



CSOR

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

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Our Old and Continuing “Friend” the Polygraph!

Susan Walker with major help from
Drs. Iacono and Ben-Shakhar

After reading Drs. Iacono and Ben-Shakhar’s latest research paper on the polygraph, I felt compelled to talk with Dr. Iacono via e-mail to get a concise statement of their research and convictions regarding this “tool”. Not being a Ph.D. level scientist myself, it was hard for me to sort out what we were continuing to hear from the SOMB researcher and Jeff Jenks regarding the dependability and efficacy of using this equipment with our men and women (it has by the way never been normed for women, and is therefore to be utilized with “caution” when used with the female sexual offense client).

The SOMB researcher who is no longer with the SOMB staff felt that nothing new came from the two authors’ 2018 publication, and certainly nothing that would reflect the need for changes to the SOMB Standards and Guidelines. This most recent research took place as a follow-up to the 2003 National Academy of Sciences (NAS) research paper which reviewed research available at that time. The problems the first research project felt were associated with the use of the polygraph remained problems as reflected in the 2018 research of Iacono and Ben-Shakhar! Of course this latest study also looked at any research done since the NAS 2003 study. Since men inside the Colorado Department of Corrections are not able to attend SOMB Meetings (where it was briefly discussed) for obvious reasons, I wanted to share Dr. Iacono’s response to me with you. Here it is.

“Unfortunately the disheartening situation you face in CO is pretty much the same nationwide. I don’t use polygraphs, and have long record of advocating against their unchallenged use because they are without scientific foundation. I especially oppose making decisions regarding the treatment of sex offense clients solely on the outcome of a polygraph test. These tests are biased against truthful people, and those giving the tests to these clients are known in some jurisdictions to virtually never pass such a client. Although they are often used as part of treatment programs, I do not know of any good evidence that polygraphs lead to better outcomes (see attached article). The idea that the results of polygraphs depend on how you ask the questions “(this thought from Jeff Jenks)”, “is basically testament to their subjective nature, and ultimately to their invalidity. My paper with Ben-Shakhar reviewed all the available evidence at the time of its publication, and is based on the review of all the relevant research. To the extent our review has reached the same conclusions as other reviews, it is because the polygraph profession continues to assert the near infallibility of their procedures based on scientifically flawed research. New studies are few and have not adequately addressed the flaws of older studies. That was one of the key points of our review.

NOTE: The other research paper that Dr. Iacono suggested I read was Meijer '08 Sex offender management using polygraph.

Please do not write to Dr. Iacono, as the last time people from DOC wrote to another researcher that I had reached out to, the researcher cut off contact saying he could not respond to everyone writing him from the Colorado Department of Corrections. If you have specific questions or concerns or would like to read this most recent research paper, I will try to make it available to you. Remember that I get hundreds of letters and will not be able to respond to each request quickly. If you have not recently sent stamps, please consider sending some to help with the cost of mailing it out!

Meeting with Parole Board Chair and Vice-Chair

Susan Walker

On Monday April 29 from 10:30 – 12:00, I had the privilege of meeting with Kristen Hilkey, Chair of the Parole Board, and Alexandra Walker, Vice-Chair! Janet Hunsaker from the CSOR Board was supposed to attend with me but was not able to because of an illness in her family. It was my pleasure, however, to have the company of Jayne Thielke of the Volunteers of America/Veterans' Administration (VOA/VA) Programs attend the meeting, in order to explain the veterans housing programs that they administer.

We discussed a variety of issues and specific concerns/challenges that arise as we get letters from men who are waiting inside CDOC for a word from the Parole Board. That word is preferably that they are full boarded and/or sometimes tabled as a plan for their release comes together. The fact that the Parole Board does not release men with an indeterminate sentence (life sentence) to a shelter homeless in spite of the fact that they have finished treatment, makes release more challenging for those who have no family support or money in the bank.

The VOA/VA Programs help men who are honorably discharged veterans find and be able to move into housing, with monetary assistance potentially available for a number of months. There is also a case manager who works with them to find the housing situation that works best for them. The Parole Board is willing to look at a "temporary" homeless release from the Colorado Department of Corrections (CDOC) for indeterminately sentenced veterans who are able to care for themselves, and seem otherwise suited to survival in a shelter situation for a short period of time. The VOA/VA believes that it can have case management in place within 7 – 14 days of the time that the veteran is released from prison. CSOR is also willing to help with supports of various kinds (i.e. supply of a phone, phone or in person counsel/mentoring) while the client is waiting for the VOA/VA to appoint an appropriate case manager. We are anxious to see if we can locate veterans with indeterminate sentences that the Parole Board considers appropriate for a temporary "homeless release" at a shelter (i.e. CrossRoads or Rescue Mission) who will be able to benefit from these programs that have a stipulation that the client must leave prison "homeless" or "hit the ground homeless" in order to be eligible!

Another topic of interest was the issue of determinate sentences for men who are being told by the Parole Board member who does their hearing that one of the reasons they are not being released is that they have not had treatment. As we are all aware, it rarely happens that determinately sentenced men get treatment inside the Colorado Department of Corrections because: Colorado law requires all Lifetime sentenced men to progress in treatment inside before they can be considered for release; there are not sufficient therapists or space to treat everyone inside in a reasonable amount of time.

CSOR was able to supply letters from determinately sentenced men that served as examples of how confusing this can be. They are told by their case managers that they will “never see treatment inside”, and yet on the Parole Board summary sheet, clients are told that among other indicators that make them ineligible for release at the time of the hearing, they need treatment. Parole Board Chair Kristen Hilkey and Vice-Chair Alexandra Walker stated that while it is highly unlikely that determinately sentenced men will get treatment inside, the Parole Board member handling the hearing will mark every need, including that for treatment, even though the person being considered is most unlikely to ever see treatment inside the Department of Corrections. The Chair and Vice-Chair expressed thanks for the letters that were examples of how confusion can sometimes arise as they conduct hearings.

The Parole Board leadership offered to meet with CSOR on a quarterly basis, if we would like to do that. This is seen as a time to touch base, to again offer examples of how easily things can be misunderstood or are unclear, and to enhance the relationship between client advocates and those who review clients regarding their opportunity to leave prison, and once again have a life on the outside!

[It Takes a Village.....](#)
[Finding Housing When Parole Eligible](#)
by CSOR Associate Jan Hunsaker

When a client inside CDOC with an indeterminate sentence receives the status of “**PAROLED, PENDING HOUSING,**” oftentimes CSOR gets the call with a request to “*find the housing.*” The call may come from the client, the family or the Case Manager (CM).

This request begins as a big investment. The client is asked to sign a Release of Information (ROI) so CSOR advocates can share information and communicate with the CM for an out date. There are numerous things to consider: is there family support in or out of state or no family support at all; finding a roommate may make good financial sense; to what location will the client parole, metro Denver or other Colorado location; what phase of SOTMP is he in; if the client has SVP status, what notifications does the jurisdiction require (varies from television alerts to street signs to community meetings); and how many clients with a sexual offense are allowed to live at the same address. Very important is to check with the current tenant’s parole officer about the upcoming association that will occur.

CSOR maintains a **Landlord Contact List** and it is time to look for a vacancy.

If CSOR advocates are fortunate enough to secure potential housing, and the client and/or his family can afford the cost of deposit plus first month’s rent, payment may be to an empty apartment if the outdate is still unknown. While awaiting the outdate and searching for housing possibilities, information on job skills and employment history; clothing sizes; and apartment furnishings is gathered. Shopping at local ARC, Good Will stores, patronizing garage sales and networking with others is a good way to supplement clothing, furnishings and other necessities.

It is a successful day when a housing match is made, an outdate is secured and coordination can begin for release! Coordination is key: will a family member or CSOR advocate pick up the client; will the pickup location be at the facility or DRDC; will the landlord be available to distribute keys and sign the lease?

Release! Once the hugs are complete and belongings are loaded, the client will study his paperwork while advancing directly to the proper parole office. A light lunch in the car is welcomed, the new Cricket flip phone provided by CSOR is examined and a full day is ahead!

Meeting with the **Parole Officer** and together scrutinizing pages of requirements and restrictions is first and foremost. Next is a meeting with the **Re-Entry Specialist** (CR-ES or Colorado Re-Entry Specialist) and obtaining the date for the mandatory **Re-Entry Orientation**. Here, services based on client risk, barriers and needs are delivered such as insuring ID documents (cannot obtain a job without them); health care; obtaining a letter confirming clothing vouchers and a box of food commodities; job information; transportation (bus tickets); and other items (backpack, hygiene items, workforce tools, etc.).

The **Ankle monitor** is a priority and may be applied at the parole office or at another location. Time is of the essence as arriving before 4pm can save a lot of time since the wait line is long later in the day.

Day number one is behind you now and the following will begin tomorrow. Time to meet the landlord at the new apartment, sign the lease and prepare to hit the ground running the next day.

Additional requirements include: **Drug and ETOH class assignment** (if required) at RMOMS (also known as First Alliance, with numerous locations around the metro area and State of Colorado), with a baseline urinalysis taken that day. **Sexual Offense Specific Treatment Intake** will be scheduled within a week of release, offering a choice of two programs. The **EBT program** staff at 12th & Federal Boulevard in Denver provides food stamps and confirms that Medicaid is active. Drug prescriptions that need filling and/or medical conditions that require follow up or evaluation are addressed the second or third day after release. Looking for employment will begin in a week or two.

Sexual Offense Registration at the local police department is required within five business days of release. The process of paperwork, fingerprints, photo, etc., can take up to four hours, so best to go early in the day and be aware of which days registration is not offered.

When a determinately sentenced client (mandatory release date) begins his new life in the community, it may be in a shelter like Denver's Crossroads at 29th & Brighton Boulevard. At least to get started, it may be the only choice.

Back to that investment which has grown to involve many: the client, family member(s) DOC case manager, DOC inhouse parole officer, CSOR staff, parole officers from Adult Parole, probation officers, re-entry personnel, landlords, local police department, treatment providers, employers, RMOMS staff and bus drivers, CSOR advocates can use more help in whatever area appeals to you to grow those investments, whether it is looking for an apartment, purchasing necessities, or picking up a client that first day he is released. It does take a village, a neighborhood, a community!

“I am not an attorney, so do not take what I say here as legal advice”

I'm a person living in the sex offense management system due to a bad choice I made. One thing I have learned since being in the system is how important it can be to know my constitutional rights. Peers who are not as exposed to the specific system oversight for sex offense issues as I am may not know that they have constitutional rights and thus potentially don't know what they are. It is unlikely that the Community Supervision Team (CST) is going to volunteer to educate us regarding these matters.

It can also be very helpful for the spouse, other family member, or friend of someone who is dealing with sex offense supervision and treatment to learn all that they can about all aspects of the system, including our constitutional rights!

It frequently feels as if the CST does not want us to have the sophistication to know what we can and can't legally do. It is pretty clear that supervision and treatment, as well as polygraph examiners are aware that many in the throes of the system are afraid to challenge anything for fear of repercussions – i.e. termination from treatment, revocation from probation or parole, and potentially being sent to prison. However, if those of us in the system lack knowledge, assertiveness and courage in terms of finding out what we can and can't do on our own behalf, we are simply submitting ourselves to whatever the system demands of us, whether it is just or unjust, fair or unfair.

One way we can claim some control over what happens to us is to know...and not be afraid to exercise... the rights afforded to us as citizens of the United States of America. In my opinion, those rights should be known and exercised where we believe and understand that it is appropriate. The way I see it, the 5th Amendment protection against self-incrimination is a particularly important right for those of us who are trying to navigate the sex offense management system. Prosecutors often ask for a waiver of our fifth amendment rights, but it is up to us to waive them or not. Having a good attorney in our corner can be invaluable in this type of situation, and something we may want to consider. Taking a polygraph is another time when it may be important to understand that we have 5th Amendment protections. Reading recent court decisions such as U.S. v. Von Behren, Colorado v. Roberson and others has helped me and may help you to understand our right to not answer incriminating questions, including incriminating sex history questions. Being aware of this right does not mean that we will not be asked those types of questions.

I want to know all of my rights! Another extremely important right for those of us under sex offense supervision is the 4th Amendment protection against illegal search and seizure. As people on the sex offense registry, we are subject to periodic residency verification checks by our local police departments. However, these checks are limited to verifying that we live where we say we live, not random police walk-throughs without a warrant or probable cause. Again, to understand more about exercising this right and whether it may be helpful for us to utilize it, we may want to consult an attorney who can advise and assure us that this indeed is our right, and that it is our right to refuse them entry. Our supervising officers are exempt from this and can come in at any reasonable time they choose, as we have all experienced!

Hiring an attorney/public defender – someone whose job it is to give legal advice and to help us understand our rights – can be a very smart thing to do. Working hard to understand what we believe our rights are can be helpful before we see an attorney, if we choose to see one!

NEWS TIDBITS

- 1) The June 5 CSOR Quarterly Meeting features a presentation and question and answer time between Colorado Legislators and attendees. Unfortunately, nothing got done regarding our specific issues at the Colorado Legislature this year, except of course, the testimony of our faithful advocates which was heard many times over. We have outlined a couple of concerns that we want Legislators, especially on Senate and House Judicial to look at seriously, including the deletion of the SVP designation from Colorado Statute. The Adam Walsh Act no longer requires an SVP designation in order for Colorado to get Adam Walsh Funds from the Federal Government, and the SOMB (Sex Offender Management Board) has presented this fact in its yearly report for a couple of years now.

The SOMB has also suggested in its yearly reports that Colorado, which is now functioning under an RNR (Risk, Need and Responsivity) Model (at least trying to), move from a “one size fits all, no known cure” type of registration to a tier-based registration system similar to what Oregon is employing for the first time this year. While our first choice would be to follow the information found in the research literature which says that the registry does nothing to protect the public, including those who are survivors, we are aware that the winds may not be blowing strongly enough in the direction of totally getting rid of the registry just yet. Since the SOMB agrees with us that changes need to be made in both of these areas, we are hopeful that this next legislative session, the legislators will indeed look into these two issues. NARSOL (National Association for Rational Sex Offense Laws) Fact Sheets regarding recidivism, numbers of people on the registry and other pertinent information were shared with each Legislator on Senate and House Judicial Committees.

- 2) It is fairly widely agreed that massive change is needed in terms of the Lifetime Act and prison and parole time frames in general. Governor Polis and Executive Director of CDOC Dean Williams are both strongly in favor of a new direction regarding the tenor and length of incarcerations in our state. It is our job as advocates for reasonable policies and approaches in the area of sexual offenses, to use every opportunity to speak out against the rabid attitudes toward our men and women! If your loved ones and neighbors are not involved in breaking the chains around sexual offense issues, please encourage them to get involved, or talk to me regarding how we might be able to get them involved. Their voices and support are desperately needed.
- 3) Channel 7 recently aired a story regarding two young men who had escaped through a window and down a sheet from a youth facility in Golden, Colorado. While these young men were both gang members and had most likely engaged in many aberrant behaviors, the “fact” that Channel 7 focused on was that they were “sex offenders.” As I heard the report numerous times, I was amazed each time that the gang affiliation and other behaviors that went along with that affiliation were not exposed or focused on. It is, in my mind, ludicrous to think that the first thing on the minds of these two young men upon their escape was getting out of the youth facility and having inappropriate sexual contact with someone. Rather, top on their list of priorities would likely be: a) getting safely away from authorities; b) finding a safe place to hide; c) getting food and water; d) contacting fellow gang members etc. that might be inclined to help them; e) finding a weapon of some kind. Once again, Channel 7 and other stations find it necessary to put the sexual offense population on the top of their priority list for scaring the public in spite of the fact that recidivism rates for other felon populations are from 50 to 70% percent, many times higher than those for the sexual offense population. My last communication with Anne Trujillo via e-mail produced no response regarding another sexual offense story that I felt had an inappropriate and unfair focus. I am debating this time whether to bother to try to engage them in reasonable discourse regarding these issues.
- 4) Several interesting items appear on the Agenda for the SOMB on May 17, 2019. They are: SOMB Adult Standards Related to Clients under Appeal; SOMB White Paper regarding Probation Terms and Conditions; Replacement of the Term “Deviant” in the Adult Standards and Guidelines; and Therapy Through Electronic Means.