IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

RUSSELL TINSLEY, AND IN BEHALF OF RESIDENTS AT STU IN SIMINLAR SITUATION PROBLEMS, ET COMPLAINT CLASS ACTION

Plaintiff,

Civil Action No.

V.

JURY TRIAL DEMANDED

MERRILL MAIN, Ph.D, STU CLINICAL DIRECTOR'

SHERRY YATES, DEPARTMENT OF CORRECTIONS,

ADMINSITRATOR, SHANTAY ADAMS, UNIT DIRECTOR,

R. VAN PELT, AND J. OTTINO, PROGRAM COORDINATORS

LASHONDA BURLEY, Psy.D, AND CHRISTOPHER BEAUMOUNT, Ph.D.

Defendants.

CLASS ACTION COMPLAINT

In support of this Complaint, Plaintiff Russell Tinsley alleges as follows:

I. NATURE OF THE ACTION

1. This action, brought pursuant to 42 U.S. C. 1983, the First, Fourth, Fifth, Eighth, Thirteenth and Fourteenth Amendments to the United States Constitution, arises out of the mistreatment, and for wrongful commitment to or confinement of Plaintiff Russell Tinsley ("Mr. Tinsley" or "Plaintiff") in the New Jersey Department of Corrections' Special Treatment Unit, since his wrongfully imprisonment and him being punish with his denial of liberty and free speech without due process. And in behalf of widespread problems that effect other resident at the STU.

II. PARTIES

2. Mr. Tinsley is a citizen of the United States and is currently a prisoner residing at the Special Treatment Unit (STU), in Avenel, New Jersey. Mr. Tinsley has been incarcerated at the STU since May 12, 2010. He had repeatedly demanded his release, claiming that he was not a threat; or a danger to any one, that he do not suffer from a mental abnormality or personality disorder, other words, that he was not mentally ill, and that his Expert Psychological Evaluation Report and from the interview with Dr. Silikovitz,

Ph.D recommendation was for Mr. Tinsley to be discharged from the STU, that he was not mentally ill, and the Special Treatment Unit, was not providing adequate treatment, based on the STU psychologists making up abnormalities on the mistreatment to justify keeping him civilly committed "Indefinite Imprisonment, on a Hunch", brings an action under Right to relief Federal Civil Rights Act of 1871 (42 USCS 1983) for alleged wrongful commitment to or confinement in the New Jersey Prison Punishing Him Wrongfully, and seek Punitive damages in actions for violations of Federal Civil Rights ACT. 14 ALR FED 608, IN THE UNITED STATES DISTRICT COURT FOR THE NEW JERSEY, ALLEGING THAT THE SPECIAL OF STATE TREATMENT UNIT CLINICAL DIRECTOR AND OTHER MEMBERS OF the New Jersey Department of Corrections and the Special Treatment Unit staff had intentionally and maliciously deprived him of his Constitutional right to liberty, and free speech without due process.

- 3. MERRILL MAIN, Ph.D, STU CLINICAL DIRECTOR', at all times relevant to this action, upon information and belief, is the STU Clinical Director responsible for overseeing the treatment of over 700 residents, at the STU and is an individual believed to be a resident of New Jersey who is sued individually and in his official capacity as a STU Clinical Director and who was, at all times relevant to this action, an Clinical Director, employee, agent/or representative of Department of Human Services Special Treatment Unit working as a Clinical Director at STU, acting in his Clinical Director capacity in the performance of his duties within the scope of his employment as the Clinical Director, and acting under color of law, including the Constitutions, statutes, laws, charters, ordinances, rules, regulations, customs, and usages of the United States and the State of New Jersey.
- 4. SHERRY YATES, DEPARTMENT OF CORRECTIONS, at all times relevant to this action, an Administrator, employee, agent/or representative of Department of Corrections' Special Treatment Unit working as a Administrator at DOC/ STU, acting in her Administrator capacity in the performance of her

duties within the scope of her employment as the Administrator, and acting under color of law, including the Constitutions, statutes, laws, charters, ordinances, rules, regulations, customs, and usages of the United States and the State of New Jersey.

- 5. SHANTAY ADAMS, UNIT DIRECTOR, upon information and belief, is the STU Unit Director and is an individual believed to be a resident of New Jersey who is sued individually and in her official capacity as a STU Unit Director and who was, at all times relevant to this action, an Unit Director, employee, agent/or representative of Department of Human Services' Special Treatment Unit working as a Unit Director at STU, acting in her Unit Director capacity in the performance of her duties within the scope of her employment as the Unit Director, and acting under color of law, including the Constitutions, statutes, laws, charters, ordinances, rules, regulations, customs, and usages of the United States and the State of New Jersey.
- 6. R. VAN PELT, PROGRAM COORDINATOR upon information and belief, is the STU Program Coordinator and is an individual believed to be a resident of New Jersey who is sued individually and in his official capacity as a STU Program Coordinator and who was, at all times relevant to this action, an Program Coordinator, employee, agent/or representative of Department of Human Services' Special Treatment Unit working as a Program Coordinator at STU, acting in his Program Coordinator capacity in the performance of his duties within the scope of his employment as the Unit Director, and acting under color of law, including the Constitutions, statutes, laws, charters, ordinances, rules, regulations, customs, and usages of the United States and the State of New Jersey.

- 7. J. OTTINO, PROGRAM COORDINATOR upon information and belief, is the STU Program Coordinator and is an individual believed to be a resident of New Jersey who is sued individually and in her official capacity as a STU Program Coordinator and who was, at all times relevant to this action, an Program Coordinator, employee, agent/or representative of Department of Human Services' Special Treatment Unit working as a Program Coordinator at STU, acting in her Program Coordinator capacity in the performance of her duties within the scope of her employment as the Unit Director, and acting under color of law, including the Constitutions, statutes, laws, charters, ordinances, rules, regulations, customs, and usages of the United States and the State of New Jersey.
- 8. LASHONDA BURLEY, Psy.D, at all times relevant to this action, upon information and belief, is the STU Psychologist responsible for clinical Process Group 14, for the treatment of 10 residents, at the STU and is an individual believed to be a resident of New Jersey who is sued individually and in her clinical matters capacity as a STU Psychologist and who was, at all times relevant to this action, an Psychologist, employee, agent/or representative of Department of Human Services Special Treatment Unit working as a Psychologist at STU, acting in her Clinical matters in Process Group 14 Therapist capacity in the performance of her duties within the scope of her employment as the Psychologist, and acting under color of law, including the Constitutions, statutes, laws, charters, ordinances, rules, regulations, customs, and usages of the United States and the State of New Jersey.

9. CHRISTOPHER BEAUMOUNT, Ph.D. at all times relevant to this action, upon information and belief, is the STU Psychologist responsible for clinical Process Group 14, for the treatment of 10 residents, at the STU and is an individual believed to be a resident of New Jersey who is sued individually and in his clinical Process Group 14 Therapist matters capacity as a STU Psychologist and who was, at all times relevant to this action, an Psychologist, employee, agent/or representative of Department of Human Services Special Treatment Unit working as a Psychologist at STU, acting in his Clinical matters in Process Group 14 Therapist capacity in the performance of his duties within the scope of his employment as the Psychologist, and acting under color of law, including the Constitutions, statutes, laws, charters, ordinances, rules, regulations, customs, and usages of the United States and the State of New Jersey.

III. JURISDICTION AND VENUE

- 10. This Court has jurisdiction pursuant to 28 U.S.C. 1331 and 1343(a) (3).
- 11. Venue is appropriate under 28 U.S.C. 1391(b) because this is a judicial district in which a substantial part of the event or omissions giving rise to Mr. Tinsley's claims occurred.

IV. FACTS

A. Mr. Tinsley's Incarceration ("Civilly Committed")

- 12. Mr. Tinsley is currently civilly committed from the New Jersey prison punishing him wrongfully, since May 12, 2010, at the Department of Corrections' Special Treatment Unit, in Avenel, and awaits appeal on his initial civil commitment hearing, since December 18, 2013.
 - 13. On or about May 12, 2010, Mr. Tinsley was received into the custody of DOC/STU for the purposes of him being civilly committed. His final hearing was held on December 18, 2013. It's been five years, since his incarceration for the purposes of his treatment and he has participated in both Process Groups 12 and 14, and on the most restricted Unit, of the South Main Facility for punishment of STU's residents.

- 14. The Treatment Phases Period in the Special Treatment Unit, supposed to be conducted In the Resident Guild, at page 33, it states: In reviewing these Phases in The Matter of the Civil Commitment of V.A., SVP 25-99., the Appellate Court said that "Based on these time projections, it would take an individual committed approximately four to five years to reach the goal of being released into the community. This projection assumes, of course, an average to above average patient performance, without a negative incident, relapse or other type of regression."
- 15. Upon information and belief, subsequent to Mr. Tinsley's Treatment Period, he was transferred to restricted housing on the "South" Unit at STU.
- 16. Mr. Tinsley made steady and consistent progress during the time of his placement at the STU. He was promoted to Phase 2 on 2/11/14. He is hoping to be promoted to Phase 3 when that opportunity is available. He has been at the STU since May, 2010. He had been incarcerated at South Woods Prison, for a non sexual offense on 11/08. He had been extradited to New Jersey, from Philadelphia, Pennsylvania on 1/08. He was incarcerated all together, to include both states for 11 years.
 - 17. On or about September 9, 2014 Mr. Tinsley filed his complaint against the STU's Process Group 14 Psychologists, because on September 8, 2014 in Process Group 14 Dr. Beaumont had brushed off evidence of his successful completion of RP1-A and Stress Management, to advance to RP1-B. Both Dr. Beaumont and others therapists had downplayed the evidence for his completion of Relapse Prevention 1 A Homework Assignments, his Personal Maintenance Contract, Autobiography and his Sexual History Questionnaire, as well as to his above average Post-test highest score in the module, among his positive feedback to other residents who was either moved off of the South Unit and/or advanced to RP1-B. But Mr. Tinsley was not. Here Dr. Beaumont and other failed to consider his completion. Here, Dr. Beaumont failed to consider his completion and the recommendation for him was that he repeats this module, that was not only an error, but in violation to the Alves v. Main, law suit settlement filed in this District Court. Mr. Tinsley believes Dr. Beaumont and other therapist are retaliating against him, because of the many complaints that he brought against them, during the time he had been confined, unsuccessfully, demanded his release, claiming that he was dangerous to no one, and had been supported by his professional expert evaluation or confidential report

stating that there is no evidence that Mr. Tinsley suffer from a mental abnormality or personality disorder and/or pose a threat or a danger to Society that he is likely to engage in acts of sexual violence if release, and which evidence has not been proven by clear and convincing evidence that he was subject to the State of New Jersey commitment as a sexual violent predator.

- 18. Upon information and belief, subsequent to his Treatment Period, Mr. Tinsley was made to participate in two process group 12 and 14 at the same time, and also was kept on the South Unit, an restricted unit, from the rest of the general population, where treatment programs are more available to others, but was denied to him, and/or that the STU was not providing treatment for his supposed illness, and from his Treatment Team 2.
- 19. On or about many occasions Mr. Tinsley brought his complaints by way of the Special Treatment Unit Request System and Remedy Forms, at which point he was denied any relief for a redress of his grievances while he currently is incarcerated.

B. The DOC and STU Facilities

- 20. DOC and STU assume responsibility on behalf of society for the security and maintenance, and treatment process for residents who have been civilly committed by the courts, under the New Jersey Sexual Violent Predator Act. The facilities house persons accused of committing violent sexual crimes who either waiting for their initial commitment hearing; or who had already been civilly committed for treatment.
- 21. Literature publicized by the New Jersey Law Journal asserts that Avenel Inmate says Class Action Settlement in Alves v. Main, Fails To Address Systemic Problems, and in another publicized article by CURE CIVIL COMMITMENT N_WSLETTER, one young resident's tour of the New Jersey Special Treatment Unit asserts like most people who are committed here does not have a sex offense conviction, and a Newark man was set free after serving 17 years for a rape he says he did not commit, John O'Boyle's newspaper article in The Star Ledger. The New York Times, Sunday, August 2015 asserts in their Indefinite Imprisonment, on a Hunch, article: "The essence of the American criminal justice system is reactive, not predictive 'You are punished for the crime you committed. You can't be punished simply because you might commit one someday. You certainly

can't be held indefinitely to prevent that possibility".

- 22. DOC and STU receive into custody more inmates than they are capable of treating and housing those who no longer pose a danger.
- 23. DOC and STU are locking up in their prison after they completed their sentences, costing the tax-payers \$125,000 per person per year for a future sexual offense that hasn't actually been committed!
- 24. DOC and STU suffer from severe qualified psychologists staffing to minister adequate treatment.
- 25. As a result of their housing of civil detainees for treatment in a prison that was designed and built for punishment –lacking in space and privacy and under the watch of the DOC, an organization that is focused on punishment through fear, violence and terror in a most repressive manner. That clearly is not just counterproductive and anti therapeutic but harmful, to say the least.
- 26. As a result of understaffing, inmates in DOC and STU, especially on the most restricted Unit, of the South Main Facility for punishment of STU's residents and where they are being denied adequate treatment; or most important modules, which are groups that teach therapy concepts in an educational setting, they are frequently subjected to lockdown conditions where they are forced to remain in their cells for 13-18 hours per day and are denied access to fundamentals such as phone calls and showers.
- 27. Many inmates are so frustrated and angered by the living conditions and food at DOC and STU that they have expressed a desire to riot. Attached hereto as Exhibit "A" are true and correct copies of newspaper articles published regarding these issues.
- 28. The inmates desire to receive more privileges, such as specialized treatment and from the involvement and support of their family. It suppose to be the goals of the STU is to assist sex offenders in developing insight regarding the etiology and impact of their crimes, and coping mechanisms that would promote appropriate sexual and interpersonal behaviors and eliminate deviant sexual behaviors. Family Day can be therapeutic to many STU residents. Instead, since there are no such privileges and the DOC and

STU's staff fear for their own safety has fostered an environment of unequal treatment where many DOC and STU's staff exchange favors with residents.

- 29. As a result of the inhumane conditions at DOC and STU, many residents take out their frustrations by having no such goal or expectancy as well as hope, which is critical in motivating to go to group therapy with an goal of being considered for released from the program conditionally; or unconditionally.
- 30. Mr. Tinsley has been the victim of the DOC and STU's Dr. Merrill Main, Ph.D, STU Clinical Director's and his staff who had acted maliciously or wantonly or oppressively, directly caused by the above described inhumane living conditions at DOC and STU.
- 31. He has been threatened by other staff members and, in some instances placed on discriminatory MAP Placements, with their aggressive and hostile force which was retaliatory conduct to keep him on the South Unit most restrictive unit confinement in result from filing his complaints and lawsuit.
- 32. In one specific instance he was assaulted by another residents, upon information and belief, at the request of a therapist who been allowing this resident to threaten Mr. Tinsley in their Process Groups on many occasions, and did nothing about it.
- 33. Ironically, this attack resulted in Mr. Tinsley himself trying to get his point across, and when he took the floor to discuss and process some of his treatment matters. Mr. Tinsley was being threatened by this resident, and while his floor was being interrupted, and it was that he was merely defending himself.
- 34. The conditions at DOC and STU are cruel and inhumane, and are continuing to worsen. Such conditions foster hostility and violence among residents and hostility by the staff directed at the residents.
 - C. Other Deprivation of Mr. Tinsley's Liberties and Retaliatory Conduct Against Him by the Staff at DOC and STU.

- 35. Beginning during his Orientation Period and continuing through the present, Defendants have subjected Mr. Tinsley to a concerted and continuing practice of denying him his liberty and property without due process, and harassing him and retaliating against him as a result of his attempts to exercise his rights.
- 36. More specifically, beginning from the time that he was originally incarcerated ("civilly committed") at DOC and STU May 2010. Mr. Tinsley made it known to his treatment team, psychologists, attorneys, the civil commitment court and DOC and STU prison officials and therapist alike, including numerous of the Defendants, and States officials, that he was dangerous to no one, and this has now been supported by his professional expert evaluation or confidential report stating that there is no evidence that Mr. Tinsley suffer from a mental abnormality or personality disorder and/or pose a threat or a danger to Society that he is likely to engage in acts of sexual violence if release, and which evidence has not been proven by clear and convincing evidence that he was subject to the State of New Jersey commitment as a sexual violent predator. Attached hereto as Exhibit "A" are true and correct copies of Mr. Tinsley's Expert Confidential Report, for the Court's consideration in the above-cited Federal Civil Law Suit.
- 37. As such report, it was imperative that Mr. Tinsley got provided with adequate Recommendations by his Expert to be released from his incarcerated and return to the Commonwealth of Pennsylvania, in his home State, City of Philadelphia and/or to comply the terms of that State probation, including his participation in their sex offender specific outpatient individual and/or group psychotherapy, if need too.
- 38. To show further, the Defendants' and/or DOC and STU staff therapist's retaliating against Mr. Tinsley, because of the many complaints that he brought against them, during the time he had been confined, unsuccessfully, demanded his release, claiming that he was dangerous to no one, and had been supported by his professional expert evaluation or confidential report stating that there is no evidence that Mr. Tinsley suffer from a mental abnormality or personality disorder and/or pose a threat or a danger to Society that he is likely to engage in acts of sexual violence if release, and which evidence has not been proven by clear and convincing evidence that he was subject to the State of New Jersey commitment as a sexual violent predator. He will expressly provide the list of his grievances filed during his stay at the DOC and STU as follows: Also true and correct

copies of the relevant complaints of the grievances are attached as Exhibit. "C". Mr. Tinsley has not yet had relevant relief to his complaints at DOC and STU, especially under the circumstances, where Mr. Tinsley is defending himself in the Civil Commitment Proceedings and his future very much depends on his ability to being released as a direct result of his Expert's recommendations.

- 39. In the first instance, since Mr. Tinsley was temporarily committed at DOC and STU in May 2010, he was declined treatment and in May 2012 was placed in treatment refusal. Dr. DeCrisce confirmed at Mr. Tinsley's initial civil commitment hearing on December 18, 2013, that he was not obligated to participate in sex offender treatment since he had not been civilly committed. Defendant Dr. Merrill Main disagreed with Dr. DeCrisce's testimony, and In Response to Merrill Main's answer to Mr. Tinsley's Complaint:
- 40. In my response to Merrill Main, Ph.D. STU Clinical Director's answer to my complaint, and after speaking to him after the scheduling, Thursday, October 11, 2014 Community Meeting recently. Please be advised that the Deprivations of Mr. Tinsley's Liberties and Retaliatory Conduct Against him by Merrill Main, Staff at STU and DHS; or DOC will continue to exist, from evidence of his own statements to him "No matter how much treatment you make progress in, because of your complaints, it would only hurt any and all chances for you to ever get discharge and that you will never get off the South Restricted Unit" prove his discriminating against Mr. Tinsley and by his treatment professionals at STU's sex offender program had "departed so substantially from professional minimal standards as to demonstrate that their decisions and practices were not. . . based on their professional judgment.
- 41. After Your reviewing, the special review board, and judicial appeal panel's consider all of the documentation Mr. Tinsley submitted to Defendant Main office, and them, he can only conclude that the facts stated in Mr. Tinsley's complaints, proves it, "that the Deprivations of his Liberties and Retaliatory Conduct Against him by Defendant Merrill Main, Staff at STU and DHS; or DOC will continue to exist, from evidence of his own statements to Mr. Tinsley".

- 42. Beginning during Mr. Tinsley's Treatment Orientation and continuing through the present, Merrill Main, and staff at STU, DHS and DOC have subjected him to a concerted and continuing practice of pattern denying him his liberty and has created "problems in the treatment program over the last five years for him and where they are intentionally interfering; or affecting his progress in the treatment and for him to not get discharge from STU, so that he can return to Philadelphia, Pennsylvania and to fulfill his obligations under that state ongoing criminal judgment, without due process, and harassing him, retaliating against him as a result of his attempts to exercise my rights.
- 43. More specifically, beginning from the time that he was originally civilly committed to the STU-Unit in May 2010, because of a Philadelphia's ongoing criminal process, he made it known to New Jersey courts, including numerous of the DHS and DOC and STU appropriate authorities, that he was suppose to be returned to Philadelphia, for his ongoing criminal proceedings there, as is his right to do. As such, it was imperative that he be in Philadelphia, because his underlying offenses were in that state's jurisdiction, and thus he was on an active probation supervision and that he was an appropriate candidate for out-patient treatment, in Philadelphia both while he had not been charged with or was convicted of any sex offense in the state of New Jersey, nor is there any criminal charge pending against him in this state he must be discharge from the STU –to- return to Philadelphia, to participate in the out-patient treatment, in the active Philadelphia Criminal Action, not in New Jersey.
- 44. The STU-Resident Guide expressly provides that "the resident population, in reviewing the Phases," it would take an individual committee approximately four to five years to reach the goal of being released into the community. Please review, at page 33 of the Resident Guild. In the four (4) years, Mr. Tinsley have been here, he have not had any reasonable movement through the phases, at the STU or in Philadelphia, especially under the circumstances, where he was defending himself in the civil action to adequately fulfill the Therapy Treatment Requirements, outlined in the Resident Guild, and from what STU-staff and the Treatment Team recommends for his good progress in treatment to help improve his life in many ways including discharge from the STU, and in his ability to return to Philadelphia, and his future, family and

supporters very much depends on his ability to adequately satisfy a higher standard, which requires that he demonstrate, among other things, that he is capable of making an acceptable adjustment to open society, who is not dangerous to the public, and is not in need of inpatient treatment and supervision.

- 45. In the first instance, as Defendant Merrill Main, alleged that he was treatment refusal from May 2010 when he arrived at the STU, until he was committed in December 2013. He challenged him on that, and made reference to him of the opinion of Dr. DeCrisce, who testified at his civil commitment hearing, in December 18, 2013, "that R.T. was not obligated to participate in sex offender treatment since he had not been civilly committed". Defendant Merrill Main, called Mr. Tinsley a liar, and he had to show him the court's transcript, and then he said that Dr. DeCrisce was incorrect. He even went further to tell Mr. Tinsley "it made no different; since your commitment last December, you have been participating and engaging in sex offender specific treatment. But by you making complaints, and filing lawsuits, that will only stop any and all advancement to the next treatment phase, keeping you in the South Restricted Area, as you continue to make complaint to threaten and intimidate staff, that will only make it all but impossible for you to be released from civil commitment," and he has thus rendered Mr. Tinsley commitment subjected to liberty restrictions; or punishment "in essences a life sentence", and the kind of restrictions to be an "confinement and punishment; or inhumane treatment, by his own statements to Mr. Tinsley.
- 46. Moreover, Mr. Tinsley has, more often than not, been unfairly placed on MAP for filing pro se legal papers, and having access to the STU facility Law Library. However, when the Seton Hall University School Law Center for Social Justice Civil Rights and Constitutional Litigation Clinic, investigated this issue, they spoke to Mr. Sengtacke, Deputy Public Defender, about that issue, they were informed that the STU has recognized its error and is no longer taking the position that Mr. Tinsley committed any kind of misconduct by filing those legal papers. Again, Defendant Merrill Main, and his staff are aware of this, but still continue to allege he was placed on MAP for this violation. They even went as far as accusing him of ordering a pornographic DVD, that his attorney Frank M. Gennaro, Esq., had disputed this alleged claim and

stated to Defendant Merrill Main and his staff that: "Mr. Tinsley recently ordered and received from Oldies.com the Musical DVD's. The administrators of the STU facility have accused Mr. Tinsley of ordering pornographic material, which could subject him to disciplinary action".

- 47. "I have visited the Oldies.com website which, by any standard, does not seem to be a purveyor of pornography". Even though, Mr. Tinsley's attorney tried to explain the nature of the company and the product which it sells, so that we can try to convince the STU facility staff that Mr. Tinsley was not patronizing a pornographer. Defendant Merrill Main and staff have continued to charge and punish him with this disciplinary violation.
- 48. At both Process Groups 12 and 14 Mr. Tinsley was diligently participating in the treatment, by attending and engaging in a meaningful, positive, constructive and productive way in order to fulfill his treatment goals for discharge from the STU, and return to Philadelphia, frequently, his efforts was passed over.
- 49. Further, pursuant to the application procedures set in the Resident Guild, Mr. Tinsley was continuously and diligently requested additional advancement to the next treatment phase/ by him being well over the intensity of motivation and making the investments in his fulfilling the Therapy Treatment Requirement, to get discharge from the STU as required by the Resident Guide Book. Frequently, such consideration for phase advancement was denied.
- 50. In addition to his formal Requests to staff regarding advancement to the next treatment phase, he made repeated verbal pleas for more Modules in order to prepare for the community. These requests fell on deaf ears, and by Defendant Merrill Main still keeping him restricted on the South Unit.
- 51. As a result of his continued denial of adequate treatment, and by his being restricted on the South Unit, as well as being forced to repeat the RP-1A Module, and in an Treatment Readiness Module, only on the South Unit, Mr. Tinsley began filing formal grievances in accordance with the procedures set forth in the Resident Guild Book.

- 52. Mr. Tinsley have filed at least 34 separate grievances regarding his denial of adequate treatment; or for STU failure to Provide Treatment, and other related matters in Violation of the Fourteenth Amendment to the United States Constitution, and of the New Jersey Civil Commitment and Treatment SVP-Act, and also his Denial of Less Restrictive South Unit Area in Violation of Due Process, among other claims.
- 53. On September 8, 2014 in process group 14 Defendant Dr. C. Beaumont had brushed off evidence of his successful completion of RP1-A and Stress Management, to advance to (RP1-B). They, Defendant Dr. C. Beaumont, Defendant Merrill Main, Defendant Shantay Adams, South Unit Director, Defendant R. Van Pelt, and Defendant J. Ottino, Program Coordinators, Defendant Lashonda Burley, Psy.D and Defendant Dr. Christopher Beaumount, Ph.D and/or other therapists had downplayed the evidence for Mr. Tinsley completion of Relapse Prevention 1 A Homework Assignments, his Personal Maintenance Contract, Autobiography and his Sexual History Questionnaire, as well as to his above average Post-test highest score in the module, among his positive feedback to other residents who was either moved off of the South Unit and/or advanced to RP1-B. But he was not! Here, Defendant Dr. Beaumont failed to consider his completion and recommended that he repeat this module, that was not only an error, but in violation to the law-suit settlement. Mr. Tinsley believe Defendant Dr. Beaumont and other therapist are retaliating against him, because of the complaints that he brought against them that was exhausted, by both the DHS - Division of Mental Health Services, Newark Board of Psychologists, and Seton Hall University School of Law as well as by my attorney.
 - 54. Mr. Tinsley is frustrated with being mistreated and ignored, he

also began to assert his dissatisfaction verbally to STU, DHS and DOC personnel, and by my making statements to staff, they shouldn't never had perceived them as threatening; or to intimidate staff members.

- 55. As a result of his numerous attempts to exercise his right to due process of Less Restrictive South Unit Area, adequate treatment; and to be free from punishment and inhumane treatment, and his expression of dissatisfaction with ongoing denial of his rights, Defendant Merrill Main and staff members embarked on a concerted practice and pattern of harassment and retaliation against Mr. Tinsley.
- 56. Examples of such harassment and retaliation include the following:
- a. In retaliation for him, when he first arrived at the STU, attempting to access the law library, pursuant to a Request Staff signed by Mr. Steven Johnson:

"Russell Tinsley, who is civilly-committed, was transferred to New Jersey from Pennsylvania on May 10, 2010. Russell Tinsley states that the attorney general filed a fraudulent certification and Russell Tinsley sought to use the "law room" for "legal defense activities." Ms. Kearney, a rehabilitation counselor, refused him access. He then complained to defendant Johnson, who told him to fill out a request, and that he would talk to Ms. Kearney. After five months, Plaintiff was scheduled to use the law room, "yet, Ms. Kearney still denied [his] access and [he] was place[d] on MAP."

Ms. Kearney acted in a hostile manner and attempted to provoke me. When her attempts at provocation failed, an DOC Sergeant placed me in MAP on the South Unit, without good cause, during which time I was locked down for the first forty three months at the STU, I spent 11 months on MAP and was not permitted to receive personal hygiene, clothes; or food packages; or to engage in certain activities including, but not limited to, accessing the law library or visiting with my family. I am still suffering the added harassment of being subjected to being house on the Restrictive South Unit Area, for disciplinary MAP Placements, and Treatment Refusals proceeding regarding this same incidents which include by filing those legal papers, and of accusing me of ordering a pornographic DVD, that my attorney Frank M. Gennaro, Esq., had disputed this alleged claim and stated to Merrill Main and his staff that: "Mr. Tinsley recently

ordered and received from Oldies.com the Musical DVD's. The administrators of the STU facility have accused Mr. Tinsley of ordering pornographic material, which could subject him to disciplinary action".

- b. All my legal materials were confiscated during my period on MAP, further depriving me of my right to defend myself against civil commitment, and access to the courts.
- c. Although, I am still on the Restrictive South Unit Area, my work now is in the position of clerk at the law library, and my assistance is provided to other residents on legal matters.
- d. Before, I was assigned to work in the law Library, Officer Ware and Hyatt at STU Restrictive South Unit Area, were then employed on this unit, but before they was reassigned to work on others units, they had both threatened my physical well being and refused to allow me access to the Law Library in retaliation for grievances filed against them.
- 57. Such harassment and retaliation on the part of Defendant Merrill Main, STU, DHS and DOC staff members has included not only the aforementioned specific examples where they engaged in activity designed to: (1) obstruct Mr. Tinsley from obtaining access to the law library to prepare his defense in his Civil Action, and Criminal Actions in Philadelphia; (2) unlawfully provided to punish him; and (3) prevent his progressing through the phases of treatment, where he remain in the second phases of treatment after five years, but also by his being restricted on the South Unit, as well as being forced to repeat the South Unit, only then RP-1A Module, now it only a treatment readiness and further generalized attempts by Defendant Merrill Main, and STU, DHS; or DOC staff members to subject him to a hostile and unsafe confinement was punitive in nature environment, and to subject him to threats to his well being of never being discharged from the STU, regardless of his progress he is making in his positive treatment participation.
- 58. Such retaliation on the part of Defendant Merrill Main and staff members against Mr. Tinsley continues to this day and causes his fear for his own freedom, because this one-way door has resulted in essentially lifelong commitment.

- 59. As a direct and proximate result of Defendant Merrill Main and staff members' unlawful conduct, his civil and constitutional rights have been and continue to be violated.
- 60. As a direct and proximate result of Defendant Merrill Main and staff members' unlawful conduct, Mr. Tinsley have suffered damages, and it would be in the best interests of justice to approve his STU discharge, so that he can return to Philadelphia, Pennsylvania.
- 61. Moreover on September 22, 2015 Mr. Tinsley's Constitutional First Amendment Right to Freedom of Speech was violated, when he was denied access to published his book entitled "Civi lly Committed" under the Freedom of Information Act and by the above named Defendants. Mr. Tinsley was placed on Program MAP, by Defendant R. Van Pelt, who has committed a slander disambiguation and attacked not only Mr. Tinsley's reputation, but the reputation of others who are not one of those who has been civilly committed in the Free Society, but was a American citizen who was involved in a business association with Mr. Tinsley, and support his efforts to publish a book that sells on the internet. His statement is a Public concern, of a person who wrote the civil commitment court to express their complaint of concern for their reputation being violated by Defendant R. Van Pelt in an action for slander against them and his memo is attached as Exhibit "A".
- 62. Their letter of complaint and how it was written by one of Mr. Tinsley's fans and supporters in a form of a memo is a follow: **MEMO**:

To: Honorable Judge Freedman

Fr: Ms. Irene Lo

Da: 09-24-2015

Re: Russell Tinsley SVP# 573-10

CC: Active Commissioner, Treatment Ombudsperson, Monitor, Hon. William Wertheimer, Law Firm of Gibbons P.C. Barbara Moses

Your Honor,

I am sending you this complaint through Russell Tinsley's lawyer Ms. Nora Locke.

I am concerned with the Memo that Mr. Tinsley received from the Program Coordinator Mr. R. Van Pelt at the Special Treatment Unit (STU) at Avenel, New Jersey and his decision to place Mr. Tinsley on Program MAP was over a published book that his Fans and Supporters helped him put together that is now available to the Public. The book called, "Civilly Committed" was produced by Mr. Tinsley's Fans and Supporters was to show the progress that Mr. Tinsley has been making while at the STU. In the Memo, Mr. R. Van Pelt, the Program Coordinator even went on to say called website that because Mr. Tinsley's has www.pimpinentertainment.net that he has "rape mentality". statement made by Mr. R. Van Pelt shows me that he is missing the point of the book and is trying to use a few sections of the book and make this something that it is not. Mr. R. Van Pelt clearly has not referenced any positive points in Mr. Tinsley's book, shows me that he does not recognize Mr. Tinsley's progress, because the book is basically Mr. Tinsley's work throughout his treatment at the STU. The reason that Mr. R. Van Pelt tries to place Mr. Tinsley on Program MAP is because he feels Mr. Tinsley's good progress is a threat to him and does not want Mr. Tinsley to continue making good progress. I don't understand why he would feel that way towards Mr. Tinsley and this is why it upsets me because Mr. Tinsley is trying to do all he can to get discharged, by going to group, staying out of trouble, and this book, "Civilly Committed" was put together by Mr. Tinsley's Supporters to show the Judges and educate outsiders on the issue and progress of civil commitment that the Public is not very aware of.

I want to counter what Mr. R. Van Pelt said in his Memo regarding the woman Heather Weeks. Mr. R. Van Pelt missed the point that the reason the book mentioned Heather Weeks (H.W.) was because it was to show this case from San Francisco was dismissed, instead Mr. R. Van Pelt

pointed out the woman's age to be younger when that was not true as the woman age was not younger then what he said.

I would appreciate if Mr. R. Van Pelt would restrain from making those negatively statements because they are untrue and makes me feel that what is the point for an inmate's time in going to treatment if these Department of Corrections (DOC) personnel and Treatment Team Facilitators are just trying to go against the good progress, instead Mr. R. Van Pelt should acknowledge the good progress Mr. Tinsley is making and if he has any confusions I would gladly clarify the issue to him.

Lastly, I wanted to point out the expert report from Mr. Tinsley's expert, Dr. Silikovitz's recommendation was for Mr. Tinsley to be discharged from the STU. I hope that Honorable Judge Freedman, you will be able to see the truth and the facts.

Thank you very much for reading my Memo.

Sincerely,

Irene Lo

63. Mr. Tinsley responded to his Program MAP Placement, and tried to process his thoughts about this matter in his process Group, but was denied to do so by his two therapists Defendants <u>LASHONDA BURLEY, Psy.D, AND</u> CHRISTOPHER BEAUMOUNT, Ph.D.

R. Tinsley Program MAP Placement/ Process

Behavioral Cycle

Build-up

Thought:

I'm trying to do all I can to get discharged, by going to group, staying out of trouble, and this book, "Civilly Committed" was put together by my Supporters to show the Judges and educate outsiders on the issue and progress of civil commitment that the Public is not very aware of.

Feeling:

Because Mr. R. Van Pelt will not restrain from making those negatively statements about me and my company's supporters, that are untrue makes me feel that he want to sabotage my treatment with his defamation, slander and that makes him libel for legal actions both civil and/or criminal to be filed against him, to deter his various kinds of defamation and retaliation on groundless criticism. I feel that the Department of Corrections (DOC) personnel and Treatment Team Facilitators are just trying to go against the good progress, I'm making with both my treatment and business associations and instead Mr. R. Van Pelt should acknowledge the good progress I am making and if he is confused with the term of Hip Hop and/or Ebonics inclined cultural terms he should first study the cultural.

Behavior:

First and foremost, Mr. R. Van Pelt and others on my treatment team was already told by me that the website was not created by me; nor do I actively maintain any post and/or updates. However, I am one to whom my peers in the fashion and music industry still respect that I have much to offer them due to my vast knowledge and experience in the business.

Thought:

Mr. R. Van Pelt thinks the Corporate Staff of Playza Club Records' website glorifies pimping which he thinks is part of 'rape mentality' must be rejected has disambiguation slander and libel are false or malicious claims that may harm someone's reputation, especially the many female fans and supporters of the website who are music artists, songwriters, singers and models in the Entertainment Industry who works for the company. Mr. R. Van Pelt must be informed in the website terms for the Playza Club Records, the company choose collectively to use the Etymology for pimpin' entertainment. The word pimp first appeared in English in 1607 in a Thomas Middleton book entitled Your Five Gallants. It is believed to have stemmed from the French infinitive pimper meaning

to dress up elegantly and from the present participle pimpant meaning alluring in dress seductive. The Playza Club Records Company website is just that a fashion and live entertainment business, and responsible for producing music and fashion shows production, and market all Music Artist's music and videos with fashion T-Shirts or Jewelry.

Feeling:

I'm very disappointed for how Mr. R. Van Pelt and others DHS staff has also stated that during the time that I've been here at STU, I was involved in a website account which sells music CDs, T-Shirts and references other fashion and jewelry. Even though, they know there is nothing suggesting criminal violations on the website, Mr. R. Van Pelt still maliciously characterization of The Playza Club Records' website, we challenge that, because we have many positive things on the site, including a tribute to President Obama, music we composed while at the STU and a religious book I have written. Even the pictures on the website were of top-name celebrities, including Beyonce, Rihanna and Nikki Minaj, are just a few who are coming together as my fans and supporters against my civil commitment, and I feel there is nothing wrong with me trying to be discharged from the STU.

Behavior:

When I got a copy of a email from one of my fans and supporter, I'd attached it to this behavioral cycle.

Russell Tinsley September 27, 2015

Count I

Denial of A Constitutional Right to Receive Such Treatment and To Be Released in Violation of the Due Process Clause of the Fourteenth Amendment Against All Defendants

64. Paragraphs 1 through 60 are incorporated by reference as if set fourth fully herein.

- 65. Through the actions described above, the Defendants violated Mr. Tinsley's rig hts under the Fourteenth Amendment and Due Process Clause of the United States Constitution by restricting and denying Mr. Tinsley's adequate t reatment to be discharge.
- 66. Defendants acted in an unreasonable, malicious, wanton, reckless, willful, and oppressive manner.
- 67. Mr. Tinsley sustained injuries and damages as a result of the actions of the Defendants.
- 68. Therefore, Mr. Tinsley is entitled to relief under 42 U.S.C. 1983, et seq. Mr. Tinsley brings an action under Right to relief Federal Civil Rights Act of 1871 (42 USCS 1983) for alleged wrongful commitment to or confinement in the New Jersey Prison Punishing Him Wrongfully, and seek Punitive damages in actions for violations of Federal Civil Rights ACT. 14 ALR FED 608, IN THE UNITED STATES DISTRICT COURT FOR THE STATE OF NEW JERSEY, ALLEGING THAT THE SPECIAL TREATMENT UNIT CLINICAL DIRECTOR AND OTHER MEMBERS OF the New Jersey Department of Corrections and the Special Treatment Unit staff had intentionally and maliciously deprived him of his Constitutional right to liberty, and free speech without due process.

COUNT II

Denial of Free Speech in Violation of the First Amendment Against DOC and STU Defendants

- 69. Paragraphs 1 through 68 are incorporated by reference as if set forth herein.
- 70. Through the actions described above, the DOC and STU Defendants violated Mr. Tinsley's rights under the First Amendment to the United States Constitutional by disambiguation slander and libel are false or malicious claims that may harm someone's reputation, especi ally the many female fans and supporters of the website who are music artists, songwriters, singers and models in the Entertainment Industry who works for the company Playza Club Records Company, and by withholding Publishing a book entitled: "CIVILLY COMMITTED" New Book about

a Resident's civilly committed at the worst facility in The New Jersey Special Treatment Unit

Submitted by a Civilly Committed Prisoner in Avenel, NJ

This book entitled "Civilly Committed" is in support to free Russell (Mac-T) Tinsley, from the New Jersey Prison Punishing Him Wrongfully. The readers of this book will be shown how Russell Tinsley is trying to make good progress in his treatment, at the New Jersey – Civil Commitment Facility: Special Treatment Unit, in Avenel, and where the States' Psychiatrists and Therapists under the Dr. Merrill Main, Ph.D. STU Clinical Director's management needlessly keeps him and other residents away from treatment necessary to advance towards release, when in fact, they suppose to give credit towards their progress, as well as to report this progress to the civil commitment court.

This book is authored by Russell Tinsley and by some of his supporters in the Free Society, written to educate the Public about the good progress Russell Tinsley is trying to make in his treatment's groups and how much he has learned from his mistakes as well as how serious he is about not reoffending and would like to process this information as just one of his discharge plans, to educate the Public, about how he is doing all he can do to make steps in the right direction and he would appreciate the thoughts of the Public about this book, with their feed back, comments; or concerns.

We believe the Public will like to know about Russell Tinsley's progress he had been making, to help him out by their protest, and for his discharge from civil commitment, as well as can be used to further provide their concern; or support for our argument, not only for Russell Tinsley's discharge, but to get the civil commitment judges, state and federal representatives; or state senators and governors alike to advocate for the improvements needed to make changes in the civil commitment's laws.

We are hoping that the News Media will cover Russell Tinsley's story in his book, about his civil commitment and the conditions of his confinements that will educate and inspire the Public to continue their support to become advocates for improvements and/or for the abolition of these harsh civil commitment systems.

We further believe the Public has a right to know what's really happening about the circumstances surrounding other residents "Civilly Committed" at the Special Treatment Unit, in Avenel, New Jersey, with no hope of ever getting out of being lock-away for life, from the free world.

If the Public only knew the real truth behind how their Tax Payers' Dollars are being spent and taking away from them, for civil commitment, without their knowledge of the unconstitutional violations of these civil commitment's system, they would not only be an Public outrage, but it will be an out-lash of support to release Russell Tinsley.

The information in this book is Russell Tinsley's approach to process his treatment participation with the Public, and his giant step to moving forward, to further processing his civil commitment information; or about Therapy – Treatment in his groups at the Special Treatment Unit, but so that the Public may have a better understanding of Russell Tinsley's character development, for his discharge.

For your copy of this book please visit:

www.russelltinsley.vpweb.com

www.playzaclubrecords.com

or visit: creatspace.com

amazon.com

E-Book: Kindle Direct Publishing

www.kdp.amanzon.com

And Google Search This: 'civilly committed' book is authored by Russell Tinsley

Please send us your comments, to be posted on our social media network

Facebook page and Blog

Support Groups:
www.curenational.org
www.reformsexoffenderlaws.org

71. Therefore, Mr. Tinsley is entitled to relief under 42 U.S.C. 1983, et seq. Mr. Tinsley brings an action under Right to relief Federal Civil Rights Act of 1871 (42 USCS 1983) for alleged wrongful commitment to or confinement in the New Jersey Prison Punishing Him Wrongfully, and seek Punitive damages in actions for violations of Federal Civil Rights ACT. 14 ALR FED 608, IN THE UNITED STATES DISTRICT COURT FOR THE STATE OF NEW JERSEY, ALLEGING THAT THE SPECIAL TREATMENT UNIT CLINICAL DIRECTOR AND OTHER MEMBERS OF the New Jersey Department of Corrections and the Special Treatment Unit staff had intentionally and maliciously deprived him of his Constitutional right to liberty, and free speech without due process.

COUNT III

Retaliation for the Exercise of Constitutional Protected Freedom of Speech, and the Press and Right from disambiguation slander and libel in Violation of the Fourteenth and First Amendment Against All Defendants

- 72. Paragraphs 1 through 70 are incorporated by reference as if set forth fully herein.
- 73. Through the actions described above, Defendants violated Mr. Tinsley's rights under the Fourteenth Amendment to the United States Constitution by retaliating against Mr. Tinsley for exercising his right to adequate treatment in order to be discharge in his civil commitment confinement and to deny him his right to freedom of speech, in order to publish his own book about his criminal history and civil commitment matters that are already made by the government for public records, as well to assert grievances regarding such denials.
- 74. Therefore, Mr. Tinsley is entitled to relief under 42 U.S.C. 1983, et seq. Mr. Tinsley brings an action under Right to relief Federal Civil Rights Act of 1871 (42 USCS 1983) for alleged wrongful commitment to or confinement in the New Jersey Prison Punishing Him Wrongfully, and seek Punitive damages in actions for violations of Federal Civil Rights ACT. 14

ALR FED 608, IN THE UNITED STATES DISTRICT COURT FOR THE STATE OF NEW JERSEY, ALLEGING THAT THE SPECIAL TREATMENT UNIT CLINICAL DIRECTOR AND OTHER MEMBERS OF the New Jersey Department of Corrections and the Special Treatment Unit staff had intentionally and maliciously deprived him of his Constitutional right to liberty, and free speech without due process.

COUNT IV

Cruel and Unusual Punishment in Violation of the Eight and Fourteenth Amendments Against All Defendants

- 75. Paragraphs 1 through 74 are incorporated by reference as if set forth fully herein
- 76. Through the actions described above, the Defendants violated Mr. Tinsley's rights under the Eight and Fourteenth Amendments to the United States Constitution by denying Mr. Tinsley of his right to be free from cruel and unusual punishment.
- 77. Through the actions described above, Defendants violated Mr. Tinsley's rights under the Eight and Fourteenth Amendments to the United States Constitution by denying Mr. Tinsley of his liberty and property without due process of law.
- 78. Through the actions described above, the Defendants violated Mr. Tinsley's rights under the Eight and Fourteenth Amendments to the United States Constitution by subjecting Mr. Tinsley to inhumane and unsafe living conditions at DOC and STU which threaten his liberty and safety without due process of law.
- 79. Defendants have acted in an unreasonable, malicious, wanton, reckless, willful, and oppressive manner.
- 80. Therefore, Mr. Tinsley is entitled to relief under 42 U.S.C. 1983, et seq. Mr. Tinsley brings an action under Right to relief Federal Civil Rights Act of 1871 (42 USCS 1983) for alleged wrongful commitment to or confinement in the New Jersey Prison Punishing Him Wrongfully, and seek

Punitive damages in actions for violations of Federal Civil Rights ACT. 14 ALR FED 608, IN THE UNITED STATES DISTRICT COURT FOR THE STATE OF NEW JERSEY, ALLEGING THAT THE SPECIAL TREATMENT UNIT CLINICAL DIRECTOR AND OTHER MEMBERS OF the New Jersey Department of Corrections and the Special Treatment Unit staff had intentionally and maliciously deprived him of his Constitutional right to liberty, and free speech without due process.

PRAYER FOR RELIEF

- 81. WHEREFORE, Mr. Tinsley requests that this Court grant him the following relief on each count above:
 - a. An order providing that Mr. Tinsley is to be permitted reasonable adequate treatment and for his discharge from civil commitment, at the Special Treatment Unit, in which must meet with constitutionally valid reforms to get release.
 - b. Compensatory damages; In the amount of \$1,000,000 (From all the above named Defendants)
 - c. Punitive damages; In the amount of \$1,000,000 (From all the above named Defendants)
 - d. Monetary damages; In the amount of \$1,000,000 (From all the above named Defendants)
 - e. Pre-Judgment and post judgment interest;
 - f. Reasonable attorneys fees and cost; and
 - h. Such other and further relief as this Court deems just.

Respectfully submitted,

Russell (MACT) Tinsley,

RUSSELL TINSLEY
P.O. Box 905
8 Production Way
Avenel, NJ 07001
Telephone: 702.850.2393 ext. 101

Attorney for Plaintiff In Pro Se

Dated: September 30, 2015

(Jury Trial Demanded

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 30 day of September, 2015

Signature of plaintiff

Address Systemic Problems Avenel Immate Says Class-**Action Settlement Fails To**

To the editor:

settlement of the class-action suit in Therapy for Sex Offenders," Dec. 10 Settles Class Action Charging Inferior the front page of the Law Journal ["State violent predators, which recently was or federal court involving alleged sexually I write in reaction to the recent

guarantee. That leaves those committed after completing a four-year course, the of the major flaws is that, whereas in about the settlement, I can say that one able to submit objections to the cour and one of numerous persons who was ator who is civilly committed at Avenel in motivating. as well as with no hope, which is critica here with no such goal or expectancy settlement omits such a procedure or high school or college you graduate As an alleged sexually violent pred

in the program, the civil-commitment court or now the federal court after such absolutely no sense, other than to give us false hope. This is one reason why out being considered for release makes expected to go to group therapy withare curable, or even manageable. Being is the fact that not all patients here most patients here have no faith or belie-What the staff and court hide from

> in approving the settlement, since it narcompletion of the sentence. The federal treatment in prison only to "need" it after N.J. Supreme Court about being denied word used by Justice Barry Albin of the court avoided this due process concern one: treatment. rowed down numerous issues into only "charade" of a settlement. That was the

apply to me, since I have appeals of the that does not apply to me. forced into consolidation with an issue conviction pending. Despite this, I was mit, the therapy and settlement does not life at age 36 for a crime I did not comsent to prison for the first time in my flawed. As for myself, a person who was therapy — logic that is circular and thus leave but are expected to go to group here have been told that they will never I can say for a fact that two patients

a most repressive manner. That clearly is space and privacy and under the watch such as the housing of civil detainees for peutic but harmful, to say the least. not just counterproductive and antitherament through fear, violence and terror ir organization that is focused on punishof the Department of Corrections, ar and built for punishment - lacking in treatment in a prison that was designed ment is that the court avoided issues The most absurd part of the settle

a health-care provider - CMS, which building, AND dismissed as a defendant had us moved into the DOC's worst facility, an administrative segregation Ironically, Judge Dennis Cavanaugh

STATE OF THE STATE

tion from our court-appointed lawyers, was a DOC contractor - without objecand then stated in his opinion that the therapeutic needs or mental health while that you cannot even begin to address flawed. Clearly, common sense dictates Once again, the logic is circular and thus living under such repressive and deplor-DOC issues were not part of this case.

able conditions.

gram here is? deficient and unconstitutional the proalmost 14 years, could they not see how cases here, such as Recall Judge Philip hear Sexually Violent Predator Act Division has stated that the judges who but that begs a question. How, after Freedman, are the "experts" in this field Over the years, the Appellate

Joseph Aruanno, No. 363 Special Treatment Unit

For Questionable Scientific **N.J. Courts Galled Haven lestimony**



CURE CIVIL COMMITMENT NEWSLETTER

VOLUME II, ISSUE 2

PO Box 2310 WASHINGTON, DC 20013 E-MAIL: CCN@CURENATIONAL.ORG

APRIL, 2013

FROM THE EDITOR

In America today, those who have been convicted of a sexual offense are singled out by government for ever more harsh and never-ending punishment. This trend began in the middle of the 1990s and has increased as the "war on drugs" is systematically being replaced by a war on sex offenders. This policy is enshrined in the 2006 Adam Walsh Act, in which a two-pronged policy of comprehensive registry requirements (SORNA) and civil commitment became the government's response to the crisis that the politicians and the media have manufactured and sold to the public. However, there are signs that not everyone is on board with this approach.

Last month, Maryland's highest court declared that the SORNA requirements constitute punishment in the form of both *de facto* lifetime probation as well as the ancient punishment of shaming, and that retroactive application of SORNA in Maryland is in violation of the *ex post facto* prohibition in the Maryland Constitution. While this ruling only applies in Maryland, it is encouraging that in *Doe v. Department of Public Safety and Correctional Services* a state's highest court has called these so-called "civil" remedies what they really are: punishment! Could this be a precursor of rulings to come? We can only hope that other states will take a page from the Maryland Court of Appeals and find both SORNA and civil commitment to be nothing more than thinly disguised punishment.

In this edition of the civil commitment newsletter we have articles by our readers on conditions of confinement in some of the states along with results from the survey that was published in the October 2012 issue. We are happy to announce that ccn@curenational.org is now accepting. Corrlinks communications. If you have previously tried to add us and were unsuccessful, please try again. We will be sending out plain text versions of the newsletter over Corrlinks.

CCN is now available online to those of you with internet access. Please visit the Newsletter section on the National CURE website (www.curenational.org) to read our previously published newsletters in PDF format. This is particularly helpful for those on the inside who want to share CCN with those in the free world, or for those in the free world seeking to stay in touch with the latest developments. While this service is made available free to the general public, CURE is supported mainly by individual donations, and we need your support to keep going! Please contribute to our work today with your tax-free donation!

Thomas Chleboski Editor



ONE YOUNG RESIDENT'S TOUR OF THE NEW JERSEY SPECIAL TREATMENT UNIT

Submitted by A Civilly Committed Patient in Avenel, NJ

I will start by explaining how the civil commitment process works in New Jersey. Before you are sentenced you go to the Adult Diagnostic Treatment Center (ADTC), New Jersey's sex offender treatment prison, for an evaluation to determine if you meet their criteria for treatment. If you do, then you stay there. If you don't – like most people who are committed here didn't – then the State says you don't need treatment and you go to regular prison. Yet, at the end of your sentence you still come here for the same treatment the state said you didn't need. How is it that we didn't need treatment at the start of our sentences but we now need it at the end?

Somewhere between 2 weeks before the end of your sentence and 2 months after, you are interviewed by two state doctors. These doctors are already biased against you simply because of your sex offense. Proof...? The only person in New Jersey history to be recommended by both doctors not to be committed does not have a sex offense conviction. The deck is stacked against you from the start. When the two doctors submit their reports to the judge, he orders you to come here in what is called pre-commitment.

When you arrive here you quickly realize something is very wrong: "I thought I was going for treatment," you think, "but this looks exactly like prison." Well, folks, that's because it *is* prison! Locked doors, barbed wire everywhere, lockdowns...the Department of Corrections runs this prison with an iron fist. This is not therapeutic; prison is never therapeutic. The extra privileges you get here – like food packages, video games, and electronics – are only a disguise. You cannot disguise a cesspool like a garden: we all recognize the stench.

Twenty days after your arrival you are entitled to a hearing in our very own courtroom... located in the trailer out back. Your public advocate will likely advise you to waive the 20 day hearing because he or she cannot create an adequate defense in 20 days. See the trap? An adequate lawyer could mount an adequate defense in 20 days – why couldn't they? If you follow your lawyer's advice and waive the 20 day hearing, you're stuck here for anywhere from 3

months to upwards of 3 years During that time the state give you tests and evaluations designed to make a 'psycho' out of you. If you've had any treatment they use what you said against you. I have learned the only way to beat a sex offense problem is to be open and honest. How can we expect to get healthy and leave here if being open and honest isn't safe?!? Worse, they lie to persuade the judge. The funniest lie I've heard so far was perpetrated against a friend of mine: state psychologists testified that in 1976 he was convicted of two armed robberies – yet he wasn't even born until 1986!

The deck is stacked too high against you, and without your own doctor on your side you're toast. Since when did psychologists get the same legal clout as lawyers? Most feel forced to take a stipulation, which is saying, "Yes, you win, I am a sexually violent predator." After you have "admitted" to being a sexually violent predator, you enter the most ridiculous and hypocritical part of your stay: "treatment".

Franz Kafka must have designed the treatment here. You are required to complete a sexual history questionnaire and pass a polygraph on it. I thought polygraphs are inadmissible in court? You are being treated for violent sexual problems. What if you aren't violent? What if you're not a "sex offender"? It is unjust and unfair to treat those who aren't violent, or those who aren't sex offenders, the same way as those who are. Each therapy group has about 12 people, with meetings twice a week, and has a weekly rotation of people to "take the floor" to do work. That means that each person has one week on the floor every four (4) months, which slows down progress and keeps people here. You will also have to take modules, which are groups that teach therapy concepts in an educational setting. Many people here come from poor educational backgrounds and cannot articulate therapy concepts in the exact way the therapist accepts - so they fail. This "say it like I do or fail" attitude further slows down progress and keeps people here.

The most important module is relapse prevention. There are five levels of relapse prevention, so assuming you get placed into and pass one every fourmonth semester that is an extra 2 years here. A lot of us believe treatment is only offered here at the bareminimum level so that nobody can say this is Double Jeopardy and Preventative Detention. We could have the best treatment in the universe and this would still be double jeopardy and preventative detention. We are locked up in prison after we completed our sentences, costing the tax-payers \$125,000 per person per year for a future sexual offense that hasn't actually been committed!! This is like the movie Minority Report with psychologists instead of "pre-cogs."



KANSAS TASK FORCE TAKES ON CIVIL COMMITMENT

A Kansas task force convened for their first meeting on January 28 to study the state's civil commitment program at Larned State Hospital. In reporting by Dave Ranney of Kansas Health Institute News Service, the Chair of this new task force, Wes Cole, is quoted as describing the policy of preemptively detaining convicted sexual offenders who have already completed their prison sentences as "a burdensome program." The budget proposed by Governor Sam Brownback's office would dedicate \$17 million to the program in 2014 and another \$20 million the following fiscal year.

Records indicate that more than 250 individuals have been committed as sexually violent predators since the program began 18 years ago. In that time 4 men have been released while 16 people have died in custody at the Larned facility (meaning four times as many people have died in custody as have won their release).

The recommendations of this task force are due in June. and CURE strongly encourages all individuals in Kansas to participate in the task force's study. CURE will forward any comments you have for the task force if you write us at the National Office (please write "Attn: Kansas Study" on the envelope). We are happy to report that Rick Cagan, Executive Director of the National Alliance of Mental Illness-Kansas, is a member of the task force. Cagan has called attention to how precious mental health resources are being taken away from those with legitimate mental health needs and squandered to the tune of tens of millions of dollars on this civil commitment program to circumvent double jeopardy protections. "We've raised the concern that if this is going to be a correctional-type program, then it ought to be in the Department of Corrections," Cagan said. "The way it is now - as part of the mental health system - it just keeps taking up more and more resources." After having interviewed many of the patients in the program, Cagan has become doubtful of its effectiveness. "If you were to believe a fraction of the reports we've gotten from the residents out there, this is a harshly punitive program," he said. "I don't know that it's what you'd call therapeutic."

"No one is getting out. That's the problem," Cagan said. "A lot of frustration built up over the years because the program isn't constructive, it's punitive. And from the residents' and family members' point of view, getting sent there is a life sentence. It's not a quality program."

David Wiebe, the former Executive Director at the Johnson County Mental Health Center, has described the program this way: "The way it's set up, there's no back door. So the program keeps expanding and keeps taking more and more money out of the state hospitals' budget and the resources available to the community mental health centers." Wiebe goes on to suggest that the SVP program should properly be moved under the direction of the Department of Corrections. "Many of us



Newark man set free after serving 17 years for a rape he says he did not commit

Thomas Zambito/The Star-Ledger By Thomas Zambito/The Star-Ledger Email the author | Follow on Twitter

on April 08, 2014 at 7:09 PM, updated April 09, 2014 at 6:35 AM 'It was like being in the middle of a storm shouting and nobody hears you'

NEWARK — During the long years of confinement, cut off from his wife and the life he was just starting to build, Rodney Roberts gave up hope he'd ever live as a free man again.

"It was like being in the middle of a storm shouting and nobody hears you," Roberts said.

Roberts spent 17 years locked up -- the first seven in state prison and the rest at a state treatment center for sexually violent predators. Through it all, he denied he was guilty of raping a 17-year-old Newark girl in 1996, even though doing so might have cleared the way for him to be freed much sooner.

Rodney Roberts was locked away for 17 years for a 1996 rape he says he did not commit. DNA evidence that recently surfaced cleared Roberts of his role in the rape.

John O'Boyle/The Star-Ledger

"I knew I didn't commit the crime I was charged with," Roberts said. "I knew I was innocent."

Last month, Essex County prosecutors decided not to pursue an appeal of a judge's November decision to set aside Roberts' 1996 guilty plea to a kidnapping charge.

On March 14, Roberts was freed from a state facility for sex offenders in Avenel, where he'd been held for 10 years.

The decision was prompted by the surfacing of DNA evidence presumed to be lost forever that put a halt to a decade's worth of appeals, reversals and post-conviction legal battles.

Roberts was grateful for the decision by Assistant Prosecutor Clara Rodriguez.

"They could have 86'd it," Roberts said, using a slang term for hiding evidence. "They could have continued with the same story but they didn't."

Roberts' tortuous journey through the state's criminal justice system began in July 1996 when he pleaded guilty to the kidnapping charge just two months after he was accused of sexually assaulting the woman by forcing her into a secluded area in Newark.

"They came at me saying they had all this evidence," Roberts recalled. "I didn't want to spend the rest of my life in jail for a crime I didn't commit."



Roberts claimed that on the day he pleaded guilty his attorney visited him in a holding cell and informed him that the victim had identified him, court testimony shows. Roberts denied knowing the woman.

At the time, Roberts had a criminal conviction for a robbery in his past, his attorney said.

Roberts said he mistakenly believed - based on what he said was his lawyer's advice - that by pleading guilty to the kidnapping charge - and having the sexual assault dropped -- he would serve just a few years in jail. And, he believed wouldn't face the consequences of indefinite civil commitment that's used to hold defendants the state considers sexually violent predators.

In 2006, Roberts chose to fight to have the charges overturned on appeal by claiming his lawyer gave him bad advice.

Meanwhile, by refusing to admit his role in the rape, he had dashed any chance of being freed from indefinite civil commitment.

"He couldn't progress in his treatment because he wouldn't admit his guilt," said Michael Pastacaldi, the Jersey City attorney who handled Roberts' appeal. "He didn't admit to what they wanted him to admit to."

In 2007, the state's Appellate Division reversed Roberts' conviction and sent the case back to the trial court in Newark. State Superior Court Judge Eugene Codey held hearings on the case in 2009 and issued a decision in May 2010.

"It is obvious to even the most casual observer that this application by (defendant) is a blatant attempt to withdraw a voluntarily entered plea, whose sentence has already been served, solely to enhance his efforts to have his status as a Sexually Violent Predator reconsidered," Codey wrote.

Codey determined that the victim's 2009 hearing testimony, in which she claimed she could not recall identifying Roberts to police as her assailant, to be "rife with inconsistencies."

And, he noted that DNA testing ruling out Roberts as the father of a child the woman gave birth to in February 1997 was "not dispositive" because she admitted having another sexual partner at the time.

The Appellate Division sent the case back to the trial court again in 2012.

This time, Newark police, at the urging of Essex County prosecutors, managed to find key pieces of evidence from a rape kit taken after the 1996 assault that hadn't turned up before. Because Roberts pleaded guilty so soon after his arrest, no DNA tests of the evidence were done, prosecutors say.

Evidence in the form of semen from the kit was discovered by a Newark detective in 2013, Rodriguez said. And DNA tests conducted by state experts ruled out Roberts, she said.

It is still unclear whose semen was discovered, she said.

"It really did just come down to getting that DNA kit," Pastacaldi said. "If we didn't have that he could very well still be in there."

In November, state Superior Court Judge Sherry Hutchins-Henderson dismissed Roberts' kidnapping conviction.



"I felt like the weight of the world was lifted off my shoulders," Roberts said. "It was so great to sit in a courtroom and be vindicated."

And Roberts was released from the Special Treatment Unit for sex offenders at the Adult Diagnostic and Treatment Center in Avenel when Essex County prosecutors chose not to appeal.

The decision on Roberts' March release was first reported by the New Jersey Law Journal.

Rodriguez said the decision not to go ahead was influenced, in part, by the victim's reluctance to testify. "The evidence was not sufficient to go to trial," Rodriguez said. "It was the right thing to do to dismiss it."

For now, Roberts, who graduated from West Side High School in Newark, is working as a paralegal and helping other defendants who he believes were, like him, wrongfully convicted.

"I'm not bitter or anything," he said. "I'm grateful and humbled."

He is back living with his wife Lynda in Newark while he pursues a legal claim against the state seeking compensation for what he says was his unjust conviction.

And, Pastacaldi said, Roberts is trying to catch up to some of the technological changes that occurred outside prison walls while he was locked up.

"He's got a smartphone and he's been sending me texts," Pastacaldi says.

RELATED COVERAGE

• Exonerated after 22 years in prison, man files federal civil rights suit

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2015

The New York wittes

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Indefinite Imprisonment, on a Hunch

The essence of the American criminal justice system is reactive, not predictive: You are punished for the crime you committed. You can't be punished simply because you might commit one someday. You certainly can't be held indefinitely to prevent that possibility.

And yet that is exactly what is happening to about 5,000 people convicted of sex crimes around the country. This population, which nearly doubled in the last decade, has completed prison sentences but remains held in what is deceptively called civil commitment — the practice of keeping someone locked up in an institution for months, years or even decades for the purpose of preventing possible future offenses.

The authorities have the power to detain people with mental illnesses or disorders who cannot function independently, or who pose a danger to themselves or others. But since the early 1990s, this power has been used increasingly to imprison one distinct group: sex offenders.

Federal law and the laws in 20 states and the District of Columbia allow people convicted of violent sex crimes — such as rape or child molestation — to be held in custody indefinitely past the end of their criminal sentences. The Supreme Court has upheld these laws on the grounds that they are not intended to punish or deter crime, but only to hold people until they are no longer a threat. In theory, a civilly committed person gets treatment and is released as soon as possible.

In practice, however, it usually means leaving one prison for another — civil commitment facilities are generally high-security buildings patrolled by armed guards and ringed with barbed wire — from which many are never released.

In a decision in June, a federal judge ruled that Minnesota's civil-commitment law for sex offenders violates the Constitution. Federal District Judge Donovan Frank said the law imposes "a punitive system that segregates and indefinitely detains a class of potentially dangerous individuals without the safeguards of the criminal justice system." For example, local prosecutors — not clinicians or mental health professionals — choose whether to seek continued detention based on a screening test that claims to predict a person's likelihood of committing another sex offense, though there is no clear evidence such tests are accurate.

Yet based largely on those screening tests, more than 700 Minnesotans who have completed their prison sentences are locked up, at an annual cost of more than \$120,000 per person — triple the cost of prison. This civil commitment rate is by far the highest in the country. Some people have been held for more than 20 years. During that time, not one person has been released from the program unconditionally.

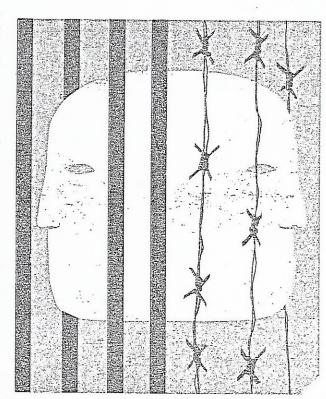
A central flaw, Judge Frank said, is that Minnesota does not perform reassessments of risk, so the burden lies

with the detainees to prove they no longer pose a danger. On Aug. 12, Judge Frank ordered the state to come up with constitutionally valid reforms by the end of September, or he "may demand a more forceful solution."

Despite the public perception that all sex offenders are recidivists — a belief that drove these laws in the first place — sexual re-offense rates are in fact lower than those for other crimes (though an unknown number of sex crimes go unreported). In addition, while some states' laws make it easier for detainees to earn their way out, 30 states have no civil-commitment laws at all, and there is no evidence that a state's sexual-violence rate is affected by whether it has such a law.

As with California's three-strikes law or harsh mandatory-minimum sentences nationwide, the indefinite detention of sex offenders reflects the politics of fear and overreaction that drive so much of criminal justice policy. That was the case in Minnesota, which drastically increased the number of people it committed after a recently released sex offender sexually assaulted and murdered a college student named Dru Sjodin in 2003.

Public safety would be better served if resources were directed toward community supervision and other services for those leaving prison, rather than toward skirting the edges of the Constitution to keep them locked away.



ign le

individualized approach to risk assessment - in favor of a comforting mirage of safety.

A version of this editorial appears in print on September 8, 2015 on page A26 of the New York edition with the headline: Banishing Sex Offenders Doesn't Help.

 $http://www.nytimes.com/2015/09/08/opinion/the-pointless-\ banishment-of-sex-offenders.html?_r=0.9/11/2015$



Russell Tinsley, 563 STU South-315 PO Box 905 Avenel, NJ 07001

Jan 29, 2015

Re: Complaint of Protest Against J. Ottino, Prog Coordinator and R. vanPelt, MA Program Coordinator at the STU-Avenel

Dear

I bring this complaint to Protest that I am being discriminating against by the above staff members at the STU-Special Treatment Unit, in Avenel, New Jersey, and by my being kept on MAP placement. These staff members are keeping me locked up on Tier MAP, indefinitely after I'd discussed the matter in my MAP Process Group. In fact, I am being kept on Tier MAP, much longer then other residents, who was placed on MAP, after my placement and who had been moved on to GP.

I hope by my bringing this complaint to your attention, you will conduct an investigation into the Conspiracy of them keeping me locked up on Tier MAP, for so long and behind a physical altercation with another resident who is a known throble maker.

I also believe, because of my frequent complaints to my inadequate treatment claims is whether the STU; and DHS staff above named defendants in my complaints and lawsuit against them raised a conflict of interest; or various harassment and as a Retaliatory complaint would warrant the intervention from your office.

The two above staff members decisions in their MAP-Process Group were a substantial departure from accepted professional practice. As I demonstrated from my previous complaints to your office, and after reviewing my goals for treatment, I made good progress in fulfilling my therapy treatment requirements, to get discharge from the STU, so that I can return to Philadelphia, PA., but my progress are being interrupted by me being discriminated against, and from the above STU-DHS staff members' bias clinical judgment, and this kind of conflict of interest and retaliatory misconduct



violated the law valid due process claim for failure to provide adequate treatment and/or with their disrespectful, negative, punitive, and untherapeutic attitudes towards me. This can make progress in treatment difficult. But I made a positive treatment participation.

It also must be noted that I was unfairly placed on MAP, because of the STU-DHS staffs' aggressive and hostile force which was retaliatory conduct to keep me on the South most Restrictive Unit confinement in result from me filing my complaints and lawsuits. My treatment team also assigned me to two Process Groups 12 and 14, at the same time, that I believe it was to set me up, and that became a source of danger to my well being, which interferred with treatment. Upon information and belief, I was set up at STU, which resulted in more retaliation on the part of the STU-DHS staff therapists continues to this day and causes me to fear for my own safety. Especially, after being threatened and physically assaulted by another resident in process group 12, in front of the two therapists who been allowing this resident to threnten me in group on serval occassions, and did nothing about it.

Such retaliation on the part of the STU-DHS staff members against me continues to this day and causes my confinement at the STU Facility dangerous and fear for my own safety. Especially, after I was threatened and assaulted by the same resident who was behind that a state correctional officer was badly beaten by a group of residents in the South Unit - I took his threats serious. (SEE ATTACHED)

As a direct and proximate result of the STU-DHS staff member unlawful conduct, to my civil and constitutional rights have been and continue to be violated.

As a direct and proximate result of the STU-DHS staff member inadequate treatment, conflict of interest, harassment and retaliatory conduct I should be discharge from this STU Dangerous Facility to return to Philadelphia, PA.

What concern me the most is how the STU-DHS staff members continue to deny a very real threat, in dealing with my serious medical problem, that's life threatening. This Office must allow an investigation into this complaint.

I wish to pursue this matter further, I would request that you send a copy of this complaint to Sarah Davis Assistant Superintendent in charge of the STU and Merrill Main, Ph.D STU Clinical Director. Thank You.

Sincerely,

Russell Tinsley



Cliffviewpilot.com B

Home

Bergen

Beyond

Hudson

In Tune

Public Safety

Shout Outs

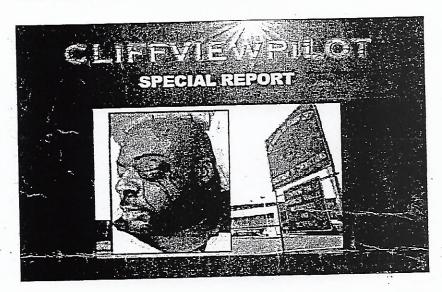
What We Think

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Home » Beyond » NJ corrections officer beaten at Avenel facility for sex offenders

NJ corrections officer beaten at Avenel facility for sex offenders

Posted by: Jerry DeMarco Tags: Adult Diagnostic Treatment Center, Avenel, corrections officer beaten, New Jersey corrections officer beaten, NJ Corrections Officer Maurice Marcyves, NJ DOC, sex offenders beat corrections officer Posted date: April 30, 2013 | 16 Comments



repost

ONLY ON CVP: A state corrections officer was badly beaten by a group of residents at the state's prison for sex offenders in Avenel — the second attack on an officer at a state Corrections facility in less than two weeks.

The incident comes amid protests by state corrections officers about staffing cuts at certain high-security facilities, and follows an incident in which an officer was slashed earlier this month at the Mid-State Correctional Facility in Wrightstown.

Last week, two inmates were indicted by a state grand jury on charges of assaulting a pair of corrections officers, sending both to the hospital, at the Mountainview Correctional Facility in Clinton Township in November 2011.

In this weekend's incident, Officer Marcyves Maurice, an 11-year department veteran, was rescued by fellow officers after he was set upon by several offenders at the Avenel Diagnostic and Treatment Center.













EXHIBIT "B"



Ronald G. Silikovitz, Ph.D.

Director

METROPOLITAN PSYCHOLOGICAL SERVICES License #1320

Tel. (973) 736-2424

Main: 516 Pleasant Valley Way, West Orange, NJ 07052 Fax (973) 736-8922

E-mail: <u>DrRonPsych@GMail.com</u>

Web Site: www.DrSilikovitz.com

Branch: 80 West Grand Street, Elizabeth, NJ 07202 Tel. (908) 354-073

CONFIDENTIAL REPORT September 9, 2015

Re: In the Matter of the Civil Commitment of Russell Tinsley

To Whom It May Concern:

I am a psychologist in private practice, with offices in West Orange and Elizabeth, New Jersey. I have been in practice since 1980. One of my specialty areas is the assessment and treatment of reported sexual offenders.

At the request of Mr. Russell Tinsley, who is represented at this time by Nora Locke, Esq., Assistant Deputy Public Defender, I have evaluated him. He is a resident at the Special Treatment Unit (STU), in Avenel, New Jersey. That unit is under the auspices of the New Jersey Department of Corrections. Mr. Tinsley has been incarcerated at the STU since May 12, 2010. He is seeking a release from this incarceration so that he may complete his term of probation in Philadelphia, Pennsylvania.

Procedures

My evaluation of Mr. Tinsley consisted of the following procedures:

Document review (see below)

7/1/15

Clinical Interview

2 hours

8/10/15

Clinical Interview

1 hour

Administration of Personality

Assessment Inventory

1 hour

Background

I had reviewed the following documents prior to the current assessment:

EXHIBITA

PLEADINGS INDEX

- 1. Order for Temporary Civil Commitment
- 2. Orientation of New Resident
- 3. TPRC Report
- 4. STU-Rehabilitation & Recreation Note
- 5. STU-Vocational Assessment
- 6. STU-Interdisciplinary Progress Notes
- 7. STU-Weekly Group Participation Note
- 8. STU-Inter-Office Communication & MAP-Placement
- 9. STU-Potential Post-Discharge Placement info.
- 10. STU-Module: Relapse Prevention 1A Info. & R.T's. Homework Assignment
- 11. R.T's. Sex Offender Questionnaire
- 12. R.T's. Autobiography
- 13. R.T's. Personal Maintenance Contract
- 14. R.T's. Affidavits by Victim Heather Weeks and R.T's. Investigators; and/or Attorney(s)
- 15. R.T's. Appellate Brief by Designated Counsel, with Appendix for R.T.
- 16. R.T's. San Francisco, California Cases dismissals' Documents
- 17. R.T's Cycle of Behavior for his sex offenses
- EXHIBIT: CORRESPONDENCE VOLUME 1.
- **EXHIBIT: MISCELLANEOUS DOCUMENTS**

Documents also reviewed included:

Consent Order signed by Hon. Philip Freedman on 6/30/15 Civil Action Order signed by Hon. James F. Mulvihill on 3/26/15 Consent Order signed by Hon. James F. Mulvihill on 7/9/15

Letters of 5.7.15, 7/4/15 from Russell Tinsley to Ronald G. Silikovitz, Ph.D.

The following documents were of particular interest and importance in the preparation of this report:

• Multidisciplinary Treatment Team Report (STU) on Mr. Tinsley dated 6/25/14

It was reported that Mr. Tinsley "has maintained adherence to institutional policies and procedures. In addition to remaining cognizant of maintaining good behavioral standing, he has consistently attended his treatment groups... His treatment team recommends that Mr. Tinsley be promoted to Phase 2 of treatment and continue attending his treatment groups, while also enrolling in more modules in order to stay compliant with his current treatment plan. In addition, Mr. Tinsley is recommended to increase his level of engagement, transparency, and participation in treatment in order to negotiate his forthcoming phase of treatment.

Special Treatment Unit Annual Review Report on Mr. Tinsley, dated 10/31/14

By a unanimous vote of 2-0, the TPRC recommends that Mr. Tinsley be advanced to Phase 2 of treatment.

His sexual offense history, including the index offense, is reported in detail. His nonsexual offense history is also reported in detail. His course of treatment at STU, as of 10/31/14, is detailed. Psychological Testing results are reported.

His diagnoses at that time include: Paraphilic Disorder; Sexual Sadism Disorder; Antisocial Personality Disorder; Alcohol Use Disorder; Cannabis Use Disorder; and Cocaine Use Disorder.

Specific treatment recommendations are formulated.

 Personal Maintenance Contract prepared by Russel Tinsley on 4/17/14 and revised on 9/26/14

Mr. Tinsley articulates his reasons for change, his strengths, skills, and personal interests, his sexual offenses and their impacts on his victims. In describing and acknowledging his deviant cycle, he speaks of his perceptions, thoughts, feelings, and behaviors, with regard to each of his offenses.



He speaks of his cancer surgery and the effects of his cancer on his sexual ability. He specifically indicates that he has had erection and ejaculation problems since the time of his cancer surgery.

He vows "to never do it [inappropriate and illegal sex acts] again" he articulates emotional, physical, and behavioral cues that he vows to avoid in the future. He details coping strategies that he has used and will use towards relapse prevention. He speaks of his support system. He lists "positive activities and interests I can participate into helping me stay healthy." He discusses positive life changes that he is seeking to carry out.

Process Group 14 reports by Mr. Tinsley ("Build Up"), dated 9/11/14

Mr. Tinsley discusses his thoughts and feelings about his cycles of behavior with regard to certain specific inappropriate sexual behaviors in which he had engaged.

Comprehensive Treatment Plan Review on Mr. Tinsley, dated 6/18/14

Mr. Tinsley speaks of his goals and objectives in therapy, his participation in treatment, the specific modules and groups in which he has participated, the self-help groups he attends, and his job as Law Library Clerk.

• Court of Common Pleas (Pennsylvania) letter to Mr. Tinsley, undated

It is noted, in this letter signed by the Supervisor of the Sex Offender Unit for the Philadelphia Adult Probation Department, that, on 1/4/08, Mr. Tinsley had pleaded Nolo Contendere to the charges of indecent deviant sexual assault. On 1/14/08, he was released from Philadelphia County Prison to answer to New Jersey authorities. He was at the time on active probation supervision in Philadelphia County.

The letter concludes with a statement that "Philadelphia County Probation is waiting for Mr. Tinsley to be released from New Jersey custody to begin supervision. Mr. Tinsley reportedly will live with his sister, Eve Tinsley at his mother's house, 2033 Dorrance Street, Philadelphia, Pennsylvania 19145."

• State of New Jersey Presentence Report, 6/20/2008, with various attachments

This document details Mr. Tinsley's criminal history, personal history, and the details of his criminal sentence.

Autobiography by Russell Tinsley, dated 4/19/14

In this document, Mr. Tinsley recalls events from his early childhood, school activities (ages 6-19), sexual development, adolescence, adulthood, behavior that brought him into trouble with the law, treatment, and goals for Tinsley's process groups.



Mr. Tinsley concludes that "I take full responsibility of my past sexual behavior, mistakes I'd made and regret any/all harm that I have caused to myself, family, friends, and others...Most of all, I pray every day that G-d 'Allah' will forgive me of all my sins that I have committed against his laws, such as in fornication and adultery.'

He adds, "I am taking full responsibility for my own decisions and actions, not blaming circumstance, other people, devil and destiny etc., since taking responsibility means taking a risk to change and therein lies the real fear and the challenge. I ask for your help, to allow me the opportunity to move forward, by processing this information, to improve my life in many ways, including, not only here, but to be discharge from the STU."

• "Free Russell Tinsley" document, undated

Mr. Tinsley again speaks of his offense history, his treatment goals, his interest in being released from the STU in order to serve out his probation term in Pennsylvania, and his understanding of the legal and clinical issues requiring his release and transfer.

His attorney writes, in part, "R.T.'s age and cancer situation and treatment reduced his likelihood to reoffend. And it should be recommended that R.T. be return[sic] to the State of Pennsylvania; or with a conditionally discharged[sic], with the following conditions: 'approved residence, frequent and random drug and alcohol testing, GPS monitoring, a curfew, continued substance abuse treatment, and sex offender out-patient specific treatment."

Clinical Interviews

During the course of his clinical interviews at the STU facility (7/1/15 and 8/10/15), Mr. Tinsley provided the following information.

Notwithstanding the extensive criminal and conviction history that has been reported, Mr. Tinsley reported that he has not committed any sexual offense in the State of New Jersey, and he has no ties to the State of New Jersey. He has been committed to the STU based on charges in California and Pennsylvania. Two psychiatrists at the South Woods prison facility committed him without even meeting with him. He is seeking now a reversal of his commitment to the New Jersey STU facility, and a transfer to be supervised on probation in the Commonwealth of Pennsylvania.

Mr. Tinsley is now sixty years old. His date of birth was 3/9/55. He is single and has never married. He has four adult children:

Venus, age 39, mother of 5 or 6 children, living in Puerto Rico Brandon, age 35, married, no children Tiffany, age 28, no further information known about her Karima, age 27, mother of two girls and one boy



These children were born to four different mothers. Mr. Tinsley remains in contact with Venus, Brandon, and Karima, and their moms, but not with Tiffany.

Mr. Tinsley reports that he has made steady and consistent progress during the time of his placement at the STU. He was promoted to Phase 2 on 2/11/14. He is hoping to be promoted to Phase 3 when that opportunity is available. He has been at the STU since May, 2010. He had been incarcerated at South Woods Prison on 11/08. He had been extradited on 1/08.

He had graduated Bartram High School, in Philadelphia, in 1973. He then earned an Associate of Arts degree in business administration, at Kennedy-King Junior College in Chicago, in 1976.

In 2002, he had had colon cancer surgery. Portions of his colon were removed. He had radiation and chemotherapy. Complications of the surgery include his inability to have an erection and an inability to ejaculate. He reports that his cancer is in remission.

What he has learned, to date, is to "be more patient. To stay focused. To work with a plan. To try to be the best I can be. To become a stronger and better person. To help my family and myself."

While at STU, he continues to participate in the process group. He has completed his autobiography. He has completed his personal maintenance contract. He has learned and vows never to repeat, the sexual build-up cycle. His safety plan is completed. He has written in detail regarding relapse prevention. He has written a comprehensive book, which has recently been published. He has not acted out sexually or in any other inappropriate way while at STU.

In seeking his release to serve out his probation time in Pennsylvania, he reports that he has several siblings living in Pennsylvania. He had already been sentenced to probation in Pennsylvania, prior to his extradition and commitment in New Jersey.

His plans are to pursue his entertainment business career. He is a producer of CD's and videos. He is interested also in producing movie films. He has begun to make progress towards that business career while he has been at STU. He has partnered with Mr. Kyle Ives. The studio is in Georgia. His primary work location would be in Philadelphia.

In Pennsylvania, he will report to his probation officer and comply fully with the terms of his probation. He anticipates a period of eight more years on probation. He will register, under Megan's Law, as a sex offender. He will immediately schedule outpatient therapy. He will reside in the house that had been owned by his mother, who had died in 2008. His youngest sister, Eve, now lives there (2033 Dorrance Street). There are four bedrooms. Some of them are rented out.



Results of Objective Testing

On 8/10/15, this psychologist administered to Mr. Tinsley, face to face, the Personality Assessment Inventory.

The Personality Assessment Inventory (PAI) is a 344-item objective personality test. It generates hypotheses regarding personality functioning and psychopathology. These hypotheses must be checked against clinical information based on interviews, observations, and an individual's history.

On the PAI, Mr. Tinsley obtained a valid profile. As is the case with many individuals who are involved in litigation, Mr. Tinsley tended to portray himself as being free of common shortcomings to whish most individuals would admit. The results, therefore, more likely reflect his perceptions rather than his experiences.

Despite his apparent defensiveness, there are some areas where Mr. Tinsley described problems of greater intensity than is typical of defensive respondents. These areas include thoughts of death, history of antisocial behaviors, suspiciousness, failures in close relationships, inflated self-esteem, preoccupation with physical functioning, irrational feats, alcohol abuse history, and distrust.

There is no evidence that Mr. Tinsley was motivated to portray himself in a more negative light than the clinical picture would warrant.

Overall, the clinical profile reveals no elevations that should be considered to indicate the presence of identifiable or diagnosable clinical psychopathology. His clinical scores are entirely within normal limits. No diagnosis or condition is evident on Axis I or Axis II.

He comes across as a confident and optimistic person who currently approaches life with a clear sense of purpose and distinct convictions. He appears to be resilient and adaptive now in the face of most stressors. He appears to have clear goals and confidence that he may attain these goals. Interpersonally, he is described as warm and friendly.

Conclusion and Recommendations

Mr. Russell Tinsley has been incarcerated at the STU since May, 2010. He was committed based on offenses in states other than New Jersey. He is seeking a release from his incarceration at STU, in order to fulfill the requirements of his probation in the Commonwealth of Pennsylvania.

According to the documents that I have reviewed, the information that Mr. Tinsley provided during his two clinical interviews at STU, and the results of his objective testing. Strong consideration should be given to his request for this transfer.



Mr. Tinsley has not committed or been convicted of any sexual offense in New Jersey that requires or justifies his continued incarceration in this state.

During the time of his incarceration at STU, Mr. Tinsley has participated in the various treatment modalities that have been available to him. This includes group therapy, sex offender questionnaire, safety plan, relapse prevention module, homework assignments, the completion of a personal maintenance contract, the preparation of a detailed autobiography, and maintaining a job in the prison library. He is reported to have made continued and consistent progress in his treatment. He has taken responsibility for the sexual crimes that he has committed. He has expressed remorse, as well as sensitivity to the impact of his sexual crimes on his victims.

According to Mr. Tinsley's interview responses, demeanor, progress reports, and my current objective test findings (Personality Assessment Inventory), he is unlikely to commit any sexual predator offenses in the future. Moreover, his cancer surgery and its sequelae have significantly hindered, if not eliminated, his ability to have an erection and to ejaculate. He has focused on understanding the nature and etiology of the sexual crimes that he had committed in other states, and specific strategies and behaviors for him to engage in relapse prevention.

Mr. Tinsley has specific plans regarding what he must do in order to comply with the terms of his extended period of probation in Pennsylvania, as well as detailed personal goals regarding life in the community while he is on probation.

He will report to his probation officer and comply fully with the terms of his probation. He anticipates a period of eight more years on probation. He will register, under Megan's Law, as a sex offender. He will immediately schedule sexual offender-specific outpatient psychotherapy (individual and/or group therapy) in the community. He will reside in the four-bedroom house that had been owned by his mother, who had died in 2008. His youngest sister, Eve, now lives there (2033 Dorrance Street, in Philadelphia).

He has developed a website and a telephone contact number He has specific plans with regard to pursuing his entertainment business career. He already has a website and a telephone contact number. He is a producer of CD's and videos. He is interested also in producing movie films. He has begun to make progress towards that business career while he has been at STU. He has partnered with Mr. Kyle Ives. The studio is in Georgia. His primary work location would be in Philadelphia.

In view of the above, it is my recommendation that, within a degree of psychological certainty, it is in the best interests of society that Mr. Russell Tinsley be released from his incarceration and transferred to the Commonwealth of Pennsylvania, where he will serve the remainder of his term of probation, reside with his sister in his mother's home in Philadelphia, and comply the terms of probation, including his participation in sex-offender specific outpatient individual and/or group psychotherapy.



No further recommendations are indicated at the present time.

Please do not hesitate to contact me at 973-736-2424 if you require my testimony or have any questions regarding this letter-report.

Sincerely,

Ronald G. Silikovitz, Ph.D. Ronald G. Silikovitz, Ph.D.





Chris Christie Governor

State of New Jersey Office of the Public Defender

Yvonne Smith Segars Public Defender

Division of Mental Health Advocacy

Alternative Commitment Unit
Patrick D. Reilly, Director
31 Clinton Street, 11th Floor
Newark, New Jersey 07102
973-648-3847 · Fax 973-648-7799

September 29, 2015

The Honorable Philip M. Freedman - J.S.C. Superior Court of New Jersey 50 West Market Street - 8th Floor Newark, NJ 07102

Dear Judge Freedman:

I was requested to forward the following letter in the matter of Russell Tinsley to you.

If you have any questions or concerns, please feel free to contact me.

Very Truly Yours, Nora R. Locke

Nora R. Locke, Esq. Assistant Deputy Public Defender

Enclosure

Cc: Russell Tinsely

Exhibit ""

Memo

To: Honorable Judge Freedman From: Irene Lo
Date 09-24-2015

Regarding Russell Tinsley SVP#573-10

Your Honor, I am sending you this complaint through Russell Tinsley's Lawyer Ms. Nora Locke.

I am concerned with the Memo that Mr.Tinsley received from the program coordinator, Mr. R. Van Pelt at the STU at Avenel NJ, his decision to place Mr. Tinsley on program MAP was over a published book that his fans and supporters helped him put together that is now available to the public. The book called, "Civilly Committed!" was produced by Mr. Tinsley's fans and supporters was to show the progress that Mr. Tinsley has been making while at the STU. In the Memo, Mr. R. Van Pelt , the coordinator even went on to say that because Mr. Tinsley 's has a website called www. pimpinentertainment.net that he has rape mentality. This statement made by Mr. R. Van Pelt shows me that he is missing the point of the book and is trying to use a few sections of the book and make this into something that it is not.

Mr. R. Van Pelt clearly has not referenced any positive points in Mr. Tinsley's book shows me that he does not recognize Mr. Tinsley's progress, because the book is basically Mr. Tinsley's work throughout his treatment at the STU. The reason that Mr. R. Van Pelt tries to place Mr. Tinsley on program MAP is because he feels Mr. Tinsley's good progress is a threat to him and does not want Mr. Tinsley to continue making good progress. I don't understand why he would feel that way towards Mr. Tinsley , and this is why it upsets me because Mr. Tinsley is trying to do all he can to get discharged , by going to group, staying out of trouble, and this book , "Civilly Committed!" was put together by Mr. Tinsley's supporters to show the judges and educate outsiders on the issues and progress of Civil Commitment that the public is not very aware of.

I want to counter what Mr. R. Van Pelt said in his Memo regarding the woman Heather Weeks. Mr. R. Van Pelt missed the point that the reason the book mentioned Heather Weeks (H.W.) was because it was to show this case from San Francisco was dismissed, instead Mr. R. Van Pelt pointed out the woman's age to be younger when that was not true as the woman's age was not younger than what he stated.

I would appreciate if Mr. R. Van Pelt would restrain from making these negatively statements because they are untrue and it makes me feel that what is the point for an inmate's time in going to treatment if these DOC personnel and treatment team facilitators are just trying to go against the good progress, instead Mr. R. Van Pelt should acknowledge the good progress Mr. Tinsley is making and if he has any confusions I would gladly clarify the issue to him.

Lastly, I wanted to point out the expert report from Mr. Tinsley's expert, Dr. Silikovitz recommendation was for Mr. Tinsley to be discharged from the STU. I hope that Honorable Judge Freedman you will be able to see the truth and the facts.

Thank you very much for reading my Memo, Sincerely, Irene Lo

Exhibit "D"-1

DEPARTMENT OF HUMAN SERVICES SPECIAL TREATMENT UNIT INTER-OFFICE COMMUNICATION

TO:

R. Tinsley - STU Resident #563

FROM:

R. van Pelt – Program Coordinator Z.

DATE:

September 22, 2015

SUBJECT:

Program MAP

CC:

M. Main, S. Adams, T. Spanguolo, J. Ottino, C. Bergen, Y. Corniel, M. Cahill, G.

Klos, T. Calabrese, T. Mitchell, E. Brown, S. Ames, T. Sims, DOC personnel

Resident Tinsley's pattern of poor judgment has reached the point at which its consequences compel DHS to intervene. His recent publication, available to the general public for purchase, specifies the name of one of his victims, who was a minor at the time of the offense. Such an action by Mr. Tinsley does not only demonstrate poor judgment, it's reflective of dismal treatment progress. Furthermore, Mr. Tinsley continues to promote his website that, by its very name, glorifies pimping which many would define as very much part of 'rape mentality.'

Mr. Tinsley will be placed on Program MAP effective immediately. He is strongly recommended to pull his 'book' from publication to prevent further harm to his victims. His poor judgment, how it relates to treatment participation and progress, will be addressed while on Program MAP. As such, Mr. Tinsley's job will be suspended. Although Mr. Tinsley will not be prohibited from publishing or sending anything that can legally be published or sent, his restrictions will also include him having to process future correspondence and publications, written, music, and otherwise, with his therapists, particularly those to official entities, but excluding legal correspondence. His Treatment Team looks forward to the opportunity to assist Mr. Tinsley in exercising better judgment regarding such matters.

Mr. Tinsley will be given the opportunity to process his MAP placement in Process Group during the next 30 days. Should he require more time to process his MAP-related behavior and how it affects his victims and progress in treatment, Mr. Tinsley's Program MAP cycle may be extended beyond 30 days. The Treatment Team will continue to monitor and assess Mr. Tinsley as he progresses through the MAP process and necessary interventions will be implemented as needed.

EXHBIT "D-2