

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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THANK YOU!

**A MESSAGE FROM THE AFC BOARD**

**The AFC Board wants to thank you** so very much for maintaining your memberships and providing us with donations. We couldn't do this work without you. It's not possible for us to thank you each of you individually but your help is essential to making the changes that need to be made. Changes, as you all know, won't happen overnight – but our continued persistence and pressure do make a difference. This system wasn't created recently; it's been building for 30 years or more. So it takes people like all of us to wear down the current belief system and create a new paradigm. Again, thank you for being the lifeblood that is AFC.

*Carolyn Turner, Chair  
 Advocates for Change*

LET YOUR VOICES BE HEARD!

**The Sex Offender Management Board (SOMB) wants to hear from you!** They have put together a survey for *family members* of offenders to learn what experiences you had with the system. Below is their announcement:

*"The SOMB, in collaboration with other stakeholders, is currently working on a project to learn more about family engagement. We are asking you to help us recruit family members of individuals who have committed sexual offenses, either as adults or juveniles. This survey is entirely anonymous and confidential as we are just trying to get some preliminary feedback about family experiences in our system."*

Here's your chance to tell the SOMB how you feel about the system and how it has treated your family. The questions are about what information you've been given, whether or not you were given the opportunity to be of help in your loved ones ordeal and how you might have been better helped to deal with it. You can take the survey either online through the Survey Monkey website or print it out and mail it in. (Both a link and a printable copy of the survey are available through <http://www.Advocates4change.org/>. Look for the yellow text box near the top of the homepage.) **A note for those who have concerns about privacy:** You will **not** be asked to provide any identifying information. There are comment boxes to add comments and tell your story. We encourage you to be honest, however, do not provide details that would identify your family member, if this is an area of concern to you.

**THE SURVEY WILL CLOSE AT THE END OF DECEMBER 2014.**

## REQUEST WHEN CONTACTING

### AFC

When you are contacting AFC and asking for information and support, please let us know if you have already contacted someone else about the same matter.

This will allow us to reference other efforts, avoid duplication of efforts, and be more efficient in our response to you.

## SOTMP UPDATE

The new head of SOTMP is Mr. Leonard Woodson III. Bio information not available as of press time.

## ANKENY LAWSUIT UPDATE

Oral arguments for this case are set to be heard December 9<sup>th</sup>, 2014 at the Colorado Supreme Court. It typically takes up to nine months for the Court to make a decision following arguments.

As we reminded you in the last issue, this lawsuit is going forward but it is important to reiterate what many of you have heard before from advocates. If you file your own lawsuit when a class action such as this is in process, it can derail the class action suit. We have heard that at least six lawsuits have been filed individually regarding Ankeny. All have been denied. The important fact here is that the denials can be used by the defendant, CDOC, as ammunition in the class action. If it was denied by other courts; it can, therefore, be denied in the class action suit.

## WE'RE A-CHANGIN

Because our email was recently hacked and other issues, AFC has had to make a few modifications in how to reach us. **Please note the new mailbox, phone number and email address on the first page of this newsletter.** We are working feverishly to make these modifications on all AFC documents, flyers, etc., however, be patient with us if you find something with our old information. Communication is key for groups like ours so stay with us.

## SOMB SUNSET REVIEW

by Pat Harris

It's been five years since the last opportunity to voice our opinions on the SOMB and now it's time to remind DORA of the inaccurate research used to build the treatment/management programs and the inefficiencies in treatment of people with a sex offense. We are working to provide AFC's perspective on subjects such as the containment team, polygraphs, treatment, restructure of SOMB, deniers, and use of modern technology while on parole/probation. These areas are all under Community Safety and it is our mission to help point out that the process used today does not promote community safety.

The Department of Regulatory Affairs (DORA) report is a study done on a regular basis (every five years – it used to be ten) to determine if the SOMB should continue. The study is being started now and will be done through the next year with the final report due in October 2015. In the meantime AFC has been studying the issues stated above that can be presented to DORA in a written report for their consideration. When the final DORA report is completed, SOMB will have to defend any issues presented in the report. The combined Judiciary Committee will meet in January and that is AFC's opportunity to speak to the Judiciary in person. While it may seem a bad thing to have a Sex Offender Management Board; it makes it easier for AFC and other advocates to defend its position to one group sitting in the same room rather than multiple legislators or fragmented rule making organizations in different locations.

The sunset review is something we have been working toward since the last report in 2001. We're hoping that our contribution will lead to changes that are really needed. We'll keep you informed on the progress we make.

## VOTING

**Voting is important and you can vote.** Did you know that you can vote if you have served your time and are not on parole or if you are on probation for a misdemeanor or felony? It is important to vote in all elections, not just the major elections. Remember it is at the local level that many laws are enacted that will impact you. At the city and/or county level is where the laws are passed that say where you and your families can live.

This is the only way that we can get things done, so register to vote and make sure you vote in every election. If you are not sure if you can vote or having trouble registering you can contact Colorado Criminal Justice Reform Coalition for help. You can contact them at 1212 Mariposa St #6 Denver 80204. Phone 303 825-0122 Fax 303 825-0304 Email [info@ccjrc.org](mailto:info@ccjrc.org)

## AFC 2014 HOLIDAY PARTY

by Pat Harris

The holiday party was a big success with great people, good food and great speakers. We were fortunate to have Laurie Rose Kepros and Maureen Cain as our guest speakers. They gave the attendees a rundown of the successes and some of the not so successful happenings in 2014.

On January 3, 2014 the Outside Evaluator's report on the SOMB was received with several areas of positive interest: Supervision should be linked to risk and treatment should be 12-18 months for the best reduction of risk. Ms. Kepros asked "Who is risky?" She reported that 2% of the general population will commit a sex offense and that's the same with low risk recidivism. Medium risk people are the same as low risk after five years and high risk can become low risk after ten years.

Other areas that were touched on by Ms. Kepros and Ms. Cain were:

- SOMB standards currently recommend overtreatment of people
- treatment standards are not sufficiently individualized;
- it matters if there is a feeling of trust with treatment providers;
- treatment providers can do more harm than good if they don't have empathy for the client;
- lack of continuity of care (which SOMB is currently working on) in treatment;
- disapproval of blanket banishment of people from being around people under 18 years old;
- many sex offenders are unlikely to reoffend – the rate in Colorado is 2.6%;
- lifetime supervision costs the state \$20 million per person;
- support systems have real value.

Jessica's Law was passed in Colorado and, while a bad law, it was written to deal with the least number of people. It fulfills the nationwide push to have a "Jessica's Law".

April 1, 2014 a new Administrative Regulation, AR 700-19, was written by DOC to change the requirement of everyone having to pass Phases I and II of treatment. The new AR requires most people to only have Phase I with high risk people required to complete Phase II.

Also in April the denial policy was loosened. You now only have to acknowledge you have something you need to work on. There has been some progress on the 5<sup>th</sup> Amendment rights in the area of outside treatment. If the fifth is invoked, you're not in denial but being silent. June 2014 brought Ms. Kepros' law class to the AFC general meeting. According to Ms. Kepros the meeting impacted the law students in a very positive way.

In August, 2014 the SOMB updated the young adult protocol. SOMB is now in agreement that people 18-25 can be exempted from the adult standards. This was based on the fact that the brain is not fully developed and mature until the age of 25. This might be discretionary on the part of the prosecutors and the judge. Also in August, it was stated that the SVP assessment should be used cautiously with women and Developmentally Disabled people.

The Lifetime Supervision Report of 2014, which is a required annual report stated: that there are a growing number of indeterminate people in the system – 2,029. People with a sex offense make up 26% of the Department of Corrections yet are only 4% of all criminal cases filed. Seventeen percent of the DOC budget is used to treat 3.8% of the prison population.

No one to date has been discharged from parole under the Lifetime Supervision Act. One person is reaching the nine year mark and will be applying for discharge. On a less encouraging note, of 211 SOTMP graduates who have met all criteria, only seven (3.3%) have been released.

There is good news and there is some bad news this past year, but in general the news seems to be moving in a more positive direction.

### CITIZEN'S ADVOCATE MEETING

On October 8<sup>th</sup>, 2014, a meeting was held at DWCF in which most of the major players in CDOC (Rick Raemisch, Executive Director, Kellie Wasko, Deputy Executive Director, Steve Hager, Director of Prisons, Walt Pesterfield, Director of Parole, Renae Jordan, Director of Clinical and Correctional Services) as well as others attended. This is an opportunity for citizens to address questions about CDOC directly to those in charge. The meetings are held several times per year and it is *recommended* that questions to them be submitted in advance so they have time to research the answers.

Below are excerpts from the minutes of the meeting provided by Mike Dell, a member of SO-Colorado CURE. We provide these excerpts to demonstrate that your voice can and is heard and changes are possible with your participation.

#### **DIVISION UPDATES:**

##### **Parole – Walt Pesterfield**

- Due to funding under House Bill 14-1355 (Reentry Programs For Adult Parolees), the Division has 12 CPOs (Community Parole Officers) assigned in the various prisons to aid in transitioning to parole, as well as 2 supervisors.
- Parole has initiated a program called SURE & SWIFT which is based on a program out of Hawaii called HOPE (*Hawaii Opportunity Probation with Enforcement*) and a subsequent program in Washington called WISP (*Washington Intensive Supervision Project*). Under this program, parolees look at 1, 2 or 3 day sanctions for violations that don't warrant new charges. More information on the Hawaii program can be found at <http://www.vera.org/files/HOPE%20Policy%20Brief.pdf> and the Washington program at <http://offenderchange.org/research/washington-intensive-supervision-program-wisp/>
- Parole Division is to lower focus on lower risk parolees and shift focus to higher risk parolees.

### Prison Operations – Steve Hager

- Working with the Parole Division to better the Parole transition
- Continuing efforts in shifting Administrative Segregation to Restrictive Housing per AR 650-03. Corrections has 220 individuals in Restrictive Housing versus the 1,505 individuals they had in Administrative Segregation in February of 2011.
- Per the HB14-1355 the department is looking at making changes to the way that Case Managers work with the offenders. In previous meeting it was mentioned the shift to maintaining Case manager relationship while at facility. In addition, shifting Case manager hours to evening and weekends to make them more accessible.
- Continuing efforts to reform the use of the Code of Penal Discipline (COPD) to make it more effective in managing offenders.
- *AR 650-06 Violence Reduction Program requires orientation and then sign-off by offender. Offenders are being required to sign without the orientation.* The AR is to help reduce the violence by allowing for punishment by association. If you don't play ball, then everyone you associate with will face the same consequences as the perpetrator. Corrections has the lowest number of assaults in two years as of Sept. 2014.
- *Management Control Unit (MCU) put into effect at CSP but was handled incorrectly, amenities were not/have not been provided.*
- No women in restrictive housing and only one person who has been deemed mentally ill, however the mentally ill individual is tied to the murder at Sterling.

### Clinical & Correctional – Renae Jordan

- Completed assessments on Medline usage and received recommendations. Pilot program at CTCF for delivery of medicines to offenders at units; however, use of sheltered (canopy) area still being considered.
- From floor: There had been a lockdown and search at CTCF and offenders had to stand outside with no protection from sun. No direction or assistance to offenders to help them cope with situation.*
- Outbreak of chickenpox at one facility.
- Colorado Department of Education reviewing the implementation of electronic GED program within the facilities. So far no issues.
- Additional programs added at Limon – virtual welding and culinary. And culinary at Trinidad.
- Re-implemented OSHA practices for some of the training programs that were put on hold due to facility concerns.

### ADVOCACY QUESTION REVIEW

#### Prison Operations

- *Can the time for the release of funds when someone has been released be reduced from 30 days?*

No as the Department has to have time to insure that all existing debit (canteen, damaged property, etc) has been resolved.

- *Will Case Managers provide information to offenders regarding the information on their assessments prior to Parole hearings or upon request? And what assessments or information are provided to the Parole Board to assist them in their hearings?*

Case plans developed under CTAP (Colorado Transitional Accountability Plan) include both intake and reentry assessment tools. Offender case plans are used to develop CARAS (Colorado Actuarial Risk Assessment) and PBRGI (Parole Board Release Guide Instrument) scoring. Not every offender currently has a case plan in effect. Focus is on those with an MRD (Mandatory Release Date), forthcoming Parole hearing date or within referral guidelines for community corrections.

Case Managers June of this year saw start of training for Case Managers at both State and private facilities on CTAP. Department is developing 70 staff members as trainers for continuing internal development and training. Community re-entry is in process of being full trained, as well as additional training for use in Restrictive Housing and COPD situations.

*From floor: JeffCo and Arapahoe County Community Corrections Boards not getting adequate information from Case Managers to make effective decisions. Boulder County is also only receiving offense information but no detail on offender's behavior while incarcerated.*

There is a Community Corrections Task Force, which Angel Medina who heads Offender Services is a member of, which is working on developing standards for information to be submitted.

- *Parolees have been told that they will need a Power of Attorney to obtain their Time Comp Report.* A Power of Attorney is not required, however the offender needs to fully identify themselves, and a request to provide info to a family member must be in a request from the offender authorizing the release.

- *Getting Notarized documents for other than legal issues can result in charge to offender.* While there is no specific policy regarding this, Legal Services section will notarize documents required for legal purposes. General notary services will be handled on a fee basis at discretion of facility. For medical information to be released the offender can complete form 950-02B "Authorization for Use and Disclosure of Health Information Form" found in AR 950-02 Health Records/Confidentiality/Access. For any other information the offender can complete form AR1350-04A "Release of Information Consent Form" or family members may follow the alternative requirements of AR1350-04 Open Record Requests. Both ARs spell out the type of information that can or cannot be released and the fees associated with making copies of the information. Fees for copies are spelt out by State statute. The request forms do not need to be notarized, however they will require approval/consent by the offender in most instances.

**Correctional Industries – Steve S.**

- Working on a new agreement with Union Direct to address adding of additional media to program

- *Can tablets be placed on Union Direct's seasonal package program to be purchased by family members? Can seasonal package include ability to order approved media for offenders with tablets?*

As tablets are considered offender property they cannot be offered other than through Correctional canteen services. As the program become more widespread in the system, offerings of additional media may be placed on seasonal packages.

- *Is the program being done away with?*

This is in response to a tablet having been found with an illegal card containing pornography. A situation like this particular one, while not expected, was anticipated. As a whole the program is successful and the benefits are meeting expectations.

- *Has thought been given to working with the State Library System to provide media for the tablets?*

It is being considered but several concerns about the content that would be made available.

*From floor: Can content offered be same as that currently in facility library to avoid any concerns about inappropriate content? Refer to above response.*

**SOTMP**

- Continued development of new program. Everyone to go through Phase I and those classified as high-risk will move to Phase II. Those not going to Phase II will move to aftercare.

- *What is the scheduling of polygraphs for the program?*

Disclosure polygraphs will now be done as part of the Phase I treatment. Those on aftercare status will be randomly drawn to do a maintenance polygraph. No one should do more than one maintenance poly every 6 months.

- *Disclosures are not being conducted in a timely fashion to meet Parole hearings or Community Corrections referrals.*

Because of backlog, the disclosures are being done in the order that someone is placed on the list to do their disclosure. (First-in, first-out)

- *Has there been some discussion about revising the sexual needs classification codes (S-Codes)?*

No, no discussion about changing the current codes.

- *Still a communication issue between treatment within the facilities and treatment provided on the street, with community providers not recognizing the treatment offered inside but requiring Parolees to start at beginning.*

New contracts with community treatment providers, as of July 1, requires them to provide a continuation of treatment and not discount the treatment offered by SOTMP. (Brandon Shaffer) The Parole Board expects the treatment providers to screen individuals for their level of education and does not mandate that treatment be re-started. Revocation of those on Parole for a sexual offense conviction does not automatically mean that they are to be placed back in to treatment when re-incarcerated. SOTMP will need to evaluate offender's violation to determine if there is an issue

that would require additional participation in the treatment program.

**Parole – Walt Pesterfield**

- *Is Parole doing away with SLA (Shared Living Arrangement) and COP (Condition of Parole) beds within Community Corrections?*

No. These beds will only be used for individuals who are deemed high risk while on Parole.

Parole wants support systems for offenders; it's the driving factor.

- *What is the percentage of those under 30 sent back for TVP (Technical Violations of Parole)? And what successful programs has Parole thought of implementing?*

31% as of Sept. 2013. Existing programs, especially those working on cognitive behavior have been successful for Parole. The use of short term sanctions through the *Sure & Swift* program will help. Violators can be sanctioned up to 5 times before an actual violation is submitted. The program is a pilot being offered in the Southeast region (Colorado Springs, Pueblo and Canon City).

**Wrap-Up – Rick Raemisch**

- Sterling – He won't tolerate violence in their facilities. "It's our house and we won't tolerate it" I've asked for an independent review of our practices at sterling in response to the violence to make sure we're not doing things incorrectly. And to help us determine what's causing our level of violence.

- Elections – joking that he hopes Hickenlooper wins as he just signed on a house

- Colorado Department of Human Services has the statutory authority to declare someone as dangerous and then require them to be incarcerated within the Department of Corrections without them having committed a criminal offense. 5 individuals were in the system and he had them returned. It's a legislative focus by the Department to have this changed as it is not their mission.

- ID program up to 44% from 38% of offenders. Still moving to insure that viable identity exists at intake.

- TVP. When offenders get out they tend to move towards substance abuse. Treatment is overwhelmed leaving incarceration as only alternative. When a person is revoked because of substance abuse, the lack of resources and the time frames in processing the individuals puts the system behind the curve to help break the cycle.

- As part of HB14-1335, the department is getting ready to have a re-entry workshop to address a direction to take. They are looking for worthwhile input on approaches to consider.

- The positive move of having Parole officers assigned to the facilities to allow for a continuing stream of communication related to a parolee.

- Having parolees who are homeless does not help break the re-offense cycle and must be a concern.

- RFPS for the services under HB14-1335 have been issued.

**The complete minutes are available on the AFC website.**

Editorial Policy

*The Advocate* is published by Advocates for Change. We provide information on our efforts to affect change in legislation, treatment, and re-integration into the community, primarily for those who have been convicted of a sex offense. Nothing offered by AFC is intended to be legal advice, and any information provided should never be a substitute for obtaining counsel and/or conducting your own research.

Submissions from inmates/offenders, parolees, and members, are encouraged. Please limit articles to 300 words. The editor reserves the right to publish all, part or none of the contributions submitted. Send contributions for publication and/or comments on the newsletter to: Advocates for Change, Newsletter Editor, PO Box 103392, Denver, CO 80250.

PLEASE JOIN US

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

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