

Next CSOR Meeting 5 December 2018

I just got a confirmation back from Maureen Cain regarding her ability to present to us at the Wednesday December 5 CSOR Meeting. Maureen, as many of you are aware, has been working for several years now on a program to get Colorado registrants who qualify off the registry. She will share about her work so far, and the current project's progress. We are very excited to have Maureen, who has been a steady, productive force regarding sexual offense and many other criminal justice issues here in the State of Colorado.

Please put the date (December 5 - Wednesday from 11:30 - 1:00) on your calendar and plan to be present! Lunch is served as usual at the St. Paul's Lutheran Church - 1600 Grant Street (corner of Grant and 16th).

Sex Offender Management Board (SOMB) Standards and Guidelines

We are finishing up (could take several more months) the 5.0 - 5.7 Standards and Guidelines section which is about Supervision, and includes the section of the Standards on Contact with Children. This, as you can imagine, has been a long haul. The Burns Case from a number of years ago, stated that unless there was a compelling reason (or reasons) why a client could not see and raise his (her) own child or children, they could see and raise their child.

Since this ruling, there are judges who are allowing children of registrants to live with their registrant parent. This, of course, has not been pleasing in the eyes of the Sex Offender Management Board, despite the fact that we have so far heard no stories of abuse resulting from people being able to exercise their constitutional rights on this issue.

The Board has taken great pains to continue the "one size fits all" concept on this issue. This approach was all too prevalent when my son was convicted 18 or so years ago. Instead of just accepting the ruling, the Board decided that they needed to give judges advice on whether they should or should not follow the Burns Law. Probation did acknowledge the case law and they have changed their directives to address the change.

It is obvious that D.A.'s and victims' advocates who attend these meetings in larger numbers than is usual on SOMB Committees, still have incredibly strong feelings about this issue, and despite the change in the law based on Burns, still want everyone to go to 5.7 (or whatever number it will be in the new Standards). There are things dealt with in the current 5.7 that they believe are essential for all clients to learn, and they are not happy that some clients are being allowed access to their children without going through 5.7

The Standards make a comment about clients "voluntarily giving up" their legal ability to be with their children according to Burns, until they participate in the 5.7 experience. While participation in 5.7 is clearly desired for some, the wish for all to participate in 5.7 does not match the expectations of Risk,

Need and Responsivity. I have brought up repeatedly in these meetings that to volunteer expresses a desire to give of one's own free will.

The fact that the most recognized approach in criminal justice today states that registrants are different, not the same, supports the need to take an individualized approach to this issue based on Risk and Need! To have the pretense that all need 5.7 at the same level, threaten them with not being retained in treatment which is a condition of their parole and/or probation and could send them to prison if they don't co-operate, say in the Standards that they are "volunteering" to participate by waiting for 5.7 is taking away their constitutional right to be with their children. When you "volunteer" for something in order to experience a constitutional right that is already yours because you may "lose your head" if you don't volunteer, the word "volunteer" takes on a whole new meaning.

I tried to encourage the Board to use other language than "volunteer", but was ignored. The language I suggested said something like "in lieu of accessing their constitutional rights". The Board, in its zeal to be the final word on this issue, has used language that is clearly misleading and downright dishonest. To be forced to participate in 5.7 when you already have the constitutional right to do so is NOT volunteering. To be told that you will not be able to continue in treatment at a certain treatment facility laughs in the face of a client's constitutional right to parent their child/children, especially when they may not be accepted by another SOMB approved program and be sent to prison for not "volunteering."

The Standards and Guidelines were originally supposed to be done by July 1 of 2018. The Board asked for an extension through December of 2018. It now looks as if it may take even longer to finish this particular section because of the fervor to be sure that one size fits all continues to rule this part of the Standards.

While no-one wants more children to be victimized, the vast majority of studies today clearly show that the huge majority of those who have sexually offended will not re-offend. This emotion-charged issue continues to be propagated in spite of the embrace of Risk, Need and Responsivity and similar approaches, which make it clear that all are not the same!

If you are not involved, get involved! There is lots more work to be done, and voices are needed to tell and support the truth that has been discovered through research.