

Alaska Criminal Justice Commission  
Sex Offenses Workgroup

**Meeting Summary**

**June 21, 2017, 9:30 a.m.**

Snowden Prow Conf. Room, 820 W. 4th Avenue, Anchorage and Teleconference

Commissioners present: Quinlan Steiner, Walt Monegan, Trevor Stephens

Participants: John Skidmore, Laura Brooks, Taylor Winston, Tara Rich, Melody Vidmar, Shannon Cross-Azbill, Karen Cann, Maxine Doogan, Vicky Henry, Chanta Bullock

Staff: Barbara Dunham

**Sex Offender Management Programming at DOC**

Laura Brooks, Deputy Director of Health and Rehabilitation Services at the Department of Corrections, spoke to the group about sex offender management programming (SOMP) within DOC. She provided the group with a copy of her presentation and a white paper, which contained detailed information and statistics on the program. [Anyone interested in obtaining a copy of the white paper or Laura's presentation handout should email [bdunham@ajc.state.ak.us](mailto:bdunham@ajc.state.ak.us).]

Laura explained that despite Alaska having the highest rate of sexual assault in the country, DOC's containment model for sex offenders reduces the risk of recidivism to 3%, compared to a 5% recidivism rate nationally. DOC studies show that even if an offender did not complete treatment, spending some time in the program was correlated with a decrease in recidivism. Approximately 250 sex offenders are released in Alaska per year.

Treatment within DOC is tailored to the individual offender and the offender's criminal history. The containment model used by DOC is the best evidence-based program for supervising sex offenders. Its success lies in its intensity and the length of supervision. Offenders are given cognitive-behavioral therapy, combined with polygraph testing, based on national best practices. On probation/parole, offenders are assigned to specially trained probation/parole officers.

The length of time an offender goes without reoffending is a positive indicator of success. Offenders who do not commit new violent offenses for eight years see a 50% drop in recidivism. Moderate risk offenders who do not commit new violent offenses for 14 years are no more likely to commit a new sexual offense than anyone else in the community. The same goes for high risk offenders who do not commit new violent offenses for 17 years.

DOC has a waitlist for treatment, which is prioritized according to risk level and time remaining on the offender's sentence. Offenders complete an application, and IPOs perform the STATIC and BARR risk assessment tests. A psychologist will then perform a full psycho-sexual test, taking into account the risk assessment and offender's criminal history, along with an interview of the offender. Once a spot becomes available, high-risk offenders are referred to the Lemon Creek CC program, while

medium-risk offenders are sent to the Goose Creek CC program. There are no programs for low-risk offenders. (Group members were interested in how many offenders were high-, medium-, and low-risk; Laura said she could follow up with those numbers and offender profiles.)

Once an offender is on probation/parole, they will likely go on a waitlist for community treatment. (This waitlist is also prioritized according to risk level and time remaining on supervision. Community treatment programs are offered in Fairbanks, Bethel, Anchorage, Kenai, and Juneau—most choose Anchorage. Between release and beginning community treatment, offenders may return home if allowed by their PO (who will look at victim safety issues, the availability of probation officers, etc.). Many do return home in this time, but those who are homeless will remain in the hub community. Offenders waiting for treatment are polygraphed. DOC struggles to find community providers for sex offender management programming, which is the reason for the waitlist.

Cognitive-Behavioral therapy for sex offenders is designed to promote pro-social behavior in offenders and offers a number of cognitive restructuring interventions to combat criminogenic thinking. At Lemon Creek, the high-risk offenders spend 24-36 months in the program and are all housed in one therapeutic community. They engage in group therapy four times per week and intensive individual therapy two times per week, along with regular polygraph testing. At Goose Creek, medium-risk offenders spend 18-24 months in the program and are housed in the general population. They engage in group therapy once per week and intensive individual therapy once per month. They are also subject to regular polygraph testing. Women are treated at Hiland Mountain, which typically has very few, if any, offenders in the sex offender management program.

The Bethel Tundra Center serves the Y-K delta, which has the highest concentration of sex offenses in the country. The Bethel program uses a culturally appropriate restorative justice model that is built on a program from Canada designed for First Nations offenders. The Tundra Center offers a 24-36 month program with group therapy twice per week, intensive homework and classes, and polygraph testing.

Community treatment involves one on one therapy. Offenders will have to pay for this if they are able, but treatment will still continue if they aren't able to pay. Community programs last 18-24 months and typically have a 90-120-day waitlist. Offenders participate in group therapy once per week and intensive individual therapy once per month. They must identify a "safety net" person who can be relied upon to report triggering behaviors to the offender's PO. They also have regular polygraph testing.

Laura said it was important to note that the community treatment programs were originally designed to be aftercare. However, it is used as primary treatment. The offender will opt for community treatment if sentenced to "sex offender treatment" and the judgment order does not specify in-custody or residential treatment, because the requirements are less onerous. Taylor Winston asked whether Presentence Report (PSR) writers are trained to identify people who need in-custody treatment. Laura said she wasn't sure, but noted that it was also an issue of capacity, not just offender preference. It is difficult to find providers. Taylor noted that prosecutors probably rely on PSR writers in making their treatment recommendations.

Commissioner Monegan said that at the very least, community treatment would help prevent offenders from escalating their behavior. Laura agreed and said that community treatment was still a good program, using cognitive-behavioral therapy (CBT)—it just wasn't as intensive. The polygraph and the CBT were most effective in combination. Laura said that the polygraph was a very important tool to keep offenders on track.

Laura explained that looking to the future, DOC was planning to look into telemedicine (or "teletherapy") to try to reach offenders in rural communities so they don't have to move to a hub. Finding providers for this was rare before but they are starting to see more. Theoretically they could use providers and other states with this method, so long as they were licensed in Alaska. Tara Rich asked what the biggest obstacle to telemedicine was. Laura said bandwidth was a big issue. They are thinking of asking public health to partner with them to make use of their telemedicine system.

DOC would also like to streamline treatment statewide to align with the national trend of shortening programs (to 18-24 months), which should help with the waitlist and resource issues.

Chanta Bullock asked what happens if probationers/parolees want to move to another state. Laura said this was not her area of expertise, but she did know that it was governed by an interstate compact and that the transfer and its conditions would have to be approved by both states. Chanta also asked whether it was normal for victims of sex offenses to later become offenders. Laura said that was a difficult question to answer; many victims do become offenders, but many don't. Commissioner Monegan noted that it seemed to be a question of resiliency.

Tara asked what the procedures were for offenders with developmental and cognitive disabilities. Laura said that the initial psycho-sexual assessment by the psychologist will determine where the offender would be best placed. For some offenders with such disabilities, there is a psychosexual treatment center in Anchorage. Tara also said she heard rumors of offenders needing to complete repeat classes in and out of prison. Laura wasn't sure about this and thought it might be related to substance abuse treatment. Sex offender management programming is very different in and out of custody. Also offenders might need to go through classes more than once if they are still dealing with the same issues.

Chanta asked whether being high-, medium-, or low-risk impacted an offender's eligibility for discretionary parole. Karen Cann noted that this was a question for the parole board, but she could ask them. The parole board will have a whole range of information available to them in making their decision. Taylor noted that certain crimes weren't eligible for discretionary parole.

Vicky Henry asked whether offenders pay for their own polygraph and what it costs. Laura explained that offenders do not pay the cost of polygraphs, which cost around \$400 per test. DOC has a contract with a polygraph provider, which DOC audits regularly. Vicky asked whether there was a report on the pass/fail rate. Laura said that DOC keeps this information.

Barbara Dunham asked if there was anything Laura thought the legislature should know. Laura said that often what legislators want to know is whether the programming works; people often have beliefs from studies done in the 80s which said treatment was ineffective. The containment model is very different from previous models and is shown to be effective. Commissioner Monegan thought

that it works because it's individualized treatment. Laura added that it also has wraparound services. Taylor observed that the same programming principles could be applied to other offenders.

### **Workgroup membership**

Barbara explained that at the last meeting the group had discussed diversifying the membership to include more representatives of rural and native communities. Staff efforts at outreach thus far have not been successful; group members were encouraged to email Barbara with suggestions and contacts.

### **Sex trafficking law revisions**

Quinlan Steiner explained that the Public Defender Agency had worked on a draft and had circulated it to the Department of Law but had not yet heard their thoughts on it. Barbara said she would send the draft out for the group to review and set it on the agenda for the next meeting.

### **Data collection for "Romeo and Juliet" cases**

Barbara circulated a memo with a proposal to get data from the Department of Law on the age differentials in SAM cases. There was no objection to proceeding according to the memo.

Barbara also noted that Terra Burns, who could not be at this meeting, had alerted her to the issue of child marriage. John Skidmore wondered whether there was any data or evidence of this happening. Taylor noted that she could recall one case of a cultural marriage. Commissioner Monegan noted that it was a practice among certain religious groups. Judge Stephens said that there had recently been an article on NPR regarding child marriage which had garnered a lot of attention. Barbara agreed to look in to whether this was prevalent in Alaska.

### **Legislative history of 2006 laws and research**

Barbara explained that she had circulated a memo explaining the recent history of sex offense sentencing, which included the letter of intent accompanying the 2006 laws. Some of the information contained in the letter was obviously outdated, such as the assertion that sex offender programming was ineffective and the finding that sex offenders had high rates of recidivism. [The group had just heard that sex offender management programming was in fact effective, and at its January meeting, heard from UAA prof. Brad Myrstol that his research showed the recidivism rate for sex offenders was quite low.]

Judge Stephens explained that many of the findings the legislature made in 2006 were based on findings made in 1994, when the sex offender registry law was enacted. The US Supreme Court held up this law in the *Smith v. Doe* case, which included similar findings. (Barbara offered to provide the group with an article debunking some of the findings in that case.) Quinlan agreed and suggested that every finding in the 2006 letter of intent should be investigated and verified. The likelihood of consensus on any action was low but the information was worth including in the report.

Commissioner Monegan noted that in 2006, there were no programs for prisoners of any kind; Gov. Murkowski had ended all programming at DOC. Thus some of the findings in 2006 could have been valid then if they weren't now. Tara suggested looking into whether sentence length had any

effect on deterrence. Taylor thought that the long sentence lengths created in 2006 combined with the containment model may have acted as a specific deterrent which drove down the recidivism rate. Quinlan cautioned against coming to any conclusions or ending the discussion on a theory, and suggested looking to see if this theory was supported by any data.

Commissioner Monegan said that when someone is about to commit a crime, they don't typically dwell on the penalties—they act on impulse, not logic. He agreed with Taylor that the containment model is an ideal approach to justice. He thought that the best course of action would be to push more efforts into preventative education.

Chanta asked whether the group had discussed the sex offender registry. Barbara said that it hadn't. Vicky said that registry requirement was not always just for sever offenders, and that some low-risk offenders would be included. Her group, Women Against Registry, supports focusing on prevention programs rather than expanding the registry. She noted that some victims' advocacy groups support easing off on using the registry. She said that recidivism rates started dropping before the registries went into effect.

Barbara asked whether there was any interest in revisiting the 1994 legislation that created the registry and the findings behind it, similar to the research on the 2006 legislation. Quinlan thought it was worth looking at. John cautioned that expanding the focus of the report may be taking on too much with the annual report coming up. Barbara explained that the sex offenses report had no deadline and right now she was contemplating finishing the report early next year. John suggested making sure that recidivism was defined in 1994 and 2006 in the same way it is now defined in current research, so as to make accurate comparisons.

Commissioner Monegan said that work needed to be done to create more trust in the system; right now there is a reluctance to report sex crimes because of practices like showing explicit investigative photographs in the courtroom.

Taylor suggested getting data from the polygraphs used for the containment model to see if there is any repeat offending that isn't being prosecuted or captured by the recidivism rate.

### **Public Comment**

Time was made available for additional public comment but none was offered.

### **Next meeting**

The next meeting was set for August 10 at 9:30 a.m.