

THE ADVOCATE



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To Tell the Truth: the Polygraph Under the Microscope

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On December 7, 2010, Laurie Rose-Kepros addressed the general membership of AFC with information on the polygraph. Citing court cases, reports and research, Ms. Rose-Kepros' main point was that the polygraph itself is not designed to tell if a client is telling the truth or lying. The data collected from the attachments to the client measures spikes in respiratory rates, increased heart rate, muscle contractions, and sweaty fingertips. Instead, it is the polygrapher's interpretation of the data and his ability to manipulate the client into lying during the pre-test that is significant. Inconclusive results can be for any number of reasons – confusion, medical conditions, testing site conditions. There are some states like Minnesota that do not use the polygraph as part of their sex offender treatment program. Nor does Canada. The polygrapher, as one of the three containment team members, is firmly entrenched in sex offender treatment in Colorado and in order for Colorado to give up the use of the polygraph for treatment purposes, there will have to be a solid court case. Currently there is no oversight or regulatory agency for polygraphers – they regulate themselves.

QUOTE OF THE MONTH

It is the polygrapher's interpretation of the data and his ability to manipulate the client into lying during the pre-test that is significant.

Laurie Rose Kepros

Alphabet Soup:

AFC – Advocates for Change, action group addressing issues related to those who have been charged with or convicted of a sex offense

BAG – Breakfast Action Group

CCJJ – Commission on Criminal and Juvenile Justice

CCJRC – Colorado Criminal Justice Reform Coalition

DOCCA – Department of Corrections Class Action Lawsuit

CURE – Citizens United for the Rehabilitation of Errants

LSA – Lifetime Supervision Act

MRD – Mandatory Release Date

PED – Parole Eligibility Date

SLA – Shared Living Arrangements

SMART – Sex Offender Sentencing, Monitoring, Apprehending, Registration & Tracking

SOMB – Sex Offender Management Board

SORFC – SO Ready For Change

SOTMP – Sex Offender Treatment and Monitoring Program

Offender Management Board Goes For Reauthorization ... Again

- House Bill 11-1138 is this year's version of the Sex Offender Management Board's reauthorization bill (last year's Sunset Bill). The bill this year was put together by the SOMB and victims' advocacy groups last summer at the request of then Governor Ritter after his veto of HB 10-1364.

The new bill was written initially by victims' groups and sponsored by Representative Bob Gardner and by Senator John Morse (Senate Majority Leader). Chris Lobanov-Rostovsky, the head of the SOMB reported recently that the groups that met over the summer to put the new version of the bill together (victims' advocates, district attorneys, probation and parole etc.) were told by Governor Ritter's Office not to include anything in the new version that required a fiscal note, or the "bill would go down". The DORA recommendations that required a fiscal note include the one on treatment program data gathering and reporting and the one that calls for promulgation of rules. The new bill does include DORA Recommendations that require the SOMB to report information on research that has been and is being done on treatment of those who have committed sex offenses, as well as a yearly update, and also moves the grievance process from the SOMB "ARC" Committee to DORA. We were also able to get the next Sunset Review moved from 2020 back to 2016 in an amendment made in the House Judiciary by Representative Claire Levy. Representative Levy also brought several other language amendments proposed via Maureen Cain and Laurie Rose Kepros which provided us with small gains in terms of the overall wording of the bill. Our main thrust in that February 22nd House Judicial Testimony was on the need for the SOMB to be ACCOUNTABLE, as the legislature has asked them to be at every Sunset so far. Unfortunately, that accountability has been lacking.

We expected to testify before Senate Judicial late in March, but instead found out a few days before that we would be testifying before State Veterans and Military Affairs. We find it sad that the body (Senate Judicial) that has been designated one of the oversight bodies of the Department of Public Safety and the SOMB, which only gets to see the SOMB once every 10 years or so, did not get to hear the testimony on both sides of the issues. Instead, the Bill was "pushed through" on a committee where it appeared that the odds were against our getting a fair hearing. We were blessed with the support of the two Republican Senators on the committee, and continue to work with them on a wording change that will improve the substitute "no known cure" language in the bill by softening the statement that "...sex offending IS a repetitive behavior" to something like ..."can be" or "is often" a repetitive behavior. It remains to be seen if we will be able to get this done in the midst of the budget crisis that Colorado is trying to figure out. Maureen Cain and Laurie Rose Kepros are also trying to move an amendment forward that will, indeed, give the SOMB the power to request information from treatment programs regarding how they define success, how many people are successful in treatment, are people getting through treatment, how many people are being violated and sent back to prison etc. As it stands right now, the bill is held up, and cannot go to Appropriations because the monies that fund the SOMB are part of the General Fund, and the bill will ultimately be part of the "Long Bill". It will be part of the general money discussions had at the Joint Budget Committee Level, perhaps coming up in a week or two. We will keep you updated as more news is available.

NEWS FLASH!

The amendments regarding language and data collection passed the Senate with incredible support from a number of Senators. Instead of the bill saying sexual offending "is" repetitive, it will now say "is often repetitive", indicating that it is not always repetitive. The SOMB will be required to collect data from treatment programs, indicating "graduation success", treatment philosophy, how many people are violated etc. when the money can be found to do the data collection and evaluation. This will give the legislature a much better idea regarding what the current treatment philosophy is accomplishing in terms of giving people who have committed an offense a second chance at a life, and will in the process, decrease the possibility of people being victimized!

The bill does have to go back to the house to have the amendments accepted by them as well before it is signed by the Governor. We will be watching every step of the way!

MAY 2011

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
<p>SOTFWG=Sex Offender Task Force Working Group</p> <p>Hudak = District 19; Williams = District 28; Newell=District 26</p> <p>* Perkins Restaurant 1995 S Colo Blvd Denver</p>						
1	2 *7-8am AFC Board *8-9am AFC BAG meetings	3	4	5	6	7
8	9 *7-8am AFC Board *8-9am AFC BAG meetings	10 7-8pm So CO CURE 3615 Rbts Rd, Co Spgs/ 8-9pm AFC CO Spgs to follow	11	12	13 8:30 am-4pm Restorative Justice Program St. Andrews United Methodist Church, Highlands Ranch 12:30-4:30pm CCJJ Governor's Commission, 12300 W Dakota Ave., Lakewood, USDOT Bldg.	14
15	16 *7-8am AFC Board *8-9am AFC BAG meetings	17 7-9pm AFC General Mtg. Lutheran Church 16 th & Grant, Denver	18	19	20 9am-3pm SOMB Monthly meeting, PPA Event Center, 2105 Decatur, Denver	21
22	23 *7-8am AFC Board *8-9am AFC BAG meetings	24	25	26	27	28
29	30 *7-8am AFC Board *8-9am AFC BAG meetings	31				

EDITORIAL POLICY

The Advocate newsletter is published by Advocates for Change, providing information on efforts of this group to affect change in legislation, treatment, and re-integration into the community, primarily for those who have been convicted of a sex offense.

Submissions from inmates/offenders and parolees are encouraged. Articles should be no longer than 300 words. Content should be about a single issue, be original, and accurate, citing sources if appropriate. Contributors will be identified by first name only if requested.

Readers should know that AFC makes no representation as to the accuracy of any submission and does not necessarily endorse the opinions of any author. Nothing offered by AFC is intended to be legal advice, and any information provided should never be a substitute for obtaining counsel and/or conducting your own research.

The editor reserves the right to publish all, part or none of the contributions submitted. Send contributions to Advocates for Change, PO Box 441656, Aurora, CO 80044. Please also send any articles for publication and comments on the newsletter to: AFC Newsletter, 10343 Federal Blvd., PMB #444, Westminster, CO 80260.

Editor: BJ Russell

Publisher: GL Rosencrans

INSIDERS AND OUTSIDERS OPINIONS

*Opinions from those who have been convicted of an offense
and their families*

Fellow offenders;

We feel compelled to write this letter as a result of persistent comments, questions, and concerns we've heard pertaining to AFC and their advocacy. First, we send our appreciation to the hardworking loved ones who volunteer their time to advocate for us, sex offenders, "in-curable," "dangerous" and "sure to recidivate". We should all be thankful that these volunteers are willing to publicly take unpopular positions and speak openly in front of friends and strangers, in order to shed light on a system that is broken.

Some offenders have expressed frustration that more hasn't been done, or at too slow a pace. We should remember how remarkable any success is, considering change is always an uphill battle, especially institutional change. But there has been success – from the delay in re-authorizing the SOMB to the CDOC's reaction to the threat of the lawsuit. More has been done in the last year and a half than the previous twenty, and though progress is sometimes slow, AFC is building momentum and making a difference.

So, take the time to thank these volunteers who are spending time, money, and energy fighting for us. Ask your loved one to volunteer and/or send money. Continue to send in your concerns and/or stories. Don't expect miracles. As unfair as the system may be, sex offenders will never be a sympathetic group. The best we can hope for is a legal system that allows us to earn a second chance. We're lucky to have loved ones willing to fight for a fair shot at that second chance. Keep that in mind when you write the volunteers at AFC.

RK and AP

DOCCA UPDATE

There have been many discussions between AFC and the attorneys involved in the DOCCA lawsuit. We need to reassure all of you that this lawsuit is going forward and that everything is progressing. There have obviously been some ups and downs but things are progressing and we are working diligently on the lawsuit. There are many things that we can not state in this newsletter, in phone calls to loved ones or in letters for obvious reasons. Please continue to have faith in AFC and in the lawsuit. We understand how difficult it is for you and we know that you feel you are not "in the loop" however, we are asking you to have patience. We will let all of you know as soon as it has been filed. Thank you all for understanding.

The Polygraph: Another Viewpoint

At AFC's general meeting on March 15, 2011, Dr. John Kresnik presented his views on the use of the polygraph in criminal investigations and in treatment for those convicted of a sex offense. Dr. Kresnik's credentials include a MA in Psychology and a PhD in Clinical Psychology. He has been an instructor in the administration of polygraphs, worked with the FBI and testified as an expert witness in court twenty-six times and won every one.

He stated that he is a proponent of the polygraph as an investigative tool as long as there is quality control of the tests. His main complaint about the use of the polygraph in Colorado's SOTMP program and treatment providers is that there is no quality control.

People who are telling the truth can fail polygraphs due to medical conditions, disorders, interrogation by the examiner, or physical environment. Dr. Kresnik believes that clients should always receive a copy of their polygraph results and that another reading by a certified examiner should be provided if requested by the client. Polygraphers need to be certified. Find out the last time the examiner calibrated his machine. Polygraphs are videotaped and are required to be kept for 7 years. Tapes and tests are kept in a fireproof vault.

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Membership Report

Out of State:	9
Family Members:	103
Affected Ones in System:	210
TOTAL	322

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