

Quote of the month:

"Courage is contagious; when a brave man takes a stand, the spines of others are stiffened!"

~~Billy Graham

Donate



Become an RSOL Member!



[CLICK HERE](#)

Reform Sex
Offender Laws, Inc.



The Digest - July 2014

RSOL's Monthly Newsletter



Happy Fourth of July from RSOL

The word for the month is.....**CONFERENCE!**



We are excited about our great speakers and our slate of breakout presentations which include attorneys, professionals, and seasoned advocates. Here are just a few of the topics to be discussed in our breakout sessions. You can see more and get details by visiting our [conference presentations](#) page.

- How to Effectively Challenge Residency/Proximity Restrictions
- How to Start and Grow an Advocacy Organization
- Myths vs. Reality of the Adam Walsh Act
- How We Can Overturn the U.S. Supreme Court's Decision
- The Science and Policy of Risk Assessment

We are also gearing up for our combo [silent/spoken auction](#). Proceeds go to the general fund of RSOL to offset mailing costs for our Digest to prisoners across the country, membership outreach, and more. We have some great items coming in, and YOU are welcome to donate something, also. Visit our [auction page](#) for ideas, and let us know what you plan to bring.

You can register for the conference, the hotel, the wonderful Friday night Texas banquet, and, if needed, child care or one-day admission tickets, and pay for everything by going [here](#), See you in Dallas, Texas July 16-19 deep in the heart of Texas.

~~~~~

**This is a must read:**

Written by Chris Dornin and published in the Keene, New Hampshire *Sentinel*, it addresses the many horrors of the public registry, among them the specter of vigilantism--"[They're killing sex offenders](#)."

~~~~~

An urgent notice:

According to its Rules of Practice and Procedure, the United States Sentencing Commission has once again issued the federally required notice requesting immediate public comment on its proposed sentencing policy issues for the amendment cycle ending May 1, 2015.

Therefore, it is time again to ask you to send a letter to the United States Sentencing Commission to ask them to include changes to non-contact internet child pornography offences as part of the 2015 list of recommendations to the Senate Judiciary Committee. I thank all of you who wrote last year and we welcome anyone new to join our efforts this year.

We urge you to contact the USSC requesting that sentencing guideline recommendations for possession of child pornography offenses continue to remain a priority for the amendment cycle ending May 1, 2015. [Click here](#) for a sample letter you can copy/cut and paste or modify. The deadline is July 29th. We urge you to write/email as soon as possible to have our voices heard.

You can contact them via mail or email:

U.S. Sentencing Commission
One Columbus Circle, NE, Suite 2-500
Washington, DC, 20002-8002

Office of Legislative and Public Affairs
pubaffairs@ussc.gov



This is What I Think

~~by Brenda, Larry, and Robin

On June 12, our advocate community was buzzing about a ruling of the Supreme Judicial Court of Massachusetts. The headline in The Boston Globe was "Supreme Judicial Court orders an end to lifetime parole supervision for sex offenders." [Here is the link.](#)

No doubt, this was a positive development. But what did it mean to our larger community of former offenders?

Massachusetts had created a law in 1999 that allowed Parole Officers to assign this Lifetime Parole condition to sex offenders if they violated their supervision. One way to violate (obviously) is by failing to register. The June ruling declared that if parole supervision is going to be extended, that decision must come through the courts, not the state parole board. As far as we can tell, the roughly 300 people impacted by the decision were all under supervision at the time they were given lifetime parole conditions. No, this does not have any significant bearing on arguments about public registries.

The decision follows a typical approach to separations law: Legislatures make law. Executives (prosecutors/probation officers) carry out what the law stipulates. Judiciary (judges) interpret law and make applications within the contours of that interpretation. Probation/parole officers have no constitutional authority to "interpret" law...or to "read beyond" the language contained in a sentencing order. Moreover, the legislature cannot pass over to the executive branch any authority to "interpret" law since that is a judicial requisite, not an executive function.

The roughly 300 former sex offenders in Massachusetts who were ordered to Lifetime Supervision will now have to go back to court and have their parole violation charges heard, and a judge will decide whether they should get any extension to their supervision. Yes, the former offender will still have a possibility of lifetime supervision when a judge hears the case. But he/she would also have the possibility of something more appropriate to the severity of the violation.

It's a good opinion. And it should have positive long-term effects. For the time being, it calls for additional legislative input by placing the legal reach of judicial sentencing decisions squarely in the hands of the legislature's authority to enact appropriate sentencing options (which may include lifetime options).

Whether or not the Massachusetts legislature's new law is constitutional will be subject to some future Supreme Judicial Court's opinion -- and the question then would be whether or not lifetime supervision is "cruel and unusual" for federal purpose, or whether such a sentence might reach beyond what is constitutionally permissible under the language of the Massachusetts state

constitution.

Some might ask the question: How can a state pass sentencing authority over to corrections officers "by operation of the law" if that operation of the law wouldn't be legal? (This is similar to the question we often hear, asking how can they pass and enforce an unconstitutional law such as retroactive registration requirements.)

We citizens expect lawmakers to do their homework (or at least get their bill-drafters or staffers to do it for them) to make sure a new law is constitutional, etc. But in reality, WE the PEOPLE must be paying attention and show up to point out any flaws (such as unconstitutionality or excessive punishment) during the legislative process in our states. WE the PEOPLE must make certain that all proposed laws include some review of constitutionality, because some individual lawmakers could care less whether or not something is constitutional. They know that constitutional challenges are very expensive and beyond the reach of most ordinary citizens. This is why it is so important that we do not elect or reelect those who have shown no regard for the constitution or their oath of office. The problem for us when it comes to our issues is that most citizens are more than happy to jettison the constitutional rights of those they hate, and so they willingly go along. Once a bill is signed into law, it is presumed to be "legal" until challenged by a citizen. All laws enacted are presumed constitutional upon enactment. The courts begin their analysis by affording great deference to the will of the PEOPLE as spoken through the PEOPLE'S representatives. The executive branch must carry it out, and the judiciary must sentence according to its guidelines.

Only when a citizen like the plaintiff in this Massachusetts case specifically challenges application of the law can a higher court declare it to be flawed and require a fix. A plaintiff claiming that a law is unconstitutional must show by the "clearest of proof" that a statute violates the constitution. It's also worth noting that constitutional challenges are very expensive to undertake because the state's attorney general is obligated to defend duly enacted laws, and they do so utilizing the vast resources of the state.

I hope folks will notice that WE the PEOPLE play a vital role. It is WE, the PEOPLE, who must stand up, and speak out at EVERY point in the process. Remember that Courts give great weight to the laws that WE through our elected officials have asked for. Thus, WE must vote for lawmakers and other officials (governors, sheriff, county execs, even some judges) who are willing to listen and consider changing tough-on-crime attitudes. WE must then show up at every opportunity and tell them what sort of laws we want. And finally it is WE who must challenge through the courts any laws that prove untenable.

So let's get moving!



A Message From the Insiders

INSIDER'S NEWSLETTER - SUMMER 2014

On behalf of the Insiders, we would like to offer our wishes for a safe and Happy Fourth of July. Despite the challenges we face, this is still a great nation and we should be proud to call

ourselves Americans. Happy 238th birthday, America.

A mention is due to the individual who authored that compelling message that appeared in the April 2013 RSOL Digest. Your words were powerful and true. I think we would all agree with you on this. There are hundreds, if not thousands of us who are just like you. Families and homes have been torn apart, so they can be protected from those terrible people who love and care for them. In our opinion, the message from that gentleman needs to be sent to every single congressman, representative, law maker and other elected officials in every county, city, town and state. Things are getting too way out of hand. It is time for us so called "Offenders" to be heard.

SOUTH CAROLINA COUPLE SHOWS NO REMORSE FOR KILLING SEX OFFENDER

Jeremy and Christine Moody showed no remorse for killing Charles Parker, a registered sex offender, and his wife at their home in 2013. Each defendant received a life sentence by Judge Lee Alford, in Union, South Carolina.

Both Jeremy and Christine were sexually abused when they were children and they believed they had the divine right to kill all sex offenders, said Harold Morgan, a psychologist for defendant Jeremy Moody.

The couple had randomly picked Charles Parker from an online sex offender registry website. They then drove to Parkers' house and opened the hood of their car pretending they were having car problems. When Charles Parker walked out to offer assistance, Jeremy Moody drew a gun and ordered Parker inside his home. Moody then shot the couple while his wife stabbed them. Christine Moody told reporters that killing the couple was the best day of her life. SOURCE: ASSOCIATED PRESS

PLAN AHEAD:

Regardless of whether you are an inmate at a state or federal facility, if you have one year or ten years to do on your sentence, it is always a good idea to start some type of financial plan for when you are released. The idea is so that you will have access to immediate cash on the same day that you are released. If you are earning any sort of income at your prison or if you receive any assistance from outside sources, you should look into establishing some sort of pre-release savings account. As little as \$10 per month that you set aside will add up over time while you are locked up. Most state prisons may offer \$50 to \$100 "GATE MONEY" upon your release. As for the federal system, you would be lucky to get \$30 and a bus ticket. The federal government does not offer any further financial assistance beyond that. It will be up to you from there on. One idea is to find some sort of savings plan that offers some interest. True, interest rates are very low, but in a situation like ours, every penny will be needed. If you know someone that you can really trust, get them to open a money market account or CD or even a simple savings account. DO NOT touch it until you get out, and then, only draw what you need. You will need these funds for the basics like food, clothing and shelter. There are also sex offender registration fees and treatment programs that will be conditions of your release. So, start thinking ahead today and start saving for your future. You will be glad you did.

~~Clay writing for Jay



From Our States and Committees



"**Dakota** RSOL Family Solutions" has a new name and incorporation papers were filed with South Dakota.



Co-Affiliates leaders Bev Bruce and Georgina Schaff attended a one day SD ATSA conference in Sioux Falls on June 6th and learned about the assessment and treatment of sex offenders in South Dakota which substantiates our stand on a Confidential Family Intervention.

We had [an article](#) published in the Sioux Falls Argus Leader:

Letters were written to the Governor and the 2014 SD Senator Candidates requesting legislation that will protect ALL children.

The SD Jolene's Task Force will be appointed in July, so our attention will be focused on that study.

We will be celebrating Independence Day on July 4th with the numbers of incarcerated in our thoughts and prayers. Everyone stay safe and enjoy the National Conference; sorry to miss it but there are so many things happening here in South Dakota.

And lastly, I have been working with Adam Pogoff who is looking for an inmate who will be released from prison within the next month or two. We had someone but they changed their mind and do not want to be shown on TV. If anyone knows of someone being released soon, Adam and David would like to visit him or her in prison and follow as he re-enters society and deals with the registry and the restrictions he must abide by. They have the funding and are willing to travel to any state so please let me know if you have someone who has already agreed to the publicity. I need your contact information, the inmate's information (address, state incarcerated, and the state he will be released) so Adam may contact you directly. [Please email me.](#)



Breaking news: I just received a personal call from Senator Deb Soholt and was invited to participate in the SD Jolene's Study Task Force Study Group sessions as a member of the public. She is going to email the dates of the meetings as soon as they are scheduled.

The Sex Offender Management Board (SOMB) in **Colorado** usually experiences a Sunset Review at the legislature every 10 years. Because of a legislatively mandated DORA (Department of Regulatory Agencies) report 5 years ago, and a legislative change brought about by that report and by advocates for those with a sexual offense, the SOMB will have another Sunset Review at 5 years instead of 10. With the Joint Budget Committee request for outside evaluations of the prison treatment program, as well as of the SOMB, and the highly critical nature of both reports, there is hope that increased activity in the direction of change seen both in the CDOC and in the SOMB will bear fruition in fairer and more humane treatment and supervision of persons convicted of sexual offenses.

This will be a TOUGH legislative session in **Texas**. I suspect that this session will be filled with drama between the Democrats, Republicans, Tea Party, and all the new legislators. It will be difficult to make any progress on our issues, but we will definitely push forward. If nothing else, this legislative session will be interesting to experience.



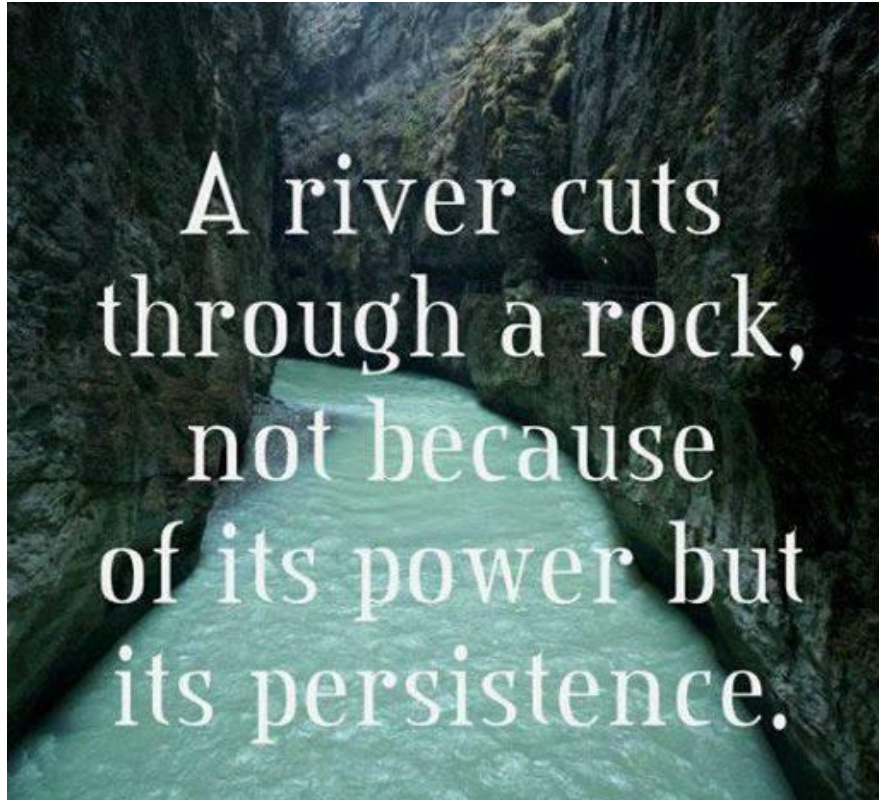
Our Texas Voices Board will be meeting in order to pull all of our plans together for bills.

Phil Taylor and I have interviewed with a news station from the Rio Grande Valley. The interview was long, but we both think it went well. The piece should air sometime in July and I'll send out the link at that time.



A couple of **Virginia** registrants have recently experienced the punitive nature of the registry and its long arm. In one case, a nonviolent offender was hired by a telecommunications subcontractor for a position that involved no public contact. A visit by Virginia State Police to his workplace (the reason as yet undetermined) presented such a threatening environment that the subcontractor chose to terminate the registrant's employment without cause. The family is considering its options and correctly describes these state employees' tactics as Gestapo-like. We doubt the state cares that an employed registrant is less likely to re-offend.

In the second case, a registrant attempting to vacation with his wife was denied entry to Mexico and returned to the U.S. the same day. No Mexican or U.S. consulate staff was able to resolve the issue. When immigration officials were told that the registrant had visited Mexico as recently as 2010, the official stated that the rules changed in December 2013 at the request of the current administration. His wife would say that collateral damage is an understatement.



[Follow us on Twitter](#) | [Find us on Facebook](#)

Copyright © 2012 {Organization_Name}. All rights reserved.
Contact email: {Organization_Contact_Email}

You are receiving this message because you opted in at [{Organization_URL}](#)

[Unsubscribe](#)