge to offend. Sometimes external and internal triggers work together. An example of an external trigger leading to an internal trigger could be a rape offender noticing a scantily dressed woman on the street and becoming resentful about her "flaunting" her sexuality. He then broods about the unfairness of it all and thinks about assaulting women.

Fantasy and desire do not need to be elaborate scripts. An image or thought that excites one and relieves bad feelings suffices. A plan is noticing one's desire and making a decision about offending. One may attempt to prevent an offense but make a "seemingly irrelevant decision" (SID) that allows the offense to occur without conscious thought. As Morin and Levenson point out: "Cognitive distortions justify and rationalize moving toward a crime." For those who do not feel guilty about offending the goal is to commit the sexual assault.

A high risk situation is the setting and circumstance that allow an offense to take place. Excitement surges and the offender feels aroused; they know they may not be able to stop. The Problem of Immediate Gratification (PIG) takes hold and leads to loss of control. If one is trying to avoid an offense, thought stops at this point to permit an offense to occur.

The final step in the offense chain is an evaluation of what has happened. When one has tried to avoid offending and feels guilt they will likely feel they have failed, leading to hopelessness and self-disgust. This may actually trigger a new offense in an attempt to alleviate these negative feelings. Only if one recognizes the lack of a solid plan to address the aforementioned factors can one make relapse prevention the focus.

After readings from *The Road to Freedom* that explain and detail these ideas, clients are asked to trace their own offense chains. Additional exercises are completed identifying risk factors and/or triggers in order to understand the elements in their lives that need to be changed or avoided in the future. The feelings that occurred during their chain (associated with the satisfaction of unmet needs) are also considered in order to develop healthy coping strategies.

Our next issue will describe various styles of offending.

The advantage age has over youth is that youth knows nothing about being old, whereas the old know all about being young.