

# Lifetime Supervision of Sex Offenders

## Annual Report



November 1, 2007

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



# Lifetime Supervision of Sex Offenders | 2007

**November 1, 2007**

**Division of Criminal Justice**  
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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:**

*Sex Offender Management Board Provider List*

**Attachment D:**

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

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## **INTRODUCTION**

The Department of Corrections, Department of Public Safety and the State Judicial Department have collaborated to write this eighth 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, or any successor committees, 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;

(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;



(h) The average number of sex offenders sentenced pursuant to this part 10 that participated in phase I and phase II of the department's sex offender treatment and monitoring program during each month of the preceding twelve months;

(i) The number of sex offenders sentenced pursuant to this part 10 who were denied admission to treatment in phase I and phase II of the department's sex offender treatment and monitoring program for reasons other than length of remaining sentence during each month of the preceding twelve months;

(j) The number of sex offenders sentenced pursuant to this part 10 who were terminated from phase I and phase II of the department's sex offender treatment and monitoring program during the preceding twelve months and the reason for termination in each case;

(k) The average length of participation by sex offenders sentenced pursuant to this part 10 in phase I and phase II of the department's sex offender treatment and monitoring program during the preceding twelve months;

(l) The number of sex offenders sentenced pursuant to this part 10 who were denied readmission to phase I and phase II of the department's sex offender treatment and monitoring program after having previously been terminated from the program during the preceding twelve months;

(m) The number of sex offenders sentenced pursuant to this part 10 who were recommended by the department's sex offender treatment and monitoring program to the parole board for release on parole during the preceding twelve months and whether the recommendation was followed in each case; and

(n) The number of sex offenders sentenced pursuant to this part 10 who were recommended by the department's sex offender treatment and monitoring program for placement in community corrections during the preceding twelve months and whether the recommendation was followed in each case.”

This report is intended to provide the Colorado General Assembly with information on the eighth 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 2006-2007, a total of 1,171 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;
- 183 offenders sentenced in Fiscal Year 2005-2006; and
- 195 offenders sentenced in Fiscal Year 2006-2007.

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.

As of June 30, 2007, 1,133 offenders were incarcerated for one or more sexual offense convictions sentenced under the Lifetime provisions, including six offenders in community transition programs. Two offenders sentenced to the Youthful Offender System are not included in these figures or further in this report, as their lifetime sentences are suspended upon completion of a fixed term in Y.O.S.

**Table 1.00** provides the number of lifetime prison admissions for sexual offense convictions by felony class for Fiscal Year 2003-2004 through Fiscal Year 2006-2007. Lifetime admissions were 6.6% higher in Fiscal Year 2006-2007 and 13.3% higher than Fiscal Year 2003-2004 figures. A 26.1% increase in felony class three convictions in Fiscal Year 2006-2007 is primarily attributed to increases in sexual assault on a child by one in a position of trust and sexual assaults against at-risk populations. **Table 1.00** separates inchoate (attempt, conspiracy, solicitation or accessory) convictions for easier comparison.

**TABLE 1.00**  
**Lifetime Prison Admissions by Conviction and Felony Class**

|                                      | C.R.S.        | Fiscal Year |       |       |       |
|--------------------------------------|---------------|-------------|-------|-------|-------|
|                                      |               | 03-04       | 04-05 | 05-06 | 06-07 |
| <b>Felony Class 2</b>                |               |             |       |       |       |
| Sexual Assault/Ser.Injury - At Risk  | 18-6.5-103    | 2           | 3     | 4     | 1     |
| Sexual Assault/Ser. Injury/Weapon    | 18-3-402(5)   | 5           | 4     | 6     | 6     |
| <b>Total-Felony Class 2</b>          |               | 7           | 7     | 10    | 7     |
| <b>Felony Class 3</b>                |               |             |       |       |       |
| Sexual Assault-Phys. Force/Viol.     | 18-3-402(4)   | 10          | 7     | 7     | 3     |
| Sex Assault-Child P.O. Trust-At Risk | 18-6.5-103    | 0           | 0     | 0     | 2     |
| Sex Assault-Child P.O. Trust         | 18-3-405.3    | 27          | 32    | 32    | 36    |
| Sex Assault-Child                    | 18-3-405      | 16          | 12    | 14    | 24    |
| Sexual Assault/Subm.-At Risk         | 18-3-402(1)   | 1           | 5     | 9     | 18    |
| Unlawful Sexual Contact              | 18-3-404(1.5) | 0           | 0     | 0     | 1     |
| Aggravated Incest                    | 18-6-302      | 4           | 2     | 2     | 2     |
| Sex Exploit of Child                 | 18-6-403      | 1           | 1     | 3     | 1     |
| Enticement of Child                  | 18-3-305      | 1           | 1     | 1     | 0     |

|   |             |     |     |     |     |
|---|-------------|-----|-----|-----|-----|
| Subtotal - Offenses                     |             | 60  | 60  | 68  | 87  |
| <b>Inchoates (Class 2 Crime)</b>        |             |     |     |     |     |
| Sexual Assault/Ser.Inj-AtRisk Att       |             | 0   | 1   | 1   | 0   |
| Sexual Assault/Ser.Inj.-Attempt         | 18-3-402(5) | 0   | 1   | 0   | 0   |
| Subtotal - Inchoate                     |             | 0   | 2   | 1   | 0   |
| <b>Total-Felony Class 3</b>             |             | 60  | 62  | 69  | 87  |
| <b>Felony Class 4</b>                   |             |     |     |     |     |
| Sex Assault-Child P.O.Trust             | 18-3-405.3  | 11  | 14  | 17  | 10  |
| Sex Assault-Child                       | 18-3-405    | 65  | 51  | 60  | 67  |
| Sexual Assault-Submission               | 18-3-402(1) | 15  | 17  | 12  | 10  |
| Unlawful Sexual Contact                 | 18-3-404(2) | 1   | 1   | 3   | 3   |
| Sex Exploit of Child                    | 18-6-403    | 1   | 0   | 0   | 0   |
| Incest                                  | 18-6-301    | 1   | 1   | 2   | 3   |
| Enticement of Child                     | 18-3-305    | 4   | 5   | 8   | 3   |
| Subtotal - Offenses                     |             | 98  | 89  | 102 | 96  |
| <b>Inchoates (Class 2 or 3 Crime)</b>   |             |     |     |     |     |
| Sexual Assault/Force-Attempt            | 18-3-402(4) | 1   | 1   | 1   | 4   |
| Sex Assault-Child P.O.T. Attempt        | 18-3-405.3  | 2   | 2   | 0   | 1   |
| Sex Assault-Child Attempt               | 18-3-405    | 1   | 2   | 1   | 0   |
| Aggravated Incest Attempt               | 18-6-302    | 1   | 1   | 0   | 0   |
| Sex Exploit of Child Attempt            | 18-6-403    | 0   | 1   | 0   | 0   |
| Subtotal - Inchoate                     |             | 5   | 7   | 2   | 5   |
| <b>Total-Felony Class 4</b>             |             | 103 | 96  | 104 | 101 |
| <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  | 0   | 0   | 0   | 0   |
| Sex Assault-Child P.O.T. Consp          | 18-3-405.3  |     |     |     |     |
| Sex Assault-Child Attempt               | 18-3-405    | 1   | 0   | 0   | 0   |
| Sex Assault-Child Conspiracy            | 18-3-405    | 0   | 0   | 0   | 0   |
| Sexual Assault/Subm.- Attempt           | 18-3-402(1) | 1   | 2   | 0   | 0   |
| <b>Total-Felony Class 5 (Inchoate)</b>  |             | 2   | 2   | 0   | 0   |
| <b>Felony Class 6 (Inchoate)</b>        |             |     |     |     |     |
|   |             | 0   | 0   | 0   | 0   |
| <b>Total-Felony Class 6 (Inchoate)</b>  |             | 0   | 0   | 0   | 0   |
| <b>Total Sexual Offense Convictions</b> |             | 172 | 167 | 183 | 195 |

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 4 offenders have been released by the Parole Board through Fiscal Year 2006-2007, with 1 subsequent revocation. The average length of incarceration prior to release was 53.8 months for these 4 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**

Two hundred twelve Lifetime Supervision offenders were seen by the Parole Board in Fiscal Year 2007 for release consideration with 5 offenders granted release to parole through June 30, 2007; 1 in FY2005, 2 in FY2006, and 2 in FY2007. One of the 5 offenders granted parole did not release until September 2007 (Fiscal Year 2007-2008). During 2007, the Board deferred 208 offenders, and tabled 2 offenders. Thirty offenders were deferred for 24 months or more, including 13 offenders who were deferred for 3 years or more. Forty-nine offenders 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 transitioned into community corrections programs to date, with 6 remaining in community corrections placements as of June 30, 2007. One offender was regressed but subsequently discharged by order of the courts.

## **RECOMMENDED FOR COMMUNITY OR RELEASE TO PAROLE**

Four of the 5 lifetime offenders, granted parole in Fiscal Year 2006-2007, met the release criteria and were recommended for release to parole. Four additional offenders met the release criteria and were recommended for parole, but were deferred by the Parole Board. These 4 are included in the deferred information reported in the previous section.

All lifetime offenders meeting the statutory and departmental criteria for community referral are referred for acceptance and placement in community transition programs. Eighty-two lifetime offenders were referred for community placement one or more times during Fiscal Year 2006-2007. As of June 30, 2007, there were 6 lifetime offenders in community transitional programs. Five offenders have remained in community for longer than one year, with 1 additional offender placed during Fiscal Year 2006-2007. Two offenders met the release criteria, were recommended for placement, and subsequently placed in community. One offender was placed during Fiscal Year 2006-2007 and 1 offender moved to community subsequent to the current reporting year (placed in Fiscal Year 2007-2008). Forty-seven offenders were not in sex offender treatment at the time of referral resulting in no recommendation from sex offender treatment staff. Twenty-seven offenders were in phase I and six offenders were in phase II treatment at the time of the referral. Lifetime offenders actively participating in treatment are individually staffed to determine whether they meet community placement eligibility. Sex offender program therapists work closely with community parole officers and those community program providers that accept sex offenders to place offenders in transitional programs. In the past, these recommendations were not stored electronically, and therefore, cannot be reported for Fiscal Year 2006-2007; however the Department is currently developing a system to store and report this information in subsequent years.

## **DENIED ADMISSION OR READMISSION TO PHASE I AND PHASE II**

The current information system extensively tracks offender program and work participation; however the information necessary to report the multiple reasons offenders may be denied admission to any program or work assignment are not currently captured. Each program and work assignment has individualized criteria and pre-requisites and incorporating this process is a significant expansion to the current program scheduling system. Improvements to the program scheduling system are

currently under development, with focus directed to these new reporting requirements specific to the sex offender treatment program.

The offender criteria for admission into sex offender treatment is listed below:

- has 8 years or less to parole eligibility date
- admits committing a sex offense and is willing to discuss an offense in treatment
- acknowledges a problem in the area of committing sexual abuse that he/she is willing to work on in treatment
- is motivated to work on problems as demonstrated by a willingness to acknowledge and discuss problems, participate in group, address problematic patterns and behavior, and acknowledges the risk of reoffense
- is willing to comply with conditions of the group contract

Case managers refer sex offenders to mental health for treatment evaluations. Offenders are interviewed and screened for participation in treatment using this criteria. Even if the offender does not initially meet participation requirements, the requirements and the specific reasons for the requirements are explained, and the offender is encouraged to reapply if they think they meet the criteria in the future. Many offenders are able to meet the criteria and become amenable to treatment over time through additional interviews. This information is not consistently captured in a format that would indicate how many offenders are denied admission to the sex offender treatment program, as there is no official denied admission decision and offenders are reinterviewed and screened upon request for reconsideration.

The treatment admission and participation status of the lifetime population incarcerated on June 30, 2007 (1,133 offenders) was reviewed. Thirty-two percent (365 lifetime offenders) do not meet the admission criteria based on sentence length and time to parole eligibility. Of the remaining 768 offenders, 41% (315 offenders) are in denial of a need for sex offender treatment; 6% were previously in denial and are now amenable to treatment; and 53% are either participating in treatment or on a waitlist.

Many of the DOC sentenced sex offenders failed other treatment and community supervision opportunities prior to DOC sentencing and continue this pattern in DOC. They may initially meet criteria to participate in treatment yet fail to comply with treatment requirements or decide to drop out

of treatment. Offenders are encouraged to reapply for treatment as soon as they are willing to comply with the requirements. Sex offenders not participating according to group contract expectations are generally placed on probation and given extra assignments.

Offenders terminated from phase I may reapply and get on the program waitlist at any time upon completion of the assignments. Although the reasons for readmission denial are not stored, a manual review of the information indicates that failure to complete assignments was the most consistent reason for non-readmission.

Satisfactory completion of phase I is an automatic acceptance into phase II. Only those offenders who refuse phase II treatment do not progress into the next phase; therefore there are no denied phase II admissions.

Phase II treatment staff were able to manually compile information on readmissions, since the population numbers for phase II are considerably lower and the program is centralized at one facility. Forty-three lifetime offenders were reviewed for readmission to phase II treatment in Fiscal Year 2006-2007. Thirteen offenders were accepted and admitted while 30 offenders were not readmitted. Twenty-eight lifetime offenders had not completed the required assignments to be readmitted to the program; 1 offender could not be placed at the treatment facility for medical reasons; and 01 offender was referred to phase I. Offenders generally may be reconsidered upon meeting the specified criteria at any time.

## **LENGTH OF PARTICIPATION IN PHASE I AND PHASE II**

Length of participation for lifetime offenders in phase I and phase II was compiled using the most recent program participation admission and termination dates, or June 30, 2007 as the end date if offender was still in the program on that date. The average time of participation during the Fiscal Year 2006-2007 was 4.6 months for phase I participants and 7.6 months for phase II participants. A more relevant statistic is the total participation time to date for the last admission into the program for these offenders. The phase I lifetime participants spent 5.9 months to date in the program and phase II lifetime participants were in the program for 9.4 months on average through June 30 or to date of termination.



## TERMINATIONS FROM PHASE I AND PHASE II

Standardized program termination types are used for all program and work assignments throughout the Department. Terminations from phase I and phase II have been grouped into the following categories for this report:

- **Dropped Out/Self Terminated:** offender decides to discontinue treatment or stops attending groups and informs the treatment staff that they no longer interested in participating in treatment.
- **Expelled or Lack of Progress:** offender is terminated from treatment for a group contract violation. In the majority of cases, the offender is terminated after being placed on probation and given an opportunity to improve his/her participation. If the offender is terminated, completion of assignments is required before readmission to treatment is allowed. This category includes offender behaviors that threaten the safety and security of other treatment participants. Termination from treatment without a period of probation may result based on the seriousness of the behaviors.
- **Administrative Terminations:** offender is transferred out of a treatment facility for reasons outside of the offender's control. For example, an offender may need to be transferred to another facility for medical care.
- **Finished Program:** offender completes a time limited group. If the offender completes the group goals, he/she satisfactorily completes the group. If the offender needs more time to understand the material or achieve the group goals, he/she unsatisfactorily completes and may be recommended to repeat the group.
- **Progressed to Parole or Community:** offender progresses to a community corrections placement or parole. This category also includes offenders that complete their sentence and are discharged.

Phase I program termination data is incomplete; however, of the available data, approximately 64% finished the program; 16% were expelled; 14% dropped out or self-terminated; 4% were administrative terminations; and 2% were paroled or discharged.

Phase II program terminations and completions for Fiscal Year 2006-2007 totaled 40 lifetime offenders; 36 offenders were expelled or removed for lack of progress, 3 offenders progressed to parole or community, and 1 offender was terminated for administrative reasons.

As of April 2007, the Department instituted a new due process system for sex offender treatment terminations. Under this system, the therapist recommends offenders for termination. The facility sex offender treatment team is charged with establishing whether sufficient facts exist to affirm the therapist's recommended termination. If the team affirms the termination, the offender is served with a Notice of Right to Termination Review. The offender request an administrative review where a three member panel evaluates all information presented by the offender and the therapist and issues a disposition on the termination. Electronic tracking of this new process is still in the development stages.

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

No parole discharge hearings have occurred for offenders sentenced under Lifetime Supervision, as only 5 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 10 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 Fiscal Year 2005 was revoked in 2006, after serving 14.3 months on parole. Four offenders remain under active parole supervision as of June 30, 2007, including 1 offender paroled out of state.

#### **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; sexuality; 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. Hearing impaired offenders are accommodated in the groups at Colorado Territorial 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 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 modified 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 problems 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 less than 2 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 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 has a SOTMP approved individual treatment plan.

- has 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 June 2007, the Department of Corrections had 2 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 June 2007, the Department of Corrections had 405 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 June 2007, the Department of Corrections had 726 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 June 30, 2007**

| <b>Treatment Phase</b> | <b>Participating<br/>in Treatment</b> | <b>Wait List</b> | <b>Total</b> |
|------------------------|---------------------------------------|------------------|--------------|
| Phase I                | 69                                    | 135              | 204          |
| Phase II               | 82                                    | 54               | 136          |
| Community Transition   | 6                                     | 0                | 6            |
| <b>Total</b>           | <b>157</b>                            | <b>189</b>       | <b>346</b>   |

SOURCE: Office of Planning & Analysis

Non-lifetime sex offenders participating in phase I and phase II treatment are not included in Table 1.10.

## **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 incarcerated and paroled 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 2007-2008 Department of Corrections budget includes \$2,991,999 for the assessment, treatment, testing (including polygraphs), research and registration coordination of sex offenders. Approximately \$99,569 is for polygraph testing. SOTMP inmate services include (when fully staffed): group treatment for 700 inmates per year; supplemental individual therapy; polygraph testing (approximately 400 exams per year); identification of sex offenders at DRDC (2,020 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.

It is important to note that the 1,133 minimum to lifetime supervision sentenced offenders represent less than 20% of the 5,832 DOC offenders that need sex offender treatment. The current budget allocation covers treatment of all sex offenders, not just those sentenced under the Lifetime Supervision Act. As of June 30, 2007, 44% of sex offenders participating in treatment were lifetime supervision offenders. Regardless of the type of sentence offenders are serving, most will eventually return to the community. Therefore, treatment becomes an important public safety measure for all sex offenders.



## PROBATION POPULATION IMPACT

The sex offender intensive supervision program (SOISP) is designed to provide the highest level of supervision to adult sex offenders who are placed on probation. Although initially created in statute in 1998 primarily for lifetime supervision cases, based on the risk posed by those offenders, the legislature made a significant change to the statute in 2001. Pursuant to HB01-1229, **all** felony sex offenders convicted on or after July 1, 2001, are statutorily mandated to be supervised by the SOISP program.

Sex offending behavior is a life-long problem in which the goal is not “curing” the offender, but rather management or control of the assaultive behavior. The goal of intensive supervision for sex offenders is to minimize the risk to the public to the greatest extent possible. The State of Colorado has adopted a model of containment in the supervision and management of sex offenders. Depending on the offender, elements of containment may include severely restricted activities, daily contact with an offender, curfew checks, home visitation, employment visitation and monitoring, drug and alcohol screening and monitoring, and/or sex offense specific treatment to include the use of polygraph testing. SOISP consists of three phases, each with specific criteria that must be met prior to a reduction in the level of supervision. The program design anticipated a two-year period of supervision in the SOISP program. Those offenders that satisfactorily meet the requirements of the program are then transferred to regular probation for supervision for the remainder of their sentence.

Between July 1, 2006 and June 30, 2007, 449 adults were charged in district court with one of the 12 lifetime eligible sex offenses identified in statute and were sentenced to probation. Of these, 118 offenders (26.28%) received an indeterminate sentence of at least 10 or 20 years to a maximum of the offender’s natural life and, in addition, were sentenced to Sex Offender Intensive Supervision Probation (SOISP). As a condition of probation 2 of these offenders were sentenced to community corrections. Of the remaining 331, there were 215 (47.88%) who were convicted of lesser or amended charges and also sentenced to SOISP. Of the remaining 116 offenders, 115 offenders received a sentence to regular probation with special terms and conditions for sex offenders and 1 was ordered into a domestic violence caseload.

Using E-Clipse/ICON, the State Judicial Department's case 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 2006-2007 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   |
| 18-3-306(3) C.R.S.   | Class 4 Felony Internet Luring of a Child   |
| 18-3-405.4 C.R.S.    | Internet Sexual Exploitation of a 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 449 active cases was completed. This report also required the review of an additional 293 cases terminated from probation supervision for lifetime eligible offenses during Fiscal Year 2006-2007.

The following table reflects an analysis comparison of sentences to probation for lifetime eligible offenses for Fiscal Years 2004-05 through 2006-2007:

**Table 2:** Placement of New Cases Eligible for Indeterminate Lifetime Term Sentences to Probation for Fiscal Years 2004-05 through 2006-2007:

| <b>Type of Supervision</b>   | <b>Number of Cases (Percent) FY 2004-05</b> | <b>Number of Cases (Percent) FY 2005-06</b> | <b>Number of Cases (Percent) FY 2006-07</b> |
|--|---|---|---|
| Lifetime Probation with SOISP  | 105 (26.72%)                                | 140 (30.6%)                                 | 118 (26.28%)                                |
| SOISP (Non-lifetime Probation for felony sex offenses with SOISP)                                      | 175 (44.53%)                                | 160 (35%)                                   | 215 (47.88%)                                |
| Intensive Supervision Program (ISP) or Domestic Violence Programs (DV)                                 | 3 (.763%)                                   | 6 (1.3%)                                    | 1 (.2%)                                     |
| Regular Probation (Cases Ineligible for Lifetime or SOISP and/or sex offense reduced to misdemeanors)* | 110 (27.99%)                                | 151 (33%)                                   | 115 (25.61%)                                |
| <b>TOTAL CASES</b>   | <b>393</b>                                  | <b>457</b>                                  | <b>449</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 2005-06 to 2006-07 reflects a 16% decrease in the number of offenders (22) eligible and sentenced to indeterminate lifetime sentences and under SOISP supervision.

As of June 30, 2007, there were approximately 1,062 offenders under SOISP probation supervision. Of these, approximately 520 (49%) offenders were under lifetime supervision.

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

For Fiscal Year 2006, 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 2006-07, seventy-one (71) sex offenders had their lifetime supervision sentences terminated. The following represents the termination status for these offenders:

- 5 offenders – probation revoked; new felony
- 2 offenders – probation revoked; new misdemeanor
- 43 offenders – probation revoked; technical violations
- 5 offenders – deported
- 1 offender – died
- 7 offenders – absconded; warrants issued and remain outstanding
- 4 offenders – sentenced to community corrections
- 2 offenders – probation terminated successfully by order of the court
- 2 offenders – case closed for administrative purposes

Of the offenders whose probation was revoked for either a new felony (5) or a new misdemeanor (2), one offender was charged with a felony sex offense and one offender was charged with a felony Failure to Register. All offenders revoked were subsequently sentenced to the Colorado Department of Corrections.

## **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 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

| <b>YEAR</b>  | <b>PURPOSE</b>     | <b>CF - SEX<br/>OFFENDER<br/>SURCHARGE</b> | <b>CF -<br/>OFFENDER<br/>SERVICES<br/>FUND</b> | <b>TOTAL</b> |
|--------------|--------------------|--|--|--------------|
| <b>FY 04</b> | SOISP<br>Treatment | \$0  | \$383,207                                      | \$720,667    |
|              | Evaluation         | \$202,933                                  | \$134,527                                      |              |
| <b>FY 05</b> | SOISP<br>Treatment | \$0  | \$454,547                                      | \$850,847    |
|              | Evaluation         | \$200,400                                  | \$195,900                                      |              |
| <b>FY 06</b> | SOISP<br>Treatment | \$0  | \$524,608                                      | \$873,625    |
|              | Evaluation         | \$172,245                                  | \$176,772                                      |              |
| <b>FY07</b>  | SOISP<br>Treatment | \$0  | \$434,416                                      | \$1,119,894  |
|              | Evaluation         | \$275,029                                  | \$410,449                                      |              |

The expenses associated with the sex offender offense specific evaluations, the sexually violent predator assessments and the parental risk assessments are increasing annually. Judicial will collaborate with the Sex Offender Management Board in an effort to contain these costs.

## 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. An update occurred in June 2006 that included 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. In May 2007, the SOMB approved some language changes in the description of items in the SOMB Sex Offender Risk Scale (SORS) ten-point scale. The Sexual Predator Risk Assessment Screening Instrument was designed to predict supervision and treatment failure. Recent follow-up analyses, conducted by the Office of Research and Statistics in the spring of 2007, concluded that the instrument reliably predicts new violent crime arrests within five years.

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. Numerous statewide trainings took place on the use of the instrument, from 1999 through 2006. In the spring of 2007, two trainings were conducted – one in Lakewood and one in Canon City – on the updated version of the instrument as well as the research regarding its use and reliability. Additionally, updates regarding the Sexual Predator Risk Assessment Screening Instrument are presented at the various Sexually Violent Predator Community Notification meetings held throughout the state.

Currently, when an offender commits one of five specific crime types or associated inchoate offenses, 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. Effective May 30, 2006, all offenders convicted of attempt, conspiracy, and/or solicitation to commit one of the five specific crime types is 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 qualify as a Sexually Violent Predator. The authority to designate an offender an SVP rests with the sentencing judge and the parole board. 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. Over the past year, the SOMB has done preliminary standard revisions on Section 3.00 (Treatment standards), the Developmentally Disabled standards, and Section 6.00 (Polygraph standards). These changes are planned to go to public hearing in January 2008. 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 research and 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 also impacts the SOMB. In 2007, many changes occurred which have resulted in increased number of trainings and use of community supervision teams. Examples of these changes included:

- Sex offenders whose place of residence is a trailer or motor home will need to include the residential address at which the trailer or motor home will be located in his or her registration form (16-22-108, C.R.S.); signed by the Governor into law on March 26, 2007.
- Each person convicted as a sex offender will now receive a presentence report, including, when appropriate, the risk assessment screening (16-11-102, C.R.S.); signed by the Governor into law on March 26, 2007.
- Local law enforcement agencies that post sex offenders registration information on its website will now also need to post educational information concerning protection from sex offenders or provide a link to the educational information included on the CBI website (local law enforcement agencies are directed to work with the SOMB and sexual assault victims' advocacy groups in preparing educational information) (16-22-112, C.R.S.); signed by the Governor into law on April 26, 2007.
- Sex offenders who committed a sex offense against a victim under the age of 18 years will need to provide email addresses, instant-messaging identities and/or chat room identities when registering (16-22-108, C.R.S.); signed by the Governor into law on May 31, 2007.

- All those convicted of Internet luring will need to register as a sex offender and be subject of the sex offender surcharge fund (16-22-103, C.R.S.); signed by the Governor into law on May 31, 2007.
- The Division of Criminal Justice is now permitted to charge a fee for training (22-33.5-503.5, C.R.S.); signed by the Governor into law on May 31, 2007.
- A criminal defense attorney position was added to the Sex Offender Management Board and the Domestic Violence Offender Management Board (16-11.7-103, C.R.S.); signed by the Governor into law on April 16, 2007.
- A County Director of Social Services and two County Commissioners, one representing an urban or suburban county and one representing a rural county, were added to the Sex Offender Management Board (16-22-103, C.R.S.); signed by the Governor into law on May 31, 2007.

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 21 of the 22 judicial districts in the state. The following is a list of the number of providers approved in each specialty area:

- 179 Treatment Providers
- 26 Treatment Providers with a Developmental Disability Specialty
- 89 Evaluators
- 22 Polygraph Examiners
- 25 Plethysmograph Examiners
- 24 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 51

individuals in FY 06-07. Of those, approximately 24 were new applicants and 27 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 average number of treatment sessions a typical adult offender receives, reported by therapists throughout the state, was 6 sessions per month.
- The SOMB recommended that \$275,029 from the Sex Offender Surcharge Fund be allocated to the Judicial Department in Fiscal Year 2006 – 2007 and in Fiscal Year 2007-2008 as well. These funds are 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 are made available to all indigent sex offenders through local probation departments. The SOMB recommended that \$302,029 from the Sex Offender Surcharge Fund be allocated to the Judicial Department for Fiscal Year 2008-2009 for the same purposes. This amount also includes \$27,000 to fund SB 06-22 (16-13-903, C.R.S.) to assist in the facilitation of services for the increased number of sexually violent predators.



**TABLE 3.00**  
**Average Cost of Services (Figures were obtained in September 2007)**

|                                    | Average Cost of....   |  |   |                       |
|------------------------------------|---|--|---|-----------------------|
|                                    | Sex Offense Specific Evaluation, including a PPG or Abel Screening* | Mental Health Sex Offense Specific Group Treatment Session | Mental Health Sex Offense Specific Individual or Other Adjunct (i.e., family or couples counseling) Treatment Session | Polygraph Examination |
| 1 <sup>st</sup> Judicial District  | \$800   | \$50   | \$85  | \$240                 |
| 2 <sup>nd</sup> Judicial District  | \$925   | \$49   | \$84  | \$237                 |
| 3 <sup>rd</sup> Judicial District  | X   | X  | X   | X                     |
| 4 <sup>th</sup> Judicial District  | \$875   | \$49   | \$61  | \$250                 |
| 5 <sup>th</sup> Judicial District  | X   | X  | X   | \$250                 |
| 6 <sup>th</sup> Judicial District  | \$1000  | \$54   | \$65  | X                     |
| 7 <sup>th</sup> Judicial District  | \$750   | \$48   | \$75  | \$225                 |
| 8 <sup>th</sup> Judicial District  | \$863   | \$63   | \$85  | X                     |
| 9 <sup>th</sup> Judicial District  | \$750   | \$48   | \$75  | \$225                 |
| 10 <sup>th</sup> Judicial District | X   | X  | X   | X                     |
| 11 <sup>th</sup> Judicial District | \$1200  | X  | X   | X                     |
| 12 <sup>th</sup> Judicial District | \$1200  | \$60   | \$60  | \$225                 |
| 13 <sup>th</sup> Judicial District | X   | \$60   | \$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 | \$1050  | \$52   | \$78  | \$232                 |
| 18 <sup>th</sup> Judicial District | \$819   | \$48   | \$89  | \$235                 |
| 19 <sup>th</sup> Judicial District | \$900   | \$35   | \$65  | \$240                 |
| 20 <sup>th</sup> Judicial District | \$800   | \$45   | \$60  | \$240                 |
| 21 <sup>st</sup> Judicial District | \$750   | \$48   | \$75  | \$225                 |
| 22 <sup>nd</sup> Judicial District | X   | \$100  | \$120   | X                     |
| <b>Average</b>                     | <b>\$909</b>  | <b>\$53</b>  | <b>\$77</b>   | <b>\$235</b>          |
| <b>Range</b>                       | <b>\$750-\$1200</b>   | <b>\$35 - \$100</b>  | <b>\$60 - \$120</b>   | <b>\$225 - \$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.

\*Average cost of a PPG or Abel Screening alone, across the state, is \$267 (range = \$225 - \$300).

## **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 that 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.

*Intent to Apply for Listing:* Non-listed providers working towards applying for listed provider status are able to provide services under the supervision of a full operating level provider. These non-listed providers are required to submit a letter of Intent to Apply to the SOMB within 30 days of beginning to provide services to sex offenders covered under the Standards, undergo a criminal history check, provide a signed supervision agreement, and agree to submit an application within one year from the date of Intent to Apply status.

**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 eighth 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, as well as the newly updated SVP screening instrument, has resulted in increased training needs for the SOMB. Additionally, more and more sex offenders classified as Sexually Violent Predators are leaving prison and entering the community, resulting in an increase in 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.