

LIFETIME SUPERVISION OF SEX OFFENDERS

Annual Report



November 1, 2004

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

ATTACHMENTS

Lifetime Supervision of Sex Offenders

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Please contact Amy Dethlefsen (see contact information below) if you would like copies of the following 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 the 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

Attachment E:

Process Evaluation of the Colorado Sex Offender Management Board Standards and Guidelines

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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*
- Attachment E: *Process Evaluation of the Colorado Sex Offender Management Board Standards and Guidelines*

INTRODUCTION

The Department of Corrections, Department of Public Safety and the State Judicial Department have collaborated to write this Fifth Annual Report on Lifetime Supervision of Sex Offenders. The report is submitted pursuant to Section 18-1.3-1011 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 18-1.3-1004, 18-1.3-1006, and 18-1.3-1008;
- (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 10 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 10 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 10 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 10; 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 fifth 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 began 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 626 offenders have been sentenced to prison under the Lifetime Supervision provisions for sex offenses through Fiscal Year 2003-2004. One offender was sentenced in Fiscal Year 1998-1999, 46 offenders in Fiscal Year 1999-2000, 112 offenders in Fiscal Year 2000-2001, 137 offenders in Fiscal Year 2001-2002, 158 offenders in Fiscal Year 2002-2003, and 172 offenders in Fiscal Year 2003-2004. The Department of Corrections continues to work with the courts and prosecuting attorneys where possible to clarify cases that appear to meet the lifetime sentencing requirements but were not sentenced under these provisions and to clarify issues surrounding Lifetime Supervision sentencing.

Offenders are being admitted to prison each year for a conviction of a non-lifetime offense, with a concurrent or consecutive lifetime sentence to probation for the qualifying sexual offense conviction. Additionally, the Department has seen an increase in the number of offenders originally sentenced to prison under the Lifetime Provisions being released to probation or court order discharged. Several offenders have been subsequently re-sentenced to prison for a non-lifetime sentence.

SENTENCING TRENDS FOR PRISON ADMISSIONS FOR SEXUAL OFFENSES

Sentencing trends are being 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, if the offense is committed on or after November 1, 1998, 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 unlawful sexual contact 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. All sexual offenses have been reclassified according to the new statutorily defined categories for use in the following table.

Table 1.00 provides the number of prison admissions for sexual offenses by felony class for Fiscal Year 1996-1997 through Fiscal Year 2003-2004. The sexual offenses listed may not be the most serious crime; however the sexual offense controls the maximum sentence under the Lifetime Supervision provisions. Prison admissions sentenced for non-lifetime offense convictions also having a lifetime probation sentence for a qualifying sexual offense are not included, as these offenders are not serving a lifetime prison sentence.

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 total number of admissions with sex offense convictions decreased 5.4% in Fiscal Year 2003-2004, as class two, three and four felony convictions were lower. Class five felonies remained steady (0.6% increase). Admissions sentenced under the Lifetime Provisions were 13.2% higher in the class four felonies (103 in 2003-04 compared to 91 in 2002-2003).

The increase in class five inchoate convictions over the last three years indicates a shift in the sentencing trends for prison admissions from offenses subject to Lifetime Supervision provisions toward less severe offenses not subject to the lifetime legislation. Additional research is 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	01-02	02-03	03-04	
Felony Class 2									
Sexual Assault/Ser.Injury - At Risk 18-6.5-103					1	2 (2)	3 (3)	2 (2)	
Sexual Assault/Ser. Injury 18-3-402(5)	10	11	16	8 (3)	8 (4)	10 (7)	5 (4)	5 (5)	
Total-Felony Class 2	10	11	16	8 (3)	9 (4)	12 (9)	8 (7)	7 (7)	
Felony Class 3									
Sexual Assault-Phys. Force/Viol. 18-3-402(4)	30	23	35	11	18 (11)	12 (10)	14 (10)	13 (10)	
Sex Assault-Child P.O. Trust 18-3-405.3	2	55	59	70 (12)	61 (28)	61 (31)	48 (28)	48 (27)	
Sex Assault-Child Sexual Assault/Subm.-At Risk 18-3-402(1)	89	39	28	33 (3)	28 (11)	23 (11)	29 (19)	19 (16)	
Aggravated Incest 18-6-302	1			1	0	0	0	1 (1)	
Sex Exploit of Child Solic. For Child Prostitution 18-7-402	5	6	6	9 (2)	11 (4)	5 (1)	3 (2)	7 (4)	
Pandering a Child 18-7-403						5 (1)	4	4 (1)	
Pimping a Child 18-7-405						2 (1)	1	0	
Patronizing a Prostituted Child 18-7-406						1	1	0	
Enticement of Child 18-3-305			1	1	3 (3)	0	1 (1)	1 (1)	
Subtotal - Offenses	127	123	129	125 (17)	121 (57)	109 (55)	101 (60)	95 (60)	
Inchoates (Class 2 Crime)									
Sexual Assault/Ser.Inj- AtRisk Att						1 (1)	0	0	
Sexual Assault/Ser.Inj.- Attempt 18-3-402(5)	2	3	5	3 (2)	2 (0)	5 (4)	0	0	
Subtotal - Inchoate	2	3	5	3 (2)	2 (0)	6 (5)	0	0	
Total-Felony Class 3	129	126	134	128 (19)	123 (57)	115 (60)	101 (60)	95 (60)	
Felony Class 4									
Sex Assault-Child P.O.Trust 18-3-405.3	0	24	20	17 (1)	21 (5)	25 (5)	28 (12)	23 (11)	
Sex Assault-Child 18-3-405	115	83	91	114 (18)	107 (34)	106 (41)	93 (51)	98 (65)	
Sexual Assault-Submission 18-3-402(1)	34	32	23	23 (1)	16 (5)	31 (12)	30 (17)	21 (15)	
Unlawful Sexual Contact 18-3-404(2)	7	5	7	7 (1)	4 (1)	3	3 (3)	2 (1)	
Sex Exploit of Child Sexual Assault-Client by Psychotherapist 18-3-405.5		2	0	0	0	0	1	1	
Incest 18-6-301	1	1	3	5	1	2 (1)	5 (2)	1 (1)	
Enticement of Child 18-3-305	2	4	2	3	4 (3)	6 (5)	1	5 (4)	
Subtotal - Offenses	159	151	146	169 (21)	153 (48)	173 (64)	161 (85)	152 (98)	

Inchoates (Class 2 or 3 Crime)															
Sexual Assault/Force-Attempt	18-3-402(4)	6	5	7	(1)	8	(2)	6	(2)	6	(3)	8	(3)	2	(1)
Sex Assault-Child P.O.T. Attempt	18-3-405.3	1	4	1		1		1		2		3	(3)	2	(2)
Sex Assault-Child Attempt	18-3-405	5	5	1		4	(1)	0	(0)	0		1		2	(1)
Aggravated Incest Attempt	18-6-302			1				1	(1)	1		0		1	(1)
Sex Exploit of Child Attempt	18-6-403									1		1		0	
Patron. a Prost.Child-Attempt	18-7-406			1						1	(1)	0		0	
Subtotal - Inchoate		12	14	11	(1)	13	(3)	8	(3)	11	(4)	13	(6)	7	(5)
Total-Felony Class 4															
		171	165	157	(1)	182	(24)	161	(51)	184	(68)	174	(91)	159	(103)
Felony Class 5 (Inchoate)															
Sexual Assault/Force-Accessory	18-3-402(4)		1												
Sex Assault-Child P.O.T. Att.	18-3-405.3	1	8	2		3		9		22		21		31	
Sex Assault-Child P.O.T. Consp	18-3-405.3									1					
Sex Assault-Child Attempt	18-3-405	33	28	35		45		58		76		85		83	(1)
Sex Assault-Child Conspiracy	18-3-405							2		4		1		1	
Sexual Assault/Subm.-Attempt	18-3-402(1)	10	16	16		30		25		37		45		36	(1)
Sexual Assault/Subm.-Consp	18-3-402(1)									2					
Unlawful Sexual Contact-Attempt	18-3-404(2)	1	3	3		1		7		10		5		8	
Incest Attempt	18-6-301	1	1			1		3				2		2	
Enticement of Child Attempt	18-3-305					2		2				2		1	
Enticement of Child Conspiracy	18-3-305							1							
Total-Felony Class 5 (Inchoate)		46	57	56		82		107		152		161		162	(2)
Felony Class 6 (Inchoate)															
Unlawful Sexual Contact-At Risk	18-3-404			1		2		1		4		3		0	
Total-Felony Class 6 (Inchoate)		0	0	1		2		1		4		3		0	
Total Sexual Offense Convictions		356	359	364	(1)	402	(46)	401	(112)	467	(137)	447	(158)	423	(172)

(n) the number sentenced under lifetime provisions (included in the total).

SOURCE: Office of Planning & Analysis, CDOC.

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 changes resulting from 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 105 Lifetime Supervision offenders for release consideration. The Board deferred 86 offenders at the last hearing. Fifty-eight offenders were deferred for 12 months or more, including 8 offenders who were deferred for the maximum time of 3 years. There were 18 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. One offender has been tabled by the full board, pending an acceptable parole plan. Eighty-five offenders have had two or more scheduled hearings with one offender scheduled for 9 hearings to date. Two lifetime sex offenders have been accepted and placed in transition community corrections and one lifetime sex offender is currently in the Intensive Supervision (inmate status) Program as of September 30, 2004.

The most frequent deferral reasons cited by the Parole Board on the last hearing for the 86 offenders included aggravating factors (97%), risk control (88%), needs continued treatment (87%), and public risk (34%). Additional reasons included circumstances of the offense, sex offender treatment needs, remain incident report free, and other treatment needs.

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. 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:

PHASE I: Phase I is a time-limited therapy group. The group includes a core curriculum on thinking errors, anger management, and stress management. Some of the sex offense specific issues and areas that are addressed include: characteristics of sex offenders, development of victim empathy; cognitive restructuring; sex offense cycles; relapse prevention; sex education; sex roles; social skills; and relationship skills. At the Fremont Correctional Facility, the Sterling Correctional Facility, and the Youthful Offender System groups meet four times per week and continue for approximately six months. This program is offered twice per week at the Colorado Territorial Correctional Facility and 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 twice per week and is offered at Territorial Correctional Facility and the Colorado Women's Facility. Upon completion of Phase IB, 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 will be considered for mainstreaming into the Arrowhead Therapeutic Community.

PHASE IE: This group addresses the same components as the regular Phase I group, but is designed for sex offenders who are Spanish speaking. 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 is offered as a therapeutic community treatment program at Arrowhead Correctional Center. The therapeutic community treatment program will house sex offenders together in a therapeutic milieu operating 24 hours per day, 7 days a week. The offender's sexual history and monitoring of current behavior are verified by polygraph testing.

Phase II is offered at Arrowhead Correctional Center with an adapted format of Phase II offered at the Colorado Women's Correctional Facility and the Youthful Offender System.

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 to receive a recommendation for release to parole from the Sex Offender Treatment and Monitoring Program staff;

The SOTMP does not make parole or community recommendations until an inmate:

- is actively participating in treatment and is applying what he or she is learning.
- has completed non-deceptive polygraph assessments of his/her deviant sexual history. In addition, any recent monitoring polygraph exams must also be non-deceptive.
- has participated in a comprehensive sex offense-specific evaluation and have a SOTMP approved individual treatment plan.
- has had no institutional acting-out behavior within the past 12 months.
- is 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.
- has a plan to establish at least one approved support person.
- is able to be supervised in the community without presenting an undue threat.

As of September 2004, the Department of Corrections had 98 minimum to life sentenced offenders requiring the Foundation Format .

Modified Format (Offenders with 2 to 6 years minimum sentence)

The SOTMP does not make parole or community recommendations until an inmate:

- is actively participating in treatment and is applying what he or she is learning.
- has completed a non-deceptive polygraph assessment of his/her deviant sexual history. In addition, any recent monitoring polygraph exams must also be non-deceptive
- is practicing relapse prevention with no incidents of institutional acting out within the past year.
- has defined and documented his or her sexual offense cycle.
- has identified at least one approved support person who has attended family/support education and has reviewed and received a copy of the Offender's Personal Change Contract.
- is compliant with any DOC psychiatric recommendations for medication which may enhance his or her ability to benefit from treatment and or reduce his/her risk of re-offense.
- is able to be supervised in the community without presenting an undue threat.

As of September, 2004, the Department of Corrections had 138 minimum to life sentenced offenders requiring the Modified Format.

Standard Format (Offenders with 6 years or more minimum sentences) also all non-life time offenders. The SOTMP does not make parole or community recommendations until an inmate:

- is actively participating in treatment and applying what he/she is learning.
- has completed a non-deceptive polygraph assessment of his/her deviant sexual history. In addition, any recent monitoring polygraph exams must also be non-deceptive.
- has completed a comprehensive personal change contract (relapse prevention plan) that is approved by the SOTMP team.
- has 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.
- practicing relapse prevention with no institutional acting-out behaviors within the past 12 months.
- is in compliance 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.
- is able to be supervised in the community without presenting an undue threat.

As of September 2004, the Department of Corrections had 418 minimum to life sentenced offenders requiring the Standard Format.

The number of lifetime sex offenders participating in sex offender treatment is provided in Table 1.10 below.

TABLE 1.10
Lifetime Sex Offenders in Treatment
As of October 13, 2004

	Participating in Treatment	Wait List	Total
Treatment Phase			
Core	0	101	101
Phase I	45	8	53
Phase II	34	33	67
Community Transition	3	0	3
 Total	 82	 142	 224

SOURCE: Office of Planning & Analysis

COMMUNITY CORRECTIONS AND PAROLE SUPERVISION

The DOC Division of Parole and Community Services provides specially trained officers to supervise sex offenders in the community and under parole supervision, through the Sex Offender Registration and Intensive Supervision Program (SORIS).

PHASE III SORIS COMMUNITY CORRECTIONS SUPERVISION: Phase III provides specialized community corrections placements for sex offenders. The program 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 SORIS 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 SORIS parole officer also maintains an on-going, active relationship with the Sex Crimes Unit of the local law enforcement agency.

FAMILY SUPPORT/EDUCATION: Educational 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 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.

TREATMENT COMPLIANCE

Offenders sentenced under sex offense lifetime provisions have demonstrated more motivation to participate and comply with treatment recommendations than traditional sentenced sex offenders. Lifetime offenders are more than twice as likely to comply with conditions. A 2003 Division of Criminal Justice comparison of offenders past PED shows 52% of lifetime offenders were in compliance compared to only 23% of traditional offenders.

AVAILABILITY AND COST OF SEX OFFENDER TREATMENT

The Fiscal Year 2004-2005 Department of Corrections budget includes \$2,180,222 for the assessment, treatment, testing (including polygraphs), research and registration coordination of sex offenders. Approximately \$93,323 is for polygraph testing. SOTMP inmate services include (when fully staffed): group treatment for 500 inmates per year; supplemental individual therapy; polygraph testing (409 exams per year); identification of sex offenders at DRDC (1,570 offenders per year); screening sex offenders for participation in treatment; education classes for family members (700 family members per year); training correctional staff on identification of risk factors; Parole Board reports; offense specific evaluations; registration coordination; research; obtaining offense records; and recording offense information in ViCAP for use in offender evaluations, registration, and program evaluation. Recent budget cuts to the sex offender treatment program have resulted in fewer offenders participating in treatment per year. There is a current shortage in staff needed to fulfill the intent of the statute. Budget requests have been written to propose an increase in staff resources to meet the shortfall.

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, which occurs 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 adequately address 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 its own legislation regarding the identification and registration of Sexually Violent Predators (Section 16-11.7-103 (4) (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 16-22-108 (1) (d) C.R.S.), be posted on the internet by the Colorado Bureau of Investigation (Section 16-22-111 (1) (a) 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 last update occurred in June 2003. 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. These videotapes 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 the 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, 1999 and 2004. In addition, the SOMB approved

a modification to Appendix C-4, *Use of Polygraph Testing For Sex Offenders*, in the summer of 2001. In 2002, and again in 2004, the revision of Appendix F, *Parental Risk Assessment's Decision Flow Chart*, was approved. In 2004, Appendix E, *Research Supporting Restricted Contact With Children*, was updated. These revised appendices were included in the latest printing of the Standards in 2004. The Standards were revised 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 convicted 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 have also 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 20 of the 22 judicial districts in the state. The following is a list of the number of providers approved in each specialty area:

155	Treatment Providers
22	Treatment Providers with a Developmental Disability Specialty
75	Evaluators
20	Polygraph Examiners
19	Plethysmograph Examiners
16	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. The SOMB received 22 new provider applications for Fiscal Year 2003-2004. The numbers listed above include the new applications that have been approved through October 2004.

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

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 Adams, Delta, Denver, Eagle, Garfield, Jefferson, La Plata, Larimer, Mesa, El Paso, 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 \$177,650 from the Sex Offender Surcharge Fund be allocated to the Judicial Department in Fiscal Year 2003-2004. These funds are used 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 indigent sex offenders through local probation departments.

TABLE 2.00
Average Cost of Services (Figures were obtained in 2004)

Counties	Mental Health Sex Offense-Specific Evaluation	Mental Health Sex Offense-Specific Group Treatment (<i>per group session</i>)	Mental Health Sex Offense-Specific Individual Treatment (<i>per individual session</i>)	Polygraph Examination
Adams	\$975	\$40	\$97	\$215
Delta	X	\$45	\$60	\$225
Denver	\$875	\$50	\$60	\$225
Eagle	X	X	X	\$225
Garfield	\$650*	\$45	\$60	\$225
Jefferson	\$575*	\$40	\$70	\$225
La Plata	\$800	X	X	X
Larimer	\$600	\$45	\$90	\$225
Mesa	\$750	\$40	\$50	\$225
El Paso	\$600	\$43	\$55	\$238
Pueblo	\$750	\$21	\$60	X
Weld	\$713	\$35	\$65	\$225
Average	\$729	\$40	\$67	\$225
Range	\$575* - \$975	\$21 - \$50	\$50 - \$97	\$215 - \$238

'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.

* PPG or Abel Screening is not included in the evaluation.

REGULATION AND REVIEW OF SERVICES PROVIDED BY SEX OFFENDER TREATMENT PROVIDERS

Application Process

Since 1996, the SOMB Application Review Committee has been processing the applications of treatment providers, evaluators, plethysmograph examiners, Abel Screen examiners and clinical polygraph examiners to create a list of the providers who meet the criteria as outlined in the Standards.

The Application Review Committee consists of Sex Offender Management Board Members who work with the staff to review the qualifications of applicants as outlined in the Standards. The application is also forwarded to a private investigator who contracts 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 educational and experiential qualifications established in the Standards and (2) has provided sufficient information for the committee to make a determination that the services being provided appear to be in accordance with the Standards. As such, 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 valid for a three-year period. At the end of the three-year period, each applicant must submit materials for a re-application process which indicates that he or she has met the requirements for continuing education, training and clinical experience and has demonstrated that he or she is 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 working 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

working 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 200 criminal specific-issue examinations, a minimum of half must be post-conviction sexual offender polygraph examinations (50 of which with adult sex offenders). Twenty (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 meet the requirements 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 have completed the requirements and be listed on the Provider List as a Treatment Provider at the Full Operating Level under the Standards.

Abel Assessment Examiner: In addition to meeting all the other applicable Standards, an Abel Assessment Examiner has demonstrated that he or she is trained and licensed as an Abel site to utilize the instrument. An Abel Assessment Examiner will have completed the requirements and be listed 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 had 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, DCJ was awarded a Drug Control and System Improvement Program Grant (Federal dollars administered through the Division of Criminal Justice). The grant funded an evaluation process to evaluate compliance with the Standards throughout the state and the impact of the programs established on the offenders involved. In December, 2003, this evaluation (**Attachment E**) was completed by the Office of Research and Statistics in the Division of Criminal Justice (Section 16-11.7-103(4)(d)(II) C.R.S.). The report was a first step in meeting this legislative mandate. Evaluating the effectiveness of any program or system first requires establishing whether the program/system is actually implemented as intended and the extent to which there may be gaps in full implementation. The second step in evaluating effectiveness requires a study of the behavior of offenders managed according to the Standards. The second study will be undertaken as resources allow.

ATTACHMENT E: *Process Evaluation of the Colorado Sex Offender Management Board Standards and Guidelines*

PROBATION POPULATION IMPACT

Between July 1, 2003 and June 30, 2004, 380 adults charged in district court with one of the 10 lifetime eligible sex offenses were sentenced to probation. Of these, 117¹ offenders (30.79%) received an indeterminate sentence of at least 10 or 20 years to a maximum of the offender's natural life and sentenced to Sex Offender Intensive Supervision Program (SOISP). There were 191¹ sex offenders (50.26%) who were convicted of lesser or amended charges and also sentenced to SOISP. The remainder received non-specific sex offender supervision.

Using ICON, the State Judicial Department's management information system, staff at the Division of Probation Services selected all sex offender cases sentenced, as well as all sex offender cases which terminated probation supervision, during Fiscal Year 2003-2004 for the following statutory charges for review and inclusion in this analysis:

18-3-402 C.R.S.	Sexual Assault; or 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	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
18-7-406 C.R.S.	Patronizing a Prostituted Child

Criminal attempts, conspiracies and solicitations of the above offenses, when the original charges were class 2, 3 or 4 felonies, were also included in the selection.

¹It is noted that the Judicial Branch's Annual Statistical Report for Fiscal Year 2004 identified 205 offenders sentenced to lifetime or SOISP. This number includes courtesy transfers. In this report, courtesy cases are counted as new sentences in the originating district. Furthermore, the statistical gathering method for the Annual Report differs from the data gathering method in this report.

Due to the risk sex offenders pose to the community and the time required for them to progress in treatment, the General Assembly enacted legislation effective May 30, 2002, mandating SOISP for all offenders sentenced to probation on felony sex offense convictions, or cases where the court made a finding that the offenses had an underlying factual basis which were sexual in nature. An effort was made in 2002 to install coding in ICON that would differentiate between lifetime and non-lifetime cases. As a check to determine if the coding changes provided the necessary level of detail required for this analysis, data analyzed for this report was reviewed on a case-by-case basis, requiring a manual review of dispositions of 380 new cases. These cases represent all sex offenses charged as felonies during Fiscal Year 2004 that could have been eligible for indeterminate sentences. This report also contains an analysis of 232 cases terminated from probation supervision for lifetime eligible offenses during the same time period.

The following table reflects an analysis comparison of sentences to probation for lifetime eligible offenses for Fiscal Year 2003-2004 and 2002-2003:

Table 3.00: Cases Eligible for Indeterminate Lifetime Terms Sentences to Probation for Fiscal Year 2003-2004

Type of Supervision	Number of Cases (Percent) FY 2003-2004	Number of Cases (Percent) FY 2002-2003
Lifetime Probation with SOISP	117 (30.79%)	124 (28.97%)
SOISP (Non-lifetime Probation for felony sex offenses with SOISP and eligible misdemeanor cases)	172 (45.26%)	211 (43.3%)
Intensive Supervision Program (ISP)		1 (.23%)
Regular Probation (Cases Ineligible for Lifetime or SOISP and/or sex offense reduced to misdemeanors)*	91 (23.95%)	92 (21.5%)
TOTAL CASES	380	428

*Offenders whose offense date is prior to November 1, 1998 are ineligible for indeterminate sentences and not eligible for SOISP as created in 16-13-807 C.R.S.

A comparison of data for Fiscal Year 2002 to 2003 to Fiscal Year 2003 to 2004 reflects a 6% decrease in the number of offenders eligible and sentenced to indeterminate lifetime sentences and under SOISP supervision.

As of June 30, 2004, there were 905 offenders under SOISP probation supervision. Of these, approximately 309 (34.14%) were offenders under lifetime supervision.

PROBATION DISCHARGE HEARINGS AND DISCHARGES

There are no sex offenders under a lifetime supervision sentence that have been discharged from probation. One offender has been released from SOISP lifetime supervision and is under regular probation supervision.

PROBATION REVOCATION HEARINGS AND REVOCATIONS

During Fiscal Year 2003 – 2004, thirty-three (33) sex offenders had their lifetime supervision sentences revoked. All thirty-three offenders received a sentence to the Department of Corrections. As of June 30, 2003, there were eight (8) warrants outstanding for sex offenders under lifetime supervision sentences, and two additional offenders were pending revocation but remained under supervision.

COST OF SERVICES

The Sex Offender Management Board recommended that \$177,650 from the Sex Offender Surcharge Fund be allocated to the Judicial Department in Fiscal Year 2003-2004. In Fiscal Year 2003-2004, the Judicial Department received \$229,000 of spending authority from the Sex Offender Surcharge Fund for sex offender pre-sentence evaluations, including psychosexual evaluations and polygraphs. The Judicial Department set up an additional appropriation code with an overhead budget of \$165,000 from Offender Services to support pre-sentence evaluation needs. SOISP was also supported by an appropriation from Offender Services – Cash Fund in the amount of \$558,497. These funds are intended to pay for treatment, Electronic Home Monitoring, Global Positioning Systems, and polygraphs of offenders sentenced to SOISP. Additionally, the Judicial Department was appropriated 46 SOISP probation officers in July of 1998. In Fiscal Year 2003-2004, the Judicial Department expenditures were \$204,490. The Sex Offender Management Board and the Judicial Department are taking collaborative steps to ensure that the Judicial Department's budget request will more accurately reflect the recommendation from the Sex Offender Management Board in Fiscal Year 2005-2006.