

# Titus House Newsletter

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## A Day in the Life of a Sex Offender “Angel on the Interstate”

Driving one afternoon from Las Cruces, NM, to our home on the desert near Deming my wife and I exited the interstate about four miles west of town. As we came to the stop sign to turn toward the gas station we saw a middle aged woman standing at the on ramp thumbing for a ride. She wasn't the typical hitch-hiker we have seen since moving to the area eight years ago and she had a neat appearance with a modest over coat and travel case.

I commented to my wife that this was unusual and we both agreed that if the young lady was still there after getting gasoline we'd offer her a ride. It took us about twenty minutes to refuel, use the restrooms, and get some road snacks. We both felt several emotions as we slowed to make the turn. Out of compassion and concern for her safety as well as keeping our integrity between us I brought the pickup to a stop.

“This is NOT a place for such a woman

to be hitch hiking,” I said with authority in my voice. “She's definitely not the type to be out here.”

“I've been



thinking the same thing,” came my wife's reply.

“I'll talk to her and find out if her story is sincere. If it is, what do you say we buy her a bus ticket to her destination?”

“That's a great idea, at least we'd know she was safer on the bus.”

I talked with the mystery lady at length to see if she was truly in need. She told me of recently losing her job, her apartment, and that she had no transportation. She

also said she had some friends in Berkley, CA, who'd let her stay until she found work and housing there in Berkley. Her friends were

barely making ends meet and couldn't send any money.

Since our home was between Las Cruces and Deming and there were several hours before the bus arrived we let her take a shower and get a nap. She was thanking us for everything we did. We engaged in lively conversation and just before we started toward the bus stop we joined hands and prayed for her safe travel and her future.

Before she boarded the bus I

wrote our phone number on her ticket and told her to call collect when she arrived. My wife and I drove back home feeling we had done a good deed. Three days later, when she should have arrive we didn't get a phone call. Three weeks went by and no phone call. Disappointed we resigned to the thought that our goodness had been misused. A month and a half later we receive a call, not collect, and it was the lady we helped. She explained that she arrived safely and her friends helped her get a job. We all rejoiced together at our chance meeting. She called us her angels but I think she was our angel.

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## Church Restrooms, Sex Offenders and other Assorted People

“EVERY ONE WELCOME” is posted on many church signs. Is this really true in today’s world? Churches are making new rules as to who can use restrooms without being accompanied. Some churches have a one-person restroom and all questionable people are instructed to use it only. We have a new blip now on the church radar with the matter of “people who believe they are transgender”.

What is the modern church to do? Churches in the South are at times prohibiting sex offenders from even attending. Some Catholic churches allow attendance at mass but they are not allowed to come early and must leave immediately at the end of the service. Restrooms, socializing and other events

are prohibited. Some churches bring people in from shelters or half-way houses, line them up on a pew and escort them back to a bus or van after service.

Will these rules of segregation now carry over to retreats, participation in all church potlucks, Valentine parties etc. etc? Just how are we to deal with the “lepers” of our present society? Do we dare ask, “What would Jesus do?”



## Letters Received

Dear Don and Alice

I just got out of Allen Correction Center (Louisiana) and am presently at home. I just wanted to let you know how thankful I am for the prayers and the monthly News Letters. I have signed up for your monthly News Letter via email (Internet Website), so don't send it to the prison address.

I was able to buy a truck and get all of my registration fees paid and get my basic needs from money I had saved from my job in Prison Indus-

tries plus I still had some money in savings. Presently I am in process of get on Social Security Disability. From there I can apply for a grant to start my own business through LRS (Louisiana Rehabilitation Services). I know it



will take time to go through all the red tape, but will be worth it in the end.

Again, thanks for the spiritual support,



Here is **Johnny Chambers** doing one of his hobbies.

## Update on move of NM Sex Offenders

I contacted the New Mexico Correctional Department and spoke to Alex Tomlin who is the Deputy Secretary of Administrative Support. I was told the move of sex offenders to Grants New Mexico is NOT going to happen. That everything is going to stay the same. They said that they are going to still use Otero County/Chaparral as the place where they will house sex offenders. They will continue to house sex offenders throughout the New Mexico Correctional Facilities as they are doing now.

## Help

HELP!!! We average \$250 a month in donations but our budget calls for at least \$460 a month. Our largest expense is a monthly newsletter to 450 people. We relate to inmates in 18 states. After they fill out several pages of mentoring sheets and return them to us, they are permitted to call us collect. Some of those calls are \$4

for 20 minutes. We now relate to three female sex offenders. Some of our people tell us we are the only ones who will answer their letters. Others tell us that contact with us eases their thoughts of suicide. If you believe this effort if valuable, we would be encouraged if you would make a monthly pledge of even a small amount so we could count on carrying on this vital ministry.



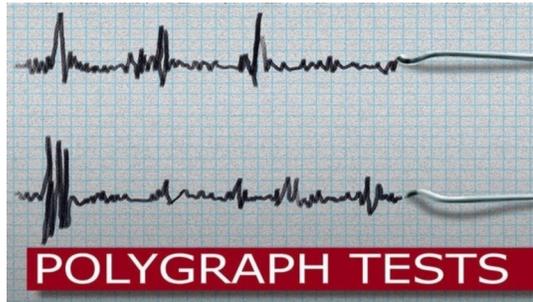


## Polygraph Testing for “Treatment Purposes” 10<sup>th</sup> Circuit Court of Appeals Affirms Fifth Amendment Applies to Everyone *U.S. v Von Behren* No. 15-1033

On May 10, the United States Court of Appeals (10th Circuit) handed down a significant decision that could have far-reaching implications for individuals forced to take polygraph tests. The Court held that individuals subjected to polygraph tests as a condition of supervision can invoke the Fifth Amendment when there is a threat of prosecution. However, the opinion makes it clear that the Fifth Amendment privilege is only properly invoked when the danger of self-incrimination is “real and appreciable,” as opposed to “imaginary and unsubstantial,” citing *Brown v. Walker*, 161 U.S. 591, 599 (1896), and “this protection must be confined to instances where the witness has reasonable cause to apprehend danger from a direct answer.” *Hoffman*, 341 U.S. at 486.

This is a huge victory for those who find themselves compelled to provide their sexual history if the person could face potential prosecution as a result of the disclosure. The challenge was initiated by Brian Von Behren who is serving a three-year term of “supervised release” in the state of Colorado stemming from a 2005 (federal) conviction for distribution of child pornography. One of the conditions of his supervised release requires that he successfully complete a sex offender treatment program, including a sexual history polygraph requiring him to answer four questions regarding whether he had committed sexual crimes for which he was never charged. The treatment provider, RSA Inc., required him to sign an agreement instructing them to report any discovered sexual crimes to appropriate authorities. The relevant section of that agreement reads as follows: “I hereby appropriate authority or authorities rence of any sexual offense on my gains knowledge of such occur-

Three of RSA’s mandatory questions ask for the admission of a you engage in sexual activity with “Have you ever physically forced sexual contact with you?” and (3) with someone who was physically mandatory question asks about ber.



tions ask for the admission of a you engage in sexual activity with “Have you ever physically forced sexual contact with you?” and (3) with someone who was physically mandatory question asks about ber.

Von Behren contended that the polygraph condition violates his Fifth Amendment privilege against self-incrimination because he feared potential prosecution. The Fifth Amendment to the United States Constitution states that no person “shall be compelled in any criminal case to be a witness against himself.” U.S. Const. amend. V. The Fifth Amendment’s privilege against self-incrimination applies not only to persons who refuse to testify against themselves at a criminal trial in which they are the defendant, “but also ‘privileges [them] not to answer official questions put to [them] in any other proceeding, civil or criminal, formal or informal, where the answers might incriminate [them] in future criminal proceedings.’” *Minnesota v. Murphy*, 465 U.S. 420, 426 (1984) (quoting *Lefkowitz v. Turley*, 414 U.S. 70, 77 (1973))

The district court rejected Von Behren’s argument and held that the polygraph exam questions do not pose a danger of incrimination in the constitutional sense. Von Behren refused to answer the sexual history questions. The treatment provider terminated him from the program, which subjected him to potential revocation of his supervised release for violating a condition of supervision. The district court denied Von Behren’s request to stay further proceedings pending appeal, but the Court of Appeals granted a stay pending its decision.

The government argued that there was no unconstitutional compulsion because RSA terminated Von Behren for not completing the polygraph exam, and the government would be seeking a remand to prison for Von Behren’s failure to complete treatment, not for his refusal to incriminate himself. The 10th Circuit was not persuaded by this argument. The Court found that Von Behren was not permitted to complete treatment solely and directly as a result of invoking his Fifth Amendment privilege and refusing to answer incriminating questions.

By: Larry Neely



## Titus House Ministries

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We're on the Web  
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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

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"I prefer to think of it as a gated community."

### Supervision Conditions & Special Programs

The following are the conditions for probation and parole supervision programs. In addition to the supervision conditions listed below, most offenders are required to comply with special conditions of supervision that relate specifically to their case. Restitution and counseling are examples of commonly imposed special conditions. In addition to the standard conditions of Probation and/or Parole, offenders assigned to a special program must comply with additional supervision conditions.

- **State Laws:** I will not violate any of the laws or ordinances of the State of NM, or any other jurisdiction. I shall not endanger the person or property of another.

- **Reporting:** I will report to my Probation/Parole Officer as often as required and will submit completed and truthful written reports as required by my Probation/Parole Officer. All communication with my Probation/Parole Officer will be truthful and accurate and I will promptly reply to any correspondence or communication I may receive from the Probation Office.

- **Status:** I will get permission from my Probation/Parole Officer before: a) Leaving the county where I am being supervised and/or residing; b) Changing jobs; c) Changing residence; or d) Engaging in any major financial contract or debt.

- **Association:** I will not associate with any person identified by my Probation/Parole Officer as being detrimental to my Probation supervision, which may include persons having a criminal record, other probationers and parolees, and victims or witnesses of my crime or crimes.

- **Visits:** I will permit any Probation/Parole Officer to visit me at my home or place of employment at any time. I will permit a warrant-less search by the Officer of my person, automobile, resi-

dence, property and/or living quarters if he/she has reasonable cause to believe the search will produce evidence of a violation of my conditions of probation.

- **Employment:** Unless exempted, I will make every effort to obtain and hold a legitimate job and fulfill all financial obligations required of me including support of my family. I shall cooperate with my Probation Officer in any effort to assist me in obtaining employment. If I lose my job for any reason, I shall report this fact to my probation/Parole Officer within 48 hours of the change.

- **Weapons:** I will not buy, sell, own or have in my possession, at any time, firearms, ammunition, or other deadly weapons.

- **Drugs:** I will not buy, sell, consume, possess or distribute any controlled substances except those legally prescribed for my use by a State Certified Medical Doctor. I will also provide urine or breath test specimens for laboratory analysis upon request of the Probation and Parole division.

- **Arrest:** I will report any arrest, charge or questioning by a Peace Officer to my Probation/Parole Officer within 48 hours of the incident. The

toll free number 1-800-428-5686 is available for emergency contact with my Probation/Parole Officer.

- **Transfer:** If my probation supervision is transferred to another state, I will abide by any additional supervision conditions required by that state.

- **informant:** I will not enter into any agreement to act, or act as an "informer" or special agent for any law enforcement agency without the permission of the Director of the Probation and Parole Division and the sentencing judge.

- **Probation Costs:** I will pay probation costs as determined by my Probation/Parole Officer on or before the designated date each month to the Corrections Department in the form of a money order or cashier's check.

- **Photo:** I will submit myself for photographing and fingerprinting as directed by the Probation & Parole Division.

**Alcohol:** I shall not possess, use or consume any alcoholic beverages and will not at any time enter what is commonly known as a bar or lounge where alcoholic beverages are served or sold for consumption on the premises.



## Circle of Concern

Our next Circle of Concern will be June 12, 6-8pm. We meet the second Sunday of each month. We will have a potluck and then our regular meeting of sharing and support. We meet at Foothills Church on Tramway and Candelaria, in the North East heights. We look forward to meeting you. This meeting is for Registered Citizens and family who are 18 and older.