

## **Working Together in the Name of Justice And Public Safety?**

Why the SOMB's CST Model doesn't always work

It took three court appearances to finally get MOST of the paperwork related to a specific probation revocation and possible ruling for CDOC. The defendant who had been revoked from SOISP treatment and probation almost a year earlier and his family (as well as their attorney) were smart enough and observant enough to note that various documents from the Arapahoe County D.A.'s Office and the Probation Offices had the word "attachment" written at the bottom of some of the pages. They did not, however, find those attachments in the piles of paperwork received from the D.A. and from probation and treatment.

During the second court appearance, after a "shout out" from the Judge regarding what he believed was the defense's late request for these missing documents, the Honorable Judge did indeed instruct the D.A.'s Office and the Probation Office to hand over the "attachment" documents. It would have been impossible at the time the Judge ordered this paperwork into the hands of the defense attorney to project the positive effect receiving those documents would have for the defendant!

After testimony from the forensic psychologist involved in this case and a grilling of that psychologist by the Deputy District Attorney (who called the psychologist "Mr." instead of Dr.), and several scoldings by the Judge of that same Deputy District Attorney for her overly aggressive approach to questioning, the attorney for the defendant brought forward the paperwork that had been missing – i.e. communications between treatment, the D.A.'s Office and the Probation Office. It was clear from these attachments that the best possible outcome for the defendant did not appear to be anywhere near the top of their priority list. Sadly, public safety did not seem to be near the top of that list either.

Rather, the attachments showed that the Probation Office and the D.A.'s Office had attempted to "pre-sentence" the defendant to CDOC by making comments on paper of disdain and what looked and sounded like collusion. They did not want this defendant to have a chance to make it on SOISP and referred to him as "this guy", indicating they were not going to even mess around with him (paraphrase of actual words said in attachment).

The Judge stated that he regularly saw how many people did not make it through SOISP, and expressed his displeasure at the approach utilized between Probation and the D.A.'s Office. He stated that while various factions of the justice system at times show disdain for each other and toward those who have offended, all must work as professionals for the ultimate good of justice in the true sense of the term.

One of the challenges faced by the Sex Offender Management Board and its CST (Community Supervision Team) Model is that the Probation Offices across 22 Judicial Districts in Colorado report to 22 different Chief Justices, as the Judge in this hearing pointed out. He stated that "I am your boss", referring to the Head of Probation for Arapahoe County who was there representing probation. As a family and registrant advocate, I have personally tried to go up that chain of command to get fairness for clients, and the Chief Judge frequently refers back down to the Chief Probation Officer, as Judges do not always have the day to day information and experience that Probation has. This puts a huge amount of power in the hands of probation and the D.A.'s Office to "convict" a probationer without all the "attachments" available to those who advocate for fairness to those under the tutelage of the Probation Office. In this particular case, the treatment provider for this man did not initially have the same concerns regarding his client as the Probation Officer did – it was the decision, not of the CST, but

of the Probation Officer that led to this man's revocation of treatment and revocation from SOISP. The CST is supposed to decide these things together. What may happen in reality is that treatment providers, afraid they will not continue to get referrals from Probation Departments, go along with Probation decisions all too often, afraid they will not continue to get referrals to their treatment programs.

Assuming that all people who have committed a sexual offense are "the scum of the earth" and not worth being treated and supervised is a faulty assumption. Flippant statements made by D.A.'s, officers and treatment providers who change their mind regarding someone's progress in treatment because the Probation Officer says it is so, do not belong in the Risk, Need and Responsivity and other similar models of treatment for those who have committed a sexual offense.

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The above is paraphrased regarding actual statements made in court, but reflects in this writer's mind, the tenor and mood present in the courtroom about inappropriate behavior by the D.A.'s Office and the Probation Officer. The defendant was reinstated in SOISP with "no further punishment" (words of the Judge). While courtroom happenings and comments are reported as they happened through the eyes and ears of this advocate, we are awaiting actual transcripts of the court proceedings, and will, when they arrive, make specific quotes available to all of you from actors in the room regarding this case.