



CSOR

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

2nd Edition

March 2014

Welcome to the 2nd edition of CSOR's Newsletter! Because of the summary of the outside evaluators' report of the SOMB and its length, we will be bringing you less extra material in this edition than in future editions. Tell your friends and acquaintances about CSOR – we'll add them to the newsletter list!

Susan Walker, Editor
CSOR Newsletter

SUMMARY OF THE OUTSIDE EVALUATORS' REPORT ON THE SEX OFFENDER MANAGEMENT BOARD

Commissioned by the JBC and due February 1, 2014

Dr. Deirdre D'Orazio, Dr. Anthony Beech and Dr. David Thornton (authors of the report)

Summary by Susan Walker, M.A.

The authors of the report, all world class researchers and experts in sexual offense therapy and supervision, commend the SOMB for creating a management system through which the State of Colorado attempts to enhance the safety of the public and reduce victimization. However, the authors make it clear that Colorado has not kept up with literature in this field, and has chosen instead to embrace "beliefs" about sexual offending that were around at the end of the 20th century – beliefs not based on empirical evidence. According to the authors, the tone of those beliefs around the "no known cure" terminology, still exists in the SOMB's Standards and Guidelines, even though the no known cure words have recently been removed.

The research in the field has blossomed over the last 15 years, and much has been learned about treating and supervising those who have committed sexual offenses. The model that is currently used and successful with general felons and with those who have sexually offended is the Risk, Need and Responsivity Model (RNR), which was outlined carefully in last year's assessment of the Colorado Department of Corrections Sex Offender Treatment and Monitoring Program's outside evaluation by the same researchers. Here are some of the report's highlights in terms of changes that need to be made in the way Colorado's Sex Offender Management Board does business:

1) There is a large number of low risk offender-clients that do not need lifetime supervision and treatment. In fact, many programs in other states for those with low risk last no longer than 12 – 18 months. This will affect people currently sentenced under Colorado's 1998 Lifetime Supervision Act who meet the low risk criteria talked about in the next paragraph.

There are good assessment tools such as the STATIC 99 and the SOTIPS that identify these low risk persons, and remove them from the pool of those that need longer oversight and treatment. Colorado has just recently begun to utilize the SOTIPS (right before the evaluation of the CDOC began last year). Money saved because these folks are removed can be spent on PUBLIC EDUCATION and SERVICES TO THOSE WHO HAVE BEEN VICTIMIZED. This is true both inside and outside of CDOC.

2) Assessment instruments created in the State of Colorado which have limited samples, and where bias was brought to the tools' creation, should be replaced with tools used nationally and internationally, and that have been deemed valid and reliable (i.e. they assess what they are supposed to assess in the desired populations of offenders). These tools are named in the report, and include the Sexually Violent Predator Assessment, the Child Contact Assessment and the Low Risk Assessment. These tools which do not identify what they claim to identify, have caused harm to many families who could have their fathers back, to many men who are not "sexually violent predators" but have been so

designated, and have kept people who are legitimately low risk from benefitting via a low risk assessment that is not born out of bias, because the tool's creator believed that there were only a handful of low risk offender-clients in the state. The creators of these faulty tools here in Colorado are strong believers in the old notion of "no known cure".

THE BEST THING ABOUT THE FUTURE IS THAT IT
COMES ONE DAY AT A TIME.

– ABRAHAM LINCOLN

3) The authors do not believe that the "one size fits all" model utilized in Colorado responsibly represents the true picture of sexual offending that is clearly characterized by recent literature. To that end, men who are currently not allowed to see their families and specifically their children, because Colorado treats everyone the same, should be considered through an appropriate assessment for the ability to begin again to father their children. Men who have abused a child would have to be more closely assessed for a longer period of time than those who did not abuse a child.

4) Criteria for release from CDOC, supervision reduction and treatment progress are based on literature that is very old. Research from the past 10 – 15 years has identified that two methods utilized in Colorado, Offense Cycles and Relapse Prevention Plans are "now definitely outdated". Other outdated beliefs brought to criteria for release etc. include the ideas that being accountable for everything in the police and victims' report(s), not denying any aspect of those reports, having empathy for victims, and passing the Sexual History Polygraph Examination must be precursors to release from prison or lowered levels of supervision and treatment. Current research, however, shows that none of these things appear to be related to recidivism or the likelihood of someone committing further sexual offenses.

5) The polygraph, like any other tool, is fallible. Research shows that the polygraph can be close to 90% accurate when well identified single issues are being tested. Because Sexual History Polygraphs are not testing single issues that are well identified, the accuracy level is much lower. False findings of deception as well as false findings of non-deception are likely to be found in significant numbers when multiple issue polygraphs are conducted, as in the case of Sexual History Polygraphs. Thus, the authors suggest that there is misuse, abuse, and overuse of the polygraph in Colorado, and that its use should be re-examined, especially with specialized populations such as the intellectually disabled, those with diseases of aging such as small stroke dementia and Alzheimer's disease, PTSD and other mental illnesses and those who commit juvenile sexual offenses as well. The authors point out that there are ways to help the offender-client look at their sexual history apart from the "polygraph heavy approach" that is currently used in Colorado.

6) The current criteria in Colorado for release from custody and supervision and treatment reduction do not portray the principles of Risk, Need and Responsivity (RNR). For further information on this model, contact CSOR.

7) The Containment Model (Kim English, researcher for Colorado's Department of Criminal Justice), basically seeks to make it difficult, if not impossible for offender-clients to re-offend sexually. The authors state that Colorado's focus on external supervision, sanctions, return to prison to keep people in line takes away from offender-client's ability to internalize the desire to change and live a "good life". The Good Lives Model (Ward) and the strength based approaches of Dr. William Marshall assist offender-clients in internalizing the principles they learn in treatment, rather than always having to be controlled externally to make sure that they do not reoffend.

8) The authors contend that despite the cries of some representatives of those who have been victimized, a model that more generally looks after the offender as a human being with goals for living a good life, especially when combined with Motivational Interviewing and Socratic questions, involvement of offender-client in goal setting etc., is much more likely to produce greatly reduced recidivism rates. Monies currently spent on too much supervision and treatment, both inside and outside, can then be used for services to those who have been victimized, and on much needed public education regarding the truths and myths about sexual offending.

9) Presently, treatment done on probation must be redone if a probationer goes to prison. Likewise, when someone is ready to leave prison and go the community on parole or into community corrections, treatment must be redone. This is a major complaint of those in the system, who feel that they are forced to take the same courses over and over again, because of the unending nature of Colorado's sexual offense treatment and supervision approach. The authors suggest that it is not necessary for offender-clients to retake and retake the same classes, and that instead of sanctions or return to prison when treatment seems to not be working, changing the treatment approach is a better method to pursue. The literature shows that being in treatment and being supervised too long is actually a precursor of increased recidivism in those with low risk to reoffend.

10) The authors state that the Containment Model (Kim English, Colorado Department of Criminal Justice), functions on the premise that polygraphers, therapists and supervising officers (parole and probation) form a triangle around the offender-client and basically incarcerate them outside of CDOC. The model only works if supervising officers and therapists are able to work together to reach consensus about appropriate treatment and supervision for a particular offender-client. Unfortunately, because supervising officers have the last word (Standards and Guidelines), and there is no-one who is non-partial that can mediate differences of opinion, the offender-client is often caught in the middle of these disagreements. The Standards and Guidelines make it clear that differences should be settled at the level of the containment parties and offender-clients should not be brought into them. We know from abundant anecdotal reports that those contained are all too often brought into the middle of these disputes and that they are hurt in terms of their treatment progress. Therapists frequently feel that they cannot be true to their ethical standards of practice and abide by the decisions of supervising officers. The authors recommend a softening of the containment model, if it is to continue to be used, by incorporating the Good Lives Model and other strength-based approaches. It is not clear that the current containment approach can be integrated successfully with Good Lives and other strength-based models. They appear to be antithetically opposed to each other.



AFTER CLIMBING A GREAT HILL, ONE ONLY
FINDS THAT THERE ARE MANY MORE HILLS
TO CLIMB.

Nelson Mandela

11) The evaluators state that because Colorado's SOMB has been the model for approximately six other states in creating a Sex Offender Management Board, they must also lead by staying abreast of current literature. The majority of U.S. States do not have formal management boards, but function with task forces and registration, according to a chart in the report. Because Colorado has lagged behind in keeping current with sexual offense literature, the evaluators ask that another study be done in two years to help the SOMB stay accountable for making necessary changes.

This is a short summary of the 168 pages in the report. I hope it will be helpful to those of you who do not have time to read the whole thing, or who cannot get the complete document. There is a great deal of work that needs to be done to bring Colorado into line with the rest of the treatment and supervision community, and the research supporting current approaches in this field. We need to get started!

Welcome to the Legislature! In December 2013, we attended the Joint Judiciary Committees' oversight hearing for the Department of Public Safety (DPS). This is the department that oversees the Colorado State Patrol, the state's fire safety personnel, homeland security, and yes, the Sex Offender Management Board (SOMB). This is always a long session, as the director of each program within the DPS gets up and speaks about their particular program. What Director Jeannie Smith had to say about the SOMB was extremely limited, and just barely touched the surface of things that could have been said. There was a time for those in the audience to testify, and a couple of folks did, including

yours truly from CSOR! The theme of my presentation was that Kim English (Division of Criminal Justice researcher), had been brought back on the SOMB after being absent many years. Peggy Heil, after leaving CDOC, has also been allowed to remain on the SOMB. The question I brought before the legislators is: why, when we are seeking to turn in new directions, did the SOMB invite Ms. English back, and allow Ms. Heil to stay? After all, Ms. English is the author of the Containment Model, and Ms. Heil has been the head of the SOTMP and a great promoter of the no known cure philosophy, which finally has gone by the wayside (at least in theory).

Representative Pete Lee from Colorado Springs came over to me after I spoke, and stated that he would introduce me to James Davis, the head of the Division of Criminal Justice, to get his reaction to the fact that he apparently signed off on these folks rejoining and/or remaining on the SOMB. When we talked with Mr. Davis, he indicated that he had no immediate recollection of these folks being invited back to the board or staying on the board, and that if he did sign off on it, it was because Jeannie Smith or Chris Lobanov-Rostovsky made the recommendation! He said he would go back to the office and do some research on this issue; however I have not heard back. A few days later, I e-mailed Mr. Lobanov-Rostovsky of the SOMB to ask him why these folks with “old” ideas were being allowed on the board, and his response was “I look forward to working with you this next year toward our mutual goals”. I wrote back and said “politically correct answer but meaningless”!

The next occasion for a legislative visit was the yearly presentation by the SOMB to the Joint Judicial Committees. That presentation was in January of this year’s legislative session. After the report was given by the SOMB leadership, there was a chance for testimony. There were approximately 10 advocates (including CSOR, Advocates for Change, the Public Defender’s Office and the Colorado Criminal Defense Bar) that testified, and several groups representing those who have been victimized.

We all spoke regarding the Outside Evaluators’ Report of the SOMB, and the massive changes for which it called. David Olinger was there from the Denver Post, as I had sent him the report the day before. There ensued several days of newspaper coverage, most of it friendly to our issues, for which we are grateful. Even RSOL (Reform Sex Offender Laws), the national organization, was buzzing about what was happening in Colorado. CSOR is now an RSOL affiliate!

A Reminder!

Remember that I am only one person, and that the coalition supporters I am recruiting already have full time jobs. That leaves just me to answer most of your more complex letters/questions! At any given time, I have 20 to 40 letters waiting for a response, and I am busy answering the phone, starting a 501c (3), helping parolees get housing and jobs etc. etc. It is a great pleasure writing to each one of you, but keeping up with everyone’s letters is a real challenge. I am not a lawyer, and as much as I would like to help you with, or understand your legal issues and research, I cannot help and I do not understand. I try to run letters with legal content by a legal eagle I know and if there is anything presumed to be new, helpful and something that hundreds of people have not already gotten shot down on, I will get back in touch with you.

Please be patient, and give me from one to three months to answer. If your message is time sensitive (i.e. you have a serious medical problem, you need a support letter for an upcoming parole board hearing), note on the outside of the letter that it is time sensitive. I will do my best to get back quickly via JPay. Do NOT assume that if you do not hear from me quickly that I am 1) mad at you; 2) don’t like you; or 3) have forgotten about you. None of these are true! Thanks for understanding.

Who’s Who of Recent Meetings:

- Laura Wolnofer – Administrator of the SOTMP.
- Senator Pat Steadman – Re: The Outside Evaluators’ Report on the SOMB on moving forward
- Erin Jemison –Executive Director of CCasa – we are trying to find some common ground with the groups representing those who have been victimized!
- Dr. Frank McWhorter - Step Up Incorporated – coalition partner/supporter of those who have criminal convictions
- Cheri Bellinder Cook – The Rock Foundation – coalition partner/housing and jobs in the Greeley area

SEE YOU AGAIN IN JUNE 2014