

Sex-offender program getting overhaul

By BARBARA HOBEROCK World Capitol Bureau
4/26/2003

Participants won't be penalized for refusing to admit guilt.

OKLAHOMA CITY -- A legal decision and budget shortfalls have adversely affected the Department of Corrections' sex-offender program during the past year.

The DOC runs its sex-offender program at the Joseph Harp Correctional Center in Lexington and the John Lilley Correctional Center in Boley.



In a ruling last May, the state Court of Criminal Appeals said the program was unconstitutional because it violated an inmate's right against self-incrimination.

The ruling applied to all inmates who either lost good-time credits or were placed at a lower classification level because they refused to participate in or failed to complete the program because it required them to admit guilt.

Dozens of inmates were affected, and more than 13 were set free in the days following the court's ruling.

As a result of the ruling, the DOC began working on changes in its sex-offender program, said Debbie Mahaffey, deputy director of operation support.

"During this period, we have not been placing people in the program while we have been trying to fix the program," she said. "We have probably been working on it a year."

Meanwhile, the Corrections Department, like other state agencies, is suffering through a statewide budget shortfall.

The Joseph Harp program normally has a staff of seven but currently has only two staff members, said Brian Johnson, DOC sex-offender coordinator. The John Lilley program has two staff positions, but only one is filled, he said.

"We are hoping to get those staff posts filled after July 1," Johnson said, referring to the start of the next fiscal year. "Only three people are working with sex offenders directly."

Despite the staffing shortages, the programs are operational, he said.

An inmate profile at the end of December indicated that 1,372 people were serving time for rape. An additional 959 were serving time for other sex crimes, DOC records show.

Mahaffey said the reworked program has two phases. In phase one, offenders don't have to admit guilt, she said.

In the second phase, offenders sign waivers saying they "are willing to participate and that they understand they are going to have to talk about some things they did, admit guilt," she said.

Offenders can refuse, she said, but that refusal will not impact their credit levels.

"What we have done is try to meet the court's requirements and still have a viable sex-offender treatment program," Mahaffey said. "Most experts tell you that unless you admit guilt and that you have a problem, you are not going to be able to take care of it."

Tulsa County District Judge Tom Gillert said he was aware of the Court of Criminal Appeals' ruling and its impact on the DOC's sex-offender program.

However, Gillert said, he has been asked to include recommendations in some sentences that the program be taken so that when the program becomes available, the DOC will know that the judge thought it was appropriate for an offender.

He said the requests have generally come from defense attorneys.

"My thinking is that if the defense requested it, why should I say no?" Gillert said. "There is no harm in doing that to anybody."

He pointed out that his recommendation is not an order.

"The person goes into the Department of Corrections, where they are incarcerated, and what treatment program is given is a matter for the DOC. It (a judge's recommendation) is simply supposed to be an aid to the DOC."

Tulsa County District Judge Jefferson Sellers agrees.

"I don't think we can tell the department where to send the offender," Sellers said. "I mean, we can, but they are certainly allowed to classify and determine who should have priority for programs and so forth."