

Where Do They Belong?

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Do people with dementia, intellectual disabilities, traumatic brain injuries, and serious mental illness belong in the criminal justice system? I am thinking specifically of those who have committed a sexual offense.

In my daily work, I run into parents whose hearts are aching, and those who have committed offenses who struggle to meet the requirements of prison treatment, parole treatment and supervision, half-way house rules, registration etc. They forget; they get confused; they talk too much in group; they don't talk/write enough in group; they can't pass polygraphs etc. In spite of their inability to perform at the level of those of us who are supposedly "normal", they are held responsible for their actions or lack of actions on a daily basis by parole, probation, treatment, polygraphers, D.A.'s, prosecutors, sexual offense registration officers, the parole board etc.

Not doing well in any or all of these areas has disastrous results for these folks. They are terminated from sexual offense specific treatment and thus sent to jail to await a revocation hearing. They are charged with another felony because they forgot to register. They (and/or their parents) have to pay for additional polygraphs to "clear" the ones they took that they didn't pass. They are moved from group to group at treatment to try to find the one in which they may be able to function and meet the Sex Offender Management Board's overly extreme requirements. If I could share specific examples with you I would, but I do not want to draw attention to any one person and their particular challenges.

People with the above named challenges have also been labeled Sexually Violent Predators. Because they cannot compete at the same level as other they are in prison with, they may tend to get into arguments easily, and thus get thrown in "the proverbial hole" more often than others. Despite their need for medication and "wrap-around" services, they frequently leave prison without their necessary medications, identification, medical services and the rest of what they need to survive.

If I were in charge of making the laws in Colorado, I would not make laws or standards and guidelines that force people with a variety of medical and cognitive challenges to function under the same standards as everyone else. It makes no sense. The legislature knows this; the Sex Offender Management Board knows this, yet no-one does anything substantive about it. There is not enough money focused on giving these folks the help they need. Everyone is too busy making sure that their favorite pet project is funded, or a "popular" law gets funded.

What can we do to turn some of the money that is being misspent via the criminal justice system, and turn it into real help and assistance for people facing some of the most dire challenges that any human being must face! Let's work on this together!