



CURE CIVIL COMMITMENT NEWSLETTER

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PO Box 2310 WASHINGTON, DC 20013

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FROM THE EDITOR

As this edition of the newsletter goes to print and into the mail we are in the final stretch of a long Presidential campaign which will end on November 6. Those of you in civil commitment who are NOT residents of Arizona, Florida, Iowa or Virginia are likely eligible to vote. It is important that you exercise that right if you are able, and to encourage your family and friends to vote as well. This is your one opportunity to let your voice be heard regarding those who advocate for change in the system from the punitive policies we are enduring today to a more enlightened policy in the future.

In this edition I wanted to highlight some of the events from the 2012 International CURE Convention that was held in Washington, DC over the Labor Day weekend. Half a day was dedicated to sex offender issues and there was a lively presentation on civil commitment. In addition, CURE has taken a public position for the elimination of sex offender registries.

This is our fourth issue for 2012 and this will complete the first year of the CURE Civil Commitment Newsletter. From the beginning the national office has agreed to fund the newsletter and has paid for over 75% of the costs of producing and mailing the newsletter. However, my goal for 2013 is to make the newsletter more self-supportive. It is CURE's policy to provide this newsletter to every person who asks free of charge. At the same time, we only exist due to the generosity of our CURE members and supporters. To this end, I am going to ask everyone who can to contribute to the newsletter in 2013 to help offset the printing and mailing costs. By my estimation, if everyone who is currently on our mailing list made a one-time donation of \$3, the total would come close to covering our costs for 2013. And we are working on an e-mailing list to further cut costs. If you currently receive a hard copy of the newsletter and could receive it by e-mail instead, please let us know and we will begin to send you a PDF copy of each edition into the e-mail address you provide instead of a hard copy in the mail.

Finally, we have begun to answer the mail as best we can. I have two volunteers who assist me with reviewing the mail and drafting responses. I would like to be able to offer some type of response to everyone who writes. I am also always looking for news from the civil commitment facilities around the country. Keep the mail coming as it is both educational and informative to us all.

Thomas Chleboski
Editor

PRISON LEGAL NEWS WEIGHS IN ON THE CIVIL COMMITMENT ISSUE

In its August 2012 cover story entitled *Federal Sex Offender Civil Commitment Process Under Fire*, Prison Legal News examined the civil commitment process in the Federal system and concluded that there are multiple problems with the process.

According to the article, a Federal District Court can order civil commitment only after finding at an evidentiary hearing (no jury trial is required) that the government has met its burden of proof by clear and convincing evidence, a standard below the beyond a reasonable doubt standard required in criminal prosecutions, that an offender is a sexually dangerous person. If so, the person may be confined in a suitable facility for mental health treatment until it is determined that he is no longer a danger to others. What is particularly troubling is the fact that the DOJ can consider conduct that did not result in an arrest, prosecution or conviction. In fact, offenders can be certified for civil commitment even if they have no prior criminal record of sex offenses.

While the Department of Justice has certified 136 federal prisoners over the past six years for civil commitment, only 15 have been civilly committed to the Federal civil commitment unit located within the Federal Prison in Butner, North Carolina. Of the prisoners certified as eligible for civil commitment who were eventually freed, some had been detained for more than four years pending a hearing.

The PLN article notes that courts have repeatedly found that the federal government failed to meet its burden of proof that prisoners certified for civil commitment are sexually dangerous or have a high risk of reoffending, as required by the law.

The article concludes that despite setbacks, the DOJ will most likely continue to certify offenders for civil commitment whether they meet the necessary criteria or not, in order to keep them in prison for as long as possible. That, apparently, is what passes for "justice" in the federal civil commitment process.

SOLITARY WATCH IS INTERESTED IN CIVIL COMMITMENT

Solitary Watch, the website which tracks solitary confinement across the nation, is eager to hear from current and former prisoners who have experienced solitary confinement, people who have been in or out of solitary confinement while in civil commitment for alleged sex offenses, and others experiencing solitary confinement in jails, prisons, or other forms of detention, along with their friends and family.

We are also interested in hearing in general from sex offenders because they make up an increasingly important component of the solitary population. If you would like to contribute your experiences to Solitary Watch, you can write to James Ridgeway, Co-Editor of Solitary Watch at the following address: James Ridgeway, P.O. Box 11374, Washington, DC, 20008. You can also e-mail him at Jridgew@yahoo.com. Solitary Watch is anxious to bring more public attention and scrutiny to the issue of solitary confinement in general, and especially to those held in solitary conditions. Thanks for your help.

James Ridgeway, Co-Editor.

CURE PUBLICLY OPPOSES SEX OFFENDER REGISTRIES

CURE takes the position that sex offender registries be abolished. Present laws have rarely assisted in prevention of an abusive situation. Approximately 90% of all sex offenses are committed by a family member or close acquaintance¹. Recidivism rates of less than 5%, by convicted sex offenders², certainly mitigates against the efficacy of the tremendous expenditure for the registries.

Registration results in severe collateral consequences such as unemployment, homelessness, and often physical and humiliating attacks on registrants, their property, and families.

The sex offender registry has resulted in registrants and their families facing significant obstacles in building a life for themselves after incarceration. One of the best methods of prevention should be a positive life for a former sex offender - being on the registry can bring on some of the same characteristics that led the person into an abusive life in the past. Registration laws actually decrease public safety by making it more difficult for former offenders to reintegrate into society, ultimately increasing their likelihood of reoffending.

Our nation needs to change the presumptions that have led to such hysteria in thinking there is so much sexual abuse by those previously convicted. That theory has been fueled by "law and order" and "get tough on crime" approaches which

have failed. It has taken on a mentality like the Salem witch trials of the past, or the infamous Japanese internment camps during World War II that were created out of fear. They are as ineffective and damaging as the infamous "war on drugs" where other failed policies were applied to another group. And many benefitted from an industrial complex that developed, just as the present development with the sex offender registry industry.

Instead of producing a sense of safety, it has fostered and perpetuated a sense of fear amongst an uneasy public and inhibited positive, proactive discussion around the causes that can lead to an abusive circumstance - causes that have nothing to do with how far away someone lives from a school or bus stop, or whether they are permanently rendered pariahs by a modern scarlet letter. These registries promote hatred and retaliation against former offenders, their families, and even their victims at times. It is counterproductive to enact such registries.

It is imperative that legislative bodies effectively address the problem and rescind, or seriously refine, the laws that are harmful and are not assisting in sex abuse prevention. It is time to take a smart approach, not a hysterical one.

By eliminating the registry, those resources saved could be re-directed to a concerted effort to educate the public - including media, social networks, and lawmakers - regarding the nature of sexual offenses and how to protect children and the vulnerable from such activity. Sexual abuse is foremost a public health problem and cannot be effectively solved through the criminal justice system, as we have seen. The elimination of the registry will allow former sexual offenders to more effectively reintegrate into society.

CURE adamantly believes in the abolition of the sex offender registry as a wasteful, punitive, hateful, and an inefficacious example of political pandering.

1. U.S. Department of Justice, Bureau of Justice Statistics, *Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics*, July 2000, NCJ 182990, table 4 and table 6.

2. Bureau of Justice Statistics. (2003). *Recidivism of sex offenders released from prison in 1994* (No. NCJ 198281). Washington, DC: U.S. Department of Justice.

CIVIL COMMITMENT QUESTIONNAIRE

Over the past year, there have been a number of occasions in which those in CURE who are advocating for reform and the eventual abolition of civil commitment are asked about the circumstances of the people in civil commitment. We are finding that most people have no idea that this process goes on, even when they live in a State that has civil commitment. And we are also finding that once people become aware of what civil commitment is and how the process works; they are appalled by the whole concept. With that in mind, we would like to ask our readers to give us some statistical feedback on their own circumstances. Below is a list of open-ended questions and we would ask that if you decide to participate, that you be as honest as you can. Signing your name to this survey is optional and is your choice.

In what State are you currently detained and/or civilly committed?

How old are you now?

What is your highest level of education?

How old were you when you went to trial in your criminal case?

What were you charged with and what were you found guilty of?

How old was your victim(s) at the time of the offense?

How old were you when civil commitment procedures were initiated against you?

How long were you detained beyond your release date before you were civilly committed?

In the civil commitment procedures, were you represented by: a public defender a private attorney yourself?

What mental disorder has the state diagnosed you with in order to argue that you should be civilly committed?

Do you self-identify as: straight gay bi-sexual transgender?

Are you currently registered to vote? If not, why not? (Note: Please ignore this question if you live in AZ, FL, IA, or VA)

If you could speak before Congress about your situation, what would you tell them?

If you could address the citizens of your state about civil commitment, what would you tell them?

TEXAS MOST WANTED

International CURE Board Meeting

International CURE held its most recent Board Meeting from August 31 – September 4, 2012. Delegates from around the United States as well as countries in Africa and Asia gathered to address the many issues facing CURE both in the United States and around the world. Part of one day was spent on addressing issues involving sex offenders, most notably the sex offender registry and civil commitment. International CURE has issued a position calling for the abolition of the sex offender registry and the complete statement can be found on page 3 of this issue. In addition, there was a lively presentation on the issue of civil commitment. Most of those in attendance were unaware that civil commitment even exists, and that includes people who live in states that have civil commitment. Most attendees went away from the meeting appalled at the process and motivated to work to raise awareness in the hope of reforming the system. Sex offender issues are not very popular, even with groups that advocate for criminal justice reform. As always, CURE is out front advocating for real change based in true justice with an eye to address the roots of the challenges society faces in promoting public safety in a more restorative and less retributive manner.



AUSTIN – The Texas Department of Public Safety (DPS) has added J.A.R., 55, to the Texas 10 Most Wanted Sex Offender list, and a \$5,000 cash reward is now offered for information leading to his capture. In April 2012, J.A.R. was discharged from prison after serving a 20-year sentence. Sunday night just after 11:30 p.m., he cut off his ankle monitor and fled from the Travis County Residential Center in Del Valle, Texas. Texas Crime Stoppers tips are **guaranteed to be anonymous**.

J.A.R., now wanted for felony Failure to Comply with Civil Commitment Requirements, is a sexually violent predator with previous military training and experience. Anybody encountering him should use extreme caution. He has relatives and friends living in San Antonio, but he may be headed to Mexico.

J.A.R. has served time in prison for sexually assaulting four different women, three of whom were in their 20s, while the fourth was 14 years old. During these offenses, J.A.R. threatened to kill his victims and/or their loved ones, punched the victims, and/or used scissors or other objects to prevent their escape. J.A.R. can speak Spanish, earned an auto mechanics certificate from a vocational college, and served four years in the military.

This notice was issued by the Texas DPS and goes on to give a very detailed description of the man. It is worth noting that unlike the other 19 states that have Civil Commitment, in Texas the system is more like intensive supervision and is done within the community. We can only hope that the Texas Legislature does not use this as an excuse to build a secure facility.

We welcome your feedback on the newsletter as well as any articles, artwork or photographs that you may wish to submit. Indicate whether you would like your name to be published with your submission if it is selected for publication in an edition of the newsletter. Please understand that any submissions will remain in the CURE Civil Commitment Newsletter files and that the editorial staff reserves the right to edit any submission as needed. Thank you!

The CURE Civil Commitment Newsletter is published quarterly (January, April, July, and October) and is available, free of charge, to anyone wishing to receive it. The newsletter boasts an all-volunteer staff but there are costs to produce the newsletter including printing and postage. If you would like to donate to offset the costs of this project, please make out a check or money order to “CURE” and mail it to CURE Civil Commitment Newsletter, PO Box 2310, Washington, DC 20013. If you would like to receive the newsletter please send us your contact information at the same address:

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

If you would like to receive the newsletter electronically, please send us your e-mail address:

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