



# THE ADVOCATE

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## PUBLIC SERVICE ANNOUNCEMENTS

**COVID-19 UPDATE FROM CDOC:** CDOC has stopped visitation and reduced entry of non-essential staff to protect staff and inmates. Cleaning protocols have been enhanced...see more at <https://www.colorado.gov/cdoc/>

**SOMB COVID-19 MEASURES:** Including use of teletherapy can be found at <https://www.colorado.gov/pacific/dcj/sex-offender-management-unit>

## 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.

## CONTACT AFC

**Mail:**

P. O. Box 103392  
 Denver, CO 80250

**Phone:**

720-329-9096

**Email:**

advocates4changeafc@gmail.com

**Website:**

www.advocates4change.org

## A MESSAGE FROM THE CHAIR

Hello AFC Members,

A new decade – 2020 has arrived and AFC is still focused on the work of making change to the laws in Colorado that affect those who have been convicted of a sexual offense. Right now, AFC is on hold and working behind the scenes until the threat of COVID-19 passes.

After the threat is gone, I hope you have a better year and that if you are still in CDOC, the time for you is nearly over. Some of you have such extreme sentences and some are just stuck being on a lifetime sentence and not being able to have treatment which you currently need for release.

The year began for us like it does every year – jumping into the legislative process. We are working to change many things, but right now one of our many objectives is to have the legislature change the wording regarding *progress in treatment*. If the legislature could remove or modify that language, many of you would have that opportunity you’re waiting for – parole.

Another topic we are working on is treatment on the outside. Currently, the law states you can choose from two providers. We are finding that this is far too limiting and have been asking for a choice of any provider approved by SOMB. This change is supported in the Sunset Review by DORA (Department of Regulatory Affairs). We’re hoping the legislature will support this recommendation.

AFC is working on having an open dialogue with parole, probation, DoC and others in this very vast system. We want to be a partner with these organizations and bring to them our knowledge and perspective on the many issues that affect you. We want to hear what they have to say and would like for them to hear us.

AFC has been part of a group working on a Resource Guide for Families – it’s been a four year project so far. But the guide is inclusive of every detail from arrest through legal, probation, prison, treatment and parole process. The guide is not complete, but much of it is done. Let your families know it can be accessed through the first page of the AFC website. They might find it helpful.

*Pat Harris, Chair  
 Advocates for Change*

## TESTIMONY TO THE COLORADO JOINT JUDICIARY BY AFC

### **LABELING AND OVERSIGHT**

Labeling is not evidence-based best practices and using person first language is. The very first paragraph of the SOMB 2019 Legislative Report references evidence-based best practices and yet immediately refers to the adult population using the label sex offenders. Is this appropriate mindset for those individuals who are tasked with making the SOMB standards evidence-based?

Quoting Joseph Campbell: "We need to be concerned when we are living in relation to a system instead of to our Humanity."

The lack of oversight for the treatment providers is a contributing factor for the folks in the system failing. And you write a check for \$40,000 for each person that fails and ends up incarcerated. The SOMB lists approved treatment providers based on a person's education, experience, and appropriate licensing through DORA. Whether or not the treatment given by these listed providers is professional, humane, and effective or in accordance with what the Legislators have mandated is not examined. The SOMB will mitigate this by saying there is a complaint process and the ARC (Application Review Committee) will take appropriate action. A DORA complaint can also be filed. The reality is that retribution by the treatment providers is feared and the clients will not file a complaint because they don't want to be sanctioned with a loss of privileges at best or be revoked and end up arrested and in prison, worst case scenario.

One possible solution for determining whether more oversight is needed would be to have this body or your designee hold a hearing. Listed SOMB therapists would be selected and asked the following questions:

1. Please explain how your treatment process has migrated from the No Known Cure model to the RNR or other evidence-based model.
2. What complaint process do you have in place for your clients?
3. Please provide us a written comprehensive synopsis of how you have accomplished this.
4. Other pertinent questions

The second part of the hearing would be to have some current clients come in and ask them what their reality and perception is concerning their treatment. This might give more pertinent information on the effectiveness of

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the SOMB than the yearly report on accomplishments from the previous year, especially with the lack of comprehensive data.

The SOMB was tasked with collecting data in 2016 and finally sometime in 2019 they began this process. There is a 25 person SOMB board and did this board question the staff about achieving the data collection as mandated by the Legislature on a timely basis? Why did it take three years for this mandated task to be implemented? Who was in charge and responsible?

This should have been a priority and three years to implementation is unacceptable. The SOMB staff should have just done it and if there were obstacles to implementation, they should have taken appropriate action on a timely basis. And when it wasn't being done the board should have been questioning why not. This is not best practices for any organization.

The ideas for change using evidence-based practices primarily come from stakeholders who are interested in improving our community. Is the SOMB reactive or proactive in investigating and implementing evidence-based change? What is their focus? One concern for best practices in the business world is "standardization perpetuates mediocrity." The inaction for nearly three decades of no data collection by the SOMB to measure success is not evidence-based best practices and points to at best, mediocrity.

### UPDATES IN BRIEF

**SOMB AUDIT:** The Office of the State Auditor continues to audit of the Sex Offender Management Board. It was originally due in late 2019 but is now expected in June 2020.

**AFC Members Paroled:** From the beginning of AFC, from our members there have been a total of 307 people paroled. From the fall of 2018 to today, there have been 193 paroled. The number isn't large but in relation to our membership of 300-400, it is pretty significant.

**NARSOL CONFERENCE:** Raleigh NC, June 11-14, 2020. Check the NARSOL website for details.

## SEX OFFENDER LAWS ARE BROKEN

### THESE WOMEN ARE WORKING TO FIX THEM

EXCERPTS FROM AN ARTICLE BY HALLIE LEIBERMAN POSTED ON  
1.18.2020 BY REASON

<https://reason.com/people/hallie-lieberman/>

**Sandy Rozek** is the polar opposite of what comes to mind when you hear the word *activist*. A 78-year-old great-grandmother... spearheads a movement you've probably never heard of.

Rozek works with the National Association for Rational Sexual Offense Laws (NARSOL). She is one of several women who lead an effort to oppose the unjust, irrational, and ineffective laws that continue to punish sex offenders long after they have served their time.

[I]t was a chance encounter that led **Janice Bellucci** to the movement. One day in 2011, Bellucci, a 67-year-old California attorney who spent most of her career in aerospace law, was talking to Frank Lindsay ... when he mentioned that he had written a book. "Quite frankly," she says, "reading his book changed my life."

Bellucci founded the Alliance for Constitutional Sex Offender Laws (ACSOL). Like many in the movement, Bellucci believes sex offender restrictions are unconstitutional. As a lawyer, she [felt she] could do something about that.

Bellucci says lawsuits are a last resort. Her organization usually writes letters first, telling a city its sex offender law is unconstitutional or warning that another city has been successfully sued over the same kind of law. Sometimes the letters work. But when they don't, Bellucci sues. When she wins a lawsuit, she uses her share of the damages to fund other cases.

**Vicki Henry**, president of Women Against the Registry (WAR)...became an activist because her son is on the registry...

Henry describes WAR as more aggressive than NARSOL. "We're more challenging, in your face, the ground pounders," she says. "We protest. They don't."

WAR's slogan is "fighting the destruction of families," and Henry is speaking from firsthand experience. Like many on the registry, Henry's son faces harassment and employment problems.

Registries are all about ostracism, Henry argues, and GPS monitors are a prime example. "We're not saying

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that people shouldn't be adjudicated," she says. "But once they've been adjudicated [and] paid their debt to society, let them live in peace with their families. Don't put so many barriers in front of them."

- ACSOL probably has had the most legislative impact
- NARSOL has filed successful lawsuits against sex offender restrictions in Maryland and North Carolina.
- WAR has fewer legislative goals and more focus on education.

## COLORADO JUSTICE SYSTEMS FORUM

The forum on *Working Together Toward an Improved Criminal Justice System* was held on March 4 – 5. This forum was hosted by Governor Polis, Department of Public Safety, Department of Human Services and the University of Colorado.

This forum was attended by people with varying perspectives and areas of interest who are interested in criminal justice reform. AFC members attended and benefited from the topics covered and the contacts made or renewed. The program began with the Role of Community in Promoting Public Safety followed by breakout sessions. During lunch session, victims discussed their role in justice reform.

The afternoon sessions included various topics involving criminal justice such as Adult Restorative Justice; Sentencing Equity; Racial Disparities, etc. The second day included Strategies to Reduce: Recidivism; Sentencing without Bias, Implement Pre-trial Reforms, and Reduction of Youth Involvement.

The Strategies portion was especially interesting since we had direct involvement. Every table answered questions provided: (a) What would you like to see Colorado accomplish in the next 10 years on recidivism? (b) How is Colorado or your jurisdiction a leader right now on recidivism? (c) What are Colorado Strengths on recidivism? (d) What impacts would there be on your agency/jurisdiction if you were to expand efforts to pursue the untended consequence, fiscal impacts, resources and staffing?

The answers to the questions, captured by staff, will be used to determine which areas need the most focus. This is a beginning –hopefully– to a continuing process that looks at problems and tries to find solutions for a judicial system that doesn't work because of over-prescribed laws, as well as, extreme sentencing leading to a bloated prison system. As a stakeholder in criminal justice reform, AFC was gratified to be included in this conversation.

**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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**NEW:** You can also join electronically from our website  
<http://www.advocates4change.org>



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Denver, CO 80250**