

TESTIMONY TO SENATE AND HOUSE JUDICIAL
1-5-19

MR. CHAIR, COMMITTEE,

I APPRECIATE THIS OPPORTUNITY TO SPEAK. FOR SOME OF YOU, I MAY BE A FAMILIAR FACE. MY SON COMMITTED A SEXUAL OFFENSE IN 2002, SPENT 5 ½ YEARS IN PRISON ON A 4- LIFE SENTENCE, AND JUST GOT OFF A TEN PAROLE IN DECEMBER. HE GOT HIS PARALEGAL IN PRISON, HAS WORKED FOR A DEFENSE ATTORNEY FOR TEN YEARS, FINISHED A BACHELORS DEGREE, JUST EARNED A MASTER OF DIVINITY AND NAMED THE OUTSTANDING STUDENT IN GREEK STUDIES, AND HAS A PRISON MINISTRY CALLED THE CELL CHURCH. MEN AND WOMEN WHO HAVE COMMITTED A SEXUAL OFFENSE CAN RETURN TO A SAFE AND PRODUCTIVE LIFE! HE FACES HOWEVER, AS DO THOUSANDS IN COLORADO, THE FACT OF LIFETIME REGISTRATION.

SOMB – THE SOMB HAS SOME GOOD THINGS TO REPORT THIS YEAR.

1. THE WORD DEVIANT OR DEVIANCY HAS BEEN REPLACED WITH A LESS LABELING PHRASE IN KEEPING WITH CURRENT RESEARCH I.E. "RISK-RELATED SEXUAL INTERESTS AND BEHAVIOR PATTERNS.
2. THE SOMB RECOMMENDS MUCH NEEDED CHANGES FOR JUVENILES AS IT REGARDS REGISTRATION. THESE ARE OUTLINED IN THE REPORT
3. AN ELIMINATION OF THE SEXUALLY VIOLENT PREDATOR (SVP) DESIGNATION IS RECOMMENDED DUE TO THE FACT THAT IT IS NO LONGER REQUIRED BY THE ADAM WALSH ACT.
4. ALONG WITH THE ELIMINATION OF THE SVP, THERE IS A RECOMMENDATION THAT REGISTRATION GO FROM 'ONE SIZE FITS ALL' TO THREE TIERS, WITH TIER THREE ENCOMPASSING THOSE RISK ASSESSED AS MOST LIKELY TO RE-OFFEND.

OTHER AREAS NEEDING SERIOUS ATTENTION BY THE SOMB AND THE LEGISLATURE

1. THE VAST MAJORITY OF CURRENT RESEARCH ALSO DELINEATES THAT MUCH HARM IS DONE TO ADULT PERSONS WITH A SEXUAL OFFENSE AS WELL AS TO THEIR FAMILIES BY THE REGISTRY, ESPECIALLY IN THE AREAS OF FINDING A PLACE TO LIVE AND PROCURING AND GETTING EMPLOYMENT. RESEARCH STATES THAT THE REGISTRY AS WELL AS RESIDENCY RESTRICTIONS DO NOT HELP TO KEEP VICTIMS SAFE.
2. WHILE THE PERIOD GRANTED TO COME OUT OF "DENIAL", WHICH TO SOME THERAPISTS STILL MEANS REGURGITATING THE POLICE REPORT, HAS BEEN LENGTHENED TO 90 DAYS, THE SUBJECT HAS BEEN RESEARCHED AND SHOWN TO HAVE NO DIRECT RELATIONSHIP TO RECIDIVISM. IN CANADA, MEN ARE TREATED IN DENIAL GROUPS, AND TOLD, YOU ARE PARTICIPATING IN TREATMENT SO THAT NO-ONE EVER AGAIN ACCUSES YOU OF THIS BEHAVIOR. THERE IS NO THREAT THAT THEY WILL BE REMOVED FROM TREATMENT IF THEY DON'T CONFESS TO THE SATISFACTION OF THEIR THERAPIST, PAROLE OR PROBATION OFFICER.
3. WHILE THE SOMB MAINTAINS THAT RISK, NEED AND RESPONSIVITY SHOULD TAKE CARE OF THE NEEDS OF SPECIAL POPULATIONS AS IT ENCOURAGES A LOOK AT EACH INDIVIDUAL, THE REALITY IS THAT TRUE INDIVIDUALITY IN TREATMENT IS NOT DOABLE, NOR WILL ALL THERAPISTS AGREE TO THIS APPROACH. THE AUTISM SPECTRUM, DEMENTIA, HEAD INJURIES ETC. – ALL REQUIRE AN INDIVIDUALIZED APPROACH WITH EACH ASPECT OF TREATMENT. CURRENT PROGRAMS ARE NOT ABLE TO PROVIDE THIS KIND OF APPROACH. PEOPLE WITH DEMENTIA ARE STILL FORCED IN MANY

CASES BY PROBATION AND PAROLE TO PARTICIPATE AT THE LEVEL OF PEOPLE WHO DON'T FACE THESE CHALLENGES.

4. A 2018 PUBLICATION BY IACONO STATES THAT THE ONLY RESEARCH SUPPORTING A HIGH RATE OF POLYGRAPH ACCURACY IS DONE BY PEOPLE WHO BELONG TO AND WORK WITH THE AMERICAN POLYGRAPH ASSOCIATION. RESEARCHERS WHO ARE NOT ASSOCIATED WITH THE APA FIND MUCH LOWER RATES OF ACCURACY, AROUND 50 – 60%. THE POLYGRAPH IS AKIN TO THE WATER-BOARDING TECHNIQUES THAT TRY TO SCARE PEOPLE INTO DIVULGING THINGS THAT MAY OR MAY NOT BE TRUE. A NEW PUBLICATION – A META-ANALYSIS BY DR. THERESA GANNON OF THE U.K. STATES THAT TREATMENT IS BETTER WITH OR WITHOUT 5 THINGS. ONE OF THOSE THINGS IS THE POLYGRAPH, AND HER META-ANALYSIS STATES THAT TREATMENT IS BETTER WITHOUT IT. AS OF FEBRUARY 10, WE SHOULD BE ABLE TO SEE THE FULL CONTENT.
5. THE LIFETIME ACT WAS PREDICATED ON CHOICE MANY YEARS AGO OF CERTAIN OFFENSES THAT WERE ASSUMED TO REPRESENT THE WORST OFFENDERS. WE KNOW NOW THAT THIS IS NOT TRUE – MANY DETERMINATELY SENTENCED MEN RECIDIVATE AT A HIGHER RATE THAN THOSE WITH A LIFETIME OFFENSE. SOMEONE DEFINITELY NEEDS TO TAKE A GOOD, SOLID AND FAIR LOOK AT THE LIFETIME ACT AS IT RELATES TO TIME IN TREATMENT, TIME IN PRISON AND TIME UNDER SUPERVISION.
6. THE 5.7 SECTION OF THE STANDARDS WHICH DISCUSSES UNDER WHAT CIRCUMSTANCES CLIENTS ARE ALLOWED TO SPEND TIME WITH OR FATHER THEIR NON-VICTIM CHILDREN DOES NOT CLEARLY REFLECT THE PRINCIPLES OF RISK, NEED AND RESPONSIVITY (RNR). OTHER THAN THE OPPORTUNITY, IF YOU CAN AFFORD IT, TO TAKE THE CCS, THE ONLY WAY TO BE AROUND YOUR CHILDREN IS TO HAVE IT ORDERED BY THE JUDGE. THE BURNS CASE SAID THAT IF THERE IS NOT A COMPELLING REASON WHY YOU SHOULDN'T, YOU CAN. THE SOMB CONTINUES TO TRY TO FIND WAYS AROUND THE BURNS CASE.