

Advocates For Change



# THE ADVOCATE

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**AFC MISSION STATEMENT**

AFC supports those with a sex offense and their families by:

- Advocating for change in sex offense laws and policies, and for the adherence to constitutional rights;
- Educating the public, lawmakers, and the judiciary;
- Promoting the successful treatment and reintegration of those with an offense into the community, thus reducing victimization and enhancing the safety of all.

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**THE PROCESS**

**A MESSAGE FROM THE AFC CHAIR**

Around 600 BC there was a ruler named Dracon. He didn't know how to punish people according to their crime so he just punished them all the same. If it was a child stealing an apple or an adult pillaging, burning and raping a whole village they all got the same punishment (they were beheaded). In Colorado we have laws stemming from the story of a legislator's constituent telling about a sexual assault that had happened to them, a friend or family member. The legislator then introduced and helped pass a law to stop this type of behavior (and maybe get a few votes for looking 'tough on crime'). The law was too far reaching. It threw everyone into the same pot and punished them all similarly with the unintended consequences being much harsher than anyone could have imagined. It then becomes apparent to legislators that a 'bad law' was passed. Now THE PROCESS of removing the law begins. What took a very short time to get into law is now a long and grueling process to remove and is done bit by bit, small bite by small bite. Some people have figured out a way to make money from these bad laws and now fight to keep them from being changed or removed altogether. AFC and others are in THE PROCESS of fighting to get some of these bad laws reversed or changed and to be reasonable and just. Bit by bit changes are being made. It's hard to be patient when you are behind bars but that is, unfortunately, THE PROCESS.

Even with the current bad legislation, if you are one of the lucky ones to be paroled and you comply with the rules of parole, hard as they are, you will have a much easier time in rebuilding your life. Your compliance will gain you the support of your parole officer and you will earn more privileges a little at a time. But the privileges will come. We are very aware of how hard the parole process is and want you to know that several groups including the Department of Parole, Colorado Criminal and Juvenile Justice (CCJJ), and advocacy groups like AFC are working for relief and more reasonable restrictions for those on parole. Meanwhile, patience and compliance to the rules of parole are required for success!

Also, on behalf of myself and the entire board, we want to wish all the members of our organization and to all who receive this newsletter "Happy Holidays."

*Carolyn Turner, Chair, Advocates for Change*

AFC is all volunteer; no one receives a salary, conversely, our core BAG group members cover many of our expenses out of pocket, expenses which keep growing. We at AFC appreciate your support and renewing your memberships or donating on a timely basis. New members are always welcome.

**Knockout Awards**

Advocates for Change has chosen to honor Laurie Rose Kepros and, A. Mervyn (Merv) Davies with the first Advocates for Change "Knock Out" Awards.

Ms. Kepros is Director of Sexual Litigation for the Colorado Office of the State Public Defender. Mr. Davies is a Licensed Professional Counselor, a Certified Addictions Counselor III, an Approved Domestic Violence Treatment Provider, an Approved Sex Offender Treatment provider and Evaluator and a member of the Colorado Sex Offender Management Board.

AFC chose to honor these individuals for their dedication to justice for all people. They both stay current on research and best practices which help them both to speak with educated expertise and good judgement.

Ms. Kepros has been a defender of individuals with a sex offense and keeps abreast of studies done in this area. She can cite with authority legal actions and research done in this very area of law. Her desire to have justice for people caught in the legal system is widely known and appreciated by all who work with her. Mr. Davies has worked with both victims and offenders. He sees with objectivity both sides of those involved with a sex offense. His approach is one of human concern to heal those involved. Mr. Davies works to stay informed in the area of sexual offending which leads to good care for all individuals involved.

A huge THANK YOU from the membership of Advocates For Change for all that you have done and continue to do on the issues that we all care so much about.

## Google Group

AFC informed our readers in our last newsletter about our new Facebook page and how we are using it to better keep our membership informed of current stories, legal cases and other information we receive from around the country through our affiliations with other organizations with agendas similar to ours.

While the response to our Facebook page has been tremendous, we finally had to acknowledge that there are many who either choose not to use Facebook or cannot use it because of their restrictions. To further attempt to keep our membership (and others) informed on what is going on that could affect them, AFC has also created a *Google Group*. For those unaware, a google group is a collection of emails posted by us in one single location. We post on it the SAME stories we post on our Facebook page but in an email format. In order to receive our google group postings, you must email us at [advocates4changeafc@gmail.com](mailto:advocates4changeafc@gmail.com) and ask to join. In your email, please state which format you would prefer: 1. To read the emails from the google group on your own by going to the website; 2. To receive an email notifying you whenever we post anything to the group and what that posting was about; 3. To receive ONE email each day which will include all the emails posted during that period or 4. To receive ONE email each day with a SUMMARY of what was posted. From that summary you can click on the link to go read the actual email posted.

We receive a lot of good information on what is going on in other states and around the world and we are trying to use that information to effect changes here as well. Hopefully you will choose to join us and learn something at the same time. Remember: *to be forewarned is to be forearmed.*

## Citizens Advocacy Meeting

Below are excerpts of notes taken from the CDOC Citizen Advocate Meeting of 10/14/2015:

Kellie Wasko (Deputy Executive Director of CDOC) started by announcing changes to the way that the Citizen's meeting would be conducted. Questions will still be submitted, however most would be answered by reply emails. At future meetings, the presenters will do an overview of their departments and incorporate comments related to questions that were raised. Meetings would be mandatory for ALL Wardens to attend.

Issues related to those with a sex offense would be held to the end and would be part of the one-to-one session. This was being done as it was felt issues related to those with a sex offense was dominating the meeting.

### **Melissa Roberts – Dir. Of Adult Parole**

Dept. has a 3 yr grant under Senate Bill 15-124 for their Sure and Swift parole program spelled out in AR 250-76 (updated Sept. 1, 2015) which provides for short term jail stays versus revocation back to prison. Level of violation determines use of alternatives. Training parole officers is under way regarding alternative options allowed under the updated *Colorado Violation Decision Making Process*.

Parole release programming has been tasked to look at all alternatives with regard to housing of individuals for parole. Consideration is being given to allow housing with family members who are either on probation or parole to preclude releasing someone homeless

### **Joe Morales – Parole Chairman (replacing Brandon Shaffer)**

Use of the CARAS (Colorado Actuarial Risk Assessment Score) in making decision. It's not the only factor but a larger score is a reason for concern amongst the Parole Board members. Similarly, the Parole Board Readiness Guideline Instrument (PBRGI) is also used and high scores on it can raise issues.

The CARAS is used in making decision for those with a sexual offense, however larger consideration is given to meeting criteria established by the Colorado Sex Offender management Board (SOMB).

Parole Board members try to visit Dept. facilities and programs across the state on a regular basis to get an oversight of what they have to offer an offender being considered for Parole, as well as community programs available to those accepted for Parole.

***Note: Because of the policy change regarding discussion of sex offense issues, there was no presentation on any questions raised regarding sex offense treatment overall. Below are several questions submitted by AFC to CDOC per their instructions and the responses DOC gave us:***

*In order to help the Parole Board have a better idea on considering parole for people with a sex offense; could the Static 99 and SOTIPS be given to all inmates with a sex offense prior to being in treatment?*

The Static 99R assessment is completed for all offenders upon intake at DRDC prior to the offenders entering treatment. This information is provided to the parole board. The SOTIPS is a risk assessment that would not be appropriate to give to all offenders prior to treatment as the assessment score changes with treatment progress.

*At the SOMB conference on polygraphs, the speaker said there should be no inconclusive results when a polygraph is given. Which specific guidelines or criteria need to be followed to ensure this?*

SOMB Standard 6.151 Test Results states "Examiners shall render "no opinion" whenever test results yield "inconclusive" scores or whenever the overall set of test data do not allow the examiner to render an empirically based opinion.

Polygraph examiner and SOMB Board Member, Jeff Jenks from Amich & Jenks was consulted. According to Mr. Jenks, an "inconclusive test" occurs when the test data do not have enough information to allow the examiner to make an empirically based decision regarding individual test questions. An inconclusive test result can occur for a variety of different reasons to include medical issues, medications issues, severe mental illness and the offender withholding information related to the test questions. According to Mr. Jenks, inconclusive polygraph results will occur at least 5% of the time.

*Why are sex offenders not moved to minimum or medium restricted facilities especially when risk assessments indicate low risk?*

The risk assessments used by the SOTMP identify risk for sexual recidivism. The offender's custody level determines their facility placement. Each individual offender is also assigned a custody level that is not related to sexual recidivism. AR 600-01 Offender Classification outlines our process for determining offender facility placement.

*Would housing the people with a sex offense together in the same facility benefit safety, education and treatment?*

Housing sex offenders together in the same facility who are not currently in treatment can present problems. Offenders that are not participating in sex- offense specific treatment may engage in thought patterns and attitudes that support sexual offending. Housing large numbers of non-treated sex offenders together can strengthen those belief systems.

The SOTMP is reviewing a plan to move offenders who are preparing for treatment into a staging unit. This would allow offenders to move into a vacant treatment bed quicker. Offenders would be housed temporarily until there is a bed available.

We do house offenders who are currently in treatment in the same unit or POD in facilities where it is possible. This offers the opportunity to create a treatment focused culture in the unit. Offenders not in treatment follow facility placement according to AR 600-01 Offender Classification. Currently, offenders in treatment are housed together at ACC, AVCF, CMRC and FCF.

*Currently 26% of the prison population are sex offenders. At the current rate of sentencing and incarceration, in six years 50% of the prison population will be sex offenders. Is anything being done to affect this trend?*

According to the 2014 Annual Lifetime Supervision report, S3-5 sex offenders made up 26% of the total DOC population. This is a 4% increase since 2002. Considering that the S3-5 population has risen 4% over the last twelve years, reaching 50% in six years is very unlikely.

The SOTMP focuses on offenders currently in DOC and in treatment to reduce sexual recidivism. Significant effort has been made to make a more efficient treatment process.

The treatment program has been restructured to place a greater prioritization on Phase I Core treatment. Offenders participating in Phase I Core are now able to meet the Lifetime Supervision Criteria for Parole while in Phase I.

The SOTMP continues to screen offenders for the appropriate level of care. Offenders who do not require full offense specific treatment are coded as S5L (Low resource priority for treatment in DOC). These offenders are not recommended for treatment while in DOC.

The SOTMP continues to review the treatment curriculum and make revisions to improve the efficiency and quality of the program.

*How many people with a determinate sentence who have had no treatment have been paroled based on Appendix J of the SOMB Standards and Guidelines?*

In fiscal year 15 there were a total of 1,109 determinate sentenced sex offenders released without participating in SOTMP treatment. In FY 14, there were a total of 804 determinate sentenced offenders released without treatment.

*How is the fact that recidivism for new sex crimes is extremely low as identified in many research -based documents, affecting those paroled?*

The Annual Lifetime Supervision Report supports the premise that recidivism for new sex crimes is extremely low. It states that in FY 15 there were a total of 122 sex offenders released on parole. Five offenders returned on the following felony convictions: four escape attempts and one unlawful distribution, manufacturing, dispensing, or sale of a controlled substance.

The Sex offender treatment program in the DOC is committed to reducing sexual recidivism. Offenders who have successfully completed treatment with the SOTMP have been given the opportunity to learn ways to reduce their chance of committing a new sex offense and increasing social responsibility. The treatment program is designed to teach offenders how to manage the factors that place them at risk for sexual recidivism.

*In AR 700-19 Sex Offender Treatment and Monitoring Program (SOTMP) under IV. (4)(B) SOTMP Treatment Qualifiers, there is still no code that states someone is on the waitlist and awaiting treatment. Neither of the two Treatment Qualifiers that any reasonable person would consider as fitting the situation, as described work.*

*R — Ready: The offender currently meets the SOTMP participation requirements.*

*P—Pending: The offender meets the SOT\IP participation requirements but has previously been terminated, removed from the waitlist for cause, dropped-out of treatment, or had refused SOTMP placement. Offenders will be coded R-Ready when satisfactorily participating in SOTMP treatment for 30 days.*

*R or Ready should be used for those who are on the waitlist for the first time. P or Pending is not appropriate for someone who has never been in treatment.*

*The AR lists 12 Treatment Qualifiers. Surely someone is smart enough to find a use for one of the other 14 letters of the alphabet that could be used to show that someone IS ACTUALLY IN TREATMENT!!*

The treatment qualifiers listed in AR 700-19 identify specific categories of offenders. There are a variety of individual needs captured in the treatment qualifiers. We don't want to lose track of any specific offender. We are not currently considering adding or changing the treatment qualifiers.

### What Can You Do?

"Decisions are made by those who show up." This famous quotation (about politics) is just as apt for the cause we are working on. There are some who believe (this author included) that most of the legislation, rules, regulations and procedures that are being used against persons with a sex offense right now are there because WE let them happen by not speaking out against them. As you read this you are probably mad at how the system is treating you or your loved one but are constantly asking how you can make it stop. Well, sitting there crying about it has never helped anything. You've got to get in the fight. Decisions are made by those who show up. Want to stop some of these bad decisions? Want to change the way you or your loved one is being treated? You can. You just have to get up and start doing something about it.

Get to know your elected representatives. Go to [www.openstates.org/find\\_your\\_legislator](http://www.openstates.org/find_your_legislator) and type in your address. This will bring up a map of your neighborhood and the legislators (both House and Senate) elected to represent your neighborhood. Call them. Write to them. Email them. Tell them you live in their district and the problems you are having. They LOVE hearing these personal stories about how their work is impacting others. Make them take a hard look at the bills they are considering and the good and bad of it.

Also get to know the Sex Offender Management Board (SOMB). My guess is if you are even remotely connected to the system you already know them without even knowing their name. Better than 90% of the rules and regulations you or your loved one are currently living under are a direct result of the SOMB's influence. Your P.O. or case manager has told you that "the Standards & Guidelines require this" or "the Standards & Guidelines say that." Who writes the Standards and

Guidelines? The SOMB! Did you know they have committees working throughout the year supposedly updating and revising these rules and restrictions? Do you know they are working on a MAJOR revision right now? Did you know these committee meetings are not only open to the public but everyone who attends is encouraged to participate (speak up)? Some of the revisions look really promising based on new research and what is now known as "evidence-based practices." Some of the revisions are being hard fought though and they need your help. Below is a list of the different committees, what they are working on and how often they meet. The SOMB full board meets once per month on a Friday, generally around the middle of the month. For a complete list of scheduled meetings go to the SOMB website <http://dcj.somb.state.co.us/> for a calendar of when they meet and where and then, SHOW UP! Decisions are made by those who show up.

Juvenile Standards Revision Committee – This is an ongoing committee that is looking at different sections of the Juvenile Standards and doing revisions as appropriate, based on, among other things, new research and literature. This committee typically meets once per month on the 4<sup>th</sup> Thursday of the month.

Best Practices Committee – Looks at *current* research and makes suggestions about how to incorporate the research into the Standards. It is also responsible for reviewing any Variance requests when there is research to support such a variance. This committee meets once per month. This committee is also currently investigating the use of polygraphs.

Circles of Support and Accountability Committee – This committee was formed to address concerns raised by the defense bar about sex offender treatment and management, as well as the Standards and the Board. This committee typically meets once per month.

Sex Offender Registration Legislative Work Group – This committee is made up of law enforcement and registry professionals to address system concerns related to sex offender registration. The committee attempts to look at registry processes and make improvements or suggestions for improvements. The committee typically meets quarterly.

Victim Advocacy Committee – This committee brings the victim perspective to the Board and the Standards process. The committee also works on how to implement victim representation on community supervision teams and multidisciplinary teams. The committee meets once per month.

Juvenile Developmental Disability Committee – This committee is reviewing the Juvenile Standards to make recommendations for modifications of standards specific to juveniles with developmental disabilities. This committee meets as needed and is working closely with the Juvenile Standards Revisions Committee.

Application Review Committee – This committee reviews treatment provider applications and complaints. Although it is

an open meeting, the committee goes into executive session when reviewing confidential provider information and only board members are formal members of this committee and participate in the executive session. This committee meets twice per month from 9:00-12:00 on the second and fourth Wednesdays of the month.

Domestic Violence/Sex Offender Crossover Committee – This committee explores the crossover issues between sex offenders and domestic violence offenders, and seeks to educate treatment providers about this crossover potential. This committee meets as needed.

Community Notification Technical Assistance Team – This committee assists local law enforcement with community notifications on sexually violent predators and revises the protocol as appropriate. The committee meets as needed.

Research Committee – This committee is working on implementing the second phase of the Standards outcome analysis. The committee is working towards reviewing outcome data on sex offenders to determine Standards effectiveness. The committee meets as needed.

Shared Living Arrangement Committee – This committee is focused on issues related to shared living arrangements, including data collection and standards revisions.

Disaster Management Committee – This committee is focused on registration issues when a natural disaster occurs.

Female Sex Offender Committee – This committee is focusing on standards revisions and development of a risk instrument for female sex offenders.

Juvenile Sex History Polygraph Preparation Committee – This committee is exploring the protocol for doing evaluations on offenders with a history of sex offense coming back before the criminal justice system for a non-sex crime.

Continuity of Care Committee – This committee is addressing the issue of offenders participating in treatment while on probation or in prison and then having to restart treatment at the beginning when their situation changes (ie. Going from probation to prison, prison to parole or changing treatment providers).

Family Practices Committee – This newly-formed committee is developing literature for family members of persons charged and/or convicted of a sex offense. The literature will explain the judicial process, the requirements of probation or parole and answer frequently asked questions.

ARC Committee – This committee addresses specific complaints submitted about treatment providers and polygraphers, investigates and makes recommendations to the full SOMB.

### **New Head of Adult Parole**

AFC's guest speaker at the October general meeting was Melissa Roberts, Colorado's new Director of Adult Parole. She was recruited for the position by Rick Raemisch, Executive Director of the Department of Corrections. Roberts joined the division five months ago, having served the Wisconsin DOC for eighteen and a half years. Originally, she intended to attend law school and become a public defender, but the high cost of that education led her to seek employment in corrections instead.

In Wisconsin, Roberts began as a probation/parole agent, supervising mostly those with sex offenses, eventually becoming the supervisor of the sex offender unit in Milwaukee. In that role, she oversaw most facets of the unit's work: registry, community notifications, electronic monitoring, polygraph contracts, pharmacological treatment contracts, and the related policies. She then served for eleven months in the third highest position in the Wisconsin DOC, Executive Assistant to the Secretary of Corrections. She spent the last four and a half years there as the legislative liaison for the DOC.

Roberts said that her ultimate goal is to serve her community so well that they put their department out of business. She and deputy director Alison Morgan are both working to implement progressive changes in the way that parole functions.

One is to fully implement a new law (Senate Bill 15-124) which requires parole to use at least four other sanctions to deal with technical violations committed by parolees before resorting to revocation; to make revocation the last option instead of the first one, so long as community safety is not compromised. Roberts wants her parole officers to be creative while still holding people accountable, to utilize measures that are suited to the nature of the violation. One tool now available is called "Sure and Swift," and calls for sending violators to jail for three days, taking care to avoid interference with their work schedule and minimize disruptions to their lives.

Roberts hopes to have a good working relationship between the parole board (now chaired by Joe Morales) and her division. While the parole board is a separate entity that does not fall under the DOC, she said that the two need to communicate effectively and cooperate.

Roberts sees the job of her division as that of helping offenders reconnect to the communities from which they came, with the help of community and faith-based organizations, along with the families of the offenders. This includes all aspects of reintegration: helping parolees find housing, employment, job training and other types of assistance; educating and recruiting prospective employers, to name a few.

She and Ms. Morgan recently presented their "Road to Work" initiative to the Department of Labor & Employment. The initiative is a \$600,000 contract to partner with community-based workforce centers to increase positions of employment for parolees. These centers include Positive Impact Colorado in Colorado Springs, Inside/Out in Aurora and Fort Collins, The Rock in Greeley, and the Latino Coalition. She also has a new employee dedicated to improving the communication and coordination of information, resources, and services that are available from these and other community organizations.

Roberts is very concerned about the fact that so many people are having to parole homeless. While she acknowledges that the temporary housing currently being utilized on Colfax Avenue has numerous shortcomings, she stressed that she has to make the division's limited housing dollars cover as many parolees as possible. She invited AFC meeting attendees to bring her their suggestions, as she is open to any viable option. Her fear about taking steps to force improvement of the living conditions in hotels

is that it would result in less housing being available, and more parolees winding up living on the streets.

Roberts is an advocate for shorter parole periods, for changing laws to end the over-supervision of people who have demonstrated a reduction in risk, for reducing the time frame of electronic monitoring, for eliminating residency restrictions, and for eliminating the use of the polygraph for anything other than as a treatment tool.

She believes that the polygraph should not be used in custody or revocation decisions, and that people can become desensitized to it if it's overused. She has some real concerns at this point about how the polygraph is being used, but will have to delve into the issue more deeply before coming up with recommendations for changes.

Roberts believes that parole officers should not be involved in determining whether a parolee should be allowed to drive. Unless driving has been a source of trouble for that person, she believes that their right to drive is the jurisdiction of the DMV.

As she puts new methods and procedures into place, she wants the parole division to collect data, measure outcomes, and report this information to the legislature.

The parole and community reentry staff are taking extra steps to assist parolees, including shuttling them from DRDC to reentry; providing the homeless with backpacks, hygiene, and winter coats; and holding GED and job preparedness classes. A parole officer mentoring program is being implemented to improve the services being provided. More parole officers are being placed inside prisons, where reentry communities are being created to prepare imminent parolees for release, and the process for issuing Medicaid cards to eligible inmates prior to release is being improved. Roberts believes that a parolee should know the name of their parole officer prior to release.

Roberts cautioned that she is still learning her way around her new position, and that it will take time for her to learn all of the policies and the ways in which her division interfaces with the SOMB and other agencies. She expressed her commitment to doing so, and to improving communication among all of the teams that deal with inmates and parolees. She plans to keep the legislature informed as to the progress of her division, as well as to lobby for further improvements and changes.

She said that she's always happy to answer your questions, and appreciates your patience as she and her staff work through these issues; she asks that you give them a chance to respond to your concerns.

### Facebook Stories

Here are just a few of the many news items we have posted on Facebook since our last newsletter:

**HOUSTON CHRONICLE 11/9/15 -Forty-six small cities across Texas are facing a new legal challenge to their ordinances that regulate where registered sex offenders can live**, Texas Voices for Reason and Justice, a statewide criminal-justice advocacy group, announced Monday it has "initiated action to compel, through litigation if necessary," the repeal of the ordinances in so-called "general law" cities -- the latest challenge to

the residency limitations in Texas and across the country. In 2007, then-Attorney General Greg Abbott clarified that under a state law that "general law" cities with a population of 5,000 residents or less cannot enact local ordinances that regulate where registered sex offenders can live.

**LSE US CENTRE's Daily Blog on American Politics and Policy – 10/30/15 -American Prisons are not a Revolving Door: Most Released Offenders Never Return** - The dominant narrative around recidivism in America is that most released offenders go on to reoffend and return to prison. In new research, William Rhodes argues that this impression is wrong and that two out of every three released offenders never return to prison. He argues that previous estimates about recidivism have failed to take into account the overrepresentation of returnees in prisons. Accounting for this factor, he finds that only 11 percent of offenders return to prison more than once, and that the total time that offenders actually spend in prison is overestimated as well. A common impression, reinforced by recent statistical reports, is that most offenders released from American prisons return repeatedly. The impression is wrong. Our analysis of offenders released between 2000 and 2012 shows that two of every three never return to prison. Many others reappear just once – typically for violating the technical conditions governing their community supervision instead of for new crimes.

**Kansas City Star 10/24/2015** When Brodie Leap (right) was a 5-year-old boy, he says, he felt pressured to say his father, Earnest Leap, had touched him inappropriately. It was a lie, he says. He says he knew it was a lie the second he said it. He is 31 now, living in Oakview in Clay County, and he has known his entire life that it wasn't true. "Have you been touched down there?" The answer that Brodie Leap finally uttered, and which for the past eight years he has declared in affidavits he felt hounded to give, continues to haunt the life of his father, who both Leap brothers attest has been the most supportive and positive force in their lives. "The only stable component of my childhood was the immutable presence of my father," Josh Leap, 27, a computer data scientist in St. Louis, wrote in support of Earnest Leap. Said Brodie Leap, "I live with the guilt of that lie every day of my life." He recently came back to the Kansas City area and moved in with his dad, in part to take on the mission of his father's exoneration and pardon. At the very least, he hopes to get his father's name erased from the rolls of Missouri's registered sex offenders. By state statute, Earnest Leap is required to stay on the registry for life.

**SLATE 10/21/2015** - Roger Alan Giese was out on bond and preparing to stand trial in California when he vanished. It was March 2007—about three years after he was charged in connection with the sexual abuse of a young boy he had met through his work. After Giese jumped bail, he fled to England, where, according to an investigation by the *Daily Mirror*, he established a life under an assumed identity, eventually starting a successful PR company. After U.S. authorities tracked Giese down, they asked the British government to arrest and extradite him so that he could be prosecuted—a routine step in the process of bringing international fugitives to justice. Giese, who is now 40 years old, was captured on June 4, 2014. Then something surprising happened. According to a recent survey, there are approximately 5,000 people currently locked up in civil commitment programs around the country; first

introduced in the 1980s after a series of high-profile sex crimes stoked fears about sex offenders, civil commitment programs have recently been declared unconstitutional by federal judges in Missouri and Minnesota. But in the British High Court's analysis California's approach to civil commitment revolves around a definition of mental illness that is overly broad, and thus represents a "flagrant denial" of the rights guaranteed by the human rights treaty. The fact that there is a "real risk" that Giese would be subjected to civil commitment if he is found guilty in California, according to the High Court, means that the extradition process cannot be allowed to proceed.

"In our view indeterminate detention on that basis would ... amount to a complete denial of his ... rights," the judges wrote, "because such a 'mental disorder' cannot be said to warrant the draconian step of compulsory confinement for an indefinite period."

**Huffington Post 10/8/2015 The public shaming of the registry puts people's lives in danger.** *NPR News* explains that sex offender Frank Lindsay came home one day to find a neighbor threatening to beat him to death with a hammer, because the neighbor used California's public registry to find the sex offender in his area. And CNN reports that in 2013 Jeremy Moody and his wife Christine turned the South Carolina sex offender registry into a hit list, where the couple picked offenders at random and murdered them. These examples are only a few of many, of how a public registry intended to make our communities more safe is only making more victims. You might think, why do I care? Well, I am on the Wayne State University Forensics speech team. For my persuasive speech, I'm advocating to, you guessed it, reform the sex offender registry. In doing the research for my speech, and this article, I've been amazed at the horrible way our society treats the modern day pariah - the sex offender. The public needs to write a letter to their state representative. Regardless of where you live, inform your legislator of the harm that these registries cause. The unmistakable tragedy of children and adults alike being the victims of sexual violence, brought the sex offender registry into being. Unfortunately, this long relied upon tool is an out of control source of abuse of the thousands registered.

**ALJAZEERA AMERICA 8/27/2015 - Collateral damage: Harsh sex offender laws may put whole families at risk:** In 1996, Congress passed Megan's Law, which allowed states to publicize the names of those convicted of sex offenses. A wave of federal and state laws followed that created online sex offender registries, broadened who is listed and restricted where registrants can live. But today there's a growing body of research and court opinions questioning those laws' effectiveness and constitutionality. No studies have looked at what proportion of the country's nearly 850,000 people on state registries are providing for families of their own. Activists say, however, that thousands of female partners and children are being hurt by laws that aim to protect kids. The wife of a man convicted of a sex offense knew his s history when they married in August 2006 after meeting in church. She says he has been a model citizen, works full time and is a good father. But the registry and residency laws are a rip current dragging them to sea. "I feel like I've been to hell and back," she says. The only quantitative study to date suggests how serious those consequences may be. In the *American Journal of Criminal Justice* in January 2009, researchers Jill Levenson and Richard Tewksbury reported on their survey of nearly 600 immediate family members of registrants. More than 20 percent said they had to move out of a rental because their landlord found their relative's name on the registry, and 40 percent said they found it hard to find an affordable place to live. Respondents said that their kids didn't fare well either. Two-thirds reported that their children felt left out of activities because of their

parent's status, more than three-quarters said their children were depressed, and almost half reported that their children were harassed. "When your husband is on the registry, you feel like your whole family is," another wife says. A small number of families are targets of something worse. While 44 percent of the 2009 study respondents said they'd been threatened or harassed by neighbors, 7 percent said they'd actually been assaulted or injured. None of the six studies on sex offender registries conducted between 1995 and 2011 found that registries lowered recidivism, according to a meta-analysis of 20 years of research in the November 2012 *Journal of Crime and Justice*. "Over the last 15 years, sex offender registries have been established in all empirical forums not to reduce sexual offending behavior, violence, or the number of victims," Kristen Zgoba, coauthor of that study, wrote in an email. There's an even broader consensus on residency restrictions. A U.S. Department of Justice brief released last month concluded that "research has demonstrated that residence restrictions do not decrease and are not a deterrent for sexual recidivism." And a December 2013 study report in the journal *Criminal Justice Policy Review* noted that Florida's residency laws likely play a "significant role" in homelessness and transience among sex offenders.

Quarles supports the organization's mission to prevent sexual abuse, she says. But as all the runners passed and the crowd cheered and applauded, she was crying. "I wanted to tell them, 'You think what you're doing is all good and it's helping everybody, but it's not,'" she says. "You have no idea of the damage that you're doing."

**New York Times Editorial – 8/15/15 --Sex Offenders Locked Up on a Hunch** - The essence of the American criminal justice system is reactive, not predictive. You are punished for the crime you committed. You can't be punished simply because you might commit one someday. You certainly can't be held indefinitely to prevent that possibility. And yet that is exactly what is happening to about 5,000 people convicted of sex crimes around the country. This population, which nearly doubled in the last decade, has completed prison sentences but remains held in what is deceptively called civil commitment — the practice of keeping someone locked up in an institution for months, years or even decades for the purpose of preventing possible future offenses. In a decision in June, a federal judge ruled that Minnesota's civil-commitment law for sex offenders violates the Constitution. Federal District Judge Donovan Frank said the law imposes "a punitive system that segregates and indefinitely detains a class of potentially dangerous individuals without the safeguards of the criminal justice system." For example, local prosecutors — not clinicians or mental health professionals — choose whether to seek continued detention based on a screening test that claims to predict a person's likelihood of committing another sex offense, though there is no clear evidence such tests are accurate. Public safety would be better served if resources were directed toward community supervision and other services for those leaving prison, rather than toward skirting the edges of the Constitution to keep them locked away.

### AFC Fundraiser

Save the weekend of February 13 and 14 (12-9pm) to celebrate our first annual fundraiser at The New Panda Restaurant, 17732 S. Golden Rd., Golden. Money raised is to support the programs of AFC. Check the web site for a map and information, [www.newpandaasiancuisine.com](http://www.newpandaasiancuisine.com). Celebrate Valentines Day with us..

## 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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