



THE ADVOCATE

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MISSION STATEMENT

The mission of Advocates For Change is to support 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; and
- promoting the reintegration of those with an offense into the community

HAPPY 1st BIRTHDAY, AFC

AFC started officially on Monday, November 23, 2009. From that day forward we hit the ground running and have not stopped since. We worked for the next months building the foundation in order to run the organization. Several of our loved ones at Fremont came up with the name, “Advocates for Change”, thinking it would be easy to remember and a strong definition of who we are and what we are about. We then established our board of directors, which consists of Annie Wallen, Carolyn Turner, Susan Walker, GL Rosencrans, Jan Hunsaker, BJ Russell, Diane McDaniel, Yvonne Parietti, Kelly Killion, Mitch Sherman, Steve S., and Mark Walker.

Next we wrote our Vision and Mission Statement. We started our newsletter, The Advocate, with the inaugural issue published in March, 2010. This newsletter marks our 5th edition. We sent out a request for submissions for our logo and received many. We voted on one submitted by Mark Walker which is being unveiled in this issue.

We have started constructing our web page, Advocates4change.org and now have a member, Gloria Rodriguez, as our webmaster. We are very excited to have her on board to help us get up and running so that everyone has a resource for current information, education and links to the many sites to find answers.

We continue to have our monthly general members meetings every 3rd Tuesday of the month at St. Paul’s Lutheran Church, our weekly BAG (Breakfast Action Group) meetings and now have weekly Board meetings preceding every BAG meeting at the Perkins at I-25 and Colorado.

QUOTE OF THE MONTH

In order to get across to the legislators we need to remind them that they “promised that the offenders would get treatment for those who want to get it and work on correcting their thinking errors”. Now they are not getting what was promised.

Rick Levinson

HAPPY BIRTHDAY (cont.)

AFC has accomplished far more than we imagined this past year. Our group worked very hard and hand in hand with the Colorado Criminal Defense Bar (CCDB) to raise the \$40,000 needed to file the Department of Corrections Class Action lawsuit (DOCCA) which requires DOC follow the intent of the Lifetime Supervision Act. We received contributions from the offenders, their families, friends, members of the CCDB and other organizations.

As the year progressed and we were still about \$18,000 from our goal, we had an anonymous donor come forward and say if we could raise \$9,000 he would match with the remaining \$9,000. Through the efforts of everyone involved and generous donations we reached our \$9,000 and the wonderful donor sent in his \$9,000. The team of attorneys and law students have now been working on finalizing their efforts in order to file the lawsuit. The group effort has given us all a renewed hope for justice. We thank everyone for their kind donations to make this a reality.

The other huge effort by AFC was the involvement of AFC in the last legislative session regarding HB10-1364, the DORA Sunset review of the Sex Offender Management Board (SOMB). Many of us testified in front of the judicial committees, both in the House and in the Senate. We were adamant that we wanted the “no known cure” language out of statute and the inclusion of all of DORA’s (Department of Regulatory Agencies) recommendations. With our group represented daily at the capital, meeting with legislators, delivering flyers, sending emails and letters, there was a unanimous vote. In the end, the Governor vetoed the bill. Although the veto was a major disappointment, we are gearing up for another go at reintroducing and supporting a new bill this next legislative session. We believe with all the support in the legislature and the growth and strength of our membership we will be stronger this year to get a bill passed.

In addition, it is important to mention other efforts of the infant AFC: We have had a huge growth in our membership. Some of our members regularly attend the Sex Offender Management Board and the Governor’s Commission on Criminal and Juvenile Justice (CCJJ) along with subcommittee meetings for both. Some members of AFC have helped with re-entry of those released who have little or no support, providing transportation, finding housing and employment; also, attending court proceedings for loved ones and their family members. There has been an outreach to the Criminal Defense Bar, Parole, Probation, Treatment Providers, and DOC, to name a few with members of their groups/organizations speaking at our monthly meetings.

This first year would not have been possible if not for all the hard work and contributions of all our members, family, friends, legislators and other organizations. We thank each and every one of you for your support, guidance and hope. Advocates for Change will continue to be assertive regarding its advocacy work. Our commitment to help our loved ones is stronger than ever and we look forward to year two.

Thank you,
Advocates for Change Board

REQUEST FOR INFORMATION

AFC is requesting information from inmates who have been terminated from treatment and placed on Restricted Privileges under the implementation of AR 0600-05 and its modification for Fremont, AR 0600-005. Specifically, how long have you been on Restricted Privileges? How long did it take for you to be placed back on the wait list? Were you able to keep your work assignment while on Restricted Privileges? Please send information to Advocates For Change, PO Box 441656, Aurora, CO 80044.

LEGISLATIVE UPDATE ON REAUTHORIZATION OF SOMB

As many of you know, HB1364, last year's SOMB Sunset Bill, was vetoed by Governor Ritter because of the lack of vetting around the three choices of treatment providers amendment added in the last days of the session. This year's version of the SOMB Reauthorization Bill (no longer a Sunset Bill) was assigned by the SOMB to a coalition of victims' advocacy groups. Erin Jemison, the Coordinator for CCASA (Colorado Coalition Against Sexual Assault) contacted Carolyn Turner, AFC Board member, and requested that CCASA representatives come to AFC with a version of the bill the SOMB had drafted to get the offender/advocate perspective. We met with them at one of our Monday Breakfast Action Group meetings and immediately shared with them that we would like to see the bill come back the way it was last session, citing strong legislative support for that idea. We also had prepared a list of things that were "drop dead" important to us that needed to be put back in their version of the bill. These included the removal of the "no known cure" language from the bill and the statute, some version of the treatment choices amendment (i.e. perhaps a protocol in statute that clarified procedure for asking to switch treatment programs in the event that things were not going well, in spite of the fact that an offender was, in his/her opinion, doing all they could to progress), and the reintroduction of the DORA recommendations which had been left out. The omitted recommendations included one that the SOMB conduct research on "no known cure" and the containment model, the re-sunset of the bill in 2015 instead of 2020, the recommendation that called for the promulgation of rules and the recommendation that authorized the board to collect necessary data from approved treatment providers. The other recommendations, such as the one that gave the SOMB grievance procedure to DORA, was left in their bill as it was presented to us.

Our version of the bill, which we hope will be considered by CCASA shepherding this bill for SOMB, calls for maximum accountability on the part of the SOMB, something we believe has been missing in the past. It would be great if a cooperative and collaborative bill would come out of this process, one that pays attention to the needs and desires of all stakeholders. We are praying for this but believe that we will have to fight hard for any gains we get. Contact your legislators with short stories regarding your experiences with the SOMB and SOTMP treatment and the containment model. This hopefully will help the cause.

The 7 Habits On The Inside

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
SLA – Shared Living Arrangements
SMART – Sex Offender Sentencing, Monitoring, Apprehending, Registration & Tracking
SOMB – Sex Offender Management Board
SORFC – SO Ready For Change
SOTMP – Sex Offender Treatment and Monitoring Program

The 7 Habits on the Inside is an amazing program based on the popular book "The 7 Habits of Highly Effective People" by Stephen R. Covey. For many of us who are incarcerated, it has brought about an unprecedented change in our lives and has helped us to break those negative patterns that have led us to prison.

It all begins with a choice. Anybody who has taken the class has done so voluntarily because they have seen the need for personal change. Once the decision has been made, they attend an extensive eight-week course, during which they learn about universal concepts such as responsibility, character, relationships, and what it means to leave a legacy. Participants also receive a Practical Application Workbook which was designed to correlate Covey's book with the prison environment and was written by a Core Group of inmates who believe in the program's ability to change lives.

In addition to designing the workbook, the Core Group also assists the facilitators who are certified to teach the program by the Franklin Covey Organization, Chaplain Dan Matsche from CTCF and former Director of Prisons, Jerry Gasko who head up the program in many of the prisons and their passion for it is extraordinary. They work synergistically with the Core Group and the participants to create an energetic learning environment. The Core Group is also responsible for leading interactive table discussions in small group studies.

The 7 Habits on the Inside has support from all over the country, including the Franklin Covey Organization and other correctional facilities. People are seeing the changes and the results and the Core Group here in Fremont Correctional Facility is honored to be a part of it.

AFC

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 to Advocates for Change, PO Box 441656, Aurora, CO 80044. Please also send any articles for publication and comments on the newsletter to: AFC Newsletter, 10343 Federal Blvd., PMB #444, Westminster, CO 80260.

Editor: BJ Russell

Publisher: GL Rosencrans

INSIDERS AND OUTSIDERS OPINIONS

*Opinions from those who have been convicted of an offense
and their families*

Rebuttal to “Making Bad Law”

(In the October 2010 The Advocate, we printed the article “Making Bad Law – Knowing When Not To Start” by Diane McDaniel from Et Alia Paralegal Services. In it a ruling Scott v. Firth is cited as an example of “issues of first impression”. Firth has requested a rebuttal which follows.)

“Bad law”, Not So Fast

Last month's article "Bad Law" pointed out that in Scott v. Firth, which is actually Firth v. Shoemaker, the court ruled that sex offenders do not have a liberty interest in treatment that can be completed prior to a parole eligibility date. That is incorrect. It's not bad law yet, because the case is not final and Firth is continuing to argue that point.

Realizing the complexity and significance of the 1st impression issues in this case, the court granted Firth's motion for counsel. This is the same critical point that another pro se litigant brought his case to, when finally counsel engaged the case and yielded the favorable decision in Beebe v. Heil.

It's not too late for pro bono counsel to step up in Firth v. Shoemaker. It's not our intention to discourage pro se pleadings and we will support anything that will bring justice to our cause. May we wear out the judges, even though they do not fear God, until they say, I will give them justice! "I tell you, He will see that they get justice, and quickly." Jesus Christ, Luke 8:8.

It is very discouraging to read about Scott v. Firth and the subsequent court ruling that “there exist no liberty interest in a treatment program that can be completed by a parole eligibility date.” You would think that the courts would take the initiative to ensure that treatment is completed by a person's PED as ordered at sentencing. Without this judicial oversight the SOTMP program is guaranteed to continue to deny parole recommendations as a matter of fiduciary profits, as opposed to public safety. Giving the SOTMP a license to incarcerate is like giving a counterfeiter a license to print money. The representative/sponsor of this bill (The Act) stated conclusively that this sentencing scheme was designed to allow treatment prior to the PED of the offender, and in the Act itself, the legislative declaration requires the same, rather than lifetime incarceration, additionally, in People v. Vensor, the court clearly established that the “lifetime” element of the Act refers specifically to the element of supervision, and not incarceration.

The federal ruling in Scott v. Firth, appears to be an argument which decidedly obviates the need to treat SO's at all, since it implies treatment is not necessary when the general consensus is No Known Cure. The SOTMP program and its stockholders puts guaranteed profits over public safety, and we all lose. Changes in the SOTMP and laws regarding sex offenders only occur when the dollars used to buy into this anomaly exceeds the federal funding for the program or another public scare campaign is needed for additional cash inflow. Are we foolish enough to overlook the fact that SOTMP Director's income greatly exceeds that of the Executive Director of Prisons?! Let's not forget that she also had a fallout with the SOTMP program claiming the program itself was defective and settled the matter by assuming the role of program director of the SOTMP with an inflated salary. Is the federal government and the taxpayers aware that they pay ransom to whistleblowers, only to reward them afterwards with blood money salaries at taxpayers expense and loss of human potential through lifetime incarceration?

I recently asked a therapist at FCF for a current list of the criteria for parole. She blew me off citing the criteria currently being changed. This same response was given to me by a therapist some years ago. We are told that 2 polygraphs must be passed prior to receiving a recommendation for parole, yet these polygraphs are not administered until well into Phase II. With the waiting period to get into Phase II, this amounts to a minimum of 7 years from the date of imprisonment. The therapist also stated no determinate sentences were being placed in treatment until the indeterminates go through. So, while “indeterminates” are wasting their lives on treatment that is abysmally inept, “determinates” are being released without treatment! Evidently, if one is fortunate enough to get a determinate sentence he is cured after his sentence is complete. So much for the No Known Cure.

Although the polygraphs may be considered a tool for treatment, it is commonly used as leverage to incarcerate without any consideration to its well determined inaccuracies. The courts have ruled that a polygraph cannot be used as a means to revoke a person's parole, and then send the offender back to prison. Similarly, a polygraph should not be used to indefinitely incarcerate a person or deny parole; polygraphs are mechanical opinions, not indisputable facts.

The state created a right to treatment prior to an offender's parole eligibility date. At a minimum, the “Act” and subsequent legislative declaration implies a definite expectation to be treated prior to a PED. Hypocrisy in the SOTMP program is a chasm wide and deep. The criteria for parole is the cornerstone of the SOTMP's failure, as we, the accused see it. It is the same cornerstone upon which the program's directors build their financial portfolios. In the end, nobody wins. Only when the cost to indefinitely incarcerate sex offenders overwhelms the state's budget coffers, will the public be persuaded to realize that the illusionary public scare was a clever design to swindle the taxpayer out of an extraordinary amount of cash? The Act and the SOTMP is nothing more than a corporate run Ponzi scheme. If DOC can not or will not treat people prior to their PEDs, an indeterminate sentenced offender should be allowed to receive treatment on the streets. The longer treatment is withheld, for whatever reasons, the less likely the SOTMP program succeeds. And, let's not forget that the SOMB (Sex Offender Mgmt. Board) demands that the SOTMP program provides “modules” for treating different levels of denial. Yet, the SOTMP routinely places/ labels people as “in denial” without any written notice and no effort to treat denial issues.

Indeterminate sentenced offenders demand equal protection and access to treatment on the streets (parole) when DOC fails to treat; especially in cases where a person demands to be treated. Lists are made as excuses to manage the influx of SO's, not the denied, or those on the waiting list!!

- P (on the inside)

**Rick Levinson, Criminal Defense Attorney in Colorado Springs and Board Member of SOMB
Addresses AFC Members**

Mr. Levinson began his presentation by stating that he is very interested in our group because we have a very difficult job ahead of us. He said that 4 years ago the legislature added the private criminal defense attorney to the Board of the SOMB. The majority of the work at the SOMB is done through committees.

The SOMB has purview and authority over polygraphers, and treatment/therapists NOT probation officers. The treatment providers do not need an advanced degree to be a provider. Under the SOMB Standards and Guidelines the standards are directed toward the therapists and the guidelines are directed toward probation. This is a BIG problem with the system. There needs to be some control with probation and parole.

He encouraged AFC to stay active at SOMB meetings because they will listen to us. We need to pick our battles carefully and not dominate the meetings. If we rant and rave they will dismiss us and not hear what we have to say but if we stay active and make our views and opinions known they will eventually listen. He would like to see us work to get an ombudsman program started. We need to keep in mind that the primary directive of the SOMB is community safety. We need to figure out how to make our situation a better community safety issue.

He said there is no good research out there including some of the research being done on behalf of the SOMB. Anna Salter was deemed incredible as a matter of law. She has written a number of "fiction" books regarding sex offenders.

He also encourages our group and others to file the complaints with the SOMB. There will be no reason for the SOMB to look into anything if we don't file the complaints. If we can get actual documentation to back up our complaints it is even better.

Section 5 of the standards and guidelines is undergoing a massive revision. We need to be at those meetings if we can. There will be a public hearing for this. We need to take a position on this as a group and let them know at the meeting what our position is. Look on the SOMB website for the information. He stated that the victims advocate groups are now going to be part of the "treatment team" in the new Section 5. We also need to be very familiar with Section 4.2. This section deals with positive recommendations.

In order to get across to the legislators we need to remind them that they "promised that the offenders would get treatment for any that want to get it and work on correcting their thinking errors". Now they are not getting it.

The SOMB loves SLA's. The SLA's scare him. The SOMB is pushing hard on SLA's and getting rid of the residency restrictions. They are looking a significant changes to registration issues as well. The changes will probably be retroactive. The SVP designation will also changed dramatically.

He cautioned us to be aware of the 1984 Big Brother – the STAR system. It is the scariest thing he has seen in a very long time. THERE IS NO SUCH THING AS A PRIVACY RIGHT WITH THIS SYSTEM.

He discussed the model that he and Lee Osterlee are working on. They get the offender into treatment before they plea. The defense attorney is involved in the treatment "team". The defense attorney, provider, parole or probation all work closely together. For instance, if the offender seems to be having issues with passing a polygraph, the provider with ask the offender if he has spoken to his attorney about it and vice versa. They all try to figure out the situation so the offender isn't automatically revoked. The offender has a lot more options that way.

January 2011

| Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
|--|---|---|---|---|--|--|
| * Board/BAG meetings changed to Perkins Restaurant 1995 S CO Blvd, Denver | | | | | | 1 |
| 2 | 7-8am AFC Board Meeting* 8-9am AFC BAG Meeting* Carroll/Ryden coffee-seebelow | 4 | 5 | 7-8:30am 6Sen Evie Hudak - Coffee 7739 Wadsworth Blvd Panera Bread (Reps. Dist 19) | 7am 7 Sen Suzanne Williams Coffee -Panera Bread- Iliff & Peoria (reps dist 28) | 9am Sen Linda 8 Newell Town Hall Meeting, B'berry Café Windemere & Littleton Blvd (reps Dist 26) |
| 9 | 7-8am AFC Board Meeting* 08-9am AFC BAG Meeting* | 7-9pm 1So CO CURE 13615 Rbts Rd , Colo Springs (AFC to Spgs??) | Colorado General 1Assembly convenes 2 | 10am-12:30pm 1SOMB's Polygraph Brown Bag, presented by Jeff Jenks 700 Kipling St. (1st floor Conf Rm) | 12:30-4:30pm 1CCJ (Governor's Commission) 412300 W Dakota Ave, Lakewood | 10:30-12noon E 1Hudak Town Hall 5Meeting – Stan Lk Library 8485 Kipling, Arvada |
| 1 6 | 7-8am AFC Board Meeting* 78-9am AFC BAG Meeting* | 7-9pm 1AFC Gen Meet St Paul's Church 16th/Grant Den | 1 9 | 2 0 | 9am-4pm 2SOMB Meeting Red Rks CC 13300 W 6th, Lakewood | 2 2 |
| 2 3 | 7-8am AFC Board Meeting* 49am AFC BAG Meeting* | 1:30 - 3:30pm 2 SOMB 5.0 Rev 5Juvenile Standards 700 Kipling 1st floor | 2 6 | 2 7 | 2 8 | 2 9 |
| 3 0 | 7-8am AFC Board Meeting* 18-9am AFC BAG Meeting* | 7:15-8:30am Coffee w Carroll & Ryden (1st Mon) Mimi's Café 205 So Abilene St, Aurora / Open Forum (reps S dist 29 & H dist 36) | | | | |

Advocates For Change Board of Directors

Chair/CoChair Website Committee: Annie Wallen
 Vice Chair/ Co-Chair Legislative and Research Committees: Carolyn Turner
 Treasurer and Membership Chair: Jan Hunsaker
 Secretary/Co-Chair Website, Research and Newsletter Committees: GL Rosencrans
 Media Chair and Bylaws Committee Chair: SS
 Other Board Members: Susan Walker, Mitch Sherman, Kelly Killion, BJ Russell, Diane McDaniel, Yvonne Paretti, Mark Walker

| Membership Report | |
|--------------------------|------------|
| Out of State: | 7 |
| Family Members: | 86 |
| Affected Ones in System: | 183 |
| TOTAL | 276 |

JOIN US

ADVOCATES FOR CHANGE

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Aurora, CO 80044
Phone: 303-333-7023
E-mail address: annentaft@yahoo.com
We're on the Web!
See us at: advocates4change.org

Membership Fee \$20 for those on the outside and 8 stamps for those on the inside.

Any additional donations are gratefully accepted. Today's Date: _____

Name: _____ Phone: _____

Address: _____

Email Address: _____

If you would like to work on one of our committees, please check here: []

Call Annie Wallen at 303-333-7023 if you have any questions or comments.

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Advocates For Change

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