



Locked Up In Moose Lake - A Civil Commitment Death Sentence

0:00:05.2 The Outspoken Offender: It's the Outspoken Offender podcast. My hope is to encourage registered citizens, former inmates, and anyone facing stereotypes and social ostracism to move beyond society's labels. Welcome to the show.

0:00:28.8 The Outspoken Offender: Welcome to the podcast. I hope your weekend, your week is going well. I'm the Outspoken Offender, and before I get into the episode today, I want to thank you so much for your support. I am holding a spring fundraiser right now to help me maintain my video and audio equipment and also to pay for some expenses that will occur later this year, specifically in the summer. I will be talking about civil commitment in just a moment, but there is a planned peaceful protest in conjunction with Women Against Registry happening, I think it's in July, and I definitely want to attend this peaceful protest to film it, to get information, to create podcasts from this protest and videos for my YouTube channel. And so I will keep the link to the GoFundMe page and fundraiser in the show notes, and I would love it if you can support me, and I'm talking about civil commitment, as I mentioned, specifically the treatment program in Moose Lake, Minnesota.

0:01:31.3 The Outspoken Offender: This is fascinating, I've been reading about it lately and gathering more information, especially about the recent hunger strike that was occurring at the Moose Lake program there in Minnesota. The hunger strike occurred, according to this article that I'm looking over now, due to the conditions and the fact that the death rate there, 86 people have died at this facility, at the MSOP facility, since the program began in 1994. In comparison, only 13 people have been fully released from the program in its 27-year history. I can't believe it. I cannot believe those numbers. Thirteen people, folks, 13 people out of a 27-year history.

0:02:17.9 The Outspoken Offender: So if you don't know much about civil commitment, is you do your time for your original crime, and if they deem that you are a danger to society, and I really don't know how they deem that, they talk to a psychologist or whatever, they go through different doctors to determine this, I'm not sure, but anyway, they determine that you are a danger to society and you are placed within this civil commitment program. And you don't have a release date, you don't have a planned release date, it is what advocates call a "death sentence," because there's no clear way for a person to be released from the program.

0:03:02.7 The Outspoken Offender: What's frustrating here is the Department of Human Resources, which handles this treatment program in Moose Lake, is stressing that it doesn't control who gets into the program or who is released. The courts decide that, and only the Minnesota legislature has the power to change the process that's laid out in Minnesota's civil commitment law. What a mess. What a mess. I understand that the people housed in these facilities, and Moose Lake isn't the only one, I'm going to talk about a second one here in just in just a moment, they have done some pretty bad things, but my opinion, there needs to be a plan to rehabilitate if possible, and have a set release date or a goal or something, because it is, as it is now, a death sentence.

0:04:01.6 The Outspoken Offender: Now, going back in 1995, the state revised the laws and expanded the use of civil commitment, and that's when they open this Moose Lake facility in order to provide treatment to people who are committed as sexually dangerous persons or sexual psychopathic personalities. The offenders have the most horrible criminal histories, I'm not going to lie, they have some pretty serious crimes in their past, they are being held in addition to their original crime and the time they served in incarceration. And then when you look at other numbers

and statistics, this is extremely depressing, in my opinion. There are more than 60 men at Moose Lake who are locked up for crimes they committed as juveniles, juveniles, youth, when they were young, under 18, meaning they do not have any offenses on their adult records.

0:04:57.1 The Outspoken Offender: And I looked into this and statistics show among youth who are adjudicated for a sexual offense, so they've been arrested, processed, gone through the whole process there, 97% to 98% will not re-offend sexually. I repeat, will not, 97 to 98, but still, these men with a juvenile offense are, remain... They're being locked up in the facility with no release in sight, no date.

0:05:29.1 The Outspoken Offender: There has been several class action lawsuits against the facility, of course, the hunger strike I just mentioned, it's been a real mess over the years, and there needs to be an alternative in my opinion. What is that? Well, let's look at a few things. What would be an alternative? Perhaps a successful outpatient civil commitment program may be the answer in some cases. I see it as the program could definitely motivate former offenders to participate in treatment because they know there is a possibility of being released. The outpatient treatment program would even allow psychologists to evaluate offenders, former offenders, from time to time outside of the lockdown institutional setting.

0:06:17.6 The Outspoken Offender: Yeah, I know it's going to be hard for a probation officer to continually monitor a former offender, it can't be done it at all time, 24 hours a day, seven days a week. So there's always that chance, that slim chance that an offender could commit a new crime, that's always a risk, but that's always a risk for anybody that hasn't even committed a crime before or a sex crime. We look at statistics, when we talk about the Sex Offender Registry, that most people, I think it's around 90% to 95% first-time offenders are not on the Registry.

0:06:58.0 The Outspoken Offender: So I'm looking at an abstract here from this study, Assessing the Real Risk of Sexually Violent Predators: Dr. Padilla's Dangerous Data, this is from July 2018. I will leave this in the show notes for you. It mentions this study, it is a well-designed study that showed just 6.5% of untreated sexually violent predators, we're not just talking about general offenders here, we're talking about that have been deemed violent predators, were arrested for a new sex crime within 4.8 years of release from a lockdown mental facility. Of course, we want zero, but that's never going to happen. 6.5% is low, folks very low, and there are hundreds and hundreds and thousands of people locked up in civil commitment without a release date because the courts somehow have deemed them unfit and dangerous to live in society.

0:07:52.6 The Outspoken Offender: The article also goes on to talk about how the US Supreme Court and the higher state courts, the state courts have allowed these laws to exist, the civil commitment laws without requiring any proof of actual danger. Do you want to call it a cover up? Perhaps, it potentially could be that bad. I also found an interesting report during my investigation of the civil commitment facilities. This occurred in Massachusetts, and this actually is just from a few days ago, I'm recording this May 6th. So this article is from April 30th, Boston, more than 120 "dangerous sex offenders" have been released under a 2008 Supreme Judicial Court Ruling that keeps them from being locked up, if at least two qualified medical examiners determine they're no longer a threat according to state data.

0:08:50.7 The Outspoken Offender: So the Department of Correction there currently oversees about 130 sexually dangerous prisoners held under civil commitments. The largest facility there is that medium security treatment center at Bridgewater. So when we look back from 2009 to October 1, 2020, they have had some releases there. About 123 individuals were released from the program because the state actually lacked sufficient evidence under the ruling that I'm talking about. There has been outcry, of course, in the community. I mean, I would be shocked if there wasn't, right? In this case, there was a convicted child rapist, George Johnstone, who pleaded guilty in 1995 to two counts of indecent assault and battery on a child under 14.

0:09:43.1 The Outspoken Offender: Originally, Johnstone was sent to prison for 10 years. After his sentence was complete, he was held under the state civil commitment law, then Johnstone petitioned for release in 2003, and the case went to trial three years later. Two medical examiners testified that Johnstone was no longer sexually dangerous. The High Court rejected an argument by the state that he would be held anyway, saying it lacked the expert testimony needed to keep him locked up. So the 2008 Supreme judicial court ruling has actually set a precedent that the state must have testimony from at least one examiner saying someone is sexually dangerous in order to prompt a trial to determine if that person continues to be held.

0:10:27.8 The Outspoken Offender: So this is some good news. We're starting to see some pressure on these states and these states' facilities saying, hey, where is the proof. We need at least one psychologist or doctor saying that this person is a threat. And you know, we can expand this a little bit more. If we have a psychologist or therapist saying this person isn't, no longer a threat to society, why do we have the Sex Offense Registry. Why? If somebody is determined not a threat, why is the Sex Offense Registry in existence today? That may be a topic for another podcast, but that's just something to think about.

0:11:16.7 The Outspoken Offender: So I'm talking about civil commitment today because it's urgent, because it's much needed, and I want to educate people as much as possible, but also we are in the beginning stages of a peaceful protest in July in collaboration with Women Against Registry. We are going to be holding a peaceful protest at the civil commitment facility in Moose Lake, and I would love to go film that and be a part of that peaceful protest. I am holding a fundraiser, just in case you feel, you know, giving. I'm not going to pressure you, but I'll give you the link again to my GoFundMe page here on the show notes.

0:11:58.4 The Outspoken Offender: Thank you so much for listening and thank you so much for your support. I'd love to hear your comments on this episode of the Outspoken Offender podcast. Have a great day.

0:12:16.1 The Outspoken Offender: It's the Outspoken Offender podcast. My hope is to encourage registered citizens, former inmates, and anyone facing stereotypes and social ostracism to move beyond society's labels. Thanks for listening to the podcast, I'm the Outspoken Offender. You can find me on YouTube and Twitter. Remember, you are not your label.