

Titus House Newsletter

Titus House Ministries, PO Box 2376, Tijeras, NM 87059

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By Phoebe . . . For starters, just know that I am a real person with real emotions. I work really hard to keep a positive attitude, despite my circumstances. However, I need to say this. I am sick and tired of whiners during this COVID-19 pandemic. “Oh, I am stuck at home. Oh, I can’t go to work. Oh, I can’t go to the movies. Oh, I can’t go to school. Oh, I can’t go to church. The park. The gym.” The list goes on. “This is like being in prison.”

And my reply? “Boo-hoo.” I am sick to death of hearing it. Come on, peeps. Life IS hard due to the virus. But you know what else is hard? Living ON or WITH someone on the registry. People are now getting a small taste of what it is like to live by the laws of the registry.

This little pandemic, not to disregard the severity of it, will pass. It will. The effects of the registry will not pass. Let’s compare – maybe you lost a job due to the virus outbreak. Many people on the registry are continually denied jobs, and not for lack of trying but simply because of their label. Maybe you say you have to watch church on Facebook because you can’t attend right now. Well, registrants can’t use Facebook. Nor can they attend church in many states. Your park is closed and you can’t run your trail? Guess what? Neither can registrants. Your library is closed? Registrants can’t go anyway, and yes – they can read. <Insert the sarcasm. I am feeling snarky today.>

I honestly have self-diagnosed myself with PTSD after living through the effects this registry puts on families. Every step we take is calculated. It is much more than “Should I wear a mask to the store and use my hand sanitizer?” Again, these things are critically important right now, but so is my life and my well-being. So is the life of my family. So is the life of every other registrant out there trying to stay sane despite laws that work extremely hard to tear you apart. Life on the registry is a 30 year or longer “quarantine sentence.” So pardon me if I don’t take kindly to the whining that Walmart closed early or you have to order your toilet paper from Amazon. Your life will soon be back to some kind of normal. Mine, not so much.

And you know what else? People seem scared to interact with a registrant, as if they will catch “the virus.” Yes, registrants are ostracized from the rest of the world, and it is the very laws that set it up to be this way. This is why we need voices. We know that squeaky wheels get the oil. Why aren’t registrants and family and friends of registrants being squeaky right now? IT. IS. TIME.

We are in a day and age where the talks of equality are bubbling to the surface. I hope we all remember that humans are real people with flaws. No matter their age, gender, race, sexual orientation, religious affiliation, or registry status, we are all humans. Please don’t make this turmoil we are experiencing be about you. Don’t sing the “oh woe is me” song. Take this opportunity to value people. All people, including those who are reformed registrants. Give second chances. Show compassion. Experience forgiveness. Resist making assumptions that all people are guilty.

I know, I know. I am not feeling quite so positive right now. This is actually why I write these blogs – to heal my wounds. I am whining now, but I’ll be over this soon. I am the very thing I am annoyed by – a whiner. Okay, whining is officially over.

It is time to be inspired for change. It is time to voice your concerns over the registry. It is time we work together. NARSOL is hosting a [VIRTUAL webcast](#) this weekend to replace the annual conference, and we need you. Everything is different this year. We’ve never had a virtual webcast like this, and we still need people to register. Sit in the comfort and privacy of your home and listen to influential people with great knowledge educate us on how to be change agents against these laws. I challenge you. It will be the best \$35 you’ve ever spent.

NOTE: A few of Titus House Ministries board members attended this virtual webcast on June 12 & 13.



Continued incarceration during pandemic most likely unconstitutional

WRAL.com NC . . . A North Carolina Superior Court judge ruled that a coalition of civil rights groups are likely to win their claim that the incarceration of state prisoners during the COVID-19 pandemic is unconstitutional.

The ACLU of North Carolina, Disability Rights North Caroli-

na, Emancipate NC, Forward Justice, and the National Juvenile Justice Network filed the lawsuit in April against Gov. Roy Cooper and the North Carolina Department of Public Safety Secretary Erik Hooks on behalf of three prisoners, a prisoner's spouse, the NC NAACP, Disability Rights

North Carolina and the ACLU of North Carolina.

The plaintiffs claim the state is failing to protect prisoners from COVID-19 outbreaks. On Monday, the judge ruled the plaintiffs were likely to win their claim and ordered all parties to reconvene later this month to make a plan to keep prisoners safe.

JANICE'S JOURNAL: TAKE YOUR KNEE OFF OF MY NECK

By Janice Bellucci from ACSOL The Alliance for Constitutional Sex Offense Laws

I became a grandmother for the first time a week ago. It's a moment I have been looking forward to, and planning for, many years. Who knew it would take place during a global pandemic and less than a week after the death of George Floyd?

Although I am the founder, past President and current Executive Director of the Alliance for Constitutional Sex Offense Laws (ACSQL), I was uncertain how I would feel about the issue of civil rights for registrants and their families after I became a grandmother. Now that I am a grandmother, I am no longer uncertain.

In fact, I am very certain that I don't want my grandchild to grow up in a society that continues to punish for a lifetime those convicted of a sex offense. I don't want my grandchild or any grandchild to worry that they or someone they love will appear on a registry.

We all know because empirical data show that registries are ineffective. They do not protect chil-

dren or adults from sexual abuse because at least 95 percent of those who commit sexual abuse are not on a registry.

Also, registries punish the individuals who are listed on them. Registries lead to unemployment or underemployment. They lead to substandard housing or homelessness. They break up families.

Registries can and sometimes do lead to vigilante violence. And as a result of that vigilantism, registrants are stabbed and shot or their homes are burned to the ground.

Registrants also face violence from government officials, including police officers and parole officers. This violence takes many forms including a registrant who was thrown to the ground and placed in a choke hold during annual registration because he dared to ask a question.

This must stop! Registries are the equivalent of a chokehold that always injures and can result in death.

What can be done? We can start with adopting the slogan, Take Your Knee Off of My Neck. We can continue by taking that message to the media, to state capitols and to the U.S. Capitol.

This must be done in order to end the tyranny of the Registry, a punishment that does not fit the crime. Any crime. That is because after an individual pays his debt to society through incarceration, probation, parole and/or other methods, his civil rights must be restored. All of them. And he should never be required to appear on a registry that makes him a target of violence by either vigilantes or government officials.

Instead, of putting a knee on a registrant's neck, society should take a knee and sincerely apologize for all of the harm that more than a million individuals and their families have endured because of registries.



Are Polygraphs Constitutional

By Larry Neely

Q1: I am writing to you regarding the 5th Amendment issues here in Iowa. In sex offender treatment, we are required to reveal all sexual misbehavior whether the case has been closed or not. I have read *Lacy v. Butts* and other cases that seem to prohibit what they are doing. They act as if the 5th Amendment does not apply to us, and I know it does. If we use the 5th Amendment, we get punished and terminated from treatment. They do not use the polygraph anymore and have replaced it with a voice stress test. I have an open sexual assault case and am terrified at the prospect of aiding that prosecution. These people told me that they do not care and that I still need to talk about it. Their threat is that I will do my full two years and discharge my parole revocation if I refuse to disclose everything.

A: This issue impacts the majority of those convicted of sexual offenses, regardless of the jurisdiction, and we covered it in our June 2019 edition. The case you are cited is *Lacy v. Butts* which was decided in the United States Court of Appeals for Seventh Circuit. [See Lacy v. Butts, No. 17-3256 \(U.S. Seventh Cir. 08/25/2019\), F.3d 1139 \(10th Cir. 2016\)](#) which addressed self-incrimination during polygraph testing.

Unfortunately for you, that case can only be cited as persuasive in your jurisdiction because Iowa is in the Eighth Circuit. [We want to stress that NAR-SOL is not aware that any court has held that an offender can refuse to participate in polygraph examinations.](#) Also, your letter stated that Iowa is not using the polygraph and has chosen to administer a voice stress test instead. Since we were unable to find any case law on that type of testing, we are proceeding with the case law that has developed regarding polygraph testing.

The Lacy court made it clear that the protection against self-incrimination even extends to those convicted of sexual offenses. The case arose from the state of Indiana because it requires all



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inmates convicted of a sex offense to complete the Sex Offender Management and Monitoring program (SOMM) before release. Even though this case specifically addresses Indiana's SOMM program, many other states have similar requirements in order to be released from prison or while under supervision. This fact makes this case relevant throughout the country and puts it on par with the Tenth Circuit's decision in *United States v. Von Behren*, 822 F.3d 1139 (10th Cir. 2016) which addressed self-incrimination during polygraph testing.

Indiana's program takes place while the individual is still incarcerated, and treatment continues once the individual is released. The forced self-incrimination begins when the person is preparing for therapy sessions. Participants must fill out workbooks that require them to describe in detail all past acts of sexual violence and abuse, regardless of whether they were ever charged for those offenses. The program informs participants that they are not immune from prosecution for any of the disclosures they make at any stage of the program. The fatal flaw for the court was that failure to participate satisfactorily in the program is costly to the inmate because it is treated as a Class A or Major Conduct disciplinary violation. The result is a forfeiture of statutory good-time credit, which extends the period of incarceration.

Plaintiff Donald Lacy brought this case on May 16, 2013, under 28 U.S.C. § 2254, on behalf of a class of Indiana inmates who have been punished with a

loss of good-time credits and a demotion in credit class for failure to abide by the requirements of the program. The district court certified the class. Lacy argued that the disclosures required by Indiana's SOMM and the penalties imposed for non-participation, taken together, amount to a violation of his Fifth Amendment right to be free from compelled self-incrimination. The district court agreed and ordered

the issuance of the writ of habeas corpus to restore the class's lost good-time credits. The district court also vacated all disciplinary actions and sanctions for failure to participate in the SOMM program. On appeal, Indiana argued both that the program does not carry a sufficiently serious risk of incrimination to trigger the protections of the Fifth Amendment, and that even if it does, the revocation of credit time and the demotion in credit class do not add up to unconstitutional compulsion.

According to the court's opinion, "Lacy's first task is to show the risk of self-incrimination that flows from an inmate's participation is 'real and appreciable' rather than 'imaginary and insubstantial.' [See Opinion at 5.](#) Relying on *Hoffman v. United States*, 341 U.S. 479, 486 (1951), the court correctly pointed out, "He can do so even if the required disclosures would not 'in themselves support a conviction' so long as they would 'furnish a link in the chain of evidence' that could lead to a criminal prosecution." *Id* at 5. The court also noted, "Truthful and complete answers to questions such as these -- and there are many, many more -- are highly pertinent to crimes beyond those of conviction. The odds that some participants would be investigated and successfully prosecuted for past uncharged crimes are high..." [Opinion at 7.](#) <https://bit.ly/2YXBtSu>

This unambiguous opinion may support others seeking to prevent correctional authorities from continuing to force individuals to provide crucial evidence that could result in criminal prosecution.



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Hebrew 13:3 - Continue to remember those in prison as if you were together with them in prison, and those who are mistreated as if you yourselves were suffering.

Remember if you change your address you need to let us know if you want to continue to receive this newsletter



BLACK PEOPLE IN PRISON by Raymond from Cucamonga, CA. chatting with Alice

Raymond is definitely a black person but we are not picturing those still doing prison time. I have corresponded with Raymond several times and he has done his mentoring sheets and is trying to put God first, deal with the past. Right now with the "Black Lives Matter" emphasis in this country Raymond would like it to be called "All Lives Matter." He notes that all lives do matter, he wants to live so we should call it, "Everyone Wants to Live." That sounds pretty simple doesn't it or is it? He says that mixed messages are being brought to a young community who only care about themselves and black leaders and the media are going along with it. It has become a "free for all, not justice." Raymond has lots of questions aimed at me: Am I working to get rid of the "N" word? Am I trying to get rid

of the registration law?! What about a registered person being killed by a police man? I am sure you know my answers to all of his questions as I have corresponded him and you several times. I do believe times are slowly changing due to the exposure of recent crimes done by police officers to blacks AND others. Let me add some of my thoughts here: How many black people show up at your church and been welcomed? Oh, yes I know, they have their own church and they sing and do things differently. Would they really be happy at mine??? OK, maybe we should talk about shopping at the store. Do we interact with those of other racial backgrounds in a friendly manner? I thought to myself while writing this, will I be happy in heaven if it isn't just a special hangout for the folks from my state, race or church background? Well, now I know I've "gone to meddlin." Don't we Anglos have a little serious thinking to do? I know I have!

Amendment I "Congress shall make no law, respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press or the right of the people to peacefully assemble." I believe churches of worship should not be told when to meet or how to conduct their religious affairs. I am in touch with a religious group that meets at noon on Sunday in a public park. Should we have to gather for worship outdoors perhaps in a public park and let our church building collect dust? Speaking of churches, we attend Foothills Church in Albuquer-

que. They are very welcoming to our people. They take part in the band, one of our men has a key to the front door and cleans the building. This church is making every attempt to encourage "free exercise of religion." At Titus House right now, we are working out of our home with boxes of paper underneath a large table which is the center of communications. We mail to over 800 people monthly to over 30 states. We have to drive 10 miles round trip to the post office daily to pick up our mail. We have a great day when we hear from you, our supporters. Thank you much for supporting us in these trying times.



Circle of Concern

Circle of Concern is aimed at breaking down isolation and fear by providing a safe place for registrants and their loved ones to get together, build community, and learn ways to step out and take charge of their lives and overcome the stigma

they face. The Circle of Concern is a group of concerned registered citizens, family and friends that meet together on the 3rd Sunday of each month. We are meeting this month on July 19, 2020 at 4 pm—6 pm. We meet at Foothills Fellowship Church, corner of Tramway

and Candelaria on the far east side of Albuquerque. We encourage and try to help each other. It is a safe place to share our strengths and struggles. We hope you will join us. If you are planning to attend call Don at (505) 315-7940.. Please wear your mask.