**THE INFORMATIONAL CORRLINKS NEWSLETTER (ICON) # 78**

**APR. 2022 – TREATMENT IN PRISON**

ICoN provides legal, treatment, activism news & practical info for incarcerated SOs. Send inquiries in separate CorrLinks email (iamthefallen1@yahoo.com) or to Derek Logue, 2211 CR 400, Tobias NE 68453. My focus is SO laws; I don’t advise/assist on appeals, sentencing issues, non-SO news, & services like people-finding, penpals & mail forwarding.

**LEGAL ROUNDUP**

*American Law Institute “Modern Penal Code”*: Despite condemnation by 35 State AGs, the ALI approved most revisions to the MPC, including (1) significant reduction in the number of offenses that require registration, (2) maximum registration period of 15 years, (3) elimination of all public registries with LEO only lists, & (4) prohibition against many collateral consequences including residency restrictions, access to schools, & the Internet. While the MPC is only model legislation, many states follow ALI’s recommendations.

*People v. Ramirez*, Case # 18CA2385 (CO App Ct, 2/17/22): Unpublished case; Douglas Co judge mistakenly let an expert witness vouch for the credibility of a child victim, prompting the state's Court of Appeals to reverse the defendant's sexual-assault convictions. “Our appellate courts have long held that when an expert’s testimony breaches the boundary of educating the jury and instead comments on an accuser’s veracity, the testimony is 'plainly inadmissible,'" wrote Judge Timothy J. Schutz. A social worker was allowed to testify in a manner that suggested that some process existed to screen out unfounded allegations from children. Second, by testifying that studies showed between 1.5% and 2.5% of children made false accusations, that meant the jury had a 97.5% to 98.5% chance of convicting Ramirez correctly. Given the lack of physical evidence of an assault, Ramirez's conviction hinged in substantial part on whether the jury believed the alleged victim had told the truth.

*Lindsey v. Swearingen,* No. 21cv465 (N.D. Fla. 2022): Lindsey moved from OK to FL & back to OK after OK remioved him from the registry, but FL kept him on their SOR. The Dist Ct ruled that FL may require a new resident to register based on a crime committed in a state where the individual lived previously, even though a court in that state terminated that state’s registration requirement & FL is not required to purge or deny public access to prior registration records where an individual has left the state.

*Atryzek v. State*, No. 2019-215 (R.I. 2022): RI Sup Ct held that date of offense, not conviction, determines timeline for registry violation.

*Gardei v. Conway*, No. S21G0430 (Ga. 2022): A lawsuit against lifetime SOR allowed to proceed over State claims it violates statutes-of-limitation claims (Gardei first registered in 2009) because each period of registration constitutes a new injury. “The correct inquiry as to when the cause of action accrues does not focus on when Gardei became aware of sufficient facts to pursue a constitutional claim, but rather when Gardei suffered the injury that completed the tort. The Registry Act creates a lifetime requirement that Gardei report in person to his local sheriff’s office each year to renew his registration. See OCGA § 42-1-12 (f) (4). Although Gardei incurred the same or similar consequences upon his initial registration and each subsequent renewal, he was subject to a new felony prosecution on each of these occasions – in other words, each year – if he failed to comply. Assuming for purposes of the appeal that application of the Registry Act violated Gardei’s constitutional rights since 2009, or became a violation at some point in the interim, a wrongful act occurred each time Gardei was required to register in violation of his rights. Each such renewal extended the allegedly illegal consequences of registration for another year and resulted in a new wrongful act, a new injury, and the accrual of a new cause of action."

**TREATMENT WHILE IN PRISON**

A lot of people are worried about taking treatment in prison. While I understand the skepticism and concerns that signing up for SOT may backfire, many can benefit from gleaning programs while incarcerated.

I was an Alabama state prisoner; they had no formal treatment program, merely a “SOA” (SO’s anonymous) group that utilized the remnants of a once-utilized treatment program the state cancelled because it was too successful (as prison scuttlebutt claimed). In addition, I utilized religious and self-help offerings. There are also companies like the Safer Society Press (PO Box 340, Brandon VT 05733-0340) where you can order treatment oriented books. So there are options even for those without access to treatment, even if it is not optimal. However, I only endorse positive forms of treatment, not the one-size-fits-all approach that treats every participant as an irredeemable monster.

Christopher Zoukis of the Zoukis Consulting Group, which counsels those soon to enter federal prison, writes the following regarding concerns about taking SOT (this is specifically about the federal system, slightly edited):

“Participation in treatment programs can lessen the risk of being civilly committed, but disclosures made during treatment can be used to prove the need for civil commitment… Before taking the SOTP, you need to think about whether you feel you need help. These programs can be an excellent opportunity to receive that help. But risk can come along with participating in such programs. Most Psych Dept staff leading SOTP programs honestly want to help those in their groups.

But the BOP does have a dark history of abusing these groups. This abuse is seen by prison staff using them as a mechanism to collect the admissions necessary to civilly commit SOs. This is well documented in the Butner Study and resulting research and articles. Today, more than a decade later, it appears as though the BOP has stopped using the SOTP programs for such nefarious purposes.

If you want to balance your safety while still taking the SOTP program, feel free to participate in SOT. But do not admit new victims or discuss a mental inability to control yourself or stop yourself from reoffending. It’s essential to get help for such matters, but admitting new victims will place you at significant risk. If you fall into this category, consider the residential treatment program seriously, but be careful what you disclose.”

One prisoner, David E. Shares his own person experience with the federal SOTP:

*Treatment While In Prison by David E.*

A lot of questions and fear surround treatment for SOs who are in prison. While there is solid justification for hesitancy, some of the concerns may be exaggerated. Of course, this is only MY perspective and opinion. In this article I will share my personal experience with SOT in prison as well as the sentiments and perspectives of others.

My SOT bio: While at a USP (I'm talking federal system), I took SOTP-NR (non-residential sex offender treatment program). (Depending on your conduct history you will qualify for either non-residential or residential treatment). It was a 12 month program that met twice a week in a group of about 10 inmates with highly trained psychology staff. (We started with 20; after attrition, we graduated with 8.) Fortunately for me, the mission of the prison is to house and treat SOs - we made up 75% of the yard. This is an important distinction, as I did not have to contend with the fear of being attacked or shamed for being an SO or being in treatment. Other spots have a different atmosphere making concerted, open and honest treatment (which is the only way to make it worthwhile) extremely difficult if you want to stay safe. My PSR was 90% accurate and I was not in the process of any appeals; it was easy for me to disclose all relevant conduct. Others have a more difficult time as they deny the accuracy of the PSR or their charges/conviction. Some had to leave the program since their full honesty and disclosure were in question (legitimately or not, I can only guess). I never felt pressured to disclose more than was obvious from my case. At the program's completion I received a full report of all the notes they took about me as well as a final report/summary which included a clinical diagnosis for my sexual deviancy. To be honest, it was difficult to read on paper, but it was fair regardless of how crumby it felt.

For me, the whole experience was excellent. It was rigorous and very uncomfortable at times, but I felt supported and cared for by the psychology staff and my fellow participants. I am not exaggerating when I say that I made significant and transformative strides in my well-being with the skills and knowledge I gained. I feel free from what was the biggest vice of my life, which I attribute largely to this SO program. I know I am not alone in this. Most of the other participants in my group as well as in other groups (4 groups were running simultaneously) feel the same way. This may be a unique experience, but it is my reality. Prior to my cohort, the prison had an SO psychology staff with a poor reputation of being coercive. Many reported having a negative experience: being shamed, forced to disclose things, feeling dismissed by staff. Because of the many complaints and problems, these staff members were relocated or fired. Hence, I was blessed with a new generation of professionals that seemed to know what they were doing and cared.

I also experimented with SA (Sexual Addiction Anonymous). This is based on the AA, 12-steps model. There was no in-house SA program where I was, so I participated through the mail. The mail arrives in discrete envelopes to maintain some level of privacy. I found a lot of the material and teaching worthwhile. Unfortunately, I had a non-responsive sponsor and the snail-mail proved a challenge, so I stopped participating. I know some who find this approach, which is faith-based, very helpful. SAA and SLA are other versions that I've seen. The up-side: there is little to no exposure of your personal conduct. Down-side: there is little support or accountability, especially for the minimally motivated.

The biggest concern I hear from those seeking treatment, aside from the sheer discomfort of reflecting on and discussing your sexual deviancy, is how the information you share can be used against you. Some inmates declare that what you say and your final diagnosis can be used to your detriment should you seek sentence relief (on appeals, compassionate release, etc.). The fear of being civilly committed is also a big bogeyman that keeps people from getting treatment. While these scenarios are certainly possible, from what I've seen in my 10 years in the BOP meeting hundreds of people who took treatment, this just doesn't happen. Civil commitment is EXTREMELY rare, used only for the most severe and repetitive cases. In my personal situation, nothing new came up through treatment that my judge did not already know or believe. I've seen firsthand 3 guys who completed the program get paroled early (DC or old cases). So, obviously it didn't hurt them, it helped. The reality is, however, it's too early to tell the effects of treatment on resentencing relief. Myself and many others have very long sentences so we are far from getting any play.

Bottom line: deciding whether or not you take SO treatment in prison is a very individualized decision: depending on your own willingness and motivation, the facility you are at, and your resentencing prospects. I wish I could discuss personal situations with each and every one of you and answer specific questions. But, alas, we work with what we got... Best of luck!”

**NEW BOOKS**

The Anti-Registry Activist Manual: A Guide To Effective Advocacy Paperback – February 23, 2022 By Jonathan Grund (Price: $13.50)

Thinking of becoming an anti-registry activist? The Anti-Registry Activist Manual is a teaching and reference handbook for those who are new to this advocacy. We believe it contains valuable information for seasoned activists as well. I highly recommend it.

https://www.amazon.com/dp/B09T893TNR

You might also want to read:

Manufacturing Criminals: Fourth Amendment Decay in the Electronic Age Paperback – December 20, 2020 by Bonnie Burkhardt (price: $19.99)

Covers potential legal arguments against predator sting operations & ICAC

https://www.amazon.com/Manufacturing-Criminals-Fourth-Amendment-Electronic/dp/B08R68BTQ4/