

Advocates For Change



THE ADVOCATE

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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 treatment and 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

Hello AFC Members,

It's almost Fall again and we've been working hard all Summer to restructure and bring the best we can to this organization.

First, we need to tell you that the AFC board has changed due to a variety of circumstances. Carolyn Turner, our most fearless leader, was injured in April and we needed to make changes to keep the flow of work moving. We have so much to thank Carolyn for in her service to AFC. Her spirit and gusto have no bounds. She is amazing in her outreach to legislators and people that AFC needs as contacts. Carolyn has a fire for change in this most unfair system that we are going to miss. Hopefully, at some point she can resume her work with us.

In the meantime, we felt the need to make a change in the AFC board. We were down to two people on the Executive Board. Our new board is now: Pat Harris, Chair; Roger Kincade, Vice-Chair; Yvonne Parietti, Treasurer; and Pat Martin, Secretary. It's gratifying to have such a good group of people to work with and grow with. In addition to the Executive Board, we have an excellent group of board members who meet weekly and have been fighting valiantly every day for the changes that are needed in the Justice system.

None of us chose our roles, the roles chose us. We work on a constant basis to bring reform and a true justice to everyone. Somehow, laws that were meant for good have gone awry and our goal is to get rid of the bad ones and reform what is needed.

Know that you and your families are our first priorities. We think about you, talk about you, work for you, believe in you and hope to see everyone restored to a certain and good life at the end of this process.

*Pat Harris, Chair
Advocates for Change*

AFC INVOLVEMENTS

AFC is involved in many of the SOMB committees providing a voice for the community. Below are some of the functions and meetings that AFC volunteer's participate in on a regular basis:

- Several committees tasked with rewriting the SOMB Standards and Guidelines.
- Sex History Rewrite Committee – Working to change, simplify and improve the sex history packet.
- SOMB Monthly Meeting: Where the entire SOMB board comes together to discuss new topics, approve committee work
- Best Practices Committee
- Family Engagement Committee
- SOMB conference at Breckenridge
- Annual NARSOL conference in Atlanta
- CCJJ meetings
- Community Corrections meetings
- Parole Board meetings
- Citizen Advocacy Meetings at doc
- Victim Advocacy Committee
- Meetings with legislators
- Testifying at hearings
- AFC monthly meeting
- Other Community Activities

REGISTRY IS PUNISHMENT

In January 2017, a Civil Action, 13-cv-02406-RPM; was heard in the US District Court for the District of Colorado. Judge Richard Matsch, Senior District Judge heard the case. The Plaintiffs, David Millard, Eugene Knight, and Arturo Vega were represented by Attorney Alison Ruttenberg. The defendant in the case was Michael Rankin, Director of the Colorado Bureau of Investigation.

The Order by Judge Matsch reads: Based on the foregoing, it is ORDERED that judgment shall enter declaring that the Colorado Sex Offender Registration Act, C.R.S. §§ 16-22-101, et seq., as applied to Plaintiffs David Millard, Eugene Knight, and Arturo Vega, violates the Cruel and Unusual Punishment Clause of the Eighth Amendment to the United States Constitution;

it is FURTHER ORDERED that judgment shall enter declaring that the Colorado Sex Offender Registration Act, C.R.S. §§ 16-22-101, et seq., as applied to Plaintiff Arturo Vega, violates procedural due process requirements of the Due Process Clause of the Fourteenth Amendment to the United States Constitution;

it is FURTHER ORDERED that judgment shall enter declaring that the Colorado Sex Offender Registration Act, C.R.S. §§ 16-22-101, et seq., as applied to Plaintiffs David Millard, Eugene Knight, and Arturo Vega, violates substantive due process requirements of the Due Process Clause of the Fourteenth Amendment to the United States Constitution; and

it is FURTHER ORDERED that Plaintiffs as prevailing parties shall be entitled to an award reasonable attorney's fees as part of the costs, to be determined by the Court pursuant to 42 U.S.C. § 1988(b). Dated: August 31, 2017 BY THE COURT: s/Richard P. Matsch Senior District Judge

This may be appealed by the Colorado Attorney General.

PLEASE NOTE THAT WE ARE CHANGING OUR MEMBERSHIP POLICY AS FOLLOWS:

- MEMBERSHIPS WILL BE DUE BY JANUARY 15 OF THE CALENDAR YEAR BEGINNING IN 2018.
- IF YOUR 2017 MEMBERSHIP IS DUE BETWEEN SEPTEMBER 1 AND DECEMBER 31, WHEN YOU PAY, YOU WILL BE CREDITED WITH YOUR 2018 MEMBERSHIP.

UPCOMING EVENTS

Citizens Advocacy Meeting – Oct. 18, 2017:

Meet directly with DOC officials to air your concerns about a loved one who is incarcerated or on parole. More info:

<http://www.doc.state.co.us/citizen-advocate-meetings>

RSVP/Consent to Search forms are due October 11, 2017.

The AFC monthly meeting:

held from 7 pm to 9 pm
on the fourth Tuesday of each month
at 1939 S. Monroe St. Denver 80210

EXPERIENCE EQUALS KNOWING

(Food for Thought)

There was a successful mental health professional who was very skilled at what he did and believed he understood and identified with his patients. He was diagnosed with a cancerous growth on his vocal cords and became a patient. The fear, uncertainty, frustration and nonchalance that he experienced from his doctors gave him new insight into how difficult, if not impossible it is for someone to understand another's issues without actually experiencing them. Believing something intellectually is not the same as knowing it through actual experience.

AFC POLYGRAPH COMMITTEE

AFC has had a polygraph committee for the last couple of years. We are participating in the rewrite of the polygraph, Section 6, of the SOMB Standards and Guidelines. This year we have had the good fortune to have the Denver Post print two articles on the polygraph, Channel 7 did a report on the polygraph and the Pueblo Chieftain printed an article. Educating the public with factual information benefits all.

JUDGE DENNIS MAES AND THE POLYGRAPH

At AFC's August meeting we were privileged to have Judge Maes as our guest speaker.

On April 15, 1988, Attorney Maes was appointed District Judge for the Tenth Judicial District. Judge Maes became the Chief District Judge for the Tenth Judicial District on September 1, 1995 and served in that position through May 31, 2012 when he retired.

The judge shared with us his history of where he came from, how he grew up, lessons he learned along the way and finally, how he became a district judge. His interest in sex offense issues and problems began with the son of a friend. And in that process, he began to see how the polygraph was being used for those with a sex offense. Judge Maes shared that the results of polygraph examinations are per se inadmissible for any purpose in criminal and civil proceedings in Colorado under existing Colorado law. The results of a polygraph are "scientifically unreliable" and public funds should not be used for something that is not admissible in court. Judge Maes is continuing his work on this issue.

AFC'S FIRST GALA

AFC would like to thank everyone who attended our first Gala. It was held at a local art gallery and was a very good evening for all that attended. The scavenger hunt was a success with people searching paintings, pictures, and art objects from the clues given. A summer evening meal was served and guests enjoyed meeting new people. AFC raised some additional funds to work with and the party lasted till 9:00 pm. We are grateful to have such wonderful people with which to share this journey.

AFC MEETING WITH THE PAROLE BOARD

On Thursday, August 24, AFC was pleased to host the Colorado Parole Board. The meeting was a very good exchange of questions and answers in a very informal and comfortable facility.

Using the recidivism rate of those with a sex offense as a starting point, we asked since the recidivism rate is so low why aren't more with a sex offense paroled. The answer was while the recidivism rate is low, the return to prison for a technical violation is about the same as everyone else. Success rests with each individual.

We asked about the number of parole board members at a full board hearing. They said they never do one with less than five members and prefer to have seven.

The parole board was asked about determinate sentenced people and their opportunity for parole. They do recognize that determinates will not generally get treatment.

Video versus telephone parole hearings was discussed. The parole board says that this is based on what is available in each prison and that whether it's video or phone, there is little difference in the number of persons paroled.

It was asked if the parole board can make the designation of sexually violent predator. The answer is yes but they don't do it. There was a period, 5-10 years ago, where the parole board was asked to review files and they did make this determination. The current board has never done this.

At a full board hearing, the victim has the opportunity to either write or be present and express their point of view. We were under the impression that advocates or offenders could not say anything about the victim or the position they take. We were told that we can share any information we have. Stick to the facts and do not use an emotional argument.

There were other questions and comments by a very interested public. The meeting was very successful and we thank the members of the Parole Board for attending.

"As long as a person believes he will lose something of his self-worth by behaving responsibly, he will choose to behave irresponsibly" and vice versa.

A safety plan is only a theoretical plan for action, while a positive decision is a validated plan of action.

HONESTY AND TRUTHFULNESS

(More Food for Thought)

Being honest and truthful are two of the most important behaviors that you must practice as you interact with others. In the treatment setting, be honest and truthful with your team at all times. You think before you act which is what an accountable and responsible person does. But since no person on this planet is perfect, if you do make a poor decision or break a rule or whatever, let your supervising officer and therapist know immediately. Own up to it, discuss it, learn from it, face whatever consequences there are and move onward.

The personal benefits you will gain from doing this are many. When you take a polygraph you will have little to discuss with the examiner because you are honest with your team with no secrets. You answer the questions truthfully. If you are told you had a reaction to a question, your discussion will be to state the fact that you told the truth on every question. Being honest and truthful, you show your team that you are trustworthy. And that serves you and the community well.

COURT RULINGS OF INTEREST

In July, 2017 The Pennsylvania Supreme Court held that the current (2012) version of Pennsylvania's Sex Offender Registration and Notification Act, hereinafter referenced as "SORNA," is punishment and cannot be applied retroactively. *See Commonwealth v. Muniz*

June, 2017 Packingham V. NC. SCOTUS overturns social media ban. Echoing Justice Kennedy in the court's opinion, it is "a fundamental principle of the First Amendment that all persons have access to places where they can speak and listen, and then, after reflection, speak and listen once more."

August, 2016 The U.S. Court of Appeals for the 6th Circuit held that recent amendments to Michigan's Sex Offender Registration Act (SORA) are unconstitutional because they impose retroactive punishment on sex offenders in violation of the Constitution's prohibition on ex post facto laws. The 6th circuit findings have been appealed to the U.S. Supreme Court and we are waiting to learn if they will hear it.

COLORADO LEGISLATURE

HB17-1308, signed by the Governor July, 2017.

The bill eliminates certain mandatory conditions of parole while preserving the discretion of the state board of parole (board) and parole officers to impose such conditions. Specifically, the bill removes the requirement that:

- The board fix the manner and time of payment of restitution as a condition of every parole;
- Every parolee obtain the knowledge and consent of his or her community parole officer before changing residence, instead requiring a parolee to notify his or her parole officer before any change of residence;
- Every parolee submit to urinalysis or other drug tests;
- Every parolee not associate with any other person on parole, on probation, or with a criminal record or with any inmate of a correctional facility without the permission of his or her community parole officer; and
- The board require every parolee at the parolee's own expense to submit to random chemical testing of a biological substance sample from the parolee to determine the presence of drugs or alcohol.

DOCCA LAWSUIT

In 2007, a Federal class-action lawsuit was filed to seek injunctive relief and requests to order the Colorado Department of Correction to comply with the Lifetime Supervision Act and provide inmates with the statutorily required treatment and release on parole under treatment.

The attorneys and volunteer law students were handling the lawsuit pro bono. Colorado Cure and Advocates for Change raised donations to cover the litigation costs.

The case went to court and was dismissed without prejudice as the plaintiffs had either been placed in treatment or received parole. The "dismissed without prejudice" left open the prospect to pursue the lawsuit again.

Because the Colorado Department of Corrections made changes to the SOTMP program that cover the initial concerns raised in the original lawsuit, no further action was deemed necessary.

WORDS OF MOTHER TERESA

People are often unreasonable, illogical and self-centered. **Forgive them anyway.**

If you are kind, people may accuse you of selfish, ulterior motives. **Be kind anyway.**

If you are successful, you will win some false friends and some true enemies. **Succeed anyway.**

If you are honest and frank, people may cheat you. **Be honest and frank anyway.**

What you spend years building, someone may destroy overnight. **Build anyway.**

If you find serenity and happiness, people may be jealous. **Be happy anyway.**

The good you do today, people will often forget tomorrow. **Do good anyway.**

Give the world the best you have, and it may never be enough. **Give the world the best you have anyway.**

You see, in the final analysis, it is all between you and God; It was never between you and them anyway.

---Mother Teresa of Calcutta

HOW AFC OPERATES

Advocates for Change is a non-profit organization with a 501C4 designation with the IRS. The membership dues are not tax deductible as they would be if we were a 501C3.

The IRS has regulations that specify how tax exempt organizations must operate and a 501C3 organization is limited on how much time they can spend talking to legislators, etc. A 501C4 organization has fewer restrictions in that regard and talking to legislators about your issues is an important part of what Advocates for Change does. We use the membership dues to pay for our monthly meeting place at the Rocky Mountain Miracle Center, for printing and postage costs for our newsletter, our PO Box and monthly telephone bill and the postage for responding to letters from those incarcerated.

We are very conservative with our finances and our board members are volunteers who do not receive any salary. All membership dues and donations are used for your benefit, so thanks for all you contribute.

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.

PLEASE JOIN US

Annual Membership Fee*
(Jan 1 – Dec 31)

- \$25 for a family membership
- \$5 for returning citizens
- 8 stamps for those on the inside

Newsletter preference:

- mail regular newsletter
- plain newsletter in plain envelope
- email newsletter
- do not send newsletter

*Any additional help is gratefully accepted.

Today's Date: _____

Name: _____

Phone: _____

Address: _____

Email Address: _____

**Send membership applications to: AFC Membership
P. O. Box 103392
Denver, CO 80250**

Please feel free to share an application with a friend or a family member.

Call 720-329-9096, if you have any questions or comments.

Please leave a message if no one answers and leave your phone number so we can return your call.

(IN THE NEAR FUTURE WE WILL HAVE AN ACCOUNT ON OUR AFC WEBSITE SO YOU CAN SUBMIT YOUR DUES ELECTRONICALLY)



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