



CSOR

*Though I have fallen,
I will rise. - Micah 7:8*

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Polygraph Standards Re-Write

Several client advocates are on board for the Standards and Guidelines Re-Write. This includes all the areas previously in the Standards. We are making remarkable progress – this re-write is going much faster than any in the past! We assume that pressure from Legislators to get these new Standards and Guidelines done has helped to move the process along. There is good participation from all stakeholders.

We wanted to share the introductory language of the polygraph section, knowing that this section is of great interest to all of you. We are quoting from the 6.000 Standards Section “Standards of Practice for Post-Conviction Sex Offender Polygraph Testing (PCSOT)”. We do not have room in this newsletter to share all of the completed sections, but wanted you to be able to see the introduction.

“The polygraph is used to add incremental validity to treatment planning and risk management decisions regarding sex offenders in community and institutional settings. The concept of ‘incremental validity’ refers to improvements in decision making through the use of additional information sources. Benefits of polygraph testing include improved decision making, deterrence of problem behavior and access to information that might otherwise not be obtained. (NOTE: We are not including references at this time, as everything should be available very soon).

Polygraph test results (see Section 6.151) shall not be used as the sole determining factor in the supervision and treatment decision-making process. The Community Supervision Team (CST) should consider all existing clinical indicators that provide information about a client’s overall presentation. Such indicators may include, but are not limited to, interviews, quality of treatment participation, polygraph examination results and disclosures, scores on dynamic risk assessments, psychological evaluation results, behavioral observations, and collateral reports. These indicators should thoroughly inform decisions pertaining to an offender’s progress in treatment, activities in the community, and contact with potentially vulnerable persons.

Polygraph testing is one of several methods of behavioral monitoring. Additional forms of behavioral monitoring include drug/alcohol testing, plethysmograph testing, viewing time (VT) assessment, and other case management practices such as collateral contacts, office and home visits, employment visits, computer and phone monitoring, and increased supervision and treatment requirements.”

Following are some helpful comments in understanding language and compliance issues contained in the paragraphs above:

- “Shall” indicates that therapists, evaluators and polygraph examiners ARE under the purview of the Standards and Guidelines and MUST adhere to them.
- “Should” indicates that supervising officers (parole and probation) are not bound by these Standards, although the TEAMS Model (previously called the Containment Model), expects officers to abide by the Standards so long as it does not disagree with their own specific parole and/or probation directives.
- Decision-making regarding a client’s progress MUST be made after reviewing all assessments and methods of behavioral monitoring that have been utilized. In the past, the polygraph was too frequently utilized as a stand-alone decision-making “tool”. That will no longer be the case.

Social Networking Win at the U.S. Supreme Court!

The Supreme Court of the United States recently struck down a North Carolina Law stating that Facebook and other social networking sites could not be accessed by Registered Citizens! The Court stated that the information supplied by social networking sites is so crucial to the normal living of a person's life that those who have committed a sexual offense should not be barred from access.



Justice Anthony Kennedy wrote: "Even convicted criminals – and in some instances, especially convicted criminals – might receive legitimate benefits from these means for access to the world of ideas, in particular if they seek to reform and to pursue lawful and rewarding lives."



The suit was brought by a man named Lester Packingham. Mr. Packingham had a sexual offense that resulted in two years of supervised probation; however, he was arrested eight years after that because he celebrated the dismissal of a parking ticket with a Facebook post that stated "Man God is Good!"

This case provides a clear defense of the rights of free speech for those who have committed a sexual offense, unfortunately some of our nation's most hated citizens. Previously, the North Carolina Law made it a felony for those with a sexual offense to access such social media sites as Facebook, Snapchat and Linked IN.

The proceedings clearly made the point that the exaggerated conversation about sexual offense recidivism often made by the Supreme Court is far from correct. Even Judge Kennedy, whose favorable comments are stated above, has in the past used language regarding those with a sexual offense and their propensity to recidivate!



The findings of the court in this situation may also be a statement addressing their past habit of supporting laws that deal severely with those who have sexually offended. Perhaps the Court is on its way to a new approach to this group of American citizens, at least as it pertains to preventing them from utilizing and benefitting from social media.

Four justices voted with Justice Kennedy. Justice Alito, who was joined by Chief Justice Roberts and Justice Thomas in dissenting, offered "some of the hyperbolic recidivism-related rhetoric found in prior opinions."

William Dobbs of The Dobbs Wire comments that other states with similar laws are now being reviewed to see if they might file similar suits, and perhaps win the same freedoms for their registered citizens.

This report is taken from the following publications: The Dobbs Wire; The Collateral Consequences Resource Center (Wayne Logan); and from a report by Richard Wolf who writes for the Raleigh, N.C. News and Observer.



An ugly idea left unchallenged begins to turn the color of normal. - Chimamanda Ngozi Adichie

The High Court in Pennsylvania Rules that SORNA (Sex Offender Registration and Notification Act) applied Retroactively Violates the Constitution

There is a great deal of conversation today about ex post facto. This case, involving the Commonwealth of Pennsylvania versus Muniz recently delivered this ruling:

- 1) The provisions in SORNA's registration constitute punishment notwithstanding the General Assembly's identification of the provisions as non-punitive;
- 2) Retroactive application of SORNA's registration provisions violates the federal ex post facto clause; and
- 3) Retroactive application of SORNA's registration provisions also violates the ex post facto clause of the Pennsylvania Constitution.

Megan's Law showed no demonstrable effect in reducing sexual re-offenses.

Department of Justice study

Jerry Berardi who resides in Pennsylvania and is knowledgeable about this case states:

"The logical assumption is that this ruling means that all registrants who were sentenced to register for a specified time period before SORNA took effect in 2012 will not revert to that time frame instead of the enhanced registration requirements brought about by Pennsylvania adopting SORNA. The implication is, then, that those originally sentenced to a 10 year registration period pre-SORNA will no longer have to register for 15 years."

Like most court cases, there are still lots of unanswered questions. Many cases are in process or completed across the country, but registration is still here, and this case speaks to people in Pennsylvania who are functioning under very specific registration conditions. Persons such as Mr. Muniz.

While everyone is very happy for this step forward, and hopeful that states across the U.S. and then the U.S. Supreme Court itself will someday rule against at least public registration in general, we are reminded that we have a long way to go. Each tiny step we take hopefully moves us closer to a world that views the person with a sexual offense in their background as someone who **can** change their behavior, and who does not need to be portrayed forever on the world scene as an "uncurable", unchanging predator!

For more information or to read the whole proceeding, go to FindLaw on the computer.

Weird Tricks To Drive Sex Offenders Out Of Your Neighborhood

By Logan Strain
Truthfinder.com

1. Build Tiny Parks:

If there's a park nearby, offenders have to either move away or face prison again.

2. Establish a Childcare Business:

If you want to clear out the sex criminals from your neighborhood and make some side money at the same time, you could start a childcare business. And you could even do it at home.

3. Organize Protests:

They just gathered in front of his home. Over 100 residents chanted and waved signs for several nights in a row. At a nearby park, they placed a blue ribbon that read "Child Molester Leave Now."

A Way to Challenge SVP Status (finally!) (from a very reliable source)

In recent years, the Colorado Court of Appeals has said that defendants may not challenge a “sexually violent predator” (SVP) designation by filing a Motion to Correct Illegal Sentence under Rule of Criminal Procedure 35(a) or a Motion to Modify Sentence under Rule 35(b) because the SVP label is “not punishment” and therefore not part of a person’s sentence. On July 27, however, one panel of the Court of Appeals provided a little hope by finding a defendant could challenge his SVP designation under Rule 35(c).

The Court of Appeals held: “We conclude that Baker can challenge his SVP designation in a Crim. P. 35(c) Motion and that his motion is not time barred.” People vs. Baker, 2017 COA 102. There is a possibility that Mr. Baker’s case will be considered for further review by the Colorado Supreme Court so this decision is not yet final but it is exciting news for individuals who have been unable to find a legal process to pursue an SVP challenge other than a hearing at the time of sentencing and/or a direct appeal.



The law surrounding Rule 35(c) is highly technical with many procedural hurdles – for example, deadlines and restrictions on filing multiple 35(c) petitions or raising claims that have been previously addressed on appeal. A defendant who would like to challenge his or her SVP status should consult legal counsel if possible for guidance on whether s/he is eligible to pursue relief under 35(c). Indigent individuals seeking legal representation on challenging SVP status may apply with the Public Defender’s Office in the Colorado jurisdiction where they received the conviction that led to the SVP status and/or ask the trial court to appoint counsel as part of a pro se 35(c) motion that complies with Form 4.

Dr. Jill Levinson Presentation on Trauma Informed Care May 18, 2017



The SOMB sometimes has well known and respected researchers/therapists etc. in the sexual offending arena come and present to people who want to learn more about the field. I was privileged to attend Dr. Levinson’s presentation on May 18 of this year and learned a great deal! Her work is incredibly promising, and I wanted to share some of the great one or two “liners” she used the day that she spoke. Her presentation was very moving.

Definition of Trauma Informed Care: Transforming treatment for people who have been sexually abused. It is a strength-based approach to offender care.

“We are doing better at crossing the victim/offender divide; we are not as far apart as we think we are.”

“Many times there is a strong focus on controlling the client.”

“Sometime 30 years ago, we decided ‘our clients’ were different than other people.”

“People who experience trauma frequently grew up in homes that didn’t feel safe; in this case, relationships with others won’t feel safe.”

“Brains become wired to expect danger.”

“Why do we label people something we don’t want them to be?”

“Power disparities activate trauma responses. Power disparities must be neutralized.”

“I can help my client be the kind of client he wants to be, not just look at what he has done, but how I can understand what he went through?”

“Responsivity (of Risk, Need and Responsivity) goes with Trauma Informed Care. Containment is based on a belief in irreversible risk.”

“Focus on behavior, not on the person.”

“We have frequently used our groups for confrontation more than for support.”

“Not everyone has a repetitive cycle and needs relapse prevention. Not everyone has a life-long propensity to re-offend.”

“Just because you are angry does not mean you are unsafe.”

“Catch people doing things right.”

A New Look for NARSOL!

NARSOL (National Association for Rational Sex Offense Laws) has a new web page. A lot of very hard work has gone into putting this website together.

As you may know, Colorado has two NARSOL Affiliate Groups: CSOR (Coalition for Sexual Offense Restoration), and AFC (Advocates for Change). My particular role with NARSOL is as a Regional Coordinator. Years ago, there was just one Affiliate Coordinator for NARSOL nation-wide, and it was too much for one person to do well. Two or three years ago, the NARSOL (at that time RSOL) Board made the decision to have four regions across the country, each with its own Regional Coordinator.

I decided to get involved at NARSOL as we began to “clear up” so many of the stubborn issues that plagued us here in Colorado – the “no known cure” philosophy, one size fits all approach, getting the attention of the state legislature regarding the verbal, mental and emotional abuse that was taking place against those who had sexually offended, and incredibly long parole and probation time frames. As my own son got within a couple of years of being able to ask to get off parole, it seemed as if significant enough progress had been made on Colorado-specific problems, that I could turn my attention at least some of the time, to registration and residency restriction issues which are major goals for NARSOL.

Since the addition of a Regional Coordinator for each of four regions across the country, many states that previously had no Contact or representation of any kind with NARSOL have a Contact or Advocate in place. **Contacts** answer phone calls that come in to the NARSOL Gatekeeper regarding that particular state’s sexual offense laws. **Advocates** are primarily tuned in to what is going on at the state legislature (and/or national legislature).

Affiliates such as CSOR and AFC have by-laws, some money in the bank, and an organization which could be large, or on the smaller side. Affiliates do not have to be 501c(3)’s or 501c(4)’s, although they may decide to move that direction at some point.

Having more Contacts, Advocates and Affiliates on board with NARSOL across the country is helping the organization to grow! If you are not a member of NARSOL, you are missing out on great information regarding court cases on registration, residency restrictions etc. Consider joining NARSOL today, which you may do through the NARSOL Website, or if you do not have access to the web, feel free to contact me, Susan Walker at 720 690-7125 or susancwalker1@gmail.com for assistance. By the way, NARSOL also has great yearly conferences which gives us a chance to meet our counterparts around the United States!



1. Despite the fact that ATSA (Association for the Treatment of Sexual Abusers) recently came out with a white paper indicating it no longer advocates the use of the polygraph with juveniles, Chris Lobanov-Rostovsky, Lead Staff to the SOMB, is doing a Poster Session at this year's ATSA Conference entitled: A Framework for the Judicious Use of the Polygraph for Juveniles Who Have Committed a Sexual Crime. The Outside Evaluators made a passionate plea for radical change from the path that Colorado has been on for a very long time – No Known Cure, One Size Fits All, and the Polygraph Walks on Water! While Mr. Lobanov-Rostovsky is certainly welcome in the name of expressing himself, to continue to advocate for the judicious utilization of the polygraph with juveniles, in our humble opinion, he embarks on a path that takes us backward rather than forward!



2. After receiving several expressions of concern from men incarcerated in the Colorado Department of Corrections (CDOC) regarding cessation of medication they had been on for a long time, we decided to contact those at CDOC most in the know. Ashley Davis at CCF supplied the following information to Lisa Sanchez, Constituent Services Coordinator who shared it with us:

“The Colorado Department of Corrections has decided to remove Wellbutrin (bupropion) and Neurontin (gabapentin) from our formulary for good. The unrelenting abuse of these medications has created an ongoing safety issue in our facilities. All offenders will be taken off both Wellbutrin and Neurontin in the months ahead and offered alternative medications for management of their symptoms. Most correctional systems in the country do not allow the use of Wellbutrin or Neurontin at all due to the well-known problems of diversion and abuse, and offenders within those symptoms are treated appropriately without them. The DOC has many other medications available that may be prescribed as an appropriate alternative therapy to the discontinued medications. Offenders are encouraged to work proactively with their medical and mental health care providers to ensure their needs are appropriately met with alternative prescriptive regimens.”

While this news may have already been posted at CDOC, we wanted to be sure that you had all received it!

3. There is reasonable optimism that the new Standards and Guidelines for the SOMB will be completed by the end of 2017. The Legislature last year had asked that the SOMB complete them by July 1, 2017. They did, however, grant the SOMB the opportunity to extend the deadline if and as it became necessary. Good progress is being made, and as each part is completed, the Standards and Guidelines on-line are adjusted to share that this part of the Standards is new. In the past, the updates were only shared when the whole document was completed.

CDOC Facility Librarians may contact the SOMB for copies of the new Standards. If you are in need of the Standards, please ask the Librarian to order a copy or two for your facility.

