

CURE-SORT NEWS

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Plans Among Numerous Groups on Registry Abolition Holding Meeting

For some time, we at CURE-SORT and some other advocacy groups have pondered making an emphasis of our overall intention about the sex offender registry is to promote its abolition, no matter what the topic of discussion was at the time in regard to some aspect of it.

Our past two board meetings focused on the discussion of starting a campaign to challenge the use of the registry and a way to bring attention to research and various pieces of testimony to show that the registry has had a large role in developing the national hysteria toward any person with a former sex offense and how the program has shown to be more harmful to the registrant than helpful to the public, and also the collateral consequences and damages done to the registrant's family.

Early in February it came to the attention of CURE-SORT of a planned coalition meeting to plan about the same abolition strategy. This coalition of like-minded groups has been discussing ways to improve their own communication with each other, and now want to come together for a major thrust.

The National Action Alliance has invited our organization and numerous other advocacy organizations working with sex offense issues for the first meeting for the National Coalition for Registry Abolition. Please note that this is a temporary name, as we will create this together!

"I am looking forward to being in community and connection with all of you as we work together to help the general public and those in power think critically about the way that we address sexual harm without the use of state control and further violence," said Amber Vlangas, executive director of National Action Alliance.

Op-Ed: Systemic persecution of sex offenders in the BOP

By CURE-SORT Member Jack Donson

From a federal perspective, there continues to be a systemic persecution of sex offenders in the Federal Bureau of Prisons (BOP).

The warden's stick their head in the sand as:

- SO's are forced to eat in a separate section of the dining halls
- They are not allowed in certain program areas and TV rooms, etc.
- They are financially extorted for protection
- Inappropriately denied email privileges at any given warden's whim contrary to policy. While they have broad discretion, the policy intent is clear. There

seems to be an increase in people who were emailing without issues then abruptly denied in the past few months.

- Outed by staff to other inmates.

Despite this new [BOP] director's PR campaign, things in the trenches have gotten worse all over the country from the staff and incarcerated people that I hear from.

If anyone is planning any practical advocacy at the federal level, the BOP can waive the "Sex Offender"-Public Safety Factor (PSF) so they can be housed in camps should other classification factors allow. This is well within policy discretion and appropriate use of such discretion especially for non-contact offenses with little or prior convictions. People with CP who are on bond and fully compliant are designated to FCI's where they immediately encounter the above issues when they can be housed safely housed in camps. I had a detailed discussion with the BOP GC years back and they really couldn't defend the position other than saying something like "just because". Once a PSF is waived, the security classification point system dictates the security level and 0-11 points is minimum, 12 to 16 is Low. CP people often have near zero points if they surrender, and they should be considered for minimum placement but are not.

Here's the pure policy of the issue cut and pasted. I believe the BOP definition is now illegal due to more recent case law but that's outside my skill set.

<https://www.bop.gov/PublicInfo/execute/policysearch?todo=query>

5100.08, CN-1 Inmate Security Designation and Custody Classification

Chapter 5, Page 8 F

Sex Offender. A male or female inmate whose behavior in the current term of confinement or prior history includes one or more of the following elements will be housed in at least a Low security level institution, unless the PSF has been waived.

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A conviction is not required for application of this PSF if the Presentence Investigation Report (PSR), or other official documentation, clearly indicates the following behavior occurred in the current term of confinement or prior criminal history. If the case was dismissed or nolle prosequi, application of this PSF cannot be entered. However, in the case where an inmate was charged with an offense that included one of the following elements, but as a result of a plea bargain was not convicted, application of this PSF should be entered.

If anyone would like to chat on this topic, send them my way and I'd be happy to assist them.

Jack Donson jack@mfpcllc.com

Responding to Crimes of a Sexual Nature: What We Really Want Is No More Victims

The Sentencing Project

Part 1 of 4

<https://www.sentencingproject.org/policy-brief/responding-to-crimes-of-a-sexual-nature-what-we-really-want-is-no-more-victims/>

This brief uses the term "crimes of a sexual nature" (CSN) to describe what are legally defined as "sex crimes" or "sex offenses." While we do use similar terms interchangeably in this brief, The Sentencing Project recommends the use of "crimes of a sexual nature" to minimize labeling effects and potential cognitive bias.

Sexual violence in America remains a systemic social problem but excessive prison sentences do not address the root causes, nor do they necessarily repair harm or bolster accountability. The misdirection of resources toward extreme punishment does little to prevent sexual violence.'

"What we really want is no more victims... So, how can we get there? Locking them up forever, labeling them, and not allowing them community support doesn't work?"

**Patty Wetterling, Co-Founder
Jacob Wetterling Resource Center**

Since the 1990s, individuals convicted of sex crimes or sex offenses, which we call crimes of a sexual nature (CSN), have been subjected to an increased use of incarceration and longer sentences.' They on average serve a greater percentage of their prison sentence compared to those sentenced for other crimes classified as violent, such as murder. The first federal law was also passed establishing state sex offense registries in 1994, the Jacob Wetterling Act.'

This escalation in punishment severity and community surveillance occurred alongside two opposing long-term trends. First, recidivism rates for CSN in the United States have declined by roughly 45% since the 1970s.'

This drop started well before the implementation of public registration and notification, implying that the lifelong punishment approach was not responsible for

this decline. Second, based on roughly three decades of nationally representative U.S. criminal victimization data (1993-2021), the number of rape and sexual assault victimizations decreased by approximately 65%. Yet, reactions to CSN continue to evoke failed policies of the past — statutorily increasing minimum and maximum sentences and requiring more time served before release — major contributors to mass incarceration.'

Patty Wetterling, who once lobbied for sex offense registration after the abduction of her son, is now a vocal critic of it and many other sex crime laws. She reminds us that flawed laws and policies should be challenged, revisited, and changed. With this backdrop, this brief highlights misconceptions around crimes of a sexual nature that contribute to the rise in imprisonment and lengthening of sentences.' It provides a set of recommendations including the following:

- Rely on established evidence about CSN and those who commit it to inform policy responses rather than fear-driven misinformation.
- Prioritize investments in prevention and intervention programming that works to reduce CSN and treat the underlying causes of CSN.
- End mandatory prison sentences for CSN convictions, including mandatory minimums and two- and three-strike laws. This category of crime includes a broad range of criminalized behavior such as consensual sex between youth to forcible rape. Each of these behaviors carries with it varying levels of criminal culpability. Sanctions should not be "one size fits all."
- Resist the impulse to leverage CSN as a bargaining tool in order to pass sentencing reforms.

Misconceptions about Crimes of Sexual Nature

Unrecognized Histories of Trauma

Because of the nature of sexually-based offenses, individuals who are convicted of these offenses are too often denied their humanity. What is unrecognized is the trauma histories of individuals who have perpetrated CSN and how those trauma histories influence behavior. While not an excuse for CSN perpetration, these elevated to severe trauma-histories provide much needed context which is often missing from public discussions and proposed solutions to CSN. Individuals who have perpetrated CSN report substantially higher levels of childhood trauma - physical, verbal, and sexual abuse and emotional and physical neglect - compared to the general population." Measured by using the adverse childhood experiences (ACE) questionnaire, many women and men convicted of CSN have been found to have cumulative ACE scores that place them in the highly traumatized category. his history of childhood trauma extends to the youth population as well.

Low Rates of Recidivism

Arguably one of the most ubiquitous and influential misconceptions is the alleged exceptionally high CSN recidivism rate." The common assumption is that people who commit sexually-based offenses are bound to

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commit them in the future. This fallacy has even been incorporated in US Supreme Court decisions, *McKune v. Lile* (2002) and *Smith v. Doe* (2003). In *McKune v. Lile* (2002) Justice Anthony Kennedy wrote, "of untreated [CSN] offenders [the recidivism rate] has been estimated to be as high as 80%...a frightening and high risk of recidivism." The "frightening and high" language was then quoted the following year in *Smith v. Doe* (2003) which upheld Alaska's public sex offense registry." It traces back to an unfounded claim in *Psychology Today* and has since been used in hundreds of judicial opinions and briefs."

This ubiquitous phrase, "frightening and high," continues to be used to justify long prison sentences, civil commitment, registration and notification, residence restrictions, and other mechanisms to address sexual recidivism." As detailed below, sexual recidivism rates are low. When individuals with this conviction do reoffend, it is typically with a non-CSN."

Research on CSN recidivism

Criminologists have consistently found that criminal behavior is associated with age. Individuals are more likely to become involved in criminal behavior in their youth, but as they age into adulthood the proclivity toward criminal behavior drastically declines. While CSN does not exactly mirror the traditional age-crime curve due to different trends in onset and desistance, there is evidence of an "age-crime curve effect."

Researchers at the Bureau of Justice Statistics (BJS) tracked over 400,000 people originally convicted of rape or sexual assault who exited prison in 2005. During the nine-year follow-up, over 92% of individuals released with rape/sexual assault convictions were not rearrested for another rape or sexual assault. Compared to individuals released for a non-CSN conviction, they were also less likely to be arrested post-release for any crime. Given the excessive obstacles individuals convicted of a CSN offense face in their communities upon release, it should not be surprising to see some level of recidivism. Such obstacles, like public registration and notification and residence restrictions, remain law although research consistently shows their failure to impact sexual recidivism.

Table 1. Nine Year Rearrest Rates Among Individuals Released from Prison for Rape or Sexual Assault

Post-Release Offense	Percent of Released Individuals Arrested
Public order	58.9%
Property	24.2%
Assault (simple or aggravated)	18.7%
Drug	18.5%
Rape or sexual assault	7.7%
Robbery	3.8%
Homicide	0.2%

Source: Alper, M., & Durose, M. R. (2019). *Recidivism of sex offenders released from state prison: A 9-year follow-up (2005-2014)*. Bureau of Justice Statistics.

Moreover, recidivism risk decreases the longer individuals with a sex crime conviction are sex offense-free in the community." Researchers find that within 10 to 15 years of living sex offense-free in the community, the vast majority of individuals will be no more likely to commit a sex crime than individuals who have never been convicted of CSN. This finding even extends to

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Make checks payable to: **CURE-SORT**
<http://www.cure-sort.org/join--contribute.html>

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those deemed "high risk" to sexually reoffend - high risk does not mean high risk forever. These studies align with criminological research on non-CSN offenses and reinforce that desistance is the norm.

To Be Continued In Next issue

Advocacy Groups For Those Who Have A Sexual Offense (Cont. from Issue 33-3)

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.

Black & Pink

Prison abolitionist organization supporting LGBTQ and HIV-positive prisoners, 2406 Fowler Ave., Suite 316, Omaha, NE 68111, www.blackandpink.org

Canadian Advocacy – Prison Justice.ca,

www.prisonjustice.ca PO Box 78005, 1755 E. Broadway, Vancouver, BC. Unceded Coast Salish Territory V5N 5W1

Dobbs Wire

Twitter @TheDobbsWire Daily national topical information and studies

Community Room of the late eAdvocate –

www.eadvocate-community.blogspot.com

OnceFallen

Information of one who has been there – www.oncefallen.com Derek Logue, 2211 County Rd. 400, Tobias, NE 68453. 513-238-2873. iamthefallen1@yahoo.com

Internet Issues and Behavior –

www.internetbehavior.com 268 Oakcrest Lane, Pittsburgh, PA 15236-4208. 412-780-1459; 5115 Excelsior Blvd., Suite 450, Minneapolis, MN 55416. 952-451-0771.

Jacob Wetterling Resource Center

www.jwrc.org Zero Abuse Project Headquarters, 366 Jackson St., Suite 300, St. Paul, MN 55101. 651-714-4673.

Just Future Project

P.O. Box 60263, Washington, DC 20039. www.ajustfuture.org

MaleSurvivor

www.malesurvivor.org 350 Central Park West, Suite H, New York, NY 10025. 212-864-0951.

National Center on Institutions and Alternatives

www.ncianet.org 7205 Rutherford Rd., Baltimore, MD 21244. 443-780-1300.

Registrant Travel Action Group – Right to Travel

www.registranttag.org ATTN: Paul Rigney, 3225 Turtle Creek Blvd., Apt. 543, Dallas, TX 75219. 972-638-0651.

Stop It Now!

www.stopitnow.org 351 Pleasant St., Suite B-319, Northampton, MA 01060. 413-587-3500. Helpline – 888-PREVENT.

The Outspoken Offender – Sex Offender Support and Research

40 W 1200 S, Bountiful, UT 84010. www.theoutspokenoffender.com
hello@theoutspokenoffender.com

United Voices for Sex Offense Reform (UV4SOR)

526 W. 14th Street, Suite #287
Traverse City, MI 49684
contact@uv4sor.org

Virtuous Pedophiles

Assisting persons attracted to minors) – www.virped.org No mailing address given.

Member passes away

We have learned of the passing of one of our members from some time ago and just became aware.

We learned of the passing of Sylvia Martin of Tulsa, OK. Ms. Martin was a constant donor and supporter of our work and was always a treasure in which to communicate.

Our thoughts to the family and close friends of her.

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
eldoncdillingham@gmail.com