

**Quote of the month:**

Beware of false knowledge; it is more dangerous than ignorance.

--George Bernard Shaw

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# The Digest - November, 2014

RSOL's Monthly Newsletter

Volume 7, Issue 11



**From the Admin Team**

**RSOL NEEDS YOU!!!**

by Brenda Jones

Over the coming months, I want to highlight some opportunities for people to get involved in RSOL. One important way, of course, is to [JOIN RSOL](#) as a member. But RSOL is an all-volunteer, grassroots organization and it cannot function without the help of many hands. This month, I will focus on Coordinators and on Researchers.

**Coordinators**

We are looking for people with some managerial experience and good people skills to fill the roles of Regional Coordinator and Volunteer Coordinator. Regional Coordinators are responsible for up to one dozen state volunteers, assuring that new Contacts are learning about RSOL and about their state's laws and policies and assisting state leaders in their various duties. They report monthly on this progress, and help respond to questions that come in to our national office. The Volunteer Coordinator will help manage incoming volunteer applications, find jobs for

each person, assure they have the tools they need to succeed, and track progress. These important leadership roles would be a perfect fit for a retiree looking for a meaningful and fulfilling post-career move, as they will require several hours weekly and some availability at least five days weekly.

#### Research Assistants

Maybe you are not the people-person type. Do you like digging for information online? Can you enter that information into a form? Then this may be just right for you! We are seeking researchers in several areas:

- names of college/university faculty in criminal justice, social work, law, and psychology;
- locating other criminal justice and re-entry reform organizations;
- special events and conferences where RSOL could get its message out; and
- links to recent publications (especially books and articles) that support RSOL's positions on sexual offense laws.

Each of these is an important component of RSOL's future growth and ability to present the FACTS to a wider audience. This is a great position for detail-oriented persons who have a couple of hours or more weekly to focus on data-collection and data entry.

#### Volunteer TODAY

The above are just two categories. In fact we need volunteers in nearly EVERY capacity, at the state and national level, so whatever you want to try your hand at, [VOLUNTEER TODAY](#).



**"Insiders" Corner**

--by Jay and Clay  
for the insiders

It has been some time since we last checked in, but don't think for one moment that we have given up hope. Each of us may have our own criteria, each working with a different organization or group. In spite of these differences, however, it is a fact that we are all in this fight together.

By now, everyone has heard about the comments made by top selling novelist John Grisham, who defended sex offenders who were convicted of simple possession of child pornography. Grisham stated, "We have prisons filled with guys my age. Sixty-year-old white men in prison who've never harmed anybody, would never touch a child." In spite of Mr. Grisham's retraction of his statements, his comments have managed to renew the debate on whether or not sex offenders convicted of simple possession did indeed receive excessive sentences.

As "insiders" we ask: what is the government trying to achieve by implementing such harsh

sentences to first time, non-contact offenders? In the October 16, 2014, Washington Post article titled, "IN DEFENSE OF JOHN GRISHAM," Radley Balko questioned the justification for these laws which, in addition to punishing offenders, also "deter would-be offenders before they do something abhorrent and disgusting." Balko argued, "That is not much justification at all." First, he states that punishing people for crimes that they have not yet committed is fundamentally unfair. Secondly, Balko quotes Jacob Sullum, who wrote a guest post at THE WATCH earlier this year: "There just isn't much evidence to support the notion that the consumption of child porn makes people go on to violate children."

On both the state and federal levels, the government is unnecessarily adding to the criminal class by turning the once productive, contributing members of society, into poverty stricken individuals who no longer have any control over their own futures. Why?

We all must stay the course and believe that we WILL see a better tomorrow. To quote Proverbs 23:18, "There is surely a future hope for you and your hope will not be cut off."



**This Is What I Think**

*The following is a letter to the editor of the Boston Globe. The Governor of the state of Massachusetts [created controversy there](#) when he fired members of the state Sex Offender Registry Board over a much earlier incident involving the Governor's brother-in-law. Apparently they were requiring him to register as a sex offender due to a conviction of spousal rape. This letter, which the Globe did not publish, is a reflection, not of our wish that anyone be put on the registry, but rather of our frustration at seeing what appears to be a double standard in the system.*

~~by Paul Shannon

To the Editor:

It is good news to hear that Governor Patrick's brother-in-law, despite being convicted of a sex crime in 1993 involving his wife, was not placed on the Massachusetts Sex Offender Registry. (Globe 9/23/14) Common sense and justice prevailed because he was found to pose no danger to the public despite being a convicted sex offender. Out of the glare of stigma – the very public exposure that those pushing harsh sex offender laws seek -- Patrick's sister and brother-in-law were able to reconcile. But when the Herald made the brother-in-law's old conviction public, the Governor says it "nearly destroyed their lives."

Would that such common sense and sense of justice were available to the many hundreds of

other Massachusetts residents who are forced to register as sex offenders despite the fact that they have served their sentences and pose no danger to the public. Many of them have lived offense-free lives for 10, 20, 30 or more years. Others had sex with their under-age girlfriends when they were young or did stupid things that did not involve children. Still others committed harmful sexual crimes but have clearly turned their lives around after serving their sentences and working on their problems. But the public stigma they face by being on the registry makes it difficult or even impossible for them to find jobs or apartments or social support and move on to offense-free lives the way Patrick's brother-in-law did.

Certainly there are sex offenders who pose a significant danger even after completing their sentences. For these careful monitoring is required. But the reality is that former offenders as a group have one of the lowest recidivism rates of all categories of lawbreakers. Most people on the registry pose no more danger to the public than any other member of society. We all benefit when such people have the chance to put their lives together the way Governor Patrick's brother-in-law did.



### The Legal Corner

*This is a reader contribution section that solicits legal questions from our readers. Each month a question will be chosen and answered in the newsletter by a member of our Legal Project. This section is intended for information only. It is by no means to be considered legal advice, and it should never substitute for seeking the services of an attorney.*

*Please send your legal questions to [legal@reformsexoffenderlaws.org](mailto:legal@reformsexoffenderlaws.org) or mail them to The Legal Corner, RSOL, PO Box 36123, Albuquerque, NM 87176. Be sure that your question focuses on only one issue. This month's question is answered by Larry Neely.*

**Question:** My attorney told me that if I pled "no contest," things would go better for me. The judge found me guilty and imposed a harsh prison sentence. Now they are telling me that I will not be granted parole until I admit what I did. What should I do?

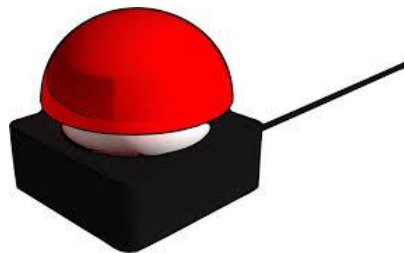
**Answer:** This is an excellent question; however, we cannot opine on whether or not you should admit what you did in order to be considered for parole. That is a question that each person should ponder carefully with a legal professional if possible. We have discussed plea agreements earlier and noted that the overwhelming majority of criminal cases end with what is referred to as a plea agreement. The most common plea deal is when the defendant pleads guilty, and in exchange for the plea, he or she gets some favorable treatment from the prosecution. For example, the accused may plead guilty in exchange for the prosecutor's promise to recommend a lighter sentence than what would be imposed after a guilty verdict following a trial.

A less commonly used plea is the "no contest" or "nolo contendere" plea. It's similar to a guilty

plea, but it has some significant differences. With a plea of no contest or nolo contendere, the defendant accepts the punishment for the crime without admitting or denying guilt. In other words, the accused does not contest or challenge the charges, nor does the accused person actually admit to committing the crime. The end result is that the court imposes a sentence on the person for committing the charged offense. As a practical matter, pleading no contest is essentially the same as pleading guilty because the accused is convicted of a crime and a punishment or sentence will be imposed.

There are several reasons why a plea of no contest will be entered. Sometimes the person simply cannot utter the word "guilty" because he/she either did not commit the charged offense or because he is in denial. The most significant benefit of pleading no contest, however, is that the conviction can't be used as evidence in a civil (non-criminal) lawsuit that may result from the criminal activity. For example, a person involved in a car accident that resulted in serious injury could face both civil and criminal liability. After the accident investigation, the person may be charged with careless or reckless driving. A no contest plea to the criminal charge cannot be used to establish later liability for the other person's injuries.

An accused person does not have a right to plead no contest. In fact, permission or consent from the court must be obtained. And a judge may still refuse to permit a no contest plea even if the prosecution agrees to it. Generally speaking, however, a judge will look favorably on the accused person's request if the prosecution doesn't object. Some state courts don't allow these pleas at all. In other states, there may be many restrictions on when a no contest plea may be entered. For example, some states may not let a defendant plead no contest to serious violent crimes, like murder or certain sexually related offenses.



### Hot-Button Issues

The topic of pedophilia and pedophiles has long been one that reformers have fought to have understood in a context of facts and evidence. This past month, two separate articles have appeared which do just that. The common theme is best expressed in the title of one of the articles: "[Pedophilia: A Disorder, Not a Crime](#)," by Margo Kaplan. The [other article](#), by Elizabeth Letourneau, stresses the necessity of focusing on treatment and making it as accessible as possible to those who seek it. Retaliation was swift and sure, at least for Ms. Kaplan. Articles and comments were published describing her and those who supported her position with the vilest of terms and accusations. It is clear that we still have a long way to go to have this topic discussed with reason and facts.

Sexting among teens is another current issue that ranks high on the list. Some jurisdictions recognize the damaging elements inherent in actually prosecuting teenagers for these acts while others are more of the "hang-'em-high" mentality who seem to be more concerned with notches in their belts than with doing what will best serve the youth involved and the communities in which they live. *The Atlantic* printed [this thorough look](#) at the subject written by Hanna Rosin.

Child pornography may be the hottest of the hot-button topics since best-selling author John

Grisham in an interview had the audacity to say that America is imprisoning far too many people and that the sentencing for downloading or viewing child porn is excessive. He cited an example of a friend who was sentenced for downloading images of 16-year-old girls. His Facebook page immediately filled up with almost exclusively hate comments from ex-fans who said they would never again read a word he wrote, and how could he defend "pedophiles," and he was almost certainly a "pedophile" himself (see the first topic in this column). He almost immediately issued an apology, a disappointment to his supporters, many of whom joined in the discussion. The statement of apology on Facebook is still drawing the occasional comment, which now number close to 4,000. The light at the end of the tunnel came in the form of articles supporting his position if not his phraseology and offering rational discussion on the subject. Three of our favorites can be seen [here](#) and [here](#) and [here](#). It is our opinion that opinions on the topic of over-reaching punishment for viewing or downloading anything that can be classified as child porn will never reach consensus or anything resembling consensus, which is a shame, but many people simply cannot separate their emotional reaction to the topic from anything attempting to focus on facts and evidence.

### Something to Brag About!

In Florida, the Florida Action Committee, our affiliate organization there, has received [a great honor](#). They have been awarded the Maurice Rosen Act of Courage Award by the Florida ACLU. Named for a late ACLU attorney, FAC is receiving the award "for its courageous advocacy on behalf of ex-offenders whose civil liberties and opportunities to build new lives are violated by the state and the counties."

The FAC is also part of a lawsuit filed by the ACLU challenging the severe residency restrictions in Miami-Dade County resulting in massive homelessness of registered citizens there, forcing many to camp near railroad tracks in inhumane conditions.

And in California, CA-RSOL continue to file suits which challenge the constitutionality of various sex offender restrictive laws in the state--and they are winning! According to [a prominent news article](#), dozens of jurisdictions are repealing or revising their sex offender ordinances.

Executive Director Brenda Jones will be representing RSOL at the annual NLADA (National Legal Aid and Defender Association) conference in Arlington VA on November 13, as part of a panel titled "The Impact of Sex Offender Registries and Campaigns for Reform." Other presenters are Amy Eppler-Epstein, Professor Wayne Logan, and Thomas Ullmann. NLADA's Annual Conference is the leading national training event of the year for civil legal aid, indigent defense and public interest law communities.

### Poets' Corner

ASH STREET OWL

by Lance

Majestically perched high on the limb of a tree,  
Lone sentinel searching for a morsel to eat.

Lake Lola below holding treasures galore  
Of field mice, squirrels, snakes, lizards and more!

Occasionally I glimpse a figure or two,  
Subordinate dwellers watching the news.



How odd it is to inhabit this tree;  
Does anyone worry what becomes of me?

I ponder my universe and the stars in the sky  
And deduce that my life will live out when I die.

Clever I am, so my neighbors presume.  
Yes! Everyone knows this owl is no fool.

I will scrutinize and contemplate the property below,  
Then glide off when content to my other tree homes.

--ltm



### From Our States and Committees



**From the editor:** *From time to time we receive a letter or an email asking why there has been no report--or why there is never a report--from a given state. There are two reasons. First, we do not have a contact, affiliate, or organization in every state. If your state is not listed on our website, we have no one there to represent your interests or the interests of RSOL.*

*This may also be because there has been no action in a state or because the contact there was simply too busy to send a report. If you are aware of happenings in your state and would like to help out,*

*send an email to [contact@reformsexoffenderlaws.org](mailto:contact@reformsexoffenderlaws.org) or use the [contact form](#) on our website. If you are in a state with no contact and would like information about taking on that role, please indicate that in your email or contact form.*



In **Arkansas** we are in the process of sending out letters to 24 sheriff/counties that are publishing more information on the registry than allowed by law. By law, you are only allowed to publish the "block of address" not the full address, and some counties are publishing the information on Level 1 & 2 registrants. These levels should not show up on the public register. The letter is asking them nicely to remove the extra information. ATAT has 2 lawyers who will help us.

ATAT also gearing up for the upcoming session that will start in January.

It's always busy here in **Florida**; we finally have seen some of our work for the past year coming to fruition.

The ACLU Miami Chapter is moving forward in filing a law suit on the residential restrictions in Miami Dade. FAC will serve as an organizational plaintiff to the lawsuit challenging the Miami Dade County residency restrictions. The suit should be filed this week against Miami Dade County and the Department of Corrections. The claims of the suit specifically are tailored to the uniquely devastating situation in Miami-Dade, namely a government forcing its citizens into homelessness and the Department of Corrections directing people to live on the street.



Work is ongoing to educate and determine the impact of laws passed that went into effect 10/1/2014.

We continue to promote reform through prevention and education, working to forge relationships through multi-departmental and agency partnerships.

Gail Colletta provided a PowerPoint presentation to RSOL affiliates and members Wednesday evening, 10/22/2014, on a *From Prevention to Reentry* plan being promoted in Florida by S.S.A.I.F--Stop Sexual Abuse in Florida--a project of FAC's. Gail would like to thank all those who participated for their time and questions. Special thanks to Brenda Jones for moderating the call.

Here in **Maryland**, we continue to see people sloooowly being removed from the registry as a result of the Doe v DPSCS and "Doe 2" decisions --probably close to a thousand so far. There's much speculation as to why so slow, but the most likely is simply that there are only a handful of staff members handling the process. The only people being removed thus far are those whose charges pre-date public registration in Maryland (10/1/95) who have had no later sex offense charges. The case Sanchez v State of Md should



have allowed persons who had later offenses/convictions that did not originally require registration to be removed, but so far the state has only taken these folks off if an individual files a declaratory judgement action. Other cases are making their way through, in particular State v Alston, which may impact other groups. Alston will settle the question of whether someone could legally be changed from a 10-year to a lifetime registration requirement.

Maryland's FAIR will shortly be launching our own group declaratory judgement action to force the state to look at all of the remaining cases as a unit, instead of picking around the edges. Our goal is to seek relief for any and every person retroactively increased, whether it is to remove or roll back to an earlier scheme.

Additionally, we will be holding a statewide meeting in Ellicott City on November 1 to hear from our attorney in the case, Nancy Forster, and to allow potential plaintiffs an opportunity to ask questions in a small group setting.

In the **Dakotas**, we attended the 2nd session of the SD Jolene's Task Force Study at the Capitol Building in Pierre and listened and learned a lot. The next meeting is October 14th, and I plan to speak again to explain what and who a sex offender is, emphasizing that they are not ALL monsters. It has been very interesting and informative.





We attended the SD Governor's debate and the SD Senator Candidate debate but due to lack of time our questions were not asked. I personally handed our questions to each of the candidates for each race and did not receive one reply from any of them. However, I did have a letter to the editor published:

<http://www.argusleader.com/story/opinion/readers/2014/09/15/letter-senate-debate-confusion-answers/15653287/>

(editor's note: Georgina's letter to the editor is excellent; you will enjoy reading it.)



We attended the SD Jolene Task Force 3rd meeting on October 14th at the Capitol and we both gave testimony and did all we could to add our concerns. We also passed out packets to all fifteen members so now we wait to see what the proposed legislation will become. It was suggested by Senator Soholt that they come up with some legislation to present in January and continue to study throughout the summer.

Liberty and Justice Coalition (LJC), formerly RSOL **New Mexico**, has filed papers of incorporation and is gearing up for the 2015 legislative session, which begins on January 20th. We are anticipating a very bitter battle to maintain the status quo regarding SORNA because both the state Department of Public Safety (DPS) and the Sheriffs' Association have indicated that they will push for AWA compliance. AWA compliance would require that New Mexico dramatically expand its list of registerable offenses and register certain juvenile offenders above the age of fourteen.



In other news, Rick attended the Sex Offender Management Board (SOMB) meeting on October 23. The SOMB discussed the issue with assessment and treatment of those convicted of sexually related offenses. Rick mentioned some of the particulars from the SSAIF program Gail Colletta presented to RSOL affiliates. Several SOMB members were interested and are looking forward to seeing some information regarding the Florida initiative. During the public comment portion of the meeting, Rick presented the Law Enforcement Only (LEO) brochures, which is a new initiative of national RSOL. There were some favorable comments but mostly silence regarding the campaign. In fact, one counselor commented that she had never thought about the children of registrants in terms of the collateral consequences of SORNA. The LEO campaign has begun in New Mexico and will continue through our 2015 Legislative Session and beyond.



The **Texas** legislative session begins in January and we are preparing for what we believe will be an interesting but difficult session. Judging from the fact that we will have a new governor, attorney general, and lieutenant governor (along with countless numbers of new state representatives) we expect this 'shake-up' to create extra chaos and drama amongst the legislative members. Regardless, we are moving forward with bill proposals, lobbying legislators, and general educating efforts.

Texas Families to Rally at State Capitol for Massive Criminal Justice System Overhaul

(Austin, Texas) Hundreds of Texas families will participate in a rally on Friday, Nov. 7th, at the

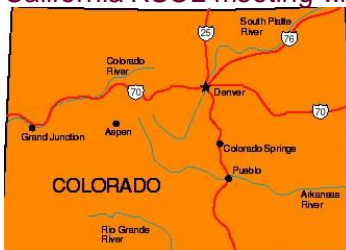
State Capitol building calling for meaningful reform to the criminal justice system. Families with a loved one in prison, formerly incarcerated individuals, and concerned members of the community will demand that policymakers fix a myriad of serious issues including unfair sentences, deplorable prison conditions, and the need to eliminate barriers to housing, jobs, and education once a person is released from prison or jail.

**California** continues on its path to rid the state of presence restrictions. A total of 24 lawsuits have been filed thus far, 22 against cities and 2 against counties that restricted where a registered citizen may be present. The restrictions often prohibited registrants from visiting parks, libraries, piers, museums and even fast food restaurants that had a children's playground. Of the total, 15 lawsuits have been settled with the local governments agreeing to repeal or significantly revise their laws. Another 41 cities and 2 counties have repealed their laws without being sued.



In addition to filing lawsuits, California RSOL continues to conduct monthly meetings throughout the state educating registrants, family members, and supporters about issues such as residency restrictions, parole conditions, and international travel. The next California RSOL meeting will be held on November 8

in Sacramento, the first meeting in that city.



The **Colorado** Sex Offender Management Board (SOMB) convenes ongoing committees, and one that we are currently attending has to do with the SVP or Sexually Violent Predator Designation and with Registration. The committee is made up of representatives from several municipal police departments, a D.A., a treatment provider, three advocates for those with a sexual offense (one registrant and two who are still in prison), representatives from probation and parole, the Director of Sexual Litigation for the Colorado Public Defender's Office, two SOMB Staff, and others who drop in periodically.

The committee will likely be suggesting that: 1) the SVP designation be discontinued (at the time it was enacted, it was required under the Adam Walsh Act and our legislature insisted on it); 2) the current "one size fits all" registration scheme be revamped into tiers, with Level 3 replacing those who currently fall under the SVP designation; 3) variations in the way the CBI, FBI, cities and the state post people on the registry will be reviewed to see if things can be made more clear to the public (i.e. that lists are more similar than dissimilar); 4) adjustments to the registration schema may be made for juveniles (conditions yet to be determined), but that registration remains firmly in place for what Colorado stubbornly calls "adult sex offenders"; and 5) sadly, those already labeled SVP will continue to carry that designation for some time to come, as changing it over to the new plan would carry a fiscal note, and it is quite clear that the legislature will have trouble making the change to risk-based tier placement, let alone removing and reclassifying those currently called SVP's. The committee appears to be committed to reassessment if a cost-effective plan for doing so can be worked out with the legislature.

Of course all suggestions from the committee go first to the SOMB, and then to the legislature.

**Vermont** RSOL has been active in formulating a legislative agenda for the upcoming biennium; that agenda includes:

1. L.E.O. Legislation - We want to introduce a piece of legislation that would require that registrants who have successfully reintegrated into the community be taken off the public registry and placed on a Law Enforcement Only (L.E.O.), registry. The leader of our group here has reached out to a few legislators to find sponsors of the bill;

2. Halfway Houses - Vermont RSOL is actively engaging in attempting to find halfway houses for registrants. The goal is to assist in alleviating the overcrowding issue and to promote successful reintegration;

3. Offender Support Groups - Vermont RSOL is drafting a plan to work with the Vermont Department of Corrections to have a place where offenders can go and have peer to peer support using the principles of the habits of mind, which include remaining open to learning, persisting, managing impulsivity, and taking responsible risks.



*RSOL does not in any way condone sexual activity between adults and children, nor does it condone any sexual activity that would break laws in any state. We do not advocate lowering the age of consent, and we have no affiliation with any group that does condone such activities.*

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