

(1)

Journal Entry: May 11, 2020

Everytime I think about the possibility of civil commitment I get a pit in my stomach. Civil commitment is essentially a mental hospital for the criminally insane. Unfortunately, for me, anyone convicted of a sex crime must be evaluated by a state psychiatrist for possible commitment. The state, notoriously, shops for experts to testify to their benefit. It is a scary proposition as commitment is a defacto life sentence; less than 1% are ever released from facilities that are often worse than prison.

It won't be my first rodeo. During my prosecution, the State's Attorney's Office tried to have me civilly committed. My lawyer's believed it was merely an attempt to scare me into taking a plea deal. A "moon shot" they called it, but that didn't stop my night terrors and cold sweats at the thought of spending the rest of my life in a mental institution. I was evaluated by two experts who, I was advised, did NOT consider me an SVP (sexually violent predator) and, therefore, not mentally ill or a danger to society. Whew! The odds of the State winning that case were virtually impossible, but I would forever have that charge and accusation on my permanent record. I was eventually convicted and sentenced for sexual assault and now await the day when I will again be evaluated for either release or civil commitment. It may seem cowardly of me to complain; if you do the crime, be ready to do the time. Okay, I can agree with that, but this is something else. There is no fairness or justice in the civil commitment process.

Civil commitment is a civil not criminal process, so by its nature, those who are subject to it do not enjoy the same rights nor must the State overcome the same level of burden of proof as in criminal prosecutions. I also have a philosophical problem with the whole thing. The basis for commitment is that a person has a diagnosed mental abnormality that is so severe that the person is unable to control his or her impulses, and is therefore likely to commit a new crime. So this person was considered sane enough to stand trial, but not sane enough to release? The State is getting the best of both worlds in this arrangement. Once found by a court to be a violent predator, the person is then placed in a facility for treatment and can (and usually does) remain there indefinitely until he or she is "cured."

Well, until the laws change all I can do is what I can do: try to get sex offender therapy, pray and hope for the best. I still have 10 years to worry about it...