

Five million dollars for voodoo science? Colorado?

written by admin | May 15, 2017



By Christopher N. Osher . . . Colorado has spent more than \$5 million to administer polygraphs on convicted sex offenders over the last seven years despite concerns that the tests are so unreliable they can't be used as evidence during civil or criminal trials.

Polygraphs help officials decide which prisoners convicted of sex offenses are suited for release from prison by probing their sexual history, attitudes about their crimes and whether they are committing new offenses. They also guide how offenders on parole or probation are supervised.

"The polygraph really gives useful information," said Lenny Woodson, administrator for the Colorado Department of Corrections' Sex Offender Treatment and Monitoring Program. "And we've made it clear in our standards that it isn't to be used in isolation. We're using as many avenues as possible to make treatment decisions."

Studies show that up to 70 percent of U.S. states polygraph sex offenders, but experts have testified that [Colorado uses the tests aggressively](#), even polygraphing juvenile offenders for consensual sexting. Critics contend an entrenched and profitable cottage industry, rife with conflicts of interests, has grown up around polygraphing sex offenders in Colorado.

“To me, there is no question that it borders on a scam,” said Senate President pro tem Jerry Sonnenberg, R-Sterling. “We incentivize the people who give the polygraph tests to have inconclusive results so an offender has to go back and pay for another one on a more regular basis.”

Colorado’s polygraphing is “grossly excessive,” said Deirdre D’Orazio, a psychologist who serves as an expert on a high-risk sex-offender task force in California, during testimony in federal court in Denver in 2015. D’Orazio led a team of consultants that issued a report for the Colorado department of corrections in 2013 [blasting how it manages sex offenders](#) and how it uses polygraphs.

She returned to the state to testify for Howard Alt, then 51, who a decade earlier was convicted for having sex with a 15-year-old girl and possessing nude computer images of teenage girls.

After his release from prison, Alt had taken 28 polygraphs, often with competing results. The treatment provider that tested Alt had a “fiduciary incentive conflict” to fail him, D’Orazio said. The firm was “making money on outcomes that are not in the offender client’s favor” by requiring him to pay for more tests and treatment, she said.

A deceptive finding on one sex-history polygraph had prompted supervision officials to bar Alt, a former software developer, from accepting a job that would raise his salary from \$60,000 to \$200,000 annually. Months later, the polygrapher found Alt to be truthful on the same questions even though he did not

change his answers, showing the sanction against him was unwarranted, D'Orazio said.

"It is not a scientifically valid procedure," D'Orazio testified. "It has a high false-positive rate, which means misclassifying people who are telling the truth as being deceitful. So there is a lot of controversy about using the polygraph in high-stakes decisions."

Even Alt's supervised-release officer said he had worked hard to learn from his past crimes. He was contrite after serving six years in prison. He was free of new transgressions, with tracking software on his computer monitoring his compliance. He had re-established relationships with his former wife and his daughter, according to testimony.

"I had thought that clearing a poly and having a deceptive poly were similar to a drug test, where you either have a drug in your system or you don't have a drug in your system," the supervised release officer, Lisa Pence, testified. "It has been an education that it's not."

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