

## **Hot Topic of Discussion in Sex Offender Management**

Although civil commitment is used by some states as a legal mechanism to extend confinement for sex offenders that "max out" on their sentences, the following issues have been raised in association with this mechanism: constitutional challenges, contests regarding conditions of confinement and absence of meaningful treatment, amount of funds the states spend to defend suits (and paying out awards or fines, where courts have found states in contempt for failing to provide a level of care the court considers adequate or failing to provide "less restrictive" placements in the community). Additionally, there is a cost factor to consider with civil commitment. Currently, there are more than 3,000 Sexually Violent Predators in Department of Mental Health facilities nationally. Very few of these offenders have been released.

An alternative to civil confinement is Colorado's "Lifetime Supervision of Sex Offenders Act." It repeals determinate sentencing for these offenders, allowing for very long sentences but preserving the option of early release on parole-- but not just any parole. It's a special, aggressive parole, with specially trained parole officers with small caseloads; Testosterone- lowering drugs are used in some cases; regular polygraphs are administered; and/or GPS might be employed to track the offender's movements.

Colorado's approach is called the "containment model." The idea is that the risk of recidivism is "contained" by measures to closely supervise the offender and manage his/her behavior. It costs less, can be used with larger numbers, is constitutionally cleaner, and doesn't require a pretense to treatment. Colorado's approach comports with the Center for Sex Offender Management (CSOM) approach to sex offender management supervision. CSOM has been working with states and jurisdictions around the country to implement a similar approach.

In instances where there is no community supervision of offenders, the role of law enforcement becomes increasingly important. Law enforcement is critical in verifying registered offender addresses, enforcing zoning laws, following up on arrest warrants for registry non-compliance, and ensuring offenders are not living with young children. CSOM has provided and will continue to provide training and technical assistance to law enforcement in regard to managing sex offenders.