



# **Sex Offenders and SOISP Basic Data**

## **Sentencing Alternatives/Decisions & Probation Working Group**

January 7, 2022

SOISP- Sex Offender Intensive Supervision Program - Probation

**A Working Group of the Sentencing Reform Task Force of the Colorado Commission on Criminal and Juvenile Justice**

# Basic Data: Sex Offenders in Probation

## 2763 Active Sex Offenders on Probation (Adult)

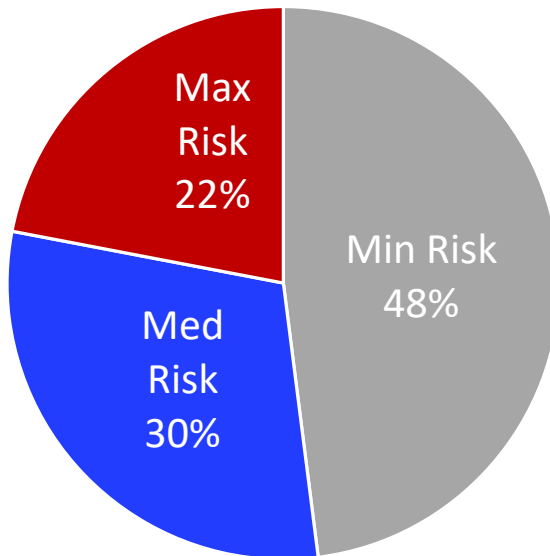
- 1,347 (approx. 50%) sentenced to Sex Offender Intensive Supervision (SOISP)
- 1,416 (approx. 50%) were on regular supervision.

## 587 New Cases Sentenced to Probation in a Year

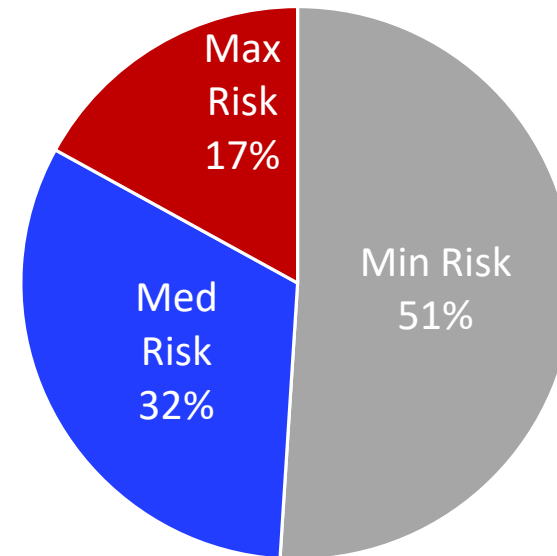
- 63% were felonies
- 34% were misdemeanors

## Sex Offender Assessed Risk Levels \*VASOR/SOTIPS

Regular Supervision  
(50% of SXO Population)



SOISP  
(50% of SXO Population)



## Sex Offender Assessed Risk Levels \*VASOR/SOTIPS

Sex Offender Outcome Trends						
FY	Success Rate		Revocation Rate		Absconder Rate	
	SOISP	Non-SOISP	SOISP	Non-SOISP	SOISP	Non-SOISP
2018-19	46%	66%	43%	28%	11%	6%
2019-20	51%	70%	42%	24%	7%	6%
2020-21	52%	63%	39%	25%	9%	12%



## SOISP Revocation Reasons

FY	Technical Violation	New Misdemeanor	New Felony
2018-19	85%	2%	13%
2019-20	86%	6%	8%
2020-21	90%	2%	8%

# Summary Policy and Best Practice Issues

- All SOISP clients start in Phase I, which is the most intensive supervision available in probation; however, over the last three years, an average of 51% of those clients were low risk.
- Studies have shown that placing low risk individuals in intensive programs increases their risk of re-offense and program failure.
- Contrary to the principles of intensive programming and its intended target population, individuals sentenced to SOISP are more likely to be lower risk, and less likely to be higher risk, than individuals sentenced to regular SO probation.

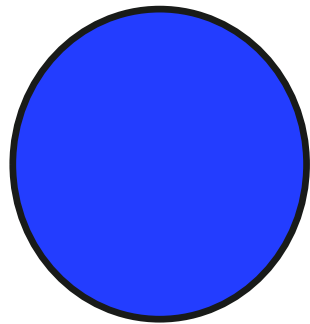
# Summary Policy and Best Practice Issues

- There is a noticeable difference in each of the last three years (at least 10%, up to 20%) between the success percentages for SOISP vs. Non-SOISP, with non-SOISP having higher rates of success.
- The format under which non-SOISP is designed allows for better implementation of RNR principles and therefore may account for the better success rates.
- This is particularly interesting because there appears to be more high-risk individuals on non-SOISP than SOISP, according to the three-year average.

# Summary Policy and Best Practice Issues


- If SOISP becomes a risk-based intensive program, revocation rates are likely to decrease because officers will not be over supervising clients, thereby increasing their risk, where intensive supervision is not warranted.
- RNR based SOISP will allow for the imposition of more intensive supervision when indicated instead of referring for revocation.
- This may also lead to less referrals at revocation to community corrections or jail/DOC as there will be an option for a higher level of supervision for those not already on SOISP.






**18-1.3-208**

## **Intensive Supervision Probation Programs – Legislative Declaration**




18-1.3-208 Intensive Supervision probation programs – legislative declaration.

(1) The general assembly finds and declares that intensive supervision probation programs are an effective and desirable alternative to sentences to imprisonment, community corrections, or jail. It is the purpose of this section to encourage the judicial department to establish programs for the intensive supervision of selected probationers. It is the intent of the general assembly that such programs be formulated so that they protect the safety and welfare of the public in the community where the programs are operating and throughout the state of Colorado.




(2) The judicial department may establish an intensive supervision probation program in any judicial district or combination of judicial districts in order to provide supervision tailored to the specific characteristics that produce a risk classification requiring intensive services for the offender and to facilitate the offender's participation in rehabilitative programs intended to address those characteristics. When establishing such programs, the judicial department shall seek the counsel of the chief judge of the district court, the office of the district attorney, the state public defender or his or her designee, the county sheriff, the chief probation officer in the judicial district, the department of corrections, the local community corrections board, and members of the public at-large.




(3) The judicial department shall require that offenders in the program receive the highest level of supervision that is provided to probationers.

(4) When the court sentences any offender to probation, the probation department shall complete an initial assessment of the offender's risk and needs, using valid assessment tools approved by the state court administrator's office. Offenders who are determined through assessment to be high risk and who meet the acceptance criteria may be placed in an intensive supervision probation program by probation. Furthermore, intensive supervision probation may be used for an offender who had been under the supervision of probation for a period of time and a reassessment indicates the offender's risk of reoffense has increased to high and the offender meets the acceptance criteria of the intensive program. For purposes of this section, "offender" shall have the same meaning as that set forth in section 17-27-102(6), C.R.S.

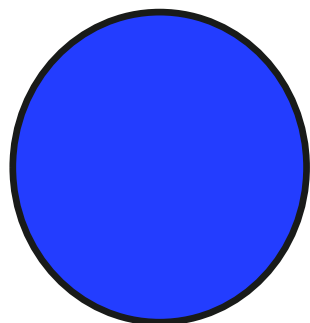


(5) The judicial department shall have the power to establish and enforce standards and criteria for the administration of intensive supervision probation programs.

(6)(a) It is the intent of the general assembly in enacting this subsection (6) to recognize that high-risk offenders can be managed in the community with the appropriate supervision and the use of evidence-based treatment programs and practices.




(b) The judicial department is directed to create and implement intensive supervision probation programs based on the current evidence for reducing recidivism by October 1, 2013. Intensive supervision probation programs must require the use of validated assessments to determine the offender's risk of reoffending. The judicial department shall develop acceptance criteria for placement in all intensive supervision probation programs. The judicial department shall develop criterial for offenders to transition from intensive supervision probation programs to regular probation, based on assessment of risk and need and program compliance. An offender may not be placed in or transferred out of an intensive supervision probation program without meeting established criteria




**18-1.3-1007**


**Probation – intensive supervision program**



(1)(a) The judicial department shall establish an intensive supervision probation program for sex offenders sentenced to probation pursuant to this part. In addition, the court shall require a person as a condition of probation, to participate in the intensive supervision probation program established pursuant to this section if the person is convicted of one of the following offenses and sentenced to probation:




- 
- (I) Indecent exposure, as described in section 18-7-302(4);
  - (II) Criminal attempt, conspiracy or solicitation to commit any of the offenses specified in section 18-1.3-1003(5)(a), which attempt, conspiracy, or solicitation would constitute a class 5 felony;
  - (III) Any of the offenses specified in section 16-22-102(9)(j), (9)(k), (9)(l), (9)(n), (9)(o), (9)(p), (9)(q), (9)(r), (9)(s), or (9)(dd);
  - (IV) Any felony offense that involves unlawful sexual behavior or any felony offense with an underlying factual basis as determined by the court, resulting in a conviction or plea of guilty or nolo contendere on or after July 1, 2001;
  - (V) Sexual assault in the third degree, in violation of section 18-3-404(2), as it existed prior to July 1, 2000.




(b) The judicial department may establish the intensive supervision probation program in any judicial district or combination of judicial districts.

(1.5) In addition to person specified in subsection (1) of this section, the court may require any person convicted of [felony failure to register as a sex offender](#), as described in section 18-3-412.5, and sentenced to probation to participate, as a condition of probation and until further order of the court, in the intensive supervision probation program established pursuant to this section.



(2) The judicial department shall require that sex offenders and any other persons participating in the intensive supervision probation program created pursuant to this section receive the highest level of supervision that is provided to probationers. The intensive supervision probation program may include but not be limited to severely restricted activities, daily contact between the sex offender or other person and the probation officer, monitored curfew, home visitation, employment visitation and monitoring, drug and alcohol screening, treatment referrals and monitoring, including physiological monitoring, and payment of restitution. In addition, the intensive supervision probation program shall be designed to minimize the risk to the public to the greatest extent possible.



(3) The judicial department shall establish and enforce standards and criteria for administration of the intensive supervision probation program created pursuant to this section.

(4) For the purposes of this section, “convicted” means having entered a plea of guilty, including a plea of guilty entered pursuant to a deferred sentence under section 18-1.3-102, or a plea of no contest accepted by the court, or having received a verdict of guilty by a judge or jury.