

# Lifetime Supervision of Sex Offenders

## Annual Report



November 1, 2006

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



# Lifetime Supervision of Sex Offenders | 2006

**November 1, 2006**

**Division of Criminal Justice**  
**Office of Domestic Violence and Sex Offender Management**  
Amy Dethlefsen, Researcher  
Chris Lobanov-Rostovsky, Program Administrator

700 Kipling Street, Suite 1000  
Denver, CO 80215  
303-239-4592  
<http://dcj.state.co.us/>



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:**

*Sex Offender Management Board Provider List*

**Attachment D:**

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

**Contact information:**

Office of Domestic Violence and Sex Offender Management

Division of Criminal Justice

700 Kipling Street, Ste. 3000

Denver, CO 80215

(303) 239-4592

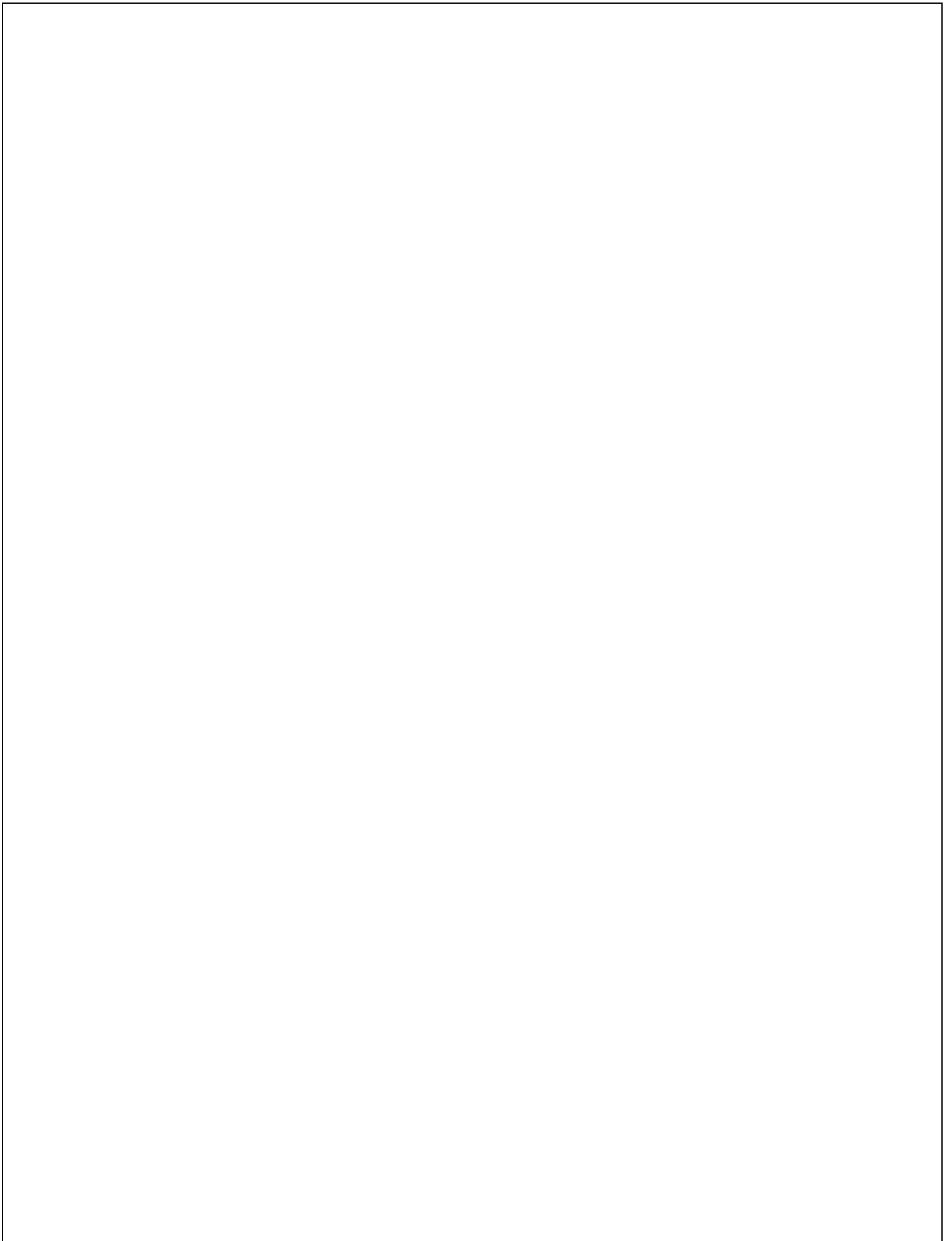
[Amy.Dethlefsen@cdps.state.co.us](mailto:Amy.Dethlefsen@cdps.state.co.us)



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## **INTRODUCTION**

The Department of Corrections, Department of Public Safety and the State Judicial Department have collaborated to write this seventh 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, C.R.S., 18-1.3-1006, C.R.S., and 18-1.3-1008, C.R.S.;
- (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 seventh 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**

C.R.S. 18-1.3-1004, C.R.S. 18-1.3-1006, and CR.S. 18-1.3-1008, 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 are continuing to be realized since that time. 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 occurred in the Fall of 1999 (Fiscal Year 1999-2000).

## **PRISON ADMISSIONS SENTENCED UNDER LIFETIME PROVISIONS**

Through Fiscal Year 2005-2006, a total of 976 offenders have been sentenced to prison under the Lifetime Supervision provisions for sex offenses.

- 1 offender sentenced in Fiscal Year 1998-1999;
- 46 offenders sentenced in Fiscal Year 1999-2000;
- 112 offenders sentenced in Fiscal Year 2000-2001;
- 137 offenders sentenced in Fiscal Year 2001-2002;
- 158 offenders sentenced in Fiscal Year 2002-2003;
- 172 offenders sentenced in Fiscal Year 2003-2004;
- 167 offenders sentenced in Fiscal Year 2004-2005; and,
- 183 offenders sentenced in Fiscal Year 2005-2006.

The Department of Corrections continues to work with the courts and prosecuting attorneys, where possible, to clarify cases that appear to have met the lifetime sentencing requirements but were not sentenced under these provisions. The Department of Corrections also clarifies issues surrounding Lifetime Supervision sentencing.

Offenders are frequently admitted to prison with a conviction for a non-lifetime offense, along 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. These types of offenders may have been counted in prior year admissions, but will not be reflected in other statistics, once the lifetime sentence has been removed.

## **SENTENCING TRENDS FOR PRISON ADMISSIONS FOR SEXUAL OFFENSES**

As a result of this legislation, sentencing trends are being closely monitored 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 and third degree. All sexual offenses have been reclassified according to the 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 2001-2002 through Fiscal Year 2005-2006. 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 a non-sexual offense with a lifetime *probation* sentence for a qualifying sexual offense are not included.

**Table 1.00** separates inchoate (attempt, conspiracy, solicitation or accessory) convictions for easier comparison. The number of lifetime-sentenced offenders is in bold print, shown in parentheses (by offense), and is included in the number reported. A comparison of data for Fiscal Year 2004-2005 to Fiscal Year 2005-2006 reflects that the total number of admissions with sex offense convictions increased 8.0% over Fiscal Year 2004-2005, with increases in class two (22.2%), class three (18.5%), and class five (9.0%) felony convictions. Admissions sentenced under the Lifetime Provisions were 9.6% higher in Fiscal Year 2005-2006 than in Fiscal Year 2004-2005, with increases in class two, three, and four felony sex crimes. Almost three-quarters (72.9%) of class two through

four felony sex convictions sentenced to prison in Fiscal Year 2005-2006 were sentenced under the Lifetime Provisions.

Additional research is needed to ascertain the full extent to which sentencing has been modified since inception of the Lifetime Sentencing Provisions. 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.		01-02	02-03	03-04	04-05	05-06
<b>Felony Class 2</b>						
Sexual Assault/Ser.Injury - At Risk	18-6.5-103	2 (2)	3 (3)	2 (2)	4 (3)	4 (4)
Sexual Assault/Ser. Injury/Weapon	18-3-402(5)	10 (7)	5 (4)	5 (5)	5 (4)	7 (6)
<b>Total-Felony Class 2</b>		12 (9)	8 (7)	7 (7)	9 (7)	11 (10)
<b>Felony Class 3</b>						
Sexual Assault-Phys. Force/Viol.	18-3-402(4)	12 (10)	14 (10)	13 (10)	10 (7)	9 (7)
Sex Assault-Child P.O. Trust	18-3-405.3	61 (31)	48 (28)	48 (27)	41 (32)	43 (32)
Sex Assault-Child	18-3-405	23 (11)	29 (19)	19 (16)	17 (12)	24 (14)
Sexual Assault/Subm.-At Risk	18-3-402(1)	0	0	1 (1)	5 (5)	10 (9)
Aggravated Incest	18-6-302	5 (1)	3 (2)	7 (4)	4 (2)	4 (2)
Sex Exploit of Child	18-6-403	5 (1)	4	4 (1)	11 (1)	16 (3)
Solic. For Child Prostitution	18-7-402	2 (1)	1	0	1	1
Pandering a Child	18-7-403	1	1	0	0	0
Pimping a Child	18-7-405			1	0	0
Patronizing a Prostituted Child	18-7-406			1	0	0
Enticement of Child	18-3-305	0	1 (1)	1 (1)	1 (1)	1 (1)
Subtotal - Offenses		109 (55)	101 (60)	95 (60)	90 (60)	108 (68)
<b>Inchoates (Class 2 Crime)</b>						
Sexual Assault/Ser.Inj-AtRisk Att		1 (1)	0	0	1 (1)	1 (1)
Sexual Assault/Ser.Inj.-Attempt	18-3-402(5)	5 (4)	0	0	1 (1)	0
Subtotal - Inchoate		6 (5)	0 0	0 0	2 (2)	1 (1)
<b>Total-Felony Class 3</b>		115 (60)	101 (60)	95 (60)	92 (62)	109 (69)

(Table 1 continued on next page)

	C.R.S.	01-02	02-03	03-04	04-05	05-06
<b>Felony Class 4</b>						
Sex Assault-Child P.O.Trust	18-3-405.3	25 (5)	28 (12)	23 (11)	21 (14)	22 (17)
Sex Assault-Child	18-3-405	106 (41)	93 (51)	98 (65)	69 (51)	72 (60)
Sexual Assault-Submission	18-3-402(1)	31 (12)	30 (17)	21 (15)	21 (17)	15 (12)
Unlawful Sexual Contact	18-3-404(2)	3	3 (3)	2 (1)	1 (1)	3 (3)
Sex Exploit of Child	18-6-403			1 (1)	3	4
Sexual Assault-Client by Psychotherapist	18-3-405.5	0	1	1	0	0
Incest	18-6-301	2 (1)	5 (2)	1 (1)	1 (1)	2 (2)
Enticement of Child	18-3-305	6 (5)	1	5 (4)	5 (5)	8 (8)
<b>Subtotal - Offenses</b>		<b>173 (64)</b>	<b>161 (85)</b>	<b>152 (98)</b>	<b>121 (89)</b>	<b>126 (102)</b>
<b>Inchoates (Class 2 or 3 Crime)</b>						
Sexual Assault/Force-Attempt	18-3-402(4)	6 (3)	8 (3)	2 (1)	1 (1)	1 (1)
Sex Assault-Child P.O.T. Attempt	18-3-405.3	2	3 (3)	2 (2)	3 (2)	0
Sex Assault-Child Attempt	18-3-405	0	1	2 (1)	2 (2)	2 (1)
Aggravated Incest Attempt	18-6-302	1	0	1 (1)	1 (1)	0
Sex Exploit of Child Attempt	18-6-403	1	1	0	3 (1)	1
Solic. For Child Prost.-Attempt	18-7-402				1	0
Pandering a Child	18-7-403					1
Inducing a Prost.Child-Attempt	18-7-405.5				1	0
Patron. a Prost.Child-Attempt	18-7-406	1 (1)	0	0	0	0
<b>Subtotal - Inchoate</b>		<b>11 (4)</b>	<b>13 (6)</b>	<b>7 (5)</b>	<b>12 (7)</b>	<b>5 (2)</b>
<b>Total-Felony Class 4</b>		<b>184 (68)</b>	<b>174 (91)</b>	<b>159 (103)</b>	<b>133 (96)</b>	<b>131 (104)</b>
<b>Felony Class 5 (Inchoate)</b>						
Sexual Assault/Force-Accessory	18-3-402(4)					
Sex Assault-Child P.O.T. Att.	18-3-405.3	22	21	31	31	33
Sex Assault-Child P.O.T. Consp	18-3-405.3	1				
Sex Assault-Child Attempt	18-3-405	76	85	83 (1)	90	97
Sex Assault-Child Conspiracy	18-3-405	4	1	1	0	0
Sexual Assault/Subm.- Attempt	18-3-402(1)	37	45	36 (1)	48 (2)	61
Sexual Assault/Subm.- Consp	18-3-402(1)	2				
Unlawful Sexual Contact-Attempt	18-3-404(2)	10	5	8	5	0
Incest Attempt	18-6-301		2	2	3	3
Enticement of Child Attempt	18-3-305		2	1	1	0
Enticement of Child Conspiracy	18-3-305					
<b>Total-Felony Class 5 (Inchoate)</b>		<b>152</b>	<b>161</b>	<b>162 (2)</b>	<b>178 (2)</b>	<b>194 0</b>
<b>Felony Class 6 (Inchoate)</b>						
Unlawful Sexual Contact-At Risk	18-3-404	4	3	0	2	2
<b>Total-Felony Class 6 (Inchoate)</b>		<b>4</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>2</b>
<b>Total Sexual Offense Convictions</b>		<b>467 (137)</b>	<b>447 (158)</b>	<b>423 (172)</b>	<b>414 (167)</b>	<b>447 (183)</b>

(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 experienced only minor changes resulting from the Lifetime Supervision sentencing provisions to date, as only three offenders have been released by the Parole Board, with one subsequent revocation. The average length of incarceration prior to release was 55.4 months for these three offenders.

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 239 Lifetime Supervision offenders for release consideration with 3 offenders granted release to parole as of September 30, 2006. The Board deferred 192 offenders at the last hearing. Twenty-eight offenders were deferred for 24 months or more, including 16 offenders who were deferred for 3 years or more. There were 44 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. Seven lifetime sex offenders have been accepted and placed in transition community corrections programs, with five remaining in community corrections as of September 30, 2006.

The most frequent deferral reasons cited by the Parole Board on the last hearing for the 192 offenders included: aggravating factors (91%), risk control (82%), need for continued treatment

(76%), and circumstances of the offense (63%). Additional reasons included public risk, sex offender treatment needs, needs more time, and disciplinary.

## **PAROLE DISCHARGE HEARINGS AND NUMBER DISCHARGED FROM PAROLE**

No parole discharge hearings have occurred for offenders sentenced under Lifetime Supervision, as only three 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**

One Lifetime Supervision offender placed on parole in 2005 was revoked in 2006, after serving 14.3 months on parole.

## **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. An additional group at Colorado Territorial Correctional Facility accommodates deaf inmates.

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 Colorado Territorial Correctional Facility and the Colorado Women's Correctional 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 (SOTMP) staff.

**Foundation Format** (Offenders with 2 year or less 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 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 Department of Corrections (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 2006, the Department of Corrections had 158 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, 2006, the Department of Corrections had 289 minimum to life sentenced offenders requiring the Modified Format.

**Standard Format** (Offenders with 6 years or more minimum sentences, and 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 2006, the Department of Corrections had 561 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 5, 2006**

<b>Treatment Phase</b>	<b>Participating in Treatment</b>	<b>Wait List</b>	<b>Total</b>
Phase I	53	159	212
Phase II	50	47	97
Community Transition	5	0	5
<b>Total</b>	<b>108</b>	<b>206</b>	<b>314</b>

SOURCE: Office of Planning & Analysis

## **COMMUNITY CORRECTIONS AND PAROLE SUPERVISION**

The DOC Division of Adult Parole, Community Corrections, and YOS 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.

## **AVAILABILITY AND COST OF SEX OFFENDER TREATMENT**

The Fiscal Year 2006-2007 Department of Corrections budget includes \$2,912,467 for the assessment, treatment, testing (including polygraphs), research and registration coordination of sex offenders. Approximately \$97,617 is for polygraph testing. SOTMP inmate services include (when fully staffed): group treatment for 700 inmates per year; supplemental individual therapy; polygraph testing (415 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. New appropriations have restored some of the resources lost in budget cuts to the sex offender treatment program. As new staff are brought on line, there is an increasing number offenders participating in treatment per year.

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**PROBATION POPULATION IMPACT**

Using E-Clipse/ICON, the State Judicial Department's case management information system, staff at the Division of Probation Services selected all active sex offender cases sentenced to probation, as well as all sex offender cases which terminated probation supervision, during Fiscal Year 2005-06 with 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 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
18-7-406 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.

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An effort was made in 2002 to install coding in E-Clipse/ 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 report a manual review of the dispositions of 1,308 active cases was completed. This report also required the review of an additional 588 cases terminated from probation supervision for lifetime eligible offenses during Fiscal Year 2005-06.

The following table reflects an analysis comparison of sentences to probation for lifetime eligible offenses for Fiscal Years 2003-04 through 2005-06:

**Table 2.00:** Placement of New Cases Eligible for Indeterminate Lifetime Term Sentences to Probation for Fiscal Years 2003-04 through 2005-06

<b>Type of Supervision</b>	<b>Number of Cases (Percent) FY 2003-04</b>	<b>Number of Cases (Percent) FY 2004-05</b>	<b>Number of Cases (Percent) FY 2005-06</b>
Lifetime Probation with SOISP	117 (30.79%)	105 (26.72%)	140 (30.6%)
Sex Offender Intensive Supervised Probation (SOISP) (Non-lifetime Probation for felony sex offenses with SOISP and eligible misdemeanor cases)	172 (45.2%)	175 (44.53%)	160 (35%)
Intensive Supervision Program (ISP) or Domestic Violence Programs (DV)	-0-	3 (.763%)	6 (1.3%)
Regular Probation (Cases Ineligible for Lifetime or SOISP and/or sex offense reduced to misdemeanors)*	91 (23.95%)	110 (27.99%)	151 (33%)
<b>TOTAL CASES</b>	<b>380</b>	<b>393</b>	<b>457</b>

\*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 2004-05 to 2005-06 reflects a 33.3% increase in the number of offenders (35) eligible and sentenced to indeterminate lifetime sentences and under SOISP supervision.

As of June 30, 2006, there were approximately 916 offenders under SOISP probation supervision. Of these, approximately 402 (43.8%) offenders were under lifetime supervision.

### **PROBATION DISCHARGE HEARINGS AND DISCHARGES**

For Fiscal Year 2005, three offenders under a lifetime supervision sentence completed SOISP. Two of these offenders have since successfully completed probation pursuant to court order, and one offender has been released from SOISP lifetime supervision and is currently under regular probation supervision.

## **PROBATION REVOCATION HEARINGS AND REVOCATIONS**

During Fiscal Year 2005-06, fifty-eight (58) sex offenders had their lifetime supervision sentences terminated. The following represents the termination status for these offenders:

- 43 offenders – probation revoked; sentenced to DOC
- 1 offender – deported
- 1 offender – died
- 7 offenders – absconded; warrants issued and remain outstanding
- 1 offender – jail sentence imposed; offender’s probation revoked and reinstated
- 3 offenders – probation terminated successfully by order of the court
- 2 offenders – warrants issued, apprehended, and revocation pending

Of the 43 cases in which there was a revocation and a sentence to the Department of Corrections, the following information regarding the grounds for revocation was available for 36 of the cases:

- 6 offenders – revoked for a new felony; none were sex offenses, however, 4 were for a felony Failure to Register as a sex offender conviction
- 3 offenders – revoked for new misdemeanor; none were sex offenses
- 27 offenders – revoked for technical violations



## COST OF SERVICES

In July 1998, the SOISP program was created with a General Fund appropriation of 46.0 FTE probation officers and funding to provide treatment services. In FY 2000-01 the appropriation for treatment funding was shifted to Offender Services Fund cash funds (CF) and identified separately in the Long Bill. Section 18-21-103 C.R.S. requires that sex offenders pay a surcharge, with collected revenue deposited in the Sex Offender Surcharge Fund. A portion of the funds are appropriated to Judicial to meet expenses associated with completion of the offense specific evaluations required by statute and case law.

**Table 2.10:** Treatment and Evaluation Costs by Fund

YEAR	PURPOSE	CF - SEX OFFENDER SURCHARGE	CF - OFFENDER SERVICES FUND	TOTAL
FY 04	SOISP Treatment	\$0	\$383,207	\$720,667
	Evaluation	\$202,933	\$134,527	
FY 05	SOISP Treatment	\$0	\$454,547	\$850,847
	Evaluation	\$200,400	\$195,900	
FY 06	SOISP Treatment	\$0	\$524,608	\$873,625
	Evaluation	\$172,245	\$176,772	

The expenses associated with the sex offender offense specific evaluations, the sexually violent predator assessments and the parental risk assessments are increasing annually. Judicial is collaborating with the SOMB in an effort to contain these costs.

DEPARTMENT OF PUBLIC SAFETY

## 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 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 type of evaluation is described below:

## Sex Offense-Specific Evaluation

The 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 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 **sex offense-specific evaluation** at the time of the pre-sentence investigation. The 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 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 (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, as of May 30, 2006, 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 were 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 2006. This latest revision includes a smaller actuarial risk scale required for offenders who decline to be interviewed, insuring that all offenders will be assessed per the intent of the legislation. 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. An additional statewide training was conducted on October 24, 2003, after revisions were made to the Instrument. Videotapes of the training are available for on-going training of new staff. In 2005, the use of the instrument was addressed in both the Introduction to Sex Offender Management training and Intensive Supervision Management training conducted by the Office of Probation Services in the Judicial Department, in collaboration with the Division of Criminal Justice.

Currently, when an offender commits one of five specific crime types, the Sexual Predator Risk Assessment Screening Instrument is to be administered by either Probation Services or the Department of Corrections and an SOMB Approved Sex Offender Evaluator. Additionally, effective May 30, 2006, if an offender is convicted of attempt, conspiracy, and/or solicitation to commit one of the five specific crime types, he or she will be referred for a Sexual Predator Risk Assessment (Section 18-3-414.5, C.R.S.). If the offender meets the criteria outlined in the instrument, he or she is deemed to be a Sexually Violent Predator. The Sexual Predator Risk Assessment Screening Instrument is located in **ATTACHMENT B**.

**ATTACHMENT B:** Sexual Predator Risk Assessment Screening Instrument

### **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 (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* (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. Currently, portions of the standards are again

being revised. In addition, the SOMB approved a modification to Appendix C-4 in the summer of 2001. In 2002, and again in 2004, the revision of Appendix F was approved. In 2004, Appendix E 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 SOMB 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.

New sex offender legislation in 2006 is also impacting the SOMB. These changes have resulted in increased trainings and use of community supervision teams. Changes that have occurred in 2006 include:

- The addition of internet luring of a child as an unlawful sexual offense (Section 18-2-206, C.R.S.); signed by the Governor into law on June 7, 2006.
- The addition of internet sexual exploitation of a child as an unlawful sexual offense (Section 18-3-405.4, C.R.S.); signed by the Governor into law on June 7, 2006.
- The statute of limitations for sex offenses against a child for both criminal and civil proceedings is now unlimited (retroactive to July 1, 1996); signed by the Governor into law on April 12, 2006.
- Residences, for sex offender registry purposes, now include temporary shelters or institutions if the owner consents and if the address can be verified (16-22-102, C.R.S.); signed by the Governor into law on May 25, 2006.
- Vehicle identification information needs to be reported on registration forms for sex offenders living in vehicles (16-22-109, C.R.S.); signed by the Governor into law on May 25, 2006.
- Community Notification is now required for Sexually Violent Predators (16-13-903, C.R.S.); signed by the Governor into law on May 30, 2006.
- The addition of attempt, conspiracy, and solicitation to commit a defining crime for Sexually Violent Predator status (18-3-414.5, C.R.S.); signed by the Governor into law on May 30, 2006.

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 SOMB 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:

29	Treatment Providers with a Developmental Disability Specialty
82	Evaluators
21	Polygraph Examiners
24	Plethysmograph Examiners
22	Abel Screen Examiners

Some providers may be approved for more than one area of service. For instance, a person may be approved as both a treatment provider and a plethysmograph examiner. The SOMB approved 60 individuals in FY 05-06. Of those, approximately 10 were new applicants and 50 were re-applicants, and are included in the numbers above.

Please refer to **ATTACHMENT C** for the SOMB Provider List for the approved service providers and their locations throughout the state.

**ATTACHMENT C:** SOMB Provider List

## **COST OF SERVICES**

- Average costs of services were determined by sampling a range of providers within each judicial district across the state.
  
- 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 SOMB recommended that \$172,245 from the Sex Offender Surcharge Fund be allocated to the Judicial Department in Fiscal Year 2005-2006. These funds were used for 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 were made available to all indigent sex offenders through local probation departments. The SOMB recommended that \$275,029 from the Sex Offender Surcharge Fund be allocated to the Judicial Department in Fiscal Year 2006-2007 for the same purposes.



**TABLE 3.00**  
**Average Cost of Services (Figures were obtained in September 2006)**

	<b>Average Cost of....</b>			
	<b>Sex Offense Specific Evaluation*</b>	<b>Mental Health Sex Offense Specific Group Treatment Session</b>	<b>Mental Health Sex Offense Specific Individual Treatment Session</b>	<b>Polygraph Examination</b>
1 <sup>st</sup> Judicial District	\$963	\$46	\$64	\$233
2 <sup>nd</sup> Judicial District	\$861	\$49	\$66	\$227
3 <sup>rd</sup> Judicial District	X	X	X	\$225
4 <sup>th</sup> Judicial District	\$700	\$40	\$68	\$250
5 <sup>th</sup> Judicial District	X	X	X	\$238
6 <sup>th</sup> Judicial District	\$1000	\$50	\$65	\$225
7 <sup>th</sup> Judicial District	\$1100	\$43	\$98	X
8 <sup>th</sup> Judicial District	\$813	\$53	\$85	\$225
9 <sup>th</sup> Judicial District	\$1100	\$43	\$98	\$225
10 <sup>th</sup> Judicial District	X	X	X	X
11 <sup>th</sup> Judicial District	X	\$50	\$50	X
12 <sup>th</sup> Judicial District	\$1050	\$50	X	\$225
13 <sup>th</sup> Judicial District	X	\$50	\$60	X
14 <sup>th</sup> Judicial District	X	\$40	\$100	X
15 <sup>th</sup> Judicial District	X	X	X	X
16 <sup>th</sup> Judicial District	X	X	X	X
17 <sup>th</sup> Judicial District	\$1000	\$60	\$85	\$218
18 <sup>th</sup> Judicial District	\$863	\$45	\$55	\$228
19 <sup>th</sup> Judicial District	\$900	\$43	\$63	\$225
20 <sup>th</sup> Judicial District	\$1008	\$55	\$78	\$225
21 <sup>st</sup> Judicial District	\$1100	\$25	\$50	\$225
22 <sup>nd</sup> Judicial District	X	X	X	X
<b>Average</b>	<b>\$882</b>	<b>\$46</b>	<b>\$72</b>	<b>\$228</b>
<b>Range</b>	<b>\$700-\$1100</b>	<b>\$25 - \$60</b>	<b>\$50 - \$100</b>	<b>\$218 - \$250</b>

**NOTE:** 'X' denotes services that were not provided by the local providers contacted or there were no providers in that judicial district. Services to those areas may be available through other providers, traveling providers or by providers in adjoining areas.

\* Some evaluations include PPG or Abel Screenings.

## **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 whose programs are 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 who work with the staff to review the qualifications of applicants based on the Standards. The application is also forwarded to a private investigator (who is contracted by 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 the committee to make a determination that the services being provided appear to be in accordance with the Standards. In addition, each provider agrees in writing to provide services in compliance with the standards of practice outlined in the Standards.

Placement 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 SOMB 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 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 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. He or she shall have also 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 is 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 SOMB 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, DCJ was awarded a Drug Control and System Improvement Program Grant (Federal dollars administered through the Division of Criminal Justice). This grant funded a process evaluation to evaluate compliance with the Standards throughout the state and the impact of established programs.

In December, 2003, this evaluation (**Attachment D**) 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 those offenders who are managed according to the Standards. The second study will be undertaken when resources allow.

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

## **SUMMARY**

This report is intended to provide the Colorado General Assembly with information on the seventh year of implementation of the Lifetime Supervision Act in Colorado. The Department of Corrections, The Judicial Department, and the Department of Public Safety work collaboratively in implementing the comprehensive programs for managing sex offender risk in Colorado.

The number of offenders sent to prison under Lifetime Supervision Provisions for sex offenses continues to increase. The Sex Offender Treatment and Monitoring Program (SOTMP) for DOC inmates is designed to utilize the most extensive resources with those inmates who have demonstrated a desire and motivation to change. Because the Lifetime Supervision legislation is not intended to increase the minimum sentence for sex offenders, 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.

Further, the number of adults charged in district court with one of the ten lifetime eligible sex offenses and sentenced to probation continues to increase. Additionally, the number of offenders under Sex Offender Intensive Supervision Probation (SOISP) increases, along with the percentage of those under lifetime supervision.

New legislation passed in 2006 concerning new types of unlawful sexual offenses, sexually violent predator requirements, and an unlimited statute of limitations for sex offenses against a child for both criminal and civil proceedings also has resulted in increased training needs for the SOMB. These new requirements, in addition to the restructured Sexually Violent Predator Risk Assessment Screening Instrument, have also increased the number of community notification meetings being held by local jurisdictions. This, in turn, necessitates an increased number of trainings conducted by the Community Notification Technical Assistance Team.

Lastly, the Sex Offender Management Board Standards and Guidelines need to be evaluated on their effectiveness. A process evaluation of the Standards and Guidelines was completed by the Office of Research and Statistics in the Division of Criminal Justice; however, this report was only a first step in meeting the legislative mandate. The second step in evaluating effectiveness requires a study of the

behavior of offenders managed according to the Standards. The SOMB will begin to assess the feasibility of such a study and the resources needed.

In summary, sex offenders subject to Lifetime Supervision in prison and in the community are rising, which has resulted in increased caseloads for those agencies responsible for the management of sex offenders. Additionally, it appears likely that more sex offenders will be identified, including those subject to lifetime supervision, due to new legislation passed in 2006. In an effort to achieve community safety, accurate risk assessments must be an element of sex offense specific evaluations to insure the proper placement of sex offenders in an appropriate level of supervision, and thereby using available resources wisely. The expenses associated with sex offense specific evaluations, sexually violent predator assessments, and parental risk assessments are increasing annually. State Judicial and the SOMB are currently collaborating on an effort to contain these costs. However, as a result of those costs and the costs associated with increased numbers of sex offenders subject to Lifetime Supervision both in prison and in the community, the Department of Corrections, the State Judicial Department, and the Department of Public Safety will continue to evaluate current resources and needs to achieve the goals of the Lifetime Supervision Act.