

## February 2010

**FEBRUARY IS BLACK HISTORY MONTH!**  
 Valentine's Day: February 14  
 Presidents' Day: February 15  
 Ash Wednesday: February 17

### RUDY KRAFT ISSUES RONJE UPDATE

Attorney Rudy Kraft, who contributed to last year's Ronje victory, recently issued an update regarding the consequences of the appellate decision and how those consequences will effect all pre-trial SVPA detainees in California.

Last November, the Fourth District Court of Appeals granted Edward C. Ronje's habeas petition. Ronje had sought relief in the form of new SVPA evaluations and a new probable cause hearing, arguing that the original evaluations had been conducted illegally. His argument was based upon 2008 OAL Determination No. 19, in which the Office of Administrative Law found that the Standardized Assessment Protocol, in use by the state's evaluators, was an underground regulation. In November, the Fourth District upheld the OAL finding, remanded Ronje back to the Superior Court, and ordered new evaluations and a new probable cause.

Since that time, rumors have run rampant throughout CSH, with each legal-beagle offering different ideas and opinions for how the general population should proceed.

Rudy Kraft now joins the fray as the attorney of *(Continued—See "Ronje" on page 12)*

### CDAC LODGES OBJECTION *Increase in Unit Population Called "Ludicrous" and "Unacceptable"*

According to a January 11 memorandum addressed to Executive Director Pam Ahlin, the Civil Detainees' Advisory Council has lodged a formal objection to the housing of additional patients on unlicensed housing units.

As prison overcrowding garners headlines across the state, and as judges step in to place state inmates under federal conservatorship, the patient-residents of Coalinga State Hospital look on with interest, wondering what the impact will be on their living environs. Throughout the hospital, the group rooms at the rear of many living units already have tracks installed for privacy curtains. In 2008 and 2009, several unlicensed RRU housing units had three long-term care residents assigned to these rooms.

Most recently, Units 6 and 10 have had their group rooms modified with three additional bunks in order to house additional patient-residents. These residents will be forced to do without desks, secure storage lockers for their belongings, and even what little privacy is afforded residents who live in dormitories.

"We protest this increase to the unit population," said the January 11 memo, signed by CDAC *(Continued—See "OBJECTION" on page 15)*

### Force, Milinich Receive Show-Cause Orders

The hard work and dedication of a couple of CSH residents has led to two show-cause orders—seen as tentative mini-victories for a state where most petitions for writ relief are dismissed outright and without any judicial interest whatsoever.

#### MILINICH

Jeff Milinich of Santa Clara County received one of the state's first indefinite commitments. He was sentenced under Senate Bill 1128, which passed in September 2006, two months before Proposition 83, AKA Jessica's Law, was approved by voters that November.

Working with CSH legal beagle Steve Force, Milinich filed for habeas writ relief in the federal courts and, after an eight-month delay, finally received an order to show cause. Milinich and Force filed for relief on nine separate grounds:

- The indefinite term of commitment under SB 1128 was in violation the Fourteenth Amendment's ex post facto protections;
- The indefinite commitment violated Fourteenth Amendment due process protections by improperly placing the burden of proof on Milinich to prove he *(Continued—See "ORDERS" on page 12)*

### APA: DSM-V PUBLICATION POSTPONED

LONG-AWAITED REVISION OF PSYCHIATRY'S "BIBLE" PUT OFF TO MAY 2013  
 In December, the American Psychiatric Association revised its timeline for publishing the fifth edition of the *Diagnostic and Statistical Manual of Mental Disorders*, moving the anticipated release date to May, 2013.

APA President Alan Schatzberg, MD, explained, "Extending the timeline will allow more time for public review, field trials and revisions."

According to a press release from the APA, draft changes to the DSM have already been posted to the DSM-V website. Public comments will be accepted for two months and reviewed by the relevant DSM-V work groups in each diagnostic category. For more information, to view the draft changes to the DSM, or to post comments, visit [www.DSM5.org](http://www.DSM5.org).

### NEW LAWS WENT INTO EFFECT JAN 1

Governor Arnold Schwarzenegger and our state legislature had a busy year in 2009. The citizens of California are ringing in the new year with hundreds of new laws governing—and in some cases micromanaging—many areas of our lives, our businesses, and even our wallets.

In 2009, Governor Schwarzenegger signed into law 73% off all legislation that reached his desk, a total of 696 bills. Here are a few new laws that may be of interest to Coalinga residents, as well as a few that seem to be just plain silly:

#### MILITARY VETERANS:

- March 30th has been designated the annual "Welcome Home Vietnam" *(Continued—See "Laws" on page 15)*

DEPARTMENTS	Editor's Rant	2	CDAC News & Updates	6	Faith & Spirituality	9
	Opinion & Editorial	4	Billy Redding's Treatment Treatise	7	Legal Beagles Incorporated	10
	Michael Seaton: In Focus	5	Comic Relief	8	Resource Center	13

## the ally

## DISAPPOINTMENT, DISILLUSIONMENT, AND RESOLVE

By Andrew "Boots" Hardy

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On January 12, 2010, I followed a friend of mine as he was marched through the CSH mall in handcuffs by four officers of the Department of Police Services. I followed the parade of badges to Unit 17 and watched as the officers led him toward the seclusion area. Robert stopped walking and asked why he was being put into seclusion—after all, he was not on parole or any threat to himself or anyone else. The response of the officers was to tackle him and forcibly drag him into the seclusion area.

Over the course of the next several days, numerous abuses were heaped on top of each other: Robert was strapped into full-body, 5-point restraints without a doctor's order, and without being resistant or out-of-control. Blankets were hung over windows to prevent residents from witnessing abuse. Robert was repeatedly strip-searched, forced to sleep on the floor without regard to a medical condition which causes him unbearable back pain.

A witness statement by Curtis C. described an officer arbitrarily placing Robert in a choke-hold, while a sergeant looked on and refused to intervene; Aaron W. watched DPS officers "slam [Robert] against the wall without any reason" while Robert was in handcuffs; according to another resident who wished to remain anonymous, Robert was showing no aggressive behavior while he was cuffed, but the officers still "attacked [him]...and slammed him on the ground... and he cried out in pain" when he hit the floor; Rudy S. witnessed "three to four DPS officers roughing up Robert and slamming him against the wall...hard enough to make him bounce off the wall... I heard him yelling out loud like he was being hurt very badly."

Patient-residents who complained about the abuse were told that Robert's custody had been ceded to the Department of Police Services; there was no longer anything they would do for him. Others who requested that a Form SOC-341 (suspected elder or dependant adult abuse report) be filled out were informed that most of the mandated reporters were unaware of the process or the form's existence. Soon, Robert was moved to a locked medical unit away from witnesses and his friends. When Licensing got involved, the Department of Police Services was told that they were violating the law by keeping Robert in "administrative segregation." At that point, Robert was moved to RRU-6, where one of the officers said, "This ain't a licensed unit, so Licensing can't tell us a goddamned thing."

On Wednesday, January 13, a group of Robert's friends and acquaintances—and even a few who had never met Robert—began a small demonstration in the CSH mall. And we returned each night after that, gathering around 8:45 with our signs to peaceably protest the way residents are treated by DPS.

A few people have criticized me for taking part in this demonstration. Several claimed that I would not be protesting had Robert not been my friend. Still others have said that I should lose my positions as editor of the Ally and moderator of the Town Hall meetings, that I have not acted responsibly or lived up to my promises. I am deeply saddened and disappointed by this reaction.

First of all, I would've been out there demonstrating had anyone else been in Robert's shoes. Robert is my friend, yes, and I'd do just about anything to get him out of a jam. But Robert knows, as does everyone else in this place, that if you break the rules and get caught, there will be

consequences. Yet I will stand up, as should every last one of us, when those consequences include someone being put in choke-holds or having his head bashed into a wall.

Secondly, Robert would have been one of the first ones out there protesting had it been anyone else.

And third, how dare anyone criticize me or the other protesters—especially given the fact that hundreds of people flooded that mall for a damned PSP, and less than two dozen showed up for a human being. Those who showed up to fight for our civil rights, our human rights, and our constitutional rights ought to be commended, and those who criticize them should be ashamed of themselves.

But, as ever in life, there is a silver lining to this cloud. I had the opportunity to be the proverbial fly on the wall at the January 20<sup>th</sup> Executive Committee meeting between the CDAC Council and the executive administration. CDAC Spokesman Michael St. Martin took the opportunity to address the abuse issue and the numerous mistakes made throughout the arrest process. Jose Valencia, George Maynard, and other members of the administration could not comment because an investigation had already been initiated and confidentiality issues had come into play. However, the administrators were clearly receptive to the council's input.

After the meeting adjourned, Mr. St. Martin introduced me to Chief of Police David Montoya, who kindly gave me fifteen minutes of his time. As head of DPS, Chief Montoya already had an in-depth awareness of what had taken place and the reasons behind our protests. What we were seeking, I told him, was a simple commitment: That the investigation into the abuse be taken very seriously and dealt with expeditiously; that the guilty parties be dealt with appropriately; and that consideration be given to making changes at the policy-level to ensure that incidents like this are not repeated.

Over a very firm handshake, Chief Montoya said, "You have my commitment... Give it a little time for the changes to take effect, but if you don't see some results, I know I can expect the protests to resume."

I was extremely impressed with Chief Montoya's forthrightness, his professionalism, and the way he represented the CSH administration. He did not mince words, but told us very bluntly, "I will not put up with any cover-ups." He expressed appreciation for those who attended the protests, and thanked everyone for keeping things peaceful and civil, for not responding with violence or escalation.

I personally want to thank the Civil Detainees' Advisory Council for their support. At least two of our elected advisors showed up each night, held signs and helped to express our concerns. Their representation of the abuse issue—along with all of the other issues on their January agenda—was efficient, professional, and well worth the votes that put them in office.

I also want to recognize the vast majority of the DPS officers and LOC staff who treat residents with respect and some measure of dignity. Unfortunately, it is a very small number of bad apples that spoil the pie, and the more we make violence and abuse unacceptable, the better our environment will become.

Respectfully submitted,

BOOTS

### Guidelines for Submission

All submissions to the Ally are subject to editing for proper syntax, grammar, punctuation, length, language, and clarity. Submissions may not include hate-speech, inciting or inflammatory language, or unnecessary profanity.

Submissions may be returned to the individual author for revision or may be rejected outright.

Please note: We want your voice to be heard; please work within these guidelines in order to have your work published.

The Ally is published monthly at Coalinga State Hospital, in Coalinga, California. The Ally is dedicated to fair and impartial reporting of news and events that are of interest to civil detainees committed or awaiting commitment to the California Department of Mental Health. Correspondence can be addressed personally to the editor:

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## TREND IN ACCOUNTABILITY GAINING MOMENTUM

In the early part of this decade, federal justice Thelton Henderson placed California's inmate health care systems under receivership. In nearly every area of care, the state Department of Corrections medical systems were found inadequate, and in some instances, the level of care provided was found to be inhumane.

In a resounding victory for California's civil detainees, a federal appeals court in 2004 found that Sheriff Lou Blanas of Sacramento County was liable for unconstitutional conditions of confinement for those inmates held under the SVPA.

In May 2009, a federal jury in San Diego awarded \$1 million to the mother of an RJ Donovan inmate who died after being "restrained" by correctional officers.

In January 2010, a federal appeals court reinstated a lawsuit against a Contra Costa County Jail employee; the parents of a 29-year-old inmate will be permitted to proceed to trial on their claim that deliberate indifference led to their son's suicide.

These are just a few cases in what appears to be a positive trend in holding jail and prison custodians accountable for those in their care.

In the 2009 case, after a three-week trial, twelve jurors found in favor of a mother who sued the California Department of Corrections and Rehabilitation. According to the suit, Johnny Young, 40, was strangled to death by two guards at RJ Donovan Correctional Facility while he was handcuffed and shackled.

Young, classified as a mentally ill inmate, died on December 30, 2004.

Thomas Luneau, a lawyer for Gretchen Young, mother of the victim, argued that Johnny Young "died after being subdued and choked in a carotid hold, which cuts off oxygen to the brain." He contended that Young had experienced a psychotic breakdown while on his way to breakfast; it was during this episode that the guards forcibly restrained him, and when he continued to move around, he was beaten and choked to death.

The jury awarded Johnny Young's mother a \$1 million verdict after finding that the guards, Robert Craig and Jose Rodriguez, were "negligent" in Young's death.



*“Most sexually violent predators are not in here—they’re out there on the streets, and they’re undetected.”*

—Dr. Marguerite Saunders,  
CSH Phase I Facilitator

## SHOOTIN' THE \$#!+ WITH SHERMAN

Chris Sherman is a Psych Tech on Treatment Unit 18 who loves his job. He's been working for the state for nearly a year and he recently sat down for a little Q&A with Unit 18 resident Chris Klein. Here's what Sherman had to say:

**WHY DID YOU BECOME A PSYCH TECH?** *I wanted to work in the medical field, and to be a better person. I wanted to make a difference in people's lives.*

**WHAT KIND OF SCHOOLING DID YOU RECEIVE PRIOR TO WORKING HERE?** *Of course, a high school diploma is needed. But at least a year and a half of college is also necessary.*

**WHAT IS THE BEST PART OF YOUR JOB?** *Being able to come here and interact with people on the unit and helping solve their problems.*

**WHAT IS THE WORST PART OF YOUR JOB—AND DON'T SAY IT'S YOUR BOSS!** *Breaking up fights!*

**WHAT ADVICE DO YOU HAVE FOR INDIVIDUALS WHO ARE TRYING TO GO HOME?** *Support, support, and more support! Have a good, strong support system is the key to being able to stay out and live a productive life.*

**WHAT KIND OF TRAINING DOES THE HOSPITAL PROVIDE FOR YOU?** *The training here is ongoing. Coalinga State Hospital likes to keep us trained on everything from writing (Continued—See "Sherman" on page 15)*

## CSH PROGRAM REALIGNMENT TAKES EFFECT

SEE ARTICLE ON PAGE 15!

## 9<sup>TH</sup> CIRCUIT RULING: GET NAKED!

On Monday, February 9, the Ninth Circuit Court of Appeals issued a ruling that reinstates strip searches of civil detainees in California's county jail facilities. In *Mary Bull vs. San Francisco*, a three-judge panel originally upheld established case law, ruling that county jails could not conduct strip searches without probable cause. San Francisco appealed, seeking en banc review of the panel decision. In a move rarely seen in the courts of appeal, the Ninth Circuit overturned numerous lower-court decisions and even its own previous panel rulings. The 71-page *Bull* opinion now allows jails to search nearly anyone coming in. "If you get a bed, you're getting strip-searched," former CSH resident Tom Watson summarized. Previously, jails were required to have individualized suspicion that a person possessed contraband in order to conduct strip-searches. Those with pending lawsuits are unlikely to see monetary relief.

## HORSE MOLESTER CATCHES NEW BEEF—WITH SAME VICTIM

**LONGS, SOUTH CAROLINA**—In 2008, Barbara Kenley, owner of Lazy B Stables, caught Rodell Vereen in her stables, taking indecent liberties with one of her horses, a 21-year-old mare named Sugar. Vereen was arrested by local authorities and charged with buggery. He pled guilty, was sentenced to one year on probation, and placed on the state's sex offender registry. Apparently, he didn't learn his lesson.

In late September, 2009, Kenley said she noticed Sugar getting infections and acting strangely again. She also noticed that her barn had been disturbed, with dirt piled up and hay bales stacked up beside Sugar's stall. Fearing the worst, she called the authorities.

"The police kept telling me it couldn't be the same guy," Kenley said. But that didn't make sense to her. "I couldn't believe that there were two guys going around doing this to the same horse."

Taking the law into her own hands, Kenley set up a camera, oiled up her shotgun and staked out the barn. When Vereen showed up and began taking advantage of Sugar, Kenley captured it all on tape. After making a citizen's arrest at shotgun point, she turned Vereen over to authorities.

Sugar is now in therapy twice a week and is expected to make a full recovery.

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## WANTED: LAUBACH TUTORS

Laubach Literacy is the world's largest and most respected literacy program, utilizing an "each one-teach one" format, and it will soon be coming to CSH!

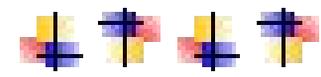
We will train you to teach literacy to your peers using the proven Laubach system. Prior experience is desirable, but not required. Students and tutors alike will glean many benefits from this program. Tutors will have the opportunity to demonstrate current empathy, communication, and people skills. Favorable charting of your efforts will be recorded, and you will receive the gratitude of the residents you help!

The satisfaction of a worthwhile and meaningful task can be yours! Sign up with Mr. Stewart, Instructor in AE-143.

## REFLECTIONS

Submitted by Kevin Campbell

- Only you can achieve self-worth. Any group offering it to you, or demanding it of you, comes bearing chains of slavery.
- If you are unwilling to defend your right to your own lives, then you are merely like mice trying to argue with owls. You think their ways are wrong; they think you are dinner.
- The belief in the primacy of self-sacrifice as a moral requisite is nothing less than the sanctioning of slavery. Those that tell you it is your responsibility and duty to sacrifice are trying to blind you to the chains they are slipping around your neck.
- Right and wrong are the product of consensus. That is simply trying to make a virtue out of mob rule. Rational moral choices are based on the value of life, not a consensus. A consensus can't make the sun rise at midnight, nor can it change a wrong into a right, or the other way around. If something is wrong, it matters not if a thousand other men are for it, you must still oppose it. If something is just, no amount of popular outcry should stay your course.



## BROWN REFLECTIONS

The following was submitted anonymously from Pelican Bay State Prison SHU.

*What do you want from me? Am I not brown enough that you keep looking within me, reminding me that you can't see what I can be?*

*Something great with possibility. Now you are giving me all this responsibility... And you want me now to lead. That's why you've been educating me, drilling me with all these concepts, ideals, dreams and aspirations.*

*Reality—what is it? What am I supposed to see? What is it that I should become?*

*You keep telling me that they'll hate whoever they see in me. Because they are not ready to see brown, brown, energetic brown, ready to lead.*

*How could I not be brown and free, and become a positive leader in my community? How could I be anything else? Educating, learning, inspiring and feeding my cultural identity, creating a whole new brown breed, opening fresh new eyes to a fresh new world.*

*I can see what you want me to be, and everything unique and all within me.*

*Now I see this brown reflection of me.*

## US VERSUS THEM? ...OR THEM VERSUS US?

By William Hester, Assistant Editor

It seems to be becoming a regular site around here. Someone acts up—because they are angry, their medications aren't working, they are being disrespected...whatever—and a Hospital Police Officer is suddenly getting in their face.

This is a hospital under the jurisdiction of the Department of Mental Health, and we are considered patients under the care of DMH. I have to wonder where it is written—whether in the Administrative Directives, in the assorted rules, or in any of the laws on the books—that a Hospital Police Officer's duty is to confront, disrespect, and harass a patient to get them to comply with "their" orders.

As I understand it, it's the responsibility of our Level-of-Care staff to provide intervention when there is an incident. However, I've personally witnessed numerous incidents over the last year in which HPOs have crowded out, intimidated, and even threatened the LOC staff during crises. I have additionally noticed a disturbing lack of response by many LOC when something happens. Also disturbing to me is the fact that the HPO have no problem at all with putting their hands on people. If an officer on the streets did that, they would be looking at a Civil Complaint, disciplinary action, and a fat monetary settlement coming out of their pockets. Since we are Civil Detainees, and because we have not forfeit the rights of any other citizen of the United States, the officers here have no more business putting their hands on us than an officer on the streets.

Of course here, a Civil Complaint generally results in no action being taken due to a "lack of evidence." ("Evidence," naturally, is something we can't obtain because only officers are allowed any means to record an incident—pretty convenient, don't you think?).

Case in point: In mid-December, I witnessed a patient acting out. Instead of LOC staff being called to work with this patient, a Hospital Police Officer got into a name calling exchange and challenged the patient to "bring it on, tough guy!" This is not what we need in an environment where people are already stressed, disturbed, and angry. Who is the professional here? The patient (who by the way has a long history of problems) or the officer?

I also was present at an incident in 2009 that nearly resulted in a riot in the mall area. A sergeant chose to pull the yard officers away from opening the yard on time so that he could talk with them. After almost fifteen minutes of waiting, I asked if they were going to be opening the yard any time soon. The sergeant said that they would open it when they were ready. What followed was a number of comments being exchanged back and forth between a large group of patients and the sergeant culminating in his making a prejudicial homophobic statement about one of the patients present. If not for the quick actions of one of the officers present (he opened the yard and ushered people outside to defuse the situation) there would probably have been a physical confrontation. It should be noted that Level of Care staff were present, but not one of them stepped up to help defuse the situation.

While I will say that this incident was investigated, I notice that this HPO is still a sergeant and is still allowed to interact with this population. How long until we have

**(Continued—See "HESTER" on page 14)**

## LETTERS TO THE EDITOR

**"For better or worse..."**

EDITOR: I was dismayed at the tone taken by the columnist of In Focus.

Of course we will have failures and accomplishments by our elected representatives, but perhaps the only positive note in the section was struck by Star Lopes: Let's concentrate on unity and stop with the divisiveness.

I have tremendous respect for Michael Seaton, but we elected our representatives for better or worse, especially Spokesperson St. Martin, who was elected by two-thirds of the general population of this hospital. Let the cards lie where they fall, this publication is called the "Ally," not the "Tattler."

Good luck to all who hold office. I look forward to their success, as well as to the success of the In Focus column. Perhaps--and this is just a suggestion--moderation, respect for the decisions of the electorate, and a focus on accomplishments would be more constructive tact for someone with a pulpit to preach from.

Lawrence M. Lowe

**"Star is a fighter..."**

EDITOR: As secretary to the Contraband Advisor, I would like to personally recognize Star Lopes for the hard work she has done in representing our contraband issues.

Star Lopes is dedicated to bringing forward all proposals and issues from the general population. I have witnessed Star pushing hard to get all brands of televisions approved over the limited choices that we were initially given. She was adamant about getting microwaves on the units, she did research and addressed the computer moratorium, and has worked on many other issues, such as art supplies, personal clothing, and other contraband matters. I challenge any person who doubts Star's willingness to fight for us to personally ask her for the files that she has accumulated over the short time she has acted as your Contraband representative.

Star's personal passion is driven by the fact that the hospital's former contraband chairperson resigned several times. Feeling that no one was doing the job, and enraged with past results, Star stepped up to bat. I know Star has faced opposition as a transgender individual, but this only made Star a stronger person. Star is a fighter. And from what I've seen, Star will fight for all of the issues you submit.

Shelby J. Keck

Created and Written by Michael L. Seaton

## POLITICAL WATCH

An item of interest for this edition of the Ally, and the focus of Political Watch, are the CDAC Bylaws. Certain events back in December, involving one of our elected Council Spokesmen, brought about a test of our newly-ratified bylaws. However, the outcome and resolution of those events created an atmosphere of cooperation and mutual respect, helping us gain a little ground in protecting our rights--moral, spiritual, and constitutional. This test also helped foster a better Triad, where all three of our Spokesmen are working more closely together and are keyed-in to the problems of the institution.

## HONORABLE MENTION

An honorable mention goes out to Spokesman Michael St. Martin. He weathered a minor storm in his first two months of CDAC service. Though there were a couple of initial missteps, he has endured to become a better Spokesman. His daily habits have displayed improvement and quality traits, including his early arrival at the office each day, his hard work to clarify ambiguous areas of the bylaws, and building better people skills. His leadership, fairness, and

communication at the Executive Administration Meeting in January were commendable.

## IN FOCUS

In Focus this month are the bylaws which govern the way our elected Council conducts its business. Events last December brought the bylaws into sharp clarity, on a level which provided a sound test of our system of "advise and counsel."

The purpose of this article is to allow us to focus upon the bylaws so that we might strengthen those areas that need strengthening, while at the same time assuring ourselves that we receive the best of our elected spokesmen and advisors, hoping that they, in turn, bring their best to the table.

You might be questioning why we have bylaws and why we need them in the first place. The simple answer is this: Having bylaws allows us to set standards for the way our elected council operates. We have two groups--those representing the hospital and DMH, and those representing the long-term care residents who reside in the hospital, under the care of DMH. Each group serves a different role and has different priorities. However, the rights and services provided to one group are dependent upon the other group, and successful collaboration is embedded within the interactions between the two.

While our particular governing bylaws are both standardized and subject to change, they impose a standard of operation designed to govern these interactions with as few hiccups as possible. While direct confrontation is inevitable on some subjects, business-like professionalism often allows us to accomplish more, and our bylaws are set up to stream-line the process as much as possible.

Specifically related to last December's problems, we need not always make demands with "or-else" ultimatums, which usually get us nothing but resistance and reluctance to provide what may be our due. Certain demands become unobtainable when we become overbearing in our approach.

The preamble contained in our CDAC bylaws provides a summary of what our expectations are and what is needed from our representatives, while our philosophy directs us to our stated goals and the need to improve our collective condition.

I would ask each of you to take a look at the bylaws. Each unit should have at least ten copies, and if you have any questions concerning them and would like those questions addressed in one of my articles, I'd love to hear about it. Drop by the Advisory Council Office at VE-181 and give your questions to the editor. He will forward them directly to me.

Remember, the bylaws are important, and we must ensure ourselves that we have the best council that we can possibly have, that their goals and agendas are ours, and that they are doing the business of the people.

As ever, and until the next edition of the Ally, keep learning, keep gaining and strive hard to maintain your sense of direction in a society that honors good deeds performed by those who seek the best.

Respectfully submitted,



Written January 02, 2010  
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## CDAC: In Brief

A monthly briefing of the Civil Detainees' Advisory Council

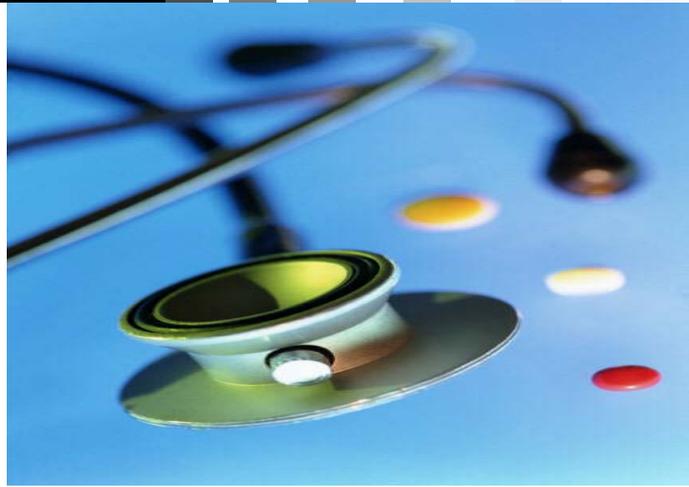
**ACTIVITIES:** CSH has some very exciting events coming up in the next three or four months, says Activities Advisor Tim Weathers. Two events are scheduled for February's Black History Month celebrations. March brings us St. Patrick's Day and March Madness, as well as an ice cream social. A sports banquet is being planned for late-March/early-April. April also brings the start of the softball season, with an opening weekend extravaganza complete with a concert featuring Coalinga's premiere power-house rock band, The Condemed. Lastly, the Activities Advisor is addressing the issue of inadequate courtyard access. As a side note, Tim adds, "By the time you read this article, we should have all of the television channels up and running."

**GENERAL:** General Advisor Daniel Cebada has been addressing nearly twenty different issues affecting the CSH residents population, including proposals to create or change current policies for convenience moves, the establishment of an interdepartmental mail process, a request-for-interview form similar to the form in use by the CDC&R, establishing spiritual services for Coalinga's Buddhist population, and more. Danny is also working hard on the numerous suggestions submitted for amending the CDAC bylaws, as well as such issues as visiting photo procedures, additional memory typewriters on the living units, time constraints for Patients' Rights complaints, and so on. The General Advisor also handled the recent controversy relating to one of the CDAC spokesmen, who was instructed regarding his conduct.

**CONTRABAND:** Since taking office in November, the CDAC Contraband Representative has dealt with scores of personal property issues. Star Lopes is currently working on proposals submitted by CSH residents, including: a request for new vendors, the ability to receive used items from approved vendors, complaints about property room officers, and CSH policies regarding sharing/borrowing/lending of personal property items. Also on the Contraband agenda are personal socks, metal-free suspenders, reading lamps, headphones with 12-foot cord lengths, clothing hooks, rechargeable batteries, and battery chargers.

**TREATMENT NEEDS:** CDAC Treatment Needs Advisor Chris Lawrence has been working hard on over a dozen proposals. The first accomplishment is that the Laubach Literacy program has been approved and is now accepting students. A second proposal has been pushed forward regarding privacy curtains in the dormitories; this proposals has been presented to the executive team and is being considered at this time. Third, a proposal is currently before the CSH administration, asking that licenses and treatment provider information be posted for CSH residents to see. Advisor Lawrence is also asking that mall fairs resume, that mall group-Phase class scheduling issues be addressed, and that unit therapeutic groups be held on a voluntary basis and not dominate common social areas against the wishes of the unit residents. The Treatment Needs Advisor is additionally pushing a proposal to create resident care-giver jobs, much like the positions created in the CDC&R. Problematic procedures in joint-visiting is the issue of another proposal, while still another has identified disparities in treatment and privileges for Phase participants and non-participants.

**CANTEEN & NUTRTITION:** The hospital-wide Canteen and Nutrition Advisor, Eric Dannenberg, has had his hands full with changes to PDR menu items, such as inferior cheese, poor food quality, PIA coffee, and more. He is pushing for members of the staff and administrative decision-makers to resume sampling PDR meals, which was being done under the HWUR. Eric has also been addressing Union Square Grille matters and item replacements at the canteen, such as the replacement of the Keefe-brand picante sauce with Sriracha chili-garlic sauce, etc.



## HEALTH & SAFETY ACCOMPLISHMENTS

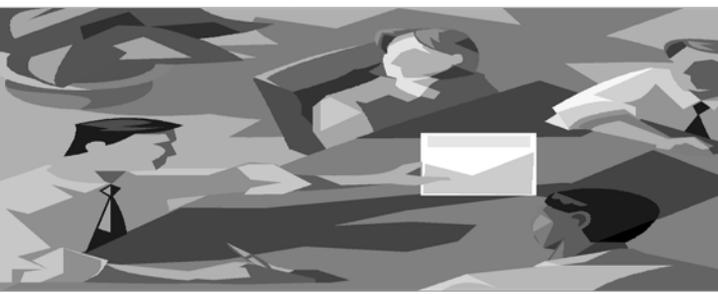
CDAC Health & Safety Advisor David Green announced on January 25<sup>th</sup> that his committee's monthly meeting with CSH administrators had yielded several resounding victories for Coalinga residents. Among them:

- We are reminded that a policy is in place allowing residents to use emergency eye-washing stations on the living units.
- Mock emergency drills will now be conducted on a regular basis in order for staff to receive proper training for emergency response. The H&S Advisor will be kept abreast of the results of each drill.
- Emergency medical equipment will soon be placed in both the CSH gymnasium and the Grand Meeting Room. The specific equipment and staff training issues will be hashed out at a later date.
- A new policy is in the development phase to have medical alert notices attached to residents' ID cards to alert staff to an individual's medical needs during an emergency—such as allergies, epilepsy, fall risk, and so on.

"The Health and Safety subcommittees have been working diligently on these issues and more issues to come," said Advisor Green. "We are always open to suggestions and proposals from our fellow residents. Community input is our core resource!"

## CDAC EXECUTIVE BODY

- Michael St. Martin, Spokesman
- Jorge L. Rubio, Spokesman
- Phillip Martinez, Spokesman
- John P. Semeneck, Secretary
- Daniel Cebada, General Advisor
- D. Star Lopes, Contraband Advisor
- David Green, Health & Safety Advisor
- Chris Lawrence, Treatment Needs Advisor
- Eric Dannenberg, Canteen & Nutrition Advisor
- Timothy Weathers, Activities Advisor
- Kenneth Herman, Records Clerk
- Steven Force, Research Clerk



## CSH CONCEPTS: Legal Day

By Billy Redding

A new proposal, designed by Phase Collaborative Leadership Skills (PCLS) representatives, is being looked at by the CSH administration, a concept tentatively called "Legal Day."

It's a fairly simple idea: members of the legal professions (attorneys, judges, etc) would be invited to visit CSH, tour the place, look us over, see where and how we live, and what our living conditions are like when we aren't in prison or with our families.

After the tour, we have asked for a short symposium with a small handful of CSH residents, both Phase participants and non-participants, as well as members of the elected council. The visiting guests would be able to ask residents about their personal and legal backgrounds, the hospital, and what we are forced to endure in our present predicament.

It has been considered that the symposium be open to the entire population, but it just isn't feasible. The sheer amount of pandemonium would bring the entire process to a screeching halt. A proposal is being developed, however, to televise the event on the facility's PEN Channel.

As it moves forward along the approval chain of authorization, it is expected to go up to Sacramento for sanction. If all goes well, we'll have the first group here either late this year or in early 2011. CSH Clinical Administrator Jose Valencia says he's already had inquiries from several interested legal professionals; if this proposal is approved, he will look into incorporating the program into the CSH website.

To help this program get on its feet, CSH residents and their families can drum up support by reaching out to their attorneys and affiliated legal professionals. Put this idea out there and find out what the level of interest is among your personal arena of influence...and get that information to one of the PCLS representatives so that a list can be compiled.

Who knows—maybe when these people see and hear what we go through in here, and as they get a better idea of what is wrong with the entire concept, perhaps we will see some benefits. Maybe it's nothing but a real nice fantasy—but maybe we can make it a reality.

## THE OVERLAP

The following bits and blurbs are being reprinted from Phase News, the PCLS monthly newsletter. Questions and comments can be directed to author/editor Billy Redding.

**IMPORTANT NOTICE:** Use of computers at the Golden Gate Center will now require an annually signed contract. New allocation rules mean 10 computers will be used strictly for Phase work while 4 extra computers may be utilized for appropriate personal use such as letters, legal work, and so on. Additionally, a new "Stand Up Rule" will be going into effect. This rule means that if a staff member requests that a person stand up, the individual must comply immediately by stepping away from the computer without touching any controls or making any attempt to remove drives until the Staff inspects the person's activities and tells him he can return to work. New software will soon be installed which will remove any new files from computers when they shut down. Remember: these measures are the result of a certain few doing the wrong things. The innocent majority is being made to suffer due to the actions of a small handful of self-serving individuals.

**PHASE VALENTINE EVENT:** The Valentine's event has been fully approved and will take place on Saturday, February 13, beginning at 0800 and ending at 1400 hrs. The Union Square Grille will be providing meals, much like the meals at last year's bike show. Two guest speakers are also expected. This has been a long time in the planning and I want to applaud the CSH Administration for taking the steps to host such an event for the first time within these walls. Those who submitted visiting forms will soon be authorized to purchase special Grille menu vouchers. Participants can also buy photo ducats now as they are good for one month after purchase. **STAFF RESPONSE: CSH Clinical Administrator** Valencia requested that John Catano put into writing an orientation schedule for this event and what will take place on February 13<sup>th</sup>. An orientation meeting will happen soon.

**PHASE PHRASES:** Back in my impulsive and over-reactive days of youth and insanity, my basic response to most situations was simply to succumb to anger and violence. I had to find a way to STOP! and think before acting. I found this technique, along the lines of conflict resolution, which took me a number of years to practice, practice, with a bit more practice to make myself stop and give me time to think first.

"YOU-Less Thinking" is what I have termed it. In principle, before I open my mouth or over-react, I first stop and make my thoughts eliminate the blaming/guilt words: "I", "you", "me" – and mentally replace them with "us", "we", "our" – and make myself form sentences without using "YOU" in my head. This developed into a pause-taking respite in my thinking process before I said anything too stupid or inciting. It can work – but just not overnight!

## BY THE NUMBERS...

### Finances<sup>1</sup>:

- \$474.62 = CSH Daily Cost Per Patient
- \$173,236.00 = CSH Annual Cost Per Patient
- \$117,383,741.00 = CSH Total Operating Costs
- \$5,000 - \$15,000 = Average Cost of 1 Year Community-Based Treatment and Supervision
- \$22,000 = Prison Annual Cost Per Inmate

### Recidivism<sup>2</sup>:

- 3.2% = Rapists
- 3.5% = Molesters
- 3.6% = Statutory Rapists
- 3.7% = Sexual Assaulters
- 3.5% = All Sexual Offenders

### News Media<sup>3</sup>:

- 628% = Increase in News Media Coverage of Sex Crimes
- 19% = Decrease in Forcible Rape Rates

<sup>1</sup>Department of Developmental Services (2008 Figures)

<sup>2</sup>DOJ Bureau of Justice Statistics (2003)

<sup>3</sup>Sample & Kadleck Report (2006)

## PRIORITIES: Punishment Vs. Therapy

The myths surrounding sex offenders and sex offenses are prolific. Chief among them are the ideas that sexual abusers will not stop offending until they are dead, and that sex crimes are only committed by sociopaths who cannot be helped--or stopped.

Professors Mary Ann Farkas and Gale Miller, of Marquette University, contradict this concept and attempt--successfully--to reconcile criminal justice priorities with the treatment needs of offenders. In a Federal Sentencing Reporter article from December, 2008, the authors consider several issues that are, coincidentally, central to the concerns of many CSH Phase participants and non-participants alike: involuntary or coerced treatment, the forced admission of guilt, the use of polygraph examinations, the disclosure of unreported criminal offenses and deviant fantasies.

Our national society appears to be in the first stages of a shift in its criminal justice attitudes, from the reactionary lock-'em-up policies that have been so popular in recent decades... to a sort of preventive posture aimed at rehabilitating offenders and reducing reoffense rates, thereby protecting society. As the scales begin to tip back toward the side of reason, certain questions need to be considered on a much wider scale: How do we restructure the therapeutic models in use to treat sexual offenders? How do we make these programs more effective, more efficient, and less costly, thereby protecting our communities and our children without breaking the bank? How do we find a balance between justice and therapy? The authors suggest a few answers:

- Involuntary treatment and a forced admission of guilt may be counterproductive in rehabilitating offenders of all types, including sex offenders. Change must be embraced voluntarily to be genuine.
- Treatment should be based upon a cognitive-behavioral model, with measurable aims. With evidence showing that high-risk sex offenders require about 300 hours of intensive therapy to be rehabilitated, treatment programs should not be permitted to drag on for years on end. Those programs that do should be scrapped as failures and replaced with a credible, proven model.
- Polygraphy should be used sparingly. Though polygraph examination is useful as a tool to assess and monitor an offender's truthfulness, there remains considerable evidence that polygraph tests are invalid measures of deception. Treatment decisions should not be made solely on the basis of polygraph results.
- Therapists should not have the responsibility--or the authority--to penalize participants for perceived infractions. The authority to deny privileges or otherwise punish a participant puts therapists in a position of authority and leads to divided loyalties--between the professional responsibility to facilitate rehabilitation and the responsibilities of a jailer.

# 8 Comic Relief

Sure, honesty is the best policy...  
But you gotta admit—  
insanity is a much better defense.

## YOU COULD BE INSANE!

By Billy Redding

**Call me culinary crazy, but...** Do your peas have a weak conversation? Does broccoli urge you to slay your table mates? Do the bubbles in your oatmeal frighten at least three of your inherent personalities?

It has occurred to me over the years that my meals have become extremely problematic. And you can forget about any kind of benevolent interaction with kitchen staff when you take your plate back to the window and inform them that the carrots and the celery have formed a bond and are out to get you. You'll get absolutely no empathy from that quarter, I assure you.

It has been brought to my attention that I might be insane. Is it my fault I have difficulty developing better relationships with the food stuffs? Is it my "delusion" that a tray of institutional groceries has gone out of its way to make my meal unpleasant and complicated? I innocently—naively?—trust in the culinary staff here to provide me with something nutritional, something fairly tasty, and something definitely not at war with me.

I say, when half of my pancakes are hostile, and the other half is just politically incorrect, what am I supposed to do? What could any normal, rational person possibly do with that combination of complexity?

I am fairly certain I am quite correct in this issue... six of the voices in my head seem to agree whole-heartedly with me! At the very least, I have a simple majority, and if that's good enough for the United States Senate, then it's good enough for me!

Jan. 19, 2010

**[EDITOR'S NOTE: Billy, I think your mental disorder is kicking in. But don't worry, I know a good psychologist...and if you need pills, I'm sure we can find you some. It's gonna be alright, buddy, you just have to trust me... Now put down the fork and step away from the asparagus...]**

## CSH FUNNIEZ

Hey, Pam, did you hear?  
The polls came in!

Huh?

Yep! All of the residents  
polled think you're doing a  
fine job as director!

umm...

In fact, with a little push  
today, your political stock  
could reach record highs!

Nice try. I'm still not  
giving you guys hacksaws,  
shovels or maps.

Nooo! That's political suicide!

## Two-Liners

My sister asked my 3-year-old nephew for an opinion on what to wear. "What do you think I should change into, sweetie?" she asked. He thought about it for a moment, looked up at her and said, "A butterfly."

Useless men are such a waste... Then again, it only takes two to open a law firm, and any three or more can form a legislative subcommittee.

I was thinking about getting married again, but I'm afraid of the commitment. I mean, come on--we're talking about two or three years out of my life!

I've never had to spank my kids. Waving a gun around gets pretty much the same results.

When my daughter was born, everyone looked like a potential molester to me... It's like I told Santa that time at the mall: "Ho-ho-ho, my ass! She ain't sitting on your lap, pal!"

You should always say "NO" to drugs. That will usually drive the price down a bit.

I think racism is a terrible thing. I mean, why can't we learn to hate each other on an individual basis?

Don't bother worrying about senility. When it hits, you'll never even know it.

I was in a school for the retarded for two years before they realized that I was just hard of hearing. And they said that I was the slow one.

They said I had a mental disorder from when my father used to ground me. Of course, after that he'd run electricity through me...

My friend had his girlfriend's name tattooed on his arm. Now, I can see marrying a gal & having kids—but a tattoo is so damned permanent.

When I was in the Army, my commanding officer accused me of being a queer. I would have denied it if I hadn't been lying naked on top of him at the time.

My buddy is so paranoid... I took him to a football game once, and when the players went into a huddle, he thought they were talking about him.

## Public Eavesdropping

“ I just can't listen to  
**Insane Clown Posse**  
in the car anymore...  
'Specially after  
I work a double.  
If I did, I  
swear to God an' the  
Virgin, they'd have  
**bodies piled up**  
on the roadside  
by the time  
I got home from work. ”

(One Psych Tech to another—Overheard in the CSH Mall)

# The Breath of Life

*Submitted by Rasul*

With Allah's name, The Merciful Benefactor, The Merciful Redeemer

<sup>28a</sup>Behold! thy Lord said to the angels: "I am about to create man,  
from sounding clay from mud molded into shape;  
<sup>29</sup>When I have fashioned him (In due proportion) and breathed  
into him of My spirit, fall ye down in obeisance unto him."

(AL-QUR'AN, 15: 28-29)

These Qur'anic Verses show how G-d (Allah) is shaping us, He is breathing into us of His spirit, that is, His Word. His Word carries spirit, you cannot speak without spirit -- every word is breath (air) going out. For example when you say the words Boy, Man, or People, every word sends some breath (air) out. So when G-d says He breathed into His man the breath of life, that breath was in the form of His Word and the Word carries spirit. There is no word without a spirit, even a bad word has a spirit; it imparts to you a bad spirit because it is of a bad word.

So when we say that G-d breathed something of His own Self (His Words) into our self (soul), we are saying that G-d's Word awakened in us His Will, His own Intent, His own purpose, He made that one a Messenger or a Prophet (Adam) and we the children of Adam inherited that soul which knows G-d's purpose for us but it needs to be awakened with G-d's Spirit (Word).

It's just like when we are in the wombs of our mothers as a baby, we have life, we're alive, the skin is warm, but we're not conscious until we breathe in the breath of air then we become conscious of this world. Before we're not conscious of this world, but when we breathe in something of the air of this world we become conscious of this world. So that is a sign of what happens.

The body in the womb is full and it is complete as a living entity but it is not alive as a thinking human being and nothing happens to it but some air, even polluted air can come into it, not the air of Eden (like for Adam), it breathes in some of this air and then it becomes conscious, the new baby becomes conscious of this world and then it can learn how to live and establish itself in this world.

That's the sign of how G-d brings His servant to life in another world (Spiritual World). Only G-d has the power to give the breath of life for that awareness or for that consciousness. Just life this world is the only place we can get a breath to become aware of this world (try to breathe in your mother's womb, you won't even see this world), to know this world, you have to breathe its air.

The Word of G-d is, symbolically represented by (air), to know the Spiritual World of G-d you have to breathe in His Air (Spirit). That is the understanding of the above verses.

## FAREWELL, CHAPLAIN REED

*Submitted by Carl Caple*

I almost could not believe it when you first arrived a year ago to be our chaplain. I had met you almost ten years ago in Corcoran, and I was so excited to have you bring your humor, music, and preaching to us at Coalinga! WOW! This past year has turned into a great blessing.

I remember at Corcoran when you mentioned Matthew 18:6 in one of your sermons. I memorized that verse, and it caused me to take a serious look at my crimes. It became a new foundation that I could rebuild my life on.

Under your guidance, we have been able to have a full chapel program here at Coalinga. You helped us to finally get a Chapel Library started. You filled our Tuesday nights with praise and worship and movie nights. We had our first Easter Spread and Christmas Fellowship Dinner. Every day of the week has been filled with Bible Studies or recovery groups at the chapel. We were able to have a microphone and guitar in our chapel services. You started a Christian Mall Class for men with sexual problems – "At the Altar of Sexual Idolatry".

But most important, you showed us the love of Jesus. You always had a hearty handshake for us. You were so patient with insults and ridicule. Even though, behind the scenes you were going through a crisis, you always had an encouraging word. I always felt that you understood our suffering and empathized with us.

For a short while, we must say goodbye to you. Thank God that He is leading you to pastor a new congregation and to be closer to your family. We will not forget you and someday we will meet again before that throne in heaven:

*One by one they came,  
As far as your eyes could see  
Each life somehow touched,  
By your generosity.  
Little things that you had done,  
Sacrifices you made.  
They were unnoticed on this earth,  
In Heaven now proclaimed.  
And I know up in heaven,  
You're not supposed to cry.  
But I'm almost sure,  
There were tears in your eyes,  
As Jesus took your hand,  
And you stood before the Lord,  
He said my child, look around you,  
For great is your reward,  
Thank you for giving to the Lord,  
I am a life that was changed.  
Thank you for giving to the Lord,  
I am so glad you gave.*

-Walt Mills

## Integrity *Submitted by Steven Thomas*

The Hebrew word translated **integrity** in our text means "wholeness," as does our English word, which comes from the same Latin root as **integer**. A person of **integrity**, like a whole number, is undivided, "of one piece."

Integrity means that the same ideals and absolutes govern all parts of our lives, so that no part of our behavior is a lie. We do not behave one way in one setting and a different way in another. We are the same at home or away; on the job or on the road; in public or in private, where no one can see what we are doing. **Integrity** is what we are when no one is looking.

This means that our behavior is not governed by circumstances, conditions, or consequences, but by our decision to be true to God's Word, though that choice may cost us dearly.

Nowhere is integrity more necessary than in our marriages, for there we must be true to the truth, though the decision to do so may entail great cost. The marriage vow is not a contract that can be readily canceled by paying a penalty; it is a promise before God to live, honor, and cherish **until death do us part**. Integrity means that we keep our word no matter what it costs us: we keep our oath even when it hurts.

...Integrity touches marriage and all the bases. We must be true all the way through. That's what it means to be **whole**.

[Source: *Out of the Ordinary*, by David Roper]



## FLASHBACKS

**California Sex Offenders Face Prison Terms**

[From The New York Times—Dated June 4, 2007  
(Originally published by AP—December 7, 1981)]

Spurred by a surge of anti-crime sentiment and a spate of mental patient escapes, California legislators have scrapped a decades-old program under which some sex offenders were sent to hospitals instead of prison.

The program, begun in the 1930's, presumed that mentally ill sex criminals required medical treatment rather than incarceration. It allowed courts to send people designated as "mentally disordered sex offenders" to Atascadero State Hospital or Patton State Hospital near San Bernardino.

If the hospitals determined that a patient's treatment was successful, the inmate could be released through a program which included out-patient care.

In contrast, the new law will force virtually all mentally disordered sex offenders to go to prison. The law goes into effect January 1, amid concerns that sex offenders have been released to society too soon.

A recent state study indicated that Atascadero's patients had lower rates of recidivism than did California's prison inmates convicted of a variety of crimes.

In 1973, 260 patients were released from Atascadero and monitored over the next five years, said William Summers, head of program review at Atascadero. Of the 180 released with favorable recommendations, 15 percent "re-offended" for sex-related crimes, Mr. Summers said. Eighty men were released with unfavorable reports from the hospital program but were not sent to prison as recommended, and 35 percent of that group became repeat offenders, Mr. Summers said.

In the same period, the rate of repeat offenses amid the populations at state prisons was 40 percent or higher, he said. No nationwide study has been made of recidivism among patients at mental hospitals, Mr. Summers said.

The drive behind California's new laws was led by Omer Rains, a tough-on-crime state senator from Ventura. The measure was firmly backed by the legislature and Governor Edmund G. Brown Jr. It goes into effect soon after the resignation of Al M. Loeb, 62, chief of state Mental Health Department, who said last week he had failed to achieve the goal he put first when he took over the department a year ago — increasing security at Patton, where 477 patients have escaped in the past six years.

In 1980, 86 patients escaped from Patton. Through October of this year, 41 persons have escaped. All had been assigned to Patton by court order.

At Atascadero, the state's maximum-security facility, only three patients have escaped in eight years. In two recent incidents, a sex offender escaped from Atascadero while on a "therapeutic" outing at a San Bernardino department store, and another fled from a medical clinic. Later, three Patton patients, described as dangerous by authorities escaped from the hospital using a key and wire-cutters.

But the incident that focused the most attention on the program was the torture-murder of a 2½-year-old Camarillo girl by Theodore Frank, an Atascadero patient who had been released from Atascadero six weeks earlier. Frank, who had admitted to molesting between 100 and 150 children, was convicted of the slaying in 1978 and sentenced to death. He remains on San Quentin's death row.

Under the new law, at the end of the third year of the sentence, an inmate would be permitted to volunteer for treatment at Atascadero or Patton. If accepted, he would leave prison and begin medical treatment.

The Atascadero hospital has about 1,140 patients, half of whom  
(Continued—See "MDSO" on page 14)

## JAIL TIME, AND THEN SOME...

Reprinted from the Los Angeles Times op-ed section

When we learned that the Supreme Court was reviewing a law that allows the federal government to confine prisoners indefinitely even after they have completed their prison sentences, we naturally assumed that the legal issue involved due process for the prisoner.

Unfortunately, that wasn't the case last week when the court heard arguments over the constitutionality of the indefinite detention of "sexually dangerous" prisoners. The justices questions mostly focused on whether Washington, as opposed to the states, has the authority to do so—not whether indefinite detention is allowable.

That issue of federalism isn't unimportant, but the more pressing question is whether civil commitment for a mental condition is being misused to force felons to remain in prison after they've completed their legal sentences.

The court gave states that power in 1997 when it ruled 5 to 4 that Kansas had properly committed a sex offender who was about to be released. The state had enacted a law allowing for the confinement in a state hospital of "any person who has been convicted of or charged with a sexually violent offense and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in the predatory acts of sexual violence." As Justice Stephen G. Breyer noted in his dissent, the commitment in that case "was not simply an effort to commit [the prisoner] civilly, but rather an effort to inflict further punishment upon him." The same abuse of civil commitment is possible under the  
(Continued—See "Court" on page 14)

## JUSTICE IN GERMANY

Justice seems to have prevailed in Germany, where a high court has ruled against government prosecutors in the civil commitment case of a repeat sexual offender.

58-year-old Karl D., of Heinsberg, Germany, was handed a 5½-year sentence for rape in 1985. Ten years later, he was convicted of two counts of rape and was sentenced to 14 years. He was later found to be a "dangerous sex offender," and placed into preventive detention after serving an aggregate total of twenty years behind bars.

In 1995, when Karl D. received his second conviction, there existed no statutes for Germany's version of civil commitment. The Federal Court of Justice in Karlsruhe, Germany, found that the man could not be kept confined because, when the latter sentence was handed down, the sentence itself contained no measures for keeping Karl D. in preventive custody after his sentence was completed. Such a measure, the court said, would constitute "blatantly retrospective punishment."

The federal court's ruling was in response to an appeal by government lawyers after a Bavarian state court ruled in February of last year that there were no grounds to keep Karl D. in custody, despite being found to be "dangerous" by court-appointed evaluators.

Though he will remain out of police custody, the court has decided that he will remain under 24-hour surveillance. The head of the German Police Union, Rainer Wendt, has been vocal in his criticism of the high court's ruling, especially the surveillance aspect. The undertaking, he said, has been costing the police around 100,000 euros every month—a  
(Continued—See "Germany" on page 14)

## SUPREME COURT RULES ON MCKEE

Although its first fifteen minutes of fame were celebrated loudly, it seems that the recent McKee ruling in the state Supreme Court was a dud. Once the actual implications of the court's opinion were digested and at least partly understood, far less celebration seemed in order.

Since the passage of Jessica's Law in 2006, former prisoners found to meet the statutory definition of a "sexually violent predator" have been handed indefinite sentences to Coalinga State Hospital. In a 5-2 decision, California's high court ruled that the state might-repeat: *might*--not be able to hold SVPs indefinitely.

The court did not rule the indefinite commitment unconstitutional. Rather, the five concurring justices agreed that state prosecutors had to "provide more evidence that treating sexually violent predators differently than others who are also held under civil commitment rules--such as mentally disordered offenders--does not violate the equal protection guarantees of the constitution." The case was returned to the Superior Court in San Diego County for such a hearing.

The case was brought before the Supreme Court by Richard McKee, who was convicted years ago of molesting two young girls. In 2007, the district attorney of San Diego County filed a petition alleging that McKee was a sexually violent predator and sought to have him committed indefinitely. Before the passage of Jessica's Law amended the statutes, such a  
(Continued—See "McKee" on page 12)

**BAD PROSECUTORS:**

**THE RULE OR THE EXCEPTION?**

By Cory Hoch

Seven men have been wrongly convicted of murder by the state attorney's office of Broward County, Florida, each wrongful conviction the result of prosecutorial and judicial misconduct. As more details come out, the extent of prosecutorial and judicial abuses becomes stunning.

- Anthony Caravella served 26 years for rape and murder that DNA had exonerated him of. He was convicted in part due to a confession his attorneys say was beaten out of him by police interrogators.
- In 1985, Robert Carney, Caravella's prosecutor, sent John Purvis to prison for killing a neighbor. Purvis did nine years before the woman's ex-husband and a hit-man were arrested and prosecuted.
- In 1981, Christopher Clugston was convicted of murder by the testimony of an informant who later recanted. In 1994, He was cleared and released from prison. He left prison with AIDS—the result of a gang rape he suffered while incarcerated.
- Frank Lee Smith was convicted in 1986 of rape and murder by the testimony of a single eyewitness. He died of cancer on death row in 2000. Ten months after his death, DNA cleared Smith of the crime.
- Daniel Ford, former prosecutor and now a Massachusetts Superior Court Judge, apparently withheld evidence and committed other misconduct in his prosecution of Bernard Baran for child molestation. Baran was acquitted earlier this year after serving 26 years in prison.
- Another former assistant district attorney, Mississippi Judge Bobby DeLaughter, helped hide exculpatory evidence in Cedric Willis's case of rape and double-homicide. Willis served twelve years illegally, despite DNA proving his innocence.
- Last summer, DeLaughter himself pled guilty to lying to federal investigators looking into a corruption scandal and has yet to be punished for the misconduct that sent an innocent man to jail.
- Forrest Allgood, a Mississippi district attorney who prosecuted both Kennedy Brewer and Levon Brooks, each convicted of raping and killing young girls, relied on the testimony of disgraced bite marks specialist Michael West to secure those convictions. Even after DNA cleared Brewer in 2000, he pointed to West's match of bite marks on the victim's body to Brewer as evidence that Brewer must have participated in the crime, even if he didn't actually commit the rape. Brewer sat in prison an additional seven years. Brewer and Brooks were eventually released in 2007 after check of the state's DNA database (which Allgood tried to prevent) showed that a single man had committed both rapes and murders.

When will justice prevail for the innocent? When will they be truly set free? When will those who have conspired to commit malicious prosecutions be held accountable?

The Innocence Project estimates that prosecutorial misconduct factored into about a fourth of the wrongful convictions handled by the organization. Yet, in none of those cases did a prosecutor face any serious sanction. Be it through state bar association actions, judicial investigations and discipline, or legislation creating some other means of oversight, corrupt and incompetent prosecutors need to be held to account. When a prosecutor perpetrates misconduct or demonstrates incompetence that strips the innocent of their liberty or even their lives, it's the regrettable—but no-less expected—result of the fact that any large system is going to have bad factors. But when that prosecutor remains free to go on prosecuting other cases, without repercussions, the very legitimacy of the criminal justice system is called into question.

The issue hits a lot closer to home than one would expect. Bakersfield, for example, is just a 45-minute drive south of Coalinga on Interstate 5. There, Ed Jagels, renowned as one of California's toughest district attorneys, built his career on the Kern County child molestation [read: *witch-hunt*] cases of the 1980s, putting more than two dozen men and women behind bars to serve decades-long sentences for abusing children. Appellate judges now say that most of those crimes never occurred. Since the late 1980s, all but one of the 26 convictions Jagels secured have been reversed. Kern County has thus far paid \$9.56 million to settle state and federal suits brought by former defendants and their children.

As Jagels now prepares to retire, the get-tough laws he championed are being *(Continued—see "Prosecutors" on page 14)*

*The Ally Reviews...*

**REGISTERING HARM:**

HOW SEX OFFENSE REGISTRIES FAIL YOUTH AND COMMUNITIES

*A Publication of the Justice Policy Institute*

Provocative from the very beginning, Registering Harm systematically thrashes the myths and falsehoods that have driven registration laws since the early 1990s. Unlike a number of previous publications, however, this one is built upon a solid and formidable foundation of concrete facts.

Developed in response to the passage of the Adam Walsh Act of 2006, Registering Harm takes a hard look at sex offender registration laws, their origins, and the harmful effects registries have on communities and the children they are purported to be protecting.

Registering Harm makes strong claims and backs them up with irrefutable figures, exposing how the Adam Wash Act "needlessly targets children and families [and] compromises public safety." Not content to simply criticize the system, the Justice Police Institute offers seven pages of recommendations, suggesting changes to state and federal policies, as well as offering strategies geared toward local communities.

Inside the cover, the report begins with a powerful summation of its findings: "Congress passed the Adam Walsh Act, a federal law that requires states to include children as young as age 14 on registries--often for the rest of their lives--in an attempt to protect our children from sexual violence. But the Adam Walsh Act won't keep our children safe. Instead, this law will consume valuable law enforcement resources, needlessly target children and families, and undermine the very purpose of the juvenile justice system. Thankfully, states can opt out of compliance with this law, and make smart investments in programs and policies that will actually protect our children and our communities."

Explaining the origins of sexual offender registries, the report explains, "During the past two decades, sensationalized media accounts of crimes that *(Continued—See "Harm" on page 15)*

**PSYCHIATRY'S CIVIL WAR...?**

Award-winning science writer Peter Aldhous, San Francisco bureau chief for New Scientist magazine, is the author of a scathing expose entitled "Psychiatry's Civil War."

At the heart of this war are professional disputes--and the underlying political and financial shenanigans driving them--over changes being made to the Diagnostic and Statistical Manual of Mental Disorders, specifically the proposed diagnoses of hebephilia and paraphilias not otherwise specified.

Changes to the DSM are of global significance. The manual is used by psychiatric and psychological clinicians worldwide to diagnose and treat mental disorders. Proposed changes, especially to the sexual disorders, may have a profound impact on civil commitment schemes in the United States used to incarcerate citizens indefinitely. Twenty states in the US have passed laws which allow sex offenders to remain incarcerated after their sentences have been served, so long as it can be shown that they have a mental disorder which limits volitional capacity. The inclusion of hebephilia (attraction to teenagers) or paraphilic coercive disorder (sexual arousal by rape) as mental disorders would be "seized upon to consign men to a lifetime of incarceration," says Karen Franklin, a forensic psychologist in El Cerrito, California.

The financial impact of the proposed changes to the DSM are profound: at Coalinga State Hospital alone, the annual operating costs already exceeded \$117 million in 2008.

*"Knowing your diagnosis is not an excuse to live your diagnosis."*

**-IZZY CUNNINGHAM**

## **RONJE** *(Continued from page 1)*

record for Mr. Ronje, expressing what may be the most sensible advice for pre-trial detainees. Here are his answers to some of our questions:

**WILL THE CASE BE DE-PUBLISHED?** The time to file a petition for review has passed and the Orange County DA's office did not file such a petition. This means that the case is virtually certain to become final as to Mr. Ronje himself, and more likely than not, to remain a published case available to assist everyone.

**WHO DOES THE RONJE DECISION EFFECT?** Assuming the case remains published, it should directly effect every person for whom a pending SVP petition has been filed and who is awaiting trial. It does not directly effect any person who has already had their trial and has already received an indeterminate commitment. There may be ways to try to argue the failure to apply to such persons is a due process or equal protection violation...but I am not optimistic that they would be successful.

**HOW WILL NEW EVALUATIONS HELP ME?** Given the recent changes in the STATIC-99, anyone who is over 50 should have their re-offense risk reduced somewhat, and anyone over 60 will have it reduced significantly. In particular, persons in their 70s who are awaiting trial, particularly if their health is poor, should be re-evaluated and found not to be a sexually violent predator... Younger people are less likely to be directly benefited, although persons on the borderline with STATIC-99 scorers of four or five might still be able to obtain favorable results, given the reduced base rates... It is difficult to imagine that someone will not be helped by this decision...

**HOW, EXACTLY, SHOULD A PERSON PROCEED?** The most important thing to understand is that these issues all have to be raised in the trial court in a prompt fashion. Trial attorneys need to go to court and request new evaluations pursuant to the properly adopted protocol. Attorneys need to request that new evaluators be appointed. They should specifically argue that the Ronje decision calls for new evaluations under Welfare and Institutions Code section 6601. 6601 is the provision that governs the original evaluations. It is not the provision allowing for updated evaluations. Therefore, updated evaluations by the same evaluators are not an adequate remedy or response to the Ronje opinion... If the trial court refuses to appoint new evaluators, your attorney needs to take an immediate petition for writ of mandate or prohibition to the Court of Appeal. If the trial court refuses to order new evaluations at all, your attorney again needs to file an immediate petition with the Court of Appeal. Likewise, if the evaluations come back favorable so that you should not be retained as an SVP, and the trial court refuses to accept that, a petition for writ of mandate or prohibition is the only available solution.

**WHAT IF MY ATTORNEY DOESN'T WANT TO PURSUE THE RONJE OPTION?** Any attorney who raises the issue and then does not follow through with the Court of Appeal will, in effect, have waived the issue. If an attorney refuses to follow this strategy, I suggest you consider making a Marsden motion and asking the trial court to appoint a new attorney. If none of that works, please feel free to contact me to discuss options.

**AREN'T THERE ISSUES WITH THE NEW PROTOCOL?** Of course, there are additional problems with the new protocol. In my view, the new protocol, while adopted pursuant to the proper procedures, does not constitute a "standardized assessment protocol" as required by the statute. In my view, any evaluations under the new protocol should be challenged in the trial court before the probable cause hearing. I do not believe they should be challenged immediately because no one is adversely affected by the new protocol until it has been applied to them. If the new evaluations come back and find that a person is an SVP, that is the time to challenge the new protocol.

**ARE YOU AVAILABLE FOR COMMENT?** For those of you who are reading this who are not my clients, I would appreciate it if you did not contact me about this matter unless your trial attorney is refusing to address the issue. Please feel free to encourage your trial attorney to contact me if he has questions, but most trial attorneys should be able to handle at least the initial parts of this issue without help. Those of you who are my clients should, of course, feel free to contact me normally.

**THANKS, RUDY!**

[Source: All material in this article was taken from an undated general letter from Rudy Kraft. See Resource Center on page 11 for contact information.]

## **ORDERS** *(Continued from Page 1)*

should be released, rather than on the state to prove that he should not;

- Indefinite commitment under SB 1128 violates due process in the removal of mandatory judicial oversight over continued detention;
- Indefinite commitment to the DMH renders the SVPA punitive in nature and again violates the ex post facto protections of the Fourteenth Amendment;
- Indefinite commitment violates the double-jeopardy protections of the Fifth and Fourteenth Amendments;
- Indefinite commitment violates the equal protection clause of the Fourteenth Amendment in the removal of mandatory judicial oversight of a ward of the court;
- Indefinite commitment violates constitutional protections against cruel and unusual punishment;
- SB 1128's limitations on access to the courts violates the First Amendment right to petition the government for redress of grievances; and,
- SB 1128's limitations on access to the courts further violates the Fourteenth Amendment right to due process.

•The state Attorney General has until March 13, 2010, to file a response to Milinich's petition. At that time, Jeff will request appointment of counsel to oversee his interests and Jeff will file a traverse if necessary.

### **FORCE**

Steve Force, of Orange County, petitioned the courts, seeking appointment of counsel at annual reviews for those who have been indefinitely committed under the post-Prop 83 SVPA.

"It seemed odd to me," he said, that the new statute omits any provision for the retainment or appointment of legal counsel during review of a person's current mental state.

Why is this important? Once a person has been indefinitely committed as an SVP, the burden of proof lies upon that person's shoulders to prove that he is no longer so mentally disordered and volitionally impaired as to represent a danger to society-- "a burden steeped in favor of failure," Force explains. "Appointment or retention of legal counsel must be mandated, lest due process of law be denied and redress of grievances to the courts be stymied... Imagine the very real scenario of trying to petition the courts for either an unconditional or conditional release without legal help."

Force has now been granted a show-cause order, in which the federal court asks for an explanation as to why Force's request for legal counsel should not be granted. "You can bet the state will fight this one as hard as any," he says.



## **McKee** *(Continued from page 10)*

commitment would have lasted two years, at the end of which the state would have to prove that McKee still met the statutory definition of an SVP. Those amendments, however, changed the two year commitment to an indefinite (and potentially life-long) sentence. Jessica's Law also shifted the burden of proof from the state--to prove that McKee was a danger to society--to McKee--to prove that he was not.

In filing for relief, McKee challenged the law on a number of grounds, including the violation of due-process protections and the ex post facto clause of the United States Constitution.

Writing for the majority, Supreme Court Justice Carlos Moreno dismissed both constitutional challenges. However, he allowed that certain allegations made by McKee--such as the allegation that SVPs are "treated more harshly under the law than similar classes of inmates," including MDOs and those found not guilty by reason of insanity--had "some merit."

The San Diego Superior Court will hold hearings to determine whether such differential treatment violates equal protection guidelines under the laws of California and under both state and federal constitutions.

## Networking and Contact Information

**Contact information for organizations and government agencies which may be useful to California's civil detainees, legal advocates, and loved ones.**

### AMERICAN PSYCHIATRIC ASSOCIATION

www.psych.org  
www.healthyminds.org

### DIAGNOSTIC AND STATISTICAL MANUAL TASK FORCE

www.DSM5.org

### AMERICAN PSYCHOLOGICAL ASSOCIATION

1400 K Street NW  
Washington, DC 20002 - 4242  
Toll-free: 1-800-259-2670

### CALIFORNIA OFFICE OF THE ATTORNEY GENERAL

PO Box 944255  
Sacramento, Ca 94244  
Toll-free: 1-800-952-5225

### CALIFORNIA DEPARTMENT OF JUSTICE

1300 I Street, 11th Floor  
Sacramento Ca 95814

### ASSOCIATION FOR TREATMENT OF SEXUAL ABUSERS

4900 SW Griffith Drive, Suite 274  
Beaverton, OR 97005  
Ph: 503-643-1023  
Website: www.atsa.com

### CALIFORNIA ATTORNEYS FOR CRIMINAL JUSTICE

1225 8<sup>th</sup> Street, Suite 150  
Sacramento, CA 95814  
Ph: 916-448-8868

### CALIFORNIA BOARD OF PSYCHOLOGY

1422 Howe Avenue, Suite 22  
Sacramento, CA 95825-3200  
Toll-free: 1-866-503-3221

### GOOGLE-411: FREE DIRECTORY ASSISTANCE

1-800-GOOG-411  
(1-800-466-4411)

## ORGANIZATION ASSISTS SEX OFFENDERS

"Over HALF OF MOLESTATION-abuse accusations are false, yet... more of these trials end in the wrongful conviction of the innocent than any other type of criminal case," says the website for an organization called Falsely-Accused. Billing themselves as a resource center for laymen and attorneys, the site goes on to cite specific numbers and statistics, as well as identifying legal issues and defense strategies for those accused of sexual crimes. Falsely-Accused employs trial attorneys and investigators, including Harvey C. Shapiro, an retired police officer who has investigated over 3,000 sex cases. The website includes down-loadable and printer-friendly blank briefs and legal motions, advice for those accused, and full résumés for member attorneys and investigators. Visit the Falsely-Accused website at [www.accused.com](http://www.accused.com) for more information and links.

## PAGING MICHAEL MOORE

The National Coalition for Criminal Justice Reform is moving forward with their petition to have famed film-maker Michael Moore do an exposé on the "Injustice System." A posting on the Prison News Network in November described the petition and its origins. "We have witnessed injustice in our system that directly affects our loved ones," the organization said. "We used to believe that one was innocent until proven guilty... until we found ourselves victimized by the reality of our situation."

Moore is well-known for creating scathing documentaries, including "Fahrenheit 9-11", which slammed the White House's reaction to the September 11, 2001 attacks, and "Sicko," which criticized deficiencies in the US health-care system. Visit the new Prison News Network website at [www.vip-cali.com/pnn](http://www.vip-cali.com/pnn) or log on to [www.thepetitionsite.com](http://www.thepetitionsite.com) to sign the petition.

## CSH CALENDAR

TOWN HALL MEETING	Every Friday @ 6:30 PM
Location: Grand Meeting Hall	Doors open at 6:00 PM
HOSPITAL-WIDE HEALTH FAIR	March Break Week
Location: CSH Mall	Date & Time TBA
CINCO DE MAYO PLANNING COMMITTEE	Friday, February 26
Location: Room VE-181	3:00 PM
VETERAN'S GROUP BUSINESS MEETING	Tuesday, February 23
Location: Room VE-125	3:00 PM – 4:00 PM
PEOPLE OF THE YEAR AWARDS CEREMONY	Friday, March 26
Location: Grand Meeting Hall	Doors open at 7:00PM

## ANNOUNCEMENTS & PUBLIC NOTICES

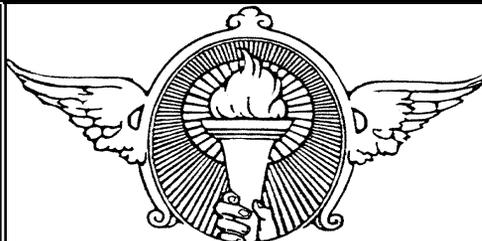
### MISSING YOUR DIRECTIVES?

A number of units are missing pages from their Administrative Directives binders. If your unit is missing AD's, or if you discover AD's missing from the binders at the Moss Landing library, please notify resident Cory Hoch on Unit 5.

### Contact Rudy Kraft, Attorney-at-Law

The Law Office of  
Rudy Kraft, Attorney-at-Law  
P.O. Box 1677  
San Luis Obispo, Ca. 93406-1677  
Telephone: 805-546-9239

Rudy Kraft asks that non-clients not contact him unless seeking representation, or if their attorney of record is refusing to address an issue. Attorneys may consult Mr. Kraft any time.



**Do you need help but don't know where to look? Would you like to know what kind of resources are out there for you and your loved ones? You might find what you're looking for in the**

### Patients' Yellow Pages

**This is an awesome listing with hundreds of great resources, complete with contact information for agencies and organizations from the American Medical Association to ZenniOptical, and more! Your copy is waiting for you, and it's 100% free! See Irish Williams on Unit 11!**

THE SUPPORT GROUP  
FOR FAMILIES AND FRIENDS

P.O. Box 172

Hortonville, WI 54944

The Support Group for Families and Friends is an organization for former sexual offenders and their families and loved ones. SGFF provides an opportunity for networking and produces a newsletter which keeps folks up to date on issues affecting sex offenders, such as registration laws, civil commitment, and more. In August of last year, SGFF celebrated its tenth anniversary with a picnic and took another opportunity to distribute even more information.

## PROSECUTORS *(Continued from page 11)*

criticized in a state crippled by soaring prison costs and budget overruns. Some of those he put away, including former-CSH resident Grant Self, are going public with stories of wrongful conviction in a documentary film "Witch Hunt," which has been airing nationally on MSNBC and is narrated by one of Jagels' most ardent critics, Sean Penn.

The Bakersfield trials—and a large number of similar cases that rippled across America during the hysteria of that period—are widely acknowledged to have punished the innocent. Most of the wrongful convictions relied solely upon children's testimony, and the state attorney general ultimately found that county investigators had coerced their young witnesses into lying on the stand. The probe, they said, "floundered in a sea of unproven allegations." But the silver-haired prosecutor maintains that justice was done in the cases that made him a darling of California's conservative movement.

One of Jagels' prosecutorial victims is 57-year-old Grant Self, widely known at Coalinga State Hospital. A former SVP, Self served nearly 27 years for a crime that he didn't commit. He was released from CSH on February 6, 2009 and has been living in San Bernardino County since. He anticipates to soon receive compensation for the money that was taken from him for restitution, and in a few months, upon Legislative appropriations, he is due to receive his \$100/day compensation for the false imprisonment. [Do the math—That's about a million bucks, which still does not come close to making up for 27 years of an innocent man's incarceration.] After obtaining his money, he will remove himself from this state permanently. After that, his attorney intends to file the necessary lawsuit for him to obtain due compensation for all that the state and its agents maliciously put him through.

Jagels remains unremorseful and completely adamant that putting more criminals in prison has kept a tight lid on crime in his pocket of the Central Valley. He will retire, he says, assured that he used his power to keep his constituents safe. "One thing we know for sure is that criminals can't commit felonies when they're locked up," says Jagels in a not-so-rare display of ineptitude. "If California prisons are overcrowded, it's not because we have too many people in prison. It's because we don't have enough prisons."

Such stunning setbacks might have derailed other elected officials, but Jagels, 60, has thrived amid the oil fields and orchards surrounding Bakersfield. He holds fast that he was right to form a special task force to investigate alleged molestation rings, right to assign his young attorneys to the cases, and right to fight the release of those whose convictions were overturned. He has been reelected six times, is leaving office on his own terms and hopes to leave the reins next year to a successor of his own choosing. [Sources: <http://reason.com>: *Why are Bad Prosecutors so Rarely Punished?* (October 26, 2009); Associated Press: *Crusading Calif. D.A. retires, leaves painful wake*, November 14, 2009]

## HESTER *(Continued from page 4)*

another incident caused by this callous individual who purportedly is here to protect and serve? What will happen next time if there are no quick-thinking officers willing to stand up for what is right? Will Level of Care staff ever make a stand?

The purpose of this article is to challenge all of you to put forth suggestions (either through your representatives or through the *Ally*) for ways that the administration, Level of Care, and police force here can better work with us. I am also calling on the administration and police chief to communicate with us and implement proper procedures for dealing with patients before one of us gets seriously injured. If there are procedures in place, why aren't they in use? And if not, why not? This is [supposedly] a hospital, not a prison—so why is custody running the facility instead of trained treatment professionals?

## COURT *(Continued from page 10)*

federal statute being challenged on federalism grounds.

Given the conventional (though disputed) consensus that all sex offenders are incorrigible, it's not surprising that officials would try to use the civil commitment process to dispense with the protections of criminal law. To convict a defendant of rape or child molestation, prosecutors must prove their case beyond a reasonable doubt. Under the law being reviewed by the Supreme Court, the government merely needed to show "clear and convincing evidence" of an inmate's dangerousness.

The federal government and the states have rightly adopted a harder line against sex offenses, and have in some cases subjected offenders—even those who have served their sentences—to registration and monitoring. But using civil commitment process to lengthen a criminal sentence is dishonest and dangerous. If the court were to strike down this section of the 2006 law, both Washington and the states might take a new look at this problem and better balance constitutional rights and public safety.

## MDSO *(Continued from page 10)*

are mentally disordered sex offenders, Hamilton said. Patton has about 425 such sex offenders.

The aim of the law, said David Hamilton, a spokesman for Atascadero, is to keep sex offenders off the streets longer than they are now. "The conservative mood is that everybody should have to do hard time," said Brent Barnhart, a spokesman for the American Civil Liberties Union. "The actual treatment at MDSO facilities for a lot of people was not treatment at all."

**CONTRIBUTOR'S NOTE:** *The Article above describes the original MDSO Program at Atascadero State Hospital, the predecessor to our current SVP program. Reviewing it for publication in the Ally, I discovered that there were a few inconsistencies in this article:*

*Yes, two sex offenders escaped from Atascadero State Hospital in the 1980s. But strangely, only one escaped prior to the article being written. Mr. Peter Tolles escaped in February 1981 and remained at large for a considerable period of time. Mr. Daniel Calhoun escaped in 1985. The identity of the mysterious second escapee—who escaped while at a medical clinic—is not known.*

*I asked Peter Tolles several questions about the hospital's policies for MDSO patients and "therapeutic" outings, and he told me that as far as he knew there weren't any. "It's possible," he said, "that there was a policy similar to those for using the Family Visiting trailers—the ones that existed in name only".*

*Mr. Tolles couldn't tell me the particulars of his escape for legal reasons, but he could assure me he never escaped from an outing at a San Bernardino department store. It would be unlikely for a patient at Atascadero State Hospital to escape from a "therapeutic" outing in San Bernardino given the 214-mile distance between the two points.*

*I asked Mr. Tolles what changes, if any, were made as a result of the arrest of Theodore Frank, the patient who was released after completing the MDSO program at ASH. Originally, the MDSO treatment clinicians would make a recommendation to the court upon the patient's completion of the MDSO Program. Typically, they would express their "strong belief that the patient is no longer a threat or danger to others." They would also testify as to the aspects of the MDSO clinical program and how completion of the program placed the patient "in control" of their sexual compulsions. After Theodore Frank's escape, pursuant to W&I code 6300, patients had to prove to the court that they no longer posed a threat to society.*

*Dr. A.J. Ruchi, Executive Director of Atascadero State Hospital at that time, issued a memorandum to all clinicians stating, "Hence forth, clinicians will no longer be permitted to recommend patients for release to the courts." In other words, a patient's primary care providers were no longer permitted to have any professional opinion, or make any recommendation to the courts, when that person no longer met the criteria for commitment.*

*Sound familiar?*

*-Douglas Gaines*

## GERMANY *(Continued from page 10)*

financial burden that the authorities are no longer able to sustain. Wendt added that surveillance was no guarantee against repeated offenses, and has called for lawmakers to amend the current legislation to allow for "retrospective preventive detention."

Since being released in early 2009, Karl D. has been living with his brother in Heinsberg, a community that is in uproar over the decision. Heinsberg mayor Wolfgang Dieder called upon the citizens to "respond calmly to the Karlsruhe ruling." He reported that having Karl D. in their community was a "burden" and that he found the ruling "regrettable."

Though citizens had no choice but to accept and live with the situation, Mayor Dieder said that Heinsberg would "have to remain on alert."

## PROGRAM REALIGNMENT TAKES EFFECT

Four days into the new year, CSH implemented a restructuring of the facility's program administration, doubling the number of programs from four to eight.

On January 13, CSH issued a memorandum to all patient residents, addressing the issue of program realignment, effective January 4th. This realignment, according to the Clinical Department, is the result of the hospital's growth and is designed to "enhance the quality of services for staff and individuals."

Program One now encompasses Medical Units MA1-MA4, as well as the hospital's Receiving and Discharge unit, under the direction of acting Nursing Coordinator James Walter.

Program Two consists of ICFs 1-2 and RRUs 3-4, under the direction of Program Director Frank Maul, acting Program Assistant Virginia Cunningham, and Nursing Coordinator Brian Bowley.

•Program Three oversees Intake Unit 5, RRUs 6-7, and ICF 8, , under the direction of Program Director Karen Reed, acting Program Assistant Nataki Spruill, and Nursing Coordinator Celestine Andrews.

•Program Four covers CDC Unit 9, and RRUs 10-12, under the direction of Program Director Willie Stephens, acting Program Assistant Frances Hicks, and Nursing Coordinator Leticia Avila. Program Four also maintains administrative responsibility of Unit 5.

•Program Five encompasses ICFs 14, 17 and 18, and RRUs 14-15, under the direction of Program Director Ken Laymen, acting Program Assistant Michelle Montoya, and Nursing Coordinator Marie Neri.

•Programs Six and Seven are not open.

•Program Eight now covers ICF-PC2972 Units 25 and 27, under the direction of Program Director Daniel Meek, acting Program Assistant Peggy Thomas, , and acting Nursing Coordinator Cynthia Trevino. Program Eight also maintains administrative responsibility of CDC&R Unit 9. ❖

## SHERMAN (Continued from page 3)

*documents--for example, charting, green sheets, Serious Incident Reports--to emergency responses like medical issues and red lights.*

*HOW OFTEN DO YOU ATTEND TRAINING? At least once a month. And every six months we have to be recertified to pass out medications.*

*HOW DO YOU HANDLE IT IF A PATIENT GETS A LITTLE TOO CLOSE? We try to redirect them appropriately. We bring the focus back to the individual and try not to take advantage of their issues. We always have to take a therapeutic stand here.*

*HOW DO YOU HANDLE THE DIFFERENT EMERGENCIES THAT OCCUR IN THIS PLACE? First and foremost, we have to keep the other individuals safe. Your safety is our number-one priority. We then isolate the individuals involved, like if it's a fight or a heated argument. If there is a medical issue, we treat that accordingly.*

*ANY OTHER FEEDBACK AS WE BRING THIS INTERVIEW TO A CLOSE? I enjoy my job and I really enjoy interacting with the patients here. Every day is a new day, and I hope that by making a difference in your lives, you will see that difference and grow from it.*

THANKS FOR YOUR TIME, CHRIS!

Submitted by C. Klein

## LAWS (Continued from page 1)

Veterans Day."

### LGBT ISSUES:

•California now recognizes all same-sex marriages performed in other states prior to the passage of Prop 8 in 2008.

•May 22 has been designated a "day of recognition" in honor of gay-rights activist Harvey Milk's birthday.

### CRIMINAL ISSUES:

•Jail guards and custodial assistants now have the ability to take the blood of jail inmates and have it tested for communicable diseases against the inmate's will.

•Local government agencies are now permitted to impound vehicles used in prostitution and related crimes.

### SILLY STUFF:

•California now has a state "Blueberry Commission" being funded by industry fees of 2.5 cents per pound of berries sold. Seriously, did we really need a Blueberry Commission, or yet another fee/tax?

•Our legislature has lessened the penalties for "office betting," taking it down from a misdemeanor, punishable by a \$1,000 fine, to a mere infraction, punishable by a fine of up to \$250. Apparently, members of the state Congress were afraid of what their post-Superbowl rap-sheets would look like and didn't want to pay more in fines than they stand to lose on the big game. ❖

## OBJECTION (Continued from page 1)

Spokesmen Michael St. Martin, Phillip Martinez and Jorge L. Rubio. "The units are understaffed and patient services are limited. The increase in population will stretch already-meager services beyond any reasonable standard. With over 500 beds unoccupied throughout the hospital, and the increase from four programs to eight, we find it ludicrous that more suitable housing for six additional long-term care residents cannot be found."

Some see this as the prelude to overcrowding problems similar to those seen in California's prison system. In the last decade, nearly all of the state's facilities have had dozens of additional beds installed in common social areas of the housing units, dayrooms, classrooms, and offices. Gymnasiums have hundreds of inmates sleeping three-deep, with bunks so tightly-spaced that two average-sized inmates cannot walk past each other without turning sideways.

The housing crisis at CSH, however, has different causes. In the state's prison system, overcrowding is caused by a lack of space; with less than 35 prisons housing nearly 200,000 inmates, real estate is at a premium. At Coalinga, on the other hand, space is not an issue; the administration's decision to house patients in group rooms is due to a lack of human resources.

"We just don't have the staff to open additional units yet," said one Psych Tech, who asked to remain unnamed. "Another unit will be opening soon, but 'soon' is not 'now.'"

But that logic isn't good enough. "Making the residents suffer because of the Department's inability to open additional units is unacceptable," said the spokesmen. ❖

## HARM (Continued from page 11)

sexual component have driven policy aimed at preventing sexual violence. As a result, millions of dollars of state and federal resources support registries despite the act that there is no evidence that public registries reduce sexual violence. What we do know, however, is that these registries consume public safety resources and may be funded at the expense of alternative approaches that research suggests actually would reduce sexual violence in our communities."

In describing the proliferation of registries and the influence of the media, the Justice Policy Institute cites a recent study which analyzed statistics from the period between 1991 and 1998, the years in which sex offender registries gained popularity. During that period, newspapers and other media outlets showed a 128% increase in media reports on sex crimes. In that same period, forcible rape rates dropped 19% and violent crimes overall dropped a whopping 25%. While crime rates were dropping, lawmakers admitted openly that they were creating legislation based entirely upon media coverage. "You can't turn on your TV without hearing about some pervert trying something on some kid," said one legislator.

In showing the harmful effects of the Adam Walsh Act and sex offender registries nationwide, the JPI describes the financial strain placed on state and local budgets, literally millions upon millions of dollars which could otherwise be spent on rehabilitation and monitoring of sexual offenders. In California alone, the cost of implementing the Adam Walsh Act in 2009 was just short of \$60 million. In contrast, had California opted out of implementing this program, the federal government would have penalized our state less than \$2.2 million; Governor Schwarzenegger would have saved taxpayers about \$57 million simply by declining to implement a program which is essentially redundant to the Megan's Law registry already in place.

Registering Harm makes a number of common-sense recommendations for dealing with the AWA shortcomings at local, state, and federal levels. Among them: Assess the effectiveness of sex offense registries and community notification laws on state and national levels; determine how money spent on maintaining registries might be better used elsewhere; evaluate the effectiveness of responses to sexual violence; assess the public safety impact of registries on communities; educate the public about the realities of sexual offenses and ways to increase personal safety; provide resources to families who may be concerned about inappropriate behavior.

These approaches are more than simply logical or cost-effective—it seems likely that these steps would actually increase public safety and decrease the "vulnerability threshold" of certain demographics.

"Providing the public with accurate information about sex offending is central to successful prevention and management efforts," agrees Madeline M. Carter of the Center for Sex Offender Management.

All in all, Registering Harm is a vital report, bursting with information desperately needed by our communities. All that remains to be seen at this point is how the information will be received. ❖



## *Civil Memorial*

Name	Passed
Robert Cloverdance	June, 1995
Carl Coleman	June, 1998
Jim Davis	June, 1999
Don Lockett	January, 2000
David Stansberry	May, 2000
Charles Rogers	May, 2000
Larry Goddard	June, 2001
Ed Samradi	June, 2001
Dean Danforth	July, 2001
Craig Bauwens	July, 2002
Wayne Graybeal	October, 2002
Donald Hughes	November, 2002
Lloyd Johnson	November, 2002
Robert Alperin	March, 2003
Tim McClanahan	March, 2003
Patrick Brim	March, 2003
Wayne Porter	August, 2003
Cash O'Dowd	December, 2003
Elmer Bock	May, 2004
Dave Goenick	August, 2004
Jose Vlahoitis	December, 2004
Corwin Weltey	December, 2004
Ross Washington	January, 2005
Richard Bishop	February, 2005
Alton Robinson	August, 2005
Robert Canfield	September, 2005
Jerry Sanchez	September, 2005
Gerald Brooks	November, 2005
James Aceves	July, 2007
Frank Valadao	November, 2007
Donovan Myrick	February, 2008
Paul Rael	March, 2008
Paul Pedersen	June, 2008
Kenneth Edmonton	January, 2009
Jimmy Guthrie	February, 2009
James Rosenberg	February, 2009
Charles Grecien	February, 2009
David Harney	March, 2009
James Wallace	May, 2009
Jare Stevens	July, 2009
John Martinez	October, 2009
Delbert Smith	October, 2009
Dennis Boyer	December, 2009
Ruben Garcia	December, 2009
Wilbur Perryman	December, 2009
David Montgomery	February, 2010

## IN LOVING MEMORY OF David Montgomery

PASSED FEBRUARY 2, 2010

I guess I just got lost  
 Being someone else  
 I tried to kill the pain  
 But nothing ever helped  
 I left myself behind  
 Somewhere along the way  
 Hoping to come back around  
 And find myself someday  
 I'll never find my heart  
 Behind someone else  
 I'll never see the light of day  
 Living in this cell  
 It's time to make my way  
 Into the world I knew  
 And take back all the times  
 That I gave in to you  
 Lately I'm so tired  
 Of waiting for you  
 To tell me it's gonna be alright  
 So tell me, please...  
 Just one time  
 Let me be myself  
 So I can shine  
 With my own light  
 Let me be myself  
 For a while  
 If you don't mind  
 Let me be myself  
 So I can shine  
 That's all I've ever wanted  
 From this world

"Let Me Be Myself" by 3 Doors Down

## Trimestre Descanso Medio

Submitted by Rodney Short

*Trimestre Descanso medio  
 Es intimo a mi corazón  
 Desde mi bisabuelo hasta  
 Mi sobrino Cody. ¡Perdón!  
 ¡Cállate!*

*He escrito un poema  
 Para mi bisabuelo  
 Yo trato de escribir para  
 Mi amigo pequeño, pero*

*Triste demasiado*

*Sobrino de mío  
 Tuvo cuatro años  
 Su gran ataúd poco  
 Los hombres lloraron*

*Desolado*

*Nunca olvidaré  
 El día que ponemos  
 Cody bajo la tierra,  
 y tuvo que marcharme  
 De mi amigo y  
 Dejarle solo*

*Enfadado  
 Sentarse en rato  
 A lado de su tumba  
 Emborracharse, enfadado y  
 mezquino*

*No sé*

*Fui a cárcel esa noche  
 Pero los oficiales,  
 Supieron mi amigo  
 Mi amigo bien*

*Un niño*

*Quien tuvo cerebral palsy  
 Que rechazaron a su fin*

*Pero*

*Si yo creo en dios y  
 Yo creo que si.  
 Mi amigo pequeño  
 En sonriente  
 Y corriendo  
 Con el gran JC*