

**ALASKA STATE LEGISLATURE
JOINT MEETING
SENATE STATE AFFAIRS STANDING COMMITTEE
SENATE JUDICIARY STANDING COMMITTEE**

March 16, 2005

9:11 a.m.

MEMBERS PRESENT

SENATE JUDICIARY MEMBERS

Senator Ralph Seekins, Chair
Senator Charlie Huggins, Vice Chair
Senator Gene Therriault
Senator Hollis French
Senator Gretchen Guess

SENATE STATE AFFAIRS MEMBERS

Senator Gene Therriault, Chair
Senator Thomas Wagoner, Vice Chair
Senator Charlie Huggins
Senator Bettye Davis
Senator Kim Elton

COMMITTEE CALENDAR

Overview - Department of Corrections Sex Offender Containment Model

PREVIOUS COMMITTEE ACTION

No previous action to report

WITNESS REGISTER

PORTIA PARKER,
Deputy Commissioner
Department of Corrections
431 N. Franklin, Suite 400
Juneau, AK 99801

POSITION STATEMENT: Introduced "Containment Model" presenters

Kim English, Researcher
Denver, CO

POSITION STATEMENT: "Containment Model" presenter

Jeff Jenks, President
Amich and Jenks Inc.
Wheatridge, CO

POSITION STATEMENT: "Containment Model" presenter

Peggy Heil, Therapist
Colorado Department of Corrections
Colorado Springs, CO

POSITION STATEMENT: "Containment Model" presenter

ACTION NARRATIVE

CHAIR RALPH SEEKINS called the joint Senate Judiciary and Senate State Affairs meeting to order at [9:11:58 AM](#). All members were present during the course of the meeting.

Overview - Department of Corrections Sex Offender Containment Model

PORTIA PARKER, Deputy Commissioner of the Department of Corrections, introduced Kim English, Jeff Jenks, and Peggy Heil.

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KIM ENGLISH, researcher and Containment Model expert, noted each member had a copy of the slide presentation for future reference.

[9:13:59 AM](#)

Slide 7: Personal and Social Costs of Sexual Assault Are Very High.

- More than half of sexual assault victims have been raped more than once.
- People recovering are six times more likely to develop posttraumatic stress disorder (PTSD).
- People recovering are three times more likely to develop major depression.
- People recovering are thirteen times more likely to attempt suicide.

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Slide 8: Alaska's Cost of Victimization.

Slide 9: Only 16 percent of victims in the Rape in America study reported the rape.

Senator French said if only 16 percent report then what makes you trust the data to come up with the percentage.

MR. ENGLISH explained that researchers extrapolate from a random sample of a particular population.

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Slide 10: Who Reports?

- Those who don't report:
 - Younger in age and/or they know the perpetrator.
- Those more likely to report:
 - Feel there is a life threat.
 - Have physical injury.
 - Perpetrator a stranger.

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Slide 11: Arrest Rates are Low.

- Only 27% of reported sex crimes resulted in an arrest.

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Slide 12: Sex Offender Recidivism Rates are Artificially Low.

Slide 13: Why don't victims report the crime?

Slide 14 Why Don't Children Report?

Slide 15: Age at Time of Rape.

Slide 16: Adult Victims.

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Slide 17: A goal of the containment model is to obtain and share information. Included is a method for accessing as much information about the offender as possible.

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Slide 18: The Containment Approach Containment Policies.

- Polygraph:
 - Verifies whether or not an offender is complying with treatment.
- Treatment:

- Specific and detailed information is collected on each offender to help:
 - Give offender tools for changing behavior.
 - Obtain information to help prevent perpetration against new victims.
- Criminal Justice System:
 - Brings together polygraph information and treatment provider and establishes a web around offender to help him/her to live a non-secret life while not compromising public safety.

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Slide 19: The Criminal Justice System Provides the Hammer.

- Consequences for Failed Polygraph Examinations Must Be:
 - Immediate.
 - Linked to the implied risk.
 - Include increased surveillance.
 - Involve obtaining corroborative information.
 - Include informing others of poly results.

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Slide 20: Sex Offenders Who Failed Supervision.

- See self as no risk.
- Diverse victim types.
- Fewer months in the community.
- Access to victims.
 - Containment Approach seeks to stop giving offenders opportunity to offend by restricting access to potential victims.
- Sexual entitlement.
- Poor social influences.

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Slide 21: What Can We Learn From Sex Offenders?

[9:28:43 AM](#)

Slide 22: Secrets Revealed. Polygraph research at the Colorado DOC comparing court information v. polygraph.

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Slide 23: Polygraph Research at the Colorado DOC. Comparing Court Information v. polygraph.

- Admissions of hands-on crossover offending.

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Slide 24: Current Conviction Crime: Incest.

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Slide 25: Average Age of Onset.

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Slide 26: Average Lag Time in Detection.

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MS. ENGLISH recapped:

We're very concerned about victims and the fact that this is very secret and shameful and harmful behavior. When we have a lot of information we're best equipped to help manage each individual offender. With the web of policies in an individualized treatment plan based on information that you could get from the polygraph.

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SENATOR ELTON wondered whether the success of the containment program is predicated on therapy during incarceration.

MS. ENGLISH responded some Colorado prison data suggests that treatment while in prison is hugely beneficial. However, when released offenders must have supervision, treatment and containment in the community.

Senator Huggins asked about the sex offender registration program.

Ms English said that registration has become commingled with sex offender notification. Sex offender registration began as a requirement so that law enforcement could use it as an investigation tool. After the Megan Kanka case community notification was established and ultimately the two were linked.

Access to the information is public as opposed to just law enforcement.

Senator Huggins said it sounded as though she was saying that by commingling the processes the effectiveness of one or both are reduced.

Ms. English agreed.

SENATOR HUGGINS asked what the answer would be for Megan.

Ms. English described the case and said the offender should have been in prison at the time of the crime. He wasn't because someone wasn't paying attention and allowed the offender to plead down a serious sexual assault.

Senator Huggins offered the opinion that pleading down is alive and well.

Ms. English said there are a lot of reasons why it's a good idea to plead down, but serious sex crimes shouldn't be included.

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JEFF JENKS, President of Amich and Jenks Inc., a polygraph firm in Colorado, introduced himself and described his professional background.

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Slide 27: How Does the Polygraph Work?

- Fear of detection.
- Fight or flight response kicks in.
- Autonomic nervous system.
- Polygraph responses.
- Computerized scoring/manual scoring.

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Slide 16: Accuracy of the Polygraph Test.

- National Academy of Sciences (2003) set median accuracy at 89% with a range of 70 to 99%.

Senator Elton asked if accuracy goes down because some people can always fool the system.

Mr. Jenks responded that's part of it, but usually it's examiner fault and error. The question formulation was incorrect. A polygraph examiner testing a sex offender almost has to think like a sex offender.

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Slide 29: What happens during an exam?

- Pre-test.
 - Review medical conditions.
 - Sign release and consent forms.
 - Explain purpose of exam.
 - Review equipment.
 - Review terminology. Develop final questions. Calibrate instrument.
- In-test.
 - 2-4 relevant questions tucked inside 10-20 comparison questions.
 - Relevant questions must be specific.
 - Run 3 sets of charts.
 - Score and interpret chart markings (pen tracings).
- Post-test.
 - Conducting an in-depth interview with examinee, giving him/her an opportunity to explain deceptive findings.

Senator Guess asked if offenders are asked whether they have been victims.

Mr. Jenks said yes. Many report that they were victims but some use that as an excuse for the behavior and had not been victimized.

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Slide 30: The Purposes of the PC Exams Vary.

- Sex History: Obtain information on past victims and past methods used to access those victims. Need to know age of onset, frequency, extent of crossover behavior.
- Specific Issue: Offender may be in denial about the crime...or may be facing a new accusation...or may have failed a recent examination...

- Maintenance: Check out assault patterns and behaviors regarding supervision conditions. Looking for precursor behaviors.

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Slide 31: Sex History Exam.

- Types of past victims (gender, age, relationship).
- Frequency of assaults.
- Types of behaviors (voyeurism, rape, child molesting, internet).
- Modus operandi.
 - Did they get friendly with parent?
 - Go to church to find single, exhausted moms?
 - Always engaged in obscene phone calls before rape?
 - Lured child with puppy?

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Slide 32: Specific Issue Exam.

- Used when offender is denying offense or significant aspects of the offense.
- Used when there is an allegation.
- Used to clear up a past deceptive test.

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Slide 33: Monitoring Polygraph.

- To monitor problem behavior...
- Since entering treatment.
 - While on probation/parole.
 - Since the last polygraph exam.
 - Conducted every 3-6 months.

Slide 34 Monitoring Testing.

- Provides information on whether the offender is changing his lifestyle and applying what they are learning in treatment.
- Provides information on whether he is continuing to engage in high-risk behaviors.

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Slide 35: Specific Issue Tests Are Used to Clarify Risk Concerns.

- A specific-issue exam should be scheduled when concerns persist even after increasing surveillance.

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Slide 36: Polygraph as a Deterrent.

- Abrams and Ogard, 1986.
- Studied the deterrent effect of polygraph on offenders on probation:
 - Supervision with polygraph - 69% successful compliance with probation.
 - Supervision without polygraph - 26% successful compliance with probation.

Slide 37: Only 2-4 Questions Allowed.

- No surprise or trick questions.
- Questions must focus on behaviors.
 - No mental state questions.
 - No intent questions.
- No emotionally laden language.

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Slide 38: Examiner Qualifications.

- Graduated from APA accredited polygraph school.
- Colorado Standards: Minimum of 150 criminal issue exams.
- Minimum of 50 clinical exams in 12-month period.
- 40 hours of specialized training every 3 years.

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Slide 39: Implementation Considerations.

- Develop procedures
- Educate therapists.
- Develop sex history questionnaires.
- Set examiner qualifications and requirements.
- Videotape exams.
- Develop system to track and use results.
- Educate stakeholders.
- Develop consequences.

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Slide 40: Summary: Value of Polygraph Testing in Risk Assessment.

- Increase information on past offenses.
- Evaluates treatment effectiveness/compliance.
- Evaluates risk of child contact.

SENATOR HUGGINS asked if polygraphs are given at the end of a probationary period.

MR. JENKS responded the exams start shortly after treatment.

SENATOR HUGGINS expressed skepticism regarding what might happen when the offender is off probation.

MR. JENKS said many sex offenders are on lifetime supervision, but once someone is off probation and isn't in a treatment program you don't know unless they voluntarily submit to the polygraphs. Some do that.

SENATOR ELTON asked if there are centralized test locations in Colorado and how far probationers might have to travel to take a test.

MR. JENKS replied Colorado has about 25 sex offender polygraph examiners spread over the state. The rural areas are more difficult to access, but the examiners still visit on a regular basis.

CHAIR SEEKINS asked how much time a test takes.

MR. JENKS responded 90 minutes to 2 hours.

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PEGGY HEIL, Colorado Prison Therapist, said she would discuss the role of treatment in the containment model.

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Slide 41: Polygraph testing should never be used in isolation. Multiple methods should always be used.

- Polygraph + treatment equals more information than polygraph or treatment alone.

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Slide 42: Options for Processing Information on Past Crimes.

- No immunity.
- Sentencing limitations.
- Limited immunity.
- Full Immunity.

SENATOR GUESS asked about immunity and outreach to victims.

MS. HEIL said getting outreach services to children can be beneficial, but adult victims may see it as an intrusion.

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Slide 43: Value of Treatment: Public Safety.

- Teach offenders lifestyle changes.
- Determine offending patterns of specific offenders.
- General knowledge of sex offenses.

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Slide 44: Admitted # of Sex Crime Victims.

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Slide 45: Sex Offender Treatment.

- Offense specific.
 - Non-trust basis/external verification of statements.
 - Verify changes in behavior.
 - Client's responsibility to change.
 - Client has choices.
 - Consequences if directives are not followed.
 - Focus on present.
 - Limited confidentiality.
 - Behavior change required.
- Traditional therapy
 - Accept client statements as truth.
 - Client has choice to change.
 - Non-judgment and supportive of client choices.
 - No consequences for choices.
 - Focus on insight regarding the past.
 - Complete confidentiality.
 - No change required.

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Slide 46: In Colorado - "The client is the community."

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Slide 47: Does Sex Offender Treatment Work?

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Slide 48: Intensity and length of treatment had a measurable effect on outcome.

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Slide 49: Parole Outcomes 1993-2002.

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Slide 50: Violent Arrest at 1 year.

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Slide 51: Success is in the combination of prison and community containment.

- After 2000 days, 40% of sex offenders receiving only prison treatment failed.
- After 2000 days, 15% of sex offenders receiving prison treatment and community treatment and supervision failed.

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Slide 52: Where will sex offenders live after their release from prison?

Slide 53: Research Regarding Living Arrangements.

- Sex offender probationers living with their families in Denver were more likely to have a criminal & technical violation than those living in other types of residences.
- For high-risk offenders, those with no support and living with a family member or friends had the highest numbers of violations.
- Living with a family member or friends does not necessarily mean that he or she is living in a supportive or healthy environment.

Slide 54: Research Regarding Living Arrangements.

- Those who had support in their lives had significantly lower numbers of violations than those who had negative or no support.
- Recommendation - Efforts should be made to ensure that the sex offender's support is positive in order to aid in his or her treatment.

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SENATOR WAGONER remarked families should receive training before a sex offender moves back into the home.

MS. HEIL agreed.

SENATOR HUGGINS asked about a doubled rate of recidivism.

MS. HEIL said this particular population has very ingrained and secretive behavior and the extra accountability measures are necessary.

SENATOR HUGGINS asked about neutering.

MS. HEIL said a number of castration studies come from Sweden and the recidivism rates were low. The programs were voluntary and she suggested the volunteers were likely distressed by their own behavior.

Medications are available that chemically castrate by reducing testosterone. Findings indicate that spontaneous thoughts are reduced, but when confronted by a potential victim the behavior overrides the medication. "It's not just a sexual drive that's causing this behavior. There are many other motivations for why they're engaging."

Some medications that appear as though they may be helpful are actually anti-depressants. They are selective serotonin reuptake inhibitors.

Castrated individuals do molest and can have a sexual response.

There being no further business to come before the joint committee, Chair Seekins adjourned the joint meeting at

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