



The Advocate

affecting change in Colorado’s laws, policies, and attitudes

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AFC MISSION STATEMENT

AFC supports those with a sex offense and their families by:

- Advocating for change in sex offense laws and policies, and for the adherence to constitutional rights;
- Educating the public, lawmakers, and the judiciary;
- Promoting the successful reintegration of those with an offense into the community, thus reducing victimization and enhancing the safety of all.

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A MESSAGE FROM THE CHAIR

Greetings,

Advocates for Change is still here and working on your behalf. This has been such a challenging period of time for everyone and we continue to work mostly in a ZOOM (video conference) bubble. It’s been easier to include more people in the meeting with ZOOM. Since last year when we hoped for a bill to improve or modify the Sex Offender Management Board. However, we really hope for something positive.

Over the last year AFC has been working with Colorado-CURE and other advocacy groups toward goals of changing legislation or creating new legislation. The legislature moved the SOMB Sunset date to 2023 so we have been waiting for DORA’s completed Sunset Review to begin our work leading up to the January 2023 Legislative season.

Our efforts have been to stay informed by meeting and sharing information that our members learn through their work. AFC is a very small group so it’s been difficult doing the most important work of keeping you informed. We continue because change needs to be made. When laws are made legislators don’t want the new laws to change so it takes years and years before lawmakers find it appropriate to make change. So, we continue to be present in meetings so those who make the rules know we are still there. Our members have been and are our priority.

We are always looking for new members if you are interested or let your loved ones know. Renewals are appreciated.

Pat Harris, *Chair*
Advocates for Change

THE WHEELS OF JUSTICE TURN SO SLOW

Marsha Brewer

“The wheels of justice turn slow” is a phrase we’ve all heard, because it’s true. Anyone who has been involved in the system has seen it firsthand. Something that is probably even slower, though, is turning the *direction* of those wheels. Advocacy groups like AFC, CURE, CSOR, NARSOL, WAR and many others across the nation have been working for years in trying to turn the wheels of the criminal justice system back onto the track of “justice for **all**” – including for those with a sexual offense, or any felony conviction. We are the voices that Joe Public, legislators, DAs and prosecutors really didn’t want to hear.

Recently, though, over the past few years, there have been more and more voices, and not just advocacy groups, talking about the injustices forced upon this population, the incarcerated and formerly incarcerated. Some legislators are beginning to listen, and even carry bills to enact changes. Many get defeated, but our message and stories get heard. Nationwide, more newspapers, podcasts, syndicates, and social media outlets are covering these issues.

Here’s a sampling of three of those news items. On September 16, 2022, Moe Clark wrote a lengthy article in the Denver Post talking about Colorado’s halfway houses. It was quite critical, saying Colorado’s halfway houses were just another place to warehouse people, with a revolving door to prison. Often, excessively punitive, unrealistic rules are the cause. Individual stories were told, and State Rep. Leslie Herod from Denver was quoted. It was a good article, but one thing that wasn’t mentioned is that even some halfway houses will not take individuals with a sexual offense. Housing is a huge obstacle for anyone with a felony offense, but particularly so for this population.

The Guardian, a national news syndicate, also had a lengthy article. It was on “death by incarceration”; life, often without the possibility of parole. It seems a coalition of civil and human rights organizations filed a complaint urging the UN to declare the US’s practice of subjecting people to life sentences as “cruel and arbitrary deprivation of liberty” that violates incarcerated people’s rights. The US accounts for more than 80% of people worldwide serving life sentences. They argue that it does not serve the public interest, or our moral interest, to incarcerate the elderly until they die, as they are no longer a threat to public safety. Most sentencing laws were made for the worst case scenarios, but that is not who most offenders are. We are all the total sum of our lives, not just the worst thing we’ve done. Again, this article wasn’t just about the sexual offense population, but it definitely includes them.

The last example is strictly addressing this population. A recent YouTube video gave a montage of headlines from around the nation of laws that had been **successfully** challenged regarding individuals with a sexual offense. There were 16 states mentioned; some with more than one law being deemed unconstitutional. Englewood, CO made the headline, as did several other states, regarding their housing restriction laws for those labeled as “sex offenders”. Many of the cases dealt with the registry. PA ruled that their SORNA laws were unconstitutional. Some of the other topics were driver’s license labeling (LA), Halloween laws, internet restriction laws, and child contact laws.

Each time criminal justice reform is openly addressed, it’s educating the public and the people who can make a difference in changing the laws. Slowly, and often painfully, we’re seeing the wheels being turned back onto the “justice for **all**” track that our founding fathers envisioned.

RECIDIVISM RISK

Laurie Rose Kepros

Sex Offense Recidivism Risk: Not What You Think It Is One Standard of Justice (OSJ) is a NARSOL Affiliate in Connecticut who hosted a presentation in May 2021 by Dr. Karl Hanson, the inventor of the Static99R, a tool you probably see referenced in ALL your adult male psychosexual evaluations (& which should not be used on anyone else!). It is presented in plain language to make it easier to understand. You might even want to cite it or play it for your judges – it definitely takes away some of the fear associated with reports of “average” or “above average” sexual recidivism risk, especially if the behavior was long ago, and shows how extremely low “lower” risk people are. There’s even a part where he explains how the highest risk category that is used to describe general criminal recidivism does not even exist in the population who has committed a sexual offense because nobody sexually reoffends as often as other criminal populations reoffend. Another important take-away is that even the highest risk people are low risk once they’ve lived in the community for 20 years without sexually reoffending. The 78-minute video can be accessed here.

<https://onestandardofjustice.org/sex-offenserecidivism-risk-not-what-you-think/>

Ms. Laurie Rose Kepros is the Dir. of Sexual Litigation of the CO Public Defender.

HOPEFUL PATHS

Prosocial Approaches to Changing inappropriate Sexual Behavior by Barbara K. Schwartz PhD and Henry R. Cellini, Ph.D. This guided workbook is designed for individuals who have had problems with sexually inappropriate behavior. This may have resulted in criminal convictions, civil lawsuits, or loss of relationships, jobs, or status within the community. Inappropriate sexual behavior can range from downloading illegal pornography to violent sexual assaults. When a person is accused of some type of sexual misconduct, there can be many responses. One might readily admit guilt and take full responsibility, or one might totally deny the charge. Most commonly the response is somewhere in between. An individual may admit that something happened but disagree with the nature of the behavior, the frequency, the degree of force. The behavior of the victim might be challenged. There are as many different explanations of why people act out sexually as there are offenders. The aim of Hopeful Paths is to help individuals in treatment separate and understand the legitimate dynamics of their behavior from explanations that might make them feel better but interfere with helping acknowledge and thus correct harmful behavior.

<https://www.civresearchinstitute.com/toc/HPTOC.pdf>

COMMONWEALTH V. TORSILIERI

[8/23/22] Chester County Court Judge Allison Bell Royer ruled that Pennsylvania’s Sex Offender Registration and Notification Act is unconstitutional in **Commonwealth v. George Torsilieri**.

In the 28-page opinion, Judge Bell Royer wrote: “The bottom line, as the defense experts have demonstrated, is that 80% to 95% of all sex offenders will not re-offend.” and “(SORNA) encroaches upon a person’s fundamental right to reputation under Article I, Section 1 of the Pennsylvania Constitution.”

On June 16, 2020, the Supreme Court of Pennsylvania remanded the case of **Commonwealth v. George Torsilieri** to the Court of Common Pleas in Chester County.

At the Supreme Court of Pennsylvania (SCOPA) level, the Commonwealth was unable to substantiate SORNA’s presumption that ‘all sex offenders pose a high risk of sexually reoffending’ and therefore able to be imposed as part of criminal sentencing, so it sent the case back to the lower court for this ruling,

Judge Royer’s ruling also states that “[SORNA] does not function as intended and is not effective at promoting public safety. It diverts resources away from offenders who could most benefit from them. Finally, SORNA catches in its net offenders who have committed crimes with no sexual component to them. It is unconstitutionally overbroad and excessive. We find that SORNA’s registration and notification provisions are punitive in effect, overriding the Legislature’s attempted creation of a civil regulatory scheme.

The ruling states that SORNA “results in a criminal sentence in excess of the statutory maximums; violates Federal and State proscriptions against cruel and unusual punishment; and breaches the separation of powers doctrine.”

PERSON FIRST LANGUAGE

The above article refers to the person convicted of a sex offense as a sex offender. The importance of using person first language cannot be over emphasized. Please do not label a person by their behavior, refer to them as a person.

Family Resource Guide Contents

for Families of Adults Accused, Charged or Convicted
of Sexual Offenses in Colorado

Available at Advocates4Change.org

Part 1 – Supporting Your Loved One from Arrest to Sentencing (1.11MB) – 63 pages

Chapter 1 – The Arrest

Chapter 2 – Jail and Bail Bond

Chapter 3 – Moving through the Court System.

Chapter 4 – Evaluation, Child Contact Considerations, and Sentencing

Part 2 – Serving the Sentence (1.93 MB) – 125 pages

Chapter 5 – The Role of Treatment

Chapter 6 – Probation

Chapter 7 – Jail

Chapter 8 – Community Corrections (COMCOR)

Chapter 9 – Prison under the Colorado Department of Corrections

Chapter 10 – Parole under the Colorado Department of Corrections

Chapter 11 – Sex Offender Registry and Post Sentence Considerations

Part 3 – Agency Information (1.21 MB) – 40 pages

Section 1. Office of the State Public Defender

Section 2. Colorado Sex Offender Management Board (SOMB)

Section 3. What is Treatment? (A Therapist's Perspective)

Section 4. What Happens when Police respond to Sexual assault

Section 5. What Is an Evaluation?

Section 6. Probation Supervision

Section 7. Community Corrections

Section 8. Sex Offender Treatment & Monitoring Program (SOTMP)

Section 9. The Colorado Parole Board

Section 10. Parole

Section 11. Sex Offender Registration Requirements

Appendices (0.27MB) – 16 pages

Appendix A – Definitions of Various Terms

Appendix B – Dependency and Neglect Information

About the Resource Guide: The Family Education, Engagement and Support Working Group (Working Group) – was established by the SOMB in June 2015, in response to family members' concerns about what happens to loved ones who are accused or convicted of a sex offense. For over six years, the Working Group met during the first Friday of each month. The meeting was facilitated by family members and included family members, registered citizens, advocates for people with sexual offenses, advocates for people who have been sexually victimized, community and prison-based therapists, probation and parole representatives, legal representatives, and Sex Offender Management Board members and staff.

THE SUDDEN SUSPENSION OF A COLORADO PRISON-WORK PROGRAM HAS THROWN EMPLOYERS INTO DISARRAY

Excerpted from *The Colorado Sun* from an article by Shannon Najmabadi

The escape of a minimum-security inmate earlier this summer effectively shut down a touted prison-work program called **Take Two**, a gut punch to businesses struggling to find employees who had gambled on the 3-year-old program amid a historically tight labor market.

Employers who participated in the program, which let 59 low-risk inmates work outside prison walls shortly before their release, say they were given no time to warn customers or revise work schedules before Take Two was curtailed, costing some thousands of dollars in canceled orders and reduced hours.

Inmates received wages for working in construction, manufacturing, restaurant and other jobs through the program, which was designed to prepare them for reentry by giving them a chance to make money, get job skills and re-establish a social network. Up to 20% of each inmate's salary went to paying for restitution, child support and other court fees. Inmates wore an ankle monitor and had to meet several criteria to qualify for the program, including that they be considered a low public safety risk, have a record of good behavior and be near the end of their prison sentence.

The 56-year-old inmate who sparked the shutdown when he left his Take Two job site in Delta County July 16, cut his ankle monitor and stole a vehicle. He was caught the same day in Farmington, New Mexico.

Correctional facilities in Sterling, Buena Vista, Denver, Rifle, Cañon City and Golden participated in Take Two. "We were real skeptical at first, obviously, because we do work with the public," said Jeannette Carmack, human resources manager for the city of Delta, which employed nine inmates when the Take Two program was paused. "But we had extremely good luck with them. We have some really, really good guys."

Since the program began, 325 inmates have participated, and more than \$273,500 in restitution and court fees had been generated as of June 1, according to a Corrections Department document provided to *The Colorado Sun* through a public information request.

There's limited data available about the program given its short lifespan. But initial information is promising. "At this time the Take Two program is on a pause while we review and update logistics and criteria and address some of our immediate staffing shortages," spokeswoman Annie Skinner said. "We will look forward to working with the business community in the future on options to help reduce recidivism."

The suspension of Take Two had an immediate effect on business owners, already battered by inflation and a tight labor market. Some employers built business models around the Take Two workforce and reported losing between \$25,000 a day and \$48,000 a week in sales in the weeks after the inmate's escape, employers and economic development officials said in emails received by the governor's office in July and August.

A Chaffee County business owner, for example, said the program filled a crucial gap in the labor market. "I have not been able to hire anyone from the community in over two years — no matter how many ads I run, absolutely no one applies to work," the business owner wrote in an email forwarded to the governor's office.

The labor shortage has hit the corrections department, too. Lack of staff in recent months has prompted the agency to drop a vaccine mandate for employees and lower the minimum age of prison guards to 18 from 21. Employees have worked significant amounts of overtime and vacancies have forced staff to close the library at the state's largest prison, Sterling Correctional Facility, because its librarians are now working security, the executive director for the state workers union told *The Colorado Sun* last month.

A former Take Two participant, Lisa Albanez, said the time she spent working for Andy Magel, founder of Mile High Workshop, between October 2021 and August was "humbling" and was saddened that other inmates couldn't have the same experience.

"These people who were in the Take Two program are coming into the community, probably in the next six to nine months, whether Take Two exists or not," Magel said. "We can either do that on purpose and intentionally," he added, "or we can just have them walk out the door with very little preparation and no money in their savings account and no job."

Editorial Policy

The Advocate is published by Advocates for Change. We provide information on our efforts to affect change in legislation, treatment, and re-integration into the community, primarily for those who have been convicted of a sex offense. Nothing offered by AFC is intended to be legal advice, and any information provided should never be a substitute for obtaining counsel and/or conducting your own research.

Submissions from inmates/offenders, parolees, and members, are encouraged. Please limit articles to 300 words. The editor reserves the right to publish all, part or none of the contributions submitted. Send contributions for publication and/or comments on the newsletter to: Advocates for Change, Newsletter Editor, PO Box 103392, Denver, CO 80250.

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