

Lifetime Supervision of Sex Offenders

Annual Report



November 1, 2012

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

Lifetime Supervision of Sex Offenders | 2012

November 1, 2012

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Please contact Jesse Hansen (see contact information below) or visit the Sex Offender Management Board website at <http://dcj.state.co.us/odvsom> 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

Attachment B:

Sexual Predator Risk Assessment Screening Instrument

Attachment C:

Sexual Predator Risk Assessment Screening Instrument Handbook

Attachment D:

SOMB Provider List

Attachment E:

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

Attachment F:

2011 Adult Standards and Guidelines Outcome Evaluation

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INTRODUCTION

The Colorado Department of Corrections (CDOC), Colorado Department of Public Safety (CDPS) and the State Judicial Department has collaborated to write this 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 thirteenth year of implementation of the Lifetime Supervision Act in Colorado. The report 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 AND PAROLE POPULATIONS

The legislation enacting the Lifetime Supervision Act of sex offenders (i.e., CRS 18-1.3-1004, CRS 18-1.3-1006, and CRS 18-1.3-1008) affected persons convicted of sex offenses committed on or after November 1, 1998. The first prison admission for the qualifying lifetime supervision sexual offenses occurred in the Fall of 1999.

Admissions and Discharges for FY 2011-2012

During fiscal year (FY) 2011-2012, a total of 170 offenders were admitted to prison under the lifetime supervision provisions for sex offenses, making a total of 1,940 offenders sentenced to prison since the Act began. Eight of the 1,940 lifetime supervision offenders were discharged in previous years and returned to prison during FY 2011-2012, all of whom returned on their original lifetime sex offender sentence. Offenders are frequently admitted to prison with a conviction for a non-lifetime supervision offense along with a concurrent or consecutive lifetime supervision sentence to *probation* for the qualifying sex offense, but these offenders are not included among those counted as lifetime supervision sex offenders.

Of the 1,940 offenders sentenced to prison under the lifetime supervision provisions for sex offenses, 16 discharged their sentence during FY 2011-2012. Of these 16 offenders, six released by court order, four offenders were released to probation, and six offenders died.

Current Population

As of June 30, 2012, 1,797 offenders were under Colorado Department of Corrections (CDOC) supervision for sexual offense convictions sentenced under the lifetime supervision provisions. Thirteen of these offenders had a more serious offense than the lifetime sex offense as their controlling offense. Incarcerated lifetime supervision offenders represented 8% of the overall inmate population and 1.4% of the overall parole population on June 30, 2012. Additionally, 749 incarcerated inmates (42%) were past their parole eligibility date (PED) as of June 30, 2012.

Of the 1,797 lifetime supervision offenders currently under CDOC supervision, almost all are male (i.e., 99%) and the median age is 44. Fifty seven percent of these offenders are Caucasian, 27% Hispanic, 13% African American and 4% are other races. Table 1 shows the locations of the 1,797 offenders as of June 30, 2012.

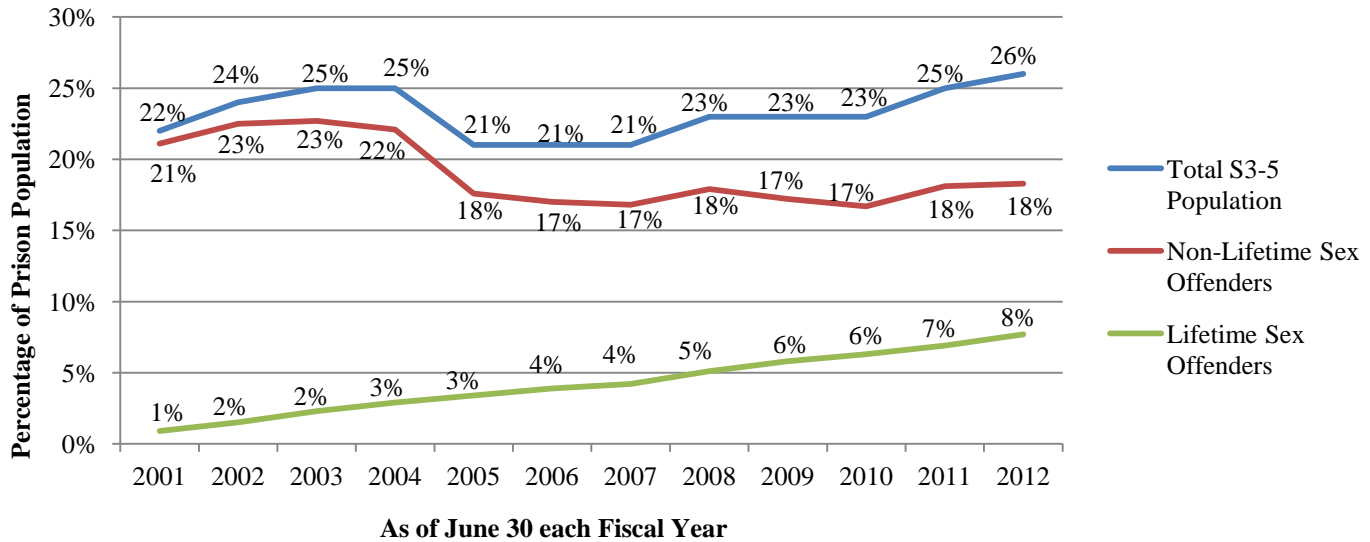
Table 1. Location of Lifetime Supervision Sex Offenders as of June 30, 2012

Location	Number of Offenders
Arkansas Valley Correctional Facility	171
Arrowhead Correctional Center	98
Buena Vista Correctional Complex	63
Centennial Correctional Facility	23
Colorado State Penitentiary	57
Colorado Territorial Correctional Facility	114
Denver Reception and Diagnostic Center	22
Denver Women's Correctional Facility	14
Fremont Correctional Facility	533
La Vista Correctional Facility	11
Limon Correctional Facility	64
San Carlos Correctional Facility	24
Sterling Correctional Facility	102
CDOC Facilities Subtotal	1,296
Bent County Correctional Facility	122
Crowley County Correctional Facility	116
Kit Carson Correctional Facility	78
Private Prison Subtotal	316
Community Corrections	24
Interstate Compact	3
Intensive Supervision Parole	4
Parole	154
Total	1,797

Impact on Prison

In order to assess the impact of the Lifetime Supervision Act on the prison population, the percentage of incarcerated sex offenders and lifetime sex offenders out of the total prison population since 2001 were examined (see Figure 1). The prison population is reported as of June 30th at the end of each fiscal year. According to Figure 1, the proportion of offenders sentenced under the Lifetime Supervision Act has been steadily increasing over the last decade. However, during the last decade the total population of sex offenders in prison (as defined by the sex offender needs levels of 3 through 5) has fluctuated, but has only increased 4% since 2001 in contrast to the 7% increase in lifetime sex offenders during that time. A number of factors may be affecting the rate of sex offenders in the prison population, including the Lifetime Supervision Act.

Figure 1. Percentage of Sex Offenders and Lifetime Sex Offenders Out of the Total Prison Population



Impact on Parole

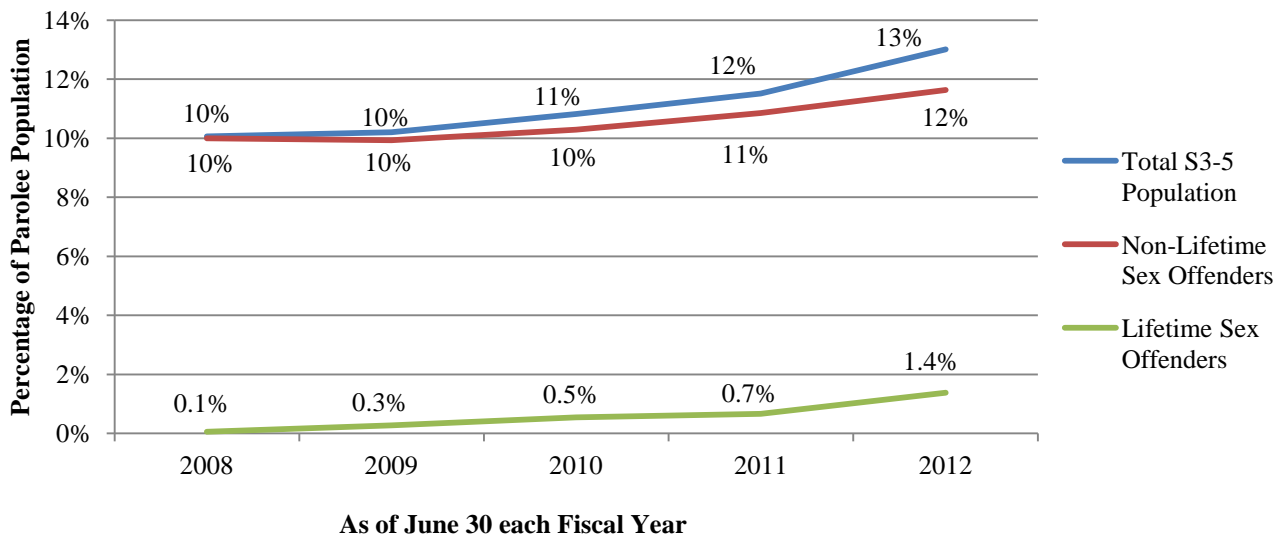
There have been 168 offenders under lifetime supervision who have been released to parole through June 30, 2012. Of these offenders, 88 released to parole in FY 2011-2012, including two offenders who released twice during the year. The 88 offenders included 13 offenders who were granted parole in FY 2010-2011 and released in FY 2011-2012. Table 2 illustrates the location of the 168 offenders as of June 30, 2012.

Table 2. Location of Lifetime Sex Offender Parolees as of June 30, 2012

Parolee Type	Number of Offenders
Colorado In-State Parolees	102
Out-of-State Parolees	29
Paroled to Immigration Detainer/Deported	20
Parolees in Custody	12
Parolees Absconded	3
Parolee Deaths	2
Total	168

For the 102 offenders serving parole in-state, the average length of parole (through June 30, 2012) was 20.8 months with an average of 6.9 months spent in the intensive supervision parole program. All lifetime supervision parolees in Colorado have spent at least a portion of their parole period in the intensive supervision parole program. Figure 2 shows the percentage of parolees who are sex offenders (as defined by sex offender needs levels 3 through 5) and lifetime supervision sex offenders. The proportion of parolees who are sex offenders has been increasing since 2008, however that increase is due to all sex offenders, not just those with lifetime sentences. Because the proportion of lifetime sex offenders is so small (1.4%), it does not appear that the Lifetime Sex Offender Act has had a significant impact on the parole population as of yet.

Figure 2. Percentage of Sex Offenders and Lifetime Sex Offenders Out of Total Parolees



PAROLE RELEASE HEARINGS

The Parole Board held release hearings for 1,129 lifetime supervision sex offenders during FY 2011-2012; many of these offenders had multiple hearings over the course of the year. One hundred seven offenders were granted parole in FY 2011-2012, but not all of these offenders released in FY 2011-2012. Of these 107 offenders, 102 had not previously been on parole during their current incarceration, five had been on parole during their current incarceration, and 27 offenders were granted parole in FY 2011-2012 but were not scheduled for release until FY 2012-2013.

PAROLE REVOCATION HEARINGS AND NUMBER OF PAROLE REVOCATIONS

The Parole Board conducted 14 revocation hearings for lifetime supervision offenders in FY 2011-2012, with an outcome of return to prison custody for seven offenders. The other seven Parole Board hearings resulted in a hearing continued decision for one offender and six decisions to continue on parole for four offenders. The average length of time on parole for these offenders was 15.8 months. Two of the offenders who were revoked during FY 2011-2012 re-paroled after spending an average of 3.3 months in prison. One offender self-revoked, which is not included in the total revocation hearings.

PAROLE DISCHARGE HEARINGS AND NUMBER DISCHARGED FROM PAROLE

According to CRS 18-1.3-1006, the period of parole for any sex offender convicted of a class 4 felony shall be an indeterminate term of at least ten years and a maximum of the remainder of the sex offender's natural life. The period of parole for any sex offender convicted of a class 2 or 3 felony shall be an indeterminate term of at least twenty years and a maximum of the remainder of the sex offender's natural life. Therefore, no discharge hearings have been held to date and are not expected for a few more years.

SUMMARY OF EVALUATION INSTRUMENTS

Release to parole or community corrections is subject to the discretion of the Parole Board. CDOC informs the Parole Board if offenders have participated in treatment and have met the Sex Offender Management Board's criteria for successful progress in prison treatment. (See 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*

SEX OFFENDER TREATMENT AND MONITORING PROGRAM (SOTMP)

All providers in CDOC must comply with the standards and provider qualifications of the Colorado Sex Offender Management Board (SOMB).

Sex Offender Treatment Phases

The Sex Offender Treatment and Monitoring Program (SOTMP) provides comprehensive assessment, evaluation, treatment, and monitoring services to sexual offenders who are motivated to eliminate sexual abuse behaviors. SOTMP is responsible for assessing the offender's progress when recommending specific SOTMP phases for participation. To the extent resources permit, SOTMP offers:

Phase I: This phase is a time-limited (i.e., typically nine months) cognitive behavioral psycho-educational therapeutic group focusing on the common problem areas of sex offenders. The program is offered at Fremont Correctional Facility, Arkansas Valley Correctional Facility, Colorado Territorial Correctional Facility, LaVista Women's Correctional Facility, San Carlos Correctional Facility, Denver Women's Correctional Facility and the Youthful Offender System. Hearing impaired offenders are accommodated at Colorado Territorial Correctional Facility. The goals of Phase I include:

- The offender takes full responsibility for his/her sexually abusive behavior.
- The offender identifies, in depth, problem areas he/she needs to continue to work on in Phase II.
- The offender demonstrates a willingness to utilize the treatment program to make changes to prevent further sex offense behavior through participation in the treatment group and behavior in the institution.
- To further evaluate the offender's motivation for treatment and willingness to commit himself/herself to the change process.

Phase II: This phase consists of cognitive behavioral groups focusing on changing the offender's distorted thinking and patterns of behaviors, as well as helping the offender develop effective relapse prevention plans (i.e., personal change contracts). This is offered as a modified Phase II program at Arrowhead Correctional Center, Arkansas Valley Correctional Facility, and Fremont Correctional Facility. It is also offered in a regular group format at La Vista Correctional Facility, Colorado Territorial Correctional Facility, Denver Women's Correctional Facility, and the Youthful Offender System. The goals of Phase II include:

- The offender receives further evaluation of his/her treatment needs and problems areas.
- The offender applies and incorporates the material learned in Phase I into his/her lifestyle.

- The offender identifies and changes distorted thinking.
- The offender prepares for living a responsible lifestyle in the community.
- The offender realizes the importance of developing a balanced lifestyle and monitoring his/her thoughts and behaviors for the rest of his/her life.
- The offender identifies his/her relapse cycle and methods for intervention in the cycle.
- The offender realizes the importance of sharing his/her relapse cycle and methods of intervention with significant others in his/her life.
- The offender practices and incorporates a model for solving problems.

Specialized Services: SOTMP also offers, to the extent that resources permit, specialized services to the following sex offenders: female, youth, Spanish speaking, and offenders with medical restrictions, hearing impairments, developmental disabilities, and chronic mental illness.

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. CDOC has designed treatment formats that motivate offenders to progress in treatment and be considered a candidate for parole based on their minimum sentence. The treatment formats were designed with the following assumptions:

- Sex offenders will continue in treatment and supervision if placed in community corrections or on parole.
- Although specialized formats are designed to encourage cooperation with and progress in treatment, they do not ensure it.
- Offenders need to be willing to work on problems and be motivated to change.
- The Parole Board will be informed when offenders meet the SOMB criteria for successful progress in prison treatment.

Modified Format: Offenders with two to five years minimum sentence.

The SOTMP informs the Parole Board or Community Corrections Boards when offenders meet the following SOMB criteria for successful progress in treatment in prison:

- Is actively participating in treatment and applying what he or she is learning.
- Completes a full disclosure of their sexual history as verified by a non-deceptive polygraph assessment of his or her deviant sexual history.
- Completes a comprehensive Personal Change Contract (relapse prevention plan) which is approved by the SOTMP team.
- Identifies, at a minimum, one approved support person who has participated in SOTMP family/support education. The SOTMP also must have received an approved copy of the offender's Personal Change Contract through participation in a SOTMP therapist facilitated disclosure session with the offender.
- Practices relapse prevention as verified by any recent monitoring polygraphs and have no institutional acting out behaviors within the past year (e.g., a history of engaging in high risk behavior or committing violations of institutional rules reflective of ongoing criminal behavior).
- Stays compliant with any DOC psychiatric recommendations for medication which may enhance his or her ability to benefit from treatment and or reduce his or her risk of re-offense.
- Demonstrates the ability to be supervised in the community without presenting an undue threat (e.g., indications of undue threat may include a history of sadistic behavior or fantasy, a

diagnosis of psychopathy based on the PCL-R, or a history of lethality in offense behavior or fantasy).

As of June 2012, CDOC had 785 minimum to lifetime sentenced offenders requiring the Modified Format. Three of the 785 offenders received only a one year minimum to lifetime sentence.

Standard Format: Offenders with six years or more minimum sentences and all non-lifetime supervision offenders.

The SOTMP informs the Parole Board or Community Corrections Boards when offenders meet the following SOMB criteria for successful progress in treatment in prison:

- Is actively participating in treatment and applying what he or she is learning.
- Completes a full disclosure of their sexual history as verified by a non-deceptive polygraph assessment of his or her deviant sexual history.
- Defines and documents his or her sexual offense cycle.
- Identifies, at a minimum, one approved support person who has participated in SOTMP family/support education. The SOTMP also must have received an approved copy of the offender's sexual offense cycle through their participation in a SOTMP therapist facilitated disclosure session with the offender.
- Practices relapse prevention as verified by any recent monitoring polygraphs and have no institutional acting out behaviors within the past year.
- Stays compliant with any DOC psychiatric recommendations for medication which may enhance his or her ability to benefit from treatment and or reduce his or her risk of re-offense.
- Demonstrates the ability to be supervised in the community without presenting an undue threat.

As of June 2012, CDOC had 1,012 minimum to lifetime sentenced offenders requiring the Standard Format.

In an effort to meet the growing treatment needs of lifetime supervision offenders with CDOC's limited treatment resources, the following changes were implemented to increase treatment opportunities for offenders:

- Developed a Modified Phase II program at Arrowhead Correctional Center in May 2010, Fremont Correctional Facility in September 2008 and Arkansas Valley Correctional Facility in March 2010 for lifetime supervision offenders with short minimum sentences to help them progress through the program more quickly.
- Developed a Phase II outpatient program at Colorado Territorial Correctional Facility for offenders who cannot progress to Arrowhead Correctional Center in August 2008.
- Moved the Phase I program at Sterling Correctional Facility to Arkansas Valley Correctional Facility in October 2008. This new location improves the CDOC's ability to recruit and retain therapists.
- Established a priority list to assign sex offenders to treatment openings in June 2010. Since lifetime supervision sex offenders must progress in treatment to be considered a candidate for parole, they will be given first priority for the limited treatment openings.
 - First Priority – Lifetime supervision offenders who are within four years of their parole eligibility date will be the highest treatment priority.
 - Second Priority – Convicted sex offenders with traditional sentences who are within four years of their parole eligibility date.

- Third Priority – Offenders who are determined to be sex offenders through administrative review procedures.
- Active communication with the Parole Board, the Colorado Association of Community Corrections Boards, and the Colorado Community Corrections Coalition regarding community transition for lifetime supervision sex offenders.
- Obtained a Bureau of Justice grant to increase sex offender community transition options and resources October 2010 through September 2012.

COMMUNITY CORRECTIONS AND PAROLE SUPERVISION

The CDOC Division of Adult Parole, Community Corrections and Youthful Offender Services have specially trained officers who supervise sex offenders in the community and under parole supervision through the Community Parole Sex Offenders Program (CPSOP). The program is designed to have a caseload ratio of ten parolees to one community parole officer (CPO). The offenders are supervised on a three tier system of supervision, as outlined in Table 3.

Table 3. Three Tier System of the CPSOP

Level	Contact with Community Parole Officer or Program Contract Worker
1	Eight face-to-face contacts per month
2	Six face-to-face contacts per month
3	Four face-to-face contacts per month

Note: Program contract workers may include an approved treatment provider, TASC contract worker, reentry specialist or designated law enforcement representative.

At a minimum, four of these face to face contacts must be made by the CPO. On each of the levels the contacts can consist of any of the following combinations:

- Daily telephone contact through the Colorado Web-based Integrated Support Environment (CWISE) which shall include a detailed itinerary.
- Two mandatory face-to-face home contacts per month, one of which may be a collateral contact (only for levels one and two).
- Employment visitation and monitoring two times per month, which may be a personal visitation, verification by pay stub, or telephonic verification.
- Treatment monitoring, once per month, to verify participation and progress.
- Treatment staffing, as needed, to be scheduled by the CPO, at least quarterly.
- Collateral contacts, as needed.
- Surveillance activities, as needed, to be staffed with the team leader and approved by the supervisor.
- Office visits, as needed.
- Curfew monitoring, to include electronic monitoring.
- Restitution payments.

The level of supervision shall be measured by behavior that indicates lessened risk, not by the passage of time. The sex offender's community parole officer and treatment provider shall make recommendations to the parole board concerning whether the sex offender has met the requirements specified such that the level of parole supervision should be reduced for each level. Criteria to be met, including but not limited to:

- Offender is taking responsibility for their offense.

- Offender understands their offense cycle.
- The offender has demonstrated full compliance with treatment expectations.
- The offender has demonstrated full compliance with supervision.
- Offender is in compliance with any medication requirements.
- Offender demonstrates stable residence and employment for previous 12 months.
- Community supervision team members agree to a reduction in supervision.
- The offender has provided two non-deceptive maintenance polygraphs.
- The offender has completed and found non-deceptive on part one and two of the sexual history polygraph.
- Offender has established an appropriate community support person who has participated in offense specific education.
- Completion of, or progress in, any substance abuse treatment requirement.
- The offender demonstrates they have developed leisure activities that are appropriate, legitimate, legal and of benefit to the sex offender.
- The offender has and is utilizing an appropriate relapse prevention plan.
- Parole Board notification and concurrence.

As part of the CDOC approved treatment provider process, the department periodically audits the program.

COST OF SEX OFFENDER TREATMENT

The FY 2011-2012 CDOC budget included \$3,435,275 for assessment, treatment, testing (including polygraphs), program evaluation, and registration coordination for incarcerated sex offenders in state facilities. Of the total, approximately \$99,569 was allocated for polygraph testing. For the purpose of updating this calculation, the complete sex offender population including the private prison population was added in the ratios. The staff (41 FTE) to offender ratio shows a workload of 1 staff to 127 sex offenders (5,178 sex offenders S3-S5 in prison) for FY 2011-2012. In fiscal year 2002, the staff (70.3 FTE) to offender ratio for sex offender treatment was lower at 1 staff to 55 sex offenders (3,887 sex offenders S3-S5 in prison). For offenders on parole, the CDOC allocated \$716,810 in FY 2011-2012 to approved treatment providers who provide sex offender treatment. As seen on throughout this report, the department continues to organize resources to maximize opportunities for lifetime supervision sex offenders to participate in treatment.

REFERRAL TO SEX OFFENDER TREATMENT

A new statewide referral process was recently created for CDOC behavioral health treatment. One of the goals of the new referral system was to establish a referral list for all sex offenders who meet the requirements for sex offender treatment. Both lifetime supervision and determinate sentenced sex offenders who meet the requirements will be placed on a statewide priority referral list for treatment. Offenders must be within four years or less of their PED to be placed on the list. In addition, offenders who are classified as a low treatment priority are not placed on the priority referral list. Offenders may be classified as having a low treatment priority if they have a sex offense that has not been decided by a court yet. The statewide list ensures offenders are moved to a facility with SOTMP when they are prioritized to start treatment.

As of June 30, 2012, a total of 1,734 sex offenders were on the referral list for treatment with 362 of these being lifetime supervision offenders. Of the 1,734 sex offenders, 1,490 were referred to Phase I and 244 were referred to Phase II.

DENIED ADMISSION OR READMISSION TO PHASE I AND PHASE II

Offenders must meet basic eligibility criteria in order to be placed in treatment. The requirements for admission into sex offender treatment are listed below:

- Must have four years or less to parole eligibility date to be placed on the priority referral list.
- Must admit to sexually abusive behavior and be willing to discuss the details of their behavior.
- Must be willing to admit to problems related to sexually abusive behavior and work on them in treatment.
- Must demonstrate a willingness to participate in group treatment at the level recommended by the program.
- Must sign and comply with the conditions of all SOTMP treatment contracts.

Offenders are interviewed and screened prior to participation in treatment using these 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 when he or she meets the criteria in the future. Typically, offenders are able to meet the criteria and become amenable to treatment over time. The cumulative number of inmates who do not meet treatment criteria is difficult to measure due to the dynamic nature of their status. Offenders are re-interviewed and screened upon request for reconsideration and may change from not meeting criteria to meeting criteria within the course of the year.

The treatment admission and participation status of all incarcerated lifetime supervision offenders on June 30, 2012 (N = 1,614), was reviewed. Based on time to parole eligibility, 644 lifetime supervision offenders did not meet the time criteria (i.e., four years to parole eligibility) for the global referral list. Of the remaining 970 offenders, 312 offenders were assigned to treatment, 362 offenders were on the global referral list, 263 denied their sex offense or refused treatment, four had a medical reason for not being in treatment, one was previously terminated from treatment, and the remaining 28 offenders were eligible for treatment but had not yet been placed on the global referral list.

Sex offenders may initially refuse to participate in treatment, may not progress in treatment, may cease complying with treatment requirements, or may drop out of treatment. These offenders are encouraged to reapply for treatment as soon as they are willing to comply with the requirements. Offenders who drop out of Phase I treatment or are terminated due to lack of progress or failing to comply with treatment requirements can be placed back on the program referral list upon completion of assignments regarding their treatment issues.

Satisfactory completion of Phase I is an automatic acceptance into Phase II. Only those offenders who refuse Phase II treatment are not placed on the waitlist for Phase II; therefore, no offenders are denied Phase II admission. Offenders who unsuccessfully terminate from treatment may request to be reconsidered at any time. Thirty-three lifetime supervision offenders were reviewed for readmission to Phase II treatment in FY 2011-2012, and all were placed on the global referral list.

PARTICIPATION IN PHASE I AND PHASE II

During FY 2011-2012, 394 lifetime supervision offenders participated in treatment. Their participation in treatment may not be continuous for various reasons, including successfully completing a phase of treatment and waiting for the next phase. The number of lifetime supervision sex offenders

participating in sex offender treatment each month is provided in Table 4. Length of participation during the fiscal year for lifetime supervision offenders in Phase I and Phase II was compiled using the most recent program participation admission and termination dates, or June 30, 2012, if the offender was still in the program on that date. For lifetime supervision offenders who participated in treatment at any point during FY 2011-2012, the average length of stay in treatment within the fiscal year was 7.0 months in Phase I, 18.6 months in Phase II therapeutic community and 9.2 months in Phase II modified treatment.

Table 4. End of Month Treatment Participation of Lifetime Supervision Offenders, FY 2011-2012

Program	July	August	September	October	November	December	January	February	March	April	May	June	Average
Phase I	116	101	130	92	70	66	82	79	96	72	65	59	86
Phase II TC	87	94	90	96	107	105	117	120	119	123	119	115	108
Phase II Mod	105	95	97	104	96	90	92	95	93	93	86	90	95
Maintenance	23	26	32	30	37	36	40	41	39	47	49	49	37
Total	331	316	349	322	310	297	331	335	347	335	319	313	326

Note: 39 offenders were not counted because they enrolled and terminated before the end of the month. 134 offenders had more than one level of treatment in FY 2011-2012.

TERMINATIONS FROM PHASE I AND PHASE II

Standardized program termination types are used for all program and work assignments throughout the department and describe positive and negative termination reasons. Terminations may also be administrative in nature to include situations such as medical emergencies or movement from the facility for security reasons. 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 are no longer interested in participating in treatment.
- **Expelled and/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 opportunities 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.
- **Finished program/Satisfactory completion:** offender completes a time limited group, meeting the group's goals.
- **Transferred from program:** Offender transfers to another facility, releases to parole, or discharges his sentence.
- **Administrative termination/Administrative segregation:** offender unable to attend group due to medical reasons that restrict his/her ability to participate or because he/she was moved to administrative segregation.
- **Unsatisfactory completion:** 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.

As of April 2007, CDOC instituted a due process system for sex offender treatment terminations due to treatment noncompliance or lack of progress. Under this system, the therapist recommends offenders for termination based on their behavior. The facility sex offender treatment team reviews the therapist's recommendation. If the team supports the termination recommendation, the offender is suspended and served with a Notice of Right to Termination Review. The offender can request a termination review where a three member panel evaluates all information presented by the offender and his or her therapist. A disposition is issued regarding the termination. Table 5 shows SOTMP terminations.

Table 5. Lifetime Supervision SOTMP Terminations by Program, FY 2011-2012

Termination Type	Phase I		Phase II Mod		Phase II TC		Maintenance		Total	
	n	%	n	%	n	%	n	%	N	%
Dropped out/Self terminated	5	3%	1	3%	1	2%	0	0%	7	3%
Expelled from program	10	6%	8	27%	2	5%	1	3%	21	8%
Finished/Satisfactory	132	75%	n/a	0%	n/a	0%	n/a	0%	132	47%
Transferred from program	5	3%	18	60%	32	74%	29	97%	84	30%
Admin termination/Ad seg	5	3%	3	10%	2	5%	0	0%	10	4%
Unsatisfactory completion	19	11%	0	0%	6	14%	0	0%	25	9%
Total	176	100%	30	100%	43	100%	30	100%	279	100%

Note: For offenders who had multiple termination codes within FY12, the most recent termination code within each phase was selected. Termination codes of "inter-program transfer" and "computer terminated no attendance entries" were not included because most of the offenders with those codes remained in treatment. Offenders in Phase II outpatient and Phase II developmental disabilities, as well as Phase II modified were included in the Phase II mod category.

MET CRITERIA FOR COMMUNITY OR RELEASE TO PAROLE

All lifetime supervision offenders meeting the statutory and departmental criteria are referred to community corrections providers unless the offender chooses to waive his or her rights. Criteria for lifetime supervision sex offenders to progress to the community include the following (described in more detail in Administrative Regulation 700-19):

- Active participation in treatment
- A non-deceptive polygraph
- An approved support person (or a plan to establish one depending on minimum sentence length)
- Relapse prevention (depending on minimum sentence length)
- Compliance with DOC psychiatric recommendations for medication
- Must be able to be supervised in the community without presenting an undue threat

Lifetime supervision offenders actively participating in treatment are individually staffed to determine whether they meet the SOMB criteria for successful progress in prison treatment. Sex offender program therapists work closely with community corrections providers that accept sex offenders into transitional programs and the respective community parole officers.

During FY 2011-2012, 92 lifetime supervision sex offenders met criteria for successful progress in prison treatment. Thirty-seven of these were placed at community corrections centers and 41 were released to parole during FY 2011-2012. The remaining 14 were still incarcerated at the end of the fiscal year. Because treatment participation is only one of several criteria for progress to the community, the number of successful treatment completions does not equal the number of offenders who met criteria for placement in the community or on parole.

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 to address the risk posed by lifetime supervision cases, 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.

Any adult convicted of a felony sex offense and receives a sentence to probation is required to be supervised by the sex offender intensive supervision program (SOISP). SOISP is designed to provide the highest level of supervision to probationers. Probation Officers employ a containment model that assumes that some sex offenders cannot or will not respond to treatment and there is no implication that all sex offenders can be successful in treatment. The goal of intensive supervision probation for sex offenders is to minimize the risk to the public to the greatest extent possible with supervision and treatment. The State of Colorado has adopted an evidenced-based 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/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 but due to additional requirements developed since program inception, the average length of time for completion has increased to 4 years. There were 46 FTE appropriated for the program. Caseload sizes were capped at 25 offenders, for a program capacity of 1,150. Those offenders that satisfactorily meet the requirements of the program are then transferred to non-SOISP sex offender probation for supervision of the remainder of their sentence.

Between July 1, 2011 and June 30, 2012, 370 adults were charged in district court with one of the 12 mandatory lifetime eligible sex offenses identified in statute and were sentenced to probation. Of these, 121 offenders (32.7%) received an indeterminate sentence to probation 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, 21 of these offenders were sentenced to community corrections and 21 offenders were ordered to serve a Department of Corrections sentence prior to being supervised by probation. Of the remaining 249 offenders, 16 offenders received a sentence to regular probation with special terms and conditions for sex offenders and 1 was ordered into a non-sex offender specific supervision caseload.

There were 131 offenders charged in district court with non-mandatory lifetime eligible offenses. Of these, 82 offenders (63%) received non-mandatory indeterminate sentences to probation.

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 eligible for mandatory and non-mandatory indeterminate sentences, as well as all applicable sex offender cases which terminated probation supervision, during Fiscal Year 2011–2012. The following statutory charges were reviewed and included in this analysis:

- I. Offenders who **must** be sentenced to an indeterminate term:
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

II. Offenders who **may** be sentenced to an indeterminate term if certain conditions are met were also included in this analysis.

18-6-402 C.R.S.	Trafficking in Children
18-6-403 C.R.S.	Sexual Exploitation of Children
18-6-404 C.R.S.	Procurement of a Child for Sexual Exploitation
18-7-402 C.R.S.	Soliciting for Child Prostitution
18-7-403 C.R.S.	Pandering of a Child
18-7-403.5 C.R.S.	Procurement of a Child
18-7-404 C.R.S.	Keeping a Place of Child Prostitution
18-7-405 C.R.S.	Pimping a Child
18-7-405.5 C.R.S.	Inducement of Child Prostitution

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.

An effort was made in 2002 to install coding in E-Clipse/ ICON that would differentiate between lifetime and non-lifetime cases. As an ongoing check to determine that the coding changes provide the necessary level of detail required for this report a manual review of the dispositions of 691 active cases was completed. This report also required the review of an additional 734 cases terminated from probation supervision for lifetime eligible offenses during Fiscal Year 2011-2012.

The following table reflects an analysis comparison of sentences to probation for lifetime eligible offenses for Fiscal Years 2009 through 2012:

Table 6. Placement of **New** Cases Eligible for Indeterminate Lifetime Term Sentences to Probation for Fiscal Years 2009-2010 through 2011-2012

Type of Supervision	Number of Cases (Percent)		
	FY 2009-2010	FY2010-2011	FY2011-2012
Lifetime Probation with SOISP	107 (28.3%)	123 (33.9%)	121 (35.4%)
SOISP (Non-lifetime Probation for felony sex offenses with SOISP)	138 (36.5%)	231 (63.6%)	204 (59.6%)
Intensive Supervision Program (ISP) or Domestic Violence Programs (DV)	5 (1.3%)	2 (.5%)	1 (.3%)
Regular Probation (Cases Ineligible for Lifetime or SOISP and/or sex offense reduced to misdemeanors)*	128 (33.9%)	7 (1.9%)	16 (4.7%)
TOTAL CASES	378	363	342

*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 2010-2011 to 2011-2012 reflects a 1.6% (2 cases) decrease in the number of offenders (2) eligible and sentenced to indeterminate lifetime sentences and under SOISP supervision.

As of June 30, 2012, there were approximately 1,476 offenders under SOISP probation supervision. Of these, approximately 793 (54%) offenders were under lifetime supervision.

PROBATION DISCHARGE HEARINGS AND DISCHARGES

For Fiscal Year 2011-2012, 26 offenders under a lifetime supervision sentence completed SOISP and were transferred to regular probation and are currently actively under supervision.

PROBATION REVOCATION HEARINGS AND REVOCATIONS

During Fiscal Year 2011-2012, seventy-three (73) sex offenders had their lifetime supervision sentences terminated. The following represents the termination status for these offenders:

- 7 offenders – probation revoked; new felony
- 1 offenders – probation revoked; new misdemeanor
- 38 offenders – probation revoked; technical violations
- 3 offenders – deported
- 3 offenders – died
- 7 offenders – absconded; warrants issued and remain outstanding
- 0 offenders - had judgments set aside
- 14 offenders – terminated successfully

All offenders revoked for a new felony were subsequently sentenced to the Colorado Department of Corrections. The new felonies consisted of Failure to Register (F6), Sexual Exploitation of a Child (F4) and Assault on a Peace Officer (F3).

COST OF SERVICES

In July 1998, the SOISP program was created with a General Fund appropriation for 46.0 FTE probation officers and funding to provide treatment services. In FY 2000-2001 all expenses associated with SOISP were transferred from General Fund to the Offender Services Cash Fund. 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 and partially meet expenses associated with completion of the offense specific evaluations required by statute and case law.

Table 7: 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	
FY07	SOISP Treatment	\$0	\$434,416	\$1,119,894
	Evaluation	\$275,029	\$410,449	
FY08	SOISP Treatment	\$0	\$771,186	\$1,659,578
	Evaluation	\$253,704	\$634,688	
FY09	SOISP Treatment	\$0	\$974,996	\$2,014,100
	Evaluation	\$247,664	\$791,440	
FY10	SOISP Treatment	\$0	\$960,239	\$2,259,704
	Evaluation	\$226,522	\$1,072,943	
FY11	SOISP Treatment	0\$	\$988,809	\$2,327,071
	Evaluation	\$226,522	\$1,111,740	
FY12	SOISP Treatment	\$0	\$931,861	\$2,282,138
	Evaluation	\$247,664	\$1,102,613	

The costs expended for adult polygraphs for FY11-12 were \$349,052 this is a 5% decrease from last fiscal year. The expenses associated with the sex offender offense specific evaluations, the sexually violent predator assessments and the Child Contact Assessments (formerly known as parental risk assessments are increasing annually. Probation funds have been required to pay for these evaluations and assessment) to avoid any delays in case processing for the courts and to ensure that offenders who are unable to pay all of the costs associated with court ordered evaluation and treatment are not returned to court for revocation based on non-payment. Revocations generally result in sentences to DOC, a significantly higher cost option for the state. The expenditure of \$2.28 million for adult sex offender related evaluation and treatment costs represents approximately eighteen percent of the total dollars (\$12.8 million) expended in FY2012 for treatment and service support for all offenders on probation. The adult sex offender population represents approximately 5.3 percent of the adult offender population. The Judicial Department continues to seek options for the containment of 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 (**ATTACHMENT B**), 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*, Standard 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.).

INSTRUMENT

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 language changes in the description of items in the SOMB Sex Offender Risk Scale (SORS) ten-point scale.

In August of 2010, the Office of Research and Statistics, on behalf of the Sex Offender Management Board, developed a new, updated instrument (**ATTACHMENT B**) and handbook (**ATTACHMENT C**). The Sexual Predator Risk Assessment Screening Instrument (SVPASI) was designed to predict supervision and treatment failure. Follow-up analyses, conducted by the Office of Research and Statistics in 2010 concluded that the SORS instrument reliably predicts both new sexual and violent crime arrests within five years.

IMPLEMENTATION

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.

TRAINING

Numerous trainings have been conducted on the instrument, process, and research supporting the instrument statewide, since the implementation of the instrument. In the summer of 2010, five trainings were conducted throughout the state on the new, updated instrument. 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.

ATTACHMENT B: Sexual Predator Risk Assessment Screening Instrument

ATTACHMENT C: Sexual Predator Risk Assessment Screening Instrument Handbook

Background of the Sex Offender Management Board

In 1992, the Colorado General Assembly passed legislation (Section 16-11.7-101 through Section 16-11.7-107, C.R.S.) that created a Sex Offender Treatment Board to develop standards and guidelines for the assessment, evaluation, treatment and behavioral monitoring of sex offenders. The General Assembly changed the name to the Sex Offender Management Board (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 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.

The Standards were subsequently revised in 1998, 1999, 2008 and 2011 for two reasons: (1) address omissions in the original Standards that were identified during its implementation; and (2) adopt evidence-based practices consistent with the literature in the field of sex offender management. For example, these changes introduced modifications to Appendix C-4 which provided clear research supporting restricted contact with children. In 2002, and again in 2004, administrative policies in Appendix F were approved. In 2004, Appendix E was updated to provide guidance to Community Supervision Teams (CST) with some readiness criteria when considering victim/family member contact, clarification, or reunification. These revised appendices were included in the printing of the Standards in 2004. In 2008, changes to the Developmentally Disabled standards included polygraph standards, treatment standards, and provider qualifications standards. In addition, revisions were made in sections 2.10 and 1.00.

The latest revisions to the Standards in 2011 brought about major changes and updates consistent with the emerging literature. Specifically, Section 5.00 changes were adopted regarding the way in which CST's function and provisions for contact with children in the new Child Contact Assessment (CCA). Moreover, the SOMB also developed and approved the Low Risk Protocol (LRP) in Appendix D. The LRP is significant in that it gives CSTs the guidance to not only distinguish low risk offenders from high risk offenders, but may permit low risk offenders to receive less intensive levels of intervention. By prioritizing resources, this allows for CSTs to target treatment and concentrate supervision on those offenders who pose the greatest threat to public safety while minimizing the potential negative iatrogenic effects with low risk offenders. These revisions were presented at a public hearing in October of 2011 and were published in December of 2011.

The legislation acknowledges that sexually offending behavior is often repetitive and that there is currently no way to ensure that adult sex offenders with the propensity to commit sexual offenses will not reoffend. However, it does emphasize that 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 CSTs, 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 evidence-based best practices known today for managing and treating sex offenders. To the extent possible, the SOMB has based the *Standards and Guidelines* on current research in the field. Sex offender management and treatment is a developing specialized field. Training, literature and other materials from knowledgeable professional organizations have also been used to direct the *Standards and Guidelines*. The SOMB is current on the emerging research and literature and will continue to modify the Standards periodically on the basis of new empirical findings. In part, the SOMB stays current on research through the use of working committees. Currently, there are 14 committees that meet on a regular basis and report back to the SOMB: Juvenile Standards Revision Committee, Best Practices Committee, Sex Offender Registration Legislative Work Group, Victim Advocacy Committee, Juvenile Developmental Disability Committee, Application Review Committee, Domestic Violence/Sex Offender Crossover Committee, Training Committee, Community Notification Technical Assistance Team, Research Committee, Female Offender Committee, Shared Living Arrangements, Disaster Management Committee and the Circles of Support and Accountability Committee. The SOMB also actively conducts its own research to enhance the capabilities and knowledge of a wide-range of stakeholders. While this research is primarily directed at improving therapeutic, assessment and supervision systems, it's also a source of evaluating policy and developing lessons-learned.

In July 2006, President Bush signed the Adam Walsh Child Protection and Safety Act into law, establishing a national system for the registration of sex offenders. The Adam Walsh Act (AWA) requires individual state compliance by July 2009 or face a 10% loss of justice assistance grants for their state. The Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) office was established to administer implementation of AWA, and determines the level of compliance for each state. A Multi-Agency Implementation Committee was developed by the state of Colorado to review the fiscal and practical impact on the state should the AWA be ratified. Based upon significant changes by the SMART Office on the requirements for implementation, the Multi-Agency Implementation Committee recommended Colorado submit for substantial implementation based upon existing registration and notification practices in Colorado. Based on this submission, Colorado was found to have substantially implemented all areas of the AWA with the exception of public notification of offender employment addresses. Colorado is currently not in compliance with AWA for this reason.

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

Currently, there are 203 SOMB Approved Service Providers in Colorado (Figure 3) located in 21 of the 22 judicial districts in the state (Figure 4). Most approved providers offered services in multiple counties. On average, treatment providers operated in 4 different counties while polygraph examiners and evaluators operated in 10 and 6 different counties, respectively. The following is a list of the number of providers approved in each specialty area:

203	Treatment Providers
29	Treatment Providers with a Developmental Disability Specialty
81	Evaluators
12	Evaluators with a Developmental Disability Specialty
25	Polygraph Examiners
11	Polygraph Examiners with a Developmental Disability Specialty

The SOMB approved 36 new applicants and conducted 49 re-applications which are included in the numbers above. There were 13 applicants that either moved up or over in status.

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

Figure 3. Number of SOMB Approved Service Providers Trend Analysis

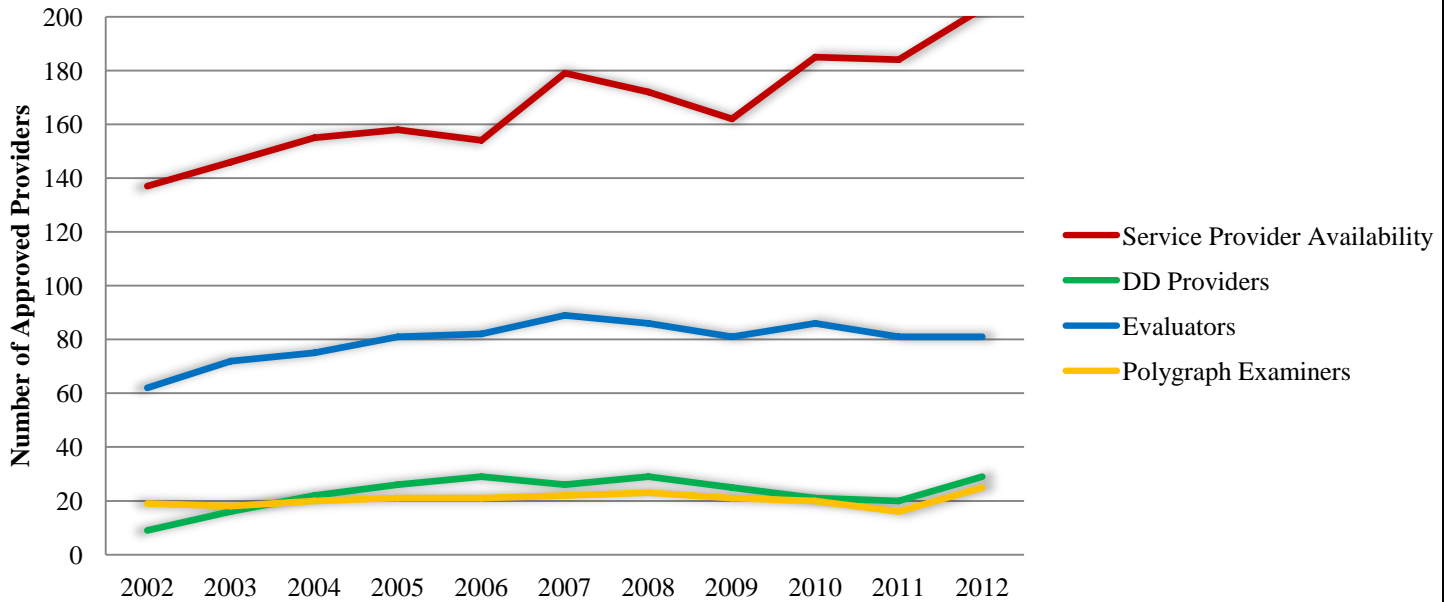
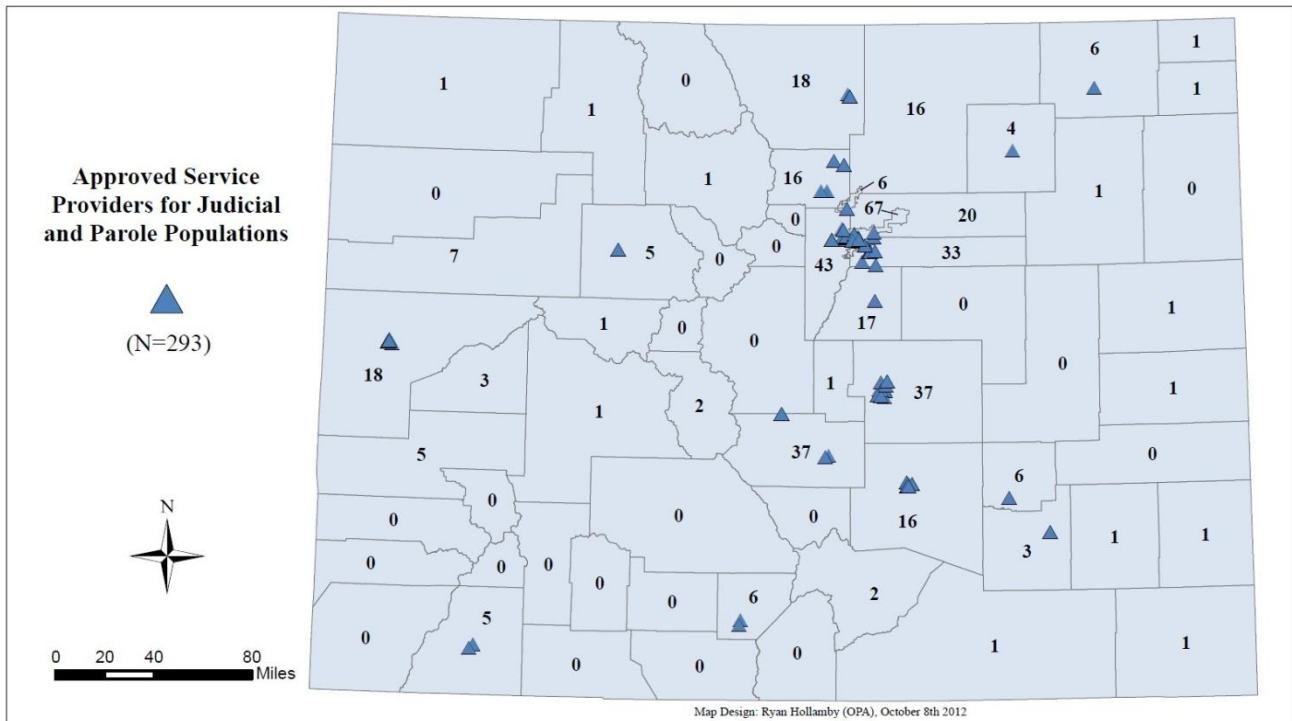


Figure 4. Number and Location of SOMB Service Providers by County



Note: The total number of service providers that are approved to practice are listed by county. These figures denote higher frequencies as service providers may be approved to operate in multiple counties.

ATTACHMENT D: SOMB Provider List

COST OF SERVICES

The average costs of services in Table 8 (below) were determined by surveying SOMB listed providers throughout the state. Many providers offer services on a sliding scale, dependent on the offender's income. Some providers charge an additional fee for conducting an evaluation in jail. 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 5 sessions per month. This typically included four group treatment sessions and one individual treatment session per month. Some treatment providers vary the amount of treatment sessions by the level of containment needed/risk factor of the offender.

Table 8. Average Cost of Services

Judicial District	Mental Health Sex Offense Specific Group Treatment Session	Mental Health Sex Offense Specific <i>Individual or Other Adjunct (i.e., family or couples counseling)</i> Treatment Session	Sex Offense Specific Evaluation, including a PPG or VRT	Polygraph Examination
1 st	\$ 50.68	\$ 63.06	\$ 950.00	\$ 250.00
2 nd	\$ 51.11	\$ 61.32	\$ 1,045.83	\$ 250.00
3 rd	X	X	X	\$ 250.00
4 th	\$ 51.40	\$ 56.36	\$ 881.25	\$ 250.00
5 th	\$ 50.00	\$ 68.13	\$ 891.67	\$ 250.00
6 th	\$ 50.00	\$ 65.00	\$ 1,000.00	\$ 250.00
7 th	\$ 47.50	\$ 68.13	\$ 600.00	\$ 250.00
8 th	\$ 59.00	\$ 100.00	\$ 1,068.75	\$ 250.00
9 th	\$ 47.50	\$ 73.13	X	\$ 250.00
10 th	\$ 41.25	\$ 41.25	\$ 916.67	\$ 250.00
11 th	\$ 46.25	\$ 46.25	\$ 787.50	\$ 250.00
12 th	\$ 42.50	\$ 42.50	\$ 600.00	\$ 250.00
13 th	\$ 61.67	\$ 74.17	\$ 1,112.50	\$ 250.00
14 th	X	X	X	\$ 250.00
15 th	X	X	X	\$ 250.00
16 th	\$ 77.50	\$ 62.50	X	\$ 250.00
17 th	\$ 49.75	\$ 60.50	\$ 1,006.25	\$ 250.00
18 th	\$ 49.42	\$ 60.53	\$ 980.56	\$ 250.00
19 th	\$ 52.60	\$ 69.75	\$ 1,177.50	\$ 250.00
20 th	\$ 53.13	\$ 65.60	\$ 1,050.00	\$ 250.00
21 st	\$ 43.13	\$ 61.56	\$ 600.00	\$ 250.00
22 nd	\$ 50.00	\$ 65.00	\$ 1,000.00	X
Average	\$ 51.28	\$ 63.41	\$ 921.67*	\$ 250.00
Range	\$ 41.25 \$ 77.50	\$ 41.25 \$ 100.00	\$ 600.00 \$ 1,177.50	\$ 250.00 \$ 250.00

Note: 'X' denotes services that were not provided by the local providers contacted, no response from the service provider 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. Figures were obtained in September 2012.

*Average cost of a Penile Plethysmograph (PPG) or VRT alone, across the state, is \$921.67.

Of those surveyed, approximately 73.1 percent (n = 19) of treatment providers had 25 or more clients per month. Roughly 84.6 percent reported to individualize treatment by level of risk and indicated offering a wide-range of therapeutic modalities. Additionally, 37.0 percent of treatment providers offered treatment services designed specifically for the 18-25 year old population.

The SOMB recommended that \$302,029 from the Sex Offender Surcharge Fund be allocated to the Judicial Department in Fiscal Year 2011-2012. 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 2012-2013 for the same purposes.

REGULATION AND REVIEW OF SERVICES PROVIDED BY SEX OFFENDER TREATMENT PROVIDERS

Application Process

The SOMB works to process the applications of treatment providers, evaluators, 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 and other appointed 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.

In August of 2012, the SOMB Application Review Committee received a staff presentation which presented outcome data on the adult application process to become an SOMB approved provider. This presentation was the first step at promulgating a subcommittee charged with the responsibility to conduct a comprehensive evaluation of the current process. The processing time for an adult application during FY12 had a median of 98 days (average 107 days) from start to finish. This is of importance for two distinct reasons: (1) prospective providers are often discouraged from applying or reapplying to

become approved providers because of the time and resources involved in this process; and (2) staffing resources required to manage this process often limits other forms of regulatory oversight of provider *Standards and Guidelines* compliancy. In short, the goals of this evaluation are to reduce the overall processing time and increase staffing capabilities for compliance monitoring in ways that are the most efficient and cost-effective.

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 in no less than one year), 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 100 hours of co-facilitated clinical experience working with sex offenders in the last five year (and not less than one 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 30 mental health sex offense-specific evaluations of sex offenders in the last five years.

Evaluator – Associate Level: In addition to meeting all the other applicable Standards, an evaluator at the Associate Level has conducted 10 adult sex offense specific evaluations in the past five years and is receiving supervision from an Evaluator at the Full Operating 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 post-conviction sex offender polygraph tests and has received 100 hours of specialized clinical sex offender polygraph examiner training.

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 while completing 50 post-conviction sex offender polygraph tests as required for Clinical Polygraph Examiners at the Full Operating Level.

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.

For a comprehensive list of requirements, please refer section 4.00 of the *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders*.

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

Lifetime Supervision Criteria

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 E**) was completed by the Office of Research and Statistics in the Division of Criminal Justice (Section 16-11.7-103(4)(d)(II), C.R.S.). The report was a first step in meeting this legislative mandate. Evaluating the effectiveness of any program or system first requires establishing whether the program/system is actually implemented as intended and the extent to which there may be gaps in full implementation. The second step in evaluating effectiveness requires a study of the behavior of those offenders who are managed according to the *Standards and Guidelines*.

The SOMB undertook the second portion of this evaluation and submitted a final report (**Attachment F**) to the legislature in December of 2011. Specifically, the study focused on the behavior of offenders subject to the Adult *Standards and Guidelines* by examining 1-and 3-year recidivism rates. The sample consisted of 689 sex offenders (Probation n = 356, Parole n = 333) who successfully discharged or completed from a parole or probation sentence between July 1, 2005 and June 30, 2007. In order for adult sex offenders to successfully discharge from criminal justice supervision, all areas of the *Adult Standards and Guidelines* must be sufficiently completed. Table 9 presents the findings from the report.

Table 9. Probation and Parole Outcomes

Recidivism Type		Probation	Parole	TOTAL
One Year	No Recidivism	339	260	599 (86.9%)
	New Sexual Crime	3	2	5 (0.7%)
	New Violent, Non-Sexual Crime	5	33	38 (5.5%)
	New Non-Violent, Non-Sexual Crime	9	38	47 (6.8%)
TOTAL		356	333	689 (100%)
Three Year	No Recidivism	319	117	496 (72.0%)
	New Sexual Crime	8	10	18 (2.6%)
	New Violent, Non-Sexual Crime	10	64	74 (10.7%)
	New Non-Violent, Non-Sexual Crime	19	82	101 (14.7%)
TOTAL		356	333	689 (100%)

Compared nationally and the current literature, sex offender recidivism rates in Colorado were consistent with national trends. Less than one percent of the sample (n = 5) had new sexual crime recidivism one year after successful discharge from supervision, while 2.6 percent (n = 18) had a new sexual crime three years after successful discharge from supervision.

Since the release of this report, the SOMB has begun engaging in several strategic planning sessions with multiple stakeholders aimed at developing collaborative systems which assess and evaluate programmatic outcomes related to tracking sex offenders.

* Sex offender would be defined as any adult person convicted of a sex offense as defined in C.R.S. 16-11.7-102 (3) (a-w) or anyone assigned to "S3-S5" in the DOC needs level assessment.

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

ATTACHMENT F: *2011 Adult Standards and Guidelines Outcome Evaluation*

SUMMARY

This report is intended to provide the Colorado General Assembly with information on the twelfth 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.

Through fiscal year (FY) 2011-2012, a total of 1,940 offenders have been sentenced to prison under the Lifetime Supervision provisions for sex offenses. One hundred seventy (170) of these offenders were sentenced in the last fiscal year (FY 2011 – 2012). Analyses conducted by the Department of Corrections found that 13 years after implementation of this legislation, the proportion of offenders sentenced under the Lifetime Supervision Act has been steadily increasing over the last decade. However, the percentage of incarcerated Non-Lifetime Sex Offenders initially declined between FY 2003-2006 and has since hovered around 17-18% of the total prison population. Thus, the total population of sex offenders in prison (as defined by the sex offender needs levels of 3 through 5) has fluctuated, increasing by only 4% since 2001 in contrast to the 7% increase in lifetime sex offenders during that time. A total of 168 offenders under lifetime supervision have released to parole, with 88 offenders releasing in FY 2012. The Parole Board conducted 14 revocation hearings for lifetime supervision offenders in FY 2011 with an outcome of return to custody for seven offenders. And, no parole discharge hearings have occurred for offenders sentenced under the Lifetime Supervision Act, as offenders would need to complete 10 – 20 years on parole, dependent upon their conviction.

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. Additionally, the Department of Corrections implemented some changes to increase treatment opportunities in an effort to meet the growing treatment needs of lifetime supervision offenders.

As of June 30, 2012, there were approximately 1,476 offenders under SOISP probation supervision. Of these, approximately 793 (53.7%) offenders were under lifetime supervision. A comparison of data for Fiscal Year 2010-2011 to 2011-2012 reflects a 1.6% decrease in the number of offenders (2) eligible and sentenced to indeterminate lifetime sentences and under SOISP supervision.

The expenses associated with the sex offender offense specific evaluations, the sexually violent predator assessments and the Child Contact Assessments are increasing annually. Probation funds have been required to pay for these evaluations and assessments to avoid any delays in case processing for the courts and to ensure that offenders who are unable to pay all of the costs associated with court ordered evaluation and treatment are not returned to court for revocation based on non-payment. Revocations generally result in sentences to DOC, a significantly higher cost option for the state. The Judicial Department is seeking alternative options in order to manage and curb these rising costs.

The Sex Offender Management Board (SOMB) has created many committees to keep current with the research in the field of sex offender management and to update the *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders* accordingly. Of note, the SOMB has created a Research Committee to conduct an evaluation of the effectiveness of the *Standards and Guidelines for the Assessment, Evaluation, Treatment and Behavioral Monitoring of Adult Sex Offenders*. This report is complete and was submitted to the legislature on December 1st, 2011.

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 Child Contact 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.