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SUPERVISING AUTHORITIES SHOULD HALT PRACTICES THAT ARE INCREASING THE RISKS OF COVID-19 EXPOSURE

Raleigh, North Carolina | April 21, 2020—The National Association for Rational Sexual Offense Laws strongly condemns the New Mexico Department of Corrections, the Oklahoma Department of Corrections, and any other supervising authorities that have not acted responsibly, and calls for an immediate cessation of in-person visits for the purpose of administering polygraph examinations or for attending in-person group counselling sessions **for the duration of the Covid-19 health crisis.**

It is clearly obvious that the close proximity required in connecting a subject to a polygraph instrument puts the recipient and the administrator of the examination at risk of infection. In addition, many individuals on probation and parole rely on public transportation to get to the testing site, which adds yet another layer of increased risk to themselves and others for contracting the virus.

NARSOL has verified that the Departments of Correction of New Mexico, Oklahoma, and almost certainly other states, are continuing to require those being supervised by probation and parole to come in person for scheduled polygraph examinations. Additionally, New Mexico, at least, is requiring that those under supervision following a sexual crime conviction continue their mandated in-person group therapy sessions.

New Mexico's Gov. Grisham, on March 11, declared a state of public health emergency and issued a directive enforcing the health department's strong recommendations of social distancing and stay-at-home requirements except in very specific situations.

Neither taking nor administering a polygraph is one of the specific situations.

Polygraphy is not listed as an essential business.

A source in Oklahoma verifies that continued polygraph requirements are also the case in that state.

Cynthia Stevens, Maricopa County, Arizona Director of Adult Sex Offender Probation, responded to the issue, saying, "Each probationer's circumstances are determined on a case by case basis. Polygraphs and other testing and assessments are also determined on a case by case basis . . ." In like manner, Chris Lobanov-Rostovsky, head of Colorado's sex offender management board, verified the ambiguity in policy that leaves some programs still requiring the polygraphs be administered in defiance of all warnings and even mandates from health officials.

Many of those so affected are those under community supervision resulting from a conviction for a sexual offense. "While supervision of those under its jurisdiction is important, its importance does not supersede the health and safety of all concerned. The department has other means of

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monitoring offenders without putting anyone in jeopardy and without defying orders from New Mexico's governor," stated Ashley Reymore-Cloud, attorney for NARSOL's New Mexico affiliate Liberty and Justice Coalition. "And treatment sessions can most definitely be held by alternative means."

By contrast, sources in Minnesota report that all polygraph testing there has been suspended and all treatment programs are handling group sessions via telephone conference calls until such time that the Covid-19 stay at home policy has been removed by the government.

Brenda Jones, NARSOL's executive director stated, "The National Association for Rational Sexual Offense Laws strongly protests this reckless disregard for public health orders and urges that all supervising authorities suspend these requirements immediately."

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NARSOL is the nation's largest civil rights organization advocating on behalf of registered citizens and their families. NARSOL opposes dehumanizing registries and works to eliminate discrimination, banishment, and vigilantism against persons accused or convicted of sexual offenses through the use of impact litigation, public education, legislative advocacy, and media outreach in order to reintegrate and reconcile affected individuals and restore their constitutional rights.