

Today's Wearer of the Scarlet Letter – The “Sex Offender”

As some of you may have noticed, 9News was present at the most recent Sex Offender Management Board (SOMB) Meeting, called there by victim advocates to disrupt a very necessary conversation by the SOMB and the people who are always there in the gallery and who contribute on a regular basis to SOMB Committees and conversations. If you haven't seen the story, you can click on the link below to get the gist of it.

Despite what was seen on television and on the website, the discussion was really about what people who have committed a sexual offense ought to be called in the Standards and Guidelines (S & G's) of the Sex Offender Management Board. They are being rewritten, this time supposedly in line with research and best practice principles, both things that have been missing in the past. In the past, when I asked why the research support for S & G's was added AFTER they had been written, I was told by SOMB Staff that they didn't have time to pull and read the research that was available. With the Joint Budget Committee mandated Outside Evaluators' Reports of the Colorado Dep't of Corrections SOTMP Program and the SOMB, there is a push to at least look as if the Board is trying to be compliant with the therapeutic model strongly suggested in the Reports which is called Risk, Need and Responsivity.

Professionals under the purview of the SOMB and its S & G's include: sexual offense specific therapists, sexual offense specific evaluators and polygraphers. Others that make up the “containment team” that makes a triangle around the person who has offended when they are in the community include parole and probation officers who have their own sets of rules. In Colorado, probation is under the judicial department, and though they technically have oversight, in reality, the P.O., their Chief P.O. and the Judge who is over it all stick together really tightly, so that justice for the person under their purview really lies solely with their P.O. Parole is under the Department of Corrections.

Therapists believe that because they can be grieved, sued under the Standards and Guidelines, and through the Department of Regulatory Agencies (DORA), the people they are treating ought to ethically be called and treated like, clients. While sexual offense therapy has some differences from some other therapies, therapists all go through the same programs as other therapists when they attend undergraduate and graduate school, and have strong beliefs about their moral and ethical commitments to their clients. Currently the S and G's call them “sex offenders”. Juveniles are called “juveniles who have committed a sexual offense”, and the purpose of this discussion was to help the rewrite committee (which I am on) as it struggles to provide appropriate language for each of the document's sections.

Because the supervising officers present on the containment team (or the CST – Community Supervision Team) are not under the purview of the S & G's and cannot be grieved or sued via the document, therapists feel strongly that they should have more ability to make final decisions re: the treatment progress of the person they are treating, and that the person is their “client”. Some supervising officers, on the other hand, frequently diagnose mental illness, make judgments about the legitimacy of polygraph results, and think they know more than the treatment team knows. Treatment providers have also experienced reduced referrals from supervising officers because they disagree with or don't like the philosophy or approach of a particular treatment provider. Supervising Officers get to make the final decision about whether someone goes to prison (or back to prison), and are considered the “lead” on the team.

The Containment Model, whose author Kim English of the Division of Criminal Justice/Department of Public Safety, is back on the board after many years of absence. The board has been ""loaded"" with victim advocates, police representatives, judges, D.A.'s or their representatives, and DCJ/DPS representatives; they greatly outweigh the number of therapists present on the Board, and thus enjoy a power majority. While these positions are in statute, they were designed/chosen by the people who originally envisioned this board, the very people who now sit on it in majority numbers!

If the victim advocates were smart, they would embrace prevention, education and restoration as the tools for reducing the number of persons who have experienced victimization. Restoration of the person with the offense and the person who has been offended against requires that people work together to find common ground. It does not take a rocket scientist to figure out that a person who has committed an offense, whether a sexual offense or any other, is going to have a much better chance to succeed post offense, if he/she has a 1) job, 2) support team, 3) a home. When you have to tell everyone you talk with about housing, jobs and support that "I am a sex offender" or in Colorado's worst case scenario "I am a sexually violent predator" (a designation that we hope is going to go away soon), your chances of success go way down. To stubbornly stick, as the victims' advocates have done, to a pain and shame gospel for the person who offended for the rest of their lives, defeats the purpose of treatment and rehabilitation/restoration. Wearing the "scarlet letter" for the rest of their lives protects nobody. Prevention, education and restoration spread the safety net a lot farther, reducing victimization and enhancing the safety of the public.

In reality, society will never be totally safe, no matter what the Department of Public Safety tells us. We cannot expect to live in a world where we can walk around inebriated, not lock our cars or put them in a garage, or take large numbers of unnecessary chances in dangerous situations and not suffer the consequences. Does that mean victims are guilty of "causing" these offenses? No it does not. It does mean that we all have to take responsibility, as much as we can, for putting ourselves in dangerous situations, or keeping ourselves out of those situations. We could still be hurt, attacked, shamed or killed, but vigilance can enhance our chances of staying safe.

Those with offenses can and should assume responsibility for the pain they have caused, and those of us who have been victimized or may be victimized can take more responsibility for staying as safe as possible. Victim advocates like to call this "victim blaming" i.e. when we ask people to take care in their daily lives for their own wellbeing. The two things are not at crosshairs with each other.

The comments posted on 9News comments page show that only a couple of people commenting have any idea what the discussion at SOMB was supposed to be about. The news channel also did not understand, and it's not clear that the victims' advocates or many SOMB Board Members really got the point either. I hope I live to see the day when some clear progress is made in terms of advocacy groups talking with each other for the good of both those who have been and will be victimized, and those that caused and will cause future victimization!

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