

CURE-SORT NEWS



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Exposing how mass incarceration harms communities and our national welfare

Prison Policy Initiative Update May 18, 2023 by Emma Peyton Williams

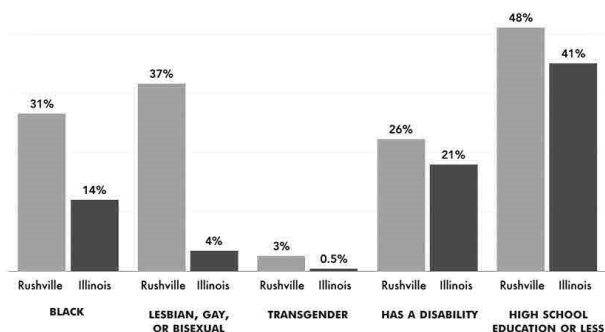
Part 2 of 2 parts

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Why does Illinois' "civil commitment" system confine people from marginalized groups at such high rates?

Percentage of 2019 survey respondents held in Rushville Treatment and Detention Facility, by self-reported demographic characteristics, compared to the total Illinois state population



Source and data notes: Civil Commitment Working Group, *Inside Illinois Civil Commitment: Treatment Behind Razor Wire* (2022). Note that the rate of self-reported disability in Rushville is an underestimate; the state uses having a psychiatric disability as a criterion for admission.

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Since having a "mental abnormality" is a criterion for admission, measuring the overrepresentation of disabled people in these facilities is challenging. By the logic of civil commitment, 100% of people inside have a psychiatric disability. In the Illinois report, 26% of Rushville respondents self-identified as having a disability, compared with 21% of the Illinois population. Low levels of educational attainment (i.e., having a high school degree or less) were also very high, at 48%. Anecdotally, survey respondents reported that many of their peers inside could not complete the survey because they were illiterate or had cognitive impairments that prevented them from reading and filling out a paper questionnaire, so disabled respondents' voices are likely underrepresented.

Indefinite and punitive detention with no evidence of efficacy

Agencies that control civil commitment often insist that civil commitment is treatment, not prison. Texas Civil Commitment Center staff even went so far as to instruct detainees "to call their living quarters 'rooms,' not prison cells." But advocates question whether or not civil commitment can be considered therapeutic. Can forced confinement inside facilities with high rates of violence, controlled by staff who use the same punitive measures that are common inside prisons, ever be healing?

Two-thirds of respondents inside Rushville in Illinois report that they have been sent to solitary confinement, a (potentially permanently) psychologically damaging

practice. Rushville, like other civil commitment facilities across the U.S., also uses archaic treatment and evaluation technologies, including the penile plethysmograph, a "device [that] is attached to the individual's penis while they are shown sexually suggestive content. The device measures blood flow to the area, which is considered an indicator of arousal." Rushville detainees are subjected to chemical castration, or hormone injections that inhibit erection and have been linked to long-term health impacts. Further, their progress through treatment is measured using a variety of highly questionable evaluation tools, including polygraph lie detector test results which have been inadmissible in Illinois courts since 1981. The technologies that these facilities rely on look a lot more like medieval torture devices than the supposed "therapeutic tools" that they claim to utilize.

Even if we buy into the myth that civil commitment facilities provide the treatment they claim to offer, there is minimal evidence that this supposed treatment works. Even if we buy into the myth that civil commitment facilities provide the treatment they claim to offer, there is minimal evidence that this supposed treatment works, and moving through treatment tiers is difficult, if not impossible. Even staff inside report that they receive pushback when trying to advance people toward release. One review from a past employee of Rushville's contracted mental health care service, Liberty Healthcare Corporation, reported, "The hardest part of the job is fighting for residents who should be on conditional release and dealing with the outcome when refusing to act in unethical ways." Progress through treatment is dependent on a regularly fluctuating staff, often made up of graduate students who are finishing their residencies and then moving on to another facility. Residents inside report being demoted to earlier tiers of treatment by new residents who disagreed with previous staff members' assertions.

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Advocacy Groups For Those Who Have A Sexual Offense

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With little transparency about or consistent standards regarding how to progress through treatment, many people inside say that civil commitment feels like a de facto life sentence. At Rushville, the average length of detention was 9.5 years and counting. According to a 2020 FOIA response from the Illinois Department of Human Services, more than twice as many people had died inside than had ever been released. Similar circumstances have been reported from Texas, where only five men were released in the facility's first two and a half years of operation, four of whom were sent to medical facilities where they died shortly thereafter. A 2020 article about Rushville included the following findings:

Slightly more than half of the total population [has] been held for 10 years or more. Fifty-one people in Rushville have been held in civil commitment for 20 years or more, and 12 have been in civil commitment for 22 or more years, meaning they've been in civil commitment since the statute was implemented in 1998.

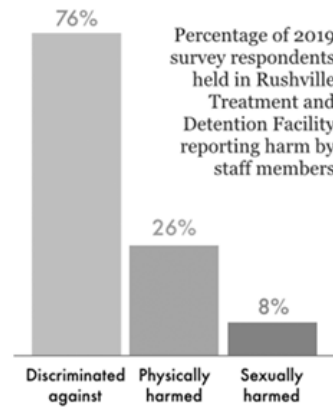
People inside reinforce these findings. One Illinois survey respondent reported, "This is a life sentence after the completion of a criminal sentence. We are treated worse [than] prisoners. This is a sentence of death by incarceration. Not a revolving door program." Indefinite sentences that are contingent on progress through treatment that feels unhelpful and opaque contribute to distress inside. This distress can result in violence and a hateful culture, between detainees and from staff to detainees. Three-quarters of detainees report being discriminated against by staff, and one-quarter report being physically harmed by staff. 8% of detainees said they were sexually harmed by staff. Anecdotally, respondents shared a number of stories about experiencing physical or sexual harm from other residents. Though civil commitment facilities are tasked with "treating" sexual violence, they actually create physical environments that foster sexual, physical, and emotional violence.

Conclusions

Civil commitment facilities are not only legally and ethically dubious, they also fail to deliver on the very objectives that justified their creation. Even still, the trend toward preventative and "therapeutic" forms of detention that are fueled by biased and error-filled algorithms and risk assessment tools is growing. As one reporter from Texas notes:

Critics of private prisons see in the Texas Civil Commitment Center the disturbing new evolution of an

Staff routinely harm people in civil commitment facilities



industry. As state and federal inmate populations have leveled off, private prison spinoffs and acquisitions in recent years have led to what watchdogs call a growing "treatment industrial complex," a move by for-profit prison contractors to take over publicly funded facilities that lie somewhere at the intersection of incarceration and therapy.

In an era where lawmakers frequently champion "evidence-based" punishment, the public must remain vigilant in questioning whether these practices actually accomplish their supposed goals. Do they reduce the mass incarceration of hyper-policed communities? Do they minimize the ongoing harms of the criminal legal system? Do they reduce the number of people entering prisons or increase the number of people exiting them? In the case of civil commitment, the answer to all of these questions is no.

Though under-resourced, the movement to address harmful civil commitment policies is longstanding. A variety of advocates are leading campaigns to address ineffective sex offense policies across the U.S. (including the sex offender registry system). Other organizations support ongoing litigation campaigns like the one that was considered by the U.S. Supreme Court in Minnesota. Advocates inside and outside agree that civil commitment facilities fail to deliver meaningful safety and healing.

It's time for policymakers to close these facilities that leverage pseudoscience to keep people under state control. Instead, we must invest in initiatives that actually prevent child abuse and sexual violence, including measures advancing economic justice, accessible non-carceral mental healthcare, comprehensive sex education, and consensual, community-based restorative and transformative justice initiatives.

Some Housing Options Reviewed

By Jim Prager, Board Member

This past June 30th, my wife and I visited Viewpoints, which is in south St. Louis, MO. They offer the following services.

"Providing housing and other resources for men. Viewpoints offers reentry support to men who are returning to the community. The program is specifically designed for men on the Sex Offender Registry or men convicted of a sexual crime."

Viewpoints has 3 homes within a two-block area with room for 21 men. Each home has a full kitchen, basic furniture for all residents, and laundry facilities. Each resident is set up for Medicaid, food stamps, and employment opportunities. The rent is \$500 after the first month. The homes have security systems installed. According to Debra Grund, no one has been convicted for a crime while residing with Viewpoints.

Another program specifically for registered citizens is New Day Housing. This started in 2016 in the Chicago, IL area. NewDay Apartments was founded "To address one of the most important & least understood problems

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in the American justice system: how to safely house the ever-growing number of registrants (the term NewDay uses for those on sex offender registries) in the United States today."

By providing registrants with safe, comfortable, affordable units in dispersed housing environments, NewDay has significantly reduced the recidivism of its tenants while providing registrants with the opportunity to live productive lives rather than repeat past mistakes." New Day only accepts non-contact convictions, and no other felony is permitted.

These programs document a critical issue for registered citizens. Whenever people struggle to meet basic human needs such as housing, the situation easily becomes a set up for failure. These housing programs meet this need, but we need many more robust programs on a national level to address this issue. We also must take care to view these as transitions rather than permanent solutions. Registered individuals need full citizenship to fully become productive members of society. Transitional housing must lead to permanent housing solutions, or we end up creating leper colonies.

(EDITOR'S NOTE: CURE-SORT has compiled a significant list of reentry and housing options in many states. If you know of any such programs like the ones mentioned above, please contact us as we want to expand on what we have.)

CONNECTICUT UNITED STATES DISTRICT COURT HOLDS SEX OFFENDER INTERNET EMAIL ADDRESS AND IDENTIFIERS REPORTING LAW UNCONSTITUTIONAL

Connecticut law requires that after release, persons convicted of a sex offense disclose to police all of their email, social media addresses and other Internet communication identifiers. Jim Cornelio, a released offender, sued in federal court, claiming the disclosure requirement violated his 1st Amendment right to free speech.

Last week, the US District Court for Connecticut agreed, holding that by compelling Cornelio to disclose all of his Internet addresses and identifiers, "the law chills and inhibits his right to speak freely on the Internet and to do so anonymously if he wishes... [Thus], the State must show that the law advances an important government interest that is unrelated to the suppression of free speech. And it must also show that the law does not burden substantially more speech than necessary to further the government's interest."

While the State "has an important government interest in detecting and deterring persons who had a sex offense from using the Internet to engage in crime," the Court said, "the State cannot point to a single example [over 15 years] of when its database of sex offenders' email addresses and other Internet communication identifiers has helped the police detect or solve any crimes. And the State concedes that it has no evidence that requiring persons with a sex offense to disclose their Internet communication identifiers deters them from

using the Internet to commit more crimes. Moreover... the State... fails to show that the breadth of the disclosure law does not burden substantially more speech than necessary to further that interest."

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The citation to the court's decision is *Cornelio v Connecticut*, Case No 3:19-cv-1240, 2023 US Dist LEXIS 163106 (D. Conn. Sep 14, 2023). This decision only applies to Mr. Cornelio. The final outcome of this helpful decision could be years away.

Montana High Court Ruled Amendments Led to SVORA In Violation

Information compiled from Justia Connect

The Montana Supreme Court in June reversed the order of the district court denying Defendant Richard Denver Hinman's motion to dismiss the State's felony charge against him for failure to register as a sexual offender.,

Hinman was convicted of sexual assault, served and discharged his sentence. At the time, SVORA, known then as Montana's Sexual offender Registration Act, required Hinman to maintain registration for ten years. When the legislature amended SVORA, it included more onerous steps and applied them retroactively to previously convicted registrants such as Hinman.

Hinman was charged with failure to register. He appealed, arguing that the amended SVORA requirements rendered the statute an unconstitutional ex post facto punishment for his earlier crime. The Supreme Court reversed, holding (1) SVORA as amended is punitive in nature; and (2) therefore, the requirements brought on by those amendments could not retroactively be applied to defendants whose convictions predate the amendments.

Advocacy Groups For Those Who Have A Sexual Offense

CURE-SORT as an advocacy group has a specific view that we take in addressing issues that concern those with a sexual offense. There are other organizations that we work with that have different perspectives to assisting those who have a sexual offense.

The list that follows is not inclusive and represents organizations that have a National presence with and without State or Local affiliations. Trying to include all State and Local organizations would be impossible, and as it is we know we will miss listing an organization that we should. Our apologies.

We suggest making contact and finding out more about their activities.

ACSOL

Alliance for Constitutional Sex Offense Laws
2110 K Street
Sacramento CA 95816
all4consolaws.org

B4U-ACT

PO Box 1754
Westminster, MD 21158
www.b4uact.org

NARSOL

National Association for Rational Sex Offense Laws
PO Box 36123

Albuquerque, NM 87176
narsol.org

NATIONAL ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

1660 L St. NW, 12th Flr
Washington DC 20036
nacdl.org/

Prison Families Alliance

7250 S. Durango Dr., Ste. 130-237
Las Vegas, NV 89113-2255
prisonfamiliesalliance.org

Restorative Action Alliance

82 Katonah Ave, Unit #1017
Katonah, NY 10536
restorativeactionalliance.org

SAFER SOCIETY FOUNDATION

P.O. Box 340
Brandon, VT 05733-0340
safersociety.org

Sex Offender Solutions and Education Network

2211 C.R. 400
Tobias, NE 68453
www.sosen.org SOSEN.org
www.oncefallen.com

Society for the Advancement of Sexual Health (SASH)

PO Box 916
Acworth, GA 30101
www.sash.net

WAR

Women Against Registry
8 The Green Suite #8219
Dover, DE 19901
womenagainstry.org

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 or on amazon.com

SUPPORT GROUP: Families & friends for those in civil confinement, contact Eldon Dillingham. Interested persons contact at 404 Walnut St., Wamego, KS 66547

eldondillingham@grmail.com