

Family Engagement Committee: Unrealistic Expectations?

Family Engagement Committee

Of the SOMB

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The Family Engagement Committee of the SOMB (Sex Offender Management Board) started out as an ad hoc committee whose purpose it was, at least according to my understanding, to fulfill a strong suggestion of the Outside Evaluators that: families of those who had committed a sexual offense should be engaged in the restoration of their loved one(s); and to assist the Board in understanding the role that families play and can play with their family member in the midst of sexual offending behavior. To this end, a panel of family members and a number of professionals in the field were asked to participate in a couple of panel discussions before the Board.

These sessions seemed to go very well, and allowed family members to share their experiences, both before and after their loved ones were “in the system”. This was eye-opening to the professionals on the Board, showing them that families really knew a much bigger piece of the person who offended than they did. It, as well, gave professionals the opportunity to talk about if and how they were already engaging families in the oversight (supervision) and treatment processes, or as part of the Community Supervision Team (CST). Part of me wishes it would have stopped there, as those who advocate for people who offended are now caught up in a process that feels as if we are “whitewashing” parts of the system that have been and continue to be unhealthy for the people who offended, and who are now trying to change their lives. This said, the system, following the legislatively mandated outside evaluations, is finally trying to change the way it functions. Unfortunately, the vast majority of the changes have not yet been adapted by the people who deliver the supervision and treatment, as well as other “services”.

It was decided that the committee would continue, and that it would embrace a project of family education and awareness. The families were to have their part of this series of writings (brochures etc.), explaining how it felt and how they were engaged in the various criminal justice system arenas, i.e. probation, prison, community corrections and parole. I was tapped to write these particular sections because I have been a part of them for almost fifteen years. I am attaching those pieces to this preamble.

As the number of professionals on the committee grew, and more families came on board as well, certain committee leaders and members decided that the professionals should write more of the subject matter in the areas suggested above, leaving little for families to talk about in their sections except all the great tools available to them as they moved through the system.

The part I had written was deemed “too negative”, and the professionals on the committee stated that they wanted families and those who had offended to “have hope”. It is my strong belief that giving people hope that is often not fulfilled with good results makes them even more distrustful of the system. Marketers tell people never to set the standard higher than can be achieved; rather, set it lower, so that successes of any kind will be clearly recognizable.

Since I didn’t feel my contribution to the educational pieces was negative (I did feel it was truthful), I wrote a “very negative” piece regarding what my son has gone through during his time in the criminal justice system to the committee as a whole. All the things I wrote about were specific, unfair, negative things that had affected him and our family as a whole throughout the long years in the system. They continue to affect us to this day, although after almost fifteen years, we now see more positive things, which is as it should be.

I am attaching the sections I wrote. Of course, I am open to reasonable editing of what I wrote, but am not willing for the truths expressed to be deleted or whitewashed. If they are, there is no reason for the families to have a section that includes these topics – just leave them to the professionals to write as they wish.

It would be great to hear from those who read this just what your thoughts are on what I wrote – does it reflect your experience with the system? Or, is there more hope out there than I have been willing to see? There is a great deal of work going into trying to make things better, but I will see few of the results of this work before I die. My son and many others will continue to deal with ten and twenty-year lifetime parole tags, as well as for many, lifetime registration.

Write me at susancwalker1@gmail.com and share your thoughts.

Family Engagement

Sentencing: Probation, ComCor (Community Corrections) or

CDOC (Colorado Department of Corrections), Parole

SENTENCING

Sentencing day is extremely emotional and draining for families and friends of those convicted of a sexual offense. In some cases, it may be appropriate to get counsel, comfort and encouragement from a mental health professional, a pastor, or a close friend before sentencing for family members and the affected person facing supervision and/or incarceration. It is not unusual to cry and experience feelings of disbelief and denial as the sentence is handed down and for days after the sentencing. Your attorney, whether a Public Defender or a Private Criminal Law Attorney, is present in the courtroom to assist you as well.

Some people may be so ashamed or embarrassed by what their loved one or friend has done that they may be tempted not to show up in court and support them. While it is difficult to accept that someone you care about has committed a sexual offense, the literature shows that the chance for recovery and restoration for that person is greatest with support, housing and a job! When abuse has taken place within the family unit or is committed by a close family friend, it is especially difficult to forgive that person and support them through the criminal justice process. To help keep the person who offended from doing it again is difficult but extremely important. Change is their responsibility, but they can make changes more easily having behavioral “models” who show them how to act appropriately, hold them accountable, and maintain an empathic approach in the relationship.

Many are sentenced to Intensive Supervised Probation (ISP) for either 10 years to Life or 20 years to Life. Whether 10 or 20 years, it is a difficult sentence to complete and a significant number of people do not make it through the assigned period of probation. Not only will your family member be reporting to a probation officer; they will also be participating in sex offense specific treatment, probably wearing an ankle bracelet, perhaps taking required drug and alcohol classes, and may also be seeing mental health on a regular basis.

The person in your life sentenced under Colorado’s Sexual Offense Laws can have: a determinate sentence (set amount of time), an indeterminate sentence (also called a lifetime sentence – i.e. 10 years to life), or could be sentenced under a version of Jessica’s Law, just passed during the 2015 Colorado Legislative Session. It can be difficult to understand the differences in the now trifurcated way of sentencing in our state, and is a good idea to ask for help from one of the advocacy groups in Colorado if you have further questions.

PROBATION

After the person you care about is sentenced, they could be required to do a year or so of work release (in jail at night), continue to work, and attend sex offense specific classes immediately. A probation officer is assigned to them, and follows their progress throughout the required probation period.

Probation reports to the judicial system in Colorado, and so probation officers are connected tightly with the courts, district attorneys, prosecutors, judges and head probation officers. While they say that they are committed to keeping people out of prison, it frequently feels as though their one goal in life is to make sure that a person who has offended goes there! A probation officer told me recently that “a lot of us in probation went into the field because we thought we could make a difference”. A supervising probation officer also shared: “I always feel as if we failed when someone goes to prison”. Probation officers seem very harsh; perhaps it is partly that they are harsh, at least at times; perhaps it is also that your family/friends and the person who offended are very new to this whole picture, and just don’t get the fact that probation expects those who have offended to toe the mark in all circumstances. Any bad choice is an opportunity to declare what is called a technical violation, and more than one technical violation can cause probation revocation and re-sentencing to prison. Inappropriate mental choices are seen as the pathway to unacceptable behavior.

While under probation supervision, your family member/friend is required to attend sex offense specific treatment. Attendance is required once to several times each week, and at least part of treatment is the

payment responsibility of the person who committed the offense. Probation officers show up to check on people – i.e. are they home when they are supposed to be; are they detouring to places that have not been okayed; are they engaging in activities/behaviors that, per their probation contract, are not allowed? These visits can be unpleasant and unsettling whether the person you care about did anything wrong or not. It seems that there is often an assumption, and frequently an accusation, that some sneaky, manipulative, inappropriate behavior is going on.

While probation frequently seems eternal, there are people who do make it through their probation period, and are released from probation and from treatment. Some of these people continue to do well once off supervision, and are able to move forward with their lives, at least in some fashion. Registration continues for most, and this can cause ongoing life disruption as employers, neighbors etc. find out that someone is a “registered citizen”. Ongoing education by the advocacy groups for those who have offended continues to help make small changes in the way they are perceived. Recent endeavors by the Sex Offender Management Board (SOMB) to reach out to family members and friends also helps to move things in a better direction.

COMMUNITY CORRECTIONS (ComCor)

Community Corrections provides another corrective (supervisory) pathway for sentencing assignments made by judges and magistrates. ComCor is a halfway house setting, where people sentenced to a variety of offenses are watched over in a supervised living environment. ComCor can be for people who are on probation, or those who are coming out of prison. A person who has committed either a misdemeanor or felony offense may be considered for this community-based option.

Halfway houses vary in what they allow. Some allow cell phones. Others do not. Our family members and friends who live in these setting and have committed a sexual offense may be allowed computer access if their crime was not computer related. Computer activity is likely to be watched over very closely to insure that other offenses are not happening or being planned.

A case manager is generally assigned to a group of people who committed a sexual offense, and that person is their contact for questions and permissions to do a variety of things. With a signed release from the halfway house resident, family may also be able to talk with the case manager. Just ask your family member or friend to fill out a release of information form with the facility’s sexual offense case manager, and you should be able to ask them any questions that you have. A person can earn “good points” or “bad points” for their behavior/actions, which can hasten the time they may be able to leave the halfway house, or may delay it!

While at ComCor, a probation or parole officer is assigned to work with the sexual offense population. When the debt for living there has been paid and it is time to move out to an independent living setting, the person may be assigned a new probation or parole officer, or in some situations, could be off of supervision. While ComCor and sharing a room with two or three people can be stressful, it does provide housing for people who may other have trouble finding housing, or for those coming directly out of prison. Food is provided as well as all bedding related items. Hygiene items etc. are the responsibility of the person who is living there.

People coming out of prison can come to the halfway house as a Department of Corrections inmate, or as a true parolee. Status depends on the decisions made by the Parole Board when the person is released from incarceration at an actual prison facility. Most people leaving the ComCor environment who have a sexual offense in their history, are required to continue sex offense specific treatment in the community as required by their sentence.

DEPARTMENT OF CORRECTIONS

A sentence to the Colorado Department of Corrections is so difficult for caring families and friends. It is especially alarming when the sentence has the word “life” at the end of it. It could be a 2 – life, a 4 – life, a 10 – life, a twenty – life or worse. Colorado has both determinate and indeterminate sentencing, and certain offenses, including sexual assault and offenses against children, are lifetime sentences.

The good news is that advocacy groups participated in an effort (along with many colleagues) to get outside evaluations done of both the Sex Offender Treatment and Monitoring Program (SOTMP) inside the Colorado Department of Corrections and the Sex Offender Management Board (SOMB) which was given statutory management and treatment oversight of those with sexual offenses a number of years ago. This effort was successful, and the SOTMP had their evaluation first. The changes recommended by the outside evaluators were outlined in approximately 70 pages, and a champion of this cause within the prison made sure the changes happened.

Years ago, shortly after the lifetime sentence was enacted (1998), there was only one pathway out of prison for those who needed treatment for a sexual offense. That was Phase I at Fremont Correctional Facility and Phase II at Arrowhead Correctional Facility. Because Arrowhead had less than one hundred beds, the pathway was far from adequate to treat all the people sentenced under the Lifetime Act of 1998.

After the outside report was completed, the champion and her cohorts put into place a program of treatment offering many options for getting through treatment. There are now transitional programs, modified programs and the old stand-by, Phase I and Phase II as well. This new approach allows many of those who committed a sexual offense to leave prison and get back into the community, although people sentenced under the lifetime have either ten or twenty-year parole sentences as well.

The transitional program begins with Phase I and allows the person in treatment to go directly to a transitional phase where they work with the same therapist and complete SOMB Criteria for release from prison. Many do not have to go on to a modified or regular Phase II Program.

While families and friends of those in prison wonder whether incarceration is the best approach for dealing with low to medium risk persons with a sexual offense, the laws of Colorado are unbending in this area. Media reporting, and legislators who are afraid they will lose their positions because people are so afraid of those who have sexually offended are more than willing to keep laws that defy the research from the last fifteen – twenty years. A therapeutic community (TC) exists at Arrowhead Correctional Facility, and since the report, has been designed to house only those determined to be highest risk to reoffend through the Static-99 and SOTIPS risk assessment tools.

Prison is not a pleasant place to spend time. Those with a sexual offense are not well thought of in the prison environment. Safety can be a factor for your family member or friend a good portion of the time. Learning to live as safely as possible in the prison environment is something that those incarcerated must do. Facility COPD's (Code of Penal Discipline) are handed down to all parties involved for fighting, inappropriate sexual contact, stealing and many other infractions. Someone doing well in treatment can be administratively terminated for high COPD Points, and have to move to a higher level facility until those points go back down, interrupting treatment, sometimes for many years.

There is a very long wait list to get into treatment. If your loved one has, at any time, denied their offense, or has been terminated from treatment for not progressing or some inappropriate behavior, it may take them many years to get back to the treatment program. The CDOC/SOTMP believes that people who have had a chance at treatment should not get another one until those who have not had a chance get a first try at the program.

Many treatment program therapists have adopted a more empathic approach to treatment than used to be present. New program leadership and the adoption of a risk-based approach rather than a "no known cure", one size fits all approach, has made a huge difference in the ability of men and women to get out of the Colorado Department of Corrections. Sadly, there is still a very long waiting list. People continue to be sentenced under the Lifetime Sentence, and many people have been sentenced to very long sentences. The CDOC has made a new pledge to treat both determinately and indeterminately sentenced persons who need at least some treatment inside before they are released to the outside. Recidivism numbers show that those with determinate sentences who have not had treatment inside are more likely to return to prison than those with lifetime sentences who have been required by the legislature to have treatment before leaving prison.

PAROLE

For families and friends, parole is a happy word, because it signals the end of incarceration! Remember that probation, which is under the Judicial Branch of Government is served in the community, and can be a precursor of prison. Parole is part of the Colorado Department of Corrections (CDOC), and is served after incarceration. There are also circumstances where someone may be serving parole and probation at the same time, after incarceration.

It is likely that your family member will have a hearing before the Parole Board once each year. If a person is sentenced under the Lifetime Act and has to have treatment before leaving prison, they won't get out until they have had treatment and met the Sex Offender Management Board's (SOMB) criteria for parole. These criteria include such things as having a support person, passing maintenance and sex history polygraphs, participating and actively engaging in treatment and being compliant with any psychiatric recommendations for medications etc. These criteria and a few others are currently before the Sex Offender Management Board for changes suggested by the Colorado Department of Corrections SOTMP (Sex Offender Treatment and Monitoring Program).

Those persons convicted of a sexual offense who have a determinate sentence (i.e. a set number of years in their sentence) may or may not have treatment inside the Department of Corrections. If they do not have treatment, they may be released before their mandatory release date (MRD) to do

treatment on the outside. While they are doing treatment, they will also be supervised by a parole officer. They are required to continue to take polygraphs while still in treatment and under supervision. Support persons and a victims' representative, as well as Circles of Support and Accountability may also function as unofficial members of what has been called the Community Supervision Team (CST).

Your loved one who has a life sentence is released after meeting SOMB Criteria, receiving a recommendation from treatment for parole, and after being considered by the full Parole Board (called full-boarding) for parole. If the victim (or victims) of the offense come to the parole hearing, or send a letter stating that they do not want your family member/friend to get out of prison, there is a good chance that the Parole Board will honor their request.

After being paroled, the person you support/love can be picked up by you at the prison, or can ride a bus from their prison to the area of Colorado to which they are paroling. It is usually the area of the state where they "fell" (committed their offense). If they ride the bus or ride with you to the Denver area, they are dropped off at 940 Broadway to get re-entry instructions and services. The first few hours out are hectic to say the least, the new parolee going then to the parole office, meeting their parole officer, and initialing many pieces of paper. The parole officer talks with your family member/friend, and may be willing to talk with you as well while the paper processing and instructions are taking place.

It is important to remember not to minimize or deny the offense for which your loved one was convicted. Family members who support a parolee may be removed as support if they indicate that charges were "trumped up" and/or totally not true. Likewise, it is not a good idea to make less of the police and victim charges than what are in the police report. The system expects you to embrace those reports in their entirety, though research does not support that necessity in terms of recidivism (i.e. repeat offending).

There is a sincere attempt on the part of non-profit advocacy groups and DOC re-entry to find support people or groups (such as Circles of Support and Accountability) for people who do not have family, or do not have family that can or will support them. Unfortunately, there are not enough support people or groups out there to assist all of the people who have other met criteria to get out of prison, and many have to wait a long time to find support. The proposed changes to the SOMB Criteria by the SOTMP may help with this problem if they are passed by the Board.

Life time parole is ten or twenty years, depending on the offense(s) committed. At the end of ten or twenty years, assuming the person on parole makes it successfully through that time frame, they can go before the Parole Board and ask to get off parole. The Parole Board does not have to let them off, as it is a Lifetime Sentence. The first person sentenced under the Lifetime Act of 1998 finished his ten years in 2015, and was successful in being removed from parole. We will see how successful the next few people are who were released from prison in the early years after the enactment of the Lifetime Act! Hopefully many will follow suit and be released from parole. Of course, many of them will still have to register as a person with a sexual offense for the rest of their lives, unless laws are changed.

Some treatment programs are looking at a "step-down" process from treatment, perhaps two years before the ten or twenty years are finished. This process might allow someone with a ten year to Life sentence to finish treatment at eight years. It also shows the Parole Board that the person has made good progress in treatment, and is prepared to get off parole! It is possible that someone serving

parole and probation who gets off parole at ten years may still have to finish another ten years of probation, if they had an initial twenty-year probation to serve.

Parole officers are generally willing to work with advocacy groups supporting the person you love, as long as they believe that support is helping to hold the person accountable for their actions and behaviors. One of the ways we work with parole is in the housing arena. Parole officers are usually extremely grateful, as are treatment providers, when we assist in helping them get housing!

The Lifetime Act carries with it a number of challenges. Ten years is a very long time to be on parole, and twenty years is even worse. There is literature showing that too much time spent in prison, on probation and/or on parole actually contributes to increased recidivism numbers. No-one foresaw when this law was enacted that the exponential growth of people in prison for extremely long periods of time, people getting out on parole for very long periods of time, and people on probation for extended periods of time was going to tax the supervision, treatment and incarceration systems in an incredible way. That is why different sections of the system are looking at ways to lessen the negative effect of long sentences on space, dollar and human resources.