



Matthew Feeney (he/him)

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Moose Lake, MN 55767

Prison Policy Initiative
PO Box 127
Northampton, MA 01061

2/20/2024

Dear Sir or Madam,

I'm currently taking an Abolitionist Futures class for my Master's in Humanities through CSU-DH, and the course is inspiring me to reach out and form intersectional alliances with other like-minded groups and organizations that may have a shared interest in supporting restorative justice, abolishing indeterminate sentencing and ending sexual violence.

As an incarcerated gay man guilty of a sexual offense, I am a member of one of the most universally hated and vilified groups of people in the world. Weeks before successfully completing my well-deserved seven-year prison sentence, I was given an additional indeterminate (*de-facto* life) sentence at the Minnesota Sex Offender Program (MSOP) that Federal Judge Donovan Frank has proclaimed "draconic" and which the DOJ is now investigating.

The enclosed brochure is one that I created for CURE-SORT (a national non-profit organization) that gives a quick overview of our struggle. My Mom and Dad spoke to the State Legislature last year. I have been involved in reviving our facility's Resident Advisory Family Council (RAFC) which has now grown to include several outside individuals like former State Representative Steve Sandell as well as Michael Woods from the MN Ombudsman's Office. Some of these people have created a loose coalition of outside groups working with the Mitchell-Hamline School of Law's *Sexual Offense Law Program Resource Center* (SOLPRC) to author a major report about sunseting MSOP that is scheduled to be released this spring.

We are looking for support from allied organizations to sign a letter to MN Governor Walz when he is sent the SOLPRC report. Further information on this petition and report can be found at [tinyURL.com/sunset-reinvest](https://tinyurl.com/sunset-reinvest).

I know I'm preaching to the choir right now and the answer is always "never give up," but we could really use a morale boost and a minor victory to keep us going. Thank for providing the inspiration to believe things can (and will) get better.

Respectfully

ENC: Brochure on Civil Commitment
7/1/23 my "Open Letter to MN Governor Walz" that was published this last summer



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An Open Letter to MN Governor Tim Walz
Originally published 7/1/23, updated 1/1/2024

Governor Tim Walz
130 State Capital
75 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Dear Governor Walz,

As an incarcerated gay man guilty of a sexual offense, I am a member of one of the most universally hated and vilified groups of people in the world. Weeks before successfully completing my well-deserved seven-year prison sentence, I was given an additional indeterminate (*de-facto* life) sentence at the Minnesota Sex Offender Program (MSOP).

MSOP is an embarrassment to the State of Minnesota. Federal Judge Donovan Frank proclaimed MSOP "draconic." The thirty states that have abolished civil commitment have the same crime and recidivism rate as Minnesota. The US Department of Justice recently filed an Amicus brief citing MSOP for numerous Civil Rights violations. Even other countries have taken a stand: England's High Court of Justice ruled Minnesota's civil commitment law a flagrant denial of rights enshrined under Article 5.1 of the European Convention on Human Rights (*Sullivan v The Government of the United States of America*, Case No: CO/1672/2011).

It's estimated that 65-75% of the MSOP patient population identifies as LGBTQ+, although MSOP conveniently fails to collect any such statistics. MN-DOC prisons collect LGBTQ+ information about their inmates, so it's malleable that MSOP, a treatment program designed to address sexual issues, doesn't even ask for that basic information.

Another concern is MSOP costs taxpayers \$429.00 a day. Per person. There are over 750 men here. In the three years I've been detained, my personal bill is \$281,904.00, which doesn't include the 25% my county paid. And this is a "forever expense" as we're all held on indeterminate sentences.

None of us have an outdate. The law says we can apply for release every six months, but it takes 4-5 years to go through the process. Minnesota statute limits the Civil Appeal Panel (CAP) as the only way for anyone to ever get released from this facility. They need help streamlining the hearing process.

MSOP then disregards or ignores CAP's rulings. The Minnesota Supreme Court recently ruled MSOP violated Patients' federal constitutional rights by failing to comply with these lawful release orders, often delaying release orders for years (*McDeid v. Johnston*, A21-0042, A210043, 2023 WL 1425674 (Minn. Feb. 1, 2023)).

As an incarcerated writer, I was asked to create a brochure explaining civil commitment for the national CURE-SORT organization, and proudly mailed a completed copy to DHS Commissioner Harpstead. The consequences are noted in the attached email from MSOP Facility Director Kneisel

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that specifically cite my brochure as "anti MSOP propaganda." Weeks later MSOP created a new policy that makes the printing of any "counter-therapeutic material" like my enclosed brochure a punishable offense, a violation of my 1st Amendment Rights. I contacted the MN Attorney General but they responded they have a conflict of interest because they'd be defending MSOP in any legal action.

As you know, earlier this year voting rights were recently restored for all Minnesota citizens who are no longer incarcerated, including the 447 patients at MSOP-ML. To celebrate, several of us volunteered to set up a table on every living unit to help fellow patients fill out a Voter Registration & Absentee Ballot paperwork. MSOP actively obstructed this. When I asked for permission, they wrote "The special voter registration table is not approved." I appealed and they repeated "...we do not approve setting up a table to do this." I disobeyed this direct order and proudly sat at a table on 6/30 and personally registered 50 new voters. I also filed a complaint with the Secretary of State, Regional Ombudsman Michael Woods and the Minnesota Adult Abuse Reporting Center (MAARC). The official Grievance response from MSOP was dismissive, falsely claiming they *had* approved use of a table, "What was not allowed was signage to be set up on a table like a booth." I filed the Grievance Appeal (attached) that was dismissed by MSOP, saying clients can ask staff for help filling out any voting paperwork.

Like prisons, MSOP maintains a special restricted-use account funded by commissions paid by client inmates on our telephone, tablet and commissary purchases. Per policy, this money can only be used "for the general benefit of all clients, or for specific activities/functions such as cable TV service." On 6/12/19, Executive Director Nancy Johnston issued a memo stating we could no longer afford cable. Literally the very next day, administration started misappropriating funds from this special restricted-use account to subsidize their general operating fund. Despite over \$179,000 of improper expenses being paid out of this restricted-use account, the account balance has grown to over \$250,000.00. On 7/6/23, the Resident Advisory Family Council (RAFC) met with administration and asked about some of the questionable expenses (\$5,559.44 for 1st National Bank Fees, \$24,119.97 to *Deluxe Checks* and \$1,461.09 for *Netflix* – a service clients don't have). Facility Director Kneisel refused to answer, stating "I don't answer to you." At a subsequent meeting, administration said they failed to even request a bid for cable because "we can't afford it." Former MN State Representative Steve Sandell was at this meeting and questioned, "How do you know you can't afford it if you didn't bother to find out how much it costs?" The silence was deafening. A month later administration changed their policy and deleted all references to "cable TV service." Minnesota prisons publish their special client fund balances in their prison newsletters, yet MSOP has refused requests for the same transparency. The continued misappropriation of funds from our client account while blatantly refusing to reconsider cable television services needs to be reviewed and audited by an outside source.

Civil commitment and MSOP should not be part of any enlightened state's criminal justice system. MSOP is an expensive, unnecessary and embarrassing mental health atrocity that needs serious transformation and oversight. There are individuals and groups advocating for transparency, accountability and reform, but MSOP staff refuse to make the necessary changes.

On 10/31/23 the office of the Ombudsman issued a Memo highlighting their ongoing correspondence with MSOP administration going back to 2019 demanding MSOP revise specific parts of the RAFC Policy to come into compliance with the Patient Bill of Rights (MN Statute 144.651). MSOP administration has continually obstructed and refuses to comply.

Something drastic needs to be done, and as Governor, you have the authority to make the necessary changes. According to Wikipedia, in 2017, Massachusetts Governor Baker fired over 75% of the staff at

their Massachusetts State Hospital and totally reformed their treatment program, turning it from a "prison" to a true hospital-like "treatment center." You can do the same.

Twelve years ago I screwed up and committed some terrible sexual offenses against teenage boys and received the maximum sentence allowed under Minnesota law. I held my head high and served every day of my entire seven-year prison sentence. I took full accountability for my actions, voluntarily completed three years of intensive Sex Offender Treatment, availed myself to dozens of amazing programs the MN Department of Corrections had to offer and remained resilient knowing my incarceration was an integral part of paying back society (and my innocent victims) for my actions. The seven years I spent serving an appropriate & lawful criminal sentence is not why I'm writing.

On January 23rd, 2024, I will have served four years more than the maximum legal sentence for my crime. I have been waiting over three years for my Civil Appeals Panel (CAP) hearing, but it hasn't even been scheduled. A year ago it was documented if I don't have a CAP hearing scheduled by 1/23/24, I will be declaring a Hunger Strike. Several years earlier this facility monitored and documented a phone call of mine where I told my mother, "If I ever go on a hunger strike, I'll be going out of here on a stretcher." I don't want to die, but I don't want to live in this indeterminate Hell that gives Dante nightmares.

I'm writing to beg you to please look into much needed MSOP reform, starting with simple oversight and audits and ending with replacing incompetent administration and eventual sun-setting of an archaic and draconic Human Rights atrocity.

Respectfully,

Matthew Feeney

This letter was published Summer 2023 in *UltraViolet* Newspaper (with copies sent via US Mail), resulting in:

- Two telephone calls from MN Governor Walz's Office (7/14/23)
- Multiple contact with MN Ombudsman Michael Woods (ongoing)
- Subsequent meeting scheduled between the Governor's Office, Ombudsman Woods and multiple DHS Assistant Commissioners.
- 10/31/23 Ombudsman's Office issued formal "Position Memo" (attached) regarding additional concerns

Sample of written responses received in response to this letter:

- US Department of Justice, Civil Rights Division (9/20/23)
- MN Department of Human Services - Office of Inspector General (9/19/23)
- US Senator Tina Smith (9/12/23)
- US Senator Amy Klobuchar (8/16/23)
- United States District Judge Donovan W. Frank (8/22/23)
- MN Department of Human Rights (11/8/23)
- MN Attorney General Keith Ellison Office (12/20/23)
- MSOP Executive Director Nancy Johnston responding for DCT Commissioner Marshall Smith (10/16/23)

ENC: 10/31/23 Memo RE: OMHDD's Position on MSOP's Resident and Family Advisory Councils
Grievance Appeal ML2485 dated 7/19/23 RE: Obstruction of Voter Registration
Brochure "Civil Commitment: What it is and why you should care..."
Email 2/7/22 RE: Brochure declared "anti MSOP propaganda"
Email 1/26/23 RE: Cost of Confinement & Current Per Diem
Data Request 1/22/23 RE: no LGBTQ+ data

What is Civil Commitment?

The Facts

FAQ

Civil commitment is additional incarceration (in Minnesota, this is for an “*indeterminate*” period of time) after a person’s entire prison sentence for a sex offense has been served.

People committed to the Minnesota Sex Offender Program (MSOP) live in a prison-like facility consisting of chain-link fences topped by razor wire and patrolled by uniformed armed guards, background checks for visitors, monitored phone calls, censored mail, locked cells and numerous other restrictions. MSOP offers a total of 4 hours a week of sex offender “treatment” in a program that can never be completed.

Civil commitment started in the late 1980’s when 20 state’s legislative bodies, the Federal Government, and the District of Columbia enacted knee-jerk civil commitment laws in reaction to several well-publicized heinous crimes.

Civil commitment is based on the false premise that it is possible to predict whether or not someone *might* commit a future crime. The person is then considered guilty and imprisoned for life for crimes they have not committed.

- ◆ Unlike criminal court, unfounded allegations and hearsay can be used in civil commitment proceedings.
- ◆ In Minnesota, you can be committed for life even if you have no criminal record.
- ◆ Almost all civil commitments in Minnesota amount to lifetime sentences.
- ◆ This incarceration is above and beyond the original criminal sentence (often “the maximum” allowed under state law) the person already served in prison.
- ◆ Civil commitment costs tax payers between \$100,000 - \$300,000 every year, PER PERSON, for the rest of their natural life! This is 5-10x the average cost of prison.
- ◆ In Minnesota, the cost is \$429 a day per person, for the rest of their life.
- ◆ There are almost 7,000 people currently being held in the United States under civil commitment laws, with over 750 of those in Minnesota.
- ◆ More people die in civil commitment than get released.
- ◆ People have been committed for life for simple technical parole violations like being late for curfew or losing their job.

Once a sex offender, always a sex offender... there is no cure.

If that were true, then why waste hundreds of thousands of dollars per year for treatment?

According to the Department of Justice, sex offenders actually have one of the lowest recidivism rates, 5.6% (compared with 67% for other crimes).

What do we do with the 5% who may reoffend?

Do what we already do: charge the person with a new crime and, if convicted in a court of law, give him a rational sentence following approved sentencing guidelines (which already factor in additional time for prior offenses). Sentence him to prison with a known “out date” instead of paying millions to warehouse him for life for potential future crimes.

But we can’t just let sex offenders go free!

They served their prison time. All sex offenders already have their DNA and fingerprints listed in a national database. They are subject to parole, probation, Intensive Supervised Release (ISR), Sex Offender Registration (SOR), travel restrictions, GPS monitoring and/or conditional release (often for life). Each of those already include extreme restrictions that govern where they can live and work.

Listen to the Experts

The American Psychiatric Association (APA) vigorously opposes civil commitment of sex offenders after prison:

"We were concerned that psychiatry was being used to preventively detain a class of people for whom confinement rather than treatment was the real goal. This struck many people as a misuse of psychiatry."

Paul Appelbaum, M.D.

Chairman of the APA's Task Force on Sexually Dangerous Offenders

Minnesota's MSOP is notorious around the world. In *Sullivan v The Government of the United States of America* (Case No: CO/1672/2011), **England's High Court of Justice** blocked the United States' extradition request for Mr. Sullivan, specifically ruling Minnesota's civil commitment law was *"a flagrant denial of his rights enshrined under Article 5.1"* of the European Convention on Human Rights (ECHR).

On February 1st, 2023, the **Minnesota Supreme Court** found MSOP violated Patients' federal constitutional rights by failing to comply with lawful release orders, often delaying release for years (*McDeid v. Johnston*, A21-0042, A210043, 2023 WL 1425674).

What Can I Do?

On July 1st, 2022, the **United States Department of Justice** filed an Amicus brief on behalf of the clients held at MSOP, citing numerous Civil Rights violations (No. 22-1459)

Most people are unaware of the atrocity of civil commitment. The more informed the general public is about civil commitment, the greater the chances for reform in Minnesota!

MSOP staff confiscated printed copies of this brochure. On 2/7/22, Facility Director Terry Kneisel attached a copy in an email, capping this brochure "Anti MSOP propaganda." Two weeks later a policy was written defining such material as "counter-therapeutic" and disciplinary actions can now be received for printing this brochure you're reading. March 2023, MSOP used this new policy to confiscate another printed document entitled "Testimony to the Legislature."

For more information, join the Facebook group (**censored* by MSOP*) or email (**censored* by MSOP*) @gmail.com and check-out National organizations advocating for abolishing civil commitment such as **CURE-SORT.org**, **NARSOL** and **aJustFuture.org**.

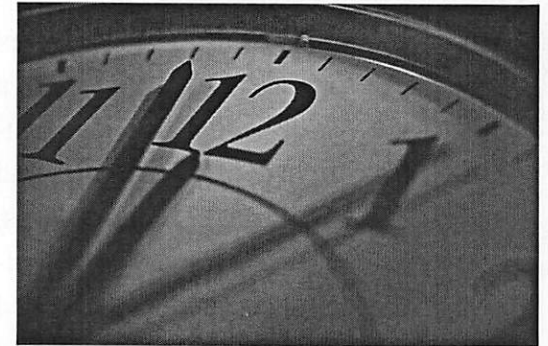
The person sharing this brochure with you can be reached directly at:

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CIVIL COMMITMENT

What it is and why you should care...



"They were now 'civilly committed' for an indefinite period in a locked mental hospital, supposedly for their own good. The lie was that it was for medical care. They simply were civilly committed there on a theory 'that they might do it again.' As a husband and a father, I can see what we're doing, but as a judge I hate lying about it."

Judge R.A. "Jim" Randall

Former Justice of the Minnesota Court of Appeals

"Draconic."

Federal Judge Donovan Frank