

Advocates For Change



# THE ADVOCATE

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The legislative session goes into high gear the first half of the year. Because this is an election year, many bills are introduced but they tend to be less confrontational. Because our cause involves a lot a controversy, we anticipate more of our issues coming to the forefront next year.

We have been successful in gaining the attention of the legislature regarding the fact that some treatment programs utilize punishment and sanctions rather than strength-based approaches to rehabilitation, and do not focus on success in treatment. The legislature required a report explaining the effectiveness of the current treatment program approved by the Sex Offender Management Board (SOMB). This is the first time the SOMB has been required to submit a report of this type. It was completed and turned into the legislature in December, 2011.

Members of AFC spent countless hours putting together a rebuttal. In January a number of our members testified before the House and Senate Judiciary Committees. As a result, it was recommended that \$100,000 be allocated for an independent monitor assessment.

**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.

Next, AFC met with the Joint Budget Committee (JBC) for allocation of funds for the independent monitor to assess the SOTMP. The JBC unanimously agreed, the matter went before the House and Senate in a long bill. Since there is new and up-to-date research that encourages humane and effective treatment, we are excited about our progress.

Another area of encouragement is that we are now having periodic meetings with Mr. Tony Carochi, who is the DOC Deputy Director. Mr. Carochi has been very open to what we have to say.

We also brought our discontent with the current treatment program to his attention. We spoke with him about a treatment program introduced in Canada by Dr. William Marshall, who has put a model together that is humane and practical. We will continue to bring the myriad of treatment issues to the attention of officials in DOC and the SOMB. We included other issues in our discussion, such as paving or graveling outside exercise areas and our frustration with vending machines in the visiting areas.

We anticipate more meetings with Mr. Carochi. If you have ideas that you would like to share, we now have a voice and an ear that is interested in listening.

As we keep moving forward AFC has big news in that we now have our website up and running. It's still in construction but it is working well and will help our members stay up to date on the activities of AFC.

**DISCLAIMER**

AFC's newsletter is The Advocate. The So Ready For Change (SORFC) newsletter is written by inmates and others and is not affiliated with AFC.

*Ann Harris, Chair  
 Advocates for Change*

**AFC Meets with Tony Carochi**

By G. L. Rosencrans

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**PEOPLE FIRST LANGUAGE**

AFC promotes and encourages the use of what has been referred to as "people-first" language in which a person being referred to is acknowledged by their personhood first, and any issue or other aspect of that person second. For example, instead of referring to someone as a "sex offender," AFC encourages the use of "a person with a sex offense." Similarly, AFC encourages the use of "sex offense laws" instead of "sex offender" laws.

On March 14, 2012 members of AFC met with Tony Carochi, Assistant Director of the Department of Corrections and Steve Smith, Director of Industries for the Department of Corrections. Mr. Smith discussed a new pizza program that they have started at the prisons where inmates can order the pizza through the canteen on two Fridays each month. The program has been contracted through Leprino Foods.

Mr. Smith was also asked about the new canteen orders where some inmates were not allowed to order beads and other hobby items. AFC expressed concern because there are many Native Americans in the prisons that make their native jewelry with those beads. Mr. Smith stated that they should be able to order the beads but he checked with Mr. Hartley and was told that there had been a glitch in the system and there was a time that they could not order them. They now have the glitch corrected and inmates will now be able to order the beads again. It was merely an oversight in trying to institute a new system.

Mr. Carochi has been very open to what we have to say. Recently we discussed with him that some of the prisons are allowing magazines and some are not. Some of the publications being withheld are religious publications. He explained to us that a new "AR" is in the process of being written to promote consistency throughout the prison system and that he wants to see common sense when making decisions of this nature. We stated that there had been reports from some of the facilities that there had been a "new" AR posted that was even more restrictive than the old one and most reading materials and magazines were being held back because of it. Mr. Carochi stated that there is no new AR yet. All facilities should still be following the old AR until further notice. They are completely revising the AR and AFC will be informed when it is completed.

There was a classification change made at Limon and as a result approximately 30 inmates were moved to Fremont to participate in the sewing program.

AFC was also informed that the Department of Corrections has ordered 80 head of water buffalo to institute a new program making mozzarella cheese at the Canon City Complex. They are also looking at putting in a new fish program to raise talapia.

One of our members expressed concern over the fact that there is an area at Bent County where there is no pavement and many of the inmates cannot go outside during inclement weather because that area is so muddy and it cannot be maneuvered by many and especially those with disabilities. They will check into the situation and get back to us.

Since many of AFC's concerns were regarding the treatment program, Mr. Carochi is scheduling another meeting with he and Kellie Wasko (Kellie Wasko is Peggy Heil's boss). We will be able to meet with her and discuss our issues. The meeting is now scheduled for May 30, 2012. We will send out a BLAST to our AFC members to let them know what the results of that meeting were. We will also post it on our website.

## Have a Determinate Sentence? Paroling Soon?

*We have some information for you!*

*By Susan Walker*

We have had a number of people with determinate sentences being paroled and/or returned to probation (yes, both can happen to you at the same time if you still have probation time to serve).

We are consistently assisting these “returning citizens” (to quote Dr. Anthony Young of the Parole Board) in their attempts to re-enter the world on the outside. We pick them up at DRDC or at the bus station as our resources allow, try to help them get to their parole office, re-entry, UA and Breathalyzer sign-up, registration and treatment (usually not all in the same day, but in the first few days)!

We have also sometimes supplied people with backpacks and assorted clothing items as we have them available and as needed. In spite of our best efforts to assist people in acclimating, however, we are finding that quite a number are ending up being returned to prison. Here are some guidelines/hints for staying out once you get out!

1. Be prepared for supervising officers who tend to be “very parental” for a while until they learn more about you and the kind of person you are. They need to learn to trust you.
2. Make sure that once you get into treatment, you tell EVERYTHING to both your parole/probation officer and your therapist. If you don't, you will be accused of “splitting” - i.e. using one party against the other party to get what you want. This accusation can cause you problems.
3. Do not plan to see your family (wife, ex-wife, children, parents, other family members and friends) for whom you have not gotten explicit visit permission (at your house or theirs).
4. Plan to stick pretty close to home for a while, except for things okayed and required by parole and eventually, treatment. Things like job hunt, curfew, driving, using a computer, getting a burger at a drive-through or fast-food restaurant will all be things that will be managed for you, at least for a while. Consider your parole/probation officer and your therapist to be your “conscience,” your overseers, until they gain enough confidence in you to trust you with a little more room to move around. Don't go anywhere or do anything without permission. You will likely have an ankle monitor on and will be seriously restricted in your movement.
5. If you have both parole and probation it may be even more challenging to try to figure out exactly “who is in charge.” At times there can be conflicting information. If you do have issues with this you will need to check with all of them and possibly even your treatment team before you do anything. If you still have issues, call AFC. We may be able to call and help you figure out what you are supposed to do. DO NOT JUST DO SOMETHING BECAUSE YOU ASSUME IT IS THE RIGHT THING TO DO. REMEMBER, IT IS YOUR LIFE AND YOUR FREEDOM WE ARE TALKING ABOUT.
6. If you do not have family or friends with whom you have been cleared to live, and you end up in an East Colfax or West Colfax Motel in Denver, be prepared for the possibility of bedbugs, roaches, phones that don't work, etc. If you end up with a land line phone in your room that is not working DO NOT go to your neighbor and ask to use their phone. Go to the office and tell them about it and ask to use the office phone. It is not pleasant, but sometimes can't be avoided and you will have a roof over your head. It is an attempt to give some stability for the first days/weeks that you are out. Don't make friends with other folks at the motel (male or female) – they may be felons re-entering just as you are, and you are not supposed to associate with them. You certainly do not want to pick up a charge for “association.”
7. Remember that the State of Colorado, the SOMB, and the SOTMP are primarily interested only in “no more victims” and “public safety.” Your success is up to you. They consider that it is a huge privilege for you to be out of prison, and for a while, you will feel as if you are still in prison. Don't take anything for granted!
8. The fact that you feel lonely is not a reason to develop a relationship without the permission of your supervising officer and therapist. Don't even think about it for a while, unless you have explicit permission and well-written safety plans.
9. Start preparing for getting out way ahead of your parole hearing. Take classes, work, read, familiarize yourself with cell phone advertisements, computer information, read the Go Book from cover to cover. Ask for a parole plan template from AFC – it will help you in preparing a top notch parole plan. We can also send you a list of possible employers that you could begin writing to along with a sample letter to the employer and a sample resume.
10. Don't deny or minimize your offense. This will gain you a spot in a deniers class at treatment. Think about what you say before you say it – your overseers are more concerned that you “confess your sins” and appear humble than that your immediate goal is to see your children.
11. Call AFC when you get out or have your family call when you have your release date – we will do what we can to help. We can't be there for everything, but we can certainly be there for some things, and are always there to encourage you and assist you in overcoming the hurdles of the challenging, but potentially exciting road that you will be on when you leave DOC.
12. Treatment programs vary in their intensity, the way they administer safety plans (some have your fellow “returning citizens” sign them along with staff – others are signed by only staff). Prepare yourself mentally for anything and everything from treatment and supervising officers.

Hopefully these little hints will get you thinking and asking more questions of yourself about what you should say and how you should act when you get out.

**Good News!***Legislative Overview and Good Results that Have Come from The Work Done at the Legislature**By Susan Walker*Independent Monitor

AFC's rebuttal of the SOMB's required submission to the legislature on the efficacy of its current programs made a huge impact, and along with work done by members of the Colorado Criminal Defense Bar (CCDB) and others, resulted in a positive legislative decision. Large amounts of money requested by the Department of Corrections to expand the present treatment program with its punitive and sanctioning approach, will not be granted until an Independent Monitor has reviewed the SOTMP Program, and presented a report to the Colorado Legislature by February 1, 2013. The SOTMP will continue to treat at its present level of funding while the Independent Monitor is doing his/her work. It is crucial that each of you reading this newsletter maximize your ability to interact with the Independent Monitor as the opportunity is presented to you. This is a huge chance to make a big difference in the futures of many present inmates who want to become "returning citizens".

Even though the same basic philosophy is followed by the SOMB's treatment programs on the outside, and the SOTMP treatment program on the inside, the SOMB continues to state that it has limited or no purview over treatment in DOC. This Independent Monitor Review is specifically focused on the SOTMP Program inside of DOC, but no doubt there will be findings that "tumble down" to the outside treatment programs as well. Our hope is that we will see more Good Lives Model and Dr. Marshall's strength-based approach and less or completely eliminated relapse prevention, polygraph and other sanctions. While this may be a lot to hope for, it is definitely a major step in the right direction.

Presentation to the SOMB

Trickle down from the legislature's decision on the Independent Monitor includes a request by the SOMB for testimony from advocacy groups at the May 2012 SOMB Board Meeting. AFC, the Public Defenders and the CCDB, among others, will be presenting (each presenter gets 15 minutes and then the SOMB can ask questions) on an issue of great importance. AFC is presenting on how the SOMB can contribute to "smoothing the rehabilitation/re-entry road, changing the image of people with sex offenses, and how making these things happen will contribute positively to reduced victimization and increased safety for us all. It is crucial to make the point that reduction in victimization and "public safety" so often touted by officials must go hand in hand with successful rehabilitation/re-entry. One goal cannot succeed without the other. After the presentations, the SOMB will decide which projects they want to put emphasis on as they continue their work. We believe that they have heard loud and clear that the legislature wants to see results/data from the treatment programs regarding their level of success.

Invited Speaker at the Summer SOMB Conference

Some of you may remember that two years ago during the Sunset Review of the SOMB, Dr. Michael Miner was invited by the CCDB to present to the legislature on the "no known cure" and why it is no longer the accepted language to use concerning people with sex offenses. He was well accepted by the legislature, but was not particularly well received by certain people associated with the SOMB at that time. Now two years later, he has been invited to be the keynote speaker at this summer's SOMB Conference! While he will not be presenting on an area of extreme interest to us, perhaps some of his thoughts concerning the use of the polygraph (or lack of use), and his rejection of the "no known cure" will take hold of a few SOMB / SOTMP folks here in Colorado over dinner or other informal conversation! We can only hope.

AFC

**INSIDERS/OUTSIDERS OPINIONS***Opinions from those who have been convicted of an offense and their families*

The Advocate is interested in inmates' anecdotes of the adverse impact of those in the system on their loved ones/family members beyond the fact of incarceration, treatment, parole, or probation. Short anecdotes are preferred due to space limitations.

An example of an anecdote we're looking for: *"I was in county jail for eight months awaiting trial. My mother was 67 and blind. The jail administrators would not deviate from its video visitation policy to allow my mother to have a contact visit with me, her only child. Imagine a video visit for one who is blind. She died while I was in jail. Punish me, not my mother."*

If enough anecdotes are received this will be an ongoing column in the newsletter or be published in a pamphlet. In order to maintain credibility, please refrain from embellishment. Truth is compelling enough. You may choose to use your name or a partial name or an alias. **Please send your stories to AFC, Attn: SS**

## Tips on Writing to AFC

Dear Friends,

We love getting your letters, and want to respond in a timely fashion to each one of you. However, because we are a small, all volunteer group, and are engaged in many activities on your behalf besides letter writing, it may take up to several months to hear back from us. Here are a couple of hints regarding how you write your letter that may help us to respond more quickly and efficiently:

- 1) Include a brief paragraph about you - i.e. what is your sentence?; is it lifetime or determinate? Are you, have you been (when and for how long) or are you anticipating being in treatment? Have you been labeled an SVP? If so, by whom and when? When is your next parole board hearing? How many have you had?
- 2) Let us know if you and your family (or significant other) are currently members of AFC. Also, are you currently receiving the newsletter? If you and your family are not members of AFC, do you have a desire to join? (cost for people affected by the system is 8 stamps; cost for family members is \$20.00/household and \$5.00 for a returning citizen.
- 3) Keep your letter around 2 - 3 pages - anything longer than that is probably more than we can adequately handle. Remember that we are not legal experts, and cannot advise you on legal matters.
- 4) Generally, it is not a good idea to send your legal briefs/filings to us. If you have a very simple case that may be able to be fixed easily by an attorney (i.e. not a constitutional issue or challenging illegal imprisonment/conviction), briefly describe that issue. We may be able to check with some of our legal friends to see if they can or are willing to help you.
- 5) Have you requested a parole plan template? The sooner you start planning for and working toward a successful parole hearing, the better. It is usually best if you start planning at least 6 months prior to your parole hearing. Please let us know when you write.

Thank you for your patience and understanding. We wish that all families and friends of people incarcerated were able and/or willing work with us to meet all of the challenges we face on your behalf. Unfortunately, that is not the case.

Please encourage you families and friends to join and volunteer. The more voices and hearts and hands we engage, the better our results will be.

### New Terminology

One of the new catch phrases now being coined is that a person coming out of prison is no longer an ex-con or a felon but now are being referred to as "Returning Citizens."

## EDITORIAL POLICY

The Advocate newsletter is published by Advocates for Change, providing information on efforts of this group to affect change in legislation, treatment, and re-integration into the community, primarily for those who have been convicted of a sex offense.

Submissions from inmates/offenders and parolees are encouraged. Articles should be no longer than 300 words. Content should be about a single issue, be original, and accurate, citing sources if appropriate. Contributors will be identified by first name only if requested.

**Readers should know that AFC makes no representation as to the accuracy of any submission and does not necessarily endorse the opinions of any author. 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.**

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 351032, Westminster, CO 80035-1032.

### **THE BOOKSHELF**

(A new column that will provide readers with a review of current books from the AFC library)

This Month's Reviewer: Citizen, Jan Hunsaker

#### **Senator Morgan Carroll's Book - Taking Back Your Government – A Citizen's Guide to Grassroots Change**

Everyone cares about something or someone. Sometimes terrible things happen to those we care about. For instance, losing your only child after surgery due to a lack of medical transparency; a young father being severely injured in a catastrophic accident then his insurance company alleging he lacked coverage; having your son and fiancé murdered for performing civic duty are three stories shared by Senator Morgan Carroll in her book Taking Back Your Government, a Citizen's Guide to Grassroots Change.

Regular people in the book's stories were hurled into events and circumstances that were devastating and life changing. After a period of grieving (although unending), these affected family members set out on a mission to find solutions to problems in an effort to prevent other families from suffering a similar fate.

I would add a fourth event: that of having a loved one go to prison for a sex offense on a sentence that is open ended, then being caught up in lifelong restrictions and requirements that most people (even legislators, attorneys and law enforcers) don't realize exist.

According to Senator Carroll, when citizens participate, they often win. And, when a member of the public testifies, calls or writes, it gets noticed. Even if a person weighs in on one bill once in the process once per year, it would be doing more than most people do in a lifetime. In fact, "if everyone weighed in on at least one bill once per year, it would revolutionize American democracy."

In the above stories, the Skolnik parents passed 3 bills in 3 years that brought transparency and access to a physician's disciplinary and malpractice history. The young father whose insurance company refused to pay when a mobile home fell on him, requiring 47 surgeries, became very visible at the capitol, and got amendments passed that forced penalties on non-compliant insurance companies. He became a champion in the human rights of people with disabilities.

Rhonda Fields passed legislation to implement a witness protection program and later became a state legislator.

In her book, Senator Carroll teaches everyday citizens how to read a bill, how to monitor legislation and how to testify at a legislative hearing. She provides practical tips, checklists, sample documents and lots of encouragement on "Why you must get involved" and "Advocacy for Beginners."

Senator Morgan Carroll's past experiences with families like those above and her own civic activism influenced her decision to run for office. She has served in the Colorado legislature since 2005 and is a practicing attorney.

*Myths and Stereotypes*

By Mark Walker

An important part of AFC's mission is to help educate the public and lawmakers regarding the truth about individuals charged with or convicted of sex offenses. One of the ways we seek to achieve that goal is by working to dispel the many myths and stereotypes surrounding this highly-charged topic. These myths have been built up over decades through the continued use, in media reports and public discourse, of political buzzwords and emotional, frequently fear-based rhetoric.

An effective way of challenging myths and stereotypes is to demonstrate that they have no actual basis in scientific research or any type of evidence-based study on the subject. One of the most persistent myths about people with a sexual offense is that they have an extremely high recidivism rate, and are almost certain to reoffend if not kept continually under the heel of the criminal justice system. The prevalence of this myth has driven much sex offense law and policy around the country (such as registration laws), and in Colorado has directly resulted in the Colorado Lifetime Supervision Act of 1998 and the underlying "containment approach" philosophy. The problem with all this, of course, is that study after study has revealed very low recidivism rates for sexual offenses – one of the lowest of any type of crime.

This article highlights yet another such study: "Recidivism Among Sex Offenders in Connecticut," conducted by the State of Connecticut, Office of Policy and Management, Criminal Justice Policy & Planning Division, and published February 15, 2012 (available at [http://www.ct.gov/opm/lib/opm/cjppd/cjresearch/recidivismstudy/sex\\_offender\\_recidivism\\_2012\\_final.pdf](http://www.ct.gov/opm/lib/opm/cjppd/cjresearch/recidivismstudy/sex_offender_recidivism_2012_final.pdf)).

The study examined 746 men who had served a prison sentence for at least one sex-related offense and were released or discharged from prison in 2005. It discovered that over the next five years: 27 (3.6%) of the men were arrested and charged with a new sex crime; 20 (2.7%) were convicted for a new sex offense, and 13 (1.7%) were returned to prison to serve a sentence for a new sex crime (p. 4). The study observed that these recidivism rates "are much lower than what many in the public have been led to expect or believe. These low re-offense rates appear to contradict a conventional wisdom that sex offenders have very high sexual re-offense rates. The real challenge for public agencies is to determine the level of risk which specific offenders pose [to] the public" (p. 4). (Even if one accepts another questionable bit of conventional wisdom – that sex offenses are severely under-reported – one can triple these numbers and still arrive at an extremely low re-arrest rate of under 11%.)

Another interesting finding of the study was that, of the 746 men serving a sentence for a sex offense, 79% completed their entire sentence in prison, compared to 37% of men with non-sex offenses. The study concluded that this was so because: "1) the DOC did not release [Transitional Supervision]-eligible sex offenders into the community and 2) sex offenders were not accepted in most of the DOC's residential, halfway house networks."

A third significant feature of the analysis demonstrated that even the best so-called "predictors" of recidivism were only marginally useful. Arrest on a prior sex charge was found to be the best predictor of being sentenced to prison for a new sex crime in the five years following release from prison. Of 1,395 individuals who had been arrested on sex charges before 2005, a whopping 2.4% were sentenced to prison for a new sex offense within 5 years, compared to only 1.9% of those who had a prior conviction for a sex crime, and 1.7% for those who had served a prison sentence for a prior sex crime. The study drew a mildly amusing conclusion from this data: "It suggests that conviction and incarceration for a sex crime exerts a positive impact on reducing future sex crimes" (p. 5). Well, that is true – it increases the percentage of those who **do not** return to prison for a new sex crime from 97.6% to 98.3%. Regardless, the number of those with a previous arrest, conviction, or sentence for a sex offense who do not re-offend is astonishingly high. The second best predictor was the "DOC-Sex Treatment Score," and the study found that of 1,229 individuals with a Sex Treatment Score of 2 or higher, 2.3% were sentenced to prison for new sex offenses (p. 5). One must question the accuracy of a scoring system where less than 3% of those identified as the highest risk actually re-offend.

Finally, the study made some interesting observations about Connecticut's Sex Offender Registry. The report began by admitting, "The impact of the Registry on preventing new sex crimes is unknown" (p. 18). It then went on to suggest that a move to a more individualized, risk-based approach to the registry might be wise: "Connecticut does not have a reliable mechanism to distinguish its high-risk sex offender population from the low-risk population on the registry [...] In recent years, surrounding states have adopted [a] tiered registry-system based on assessments of offender risk in addition to conviction histories" (pp. 18-19).

The findings of this study are consistent with those of other recent, high-quality recidivism studies, and have implications not only for Connecticut, but also for Colorado and other states around the country which are facing the same issues. AFC has insistently presented the facts about sex offense recidivism to Colorado legislators and, when given the opportunity, to the media. The author of this article has also written extensively on the issue personally, and plans to continue to do so as long as the entrenched power structure tasked with "managing" those with a sex offense conviction continues to ignore or deny the increasing mass of recidivism data.

AFC Calendar Information

Because this is a quarterly newsletter only the AFC meeting dates that occur on a regular basis will be posted. Other dates will be available by email (make sure AFC has your current email address) and on the AFC website.

**Calendar for AFC Meetings:**

Denver area general meetings are the 3<sup>rd</sup> Tuesday of the month from 7:00 pm to 9:00 pm at St. Paul's Lutheran Church, 16<sup>th</sup> and Grant St., Denver, CO.

Colorado Springs General Meetings are on the 2<sup>nd</sup> Tuesday of the month from 7:00 pm to 9:00 pm. This meeting is held at 3615 Roberts Road (ComCor Building-next to the power plant). This meetings are a cooperative effort between the Southern Chapter of CURE and AFC

Fort Collins meetings are also in conjunction with the Northern Colorado CURE meetings and are held on a quarterly basis. The next Fort Collins meeting will be held on May 21<sup>st</sup>. This is a much smaller venue and you will be required to contact us ahead of time if you would like to attend this meeting.

AFC also holds its BAG (Breakfast Action Group) meetings every Monday morning at 7:00 am – 9:00 am at the Perkins on I-25 and Colorado Blvd. The first BAG meeting of each month is now strictly a Board meeting and only Board members attend. This month we are also starting an evening BAG meeting which will be held immediately prior to our general meeting on Tuesday night, that week there will be no Monday morning BAG meeting.

**ALPHABET SOUP**

- AFC – Advocates for Change, action group addressing issues related to those who have been charged with or convicted of a sex offense
- BAG – Breakfast Action Group
- CCJJ – Commission on Criminal and Juvenile Justice
- CCJRC – Colorado Criminal Justice Reform Coalition
- DOCCA- Department of Corrections Class Action Lawsuit
- CURE – Citizens United for the Rehabilitation of Errants
- LSA – Lifetime Supervision Act
- MRD – Mandatory Release Date
- PED – Parole Eligibility Date
- PHD – Parole Hearing Date
- SLA – Shared Living Arrangements
- SMART – Sex Offender Sentencing, Monitoring, Apprehending, Registration & Tracking
- SOMB – Sex Offender Management Board
- SORFC – SO Ready For Change
- SOTF – Sex Offender Task Force
- SOTMP – Sex Offender Treatment and Monitoring Program

**Quote:**

**Success consists of going from failure to failure without loss of enthusiasm"**

**--Winston Churchill**

**MEMBERSHIP REPORT**

As of May 1, 2012  
by Rose Graf, Membership Chair

Family Members.....	159
Affected Members .....	305
Out of State .....	15
<b>We're Growing!!!</b>	
Total Membership	<b>479</b>



## The Ohio Supreme Court Starts to Get It (Finally)

By Mark Walker

Since the advent of laws instituting sex offense registries around the nation, many attempts have been made to challenge such laws using various constitutional arguments. Some of these arguments, particularly those based on the Ex Post Facto clause (U.S. Const. art. I, §10), the prohibition against cruel and unusual punishment (U.S. Const. amend. VIII), and the equivalent state constitutional provisions, have been notoriously unsuccessful. This is so because in order to violate these provisions a law has to impose punishment, and until very recently virtually all courts to consider the matter have ruled that registration laws are solely “remedial.” In other words, registries are not designed to punish the registrant (said the courts), but rather to protect the public and aid law enforcement. For Colorado examples, see *People v. Sowell*, No. 10CA0405, slip op. at 11-12 (Colo.App. Mar. 17, 2011) (“Laws imposing registration requirements on sex offenders do not violate the Ex Post Facto Clauses [...] registration is not punishment”), and the cases cited therein.

Of course, anyone who is actually subject to registration requirements knows that in reality they *are* punishment, no matter what the courts might say. The impact of being on a sex offense registry for life can be devastating. Add in the fact that current research on the impact of these registries suggests that they have little or no positive effect on public safety and are more of a burden than a help to law enforcement, and it becomes clear that the courts have been turning a (deliberately) blind eye to this issue, probably for political reasons.

Until recently, that is. Last year in *State v. Williams*, 129 Ohio St.3d 344 (2011), the Ohio Supreme Court considered the constitutionality of a state registration law enhancing reporting and notification requirements. The defendant had committed his offense prior to the new law taking effect, and he argued that its requirements could not constitutionally be applied to him. The Court agreed. It found that the new registration law was punitive in nature, and its application to the defendant would therefore violate the prohibition in the Ohio constitution against the retroactive application of substantive (as opposed to remedial) statutes. Although the Court declined to decide whether the retroactive application of the law would violate the Ex Post Facto clause of the U.S. Constitution, the analysis suggests that it is a strong possibility. The most significant aspect of this decision was that it recognized the requirements of a state registration law as punishment.

Then, in *In re C.P.*, No. 2010-0731, slip op. (Ohio Apr. 3, 2012), the Ohio Supreme Court examined new provisions of Ohio law that automatically applied the enhanced reporting and notification requirements considered in *Williams* to certain juveniles convicted of sexual offenses. After extended analysis, the Court concluded that this automatic application violated the prohibitions against cruel and unusual punishment and the requirements of due process contained in both the U.S. and Ohio constitutions.

These decisions represent a significant departure from previous court opinions regarding sex offense registry, reporting, and notification laws. We hope that this is the first sign of a more rational and realistic approach by state courts to evaluating the constitutionality of their states’ registration requirements.

### AFC's New Project

AFC has begun working on a Parole Guide. This guide, when completed, will have in it several templates for parole plans, resumes and letters to potential employers, as well as information on how to search for housing, jobs, etc.

This guide will also include the information on registration fees, some treatment information, parole information, and anything else we can think of that will make it easier on a returning citizen to succeed.

This basic guide is meant to assist you and your family in knowing not only how to prepare for parole but also tips on how to be successful once you are paroled.

We also hope to include information for those lucky people who are on both parole and probation.

AND, last but certainly not least, we will make an attempt to add information concerning community corrections and how that system works and what is expected there.

If you know of anything that you have experienced or think might be helpful to a returning citizen and their family, please let us know. Please write to AFC at our usual address and put on the envelope “Attention: Guide.”

**JOIN US**

Membership Fee is \$20 per year 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: \_\_\_\_\_

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

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

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

**Call 720-690-7125 if you have any questions or comments.  
Please feel free to share an application with a friend or a family member.**