



# CSOR

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

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## **JANUARY 5, 2019 VISIT TO THE COLORADO LEGISLATURE**

January 25, 2019 saw CSOR and AFC, as well as a number of other interested stakeholders including the leadership of the Sex Offender Management Board (SOMB), the Public Defender's Office, victims advocates etc. in Room 271 of the Colorado Legislature and Colorado Seat of Government. The purpose of the meeting was for the SOMB to give its yearly report to the Senate and House Judicial Committees. Delivering the report were: Chris Lobanov-Rostovsky, the Administrator of the SOMB, Kelly Hume, Researcher for the Board, and John Odonheimer, Vice-Chair of the Board.

The report outlined the Board's accomplishments for the last year, as well as making recommendations regarding issues they were asking the Legislature to consider. These issues were: getting rid of the Sexually Violent Predator designation (SVP) as it is no longer required by the Adam Walsh Act and has such a devastating effect on the lives of people so designated; making adjustments to the statute as it affects juveniles who currently must register as a person with a sexual offense; moving to a tier-based registration system instead of the "one size fits all" registration currently in place. The 3<sup>rd</sup> tier would potentially include persons previously designated SVP's.

The three SOMB representatives then went on to share the Board's 2018 accomplishments which included: finishing (almost) the re-write of the Standards and Guidelines recommended by the Outside Evaluators in 2013 and 2014 in line with Risk, Need and Responsivity (RNR) or a similar approach; managing a large number of trainings as well as requests for technical assistance; reviewing 15 complaints submitted during 2018 with (only) one founded complaint; developing a white paper on adult male sex trafficking; modifying the requirements for contact with children by revising the Child Contact Screening process, and developing and implementing a new packet regarding adult sexual behavior and disclosure which hopefully will encourage a more collaborative therapeutic interaction between the client and the treatment provider.

The Legislators who were present (mostly Democrats), appeared to be keenly interested in sexual offending issues. Representative Weissman spoke up at one point and told the Board representatives that they should be careful how they proceed and what they do, because we will "find out" about it (paraphrase). Representative Herod also asked a number of questions concerning sexual offending issues. In light of the overwhelming cost of years of treatment, ongoing utilization of the polygraph, how far behind the SOTMP is in terms of getting Lifetime people through the program (in spite of trying many new ways to get the job done) and the resulting hefty cost of keeping them in prison until they have finished the program, and in addition the low rates of sexual recidivism, the Judicial Committees seemed very interested in doing something to bring down the costs related to SOMB treatment inside and outside, as well as the costs of running the prisons, and keeping people incarcerated for incredibly lengthy periods of time.

It will be interesting to see how much the Legislators feel able to do since there will be an outcry from the Victims' Advocates and the victims themselves, as well as the District Attorneys if they think it appears that our clients are getting away with not really paying for their offense(s). Until all of us are willing to work together to move forward in a positive way, i.e. victims, their advocates and offender advocates, there will be continued disagreements and struggles.

*"Legalism says God will love us if we change. The gospel says God will change us because He loves us." — Tullian Tchividjian*

### Sunset Review Meeting with Bryan Jameson Tami Floyd (CSOR Board Member)

CSOR recently had the opportunity to meet with Bryan Jameson, Public Policy Analyst with Colorado's Department of Regulatory Agencies (DORA). Bryan is conducting the current Sunset Review (due 10/2019) for the Colorado Legislature, to evaluate whether the Sex Offender Management Board (SOMB) in Colorado is meeting its statutory requirements. Usually these reviews take place every seven years. However, a few years back, the Colorado Legislature ordered an external evaluation to be done of both the prison treatment program (SOTMP) and the Sex Offender Management Board (SOMB) which has purview over the individual treatment providers, polygraph examiners and evaluators. Because the legislators had concerns regarding the progress the SOMB had made in implementing the actions recommended by the outside evaluators, they asked that the next Sunset Review be done early. The most recent Sunset Review was done in 2015.

The purpose of our meeting with Mr. Jameson was to share our thoughts regarding whether the SOMB is living up to its statutory requirements. As we began the discussion, it quickly became apparent that what we thought was his role was somewhat different than what we believed. His actual role is to make sure that the statute has is properly implemented and adhered to by the SOMB and to make recommendations for improvements or changes. It is not Mr. Jameson's role to re-write or enforce the Standards & Guidelines, nor to impose sanctions or handle complaints/grievances against treatment providers, polygraph examiners or evaluators.

The big question that he asked each of us more than once was, "Should we have an SOMB and if not, what is the alternative"? Honestly, none of us really effectively answered his question. We did, however, bring up the fact that the majority of U.S. States do **not** have an SOMB. I believe, as does my husband who is a person convicted of a sex offense currently on SOISP probation and directly affected by the SOMB standards and guidelines, that the SOMB has gone way overboard on the Standards and Guidelines.

Instead of writing the Standards and Guidelines to meet the statutory requirements and serve as a reference manual/guide for those under the purview of the SOMB, they have written a 350-page book that has so much convoluted, prescriptive information, references to outdated studies and repetition that it can actually have the opposite effect of what it was intended to do. It can be interpreted many ways by many different people, even those not directly under the purview of the SOMB, such as probation, parole and the agencies for which the treatment providers work. They can each pick and choose the parts that they wish to use and simply ignore those sections that they choose not to use.

## GET RID OF VAGUE RULES

They impede on individual rights!

There's probably nothing more dangerous to individual rights than vaguely written rules. They give "Supervision Teams" undue power and clients ambiguous rules of conduct. Vagueness turns the rules into a sword dangling over citizens' heads.

That's one reason the Constitution includes provisions like **due process** and **equal protection clauses**, which forbid government officials from wielding arbitrary power.

Combine vagueness with the ever-expanding number of statutes and regulations and the result is a government bureaucracy with almost unlimited power to intimidate and blackmail citizens with the threat of prosecution — or to punish practically any conduct they choose to declare "illegal."

Two centuries ago James Madison warned that it would be "of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood."

In American constitutional law, a statute is **void for vagueness** and unenforceable if it is too vague for the average citizen to understand or if a term cannot be strictly defined and is not defined anywhere in such law.

If there were no SOMB, there would still need to be a system of checks and balances in place to make sure that persons who have been convicted of a sex offense, as well as those who have been victimized, are treated justly and fairly. With no enforceable regulations in place, there could be abuses by overzealous and/or unethical people on both sides. Of course, one could argue that the current standards and guidelines aren't really enforced or enforceable. Unless there is a specific standard/guideline cited in a complaint/grievance, it will be immediately thrown out. Unfortunately, there is no guideline about being a bad provider, and even if there was, the fear of retribution and difficulty in gathering evidence of abuses makes the reality of a successful grievance woefully remote.

The other elephant in the room, and maybe even the biggest one, is the fact that the entire CST is not under the purview of the SOMB. Probation and parole are not mandated to follow any of the Standards and Guidelines. People under the purview "shall" obey the standards and guidelines and parole and probation officers "should". Basically, it is their choice. This can cause conflict within the CST when there is a differing philosophy about appropriate treatment and supervision practices. It would be nice to think that everyone in the CST is always on the same page, but this just isn't so. Why can't there be a system that has purview over all parts of the CST? Mr. Jameson seemed to agree that this is a challenging factor and was open to looking at a viable alternative to our current system, at least for the sake of conversation. He made it clear that there were political and position constraints that limited his ability to recommend what appear to be needed changes.

One more issue in our opinion, is that the current SOMB is heavily weighted toward the victim's side with only a few members on the board representing the interests of the clients. Why can't there be more defense attorneys or even persons who have been convicted of a sex offense and have successfully been through the system on the Board? There are pros and cons related to this, as when one becomes part of the system, it is sometimes harder to be an advocate, as some basic beliefs of the system must be embraced to be part of it.

So, do we get rid of the SOMB? Or do we try to improve upon what is already in place? Or, if the answer is to get rid of the SOMB, what should we replace it with? How do states that don't have an SOMB (the vast majority) "manage" their registrant clients? Susan Walker indicated that conversations with therapists and police officers in other states indicate that they divide the supervision and treatment pieces up into various organizations and providers. In Wisconsin, for example, the police manage registration. In other states, treatment providers treat until they believe treatment has been completed, and then stop treatment. There is frequently nobody standing over them telling them how long treatment has to go on.

NOTE: This article should not be construed to be saying that Mr. Jameson or any persons associated with the writing of this article are saying for sure or even suggesting that getting rid of the SOMB is the thing to do. It is merely what we believe to be a pertinent discussion.

## HOW MUCH DO YOU LOVE PRISON?

It was with sadness and frustration that I recently learned that a man I was official support for through the Colorado Department of Corrections was being sent back. He is the first man I have been official support for to go back. Now I could blame this on the Colorado Springs Parole Officer who sent him to jail the first day he was out of prison – I had picked him up that day from the Visitors' Center in Canon City and taken him to parole in the Springs to check in. Later that same evening, he was sent to jail in the Springs for 6 or 7 days. Supposedly he had left Christ-Life Ministries and walked two blocks in the middle of the night to a school ground – for what purpose it is not clear since there were no children there in the middle of the night. It turned out after several weeks of follow-up, that what I had suspected all along – i.e. that his ankle bracelet was malfunctioning - was correct. I had suggested this as a possibility immediately and was told the ankle bracelet was fine. Perhaps the officer called for a "sure and swift" return to incarceration a bit too quickly.

Now several months later, the same parole officer that told this man in his first days out that “I never wanted you to come to the Springs anyway” (or a similar statement) has sent him back for another issue which will go unnamed. I don’t know for sure who is in the right here, but I am not happy that someone I supported is now back at CDOC!

Time is the most valuable thing in life because it never comes back. And whether you spend it in the arms of a loved one or alone in a prison cell, life is what you make of it.

Steffan Karl Steffanson

Whether this particular man is guilty regarding what he is accused of, I don’t know. What I do know is that way too many people end up back at CDOC for really stupid reasons. Here are some of them: 1) They used drugs; 2) they drank; 3) they spent time with a woman they had not cleared with treatment and supervision; 4) they talked to the same woman across the parking lot and within eyesight of where her children were standing; 5) they got on social media on a smart phone they weren’t supposed to have or on a computer, and were caught when their officer monitored the equipment; 6) they missed too many treatment or supervision meetings; 7) they went to places they weren’t supposed to be and/or didn’t have a safety plan for. And the list goes on and on! Whether you call it careless, stupid, unfortunate, not thinking clearly etc. doesn’t really matter. The fact is that folks who go back have frequently made really bad choices regarding their lives while under supervision and treatment. I would also agree that in some cases, parole officers and treatment providers choose to terminate and revoke people for reasons that are not always clear.

**If you want to stay out once you get out, here is a simple menu for doing so:**

- go to treatment faithfully and work hard whether you like it or not
- see your officer when you are supposed to
- monitor your ankle bracelet faithfully, keep it charged, and plug it in to re-charge it.
- don’t go anywhere that you don’t have a safety plan for.
- follow the rules regarding contact with children (easier said than done, but it can be done)
- don’t drink and don’t do drugs
- realize that officers and treatment providers are people too and have “bad hair days”

**There is still no guarantee that you will make it, but your chances are better if you follow these rules.**

## NEWS TIDBITS

On Wednesday February 13, I had the opportunity to meet the new Executive Director of the Colorado Department of Corrections, Dean Williams. The new Director is recently in our state from the State of Alaska. He related that he is here because he and Governor Polis share ideas regarding the directions Colorado correctional approaches should embrace. That includes issues related to sexual offending. It was apparent from the start of our meeting that Director Williams is quick, smart, and passionate for the work that he does, and the changes he wants to help make here in Colorado. It was clear that his heart is in tune with redemption and restoration, and not with overly punitive approaches. We talked about prison, parole and re-entry issues, and the challenges that each face. The use of the polygraph was also discussed, especially its utilization in the Sex Offender Treatment and Monitoring Program (SOTMP). He received a copy of the SOTMP Outside Evaluation from me, and was keen to know more about the criteria for finishing SOTMP and getting out of prison. The Executive Director is scheduled to present and listen to our ideas and concerns at the March 6, 2019 quarterly CSOR Meeting. More information will be available in the June Newsletter!

Michigan's Attorney General Dana Nessel (female) makes a "remarkable and compelling argument: Michigan's sex offender registries are not effective at stopping sexual violence". Her brief states that Michigan's SORA is punishment, and because it is, it can't be applied retroactively. She argues that 1) "research refutes common assumptions about recidivism rates that supposedly justify SORA's extreme burdens"; and 2) "regardless of what one believes about recidivism rates, registries are not good tools to protect the public." The Attorney General continues that the internet and technology have made living much more consequential for the registrant. Basically, the message that all persons who have committed a sexual offense are dangerous and should be shunned is incorrect, and rings out loud and clear. People who have to register are looked down upon not just in their own town, but globally. She states: "Inadequately supported and narrow views of recidivism, along with the possibility that registration might discourage rehabilitation and encourage future crimes, show that SORA's burdens are an affirmative disability or restraint, promote retribution not rehabilitation, are not rationally connected to the Legislature's asserted nonpunitive purpose, and potentially endanger the safety of the community." The article points out that these briefs are some of the strongest assailing public registration as public safety. The author makes the point that "the fact that they came out of an AG's office is astonishing".

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If you enjoy receiving the CSOR Newsletter, and can help out with a few stamps, they would be much appreciated! Each time we send out the newsletter, the post office receives our donated CSOR dollars to the amount of about \$150.00. Those funds also go toward covering the first couple of weeks out for determinately sentenced men at the CrossRoads Shelter, buying a new flip phone for folks re-entering, assisting with transportation in various ways and many other purposes. We are grateful for the stamps that are sent from CDOC and know that for some of you, it is a real sacrifice to send them. If you can help, it is greatly appreciated greatly!

*We must learn to live together as brothers or perish together as fools.*  
Martin Luther King, Jr.

### **Employment Opportunity**

Superior Farms is a Denver based business which produces farm to table American lamb. This ranching family, generation to generation, employee owned enterprise is located in North Denver at 4900 Clarkson Street. The company is felon friendly and there are no background checks. Applications for employment can be obtained through CSOR and are being accepted for various positions. Inmates from inside DOC who have a release date may submit an application, including a brief letter with date of release. Return the application to CSOR (in care of Janet) for delivery to Superior Farms. Salary for starting positions begin at \$11.10 per hour with an increase in pay after a 30-day review.

Following an interview and watching a video, an official start date will be given if hired.

### **To All Registered Veterans From A Registered Veteran**

One of the fastest growing prison populations in the United States is the Veteran. This is a recognized population that the Veterans Affairs is trying to reach but it is hard. For those currently incarcerated, you will need to request a visit with the Veterans Representative to CDOC.

If you are interested in more information regarding Veterans information, programs, etc., write to Susan and I will include a column in upcoming Newsletters.

## TRENT BUSHNER'S PARLIAMENTARY REVIEW

### OF THE SOMB

2-15-19

Trent Bushner, Yuma County Commissioner and Parliamentarian, was hired by the Sex Offender Management Board (SOMB) to take a look at the way the Board runs its meetings. There had been accusations of Conflict of Interest on the Board, especially as it pertained to SOMB Board Members who appeared to be making a lot of money based on things like the polygraph and treatment. While Bushner indicated at the most recent SOMB Meeting that he did not agree with the conflict of interest complaint, and felt that certain people on the Board may have been unfairly targeted, he did have something to say that many of us have felt for some time now was an important issue to address – the size of the Board.

The SOMB started out many years ago as a 13 member board. It is now almost twice that size. Commissioner Bushner started his presentation to the SOMB by stating that business could be done more efficiently and effectively if the Board were returned to a smaller size, perhaps similar to what it was when it started. The story that we have been told regarding how the Board got so big is that as sexual offending became a bigger and bigger issue with the public due to the outcry of victims, D.A's, victims' advocates, and the general public, everyone from every district of Colorado wanted a piece of the SOMB pie. While many of the people on the Board do not contribute with out loud comments at every meeting, there are a significant number that do, and wordsmithing (or nit-picking whichever you prefer), takes up valuable time. Victims' advocates, a District Attorney Representative, a youth services representative, the probation analyst and a therapist representative do most of the talking at the meeting, perhaps because they are outspoken, but also because their roles on the Board are pivotal.

Any changes to Board size would have to be made by the Colorado Legislature. Since we are already a month and a half into this year's session, and the majority of laws that the legislators have chosen to work on have already been decided, it is unlikely that this change could be made quickly. Also, there is the problem of "territorial attitudes" that may be present if Board positions are eliminated. We will have to wait and see what the future brings in terms of changes to the composition and size of the Sex Offender Management Board!



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*"You have heard that it was said, 'You shall love your neighbor and hate your enemy.' But I say to you, Love your enemies and pray for those who persecute you, so that you may be sons of your Father who is in heaven. For he makes his sun rise on the evil and on the good, and sends rain on the just and on the unjust. For if you love those who love you, what reward do you have? Do not even the tax collectors do the same? And if you greet only your brothers, what more are you doing than others? Do not even the Gentiles do the same?*

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Matthew 5:43-48 ESV

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