

Colorado Commission on Criminal and Juvenile Justice Sex Offense/Offender Task Force

Charter

MISSION

The mission of the Colorado Commission on Criminal and Juvenile Justice (CCJJ or “the Commission”) is to enhance public safety, to ensure justice, and to ensure protection of the rights of victims through the cost-effective use of public resources. The mission of the Sex Offense/Offender Task Force of the Commission is to uphold the CCJJ mission and to conduct a comprehensive and thorough analysis and assessment of adult and juvenile sex offenses and the issues surrounding the disposition of sex offenders in Colorado. The task force will develop recommendations to address these issues for the Colorado Commission on Criminal and Juvenile Justice.

BACKGROUND

In the summer of 2009, the CCJJ created the Sentencing Policy Task Force and the Drug Policy Task Force. The mission of the Drug Policy Task Force was to examine laws and sentencing specifically related to drug statutes. The Sentencing Policy Task Force was charged with undertaking a wider review of the overall sentencing scheme in Colorado. During the summer of 2010, the Commission evaluated its direction and future focus, agreeing to reframe the work of the Sentencing Policy Task Force which will be known as the Comprehensive Sentencing Task Force. Following a study of potential areas of focus, the Commission agreed to create two new task forces, one to study Juvenile Justice and one to study Sex Offenses/Offenders.

GROUND RULES

The new Sex Offense/Offender Task Force will carry out its work adhering to the Ground Rules developed by the Commission that state:

1. Public safety should always be paramount in our thoughts.
2. It is important that we are inclusive of all represented perspectives and areas of expertise, and that we commit to non-partisanship.
3. We agree to question our assumptions, maintain respect for differences and work towards common goals that meet the Commission’s mandate.
4. We should seek outside help for areas where we are lacking in knowledge.
5. Because our decisions impact all of Colorado, they should be carefully considered from the perspectives of the various regions and diverse populations and the perspectives of offenders and victims across the state.
6. To the best of our ability, our decisions should be straightforward and timely.
7. Decisions are guided by data and should be aimed at crime prevention, reducing recidivism, achieving public safety through the most cost effective means and achieving justice.
8. We should be mindful that a need for treatment is not an adequate reason to incarcerate someone in DOC (other options should be available).

PROBLEM AREAS

A study group seated by the CCJJ met twice during the summer of 2010, identifying sex offense/offender issues for consideration by the Commission. In authorizing the Sex Offense/Offender Task Force, the Commission charged its members to address the issues raised by the study group and any other issues or problems identified during the course of its work. The study group identified **seven initial problem areas** where members felt consensus solutions could be found:

- Registration / De-registration / Failure to Register
 - Complications due to homelessness
 - Registration procedures are not well defined
 - Registry entrants are not prioritized by risk
 - SVP designation is of dubious value
 - Adam Walsh compliance complicates innovation

- SOMB Sunset Review Bill
 - Must collaborate with SOMB on bill
[as per Veto Message by Gov. Ritter for H.B.10-1364 on May 21, 2010]

- Refinement of Indeterminate Sentencing
 - Inconsistent definitions of “sex offense” in statutes
 - Lack of determinate sentencing options
 - Sentencing structure anomalies in statute (e.g., range consistency, economic crimes)

- Lack of Resources
 - Lack of treatment resources
 - Deleterious impact of SVP designation on offenders
 - Community corrections acceptance practices restrictive, inconsistent
 - Community housing/SLA options are restrictive

- Conditions of Supervision
 - SOMB guidelines on conditions not followed
 - Inconsistent probation/parole response to technical violations

- Parole Release
 - Parole decisions for sex offenders are inadequately documented
 - No release guidelines for determinate-sentence offenders
[as per C.R.S. 17-22.5-404 (4) (c) (II)]

- Juvenile Sex Offenders
 - To be addressed by the Sex Offense/Offender Task Force

The Task Force will avoid the labeling language inherent in the term, “juvenile sex offenders.” Instead the group will use “juveniles who have committed sexual offenses.” This is the same terminology used by the Sex Offender Management Board (SOMB). A sexual offense is defined in statute.

The goal of the Sex Offense/Offender Task Force is to develop recommendations for consideration by the Commission. To accomplish this goal, the task force members must identify the need for self-education, must prioritize the issues to address, develop clear and precise recommendation statements, and adhere to the timeline set forth by the Commission.

The Task Force may create working groups to explore specific areas of interest or carry out specific tasks requested by the Task Force. These working groups will not make final decisions on solutions or decision alternatives, but will bring all options to the Task Force for discussion.

STRUCTURE

- The Task Force will make recommendations directly to the Commission.
- The Task Force shall comprise a representative sampling of the stakeholders and the community.
- The Task Force Chair will be a Commission member.
- The Task Force shall consist of approximately fifteen (15) voting members identified by the CCJJ Chair and Vice-chair.
- Non -voting Task Force participants will be encouraged to provide input as directed by the Task Force Chair.
- The Commission consultant will chair the Task Force when the Chair is unavailable.
- The meetings will be held in the Denver Metro area. Conference calls will be used when possible to include stakeholders statewide.
- The team will implement the CCJJ “Ground Rules” to facilitate effective interaction.
- Research staff from the DCJ Office of Research and Statistics will:
 - Work with the chair to organize meetings and prepare the meeting agenda
 - Facilitate meetings to free the chair to lead the discussions
 - At the request of the Task Force Chair and members will,
 - Provide information on existing knowledge and research
 - Identify local data sources
 - Analyze local data sources when feasible
 - Work with researchers from other agencies to obtain relevant information.

DESIRED OUTCOME

- The task force will develop recommendations for the Commission on Criminal and Juvenile Justice that:
 - Are consistent with and support the mission and goals of the Commission;
 - Enhance the goal of public safety through rehabilitation, deterrence and punishment;
 - Are rational and consistent;
 - Reduce unwarranted disparity;
 - Are comprehensible to the public, the victim and the offender;
 - Take into account the fiscal impact on state and local jurisdictions; and
 - Allow for individualized disposition of offenders while maintaining accountability and consistency.

ESTIMATED TIME FRAMES – revise after first meeting

- Short-term → Prepare legislative recommendations to CCJJ on schedule for the 2011 legislative session
- Long-term → Prepare remaining legislative recommendations and policy recommendations for the 2012 legislative session

MEETING FREQUENCY & DURATION

The Wed. of the week prior to the CCJJ meeting...always the 2nd Friday of each month. Task Force members and those on the Task Force mailing list will receive meeting notices of meetings or changes in the meeting schedule. Also, one may check the Task Force website at, <http://cdpsweb.state.co.us/cccj/Sex%20offender%20task%20force.htm> , for the meeting schedule.

SEX OFFENSE/OFFENDER TASK FORCE MEMBERS

TASK FORCE CHAIR: *David Kaplan*

COMMISSION CONSULTANT: *Paul Herman*

CCJJ STAFF: *Kevin Ford (303-239-4446; Kevin.Ford@cdps.state.co.us)*

	Affiliation	Representative
1	Chair/CCJJ	David Kaplan, Private Defense Attorney
2	Prosecution	Adrian Van Nice, CDAC (Boulder DA Office)
3	Defense	Maureen Cain, Criminal Defense Bar
4	Judicial Dept.	Angel Weant, Probation Services
5	DOC	Peggy Heil, Department of Corrections
6	Parole Board	Michael Anderson, State Board of Parole
7	Law Enforcement	Richard Schneider, Denver PD, SO Registration
8	Victim Advocate	Steve Siegel, Denver DA's Office
9	Offender Advocate	Laurie Kepros, Colorado Criminal Defense Bar
10	Sexual Assault Org. Rep.	Erin Jemison, CO Coalition Against Sexual Assault
11	Legislative Rep. – House	(TBD)
12	Legislative Rep. – Senate	(TBD)
13	CDPS/SOMB	Chris Lobanov-Rostovsky, Division of Criminal Justice
14	Community Corrections Board Member and Community at Large	Dianna Lawyer-Brook, Boulder Comm. Corr. Bd. and Colorado CURE
15	Community at Large	Norma Anderson, Former State Senator
Former Members		
	Prosecution	Ted Tow, Colorado District Attorneys' Council
	Judicial Dept.	Scot Smith, Judicial Department