



# SEX OFFENDER MANAGEMENT BOARD

## ANNUAL LEGISLATIVE REPORT

**EVIDENCE-BASED PRACTICES FOR THE  
TREATMENT AND MANAGEMENT OF ADULTS  
AND JUVENILES WHO HAVE COMMITTED  
SEXUAL OFFENSES**

A Report of Findings per  
16-11.7-109(2) C.R.S.

January 2014

Prepared By:  
Chris Lobanov-Rostovsky  
Jesse Hansen

Office of Domestic Violence and Sex Offender Management  
Chris Lobanov-Rostovsky, Sex Offender Management Unit Program Administrator

Division of Criminal Justice  
Jeanne M. Smith, Director

Colorado Department of Public Safety  
James H. Davis, Executive Director

## TABLE OF CONTENTS

List of Tables.....	ii
List of Figures.....	iii
List of Attachments.....	iv
 <b>CONTENTS</b>	
<b>Executive Summary.....</b>	<b>1</b>
<b>Introduction.....</b>	<b>7</b>
Purpose.....	7
Background of the Sex Offender Management Board.....	7
Report Organization.....	9
<b>Section 1: Evidence- and Research-Based Practices.....</b>	<b>10</b>
What is an evidence-based practice (EBP)?.....	10
Overview.....	11
Best Practices for the Treatment and Management of Adult Sexual Offenders.....	11
Best Practices for the Treatment and Supervision of Juveniles Who Have Committed Sexual Offenses.....	15
<b>Section 2: Policy Analysis.....</b>	<b>18</b>
Sex Offender Registration and Community Notification including the Adam Walsh Act.....	18
Juvenile Registration under the Adam Walsh Act.....	20
Residence Restrictions.....	25
Sexually Violent Predator Risk Assessment Case Law.....	26
Sexting.....	28
Policy Analysis Summary.....	32
<b>Section 3: Milestones, Achievements and Future Directions.....</b>	<b>33</b>
Overview.....	33
Year-End Accomplishments.....	34
Future Goals and Directions.....	43
<b>Section 4: Conclusion.....</b>	<b>46</b>
<b>References.....</b>	<b>47</b>
<b>Appendices.....</b>	<b>54</b>
A. Geographical Representation of SORNA Implementation.....	54
B. Committee Work Updates.....	55
C. Research Project Status Report.....	60

## **LIST OF TABLES**

Table 1. National SORNA Requirements, Colorado Status and Other Jurisdictions.....	20
Table 2. Adult and Juvenile Registration Issues.....	23
Table 3. SOMB Approved Provider Statistics, FY 2013.....	34

## LIST OF FIGURES

Figure 1. Evidence Hierarchy in Research.....	10
Figure 2. Eight Evidence-based Principles of Effective Intervention.....	14
Figure 3. Number and Location of SOMB Service Providers by County, FY2013.....	34
Figure 4. Breakdown of SOMB Statewide Focus Group Participant Stakeholder Affiliation.	40
Figure 5. Breakdown of Statewide SOMB Focus Group Participation by Region.....	41

## **LIST OF SEPARATE ATTACHMENTS**

- A. External evaluation of the *Adult Standards and Guidelines* by Central Coast Clinical and Forensic Psychology Services (CCCFPS)
- B. Sex Offender Housing White Paper

## EXECUTIVE SUMMARY

Pursuant to Section 16-11.7-109 (2), C.R.S.,<sup>1</sup> this legislative report presents findings from an examination by the Sex Offender Management Board (SOMB) of best practices for the treatment and management of adult sex offenders and juveniles who have committed sexual offenses.

To identify the most current research- and evidence-based practices to date within the field of sex offender treatment and management, the SOMB employed a two-fold approach to the literature review

1. Review the literature referenced within the external evaluation of the *Adult Standards and Guidelines* by Central Coast Clinical and Forensic Psychology Services (CCCFPS) based on funding provided by the Colorado Legislature in 2013 (see Attachment A).
2. Review the literature referenced from past SOMB evaluations on the *Adult and Juvenile Standards and Guidelines*.

### Section 1: Evidence- and Research-Based Practices

Within the field of sexual offender treatment and management, the interest in EBP is increasing. Establishing the degree to which provided services are effective is an essential part in improving public policies aimed at reducing the risk for future sexual re-offense by identified adult sex offenders. Research investigating the underlying effectiveness of treatment indicates that sexual recidivism is generally reduced based upon the type, intensity, and duration of treatment. Several meta-analyses found considerable decreases to recidivism rates (by as much as 37 %) for treated adult sexual offenders (Losel & Schumucker, 2005).

### Best Practices for the Treatment and Management of Adult Sexual Offenders

#### *The Risk-Need-Responsivity (RNR) Principles (Evidence-Based Practice)*

- **Risk** - services provided to offenders should be proportionate to their relative level of static and dynamic risk (i.e., low, moderate or high risk) based upon accurate and valid research-supported risk assessment instruments (Bonta & Wormith, 2013);
- **Needs** – interventions are most effective if services target criminogenic needs (both social and psychological factors) that have been empirically associated with future sexual re-offending;
- **Responsivity** – effective service delivery of treatment and supervision requires individualization that matches the offender's culture, learning style, and abilities, among other factors.

<sup>1</sup> C.R.S.16-11.7-109 (2): On or before January 31, 2012, and on or before January 31 each year thereafter, the board shall prepare and present to the judiciary committees of the senate and the house of representatives, or any successor committees, a written report concerning best practices for the treatment and management of adult sex offenders and juveniles who have committed sexual offenses, including any evidence based analysis of treatment standards and programs as well as information concerning any new federal legislation relating to the treatment and management of adult sex offenders and juveniles who have committed sexual offenses. The report may include the board's recommendations for legislation to carry out the purpose and duties of the board to protect the community.

### ***The Containment Model (Research-Based Practice)***

1. A philosophy that values public safety, victim protection, and reparation for victims as the paramount objectives of sex offender management;
2. Implementation strategies that rely on agency coordination, multidisciplinary partnerships, and job specialization;
3. Multiple, interrelated strategies that hold sex offenders accountable through the combined use of the offender's internal self-control (learned through treatment), the criminal justice system's external supervision, and the use of polygraph assessment to monitor treatment responsiveness and supervision compliance;
4. Development and implementation of informed public policies to create and support consistent practices; and
5. Quality control mechanisms, including program monitoring and evaluation, that ensure prescribed policies and practices are delivered as planned.

### ***Promising Model for Future Research***

- The Good Lives Model (GLM) proposes a holistic framework premised upon a strengths-based approach to treatment (Ward & Brown, 2004; Ward & Gannon, 2006; Ward, Mann, & Gannon, 2007). The cornerstone of this model is the notion of self-regulation and that rehabilitation is most effective when offenders develop and build upon 11 primary goods. These include personal characteristics such as healthy living, educational or vocational fulfillment; pro-social attitudes; a sense of community and relatedness; and spirituality, among others.

### ***Probation Evidence-based Practices***

Eight Evidence-Based Principles of Effective Intervention:

1. Engage ongoing support in communications
2. Increase positive reinforcement
3. Skill training with directed practice
4. Target Intervention
5. Enhance Intrinsic Motivation
6. Risk/Need: Assess Actuarial Risk
7. Measure Relevant Practices
8. Measure Feedback

## **Best Practices for the Treatment and Supervision of Juveniles Who Have Committed Sexual Offenses**

### ***Treatment***

- The literature concerning juveniles who have committed sexual offenses shows significant differences between this population and adult sexual offenders (Burton, 2010).

- Unlike adults, a youth's neurological development along with various dynamic factors (socio-ecological domains: individual, peer, family, and community) play a considerable role in the formation of long-term behavioral risks, both in terms of sexual and non-sexual re-offense (Teicher, 2002).
- For youth with problematic sexual behaviors, there is general support found for treatment (Caldwell, 2010; Reitzel & Carbonell, 2006; Vandiver, 2005). There is evidence for the use of cognitive-behavioral treatment (CBT) and Multi-Systemic Therapy (MST) for juveniles (Borduin, Henggeler, Blaske, & Stein, 1990; Reitzel & Carbonell, 2006).
- CBT is considered a standard sex offense specific treatment intervention for youth (Walker, McGovern, Poey, & Otis, 2004), while MST has also been shown to be both cost- and clinically-effective with the juvenile population (Borduin, Henggeler, Blaske, & Stein, 1990; Letourneau, et al., 2009).

### **Recidivism**

- The literature regarding juveniles who commit sexual offenses suggests that sexual recidivism rates range from 7% to 19% depending upon the length of follow-up period, the type of recidivism measured and the relative risk level of the youth sampled (Reitzel & Carbonell, 2006).
- Juveniles who have committed sexual offenses are more likely to recidivate for a non-sexual offense rather than a sexual offense (Reitzel & Carbonell, 2006; Vandiver, 2005).

## **Section 2: Policy Analysis**

The Policy Analysis Section consists of a literature review of the empirical research on key sex offender management public policy issues. For the purposes of this report, specific policy issues are examined in order to highlight areas that the Legislature may wish to consider for possible policy and legislative initiatives and enhancements.

### ***Sex Offender Registration and Community Notification including the Adam Walsh Act***

- Adam Walsh Act (AWA) was a comprehensive piece of legislation that established stricter registration requirements and created a standardized offense-based classification system for registration tiering (Zgoba et al., 2012).
- Recent research suggests that the offense-based classification tiering system required by SORNA is not effective at predicting risk of sexual recidivism, as higher tiered offenders were not accurately distinguished from lower tiered offenders (Spohn, 2013; Zgoba et al., 2012).
- Colorado was found to have substantially implemented all areas of the SORNA as of November 6, 2013.
- Only 19 of the original 37 jurisdictions that submitted substantial implementation packets were found to have substantially implemented AWA. Of the remaining jurisdictions (which included Colorado initially), 15 were reported to have implemented at least half of the requirements of SORNA (GAO-13-211, 2013).
- See body of the Report for recommendations.

### ***Residence Restrictions***

- At least 30 states and thousands of local municipalities have adopted some form of residence restrictions (Meloy, Miller, & Curtis, 2008).
- Research examining residence restriction indicates that these policies are not a public safety benefit since there is no evidence that residence restrictions prevent sexual recidivism. In short, there is evidence to suggest that residence restrictions fail to prevent sexual recidivism (Minnesota Department of Corrections, 2007; Nobles, Levenson, & Youstin, 2012; Socia, 2013) or produce a very small effect, if any (Huebner et al., 2013), regardless of the proximity to schools or daycare centers (Zandbergen, Levenson, & Hart, 2010).
- There is evidence to suggest residence restrictions have the opposite effect by increasing risk to the general public (Levenson and Cotter, 2005).
- In August of 2013, a federal Circuit Court Judge ruled that the City of Englewood, CO sex offender residence restriction was unconstitutional. Constitutional challenges to residence restrictions are increasing and encompass issues such as due process, ex post facto clauses, and rights to intrastate travel.
- At the time of this publication, there are five known municipalities that impose residence restrictions: (1) Commerce City, (2) Lone Tree, (3) Greenwood Village, (4) Castle Rock (Sexually Violent Predator only), and (5) Greeley.
- See the body of the Report for recommendations

### ***Sexually Violent Predator Risk Assessment Case Law***

- In Colorado, the Sexually Violent Predator (SVP) classification is designated for adult sex offenders whose risk is assessed to be the highest for sexual re-offense.
- To make this determination, approved evaluators and pre-sentence probation officers, as well as Department of Corrections' personnel, use an actuarial risk assessment scale referred to as the Sexually Violent Predator Assessment Screening Instrument (SVPASI).
- Recent case law from several Colorado Supreme Court decisions has raised some important legal and policy implications for both the SVPASI.
- See the body of the Report for more details regarding this case law and the SOMB's recommendations.

### ***Sexting***

- Cell phones, tablets and other wireless devices provide instant access to social media. These devices have led to a new phenomenon within the youth culture, sexting.
- Per 18-6-403 C.R.S., a juvenile sending or receiving a sexual image of someone under the age of 18 may be charged for the production of child pornography (F3) or the possession of child pornography (F6). If adjudicated, sex offender registration is a requirement.

- In a non-peer reviewed study conducted by the National Campaign to Prevent Teen and Unplanned Pregnancy, approximately 1 in 5 youth (22% of teenage girls and 18% of teenage boys) had engaged in sexting. Conversely, in another study using a nationally representative sample, approximately 7.1% of juveniles reported receiving nude or nearly nude images, while 5.9% of youth received sexually explicit images (Mitchell, Finkelhor, Jones, & Wolak, 2011).
- There are two categories of minors who engage in sexting: (1) aggravated and (2) experimental cases. By definition, aggravated cases are seen to have criminal or abusive elements beyond the production and distribution of sexual images depicting children. Conversely, the experimental cases do not involve any form of malice (Wolak & Finkelhor, 2011).
- It is recommended that each jurisdiction establish criteria for classifying “sexting” behavior based on the belief that much of this behavior is common for teens, may be more of an inappropriate boundary issue, and is not indicative of deviancy or sexual offending. As a result, a different type of intervention is necessary, including avoiding an adjudication for a sex crime, and utilizing a different model of education/treatment than treatment for juveniles who have committed sexual offenses. See body of the Report for further details.

### **Section 3: Milestones, Achievements and Future Directions**

Over the course of 2013, the SOMB accomplished many of its strategic goals through the collaboration of multiple stakeholders. The following highlight some of the many achievements made:

- Approved 35 new providers; reviewed 93 re-applications for approval; and processed 40 status-changes;
- Staffed 15 different SOMB committees - five of which focused on drafting revisions to the Standards and Guidelines;
- Conducted 35 trainings to approximately 900 attendees which included a three-day statewide conference to over 250 attendees in Breckenridge;
- Obtained \$100,000 federal grant funding by the Office of Justice Programs SMART Office to receive training on the VASOR-2 (a static risk assessment instrument) and SOTIPS (a dynamic risk and needs assessment instrument) to all probation and parole officers supervising adult sex offenders, as well as all approved adult treatment providers and evaluators in Colorado;
- Provided technical assistance to six community notifications (CN) around the state which included Fort Collins, Golden, Commerce City, Custer County, Wheat Ridge, and Florence;
- Revised the provider re-application process to streamline workflow and increase quality assurance oversight by implementing Standards Compliance Reviews (SCR);
- Reviewed and closed 19 out of 32 complaints made against approved providers – all of which were unfounded for Standards violations;
- Underwent an external evaluation of the Adult Standards and Guidelines funded by the State Joint Budget Committee and conducted by Central Coast Clinical and Forensic Psychology Services (CCCFPS);

- Conducted nine statewide focus groups that included 87 participants and an additional 49 participants online for feedback on future revisions to the Adult and Juvenile Standards and Guidelines;
- Developed new processes and procedures for providing board members with research and literature which include distributing monthly journal articles to the SOMB members and other interested stakeholders, literature reviews in preparation for any Standards and Guidelines revisions, sponsoring trainings by national leaders in the field for Colorado stakeholders, and research and best practice presentations to the SOMB members during meetings.

### **Future Goals and Directions**

Under the leadership of the SOMB, the following outline describes the SOMB's current plan for FY2014:

- Comprehensively review and evaluate the information obtained from the statewide focus groups conducted by the SOMB as well as the results from the CCCFPS External Evaluation.
- Identify which suggestions made by CCCFPS in their evaluation are currently in process through existing committees.
- Prioritize the critical issues from these evaluations into an Action Plan for FY2015 through completion. This action plan will delegate specific priorities to committees with measurable goals and next steps.
- Form or reconvene any necessary committee based upon the Action Plan for FY2015.
- Revise and develop drafted changes to Standards and Guidelines at committee level.
- Solicit stakeholder feedback on proposed revisions.
- Receive SOMB approval of the recommended changes.
- Request public comment during a statewide review of the proposed changes.
- Develop implementation tools for translating those changes into actual practice.
- Offer Standards training to all relevant stakeholders statewide.
- Track implementation of the changes and document feedback.

## INTRODUCTION

### Purpose

Pursuant to Section 16-11.7-109 (2), C.R.S.,<sup>2</sup> this legislative report presents findings from an examination by the Sex Offender Management Board (SOMB) of best practices for the treatment and management of adult sex offenders and juveniles who have committed sexual offenses. This report fulfills the statutory mandate by providing:

1. A summary of emerging research- and evidence-based practices regarding evaluation, assessment, treatment and supervision strategies within the field of sex offender management; and
2. A policy analysis of legislative issues impacting the field of sex offender management that the Legislature may wish to review for potential statutory change.

Communicating these research- and evidence-based practices in concert with the policy analysis offers a broader perspective on the impact to public safety, and endeavors to ensure that policies and practice are consistent with the research literature to date.

Finally, this report will also document the year-end milestones and current efforts being undertaken by the SOMB.

### 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 and Guidelines)* were originally drafted by the SOMB over a period of two years and were first published in January 1996. The *Standards and Guidelines* apply to convicted adult sexual offenders under the jurisdiction of the criminal justice system. The *Standards and Guidelines* 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 and Guidelines* are to improve community safety and protect victims.

The *Standards and Guidelines* were subsequently revised in 1998, 1999, 2008 and 2011 for two reasons: (1) address omissions in the original *Standards and Guidelines* that were identified

---

<sup>2</sup> C.R.S.16-11.7-109 (2): On or before January 31, 2012, and on or before January 31 each year thereafter, the board shall prepare and present to the judiciary committees of the senate and the house of representatives, or any successor committees, a written report concerning best practices for the treatment and management of adult sex offenders and juveniles who have committed sexual offenses, including any evidence based analysis of treatment standards and programs as well as information concerning any new federal legislation relating to the treatment and management of adult sex offenders and juveniles who have committed sexual offenses. The report may include the board's recommendations for legislation to carry out the purpose and duties of the board to protect the community.

during its implementation; and (2) adopt research- or evidence-based practices consistent with the literature in the field of sex offender management. As such, various sources of information have generated new insights into best-practices that subsequently require revision.

In 2000, the Colorado General Assembly amended and passed legislation (section 16-11.7-103, C.R.S.) that required the SOMB to develop and prescribe a standardized set of procedures for the evaluation and identification of juveniles who have committed sexual offenses. The legislative mandate to the SOMB was to develop and implement methods of intervention for juveniles who have committed sexual offenses, recognizing the need for standards specific to these youth. The *Standards and Guidelines for the Evaluation, Assessment, Treatment and Supervision of Juveniles who Have Committed Sexual Offenses (Juvenile Standards and Guidelines)* were first published in 2003, and were subsequently revised in 2008 and 2011. As with the *Adult Standards and Guidelines*, the *Juvenile Standards and Guidelines* continue to hold public safety as a priority, specifically the physical and psychological safety of victims and potential victims.

The *Adult and Juvenile Standards and Guidelines* are both specifically designed to establish a framework for the systematic risk management, assessment, and clinical treatment of adult sex offenders and juveniles who have committed sexual offenses. Both the *Adult and Juvenile Standards and Guidelines* support a comprehensive range of therapeutic modalities and interventions, along with behavioral monitoring strategies for improved supervision based on risk. This systemic approach fulfills a two-fold purpose: (1) manage and reduce sexually abusive risk behavior, while also (2) leveraging and promoting protective factors that enable an offender's success in all facets of their rehabilitation.

To operationalize this construct, the *Standards and Guidelines* support a coordinated approach in which a Community Supervision Team (CST) for adult sex offenders, or a Multi-Disciplinary Team (MDT) for juveniles who have committed sexual offenses, provide an individualized treatment and supervision plan that targets both psycho-social deficits and potential risk factors, while concurrently building upon the resiliency and positive traits inherent in the adult or juvenile. To be effective, this approach to managing adult sex offenders and juveniles who have committed sexual offenses must include interagency and interdisciplinary teamwork. The CST and MDT commonly consist of a supervising officer, treatment provider, victim representative, polygraph examiner, and other adjunct professionals, where applicable. CST and MDT members, independent of each other, possess critical expertise and knowledge that once shared can enable improved decision-making amongst the CST or MDT, which enhances not only public safety but the supervision and accountability of the adult or juvenile. A coordinated system for the management and treatment of adult sex offenders and juveniles who have committed sexual offenses is consistent with the containment approach, and thereby enhances the safety of the community and the protection of victims and potential victims.

The *Adult and Juvenile Standards and Guidelines* are based on research and best practices known to date for managing and treating adult sex offenders and juveniles who have committed sexual offenses. To the extent possible, the SOMB has based the *Standards and Guidelines* on evidence-based practices (EBP) in the field; however, the specialized field of sex offender

management and treatment is still developing and evolving. Professional training, literature reviews, and documents from relevant professional organizations have also been used to direct the *Standards and Guidelines*. The SOMB will continue to modify the *Standards and Guidelines* periodically on the basis of new empirical findings.

In part, the SOMB stays current on research through the work of its 15 active committees. These committees meet on a regular basis and report back to the SOMB with relevant research and best practice to inform potential modifications to the *Adult and Juvenile Standards and Guidelines*. The following is a list of the current SOMB committees:

- Juvenile Standards Revision Committee
- Best Practices Committee
- Victim Advocacy Committee
- Research & Legislative Action Committee
- Circles of Support & Accountability (COSA) Committee
- Sex Offender Registration Legislative Work Group
- Application Review Committee
- Denial Intervention Committee
- Sexually Stimulating Materials Committee
- Young Adult Sex Offenders Committee
- Shared Living Arrangements (SLA) Committee
- Sex Offender Disaster Management Committee
- Female Sex Offender Committee
- School Personnel Reference Guide Committee
- Sexually Violent Predator (SVP) Assessment Committee

In addition to a review of the national and international research and best practices related to sex offender treatment and management, the SOMB also actively conducts its own research to enhance the capabilities and knowledge of a wide-range of professionals. While this research is primarily directed at improving clinical assessment, treatment and supervision systems, it is also a source for policy evaluation and identification of lessons learned.

## **Report Organization**

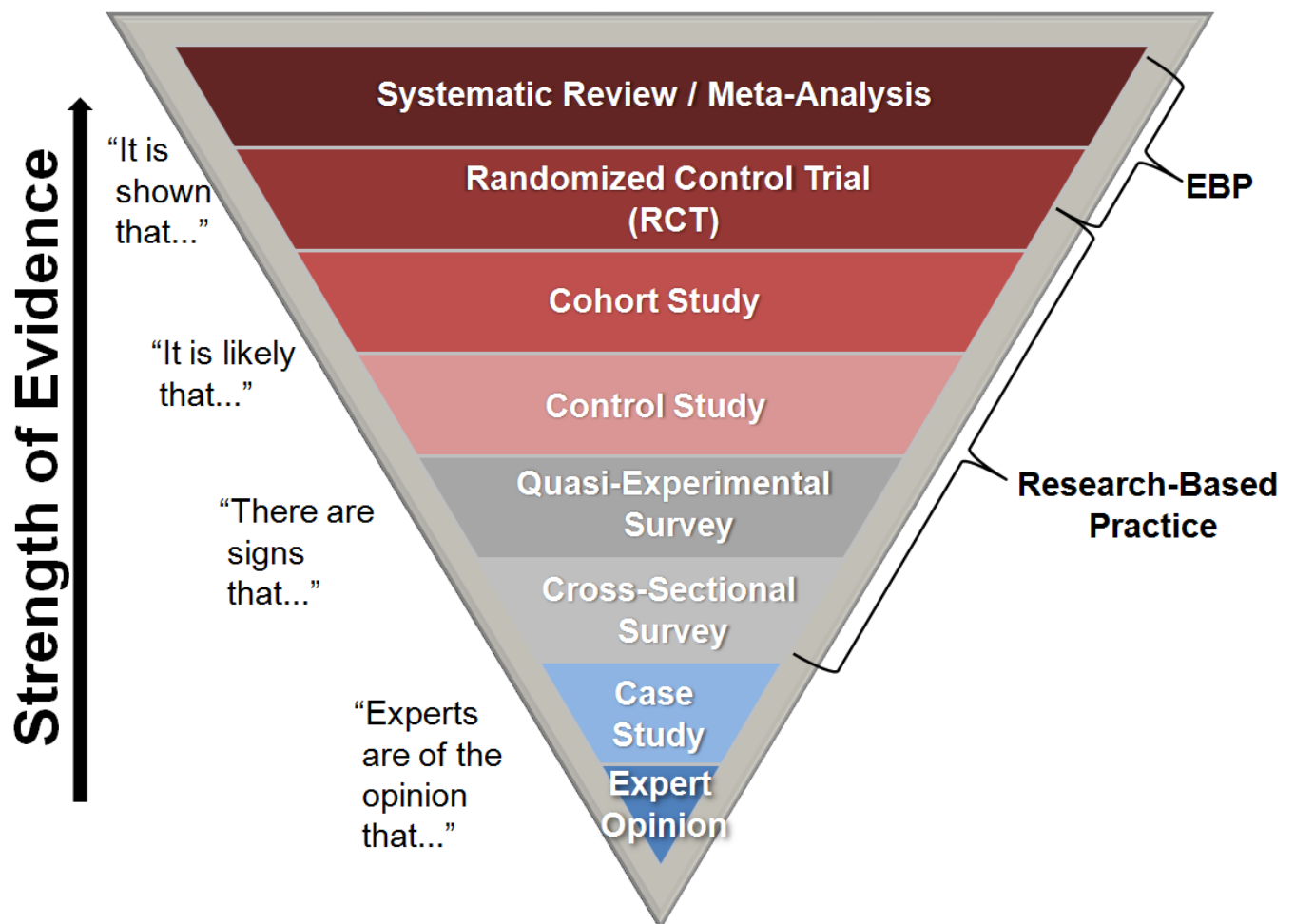
This annual legislative report consists of four different sections. The first section provides a summary of the current and relevant literature concerning research-based practices. The second section highlights specific policy issues impacting the field of sex offender treatment and management. The third section highlights the achievements of the SOMB and future goals and directions. The final section concludes the report.

## SECTION 1: EVIDENCE- AND RESEARCH-BASED PRACTICES

### What is an evidence-based practice (EBP)?

Within the field of adult sexual offender treatment and management, the interest in EBP is increasing. However, research is not conducted equally to the same standard. According to Boruch and Petrosino (2007), establishing a particular program or practice as evidence-based requires specific research requirements to be met. The levels of evidence in research studies dictate that a systematic review, meta-analysis or a research synthesis are the most reliable methods for determining if a practice is evidence-based by combining the empirical outcomes of multiple studies. While evidence-based practices (EBP) have emerged as an essential tenet to establishing the degree to which strategies are effective, few studies have systematically evaluated sex offender treatment and management strategies. Alternatively, research-based practices are grounded in some level of research, but not to the degree that would satisfy the definition of evidence-based. Figure 1 illustrates the conventional hierarchy used for assessing the quality of the research design employed within a specific study. It is through these methodological considerations that a determination of whether or not a certain practice is research-based or an EBP.

Figure 1. Evidence Hierarchy in Research



To identify the most current research- and evidence-based practices to date within the field of sex offender treatment and management, the SOMB employed a two-fold approach to the literature review. First, the literature review in this report identifies the literature referenced within the external evaluation of the *Adult Standards and Guidelines* by Central Coast Clinical and Forensic Psychology Services (CCCFPS) based on funding provided by the Colorado Legislature in 2013 (see Attachment A). This portion of the report presents the research-based practice literature in a summarized format, and discusses the implications of these findings as they relate to forthcoming revisions to the *Adult Standards and Guidelines*. Regarding the *Juvenile Standards and Guidelines*, this report expands upon the literature reviews that were conducted in the 2011 and 2013 SOMB Annual Legislative Reports by highlighting some key developments and areas in which additional literature has become available.

Evaluation of the research and best practice literature for this report followed a structured inclusionary criteria. With the exception of broad literature reviews, it is preferable to review studies having a research orientation and using well-defined empirical data. Peer-reviewed meta-analyses, quasi-experimental design studies and any study that utilized a more robust research design received greater emphasis in this report. Alternatively, theoretical studies that lacked either quantitative or qualitative data (or both) were given less emphasis or not considered.

## **Overview**

For the purposes of this legislative report, a combination of the literature identified in both the recent external evaluation of the *Adult Standards and Guidelines* conducted by CCCFPS, and the 2011 SOMB *Adult Standards and Guidelines* Outcome Evaluation will be briefly summarized.

## **Best Practices for the Treatment and Management of Adult Sexual Offenders**

Establishing the degree to which provided services are effective is an essential part in improving public policies aimed at reducing the risk for future sexual re-offense by identified adult sex offenders. While significant advancement has been made in identifying research- and evidence-based practice, few studies have examined the outcomes of therapeutic services systematically.

*The Risk-Need-Responsivity (RNR) Principles.* In addition to the relevance of RNR to the broader criminal justice field, these principles also have been identified as a research-based practice for sex offender treatment and management. The RNR principles assert:

1. Risk - services provided to offenders should be proportionate to the their relative level of static and dynamic risk (i.e., low, moderate or high risk) based upon accurate and valid research-supported risk assessment instruments (Bonta & Wormith, 2013);

2. Needs – interventions are most effective if services target criminogenic needs (both social and psychological factors<sup>3</sup>) that have been empirically associated with future sexual re-offending; and
3. Responsivity – effective service delivery of treatment and supervision requires individualization that matches the offender’s culture, learning style, and abilities, among other factors.

The theoretical construct of the RNR model was developed on the research of Andrews and colleagues (1990), which identified differential characteristics within offenders that require differential responses by the criminal justice system. Subsequent meta-analyses have provided further confirmation that adherence to these principles translates into greater program effectiveness in recidivism reduction (Andrews and Bonta, 2006), including for sex offender treatment programs (Hanson et al., 2009) and probation supervision (Bonta, Bourgon, Rugge, Scott, Yessine, Gutierrez, & Li, 2011).

*The Containment Model.* The containment approach<sup>4</sup> is a research-supported strategy that entails a very specific five-part approach to the treatment and management of adult sexual offenders:

1. A philosophy that values public safety, victim protection, and reparation for victims as the paramount objectives of sex offender management;
2. Implementation strategies that rely on agency coordination, multidisciplinary partnerships, and job specialization;
3. Multiple, interrelated strategies that hold sex offenders accountable through the combined use of the offender’s internal self-control (learned through treatment), the criminal justice system’s external supervision, and the use of polygraph assessment to monitor treatment responsiveness and supervision compliance;
4. Development and implementation of informed public policies to create and support consistent practices; and
5. Quality control mechanisms, including program monitoring and evaluation, that ensure prescribed policies and practices are delivered as planned.

---

<sup>3</sup>These include: sexual preoccupation, sexual preference for children, sexual interest in coercion/violence, multiple paraphilias, offense-supportive attitudes, emotional congruence with children, intimacy deficits, grievance thinking/hostility, self-regulation problems, poor problem-solving, resistance to rules and supervision, and negative social influences (See, for example, the CCCFPS external evaluation in Attachment A).

<sup>4</sup> The containment approach emerged in the 1980-90s when traditional methods of managing adult sex offenders were replaced with creative strategies that emphasized individualized case management and multidisciplinary teams. Jurisdictions across the country began using variations of this approach which was first documented by researchers at the Colorado Division of Criminal Justice in *Managing Adult Sex Offenders: A Containment Approach*, a federally-funded research study.

Studies examining the effectiveness of the containment approach practices have been conducted nationally. For example, in Maricopa County (AZ), an evaluation consisting of 419 probationers found 2.2% of the adult sex offenders were arrested for a new sexual offense and 13.1% were arrested for a new criminal offense (Hepburn and Griffin, 2002), both of which appear to be lower than other comparable recidivism studies. Results from an outcome study in Jackson County (OR) found that adult sex offenders who remained in treatment in conjunction with polygraph testing and specialized supervision for at least one year were 40% less likely than those in the comparison group to be convicted of a new felony (Aytes et al., 2001).

In Colorado, the containment approach was first documented in 1996 by researchers at the Colorado Division of Criminal Justice who identified consistent program elements of effective sex offender treatment and management approaches in a field study involving multiple states (English et al., 1996). Finally, the 2011 SOMB Adult Standards and Guidelines Outcome Evaluation examined recidivism data for 689 (356 probation and 333 parole) adult sexual offenders in Colorado who successfully discharged from their probation or parole sentence. The results indicate that 2.6% (n = 18) committed a new sexual crime over the three-year follow-up period post-supervision discharge. However, inferences from this study must be made with caution given the limitations of the study.

For more information on the containment model, including additional literature references describing other SOMB policies such as the polygraph, please refer to *The Adult Standards and Guidelines Outcome Evaluation (2011)*.

*Treatment Effectiveness.* Research investigating the underlying effectiveness of treatment indicates that sexual recidivism is generally reduced based upon the type, intensity, and duration of treatment. Several meta-analyses found considerable decreases to recidivism rates (by as much as 37%) for treated adult sexual offenders (Losel & Schumucker, 2005). According to Hanson and colleagues (2002), the sexual recidivism rate for treated sexual offenders was 9.9% as compared to 17.4% for untreated sexual offenders. Alternatively, other studies have also shown no treatment effect (Furby, Weinrott, & Blackshaw, 1989; Hanson, 2004; Marques et al., 2005; Schweitzer & Dwyer, 2003).

*Promising Models for Future Research.* The Good Lives Model (GLM) proposes a holistic framework premised upon a strengths-based approach to treatment (Ward & Brown, 2004; Ward & Gannon, 2006; Ward, Mann, & Gannon, 2007). The cornerstone of this model is the notion of self-regulation and that rehabilitation is most effective when offenders develop and build upon 11 primary goods. These include personal characteristics such as healthy living, educational or vocational fulfillment; pro-social attitudes; a sense of community and relatedness; and spirituality, among others. Thus, according to Thakker, Ward, and Tidmarsh (2006), working with these “primary goods” to treat potential pathways to sexual re-offense ultimately shifts the focus from a risk management approach to one that is goal-oriented and positive. It is important to note, however, that empirical validation of GLM is still needed. For example, the preliminary examination of GLM conducted by Harkins and colleagues (2012) offered promising results from a programming perspective, but lacked any recidivism data.

*Probation Evidence-based Practices.* Since 2007, the Division of Probation Services in Colorado has been spearheading several initiatives to implement evidence-based supervision practices across the state (Hufford, 2010). After the National Institute of Corrections published the eight evidence-based principles of effective intervention, Colorado adopted this framework which is predicated upon the RNR model previously discussed. The eight evidence-based principles of effective intervention are identified in the following Figure 2.

*Figure 2. Eight Evidence-based Principles of Effective Intervention*



Source: National Institute of Corrections

Enhancing intrinsic motivation for change is considered a responsivity component within this framework. This concept in practice translates into client-centered and goal-oriented communications between the offender and the probation officer, which functions as the impetus for behavioral change. One evidence-based practice of enhancing intrinsic motivation proven in the substance abuse field is Motivational Interviewing (MI) (Lundahl, Kunz, Brownell, Tollefson and Burke, 2010). Across numerous disciplines, MI has been documented as an EBP (Hartzler & Espinosa, 2011). Since 2009, the Division of Probation Services has ensured that all staff working with clients receives MI training and coaching.

*Risk Assessment.* A critical component to implementing the RNR framework begins with the risk principle, whereby research-based assessment tools are utilized to identify both static<sup>5</sup> and

<sup>5</sup> Static risk factors are fixed characteristics that cannot be changed or modified (e.g. - individual's criminal history, date of birth, etc).

dynamic<sup>6</sup> risk factors. Static risk assessment tools for adult sexual offenders such as the STATIC 2002-R, MnSOST-R, VASOR-2, Risk Matrix 2000/Sexual and SORAG are well-documented in the literature. However, in recent years, the research has determined that combining both dynamic and static risk assessment instruments can improve the accuracy of risk assessment over an assessment using only static or dynamic risk assessment (McGrath, Lasher, & Cumming, 2012; Bonta & Wormith, 2013). The Division of Probation Services decided in 2013 to standardize the use of the VASOR-2 (static risk assessment instrument) and the SOTIPS (dynamic risk assessment instrument) across all probation officers statewide. As of December 2013, the Division of Probation Services was coordinating with the SOMB to provide statewide trainings<sup>7</sup> to probation and parole officers, community corrections case managers, and SOMB approved providers on the use of these instruments. Full implementation of the use of these instruments is planned for the summer of 2014.

*Cost-Benefit Analysis.* While there are relatively few cost-benefit studies looking at the treatment and management of adult sexual offenders, the use of cognitive-behavioral therapy, in a manner similar to that prescribed by the *Standards and Guidelines*, appears to be cost-effective (as measured by taxpayer and victim benefits minus cost) according to one study by the Washington State Institute for Public Policy (Aos et al., 2001).

*Recidivism.* Overall, the meta-analytic literature to date suggests that the treatment and management of adult sexual offenders may be effective. Studies examining sexual recidivism demonstrate rates that typically bottom-out at about 5% and peak around 30% in a five-year time-at-risk period (English, Retzlaff, & Kleinsasser, 2002; Hanson & Morton-Bourgon, 2007; Helmus, Hanson, Babchishin, & Mann, 2013). The sexual recidivism rate found in the 2011 SOMB Adult Standards and Guidelines Outcome Study present study was less than 1% in the first year following successful discharge from supervision, and 2.6% in the three years after successful discharge from supervision (Dethlefsen & Hansen, 2011). Recidivism rates vary though depending upon the length of follow-up period, the type of recidivism measured and the relative level of risk.

### **Best Practices for the Treatment and Supervision of Juveniles Who Have Committed Sexual Offenses**

The literature concerning juveniles who have committed sexual offenses shows significant differences between this population and adult sexual offenders (Burton, 2010). Unlike adults, a youth's neurological development along with various dynamic factors (socio-ecological domains: individual, peer, family, and community) play a considerable role in the formation of long-term behavioral risks, both in terms of sexual and non-sexual re-offense (Teicher, 2002). The literature regarding juveniles who commit sexual offenses suggests that sexual recidivism rates range from 7% to 19% depending upon the length of follow-up period, the type of recidivism

---

<sup>6</sup> Dynamic risk factors are those characteristics which may change over time such as social skills, employment, personality traits and others.

<sup>7</sup> Training on the VASOR 2<sup>nd</sup> Edition and SOTIPS will be by Bob McGrath and Georgia Cumming, while training on the JSOAP-II will be by Sue Righthand.

measured and the relative risk level of the youth sampled (Reitzel & Carbonell, 2006). In addition, a recent analysis in Colorado conducted by the SOMB compared probation outcomes prior to and after the implementation of the *Juvenile Standards and Guidelines*. The results indicate that after the *Juvenile Standards and Guidelines* were implemented the sexual recidivism rate (8.0% to 2.3%) and the violent, non-sexual recidivism rate (10.9% to 5.2%) for the sample both decreased by 5.7% from the rates for the sample prior to the implementation of the *Juvenile Standards and Guidelines*. These recidivism rates are consistent with national trends (Caldwell, 2010; McCann & Lussier, 2008; Reitzel & Carbonell, 2006; Worling & Langstrom, 2006). Thus, many have concluded that juveniles who have committed sexual offenses are more likely to recidivate for a non-sexual offense rather than a sexual offense (Reitzel & Carbonell, 2006; Vandiver, 2005). While the treatment efficacy research to date is mixed, generally low recidivism rates suggest that “many juveniles who commit sexual offenses [can] to move to a non-abusive, healthy and normative path of development” (Leversee & Powell, 2012:19-2 to 19-3).

*Treatment Services.* The EBP literature for juveniles who have committed sexual offenses is limited given the lack of sufficient research to make such a determination. To date, however, general support has been found for treatment (Caldwell, 2010; Reitzel & Carbonell, 2006; Vandiver, 2005). There is evidence for the use of cognitive-behavioral treatment (CBT) and Multi-Systemic Therapy (MST) for juveniles (Borduin, Henggeler, Blaske, & Stein, 1990; Reitzel & Carbonell, 2006). CBT is considered a standard sex offense specific treatment intervention for youth (Walker, McGovern, Poey, & Otis, 2004), while MST has also been shown to be both cost- and clinically-effective with the juvenile population (Borduin, Henggeler, Blaske, & Stein, 1990; Letourneau, et al., 2009). Additionally, the broader literature regarding delinquent youth has found Multi-Family Group Therapy (MFGT) to be an EBP, but this intervention has not been specifically studied with sexually abusive youth (Nahum & Brewer, 2004).

*Promising Approaches.* Other promising therapeutic models have recently emerged for treating sexually abusive youth. Models such as the Holistic Model have been theorized in the literature, but have yet to be empirically validated to meet the evidence-based criteria (Leversee and Powell, 2012). In short, this approach attempts to integrate traditional risk management strategies (relapse prevention) with a more strengths-based treatment approach, including components related to the youth's health, educational or vocational fulfillment, pro-social attitudes, a sense of community, and spirituality, among others. These components foster a more positive and goal-oriented approach treatment.

Further, both the RNR model and the GLM as described above may have similar application to sexually abusive youth; however, neither of these models have been empirically studied with adolescent populations. Given the heterogeneity of the juvenile population, the application of these models seems conducive for treating and managing youth, but will need further research demonstrating their effectiveness.

*Risk Assessment.* To be effective, treatment in general is reliant upon the degree to which problematic sexual behaviors can be identified, measured, and assessed accurately (Fanniff &

Becker, 2006). To date, juvenile risk assessment instruments have not been empirically validated, and are considered to be empirically guided. Martinez, Flores, and Rosenfeld (2007) studied the J-SOAP-II, finding it to be accurate in predicting general and sexual reoffending along with the treatment compliance; these were significantly correlated with the total score, but not the individual subscales of the J-SOAP-II. Worling, Litteljohn, & Bookalam (2012) found that the ERASOR accurately predicted sexual reoffending in the short-term (2.5 years) using the “present” clinical judgment ratings, the total score, and the sum of risk factors. However, Hempel, Buck, Cima, and Marle (2011) found limited to no predictive validity in a study of the J-SOAP-II, the J-SORRAT-II, and the ERASOR. Even with some promising results, the accuracy of these risk assessments should be viewed with caution. Despite these limitations, the development of these instruments is a positive step for the field.

*Other Research-Based Practices.* The results of the 2013 Juvenile Standards and Guidelines Outcome Study indicated positive findings associated with the presence of the MDT for a juvenile. In addition, the presence of a school representative on the MDT was linked to better treatment/supervision outcomes for juveniles. Further, the use of the post-adjudication polygraph examination increased after implementation of the *Juvenile Standards and Guidelines*, and juveniles taking polygraph examinations were more likely to successfully complete probation. However, higher numbers of polygraph examinations were associated with treatment failure but this finding is confounded by the fact that higher risk youth generally receive more polygraph exams. Furthermore, when a youth’s family was involved in the treatment process, the likelihood of treatment success increased four-fold. Unfortunately, comparing cases from FY 1999 and FY 2007, there was no greater involvement of family members in the juvenile’s case after the *Juvenile Standards and Guidelines* were implemented.

Data collected from focus groups during the Study found that professionals believe the *Juvenile Standards and Guidelines* are helpful to them, and they noted the value of the MDT in promoting consistency, adding a school representative to the decision making process, and providing clarity and support to the family and the youth. Barriers to full implementation of the *Juvenile Standards and Guidelines* included the difficulties associated with ensuring victim representation on the MDT and the lack of local services in rural areas of the state.

Questions persist regarding identifying and implementing EBP that address the complex issues related to juveniles who commit sexual offenses. In Colorado, the SOMB has integrated numerous perspectives into the *Juvenile Standards and Guidelines*. Yet, more research is required to study the variety of practices, policies and procedures related to the effective evaluation, assessment, treatment, and supervision of juveniles who have committed sexual offenses. The core components that first defined the containment model remain unchanged, but have evolved to incorporate new and innovative practices—many of which are either research-based or evidence-based—enabling the *Juvenile Standards and Guidelines* to be an effective management strategy.

## SECTION 2: POLICY ANALYSIS

The Policy Analysis Section consists of a literature review of the empirical research on key sex offender management public policy issues. For the purposes of this report, specific policy issues are examined in order to highlight areas that the Legislature may wish to consider for possible policy and legislative initiatives and enhancements. SOMB members who wanted to identify sex offender management policy issues for further study were encouraged to identify those issues. These SOMB members subsequently formed the core of the Legislative Action Committee (LAC), which convened to discuss possible strategies for approaching each of the specific policy issues. Professionals outside the SOMB and members of the public could also propose a specific policy issue for the LAC to undertake if a SOMB member was willing to support the analysis. The SOMB staff in collaboration with each SOMB member gathered research and best practice literature on the topic, and identified potential policy alternatives for consideration by the Legislature.

The following sex offender management public policy issues were identified by SOMB members for review:

- Sex Offender Registration and Community Notification including the Adam Walsh Act
- Residence Restrictions
- Sexually Violent Predator Risk Assessment Case Law
- Sexting

### **Sex Offender Registration and Community Notification including the Adam Walsh Act**

Sex offender registration and community notification was first implemented at the federal level under the 1994 Wetterling Act and the subsequent modification of the Wetterling Act known as Megan's Law in 1996. Based on these federal laws, states were required to implement registration and community notification or be penalized by 10% of the Byrne Grant Funding. In July 2006, President Bush signed the Adam Walsh Child Protection and Safety Act (AWA) into law (42 § 16911 et seq), in response to concerns regarding the consistency and accuracy of sex offender registries across states and U.S. territories. Passage of the Adam Walsh Act (AWA) was a comprehensive piece of legislation that established stricter registration requirements and created a standardized offense-based classification system for registration tiering (Zgoba et al., 2012). The AWA included the Sex Offender Registration and Notification Act (SORNA), which was the section of AWA that specified the registration and notification requirements. Based on the AWA, the Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) Office was established to administer the implementation of AWA, and to determine the level of implementation for each state. However, questions quickly surfaced regarding the policy implications of SORNA as individual states were required to comply by July 2009 or again receive an automatic 10% loss in Byrne Grant Funds (Freeman & Sandler, 2010).

The SOMB formed a multi-agency committee to review and assess the effects of implementing SORNA in Colorado. Its assessment included a review of current published literature, a review

of SORNA implementation in other states, a survey of impacted stakeholders developed to ascertain initial reactions to SORNA enactment in Colorado, and a comparison of current registration and sex offender management requirements with SORNA requirements. Nine educational forums were presented by the SOMB committee to more than 500 people, 285 of whom provided feedback via surveys. Concerns about implementing the SORNA in Colorado were raised by 86% of survey participants and included topics of juvenile registration, retroactivity, length/frequency of registration, the disclosure of specific registration information, and fiscal impact. Over two-thirds believed the SORNA would significantly impact their agency, and many voiced concerns that the AWA contradicts current research. However, based upon subsequent and significant changes by the SMART Office on the requirements for substantial implementation<sup>8</sup> of SORNA, 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 SORNA as of November 6, 2013.

While Colorado has currently substantially implemented SORNA, the process revealed significant issues with federal law conflicting with complex state-level policies and statutes. This observation was not exclusive to Colorado, as only 19 of the original 37 jurisdictions that submitted substantial implementation packets were found to have substantially implemented AWA. Of the remaining jurisdictions (which included Colorado initially), 15 were reported to have implemented at least half of the requirements of SORNA (GAO-13-211, 2013). See Appendix A above for a geographical illustration of SORNA implementation.

Some of this reluctance to adopting the AWA mandates spurred from implementation costs outweighing the 10% loss of Byrne Grant Funds (Harris & Lobanov-Rostovsky, 2009). However, other states cited more policy-oriented reasons for refusing to adopt the SORNA requirements. These issues, previously documented by Harris and Lobanov-Rostovsky (2010), were seen as not enhancing public safety, including the inclusion of juveniles, offense-based classification methods, and retroactive application of registration and notification requirements.

Recent research suggests that the offense-based classification tiering system required by SORNA is not effective at predicting risk of sexual recidivism, as higher tiered offenders were not accurately distinguished from lower tiered offenders (Spohn, 2013; Zgoba et al., 2012). In two separate studies covering five states and including over 8,200 sexual offenders, results indicated that state classification schemes which utilize actuarial risk assessment methods, such as New Jersey, consistently surpassed the predictive validity of the SORNA tiering classification system. In Oklahoma and Ohio, Harris, Lobanov-Rostovsky and Levenson (2010)

---

<sup>8</sup> According to Government Accountability Office report, the term 'substantial implementation' is not defined in the Adam Walsh Act. However, SORNA delegated to the Attorney General the authority to determine whether a jurisdiction has failed to substantially implement the act (see 42 U.S.C. §16925). The SORNA National Guidelines for Sex Offender Registration and Notification, issued in July 2008, interpret the "substantial implementation" standard as being satisfied if a jurisdiction implements measures identified in the National Guidelines as sufficient to implement, or "substantially" implement, the SORNA requirements. The National Guidelines further clarify that the SMART Office is responsible for determining whether a jurisdiction has sufficiently implemented measures to have substantially implemented SORNA. 5See 42 U.S.C. § 16924(b)" (GAO, 2013, pg. 2).

observed that SORNA created a “net-widening effect” which “compromises the capacity of registration and notification systems to effectively discriminate between those who pose a substantial risk to society and those who pose minimal risk. Net widening might ultimately compromise the efficacy of SORNA as a viable tool in our efforts to prevent sexual violence by diverting attention and resources away from managing truly high-risk sex offenders in favor of capturing a larger pool of registrants” (pg. 515).

Additionally, several states who have adopted SORNA requirements have experienced a substantial amount of litigation. The Ohio Supreme Court ruled in *State vs. Bodyke* that S.B. 10 effectively enabled the legislature to enact policies which modified the final judgment of the court and thus violated Ohio’s separation-of-powers doctrine (Borrer, Burns, & Szudy, 2011). Following this ruling, the Ohio Supreme Court ruled in *State vs. Williams* that S.B. 10 SORNA retroactivity clause was unconstitutional as well.

Colorado was able to achieve substantial implementation of SORNA by highlighting the sex offender registration and notification laws and practices previously enacted under the registration requirements of the Wetterling Act and Megan’s Law. Table 1 illustrates the major SORNA subcategories that Colorado has implemented in comparison to other jurisdictions nationally. Technological gaps pertaining to the registry initially contributed to preventing Colorado from obtaining substantial implementation. However, a federal grant was obtained to upgrade the capacity of a law enforcement sex offender registrant management and tracking software program (the Sex Offender Tracking and Registration program – SOTAR, which was formerly known as STAR), and to enhance the capacity of the existing Colorado sex offender registration public website. SOTAR is currently being utilized by approximately 40 local law enforcement agencies in Colorado with plans for continued statewide implementation.

*Table 1. National SORNA Requirements, Colorado Status and Other Jurisdictions*

<b>SORNA Requirements</b>	<b>Colorado Status</b>	<b>Jurisdictions in Compliance</b>
Sex Offenders Must Register	Yes	17
Failure to Register Penalty	Yes	17
Immediate Transfer of Information	Yes	15
Retroactive Application of Registration Requirements	Yes	15
When a sex offender fails to appear for registration	Yes	15
Requirements for when a Sex Offenders Absconds	Yes	15
Timing and Notice of Initial Registration	Yes	14
Community Notification Requirements	Yes	12
Classification (Tiering) of Offenses	Yes	11
Information Required at Registration	Yes	11
Keeping the Registration Information Current	Yes	10
Verification/Appearance Requirements	Yes	8
Offenses that must be included in the Registry	Yes	5
Public Registry Website Requirements	Yes	3

Source: GAO-13-211 (2013).

*Juvenile Registration under the Adam Walsh Act.* SORNA requirements for juveniles adjudicated for sexual offenses have been empirically examined in a few studies. There is a

considerable amount of variability in how jurisdictions are implementing SORNA policies across the nation related to juveniles. Most of the research to date has been conducted in South Carolina where registration and notification laws are similar to that prescribe by SORNA. The South Carolina study showed no evidence of SORNA providing a deterrent effect or any significant reduction in sexual recidivism with adjudicated youth (Letourneau et al., 2009).

Other research examining SORNA policies has focused on the unintended consequences of stigmatizing youth (Zgoba et al., 2012; Leon, Burton, & Alvare, 2011; Harris, Lobanov-Rostovsky, & Levenson, 2010; Letourneau et al., 2009). Advancements in the general delinquency literature have provided new insights into how environmental factors such as the family domain, positive peer support, and prosocial activities can support the successful rehabilitation of a troubled youth (Palermo, 2009). Given that research studies have found that youth are at lower risk for recidivating sexually, lifetime or even long-term registration requirements have been called into question. In fact, in 2012, the Ohio Supreme Court ruled that lifetime sex offender registration and community notification requirements<sup>9</sup> “violated prohibitions in the U.S. and Ohio Constitutions against cruel and unusual punishment, as well as his constitutional right to due process” (Borror, A., Burns. B., & Szudy, K., 2011, p. 53-54).

In Colorado, registration requirements for juveniles who have been adjudicated for certain sexual offenses<sup>10</sup> under 16-22-102.3 C.R.S. are required to register for life (16-22-103.1.3B C.R.S); however, juveniles are permitted to petition for relief from registration at the end of a successful term of supervision and treatment (16-22-113 C.R.S). Pursuant to 16-22-112 C.R.S., anyone can visit a local law enforcement office to request a complete list of registered sex offenders, which includes juveniles, who are not otherwise placed on the state sex offender registration public website. While the intent of this statutory provision allows for members of the general public to obtain this information, the Legislature also cautioned against the use of the registry for retribution. However, non-state entities (e.g., the media and watchdog groups) have requested the registration list from law enforcement and placed this information on a website. Anecdotal information suggests that this can pose significant challenges to juveniles attempting to reintegrate into their community, and has also been a sources of confusion for the public when the state sex offender registration public website and such private sites contain different information.

Consider the following scenarios:

- Adam is a sophomore in high school who maintains a 3.2 GPA and plays on the junior varsity baseball team. Late in the semester, he and a group of friends at school engage in a game in which they grab another student’s buttocks at random. The female victim of this behavior reports it to her teacher and Adam is charged and adjudicated with unlawful sexual contact (M1) and must register with local law enforcement. In Adam’s particular jurisdiction, juvenile misdemeanor offenses are not listed on the state or local law enforcement public

---

<sup>9</sup> As required by Ohio’s Adam Walsh Act (Ohio Revised Code, Chapter 2950, 2007 Am. Sub. S.B. No. 10).

<sup>10</sup> Registerable crimes are listed under 16-22-102(9) C.R.S. (e.g. unlawful sexual behavior, sexual assault in the first degree, sexual assault on a child by one in a position of trust, etc.). However, any crime may require registration provided that there is a factual basis under 16-22-103(2)(a) C.R.S.

website. However, a local media company obtains the list of registered sex offenders directly from law enforcement and publishes the entire list on their website, which includes Adam's information. Soon thereafter, their neighbors begin to approach Adam's parents with concerns and some with even threaten his family to leave their community. Immediately, this information spreads throughout the school and Adam's peers begin to bully and harass him about being listed as a registered sex offender both in school and at home. Adam is no longer permitted to play baseball and former friends no longer want to associate with him for fear of being harassed at school too. His grades slip and teachers are reporting issues with his behavior weekly. School officials begin to recognize ongoing problems with Adam and begin to consider changing his environment to a different school. These events ultimately lead to another student calling Adam a child molester on Facebook. The next day, Adam confronts the student during lunch and gets into a fist fight and is subsequently suspended. As a result of the suspension, Adam is revoked from probation and sentenced to a residential treatment facility. While these behaviors are not considered to be appropriate or healthy sexual acts, it is important to understand that releasing registry information regarding juveniles who have committed sexual offenses may engender overreaction from the community. These events can contribute to a juvenile choosing a pathway that is more anti-social and less rehabilitative, which leads to increased risk to the community and added costs.

- Brittany, a 14 year old freshman, is the daughter of a single mother. She is the primary care-taker for her younger brother and younger step-sister since her mother works numerous jobs to make ends meet. During her childhood, Brittany was sexually assaulted by different men who dated her mother, which she denies. Over the course of a year, Brittany begins to sexually act out and assaults her step-brother numerous times until it was reported to authorities by her sibling sister. Brittany is charged with and receives a deferred adjudication for aggravated incest (F3) and must register while under supervision and receiving offense specific treatment. In light of her circumstances, the Department of Human Services subsequently becomes involved with her case and she is placed in a group home. Her registration information is not released publicly and over time, Brittany is able to participate in more prosocial activities with her peers (while still under supervision). Despite having to register and meet other requirements of her deferred sentence, Brittany completes her treatment successfully and terminates from probation successfully.

These two scenarios illustrate how revealing registry information about sexually abusive youth to the general public can be problematic to rehabilitating juveniles who have committed sexual offenses. While neither of these scenarios suggests that these behaviors are acceptable by any measure, disclosing this information publicly can create conditions which decrease the odds for success, especially for youth that exhibit lower risk levels.

The SOMB, in conjunction with members of law enforcement who are part of the SOMB's Sex Offender Registration Legislative Work Group, have identified a number of areas for review by the Colorado Legislature related to sex offender registration and notification. Disparities remain between the state's registry data and the data reported by county level law enforcement. For example, a sheriff's department website may list a juvenile who has been adjudicated twice for a sexual offense whereas the state sex offender registration public website does not provide any information on juveniles. This causes confusion for members of the public who review different websites and note the differing information. Therefore, it is suggested that the Legislature review the information available on the state sex offender registration public website, local law enforcement websites, and the paper list of registered offenders for possible consistency.

*Table 2. Adult and Juvenile Registration Issues*

	<b>Problem Statement</b>	<b>Issue</b>
<b>1</b>	Currently, adults who have committed sexual offenses who own multiple properties are not required to register at all of their owned residences.	Law enforcement and other agencies that register offenders have suggested a review of this issue.
<b>2</b>	Currently, there is no longer a deregistration requirement or process for law enforcement to notify neighboring jurisdictions when an offender relocates outside of the original registration locality.	Local law enforcement registration officers are suggesting this issue be revisited by the Colorado Legislature.
<b>3</b>	Currently, non-state residents who may be temporarily employed or cross state lines to commute to work are not required to register their work addresses.	Stakeholders have expressed consideration for a registration requirement for offenders who do not have a state residence to register their work address.
<b>4</b>	Currently, there is no specific requirement for an offender to periodically report a change in their employment address.	It is suggested that the Legislature consider providing law enforcement with discretion to establish local policies and procedures for requiring offenders to register their work addresses upon a change in work address.
<b>5</b>	Currently, juveniles in detention facilities for crimes other than a registration offense are not required to register.	It is suggested that there be consideration of a modification to the registration requirements to allow for the registration of youth in custody.
<b>6</b>	Currently, statutory language regarding electronic identifiers does not include an exhaustive list of modern forms of social media.	Statutory language which references social media terms may need to be updated.
<b>7</b>	As discussed previously, posting information of registered sex offenders by non-law enforcement agencies (i.e., private companies) can create challenges for offenders attempting to reintegrate into the community, especially for juveniles, and confuse the public.	It is suggested the Legislature consider restrictions on non-law enforcement agencies posting registry information online.
<b>8</b>	As noted previously, there are several differences in the content posted on the state sex offender registry, local county registry websites, and the registry paper list.	The Colorado Legislature may wish to consider establishing continuity between all of the publicly accessible registration sources.

Table 2. Adult and Juvenile Registration Issues Continued

	Problem Statement	Issue
9	Clarification is needed to identify specifically which Failure To Register (FTR) cases need to be listed on the public websites, given inconsistencies between what is provided on local and state registries. Additionally, it is not clear if registrants become internet-eligible based on an FTR or only if they've received an adult felony conviction.	It is suggested that the Legislature explore possible clarification to the FTR requirements for posting on the public registry.
10	Non-criminal justice agencies in other states cannot be given criminal justice records per federal law. This makes it difficult to share registry information with certain states. State law defines those eligible to receive registration records as law enforcement only.	The Legislature may wish to review this requirement to allow for access to registry records by officials from other states.
11	Currently, FTR charges cannot be filed based upon an offender not updating their employment information. Only information related to working at a post-secondary education institution must be updated immediately. This registry information is required but there is no provision for failing to provide this information. As a result, there have been problems with offenders failing to report information on the registration form being charged with FTR.	It is suggested that a modification be considered to note that failing to provide information constitutes FTR. It was suggested that a notification requirement be added for other registration information, but not as a registration event (i.e., call or email).
12	Currently, there is no provision for registering to the vehicle in which the offender lives. Therefore, an offender who lives in a vehicle is not required to list their address by statute.	This issue should be explored by the Legislature.
13	Currently, when an offender moves from one jurisdiction to another and fails to register, it is not clear which jurisdiction has the responsibility for initiating the FTR charge. This observation has been seen particularly when an offender has been released from incarceration.	The Legislature may wish to provide clarification about the jurisdiction to charge a FTR.
14	Currently, for offenders attempting to petition off of the registry, it is not clear in which jurisdiction the offender must initiate this process. Furthermore, this issue has also been observed with offenders whose convictions are from outside of the state.	It is suggested that the originating place of registration should receive and process the deregistration process.
15	Currently, it is difficult for incapacitated registrants who reside in or confined to institutions (e.g., hospitals, nursing homes, etc.) to petition off of the registry.	Given that the court can subpoena medical documents for this process, a provision for releasing incapacitated registrants from the registry to lessen the burden on law enforcement may be needed.
16	Currently, a judge requires proof of successful completion of sex offense specific treatment. In cases where offender is petitioning after an extended period of time or some time has elapsed, those records may not be available which may become problematic for offenders attempting to petition off of the registry.	The Legislature may wish to identify a mechanism for proof of treatment completion to be recorded for posterity.

In summation, policy legitimization and implementation of the SORNA have been problematic for many states. A majority of states have not reached the designation of substantial implementation. Consequently, the SMART Office has become more flexible in its interpretation of SORNA requirements; possibly to reconcile the disparities between state laws and SORNA (Harris, 2013). It appears that no substantive federal policy changes will occur beyond the

clarifications provided by the courts. Until a renewed political will is established and a greater emphasis is placed on aligning research and policy at the federal level, prevailing requirements of SORNA will likely continue.

## Residence Restrictions

In August of 2013, a federal Circuit Court Judge ruled that the City of Englewood's sex offender residence restriction was unconstitutional. The ordinance "prevented sex offenders from living within 2,000 feet of any school, park or playground; within 1,000 feet of any licensed day care center, recreation center or swimming pool; or from living at any property located next to a bus stop, walk-to-school route, or recreational trail" (Holden, 2013). Beginning with Iowa in 2002, many states and thousands of local jurisdictions have enacted residence restriction policies (Council of State Governments, 2008). In fact, Meloy, Miller, and Curtis (2008) reported that at least 30 states and thousands of local municipalities have adopted some form of residence restrictions. Yet, while these policies have grown in popularity, the case of Englewood echoes a broader national trend whereby local jurisdictions are facing increased litigation over these policies.

Constitutional challenges to residence restrictions have encompassed issues such as due process, ex post facto clauses, and rights to intrastate travel. Recent case law provides mixed legal interpretations of these policies. In *Doe v. Miller*, the 8<sup>th</sup> Circuit Court upheld Iowa's residence restriction as constitutional reasoning that states retained the sovereignty to protect its residents (Council of State Governments, 2008). By contrast, the California Court of Appeals ruled in 2010 that the parole condition of Proposition 83 (Jessica's Law) preventing individuals convicted of sex crimes from living within 2,000 feet of any school or park was unconstitutional.<sup>11</sup> Critics of residence restrictions often cite *Smith v. Doe* as legal support against constitutionality. The retroactive application of Alaska's Sex Offender Registration Act was upheld as constitutional in *Smith v. Doe* by virtue of fact that the statute did not impose physical restraints that could be interpreted as banishment (Terry, 2010, pg. 73). Other case law suggests that restrictions by a local government on where a sex offender can live may be unconstitutional because they are preempted by state laws *City of Northglenn v. Ibarra*<sup>12</sup>; *Fross v. County of Allegheny*<sup>13</sup>; *G.H. v. Township of Galloway*<sup>14</sup>.

The underlying goal of residence restrictions relies upon the "assumption that sex offenders choose their victims from the available population of the area in which they reside" (Huebner et al., 2013, pg. 5). However, the research examining residence restriction indicates that these policies are not a public safety benefit since there is no evidence that residence restrictions prevent sexual recidivism. In short, there is evidence to suggest that residence restrictions fail to prevent sexual recidivism (Socia, 2013; Nobles, Levenson and Youstin, 2012; Minnesota Department of Corrections, 2007) or produce a very small effect, if any (Huebner et al., 2013), regardless of the proximity to schools or daycare centers (Zandbergen, Levenson, and Hart,

---

<sup>11</sup> The court's reasoning was Proposition 83 violated petitioners' right to intrastate travel, their right to establish a home and their right to privacy and was overly broad in its application to each sex offender parolee.

<sup>12</sup> 62 P.3d 151, 2003

<sup>13</sup> 20 A.3d 1193, 2011

<sup>14</sup> 401 N.J. Super. 392, 951 A.2d 221, 2008

2010). In fact, there is evidence to suggest residence restrictions have the opposite effect by increasing risk to the general public (Levenson and Cotter, 2005). The logic supporting this notion is clear. Displaced sex offenders who are removed from their communities have been found to experience increased rates of homelessness due to the limited availability of affordable and appropriate housing and stable employment<sup>15</sup> (Council of State Governments, 2008; Thompson, 2007). Support systems and services that promote the successful reintegration may become less available in the remaining areas available to displaced offenders (Youstin, 2009; Chajewski & Mercado, 2008). This displacement may subsequently lead to a higher proportion of sex offenders going underground, making accountability and supervision problematic (Council of State Governments, 2008; Davey, 2006; Rood, 2006; Thompson, 2007); however, one other study has found evidence to suggest that accountability and supervision is not impacted (Huebner et al., 2013).

At the time of this publication, there are five known municipalities that impose residence restrictions: (1) Commerce City, (2) Lone Tree, (3) Greenwood Village, (4) Castle Rock (Sexually Violent Predator only), and (5) Greeley. The City of Englewood has reported that it plans to appeal the decision of its residence restriction as unconstitutional (Holden, 2013). Thus, it remains unclear what policy implications will result from this ruling. Other local jurisdictions may consider revising or appealing their respective ordinances depending upon the outcome of Englewood's appeal.

The culmination of this information underscores the point that residence restrictions may be counter-productive to enhancing public safety (Socia, 2011 and 2012). In the absence of empirical support for residence restrictions, some jurisdictions have considered repealing these policies in order to avoid the costs of litigation (Dimopoulos, 2011). Alternatively, Kansas is the only state in the nation that bans local jurisdictions from enacting residence restrictions for registered sex offenders. The Kansas state law was passed initially as a moratorium, but became permanent in 2010 (Kansas Legislator Briefing Book, 2011).

#### **Recommendation**

The issue of residence restrictions and zoning ordinances for registered sex offenders is clearly an issue of statewide concern. It is recommended that the legislature study whether a state statute prohibiting local jurisdictions from enacting residence or zoning restrictions against registered sex offenders is needed. While Colorado may be a home rule state, the ramifications associated with residence restrictions merit a review of state level policy to ensure that public safety is the priority.

#### **Sexually Violent Predator Risk Assessment Case Law**

In Colorado, the Sexually Violent Predator (SVP) classification is designated for adult sex offenders whose risk is assessed to be the highest for sexual re-offense. To make this determination, approved evaluators and pre-sentence probation officer, as well as Department of Corrections' personnel, use an actuarial risk assessment scale referred to as the Sexually

<sup>15</sup> For more information related to the SOMB's recommendations related to adult sex offender housing, please see Attachment B.

Violent Predator Assessment Screening Instrument (SVPASI). Based upon the results, the Court or Parole Board has the discretion to impose the SVP designation. In compliance with 18-3-414.5, C.R.S., the SVPASI was developed by the Colorado Division of Criminal Justice's Office of Research and Statistics in collaboration with representatives of the Colorado Sex Offender Management Board (SOMB) in 2000. The original study included a sample of nearly 500 convicted sex offenders under community supervision. Subsequently, updates have been made (the most recent in 2010) in order to continuously assess the instrument's predictive validity (English & Harrison, 2008; English, Retzlaff, and Kleinsasser, 2002).

Recent case law from several Colorado Supreme Court decisions has raised some important legal and policy implications for both the SVPASI, as well as its enabling statute:

#### **Allen v. People**

- In *Allen v. People*, the Colorado Supreme Court reaffirmed the Court of Appeals' decision which held that the trial court has the discretion for designating an offender as an sexually violent predator under section 18-3-414.5(1)(a)(IV), C.R.S. (2012). While the concurring opinion noted that the trial court should give substantial deference to the Sex Offender Management Board's scored risk assessment screening instrument, it sets the precedent that allows the trial court to operate outside of the SVP risk assessment.
- The results of this ruling could lead to the trial court designating offenders as an SVP based upon credible facts presented in the case, rather than an evidence-based actuarial risk measure. This could have significant unintended consequences such as an excessive amount of SVP designations being applied to offenders, causing an increase in the SVP population overall. Such a scenario could strain governmental resources to manage this population and may place undue risk to the public. Conversely, another result of this ruling could involve offenders who would normally be classified as an SVP per the risk assessment may not receive an SVP designation.

#### **Relationship Criteria**

- The definition of the relationship criteria has also been reviewed and the Colorado Supreme Court has identified how the relationship criteria is defined (*People v. Gallegos*, *Uribe-Sanchez v. People*, *Candelaria v. People*, *People v. Hunter*). While the SVP risk assessment includes the relationship criteria, it is not a risk-based factor for sexual recidivism. Rather, the relationship criteria is based on the original federal statutory language.
- Despite its lack of empirical support, the inclusion of relationship criteria has unfortunately created many legal challenges which place significant importance upon an issue that is from a scientific standpoint insignificant.

In response to this case law, the SOMB has convened a committee with various judicial and other stakeholders to evaluate how to address these issues, which may include legislative suggestions regarding the SVP statute.

#### **Recommendation**

The SOMB will have recommendations for possible policy and legislative change in 2014.

## **Sexting**

Cell phones, tablets and other wireless devices provide instant access to social media. These devices have led to a new phenomenon within the youth culture, sexting. Sexting is the communication or transmission of nude or sexually suggestive images. Once sent, there is no way of retrieving these photos or stopping them from being further circulated. Events such as these can have lifelong consequences, especially from a legal perspective. Per 18-6-403 C.R.S., a juvenile sending or receiving a sexual image of someone under the age of 18 may be charged for the production of child pornography (F3) or the possession of child pornography (F6). If adjudicated, sex offender registration is a requirement.

Sexting has garnered considerable attention in recent years. However, there is not much literature that addresses this phenomenon. In a non-peer reviewed study conducted by the National Campaign to Prevent Teen and Unplanned Pregnancy, approximately 1 in 5 youth (22% of teenage girls and 18% of teenage boys) had engaged in sexting. Conversely, in another study using a nationally representative sample, approximately 7.1% of juveniles reported receiving nude or nearly nude images, while 5.9% of youth received sexually explicit images (Mitchell, Finkelhor, Jones, & Wolak, 2011). The Colorado Coalition Against Sexual Assault (CCASA) conducted an informal survey of its members and partners and found that more than half of respondents (54.7%, n = 35) had worked with an individual who considered himself or herself to be a victim of sexting. Thus, while the magnitude of this problem remains uncertain, experts across the state of Colorado are beginning to see its consequences.

Wolak & Finkelhor (2011) identified two categories of minors who engage in sexting: (1) aggravated and (2) experimental cases. By definition, aggravated cases are seen to have criminal or abusive elements beyond the production and distribution of sexual images depicting children. Conversely, the experimental cases do not involve any form of malice. Rather, minors who fall into the experimental category are usually attention-seeking or attempting to create or advance intimate interests (Wolak & Finkelhor, 2011). Following this typology, juveniles who fall into the first category, whereby an underlying factual basis is present, require intervention from the juvenile justice system. However, experimental cases that involve same-aged youth involved in an intimate relationship may benefit more from boundary education or diversion-type programming.

Various jurisdictions across the state respond to these crimes differently. While neither of these scenarios suggests that these behaviors are acceptable by any measure, it is important to recognize the impact on the victims and the long terms costs to the criminal justice system. Consider the following scenarios:

- John, age 16, has a group of friends with whom he has grown since the start of middle school. One day, John receives a text from Ben that includes nude image of a girl from school. John forwards the sexted image to his close friends. Additionally, all of John's close friends send the sexted image to their friends too. Within 24 hours, most of the students who attend the school have viewed the nude image and rumors are circulating that the victim was sexually active with the entire group of John's friends. The victim was taunted and ended up

transferring to another school entirely due to the harassment. As the situation increasingly humiliates the victim, John begins to feel guilty and approaches his wrestling coach. Upon learning about what has happened, John's coach reports these events to school officials and Sexual Exploitation of a Child (F-4) charges are filed on John and all of his friends. John is adjudicated along with his peers and all must undergo sex offense specific treatment and probation supervision. While John's parents receive some assistance from probation to pay for these services, the costs for his treatment creates added stress within his family. John is no longer able to see his former friends or engage in his previous extra-curricular activities at school. Soon, the stress at home results in the separation of his parents and John resorts to drugs and alcohol to cope. Consequently, John's probation officer discovers this new pattern of behavior and revokes his probation.

- Marissa is romantically involved with her boyfriend, Alex. Marissa is currently 17 years old, and is close to turning age 18 before she graduates from high school, whereas Alex is already 18 years old. Marissa sends Alex a semi-nude image of herself. Marissa's parents accidentally discover the photo and report Alex to the authorities not knowing that Marissa would be implicated as well. Both are charged with Sexual Exploitation of a Child (F6), however, the District Attorney offers both a plea to enter a diversion program which provides them with knowledge of healthy sexual behaviors within a boundaries curriculum. This type of program still has a supervising diversion officer, but matches the needs of the juveniles proportionate to their level of risk, which can often be minimal and much less costly. After about a year, both successfully complete the program and go on to college to lead successful lives without any prior criminal record.

For teenagers engaged in "sexting" behavior that does not involve concerns as noted above, the use of a deferred filing can allow for a period of education on appropriate boundaries with the goal of promoting healthy social interactions and self-image, laws related to such behavior, and the appropriate use of technology. Such educational classes can occur over a number of sessions in a structured curriculum. Community service can also be utilized to provide an accountability component. Upon successful completion of the terms of the deferred filing, the prosecution of the young person can be formally declined by the District Attorney's Office.

For cases where the "sexting" behavior involves a more serious concern (i.e. where there may be malicious intent to cause harm) a continuum of judicial alternatives may be considered including an informal adjustment (19-2-703 C.R.S.), a deferred adjudication (19-2-709 C.R.S.), or an adjudication or conviction (if filing on the juvenile as an adult).

In preparation for the 2011 legislative session, several stakeholders met to discuss potential solutions to the issue of sexting, as it particularly related to juveniles. Stakeholders who participated in these meetings included (but were not limited to): the Colorado Coalition Against Sexual Assault (CCASA), the Colorado Association of School Boards (CASB), the Colorado District Attorneys Council (CDAC), the CO Association of the Chiefs of Police, the Public

Defender's Office, Colorado Association of School Executives (CASE), the Department of Public Safety, and the County Sheriffs of Colorado. The group outlined potential strategies to address sexting, which included:

- Making the first sexting offense a petty offense, with a fine, community services, and education or counseling at the discretion of the court. If created, these programs may require additional funding.
- A first sexting offense should not be classified as a sex offense, therefore it would not require sex offender registration or treatment and would not require a psycho-sexual evaluation. Additionally it would not automatically trigger the mandatory arrest upon probable cause of domestic violence statutory requirement.
- Because sex between juveniles is, for the most part, not illegal, we would not create a penalty for sexting that is essentially "phone sex" or exchanging of pictures between two consenting juveniles, who could legally have sex with one another. Language adapted from other states would clarify that the provisions of the sexting statute do not apply in these circumstances.
- For a second sexting offense (after adjudication for the first offense) the stakeholder group suggested a misdemeanor three as the penalty.
- For subsequent offenses, the group was unsure of the appropriate penalty.
- There was also some discussion that the recommendation of the School Discipline Committee (which was meeting concurrently at that time) include as part of their graduated sanctions recommendation, specific school policies on addressing sexting, and educating students about consequences both for the victim and any possible penalties.

It was difficult to reach consensus on the appropriate action to take regarding current existing possible felonies under which a juvenile might be charged, such as distribution of child pornography. The group contemplated whether or not statutory revisions should state that sexting does not qualify for these charges. There was a concern that if a new offense was created, without removing the possibility of charging under the existing felony statute, that the goal may not have been accomplished, except to create plea bargaining options. If the existing felony penalties were kept as written, there still may be an unwillingness on the part of law

enforcement to refer these cases, if they believe there is still a possibility that the juvenile will be charged with a sex offender felony. This issue was ultimately not able to be resolved amongst the stakeholders. Consensus was also not reached regarding the strategies listed above and no legislation was introduced as a result of this group's efforts.

### **Recommendation**

When handling sexting cases, law enforcement, prosecutors, judges, and supervising officials should attempt to distinguish between what could truly be characterized as a thoughtless and impulsive adolescent decision-making from more malicious and inappropriate behaviors. The Colorado Sex Offender Management Board (SOMB) encourages professionals addressing this behavior to consider alternatives to adjudication for cases where the sexting behavior seems to fit into the experimental, rather than aggravated, category. Consideration should be given to the following factors: malicious intent, use of intimidation to obtain the images, taking pictures without consent or awareness, sending the images to others in an attempt to embarrass or humiliate the person pictured in the "sexted" image. For certain cases, determination should be given to the use of a non-adjudicatory, education-based plan by law enforcement, prosecutors, and judges. In addition, consideration should be given to whether the sexting behavior was for purposes of sexual gratification or for harassment, and what an appropriate response might be.

Each jurisdiction is encouraged to establish a protocol for addressing "sexting" behavior by young people. Participants in such a plan should include local law enforcement, the school district, the District Attorney's Office, treatment providers, and supervising officials such as probation and diversion.

It is recommended that each jurisdiction establish criteria for classifying "sexting" behavior to determine whether it is common adolescent behavior that challenges appropriate boundaries (experimental), or if it is indicative of deviancy or sexual offending (aggravated). If it is determined that the behavior implies more normative adolescent development, a different type of intervention may be necessary, including avoiding an adjudication for a sex crime, and utilizing a different model of education/treatment than treatment for juveniles who have committed sexual offenses. Otherwise, the behavior should be treated as sex offending and handled accordingly. The following factors may be considered in distinguishing between experimental sexting behavior, as compared to a more malicious sexting behavior that should be treated as sex offending:

- History of prior sexual offenses, whether charged or uncharged;
- Use of force, threats, coercion, or illicit substances to obtain the photos;
- History of prior non-sexual offense history;
- Indication that images were sent to others without consent;
- Age, and power differences between the parties involved.

Finally, it is recommended that communities, schools, law enforcement, and other interested groups sponsor educational forums for youth and their parents to learn about types of "sexting" behavior and the potential legal consequences.

## **Policy Analysis Summary**

In the past three decades, both preventative and punitive policies regulating behaviors related to sexual offending have become a rising area of public concern, evoking a vast array of theoretical and empirical literature. Even more complex are the federal and state policies shaping the treatment and management strategies underlying this diverse populations that make up both the adult sex offenders and juveniles who have committed sexual offenses. Some of the more heinous cases of sexual offending have provoked a wave of public policies aimed at intervention, prevention, and mitigation of sexual offenses and re-offenses. It is important that the available research- and evidence-based on sex offender treatment and management strategies are considered before policies are fully adopted.

## SECTION 3: MILESTONES, ACHIEVEMENTS AND FUTURE DIRECTIONS

### Overview

Over the course of 2013, the SOMB accomplished many of its strategic goals through the collaboration of multiple stakeholders. The following highlight some of the many achievements made:

- Approved 35 new providers; reviewed 93 re-applications for approval; and processed 40 status-changes;
- Staffed 15 different SOMB committees - five of which focused on drafting revisions to the *Standards and Guidelines*;
- Conducted 35 trainings to approximately 900 attendees which included a three-day statewide conference to over 250 attendees in Breckenridge;
- Obtained \$100,000 federal grant funding by the Office of Justice Programs SMART Office to receive training on the VASOR-2 (a static risk assessment instrument) and SOTIPS (a dynamic risk and needs assessment instrument) to all probation and parole officers supervising adult sex offenders, as well as all approved adult treatment providers and evaluators in Colorado;
- Provided technical assistance to six community notifications (CN) around the state which included Fort Collins, Golden, Commerce City, Custer County, Wheat Ridge, and Florence;
- Revised the provider re-application process to streamline workflow and increase quality assurance oversight by implementing Standards Compliance Reviews (SCR);
- Reviewed and closed 19 out of 32 complaints made against approved providers – all of which were unfounded for *Standards* violations;
- Underwent an external evaluation of the *Adult Standards and Guidelines* funded by the State Joint Budget Committee and conducted by Central Coast Clinical and Forensic Psychology Services (CCCFPS);
- Conducted nine statewide focus groups that included 87 participants and an additional 49 participants online for feedback on future revisions to the *Adult and Juvenile Standards and Guidelines*;
- Developed new processes and procedures for providing board members with research and literature which include distributing monthly journal articles to the SOMB members and other interested stakeholders, literature reviews in preparation for any *Standards and Guidelines* revisions, sponsoring trainings by national leaders in the field for Colorado stakeholders, and research and best practice presentations to the SOMB members during meetings.

## Year-End Accomplishments

### Current Availability of Providers

The SOMB approved 13 new adult applicants and 22 new juvenile applicants; conducted 46 adult and 47 juvenile provider re-applications; and 40 applicants that either moved up or over in status. Currently, there are 228 adult treatment providers and 172 juvenile treatment providers in approved by the SOMB in Colorado. Table 3 provides these statistics and lists the number of providers approved in each specialty area.

Table 3. SOMB Approved Provider Statistics, FY 2013

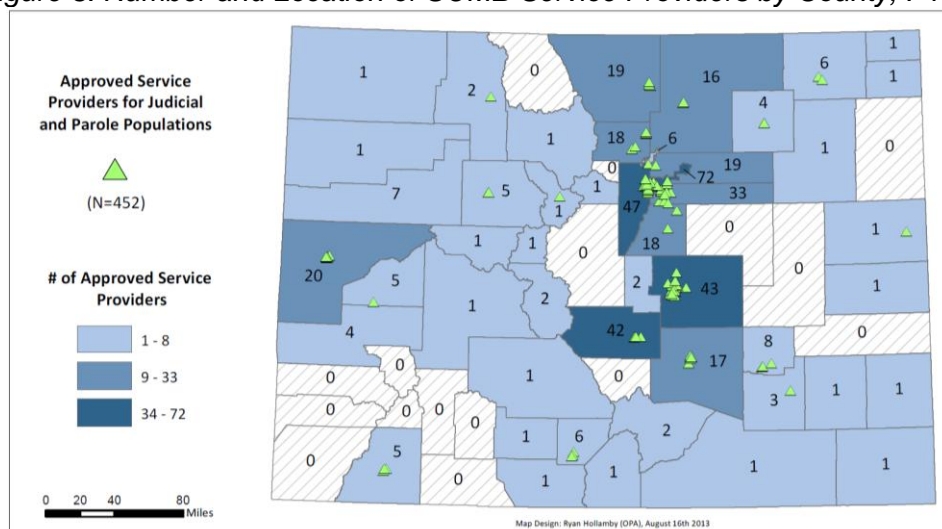
ADULT	Full	Associate	Provisional	Totals
Treatment Provider	136	89	3	228
Treatment Provider DD	24	6	0	30
Evaluator	64	21	0	85
Evaluator DD	10	1	0	11
Polygraph Examiner	20	6	0	26
Polygraph Examiner DD	9	2	0	11

JUVENILE	Full	Associate	Provisional	Totals
Treatment Provider	112	57	3	172
Treatment Provider DD	10	1	0	11
Evaluator	51	5	0	56
Evaluator DD	5	0	0	5
Polygraph Examiner	17	3	0	20
Polygraph Examiner DD	1	1	0	2

Approved providers on average operated in 6 different counties. In total, the SOMB has approved adult providers located in 21 of the 22 judicial districts in the state as depicted in Figure 3 below.

Figure 3. Number and Location of SOMB Service Providers by County, FY2013



Note: These figures do not include juvenile service providers. 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.

*Committees.* The SOMB staffed 15 active Committees, which are open to all stakeholders, working on statutorily mandated duties. These committees include the following:

- Juvenile Standards and Guidelines Revisions Committee
- Best Practices Committee
- Circles of Support and Accountability Advisory Committee
- Sex Offender Registration Legislative Work Group
- Victim Advocacy Committee
- Application Review Committee
- Research and Legislative Action Committee
- Denial Intervention Committee
- Sexually Stimulating Materials Committee
- Young Adult Sex Offenders Committee
- Shared Living Arrangements Committee
- Disaster Management Committee
- Female Sex Offender Committee
- School Reference Guide Committee
- Sexually Violent Predator Assessment Committee

All of these committees have been and continue to be engaged in studying advancements in the field of sex offender management, recommending changes to the *Standards and Guidelines* as supported by research, and suggesting methods for educating practitioners and the public to implement effective offender management strategies. Specific updates from each committee are provided in Appendix B.

*Trainings.* Over FY2013, the SOMB provided 35 trainings to nearly 900 attendees from across Colorado. These trainings covered a range of different topics related to the treatment and supervision of individuals convicted or adjudicated for sexual offenses such as:

- *Adult and Juvenile Standards* Training
- Training on the Stable and Acute 2007 risk assessments
- Internet Offenders
- Honoring Victim Impact
- Good Lives Model & Self-Regulation in Supervision
- Working Effectively with Youth
- Sex Offender Suicide Prevention
- Sexting: Balancing the Law
- Community Notification
- Informed Supervision Trainings
- Sexually Violent Predator Trainings

Additionally, the SOMB held its 6<sup>th</sup> annual statewide conference that offers three consecutive days of training for providers, probation officers, law enforcement, victim representatives, and many other stakeholder groups in Breckenridge, Colorado. This conference is followed by the SOMB's Developmentally Disabled (DD) conference which offers a one-day training specific to providers with a DD listing status.

#### *Federal Grant Funding*

The SOMB, in conjunction with Bob McGrath (nationally recognized expert in the field of sex offender treatment and management, and one of the developers of the VASOR-2 and SOTIPS), secured \$100,000 in federal funding in 2013 from the Office of Justice Programs SMART Office to provide training on the VASOR-2 (a static risk assessment instrument) and SOTIPS (a dynamic risk and needs assessment instrument) to all probation and parole officers supervising adult sex offenders, as well as all approved adult treatment providers and evaluators in Colorado. This training, to be provided by Bob McGrath and Georgia Cumming (also recognized for her expertise in the field of sex offender treatment and management, and co-developer of the VASOR-2 and SOTIPS), will be held at 8 different sites statewide between February and June 2014 allowing for up to 640 professionals to be trained on these assessment tools at no cost to the participants.

In addition, a train-the-trainer session will also be held so that select trainers in Colorado can be identified and trained in order to sustain this training for new professionals as they come into the field. The State Judicial Department intends to implement the use of the VASOR-2 and SOTIPS statewide as part of a uniform and consistent assessment of offender risk and need to inform supervision planning. In addition, the Department of Corrections Institutions and Parole Department have indicated plans to implement the SOTIPS as well. In conclusion, this project is but one example of the SOMB's work to ensure Colorado sex offender treatment and management practice is consistent with the current research best practice literature.

#### *Community Notification and Sexually Violent Predator Assessments*

The SOMB works closely with local law enforcement agencies on the required community notification of SVPs. During the 2013 calendar year, the SOMB provided technical assistance and staffed six community notifications in Fort Collins, Golden, Commerce City, Custer County, Wheat Ridge and Florence. Feedback from these jurisdictions indicates that the support offered by the SOMB staff was important for public officials that have not conducted community notifications in the past. Continuous modification of the protocols for community notification have occurred over the past several years as the public and law enforcement needs for community notification have changed and evolved.

Additionally, the SOMB revised the Sexually Violent Predator (SVP) Risk Assessment Instrument in 2010 in response to updated research provided by the Division of Criminal Justice Office of Research and Statistics, and to address concerns from stakeholders about certain aspects of the prior version of the Instrument. Since that time, the SOMB has provided training to professionals and the Office of Research and Statistics has continued to collect data on the Instrument.

More recently, in response to recent Colorado Supreme Court rulings, the SOMB has reconvened the Sexually Violent Predator Assessment Committee to address the findings of these Court cases and make recommendations for changes to the Assessment Process. The recommendations of the Committee should be ready for SOMB review in 2014.

### *Quality Assurance and Standards Compliance*

*Application Process Review.* 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 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<sup>16</sup>. 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.

The reapplication process for approved providers has changed since last fiscal year. Approval for placement on the SOMB Provider List is still valid for a three-year period. However, in August of 2012, the SOMB Application Review Committee (ARC) received a staff presentation which presented outcome data on the reapplication process, including required application information and processing time among other data, for approved SOMB providers. The reapplication process outcome data is of importance for two distinct reasons: (1) to increase SOMB capabilities for oversight of approved provider compliance with the Standards through efficient and cost-effective use of limited staff resources by determining which factors enhance or do not enhance provider competency in the current reapplication process; and (2) to decrease the time required for provider reapplication approval. In short, this presentation was the first step by the Reapplication Process Workgroup in modifying existing reapplication requirements and processes based on a comprehensive evaluation of the current reapplication process.

---

<sup>16</sup> 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.

In 2013, the Application Review Committee revised the reapplication process, following the convening of a focus group of providers, in an effort to maximize the efficiency and effectiveness of the application process. Over the course of FY 2013, the workgroup met monthly to evaluate the entire reapplication process. Three recommendations were ultimately agreed upon and presented to ARC in this initial phase of reapplication process evaluation. The first recommendation involved expediting the required background check required of all approved providers seeking reapplication to ensure this information is available for ARC review after the reapplication has been reviewed and is ready for approval. This enhanced efficiency should significantly reduce the turnaround time for reapplication approval.

The second recommendation called for ARC to curtail its extensive reapplication requirements into a more abbreviated reapplication form, which once signed by approved providers, serves as a summary attestation of compliance with SOMB Standards. This recommendation would effectively replace the previous format which required approved providers to submit specific information about clinical experience and continuing education attended during the renewal period, as well as provide copies of work product as documentation of compliance.

With this time-consuming, inefficient, and ineffective aspect of quality assurance removed from the ARC's oversight, a third recommendation sought to improve ARC's capabilities to assess compliance with SOMB Standards by introducing Substantial Compliance Reviews (SCR). The recommended SCR process would involve SOMB staff and the ARC to conduct a thorough review of Standards compliance on the part of the approved provider through file review and consultation with the provider on either a random basis or for cause based on concerns raised to the ARC. As a result, these three recommendations intend to provide ARC with a more in-depth and accurate picture of service delivery on the part of approved providers subject to SCR. In July of 2013, ARC approved both of these recommendations and implementation is currently underway.

*Complaint Process.* The Application Review Committee received 32 complaints made against listed providers during FY2013. Of those complaints, ARC closed 19 of those complaints for unfounded *Standards* violations. The remaining 13 complaints are still under investigation and pending a final disposition. Compared to FY2012 where there were 4 founded *Standards* violations out of 70 total complaints.

The Application Review Committee is also in the process of implementing a new *Standards and Guidelines* Substantial Compliance Review (SCR) process to ensure providers are following the directives of the SOMB.

Additionally, the ARC has also been working closely with the Department of Regulatory Agencies (DORA) to address the dual complaint review process that was implemented during the SOMB Sunset Review Process of 2010-11. This has significantly increased the workload for the ARC and staff due to having to review complaints both on behalf of DORA as well as for the ARC's own complaint process, but coordination efforts are improving as implementation continues.

### *Standards Revisions Preparations*

The SOMB most recently revised the *Standards and Guidelines* in 2011. Since that time, several modifications to the *Standards and Guidelines* to address feedback from stakeholders, and clarify and improve the document. The SOMB has implemented the revisions through the following mechanisms:

- Providing new copies of the *Standards and Guidelines* to stakeholders,
- Notifying stakeholders of changes via email distribution and the SOMB website,
- Training professionals on the *Standards and Guidelines* revisions, and
- Collecting feedback and data on the changes to evaluate the efficacy of the changes.

Additionally, it is the intent of the SOMB to study all changes, including collecting data on new initiatives such as the Child Contact Assessment and Low Risk Protocol, in order to make decisions related to future *Standards and Guidelines* revision.

In preparation for the next full revision to the *Standards and Guidelines*, the SOMB gathered data from nine in-depth focus groups with stakeholders across the state in 2013 to provide feedback on needed changes to both the *Adult and Juvenile Standards and Guidelines*. The goals were three-fold:

1. Identify practice issues that can be enhanced by modification of the *Standards and Guidelines*;
2. Determine if there are any implementation gaps in applying the *Standards and Guidelines*; and
3. Learn about which *Standards and Guidelines* should be sustained as currently written.

*Design.* The framework for this evaluation utilized a non-randomized, voluntary sample of individuals who have worked under or been impacted by the *Adult or Juvenile Standards and Guidelines*. Over a 3-month period, focus group and survey cross-sectional data were collected following a structured interview guide outlining the following questions:

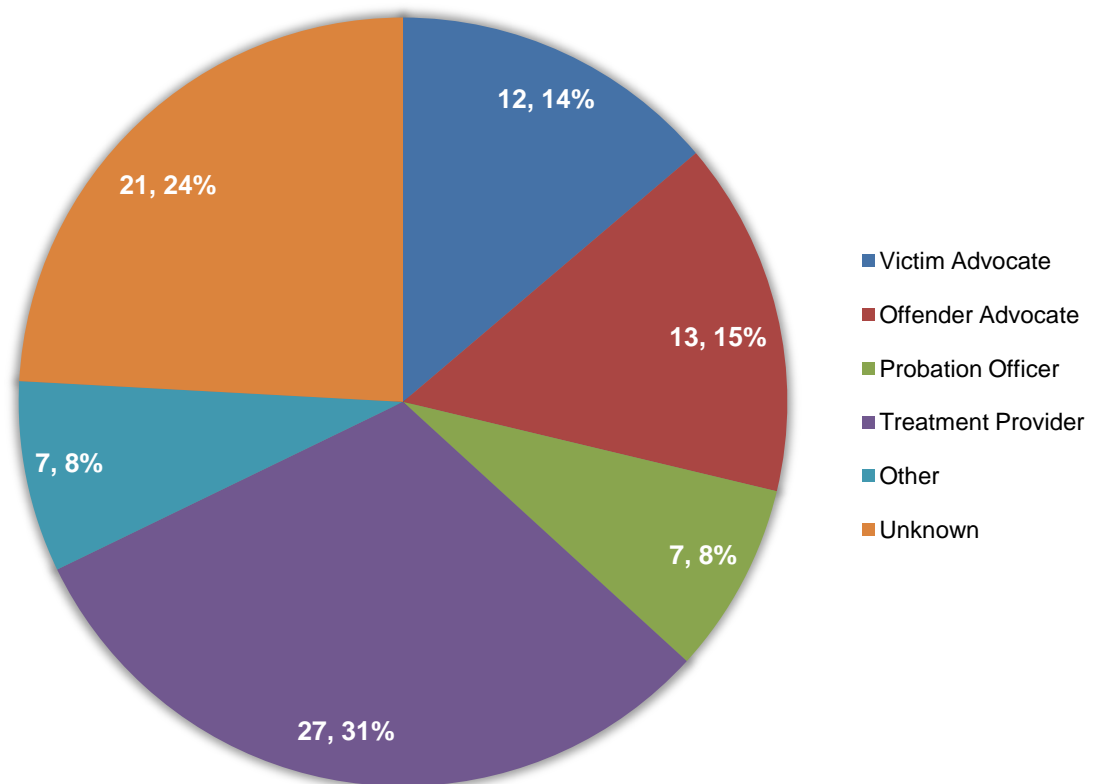
1. What issues or concerns with the *Adult Standards and Guidelines* would you like the Board to concentrate on improving?
2. What issues or concerns with the *Juvenile Standards and Guidelines* would you like the Board to concentrate on improving?
3. Are there any areas of the *Standards* (both Adult and Juvenile) you feel that should not be changed?
4. Are there issues or concerns outside of the *Standards* you would like the Board to address? If so, please describe the issue.

*Participants.* The inclusion criteria for this evaluation allowed all stakeholder groups to participate, and no one was denied participation in a focus group. Recruitment occurred through several methods. The SOMB marketed the focus groups through a mass email distribution list of

approximately 1,000 stakeholders who have requested inclusion on the distribution list, and the posting of flyers on the Division of Criminal Justice SOMB website. Alternatively, prospective participants were allowed to request a stakeholder-specific focus group (e.g., a focus group with only treatment providers), as some participants believed meeting within their own stakeholder group would be more conducive to open sharing of information. In addition, stakeholder interest was also generated through the sharing of information about the focus group among individuals within a particular stakeholder group. Similar recruitment methods were employed for the online survey that was employed to gather feedback from stakeholders unable to attend a focus group, particularly rural stakeholders.

Participants from a wide range of stakeholder groups participated in focus groups including but not limited to SOMB listed therapists, probation officers, victim advocates, and offender advocates (see figure 4). Focus groups were limited to 12 participants each. In total, 9 focus groups<sup>17</sup> were conducted with 9.7 participants per group (n = 87). In addition, 49 subjects participated via online survey. Focus groups averaged approximately 1.5 hours in length.

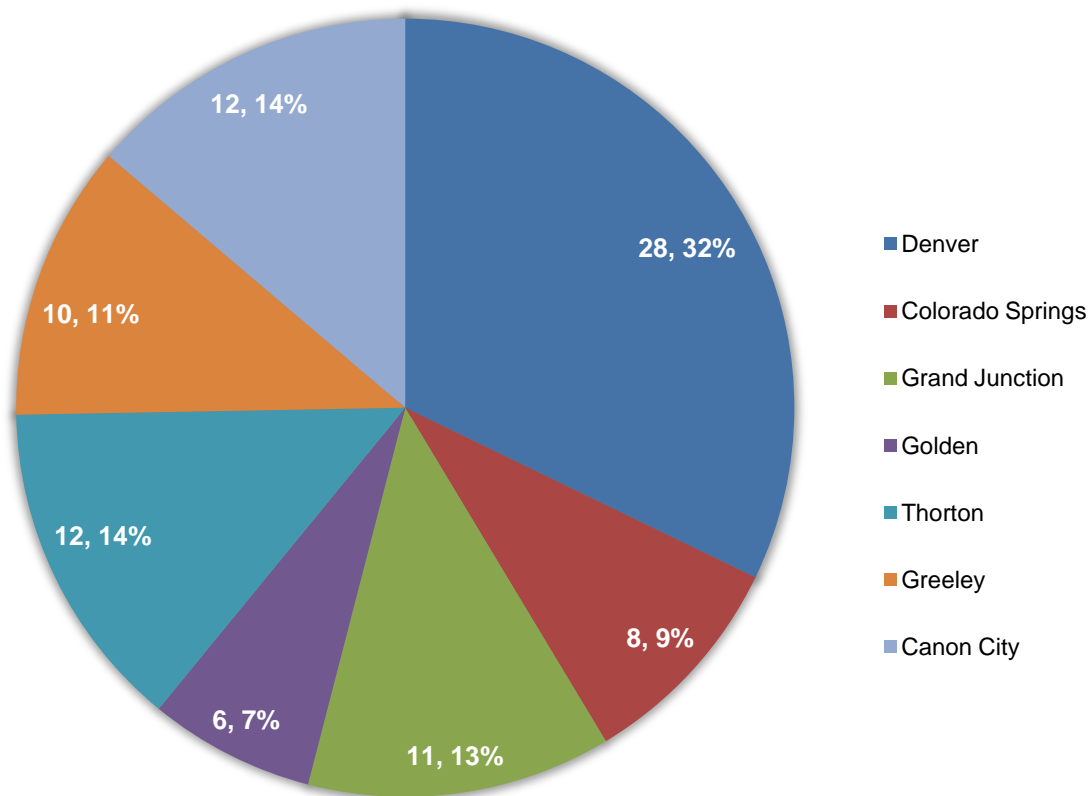
*Figure 4. Breakdown of SOMB Statewide Focus Group Participant Stakeholder Affiliation*



<sup>17</sup> A focus group was advertised for the Fort Collins area, but was subsequently cancelled due to excessive flooding and road damage in September 2013. This focus group was not rescheduled.

While coverage of the entire state was not possible due to time and resource constraints, efforts were specifically made to contact rural communities where no focus groups were offered for input as shown in Figure 5. However, the online survey did not ask participants to disclose their geographic location or professional background in order to ensure anonymity of the participant.

*Figure 5. Breakdown of Statewide SOMB Focus Group Participation by Region*



*Limitations.* While the utility of a voluntary sampling frame is advantageous for several reasons, it can potentially introduce sampling bias. As a result, the generalizability and applicability of the results from the focus groups should be interpreted with caution. Rather, the results may be best seen as providing feedback on the *Standards and Guidelines* from various jurisdictions and various stakeholders. Missing data in the form of under-represented stakeholder groups and jurisdictions may also impact the results of the focus groups. Another important limitation may be the presence of the SOMB staff at the focus groups, which may have influenced the participants' willingness to openly respond to focus group questions. Finally, the results, while significant to the process of revising the *Standards and Guidelines*, are based upon stakeholder perception and have not been corroborated with official records or outcome data. In assessing the implications of the focus group results related to programming, policy and recommendations for legislative change should incorporate additional information gathering methodologies to confirm the information generated herein.

## *External Evaluation*

*Purpose.* In FY2013, the Joint Budget Committee authorized in Senate Bill 2013-230 to fund \$100,000 for an external evaluation of the SOMB. Specifically, the external evaluation sought to “conduct a thorough review, based on risk-need-responsivity principles and the relevant literature, with recommendations for improvement as warranted, of the efficacy, cost-effectiveness, and public safety implications of Sex Offender Management Board programs and policies with particular attention to:

1. The Guidelines and Standards to treat adult sex offenders issued by the Sex Offender Management Board pursuant to Section 16-11.7-103 (4) (b), C.R.S.;
2. The Criteria for Release from Incarceration, Reduction in Supervision, Discharge for Certain Adult Sex Offenders, and Measurement of an Adult Sex Offender’s Progress in Treatment issued by the Sex Offender Management Board pursuant to Section 16-11.7-106 (4) (f), C.R.S., and;
3. The application and review for treatment providers, evaluators, and polygraph examiners who provide services to adult sex offenders as developed by the Sex Offender Management Board pursuant to Section 16-11.7-106 (2) (a), C.R.S.”

Central Coast Clinical and Forensic Psychology Services (CCCFPS) completed this evaluation and submitted it to the SOMB on January 3<sup>rd</sup>, 2014.

*Results and Dissemination.* Several themes emerged from these evaluations of the *Standards and Guidelines*. The results of the focus groups and the external evaluation were presented to the SOMB at the November 15, 2013 and the January 17, 2014 meeting respectfully. The SOMB will be prioritizing the feedback from both evaluations to develop a Standards revision action plan in 2014.

## *Research Projects and Literature*

The SOMB is currently working on a number of research projects to support the review of the *Standards and Guidelines*. For more information related to the current research projects, see Appendix B. In addition, the SOMB continuously reviews Colorado and national research and best practice literature to determine any potential needed changes to the *Standards and Guidelines*. Methods for research review include:

- Literature reviews to be utilized in conjunction with any *Standards and Guidelines* revisions,
- Sponsoring trainings by national leaders in the field for Colorado stakeholders,
- Research and best practice presentations to the SOMB members during SOMB meetings.
- Monthly article dissemination to the SOMB on articles provided by SOMB members and other interested stakeholders.

## Future Goals and Directions

Under the leadership of the SOMB, a preliminary strategic planning session was conducted in FY2013 which identified the following priorities for the future direction of the SOMB:

- Current and Emerging Research on Sex Offender Treatment – SOMB members indicated their top priority was to receive, review and apply current research from the field of sex offender treatment and management. Many expressed a need for greater visibility and knowledge of the current and emerging research.
- Prevention – The SOMB currently does not maintain any legal purview over providing preventative education or services for matters relating to sexual abuse. However, there is an increasing interest by SOMB member to advocate for prevention due to two important reasons: (1) given that many sexual crimes are committed in secret and never reported to the authorities, prevention work could raise awareness and community education on sexual abuse; and (2) prevention work could arguably be more cost-effective than attempting to treat and manage individuals convicted of sexual crimes once they enter the criminal justice system.
- Victim Safety Issues – The SOMB expressed an interest in comprehensively addressing issues that have been raised since the last revision to the *Standards and Guidelines*. This includes increasing the access and availability of victim advocates on Community Supervision Teams and Multi-Disciplinary Teams.
- Brain Development – A specific area that the board wanted to investigate was the literature on a youth's neurological development from adolescent into young adulthood. There is emerging research on how brain development affects the psychological dynamics of an individual maturing through the ages of 18-25. The findings thus far suggest that the brain development can play a considerable role in the formation of their long-term behavioral risks, both in terms of sexual and non-sexual re-offense.
- Polygraph – Considerable attention has been paid to the use of the polygraph. The SOMB has committed to studying the use of the polygraph thoroughly to ensure the effective and appropriate use of this treatment and supervision tool.

Within the context of these established priorities, the following outline describes the SOMB's current plan for FY2014:

- Comprehensively review and evaluate the information obtained from the statewide focus groups conducted by the SOMB as well as the results from the CCCFPS External Evaluation.
- Identify which suggestions made by CCCFPS in their evaluation are currently in process through existing committees.
- Prioritize the critical issues from these evaluations into an Action Plan for FY2015 through completion. This action plan will delegate specific priorities to committees with measurable goals and next steps.
- Form or reconvene any necessary committee based upon the Action Plan for FY2015.
- Revise and develop drafted changes to *Standards and Guidelines* at committee level.
- Solicit stakeholder feedback on proposed revisions.
- Receive SOMB approval of the recommended changes.
- Request public comment during a statewide review of the proposed changes.
- Develop implementation tools for translating those changes into actual practice.
- Offer Standards training to all relevant stakeholders statewide.
- Track implementation of the changes and document feedback.

#### *Standards and Guidelines Revision Process*

Past experience has underscored the fact that changing the *Standards and Guidelines* at the SOMB level is not a simple process, nor should it be. The members of the SOMB are skilled professionals but that does not mean there is automatic agreement. In fact, there are multiple research studies in this field that have sometimes conflicting conclusions. The SOMB takes great care to fully review all the literature, recognizing the complexity of the research on a particular issue, and engages in thorough debates as part of their process. This may not be a quick process, but it helps ensure that any changes are well-grounded in evidence. Additionally, the SOMB is aware that their decisions have little effect without concurrent training and education for practitioners. This implementation actually requires far more time and resources than the policy change itself.

#### *Provider Program Evaluation*

As noted in the evaluation, ensuring that the Standards are implemented as intended and that quality treatment is being delivered at the individual level is a challenge. The SOMB was formed in law for the purpose of approving providers to deliver court-ordered treatment to convicted and

adjudicated sex offenders. At that time, there was no expectation that the SOMB or staff would have the authority or responsibility to affirmatively conduct evaluations on the three hundred-plus providers around the state. However, some better process is clearly needed to provide more quality assurance. This issue is not unique to sex offender treatment.

Treatment providers are licensed through multiple agencies, including the Department of Regulatory Agencies and the Department of Human Services, Office of Behavioral Health. Any efforts to collect data to support quality treatment need to be done as a team effort. For its part, the SOMB has initiated a project to assist providers in collecting program evaluation data. A focus group of providers was convened to review the concept and seek input. The SOMB is in the process of developing a training curriculum to assist providers in developing their own program evaluation and data collection capacity. Once implemented, it is also hoped that this program evaluation data can contribute to a better understanding of sex offenders in Colorado statewide through aggregation of collected data. These changes must be done with consideration for the multiple demands data collection places on a treatment provider who must respond to multiple oversight agencies. This is not a simple process, nor is it without expense to the local practitioners. There is a very real concern that any quality assurance not be so onerous as to drive practitioners out of the field.

#### *Treatment within the Department of Corrections*

The SOMB, in conjunction with Department of Corrections (DOC), the Judicial Department, and the State Board of Parole, revised the Criteria for Successful Progress in Treatment in Prison in November 2010, and added Parole Guidelines for Discretionary Release on Determinate-Sentenced Sex Offenders in November 2011. The SOMB has also been working closely with the DOC Sex Offender Treatment and Monitoring Program staff to address modifications to the Program being implemented in response to the CCCFPS External Evaluation of the Program completed in 2013. As of this date, DOC has not indicated the need to modify any of the *Standards and Guidelines* in order to make these modifications, including the Criteria for Successful Progress in Treatment in Prison, but the SOMB has expressed its willingness to collaborate with DOC on any needed changes in the future. Integration between the SOMB and DOC will be another key priority.

#### **SECTION IV: CONCLUSION**

From its enabling statute, the mission of the SOMB requires a continuing focus on public safety. In order to achieve this for communities across the state, the SOMB strives toward the successful rehabilitation of offenders through effective treatment and management strategies while balancing the welfare of victims of sexual crimes. The SOMB recognizes that over the past 20 years, much of our knowledge and information of sexual offending has evolved. Since the creation of the board, the *Standards and Guidelines* have continuously been in a 'work in progress'. Thus, subsequent and periodic revisions to improve the *Standards and Guidelines* will remain a key strategic priority for the SOMB in its process for adopting new research- and evidence-based practices as they emerge from the literature and the field. The SOMB has and will continue to recognize the key role that the RNR principles play in the successful management of sex offenders.

## REFERENCES

- Andrews, D.A., Zinger, I., Hope, R.D., Bonta, J., Gendreau, P. and Cullen, F.T. (1990). Does correctional treatment work? A clinically relevant and psychologically informed meta-analysis. *Criminology*, 28(3): 369-404
- Andrews, D. A., & Bonta, J. (2006). *The psychology of criminal conduct* (4th ed.). Newark, NJ: LexisNexis.
- Aos, S., Phipps, P., Barnoski, R., Lieb, R. (2001). The comparative costs and benefits of programs to reduce crime. Olympia: Washington State Institute for Public Policy.
- Aytes, K.E, Olsen, S.S., Zakrajsek, T., Murray, P., & Ireson, R. (2001). Cognitive behavioral treatment for sexual offenders: An examination of recidivism. *Sexual Abuse: A Journal of Research and Treatment*, 13: 223-231.
- Boruch, R., & Petrosino, A. (2007). Meta-Analysis, Systematic Reviews, and Research Syntheses. In Wholey, J., Hatry, H., and Newcomer, K., *Handbook of Practical Program Evaluation*. San Francisco, California: Jossey-Boss.
- Bonta, J., Wormith, J. (2013). Applying the Risk-Need-Responsivity Principles to Offender Assessment. In Craig, Dixon and Gannon, *What Works in Offender Rehabilitation* (Chapter 4). Hoboken, New Jersey: Wiley-Blackwell.
- Bonta, J., Bourgon, G., Rugge, T., Scott, T., Yessine, A. K., Gutierrez, L., and Li, J. (2011). An experimental demonstration of training probation officers in evidence-based Community Supervision, *Journal of Offender Rehabilitation* 47(3): 248-270.
- Borduin, C. M., Henggeler, S. W., Blaske, D. M., & Stein, R. (1990). Multisystemic Treatment of Adolescent Sexual Offenders. *International Journal of Offender Therapy and Comparative*, 34: 105–113.
- Borrer, A., Burns, B., Szudy, K. (2011). Supreme Court of Ohio Deems State's SORNA Law Punitive and Unconstitutional. *Sex Offender Law Report*, 12(6): 83-85. October/November 2011.
- Burton, D. & Duty, K. & Leibowitz, G. (2010). Differences between sexually victimized and non-sexually victimized male adolescent sexual abusers: Developmental antecedents and behavioral comparisons. *Journal of Child Sexual Abuse*, 20(1): 77-93.
- Caldwell, M. F. (2010). Study Characteristics and Recidivism Base Rates in Juvenile Sex Offender Recidivism. *International Journal of Offender Therapy and Comparative Criminology*, 54(2): 197-209.

- Chajewski, M., & Mercado, C. (2008). An Analysis of Sex Offender Residency Restrictions in Newark, NJ. *Sex Offender Law Report*, 9(1):1-6, December/January 2008.
- Davey, M. (2006, March 15). Iowa's residency rules drive sex offenders underground. The New York Times (nytimes.com).
- Dethlefsen, A., Hansen, J. (2011). Outcome Evaluation of the Colorado Sex Offender Management Board Standards and Guidelines: A Report of Findings Regarding Program Effectiveness. Colorado Department of Public Safety.
- Dimopoulos, T. (2011). Washington County adopts less-restrictive sex offender residency law. Poststar. Retrieved from Google search of "repealing sex offender residence restriction."
- Fanniff, A. M., & Becker, J. V. (2006). Specialized Assessment and Treatment of Adolescent Sex. *Aggression and Violent Behavior*, 11(3): 265-282.
- Freeman, Naomi J. and Jeffrey C. Sandler. 2010. "The Adam Walsh Act: A False Sense of Security or an Effective Public Policy Initiative?" *Criminal Justice Policy Review*, 21 (1): 31-49.
- Furby, L., Weinrott, M., & Blackshaw, L. (1989). Sex offender recidivism: A review. *Psychological Bulletin*, 105(1): 3-30.
- English, K., Harrison, L. (2008). Colorado Sex Offender Risk Scale (SORS): Nine Year Follow up. *Elements of Change*, 12(1).
- English, K., Pullen, S., & Jones, L. (Eds.) (1996). Managing adult sex offenders: A Containment Approach. Lexington, KY: American Probation and Parole Association.
- English, K., Retzlaff, P., and Kleinsasser, D. (2002). The Colorado Sex Offender Risk Scale. *Journal of Sexual Abuse*, 11: 77-96.
- Government Accountability Office. (2013). Sex Offender Registration and Notification Act: Jurisdictions Face Challenges to Implementing the Act, and Stakeholders Report Positive and Negative Effects. Washington, DC. GAO-13-211.
- Hansen, J. (2013). 2013 Juvenile Standards and Guidelines Outcome Study. Colorado Department of Public Safety.
- Hanson, R.K., Gordon, A., Harris, A., Marques, J., Murphy, W., Quinsey, V., & Seto, M. (2002). First report of the collaborative outcome data project on the effectiveness of psychological treatment for sex offenders. *Sexual Abuse: A Journal of Research and Treatment*, 14(2): 169-194.

- Hanson, R.K. (2004). Evaluating community sex offender treatment programs: A 12-year follow up of 724 offenders. *Canadian Journal of Behavioral Science*, 36(2): 87-96.
- Hanson, R.K, Bourgon, G., Helmus, L., & Hodgson, S. (2009). The principles of effective correctional treatment also apply to sexual offenders: A meta-analysis. *Criminal Justice and Behavior*, 36(9): 865-891.
- Harkins, L., Flak, V. E., Beech, A. R., & Woodhams, J. (2012). Evaluation of a community-based sex offender treatment program using a good lives model approach. *Sexual Abuse: A Journal of Research and Treatment*, (6): 519-43.
- Harris, A. & Lobanov-Rostovsky, C. (2010). Implementing the Adam Walsh Act's Sex Offender Registration and Notification Provisions: A Survey of the States. *Criminal Justice Policy Review*, 21(2): 202-222.
- Harris, A. & Lobanov-Rostovsky, C. (2009). SORNA: A view from the states. *Sex Offender Law Report*, 10(2): 17-32, January 2009.
- Harris, A., Lobanov-Rostovsky, C., Levenson, J. (2010). Widening the Net: Effects of Transitioning to The Federally-Mandated Adam Walsh Act Classification System. *Criminal Justice & Behavior*, 37(5): 503-519.
- Helmus, L., Hanson, K., Babchishin, M., & Mann, E. (2013). Attitudes supportive of sexual offending predict recidivism: A meta-analysis. *Trauma, Violence, and Abuse*, 14: 34-53.
- Hempel, I., Buck, N., Cima, M., & Marle, H. v. (2011). Review of Risk Assessment Instruments for Juvenile Sex Offenders: What is Next? *International Journal of Offender Therapy and Comparative Criminology*, 57(2): 208-28.
- Hepburn, J., & Griffin, M. (2002). An analysis of risk factors contributing to the recidivism of sex offenders on probation. Report Submitted to the Maricopa County Adult Probation Department and the National Institute of Justice.
- Hartzler, B., Espinosa, E. (2011). Moving Criminal Justice Organizations Toward Adoption of Evidence-Based Practice via Advanced Workshop Training in Motivational Interviewing: A Research Note. *Criminal Justice Policy Review*, 22(2): 235-253.
- Holden, W. (2013, August 27). Englewood to appeal ruling on sex offender residency restrictions. Fox 31 News. Retrieved from: <http://kdvr.com/2013/08/27/englewood-to-appeal-ruling-on-sex-offender-residency-restrictions/>
- Huebner, B. M., Bynum, T. S., Rydberg, J., Kras, K., Grommon, E., & Pleggenkuhle, B. (2013, July). An evaluation of sex offender residency restrictions in Michigan and Missouri (Document No.242952).

- Hufford, S. (2010). Colorado Probation and Evidence-Based Practices: A systemic view of the past, present & future of EBP in Colorado Probation. Colorado Division of Probation Services.
- Kansas Legislator Briefing Book. (2011). Judiciary. *State Sex Offender Residency Restrictions*.
- Leon, C., Burton D. & Alvare, D. (2010). Net-widening in Delaware: The Overuse of Registration and Residential Treatment for Youth Who Commit Sex Offenses. *Widener Law Review*, 17(1): 127-158.
- Letourneau, E., Henggeler, S., Borduin, C., Schewe, P., McCart, M., Chapman, J., & Saldana, L. (2009). Multisystemic Therapy for Juvenile Sexual Offenders: 1-Year Results from a Randomized Effectiveness Trial. *Journal of Family Psychology*, 23(1): 89–102.
- Levenson, J., & Cotter, L. (2005). The effect of Megan's Law on sex offender reintegration. *Journal of Contemporary Criminal Justice*, 21(1): 49–66.
- Leversee, T., & Powell, K. (2012). Beyond Risk Management to a More Holistic Model for Treating Sexually Abusive Youth. In B. K. Schwartz, *The Sex Offender* (Chapter 19). Kingston, NJ: Civic Research Institute.
- Losel, F. & Schumucker, M. (2005). The effectiveness of treatment for sexual offenders: A comprehensive meta-analysis. *Journal of Experimental Criminology*, 1: 117-146.
- Lundahl, B. W., Kunz, C., Brownell, C., Tollefson, D., & Burke, B. L. (2010). A Meta-Analysis of Motivational Interviewing: Twenty-Five Years of Empirical Studies. *Research on Social Work Practice*, 20(2): 137-160.
- Marques, J.K, Wiederanders, M., Day, D.M., Nelson, C. & van Ommeren, A. (2005). Effects of a relapse prevention program on sexual recidivism: Final results from California's sex offender treatment and evaluation project (SOTEP). *Sex Abuse: A Journal of Research and Treatment*, 17(1): 79-107.
- Martinez, R., Flores, J., & Rosenfeld, B. (2007). Predictive validity of the Juvenile Sex Offender Assessment Protocol – II (J-SOAP-II) with Inner City Minority Youth. *Criminal Justice and Behavior*, 34: 1284-1295.
- McCann, K., & Lussier, P. (2008). Antisociality, Sexual Deviance, and Sexual Reoffending in Juvenile Sex Offenders. A Meta-Analytic Investigation. *Youth Violence and Juvenile Justice*, 6(4): 363–85.
- McGrath, R. J., Lasher, M. P., & Cumming, G. F. (2012b). The sex offender treatment intervention and progress scale (SOTIPS): Psychometric properties and incremental

- predictive validity with Static-99R. *Sex Abuse: A Journal of Research and Treatment*, 24: 431-458.
- Meloy, Michelle L., Susan L. Miller, and Kristin M. Curtis (2008), Making Sense out of Nonsense: the Deconstruction of State-level Sex Offender Residence Restrictions. *American Journal of Criminal Justice*, 33: 209-222.
- Mitchell, K. J., Finkelhor, D., Jones, L. M., & Wolak, J. (2011). Prevalence and Characteristics of Youth Sexting: A National Study. *Pediatrics*, 129(1): 13-20.
- Minnesota Department of Corrections (2007). Residential Proximity & Sex Offense Recidivism in Minnesota. St. Paul, MN.
- Nahum, D., & Brewer, M. M. (2004). Multi-Family Group Therapy for Sexually Abusive Youth. *Journal of Child Sexual Abuse*, 13(3-4): 215-243.
- Nobles, M. R., Levenson, J. S., & Youstin, T. J. (2012). Effectiveness of Residence Restrictions in Preventing Sex Offense Recidivism. *Crime and Delinquency*, 58: 491-513.
- Palermo, G. (2009). A dynamic formulation of sex offender behavior and its therapeutic relevance. *Journal of Forensic Psychology Practice*, 2(2): 25-52.
- Reitzel, L., & Carbonell, J. (2006). The Effectiveness of Sexual Offender Treatment for Juveniles as Measured by Recidivism: A Meta-Analysis. *Sexual Abuse: A Journal of Research and Treatment*, 18: 401-421.
- Rood, L. (2006) New Data Shows Twice as Many Sex Offenders Missing. Des Moines Register. January 23, 2006.
- Sex Offender Management Board. (2011). *Adult Standards and Guidelines*. Denver, CO: Colorado Department of Public Safety.
- Sex Offender Management Board. (2011). *Juvenile Standards and Guidelines*. Denver, CO: Colorado Department of Public Safety.
- Schweitzer, R., & Dwyer, J. (2003). Sex crime recidivism: Evaluation of a sexual offender treatment program. *Journal of Interpersonal Violence*, 18(11): 1292-1310.
- Socia, K., (2013). Too Close for Comfort? Registered Sex Offender Spatial Clustering and Recidivistic Sex Crime Arrest Rates. *Sex Abuse – A Journal of Research and Treatment*, 25(6): 531-556.

- Socia, K. (2012) The Implementation of County Residence Restrictions in New York. *Psychology, Public Policy, and Law*, 18(2): 206-230.
- Socia, K. (2012) The Efficacy of County-Level Sex Offender Residence Restrictions in New York. *Crime & Delinquency*, 58(4): 612-642.
- Socia, Kelly M. (2011), The Policy Implications of Residence Restrictions on Sex Offender Housing in Upstate NY. *Criminology and Public Policy*, 10: 351-389.
- Spohn, R. (2013). Nebraska Sex Offender Registry Study. Criminology and Criminal Justice Faculty Publications. Paper 17.
- Teicher, M.H. (2002, March). Scars that won't heal—The neurobiology of child abuse. *Scientific American*, 286(3): 68–75.
- Terry, K. (2010). Risk and Recidivism: Legal Analyses of Sex Offender Residency Restrictions. *Sex Offender Law Report*, 11(5): 65-67. August/September 2010.
- Thakker, J., Ward, T., & Tidmarsh, P. (2006). A Reevaluation of Relapse Prevention with Adolescents who Sexually Offend: A Good Lives Model. In H. E. Barbaree & W. L. Marshall (Eds.), *The Juvenile Sex Offender (2<sup>nd</sup> ed.)* (pp. 313-335). New York: Guilford.
- Thompson, I. (2007, December 11). Miami New Times Newspaper. Miami, FL
- Council of State Governments (2008). Zoned Out: States Consider Residency Restrictions for Sex Offenders. Research report submitted to U.S. Department of Justice.
- Vandiver, D. M. (2006). A prospective analysis of juvenile male sex offenders: Characteristics and recidivism rates as adults. *Journal of Interpersonal Violence*, 21(5): 673-688.
- Walker, D. F., McGovern, S. K., Poey, E. L., & Otis, K. E. (2004). Treatment Effectiveness for Male Adolescent Sexual Offenders: A Meta-Analysis and Review. *Journal of Child Sexual Abuse*, 13: 281-293.
- Ward, T., Brown, M. (2004). The Good Lives Model and Conceptual Issues in Offender Rehabilitation. *Psychology, Crime and Law*, 10(3): 243-257.
- Ward, T., & Gannon, T. (2006). Rehabilitation, etiology, and self-regulation: The Good Lives Model of rehabilitation for sexual offenders. *Aggression and Violent Behavior*, 11(1): 77–94.
- Ward, T., Mann, R. E., & Gannon, T. A. (2007). The Good Lives Model of Offender Rehabilitation: Clinical Implications. *Aggression and Violent Behavior*. 12(1): 87–107.

- Worling, J. R., & Langstrom, N. (2006). Risk of Sexual Recidivism in Adolescents Who Offend Sexually: Correlates and Assessment. In H. E. Barbaree & W. L. Marshall (Eds.), *The Juvenile Sex Offender* (2<sup>nd</sup> ed.) (pp. 219-247). New York: Guilford Press.
- Worling, J. R., Bookalam, D., & Litteljohn, A. (2012). Prospective Validity of the Estimate of Risk of Adolescent Sexual Offense Recidivism (ERASOR). *Sexual Abuse: A Journal of Research and Treatment*, 24(3): 203-223.
- Wolak, J., & Finkelhor, D. (2011). *Sexting: A Typology*. Durham: Crimes Against Children Research Center. Durham, NH: Crimes Against Children Research Center.
- Youstin, T. (2009). Residency Restrictions: What We Know. *Sex Offender Law Report*, 10(2): 19-24, February/March 2009.
- Zandbergen, P., Levenson, J., & Hart, T.C. (2010). Residential proximity to schools and daycares: An empirical analysis of sex offense recidivism. *Criminal Justice and Behavior*, 37(5): 482-502.
- Zgoba, K., Milner, M., Knight, R., Letourneau, E., Levenson, J., and Thornton, D. (2012). A Multi-State Recidivism Study Using Static-99R and Static 2002 Risk Scores and Tier Guidelines from the Adam Walsh Act. Research Report Submitted to the National Institute of Justice.

Source: GAO-13-211 (2013).



## **APPENDIX B: COMMITTEE WORK UPDATES**

### *Juvenile Standards Revisions Committee – Chair Carl Blake*

- Revised Sections
  - 1.0 – Presentence Investigations
  - 2.0 – Standards of practice for Evaluators
  - 5.0 – Multidisciplinary Teams
  - 9.0 – Informed Supervision
- Currently revising sections
  - 3.0 – Standards of practice for treatment providers
  - 7.0 – Standards of practice for polygraph examiners
  - 8.0 – contact, clarification and reunification

### *Best Practices Committee – Chair Tom Leversee*

- The Sex Offender Management Board charged the Best Practices Committee and the Application Review Committee (ARC) with exploring and submitting a proposal that moves the qualification and approval process for SOMB providers from a primarily quantitative framework to a more competency based model. This competency based model is currently being used in the rural initiative that is designed to address the need for qualified providers in underserved areas in Colorado
- The Best Practices Committee, including ARC chair Carl Blake, have drafted competencies for Treatment Providers, including those working with Persons with Intellectual Disabilities. The next step will be to complete Evaluator competencies. The proposed protocol calls the Clinical Supervisor utilize a likert scale to rate the supervisee's level of competence in order to assess readiness to be approved by the SOMB. This rating will be used by the ARC in reviewing treatment provider and evaluator applications
- We are in the process of setting up a meeting between the Best Practices Committee and the full ARC in order to discuss and adapt the model prior to bringing it to the SOMB for review

### *Circles of Support and Accountability Advisory Committee – Chair Chris Lobanov-Rostovsky*

The Committee is continuing to coordinate with Colorado COSA on the implementation of COSA in Colorado. Will provide input on policies and procedures, and training. Serve as an advisory committee to Colorado COSA. Meetings will be ongoing on an every other month basis in 2014.

### Sex Offender Registration Legislative Work Group – Chair Chris Lobanov-Rostovsky

- The Committee meets quarterly on an ongoing basis to discuss current issues facing law enforcement related to sex offender registration and community notification. Committee provides recommendations to the SOMB related to potential policy changes related to notification and registration.
- The Committee will review recommendations made by the Sexually Violent Predator Assessment Committee related to community notification. It is anticipated this will occur sometime in the next 3-6 months.

### *Victim Advocacy Committee – Chair Allison Boyd*

The Victim Advocacy Committee was formed in 2005. This is an ongoing committee that meets monthly. The victim advocacy committee's mission is to ensure that the SOMB is victim-centered and:

1. that public safety be the priority to promote victim recovery and prevent future victimization,
2. that the perspective of the sexual assault victim is deemed essential,
3. that the Standards created by the Board prioritize victim needs,
4. that the management and supervision of sexual offenders provides an opportunity for victim involvement.

The Committee assists in the writing and revisions of the SOMB *Standards and Guidelines*. The Committee provides input from a victim centered perspective and seeks to identify areas of needed enhancement or gaps for victims in the Standards. The Committee works to ensure that the Board is victim-centered and understands the impact of sexual assault, providing presentations to the Board on a regular basis. The Committee members participate on other SOMB Committees. The Committee identifies areas of educational needs regarding victimization, surveys professionals in the field, and sponsors trainings on a variety of topics relating to sexual assault victimization.

In 2013 the Committee sponsored a victim panel presentation at the SOMB meeting in April during Sexual Assault Awareness Month, facilitated a presentation to the Board on the Colorado Victims' Rights Act, attended numerous other committee meetings of the SOMB, provided input on a variety of standards revisions, and sponsored an all day training for professionals on victim / offender contact, clarification and reunification in August. The Committee continues to focus on enhancing victim representation on supervision teams.

### *Application Review Committee – Chair Carl Blake*

- Completed revision to re-application process to streamline provider expectations
- Reviewed and approved or denied applicants on an on-going basis

- Continue to review and make findings on complaints filed against treatment providers, evaluators and polygraph examiners
- Working with Best Practices Committee to shift from a quantitative approval process to a qualitative competency based model. Estimated completion mid 2014.

*Research and Legislative Action Committee – Chair Jesse Hansen*

- Provided oversight to all of the projects identified in Appendix C
- Reviewed the statewide outreach focus group sampling and methodology
- Developed process, structure and methodology for the SOMB Annual Legislative Report
- Reviewed and discussed literature from policy analysis section

*Denial Intervention Committee – Chair Jeff Geist*

- Working on revisions to all of 3.500
- Not looking at denial as a ‘risk factor’
- So far have completed an expanded ‘introduction’ to this section
- Just completed clarifying language in 3.510 ‘Levels of Denial’ – Clarified three levels of denial, Moderate, High and Severe
- The committee has updated some of the research references to this section and that is a major goal of the committee
- Looking at major revisions to 3.520 including removing the wording that sex offenders in Level 3, Severe denial ‘shall not be recommended’ community based treatment and supervision
- Looking at major changes to 3.560 – clarifying the CST’s role and flexibility and establishing criteria where, under limited circumstances with CST agreement denial intervention may be extended beyond 90 days.
- Clarification and rewording/moving ‘discussion points’ with the section

*Managing Sexually Stimulating Materials Committee – Chair Chris Lobanov-Rostovsky*

- The Committee has prepared a draft guidance document for multi-disciplinary and community supervision teams related to sex offender use of sexually stimulating materials. This should be reviewed by the SOMB in January 2014, and the Committee will then be reconvened to address feedback.

*Young Adults Committee – Chair Merve Davies*

This committee has been meeting 3 years and developed a protocol for evaluators, treatment providers, and supervision officers to be allowed, as a team, to be more flexible with standards in how to handle this population based on client maturity, criminogenic needs and risk levels.

Research has shown that many young adults (ages 18-25) do not mature until mid 20's. This at times can be frustrating for Community Supervision Teams (CST) as adult standards (age 18 and up) are written for a matured population. This protocol allows CST's to consult with juvenile Multi-Disciplinary Teams (MDT) and develop individualized treatment plans based on the client's maturation, risk, and treatment needs. The protocol allows adult standards to be more flexible for improved treatment success for this population.

The Board approved the protocol in November 2013. Since then some critical feedback has arisen and the committee is meeting again to clarify some points and make the language more clear to the criminal justice community.

#### *Shared Living Arrangements Committee – Chair Cathy Rodriguez*

The SLA (Shared Living Arrangement) Committee of the SOMB is comprised of approved providers and other stakeholders who are impacted by SLAs. The committee meets every other month to discuss issues and updates regarding SLAs as well barriers to SLAs like zoning and residence restrictions. Different programs share ideas and communication and collaboration occurs at the meetings.

#### *Disaster Management Committee – Chair Chris Lobanov-Rostovsky*

- The Committee has prepared a pilot curriculum to present to emergency management professionals. It is hoped this pilot will taken place in early 2014.
- The Committee is working on drafting policies for community corrections, probation, and parole to implement the emergency management safety plan. This work will be completed in 3-6 months.

#### *Female Sex Offender Committee – Chair Missy Gursky*

This committee has been working for several years on a project to develop guidance for service providers who evaluate and treat females who have committed sexual offenses. Current risk assessment instruments are based predominately upon the male population of offenders. Emerging research and clinical experience is being utilized to create tools for practitioners in identifying risk and protective factors amongst female offenders. Additionally, this committee developed and published a white paper that describes these issues in more detail and provides preliminary guidance to providers.

#### *School Personnel Reference Guide Committee – Chair Raechel Alderete*

The purpose of this guide is to provide guidance and educate school districts in working with juveniles who have committed sexually abusive and offending behavior.

- The Committee has completed Appendices A-D, which include the Applicable Statutory and Regulatory Provisions Effecting Public Schools, the Responsibilities of School Districts, Individual Schools and School Representatives as Multidisciplinary Team (MDT) members along with Safety Planning within the schools. Completed.

- This committee collaborates with the Victim Advocacy Committee on enhancing the role of the victim advocate, bring awareness of victim issues within the schools and will be working on the Victim Centered Approach in Appendix E of the Reference Guide. February 2014.
- The Committee discusses how best to increase Standards implementation within the schools and works closely with the Colorado School Safety Resource Center to continue to have school representatives as effective MDT members.
- The Committee will begin working on the Dynamics of Sexual Offending Behavior and the Overview of the Juvenile Justice System. April 2014.
- The Committee has discussed how to provide further training for School Personnel and will coordinate trainings statewide once the Reference Guide is complete. Fall 2014.

*Domestic Violence and Sex Offender Crossover Committee*

- Hoping to contribute to a DV Track at the SOMB Conference, working on training topics needed and possible trainers.
- Recommending some revisions to the Adult and Juvenile Standards as the sections of interest come up for review.

*Sexually Violence Predator Assessment Committee – Chair Chris Lobanov-Rostovsky*

- The Committee meets on a monthly basis to review Supreme Court decisions related to the SVP assessment process. Committee will make recommendations to the SOMB related to modifications to the protocol as well as training needs. Recommendations should be ready by January 2014.
- The Committee will discuss potential recommendations related to the SVP assessment and community notification process as a whole. It is anticipated recommendations will be ready for review by the SOMB in the next 3 months.

## APPENDIX C: RESEARCH PROJECT STATUS REPORT

<b>SOMB RESEARCH STATUS REPORT - Q2 FY14</b> <i>Reporting Period (October 2013-December 2013)</i>				
<i>Project Updates and Upcoming Key Activities</i>				
	Status*	Start Date	End Date (if estimate)	
<b>Current Projects</b>				
<b>1 2014 SOMB Annual Report</b> <i>Description:</i> This is a legislatively mandated report is due annually on January 31, 2013. It requires the SOMB to report on best practices.	●	May 2010	Jan 2014	
<b>2 Evaluation of Shared Living Arrangements (SLAs)</b> <i>Description:</i> This study compares the treatment outcomes of a randomized sample of offenders not in an SLA to a treatment group of offenders who are participating in an SLA. The overall aim of this study is to determine if SLAs are an effective treatment tool.	●	March	Dec 2013*	
<b>3 Application Process Review (APR) Workgroup</b> <i>Description:</i> The APR is a workgroup evaluating the reapplication process for SOMB approved providers. This process has been documented to take in excess of 3 months to complete. The goal is to not only streamline this process but provide a greater level of oversight by the APR.	●	Sep 2012	Sep 2013*	
<b>4 Program Evaluation Training Package</b> <i>Description:</i> This is an ongoing initiative that was identified as a major gap in the SOMB research program. The key concepts in developing a training package that teaches program evaluation to providers in order to build the capacity, skills and resources for individual programs to evaluate their own programs. Programs would collect ongoing data that would track their processes and outcomes, giving insight into what is and is not working.	●	Mar 2011	Jun 2014*	
<b>5 CCJJ Lifetime Supervision Data Collection Interagency Committee</b> <i>Description:</i> Per a recommendation by CCJJ, a collaborative interagency committee consisting of the Sex Offender Management Board, the Probation Department and the Department of Corrections was formed in an effort to improve the report by identifying gaps and inconsistencies between these agencies. There are many challenges currently tied to collecting and reporting on data regarding this population. The general intent of this statutorily mandated reports to document the impact of the Lifetime Supervision Act on the criminal	●	May 2013	Sep 2014*	
<b>6 Colorado Youth Project</b> <i>Description:</i> This project is a collaborative effort between the SOMB and noted national researchers Dr. David Burton and Dr. George Leibold. The research design for this project is still under development. The project is intended to add to the major findings from the 2013 evaluation of the juvenile standards and guideline by looking at three content areas: (1) family dynamics and characteristics; (2) the therapeutic process; (3) sexing and pornography.	●	May 2013	Dec 2015*	
<b>Future Projects</b>				
<b>7 Female Offender Empirically Guided Risk Assessment</b> <i>Description:</i> Currently, there is no empirically guided risk assessment for female sex offenders. Risk assessments that have been developed on males should not be used on females. This project seeks to build a guided risk assessment for practitioners to use.	●	Aug 2010	Dec 2014*	

● All scheduled tasks to date have been completed. No actions are required to get the project on track.  
 ● Some scheduled tasks have not been completed. Actions are required to get the project on track.  
 ● Progress has slowed significantly. Numerous scheduled tasks have not been completed.  
 ● Actions are required for the project to start making adequate progress again. Significant uncertainty.

Progress to Date

Next Steps