

Sex Offender Management Board  
Policy Statement - 1-19-2024  
Sunset Bill Requirement Concerning Supervising Officer's  
Compliance with SOMB Standards

I. Duties and Purview

The Sex Offender Management Board, hereinafter referred to as “SOMB” or “the Board”, was tasked in 1992 by the Colorado State Legislature to develop Standards and Guidelines for the evaluation, treatment, and management of adult sex offenders and juveniles who have committed sexual offenses. The Board’s Standards and Guidelines are required to be evidence-based and best practices. Therefore, the Board is tasked with consistently researching and evaluating new data as it becomes available.

II. History of the Standards and Guidelines

Prior to the ratification of Senate Bill 23-164, the SOMB Sunset Review bill, Approved Evaluators, Treatment Providers, and Polygraph Examiners were the only professionals required to adhere to the SOMB Standards and Guidelines. However, the Board recognizes that the treatment and monitoring of individuals who have been convicted or adjudicated for a sexual offense requires the participation of many professionals from different agencies. The SOMB Standards and Guidelines require the use of a Community Supervision Team (CST)/Multidisciplinary Team (MDT) approach in all cases. The Board also provided guidelines and best practice recommendations for other members of the CST/MDT, even though the Board previously had no purview over these other members of the CST/MDT.

III. SOMB Sunset Review Bill 23-164

Upon the ratification of Senate Bill 23-164, the requirement to adhere to the Standards and Guidelines set forth by the Board now extends to supervising officers working with adult sexual offenders or juveniles who have committed sexual offenses (See C.R.S. 16-11.7-106(8)). This Bill requires that agencies employing supervising officers must develop, in collaboration with the SOMB, procedures regarding the grievance processes for a supervising officer who fails to follow SOMB Standards and Guidelines.

IV. Board Awareness of Potential Conflict for Supervising Officers Operating Under Court or Parole Board Orders

The Board is aware that Court or Parole Board orders may conflict with the SOMB Standards and Guidelines. Previously, when the Court or Parole Board ordered conditions of supervision that conflicted with the SOMB Standards and Guidelines, supervising officers held no responsibility to comply with the SOMB Standards and Guidelines once the adult sexual offender or juvenile who has committed a sexual offense was referred

for treatment per statute. This responsibility to comply with the SOMB Standards and Guidelines remained only with the SOMB-approved Evaluators, Treatment Providers, and Polygraph Examiners.

The Board acknowledges that when Court or Parole Board orders conflict with SOMB Standards and Guidelines, this may place the supervising officers in conflict with the requirement to comply with the SOMB Standards and Guidelines. The Board recommends members of the CST/MDT work to strike a balance that ensures the protection of victims, the safety of the community, and the rehabilitation of offenders, as well as adherence to the Standards and Guidelines and any supervisory authorities. This may include seeking clarification on Court or Parole Board orders, lack of restrictions, or other potential SOMB Standards and Guidelines conflicts.

#### V. Examples of Potential Conflicts with the SOMB Standards and Guidelines

There may be cases where these conflicts with the SOMB Standards and Guidelines cannot be resolved. In some cases, the Court does not restrict an adult convicted of a sexual offense from having contact with minor children, including those who are not the individual's own minor child. In these cases, Approved Treatment Providers cannot allow this contact under Section 5.700 of the SOMB Adult Standards and Guidelines while providing treatment unless certain criteria are met first. In the past, when individuals signed the treatment contract in such circumstances, this contact with minor children would be considered a violation of the conditions of treatment. Typically, supervising officers would not consider this a violation of the Terms and Conditions of supervision due to the lack of restriction by the Court or Parole Board. Based on Senate Bill 23-164, supervising officers would now be responsible for enforcing these SOMB Standards and Guidelines as well, or risk being subject to a grievance for failing to do so.

Additionally, the provisions of the Families First Act may cause a conflict when a court order allows a juvenile to re-enter the home with the victim(s). Per Section 9.000 of the Juvenile Standards and Guidelines, clarification and reunification procedures shall occur before allowing the juvenile who has committed a sexual offense to return to the home. Allowing the juvenile to return to the home with the victim may cause supervising officers to be in conflict with these SOMB Juvenile Standards and Guidelines or may go against the recommendation of the SOMB Evaluator/Treatment Provider to return home with the victim.

#### VI. Position and Recommendation

It is the position of the SOMB, as of this date, that until sufficient information and/or data has been collected to inform the creation of evidence-based SOMB Standards and Guidelines related to the issue of supervising officers following Court or Parole Board orders, the SOMB would not recommend making a finding of a SOMB Standards and Guidelines violation where supervising officers are following a Court or Parole Board

order. The Board recommends continued collaboration between Judicial, Parole, Division of Human Services, Division of Youth Services, Community Corrections, and the Staff of the SOMB to inform the need for future standards revisions. SOMB Staff will take note of standards conflicts as they arise during collaboration and/or through training and technical assistance. Should the information gleaned from this continued collaboration identify the presence of serious and pervasive conflicts, the SOMB will revisit the position contained in this document, and explore possible revisions to the SOMB Standards and Guidelines.