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LIFETIME SUPERVISION OF SEX OFFENDERS

Annual Report



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Colorado Department of Corrections
Colorado Department of Public Safety
State Judicial Department

TABLE OF CONTENTS

Introduction	1
<u>Department of Corrections</u>	
Impact on Prison Population	3
Prison Admissions Sentenced Under Lifetime Provisions	3
Sentencing Trends for Prison Admissions for Sexual Offenses	3
Table 1.00 Prison Admissions with Sexual Offense Convictions	5
Impact on Parole Population, Intensive Supervision Parole Program and Length of Supervision	6
Parole Release Hearings and Number Released to Parole	6
Parole Discharge Hearings and Number Discharged from Parole	7
Parole Revocation Hearings and Number of Parole Revocations	7
Sex Offender Treatment and Monitoring Program (SOTMP)	7
Sex Offender Treatment Phases	7
Specialized Treatment Formats for Lifetime Supervision of Sex Offenders	9
Foundation Format	10
Modified Format	10
Standard Format	11
Availability and Cost of Sex Offender Treatment	13
Additional Issues	13
<u>Department of Public Safety</u>	
Summary of Evaluation Instruments	14
Mental Health Sex Offense-Specific Evaluation	14
Sexual Predator Risk Assessment Screening Instrument	15
Background of the Sex Offender Management Board	17
Availability and Location of Sex Offender Treatment Providers Throughout the State	18
Cost of Services	19
Table 2.00 Average Cost of Services	20
Regulation and Review of Services Provided by Sex Offender Treatment Providers	21
Application Process	21
Sex Offender Service Providers	22
Program Evaluation	23
<u>Judicial Department</u>	
Probation Population Impact	25
Table 3.00 Sentences to Probation Fiscal Year 2000-2001	26
Table 3.10 Sentences to Probation: First Three Months of Fiscal Year 2001-2002	27
Probation Discharge Hearings and Discharges	27

Probation Revocation Hearings and Revocations	28
Cost of Services	28
Summary	28

LIST OF ATTACHMENTS

- Attachment A: *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders; Lifetime Supervision Criteria; Standards for Community Entities That Provide Supervision and Treatment for Adult Sex Offenders Who Have Developmental Disabilities*
- Attachment B: Sexual Predator Risk Assessment Screening Instrument
- Attachment C: Sexually Violent Predator Risk Assessment Screening Instrument Handbook
- Attachment D: Sex Offender Management Board Provider List

INTRODUCTION

The Department of Corrections, Department of Public Safety and the State Judicial Department have collaborated to write this Second Annual Report on Lifetime Supervision of Sex Offenders. The report is submitted pursuant to Section 16-13-811 C.R.S.:

“On or before November 1, 2000, and on or before each November 1 thereafter, the Department of Corrections, the Department of Public Safety, and the Judicial Department shall submit a report to the judiciary committees of the house of representatives and the senate and to the joint budget committee of the general assembly specifying, at a minimum:

- (a) The impact on the prison population, the parole population, and the probation population in the state due to the extended length of incarceration and supervision provided for in sections 16-13-804, 16-13-806, and 16-13-808;
- (b) The number of offenders placed in the intensive supervision parole program and the intensive supervision probation program and the length of supervision of offenders in said programs;
- (c) The number of sex offenders sentenced pursuant to this part 8 who received parole release hearings and the number released on parole during the preceding twelve months, if any;
- (d) The number of sex offenders sentenced pursuant to this part 8 who received parole or probation discharge hearings and the number discharged from parole or probation during the preceding twelve months, if any;
- (e) The number of sex offenders sentenced pursuant to this part 8 who received parole or probation revocation hearings and the number whose parole or probation was revoked during the preceding twelve months, if any;
- (f) A summary of the evaluation instruments developed by the management board and use of the evaluation instruments in evaluating sex offenders pursuant to this part 8; and
- (g) The availability of sex offender treatment providers throughout the state, including location of the treatment providers, the services provided, and the amount paid by offenders and by the state for the services provided, and the manner of regulation and review of the services provided by sex offender treatment providers.”

This report is intended to provide the Colorado General Assembly with information on the second year of implementation of the Lifetime Supervision Act in Colorado. It is organized into three sections, one for each of the required reporting departments. Each department individually addresses the information for which it is responsible in implementing lifetime supervision and associated programs.

IMPACT ON PRISON POPULATION

The legislation enacting the lifetime supervision of sex offenders affected persons convicted of offenses committed on or after November 1, 1998 and the full effects will not be realized for several years. Legislative sentencing changes are projected to begin impacting the prison admissions and population approximately one year after the effective date of the legislation. The first prison admissions for the qualifying Lifetime Supervision sexual offenses were forecast beginning in the Fall of 1999 (Fiscal Year 1999-2000).

PRISON ADMISSIONS SENTENCED UNDER LIFETIME PROVISIONS

A total of 159 offenders have been sentenced to prison under the Lifetime Supervision provisions for sex offenses through Fiscal Year 2000-2001. One offender was sentenced in Fiscal Year 1998-1999, 46 offenders in Fiscal Year 1999-2000 and 112 offenders in Fiscal Year 2000-2001. To date, there are 61 offenders that have been identified as meeting the criteria of Lifetime Supervision of an enumerated sexual offense and offense date on or after November 1, 1998, but were not sentenced pursuant to the lifetime sentencing requirements. The Department of Corrections continues to work with the courts and prosecuting attorneys to resolve these cases and clarify issues surrounding Lifetime Supervision sentencing. A common misconception among attorneys, court administrators and offenders appears to be that Lifetime Supervision sentences only apply to the parole supervision period.

SENTENCING TRENDS FOR PRISON ADMISSIONS FOR SEXUAL OFFENSES

Sentencing trends will be closely monitored as result of this legislation to identify changes in the felony class and offense distributions for all sexual offenses resulting in prison admission. Class two, three and four felony sexual offenses are required to be sentenced under the Lifetime Supervision provisions while class five and six felony sexual offenses are not included. Class five felonies consist of inchoate crimes involving attempt, conspiracy, solicitation or accessory to a higher class of sexual offense. Class six felonies

also consist of inchoate offenses and third degree sexual assault against an at-risk population.

Revisions to the sex offense statutes, effective on July 1, 2000, eliminated the designations of first, second or third degrees from the offenses. There were a limited number of cases under the new statutorily defined sexual offenses and these have been classified into the prior equivalent categories for purposes of sentencing comparison.

Table 1.00 provides the number of prison admissions for sexual offenses by felony class for Fiscal Year 1996-1997 through Fiscal Year 2000-2001. The sexual offenses listed may not be the most serious crime; however the sexual offense will become the most serious crime in future years when sentenced to a maximum sentence of life under the Lifetime Supervision provisions.

Table 1.00 separates inchoate (attempt, conspiracy, solicitation or accessory) convictions for easier comparison. The number of lifetime-sentenced offenders is bolded and shown in parentheses by offense and is included in the number reported. The overall number of admissions with a sexual offense conviction remained stable in Fiscal Year 2000-2001. However, several fluctuations occurred among the felony class distributions. As expected, the number of class three and four felony convictions demonstrated decreases, 3.9% and 11.5% respectively, while the number of class five convictions were 30.5% higher this fiscal year.

The increases in the class five inchoate convictions over the last two years indicate a shift in the sentencing trends for prison admissions from offenses subject to Lifetime Supervision provisions toward less severe offenses not falling under the lifetime legislation. Conviction rates for these offenses will be closely monitored over the next two years and additional research will be needed to ascertain the full extent to which sentencing has been modified. This research will need to encompass the severity of the underlying offense, prior criminal history and other factors that may influence or affect the final sentencing and placement of the offender.

TABLE 1.00
Prison Admissions with Sexual Offense Conviction

	C.R.S.	FISCAL YEAR							
		96-97	97-98	98-99	99-00	00-01			
Felony Class 2									
First Deg. Sexual Assault - At Risk	18-6.5-103							1	
First Deg. Sexual Assault	18-3-402		10	11	16		8	(3)	8 (4)
Total-Felony Class 2		10	11	16	8	(3)	8	(4)	
Felony Class 3									
First Deg. Sexual Assault	18-3-402	30	23	35	11		18		(11)
Sex Assault-Child Position of Trust	18-3-405.3	2	55	59	70	(12)	61		(28)
Sex Assault-Child	18-3-405	89	39	28	33	(3)	28		(11)
Second Deg. Sexual Assault	18-3-403	1							
Second Deg. Sexual Assault-At Risk	18-3-403				1		0		
Aggravated Incest	18-6-302	5	6	6	9	(2)	11		(4)
Patronizing a Prostituted Child	18-7-406								
Enticement of Child	18-3-305			1	1		3		(3)
Subtotal - Offenses		127	123	129	125	(17)	121		(57)
Inchoates (Class 2 Crime)									
First Deg. Sexual Assault-Attempt	18-3-402	2	3	5	3	(2)	2		(0)
Subtotal - Inchoate		2	3	5	3	(2)	2		(0)
Total-Felony Class 3		129	126	134	128	(19)	123		(57)
Felony Class 4									
Sex Assault-Child Position of Trust	18-3-405.3	0	24	20	17	(1)	21		(5)
Sex Assault-Child	18-3-405	115	83	91	114	(18)	107		(34)
Second Deg. Sexual Assault	18-3-403	34	32	23	23	(1)	16		(5)
Third Deg. Sexual Assault	18-3-404(2)	7	5	7	7	(1)	4		(1)
Sexual Assault-Client by Psychotherapist	18-3-405.5		2						
Incest	18-6-301	1	1	3	5		1		
Enticement of Child	18-3-305	2	4	2	3		4		(3)
Subtotal - Offenses		159	151	146	169	(21)	153		(48)
Inchoates (Class 2 or 3 Crime)									
First Deg. Sexual Assault-Attempt	18-3-402	6	5	7	(1) 8	(2)	6		(2)
Sex Assault-Child Pos. of Trust Attempt	18-3-405.3	1	4	1	1		1		
Sex Assault-Child Attempt	18-3-405	5	5	1	4	(1)	0		(0)
Aggravated Incest Attempt	18-6-302			1			1		(1)
Patronizing a Prostituted Child Attempt	18-7-406			1					
Subtotal - Inchoate		12	14	11	(1) 13	(3)	8		(3)
Total-Felony Class 4		171	165	157	(1) 182	(24)	161		(51)
Felony Class 5 (Inchoate)									
First Deg. Sexual Assault-Accessory	18-3-402		1						
Sex Assault-Child Position of Trust Attempt	18-3-405.3	1	8	2	3		9		
Sex Assault-Child Attempt	18-3-405	33	28	35	45		58		
Sex Assault-Child Conspiracy	18-3-405						2		
Second Deg. Sexual Assault Attempt	18-3-403	10	16	16	30		25		
Third Deg. Sexual Assault Attempt	18-3-404(2)	1	3	3	1		7		
Incest Attempt	18-6-301	1	1		1		3		
Enticement of Child Attempt	18-3-305				2		2		
Enticement of Child Conspiracy	18-3-305						1		
Total-Felony Class 5 (Inchoate)		46	57	56	82		107		
Felony Class 6 (Inchoate)									
Third Deg. Sexual Assault-At Risk	18-3-404			1	2		1		
Total-Felony Class 6 (Inchoate)		0	0	1	2		1		
Total Sexual Offense Convictions		356	359	364	(1) 402	(46)	400		(112)

(n) the number sentenced under lifetime provisions (included in the total). FY 99-00 numbers changed to reflect corrected mittimii.
SOURCE: Office of Planning & Analysis, CDOC. October 25, 2001.

IMPACT ON PAROLE POPULATION, INTENSIVE SUPERVISION PAROLE PROGRAM AND LENGTH OF SUPERVISION

The intensive supervision parole program and total parole population have not experienced any change by the Lifetime Supervision sentencing provisions to date, as no offenders have been released by the Parole Board. Release to parole is subject to the discretion of the Parole Board and offenders must meet the release criteria established in the Sex Offender Management Board Standards & Guidelines (**ATTACHMENT A**).

ATTACHMENT A: *Sex Offender Management Board Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders;*

Lifetime Supervision Criteria;

Standards for Community Entities That Provide Supervision and Treatment for Adult Sex Offenders Who Have Developmental Disabilities

PAROLE RELEASE HEARINGS AND NUMBER RELEASED TO PAROLE

The Parole Board has seen 36 Lifetime Supervision offenders for release consideration. The Parole Board deferred 21 offenders for at least 11 months with five offenders deferred for three years. There were 15 offenders who waived their last Parole Board hearing and are scheduled to appear before the Board again for release consideration within six to twelve months.

The most frequent deferral reasons cited by the Parole Board on the last hearing for the 21 offenders included aggravating factors (100%), risk control (90.5%), needs continued treatment (81.0%), and needs more time (61.9%). Additional reasons included circumstances of the offense, sex offender treatment needs, remain incident report free, and mental health treatment needs.

15 of the 21 offenders were in sex offender treatment at the time of the Parole Board hearing, with nine participating in lifetime sexual history, five in Phase I and one offender in Phase II. The treatment status for these 21 offenders, as of October 25, 2001, includes

one offender in Lifetime Sexual History, eight in Phase I, two in Phase II and four not currently participating in sex offender treatment.

PAROLE DISCHARGE HEARINGS AND NUMBER DISCHARGED FROM PAROLE

No parole discharge hearings have occurred for offenders sentenced under Lifetime Supervision, as no offenders have been released to parole under this provision. Parole discharge hearings are not anticipated for the next several years as the offender must complete ten years on parole for class four offenses or 20 years for class two or three offenses to be considered for discharge by the Parole Board.

PAROLE REVOCATION HEARINGS AND NUMBER OF PAROLE REVOCATIONS

No parole revocation hearings have occurred to date for Lifetime Supervision offenders, as no offenders have been released to parole under this legislation.

SEX OFFENDER TREATMENT AND MONITORING PROGRAM (SOTMP)

Sex Offender Treatment Phases

The SOTMP is designed to utilize the most extensive resources with those inmates who have demonstrated a desire and motivation to change. Therapists are responsible for assessing the offender's treatment needs and making treatment recommendations based on the therapist's clinical judgment of the offender's eligibility and progress in treatment.

The SOTMP has a cognitive behavioral orientation and has strict requirements for participation. The requirements are designed to convey the inmate's responsibility for change and the depth of the commitment that must be made. The following groups are currently offered to inmates:

CORE CURRICULUM: This group is a prerequisite for participation in Phase I of the Sex Offender Treatment and Monitoring Program. The focus of the group is on thinking errors, anger management, and stress management. The group meets for a minimum of 18 hours. The time may vary depending on the progress of the group.

The Core Curriculum Group is offered at most Department of Corrections facilities.

PHASE I: Phase I is a time-limited therapy group focusing on the following common problem areas of sex offenders: why people commit sex offenses; developing victim empathy; cognitive restructuring; sex offense cycles; relapse prevention; sex education; sex roles; social skills; and relationships. At Fremont Correctional Facility and Colorado Territorial Correctional Facility, the group meets four times per week and continues for approximately six months.

Phase I is offered at Fremont Correctional Facility, Sterling Correctional Facility and Colorado Territorial Correctional Facility. This program is also offered once per week at the Colorado Women's Correctional Facility.

PHASE IB: This group addresses the same components as the regular Phase I group, but is adapted for inmates who have low intellectual functioning. This group meets once per week.

Phase IB is offered at Colorado Territorial Correctional Facility. Upon completion of this component, an inmate may be integrated into a regular Phase I group at Colorado Territorial Correctional Facility with supportive services, such as homework tutoring. If the inmate successfully completes this program, he may be interviewed to be mainstreamed into the Arrowhead Therapeutic Community.

PHASE IC: This group addresses the same components as the regular Phase I group, but it is designed for sex offenders who are chronically mentally ill. This group meets twice per week and is open-ended.

Phase IC is offered at San Carlos Correctional Facility and Fremont Correctional Facility.

PHASE IE: This group addresses the same components as the regular Phase I group, but is designed for sex offenders who are Spanish speaking. This group meets once per week and is open-ended.

Phase IE is offered at Fremont Correctional Facility.

PHASE II: Phase II focuses on changing the inmate's distorted thinking and patterns of behavior, as well as helping the inmate develop a comprehensive personal change contract. Participants must keep a daily interactions journal and maintain appropriate behavior. This phase will be offered as an outpatient program and as a therapeutic community treatment program. The outpatient program will meet three times per week and will last one year. The therapeutic community treatment program will house sex offenders together in a therapeutic milieu operating 24 hours per day, 7 days a week. This program will last one year.

Phase II is offered at Arrowhead Correctional Center. However, an adapted form of Phase II is offered at the Colorado Women's Correctional Facility once per week.

Specialized Treatment Formats For Lifetime Supervision Of Sex Offenders

The 1998 passage of the Colorado Lifetime Supervision Act requires that offenders must serve the term of their minimum sentence in prison and participate and progress in treatment, in order to be considered a candidate for parole. The Lifetime Supervision legislation is not intended to increase the minimum sentence for sex offenders. In order to provide treatment without increasing minimum sentences, The Department of Corrections has designed treatment formats that provide offenders the opportunity to progress in treatment and be considered a candidate for parole within the time period of their minimum sentence. The new treatment formats were designed with the following assumptions:

- Sex offenders will continue in treatment and supervision if placed in community corrections or on parole;
- Sex offenders should be given the opportunity to sufficiently progress in treatment within the time period of their minimum sentence;
- Specialized formats will not ensure sex offender cooperation with or progress in treatment. Offenders need to be willing to work on programs and be motivated to change; and,
- Sex offenders must meet all of the Sex Offender Management Board Lifetime Supervision Criteria for their assigned format to receive a recommendation for

release to parole from the Sex Offender Treatment and Monitoring Program staff;

Foundation Format

Offenders with a two year or less minimum sentence will participate in an evaluation and group to prepare his/her sexual history. They must be actively participating in treatment and applying what he/she is learning and have met the following requirements in order to receive a recommendation for parole:

1. Completed a non-deceptive polygraph assessment of his/her deviant sexual history. In addition, any recent monitoring polygraph exams must also be non-deceptive.
2. Participated in a comprehensive sex offense-specific evaluation and have a SOTMP approved individual treatment plan.
3. Committed no institutional acting-out behavior within the past 12 months.
4. Compliant with any DOC psychiatric recommendations for medication that may enhance his/her ability to benefit from treatment and/or reduce his/her risk of re-offense.
5. Developed a plan to establish at least one approved support person.

Modified Format

Offenders with three to five years minimum sentence will participate in an evaluation and expanded Phase I group that will include the definition of his/her sexual abuse cycle and preparing his/her sexual history. They must be actively participating in treatment and applying what he/she is learning and have met the following requirements in order to receive a recommendation for parole:

1. Completed a non-deceptive polygraph assessment of his/her deviant sexual history. In addition, any recent monitoring polygraph exams must also be non-deceptive.
2. Practicing relapse prevention with no institutional acting-out behaviors within the past 12 months.
3. Defined and documented his/her sexual offense cycle.
4. Identified, at a minimum, one approved support person who has attended family/support education and has reviewed and received a copy of the offender's sexual offense cycle.

5. Compliant with any DOC psychiatric recommendations for medication that may enhance his/her ability to benefit from treatment and/or reduce his/her risk of re-offense.
6. Able to be supervised in the community without presenting an undue threat.

Standard Format

Offenders with six years or more minimum sentence will participate in Phase I and Phase II. They must be actively participating in treatment and applying what he/she is learning and have met the following requirements in order to receive a recommendation for parole:

1. Actively participating in treatment and applying what he/she is learning.
2. Completed a non-deceptive polygraph assessment of his/her deviant sexual history. In addition, any recent monitoring polygraph exams must also be non-deceptive.
3. Completed a comprehensive personal change contract (relapse prevention plan) that is approved by the SOTMP team.
4. Identified, at a minimum, one approved support person who has attended family/support education and has reviewed and received a copy of the offender's personal change contract.
5. Practicing relapse prevention with no institutional acting-out behaviors within the past 12 months.
6. Compliant with any DOC psychiatric recommendations for medication that may enhance his/her ability to benefit from treatment and/or reduce his/her risk of re-offense.
7. Able to be supervised in the community without presenting an undue threat.

PHASE III RAM COMMUNITY CORRECTIONS SUPERVISION: Phase III provides specialized community corrections placements for sex offenders. The program is grant funded and provides continuing intensive treatment, specialized supervision (including pager or global positioning monitoring and tracking services) and polygraph monitoring. This phase of treatment is available in Colorado Springs and Denver.

PHASE IV RAM PAROLE SUPERVISION: Phase IV involves intensive, specialized supervision and polygraph monitoring of sex offenders on parole. These offenders are required to participate in approved sex offender treatment programs in the community.

Treatment providers selected for referral must meet certain criteria including a willingness to report the offender's progress, or more importantly, lack of progress to the parole officer. The RAM parole officer also maintains an on-going, active relationship with the Sex Crimes Unit of the local law enforcement agency.

Although, parole services are funded in a separate budget line, the SOTMP contributes funds for some treatment and polygraph services designated for parolees.

FAMILY SUPPORT/EDUCATION: Education meetings are offered to the offender's family and identified community support system. These meetings provide continued education on sex offenders' cycles and problem areas and how the family members can intervene in the cycle, preventing high risk situations, identifying when the offender is victimizing or manipulating the family, and processing current emotions, situations, and concerns related to the offender.

VIOLENT CRIMINAL APPREHENSION PROGRAM (VICAP): VICAP is an FBI nationwide data information center designed to collect, collate, and analyze crimes of violence, including sexual offenses. The DOC uses VICAP to capture method of operation data on all sexual offenders entering the department. This data will be used for sex offender evaluation, research, and law enforcement notification of the offender's method of operation when the offender returns to the community. This data is periodically forwarded to CBI and FBI to be included in the Colorado and national VICAP database for law enforcement agencies to match unsolved crime characteristics with solved crime characteristics. DOC has entered approximately 500 cases into the VICAP system this year.

SEX OFFENDER REGISTRATION COORDINATOR: This position ensures the following: offenders are notified of their requirement to register, offenders have signed a notice to register, offenders have provided a valid address, offenders have been DNA tested, and the offender has had a recent picture taken. This position also enters the intended release date and "needs to register requirement" in CCIC and notifies local law enforcement of the offender's release, requirement to register, and past history of sexual offending.

AVAILABILITY AND COST OF SEX OFFENDER TREATMENT

The Fiscal Year 2000-2001 Department of Corrections budget included \$2,583,218 for the assessment, treatment, testing (including polygraphs), research and registration coordination of sex offenders.

ADDITIONAL ISSUES

Several positions within the SOTMP remained vacant during the fiscal year as the state personnel system reorganized the social worker/counselor job classifications. These vacancies directly affected the number of sex offenders in Phase I treatment and the transition process to the Phase II program. The vacancies have since been filled and this is no longer an issue.

Management is reviewing the need for additional psychologist positions due to the new requirements of the lifetime provisions including offense-specific evaluations that require psychological testing. Social worker positions may be converted to psychologist positions to handle these increased responsibilities.

SUMMARY OF EVALUATION INSTRUMENTS

The Sex Offender Management Board (SOMB) has participated in the development of two distinct evaluation processes for convicted sex offenders. The first is the mental health sex offense-specific evaluation process outlined in the *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders*, referred to in this document as the Standards (**ATTACHMENT A**). The second is the Sexual Predator Risk Assessment Screening Instrument, developed in collaboration with the Office of Research and Statistics in the Division of Criminal Justice, Department of Public Safety. Each evaluation is described below.

Mental Health Sex Offense-Specific Evaluation

The mental health sex offense-specific evaluation is to be completed as a part of the pre-sentence investigation, post-conviction and prior to sentencing. It is intended to provide the Court with information that will assist in identifying risk and making appropriate sentencing decisions. All offenders sentenced under the Lifetime Supervision Act would have received a mental health sex offense-specific evaluation as a part of their Pre-Sentence Investigation Report (PSIR).

The process requires that certain areas or components be evaluated for each offender, and identifies a number of instruments or methods that may be utilized to accomplish each task. This allows each evaluator to design the most effective evaluation for each offender, based on the individual behaviors and needs of the offender. It also ensures that each evaluation performed under the Standards will encompass the appropriate areas necessary to assess risk and recommend appropriate interventions.

According to the *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders*, Standards 2.010 and 2.020, each sex offender shall receive a **mental health sex offense-specific evaluation** at the time of the

pre-sentence investigation. The mental health sex offense-specific evaluation has the following purposes:

- To document the treatment needs identified by the evaluation (even if resources are not available to address adequately the treatment needs of the sexually abusive offender);
- To provide a written clinical evaluation of an offender's risk for re-offending and current amenability for treatment;
- To guide and direct specific recommendations for the conditions of treatment and supervision of an offender;
- To provide information that will help to identify the optimal setting, intensity of intervention, and level of supervision, and;
- To provide information that will help to identify offenders who should not be referred for community-based treatment.

Please refer to **ATTACHMENT A** for additional information on mental health sex offense-specific evaluations located in Section 2.000 of the Standards. For information that outlines criteria and methods for determining a sex offender's progress through treatment and for successful completion under Lifetime Supervision, please see the Lifetime Supervision Criteria also in **ATTACHMENT A**.

ATTACHMENT A: *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders, Standards 2.000 Mental Health Sex Offense-Specific Evaluation;*

Lifetime Supervision Criteria

Sexual Predator Risk Assessment Screening Instrument

In response to federal legislation, the Colorado General Assembly passed legislation regarding the identification and registration of Sexually Violent Predators (Section 16-11.7-103 (c.5) C.R.S.). A person who is found to be a Sexually Violent Predator by the courts or Parole Board is required to register quarterly rather than annually (Section 18-3-412.5 (3.5) C.R.S.), be posted on the internet by the Colorado Bureau of Investigation (Section 18-3-

412.5 (3.5) (e) C.R.S.), and may be subject to community notification (Section 16-13-903 C.R.S.).

Pursuant to Section 16-11.7-103 (4) (c.5) C.R.S., the Sex Offender Management Board collaborated with the Office of Research and Statistics in the Division of Criminal Justice, to develop criteria and an empirical risk assessment scale for use in the identification of Sexually Violent Predators. The criteria was developed between July 1, 1998 and December 1, 1998 by representatives from the Sex Offender Management Board, the Parole Board, the Division of Adult Parole, the private treatment community and victim services agencies. The actuarial scale was developed by the Office of Research and Statistics in consultation with the SOMB over a three-year period and will require periodic updating. The Sexual Predator Risk Assessment Screening Instrument identifies those sex offenders convicted of certain crimes who will be most likely to re-offend with new sexual crimes.

The Office of Probation Services in the Judicial Department and the Office of Research and Statistics are responsible for implementing the Sexual Predator Risk Assessment Screening Instrument. From January 1, 1999 to May 31, 1999, a team from both offices obtained feedback on the instrument from probation officers and SOMB Approved Sex Offender Evaluators from across the state, including conducting a pretest of the instrument. A statewide training on the use of the instrument was conducted via video-conferencing on June 30, 1999. Videotapes of the training are available for on-going training of new staff.

Currently, when an offender commits one of five specific crime types, either probation or the Department of Corrections and an SOMB Approved Sex Offender Treatment Evaluator administer the Sexual Predator Risk Assessment Screening Instrument. If the offender meets the criteria outlined in the instrument, the court or Parole Board makes a determination that the offender is a Sexually Violent Predator. The Sexual Predator Risk Assessment Screening Instrument and the handbook describing their development and use are located in **ATTACHMENT B and C**.

ATTACHMENT B: Sexual Predator Risk Assessment Screening Instrument

ATTACHMENT C: Sexually Violent Predator Risk Assessment Screening Instrument Handbook

Background of the Sex Offender Management Board

In 1992, the Colorado General Assembly passed legislation (Section 16-11.7-101 through Section 16-11.7-107 C.R.S.) that created a Sex Offender Treatment Board to develop standards and guidelines for the assessment, evaluation, treatment and behavioral monitoring of sex offenders. The General Assembly changed the name to the Sex Offender Management Board (hereafter SOMB) in 1998 to more accurately reflect the duties assigned to the SOMB. The *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders* (hereafter Standards) were originally drafted by the SOMB over a period of two years and were first published in January 1996. The Standards were revised in 1998 and 1999 for two reasons: to address omissions in the original Standards, that were identified during implementation, and, to keep the Standards current with the developing literature in the field of sex offender management. The Standards apply to adult sexual offenders under the jurisdiction of the criminal justice system. The Standards are designed to establish a basis for systematic management and treatment of adult sex offenders. The legislative mandate of the SOMB and the primary goals of the Standards are to improve community safety and protect victims.

While the legislation acknowledges, and even emphasizes, that sex offenders cannot be "cured", it also recognizes that the criminal sexual behaviors of many offenders can be managed. The combination of comprehensive sex offender treatment and carefully structured and monitored behavioral supervision conditions can assist many sex offenders to develop internal controls for their behaviors.

A coordinated system for the management and treatment of sex offenders provides containment for the offender and enhances the safety of the community and the protection of victims. To be effective, a containment approach to managing sex offenders must include interagency and interdisciplinary teamwork. The system developed by the Sex Offender Management Board requires the use of community supervision teams, which

must include a treatment component, a criminal justice supervision component and a post-conviction polygraph component to monitor behavior and risk.

These Standards are based on the best practices known today for managing and treating sex offenders. To the extent possible, the SOMB has based the Standards on current research in the field. Materials from knowledgeable professional organizations also have been used to direct the Standards. Sex offender management and treatment is a developing specialized field. The SOMB will remain current on the emerging literature and research and will continue to modify the Standards periodically on the basis of new findings.

State statute prohibits the Department of Corrections, the Judicial Department, the Division of Criminal Justice of the Department of Public Safety, or the Department of Human Services from employing or contracting with, or allowing a convicted sex offender to employ or contract with providers unless they meet these Standards (Section 16-11.7-106 C.R.S.).

AVAILABILITY AND LOCATION OF SEX OFFENDER SERVICE PROVIDERS THROUGHOUT THE STATE

The Sex Offender Management Board Approved Service Providers are located in 18 of the 22 judicial districts in the state. The following is a list of number of providers approved in each specialty area:

163	Treatment Providers
4	Treatment Providers with a Developmental Disability Specialty
64	Evaluators
22	Polygraph Examiners
14	Plethysmograph Examiners
9	Abel Screen Examiners

Some providers may be approved for more than one area of service. For instance, a person may be approved as a treatment provider and a plethysmograph examiner. In addition, the SOMB received 35 new provider applications for Fiscal Year 2000-2001.

Please refer to **ATTACHMENT D** for the Sex Offender Management Board Provider List for the approved service providers and their locations throughout the state.

Initially, some of the smaller, more remote rural communities were having difficulty identifying providers qualified to be approved to provide services. The SOMB formed a Service Availability Committee to address issues related to availability of services statewide. As a result of the Committee's work, the SOMB instituted the following activities to support the development of, or access to, services in remote or isolated areas:

- Identified service providers willing to travel to provide services and connected them with communities in need. (For example, several polygraph examiners travel to other counties to provide polygraph examinations.)
- Identified supervisors willing to provide remote supervision by phone and videotape to applicants requiring additional supervision.
- Allowed providers from other states to apply for approval in Colorado if criteria were met.
- Developed a waiver process for an extended applicant status if there were no approved providers in a given area.

ATTACHMENT D: Sex Offender Management Board Provider List

COST OF SERVICES

- Average costs of services were determined by sampling a range of providers across the state. Counties sampled were Archuleta, Boulder, Delta, Denver, Eagle, Garfield, Jefferson, La Plata, Larimer, Mesa, Moffat, Pueblo and Weld. Please see Table 2.00 for average costs of sex offender treatment.
- Many providers offer services on a sliding scale.
- In community based programs, most sex offenders are expected to bear the costs of treatment and behavioral monitoring themselves. The Standards require weekly group treatment and polygraph examinations every six months at a minimum. Most programs require some additional services during the course of treatment.
- The Sex Offender Management Board recommended that \$209,000 from the Sex Offender Surcharge Fund be allocated to the Judicial Department in Fiscal Year 2001

for mental health sex offense-specific evaluations and assessments for pre-sentence investigation reports for indigent sex offenders and for assistance with polygraph examination costs post-conviction. These funds are made available to all indigent sex offenders through local probation departments.

**TABLE 2.00
Average Cost of Services**

Counties	Mental Health Sex Offense-Specific Evaluation	Mental Health Sex Offense-Specific Group Treatment	Mental Health Sex Offense-Specific Individual Treatment	Polygraph Examination
1.	X	X	X	\$150
2.	\$800*	\$50	\$75	X
3.	\$550*	\$40	\$58	X
4.	\$750*	\$30	\$65	\$200
5.	X	X	X	\$225
6.	\$550*	\$45	\$58	X
7.	\$500	\$40	\$70	\$215
8.	\$600*	X	X	\$180
9.	\$400	\$45	\$50	\$215
10.	\$580*	\$35	\$70	\$225
11.	X	\$40	\$100	X
12.	X	X	X	\$200
13.	\$475	\$30	\$55	X
Average	\$578	\$39	\$67.78	\$201
Range	\$400-800	\$25-50	\$50-100	\$150-225

'X' denotes services that were not provided by the local providers contacted. Services to those counties may be available through other providers, traveling providers or by providers in adjoining counties.

* Add \$200 - \$250 if a Plethysmograph is to be included in the evaluation and \$150 - \$200 if an Abel Screen is included in the evaluation.

REGULATION AND REVIEW OF SERVICES PROVIDED BY SEX OFFENDER TREATMENT PROVIDERS

Application Process

Since 1996, the SOMB has been working to process the applications of treatment providers, evaluators, plethysmograph examiners, Abel Screen examiners and clinical polygraph examiners to create a list of these providers who meet the criteria outlined in the Standards and who provide programs in compliance with the requirements in the Standards. These applications are reviewed through the SOMB Application Review Committee.

The Application Review Committee consists of Sex Offender Management Board Members and staff who review the qualifications of applicants against the Standards. The application is also forwarded to a private investigator contracted with the Division of Criminal Justice to conduct background investigations and personal interviews of references and referring criminal justice personnel. When the Application Review Committee deems an applicant approved, the applicant is placed on the SOMB Provider List. When a provider is listed in the Provider List, it means that he/she (1) has met the education and experience qualifications established in the Standards and (2) has provided sufficient information for a determination that services appear to be provided according to the Standards. In addition, each provider agrees in writing to provide services in compliance with the standards of practice outlined in the Standards.

Being on the SOMB Provider List is neither licensure nor certification of the provider. The Provider List does not imply that all providers offer exactly the same services, nor does it create an entitlement for referrals from the criminal justice system. The criminal justice supervising officer is best qualified to select the most appropriate providers for each offender.

Approvals for placement on the Sex Offender Management Board Provider List are in force for a three-year period. At the end of the three-year period, each applicant must submit re-

application materials indicating that he or she have met the requirements for continuing education, training and clinical experience and demonstrating that their programs are operating in compliance with the Standards.

Sex Offender Service Providers

The general requirements for service providers are as follows:

Treatment Provider – Full Operating Level: In addition to meeting all the other applicable Standards, a Treatment Provider at the Full Operating Level has accumulated at least 1000 hours of clinical experience with sex offenders in the last five years, and may practice without supervision.

Treatment Provider – Associate Level: In addition to meeting all the other applicable Standards, a Treatment Provider at the Associate Level has accumulated at least 500 hours of clinical experience with sex offenders in the last five year, and must receive regular supervision from a Treatment Provider at the Full Operating Level.

Evaluator – Full Operating Level: In addition to meeting all the other applicable Standards, an evaluator has conducted at least 40 mental health sex offense-specific evaluations of sex offenders in the last five years. To be initially placed on the list as an Evaluator at the Full Operating Level, the individual must be on the list as a Treatment Provider at the Full Operating Level.

Evaluator – Associate Level: In addition to meeting all the other applicable Standards, an evaluator at the Associate Level has conducted fewer than 40 mental health sex offense-specific evaluations to date and is receiving supervision from an Evaluator at the Full Operating Level. To be initially placed on the List as an Evaluator at the Associate Level, the individual must be on the list as a Treatment Provider at either the Full Operating Level or the Associate Level.

Clinical Polygraph Examiner – Full Operating Level: In addition to meeting all the other applicable Standards, a Clinical Polygraph Examiner has conducted at least 150 criminal

specific-issue examinations. He or she shall have conducted a minimum of 50 clinical polygraph examinations of which 20 must be disclosure polygraph examinations and 20 more must be either maintenance or disclosure polygraph examinations within a twelve (12) month period.

Clinical Polygraph Examiner – Associate Level: In addition to meeting all the other applicable Standards, a Clinical Polygraph Examiner at the Associate Level is working under the guidance of a qualified Clinical Polygraph Examiner listed at the Full Operating Level to complete at least 50 clinical polygraph examinations in a 12 month period as required for Clinical Polygraph Examiners at the Full Operating Level.

Plethysmograph Examiner: In addition to meeting all the other applicable Standards, a Plethysmograph Examiner has received qualified training in the use of the instrument and the interpretation of test results, and has agreed to comply with the “Guidelines for the Use of the Penile Plethysmograph” published by the Association for the Treatment of Sexual Abusers. In addition, a Plethysmograph Examiner will be required to be on the Provider List as a Treatment Provider at the Full Operating Level under the Standards.

Abel Screen Examiner: In addition to meeting all the other applicable Standards, an Abel Screen Examiner has demonstrated that he or she are trained and licensed as an Abel site to utilize the instrument. An Abel Screen Examiner will be required to be on the Provider List as a Treatment Provider at the Full Operating Level under the Standards.

ATTACHMENT A: *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders;*

Lifetime Supervision Criteria;

Standards for Community Entities That Provide Supervision and Treatment for Adult Sex Offenders Who Have Developmental Disabilities

PROGRAM EVALUATION

The Sex Offender Management Board has a legislative mandate to evaluate the system of programs initially developed by the SOMB and to track offenders involved in the

programming (Section 16-11.7-103 (4) (d) C.R.S.). This mandate was not originally funded by the state. The SOMB unsuccessfully requested funding through the state budget process in Fiscal Year 1999 to enable compliance with this mandate.

In Fiscal Year 2000, the SOMB sought and was awarded a Drug Control and System Improvement Program Grant (Federal dollars administered through the Division of Criminal Justice). The grant will fund the beginning of a four-year evaluation process to evaluate compliance with the Standards throughout the state and the impact of the programs established on the offenders involved. This evaluation will be performed by the Office of Research and Statistics in the Division of Criminal Justice.

PROBATION POPULATION IMPACT

There were 54 adult sex offenders sentenced to Lifetime Supervision probation and placed on sex offender intensive supervision probation (SOISP) in Fiscal Year 2000-2001.

Using ICON, the automated case management system, the Division of Probation Services selected all sex offender cases sentenced during Fiscal Year 2000-2001, as well as all sex offender cases which terminated probation supervision, for the following statutory charges listed:

18-3-402 C.R.S.	Sexual Assault; of Sexual Assault in the First Degree as it existed prior to July 1, 2000
18-3-403 C.R.S.	Sexual Assault in the Second Degree as it existed prior to July 1, 2000
18-3-404(2) C.R.S.	Felony Unlawful Sexual Contact; or Felony Sexual Assault in the Third Degree as it existed prior to July 1, 2000
18-3-405 C.R.S.	Sexual Assault on a Child
18-3-405.3 C.R.S.	Sexual Assault on a Child by One in a Position of Trust
18-3-405.5(1) C.R.S.	Aggravated Sexual Assault on a Client by a Psychotherapist
18-3-305 C.R.S.	Enticement of a Child
18-6-301 C.R.S.	Incest
18-6-302 C.R.S.	Aggravated Incest
18-6-302 C.R.S.	Patronizing a Child Prostitute

Criminal attempts, conspiracies and solicitations of the above offenses were also included in the selection.

There were dispositions for 180 adult sex offenders charged with offenses that met the criteria for Lifetime Supervision sentencing and SOISP between July 1, 2000 and June 30,

2001. Of these, 43 cases (24%) were identified as ineligible for SOISP because the offense occurred prior to November 1, 1998.

There was one case (.5%) that was sentenced to non-sex offender Intensive Supervision Probation (ISP). Additionally, there were 63 offenders (35%) who received sentences that were neither Lifetime Supervision nor SOISP sentences. These cases include those that were pled down as misdemeanor sexual assault cases, misdemeanor assault cases, Class Five felony sex offenses, that were eligible for, but were not placed on SOISP, or cases that were pled down to a non-sex offense.

In 19 cases (10.5%) the offenses were pled down from a lifetime eligible offense to a Class Five felony. However, the Court in its discretion, imposed an SOISP sentence. It is anticipated there will be a substantial increase in the number of non-lifetime eligible felony sex offenders placed on SOISP in the future. Due to the risk sex offenders pose to the community and the time required for them to progress in treatment, the General Assembly recently enacted legislation requiring that all felony sex offenders be placed on SOISP.

Table 3.00 reflects an analysis of sentences to probation for Fiscal Year 2000-2001:

Table 3.00 Sentences to Probation Fiscal Year 2000-2001		
Type of Supervision Sentenced To:	Number of Cases:	Percent:
Lifetime Probation with SOISP	54	30%
SOISP (F5 cases)	19	10.5%
ISP	1	.5%
Cases Ineligible For Lifetime or SOISP*	43	24%
OTHER**	63	35%
TOTAL CASES:	180	100%

* Offenders whose offense date occurred prior to November 1, 1998 are not eligible for indeterminate sentencing or for SOISP.

** 'Other' refers to cases that were pled down as misdemeanor sexual assault cases, misdemeanor assault cases, Felony Five sex offenses that were eligible, but were not placed on SOISP, or cases that were pled down to non-sex offense cases.

A brief analysis of the first three months of Fiscal Year 2001-2002, shows that 15 sex offenders (38%) have been sentenced to Lifetime Supervision and SOISP. An additional 21 offenders (52%) have been placed on SOISP for non-eligible Class Five Felonies. There have been 4 offenders (10%) who have pled down to non-sex offenses.

As of September 30, 2001, there are 145 sex offenders on SOISP, 97 of which are lifetime sentences to probation. Table 3.100

Type of Supervision Sentenced To	Number of Cases	Percent
Lifetime Probation with SOISP	15	38%
SOISP (F5 cases)*	21	52%
ISP	0	0%
OTHER**	4	10%
TOTAL CASES	40	100%

* Effective July 1, 2001, any felony sexual offense, or case where the court makes a finding that the offense was sexual in nature, must be placed on SOISP. Prior to this date, the court had discretion whether to place an offender on SOISP, if they did not meet the statutory criteria for a Lifetime Supervision sentence.

** 'Other' refers to cases that were pled down to non-sex offenses.

PROBATION DISCHARGE HEARINGS AND DISCHARGES

There are no sex offenders under a Lifetime Supervision sentence that have been discharged from probation.

PROBATION REVOCATION HEARINGS AND REVOCATIONS

During Fiscal Year 2000-2001, three sex offenders have had their Lifetime Supervision sentences revoked. One offender received a sentence to the Department of Corrections; one offender was sentenced to Community Corrections; and, one revocation is currently pending.

COST OF SERVICES

In Fiscal Year 2000-2001, the Judicial Department received \$209,000 from the Sex Offender Surcharge Fund for sex offender treatment services to include on-going assessment and polygraph. For those offenders unable to pay part or all of the cost of their treatment, the Judicial Department attempts cost recovery as much as possible in order to maximize dollars.

SUMMARY

All of the programs and documents required by the Lifetime Supervision Act are fully developed and in place. The law has become a national model because of its strong public safety focus and the ability to manage and contain sex offenders based on their continuing risk, rather than on an arbitrary time limit that may not effectively protect the community.

The program is still in the initial stages of implementation. Because the program is designed to be extremely long term (10 years to life) in order to manage the long-term risk of sex offenders, the progress of full implementation will take time. It is common to expect an adjustment period of 18 to 36 months for the full implementation of any new criminal justice program. In most cases, initial reactions to strengthened sanctions for offenders elicit a strong response from the defense bar. This has appeared to result in fewer convictions for crimes to which new sanctions can be applied in the initial years of implementation.

Training of involved criminal justice system components, especially judges and prosecutors, may assist in mitigating this effect. The involved Departments have

developed a training initiative to address the implementation of Lifetime Supervision. Additional training will be scheduled. The Departments will continue to monitor the implementation of the Lifetime Supervision Act and to report annually on its progress.