

# Titus House Newsletter

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

SEPTEMBER  
2020



## Covid-19's Impact on People in Prison

By Equal Justice Initiative

People who are incarcerated are at great risk of sickness and death as a result of the Covid-19 pandemic and more must be done to release people who are imprisoned and are not a threat to public safety or are elderly or infirm. The inability to quarantine or practice social distancing, together with overcrowding, imperils the lives of many people incarcerated in jails and prisons.

Incarcerated people are infected by the coronavirus at a rate more than five times higher than the nation's overall rate. The death rate of inmates (39 deaths per 100,000) is also higher than the national rate (29 deaths per 100,000).

Nearly 160,000 incarcerated people and staff have been infected with coronavirus and at least 1,002 have died. While the number of deaths is increasing rapidly (it increased by about 40% over the past six weeks), it is likely even higher than the reported number because jails and prisons are conducting limited testing on incarcerated people. Many facilities won't test incarcerated people who die after showing symptoms of Covid-19.

The five largest outbreaks in the country are linked to correctional facilities, including Marion Correctional Institution, with 2,443 cases, Miami-Dade County Jail, with 2,099 cases, and Ohio's Pickaway Correctional Institution, with 1,791 cases. The largest known coronavirus cluster in the country is at California's San Quentin State Prison, where more than 2,600 incarcerated people and staff have been infected and 25 incarcerated people have died.

The virus is spreading rapidly in prisons and jails across the country, and the examples continue to mount. After Texas began testing every incarcerated person in June, the number of infected prisoners and staff more than quadrupled to 7,900. At least 25 have died.

And nearly 60% of the 1,400 men incarcerated at Michigan's Lakeland Correctional Facility tested positive for Covid-19—that's at least 785 positive cases and 14 deaths. Lakeland is like hundreds of other prisons in America in its design and structure and the makeup of its incarcerated population. Located in Coldwater, it houses 1,403 people who have been sentenced to spend years, decades, or the rest of their lives in prison.

Many of these prisoners will die, as will thousands of other incarcerated people in the U.S. because of mass incarceration and our carceral policies. The pandemic has exposed serious problems with American incarceration that need to be addressed.

### Overcrowding

At year-end 2018, the prison custody population in 25 states and the federal Bureau of Prisons had a total number of prisoners in custody that met or exceeded their minimum number of beds.

Because prisons have more people incarcerated than they were designed to hold, incarcerated people are crammed into dorms and warehoused in rooms with bunks sometimes three beds high and only inches apart.

Social distancing is not an option under these conditions. And at Lakeland and many other prisons, it's impossible to quarantine large numbers of infected prisoners. As a result, the risk of infection for imprisoned people and correctional staff is extremely high.

### Vulnerable Populations

After decades of extreme sentencing, older adults today make up a larger share of the state prison population than people age 18 to 24. Older people are at a higher risk of serious complications from Covid-19. Older people in prison are more likely to be in poor health and have limited access to quality medical services, which increases the risk of death in a public health crisis.

"Tough on crime" policies including three-strikes laws and truth-in-sentencing schemes have dramatically increased sentences for people convicted of felonies and significantly reduced eligibility for parole. Accordingly, the percentage of people in state prisons who are 55 and older more than tripled between 2000 and 2016—to nearly 150,000 older people incarcerated in state correctional facilities in 2016.

Generally, people in prison—where a lot of time is spent sitting around and food is typically poor quality—tend to be in worse health than those outside prison, The Lancet reports. Lack of access to quality medical care means that older people in prison suffer more often from chronic health conditions like hypertension, asthma, and diabetes that increase the risk of serious complications from the coronavirus.



## FEDERAL GOVERNMENT PUBLISHES PROPOSED CHANGES TO SORNA

[ACSOL]

The federal government yesterday published in the Federal Register proposed changes to the Sex Offender Registration and Notification Act (SORNA). The changes encompass a total of 93 pages and include a wide range of topics, including retroactivity, tier levels, professional licenses and travel (both domestic and international). Replies to the proposed regulations are due no later than October 13, 2020.

According to the proposed regulations, SORNA will apply to all individuals convicted of a sex offense, including those convicted before it was enacted. The federal government claims to have this authority due, in part, to the U.S. Supreme Court decision of *Smith v. Doe*, which declared that registration did not constitute punishment, but was instead merely an administrative requirement.

“Because the proposed regulations include so many pages citing their authority to apply SORNA to individuals convicted before it was enacted, it appears that they are concerned that this matter could be challenged in court,” stated ACSOL Executive Director Janice Bellucci. “It is possible that ACSOL or

another like minded organization will do so.”

According to the proposed regulations, SORNA requires all registrants to comply with its requirements “regardless of whether a registration jurisdiction has substantially implemented SORNA.” This statement is important because currently only 17 of the nation’s 50 states have substantially implemented SORNA.

The proposed regulations repeat that the federal government places registrants in three tiers. Those assigned to Tier 1 must register for 15 years while those assigned to Tier 2 must register for 25 years. Individuals assigned to those tiers may reduce their period of registration based upon a list of factors. Individuals assigned to Tier 3, however, must register for a lifetime.

The proposed regulations require additional information regarding employment, including whether a registrant has one more professional licenses.

“If the proposed regulations are adopted, we can expect the federal government to notify states that have issued a professional license to a registrant,” stated Bellucci. “We are concerned that the states will, in turn, revoke those

licenses.”

According to the proposed regulations, individuals will be required to notify their local registration office if they leave the jurisdiction for seven days or longer. This requirement is proposed allegedly in order to protect children who reside at the location(s) where a registrant may visit.

The proposed regulations also address overseas travel for those subject to the International Megan’s Law. Specifically, the regulations will require registrants to provide additional information to the federal government regarding their overseas travel such as whether they have dual citizenship and/or a passport issued by another country.

“ACSOL began its discussion of the proposed regulations on the same day they were published,” stated Bellucci. “ACSOL will formally reply to the proposed regulations as an individual organization or in collaboration with like-minded organizations.”

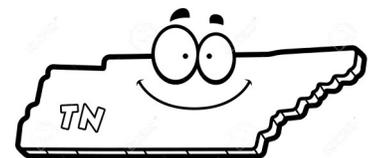
## Long awaited news from Colorado is disappointing

By Larry . . . NARSOL is extremely disappointed to announce the long-awaited decision from the United States Court of Appeals for the Tenth Circuit. To refresh your memory since this case has been pending for several years, U.S. District Judge Richard Matsch found that Colorado’s sex offender registration scheme was unconstitutional back in August, 2017. The state appealed Judge Matsch’s decision to the Court of Appeals. NARSOL filed an amicus, and a group of legal scholars filed a separate brief. Unfortunately, the three-judge panel reversed Judge Matsch and remanded the case.

## Another victory in Tennessee

By Larry . . . NARSOL is excited to report on another win in the state of Tennessee. In fact, this is the second favorable decision in Tennessee in recent months. We previously reported on another challenge regarding retroactive application of registration requirements in Tennessee which was decided favorably. See [Doe v. Rausch](#), 3:17-CV-504 (TNEDC). This case, [Ronald Reid v. William Lee](#), is pending in the United

States District Court for the Middle District of Tennessee. See Case No. 3:20-cv-00050. On August 5, 2020, an Injunction was granted to challenger/plaintiff Ronald Reid who committed a sexual offense in the state of Tennessee prior to the existence of registration. An injunction is an order of the court awarding a party relief prior to the determination of the case on the merits. The legal standard for a court to grant



injunctive relief is exceedingly difficult to meet, which means the prospects are favorable for Mr. Reid as the case moves forward.



## KAT'S BLOG: A MOTHER'S PLEA, NOT SO DIFFERENT THAN OURS (ACSOL)

A recent, tragic shooting in New Jersey, a Federal Judge's son killed on the family's doorstep, her husband hospitalized with multiple gunshot wounds. The Judge believes she was the shooter's targeted victim because of her position on the bench. The Judge, was uninjured.

Yesterday, Judge Esther Salas went on television and broadcast a desperate plea, asking those in power to do something to help those on the bench keep themselves and their families safe from individuals meaning to do them harm. She spoke about the "free-flow" of personal information, including home addresses of Federal Judges, that's available on the internet, information that those seeking to do harm can easily access and then use in a malicious or in this case, deadly manner.

Judge Salas asked for a "national conversation", not only to protect Judges, but their loved ones as well.

Her plea for protection is not so very different than the pleas of registrants and their families who have for years, been asking that the registry, a government sanctioned accessible "hit list" which provides names, addresses and other personal identifiers of registrants, be dismantled or accessible to law en-

forcement only.

Registrants and their family members have been killed, often on their own doorstep, by vigilantes or mentally unstable individuals who located their addresses on the internet. Mothers and fathers of registrants have had to experience the same tragedy as Judge Salas, having to bury their child or some other family member, gunned down by someone with a grudge, while merely answering their front door.

The shooter in Judge Salas' case also had in his possession, a "list" of other Judges, other possible future targets, just as gunmen of registrants have been found to have "lists and addresses" of other registrants.

Neither the Judge and her family, nor those on the registry and their families deserve for these kinds of deadly attacks to occur. No family should ever have to experience the pain of losing a loved one to this kind of senseless violence. No one should have to live in fear of violence because their personal information is easily accessible to anyone with the click of a mouse.

We do need a national dialogue and we need those in power to do something to

protect us, all of us, not only Federal Judges and their families but registrants and their families as well.

We have sought protection from the dangers of the registry for too long already. We've voiced our concerns regarding the hazards of a public registry and we've watched as deaths continue to occur when addresses of registrants are publicly accessible. Those in power have so far turned a deaf ear towards our pleas. Will they listen to Judge Salas' plea for protection of those on the bench? And if they do, how will they justify ignoring the same plea for protection from registrants and their families?

We all need and deserve protection from those meaning to do us harm and as Judge Salas stated, "right now, there's nothing we can do to stop this and that's unacceptable."

So, is there a way to stop the "free-flow" of personal information available on the internet?

At this stage of the game, that seems highly doubtful, but taking down the public registry, that would certainly be a step in the right direction.

## Inside the Endless Nightmare of Indefinite Detention Under "Civil Commitment"

By SARAH LAZARE

In June 2019, after serving more than 29 years in Illinois prisons, Otis Arrington expected to be released to freedom: He had finished his time, which he describes as difficult and traumatic, and his exit date was pending. But three days before he was slated to get out, Arrington says he was informed that he would, instead, be placed under a new form of confinement one with no end date, meted out after he had already completed the punishment imposed by the criminal courts.

"I was supposed to get out, and they kidnapped me," says Arrington, now 62 years old. He is speaking over the phone from the Treatment and Detention Facility in Rushville a rural area in western Illinois where he is one of roughly 560 men (or, at least, people who the state has deemed men) who are being held indefinitely under a little-known "civil commitment" statute.

Under this legal mechanism, which exists in at least 20 states and the District of Colum-

bia, individuals convicted of certain sexual offenses (or in some instances convicted of nothing), and deemed to have a mental disorder and constitute a danger to society, can be involuntarily committed to "treatment" facilities after they've already served their criminal sentence. While in civil commitment, individuals are supposed to receive mental healthcare and regular examinations, and to be released once it is determined they are no longer dangerous. As the statute that established civil commitment in Illinois in 1998 puts it, individuals are to receive "control, care and treatment until such time as the person is no longer a sexually violent person."

Yet, In These Times spoke with people held in civil commitment, rights advocates, scholars and lawyers who say that, instead of receiving effective treatment, people held under civil commitment statutes are subject to prison conditions,

inadequate mental healthcare, scientifically dubious evaluations, and homophobic bias; they are deprived of meaningful due process; and they have little hope of getting out anytime soon. Rehabilitation is not the goal, critics charge, but rather, civil commitment is intended to indefinitely detain and punish people whom society has deemed undesirable. This confinement does not rectify the harm individuals have done, and there is no evidence that civil commitment laws reduce sexual violence in society, critics say. Instead, they argue, it unleashes untold new harms: as the site of abuse, trauma and, according to some, sexual violence.

"We served our time, and then they turn our sentence into a life sentence," says Arrington. "There are guys here who have been here over 20 years." He adds, "You would be amazed at how many residents have died here."



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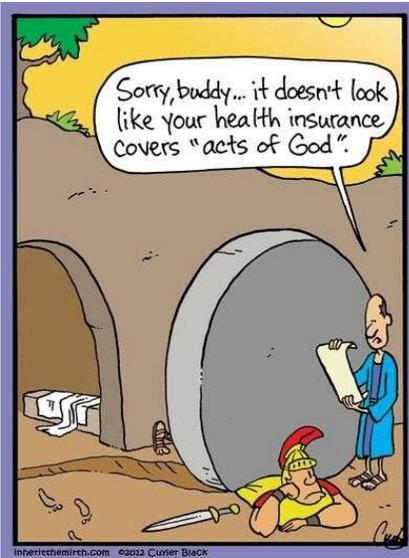
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Hebrew 13:3 - Continue to remember those in prison as if you were together with them in prison, and those who are mistreated as if you yourselves were suffering.

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



## Freedom

By Don Johnston



Now with the Presidential elections at hand and other chaos going on around us, and isolation we encounter we can question our freedom to vote, to go and attend what we want to, to wear a mask or not. We as a child of God can look to Him for true meaning of Freedom. As *Moments with the Book* says, The human heart craves freedom!

Americans know what it means to fight for it, die for it, march for it, campaign for it, and live in the enjoyment of it. But are we really free? Can you say for certain that you are completely free from the bondage of sin, death, fear, worry, and doubt? God wants you to be free! The message of the Bible is that true freedom comes only through Jesus Christ. (John 8:34, 36) "Jesus answered them... Whosoever committeth sin is the servant of sin... If the son therefore shall make you free, ye shall be free indeed."

When I first got out of prison one of the thing I wanted to re-establish in my road to freedom beyond the bars was my freedom to vote. You might ask yourself "Why vote, they are nothing but a bunch of crooks." My answer to that, there are Christian moral values that I stand for and criminal justice reform that I too support. The candidates that I vote for matter. There are many issues

in the world that affect my family and me.

Here in New Mexico you can re-establish your voting rights if you are not on paper/parole or probation. You have to prove to the County Clerk that you were discharged without a tail or you have finished your parole and probation. In Vermont and Maine, prisoners can vote from prison. There are over 6 million people who

cannot vote because of a felony conviction in the U.S. A felon's voting rights that are restored are 2/3 less likely to return to prison.

If you really want freedom, one must be born again. Have you ever wished you could start over again? Did you know God has promised you a whole new life? Here? Now! Jesus called it being "BORN AGAIN." Yes it is true. You can start life all over again. Life's tragedies, sins, faults and failures can be all washed away, never to be remembered by God again.

Jesus said, "I tell you the truth, no one can see the kingdom of God unless he is born again."... no one can enter the kingdom of God unless he is born of water and the Spirit. Flesh gives birth to flesh, but the Spirit gives birth to spirit."

Therefore, I urge you to find out what it means to be born again, give God a chance and He will set you free. This is true freedom.

## My Stand by Alice

I went to a remote mountain church this morning because I knew the assistant pastor. I plan to be at my city church this evening. The first, consisting primarily of older people, met in a converted barn. Most of the attendees happily greeting one another, enjoyed some refreshments at the homemade snack bar and as the music began they sat in groups of two, three or more which had been prearranged. I had carried my mask in with me and much to my astonishment I couldn't find one person wearing one. I carefully tucked mine back into my purse. The music was the old time gospel music I had grown up with. The sermon was from Revelation and I almost pictured myself and the crowd of about two hundred people already on our way to the "promised land." It was a joyful occasion for me to almost feel like a rebel in that setting this morning. If you know me, you realize I have some rebellious spirit in me! Today, as always, what choice to we have when we sense our beliefs are at stake? Do we openly share our faith, do we obey Christ or do we just "go along with the crowd" so we can all feel good about ourselves?

## 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 September 20, 2020 at 3pm—5 pm. We will NOT be having a potluck. We meet at Foot-

hills 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 bring your mask.