

# “Sex-offender-civil-commitment,” AKA shadow prisons, take a blow

written by Sandy | October 13, 2022



By Sandy . . . In 2018 and [again in 2019, we wrote about](#) the Commonwealth of Virginia’s second attempt to have a man declared a “sexually violent predator” in order to remand him to the Virginia Center for Behavioral Rehabilitation. This is what Virginia calls their “sex offender civil commitment” program, a prison in all but name.

The target of their efforts had served a prison sentence as a result of a conviction in 2003 when he was twenty for sexual offenses committed when he was a teenager. The behavior that led to the conviction was not violent or forced. Prior to his release date in 2009, after a six and a half years’ term of punishment, the state sought to have him committed and failed; he was found by a jury not to meet the criteria for this special and very cruel form of confinement. This would be the first of two attempts the Commonwealth would make to imprison him not for what he *had* done but for what he *might* do in the

future.

He exited prison on supervised release and became an [advocate](#) for educating the public and lawmakers with facts about these prisons masquerading as treatment facilities.

[In 2018 he was arrested and charged](#) with a violation of the conditions of his supervised release, i.e., exchanging “several non-sexual text messages with a 16-year-old.” The terms of his supervision required no contact whatsoever with anyone under 18. He was sentenced to a year in prison and would not see freedom for closer to three.

To quote Yogi Berra, it was deja vu all over again.

Virginia started its second attempt to commit Galen Baughman to its shadow prison in 2018. With no new criminal offense and the earlier attempt resulting in a finding of him not meeting the criteria for such commitment, they had to fight long and hard, and so they did, but Galen and his family fought back. The subsequent trial found that he was a sexually violent predator and therefore subject to forced commitment in their behavioral rehabilitation facility. The Baughman family appealed to Virginia’s highest court.

It ended, finally, a month ago when the Virginia Supreme Court, on September 15, 2022, [handed down their decision](#): “[T]he trial court’s decision finding probable cause to believe that Baughman was a sexually violent predator is reversed and vacated, and pursuant to Code § 37.2- 906(F), the Commonwealth’s petition seeking to have Baughman declared a sexually violent predator is dismissed” (page 8).

Virginia is one of twenty states whose legislators have placed into their statutes the ability to establish a Sexually Violent Predators Act (SVPA). [Under such an act](#) “[P]eople who have completed their criminal sentences under any of a large number of sex-related offenses can be indefinitely detained in a high-security facility until the state determines that they

no longer present a risk, typically never.”

As shadow prisons go, the Virginia Center for Behavioral Rehabilitation has a better release record, especially when compared with some that we have written about over the past several years, such as [Moose Lake, Minnesota](#); [Rushville, Illinois](#); and [Littlefield, Texas](#).

Regardless of the level of care and treatment, when it comes to “sex offender civil commitment,” NARSOL strongly opposes the use of these post-sentence shadow prisons as they are nothing but an end run around the constitution, extending incarceration periods beyond court-imposed sentences.