

MINUTES
Sex Offense/Offender Task Force
Colorado Commission on Criminal and Juvenile Justice
October 5, 2011 1:30PM-4:30PM
150 East 10th Avenue

ATTENDEES:

CHAIR

Kevin Ford, DCJ (for David Kaplan, Private Defense Attorney)

TASK FORCE MEMBERS

Maureen Cain, Criminal Defense Bar

Peggy Heil, Department of Corrections

Erin Jemison, Colorado Coalition Against Sexual Assault

Laurie Kepros, Colorado Criminal Defense Bar

Chris Lobanov-Rostovsky, Division of Criminal Justice

Richard Schneider, Denver PD, SO Registration

Adrian Van Nice, Colorado District Attorneys' Council (*available by phone*)

Angel Weant, Probation Services, Colorado Judicial Branch

PUBLIC PARTICIPANTS

Bonnie Barr, Analyst, Colorado Department of Corrections

Allison Boyd, Director-Victim Witness Assistance Unit, 1st Judicial District DA's Office (Jeff Co.)

Maggie Conboy, Deputy DA, 2nd Judicial District DA's Office (Denver)

Pat Harris, Advocates for Change

Jon Luper, Denver's Road Home, Denver Dept. of Human Services

Yvonne Parietti, Advocates for Change

Roberta Robinette, COVA lobbyist

Jacob Ruby-Wessley, Colorado Coalition for the Homeless

Hailey Wilmer, DA's Office, 2nd Judicial District

Carolyn Turner, Advocates for Change

STAFF

Kevin Ford, Division of Criminal Justice

ABSENT MEMBERS

Michael Anderson, Parole Board

Norma Anderson, Former State Senator

David Kaplan, Task Force Chair, Private Defense Attorney

Dianna Lawyer-Brook, Boulder Community Corrections, SOMB, and CURE

Steve Siegel, Victim Advocacy, Victim organizations and 2nd Judicial District DA's Office (Denver)

Issue/Topic:	Discussion:
<p>Welcome and Introductions Kevin Ford</p>	<p>Substituting for David Kaplan, Kevin Ford welcomed the attendees and:</p> <ul style="list-style-type: none"> • Attendees introduced themselves, • There was a brief recap of Task Force activities with a general update on the Task Force presentations of recommendation concepts at the monthly CCJJ meeting on September 9th, and • There was a brief overview of the agenda. <p>There was a motion to change the standard meeting location to 710 Kipling, 3rd floor conference room for ease of parking. The quorum requirement was met and Task Force members passed the motion 6-2 (with 5 members absent). Future meetings, when possible, will be scheduled at the 710 Kipling, 3rd floor conference room location at the Colorado Department of Public Safety.</p>

Issue/Topic:	Discussion:
<p>Update: Refinement Working Group Recommendations Peggy Heil/Members</p>	<p>On September 9th, the draft Refinement recommendations were presented to CCJJ members for feedback and comment. Peggy Heil shared the updates on CCJJ member comments and requested Task Force input for any additional changes to the recommendations. Task Force members conducted a final vote whether to grant approval to present these final Refinement recommendations to the Commission for a vote at its next meeting on Oct. 14.</p> <p>The recommendations with modifications are shown below along with general comments offered by attendees and the final vote of Task Force members. The gray highlights text added following the previous Task Force meeting that were presented to the Commission.</p> <p>General Concepts:</p> <p>1) Develop collaborative training programs.</p> <p>Individuals from, but not limited to, The staff of the Sex Offender Management Board, the Judicial Department, the Department of Corrections and the EPIC project* should <u>shall</u> collaborate to develop and provide <u>a uniform curriculum of sex offender training modules</u> that could be offered to various groups (supervising officers, treatment providers, community corrections staff, parole board, judges, legislators, <u>law enforcement</u>, etc.). It is anticipated that training could be offered more frequently and consistently through this collaborative effort to address. A few of the topics discussed during the meeting included information on the lifetime supervision act, overview of the SOMB standards, motivational interviewing, and trauma informed treatment.</p> <p>(*The EPIC project would require funding to continue beyond its current funding conclusion date.)</p> <p>Edits: Make <u>underlined</u> changes as shown above.</p> <p>Comments:</p> <ul style="list-style-type: none"> - The leader of these efforts will be the SOMB. - Why isn't this already done by SOMB? What are the barriers? - Will collaborative training prohibit opportunities to address agency-specific issues? - Will this result in cost savings? Judicial doesn't have the resources to train staff of other agencies. <p>VOTE: 7 approve, 0 disapprove</p>

Issue/Topic:

Update: (cont'd)
Refinement Working Group
Recommendations
Peggy Heil/Members

2) Improve that collection and consistency of data to evaluate the impact of the lifetime supervision act.

A committee shall be created including, but not limited to, representatives from the Department of Corrections, the Colorado Bureau of Investigation, the Division of Criminal Justice, and the Judicial Branch, to evaluate and improve the consistency of data collected across agencies to facilitate the study of the impact of the Lifetime Supervision Act. The collaborating agencies should identify and resolve the gaps and inconsistencies in electronic databases ~~to facilitate the evaluation of the impacts of the Lifetime Supervision Act.~~ The agencies shall review and provide recommendations to improve the annual Lifetime Supervision Report by July 1, 2012.

Edits: Make underlined changes as shown above.

Comments:

- There was a discussion of the need for stronger language.
- Should the scope be widened to request CCJJ create a Data Sharing Task Force?
- New Judicial software, J-POD, will address some of the implied issues.
- A committee is needed to specify the data and variables not currently available.
- A proper evaluation should also include comparison data.

VOTE: 7 approve, 0 disapprove

3) Identify a group to study sex offender specialty courts and determine their viability in Colorado.

Gather information on other states' experiences with sex offender courts to determine the viability of sex offender courts in Colorado and whether such courts and whether such if sex offender courts would increase communication, consistency, and public education and would result in more informed decisions regarding sex offender management in the criminal justice system. At a minimum, this group could include representatives from the Judicial Department, the Sex Offender Management Board, and the Department of Corrections and the work should be conducted within the Refinement Working Group of the Sex Offense/Offender Task Force, or a succeeding group as designated by the CCJJ.

Edits: Make underlined changes as shown above.

Comments:

- Judicial is not supportive of the study of these types of courts.

VOTE: 7 approve, 0 disapprove

Community Corrections Concepts:

[NOTE: Previous recommendations #4 and #5 were combined. Subsequent recommendations were re-numbered.]

4) Support ~~Continue the funding of~~ an enhanced per diem differential (\$33.02) that applies to Diversion, Transition, Condition of Probation and Condition of Parole community corrections programs for sex offenders.

The goal of this recommendation is to increase community corrections placement options and bed capacity for sex offenders as an intermediate alternative to placement in the Department of Corrections or Probation. When appropriate and warranted, based on evidence-based practice and public safety considerations, some sex offenders could be managed and

Issue/Topic:

Update: (cont'd)
Refinement Working Group
Recommendations
Peggy Heil/Members

treated more cost effectively in community corrections. Without this intermediate option, the only options become either the most expensive but, possibly, excessive option - incarceration - or the less expensive but, possibly, insufficient option - probation or parole.

Currently, the funding for this higher per diem differential is supported by a Justice Assistance Grant that expires at the end of FY 2012. Without the enhanced per diem, most programs will not accept sex offenders because higher paid, specialized staff are required to work with sex offenders. Additional costs to programs are incurred because sex offenders are less able to pay the required subsistence fees due to the greater challenge for sex offenders to find and maintain employment while paying for treatment and monitoring costs. The Office of Community Corrections (OCC) at the Division of Criminal Justice (DCJ) would define the program criteria and specialized scope of work to qualify for the higher per diem which would include having a minimum of 5 beds in each funded program. The funding of this recommendation would be most effective in conjunction with Recommendation #5.

Edits: Make underlined changes as shown above, combining previous recs. #4 and #5.

Comments:

- The recommendation needed more specificity.

VOTE: 7 approve, 0 disapprove

~~4) Increase community corrections placement options and bed capacity for sex offenders as an intermediate alternative to placement in the Department of Corrections or the Division of Probation Services.~~

~~When it is appropriate and warranted, based on evidence-based practice and public safety considerations, some sex offenders could be managed and treated more cost effectively in community corrections. Without this intermediate option, the only options become either the most expensive but, possibly, excessive option - incarceration - or the less expensive but, possibly, insufficient option - probation.~~

~~5) Continue the funding of an enhanced per diem differential (\$33.02) that applies to Diversion, Transition, Condition of Probation and Condition of Parole community corrections programs for sex offenders.~~

~~Currently, the funding for this higher per diem differential is supported by a Justice Assistance Grant that expires at the end of FY 2012. Without the higher per diem, most programs will not accept sex offenders because they are higher risk requiring higher paid and specialized staff to work with sex offenders. Additional costs to programs are incurred because sex offenders are less able to pay the required subsistence fees due to the greater challenge for sex offenders to find and maintain employment while paying for treatment and monitoring costs. The Office of Community Corrections (OCC) at the Division of Criminal Justice would define the program criteria and scope of work (See APPENDIX A) to qualify for the higher per diem which would include having a minimum of 5 beds in each funded program. Judicial has requested that the OCC fund the placement of COPr (Condition of Probation) sex offenders in community corrections. (See APPENDIX B for a comparison of per diem differentials)~~

<p>Issue/Topic:</p> <p>Update: (cont'd) Refinement Working Group Recommendations Peggy Heil/Members</p>	<p>5) Change the DCJ: OCC rule to remove the 30-day funding limit for treatment of sex offenders in community corrections. There are several instances where Probation has requested that the Office of Community Corrections (OCC) of the Division of Criminal Justice fund the placement of COPr (Condition of Probation) sex offenders in community corrections. The OCC DCJ: Office of Community Corrections enforces a contractual funding imperative that places a 30-day maximum for regular COPr offenders. This 30-day period is not a sufficient length of stay for sex offenders in who require residential supervision and treatment. Given an enhanced differential per diem, the OCC should change this <u>limitation requirement</u> for COPr sex offenders in order to provide a sufficient length of supervision and treatment. <u>This recommendation would enhance the implementation of Recommendation #4.</u> Edits: Make <u>underlined</u> changes as shown above. Comments: - None VOTE: 6 approve, 1 disapprove</p> <p>6) FY12-SO7. Charge the Refinement Working Group of the Sex Offense/Offender Task Force or a succeeding group as designated by the CCJJ to work in collaboration with, but not limited to, the Division of Criminal Justice, the Department of Corrections, and Probation, to study the potential, long-term cost savings related to the placement of sex offenders in community corrections (with enhanced per diem) relative to the costs of the retention of sex offenders in or revocation of sex offenders to DOC. This work must be completed by January 1, 2012. Previous) Charge DCJ, DOC and Probation to study the potential cost savings related to the higher per diem Community Corrections options relative to the costs of retention in or revocation to DOC. It is expected that the intermediate placement option in community corrections for sex offenders determined to be appropriate for this placement will result in a cost savings relative to placement or retention in the Department of Corrections. This cost savings could fund the increased availability and the enhanced per diem of this intermediate community corrections option. The average length of stay for the treatment of specific and appropriate offenders may be shorter in community corrections than if these offenders are retained or returned to the Department of Corrections. Due to the potential wait time for treatment and for parole release, the length of stay in DOC is likely to extend well beyond the stay for the necessary treatment in community corrections. This recommendation would support the implementation of Recommendations #4 and 5. Edits: Make changes as shown above. Comments: - None VOTE: 6 approve, 1 disapprove</p>
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<p>Issue/Topic:</p> <p>Update: (cont'd) Refinement Working Group Recommendations Peggy Heil/Members</p>	<p>7) The Office of Community Corrections in the Division of Criminal Justice in collaboration with the SOMB shall work with the CACCB* and the GCCAC^ on training for community corrections board members regarding the Lifetime Supervision Act and sex offender supervision. Previous) Approach CACCB* to work collaboratively on training for community corrections board members. (*Colorado Association of Community Corrections Boards)</p> <p>Community corrections board members are especially cautious about accepting sex offenders into community corrections programs. This issue will also be discussed with The Governor's Community Corrections Advisory Council. Training to address the standards and specifics of treatment and supervision of sex offenders could enhance understanding and inform the evaluation of sex offender application for community corrections programs. (*Colorado Association of Community Corrections Boards; ^Governor's Community Corrections Advisory Council)</p> <p>Edits: Make changes as shown above.</p> <p>Comments: - Who should be responsible for this recommendation? The Office of Community Corrections in collaboration with SOMB.</p> <p>VOTE: 7 approve, 0 disapprove</p> <p>8) Support Expand funding for the Division of Parole (DOC) to negotiate an increase in the number of beds in Community Corrections agencies and programs to house COPa (condition of parole) sex offenders for residential sex offender treatment.</p> <p>Currently there are only 10 beds funded through HB10-1360 that are designated for the residential treatment of sex offenders <u>in community corrections.</u></p> <p>Edits: Make changes as shown above.</p> <p>Comments: - None</p> <p>VOTE: 7 approve, 0 disapprove</p> <p>9) Pass a State statute that prohibits sex offender specific residency and zoning restrictions, but <u>does not prohibit</u> permits jurisdictions from establishing child safety zones.</p> <p>Colorado municipalities and counties continue to implement sex offender housing restrictions and zoning ordinances which reduce housing options that promote public safety. These actions tend to result in a domino effect causing adjacent municipalities and counties to also implement restrictions to discourage the "re-settlement" of displaced offenders. The restrictions impede better public safety options for managing sex offenders on probation and parole. <u>Please see the Housing Restriction Fact Sheet for additional information.</u></p> <p>This recommendation is consistent with the SOMB resolution, passed September 19, 2011, that states: "The Board does not support sex offender residency restrictions or zoning restrictions that are counter-productive to the effective supervision of sex offenders."</p> <p>Edits: Make changes as shown above.</p>
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<p>Issue/Topic:</p> <p>Update: (cont'd) Refinement Working Group Recommendations Peggy Heil/Members</p>	<p>Comments:</p> <ul style="list-style-type: none"> - There was a discussion of the strategy surrounding this recommendation was discussed. Child safety zones are seen as a reasonable compromise for the elimination of the ordinances and restrictions. There is some debate regarding the evidence that does/does not support such safety zones. <p>VOTE: 5 approve, 2 disapprove</p> <p>Treatment Concepts</p> <p>10) Increase treatment resources at DOC. Expanded treatment resources would increase the availability of treatment for the backlogged waitlists of the prioritized offenders with indeterminate sentences but also allow for the treatment of the de-prioritized offenders with determinate sentences.</p> <p>Edits: Renumbered, but no changes.</p> <p>Comments:</p> <ul style="list-style-type: none"> - None <p>VOTE: 5 approve, 1 disapprove, 1 abstain</p> <p>12) Recommend mapping parole and probation offenders and treatment providers by judicial district to evaluate gaps in treatment availability. Edits: <u>Eliminate as a separate recommendation.</u></p> <p>Comments:</p> <ul style="list-style-type: none"> - There was a discussion of continued treatment concerns. This recommendation was determined to be an existing effort by SOMB and not necessary as a recommendation. <p>VOTE: 6 approve, 1 disapprove</p> <p>11) Support continued funding of Fund A the Sex Offender Victim Specialist (SOVS) FTE to work in coordination with the sex offender treatment program to continue the current DOC grant-funded SOVS services. This Specialist is assigned to provide education to victims (enrolled in the DOC victim notification program) regarding sex offender treatment in DOC, to prepare victims for parole release applications hearings, and to prepare victims for the possible re-entry of sex offenders into the community. If victims are amenable, the specialist can provide an opportunity for victims to be informed and to provide input into the offender's treatment. <u>The funding for this grant-funded position expires September 30, 2012.</u></p> <p>Edits: Renumbered, with changes.</p> <p>Comments:</p> <ul style="list-style-type: none"> - Why is the position necessary? Is this not a service provided by the Victim Unit in DOC? No, the particular functions of this position are not provided by the Victim Unit, which does not have the time or resources to provide the additional support necessary in this area. <p>VOTE: 6 approve, 0 disapprove, 1 abstain</p>
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<p>Issue/Topic:</p> <p>Update: (cont'd) Refinement Working Group Recommendations Peggy Heil/Members</p>	<p>Parole Board Concepts</p> <p>12) Conduct regular and ongoing training on Lifetime Supervision and sex offender management as a part of the required Parole Board member training. <u>The necessity for this training should be added to the list of topics in the annual training schedule in the Colorado State Board of Parole Policy Manual [CRS 17-2-201 (1) (e) requires specific hours of parole board member training and (3) (c) requires a Parole Board Policy Manual].</u> Edits: Renumbered, with changes. Comments: - The supporting description should indicate that the training be added to the Parole Board Policy Manual. VOTE: 7 approve, 0 disapprove</p> <p>13) The State Board of Parole and treatment staff of the DOC Sex Offender Treatment and Monitoring Program should develop a regular system of feedback when sex offenders who meet SOMB criteria are denied parole. Without creating liberty benchmarks, the intent is to increase the communication between parole board members and treatment staff. Edits: Renumbered. Comments: - None VOTE: 7 approve, 0 disapprove</p> <p>14) Recommend there be Require multiple member review of all parole release applications to the State Board of Parole (full board or 3-person review) when a sex offender meets all SOMB treatment criteria. This would avoid placing a single individual Parole Board member in a position to be solely accountable for sex offender release application decisions whether the decision is to release or to defer. Edits: Renumbered, with changes. Comments: - None VOTE: 7 approve, 0 disapprove</p>
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<p>Issue/Topic:</p> <p>Update: Registration Working Group Recommendation: “Lacks a fixed residence” Maureen Cain</p>	<p>Discussion:</p> <p>On September 9th, the draft Registration recommendation was presented to CCJJ members for feedback and comment. Maureen Cain shared the updates on CCJJ member comments and requested Task Force input for any additional changes to the recommendation. Task Force members conducted a final vote whether to grant approval to present this final Registration recommendation to the Commission for a vote at its next meeting on Oct. 14.</p> <p>The recommendation with modifications is shown below along with <u>general comments offered by attendees and the final vote of Task Force members at the end of the recommendation</u>. The gray highlights text added following the previous Task Force meeting that were presented to the Commission.</p>
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<p>Issue/Topic:</p> <p>Update: (cont'd) Registration Working Group Recommendation: "Lacks a fixed residence" Maureen Cain</p>	<p>Registration of Sex Offenders who Lack a Fixed Residence</p> <p>Offenders who find themselves without a traditional, stable living situation will not be referenced as "transient" or as "homeless," but as offenders who "lack a fixed residence."</p> <p>17) Clarify and create in statute the registration requirement for and self-verification by sex offenders who "Lack a Fixed Residence."</p> <p>The following 9 items comprise this single recommendation.</p> <p>a) "Lacks a Fixed Residence." Add definition: 16-22-102 (7.6) – "lacks a fixed residence" means the person does not have a living situation that meets the definition of residence pursuant to 16-22-102(5.7 7.5). This includes, but is not limited to, outdoor sleeping locations or any public or private locations not designed as regular sleeping accommodations. "Lacks a fixed residence" also includes public or private housing or temporary shelters, a residential treatment facility or any other residential institutional facility if owner or facility providing the housing consents to the person utilizing the location as his or her temporary address for purposes of registration as a person without a fixed residence pursuant to 16-22- (fill in section number) and if the person remains at the shelter for less than 30 days.</p> <p>Move 16-22-102 (5.7) to 16-22-102 (7.5).</p> <p>b) Shelters as a residence. Amend definition in 16-22-102(5.7) of "residence" to clarify that it only applies to occupancy in a shelter for a time period longer than 30 days.</p> <p>Move 16-22-102 (5.7) to 16-22-102 (7.5).</p> <p>c) Requirement to register and to accept registrations. Change 16-22 -108 -- each person who is required to register pursuant to 16-22-103 shall register with local law enforcement in each jurisdiction in which the person resides "or is located without a fixed residence pursuant to 16-22-102 (7.6)." LAW ENFORCEMENT IS REQUIRED TO ACCEPT THE REGISTRATION OF OFFENDERS WHO "LACK A FIXED RESIDENCE."</p> <p>If the location at which a person attempts to register would be in violation of a local ordinance, law enforcement <u>may</u> shall so advise the offender. The offender shall then be required to secure alternate residence and remain in compliance with all other provisions of this article. Law enforcement officials are not be required to accept a person's registration to an unlawful location or residence.</p> <p>d) "Geo-locations." Change 16-22-109(1) – If a person lacks a fixed residence as defined in 16-22-102(7.6) , the person shall be required to provide to local law enforcement the public or private location where the offender habitually sleeps. This can include, but is not limited to cross streets, intersections, direction and identifiable landmarks of that location.</p> <p>e) Self-verification. Change 16-22-109 (3.5) to add: If a person lacks a fixed residence, verification of the location reported by the registrant shall be accomplished by self-verification reporting as described in section 16-22- (INSERT THE NEW SECTION REFERENCE HERE THAT DEFINES THE ENHANCED</p>
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Issue/Topic:

Update: (cont'd)

Registration Working Group

Recommendation:

"Lacks a fixed residence"

Maureen Cain

REPORTING REQUIREMENTS/VERIFICATION EVENT AS SEEN BELOW IN "17g"). Add language that says: "Law enforcement shall not be required to verify the physical address of an offender who is required to comply with section 16-22-... because verification for offenders who lack a fixed residence shall be accomplished through the self-verification enhanced reporting process."

f) Residence/non-fixed residence changes. Add new section regarding changing to and from "lacks a fixed residence":

i. a person with a residence as defined in 16-22-102(7.5) who vacates the residence and subsequently has no fixed residence shall report that change in status within 5 days after ceasing to have a fixed residence and shall comply with the requirements of 16-22 – (INSERT THE NEW SECTION REFERENCE AS SEEN IN "17g") and 16-22-109 for the time period during which the person has no fixed residence.

ii. A person who lacks a fixed residence as defined in 16-22-102(7.6) who obtains fixed residence as defined in 16-22-102(7.5) shall report the change in status within 5 days after establishing the residence.

iii. Make clear that failure to comply with this section is a failure to report a change of address and punishable as provided under current law as a failure to register.

g) Reporting requirements and Penalties. Add a new section regarding the self- verification process describing the enhanced reporting requirements and penalties:

i. In addition to any other requirements pursuant to this section, a person who is subject to annual registration and without a fixed residence shall, every 90 days, report to local law enforcement in whose jurisdiction or jurisdictions the person is registered for self-verification of the location of the offender. This self-verification process shall be accomplished consistent with any time schedule established by the local jurisdiction. The person shall verify his or her location and provide any information required to be reported pursuant 16-22-109.

ii. In addition to any other requirements pursuant to this section, a person who is subject to quarterly registration pursuant to this section and who is without a fixed residence shall, every 30 days, report to local law enforcement in whose jurisdiction or jurisdictions the person is registered for self-verification of the location of the offender. This self-verification reporting shall be accomplished consistent with any time schedule established by the local jurisdiction. The person shall verify his or her location and provide any information required to be reported pursuant 16-22-109.

iii. An offender without a fixed residence who fails to comply with the provision of this section shall be subject to prosecution for the crime of failure to verify location. Failure to verify location by an offender without a fixed residence shall constitute a criminal misdemeanor offense punishable by a sentence to the county jail of up to 30 days. A third or

<p>Issue/Topic:</p> <p>Update: (cont'd) Registration Working Group Recommendation: "Lacks a fixed residence" Maureen Cain</p>	<p>subsequent offense shall constitute a misdemeanor offense punishable by a sentence of up to one year in the county jail. Failure to verify location shall not be labeled a sex offense per 16-11.7-102(2)(a)(II) which would subject the offender to the requirements of evaluation and identification required in CRS 16-11.7-104 and the treatment required by CRS 16-11.7-105.</p> <p>iv. Determine whether the drafter thinks this offense should be in Title 18.</p> <p>h) Offender notification. Amend section 16-22- 106 and 107 to require a notification to any offender required to register, pursuant to this section, of the duty to report the change of address to "lacks a fixed residence" status and the requirement to comply with the statutory provisions regarding self-verification.</p> <p>i) Data reporting. Add language that requires local law enforcement and CBI to report to CDPS information regarding the number of offenders who lack a fixed residence and any other information requested by the Department to follow up with this legislation to assess its effectiveness and/or need for modification.</p> <p>Edits: With changes above. (Will be re-numbered for CCJJ documents.) Comments: - There was some discussion of events surrounding a registered sex offender living in a vehicle that was being parked near a community park in the Cherry Creek area of Denver. Representatives of SOMB have met with those concerned about this issue. VOTE: 6 approve, 0 disapprove, 1 abstain</p>
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<p>Issue/Topic:</p> <p>Update: SOMB: CNTAT Recommendation: Risk Assessment / Community Notification Chris Lobanov-Rostovsky</p>	<p>Discussion:</p> <p>Chris provided an update on FY11-SO#16. The original recommendation was forwarded by the Sex Offense/Offender Task Force to the CCJJ last year. Last year, the Commission endorsed the continuing work on this recommendation. This work, statutorily, fell within the purview of the Sex Offender Management Board where it was assigned to the Community Notification Technical Assistance Team (CNTAT). Provided below is the text of the original recommendation, the current recommendation from the CNTAT and the feedback vote from the Task Force. The vote was conducted simply as a way to offer feedback to the CNTAT and is not a vote to submit the recommendation to the CCJJ from the Task Force. The recommendation remains in the purview of the CNTAT.</p> <p>*FY11-SO #16. Create an improved risk assessment classification of registered sex offenders and a public notification system that is more functional to law enforcement and more informative to the community.</p> <p>This recommendation was forwarded by the Sex Offense/Offender Task Force to the Commission last year. The Commission endorsed the continuing work on this recommendation. The work on this recommendation, statutorily, falls within the purview of the SOMB where it was assigned to the CNTAT.</p>
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Issue/Topic:

Update: (cont'd)
SOMB: CNTAT
Recommendation:
Risk Assessment /
Community Notification
Chris Lobanov-Rostovsky

CNTAT RECOMMENDATION

Given the changing federal mandate from the repealed Wetterling Act from the Adam Walsh Act (AWA) and the current research on the effectiveness of sex offender registration and notification, the CNTAT of SOMB recommends moving from the current Sexually Violent Predator (SVP) and community notification protocol system to a risk classification system. This modification will provide enhanced risk information to law enforcement agencies to facilitate the monitoring of registered offenders, and provide more accurate risk and safety information than currently exists to members of the public.

The following 11 items comprise a single recommendation.

1) Adopt the existing Sex Offender Risk Scale (SORS) from the SVP assessment instrument for the new risk classification system.

Rationale: The instrument was developed based on a sample of Colorado sex offenders and effectively predicts sexual recidivism.

VOTE: POSITIVE, 4 favor, 2 not favor, 1 abstain

2) Create a risk classification system based on the following SORS score ranges:

- **Low Risk – 0-3 points**
- **Moderate Risk – 4-6 points**
- **High Risk – 7-9 points**

Rationale: The selected cut points for the risk classification system were based on an analysis of the numbers of sex offenders who are projected to fall into each risk category and the rate of sexual recidivism for each risk score. Based on a sample of Colorado sex offenders, it is anticipated that the following numbers of offenders will fall into each classification level (estimates of the number of affected offenders and estimated recidivism rates are included):*

- 0-3– 30.4% of sex offenders [Recidivism rate - 11.4%]
- 4-6– 59.0% of sex offenders [Recidivism rate - 20.7%]
- 7-9– 10.6% of sex offenders [Recidivism rate - 50.0%]

** Percentage rearrested for a sexual offense within 5 years. (Based on a sample of 371 sex offenders sentenced between December 1996 and November 1997).*

VOTE: POSITIVE, 3 favor, 2 not favor, 2 abstain

3) Similar to the SVP assessment instrument, create an automatic risk classification override by moving to high risk all sexual offenders who have a prior sex crime conviction.

(as defined by Colorado Sex Crime Registration Act, 16-22-102 (9), C.R.S.).

Rationale: The SOMB determined that not all sexual offenders with priors were being captured by the current SVP assessment instrument as high risk, and the consensus from stakeholders was that repeat sexual offenders have a proven record of risk to community and victim safety.

Based on a sample of assessments administered over the past year, it is anticipated that an additional 9.2% of offenders will be classified as high risk based on this prior-conviction criterion (taking into account the 1% overlap between those scoring 7 or above and those meeting the prior sex offense criterion). The addition of this criterion increases the proportion of offenders classified as high risk from 10.6% to 20.4%.

<p>Issue/Topic:</p> <p>Update: (cont'd) SOMB: CNTAT Recommendation: Risk Assessment / Community Notification Chris Lobanov-Rostovsky</p>	<p>VOTE: POSITIVE, 5 favor, 2 not favor</p> <p>4) Apply the risk classification system to all sexual offenders who are required to register. This will require retroactive scoring for all sex offenders who are currently registered and who were previously scored on the SVP assessment instrument. Registered sex offenders designated as SVP would be automatically classified as high risk in the new risk classification system.</p> <p><i>Rationale: Law enforcement and the public will need an updated risk designation for all registered sexual offenders, both those registering after the system implementation and those registering prior to the implementation. There are currently more than 13,000 registered adult sexual offenders in the state of Colorado, and each must have an updated risk designation that is consistent for all offenders and interpretable by law enforcement and the public.</i></p> <p>VOTE: NEGATIVE, 2 favor, 3 not favor, 2 abstain</p> <p>5) Place all adult sexual offenders, including those with misdemeanor offenses who are not currently on the website, on the state public registry website with their risk level noted.</p> <p><i>Rationale: In the interest of public safety, all risk classification information must be available to the public. Placing those with misdemeanor sex offenses on the state public registry website will effectively disseminate this information to the public.</i></p> <p>VOTE: NEGATIVE, 2 favor, 5 not favor</p> <p>6) Allow an option, as currently exists, for law enforcement to increase the frequency of address verification for certain high risk offenders. Therefore, no change in registration requirements based on risk is recommended.</p> <p><i>Rationale: The new risk classification system will allow law enforcement the flexibility to increase monitoring of high risk offenders in the community. However, due to insufficient local law enforcement resources, any mandated increase in registration or address verification requirements for high risk offenders is cost and resource prohibitive.</i></p> <p>VOTE: POSITIVE, 5 favor, 2 not favor</p> <p>7) Repeal the existing SVP risk classification system and community notification protocol requirement, including specific notations of the crime type, date, and relationship type requirements.</p> <p><i>Rationale: The SVP designation and the specific notations mentioned above were requirements based on the Wetterling Act, which has been repealed. There is no research support for maintaining these elements in the new risk classification system.</i></p> <p>VOTE: POSITIVE, 7 favor, 0 not favor</p> <p>8) Community notification meetings shall be optional rather than mandatory. Additionally, any optional community notification meeting conducted by a local law enforcement jurisdiction may only address high risk offenders and must follow the existing community notification protocol developed by the SOMB: CNTAT.</p> <p><i>Rationale: There is no longer a mandatory requirement to conduct community notification meetings due to the repeal of the Wetterling Act. The internet and other communication mediums have allowed the public to obtain needed</i></p>
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<p>Issue/Topic:</p> <p>Update: (cont'd) SOMB: CNTAT Recommendation: Risk Assessment / Community Notification Chris Lobanov-Rostovsky</p>	<p><i>sex offender information more efficiently and cost effectively. Diminished attendance at notification meetings in some jurisdictions has rendered these meetings an inefficient and costly communication modality. However, attendance in some jurisdictions continues to be strong and this recommendation element would not preclude this notification approach, assuming the meeting subject is a high risk offender.</i></p> <p>VOTE: POSITIVE, 7 favor, 0 not favor</p> <p>9) If resources become available, develop a “blast email” notification system for all adult sexual offenders as required by AWA.</p> <p><i>Rationale: The current federal mandate requires community notification by email. This will comply with that mandate and provide an alternative to the more labor and cost intensive town-hall style meetings. This recommendation can only be implemented if there is funding from federal or state government for a registration and notification system like the Douglas County Sheriff Office’s SOTAR system.* (*Presented to CCJJ on August 8, 2011.)</i></p> <p>VOTE: NEGATIVE, 2 favor, 4 not favor, 1 abstain</p> <p>10) Ensure that consistent and equivalent information is released to the public on adult sexual offenders across all information sources (state website, county website, and registrant paper lists), and remove all information on juvenile registrants.</p> <p><i>Rationale: Currently, different information can be obtained from different sources, resulting in a frustrating and confusing search for information by the public. Making the information consistent would also prevent certain groups from obtaining the paper list of registrants and placing it on the website. Finally, the AWA does not require juvenile registration information to be made public and there is no research support that this practice reduces recidivism.</i></p> <p>VOTE: NEGATIVE, 2 favor, 3 not favor, 2 abstain</p> <p>It was suggested that the portion of #10 addressing juveniles be separated from the previous recommendation, ... “remove all information on juvenile registrants.”</p> <p>VOTE: POSITIVE, 4 favor, 2 not favor, 1 abstain</p> <p>11) Develop and fund a risk assessment committee or board to complete the retroactive and future risk classification assignments for all sex offenders, including those no longer under supervision or who have been already assessed by the SVP instrument.</p> <p><i>Rationale: There is no entity that has the qualifications and resources to complete the retroactive assessments. Additionally, this board would provide consistency to the retroactive and future risk classification assessments. Therefore, as with other states, a risk assessment committee or board must be established to score the risk assessment instrument on all offenders.</i></p> <p>VOTE: NOT CONDUCTED. Because there was a negative outcome on element #4 (regarding retroactive scoring), a vote on this element was considered moot.</p>
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Issue/Topic:	Discussion:
<p>Next Steps Kevin Ford</p>	<p>Kevin summarized plans for the next Commission meeting where the recommendations will be presented:</p> <ul style="list-style-type: none"> • The requested modifications in wording of the recommendations will be made. • The recommendations will be presented on Oct. 14, 2012 to the Commission. • The next Task Force meeting is scheduled for Wednesday, November 2, 2011 at 710 Kipling, 3rd floor conference room. <p>Meeting adjourned at 5:00pm.</p> <p>The link to the CCJJ: Sex Offense/Offender Task Force page is: http://cdpsweb.state.co.us/cccj/Sex_offender_task_force.htm</p>

Sex Offense/Offender Task Force Meeting Dates:

Date	Location	Time
Wednesday, November 2, 2011	710 Kipling, Lakewood, Denver	1:30-4:30PM
Wednesday, November 30, 2011	150 E. 10 th Avenue, Denver	1:30-4:30PM
Wednesday, January 4, 2012	710 Kipling, Lakewood, Denver	1:30-4:30PM
Wednesday, February 1, 2012	710 Kipling, Lakewood, Denver	1:30-4:30PM
Wednesday, February 29, 2012	710 Kipling, Lakewood, Denver	1:30-4:30PM