



# The Advocate

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

## INSIDE THIS ISSUE

Message from the Chair ..... 1  
 Inspiration..... 2  
 NARSOL Conference..... 2  
 Treatment Catch-22..... 2  
 People vs. Vigil ..... 3  
 People vs. Brooks ..... 3  
 Women Against the Registry ..... 3  
 Pell Grants ..... 4  
 Proposed SOMB Changes ..... 4  
 A Little Help from Our Friends ..... 5  
 Order the Family Resource Guide.... 5  
 Membership ..... 6

## 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**

Dear Advocates,

Time goes by at very different rates of speed. For us on the outside working for change in the justices system, time speeds by. For those incarcerated, time simply drags along. We’re so aware of these time differences. We go as fast as we can but the sense of urgency for the legislature and the rule makers is virtually nonexistent.

When the legislature is in session advocates are there, making themselves visible and testifying on various topics of concern. Right now the SOMB Sunset bill (a bill to renew the SOMB) is before the legislature. We’ve testified twice before the Senate Judiciary and it looks like the bill will pass through the Senate. We’re watching to see what amendments might be added to the bill (See the article on page 4). Our next step is the testifying before the House Judiciary.

This coming summer we are planning ahead on how to address the important issues. We plan to talk to a few legislators who would be willing to help in writing legislation. We are looking at the most likely topics that legislators are willing to address.

We do want you to know we are still working on your behalf. It seems frustrating that change is so very slow in coming but AFC is committed to staying with the challenge.

Pat Harris, Chair  
*Advocates for Change*

**INSPIRATION****THERE WAS A MAN WHO HAD FOUR SONS**

There was a man who had four sons.

He wanted them to learn to not judge things too quickly. So he sent them each on a quest, in turn to go look at a pear tree that was a great distance away. The first son went in the winter, the second in the spring, the third in the summer and the fourth in the fall.

When they had all gone and returned, he called them all together to describe what they had seen. The first son said that the tree was ugly, bent and twisted. The second son said it was covered with green buds and full of promise. The third son disagreed: he said it was laden with blossoms that smelled so sweet and looked so beautiful that it was the most graceful thing he had ever seen. The last son disagreed with all of them; he said it was ripe and drooping with fruit, full of life and fulfillment.

The man then explained to his sons that they were all right, because they had all seen but one season in the tree's life. He told them that you cannot judge a tree or a person by only one season. That the essence of who they are and the pleasure, joy and love that come from that life, can only be measured at the end, when all the seasons are up. If you give up when it is winter you will miss the promise of your spring, the beauty of your summer and the fulfillment of your fall.

Don't let the pain of one season destroy the joy of all the rest. Don't judge life by one difficult season. Persevere through the difficult patches and better times are sure to come in time.

Aspire to inspire . . .before you expire.

Live simply . . . love generously . . . care deeply . . . speak kindly . . . and leave the rest to god.

Happiness keeps you sweet . . . trials keep you strong . . . sorrows keep you human . . . failures keep you humble . . . success keeps you growing . . .but only God keeps you going.

**NARSOL CONFERENCE**

The National Association for Rational Sexual Offense Laws will be having it's annual conference in Houston TX from June 22-25, 2023. The conference is a great opportunity to meet people traveling the same journey, and working to correct the wrongs of the system. The conference has five main speakers and seven breakout sessions. It's a chance to mix and meet people from all over the United States and learn from them. If individuals are interested go to the NARSOL website at [NARSOL.org](http://NARSOL.org).

**APRIL CDOC CITIZEN ADVOCATE MEETING****TREATMENT CATCH -22**

AFC attended the Citizen Advocate Meeting at the Denver Women's Prison on Tuesday, April 18, 2023. The meeting gives advocacy groups the opportunity to ask about many different topics regarding food, canteen, health care, treatment programs and other topics with Wardens and CDOC personnel available.

One topic of concern was regarding an individual back in prison for a technical violation. He was told he had to do treatment while back in prison but CDOC sees no need for treatment. Because he was not in treatment, he was rejected for parole at his parole hearing. We will continue to follow this situation.

PEOPLE VS. VIGIL

No. 20CA0090, People v. Vigil — Criminal Law — Sentencing — Probation — Revocation; Criminal Procedure — Postconviction Remedies; Constitutional Law — Fifth Amendment — Right Against Self-Incrimination

A division of the court of appeals holds as a matter of first impression that the State cannot revoke a defendant's probation based on a valid invocation of the Fifth Amendment privilege against self-incrimination where the conviction is final but the defendant's initial period for seeking postconviction relief has not run.

Defendant, Robert Eulogio Vigil, appeals the district court's order revoking his probation for refusing to sign his treatment contract, which contained certain acknowledgments that he believed amounted to self-incrimination. In resolving his appeal, we hold as a matter of first impression that the State cannot revoke a defendant's probation based on a valid invocation of the Fifth Amendment privilege against self-incrimination where the conviction is final but the defendant's initial period for seeking postconviction relief has not run. Because we conclude that Vigil validly invoked his privilege against self-incrimination and was pursuing timely postconviction relief, we reverse the order revoking probation and remand to the district court for further proceedings consistent with this opinion.

III. Disposition ¶ 40 The order revoking probation is reversed, and the case is remanded for further proceedings consistent with this opinion. JUDGE NAVARRO and JUDGE SCHUTZ concur.

The greatest glory in living lies not in never falling, but in rising every time we fall.

~Nelson Mandela. Nov 21, 2011

PEOPLE VS. BROOKS

There is a case out of Texas where the courts determined that a Colorado conviction of M1 Unlawful Sexual Contact/Sexual Assault in the Third Degree per 18-3-404(1)(a) is not a registerable sex crime in Texas. We have similar Colorado precedent doing an element to element comparison on a different Texas crime, (e.g., People v. Brooks, 2012 COA 52). This might be helpful if you think about going to Texas or for general information.

WOMEN AGAINST THE REGISTRY  
AP NEWS

For the first time ever a group of families from across the nation convened in the Washington DC area for *Team Work Makes the Dream Work* events. The families, allies, collaborating organizations, and a community of renowned speakers, trainers, researchers, and trailblazers spent three days in March learning, meeting with Congressional representatives, and holding a vigil to bring awareness to the Smith v. Doe decision.

Vicki Henry, President of Women Against the Registry (WAR) and the foundation said,

I was disappointed to learn of the horrendous impact on human beings across our nation prompted by an advertisement by a therapist in a 1982 Psychology Today magazine stating registrants would likely recidivate (re-offend) at 80% if they didn't take his therapy classes.

The discovery of the debacle was the result of research by Professor Ira Ellman and Researcher Tara Ellman. (Ellman, I. M. and Ellman, T., *Frightening and High: The Supreme Court's Crucial Mistake About Sex Crime Statistics* (September 16, 2015).

Women Against Registry was formed after a breakout session during the 2011 RSOL conference. The premise was based on the belief that if change would come about, it would be done by women!

## PELL GRANTS

Higher Ed Dive, Laura Spitalniak - Associate Editor  
September 8, 2022

**Colleges prepare to expand programming when Pell Grants are reinstated for prison education in 2023.** Programs will be required to support students holistically, with academic advising, career advising and easily transferable credits.

Colleges across the country are expecting increased interest in prison education programs following the return of Pell Grant eligibility for incarcerated people, which is set for July 2023.

### **NEW GUIDELINES**

Under the FAFSA Simplification Act passed at the end of 2020, all incarcerated students will be able to apply for federal Pell Grants for the first time since 1994. With the reinstated Pell program comes new rules for colleges to follow.

Oversight entities will judge whether colleges with prison education programs are acting in students' best interest. At federal prisons, the U.S. Department of Justice's Bureau of Prisons will oversee the outcomes. At state prisons and jails, it will be the state corrections agencies and the municipal governments, respectively.

Success metrics include post-release job placement rates, transferability of credits toward degree programs at other institutions, and availability and quality of academic and career advising services.

Because college leaders can't check in with incarcerated students as casually as they can with the rest of their student body, they are gearing up for the challenge of tracking progress with limited contact and minimal emails and phone calls, according to Villarreal. Often, that means more staff.

### **FUNDING THE CHANGES**

Increased services and staff almost universally mean increased spending for colleges.

Across the country, 20 colleges and two state systems are experimenting with ways to improve their prison education programs through grant money from the private Ready for Pell initiative.

Grant recipients include:

- Arkansas Community College System
- Amarillo College, in Texas.
- Arkansas Northeastern College
- Benjamin Franklin Institute of Technology, in MA.
- California State University, San Bernardino
- College Unbound, based in Rhode Island.
- Des Moines Area Community College, in Iowa
- Herkimer County Community College, in NY.
- Hope-Western Prison Education Program, in Michigan
- Minneapolis Community & Technical College.
- Moraine Park Technical College, in Wisconsin
- Northeast Mississippi Community College.
- Pennsylvania State University
- Portland State University, in Oregon.
- The Research Foundation for the State University of New York.

## PROPOSED SOMB SUNSET AMMENDMENTS

As of April 24, the following amendments have been proposed:

1. Choice of treatment provider and 1 change allowed
2. Supervising officer must follow SOMB standards
3. Children prosecuted in adult court will be under juvenile standards
4. Someone found guilty of a non-sex crime will do a PSI/PSIR only at court discretion-if treatment is recommended, SOMB Standards will apply
5. SOMB to work with Parole Board on new testing instrument for Parole Board to decide which determinate people could allow release prior to MRD with no treatment, if it is unavailable
6. New committee to study problems with lack of timely treatment
7. Treatment must reflect sensitivity to individual characteristics
8. Use non-SOMB approved providers for SOTMP if standards are followed and under SOMB supervision.
9. The SOMB will sunset again in 2028 (with a new DORA report in 2027).

Note: an updated version of the bill containing these amendments is posted online at (Sunset Process Sex Offender Management Board | Colorado General Assembly: <https://leg.colorado.gov/bills/sb23-164> )

## WE ALL GET BY WITH A LITTLE HELP FROM OUR FRIENDS

by Marsha Brewer

The journey of an individual with a sexual offense can feel lonely, frustrating, and even hopeless at times. Those same feelings are also very often true for their loved ones. Sharing the story of one's journey with others who are, or have been in a similar situation, can be extremely helpful, and even therapeutic.

For the first year of our journey, I felt very isolated. Even though we were blessed to be surrounded by supportive family and friends, it felt like no one really understood what we were going through. I was then introduced to the Family Engagement Committee, a group of family members working to put together a family resource guide. These dedicated individuals had been working for two years to build a resource for people like me who felt overwhelmed by the unknown world we now found ourselves a part of. They had traveled this road, and knew that families needed some form of guidance. I became a member of the committee that day. It gave me purpose and a way to maybe make a difference in helping others navigate the system. It took another five years to complete the project, but the friendships made along the way will last a lifetime. It didn't change the trajectory of our journey, but the load was easier to carry when we could share it with those who had their own heartbreaking stories, and truly did understand.

Recently, while waiting for our loved ones to come into visiting, one of the wives began crying, and asked another wife and me if it was difficult for us to make the drive to come and visit each week. We assured her that it was. She was feeling extremely alone, while trying to be strong for her husband. We told her that we were there for each other, and that she wasn't alone. That incident led to the start of a small family support group for those with a loved one in our facility with a sexual offense. It's nothing official or formal. We meet once a month at a restaurant in Colorado Springs. We share what's happening with our loved ones and in our lives. We talk about legislative bills affecting this population, and what changes need to take place. Most of all, we're just there for each other, because it's proven **we all get by with a little help from our friends.**

### Family Resource Guide

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

can be downloaded from the AFC Website at  
<https://www.advocates4change.org/family-resource-guide/>

Scan to go to  
the Download Page



### Family Resource Guide Order Form

We have a limited number of printed versions of the Family Resource Guide available at \$ \_\_\_\_\_ each to cover printing and postage.

Today's Date: \_\_\_\_\_

Name: \_\_\_\_\_

Phone: (optional if we have questions) \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

**Send Orders to: AFC –Resource Guide  
P. O. Box 103392  
Denver, CO 80250**

**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**

Membership Fee is \$20 for family membership, \$5 per year for returning citizens, and 8 stamps for those on the inside. Any additional donations are gratefully accepted.

Today's Date: \_\_\_\_\_

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

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