

## **A Bad Idea Which has Gotten Worse!**

The Colorado *Lifetime Act of 1998* came into being as a result of what was seen as an increase in sexual offenses, especially against children, near the end of the twentieth century. Colorado, in an attempt to avoid Civil Commitment (so the designers of the Act say), decided on the Lifetime Act as a way to keep people engaged in the system forever. The ill-designed plan was to assign a sentence with a “bottom number” such as 4 – Life; treatment inside the Department of Corrections was to happen before the person hit their bottom number, with the hope that people would get treatment and get out of prison somewhere near that date.

The legislator who carried the bill wisely designed a way for people to petition the parole board to get off lifetime parole at the end of either ten years or twenty years, depending on their offense. The “team” who put the Lifetime Act together, according to this legislator, did not want parole to end for these folks, and if she had not added the ability for people to petition the parole board at the end of either their ten or twenty year paroles, it would have truly been a lifetime parole for everyone so sentenced (shared with me over breakfast a number of years ago by Senator Norma Anderson)! The first person to reach the ten year mark on parole under the Lifetime did petition the parole board last summer (2015) and was released from parole.

After many ongoing attempts to better the “no known cure”, one size fits all belief system present in Colorado, advocates for those with a sexual offense were able to get the language out of statute and out of the Standards and Guidelines of the Sex Offender Management Board. The challenge continues to be getting it out of the heads of practitioners in the sexual offense treatment, supervision and management fields. Outside Evaluator Reports funded by the Joint Budget Committee at the legislature on both the inside prison and outside of prison treatment programs, called for a switch to the research-supported Risk, Need and Responsivity Approach (RNR). The Association for the Treatment of Sexual Abusers (ATSA) gave up long ago the “no known cure”. When I called a couple of years ago to ask the Executive Director why ATSA had no position paper on the “no known cure”, she stated that it was because it was “only an issue for Colorado”.

Now that people sentenced under the Lifetime Act are beginning to finish the ten year parole tag that goes along with the Lifetime, it is apparent that the resources in the community for treatment, evaluation, monitoring and supervision of registered citizens have fallen woefully short of what is needed to insure that the Standards and Guidelines of the Sex Offender Management Board are honored and followed. Additionally, dollar resources to keep the massive program going, both inside and outside of the Colorado Department of Corrections, are incredibly stretched. Deputy Executive Director Kellie Wasko told me recently that even if the dollar resources were there, it would not be possible to hire enough therapeutic staff or find enough space within the Department of Corrections facilities to accommodate all of the people who continue to be sentenced under this Act.

When the Outside Evaluations were done a couple of years ago, it was estimated by the Department of Corrections that there was a backlog of around 8,000 people waiting for treatment. A prominent Denver treatment program serving hundreds of RC’s (registered citizens) recently made a decision not to accept any more DOC clients until they were able to get enough staff in place to handle them and their current clients. A person I support who is in therapy at a treatment facility in Colorado Springs told me just last night that it seemed as if “the right hand did not know what the left hand was doing” – that the center seemed chaotic and overwhelmed with the number of people coming for treatment!

Why could the Legislature and the designers of this Act not see that exponential growth would be happening in all parts of the sexual offense system, both inside and outside of the Department of Corrections, and across all disciplines required to keep the system for this population going – i.e. probation, community corrections, parole, and sexual offense specific therapy. The fact that this would become apparent soon was shared with me by a RC in Denver who up until recently was on both probation and parole. He shared with me in a phone conversation a couple of years ago that ten and twenty year parole and probation sentences, plus lengthy sentences in the Department of Corrections, and a lack of resources for the treatment needed to get people through the program and out of prison would cause exponential growth of the population, and unless something was done, irreparable harm to the current lifetime system!

Since all the requirements are in statute, as well as in the SOMB Standards and Guidelines, it, of course, takes a statutory change to come up with something better. It also takes a non-election year, and politicians who are not afraid to tackle a subject area that is very scary and at the same time extremely controversial. Victims' Advocates, District Attorneys, some law enforcement, Prosecutors, and those who have been victimized, show up at the SOMB Meetings, and at the Legislature if they think that something is happening that may threaten their programs, the judicial system, or may cause more people to be victimized. Recidivism numbers are very low for those who have sexually re-offended with treatment, and in order to continue this success and even enhance it, the time frames utilized in Colorado, the ten and twenty year probation, parole and treatment (not utilized in other states with similar low recidivism numbers) must be reduced to a sensible level.

If all other segments of the justice system were required to meet the unattainable standards of the population who have sexually offended, the government would not continue to have dollars for anything else. Yet, the revolving doors of prison continue to open and close for those with drug and alcohol offenses, burglaries and robberies etc. A prophetic voice must be heard; a miracle needs to happen, and the Lifetime Act needs to be terminated, and replaced with a better solution – one that gets the same results achieved by Canada and much of the rest of the U.S. – very low sexual recidivism, and a much shorter time and dollar investment in treatment and supervision!