

ECHOES OF THE GULAG

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EDITORIAL

By Lawrence D. Habbot

In the years that I have been involved with the GULAG, I have had the opportunity to talk with people about how this publication has evolved. Many of you, who look forward to reading each issue, have given some very positive feedback, making each issue better. Still there are some who do not seem to get what the purpose of the GULAG is. For some this might be the first time they are reading the GULAG.

Many of the individuals who have found themselves here at ASH after serving their sentence(s) have a mistrust of the judicial system. Some are here after serving out sentences for the WIC §6600 qualifying offenses. Some are here for other crimes who have a past history of sexual offenses, like myself. No matter what label you place upon this law, S.V.P., 6600, Civil Commitment, the first purpose of this law is preventative detention. The rules used to apply this preventative detention change upon the perception of who is the worst of the worst. Many of us have been painted with a wide brush, just barely meeting the criteria if at all. In addition, when you have the very person that gathers evidence as to who qualifies to be held under the S.V.P.A., are employed by those that have the most to gain by keeping you incarcerated (the for guarding the hen house) the objectivity goes out the window.

It is a harder task for society to uphold and celebrate the sanctity of

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THE DOMESTIC WAR ON TERROR

By E. Lotari

The War on Terror seems to have its seeds planted in the various S.V.P.A. statutes, which started in the State of Washington, following the case of Shtur who clearly stated he would do abominable acts to young boys upon his release. Soon after his release, he kidnapped and cut off the penis of a young boy and then hung the boy with a belt until his death in his closet. The State of Washington enacted the "civil" S.V.P.A.

California followed this lead in 1996, to prevent the release of those it wanted to deem "too dangerous" to be released. In order to do that, the State of California, in conjunction with the California Department of Mental Health, hired "psychologists" to make predictions in this modern day witch hunt. The State DMH presented a "state of the art" treatment program to the California Legislature, and trained the hired evaluators to make their predictions look scientific. Basically, if the individual has not participated in their, "new", developing and evolving "state of the art" treatment program based on Behaviorism, then that individual is dangerous. What jury, although never fully informed (if so, they are removed) would not say, "he has done these detestable things the prosecutor has said so and prosecutors don't lie) what would be the harm in a little "state of the art" treatment, even if there is no "proof" of a current dangerousness." No one explains the SOCP treatment is experimental & evolving.

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LACK OF MEDICAL CARE WILL COST TAXPAYERS MILLIONS

By Tom Watson

With the placement of the California Department of Corrections ("CDC") under receivership by a federal judge in June, 2005, the media has now made the public aware of the abysmal state of medical care in the California's State prison system.

The public also should be made aware of the substandard medical care being provided the mentally ill in California's State Hospital System.

As the media has reported, the Department of Justice and the Commission on Human Rights have ongoing investigations underway of allegations of civil rights violations at Atascadero State Hospital ("ASH"), a facility operated by the department of Mental Health ("DMH") which houses patients such as mentally disordered offenders, those not guilty by reason of insanity, and sexually violent predators.

Allegations of substandard medical care at ASH if just one of the issues being investigated, but is probably one of the most important as substandard medical care can result in unnecessary deaths. Poor medical care can also cause unnecessary pain and suffering, and in the long run, will eventually cost the taxpayers unnecessary spending. After all, prevention is almost always more cost effective than delayed repair.

In addition to the federal investigation into ASH, the patients themselves have in process a class action lawsuit in federal court.

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DOMESTIC WAR

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What these jurors do not realize is the various laws across the country are being used as a testing grounds for the bigger picture. Mainly, "Can We Lock up Folks without any PROOF of dangerousness, based solely on the word, or prediction, of a so called expert we have hired." The courts, and juries, seem to have taken the bait . . . What will it take to expand this philosophy to the general, John Q. Public?

Let's look to the passage of the Patriot Act, and what it does to increase police powers across the country city, county, state. Federal police now have the authority to, on hearsay or with self-determined probable cause, enter and search anyone's home. Similarly, the SVP Act, allows the state to commit individuals upon multiple layers of hearsay, even when the allegations were dismissed. The Patriot Act expands terrorism laws to include "domestic terrorism" which could subject lawful political organizations unpopular to the "administration" to unlawful (i.e. unconstitutional) surveillance, wiretapping, harassment and criminal penalties simply for advocating an unpopular political viewpoint. The Patriot Act also allows FBI agents to investigate American citizens for criminal matters, no matter how trivial, without probable cause, if an agent deems the activity is warranted for "intelligence purposes." The Patriot Act greatly expands law enforcement's ability to conduct secret searches, giving it broad and unfettered access to phone and internet usage, as well as highly personal information such as medical, financial, mental health (so much for HIPPA) and education records. Such scrutiny can now be made with minimal judicial oversight, leaving surveillance to the arbitrary discretion of overzealous law enforcement agents. It also permits

citizens to be detained and questioned without counsel on mere suspicion of terrorist acuity, which includes political dissent. (What do you mean you don't believe in our State of the Art protocol for behavioral modification? And, you do not believe you are in need of our behavioral modification protocol? You don't have to appreciate or understand.)

The government is now allowed to monitor communications between federal detainees and their lawyers, destroying the attorney / client privilege and right to fair and impartial counsel. (Is this why the Public Defenders "don't want to discuss it over the phone?") The new Attorney General guidelines allow FBI spying on religious and political organizations, including individual members, without direct evidence of wrong doing.

What lessons in history apply when we see our country persecute an subjugate it's own people? The fall of Athens and Rome came after police authority had expanded to allow warrant-less searches and seizures and due process had evolved to the point that citizens were tried by secret tribunals authorized to arbitrarily sentence them to hard labor or death. In the case of the SVP Act, a lifetime commitment, based on a simple instruction that "you are to follow the law as I give it, you!" As I give it to you? What ever happened to the Constitution and the Bill of Rights. The Supreme Court, in 8 Peters 658, stated: "It is clear there can be no common law of the United States." In essence, the judge neutered any actual, evidentiary proof, by this loaded instruction to the jury. (The Rape of Justice, National Commission for Judicial Reform).

Sir Francis Bacon noted in his "Indicature," "Judges ought to remember that their office is jus decere, and not jus dare: To interpret law, and not to make law, or to give law. *Judicis officium est ut res, ita*

tempora tenm. A judge must have regard to the time as well as to the matter." (The Rape of Justice; Judge Not. Justice nullius.)

"When a man who is honestly mistaken hears the truth, he will either quit being mistaken or he will cease being honest." Anonymous. Daniel Webster stated on March 10, 1831, in New York City "I shall be subject to decision of no unjust judge today."

The Bill of Rights was affixed to the Constitution to assure the American people that their newly won freedoms, the result of a successful revolution, would not be abrogated by a later tyrannical government. (The Rape of Justice at p. 191.) Remember, the Supreme Court has ruled that all State Courts must follow Federal Rules of Evidence whether they were in conflict with State Statutes or not.) The judge's arbitrarily extended power to "instruct" the jury is part of the same law merchant process which was used to extend Article I legislative courts based in the District of Columbia, and created by Congress' exclusive legislative power over the District of Columbia. Art. I, Sec. 8, Cl. 17, by a secret interpretation of the commerce clause of the Constitution. (Id. at p. 264) The Bill of Rights Defense Committee post an informative web site dedicated to the recognition of the unconstitutional nature of the Patriot Act provisions, at www.bardc.org.

PLEASE HELP US OUT

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MEDICAL CARE

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The case could potentially result in the DMH facing the wrath of a federal judge just as happened with the CDC. Could the DMH possibly be placed under a very costly federal receivership?

Most of the same contributing components also exist within the DMH. The DMH has a rapidly growing patient population. The State has been unwilling or unable to adequately fund the growth. The infrastructure and resources have not grown commensurate to the patient population growth. The staff shortages are acute. The list goes on.

Time and time again throughout history, government operated mental institutions have been exposed as little more than dungeons to warehouse societies mentally ill. The public will rant and rave for a short time, but be unwilling to provided the long-term funding to make real changes.

Because of the substandard medical care, the CDC was recently called a dungeon by an expert in the field of corrections. The DMH suffers the same medical care problems and inadequacies as does the CDC, and also has a long history of being compared to medieval dungeons. There are reasons for this.

The federal judge placed the blame on management, and praised most of the first level CDC medical care providers. Interestingly, it appears that the same situation also exists at ASH and probably throughout the DMH facilities.

Several of the medical doctors employed by the DMH are former CDC doctors. Their official reasons for the move are unknown, however, they are quick to state, "The CDC did not allow me to practice medicine." They elaborate that they were not allowed to provide necessary medical procedures of intervention in a timely manner - if at all. Although contrary to state law,

ordered medical treatment was often disallowed by low level custody staff. The double whammy of both management refusing to authorize medical procedures and low level custody staff overriding medical orders was simply too much for these doctors.

Most of the same problems also exist within the DMH. It takes approximately six months to have management approve a surgical procedure, and often the DMH management simply will not approve procedures allegedly based upon lack of funding.

Lack of funding is simply not a good enough excuse. The United States Supreme court held in DeShaney v. Winnebago (1989) 489 U.S. 189, that when a state incarcerates a person that the state has an affirmative duty to provide for that person's basic needs. One of the needs listed was medical care. The Supreme Court explained that the rationale behind this requirement was that when the state involuntarily takes a person in to custody, the state has removed the person's ability to care for himself and thus the states has a duty to provide that care. If the state does not provide that care then the person will not receive medical care.

Such is the case with both the CDC and the DMH. Those incarcerated by either agency will not receive medical care if the agency refuses to provided such care. This principle underlies the problem presently existing within both agencies. The CDC has now been called to task -- the DMH is next.

An example: Approximately two years ago, 65 year old ASH patient Michael Dodele was rushed to a local public hospital with severe chest pains. The first level ASH staff did an exemplary job in dealing with the emergency. What initially appeared to be a heart attack, was eventually diagnosed as something else. The symptoms of a heart-attack are shared

with several other maladies, and only testing will define the true problem. In this case, Dodele was ultimately diagnosed with a Hyatal Hernia. The treating doctor recommended immediate surgery, but DMH refused to allow the surgery.

Subsequently, the first level medical doctors at ASH recommended the surgery be scheduled, again the DMH management refused to authorize the surgery.

On July 7, 2005 Dodele began having chest and stomach pains. As before, the first level staff did an exemplary job in their response. The first level ASH doctor made preliminary test and recommended he be checked out at Twin Cities Hospital in Paso Robles.

In the Twin Cities Emergency Room ("ER"), Dodele was observed and tested for approximately four hours, and was then admitted to a regular hospital room (212). Continued testing and monitoring was done until they determined the problem was not cardiac in nature, but was the same old Hyatal Hernia. Again the Twin Cities doctor recommended immediate surgery, and was poised to do the surgery right then and there. The paperwork process was begun, and again the DMH management at ASH refused to authorize the surgery, allegedly stating that they don't have the money and it takes four to six months to get approval. Dodele was then taken back to ASH without his medical condition being repaired.

Much like the CDC guard interference with prescribed medication documented by the investigator for the federal court, Dodele reported a similar interference from the ASH Department of Police Service ("DPS") Officers sent to guard him.

In a Penal Code Section 832.5 Complaint he is preparing to file, Dodele alleges that at various times during his stay in Room 212.

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LACK OF MEDICAL CARE

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at Twin Cities Hospital, as many as six DPS Officers would congregate in his room for long periods of time drinking coffee and soda pop and eating. When interrupted by the Twin Cities nurse attempting to administer prescribed medication, the DPS Officers denied Dodele his medication, telling the nurse to get out of the room and not come back. The nurse did come back, and she brought an armed Hospital security Office who threatened to eject the DPS Officers from the room if they continued to interfere with the administration of prescribed medication.

Later, when Dodele attempted to obtain the names of the interfering DPS Officers, they refused to identify themselves and turned their picture identification Badges around facing backwards so their names could not be read.

In a nonmedically related show of defiance to Dodele's civil rights, the DPS Officers refused to allow Dodele a telephone call to his attorney even though their sergeant had previously issued written authorization for this call.

Examples such as this one show that the arrogance of some DPS Officers in not following the directions of medical professionals, and their supervisors, is no different than what the federal courts documented against CDC officers.

Not only should the taxpaying public question how long this man should be forced to suffer, but also the costs of repeated emergency trips and overnight stays to the hospital. Not only does the state have to pay for the medical costs of this trip, but also for around-the-clock security personnel to guard the patient. Since the hospital doesn't have a legal leg to stand on eventually the legal system will force the DMH to provide this surgery. So also legal

cost will be added to all the other costs. Therefore, it would appear that all of the costs associated with this medical condition following the first episode are unnecessary and could have been avoided.

This situation is typical, and there are over 1200 patients at ASH. How many millions of taxpayer dollars are thus wasted through the prevalent denial of medical care at ASH and probably throughout the DMH? There are many deaths per year at ASH. How many of these deaths were preventable had timely medical care been provided?

OVERREACH OVER CHILD MOLESTERS

The Christian Science Monitor, June 14, 2005
Submitted by: Peter Tollis

The abuse of a child by a sexual offender is a despicable crime for which every parent and law enforcement officer ought to be on the alert.

Children, the most vulnerable members of society, depend on the care and wisdom of adults to protect them. It's because of that responsibility that so many state and local governments have been tightening laws relating to child molestation.

But as they go about drawing their security circles around children, these governments need to watch that they don't overreact.

Last week, Miami Beach, Fla., banned convicted child molesters from moving to within 2,500 feet of schools, school bus stops, day-care centers, parks, and playgrounds. It effectively bars sexual molesters from moving into the city.

Vermont's governor is pushing to lock-up certain violent criminals, including sexual offenders, in mental health institutions indefinitely, after they've served their sentences. More than a dozen states have "civil commitment" laws for sex offenders.

New York is considering

lengthening the period that paroled sex offenders need to register their location with the state from 10 years to a lifetime. It's also looking at monitoring parolees electronically.

With measures like these, communities are applying solutions far more broadly than necessary.

The Miami Beach case, for instance, assumes that most child molesters are strangers to their victims: If the city just cordons off their children they'll be safe. In fact, most victims are known to their abusers.

It's also important to remember that the rate of repeat offense by a convicted child molester is low. "Sex offenders as a group have a relatively low recidivism rate. In fact, they have a lower recidivism rate than most other offenders," says John Q. La Fond, author of a new book, "Preventing Sexual Violence."

An extensive study by the Department of Justice published in 2003 shows a recidivism rate for child molesters of just 3.3 percent in the first three years. In almost half of the original offenses, the victim was the prisoner's relative.

Experts say it's possible to identify probable repeat molesters by looking at a person's history, behavior, and mental state. This argues for a selective approach, though governments might be tempted to define high risk too broadly.

Still, instead of trying to keep tabs on every released offender, governments should target funds, personnel, and expertise to parolees in the high risk group, monitoring them closely and working to rehabilitate them.

Public outrage and sorrow accompany cases of child sexual abuse. Governments should do all they can to prevent these crimes - and some of the predators do appear to be beyond current methods of rehabilitation. But the outrage shouldn't get in the way of trying to

help the majority of abusers many of whom were molested as children - redeem their lives.

SHAMEFUL FLIGHT OF AN INNOCENT MAN

By Silvio Rivers

Seas are crashing on my shores eating up whats left from the prostitutes of the courts. Sell your testimony at anyone's expense, don't worry you won't be held accountable, after all it's a sexual offense.

Land of the mistits is where I live, been there since life begins. All seems lost in this wait, to see what whores of the court say to try and make SVP my fate.

Sleep seems best, it seems right, then maybe I'll make it through another night. Nothing around me even seems fair, can't even think straight and no law maker around seems to care.

Life feels empty nothing left inside, no pain, or sorrows, no joy for tomorrow. The eye of my soul sees nothing is right, whores of the court have taken my hopes of a future then locked me clean out of sight.

They lied, they cheated, they twisted all that is right, so they could dine on another mans plight. Fill your bellies, drink your drunk, after all your life don't stink. Get your check and pad your pockets, who cares, if it leaves another man with his joints out of socket.

You don't even care if it's right or wrong just collect your money cause you gotta move on. Another petition is filed and its is time to sing the Static 99 song. You prepared Karl Hanson's favorite tune, that's the one fed to you by a DMH spoon.

Hurry rash off catch your plane after all it's another man's pain. Don't fret or worry about what to say, all you have to do is ask the D.A., Together you can plot your lies and deceit, oh don't worry you'll get reimbursed for that receipt. You can

inflame his past and destroy his future, ask for his testicles add a couple sutures.

Bow and pay homage to your god Karl Hanson, you owe him your life his stats pay quite handsome. I must say it is sorry you cannot rely on your own judgment or expertise, when you earn your money, your cards meet, as a Ph.D. doctor, who is merrily puppy without backbone much less feet.

You went to school, studied real hard when it was over you sold your soul to a DMH god \$\$\$, Sell your services using his work, but don't forgo your own opinion he will cast you to the curb.

So when you are in an interview or reviewing a chart try to think about the poor soul in whom you'll profit by removing his heart.

God almighty sits on his throne passing his judgment on all he owns. You are included don't think you will squeak by, if you really believe this you truly are living a lie.

You best repent before it's too late. Yes you will stand before him who sold your testimony, both small and great.

You'll see your peers, you'll see your best friend, yes even Karl Hanson awaiting his end. When God opens the books to show you your lives, then you will all see not one of you were wise.

As doom and destruction will be your end, you will be cast into the lake of fire along with the rest of your DMH friends.

You will forever remember what you have done as you brought down pain and destruction on men, women, daughters, and sons. You padded your pockets now you will regret in outer darkness while weeping you'll never be let to forget.

So, when you sit writing your next report, be ever mindful of God almighty who's ever watching and in his books of life is writing yours.

PANCAN RUNNING TEAM SAN DIEGO

ON August 14, 2005, Katrina Andrews, unit 16 Psych. Tech., ran a half city marathon for pancreatic cancer research.

Katrina ran in memory of Karla Ceglia, unit 16 a.m. lead, who passed away February 13, 2005, of pancreatic cancer.

The half marathon course followed a scenic view of San Diego and the Pacific Ocean, winding through downtown San Diego and ending in a beautiful Balboa Park.

It should be noted that Katrina ran this marathon with a knee she injured during training. I call that determination and dedication.

I think Katrina Andrews deserves considerable recognition from EVERYONE here at ASH for her efforts and accomplishments in the fight of pancreatic cancer.

Mr. Dean's Corner

Just a thought, for us

From the Associated Press. Philadelphia---Inmates have been known to use newspapers or magazines as weapons, to hide contraband and to fuel fires, but that's not enough reason to ban them from prison, a Federal Court ruled.

The U.S. 3rd. Circuit Court of Appeals said a ban on newspapers, magazines and photographs at a State Correctional Institution in Pittsburg "cannot be supported as a matter of law." We've all heard one reason or another why they've banned the local newspaper, but the one that sticks in my craw the most is, "we don't want them to be able to I.D. us." Well don't violate our rights anymore, keep your name out of the newspaper and don't talk to any reporters.

How long do these people think that their complaints are going to hold?

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Dean's Corner

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They think they can do whatever they want to, as no one has ever questioned them with the backing of the courts. Who's to say what the courts will be willing to do now that this "STATE PRISON" has shattered the mold, so to speak.

The State Correctional Institution in Pittsburg said that the court in lifting the ban means that the staff will have to monitor their inmates more carefully. Now isn't that a twist? They'll have to do their jobs the right way.

The court did say the inmates had access to many things similar to the banned publications and photos: writing paper, envelopes, library books, copies of the prison handbook and religious publications are all exempt!

Now with the courts the way they are in this state, getting anything to go our way is slim. But thank goodness we have the federal courts available, where the BULL comes to a halt. Now even if we were gone, at least, the fight will have been won on this coast and nobody will have to fight this fight ever again. This is only my breath, please think about it.

GRASS ROOTS ACTION 5

"25,277.5" That is the total number of combined voluntary and mandated overtime hours for the month of September alone. This is the equivalent of 218 Full Time Employees. They weren't all on vacation or out sick. The hospital is short approximately 187 employees. All programs except one had more voluntary overtimes than mandated. But the reasons are never mentioned. Ask most people and they will tell you that they work voluntary overtime to avoid being mandated

"AD 920"

"The use of overtime is not an except-able means of meeting the day-to-day needs of the hospital.

When did this change?

This same AD recognizes that "working overtime tends to decrease an employees efficiency, thereby reducing the quality of services."

What about an employee's safety and health?

Between July 4th. and October 4th there were 42 employees seen in the UCR for patient related injuries. How many of you had nearly nodded off while driving home after a double shift?

Was there a precipitating event that has caused this Administration to disregard it's own AD?

Grass Roots Action understands there are contractual issues that ASH Administration cannot address but we maintain that there are management issues that directly affect morale. **Stop telling us you've exhausted all available staff, declaring an "emergency", and asking us to work dangerously short.**

ASH Administration has the means to pull LICENSED Personnel from program offices and to make long term placement of Registry personnel onto units that have critical shortages. ASH Administration even place PTA's in clerical program positions. PTA's cannot help floor staff with their required charting for accreditation.

ASH Administration can insist on an On-Call list of staff who can come in to boost staffing when acuity abruptly increases in the middle of a shift.

Stop asking all units to work short to cover a unit in crisis!

ASH Administration has yet to order program managers to work extra shifts on unit assignment per week to ease the overtime burden on LOC staff. ASH has failed to Recruit and Retain licensed staff largely because of its outdated management practices.

What can we do to help each other?

Read your contracts. Know your rights. Talk to each other stop allowing yourselves to be divided.

Refuse to allow your supervisors to intimidate you. FAX an account of such actions to me and I will forward them anonymously as examples of Management by fear to Mel Hunter. Try any way you can to not work any voluntary overtime the last 7 days of October.

Voluntary overtime includes pre-scheduling. It includes working the back half of a shift to "help" someone who has been mandated. You are not helping if you continue to allow the hospital to meet staffing needs through excess overtime which is against its own AD.

JACHO and the Department of Justice are coming to visit. They want to know if we are meeting standards of patient care. Everyday you are prepped to know what a JACHO auditor might ask. What if JACHO found out that some Unit Supervisors know and allow Psych. Techs. to write RN monikers and have the RN's sign off on them because there aren't enough RN's to do all the required paperwork and accreditation?

What if JACHO found out that a percentage of staff sign off on Video/TVN training that they simply have not had the time to watch because of substandard staffing? I mean, really, how can you justify watching TV training when you are staffed with unlicensed personnel on the floor? And when do you watch this training -- on your lunch break?

What if DOJ knew that eating popcorn and watching a movie laced with sex and violence constituted "treatment?" What if DOJ found out that PST sheets are regularly falsified? What if, while JACHO and the DOJ were in the hospital, overtime staff wore labels on our shirts saying, "I am working and overtime shift and I am very tired?" Maybe they would ask us why and then we could tell them about the 25,277.5 overtime hours it took to staff ASH in September.

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GRASS ROOTS

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Maybe by standing together we can get our Administration to change the things it can.

Grass Roots is not Union affiliated. It is not a strike or walkout. It asks you to support each other in an act of Solidarity.

I want to personally thank all of you who have sent me firsthand information. I keep the sources anonymous but I do forward the information. I am meeting with Mel Hunter on October 19th. I have asked LOC persons directly involved with the staffing of shifts to help present our morale issues and to submit ideas for change. I am hoping that this will be a positive exchange of ideas.

By: Pamela Garotale Psych. Tech. for 16 years, RN since 1991.

AUDIT HIGHLIGHTS

From California State Auditor Report 2004 111 Summary

Our view of the Departments of Developmental Services, the Youth Authority and Mental Health process and related costs for releasing sex offenders into the local community revealed:

Developmental Services cannot identify the total number of individuals it serves who are registered sex offenders, or the related costs and is not required to do so.

Only four sexually violent predators (SVP's) have been released to mental Health's Forensic Conditional Release Program, but procuring housing for SVP's may continue to be difficult and the program has proven costly.

In addition, the state currently has no process to measure how successful the SVP component of this program is or determine how to improve it.

As of July 1, 2004, more than 100,000 sex offenders were registered in the state. This report examines the process and related costs incurred by the Departments of Developmental

Services, the Youth Authority and Mental Health in housing sex offenders in the community. For the purpose of this audit, we define sex offender as follows: Those who are required to register as sex offenders under Penal Code, Section 290; at Mental Health, this population includes sexually violent predators as defined by the Welfare and Institutions Code, Section 6600.

Because Developmental Services cannot always identify the registered sex offenders in its current population it cannot isolate the costs associated with placing them in local communities.

Superior Courts at the county level play a major role in the release of sexually violent predators to Mental Health's Forensic Conditional Release Program and retain jurisdiction over those individuals throughout the course of the program. Although few SVP's qualify for the program (only four since the program's inception in 1996), procuring housing for them may continue to be difficult and Mental Health needs to improve its fiscal oversight. In addition, Mental Health does not adhere to its policies and procedures designed to reduce program costs.

Finally, the state currently has no process to measure how successful its Sex Offender Commitment Program is to determine how to improve it.

To ensure that contractors adhere to the terms and conditions in its contracts, Mental Health should either reinstate the auditor position or designate available staff to fulfill the audit functions. In addition, Mental Health should follow through on its policy to reduce costs associated with the SVP component of the Conditional Release Program. To enable the state to measure the success of the SVP component of the Conditional Release Program, the Legislature should consider directing Mental Health to conduct an evaluation of the program.

(See Web Page : www.bsa.ca.gov/bsa/summaries/2004-111.h)

LEGAL BITS

Borris v. Hunter 290 F. SUPP. 2d 1097 (2003) On page 1101 "under California law, a new petition to extend an offenders commitment for another two years constitutes a new and separate civil action. Indeed the Sexually Violent Predator Act (SVP) does not use the term 'petition for recommitment' under this article. Then quote the following case: Butler v. Superior Court 93 Cal. Rpt. 2d468 notes' that a new petition will focus on the offenders mental condition at the end of the previous two year term and consequently will involve new facts and circumstance from those in the previous proceeding."

Litmon v. Superior Court and Johnson v. Superior court 21 Cal. Rpt. 3d 21 (2004)

"SVPA must focus on the person's current mental condition, as it is the present inability to control sexually violent behavior which gives rise to the likelihood that more crimes will occur, and which make the Sexually Violent Predator dangerous if not confined. They then quote from Butler also:

The SVPA envisions a Special proceeding of a civil nature and then continues. . . upon the current mental conditions and dangerousness of the proposed or committed SVP. . . Although the same requirements or issues are involved in alleging and 'cause', any subsequent petition will necessarily be different due to the addition of new facts bearing on those issues based on the sheer passage of time

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EDITORIAL

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due process than to give in to misguided prejudices that help people feel better.

The banner on each issue is, "This Publication is Dedicated to (and Written by) American Citizens Fraudulently Held Under the California SVP Act," a statute that has not yet been challenged in the Highest Court. The law, as applied to us, is unconstitutional for many different reasons. Where is all the due process that we are entitled to by the Constitution? Why does it take several years for one to go through the commitment process while that person suffers the same loss of liberty as a criminal defendant who faces criminal charges? (A criminal defendant enjoys speedy trial rights, civil commitment under the S.V.P.A. does not.) Why are we not afforded the right to participation and legal representation in the initial screening process?

The term "Gulag" comes from the name given prisons in Siberia, Russia where people deemed to be enemies of the state or political prisoners were sent to be reeducated while imprisoned. Although this term may, for some, not be pleasing, it nonetheless, encapsulates our cause in one perfect word, as we are political prisoners locked away and branded a reprobate, not worthy of another chance.

None of us, the people that issue to issue put together the GULAG, have any training in journalism. Originally, Tim McClamahn was our teacher, but now we are on our own. With all that it takes to produce each issue, our purpose is to inform, educate and enlighten our readers and to speak to the injustices we suffer.

Those who wish to ridicule the writers in the GULAG as "whiners" and "snivelers" or call our publication a "rag" or a "kiddy paper" I believe are the same persons who seem to believe that molesting

and victimizing a child is ok or sexually victimizing a woman is acceptable. These are not the individuals who we wish to represent. Absolutely, we believe that ANY form of victimizing is inexcusable. Nor do we discourage any person who needs or wants help. More importantly, we as members of society, do not want anyone to be a victim, others or ourselves. I say to you, if you are not part of the solution, you are the problem, a problem that, I might add, YOU yourself created. They keep all of us off the computers because some of YOU like to write kiddy porn!

While I'm on this subject, I want to speak to you people who think you are doing something by repeating and distorting the rumor mill. Misinformation is not what we need. What is needed are for persons to research and investigate areas of the law and other relevant subjects in order to prepare each person to be well informed for trial. Facts, truths, and accurate information are what is needed, not your distorted perception of how you want the facts to fit your delusion.

Many of the articles written in past issues for the GULAG are about the very same conditions and treatment that are presently being investigated by the Department of Justice and the Commission on Human Rights. It has taken seven years for them to hear our cry. And we will continue our cause until we are treated like the citizens we are.

LEGAL BITS

Continued from page 2

which may support the release or commitment of the proposed Sexually Violent Predator

The California Coalition on Sexual Offending (CCSO) has many articles on risk assessment. There is no consensus among professional treatment providers and researchers on assessing risk levels.

**Absent Comrades
In Memoriam**

ECHOES ask everyone, everywhere to pause for a brief moment each day and remember, with kindness, each of these, our 28 Absent Comrades.

Robert Glasdance	1995
Jim Deas	1/21/1997
Colma	1998
Paula Copper	2008
David Stankov	2/10/2001
Donald Jackson	1/25/2001
Edward Sanchez	5/10/2001
Charles Royle	5/29/2000
Larry Poonax	5/22/2001
David Danforth	5/27/2001
Lynd Johnson	2002
Wayne Groves	2002
Greg Brown "Blago"	7/01/2002
Patrick B. Linn	1/15/2003
Robert Albern	2/27/2003
Tim McClamahn	7-15/2003
Wayne Porter	8/28/2003
Paul O'Donnell	12/11/2003
Elmer Beck	4/07/2004
David Clark	5/25/2004
Joe Madonia	12/26/2004
Carson White	12/30/2004
Ray Washington	1/30/2005
Richard Bishop	2/07/2005
John Robinson	8/28/2005
Robert Campbell	8/28/2005
Gerardo Sanchez	2/14/2005
Robert Larkin	11/24/2006

Released from this oppressive prison by the Compassionate Hand of God

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