

# Titus House Newsletter

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

APRIL  
2018

## The Sex Offender Registry: Vengeful, unconstitutional and due for full repeal BY JESSE KELLEY (THE HILL)



The Bureau of Justice Statistics reports that at least 95 percent of all state prisoners will be released from prison at some point. However, convicted sex-offenders almost exclusively face the vengeful, additional punishment of registration under the Sex Offender Registry and Notification Act (SORNA).

Generally, under SORNA, an individual who is required to register as a sex offender must register at least once a year; report any change of address within as little as three days; produce vehicle information, a recent photograph and a DNA sample; and abide by stringent residency restrictions, which can force individuals out of urban areas, away from family and into unemployment.

SORNA violates our nation's founding documents by singling out a specific category of offenders for unfair, unconstitutional punishment. While the Department of Justice cites public safety as its rationale for continuing to enforce the overreaching requirements of SORNA, the program has metastasized, defacing some of our most treasured rights: the right to due process, the right to be free from double jeopardy and the right to avoid cruel and unusual punishment.

The right to due process can be found in the Fifth and 14th Amendments of our Constitution. Due process is commonly understood to include the presumption of innocence, the right to a fair

trial and the right to counsel — ideas that ensure a defendant is treated as fairly as possible in our adversarial criminal justice system. It can be “gauged by its aim to safeguard both private and public rights against unfairness.”

Despite what some courts have found, the current requirements of SORNA violate due process, specifically the tenet of presumption of innocence, or the idea that a person is innocent until proven guilty. Each state differs in how it implements SORNA, so an individual's length of registration varies by state. For example, all sex offenders in California and South Carolina register for life, regardless of the crimes committed. By demanding post-detention reporting for up to a lifetime, the court is presuming that an individual has the propensity to commit a certain type of crime in the future and therefore must be scrupulously supervised.

Courts have addressed this concern when the individual required to report is a minor. The Pennsylvania Supreme Court ruled that the state's version of SORNA violates juvenile offenders' due process rights because the requirements of satisfying SORNA assume that a juvenile will commit some sex offense in the future without giving him or her the opportunity to challenge that assumption. Equity demands assigning this same ruling to adult reporting requirements.

Another element of due process known as “double jeopardy” appears in the Fifth Amendment and protects an individual from being prosecuted for the same offense twice. It also bars multiple punishments for the same crime. Individuals convicted of crimes who have faced incarceration and then must begin sex registry-reporting are certainly being punished repeatedly.

SORNA requirements punish ex-offenders by inflicting upon them tangible, secondary punishments, like the inability to qualify for housing and increased difficulties securing employment. These secondary punishments effectively banish ex-offenders to a modern leper colony by not only removing re-entry resources but also by affirmatively ostracizing those attempting to rebuild a life after incarceration.

In addition to violating double jeopardy, repeated punishments violate the Eighth Amendment by imposing cruel and unusual punishment. The government is prohibited from imposing a criminal sentence that is either vindictive or far too harsh for the crime committed. Incarceration is intended to be a punishment and a deterrence, so any subsequent punishment can only be vindictive. After incarceration, an ex-offender's privacy is significantly diminished by the requirement to report one's name, address, photo, employment status

and provide a DNA sample.

Last fall, a federal judge found that the Colorado sex offender registry's punitive impact outweighed any value it might have had in protecting the public and concluded that registration violates the prohibition against cruel and unusual punishment. As the judge specifically stated, “This ongoing imposition of a known and uncontrollable risk of public abuse of information from the sex offender registry, in the absence of any link to an objective risk to the public posed by each individual sex offender, has resulted in and continues to threaten [sex offenders] with punishment disproportionate to the offenses they committed.”

As Clarence Darrow famously said, “You can only protect your liberties in this world by protecting the other man's freedom. You can only be free if I am free.” Protecting the constitutional rights of everyone, even those convicted of sex offenses, is of the utmost importance for protecting our freedom. Therefore, both legislators — by way of developing and amending laws — and judges — via hearing arguments and creating case law — must re-examine SORNA in order to preserve liberty and uphold the Constitution.





## A LETTER FROM MIKE FROM LA PASADA HALFWAY HOUSE

I really appreciate the help. I never used to ask for help. I'd get what I needed my way, illegal. Never been good at asking for help. Because I don't participate in Bible study doesn't mean I don't respect it. I'll know when my time is right. Since a child, Religion/Christianity has been pushed on me. I believe things happen for a reason. I'm doing good right now for the first time ever. It's not easy. You all really help a lot of people. I appreciate what you all

do. I had 2 people who wanted to buy my phone (*he gave a phone to Titus House*). Sometimes it's not about \$. I know people coming out of prisons usually can't have a smart phone. But maybe you and Alice can use it elsewhere. We all need to give back. Anyway, never know someday I may sit in on a Bible study. No matter what, I respect those who are true to the Bible and it's teaching. Saw so many people preach to others then throw the Bible away and pick up a syringe. It makes

me sick. The true test is once freed you stuck with it, you are a great success story. It's funny, sometimes in life it takes us a long time and a lot of misery before we are willing to change. I did. Good luck and thank you and take care and keep up the good work. Your Friend Michael, PS I remember you so well from prison from many years ago. How we have all changed.



## WE NEED YOUR FINANCIAL HELP TO HELP OTHERS

### Here are a few things that Titus House does. We need your support.

File Federal tax returns by the end of the year Dec. 31.

File State tax returns.

We attend La Pasada Halfway House each Friday at 7 PM to do a Bible Study

We hold the Circle of Concern once a month on the second Sunday from 6-8 PM at Foothills Fellowship.

We send out Mentoring and Information forms to persons in prison

When someone gets out of prison we sometimes pick them up at the Greyhound bus station, or prison take them out to their first outside meal. These are usually people who have done our Mentoring sheets.

Help them get Registered

Help them open a Bank Account with their gate money

Take them to the Food stamps office to sign up for EBT card

Take them to Social Security to get a card or sign up for SSI or General Assistance

Direct them to Behavioral Health if needed

Help them to apply for a Birth Certificate

Give them a St. Martins Card full of resources and show them around St. Martins

Tell about and take them for a free Cell Phone

Encourage them and help them to con-

tinuing education (CNM)

Help them to possess a I.D. and Driver License

Encourage Employment. Talk about Goodwill Job Placement

Show them how to get Medication and Public Benefits

Encourage them to be free of Substance Use/Abuse

Maybe get them a pair of jeans, shirt, belt, wallet and back pack

Tell them how to get a Bus Pass from their P.O. or buy them one or inform them of city programs that help with Job Transportation

Give them a Date Book from the Dollar Store

Tell them and show them the Health Care for the Homeless for eye care, dentist, mental health and medical.

Help them and show them food feeding places

Help them if needed, Glasses/Vision and Hearing

We have a list of housing and jobs and maintain it.

Do a monthly newsletter, publish it, have it folded, print it, solicit articles, stuff and process and mail 375 letter. Maintain mailing list.

Mail out our newsletter by email to about 250 people. By Mail Chimp and maintain up-to date mailing list.

Answer letters and phone calls from about 25 states

Maintain a website with our monthly

newsletter

Pay for a website using WebStarts.

Visit those sick and in the hospital

Do a yearly Christmas party

Help people move and find household goods and various chores

Rent an RV to those on the sex offender registry

Fundraising

Hold Titus House Board Meeting four times a year

Keep financial records and documents.

We attend several meetings that have to do with prisoners ie.

NM State Legislators meetings,

Corrections, Courts and Justice meetings

NM C.U.R.E. in Socorro

Attend monthly meetings Micah Fellowship for those working with prisons at New Beginnings Church.

Attend monthly meetings Returning Citizens Collaborative.

Attend Liberty & Justice Coalition

Take and encourage people to attend Foothills Fellowship Church. (Optional of course)

Keep and maintain rap sheets in huge notebooks of inmates.

Do ministry/trade shows with table and banner and literature about Titus House.

Maintain a Post Office Box





## YOU THINK WE HAVE IT BAD IN NEW MEXICO

How Texas created a new for-profit lockup, which it really doesn't want you to call a "prison."

by Florida Action Committee | Feb 12, 2018 |

News About Sex Offender Civil Commitment

The following are excerpts from a story that ran in today's Texas Observer.

In early September 2015, guards fanned out across Texas with orders to round up about 200 men, rousing some from bed as early as 3 a.m. and demanding they stuff whatever they wanted to keep into black Hefty bags.

The men weren't hard to find. They'd all completed lengthy prison sentences for sex crimes. The state calls them "sexually violent predators," men required not only to publicly register their whereabouts but also to participate in a court-ordered monitoring and treatment program meant to cure them of "behavior abnormalities" and safely integrate them back into society after they've done their penance. At the time of the roundup, most were living in boarding homes and halfway houses.

... and the others were frisked, loaded onto vans and prison buses and driven hundreds of miles to Littlefield, a remote, sparsely populated corner of the Texas Panhandle, where guards shuffled them into the Bill W. Clayton Detention Center, a prison that had been empty for six years.

Once inside those old prison walls, the men surrendered their IDs, Social Security cards, birth certificates and credit cards, along with cash and coins. Guards dug through the Hefty bags, tossing out all sorts of personal items now considered contraband. They went from living in halfway houses that looked like motels to windowless cells with cinderblock walls, hard steel bunks and metal toilets. But officials at the detention center were adamant: This wasn't a prison. They instructed the men to call their living quarters "rooms," not prison cells.

Unlike at the halfway houses, the new inmates couldn't come and go. It wasn't clear when their sentences would end, if ever.

Two and a half years after the Texas Civil Commitment Center opened its doors, only five men have been released — four of them to medical facilities where they later died.

State officials claim Texas' new civil commitment program is designed to rehabilitate the men. But their families and friends argue the state has simply stashed them in a for-profit prison on the outskirts of the state, far away from the support services they'll need if there's any hope of transitioning back into society — the supposed goal of the facility. Lawyers who represent them consider the state's new program an unconstitutional extension of the prison sentences the men have already served.

Critics of private prisons see in the Texas Civil Commitment Center the disturbing new evolution of an industry. As state and federal inmate populations have leveled off, private prison spinoffs and acquisitions in recent years have led to what watchdogs call a growing "treatment industrial complex," a move by for-profit prison contractors to take over publicly funded facilities that lie somewhere at the intersection of incarceration and therapy. In Texas, their recent attempts to privatize two state psychiatric hospitals failed after families and advocates raised concerns that cost cutting to boost profits would jeopardize the quality of care.

The Texas Civil Commitment Center, however, was a quiet coup that few people saw coming. In 2015, the state signed a \$24 million contract with Correct Care Solutions to run the facility; the contract was extended in 2017. The recipe for creating a new for-profit lockup in the era of decarceration: a state agency imploding under mismanagement, a private prison contractor on the rebound and a desperate town saddled with a mountain of debt and an empty detention center. Oh, and sex offenders.

Many of the problems that haunt private prisons elsewhere are evident at the center. Documents I obtained under state open records laws show a steady churn of staff since the prison reopened. The men confined there say that the turnover makes it impossible for them to advance in treatment, which is their only way out of indefinite detention. Correct Care has been scolded for delays in providing medical care and for repeatedly failing to conduct or document all the therapy that taxpayers are now funding.

As the tab for sex offender treatment grows in Texas, the state and Correct Care have found creative ways to squeeze more money from the 277 men now incarcerated in the Littlefield facil-

ity, or rather from their families and friends on the outside. While state law allows the program to take a third of any income the men receive in order to help pay for their treatment and confinement in Littlefield, people who send packages to the facility say the company has now applied the concept to gifts. Anyone sending a package to an inmate must submit a receipt for whatever's inside so officials can charge the sender a third of whatever it's worth.

Some of the men are still required to help pay for ankle monitors, despite their new home being surrounded by a perimeter of two security fences topped with concertina wire. Inmates say that offenders who get in trouble sometimes end up in solitary confinement for weeks or even months at a time.

The not-a-prison prison operates with more secrecy than most supermaxes. For months I've asked to tour the detention center and interview inmates about the conditions there. The agency that oversees the program, the Texas Civil Commitment Office, has refused to answer many of my questions, including why they won't let reporters inside the for-profit lockup.

Officials did, however, instruct me not to call it a prison and to refer to the men as "residents" instead of inmates.

The civil commitment program that Texas created in 1999 was unique in that it committed sex offenders only to treatment, not detention. Over time, however, the program grew more restrictive, requiring most men to live in halfway houses and boarding homes under contract with the state. By 2014, the private prison companies that ran the homes, such as Avalon Correctional Services and GEO Group, were demanding more money, which Texas didn't want to pay. The agency in charge of the program, the bluntly titled Office of Violent Sex Offender Management, infuriated Houston-area lawmakers when it was caught moving dozens of sex offenders into the city's Acres Homes neighborhood without telling local officials. A secret plan to build a for-profit prison camp to house the men in Liberty County similarly collapsed.

...Not a single offender had ever graduated from treatment in the history of the program. Nobody under civil commitment had ever been charged with committing **CIVIL COMMITMENT**  
**CONTINUE ON PAGE 4**



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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



## CIVIL COMMITMENT

another sexually violent act.

Today, about 20 states can detain certain sex offenders for what they may do in the future, sometimes indefinitely.

While the state calls the Texas Civil Commitment Center a treatment facility, men inside the lockup claim the therapy there ranges from chaotic to nonexistent. They contend that lapses in treatment, which they say stem from near-constant staff turnover, have made it virtually impossible to graduate from the program. In letters from inside, some of the men say they've had up to six therapists since arriving in Littlefield and claim their treatment starts back at square one each time they get a new one. Individual counseling sessions have gone from once every two weeks to once every three months, they say.

...Rachel says she quit a year and a half later, not because she was sick of working with sex offenders but because she was appalled by the conditions inside the lockup, particularly the poor medical care. "People were not getting the treatment they needed," she told me. "A lot of these guys were really old. The clinic was always running out of medications or never had the right ones. It was all very unorganized."

... a Florida prison firm called Correctional

Services Corp. In 2005, GEO Group, one of the pioneers of the private prison industry, bought Correctional Services and began courting other states to send their adult inmates to Littlefield, which in the end only brought more trouble. In 2008, a prisoner from Idaho committed suicide after spending a year in solitary confinement at the facility. Idaho's prison director accused GEO Group of falsifying reports to cover up problems that stemmed from chronic understaffing and pulled some 300 inmates out of Littlefield.

...Correct Care also runs civil commitment centers in Florida and in South Carolina, where the state's department of mental health recently contracted with the company to build a new \$36.5 million 268-bed civil commitment facility by the end of 2018.

..Melissa Hamilton says a series of recent lower-court cases show judges are becoming more skeptical not only of the way states handle civil commitment but also toward other restrictions placed on sex offenders after they've served their sentences. A shoddy or haphazard treatment program for sex offenders in detention could be ammunition for the kind of lawsuit that some of the men in Littlefield have already begun filing, she says. Problems at the Littlefield facility could "undermine the argument that the state is serious about treatment."

## HAPPY EASTER



## Circle of Concern Note change to Saturdays 4-6 pm

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 offenders, family and friends that meet together on the **2nd Saturday of each month. We are meeting this month on April 14th 2018 at 4 pm—6 pm.** We will be having a potluck. 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.