

Matthew Feeney  
1111 Highway 73  
Moose Lake, MN 55767  
*1050 Words*

## The Numbers Game

by

Matthew Feeney

What if you were told that by using a special scientific algorithm based on factors including your weight, social security number and eye color, doctors predict you have a 6.25% chance of dying within the next 5 years? While statistically that's a fairly low number, it does represent a significant chance, one that can't be ignored. Optimists point out that same statistic also means there is an 93.75% chance you'll survive just fine. And it's just a number predicted by some mathematical formula, so it doesn't necessarily apply to you, does it?

In a healthy society, the doctors would strive to do whatever possible to make sure you had the proper treatment, assistance and tools to ensure you had the greatest odds of success and decreased that 6.25% prediction.

But what if you lived in a world where the doctors did the opposite? If society believed that due to the 6.25% chance that you'll die, you should be presumed and treated as dead now. Instead of helping you, what if upon release from the hospital, the newspapers published your photo and your community held a meeting to vocalize their opposition to a sick person moving into their neighborhood? What if your percentage prevented you from taking a walk in the park? Or made it illegal to have a cell phone or Internet access like everyone else. If you are lucky enough to even find a job, the government will send agents to regularly talk to your boss and interrupt your work. You'll be given special curfews and need to socially distance yourself from certain establishments. You may even be forced to wear a GPS ankle bracelet and required to take yearly polygraph tests

Matthew Feeney  
1111 Highway 73  
Moose Lake, MN 55767  
*1050 Words*

(at your own expense) to ensure you're in full compliance with all these restrictions. What if the County Attorney acknowledged in writing that he knows those very restrictions he placed on you will cause such extreme stress that the restrictions themselves will increase the likelihood of you dying?

You'd be horrified at such a scenario, such gross misuse of resources. But this is exactly what the State of Minnesota has been doing for decades, and is still doing today.

A person charged with a sex offense is sentenced to a predetermined amount of time in prison. As a sex offender's sentence nears completion, the Department of Corrections applies all sorts of mystical pseudo-scientific actuarial tools in an attempt to do the impossible: to predict the future.

One of these actuarial tools called the MnSOST v 4.0 predicted that I had a 6.25% recidivism rate. In argumenta, let's say that is an accurate prediction. That means, of 100 men with my similar history and score, this formula predicts that only 6.25 of them will commit another sex offense within 5 years. Mathematically, that also means that 93.75 of those 100 men will NOT reoffend, and will go on to live a healthy and productive life. Yet because it is impossible to determine which 6 individuals will reoffend, the State and County Attorney choose to ascribe to preventative detention and lock up all 100 men in a special secured facility. While the state concedes that statistically speaking, 93.75 of those men are now and will forever remain innocent of any future crime, the state still seeks commitment of all 100 of them for an "indeterminate" amount of time (a de facto life sentence). Because no one can predict the future or prove a negative, there is no way

for anyone so accused to prove in a court of law that they won't commit a future crime; there is little legal defense to this scam.

The Constitution is supposed to ensure that all individuals are considered "innocent until proven guilty" in a court of law. The state skirts this pesky Constitutional issue by moving these commitment procedures into the civil court (different than a criminal court) and pretending that locking someone up against their will is not punishment. Federal Court Judge Donovan Frank disagreed and called Minnesota's civil commitment system "Draconian" and ruled MSOP "unconstitutional." Unfortunately his ruling was overturned upon appeal by the state. The state claims that MSOP is not prison because the men are called "clients" instead of prisoners. No matter what you call it, locking up men who have already served their sentence and having them live locked in cells surrounded by razor wired fences and guards is an expensive form of preventative incarceration.

Remember, these guys already did their time for their crime. They are now being treated as if they're guilty of committing another crime. They're being incarcerated by predictive numbers they were assigned were by some pseudo-scientific algorithm. Lest you think these numbers are based on via hard science, the earlier version of the MnSOST 3.12 gave me a 83% chance of recidivism. The professionals revised how the algorithm reads and weighs factors and created a *new and improved* MnSOST version 4.0 that predicted I had a 6.25% chance of failure. The same facts were used by both tests. Nothing changed except how they decided to factor the data. How accurate would you consider a math test that one day gave you an 83% but when your exact same

Matthew Feeney  
1111 Highway 73  
Moose Lake, MN 55767  
*1050 Words*

answer sheet was scored the next day, the test gave you a 6.25%? Such discrepancies indicate that neither version of this test is accurate, yet people's futures are being determined by this tool.

Using an arsenal of such tools is what civil commitment is based upon. It's the Salem witch trials all over, because how can an inmate argue with a percentage points arrived at by so-called experts? Who can accurately predict the future? Crystal balls, horoscopes and predictive mathematics are not a sound basis for justice.

Recent events in Minneapolis have caused nationwide discussions about reallocating portions of police budgets to support more constructive social service programs. Let's look at reallocation of \$110 million a year from MSOP to house detainees. Let's break the cycle. Instead of creating hurdles and stumbling stones making their lives more unstable, the state could provide practical assistance to the people who are most at risk to reoffend and help them help themselves to be successful. Even a portion of \$110 million dollars a year could create amazing programs that actually helped inmates successfully reintegrate back into productive community living.

Now those are some numbers I could believe in and a society I'd be proud to be a part of.