

Notes from the President

New York State Association for the Treatment of Sexual Abusers and NYS Alliance of Sex Offender Service Providers

This edition of the Alliance has a guest writer contributing to the President's Column. Richard Kueger, MD is Vice President of the Board of Directors for NYSATSA and he has contributed the following letter to the readers of this newsletter. - Editor

Dear Colleague:

As many of you know, members of the NYSATSA and Alliance have been working closely with the NYS Legislature and Governor regarding pending legislation related to Civil Commitment of Sex Offenders.

I believe that NYSATSA and the Alliance had a significant impact on this legislation through the efforts of its various members. The Legislature had considered such legislation for many years and come close to passing a very flawed version in 2006. The current law reflects many of the policies and suggestions that NYSATSA and the Alliance have been making to the Legislature through the years and recently in the form of media interviews, editorials, direct meetings with lawmakers, commentary on drafts of the law to the Joint Conference Committee (charged with forging a single law from separate versions passed by the Senate and the Assembly) commentary to officials in the Governor's office charged with drafting the law, and the development and presentation of a bibliography and various academic materials to the law's drafters. All involved from NYATSA and the Alliance gave unflinchingly of their time and energy and this law is the better for it.

Much remains to be done. While legislators can pass a law, its actual enactment requires the efforts and ingenuity of many state administrators and agencies.

This law requires the complex orchestration of the New York State Office of Mental Health, Office of Mental Retardation and Developmental Disability, Divisions of Correction, Parole, and Criminal Justice Services, and the Attorney General's Office. Additionally, it will require the development of a whole infrastructure of treatment throughout the state.

Perhaps the greatest challenge will be to develop in a timely way a system of institutional treatment and community based treatment and monitoring that will allow this law to operate without relying on the most expensive modality of continuous confinement, as other states have done. It will also require that means be found to assist with housing, employment, and treatment for sex offenders appropriate for a less restrictive alternative, which is becoming increasingly difficult. It will also require that legal professionals involved be educated on the elements of sex offender treatment and risk assessment.

An excellent feature of this law is the creation of the Office of Sex Offender Management, which will allow for the continual evolution, evaluation, and fine-tuning of this legislation to accommodate circumstances, both foreseen and unforeseen. It should be emphasized that the historical record, both past and recent, provides abundant evidence that such programs are very difficult to successfully enact. The closest that a program has come to some success appears to be Arizona. The actuarial instruments and dangerousness assessment process used in the current law are far from perfect, and it can even be anticipated that some individuals released into the community will reoffend, perhaps dramatically. The challenge will be to, in the long run, reduce sexual violence by making this law work to successfully contain, manage, and treat this high-risk population.

There is virtually no literature which describes or analyzes outcomes from the 30 plus old civil commitment programs that came and went in the first rash of statutes passed from the 1930's through the 80's in the United States, nor from many of the 19 newer civil commitment programs passed in the past two decades. It will be critical to carefully evaluate outcome. Many other states and countries will look to New York as an example of civil commitment legislation, and it is imperative that all involved make this an exemplary law and system of management and treatment. We, on behalf of the Boards of NYSATSA and the Alliance, ask that all of our members help to make this law a success.

Sincerely,
Richard Krueger, Vice-President, NYSATSA