

# CURE-SORT NEWS



**Volume 33, Issue 2**

**2nd Quarter 2024**

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

The Sentencing Project

Part 2 of 4 (Cont. from Vol. 33, Issue 1)

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

### **Relationship Dynamics**

Another misconception is that crimes of a sexual nature are more likely to be perpetrated by a stranger, but evidence reveals that this is rarely the case. In a Bureau of Justice Statistics report tracking arrests for sexual assault in 20 states, 87% to 96% of people arrested for a CSN were known by the survivor. The stranger misconception influences public support for policies - like public registration and notification and residence restrictions - that do not address more common scenarios in which sexual victimization occurs, such as between intimate partners, family members, friends, and acquaintances.

The misinformation surrounding CSN has translated into classifying individuals who commit CSN as unique and separate from individuals who commit other crime-types. As a result, increasingly punitive sentencing laws have been implemented across the United States over time, contributed to mass incarceration, and yet done little to address the underlying roots of sexual violence.

### **The Expansive System of Punishment for Crimes of a Sexual Nature**

The United States is unique in its harsh punishments for crimes of a sexual nature (CSN) and its use of community supervision and exclusion mechanisms to attempt to prevent sexual recidivism. This includes long prison sentences, up to one's natural life, civil commitment (indefinite confinement), chemical or surgical castration, requirements to register personal information on a publicly available website, community notification, limits where one can live (residence restrictions), and limits where one can go (e.g., child safety zones).

Given the extensive ramifications that result from a sex crime conviction, there is arguably an overbreadth of conduct that is classified as a sexually-based offense. Generally, there is a global understanding that the crime of rape is illegal and should be punished. Yet, criminalized conduct ranges across a broad spectrum of culpability including public nudity, indecent exposure ("flashing"), public urination, "sexting," sex between consenting minors (statutory rape), soliciting sex workers, illegal image creation (e.g., a minor taking a nude photo of themselves), illegal image sharing (e.g., a minor sharing a nude photo of themselves), the creation

or dissemination of sexually explicit images of youth, incest, to acts of fondling, sodomy, and rape using force.

While there is variation among states about which behaviors qualify as a CSN, all states and the federal system are too severe in their responses. For example, two consenting teenagers who have sex could receive up to a 15-year prison sentence in Florida or up to a 20-year prison sentence in Alabama due to statutory rape and other laws. These convictions could also trigger a lifetime public registration requirement." Such laws fail to advance community safety." Regardless of jurisdictional authority, CSN laws have expanded in scope and over time."

### **Characteristics of People in State Prison Convicted of Sexual Offenses**

Recent national statistics show that 15.5% of the prison population has been sentenced to prison for a rape or sexual assault." While the vast majority of individuals incarcerated for rape or sexual assault were men (99%), 2,200 women were incarcerated for these crime types."

#### **Racial Disparities**

The rate of Black, Latinx, and American Indian and Alaskan Native individuals serving a sentence in state prison for rape or sexual assault was two to three times higher the rate at which they are imprisoned for CSN is the highest of all groups. Of those serving a sentence for rape or sexual assault at year end 2020, 40% were white, 22% were Latinx, and 21% were Black.

For context, roughly 70% of all arrestees for rape and other sex offenses in 2020 were white. Evidence shows generally there are cumulative disadvantages for people of color throughout the stages of the criminal

**Cont. Pg 2**

#### **In this issue**

**Pg 1: Responding to Crimes of a Sexual Nature  
Part 2 of 4**

**Pg 3: Conceptualizing Moral Ambassadors - Purdue Univ  
.Edu Research Project**

**Pg 4: Mitchell Hamline School Report on MSOP  
AZRSOL Conference to Challenge Misconceptions  
About Sexual Offense Policies  
NARSOL Annual Conference**

**Table 2. Rate of Individuals in State Prison Serving a Sentence for Rape or Sexual Assault Per 100,000 Persons in the U.S. Population, 2020**

Race or Ethnicity	Rate per 100,000
Black	74.3
Latinx	57.5
American Indian and Alaska Native	53.4
White	25.5
Asian	10.9

Source: US Census Bureau. *US Census: Quick Facts 2020*; Carson, E. A. (2022). *Prisoners in 2021 - Statistical Tables*. Bureau of Justice Statistics.

legal process, which leads to higher levels of incarceration. Moreover, punitive sentencing laws are influenced by racial perceptions of who commits crime. For example, white Americans who associate crime with people of color are more likely to support severe sentencing laws. The media then play a role by reinforcing stereotypical narratives that sexual assault is more likely to be perpetrated by Black men which is not supported by evidence. Historically, Black men were also severely punished for allegedly raping white women to combat consensual interracial sexual relationships during the reconstruction and post-reconstruction eras." These historical and contemporary intersections of racial social control play a role today in

the disproportionate sanctioning of people of color for sexually-based offenses.

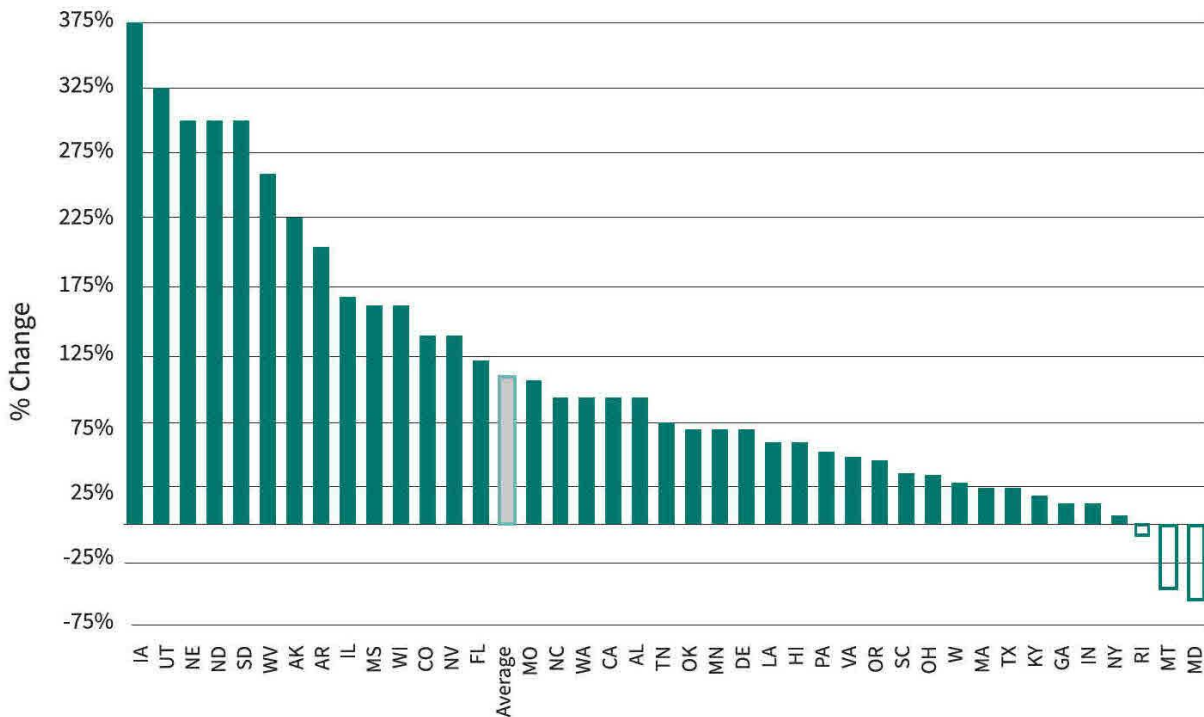
**Increasing Punishment for People Convicted of Sexual Offenses**

Compared to a decade ago, individuals convicted of rape or sexual assault are serving more time in prison prior to release. Based on our analysis, between 2010 and 2020, there was a 64% increase in the number of individuals who were in prison for 10 years or more for a rape or sexual assault conviction prior to release. If this pattern persists over time, it will have a compounding effect on the size of the prison population, contributing to mass incarceration, as well as slowing decarceration. While the data do not allow us to disentangle offense type beyond the general categories of rape and sexual assault, punishment for behaviors classified as CSN — such as consensual sex involving one or more minors who are close in age — can result in a prison sentence spanning one or more decades.

Though all states over punish some sexually-based offenses, there is variation across states in terms of the extent to which individuals are serving more time behind bars before release (see Figure 1). Iowa, Utah, Nebraska, North Dakota, and South Dakota saw at least a 300% increase in the number of individuals serving 10 or more years prior to release over this ten-year period.

Cont. on Pg 3

**Figure 1. Change in Prison Population Serving 10+ Years Prior to Release for a Rape or Sexual Assault Conviction by State, 2020 vs. 2010**



Source: Bureau of Justice Statistics. *National Corrections Reporting Program, 1991-2020: Selected Variables (Prison Releases, DS3)*. Inter-university Consortium for Political and Social Research [distributor], 2022-11-28.

**Table 3. Change in Time Served for a CSN Conviction Before Release from Prison in 40 States, 2020 vs. 2010**

Time Served in 2020	% Change in Time Served from 2010
< 1 year	-45%
1-1.9 years	-12%
2-4.9 years	-11%
5-9.9 years	10%
10+ years	64%

Source: Bureau of Justice Statistics. *National Corrections Reporting Program, 1991-2020: Selected Variables* (Prison Releases, DS3). Inter-university Consortium for Political and Social Research [distributor], 2022-11-28. Rape and sexual assault convictions only.

There has also been a notable increase in the maximum number of years a person could serve in prison for a CSN conviction. Since 2010, on average, there has been a 31% increase in the proportion of the CSN prison population whose maximum sentence length was at least 25 years." For individuals who remained incarcerated at the end of 2020, more than 40% were sentenced to a maximum of at least 25 years."

High maximum sentences such as these continue to contribute to the problem of mass incarceration because of resistance - both public and political - to release individuals from prison who have a CSN conviction. Evidence shows, after controlling for the amount of time a person has already spent in prison, that individuals seeking parole who were convicted of a sex offense have lower odds of being granted parole compared to individuals convicted of non-sex offenses such as robbery, theft, and burglary.

**To be continued in next issue]**

**Conceptualizing Moral Ambassadors - Purdue University EDU Research Project**

A researcher at Purdue University got in touch with us about conducting a study about people who provide support to the most stigmatized in society—that is, people like us, who labor on behalf of people who're forced to register. The researcher, whose name is Adam Kotanko, is interested in understanding how each of us came to help, how and why we help, and how we manage others' perceptions of our labor.

Those of you who have been involved in assisting people who're forced to register, as well as assisting in other ways, might be interested in participating or at least learning more about the study.

Of course, participation in this study is voluntary, and nobody is required to participate. So there's no pressure from us. That said, the study may provide insights into what drives people to help those most stigmatized—and maybe how organizations and individuals can persuade people to think more compassionately and inclusively about people who're forced to register.

If you'd like to participate, or if you'd just like further information on/or about the study, please get in touch with Adam directly as he has PDF file you can request giving detailed information-on/about the study. He's looking forward to talking with as many of us as possible. And please feel free to share about this study with others who work on behalf of those who're forced to register.

**Here's Adam's contact information:**

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CURE-SORT News is publication of CURE-SORT. SORT stands for Sex Offenders Restored through Treatment. CURE-SORT is one of four issue chapters of a national criminal justice reform organization known as Citizens United for the Rehabilitation of Errants (CURE), located in Washington, D.C., PO Box 2310, Washington, DC 20013.

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**Sex Offense Litigation and Policy Resource Center at Mitchell Hamline School of Law Report MSOP: Sex Offense Civil Commitment — Minnesota's Failed Investment and the \$100 Million Opportunity to Stop Sexual Violence**

The Sex Offense Litigation and Policy Resource Center at Mitchell Hamline School of Law is pleased to share with you its report on sex offense civil commitment and MSOP: Sex Offense Civil Commitment — Minnesota's Failed Investment and the \$100 Million Opportunity to Stop Sexual Violence. The report and accompanying letter of support were released this morning.

We are excited about the broad coalition of people and organizations that have stepped forward to support the report's recommendations. In the letter of support that we sent to Governor Walz and members of the Minnesota legislature, we featured signatures from prominent legal scholars and practitioners, mental health providers, policy experts, law enforcement members, human rights and civil rights advocates, criminal justice reform groups, and others committed to reducing sexual violence in our communities. It is our hope that highlighting the support of these individuals and organizations will be compelling evidence that the Governor and legislators should adopt the report's recommendations.

- Research shows that SOCC has "no discernible impact" on sexual violence rates, yet the scheme costs MN over \$100 MILLION per year. Meanwhile, more proven strategies get less than 2% of this budget
- Minnesota's SOCC scheme is a national outlier into which people are confined and virtually never leave, no matter their risk level

Here's the full report

<https://mitchellhamline.edu/sex-offense-litigation-policy/2024/04/16/sex-offense-civil-commitment-minnesotas-failed-investment-and-the-100-million-opportunity-to-stop-sexual-violence/>

**AZ Groundbreaking Conference to Challenge Misconceptions About Sexual Offense Policies**

On September 27, 2024, the Arizona State University Beus Center for Law and Society will host "New Directions in Sexual Offense Policy," sponsored by Arizonans for Rational Sex Offense Laws (AZRSOL)

This conference is an educational opportunity for legislators, community leaders, law enforcement, legal professionals, therapists, and anyone seeking to reshape policies based on decades of scientific evidence. Be prepared to have your perspectives challenged and assumptions questioned as you join the movement redefining how we approach sexual offense policies.

Ph. (623) 296-2904 Email: [contact@azrsol.org](mailto:contact@azrsol.org)

PO Box 10551, Phoenix, AZ 85064

[www.azrsol.org/conference](http://www.azrsol.org/conference)

**Second Meeting Held On Registry Abolition Coalition**

A second introductory and informational meeting was held by ZOOM in mid-May for the Registry Abolition Coalition sponsored by the National Action Alliance.

Participants introduced themselves and the organization they represent. They also were asked to tell what unique skills/resources their organization can

contribute to the process. And they were asked what would their organization like to gain or find most useful from participation in the coalition.

If there are a larger list than is envisioned, persons will be chosen. Also those who wish to participate on a smaller steering committee were asked to state that request. If according to moderator Amber Vlangas.

There will be a structured brainstorming session to prepare a vision and purpose statement for the coalition.

One of the major goals of the continued meetings is a better communication and continued sharing of information between all the various groups. At a meeting in a March 2023 gathering in Washington, DC, a consideration of bringing all advocates together with a like-minded major mission. That is the result of the coalition.

Regular overall meetings of the entire group will continue to be held on a consistent basis while the steering committee will meet to formulate plans and strategy.

Anyone interested in more participation may contact the National Action Alliance, 282 Katonah Ave., Unit 1017, Katonah, NY 10536. 914-362-1406. [www.restorativeactionalliance.org](http://www.restorativeactionalliance.org) Representing CURE-SORT on the steering committee will be Board member Shawn Barrera-Leaf.

**NARSOL Annual Conference**

NARSOL's Annual Conference will be held in Atlanta on June 20th through 23<sup>rd</sup>, 2004.

Besides CURE-SORT members who be attending in person, will be those be participating remotely through video conferencing.

We will provide a recap of significant issues in the next issue.

**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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