

Quote of the month:

Silence in the face of evil is itself evil....Not to speak is to speak. Not to act is to act.

~~~Deitrich Bonhoeffer

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## The Digest June, 2014

### RSOL's Monthly Newsletter

The conference is a little over a month away--Hope-Courage-Reform



Wow; the excitement is building.

Discounted group-rate [hotel reservations](#) end in fifteen day--June 15. After that you can still stay at the Holiday Inn Dallas Central with the rest of us, but you will pay significantly more.

The last chance at a [discounted registration fee](#) begins today, June 1, and ends June 30. Your registration fee includes lunch on site for every day you are in attendance. The lunch/break room is spacious and comfortable and provides a wonderful opportunity to visit with old friends and make new ones.

Our keynote and featured [speakers](#) are verified. Workshops and presentations are being [approved](#); the deadline for [submitting an application](#) is June 15.

We are having a fundraising auction at the banquet on Friday evening, July 18. Be sure and order tickets when you register. Daycare is also

available for children. All of these items can be reserved and paid for on the site [where you register](#) for the conference itself.

If the auction is to be successful in raising funds for our cause, we need your donated items. Some ideas to consider are art items, stationary, a lap quilt, or other small handmade items. Gift cards proved to be popular at the recent Texas Voices' conference. If you are planning to attend the conference, you can simply bring the item in your suitcase. If you are unable to attend, please send any donated items to: RSOL P.O. Box 534, Mansfield, OH 44901 no later than June 30th. For those of you in Texas, we are hoping to identify some locations for you to drop off your donations. We will keep you posted in future communications.

Also, booths are available for rental at only \$50. Please visit the [conference website](#) to complete the booth registration form.

Now is the time to take care of this. The conference just won't be the same without YOU there. We hope this will be our biggest conference ever, and what better place for this to happen than in TEXAS where everything is bigger!

## What's Been Happening

According to sensationalized news accounts, 1,200 registrants will be removed from Maryland's registry. The media deliberately downplayed that these are people whose terms of registration were extended or their registration obligation was imposed by an ex-post facto law that ultimately was found to violate Maryland's constitution. At this point, it is unclear what impact the court's ruling might have beyond the plaintiff himself. Naturally a prominent victims' coalition is claiming that the constitution is irrelevant and is attempting to influence the court. The media is willingly assisting in that effort.



This release was sent to media in Maryland by Maryland FAIR--  
[http://us4.campaign-archive1.com/?u=d79a443fe63c7c55adee01269&id=8d20f0eeca&e\[\]](http://us4.campaign-archive1.com/?u=d79a443fe63c7c55adee01269&id=8d20f0eeca&e[])--and National RSOL sent this one to Maryland and D.C. media and the Maryland legislative Judiciary Committee members.  
<http://us2.campaign-archive2.com/?u=ff647e8f2c51e2fae101a4081&id=7ad0d4f70a>

## ***Tales from the Registry is back!***

One of our most website's most popular features, *Tales from the Registry*, has for some time been available only for comments on other posts. The needed maintenance has been completed, and it is now fully operational. Just go [here](#), scroll down, and click on *Tales from the Registry* in the right sidebar. You will need to create an account to add your story. Click on "Add your tale" and follow the directions for the simple registration process.

Whether you're family or friend of a registrant or a registrant yourself, you are welcomed to share your story of how the Registry has affected your or your family's life. All new posts are moderated, meaning that an admin must read and approve the post before it is presented publicly on the website. We reserve the right to edit any content as we feel may be needed.

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We are closer to our goal!

Thank you again to everyone who has responded to our appeals and donated to the NACDL/NCSL fund. Every penny donated will enable our qualified representatives to attend both of these important conferences where we will have the opportunity to network both with prominent criminal defense lawyers and with state legislators from all over the nation.

We are closer to our goal; we have not reached it. We still need at least \$2000 for two of us to be able to take advantage of this opportunity to present our case against the registry to attorneys and to legislators from YOUR states. If this is something important to you, please donate and help it become a reality. Go to our [donate page](#), fill in the form, and click "pay" to make your donation with PayPal or a credit card. Be sure and choose "Presence at NCSL/NACDL from the drop-down menu. If you prefer to contribute with a check or money order, you may mail it to PO BOX 36123, ALBUQUERQUE, NM 87176; write "NCSL/NACDL on the memo line so it will be credited where you intend.

Thank you all for your generosity.

Membership grows every day

We started our membership drive two months ago and add members daily. The yearly fee is \$20 with options available for a lifetime membership and for recurring monthly amounts ranging from \$5 to \$50. Please [click and join](#) today and help us help you in this important work.

In addition to membership, RSOL is in need of contributions to our general and our legal funds. Our general fund pays for *Digest* mailings to prisoners, enables us to print brochures and other educational materials to take to conferences and mail to our supporters, and pays our telephone bill. We are building our legal fund so as to be prepared when another case having potential for a significant number of registrants presents itself, such as the Maryland litigation mentioned above. [Please give generously](#); help us help you.

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## Registration questions

We frequently receive letters from our incarcerated subscribers inquiring about state-specific registration obligations. As much as we would like to, we cannot respond to those inquires for a number of reasons.

RSOL does understand your desire to know what you are facing upon release; however, unless you have no probation/parole supervision period following your release, most of you have few options in terms of where you can reside. The primary reason we cannot respond to the question is that sex offender registration requirements vary dramatically from state to state in terms of frequency of reporting, information collected, and residency/proximity restrictions. Beyond that, registration laws are not static; in fact, dozens if not hundreds of proposals are introduced each year to toughen requirements and close perceived “loopholes.” In addition to state laws that registrants must follow, many municipalities and counties across the country have enacted ordinances that impose additional restrictions. Finally, keep in mind that supervising authorities have broad discretion in imposing “conditions of supervision” on the individuals under their control, which means that even if there are no state/local restrictions, a registrant may face restrictions that are imposed administratively.

Our advice is rather than state shopping, you should become a member

of RSOL and support our work in preventing additional restrictions from becoming law and our longer term goal of rolling back some of these excessive requirements.



### **A Vision of Hope**

Our first [item of good news](#) this month comes from Nebraska and is about a young man who now has a chance at a future.

From New Hampshire's Crimes Against Children Research Center (CCRC) comes this [wonderfully refreshing look](#) at the the "dangers" of modern technology.

The [big news this month](#) is what may be the end of Offendex, et al, as we know it.

Unexpected support comes this month from letters in a [Dear Abby column](#).

Our [good friend Nicole Pitman](#), she who did such good work while with Human Rights Watch--remember "Raised on the Registry"?--is now working with the National Council on Crime and Delinquency and will continue to have as her focus what is--and isn't--effective in stopping child sexual abuse.

[Another friend, Tim Russo](#), an ex-offender who is refusing to bow out of the political arena due to his past, is pleased with a strong third finish for county attorney in Cuyahoga County, Ohio.

This story, "[My Son, the Sex Offender--One Mother's Mission...](#)" made national news and created quite a stir beyond the normal arena of our advocacy.

[Orange County in California](#) continues the trend of revising and reversing its ordinances against sex offenders, largely due to litigation initiated by CA RSOL.

The efficacy of treatment is verified in [this report from Alaska](#).

RSOL and WAR had [letters to the editor](#) printed together in Virginia in protest of a proposed plan that would put more registrants in harm's way by making them targets of vigilantes.



### This is What I Think

by Sandy

An article in *Time* magazine's May issue titled "The Sexual Assault Crisis on American Campuses" by Eliza Grey is a must-read for those following the trends of sexual assault issues and concerned with where those trends are leading us. It uses the microcosm/macrocosm concept by focusing on one university, the University of Montana in Missoula, as reflective of the situation of college sexual assault throughout all of the United States.

As one would expect from *Time*, the piece is reasonably balanced and objective; nevertheless, the message is clear: sexual assault is a serious problem on American campuses, and the initiatives being mandated from the White House to deal with the problem need to be taken seriously. Just the name is impressive--the White House Task Force to Protect Students from Sexual Assault--and its mandate even more so: "To strengthen federal enforcement efforts and provide schools with additional tools to combat sexual assault on their campuses."

What this translates into, according to even the pro-task force *Time*'s



piece, are attitudes and actions that will, more than ever, equate an accusation with an act and shout "rape apologist" to anyone who insists or even suggests that a male has the right to a fair defense. And yes, the students who are to be protected from sexual assault are female--totally, it seems--which means that males are whom they need to be protected from.

I found several things in the article especially disturbing. One is the fact that the county attorney of Missoula, Montana, after White House and media scrutiny descended on his town and college, was obviously taken to task in that his record did not reflect an appropriately enthusiastic prosecution of college rape cases. The criticism was so severe that he felt it necessary to publicly defend his record--he says his prosecution rate is consistent with national averages-- and is not cooperating with the Justice Department's investigation into his office on the basis that they are overstepping their bounds.

I also am disturbed by the fact that, while the role of alcohol and partying and drinking is acknowledged in contributing to the confusion about what is and is not sexual assault, virtually all if not totally all of the responsibility for behavior within this context is on the male. A female drinking to the point of not being sure what she did or with whom is a victim. A male in the same situation is a rapist. Rape is an abhorrent crime. It should be prosecuted and punished. But I simply cannot find justification for the opinion that the same behavior in two different people has opposite meanings based on the gender of the people.

I tend to be more in sync with Cathy Young who shares her analysis of the situation in her own op/ed, ["Guilty Until Proven Innocent: The Skewed White House Crusade on Sexual Assault."](#) She concludes, "A far better solution would be to draw a clear line between forced sex (by violence, threats or incapacitation) and unwanted sex due to alcohol-impaired judgment, miscommunication or verbal pressure. For the former, victims should be encouraged to seek real justice: a rapist deserves prison, not expulsion from college. For the latter, the answer is to promote mutual responsible behavior, not female victimhood."



## From Our States and Committees



**Oregon Action Committee (OAC)** has several projects completed and new ones planned with our partner organization **Activist Central Journalism (ACJ)**.

\* OAC: Reform the SOR law letters printed and mailed to all Oregon House and Senate members in April/May 2014.

\* ACJ: Reported on "Multnomah County Failure To Registry" ACJ news story made available to local media.

\* ACJ and OAC: Plans in works to take to the streets campaign: "Should We Repeal the SOR laws?" protest and media event to five Oregon college campuses in June / July 2014.



The 2014 Spring Legislative Session in **Illinois** is winding down. As it does, we are happy to report that **NONE** of the bills that were introduced that would negatively impact RSOs in Illinois made it through to become law. This is an amazing feat, and there is little doubt that Illinois Voices supporters had an impact in making this happen! This is the first time in **MANY** years where there will be no negative RSO laws come out of the Spring session.



The last negative bill we were watching was SB2912, a fairly inconsequential bill that would have required RSOs to report in person within 3 days of losing their job. This bill made it through the Senate, but not without considerable discussion and several dissenting opinions. However, once it reached the House, there was little interest and the bill was never even called in committee. Although the bill itself wasn't all that significant, it is very significant that even such a minor piece of legislation could not make it through both chambers.

We are also keeping an eye on HJR96, which proposes a committee be formed to examine the impact of the current sentencing structure.... Although we are not sure exactly what this committee will focus on, we are hopeful that it may be willing to look at sex offender sentencing. We



still have a lot of work to do. It is clear we now need to begin the process of challenging laws in court, as this is the only way to get some of these terrible laws off the books in Illinois.

In **Colorado**, based on the 2012 outside evaluators' report on the Sex Offender Treatment and Monitoring Program (SOTMP) in the Department of Corrections (CDOC), the evaluators' strong recommendations for

change to a Risk, Need, and Responsivity (RNR) Model leaves the "no known cure" philosophy and practice behind. This has created some significant, positive changes. Now, instead of waiting 9 months to a year for Phase II, low risk lifetime participants progress in place with the same therapist to meet parole board criteria. This is called a "transition group" and does not mean transition to the next phase inside of CDOC but transition to the outside.



The Sex Offender Management Board (SOMB) on the outside, whose outside evaluator report was completed and submitted to the legislature in January 2013, is working on a strategic plan to move forward on changes to the group's statutorily required Standards and Guidelines. Major areas being considered for movement from "one size fits all" to RNR include: child contact assessment standards and guidelines, which currently include ALL persons with an offense House and they offended against a child or not; denial standards; the use and abuse of the polygraph; the use of the plethysmograph; the change of standards for women, the elderly, those with mental illness challenges etc; the discarding of the sexually violent predator designation; embracing a levels approach; and more. Further information is in CSOR's June newsletter posted under Newsletters at [www.csor-home.org](http://www.csor-home.org).

In **New Mexico** all has been relatively quiet for the last few months; however, that is about to change. There are two legislative



committees currently working on criminal justice matters. The interim Courts, Corrections and Justice Committee (CCJ) will begin holding regular public hearings in June that will likely run through the end of November. CCJ will be considering a number of proposals that will impact those accused of and/or convicted of sexually related offenses. In addition to the CCJ, there is

a bipartisan criminal justice reform sub-committee already working and planning to conduct hearings throughout the state. The mandate to that committee is to present comprehensive reforms to our criminal code for consideration during the 2015 session. RSOL's greatest concern is that the Sheriff's Association has put forth its own wish list of legislation for the 2015 legislative session. One of the top items on their list is for New Mexico to amend SORNA to become AWA compliant. RSOL will be opposing any legislation that is endorsed by the Sheriff's Association because they have proven themselves incapable of endorsing SORNA legislation that does not trample the ex post facto clause of our constitution.

**California** continues its campaign to rid the state of presence restrictions. A total of 10 lawsuits have been filed in the past 10 weeks challenging presence restrictions passed by 8 cities and 2 counties. The challenged restrictions prohibit all registered citizens from visiting public places such as parks and libraries as well as private places such as stores and restaurants within 300 feet of those public places. Since the filing of the first lawsuit, 29 out of 71 cities and 3 of 9 counties have either repealed or agreed to repeal their presence restrictions. Of the 10 lawsuits, one has been settled, and settlement negotiations are pending for two others.



California RSOL recently added to its website registration requirements for visitors to the 50 states and Washington, D.C. That information can be found online at [www.californiarsol.org](http://www.californiarsol.org). In addition, California continues to educate its registered citizens and family members by conducting monthly meetings throughout the state. The May meeting was held in Berkeley and the June meeting will be held in Los Angeles.

**Arkansas TAT's** research has uncovered 24 counties publicly posting more registrant information than is allowed by state law. We are in the process of mailing letters to 978 registrants in those counties. After this, our lawyer will be sending a letter to the counties first asking them to remove the extra information to be in compliance with state law. If they do not do this we want to be prepared for a suit.



One of our members, Robert, put together a

resources directory with a variety of information helpful for registrants. He received a call from a woman in Sherwood, Arkansas, asking for a copy of his most recent edition of the Pulaski County Compassion Resources Directory. He e-mailed the Spring, 2014, edition and inquired where she had heard about the directory. She told him she was dealing with some specific needs and she contacted the governor's office, they in-turn referred her to his directory. Robert visited the governor's office and gave them a hard-copy of his directory. By the time he had returned home, the governor's office e-mailed him requesting additional hard copies. He instead sent them the digital file, and they responded with heartfelt gratitude.

Two of our members are peer-reviewing the report from the NACDL study. What an honor for our members. This report was just made available for public viewing on May 29.

The **Florida** legislature unanimously passed four laws this session that impact those on the registry. Each bill was presented in response to the tragic death of Cherish Periwinkle by someone on the registry and another child abduction and murder by someone who was not on the registry ((incidents occurred in 2011 and 2012). Additionally a Sun Sentinel article reported on multiple (over 400) sex crimes over a period of recent years by someone who, in the words of the reporter, slipped through the cracks of the Florida system and should have been placed in the Sexually Violent Predator facility.



All laws passed, however, will affect everyone on the registry in the state. While the terms 'offender' and 'predator' are both used in much of the legislation, the application of the laws is equal. One such law will require the registration of all vehicles of those in the same residence where an offender lives. So the positive impact of family and friends providing housing is under attack by this infringement of rights imposed on law abiding citizens. The tax payer costs have all but been ignored.

During the same period where .007% of those on the registry committed additional violent offenses, department Department of Children and Families (DCF) had an almost identical number of deaths in the children placed in the state care system over the same period of time. The legislature has yet to truly fund the needs of this department, which is

being challenged with increasing needs to provide services. In fact, Cherish and her family had been investigated by the DCF for abuse but not provided services which COULD have prevented the mother from being so in need that she allowed her daughter to go off with a stranger while shopping in a department store... a stranger who pretended to want to help out a family who 'appeared' to be in need. This example points to the need of our state to closely examine its practices. Florida Action Committee continues to lobby and educate for evidence-based policies.

In canceled absence of president Gail Colletta, the board will send a representative to the 2014 RSOL conference in Texas.

May was a busy month in the **Dakotas**, and June promises to be just as busy.



\* Press releases were sent requesting South Dakota legislator candidates to make prevention a campaign issue.

\* I was contacted by KOTA TV to be interviewed in regard to a follow-up story on the story of the advocate fighting the law in Missouri. Three Dakota members and I were to be included, but after I sent the reporter additional information, he cancelled our meeting, stating he was not prepared to go forward with the story at this time and will contact me at a later date. (Hopefully he is gathering more factual information to include in his report.)

\* Letters were sent to twenty-nine South Dakota organizations requesting to form a partnership with them to address the needs of the children and families of South Dakota.

\* Thirty-five inmate pen pals were sent letters of information and thanking them for their participation and response to the request for positive and/or negative prison treatment stories.

\* Starting the month off right, Bev and I will be attending the all day South Dakota ATSA Conference in Sioux Falls on June 6th.



This past month **Maryland FAIR** watched with interest a special hearing in our Court of Appeals (Maryland's supreme court), which raised the question "Does the court have the authority to order

someone removed from federal



databases?" Just over one year ago, the COA declared in *Doe v DPSCS* (Dept of Public Safety and Correctional Services) that since Maryland's registry had become demonstrably punitive in effect, Mr. Doe could not retroactively be required to register, and ordered that his registration be removed from all state and national databases. Mr. Doe's conduct pre-dated public registration, and he had not originally been required to register. In 2010 a law change in Maryland's registration law forced him to do so. It took the DPSCS almost three months and a threat of contempt of court to remove Mr. Doe after the high court's decision.

The state's contention at this hearing was that since federal SORNA defines Mr. Doe as a "sex offender," then Maryland should keep that person on the list, despite the fact that our state's highest court considered it to be a violation of our state's constitution! In watching the argument (available [HERE](http://mdcourts.gov/coappeals/media/2013/coa20140506casenomisc1.wmv) <http://mdcourts.gov/coappeals/media/2013/coa20140506casenomisc1.wmv>) I felt that our court justices were just not buying the state's points.

The argument we made (yes, FAIR and RSOL did work with the attorney in this!) was that there is NO independent federal requirement to register and we emphatically pointed out that there is NO federal registry. The burden is entirely on the state to decide who is required to register, and to post that information in a way that can be linked to from the federal website. We also argued repeatedly that this was NOT even the question that had been certified to be heard by the court, which was simply whether a circuit court could order the removal of someone from all federal databases.

This case, while state-specific, has potentially large ramifications for the country, especially if we should lose. I am very grateful to have an attorney like Ms. Forster working on this issue in Maryland, and the support of Larry Neely whose strategic suggestions have proven to be invaluable in this case. The Court will make its decision sometime between now and September.

On the fun side, we'll be holding our fourth annual state-wide picnic in



Annapolis on June 7. This has always been a great way for our members to meet and mingle and even network with others who will not judge, and folks can just relax and be who they are, without fear. Oh! And the food is great, too!

For **Oregon Voices**, in addition to support of registered citizens and their families, much of our work has been in providing testimony on various bills. We successfully worked with other organizations, especially the OCDLA

(Oregon Criminal Defense Lawyers Assn) in testifying against bills to implement residency restrictions and put the entire registry online.



In response, in 2012 an interim legislative committee attempted comprehensive sex offender legislation. The resulting HB 2549 passed in 2013. It was an attempt to classify former offenders by recidivism risk and for the first time gave a path off the Registry to most. It is to be fully implemented by 2016. It is the implementation through administration rules that now requires monitoring.

We were able to work with legislators who supported this as a public safety measure - which, of course, it is. With 1% of the males in Oregon now on the Registry, monitoring needs to be risk based. We were gratified that it passed both legislative houses, and one by a wide margin.

The 2014 session produced more bills that required defensive testimony. Two bills which sought to create new mandatory sentencing for certain categories of sex crimes would have undermined the risk-based underpinnings of 2549. We were successful in stopping both. We expect to see other such attempts in the 2015 session.

**Oklahoma** now has support groups meeting monthly in Tulsa and Norman. The groups have proven to be an effective member recruitment mechanism, and we're excited about the potential for new activists in the state. Our administrative team is making plans for summer work to contact legislators and develop relationships with





other organizations in the state. The paperwork for incorporation as a 501c4 is well underway, and we hope to file this summer.

Our legislative session is ending soon. Here are the bills that have passed so far:

- A bill modifying the loitering law.
  1. It raises the age of the victim from "...under 13..." to "...under 16..." for purposes of inclusion under the law.
  2. It redefines "park" as "...any outdoor public area specifically designated as being used for recreational purposes that is operated or supported in whole or in part by an association of homeowners or a city, town, county, state or federal governmental authority."
  3. Registrants designated as aggravated or habitual are prohibited from entering any park in the state of Oklahoma.
- A bill prohibiting registrants from petitioning for a name change.
- A bill making human trafficking for the purpose of commercial sex a registrable offense.
- A bill requiring law enforcement to photograph registrants annually.
- A bill mandating that a court cannot award child custody to anyone who has been convicted of a sex crime against a child.
- A bill decriminalizing juvenile possession of unsolicited illegal material and creates an educational program for juveniles convicted of sexting crimes.

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