

Sex Offender Management Board Committees –
Progress Made so Far
10-20-14

The Sex Offender Management Board has a variety of ongoing committees. Besides the regular SOMB Meetings (9:00 – 4:00) on the third Friday of each month at 23rd and Decatur (The Police Protective Association Building), I am attending and working on three committees that are addressing extremely important issues related to the cause of those who have been convicted of sexual offenses. Here is a review of what each committee has done so far, and ongoing items for discussion.

Rewrite of the Standards and Guidelines (S & G's) Committee

The first job of the committee, besides choosing a voting member for each of the disciplines represented (victims' advocates, advocates for those with offenses, probation, parole, polygraphers, therapists, DORA (Department of Regulatory Agencies)) and setting ground rules etc., was to rewrite the Introduction to the S & G's. The rewrite included updates reviewing the creation of the SOMB through the Colorado Legislature, and some of the history of the organization.

We are ready to begin work on a rewrite of the Guidelines. This is the area of the S & G's that lays the foundation for the rest of the Standards. You may remember the first two Guidelines from the past – "Sex offenders are dangerous". "Public Safety is Paramount". We worked hard to get some of that language out of the Guidelines, and were partially successful. However, I believe we have a chance to get even better language than what was substituted when the changes were made about a year ago. We are currently working off of four versions (i.e. the existing version, a version by Jeff Geist from parole who is the new Chair of the SOMB), a version put together by Laurie Rose Kepros, Director of Sexual Litigation for the Colorado Public Defenders Office, and a version put together by Bobbie Ponis, Dr. Chris Renda and Susan Walker representing the work of offender advocates.

As part of the introductory work for the Guidelines, the D.A. Representative prepared a definition of community safety from which we could potentially work. It will be discussed more at the next meeting.

SVP (Sexually Violent Predator)/Registration Committee

The committee began by looking at four other states where attempts had been made to do registration differently and perhaps better than our current system in Colorado. It became obvious as the committee reviewed those, that none of them would coincide well with what we currently have in place.

A decision was made to discuss changes to registration which would include a tiered system, in which the current SVP designation would go away, and Tier 3 would become the level that designated people with sexual offenses considered the most potentially dangerous. The Colorado Legislature will, of course, have to agree to this change, and if there were to be a fiscal note (i.e. if it cost any money to implement), it might not be implemented. It also might not be implemented if the legislature were to interpret this move as "being soft on those with sexual offenses".

For the same reason, a decision was also made by the committee, not to try to remove the SVP designation from those already assigned that "title", as it would surely add a fiscal note if all currently so designated were reassessed for removal of that designation. Advocates for those with an offense participating on the committee (two of whom have family members designated as SVP's), protested that this was not right. I stated that an esteemed evaluator in the State of Colorado had stated that the SVP

assessment that was originally created in the late 1990's was known by all SOMB members sitting around the table to be a less than adequate assessment tool. I made the declaration that the Board was morally and ethnically bound, at some point, to go back and reassess people so labeled with an assessment tool that was recognized today as one that truly detected high risk. This title has ruined the lives of many, and does not include any increased supervision for the person so labeled.

Discussion is starting at the next meeting as to how the different websites that advertise information regarding those with sexual offenses can be integrated, or at the very least, be made to work together better than they currently do. Each site, whether municipal, county, CBI, FBI etc. is different, and there is a lot of confusion regarding registration information. Not everyone is listed on every site, and the consumer has a difficult time using and trusting the sites.

I am hopeful that there will be a discussion regarding whether those with low risk need to be listed on a public registry at all (rather, just on a law enforcement registry). RSOL (Reforming Sex Offender Laws), a national organization, is working at different levels to try to get rid of the registry altogether. They base their arguments on constitutional rights. It is difficult for those of us in Colorado to focus on this registry work at this time because of the deep problems with the Lifetime Act, the challenges that exist in terms of housing and jobs, and in terms of the lack of availability of timely treatment inside the Department of Corrections (although this is improving greatly following the outside evaluators' report on the inside treatment program and based on the hard work and commitment of the CDOC treatment program leadership).

The Continuity of Treatment Committee

Those who are required to take part in sex offense specific treatment have long complained about having to "start over" each time they move to a new part of the criminal justice system. The committee is working to improve communication and relationships between the various parties (i.e. treatment on the inside of CDOC and treatment in the community) so that classwork already taken and passed, does not need to be repeated.

To this end, a form has been created that the therapist can use to help to determine what has been mastered by the client in previous treatment settings. People who have moved from CDOC to parole state that they are made to retake classes over and over again, partially because of the length of parole for those sentenced under the Lifetime Act, or because of the length of prison stays and treatment on the inside because of the Lifetime Act.

This form is a first step for the committee in terms of trying to honor progress through treatment, and not promote redundancy and boredom. Literature has shown that too much treatment can actually cause increased chance for recidivism. People from CDOC who have completed criteria and been paroled should be able to move fairly quickly to "aftercare" status and attend group much less, as well as experiencing much less financial discomfort.

It is not clear yet what the next step will be for this group. There is disagreement, especially between probation and treatment, regarding who is in charge of moving people forward in treatment, and this is being worked on in another venue through the SOMB, looking at the Containment or Community Supervision Teams and why they are not working more effectively and cooperatively.

Of course, all committee recommendations must go back to the full SOMB for a vote before enacted.