October 4, 2014

First Attempt at Rewriting the Guidelines for the Sex Offender Management Board

Based on the Outside Evaluators' Reports re: CDOC/SOTMP and the SOMB, the Sex Offender Management Board is taking seriously the need to make some changes in its Standards and Guidelines. Because the Guidelines set the tone for the Standards, the SOMB Rewrite Committee is starting with a redo of the Guidelines.

It is my privilege to be the voting representative on the rewrite committee for the advocacy groups and individuals in Colorado. They are: CSOR, AFC and unaffiliated persons. Of course, there are voting representatives for the D.A.'s Office, the victims' groups, parole, probation, and ongoing stakeholders. It is not clear how many of those groups will come to the next rewrite committee meeting with carefully written text for the Guidelines that the Outside Evaluators' Reports said needed to be changed.

Dr. Chris Renda, Roberta Ponis and I sat down together to put together the best suggestions we could regarding how the new guidelines should look and what they should say. We are sharing that suggested text with you at this time. Please get back to us either through the website comment page, or via my e-mail,Susancwalker1@gmail.com with your thoughts and constructive criticisms. Besides quoting directly from the Outside Evaluators' Report and utilizing language in the juvenile guidelines in some instances, we have also added some areas of concern from the family and persons with an offense viewpoint.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Guidelines Rewrite

Susan Walker, Chris Renda, Roberta Ponis

Representing the Advocacy Groups

(CSOR, AFC, and Unaffiliated Persons)

Community safety is paramount. (1)

The highest priority of these Standards and Guidelines is to maximize community safety.

Note: Include a definition of community safety which recognizes the right of all members of (including victims, victims’ families, families of offenders, as well as those convicted of a sexual offense) of the community to live and thrive in a safe environment.

Sexual offenses cause harm. (2)

When a sexual offense is committed, there is always a victim. Sexual assault can have devastating effects on the lives of victims, their families and the community. The impact of sexual offenses on victims differs based on numerous variables and there is potential for differing levels of harm. By defining the offending behavior and holding adult offenders accountable, victims may experience protection, support and recovery (Source: Juvenile Standards). Treatment, supervision and victim advocates, however should let those victimized know that not all adult offenders will be completely honest and accountable, and victims should be encouraged not to give offenders power that dictates whether or not they will be able to heal.

Community safety is negatively impacted whenever a person commits a sexual offense; however, risk for future sexual offending varies. The intensity and duration of supervision and treatment should respond to the identified levels of risk. (3)

Adults who commit sexual offenses differ in the level of risk they present for reoffending as well as the associated risk for the safety of the community. While current literature (R. Karl Hanson, Andrew J.R. Harris, Leslie Helmus and David Thornton. High-Risk Sex Offenders May Not Be High Risk Forever. J. Interpersonal Violence 2014 29:2792, August 19, 2014) shows that some will sexually reoffend, it also states that many will not. Lower risk offenders can be effectively managed in the community through ordinary supervision processes of limited duration. Higher risk offenders may require supervision and treatment that is more intensive, more specialized and of greater duration. Initial assessment of risk may be done at the pre-sentence investigation conducted by the Probation Department. Based upon the results from the initial assessment, offenders should be triaged into lower, medium and higher risk groups which then informs subsequent decisions about the intensity and duration of supervision and treatment that is appropriate for community safety and cost-effective risk management.

Assessment and evaluation of adults who have committed sexual offenses is an ongoing process. The intensity of external controls should be responsive to changes in risk. (4)

“The effective assessment and evaluation of adults who have committed sexual offenses is a process that balances the use of external controls and the development of internal protective factors and controls. Treatment and supervision should aim to build up internal protective factors and controls and reduce the intensity of external controls so that the professional can determine how well improved behavior is sustained when the individual has more freedom. At the same time systems need to be alert for indications that risk has temporarily increased and quickly be able to increase the intensity of management in response.” (Source: OE p. 53-54)

Community supervision is a privilege that is dependent upon a sexual offender’s willingness and ability to cooperate adequately with the supervision process. Accordingly, those that work or interact with an adult offender should do so in a manner that maximizes offender cooperation and accountability. (Source: OE p 55).

An important goal of sex offender treatment is to motivate offenders to change. For many, that difficult work began while on Probation, or in the Department of Corrections. Those who have offended will respond better to treatment and supervision that recognizes not only the offense committed and those harmed, but that “no-one is disposable” (Circles of Support and Accountability). Offenders bear the responsibility to learn and demonstrate the importance of accountability, engage in pro-social behaviors, and cooperate with supervision. However, community supervision generally is more successful when supervisors, evaluators, and treatment providers employ a motivational approach to eliciting cooperation and focus their attention on discussion of risk and protective factors rather than being excessively and solely attentive to compliance with conditions. Revocation of supervision should be a last resort, only pursued when it is essential for public safety or when treatment compliance cannot be otherwise obtained (Source EO p 55).

Rationale: The purpose of the Standards and Guidelines is to influence the behavior of treatment providers, probation and parole officers and supervisors, and other professionals working with adults who have been convicted of a sexual offense. This phrasing encourages professionals to attend to how their own behavior can affect the conduct of those whom they supervise. Success in community supervision leads directly to greater community safety.

Families, friends, employers and members of the community who have influence in the lives of those who have sexually offended can meaningfully contribute to their safe re-integration into society. (Source OE p 59). (13)

Sexual issues are often not talked about freely in families, communities and other settings. In fact, there is often a tendency to avoid and deny that sex offenses have occurred. Successful management and treatment of sex offenders involves an open dialogue about this subject. Pro-social individuals in the offender’s environment can model pro-social attitudes and decision-making and can challenge antisocial/risky attitudes and decision-making. They can also create opportunities for the individual to live a more normal life and so encourage the individual in the sense that living in a pro-social way can be worthwhile (Source EO p 59). Besides providing support, love and friendship, families and friends can assist supervisors and treatment providers by encouraging those with a sexual offense to comply with oversight and to learn through treatment about tools that lead to the attainment of necessary “human goods” (Good Lives Model). These include such things as work, play, pro-social friendships, spirituality and self-directedness etc.