



# 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.

## CONTACT AFC

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## A MESSAGE FROM THE CHAIR

Happy New Year, Fellow Advocates!

So much has happened this year that the year has just flown by. The AFC Bag advocates have kept their noses to the grindstone and we have many irons in the fire. We are looking at further challenges to the polygraph, working with Judge Denis Maes to stop the use of the polygraph, seeing further coverage of this issue on television as we have in 2017 and articles in the newspaper.

Good news for 2017 was the Miller case which Judge Matsch heard this year and found that the registry was unconstitutional for the three individuals involved in the case. This is a very positive development as people are beginning to see the wrong of the registry and the harm it does.

As you may have followed the other good news out of North Carolina, the Packingham case was heard at the Supreme Court clearing the way for people who have served their sentences to use the internet. Many people have not been allowed access to the internet but this case should help to open that door for all those who need it to search for jobs, housing and keeping in contact with others.

As people rally together and the number of people working together increases and becomes a stronger force, more attention is paid to the issues of living as an outsider in society. AFC did a membership drive in December to make sure we had everyone included in our rolls. So many people responded helping AFC continue its work as we forge on. We need to grow our organization so that the strength of it creates more movement in the political circles and in the general public.

AFC is pushing on to make the difference that is needed in a just world.

*Pat Harris, Chair  
Advocates for Change*

## UPCOMING EVENTS – CITIZENS ADVOCACY MEETING

**Citizens Advocacy Meeting – April 18, 2018 – 1-4 pm:** Meet directly with DOC officials to air your concerns about a loved one who is incarcerated or on parole.

More info: <http://www.doc.state.co.us/citizen-advocate-meetings>.  
RSVP/Consent to Search forms are due April 11, 2018

## HELP MAKE A DIFFERENCE

### HELP WANTED – VOLUNTEER BOARD MEMBERS

AFC is a small organization that is doing some big work. If you are interested in helping to make the differences we all want to see, you are invited to help the board or possibly become a member of the board.

The AFC board meets weekly to discuss the processes impacting those with a sex offense and working to work for an improved system.

If this work seems like something you would like to do, please call the AFC phone number, 720-329-9096, or talk to any of the board members. The meetings offer support to those attending, enrich your sense of purpose and are often a place to laugh and make a difference.

**No matter what role you fill in our organization, you are valued and important.** We appreciate your membership and are grateful for whatever it is you feel you can do. Just knowing each of you makes our work worth the effort. Thank you for your participation in every form.

## A REFRESH ON AFC

What is AFC and what do we do? Our focus is on people affected by sex offense laws. We provide education, work to change current laws, and create a community where people can be themselves. Currently, the work of AFC is accomplished through the efforts of about 10 of our volunteer members.

So many of our members in prison need help with parole, housing and general support. AFC would love to help in these areas, but our resources are stretched to the limit, and unfortunately, we don't have re-entry resources. AFC would suggest using family support of people you know to help find the answers to your questions. We do direct people to resources with our AFC phone, however, we don't have the ability to help with housing and jobs. Just know that we are working to get rid of the polygraph, registry, and a variety of areas that will help improve lives.

## A REVIEW OF 2017

On December 5, 2017, AFC held its annual holiday party. It was a very happy occasion for those who attended. There were about 50 people in attendance. The party began with a social hour then on to dinner. Maggiano's provided the food for the occasion and it was a delicious feast.

The meal was followed by a few words from Laurie Rose Kepros, Director of Sexual Litigation for the Colorado Office of the State Public Defender. Laurie always brings us the news of the year. We get so caught up in the day to day activities sometimes we fail to see the larger picture of what has happened.

### **2017 was a year of**

- **Fighting the polygraph**, having an alliance with Judge Maes, coverage by Channel 7 on the polygraph issues, bills created by judges on the sentencing committee (although not moved on by the legislature) but being reintroduced by other legislators. There were changes to the requirement of allowing people having to take a polygraph considering the 5<sup>th</sup> Amendment when taking a polygraph, and the polygraph is not to be used in isolation of other considerations.
- **Juvenile issues such as sexting** being reduced to a petty offense from a class 3 felony, a white paper written on how registration affects juveniles,
- **Some good media on reforming the registry**, the Judge Matsch decision on the unconstitutionality of the registry (which is being heard by the 10<sup>th</sup> Circuit), the International Megan's Law and issues with international travel, major organizations fighting the International Megan's Law.

Other issues were also addressed throughout the year and 2018 is where more progress will be made.

Our AFC Family had a very good time at the Holiday Party and show a bonding of individuals for support and in making a difference. We are so fortunate to have such a wonderful group to work with and look forward to more accomplishments as we begin another new year.

## LEGISLATION IN 2018

The new year brings opportunities for new laws. Legislators can submit up to 5 bills each legislative season for consideration. Some might be good or a move in the right direction and some might not be helpful but we stay on top of the process.

During the summer of 2017 the legislature held a number of interim committee meetings. They were looking at a variety of issues such as jail overcrowding, sentencing reform and other judicial issues. Not all of the categories of potential reform will come forward as bills; but of particular interest they are considering revision of habitual offender statutes and the reduction of the maximum mandatory parole from 5 to 3 years.

A couple of years ago a committee was convened to address the length of parole as being too long and difficult to manage. This committee worked hard to show how the extended parole periods didn't benefit public safety and served to create too many opportunities for technical violations. The committee ultimately voted it down and it was never brought forward as a bill. It looks like 2018 is a better year for some reform.

## NEW LAWS FOR COLORADO - 2018

(Reported by Colorado Public Radio)

On January 1, 2018 several new laws went into effect.

**Teen Sexting** – HB 17-1302 makes it a petty offense for minors over 14 to possess a nude image of another teen with their consent. Sharing such an image further could result in up to two years in jail. The law also makes it so that prosecutors can't charge minors who sext, except in extreme cases.

**Price Estimates for Medical Care** – SB-17-65: All health care providers in the state must now publish price estimates for their most common procedures. The bill is meant to give would be patients more power to shop between providers.

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**Hit and Run Drivers** – HB-17-1277: Allows police officers to immediately seize the license of a driver suspected of leaving the scene of a serious accident. Drivers will be able to contest the suspension. Leaving the scene of an accident that causes serious injury or death is already a felony in Colorado.

**Timely Court Hearings** – HB-17-1338: Guarantees timely court hearings for defendants sitting in local jails on small charges like trespassing or public urination. The law requires in-custody municipal defendants be brought to court within two calendar days after the judge is told about the detention.

## PAROLE-DIRECTOR MELISSA ROBERTS

Melissa Roberts spoke recently at the December CSOR luncheon and will be speaking at the AFC April General Meeting. Melissa Roberts has brought a sense of balance and justice to parole and we were saddened to hear that she will be leaving DoC in June 2018.

During her talk Melissa addressed a variety of subjects. On homelessness, she said that there are only 1% of people on parole that are homeless, while 25% of the people are released from prison as homeless. Most released on parole have secured housing within 30 days. Since she has been in Colorado she has created a housing and stabilization program. Now, 96% of individuals on parole have stable housing and 81% are employed.

Questions were asked about the recruiting of parole officers. Melissa said they are recruiting people within a widening category of degree fields and then certifying them on the police-type work they do. This is a change from using only former police as parole officers.

Parole is showing some change: Its approach is moving from a mostly punitive process to one of help in re-entry. We have Director Roberts to thank for working to improve conditions of parole.

## CRIMINAL JUSTICE REFORM POISED TO TAKE-OFF IN 2018

(A story by Kelly Cohen - Washington Examiner)

Criminal justice reform came back with such renewed energy this year after sputtering out in Congress in 2016 that meaningful bipartisan legislation is poised for success in 2018.

In October, Senate Judiciary Committee Chairman Chuck Grassley, R-Iowa, announced he and a bipartisan group of senators were reintroducing the Sentencing Reform and Corrections Act, which would overhaul prison sentences for nonviolent drug offenders and allow for more judicial discretion during sentencing.

Then days later, Sens. Sheldon Whitehouse, D-R.I., and John Cornyn, R-Texas, reintroduced the Corrections Oversight, Recidivism Reduction, and Eliminating Costs for Taxpayers In Our National System Act, which builds off of successful criminal justice reforms in the senators' respective states.

The CORRECTIONS Act requires the Department of Justice and its Federal Bureau of Prisons to find a way to reduce inmate recidivism rates. It also calls for lower-risk inmates to be put in less-restrictive. And finally, the Mens Rea Reform Act was introduced by Sen. Orrin Hatch, R-Utah, and co-sponsored by Republican Sens. Mike Lee of Utah, Ted Cruz of Texas, David Perdue of Georgia and Rand Paul of Kentucky.

"Mens rea" means that a prosecutor must prove a defendant was willfully and knowingly engaging in a criminal act to convict, and many federal laws, but not all, have such requirements.

However, how mens rea is applied is not uniform for all courts and prosecutors, and the legislation would establish a "default" mens rea requirement for all federal laws.

Mark Holden, senior vice president and general counsel at Koch Industries, said. "Given the seemingly strong support for prison reform and re-entry reform, this may be a starting point for criminal justice reform in 2018 which will hopefully lead to other reforms as well"

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Kara Gotsch, who oversees the Sentencing Project's Advocacy work said that "areas to watch are how Sessions' harsher charging and sentencing policies take effect now that more Trump-appointed U.S. attorneys are being installed." She also noted "the Justice Department has predicted an increase in the prison population in 2018 after four years of decline under the Obama administration."

### **States take charge**

Where Congress could fail in 2018, states are there to pick up the slack. Mark Holden, senior vice president and general counsel at Koch Industries, told the Washington Examiner. "It remains to be seen what Congress will be amenable to doing.

Michigan, Florida, and Louisiana are poised to pass critical criminal justice reforms next year, according to Holden, whose Koch Industries has been pushing for comprehensive criminal justice reform under both the Obama and Trump administrations. For example, Republican Gov. Rick Snyder of Michigan signed an 18-bill criminal justice reform package in March, and state legislators in Florida ended the year championing various bills that they say would help reduce the state's burgeoning prison population.

Other states such as New Jersey, Virginia, Alabama and New York elected candidates during the 2017 elections who openly support criminal justice reform.

"It's important to recognize that 2017 saw passage of criminal justice reform in red and blue states throughout the nation, in contrast to reforms stalling on the federal level," Udi Ofer, deputy national political director at the America Civil Liberties Union said.

The ACLU worked to help pass 57 pieces of criminal justice reform legislation in 19 states, he noted. For 2018, he said the ACLU is working on bail reform in 33 states...

"The ACLU will be engaged in voter education in more than 1,500 races for Congress, governor, and state legislatures throughout the nation, elevating the issue of criminal justice reform in races and encouraging Americans to vote for candidates who are committed to criminal justice reform," Ofer said.



## A LETTER FROM JOHN IN NEBRASKA

December, 2017

My name is John. I am 62 years old and I am living a healthy and productive life in the community since my release on parole in Colorado in Nov. of 2015.

In 2004 I was sentenced to 12 years to life in CDOC for having committed a sexual offense. During the 11 1/2 years I served in prison I worked hard at improving myself. I successfully completed all required sex offense specific treatment which included Phase 1, Phase 1 transition, Phase 2, Maintenance and I earned being placed in aftercare. I gained the understanding of why I hurt other people and made positive changes in myself so I don't hurt anyone again.

I am writing this letter to let others know what I experienced on parole in Colorado and what I have experienced thus far in Nebraska since my interstate compact was approved and I moved in Oct. 2017. My conditions of parole have changed. I am not required to make daily check-ins reporting what my itinerary will be for the day; there is no CWISE.

I do meet regularly with my parole officer. There are certain procedures parole has that I am required to follow concerning treatment. I am required to meet with a clinical therapist in a group session at the parole office once a month (this is free of charge). Because of the treatment I have successfully completed in the past I have been told I will be required to attend these sessions for a limited time unless I want to attend longer and after completion I can drop in on occasion should I want to.

While in Colorado I was required to attend individual sessions with a therapist twice a month, group therapy sessions twice a week and one peer driven group once per weekend. Having 1 session per month versus 14 allows me to work my full-time job with fewer interruptions and have more time for myself to pursue positive interests.

I still have to register quarterly but there is no fee in Nebraska. I have not been told that I need to take a polygraph nor has it been mentioned. When I asked what my travel restrictions were I was told I could travel within 50 miles from my home and to call my Parole officer if I was going further than that. If I need to leave the State, I can contact my Parole officer to get a travel permit.

Safety plans are not required for community movement. I am allowed to go to any business establishment except those whose main source of income is from the sale of alcohol or where children may congregate. I have no curfew, but I will let my Parole officer know of anytime out of the ordinary.

What I do realize is the trust that I am shown has affected my frame of mind in a positive way. I have awakened each morning since being released on parole in 2015 feeling great about myself and the world around me.

With the increased level of trust given me since my move to Nebraska, my self-worth and self-esteem have reached new heights. And I choose to uphold the trust and level of freedom I now have with renewed motivations. This keeps me and the community safe. And isn't that the whole point?

The negative effects I experienced in Colorado from their use of the outdated, inaccurate and ineffective "no known cure" model I am working through. This NKC model is still practiced by some in Colorado though by statute RNR or another evidence based model is required.

I was told many times that I was on the verge of re-offending, so often that I almost began to believe it myself. I was told time and again how easy I could be sent back to prison. I had to write a safety plan for every community movement. I was required to have an accountability partner accompany me.

I guess these were meant as deterrents. However, what it did for me was leave me walking on eggshells every day and this has left its mark on me even now. Last night I was at a restaurant with a lady friend, with permission, (something I was not allowed to do in Colorado without jumping through many hoops), when 2 police officers walked in. Instantly, I felt panic! I then asked myself "why"? I wasn't doing anything wrong, I'm with a lady friend having a nice meal, it's OK, I can relax and this is so much more healthy for me. It is for anyone. That is one example.

That is all past for me now and I am the same person in Nebraska that I was in Colorado and appreciate this opportunity to live a healthy, happy, and productive life treated with respect and dignity.

Good luck to all,  
John

## MEMBERSHIP DRIVE

### THANK YOU!!!!

**WITH DEEP GRATITUDE:** The AFC Board would like to thank everyone who responded to our membership renewal letter. Your membership allows us to do so many things that simply require your support and funds.

The newsletter, which is one of our biggest use of funds, costs quite a bit to produce and mail. Your dues pay for the meeting hall for the general meeting, for the AFC phone line, the post office box, parole board recordings, SOMB recordings, and many other uses. We work to manage your funds carefully in order to get the very best use of them.

Thank you for being a part of AFC and helping us to make a better system and working for a positive re-entry into ordinary life.

## 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 \$25 for family membership, \$5 per year for returning citizens, and 8 stamps for those on the inside. Any additional donations are gratefully accepted.

Today's Date: \_\_\_\_\_

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

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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- Newsletter preference:  regular newsletter  
 plain newsletter in plain envelope  
 do not send a newsletter  
 email

Please feel free to share an application with a friend or a family member. Call 720-329-9096, if you have any questions or comments.

**Send membership applications to: AFC Membership  
P. O. Box 103392  
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**NEW:** You can also join electronically from our website  
<http://www.advocates4change.org>



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