



# CSOR

*Though I have fallen,  
I will rise. - Micah 7:8*

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## Successful Bills for the 2018 Legislative Session

There were two successful bills concerning sexual offense issues during the 2018 Legislative Session which just ended. While neither bill is “earth shattering” – i.e. the Lifetime Act has not come to an end and registration is still required for most – these two bills are a response to problems with sexual offense laws and issues that we as advocates for those who wear today’s Scarlet Letter have been talking to Legislators about for years!

**HB 18-1427** - The title of this bill is: Concerning Conflicts of Interest on the Sex Offender Management Board. By Senator Leslie Herod (Democrat), Representative Cole Wist (Republican) and Representative Jerry Sonnenberg (Republican).

The aggressive use of polygraphs over the years by the system has prompted ongoing work on the part of client advocates to try to limit or preferably end their utilization with those who have committed a sexual offense. The Board appears unresponsive and insensitive to testimony from retired Judge Maes regarding the fact that polygraphs are not admissible in court, and claims that polygraphs have other virtues, including an effect much like that achieved from waterboarding – i.e. confession of previously unrevealed offenses, whether they really happened or not! You may consider the waterboarding example a bit over the top, but polygraphs often have a devastating effect on the lives of those who are forced to take them, emotionally, psychologically, physically, monetarily and so on.

This new law makes it illegal to sit on the Sex Offender Management Board, make policy while writing Standards and Guidelines, and have “direct financial benefits from the Standards and Guidelines adopted by that Board” (Chris Osher, Denver Post). While polygraph examiner Jeff Jenks is a main focus of this bill, others who currently sit on the Board may be affected as well.

The Board muses that removing these subject matter experts from the Board deletes the amount of important and necessary information that the current seat-holders possess. Senator Daniel Kagan argues, however, that these advocates would be able to serve on subcommittees and still advise the Board, just not make the decisions (Chris Osher). Kagan stated, “We lose nothing in terms of their expertise, but we gain a lot in terms of financial impartiality.” (*continued on page 2*)

“The Only Thing That Is Constant Is Change” - Heraclitus

CCASA, a victims' organization, opposed the bill, stating that they were concerned that their grant money might be taken away as well. Only seven Legislators seemed to be swayed by that argument, and the vast majority voted for the bill! On to the Governor's Desk and pen.

A follow-up note: CCASA sent out a press release after the close of session, stating that victims would be harmed if this bill passed, and asking the Governor not to sign it. With next years impending Sunset Review of the Sex Offender Management Board looming, who can predict exactly what the Board may look like after the 2019 session. This bill would not go into effect until September of 2019 if it is signed by the Governor, and if no Sunset Review statutory changes make it null and void.

**SB 18-026** BY Senator(s) Kagan, Court, Guzman, Martinez, Humenik, Merrifield, Jones, Kefalas, Tate; also Representative(s) Herod and Willett, Buckner, Hansen, Winkler.

The title of the bill is: Concerning Measures to Make Sex Offender Registration More Effective.

There is not room in this newsletter to send you a copy of the whole bill; here is the gist of it.

- Law Enforcement may waive the requirement that a person reregister *in person* if the registrant suffers from a chronic physical or intellectual disability that substantially limits the person's ability to function independently and participate in major life activities to the extent that it is a severe hardship to reregister in person and there is a medical record of such disability. If the Law Enforcement Agency waives the requirement to reregister in person, the Law Enforcement Agency shall reregister the person after verifying the person's current address with the person and at least one other reliable source...waiver requirements must be redetermined every three years...A person who fits these requirements may also petition the court through a variety of specific procedures to get off the registry. If the District Attorney and/or victim disagree, another set of specific procedures must be followed to hear their concerns. Persons convicted as an adult of sexual assault in the first degree, in violation of section 18-3-402, as it existed prior to July 1, 2000, or sexual assault in the second degree in violation of section 18-3-403 are NOT eligible for relief pursuant to this section, but shall be subject for the remainder of their natural lives to the registration requirements specified in this ARTICLE 22...

In reality, the police have already in many cases, been providing a "registration service" for people in nursing facilities, assisted livings etc., and because of that reality, the police were on board with this bill. While it is not the registration bill that we all hope and pray for, the one that will demand a "perfect storm" to produce, it is something, and bringing all the diverse, disagreeing parties together to get this done was at times challenging!

Without change there is no innovation, creativity, or incentive for improvement. Those who initiate change will have a better opportunity to manage the change that is inevitable.

William Pollard

## From the Depths to the Heights! Our Family's Story

The day I found out that my son Mark was in jail was definitely one of my life's lowest points. Mark was a child who showed promise early on, so finding that he was incarcerated for a felony was hard to believe. Oh, there were signs to be sure, that the promise he showed as a young child had gone awry in many ways – cigarettes, drugs, alcohol and troubled friends seemed to march right alongside his participation in the International Baccalaureate Program at George Washington High School. It took a while to get the story, but when I did, what a story it was. A night of drinking and drugging in Mark and his girlfriend's apartment had turned into an opportunity for a felony sexual assault.

Being a novice to this arena, the ride through a year in work release and a couple of years on probation was bumpy, to say the least! I knew nothing about The Lifetime Act which was embraced by Colorado's Legislature in 1998, about the consequences of failing on probation and getting kicked out of sexual offense specific treatment, the power held by the Sex Offender Management Board (SOMB), and the "no known cure", "one size fits all" philosophies that permeated the Colorado air for all who committed a sexual offense.

I made it a point to learn quickly after Mark was kicked out of RSA's treatment program while on probation for a couple of hot UA's, missing treatment and not doing assignments. I began attending SOMB general meetings and committee meetings and learned exactly what kind of a trip he (and our family) were in for over the next few years. Sentenced to 4 years to life, he began his stay in CDOC at Walsenburg, tried to commit suicide there, was taken to Colorado Territorial Correctional Facility (CTCF) for several weeks of mental health support, briefly back to Walsenburg and then by God's grace and the intercession of a case manager at CTCF, ended up at Fremont Correctional Facility (FCF) and roomed with a young Asian Christian. He began reading his Bible, and I soon noticed that Bible verse "handles" (for those of you not raised in a church setting, a handle is where the verse can be found in the Bible) were gracing his letters.

The anger that was present over the teenage years and into his early twenties disappeared, and while he had what I would call "righteous anger" at times over a variety of issues during his incarceration, his demeanor changed, and I could credit this miracle to nothing except the work of God in his life! His stay at Fremont also resulted in his getting into treatment fairly quickly. Other highlights of his stay there were Kyros, Dick and Carol Gott's Wednesday night Bible Study, playing with the chapel band on Sundays, leading Bible studies for small groups of men and progressing through the Radio Bible Class out of Grand Rapids, Michigan which he pursued diligently.

Along with Mark's "new life" came trials as well. To the chagrin of even his therapist, he was designated an SVP by the Parole Board (at that time led by Alan Stanley). We were, a couple of years later, able to get that designation removed as we were told by Dave Michaud, new head of the Parole Board that over 100 people had been falsely labeled SVP's (i.e. had never scored the "4" on the "meaningless assessment" as an SVP), and that Mark was one of them. Remanded back to the Board under Michaud, the title was removed. Another extremely painful experience was Mark's administrative termination from treatment after he slept through standing count (more than once – he always had a problem waking up from sleep) and was sent to Buena Vista for a year right before he was ready to finish treatment and get out of prison. Of course, his heart and ours were broken, but God brought experiences at Buena Vista that Mark would not have had if he hadn't gone there. Travis, a young man with whom he formed a close friendship, in for life due to his part in a murder, played with him in the chapel band, wrote music with him, and was a source of comfort, encouragement and fellowship that has been a blessing to all of our family! Travis is now in Mark's Cell Church Ministry's Bible Study class at Buena Vista through the Urban Ministry Institute! A volunteer for Mark's organization goes in once a month to teach this seminary level class to a group of men at Buena Vista! (*continued on page 4*)

**"We should not judge people by their peak of excellence; but by the distance they have traveled from the point where they started."  
— Henry Ward Beecher**

The attorney who filed Mark's case to get rid of the SVP designation encouraged him to get his paralegal certificate while in prison (he was impressed with the way Mark wrote his own arguments for the SVP removal) hired him when he got out, and Mark continues to work there to this day. We are so grateful to this attorney and his firm for ten solid years of employment for Mark

He finished the Bachelor's Degree that he had begun before his offense and his prison experience, and then started Seminary with an eye toward prison ministry. May 12 of 2018, he graduated with a Master's Degree from Gateway Seminary here in Denver (the mother school is in California). He has been working full time, going to school full time, and running The Cell Church Ministry for three years now – what he has not been doing is sleeping! A quick note: Mark was awarded the Outstanding Greek Student (i.e. Greek language studies as they relate to the Bible) title, plaque and a gift across the Seminary's five campuses.

Of course I am proud of Mark, and our family has, along with him, survived the long journey through the maze of incarceration, sexual offense therapy and supervision. While happy for the lessons he has learned (the hard way to be sure), we are sad that unless something drastic happens with the Lifetime Act, he and many others so sentenced will have to register for the rest of their lives. Some will never leave prison.

Let you think I wrote this only to brag on my son, I continue to write to hundreds of men at CDOC, encouraging them in their "ride" through the system, assisting them with a variety of issues, including helping them find housing and supporting their re-entry process. The "top of the mountain" experience Mark reached on May 12, 2018 is a great miracle, and one that can be reached by many. It obviously won't look like exactly the same ride, but it will be just as meaningful for others who have walked and continue to walk the same path through prison.

Thanks to Missy Gursky and John Davis for giving Mark a chance beyond his short stay at and termination from treatment at THE! Thanks to Tanya Ahamed for being a great therapist, and to Jen Duncan for being a super supportive parole officer.

## Then and Now

### A note to Mark from Hester Prynne

Mark Walker M.Div. Put that title on and wear it proudly. You've earned it. In some mediaeval universities in Europe, a Master's degree was called a Magister degree (also magistar, female form: magistra; from Latin: magister, "teacher") which was also related to those possessive of magic.

We both know that it wasn't magic that got you to this point. It was your faith. A faith in your family that fights for you this very day and a faith in God who has been with you during times that would have brought down most.

The days of incarceration are gone but the memories are not. The days of "treatment" at SOTMP included fear and intimidation directed at you at times, but you persevered. We both know that your termination from treatment was more about you standing up for your beliefs than it was about not standing up for count. It was an "Unacceptably High Cost" that you endured.

You were one of the first to parole outside of Phase II. The days of seeing two therapists walking to the unit to "terminate" someone were over. The stagnation and hopeless feelings ended. You faced the Veeder machine and won. Your setbacks you turned into experiences to learn and progress.

Now you have completed your education goals and your ministry strong. What an accomplished man you have become.

Σας ευχαριστώ που είστε φίλος. Δαβίδ

## What's So Great about Colorado?

We could go on and on – purple mountains' majesties, amazing weather most of the year, friendly people, and for those who created the Sex Offender Management Board and accompanying Standards and Guidelines, the best state in which to manage those who have committed a sexual offense.

The climate regarding those who committed a sexual offense in the late years of the 1900's was rabid, based on a few horrific offenses against children, from the young child found in a mountain park latrine, to the murder and molestation of Jacob Wetterling. Colorado wanted to get solidly involved in the battle against the "monsters" perpetrating these offenses across the country and get involved Colorado did!

At that time, I knew nothing about the Sex Offender Management Board (SOMB) or the new movement beginning in Colorado to stop persons who were committing sexual offenses in their tracks. Shortly after the year 2,000, however, I would have painful and personal knowledge of what this movement was all about. My son committed a sexual offense, and I quickly became a student of what was happening in Colorado regarding those who sexually offended.

Now after more than twenty years of an approach up until recently called "The Containment Model" (presently called the Teams Model) there have been questions regarding some aspects off the model that was created. Outside evaluations in 2013 and 2014, paid for by the Joint Budget Committee of the Colorado Legislature, questioned Colorado's hard-core approach to working with these men (and women). The framers of the "No Known Cure" approach, Kim English, Grieg Veeder, Peggy Heil and others, many of whom are still around today, utilized threats, confrontational approaches, the polygraph and plethysmograph, belittling and other methods to literally beat these men into submission and confession – a large number of men in the "treatment programs" committed suicide.

Now 5 – 6 years beyond the Outside Evaluations, Colorado has an almost completed set of new Standards and Guidelines. The tone of some of the sections and language is more therapeutically oriented (i.e. instead of No Known Cure, it is now Offenders are Capable of Change). In some sections however, the old belief patterns show up. In spite of the fact that we now know that people present different risk levels (which is why "no known cure" is no longer in vogue), certain sections of the Standards still ring with the theme that "all offenders are going to molest their children if they get to see them" and other sections that attempt to support the Lifetime Act which, at its inception, reached a faulty conclusion that 12 – 15 crimes picked out by someone, represented the worst and most dangerous crimes committed by the worst and most dangerous people. We know this is not true, as many people who were determinately sentenced are higher risk than people who have been indeterminately (lifetime) sentenced!

Therapists call me from other states, wondering why the men that have Interstate Compacted to their states must stay in treatment for the whole ten years of their Lifetime Parole. I tell them that I don't believe that they do have to, that the more innovative and correct programs in Colorado are letting their men out of treatment before their ten year or twenty year parole is up. These therapists from other states tell me that after five years, the men in question could teach the therapy classes themselves, that they have families and children and jobs, and are doing exceedingly well. Recidivism rates in their states are as low as ours are here in Colorado – their treatment and supervision stints are much shorter.

It's time for a Legislative look at fixing the fallacies in the Lifetime Act by recognizing that risk is individual – not everyone is the same. Whoever had the idea to arbitrarily choose 12 – 15 offenses that were automatically the worst of the worst to support the existence of a Lifetime Act was wrong, dead wrong! It is my hope and prayer that during the next Sunset Review of the Sex Offender Management Board during 2019, the need to make major changes in the overall statutes regarding the Sex Offender Management Board, its size and make-up, and its purpose, as well as changes in the Lifetime Supervision Act will become abundantly clear! Other states spend less time and less money, and have comparable recidivism rates for this population, and we need to learn from them regarding a Re-Do of our approach here in Colorado!

**The Church doesn't have a mission; the mission has a Church. - Matty Molnar**

## News Tidbits

1. An article entitled “A Desperate Fight against Predators” appeared in the Sunday May 6, 2018 Denver Post. The sub-title read “More mandatory reporting won’t keep our children safe”. The article, originally published in the Washington Post, points out that since the gymnastics abuse perpetrated by Dr. Larry Nassar came to light, there have been calls for tougher and more widespread mandatory reporting.

As the Washington Post author of this article Mical Raz points out, “without the ability to provide comprehensive support and services to struggling families, the government has instead focused its efforts on enhancing reporting, creating a culture that emphasizes investigation over assisting families in need.” The author states that since the Penn State sexual abuse scandal, Pennsylvania passed 24 pieces of legislation. The effect of more laws, more mandatory reporting, and not enough services and support to meet the needs of those who are physically and/or sexually abused does not make children/people safer.

My take as well as the author’s take, in addition to the authors is that passing laws and focusing on prosecution of the cases, the courts, lawyers and legislators sends the big money to the wrong places. We have all seen the expansive court houses throughout the country – here in Colorado Jefferson County has what is appropriately called The Taj Mahal – grand, glorious and expensive, but not improving in any way the ability of communities to meet the needs of those who have been physically and sexually abused. There are never enough funds for adequate and long-term referral of children and their families to case workers, victim therapists etc. Instead, it all goes to glorious buildings, District Attorneys and Prosecutors, as well as prisons and jails. Changing priorities in a world where lobbyists and special interests rule is an incredibly difficult task!

2. Robert Bell from Colorado Springs, recently filed a complaint against Springs polygraph examiner Dr. Earle, for what Robert believes was inappropriate treatment by Dr. Earle during two of his polygraph sessions over the last couple of years. Robert wrote a fantastic complaint, and the Sex Offender Management Board’s ARC Committee gave him a win on three of his six challenges to the Standards. Each complaint must be linked to a Standard that has been broken by the polygraph examiner, the therapist or the evaluator, and this makes winning a complaint submission extremely challenging. **The Board’s ARC Committee states that:** “Mr. Earle must obtain a peer consultant in order to consult on his next 4 polygraph exams to address the above-noted concerns in his practice. The Committee shall be notified as to who Mr. Earle selects as the full operating level polygraph examiner consultant and will be provided with the results of the 4 exams as well as a statement from the peer consultant in terms of a review of the work.”

Robert Bell is willing to work with anyone who would like to file a complaint against an SOMB Provider, as he achieved “founded complaints” in **three** of his **six** standards violation accusations against Dr. Earle. Mr. Bell offered permission to use his name and reveal Dr. Earle’s name.

What makes this so interesting is that Chris Lobanov-Rostovsky who oversees the Board as Administrator recently gave testimony to the Judicial Committees of the Colorado Legislature that the ARC Committee heard 30 complaints during 2017, and NONE of them were founded! I pointed out to Chris and others later that if I were trying to convince the Legislature that the SOMB is a Board relatively free of conflict of interest, I would likely not bring up the fact that all thirty complaints submitted were identified as unfounded!

**I write about the power of trying, because I want to be okay with failing. I write about generosity because I battle selfishness. I write about joy because I know sorrow. I write about faith because I almost lost mine, and I know what it is to be broken and in need of redemption. I write about gratitude because I am thankful - for all of it. -Kristin Armstrong**

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